

CAPABILITY STATEMENT

# CIVIL LITIGATION SUPPORT

**At Nardello & Co. we take a creative approach to developing tangible and admissible evidence to litigation support, finding thoughtful solutions that are time-sensitive and tailored to our clients' legal strategy.**

Drawing on our experience as attorneys, former law enforcement personnel, corporate investigators, forensic accountants, and journalists, we design and implement investigative plans informed by each client's needs. Keeping in mind the relevant evidentiary and ethical rules, we conduct our civil litigation support assignments with the goal of developing tangible and admissible evidence.

**We find the answers.**

## SELECT CIVIL LITIGATION SUPPORT EXPERIENCE

We have worked on a wide range of complex civil matters, including civil RICO, securities fraud, regulatory, money laundering, and libel cases across multiple jurisdictions around the world. Some examples of matters where we have produced successful results are set forth below.



### Case Study | **Deceptive Cover Uncovered**

On behalf of a public company that was the target of class-action lawsuits after a sudden drop in share price, Nardello & Co. was retained to investigate the plaintiffs and their competency. Plaintiffs claimed the client had made false statements regarding the financial health of the company and that plaintiffs relied upon these false statements to their detriment. The lead plaintiff was a municipal

## Our Services

We assist law firms in developing information and gathering evidence to support their legal strategies and bolster their litigation positions. Our investigative plans develop tangible and admissible evidence in a variety of ways including:

- Finding, examining and analyzing information, intelligence, and raw data to realize its evidentiary potential
- Identifying, locating, and interviewing potential witnesses
- Conducting background investigations of the adversary's witnesses to impeach their credibility
- Investigating the credentials of expert witnesses
- Identifying information which will be useful to counsel in negotiating a settlement
- Tracing and locating assets
- Interviewing confidential sources for background information where public records are unavailable, unhelpful, or non-existent
- Identifying undisclosed links between subjects and witnesses
- Retrieving and analyzing data files using computer forensic methods
- Conducting forensic accounting reviews of financial records

pension fund whose chairman opposed settlement of the matter. Contrary to the chairman's claims that he was an unsophisticated investor, Nardello & Co.'s investigation determined he had held himself out as an expert in the pension fund investment world and had spoken regularly at conferences as an authority on pension fund management. Moreover, the chairman's expenses for attending these conferences, which had been held at exotic locales, had apparently been paid by various investment fund managers. In addition, Nardello obtained and reviewed audits of the municipal pension fund that identified long-standing, unresolved bookkeeping irregularities, ranging from failure to reconcile bank statements to making multi-million-dollar transfers in contravention of regular procedures. The audits were critical of the pension fund's increased use of "alternative investments," such as those in hedge funds and private equity funds. These alternative investment positions were reportedly four or five times larger than those held by similar pension funds. The client used our findings to support a favorable settlement.



### Case Study | **Pension Fund Mismanagement Exposed**

In a case that offered challenges due to its size and geographic scope, Nardello & Co. was retained by a global consulting company that was the target of high-stakes litigation brought by a state government seeking more than \$2 billion in damages. The state's breach of contract suit claimed the company's HR subsidiary used inaccurate formulas to calculate contribution guidelines for the state's pension fund, negatively impacting the fund's performance. The client believed the losses were due in large part to mismanagement and the corruption of state officials. Through in-depth open source research, including reviews of state government reports, minutes of board meetings, pension reports dating to the mid-1990s, background investigations on more than 45 trustees and board members as well as confidential source inquiries, Nardello & Co. uncovered behavior, patterns and practices consistent with conflicts of interest and ethical breaches by relevant state officials. Counsel used our work to suggest mismanagement of the fund's assets caused by political patronage and influence peddling. The client reached a favorable settlement with the state.



### Case Study | **Evidence of Unscrupulous Mortgage Lending Aids Counsel**

For a US financial institution, Nardello & Co. was asked to investigate the underwriting activities of a major mortgage lender in connection with ongoing litigation. Although it was well known that this lender had originated billions of dollars of non-performing loans, no one had fully documented the lender's pattern and practice of providing mortgages to unqualified borrowers. Over 1,000 former employees, located across the US, were contacted and interviews attempted. Information obtained from the employees, in some instances provided in the form of affidavits, confirmed the lender's poor practices. Moreover, one witness was an analyst who reported directly to executive level management. This witness told us of his warnings to the lender's executives and identified specific reports that he had provided to those executives concerning problem loans. Those reports had not yet been produced in discovery. Our work and the information developed by counsel were used to reach a favorable settlement in the matter.

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## WHAT SETS US APART

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Nardello & Co.'s adherence to our core values has led clients to retain us time and again on matters of the utmost importance and sensitivity. Our relationships are built on:

- **Integrity.** Acting ethically and legally is of paramount importance to us. We respect the laws of the countries in which we have offices and in the jurisdictions in which we work. Our clients' confidences are sacrosanct and we rigorously screen for conflicts.
- **Analysis. Creativity. Thoroughness.** We don't believe in menu-driven investigations or a democracy of facts. We are exhaustive but focused and adept at teasing out inferences, providing corroboration and separating "information" from evidence.

- **Responsiveness. Hands-on management.** We focus on our clients' objectives and tailor our investigative strategies accordingly. There are no layers between the professionals who do the work and the clients we serve.
- **Client focus.** We communicate with our clients clearly, succinctly and in real time. We respect budgets and deadlines.
- **Independence. Collaboration.** We are independently owned and answer only to our clients—not investors, not shareholders. Our offices collaborate, not compete, providing our clients with seamless service.

## No parachutes needed

We're already on the ground with in-country resources worldwide. We speak the language, we're on top of the politics, we understand the regulatory environment and we know the key players.

## About our firm

Nardello & Co. is a global investigations firm with experienced professionals handling a broad range of issues including the FCPA/UK Bribery Act and other corruption-related investigations, civil and white collar criminal litigation and arbitration support, asset tracing, strategic intelligence and political risk assessment, computer forensics, and reputational due diligence. Our clients include the world's leading law firms and financial institutions, Fortune 500 and FTSE 100 companies, high-net-worth individuals and family offices, governments, NGOs, sports organizations and academic institutions. With offices in New York, London, Washington DC, Atlanta, Hong Kong, Tokyo, Milan and Dubai, Nardello & Co.'s professional staff includes former US federal prosecutors, former general counsels of multinational corporations, US and international lawyers, former law enforcement personnel and intelligence operatives, licensed investigators, research analysts, former journalists, financial crime specialists, forensic accountants and computer forensic experts.

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## Why risk it?

Whether you have an urgent situation today or something stirring on the horizon, whenever, wherever you need us, we'll work with you to develop custom solutions to meet your needs.

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## Contact

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