



Christopher J. Kelly, CFE

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EXPERIENCE:

Chris Kelly is Managing Director for the Litigation Consulting Group in the Dallas office, and Practice Leader of HSSK Capital Advisors, LLC. He has more than 40 years of experience in litigation consulting, financial and restructuring consulting, and financial institutions. He has been engaged by law firms, corporations, and regulatory agencies to provide written reports and testimony in deposition and at trial in local, state, federal and bankruptcy courts. His 20 years of litigation consulting experience includes banking practices, transaction analysis, standards of care, fiduciary duties, economic damages, fraud investigations, funds tracing, preferences, fraudulent transfers, setoffs, and financial forensics. Chris has also been engaged as a consultant on bankruptcy and restructuring projects addressing issues on behalf of both debtors and creditors. His industry experience includes banks, savings and loans, finance companies, mortgage banking and investment banking.

Chris has particular expertise in commercial banking and served as senior commercial loan officer, investment officer, chief financial officer, chief operating officer, and chief executive officer. His functional responsibilities included commercial loan management, investment portfolio management, financial and accounting management, deposit and branch operations management, and fiduciary duties as an officer and director. He has provided testimony as a banking expert in state district courts, federal district courts and bankruptcy courts.

In the area of bankruptcy and restructuring, Chris has been engaged by debtors and creditors regarding appropriate interest rates and proposed debt structures within plans of reorganization and the feasibility of those plans. He has been called upon to analyze transactions alleged to be preferences or fraudulent conveyances, and conducted fraud investigations involving companies in bankruptcy.

PROFESSIONAL HISTORY:

2007 to Present: Managing Director, Hill Schwartz Spilker Keller LLC

2006-2007: Director, LECG, LLC

1996-2006: Director of Litigation Consulting Services, Glass & Associates, Inc.

1991-1995: Consultant, McCall, McBride, Roberts & Associates, Inc.

1981-1991: First City Bancorporation, Texas

Dallas: Senior Vice President of Commercial Lending

Farmers Branch: President and Chief Executive Officer

Richardson: Chief Financial Officer, Chief Operating Officer

1975-1981: Vice President, Investments and Funding, First National Bank, Dallas

1973-1975: Management Advisory Services, Financial Institutions Group, Arthur Young & Company

1970-1973: Graduate Intern and Management Program, Omaha National Bank

Christopher J. Kelly

PROFESSIONAL AFFILIATIONS & ACTIVITIES:

Association of Certified Fraud Examiners
State Bar of Texas, Bankruptcy Law Section, Non-lawyer Member
Turnaround Management Association

CERTIFICATIONS:

Certified Fraud Examiner, 1997.

ACCREDITATIONS:

National Commercial Lending School, University of Oklahoma
Graduate School of Bank Investments, University of Illinois
Southwest School of Municipal Finance, Texas Tech University

TEACHING:

Adjunct Faculty Member Southwestern Graduate School of Banking,
Southern Methodist University, Dallas, Texas
Bank Simulation Course, 1981-1999

PUBLICATIONS:

Fraud Casebook: Lessons from the Bad Side of Business, published by John Wiley & Sons
Chapter 12 – “Phantom Links in the Supply Chain,” by Christopher J. Kelly
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Crunch Creeps Ahead in Commercial Banking, Houston Business Journal Page 65A
Week of October 17-23, 2008, with Marc Schwartz, CPA CFE

Fundamental Failures in Our Banking System, Dallas Business Journal, Page 52
Week of December 12-19, 2008.

SPEAKING ENGAGEMENTS:

“The Subprime Credit Crisis: Is the Worst Behind Us”, Houston Chapter, Association of Certified
Fraud Examiners, 2008

“Credit Crisis Fallout: Borrower Fraud or Lender Liability”, Dallas and Houston offices, Gardere
Wynne Sewell, 2008

“The Credit Crisis of 2008”, Dallas Chapter, Association of Certified Fraud Examiners, 2008

“Credit Crisis Fallout: Borrower Fraud or Lender Liability”, Dallas Office, Carrington Coleman,
2008

“The Credit Crisis of 2008”, Houston Chapter, Institute of Management Accountants, 2008

EDUCATION:

Bachelor of Business Administration (BBA) Finance, Creighton University
Master of Business Administration (MBA), Finance and Economics, Creighton University

**EXPERT WITNESS
TESTIMONY,
PARTIAL LISTING:**

The Cadle Company v. Randall L. Hester, et al.

Engaged by counsel for plaintiff for deposition and trial pertaining to calculation of interest from unpaid loan in the 44th Judicial District Court of Dallas County, Texas

Aloette Cosmetics v. Takako Wright

Engaged by counsel for plaintiff for bankruptcy hearing pertaining to diversion of funds from one bank account to another in the United States Bankruptcy Court for the Northern District of Texas, Dallas Division

Lehman Brothers v. Scott Smith

Engaged by counsel for defendant pertaining to fiduciary duties of a chief financial officer of a financial institution. Deposition testimony

Warren et al. v. Swan Transportation, et al. (Tyler Pipe)

Engaged by counsel for plaintiff for deposition and trial pertaining to corporate separateness in the 192nd Judicial District Court of Dallas County, Texas

Blackburn et al. v. Swan Transportation, et al. (Tyler Pipe)

Engaged by counsel for plaintiff for deposition and trial pertaining to corporate separateness in the 116th Judicial District Court of Dallas County, Texas

Verdell Howland et al v. Swan Transportation, et al. (Tyler Pipe)

Engaged by counsel for plaintiff for trial pertaining to corporate separateness. Cause No. 40,551, County Court at Law No. 2 of Smith County, Texas

Mellon Bank v. Robert E. Woolley

Engaged by counsel for defendant pertaining to wrongful foreclosure of real property by a financial institution. Deposition testimony

Richard B. Shiro v. Texas Community Bank, N.A.

Engaged by counsel for plaintiff for trial pertaining to diversion of funds from one bank account to another in the 68th Judicial District Court of Dallas County, Texas

Guaranty Federal Savings Bank v. Ronald Evans and Gary Plante

Engaged by counsel for plaintiff pertaining to failure of borrower to comply with terms of loan agreement. Deposition testimony

James R. Ryffel v. Fidelity Bank, et al.

Engaged by counsel for defendant pertaining to rebuttal of damages caused by failure to honor bank loan commitment. Deposition testimony

Jorow Western Joint Venture et al. v. Jorow Contractors, Ltd., et al.

Engaged by counsel for plaintiff for trial pertaining to diversion of funds from one bank account to another, in the 280th Judicial District Court of Harris County, Texas

Jeffrey Sanders, et al. v. Hillcrest Bank

Engaged by counsel for plaintiff for deposition and trial pertaining to duties of bank officers regarding trade references provided to inquirers, in the District Court of Kansas, Olathe, Kansas.

National Converting, et al. v. Bankers Trust Corp., et al.

Engaged by counsel for defendant pertaining to a guaranty of unsecured trade debt by a bank. Deposition testimony

**EXPERT WITNESS
TESTIMONY,
PARTIAL LISTING
(CONTINUED):**

DIVI v. National Presort, Inc.

Engaged by counsel for plaintiff for trial pertaining to customary commissions paid for brokering a transaction, in the 298th District Court of Dallas County, Texas

Cardinal Investments v. Dallas Airmotive, Inc.

Engaged by counsel for plaintiff for deposition and trial pertaining to customary fees paid for brokering a commitment to fund a transaction, in the United States District Court for the Northern District of Texas, Dallas Division

Leverage Leasing v. Mr. Ks Cleaners

Engaged by counsel for defendant for trial pertaining to calculation of loan rates compared to lease rates, in the County Court at Law No. 5 of Dallas County, Texas

Sierra Investment Associates v. John Armstrong, et al.

Engaged by counsel for plaintiff for two depositions pertaining to analysis of multiple improper insider bank loan transactions. Deposition testimony.

Bindley Western Industries v. Allan J. Birholtz, et al.

Engaged by counsel for plaintiff for deposition and trial pertaining to fraud and conversion in Dallas County Court at Law No. 2.

Citizens National Bank v. Milbern D. Ray and Company, LLP and Ronald D. Ray

Engaged by counsel for defendant pertaining to rebuttal of claims that negligent audit caused damages to a bank. Deposition testimony

Sierra Investment Associates v. John Armstrong, et al.

Engaged by counsel for plaintiff for testimony at hearing pertaining to damages caused by improper bank loan transactions. Deposition testimony

Fidelity Funding, Inc. v. Portfolio Furnishings, Inc., et al.

Engaged by counsel for plaintiff pertaining to damages resulting from unpaid loan. Deposition testimony

Fernando Roman, et al. v. Fairfield Development, L.P., et al.

Engaged by counsel for defendant pertaining to calculation of economic damages. Deposition testimony. Cause No. GN-102204, in the District Court of Travis County, Texas.

Cardiovascular Ventures of Texas, Inc. v. Presbyterian Healthcare System

Engaged by counsel for plaintiff pertaining to economic damages. Deposition and trial testimony. Cause No. 03-0853-C, in the 68th Judicial District Court of Dallas County, Texas

Michael J. Quilling, Esq. (Solely in his capacity as the trustee for Northstar Securities, Inc.) v. Compass Bank

Engaged by counsel for plaintiff pertaining to normal and customary banking practices. Deposition testimony. Cause No. 03-08639, in the 298th Judicial District Court of Dallas County, Texas.

Byron M. Emery v. U.S. Bank, N.A., et al.

Engaged by counsel for defendant in pertaining to banking regulations and normal and customary banking practices. Deposition testimony. Cause No. 05-2-41430-9 SEA in the Superior Court of Washington for King County.

**EXPERT WITNESS
TESTIMONY,
PARTIAL LISTING
(CONTINUED):**

In Re: Bledsoe Brace Company, Debtor

Engaged by counsel for debtor pertaining to plan feasibility issues. Hearing testimony. Case No. 05-47377-RFN-11, in the United States Bankruptcy Court for the Northern District of Texas, Fort Worth Division

Lettie M. Ponder, et al. v. Gulfstream Aerospace Corporation and General Dynamics Corporation

Engaged by counsel for plaintiff pertaining to evaluation of plant closing process. Deposition testimony. Cause No. CIV-02-739-C, in the U.S. District Court for Western Oklahoma.

Edward C. Murphy, MD, PA v. IBC Bank aka International Bank of Commerce aka International Bancshares Corporation

Engaged by counsel for defendant pertaining to normal and customary banking practices regarding endorsements. Deposition testimony. Cause No. 2005-09243, in the 281st Judicial District Court of Harris County, Texas.

In Re: General Electrodynamics Corporation, Debtor

Engaged by counsel for debtor regarding plan feasibility and loan restructuring issues. Hearing testimony. Case No. 06-40208-DML-11, in the United States Bankruptcy Court for the Northern District of Texas, Fort Worth Division.

Alaska Electrical Pension Fund v. Flowserve Corporation, et al

Engaged by counsel for plaintiff pertaining to normal and customary banking practices regarding loan covenant defaults. Deposition testimony. Cause No. 3:03-CV-1769M, U.S. District Court for the Northern District of Texas, Dallas Division.

Margaret M. Good, as Liquidation Agent of the Liquidation Trust of Heartland Steel, Inc. v. Kvaerner U.S., Inc., and Voest-Alpine Industries, Inc.

Engaged by counsel for plaintiff pertaining to actions taken as representative of secured creditors of Heartland Steel, Inc. Deposition testimony. Cause No. 84DO1-0301-PL-397, Vigo Superior Court, State of Indiana.

Bud Hanna v. Chris Allen and Ty Underwood

Engaged by counsel for plaintiff regarding an alleged breach of contract pertaining to ownership of a closely held company. Deposition testimony. Cause No. DC-07-05584 in the 101st Judicial District Court of Dallas County, Texas.

North Texas Tollway Authority v. Rowlett Church of Christ, et al

Engaged by counsel for plaintiff regarding the availability of financing for commercial real estate development of land taken for a turnpike extension. Deposition testimony. Cause No. 08-2165-A, Dallas County Court at Law No. 1.

Methodist Hospitals of Dallas v. MetaBank and Meta Financial Group, Inc.

Engaged by counsel for plaintiff regarding the normal and customary banking practices for funds transfers, brokered CDs, and supervision of employees. Deposition testimony. Cause No. 08-6994, in the 95th Judicial District Court of Dallas County, Texas

In Re: Prosper Commercial Partners, L.P., Debtor

Engaged by counsel for the creditor (bank) regarding cram down interest rate issues in the United States Bankruptcy Court for the Northern District of Texas, Dallas Division. Confirmation hearing testimony. Case No. 09-31358-BJH-11.

**EXPERT WITNESS
TESTIMONY,
PARTIAL LISTING
(CONTINUED):**

North Texas Tollway Authority v. Benbrook Winchester

Engaged by counsel for plaintiff regarding the availability of financing for commercial real estate development of land taken for a turnpike extension. Deposition testimony. Cause No. 08-09638-D, in the County Court at Law No. 4, Dallas County, Texas.

North Texas Tollway Authority v. Dixon

Engaged by counsel for plaintiff regarding the availability of financing for commercial real estate development of land taken for a turnpike extension. Deposition testimony. Cause No. 08-3706-B, in the County Court at Law No. 2, Dallas County, Texas.

Wachovia Bank, N.A. v. Cameron Harris, et al

Engaged by counsel for plaintiff regarding commercial lending practices. Arbitration testimony. File No.: 31-104-Y-00042-09, Charlotte, North Carolina

J.F. Palmer & Sons Produce, Inc. v. Texas Regional Bancshares, Inc.

Engaged by counsel for plaintiff regarding commercial banking and lending practices. Deposition testimony. Cause No. C-1111-08-A, in the District Court of Hidalgo County, Texas, 92nd Judicial District.

In Re: WN Truckstop, L.P., Debtor

Engaged by counsel for the creditor regarding cram down interest rate issues, in the United States Bankruptcy Court for the Northern District of Texas, Dallas Division. Deposition testimony and confirmation hearing testimony. Case No. 10-33156-11.

Opus West Corporation, et al, v. Opus Corporation, et al

Engaged by counsel for the plaintiff regarding commercial banking and lending practices involving compliance with loan covenants, in the United States Bankruptcy Court for the Northern District of Texas, Dallas Division. Deposition testimony. Case No. 09-34356-HDH-11.

John W. Stone Oil Distributor, LLC & Travelers Casualty and Surety Company of America v. Ernst & Young, LLP

Engaged by Counsel for the defendant regarding commercially reasonable banking practices. Deposition testimony and testimony at arbitration.

In Re: DLH Master Land Holding, LLC, Allen Capital Partners, LLC, Richard S. Allen, Inc., Richard S. Allen, Debtors

Engaged by counsel for the Pool 2 Secured Creditors regarding cram down interest rate issues, in the United States Bankruptcy Court for the Northern District of Texas, Dallas Division. Deposition testimony and confirmation hearing testimony. Case No. 10-30561-HDH-11.

First Magnus Financial Corporation v. National Bank of Arizona

Engaged by the trustee for the First Magnus Litigation Trust regarding banking practices related to a setoff and calculation of economic damages in the United States Bankruptcy Court for the District of Arizona. Deposition testimony. Case No. 4:07-bk-01578-JMM.

In Re: Equipment Equity Holdings, Inc., Debtor

Engaged by counsel for subordinated creditors in a matter seeking to recharacterize certain debt as equity. Deposition and trial testimony. Case No. 09-38306-sgj-7.

USA Block24 1 LLC, et al v. CB Richard Ellis Investors/U.S. Advisor, LLC, et al

Engaged by counsel for the plaintiff regarding normal and customary commercial lending practices, in the District Court of the 116th Judicial District, Dallas, Texas. Deposition testimony. Case No. DC 10-0583.

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**EXPERT WITNESS
TESTIMONY,
PARTIAL LISTING
(CONTINUED):**

British American Offshore Limited v. TCW Global Project Fund, et al

Engaged by counsel for the plaintiff regarding normal and customary commercial lending practices, in the District Court of the 189th Judicial District, Harris County, Texas. Deposition testimony. Case No. 2005-64490.