

CAPABILITY STATEMENT

# CIVIL LITIGATION SUPPORT

**At Nardello & Co., we take a creative approach to developing tangible and admissible evidence to support litigation and find thoughtful solutions tailored to our clients' legal strategies.**

Drawing on our experience as former US federal prosecutors, 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, we design and implement investigative plans informed by our clients' 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 assist law firms in developing information and gathering evidence to support their legal strategies and bolster their litigation positions.

Our investigative plans develop 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 to impeach the credibility of adversarial witnesses
- Investigating the credentials of expert witnesses

## Our Services

With Nardello & Co. as your best kept secret, we've got you covered with worldwide capabilities working in your best interest:

- Due Diligence
  - Third-Party Agent & Intermediaries
  - Board & C-Suite Vetting
- Anti-Corruption & Fraud Investigations
  - Foreign Corrupt Practices Act
  - UK Bribery Act Investigation
  - Fraud Investigation Services
  - Forensic Accounting Services
- Litigation & Arbitration Support
  - White Collar Criminal Defense
  - Civil Litigation Support
  - Arbitration Support
- Asset Tracing
- Activist Defense
- Political Risk & Strategic Intelligence
- Digital Investigations & Cyber Defense
- Monitorships & Independent Investigations
- Compliance

- Identifying information likely to 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

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## SELECT CIVIL LITIGATION SUPPORT EXPERIENCE

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

On behalf of a public company that experienced a sudden drop in share price, Nardello & Co. was retained to investigate the plaintiffs of the resulting class-action lawsuits. The lead plaintiff—a municipal pension fund whose chairman opposed settlement of the matter—claimed that the client had made false statements regarding the financial health of the company and that plaintiffs, whose chairman claimed to be an unsophisticated investor, relied upon these false statements to their detriment. Nardello & Co.'s investigation determined that, contrary to his claims, the chairman 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 were held in exotic locales, had apparently been paid by various investment fund managers. In addition, Nardello & Co. obtained and reviewed audits of the municipal pension fund that identified long-standing, unresolved bookkeeping irregularities, ranging from failure to reconcile bank statements to contravention of procedures in making multimillion-dollar transfers. Further, the audits criticized the pension fund's holdings in "alternative investments," such as hedge funds and private equity funds, which were reportedly four or five times larger than those held by similar pension funds. The client used these 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 that 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. In-depth open-source research—including reviews of state government reports, minutes of board meetings, and pension reports dating to the mid-1990s—coupled with background investigations on more than 45 trustees and board members, supplemented by confidential source inquiries, allowed Nardello & Co. to identify conflicts of interest and uncover behavior and patterns consistent with ethical breaches by relevant state officials. Counsel used the firm's 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**

In connection with ongoing litigation, a US financial institution asked Nardello & Co. to investigate the underwriting practices of a major mortgage lender. 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 of providing mortgages to unqualified borrowers. Over 1,000 former employees located across the US were contacted. Information obtained from the employees, provided in the form of affidavits, confirmed the lender's poor practices. Moreover, one witness, an analyst who reported directly to executive management, told Nardello & Co. how he warned the lender's executives and identified reports he had provided those executives concerning problem loans. Those reports had not been produced in discovery. Using information developed by Nardello & Co., counsel reached a favorable settlement in the matter.

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## WHAT SETS US APART

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Nardello & Co.'s adherence to 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 and the jurisdictions in which we work. We regard our clients' confidences as sacrosanct and we rigorously screen for conflicts.
- **Analysis. Creativity. Thoroughness.** We don't believe in menu-driven investigations or a democracy of facts. Our investigations are exhaustive but focused. We are 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 to investors, not to shareholders. Instead of competing, our offices collaborate to provide 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 whose experienced professionals handle a broad range of issues including due diligence, anti-corruption and fraud investigations, civil and white collar criminal litigation and arbitration support, asset tracing, activist defense, political risk and strategic intelligence, digital investigations and cyber defense, monitorships and independent investigations, and compliance.

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, Hong Kong, Tokyo, and Dubai, Nardello & Co. maintains a professional staff that includes former US federal prosecutors, 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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