

BRYAN METTING, CPA, CFE

BRG

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bmetting@thinkbrg.com**SUMMARY**

Bryan Metting is an associate director in BRG's Forensic Accounting practice. Mr. Metting specializes in providing financial, economic, and accounting analyses in disputes. He has significant experience in litigation services which require financial modeling, damages analysis, forensic accounting, and the evaluation of accounting and auditing issues pertaining to financial reporting. He is a Certified Public Accountant (CPA) and a Certified Fraud Examiner (CFE), and has obtained a Masters in Professional Accounting and a Bachelors of Business Administration from the University of Texas at Austin.

EDUCATION

MPA (Accounting)	University of Texas at Austin, 2003
BBA (Accounting)	University of Texas at Austin, 2003

PRESENT EMPLOYMENT

Associate Director, 2011–present

PROFESSIONAL CERTIFICATIONS

2006–present	Certified Public Accountant (CPA), American Institute of Certified Public Accountants
2012–present	Certified Fraud Examiner (CFE), Association of Certified Fraud Examiners

PROFESSIONAL EXPERIENCE

- Damages analysis
- Forensic and investigative accounting
- Fraud investigations
- Valuation of business entities
- Evaluation of accounting and auditing issues pertaining to GAAP and GAAS
- M&A disputes
- Intellectual property and trade secret misappropriation matters
- Bankruptcy: fraudulent conveyance and solvency analyses
- Alter ego and piercing the corporate veil investigations

REPRESENTATIVE ENGAGEMENTS

- Analyzed lost profits and unjust enrichment in a matter involving the alleged infringement of a patent used in manufacturing certain hard disk drive components.
- Evaluated the economic damages sustained by a large global reinsurance company related to its participation in a securities lending program administered and managed by another global insurer. Among other things, the scope of the work involved determining how evolving accounting standards related to the recognition and presentation of other-than-temporary impairments impacted the underlying damages claim. Losses ultimately exceeded \$500 million and were comprised of realized and unrealized losses on the collateral pools at issue, as well as other-than-temporary impairment charges and lost opportunity damages.
- Assessed the commercial reasonableness of a number of actions undertaken by a global bank during the time period from 2007 to 2009. Specific areas of focus included the efforts the bank made to meet its publicly established target for tangible common equity to risk-weighted managed assets (TCE/RWMA), as well as its target for Tier 1 Capital, and whether adequate capital plans were in place to allow the bank to meet such targets. The matter also involved assessing how the bank's various issuances of preferred stock in 2008 impacted the capital targets at issue.
- Analyzed lost profits and unjust enrichment in a matter involving the alleged misappropriation of trade secrets in connection with the manufacture of safety valves for steam turbines.
- Analyzed the solvency of a \$350 million coal mining company during the time period from 2005 to 2009, which involved various balance sheet, cash flow, and capital adequacy tests. The scope of the engagement also included an assessment of damages that were incurred as a result of the Defendants' alleged actions, which involved a detailed examination of intercompany activity among numerous subsidiaries and related parties, assessing whether lease payments made to various related parties were conducted at market rates, estimating the costs that were incurred by various related entities but which were paid for by the subject company, and assessing whether the subject company received reasonably equivalent value for certain payments made to third parties.
- Calculated damages related to various compression, gathering, and treating charges that exceeded the actual costs of providing such services and which were deducted from payments an energy company made to numerous royalty owners. The corporate structure was allegedly set up in a way which allowed its affiliate, a wholly owned midstream services company, to collect fees from royalty owners that were not permitted under the mineral leases at issue.
- Analyzed lost profits and unjust enrichment in connection with a matter involving the alleged infringement of a number of design and utility patents in the global smartphone industry.
- Provided financial analyses in connection with the valuation of a 10% equity interest in a holding company with ownership interests in gas stations, fuel distribution companies, real estate holdings, and other investments.
- Evaluated economic damages in an international dispute involving a large global title insurance and real estate services company. The matter involved a dispute over foreign joint ventures and the termination of various underwriting and licensing agreements.
- Investigated a series of complex transactions that took place between a publicly-traded energy company and various privately-held companies that were owned and controlled by certain officers and directors of the publicly-traded entity. These transactions allegedly took place on terms that

were unfavorable to stockholders of the publicly-traded entity, and also involved the alleged unlawful conveyance of overriding royalty interests in various oil & gas properties that were not adequately disclosed as part of the transaction.

- Analyzed lost profits and unjust enrichment in a matter involving the alleged misappropriation of trade secrets in the orthopedic surgical device industry.
- Analyzed whether a publicly-traded entity failed to disclose related-party transactions and relationships that were allegedly used to overstate profits. The ultimate disclosure of such arrangements led to considerable fluctuations in the stock price of the entity. The matter also involved an assessment of the entity's internal controls over financial reporting as well as an assessment of the applicability of certain rules, regulations, and guidelines as required by the SEC and GAAP regarding the related party disclosures that allegedly should have been made.
- Analyzed the net economic benefits that were purportedly going to be derived from the acquisition of a zinc mine in the United States in 2015. The allegations involved tortious interference and breach of fiduciary duties.
- Analyzed lost profits and unjust enrichment in a matter involving allegations of trade dress and patent infringement in the premium drinkware and cooler segment.
- Assessed and evaluated various claims in a dispute between joint venture partners who owned a refinery in Texas. The dispute involved unaccounted-for crude volumes and a forensic investigation of the amounts owed between the parties. In addition, the dispute involved the value of historical lost benefits and future expected lost benefits that would have been realized by the parties had there been no unaccounted-for crude volumes.
- Assessed whether the revenue recognition approach utilized by a large provider of outpatient rehabilitation and physical therapy services was compliant with GAAP. The matter also involved calculating the alleged overstatement of EBITDA and assessing whether any significant misrepresentations were made by the company in the offering memorandum.
- Analyzed whether the effective nationalization of entities at the heart of the America's housing system was reasonably necessary to avoid insolvency or other significant financial harm to the enterprises. The matter also involved exploring alternatives to the "net worth sweep" and evaluating whether those options would have addressed any purported concerns pertaining to insolvency.
- Evaluated the extent to which estimated costs to retrofit long-lived assets that are characterized as asset retirement obligations ("AROs") under GAAP are relevant for insurance coverage determinations. The matter also involved assessing whether the characterization of certain obligations as AROs have any bearing on whether the associated costs would have been predictable and likely of occurring before the implementation of the ARO accounting standard in 2003.
- Analyzed alter ego and successor liability issues from a financial, business, and operational perspective in an international dispute involving entities involved in the global trading of raw materials (specifically iron products).
- Performed forensic accounting activities to determine the ultimate destination of customer segregated funds that were transferred during the week prior to the bankruptcy of a large global commodities brokerage firm. The matter involved approximately \$1 billion in net outflows of customer segregated funds. BRG was also tasked with identifying and evaluating the nature of funds subsequently recovered by the SIPA Trustee in order to assess its impact on damages.

- Analyzed lost profits in the aviation insurance industry in connection with the termination of an agreement between an underwriter and an aerospace-focused brokerage firm.
- Evaluated economic damages in a matter involving a health care group purchasing organization and allegations of anticompetitive conduct and illegal exclusionary conduct. BRG was asked to evaluate whether the \$100+ million damages claim was economically reasonable.
- Assessed whether distributions made to members of an LLC caused the company to become insolvent. The LLC owned approximately 75 franchised restaurants across the United States.
- Evaluated economic damages in a matter involving allegations of breach of contract, tortious interference, unjust enrichment, and violations of various trade secret acts when two senior employees in the cybersecurity consulting industry resigned and started working for a competitor.
- In a matter involving allegations of legal malpractice and professional negligence, a worldwide manufacturer of prosthetic and orthotic devices was advised that there was not any significant risk that a contemplated acquisition would be deemed anticompetitive or that the FTC would challenge the acquisition. BRG was asked to calculate economic damages sustained by the plaintiff. The primary focus of the dispute involved assessing the economic value of certain assets that were retained by the plaintiff after the divestiture of key assets that the FTC was concerned about.
- In a matter involving the wholesale mortgage banking industry, BRG was asked to evaluate economic damages in connection with the departure of a regional vice president and his subsequent hiring by a competitor who established a wholesale mortgage business. The allegations involved breach of duty of loyalty, breach of contract, tortious interference, and misappropriation of trade secrets.
- Evaluated certain representations and warranties made by the seller of a business in the security alarm and security monitoring industry in the U.S. and Canada. BRG was asked to evaluate (a) the manner in which the buyer revised its bid in connection with various due diligence issues that were identified prior to closing, and (b) whether the buyer's recent allegations of accounting improprieties were duplicative of the due diligence issues that had been previously identified.
- In a matter involving a multinational information technology services company, BRG evaluated allegations of a widespread pattern of fraudulent billings. Part of the work involved analyzing claims that the IT vendor manipulated data pertaining to employee turnover in order to avoid being responsible for a contractual credit that was allegedly owed over multiple years.
- Evaluated a \$100+ million damages claim related to the construction of an apartment complex in Arizona.
- In a matter involving a global investment management company, BRG was tasked with valuing an early stage FinTech company in which the investment management company had invested. The causes of action included allegations that Defendants breached their fiduciary duties and misappropriated trade secrets.
- Evaluated economic damages in the construction industry. The underlying claim involved allegations of usurpation of corporate opportunity and breach of fiduciary duty, and BRG was tasked with analyzing the lost profits associated with business that have been diverted away from the company in which the plaintiff held a minority stake. Additionally, BRG was asked to perform a valuation of the plaintiff's minority stake.