

MARK P. BERKMAN

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Dr. Mark P. Berkman is an expert in applied microeconomics. His experience spans the areas of the environment, energy, and natural resources; environmental health and safety; labor and employment; intellectual property; antitrust; commercial litigation and damages; and public finance. He has assisted both public and private clients and provided testimony before state and federal courts, arbitration panels, regulatory bodies, and legislatures.

His environmental work has involved the review of proposed air, water, solid waste, and worker and product safety regulations. Dr. Berkman has quantified the costs and benefits of these regulations, as well as toxic tort and product liability claims. In addition, he has valued natural and water resources as well as property damages associated with pollution from Superfund sites, landfills, and power plants.

His work on energy matters includes the valuation of coal resources, power plants, and transmission rights-of-way. He has also prepared energy demand and price forecasts. He has extensive experience working with Native American tribes on energy valuation matters.

Dr. Berkman has also been involved in several Lanham Act cases where he has determined the value of consumer product characteristics. The products include food, wine, electronic devices, cosmetics, and software. Clients in a variety of industries ranging from computer chip to shoe manufacturers have sought Dr. Berkman's assistance to value patents, trade secrets, and trademarks. He has also been called on to address questions of market power in antitrust proceedings in a variety of industries including solid waste, computer manufacturing, and medical devices. He has testified regarding market definition and market power and participated in Hart-Scott-Rodino proceedings.

Dr. Berkman also has substantial experience in labor and discrimination litigation. He has conducted statistical analyses of alleged discrimination in hiring, promotion, pay, and contracting, and completed damage analyses regarding these allegations. He has also conducted statistical analyses regarding mortgage lending discrimination.

Prior to joining Brattle he was a co-founder and director at Berkeley Economic Consulting and a vice president at both Charles River Associates and NERA Economic Consulting.

AREAS OF EXPERTISE

- Antitrust/Competition
- Commercial Damages
- Environmental Litigation and Regulation
- Intellectual Property
- Product Liability
- Utility Regulatory Policy and Ratemaking

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- Employment and Discrimination

EDUCATION

- University of Pennsylvania, Wharton School – Ph.D. in Public Policy Analysis – Managerial Science and Applied Economics
- Harvard University – M.A. in Planning, Policy Analysis and Administration
- George Washington University, B.A. in Economics and Urban Affairs

EXPERIENCE

- 2008 – 2010: Director, *Berkeley Economic Consulting*
Responsible for managing and conducting projects in the areas of environment, energy, intellectual property, antitrust, labor, and public finance
- 2002 – 2008: Vice President, *Charles River Associates*
- 1993 – 2002: Vice President, *NERA Economic Consulting*
- 1988 – 1993: Senior Consultant, *NERA Economic Consulting*
- 1984 – 1988: Senior Analyst, *NERA Economic Consulting*
- 1983 – 1984: Economic Analyst, *NERA Economic Consulting*
- 1980 – 1983: Research Fellow, *University of Pennsylvania*
- 1977 – 1980: Associate Budget Analyst, *Congressional Budget Office*
- 1976 – 1977: Teaching Assistant, *Harvard University*
- 1975 – 1976: Research Assistant, *The Urban Institute*
- 1973 – 1975: Staff Assistant, *United States Congress, Office of Congressman Charles Vanik*

PROFESSIONAL AFFILIATIONS

- American Economic Association
- Association for Public Policy Analysis and Management
- Association of Environmental and Resource Economists
- Western Economic Association

PUBLICATIONS

- "Response to Amory Lovins' reply comments," with Dean Murphy, *The Electricity Journal* (2017). <https://doi.org/10.1016/j.tej.2017.09.013>.
- "Efficiency and nuclear energy: Complements, not competitors, for a low-carbon future," with Dean Murphy, *The Electricity Journal* (2017). <https://doi.org/10.1016/j.tej.2017.09.007>.

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- “Produced Water — Emerging Challenges, Risks, and Opportunities,” with Earl Hagström, et al., *Environmental Claims Journal*, Vol. 28, No. 2 2016 pp. 122-139.
- “The Legal and Economic Implications of Hydraulic Fracturing Bans,” with Earl Hagström, ed. Donna L. Drogos, in *Hydraulic Fracturing: Environmental Issues*, 181-196. Washington, DC: American Chemical Society, 2015. [DOI:10.1021/bk-2015-1216.ch008](https://doi.org/10.1021/bk-2015-1216.ch008).
- “Electricity – Water Nexus: Is a Crisis Imminent?” *Water Policy* 17, no. 6 (2015): 1163-1175.
- “Reply to Comment on Effect of Coal-fired Power Generation on Visibility at a Nearby National Park.” *Atmospheric Environment*, 55 (2012) 297-298.
- “The Adverse Impact of Particulate Matter on Property Values,” with Kyle Hubbard and Timothy Savage, *International Real Estate Review*, available online at http://www.umac.mo/fba/irer/forth/irer_forth_IR1143%20.html.
- “Effect of Coal-Fired Power Generation on Visibility in a Nearby National Park,” with Jonathan Terhorst. *Atmospheric Environment*, 44 (2010) 2524-2531.
- “Estimating Toxic Tort and Environmental Damages,” with Gordon Rausser in Earl Hagström, editor, *Perchlorate, A Scientific, Legal, and Economic Assessment*, Tucson, AZ, Lawyers and Judges Publishing Co., March 2006.
- “The Airline Crisis and Labor: Negotiations Will Play a Key Role,” with Mark Kiefer and Robert Litan. TNR/ON, *The New Republic*, June 13, 2005, pp. 5–8.
- “What’s Wrong with America’s Airlines, and How Can It Be Fixed?” with Mark Kiefer and Robert Litan, TNR/ON, *The New Republic*, May 16, 2005, pp. 3–6.
- “Valuing Intellectual Property Assets for Licensing Transactions,” *The Licensing Journal*, Vol. 22, No. 4, April 2002.
- “Where is the Market Failure? A Review of OSHA’s Economic Analysis for Its Proposed Ergonomics Standard,” with Jesse David, *Journal of Labor Research*, Vol. XXII, No. 1, winter 2001.
- “Water Subsidies in Southern California: Do They Exist and Have They Contributed to Urban Sprawl? A Comment on an Article by Steven Erie and Pascale Joassart-Marcelli,” with Jesse David, *California Western Law Review*, Vol. 37, No. 1, fall 2000.
- “Complying with New Rules for Controlling Nitrogen Oxides Emissions,” With Jonathan Falk and John Wile, *The Electricity Journal*, January-February 2000, pp. 40–50.
- “The Regional Costs and Benefits of Acid Rain Control,” Dissertation, University of Pennsylvania, May 1991.

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- “Valuing Flexibility in Utility Planning Using Dynamic Programming,” with J. Falk. *EPRI Proceedings from Conference on Decision Support Methods for the Electric Power Industry*, Cambridge, Mass., May 1990.
- “Environmental Regulation Will Affect Electric Utility Fuel Consumption Patterns,” *Energy*, August 1989.
- “Equal Time: Dunbar & Berkman Reply,” a reply to M. Crew and P. Kleindorfer, “Landfill Tipping Fees Should Be Much Higher,” *Waste Age*, February 1988, p. 134.
- “The Underpricing of Landfills,” with Fred Dunbar. *Viewpoint*, summer 1987, pp. 25–33.
- “Sanitary Landfills Are Too Cheap!” with Fred Dunbar. *Waste Age*, May 1987.
- “Regional Economic Trade-offs in Sulfur Emissions Control Policy,” with P. Blair. *Geographic Dimensions of Energy*, F. Calzonetti and B. Solomon, Dordrecht Holland: D. Reidel Publishing Co., 1985.
- “Regional Impacts of Federal Coal Policy,” with P. Blair, *International Journal of Energy Systems*, Vol. 4, No. 2, 1984.
- “Multiregional Analysis of Federal Coal Policy,” with P. Blair, *Journal of Resource Management and Technology*, Vol. 12, No. 2, April 1983.
- “Energy Development, Local Growth and the Federal Role,” Congressional Budget Office, Working Paper, Washington, D.C.: Government Printing Office, 1980.
- “The World Oil Market in the 80s: Implications for the United States,” with E. Erlich, Congressional Budget Office, Washington, D.C.: Government Printing Office, 1980.
- “An Evaluation of the Strategic Petroleum Reserve,” with B. Holt. Washington, D.C.: Government Printing Office, Committee Print 96 IFC, June 1980.
- “The Budgetary, Economic, and Energy Implications of Alternative Synthetic Fuel Proposals,” *Synthetic Fuels Report by the Subcommittee on Synthetic Fuel of the Committee on the Budget*, United States Senate, Washington, D.C.: Government Printing Office, September 1979.
- *Energy Conservation in Maine: Weatherization Improvements to the Existing Housing Stock*, Cambridge, Mass., Harvard University, June 1977.
- *An Evaluation of Solid Waste Disposal Options for Rockport, Massachusetts*, Cambridge, Mass., Harvard University, February 1977.
- “New Evidence on Racial Differences in Commuting Behavior,” with J. Goodman. *Journal of Public Data Use*, Vol. 5, No. 4, 1977.

TESTIMONY AND REPORTS

Environment, Energy, and Natural Resources

- Rebuttal Expert Report of Mark P. Berkman on behalf of Exxon Mobil Corp. in the matter of *Louisiana Environmental Action Network and Stephanie Anthony, Plaintiffs, v. Exxon Mobil Corp. d/b/a ExxonMobil Chemical Co., Defendant*, United States District Court, Middle District of Louisiana, Case No. 3:16-cv-00144-SDD-RLB, regarding air pollution control violations, May 19 2017. This included an application of the BEN model.
- Mark Berkman and Jurgen Weiss, “Renewable Energy Growth Program Analysis: Economic, Jobs and Environmental Impacts for Program Years 2015 and 2016 and the Overall Program Years 2015 to 2019,” prepared for the Rhode Island Office of Energy Resources and the Rhode Island Distributed Generation Board, May 12, 2017.
- Ohio Nuclear Power Plants’ Contribution to the State Economy, with Dean Murphy, prepared for Nuclear Matters, and the Affiliated Construction Trades Ohio Foundation, the Mechanical Contractors Association of Northwest Ohio, the Ottawa County Improvement Corporation, the Regional Growth Partnership (Northwest Ohio), and the Team Northeast Ohio, April 2017.
- Direct Testimony of Mark P. Berkman, PhD on behalf of NorthStar Decommissioning Holdings, LLC and Entergy, *et al.*, Docket No. 8880, December 16, 2016.
- Pennsylvania Power Plants’ Contribution to the State Economy, with Dean Murphy, prepared for the Pennsylvania Building and Construction Trade Council, the Pennsylvania Chamber of Business and Industry, Allegheny Conference on Community Development, and the Greater Philadelphia Chamber of Commerce, December 2016.
- “The Economic Impacts of Decommissioning Vermont Yankee: A Comparison of Two Approaches.” Prepared for NorthStar and Entergy, December 16, 2016.
- Electricity Cost and Environmental Effects of Retiring the Quad Cities and Clinton Nuclear Plants with Dean Murphy, prepared for Chicagoland Chamber of Commerce, Illinois Hispanic Chamber of Commerce and Illinois Retail Merchants Association, October 2016.
- Response to Comments by Gregory House to Kern County California Regarding Agricultural Elements of the Willow Springs Solar Project, with Stephen Hamilton on behalf of First Solar, January 20, 2016.
- “New York’s Upstate Nuclear Power Plants’ Contribution to the State Economy,” with Dean Murphy. Prepared for the New York State IBEW Utility Labor Council, the Rochester Building and Construction Trades Council and the Central and Northern New York Building and Construction Trades Council, December 2015.
- Testimony on behalf of the New Hampshire Public Utility Commission regarding the economic

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impacts associated with a proposed settlement enabling the divestiture of all remaining power plants by Public Service of New Hampshire, October, 2015.

- “Analysis for the Boston 2024 Proposed Summer Olympic Plans,” with Coleman Bazelon, Steve Herscovici, and Pallavi Seth. Prepared for the Commonwealth of Massachusetts Office of the Governor, President of the Senate, and Speaker of the House. August 17, 2015.
- “The Nuclear Industry’s Contribution to the U.S. Economy,” with Dean Murphy. Prepared for Nuclear Matters, July 2015. (Additional studies were prepared for selected states including Arizona, New York, Ohio, and Pennsylvania).
- Deposition Testimony of Dr. Mark Berkman in the matter of The Chickasaw Nation and The Choctaw Nation v. United States Department of the Interior, *et al.*, United States District Court for the Western District of Oklahoma, No. Civ. 05-1524-W, on behalf of plaintiff’s breach of trust claims, May 8, 2015.
- Deposition Testimony of Dr. Mark Berkman in the matter of Briggs, et.al vs. Freeport McMoran, *et al.*, United States District Court for the Western District of Oklahoma, Case No. 13-cv-1157-M, on behalf of plaintiffs regarding class certification, April 8, 2015.
- “Surviving the Storm,” with Bay Area Council Economic Institute, March 2015.
- Declaration of Dr. Mark Berkman in the matter of Briggs, *et al.* vs. Freeport McMoran, *et al.*, United States District Court for the Western District of Oklahoma, Case No. 13-cv-1157-M, on behalf of plaintiffs regarding class certification, February 23, 2015.
- Expert Report of Mark P. Berkman, PhD on behalf of The Chickasaw Nation and The Choctaw Nation v. United States Department of the Interior, *et al.*, United States District Court for the Western District of Oklahoma, No. Civ. 05-1524-W, on behalf of plaintiff’s breach of trust claims, January 15, 2015
- “Comments on the Draft Amendments to the Statewide Water Quality Control Plans to Control Trash: The Role of Polystyrene Bans,” with David Sunding. Prepared for Dart Container Corporation. August 5, 2014.
- “A Learning Investment-based Analysis of the Economic Potential for Offshore Wind: The case of the United States,” with Jurgen Weiss and Mark Sarro. Prepared for the Center for American Progress, the US Offshore Wind Collaborative, the Clean Energy States Alliance, and the Sierra Club. February 28, 2013.
- Expert Witness Report of Mark P. Berkman in C&A Carbone, Inc. et al v. The County of Rockland et al. New York Southern District Court 7:08-cv-06459-KMK, on behalf of plaintiff regarding the interstate nature of waste and recyclable materials, December 17, 2012.
- “The Employment Impacts of Proposed Tariffs on Chinese Manufactured Photovoltaic Cells and

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Modules.” With Lisa Cameron and Judy Chang. Prepared for the Coalition for Affordable Solar Energy, January 30, 2012.

- “Employment Impacts of the Proposed Bay Delta Conservation Plan Habitat Restoration Measures.” With David Sunding. Prepared for the Delta Habitat Conservation and Conveyance Program, November 3, 2011.
- “Economic and Fiscal Impacts of the Alta Wind Energy Center.” With Michelle Tran and Kyle Hubbard. Prepared for Alta Windpower Development, LLC, October 20, 2011.
- “Employment Impacts for Proposed Bay Delta Water Conveyance Tunnel Options.” With David Sunding and Michelle Tran. Prepared for the Metropolitan Water District of Southern California on behalf of the Delta Habitat Conservation and Conveyance Program, September 19, 2011.
- “Economic Analysis of SB568’s Proposed Polystyrene Ban.” With David Sunding. Prepared for Dart Container Corporation, August 15, 2011.
- Deposition Testimony of Mark P. Berkman on behalf of the West Bay Sanitary District in the matter of *San Francisco Baykeeper v. West Bay Sanitary District*, United States District Court for the Northern District of California, Case No. cv-09-5676-EMC, regarding water pollution damages, July 28, 2011.
- Rebuttal Expert Report of Mark P. Berkman on behalf of West Bay Sanitary District in the matter of *San Francisco Baykeeper v. West Bay Sanitary District*, United States District Court for the Northern District of California, Case No. cv-09-5676-EMC, regarding water pollution damages, June 2011.
- “Economic and Fiscal Impacts of the Desert Sunlight Solar Farm.” With Michelle Tran and Wesley Ahlgren. Prepared for First Solar, May 2011.
- “Economic and Fiscal Impacts of the Topaz Solar Farm.” With Michelle Tran and Stephen Hamilton. Prepared for First Solar, March 2011.
- Rebuttal Testimony of Mark P. Berkman and David L. Sunding in the Matter of the Application of California American Water Company (U 210 W) for a Certificate of Convenience and Necessity to Construct and Operate its Coastal Water Supply Project to Resolve the Long-Term Water Supply Deficit in its Monterey District and to Recover all Present and Future Costs in Connection Therewith in Rates, Application 04009-019, on behalf of the Marina Coast Water District regarding the benefits of a regional water supply project, May 27, 2010.
- Declaration of Mark P. Berkman, PhD in Support of Real Party in Interest Potrero Hills Landfill, Inc.’s Memorandum of Points and Authorities in Opposition to Petition for Writ of Mandate, *Sierra Club vs. County of Solano: Board of Supervisors of Solano County: and Does 1-10*, Superior Court of the State of California, County of Solano, Case No. FCS034073, regarding the interstate

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nature of waste disposal, December 9, 2009.

- Direct Testimony of Mark P. Berkman and David L. Sunding in the Matter of the Application of California American Water Company (U 210 W) for a Certificate of Convenience and Necessity to Construct and Operate its Coastal Water Supply Project to Resolve the Long-Term Water Supply Deficit in its Monterey District and to Recover all Present and Future Costs in Connection Therewith in Rates, Application 04009-019, on behalf of the Marina Coast Water District regarding the benefits of a regional water supply project, June 24, 2009.
- Deposition Testimony in the matter of *Watkins & Shepard Trucking vs Soco West, Inc*, Superior Court of the State of California for the County of Los Angeles –Central District, Case No. BC379287, on behalf of defendants regarding the influence of environmental risk on real estate price, September 9, 2008
- Deposition testimony, In Re Mt. Konocti Mutual Water Company, Inc, Official Committee of Unimproved Lot Owners vs. Mt Konocti Mutual Water Company, Case No. 90-11573, regarding water connection fee methodology on behalf of defendants, January 14, 2008.
- Declaration, In Re Mt. Konocti Mutual Water Company, Inc, Official Committee of Unimproved Lot Owners vs. Mt Konocti Mutual Water Company, Case No. 90-11573, regarding water connection fee methodology, on behalf of defendants, January 4, 2008.
- Hilmar Supplemental Environmental Project, Managing Salt in the Central Valley, submitted to the California Regional Water Quality Control Board, Central Valley Region in compliance with Order No. R5-2006-0025, with David Sunding and Yoram Rubin, November 16, 2007.
- Measures to Reduce the Economic Impacts of a Drought-Induced Water Shortage in the San Francisco Bay Area for the San Francisco Public Utilities Commission with David Sunding, Robert Gamble, and Sean Randolph, May 3, 2007.
- Analysis of the Economic Impacts of a Shutdown of Limestone Mining in Florida’s Lake Belt District on behalf of the Miami Dade Limestone Products Association with Ann McDermott, March 21, 2007.
- Valuation of Hells Canyon Jet Boat Outfitters and the Impact of the River Flow Restrictions on behalf of Idaho Power Corp., April, 2006.
- Expert Testimony in the matter of *Quality Control Services, Inc. v. Dougherty County*, United States District Court for the Middle District of Georgia Albany Division, Case no. 1:05 CV-19 (WLS) on behalf of plaintiffs regarding the Pike Balancing test, 2006.
- Deposition Testimony in the Matter of *Corbitt v. American Furniture Manufacturing Inc. and W.S. Bradcock Corporation*, United States District Court, Middle District of Alabama Civil Action 2:05CV58-T, on behalf of defendants regarding product liability, November 18, 2005.

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- Expert Report and Direct Testimony of Mark Berkman and David Sunding in the matter of Hilmar Cheese Company Inc., Hilmar Whey Protein Inc., California Regional Water Quality Control Board Central Valley Region, ACL Complaint No. R5-2005-0501, August 2005.
- Economic Impacts of Critical Habitat Designation for Vernal Pool Species, prepared for the U.S. Fish and Wildlife Service, U.S. Department of Interior with David Sunding, June 25, 2005.
- “Environmental liability forecasts regarding manufactured gas plant sites for Pacific Gas & Electric,” September 2004. (Confidential)
- Expert Report of Mark Berkman in the matter of *BFI Waste Systems of North America, Inc. v. City and County of Denver and Waste Management of Colorado, Inc.* on behalf of the plaintiff. Filed in the United States District Court for the District of Colorado. August 30, 2004.
- Expert report in the matter of *United Haulers Association, Inc. et al. v. Oneida-Herkimer Solid Waste Management Authority, County of Oneida and County of Herkimer* before the U.S. District Court for the Northern District of New York. Performed an analysis on behalf of the plaintiffs of the solid waste flow control laws enacted by Oneida and Herkimer Counties, New York. November 15, 2002.
- “Forecast of Environmental Remediation Liability for Pacific Gas & Electric.” With Gordon Rausser, October 10, 2002.
- “The Economic Impacts of Closing the Canton Mill.” With Burton Griffith. Prepared for Blue Ridge Paper Products, Inc., June 1, 2001.
- “Estimates of Environmental Risk Associated with the BMI Site.” Prepared for Marsh & McLennan, March 2000.
- “The Effect of CO2 Reduction Policies on the Canadian Electricity Industry and Economy.” Prepared for ATCO Electric, EPCOR, New Brunswick Power, Nova Scotia Power, Ontario Power Generation, Saskatchewan Power and TransAlta Utilities, July 5, 1999.
- “The Economic Impacts of Policies to Reduce Alfalfa Water Consumption.” Report, prepared for Natural Resources Defense Council, October 12, 1998.
- “Market Opportunities for Environmental Remediation and Site Management” Report prepared for Pacific Corp, 1998.
- “Comments on CalFed’s Draft EIS of March 1998.” Prepared for Save San Francisco Bay Association, June 30, 1998.
- “Evaluation of Tax Claim Against the State of Montana.” Prepared for the Fort Peck Reservation, September 18, 1997. (Confidential)

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- Deposition Testimony on behalf of homeowners in Benicia, California, regarding property value diminution in *Lagrimas v. Southhampton et al.*, September 1997.
- Testimony before the Trade Waste Commission, City of New York on behalf of the New York City Economic Development Commission, regarding maximum rate regulation of commercial waste collection, January 21, 1997.
- “Costs and Benefits of the Proposed Enclosed Unloader at the Fresh Kills Landfill.” Prepared for the New York City Law Department, December 1996.
- Deposition Testimony on behalf of Browning-Ferris Industries, in the matter of *W.J. Curry & Son v. Velsicol Chemical Co. v. Kraft et al.* regarding the allocation of Superfund remediation costs, July 12, 1996.
- “Estimating Employment Effects of Electric Price Increases in U.S. Manufacturing Industries and Assessing Such Effects in New Jersey.” Prepared for Jersey Central Power & Light, June 28, 1996.
- “Estimate of Employment Effects of Electric Price Increases in U.S. Manufacturing Industries and Assessing Such Effects in Maryland.” Prepared for Allegheny Power, Maryland, June 17, 1996.
- Rebuttal Testimony on behalf of Central and South West Energy, Inc. in the matter of Application No. 93-2, CSW Energy, Inc. and KVA Resources, Inc., Northwest Regional Power Facility, Before the State of Washington Energy Facility Site Evaluation Council regarding the costs and benefits of controlling residual NO_x and CO emissions and CO₂ emissions at a proposed natural gas-fired power plant in Washington, October 1995.
- Affidavit on behalf of the New York City Law Department, in the matter of the Application of New York City Department of Environmental Protection for Renewals of the State Pollutant Discharge Elimination System Permits for New York City’s 14 Publicly Owned Treatment Works regarding the costs and benefits of proposed pollution control investments, August 24, 1995.
- “The Cost of Flow Control.” Prepared for Browning-Ferris Industries, May 3, 1995.
- “Economic Impacts of VOC Emission Reductions Beyond the 15% Plan in the Cincinnati CMSA.” Prepared for Cincinnati Gas & Electric, April 27, 1995.
- Prefiled Rebuttal Testimony before the Montana Public Service Commission, on behalf of the Montana Power Company, Docket No. 94.8.30, regarding affiliated coal prices, January 13, 1995.
- Prefiled Direct Testimony before the Montana Public Service Commission, on behalf of the Montana Power Company, Docket No. 94.8.30, regarding affiliated coal prices, August 22, 1994.
- “Water Quality Benefits of Floatable Reduction in the New York Bight.” Expert Witness Report and Testimony on behalf of the New York City Law Department before the State of New York Department of Environmental Conservation in the Matter of the Application of The New York

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City Department of Environmental Protection for Renewals for the State Pollutant Discharge Elimination System (SPDES) Permits for New York City's 14 Publicly Owned Sewage Treatment Works. DEC No. 0026131, April 27, 1994.

- “Comments Regarding Water Pricing and Water Markets Under the Reclamation Reform Act of 1982,” to the U.S. Bureau of Reclamation on behalf of the Natural Resources Defense Council, March 14, 1994.
- “Initial Comments of National Economic Research Associates, Inc. on Florida DSM Employment Impacts,” prepared with J. Landon and P. Griffes for Florida Power & Light Company, January 1994.
- Rebuttal testimony before the Montana Public Service Commission on behalf of the Montana Power Company, Docket No. 93.6.24, regarding affiliated coal prices, October 15, 1993.
- Declaration on behalf of the Hacienda Improvement Association before the Superior Court of the State of California, Case No. BS 021186, *Hacienda La Puente Unified School District of Los Angeles County, et al. v. County of Sanitation District No. 2 of Los Angeles County, et al.*, regarding solid waste disposal capacity in Los Angeles, October 14, 1993.
- “A Review of Environmental Damage Studies.” Prepared for Ontario Hydro, October 1993.
- Direct prefiled testimony before the Montana Public Service Commission on behalf of the Montana Power Company, Docket No. 93.6.24, regarding affiliated coal prices, June 21, 1993.
- “Environmental Externalities Briefing Book.” Prepared for Florida Power & Light Company, April 17, 1993.
- “External Costs of Electric Utility Resource Selection in Nevada.” Prepared with D. Harrison, Jr., A. Nichols, and S. Bittenbender for Nevada Power Company, March 1993.
- “The Economic Impacts of AOX Reduction on the U.S. Pulp and Paper Industry.” Sponsored by Georgia-Pacific Corporation, October 22, 1992.
- “Appraisal of the 107th Meridian Strip Coal Reserves.” Prepared for the Crow Indian Tribe, July 1992.
- “Carbon Tax Impacts on Coal Production and Rail Shipments.” Prepared with John Wile for Association of American Railroads, May 1992.
- “Socio-Economic Impacts of Strategies to Comply with the Clean Air Act Amendments of 1990.” Prepared for The Cincinnati Gas & Electric Company Licensing and Environmental Affairs Department, May 1992.
- “The Environmental and Social Costs Associated with Wood Roof Removal Legislation.”

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Prepared with Clayton Environmental Consultants for Steel Roofing Manufacturers' Association, February 1992.

- “The Economic Feasibility of VOC Control Technologies for the Wood Furniture and Cabinet Industries.” Prepared for the American Furniture Manufacturers Association, Business and Institutional Furniture Manufacturers Association, Kitchen Cabinet Manufacturers Association, National Paint and Coatings Association, January 1992.
- Rebuttal testimony before the Texas Public Utility Commission on behalf of Houston Lighting and Power, Docket No. 10473, regarding the treatment of environmental externalities, October 4, 1991.
- “Key Issues in Least-Cost Planning.” With Kent Anderson, National Economic Research Associates, Inc. Working Paper #10, August 1991.
- “Hydroelectric Relicensing: Comparing the Value of Power and Nonpower Uses.” With Mike Rosenzweig, April 1, 1991.
- Expert testimony before the District Court of the Fifth Judicial District of the State of Idaho, *State of Idaho, ex rel. R. Keith Higginson v. United States, State of Idaho, et al.*, Case No. 39576, on behalf of the United States, regarding water claims fees, February 4, 1991.
- “An Evaluation of State Efforts to Incorporate Environmental Externalities Into Electric Utility Planning.” Prepared for Central Maine Power and the Energy Research Group, with John Wile, January 1991.
- Testimony before the Oregon Environmental Quality Commission, on behalf of the Oregon Department of Environmental Quality, regarding out-of-state waste charges, November 1, 1990.
- “Evaluation of Out-of-State Waste Surcharge Proposal.” Prepared for Oregon Department of Environmental Quality, October 5, 1990.
- “Environmental Regulation Beyond the Clean Air Act Amendments: Incorporating Externalities,” Prepared with John Wile for the Energy Research Group, June 26, 1990.
- “Economic Impacts of Proposed SO₂ Emissions Standards on Hamilton County, Ohio.” Prepared for the Hamilton County SO₂ Task Force, June 1990.
- Expert testimony before the Indiana Utility Regulatory Commission on behalf of Northern Indiana Public Service Company regarding acid rain legislation and coal price forecasts, September 27, 1989.
- “Electric Utilities and the Environment in the 1990s.” Prepared with Lewis Perl for the Energy Research Group, June 20, 1989.

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- “The Impact of Environmental Regulation on Electric Utility Fuel Use.” *NERA Energy Outlook*, Special Report, April 17, 1989.
- Affidavit for the New York City Department of Sanitation in *The Presidents’ Council of Trade Waste Associations, Inc., et al. v. Edward I. Koch, Mayor of the City of New York, et al.*, commenting on increases in waste disposal rates and methods used to determine rates, October 27, 1988.
- Determination of Market Price for Angel Mining Inc.’s and Diversified Fuels Inc.’s Contracts With Taiwan Power Company.” With Fred Dunbar and Jerry Hausman before the International Chamber of Commerce on behalf of Angel/Diversified, April 1987.
- “Economic Review of The McKinley County Coal Exchange.” With Fred Dunbar, Washington, D.C.: National Coal Association, February 1987.
- “Lessons For the Interstate Gas Pipeline Industry From Railroad Deregulation.” With Fred Dunbar, Washington, D.C.: The Interstate Natural Gas Association of America, 1986.
- Testimony before the Vermont Public Service Board on capacity planning and load forecasting on behalf of Central Vermont Public Service Corporation, July 12, 1985.
- “The Economics of U.K. Coal Mining.” With S. Barrett, December 1984.
- “Pricing Solid Waste Disposal in New York City,” November 1984.
- “Risk Analysis of the Pacific Power and Light Company PCB Handling and Disposal Program.” With B. Price, October 19, 1984.
- “An Evaluation of Capacity Planning and Load Forecasting for Central Maine Power Company.” With Lew Perl and John Wile, February 17, 1984.
- Expert Witness Report and Testimony before the United States District Court, District of Montana, on the coal severance taxes and the market for Western coal, on behalf of the Crow Indian Tribe, 1984.
- Co-author, “Solar Energy Technologies: Market Estimates and Federal R & D Payoff.” Prepared for the Energy Research Advisory Board, sponsored by the U.S. Department of Energy, 1982.
- Co-author, “Analysis of Proposed Changes to Federal Surface Mining and Coal Leasing Policy.” Final Report for the U.S. Department of Energy, October 1982.
- Co-author, “Barriers and Incentives for Fuel Cell Commercialization.” Prepared for the U.S. Department of Energy, 1981.

Environmental Health and Safety

- “A Review of the National Fire Incident Reporting System and the National Fire Protection Association’s Upholstered Furniture Fire Statistics.” Prepared for the Fire Prevention Alliance, August 31, 2015.
- “A Review of the Pipeline and Hazardous Materials Safety Administration’s Draft Regulatory Impact Analysis. Docket No. PHMSA-2012-0082 (HM-281).” Prepared for The Railway Supply Institute, November 2014.
- “Distributed Generation Standard Contracts and Renewable Energy Fund: Jobs, Economic and Environmental Impact Study.” With Jurgen Weiss and Stephen Lagos. Prepared for Rhode Island Office of Energy Resources and Commerce RI, April 30, 2014.
- Expert Report of Mark P. Berkman in the matter of *SPS Limited Partnership, LLLP et al. v. Severstal Sparrow Point, LLC et al.*, Prepared for Counsel on behalf of Arcelor Mittal USA, LLC, March 14, 2013.
- Expert Report of Mark P. Berkman in the matter of Jorge Santiago, Sr. v. Wholesale Furniture Distributors Inc., 139th District Court, Hidalgo Texas, Cause No. C-1311-07-C on behalf of defendant regarding the risks of death and injury from upholstered furniture ignited home fires, June 15, 2009.
- Expert Report of Mark P. Berkman in the matter of Price v. Price, Circuit Court of the Fifteenth Circuit in and for the County of Palm Beach Florida, Case No. 50 2007 DR1982 MBFC, regarding environmental and business risks associated with a construction and demolition landfill, December 2008.
- Expert Report of Mark P. Berkman in the matter of John Stewart Edwards v. La-Z-boy *et al.*, in the District Court 258th District, Polk County Texas, on behalf of defendant regarding the impact of fire safety regulations on upholstered furniture fires, May 16, 2008.
- “An Evaluation of the CPSC Staff Preliminary Regulatory Analysis of the Draft Upholstered Furniture Flammability Standard.” on behalf of the American Home Furnishings Alliance National Home Furnishings Associations and the Upholstered Furniture Action Council, March 2, 2006.
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Powers Board, with Robert Fairlie and Mathew Johnson, April 2008.

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- Deposition of Mark P. Berkman in the matter of *Lucy Sales et al. v. County of Contra Costa et al.*, regarding the calculation of the utilization of minority- and woman-owned firms in professional services and purchasing by the County, October 17, 2000 and July 18, 2000.
- Amended Declaration of Mark P. Berkman in the matter of *Lucy Sales et al. v. County of Contra Costa et al.*, to calculate the utilization of minority- and woman-owned firms in professional services and purchasing by the County, September 19, 2000 and July 14, 2000.
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- Testimony before the California Public Utilities Commission, on behalf of The Joint Utilities Subcommittee, consisting of 12 California utilities, regarding NERA's study to estimate the availability of service disabled veteran-owned establishments within the geographic and product markets from which the California utilities purchase goods and services, October 17, 1996.
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- Deposition Testimony of Dr. Mark P. Berkman in the matter of Western Sugar Cooperative et.al. vs. Archer-Daniels-Midland Company *et al.* in the United States District Court Central District of California, Case No. CV11-3473 CBM (MANx), November 19, 2014
- Expert Report of Mark P. Berkman in the matter of Western Sugar Co-operative *et.al.* v. Archer Daniels Midland et.al, United States District Court Central District of California, Case No. CV11-3473 CBM (MANx), on behalf of plaintiffs provided rebuttal to defendant’s counterclaim damage estimate, September 30, 2014.
- Trial Testimony in the matter of *PQ Labs Inc. v. ZaagTech, Inc.*, in the United States District Court, Northern District of California, Case No. 12-cv-00450-cw, March 12, 2014.
- Rebuttal Report of Dr. Mark P. Berkman in the matter of *PQ Labs Inc. v. ZaagTech, Inc.*, in the United States District Court, Northern District of California, Case No. 12-cv-00450-cw, on behalf of defendants regarding alleged misappropriation of trade secrets and breach of contract, October 25, 2013.
- Deposition Testimony in the matter of *PQ Labs Inc. v. ZaagTech, Inc.*, in the United States District Court, Northern District of California, Case No. 12-cv-00450-cw, on behalf of defendants regarding alleged misappropriation of trade secrets and breach of contract, October 4, 2013.
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- Rebuttal report with Timothy Savage, Ph.D. and Phillip Taylor, Ph.D., in the matter of *Tyson Foods, Inc. v. ConAgra Foods, Inc.*, U.S. District Court for the Western District of Arkansas, on behalf of the defendant, responding to opposing expert's damages calculations. August 8, 2003.
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- Expert Report of Mark P. Berkman in Support for Summary Adjudication of Tesoro Refining and Marketing Company, California Public Utilities Commission, Application No. A08-09-04, regarding market power in the transport of crude oil on behalf of Tesoro, November 16, 2009.
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- Deposition Testimony in the matter of *Groeniger & Co. v Ferguson Enterprises, Inc.*, Superior Court of the State of California, County of Kern, No. 253924, April 21, 2007.
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- Trial Testimony of Mark P. Berkman before the U.S. District Court for the District of Minnesota on behalf of Superior-FCR Landfill, Inc., in the matter *Superior-FCR Landfill, Inc. v. Wright County, Minnesota*, regarding the impact of a county-need based zoning decision on interstate commerce, June 15, 2001.
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- Expert Witness Report of Mark P. Berkman in *Cardiac Pacemakers Inc, Guidant Sales Corp, and Eli Lilly Company vs. St. Jude Medical, Inc., Pacesetter, Inc., Ventritex, Inc. and John Does 1-10*, regarding counterclaim damages, January 18, 2001.
- Deposition Testimony of Mark P. Berkman on behalf of Superior-FCR Landfill, Inc., in the matter *Superior-FCR Landfill, Inc. v. Wright County, Minnesota*, regarding the effects on interstate commerce of Wright County's zoning policies, August 24, 2000.
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- Affidavit of Mark P. Berkman, December 29, 1999, and Supplemental Affidavit of Mark P. Berkman, January 15, 2000, prepared on behalf of Waste Management of New York in the matter of *Waste Management of New York v. Town of Oyster Bay et al.*, reviewing the Town of Oyster Bay's contracting procedures and terms for a solid waste disposal contract.
- Rebuttal Report of Mark P. Berkman, on behalf of Randy's Sanitation, Inc., in the matter of *Randy's Sanitation, Inc. v. Wright County, Minnesota, Patrick Sawatzke, and Kenneth Jude*, January 21, 1999.
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- *Strobe Data, Inc. v. Digital Equipment Corporation*, before the United States District Court, Western District of Washington, C96-947C, 1997.
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- Declaration on behalf of *Ben Oehrlein et al. v. Hennepin County, Minnesota*, before the United States District Court, District of Minnesota, Civil Court File No. 4-94-63, regarding the geographic market for solid waste disposal, August 3, 1995.

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- *Novadyne Computer Systems, Inc. v. Tandem Computers, Inc.*, before the United States District Court, Central District of California, No. 91-1941 THJ (KX), October, 1995.
- Affidavit on behalf of Kauai Publishing Company in *Hawaii Press Newspapers, Inc. v. Wolf Publishing et al.*, No. 88-1836-6, regarding predatory pricing claims made against Kauai Publishing, March 11, 1994.
- Investigation of the Proposed Acquisition of Attwoods, Inc. by Browning-Ferris Industries, Inc. before the U.S. Justice Department as required by the Hart Scott Rodino Act, 1994.
- “Economic Implications of *Los Angeles Times* Job Fair-Related Activities.” Prepared with Richard T. Rapp, on behalf of the *Los Angeles Times*, October 27, 1992.
- Expert testimony before the U. S. District Court, District of Rhode Island, *Metals Recycling, Inc. v. American Waste Services, Inc., et al.*, on behalf of American Waste regarding market power and tying in solid waste disposal and transportation, July 17–21, 1992.
- *Metals Recycling, Inc. v. American Waste Services, Inc., and Envirco Transportation Management, Inc.*, before the U.S. District Court, District of Rhode Island, No. 91-0149B, 1992.
- Deposition testimony on behalf of Kauai Publishing Company regarding *Hawaii Press Newspapers, Inc. v. Wolf Publishing, et al.*, First Circuit Court, State of Hawaii, Civil Case No. 88-1836-06, regarding alleged market power and predatory pricing, October 29, 1991.
- *Hawaii Press v. Wolf Publishing et al.*, before the Circuit Court of the First Circuit, State of Hawaii, No. 88-1836-06, 1991.
- *High Technology Careers, a California partnership v. San Jose Mercury News, a California Corporation*, before the U.S. District Court, Northern District of California, San Jose Division, No. 90-20579-SW, 1991.
- *BPHC Acquisition Inc. v. Penthouse International, Donald J. Trump, et al.* before the Superior Court of New Jersey, 1990.
- *Zapata Gulf Marine Corporation v. Puerto Rico Maritime Shipping Authority, et al.* before the U.S. District Court of the Eastern District of Louisiana, 1990.
- *ETSI Pipeline Project v. Burlington Northern Inc., et al.*, in the United States District Court for the Eastern District of Texas, Beaumont Division, No. B-84-979-CA, 1989.
- *Landmarks Holding Corporation, et al. v. David W. Bermant, et al.*, before the United States District Court, District of Connecticut, 1984.
- *Jefferson Disposal v. Parish of Jefferson, et al.*, before the United States District Court, for the Eastern District of Louisiana, 1984.

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- *Scenic Trails, Inc. v. Greyhound Lines, Inc., et al.*, before the United States District Court, Western District of Wisconsin, 1984.

Commercial Litigation and Damages

- Expert and supplemental reports of Daniel J. McFadden on behalf of plaintiffs in the matter of *United States v. Novartis Pharmaceuticals Corp.*, United States District Court, Southern District of New York, No. 11 Civ. 0071 (PGG), August 14 and September 22, 2017.
- Expert report of Daniel J. McFadden in the matter of *United States of America v. Countrywide Financial Corporation et.al.* (12CIV.1422(JSR)), May 7, 2013 and a revised report on June 6, 2013.
- Expert witness report of Mark P. Berkman, Ph.D., in the matter of *Neptec Optical Solutions v. Nabuo Takahashi and Nomura Jimusho (U.S.A.)*, U.S. District Court for the Eastern District of Tennessee at Knoxville, reviewing and evaluating plaintiff's damages estimates and providing damages assessments on behalf of the defendant. November 10, 2003.—*Confidential*.
- Declaration of Mark P. Berkman before the American Arbitration Association Commercial Arbitration Tribunal in the matter of *Javad Ashjaee v. Topcon Positioning Systems, Inc.* on behalf of the plaintiff, Javad Ashjaee, calculating damages resulting from certain alleged practices by defendant Topcon Positioning Systems, Inc. that violate the Non-Compete, License and Permissible Activities Agreement between the parties. San Francisco, October 30, 2002.
- Deposition of Mark Berkman, in the matter of *Isuzu Motors Limited v. Consumers Union of United States, Inc.* in the United States District Court, Central District of California, Case No. 97 5685 RAP (RBNx), regarding rebuttal report to plaintiff's damage estimates, July 27, 1999.
- Expert Report of Mark P. Berkman and Kenneth E. Train, in the matter of *Isuzu Motors Limited v. Consumers Union of United States, Inc.* in the United States District Court, Central District of California, Case No. 97 5685 RAP (RBNx), rebuttal report to plaintiff's damage estimates, July 16, 1999.
- Supplemental Expert Report of Mark P. Berkman and Kenneth E. Train in the matter of *Suzuki Motor Corporation Japan v. Consumers Union of United States, Inc.* in the United States District Court, California Central Division Case No. SACV 96-340 AHS (ANx), response to surrebuttal report to plaintiff's damage estimates, June 10, 1999.
- Declaration of Mark P. Berkman in the matter of *Walters Furniture v. Alameda Newspapers Inc.*, in Superior Court of California, County of Alameda, Case No. 800147-8, regarding damages resulting from overstated newspaper circulation claims, June 2, 1999.
- Deposition of Mark P. Berkman in the matter of *Suzuki Motor Corporation Japan v. Consumers Union of United States*, regarding damage estimates, April 9, 1999.
- Expert Report of Mark P. Berkman and Kenneth E. Train, in the matter of *Suzuki Motor*

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Corporation Japan v. Consumers Union of United States, Inc., in the United States District Court, California Central Division Case No. SACV 96-340 AHS (ANx), rebuttal report to plaintiff's damage estimates, February 23, 1999.

- Expert Witness Report of Mark P. Berkman in the matter of *Ben Oehrlein et al. v. Hennepin County, Minnesota*, in the United States District Court for the District of Minnesota Fourth Division, February 6, 1998.
- Expert Testimony and Report before the United States District Court, for the District of Minnesota Fourth Division, Civil Court File No. 4-96-CIV 188, on behalf of Edward Kraemer & Sons, in the matter of *Edward Kraemer & Sons, Inc. v. Wybierala et al.*, regarding estimating the lost profits suffered by a landfill owner as a result of unauthorized discounts to customers, December 8, 1997.
- “Report on Damages Newark Group Industries, Inc. Recycled Fibers Division Eastern Region (Newark),” on behalf of Newark Group Industries, Inc., in the matter of *The Newark Group Industries, Inc. v. Joseph Merante, et al.*, Superior Court of New Jersey, Chancery Division: Essex County regarding business damage claims, November 1996.
- Expert witness report and testimony before the Rhode Island Superior Court, *Landfill & Resource Recovery, Inc. v. Department of Environmental Management of the State of Rhode Island, et al.* (Sup. Ct., C.A. No. 81-4091), on behalf of Landfill and Resource Recovery regarding the fair market value for a landfill site, July 3, 1989.

Tribal and Indian Affairs

- Expert Report on behalf of plaintiffs in the matter of Chickasaw Nation and Choctaw Nation v. United States Department of Interior, U.S. District Court for Western District of Oklahoma, No. CIV 05-1524-W, regarding the valuation of tribal land including timber, natural gas, and gravel assets allegedly improperly sold by the Department, April, 2015.
- Testimony in the matter of Thermal Energy Company v. Bureau of Land Management, Navajo Nation, Intervenor of ILBA 2006-71, regarding the commercial quantities of coal on behalf of the Navajo Nation, January 9, 2011.
- Deposition Testimony in the matter of The Ponca Tribe of Indians of Oklahoma, *et al. v. Continental Carbon Company et al.* United States District Court for the Western District of Oklahoma. Case No. CIV-05-445-C, May 30, 2008.
- Expert Report of Mark P. Berkman in the matter of The Ponca Tribe of Indians of Oklahoma, *et al. v. Continental Carbon Company et al.* United States District Court for The Western District of Oklahoma Case No. CIV-05-445-C on behalf of plaintiff regarding property damage and unjust enrichment resulting from alleged failure to reduce particulate emissions, March 3, 2008. This included an application of the BEN model.

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- Deposition testimony in the matter of Rincon San Luiseño Band of Mission Indians; and HCAL Corporation, a Nevada Corporation, vs. Dan McAllister, in his official capacity as Treasurer-Tax Collector of San Diego County, on behalf of the Rincon Tribe, May 26, 2005.
- Supplemental Expert Report in the matter of Rincon San Luiseño Band of Mission Indians; and HCAL Corporation, a Nevada Corporation, vs. Dan McAllister, in his official capacity as Treasurer-Tax Collector of San Diego County, on behalf of the Rincon Tribe, May 23, 2005.
- Expert Report of Mark Berkman, PhD, “Economic Impact of the Harrah’s Rincon Casino on San Diego County, California,” in the matter of *Rincon San Luiseño Band of Mission Indians; and HCAL Corporation, a Nevada Corporation, vs. Dan McAllister, in his official capacity as Treasurer-Tax Collector of San Diego County*, on behalf of the Rincon Tribe, March 21, 2005.
- Affidavit of Mark Berkman in the matter of the *Navajo Nation v. United States of America*, on behalf of the Navajo Nation. Filed in the United States Court of Federal Claims, August 20, 2004.
- Testified before the Public Utilities Commission of the State of California on behalf of the Navajo Nation, in the matter of the Application of Southern California Edison Regarding the Future Disposition of the Mohave Generating Station, June 23, 2004.
- Prepared Superceding testimony of Mark P. Berkman, Ph.D., before the Public Utilities Commission of the State of California on behalf of the Navajo Nation, in the matter of the Application of Southern California Edison Regarding the Future Disposition of the Mohave Generating Station, May 14, 2004.
- “Preliminary Estimate of Revenues Derived by Wyoming and Fremont county from Residents and Businesses on the Wind River Reservation and Expenditures by Wyoming and Fremont County for Services to the Reservation, 1988–2002,” prepared by Mark Berkman and Benjamin Arnold for the Northern Arapaho and Shoshone Business Council, November 18, 2003.
- Prepared Direct Testimony of Mark P. Berkman before the Public Utilities Commission of the State of California on behalf of the Navajo Nation in the matter of the Application of Southern California Edison Regarding the Future Disposition of the Mohave Generating Station, March 28, 2003.
- Trial Testimony of Mark P. Berkman in *Cayuga Indian Nation of New York et al. v. George P. Pataki et al.* to calculate prejudgement interest and critique defendant’s damage estimates in a land dispute dating back to 1795, August 15, 2000.
- Expert Witness Report of Mark P. Berkman in *Cayuga Indian Nation of New York et al. v. George P. Pataki et al.* to calculate prejudgement interest and critique defendant’s damage estimates in a land dispute dating back to 1795, April 28, 2000.
- Defendant’s Expert Witness Report of Mark P. Berkman, prepared on behalf of the Crow Tribal

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Council, in the matter of *Railbox Co. et al. v. Crow Tribal Council* regarding the economic basis for taxation of rail cars shipped through the Crow Reservation, revised August 3, 1999.

- Affidavit of Mark P. Berkman, prepared on behalf of the Crow Tribe of Indians, in the matter of *Crow Tribe of Indians v. State of Montana* regarding the impact of Montana taxes on the Crow Tribe's ability to manage its coal resources, October 30, 1998.
- Expert Witness Report Disclosure of Mark P. Berkman, prepared on behalf of the Crow Tribal Council, in the matter of *Railbox Co. et al. v. Crow Tribal Council* regarding the economic basis for taxation of rail cars shipped through the Crow Reservation, September 9, 1998.
- Testimony before the United States District Court, District of Montana, on behalf of the Crow Tribe of Indians and the United States in *Crow Tribe of Indians and the United States v. State of Montana, et al.*, CV-78-110 BLG-JDS, regarding unjust enrichment and damages claims made by the Crow Tribe against the State of Montana, March 31, 1994.
- Testimony before the United States District Court, District of Arizona, on behalf of the Navajo Nation in *Peabody Coal Company v. The Navajo Nation*, regarding the Navajo/Hopi coal tax dispute, March 17, 1994.
- Affidavit for Marathon Oil Company and the Shoshone and Northern Arapaho Tribes of the Wind River Indian Reservation in *Marathon Oil Company, Shoshone and Northern Arapaho Tribes of the Wind River Reservation v. State of Wyoming, et al.*, demonstrating how state and local taxes infringe on the Tribes' abilities to manage their own energy resources and to provide necessary government services on the Reservation, November 19, 1992.
- "Comments Regarding Indian Gaming Markets," prepared for the U.S. Department of Justice in the matter of *U.S. v. Trump*, 1992.
- Testimony before the Select Committee on Indian Affairs, United States Senate, on behalf of the Crow Indian Tribe regarding coal reserve appraisal, July 23, 1992.
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