



When The Stakes Are High

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I. Introduction.

In today's legal environment any accident which could potentially cause toxic exposure to a large group of people can result in litigation costing millions of dollars, even more significant damage to company image, and costly diversion of valuable personnel and assets. It has never been more important to develop reliable methods for evaluating cases early not just with respect to liability exposure, but also considering regulatory implications and public relations issues.

Evaluating and then managing a complex case is never an easy process. In the sections below I have provided

some guidelines in three phases to evaluate and manage a mass tort case: 1) Early Case Assessment; 2) Assembling a team to manage the litigation; and 3) Budgeting. In the last section I have provided some citations to published resources that can help in evaluating cases.

II. Perform a Systematic Early Case Assessment.

Many factors influence an evaluation of a case's value. I have included the checklist I use to evaluate cases.

(Continued on next page)

Early Case Assessment Form

Case Name:

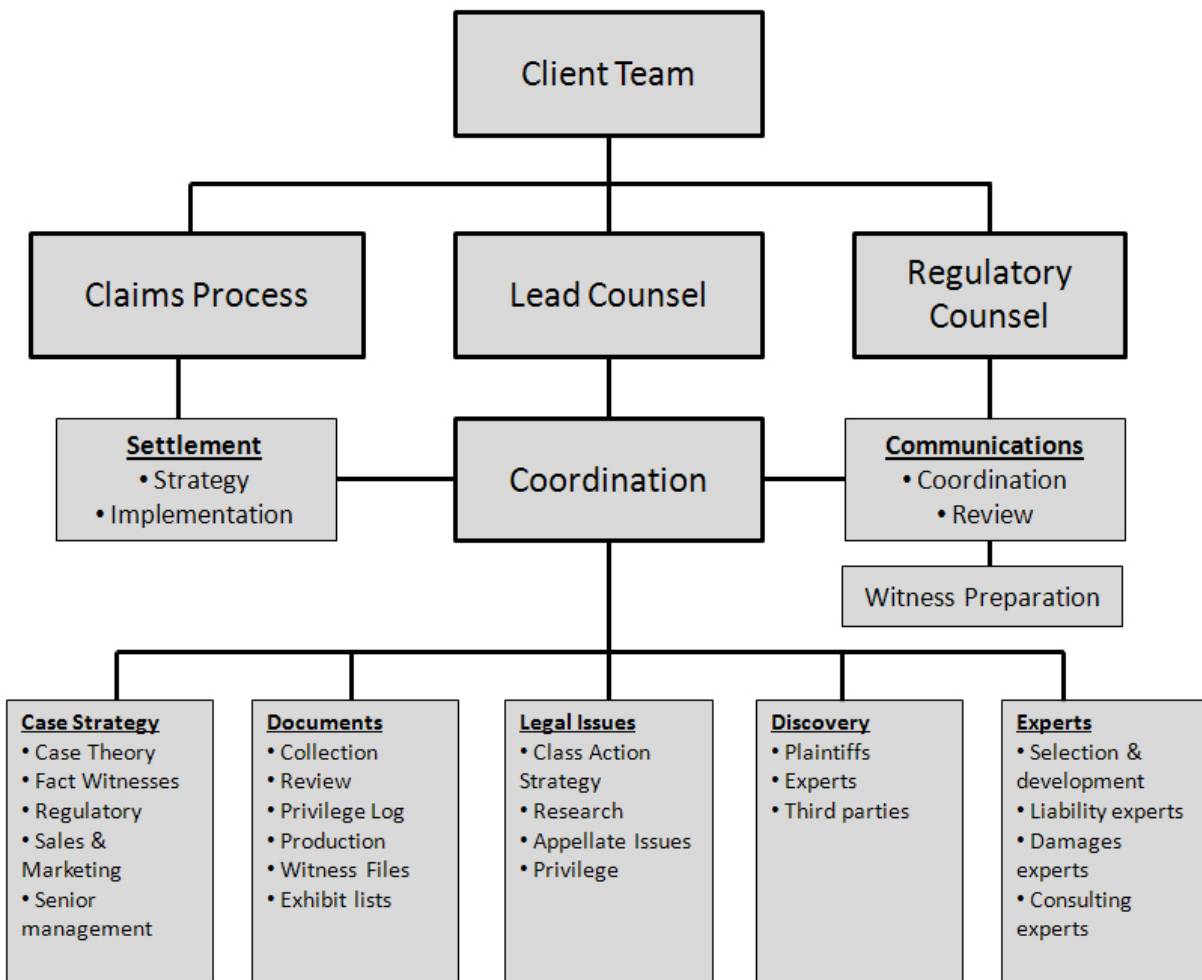
Matter Number:

Date:

- A. Parties**
- B. Related litigation**
- C. Factual Background**
- D. Allegations**
- E. Defenses**
- F. Damages Claimed**
- G. Venue Profile**
- H. Judge Profile**
- I. Opposing Counsel Profile**
- J. Key Client Witnesses**
- K. Key Third Party Witnesses**
- L. Key Documents**
- M. Key Dates**
- N. Plaintiffs' Trial Themes**
- O. Defense Trial Themes**
- P. Case Strengths**
- Q. Case Weaknesses**
- R. Liability Evaluation**
- S. Client Issues Related to Litigation**
- T. Settlement Value**
- U. Strategy**
- V. Budget**

III. Assemble the Right Team to Manage the Litigation.

I have included below a diagram that illustrates the type of coordination that can be necessary to manage complex litigation efficiently.



IV. Understand the Rules For Reporting Loss Contingencies.

Public companies have to be concerned with properly reporting loss contingencies. The accounting standard governing disclosure of loss contingencies is Financial Accounting Standards Board Accounting Standards Codification 450-20 (ASC 450). This has been the subject of considerable controversy in recent years. Under those standards when a loss is deemed to

be both “probable and estimable”, the company must record an accrual for the loss and disclose it. There was an effort in 2010 to amend these requirements to require reporting of possible losses unless they were remote. This effort was defeated but further refinement of the requirement is likely.

I have included below a very useful chart that shows when loss contingencies should be disclosed under the current rules.

		Ability to Reasonably Estimate the Potential Loss	
		Reasonable Estimate	No Reasonable Estimate
Likelihood That a Loss Will be Realized	Probable (Likely to occur)	Accrue. Disclose as necessary to avoid misleading financial statements.	No accrual. Disclose contingency and state that a reasonable estimate of possible loss or range of loss cannot be made.
	Reasonably Possible	No accrual. Disclose contingency and estimate of possible loss or range of loss.	No accrual. Disclose contingency and state that a reasonable estimate of possible loss or range of loss cannot be made.
	Remote (Likelihood is slight)	No accrual. No disclosure (limited exceptions, e.g., guarantees)	No accrual. No disclosure (limited exceptions, e.g., guarantees)

VI. Published References That Can Provide Guidance For Evaluating Cases.

There have been surprisingly few articles published providing guidance on how to predict case value. However, some are available. As early as 1966 Amjur Trials published some very detailed articles on case evaluation and settlement strategy. These articles were updated in May of 2012 and contain useful outlines and research material. The guidance article for plaintiffs can be found at 4 Am. Jur. Trials 289, and the article for defendants is at 4 A. Jur. Trials 379. A more recent article specifically addressing case evaluation can be found at 53 Am. Jur. Trials 1. In addition to listing factors similar to the ones I outlined above, this article cites some of the databases that are available for comparison in valuing cases.

Thomson Reuters collects and publishes jury verdict information organized from 21 states. These

publications are available at the Westlaw store at Westlaw.com. In addition, standard legal research tools can be used to find verdicts and settlements from other states that can be used as guidelines. Westlaw Next (www.next.westlaw.com) can be used to search jury verdicts and published settlements.

VII. You Need to Develop a Budget to Predict and Track Costs.

There is no good software on the market to budget legal costs. Many companies have developed templates using Microsoft Excel. Budgets done on that software are relatively easy to develop but can be cumbersome to adjust. We use a program called Microsoft Project. It is more cumbersome to develop a budget using Project but it provides more visibility of predicted work and is easier to adjust and track once it has been developed.

An example budget is attached.

ID	Task Name	Work	Duration	Start	Finish	Costs - Fees	Costs - Expenses	Costs - Total	Resource Names
1	Case Management	4,334 hrs	859 days	Tue 9/1/09	Fri 12/14/12	\$1,757,437.92	\$412,500.00	\$2,169,937.92	
2	L100 Case Development	2,204 hrs	424 days	Tue 9/1/09	Fri 4/15/11	\$944,487.03	\$293,500.00	\$1,137,987.03	
3	L110 Fact Investigation	710 hrs	420 days	Tue 9/1/09	Mon 4/11/11	\$305,581.29	\$22,500.00	\$328,081.29	
4	Preliminary Fact Investigation	20 hrs	30 days	Tue 9/1/09	Mon 10/26/09	\$8,380.52	\$500.00	\$8,880.52	John M. Johnson[3%], Brooke Malcolm[3%], Lee Hollis[3%]
5	Investigate Plaintiff Processes	150 hrs	200 days	Tue 9/1/09	Mon 6/21/10	\$62,695.95	\$2,000.00	\$64,695.95	John M. Johnson[3%], Brooke Malcolm[3%], Lee Hollis[3%]
6	Investigate Plaintiff Processes	60 hrs	200 days	Tue 9/1/09	Mon 6/21/10	\$26,327.42	\$0.00	\$26,327.42	John M. Johnson[3%], Brooke Malcolm[3%], Lee Hollis[3%]
7	Interview Former Employee Witnesses	120 hrs	410 days	Tue 9/1/09	Mon 4/11/11	\$52,676.10	\$6,000.00	\$58,676.10	John M. Johnson[3%], Brooke Malcolm[3%], Lee Hollis[3%]
8	Investigate Environmental Compliance History	60 hrs	200 days	Tue 9/1/09	Mon 6/21/10	\$26,315.71	\$4,000.00	\$30,315.71	John M. Johnson[80%], Brooke Malcolm[0%], Lee Hollis[4%]
9	General Fact Investigation	300 hrs	420 days	Tue 9/1/09	Mon 4/11/11	\$129,185.59	\$10,000.00	\$139,185.59	John M. Johnson[3%], Brooke Malcolm[1%], Lee Hollis[8%]
10	L120 Analysis/Strategy	80 hrs	180 days	Tue 9/1/09	Mon 5/10/10	\$37,700.74	\$2,000.00	\$39,700.74	
11	Perform Early Case Assessment	20 hrs	30 days	Mon 12/7/09	Fri 1/15/10	\$10,900.00	\$0.00	\$10,900.00	John M. Johnson[8%]
12	Perform Risk Analysis	0 hrs	0 days	Tue 9/1/09	Tue 9/1/09	\$0.00	\$0.00	\$0.00	John M. Johnson
13	Retain Experts	60 hrs	180 days	Tue 9/1/09	Mon 5/10/10	\$26,800.74	\$2,000.00	\$28,800.74	John M. Johnson[0%], Lee Hollis[4%]
14	L130 Experts/Consultants	440 hrs	311 days	Mon 2/1/10	Mon 4/11/11	\$157,949.82	\$200,000.00	\$357,949.82	
15	Air Dispersion Expert	40 hrs	136 days	Mon 10/4/10	Mon 4/11/11	\$10,649.19	\$20,000.00	\$30,649.19	John M. Johnson[0%], Brooke Malcolm[4%], Lee Hollis[0%]
16	Toxicologist	80 hrs	136 days	Mon 10/4/10	Mon 4/11/11	\$21,330.99	\$20,000.00	\$41,330.99	John M. Johnson[0%], Brooke Malcolm[7%], Lee Hollis[0%]
17	Real Estate Expert	60 hrs	225 days	Tue 6/1/10	Mon 4/11/11	\$26,686.39	\$10,000.00	\$36,686.39	John M. Johnson[1%]
18	Landfill Management Expert	80 hrs	311 days	Mon 2/1/10	Mon 4/11/11	\$21,339.13	\$40,000.00	\$61,339.13	John M. Johnson[0%], Brooke Malcolm[3%]
19	Surface & Groundwater Expert	60 hrs	311 days	Mon 2/1/10	Mon 4/11/11	\$16,004.35	\$80,000.00	\$96,004.35	John M. Johnson[0%], Brooke Malcolm[2%], Lee Hollis[0%]
20	Other Experts	120 hrs	311 days	Mon 2/1/10	Mon 4/11/11	\$59,959.77	\$50,000.00	\$109,959.77	John M. Johnson[3%], Lee Hollis[2%]
21	L140 Documents/File Management	420 hrs	410 days	Tue 9/1/09	Mon 4/11/11	\$87,217.88	\$38,000.00	\$125,217.88	
22	Preliminary Document Collection	60 hrs	180 days	Tue 9/1/09	Mon 5/24/10	\$9,900.00	\$10,000.00	\$19,900.00	Robin Morris[4%]
23	Manage Plaintiff Documents	120 hrs	410 days	Tue 9/1/09	Mon 4/11/11	\$26,067.52	\$4,000.00	\$30,067.52	Robin Morris[2%], Brooke Malcolm[2%]
24	Gather ADEM Documents	40 hrs	180 days	Tue 9/1/09	Mon 5/24/10	\$8,274.42	\$4,000.00	\$12,274.42	Robin Morris[2%], Brooke Malcolm[1%]
25	Gather Plaintiff Documents	200 hrs	311 days	Tue 9/1/09	Tue 11/23/10	\$42,975.94	\$20,000.00	\$62,975.94	Robin Morris[4%], Brooke Malcolm[4%]
26	L150 Budgeting	6 hrs	40 days	Tue 9/1/09	Mon 10/26/09	\$3,270.00	\$0.00	\$3,270.00	
27	Prepare Budget	6 hrs	30 days	Tue 9/1/09	Mon 10/26/09	\$3,270.00	\$0.00	\$3,270.00	John M. Johnson[3%]
28	Analyze Performance vs. Budget	0 hrs	0 days	Tue 9/1/09	Tue 9/1/09	\$0.00	\$0.00	\$0.00	
29	L160 Settlement/ADR	48 hrs	120 days	Mon 11/1/10	Fri 4/15/11	\$20,186.67	\$14,000.00	\$34,186.67	
30	Settlement Conferences	24 hrs	120 days	Mon 11/1/10	Fri 4/15/11	\$10,093.33	\$2,000.00	\$12,093.33	John M. Johnson[1%], Brooke Malcolm[1%]
31	Mediation	24 hrs	120 days	Mon 11/1/10	Fri 4/15/11	\$10,093.33	\$12,000.00	\$22,093.33	John M. Johnson[1%], Brooke Malcolm[1%]
32	L190 Other Assessment/Administrative	500 hrs	410 days	Tue 9/1/09	Mon 3/28/11	\$232,580.65	\$17,000.00	\$249,580.65	
33	General	200 hrs	410 days	Tue 9/1/09	Mon 3/28/11	\$99,080.65	\$12,000.00	\$111,080.65	John M. Johnson[3%], Lee Hollis[3%]
34	Local Counsel Fees	300 hrs	410 days	Tue 9/1/09	Mon 3/28/11	\$133,500.00	\$5,000.00	\$138,500.00	Lee Hollis[9%]
35	L200 Pretrial Procedures	400 hrs	420 days	Tue 9/1/09	Mon 4/11/11	\$195,000.00	\$9,000.00	\$204,000.00	
36	L210 Pleadings	100 hrs	420 days	Tue 9/1/09	Mon 4/11/11	\$48,750.00	\$0.00	\$48,750.00	John M. Johnson[1%], Madeline Halkala[1%]
37	L220 Injunctions/Provisional Remedies	0 hrs	0 days	Tue 9/1/09	Tue 9/1/09	\$0.00	\$0.00	\$0.00	
38	L230 Court Conferences	80 hrs	300 days	Tue 2/18/10	Mon 4/11/11	\$39,000.00	\$4,000.00	\$43,000.00	John M. Johnson[2%], Madeline Halkala[2%]
39	L240 Dispositive Motions	140 hrs	246 days	Mon 5/3/10	Mon 4/11/11	\$68,250.00	\$3,000.00	\$71,250.00	
40	Frye Motions	60 hrs	135 days	Tue 10/5/10	Mon 4/11/11	\$29,250.00	\$1,500.00	\$30,750.00	John M. Johnson[3%], Madeline Halkala[3%]
41	Summary Judgment Motions	80 hrs	246 days	Mon 5/3/10	Mon 4/11/11	\$39,000.00	\$1,500.00	\$40,500.00	John M. Johnson[2%], Madeline Halkala[2%]
42	L260 Other Motions	80 hrs	300 days	Tue 2/2/10	Mon 3/28/11	\$39,000.00	\$2,000.00	\$41,000.00	John M. Johnson[2%], Madeline Halkala[2%]
43	L280 Class Certification & Notice	0 hrs	0 days	Tue 9/1/09	Tue 9/1/09	\$0.00	\$0.00	\$0.00	
44	L300 Discovery	1,730 hrs	859 days	Tue 9/1/09	Fri 12/14/12	\$717,950.89	\$110,000.00	\$827,950.89	
45	L310 Written Discovery	40 hrs	200 days	Mon 10/5/09	Fri 7/6/10	\$19,500.00	\$2,000.00	\$21,500.00	John M. Johnson[1%], Madeline Halkala[1%]
46	L320 Document Production	360 hrs	420 days	Tue 9/1/09	Mon 4/11/11	\$150,845.09	\$5,000.00	\$155,845.09	
47	Analyze Plaintiff Documents	180 hrs	266 days	Mon 4/5/10	Mon 4/11/11	\$75,400.26	\$2,500.00	\$77,900.26	John M. Johnson[3%], Brooke Malcolm[3%], Lee Hollis[3%]
48	Analyze Defense Documents	180 hrs	410 days	Tue 9/1/09	Mon 3/28/11	\$75,444.83	\$2,500.00	\$77,944.83	John M. Johnson[2%], Brooke Malcolm[2%], Lee Hollis[2%]
49	L330 Depositions	950 hrs	750 days	Mon 2/1/10	Fri 12/14/12	\$385,706.59	\$84,500.00	\$470,206.59	
50	Plaintiff Depositions	80 hrs	200 days	Mon 2/1/10	Fri 11/5/10	\$25,000.00	\$15,000.00	\$40,000.00	

ID	Task Name	Work	Duration	Start	Finish	Costs - Fees	Costs - Expenses	Costs - Total	Resource Names
51	Minor Plaintiffs	40 hrs	200 days	Mon 2/1/10	Fri 11/5/10	\$13,000.00	\$7,500.00	\$20,500.00	
52	Plaintiff 1	8 hrs	200 days	Mon 2/1/10	Fri 11/5/10	\$2,600.00	\$1,500.00	\$4,100.00	John M. Johnson[0%], Brooke Malcolme[0%], Robin Morris[0%], Lee Hollis[0%]
53	Plaintiff 2	8 hrs	200 days	Mon 2/1/10	Fri 11/5/10	\$2,600.00	\$1,500.00	\$4,100.00	John M. Johnson[0%], Brooke Malcolme[0%], Robin Morris[0%], Lee Hollis[0%]
54	Plaintiff 3	8 hrs	200 days	Mon 2/1/10	Fri 11/5/10	\$2,600.00	\$1,500.00	\$4,100.00	John M. Johnson[0%], Brooke Malcolme[0%], Robin Morris[0%], Lee Hollis[0%]
55	Plaintiff 4	8 hrs	200 days	Mon 2/1/10	Fri 11/5/10	\$2,600.00	\$1,500.00	\$4,100.00	John M. Johnson[0%], Brooke Malcolme[0%], Robin Morris[0%], Lee Hollis[0%]
56	Plaintiff 5	8 hrs	200 days	Mon 2/1/10	Fri 11/5/10	\$2,600.00	\$1,500.00	\$4,100.00	John M. Johnson[0%], Brooke Malcolme[0%], Robin Morris[0%], Lee Hollis[0%]
57	Property Plaintiffs	40 hrs	200 days	Mon 2/1/10	Fri 11/5/10	\$13,000.00	\$7,500.00	\$20,500.00	
58	Plaintiff 1	8 hrs	200 days	Mon 2/1/10	Fri 11/5/10	\$2,600.00	\$1,500.00	\$4,100.00	John M. Johnson[0%], Brooke Malcolme[0%], Robin Morris[0%], Lee Hollis[0%]
59	Plaintiff 2	8 hrs	200 days	Mon 2/1/10	Fri 11/5/10	\$2,600.00	\$1,500.00	\$4,100.00	John M. Johnson[0%], Brooke Malcolme[0%], Robin Morris[0%], Lee Hollis[0%]
60	Plaintiff 3	8 hrs	200 days	Mon 2/1/10	Fri 11/5/10	\$2,600.00	\$1,500.00	\$4,100.00	John M. Johnson[0%], Brooke Malcolme[0%], Robin Morris[0%], Lee Hollis[0%]
61	Plaintiff 4	8 hrs	200 days	Mon 2/1/10	Fri 11/5/10	\$2,600.00	\$1,500.00	\$4,100.00	John M. Johnson[0%], Brooke Malcolme[0%], Robin Morris[0%], Lee Hollis[0%]
62	Plaintiff 5	8 hrs	200 days	Mon 2/1/10	Fri 11/5/10	\$2,600.00	\$1,500.00	\$4,100.00	John M. Johnson[0%], Brooke Malcolme[0%], Robin Morris[0%], Lee Hollis[0%]
63	Other Plaintiffs Witnesses	80 hrs	200 days	Mon 2/1/10	Fri 11/5/10	\$33,600.00	\$9,000.00	\$42,600.00	John M. Johnson[2%], Brooke Malcolme[2%], Lee Hollis[2%]
64	State & Regulatory Witnesses	50 hrs	200 days	Mon 2/1/10	Fri 11/5/10	\$20,868.65	\$9,000.00	\$29,868.65	John M. Johnson[1%], Brooke Malcolme[1%], Lee Hollis[1%]
65	Plaintiffs Treating Physicians - Group 1	120 hrs	200 days	Mon 5/3/10	Fri 12/4/11	\$60,200.00	\$10,000.00	\$60,200.00	John M. Johnson[3%], Brooke Malcolme[3%], Lee Hollis[3%]
66	Plaintiffs Treating Physicians - Other Groups	400 hrs	400 days	Mon 6/6/11	Fri 12/4/12	\$167,333.33	\$20,000.00	\$187,333.33	John M. Johnson[4%], Brooke Malcolme[4%], Lee Hollis[4%]
67	Prepare & Defend Other Defendant Depositions	120 hrs	300 days	Mon 2/1/10	Fri 3/25/11	\$50,115.79	\$15,500.00	\$65,615.79	
68	Co-Defendant 1	8 hrs	300 days	Mon 2/1/10	Fri 3/25/11	\$3,240.00	\$1,500.00	\$4,740.00	John M. Johnson[0%], Brooke Malcolme[0%], Lee Hollis[0%]
69	Co-Defendant 2	8 hrs	300 days	Mon 2/1/10	Fri 3/25/11	\$3,240.00	\$1,500.00	\$4,740.00	John M. Johnson[0%], Brooke Malcolme[0%], Lee Hollis[0%]
70	Co-Defendant 3	8 hrs	300 days	Mon 2/1/10	Fri 3/25/11	\$3,240.00	\$1,500.00	\$4,740.00	John M. Johnson[0%], Brooke Malcolme[0%], Lee Hollis[0%]
71	Co-Defendant 4	8 hrs	300 days	Mon 2/1/10	Fri 3/25/11	\$3,240.00	\$1,500.00	\$4,740.00	John M. Johnson[0%], Brooke Malcolme[0%], Lee Hollis[0%]
72	Co-Defendant 5	300 days	300 days	Mon 2/1/10	Fri 3/25/11	\$3,240.00	\$1,500.00	\$4,740.00	John M. Johnson[0%], Brooke Malcolme[0%], Lee Hollis[0%]
73	Co-Defendant 6	40 hrs	300 days	Mon 2/1/10	Fri 3/25/11	\$16,957.89	\$4,000.00	\$20,957.89	John M. Johnson[0%], Brooke Malcolme[0%], Lee Hollis[1%]
74	Co-Defendant 7	40 hrs	300 days	Mon 2/1/10	Fri 3/25/11	\$16,957.89	\$4,000.00	\$20,957.89	John M. Johnson[0%], Brooke Malcolme[0%], Lee Hollis[1%]
75	Miscellaneous Depositions	100 hrs	300 days	Mon 2/1/10	Fri 3/25/11	\$41,558.82	\$6,000.00	\$47,558.82	John M. Johnson[2%], Brooke Malcolme[2%], Lee Hollis[1%]
76	L340 Expert Discovery	200 hrs	290 days	Mon 9/6/10	Fri 10/14/11	\$93,499.21	\$15,000.00	\$98,499.21	
77	Prepare For And Take Plaintiffs Experts	60 hrs	120 days	Tue 2/1/11	Mon 7/18/11	\$25,076.38	\$6,000.00	\$31,076.38	John M. Johnson[2%], Brooke Malcolme[2%], Lee Hollis[2%]
78	Prepare For And Defend Defense Experts	40 hrs	120 days	Mon 5/2/11	Fri 10/14/11	\$16,623.53	\$6,000.00	\$22,623.53	John M. Johnson[2%], Brooke Malcolme[2%], Lee Hollis[1%]
79	Misc. Expert Discovery	100 hrs	200 days	Mon 9/6/10	Fri 6/10/11	\$41,797.30	\$3,000.00	\$44,797.30	John M. Johnson[2%], Brooke Malcolme[2%], Lee Hollis[2%]
80	L350 Discovery Motions	60 hrs	410 days	Tue 9/15/09	Mon 4/11/11	\$24,800.00	\$500.00	\$25,300.00	John M. Johnson[1%], Madeline Haikala[1%], Brooke Malcolme[1%]
81	L390 Other Discovery	120 hrs	410 days	Tue 9/15/09	Mon 4/11/11	\$49,600.00	\$3,000.00	\$52,600.00	John M. Johnson[1%], Madeline Haikala[1%], Brooke Malcolme[1%]
82	L400 Preparation & Trial	0 hrs	0 days	Tue 9/1/09	Tue 9/1/09	\$0.00	\$0.00	\$0.00	
83	L410 Fact Witnesses	0 hrs	0 days	Tue 9/1/09	Tue 9/1/09	\$0.00	\$0.00	\$0.00	John M. Johnson, Madeline Haikala, Brooke Malcolme
84	L420 Experts	0 hrs	0 days	Tue 9/1/09	Tue 9/1/09	\$0.00	\$0.00	\$0.00	John M. Johnson, Madeline Haikala, Brooke Malcolme
85	L430 Written Motions & Submissions	0 hrs	0 days	Tue 9/1/09	Tue 9/1/09	\$0.00	\$0.00	\$0.00	John M. Johnson, Madeline Haikala, Brooke Malcolme
86	Motions in Limine	0 hrs	0 days	Tue 9/1/09	Tue 9/1/09	\$0.00	\$0.00	\$0.00	John M. Johnson, Madeline Haikala, Brooke Malcolme
87	Jury Instructions	0 hrs	0 days	Tue 9/1/09	Tue 9/1/09	\$0.00	\$0.00	\$0.00	John M. Johnson, Madeline Haikala, Brooke Malcolme
88	Trial Briefs	0 hrs	0 days	Tue 9/1/09	Tue 9/1/09	\$0.00	\$0.00	\$0.00	John M. Johnson, Madeline Haikala
89	Prepare Directed Verdict Motions	0 hrs	0 days	Tue 9/1/09	Tue 9/1/09	\$0.00	\$0.00	\$0.00	
90	L440 Preparation & Support	0 hrs	0 days	Tue 9/1/09	Tue 9/1/09	\$0.00	\$0.00	\$0.00	
91	Prepare Exhibits	0 hrs	0 days	Tue 9/1/09	Tue 9/1/09	\$0.00	\$0.00	\$0.00	John M. Johnson, Madeline Haikala, Robin Morris
92	Prepare Witness files	0 hrs	0 days	Tue 9/1/09	Tue 9/1/09	\$0.00	\$0.00	\$0.00	John M. Johnson, Madeline Haikala, Robin Morris
93	Mark Depositions	0 hrs	0 days	Tue 9/1/09	Tue 9/1/09	\$0.00	\$0.00	\$0.00	John M. Johnson, Madeline Haikala, Robin Morris
94	L450 Trial & Hearing Attendance	0 hrs	0 days	Tue 9/1/09	Tue 9/1/09	\$0.00	\$0.00	\$0.00	John M. Johnson, Brooke Malcolme, Madeline Haikala, Robin Morris, Don Stump
95	L460 Post-Trial Motions	0 hrs	0 days	Tue 9/1/09	Tue 9/1/09	\$0.00	\$0.00	\$0.00	John M. Johnson, Brooke Malcolme, Madeline Haikala
96	L470 Enforcement	0 hrs	0 days	Tue 9/1/09	Tue 9/1/09	\$0.00	\$0.00	\$0.00	John M. Johnson
97	L500 Appeal	0 hrs	0 days	Tue 9/1/09	Tue 9/1/09	\$0.00	\$0.00	\$0.00	
98	L510 Appellate Motions & Submissions	0 hrs	0 days	Tue 9/1/09	Tue 9/1/09	\$0.00	\$0.00	\$0.00	John M. Johnson, Brooke Malcolme, Madeline Haikala
99	L520 Appellate Briefs	0 hrs	0 days	Tue 9/1/09	Tue 9/1/09	\$0.00	\$0.00	\$0.00	John M. Johnson, Brooke Malcolme, Madeline Haikala
100	L530 Oral Argument	0 hrs	0 days	Tue 9/1/09	Tue 9/1/09	\$0.00	\$0.00	\$0.00	John M. Johnson

Annual Projected Cash Flow
ABC Corporation Matter

	2009	2010	2011	2012	2013	Total
Case Management						
L100 Case Development						
L110 Fact Investigation						
Preliminary Plant Tour	\$8,880.52					\$8,880.52
Preliminary Factual Investigation	\$25,231.42	\$39,464.53				\$64,695.95
Investigate Plant Processes	\$10,280.73	\$16,046.89				\$26,327.42
Interview Former Employee Witnesses	\$11,200.18	\$37,322.94	\$10,152.98			\$58,676.10
Investigate Environmental Compliance History	\$11,827.58	\$18,488.13				\$30,315.71
General Fact Investigation	\$29,270.88	\$86,408.85	\$23,505.85			\$139,185.58
L120 Analysis/Strategy						
Perform Early Case Assessment	\$6,903.33	\$3,996.67				\$10,900.00
Perform Risk Analysis						
Retain Experts	\$14,080.36	\$14,720.38				\$28,800.74
L130 Experts/Consultants						
Air Dispersion Expert		\$14,648.51	\$16,000.68			\$30,649.19
Toxicologist		\$19,753.78	\$21,577.21			\$41,330.99
Real Estate Expert		\$26,464.99	\$12,201.39			\$38,666.38
Landfill Management Expert		\$47,335.66	\$14,003.47			\$61,339.13
Surface & Groundwater Expert		\$58,652.87	\$17,351.47			\$76,004.34
Other Experts		\$84,856.41	\$25,103.36			\$109,959.77
L140 Documents/File Management						
Preliminary Document Collection	\$8,623.33	\$11,276.67				\$19,900.00
Manage Plant Documents	\$5,720.16	\$19,140.54	\$5,206.81			\$30,067.51
Gather ADEM Documents	\$5,318.91	\$6,955.50				\$12,274.41
Gather Plaintiff Documents	\$15,794.61	\$47,181.33				\$62,975.94
L150 Budgeting						
Prepare Budget	\$3,270.00					\$3,270.00
Analyze Performance vs. Budget						
L160 Settlement/ADR						
Settlement Conferences		\$4,535.00	\$7,558.33			\$12,093.33
Mediation		\$8,285.00	\$13,808.33			\$22,093.33
L190 Other Assessment/Administrative						
General	\$23,841.70	\$70,712.31	\$16,526.63			\$111,080.64
Local Counsel Fees	\$29,726.83	\$88,167.07	\$20,606.10			\$138,500.00
L200 Pretrial Procedures						
L210 Pleadings	\$10,214.29	\$30,294.64	\$8,241.07			\$48,750.00
L220 Injunctions/Provisional Remedies						
L230 Court Conferences		\$32,823.33	\$10,176.67			\$43,000.00
L240 Dispositive Motions						
Frye Motions		\$14,577.78	\$16,172.22			\$30,750.00

Quarterly Projected Cash Flow
ABC Corporation Matter

	Qtr 1, 2010	Qtr 2, 2010	Qtr 3, 2010	Qtr 4, 2010	Qtr 1, 2011	Qtr 2, 2011	Qtr 3, 2011	Total
Case Management								
L100 Case Development								
L110 Fact Investigation								
Preliminary Plant Tour								
Preliminary Factual Investigation	\$20,702.70	\$18,761.82						\$39,464.52
Investigate Plant Processes	\$8,417.94	\$7,628.75						\$16,046.69
Interview Former Employee Witnesses	\$9,151.98	\$9,294.98	\$9,437.98	\$9,437.98	\$9,151.98	\$1,001.00		\$47,475.90
Investigate Environmental Compliance History	\$9,698.69	\$8,789.44						\$18,488.13
General Fact Investigation	\$21,188.38	\$21,519.44	\$21,850.51	\$21,850.51	\$21,188.38	\$2,317.48		\$109,914.70
L120 Analysis/Strategy								
Perform Early Case Assessment	\$3,996.67							\$3,996.67
Perform Risk Analysis								
Retain Experts	\$10,240.26	\$4,480.11						\$14,720.37
L130 Experts/Consultants								
Air Dispersion Expert				\$14,648.51	\$14,423.15	\$1,577.53		\$30,649.19
Toxicologist				\$19,753.78	\$19,449.88	\$2,127.33		\$41,330.99
Real Estate Expert		\$3,780.71	\$11,342.14	\$11,342.14	\$10,998.44	\$1,202.95		\$38,666.38
Landfill Management Expert	\$8,480.97	\$12,820.08	\$13,017.31	\$13,017.31	\$12,622.84	\$1,380.62		\$61,339.13
Surface & Groundwater Expert	\$10,508.64	\$15,885.15	\$16,129.54	\$16,129.54	\$15,640.77	\$1,710.71		\$76,004.35
Other Experts	\$15,203.44	\$22,981.94	\$23,335.51	\$23,335.51	\$22,628.38	\$2,474.98		\$109,959.76
L140 Documents/File Management								
Preliminary Document Collection	\$7,075.56	\$4,201.11						\$11,276.67
Manage Plant Documents	\$4,693.47	\$4,766.80	\$4,840.14	\$4,840.14	\$4,693.47	\$513.35		\$24,347.37
Gather ADEM Documents	\$4,364.24	\$2,591.27						\$6,955.51
Gather Plaintiff Documents	\$12,959.68	\$13,162.17	\$13,364.67	\$7,694.81				\$47,181.33
L150 Budgeting								
Prepare Budget								
Analyze Performance vs. Budget								
L160 Settlement/ADR								
Settlement Conferences				\$4,535.00	\$6,449.78	\$1,108.56		\$12,093.34
Mediation				\$8,285.00	\$11,783.11	\$2,025.22		\$22,093.33
L190 Other Assessment/Administrative								
General	\$17,339.42	\$17,610.35	\$17,881.27	\$17,881.27	\$16,526.63			\$87,238.94
Local Counsel Fees	\$21,619.51	\$21,957.32	\$22,295.12	\$22,295.12	\$20,606.10			\$108,773.17
L200 Pretrial Procedures								
L210 Pleadings	\$7,428.57	\$7,544.64	\$7,660.71	\$7,660.71	\$7,428.57	\$812.50		\$38,535.71
L220 Injunctions/Provisional Remedies								
L230 Court Conferences	\$4,586.67	\$9,316.67	\$9,460.00	\$9,460.00	\$9,173.33	\$1,003.33		\$43,000.00
L240 Dispositive Motions								
Frye Motions				\$14,577.78	\$14,577.78	\$1,594.44		\$30,750.00

About Johnny Johnson

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Mr. Johnson is a founding partner of Lightfoot, Franklin & White. He handles business litigation, intellectual property litigation, products liability litigation, and is widely recognized as one of the best and most experienced lawyers in the South handling environmental and toxic tort litigation. He advises clients on such matters as complex mass tort litigation, class actions, pesticide and chemical litigation and individual toxic tort claims in Alabama and throughout the Southeast. Through his mass tort practice, he became one of the pioneers in developing systems for the efficient management of complex litigation. He has lectured frequently on this subject. To see a sample of the system he helped develop for budgeting and tracking litigation costs, click on this link to view *Lawsuits as Manageable Projects, Systems for Controlling Costs in Litigation*, presented in August of 2003.

Mr. Johnson is the author of a book on toxic torts litigation and speaks frequently at industry and legal seminars regarding environmental issues. Mr. Johnson is a member of the American Bar Association and the Birmingham Bar Association, and has been a member of the Environmental Law Section of the Alabama State Bar since 1989. He is admitted in all Alabama Courts as well as the Fifth Circuit Court of Appeals, the Eleventh Circuit Court of Appeals, and the United States Supreme Court. The Best Lawyers of America publication has recognized Mr. Johnson for his work in commercial and environmental litigation since 2006 and for bet-the-company litigation since 2010. Mr. Johnson has been rated as AV Preeminent by Martindale-Hubbell for more than 20 years.

Mr. Johnson is the President of the Norma Livingston Ovarian Cancer Foundation. It raises funds to support ovarian cancer research and awareness of the risks, symptoms and treatments of the disease.

Education

- B.A., University of Virginia, 1979
- J.D., Vanderbilt University Law School, 1982