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TRIAL, ARBITRATION, EXPERT REPORT AND DEPOSITION HISTORY: MICHAEL K. SMITH

1. Retained in January 2026 by the respondent, a major broker dealer, as an expert witness and to testify at a FINRA arbitration and opine on the actions the broker dealer took in relation to the sale of a concentrated equity holding pursuant to Rule 144. The hearings are scheduled to begin in October 2026. FINRA 24-00028
2. Retained in November 2025 by the defendant, a major trust company, as an expert witness to write a rebuttal report and testify on the standard of care and potential damages. The trial in United States District Court Middle District of Florida is expected to begin in late 2026.
Case No. 8:25-CV-00399-JSM-TGW
3. Retained in March 2025 by the Internal Revenue Service as an expert witness to opine and testify in United States Tax Court on standard due diligence expected prior to engaging in a very complicated transaction such as Son of Boss. The defendant, a family office, settled the matter prior to charges being filed.
4. Retained in January 2025 by a major broker dealer as an expert witness to testify at a FINRA arbitration on the actions of the broker dealer and its registered employees regarding their handling of a highly concentrated and leveraged account, which suffered the loss of an unrealized gain of over \$100 MM. Hearings are scheduled to begin in August 2026.
FINRA Arbitration No. 24-00922
5. Retained in June 2024 by the plaintiff to author a rebuttal report and testify as an expert witness in Superior Court of the State of Delaware, relating to the acquisition of the plaintiff's Registered Investment Advisory firm and subsequent actions and in-actions of the plaintiff with respect to expectations of the acquiring firm. Provided a deposition in September 2024 and the trial was scheduled for March 2025. On the eve of the hearing this matter was settled very favorably for the plaintiff (my client). The case numbers are 2022-1149 (Del Ch Ct) & NZ2C-12-096 (Del Sup Ct)
6. Retained in March 2024 by the respondent to author an expert report and testify as an expert witness at a FINRA arbitration regarding equity syndicate allocations. The matter was settled in May 2024. FINRA 22-01207
7. Retained in March 2024 by the respondent and counter claimant to author an expert report and testify as an expert witness at a FINRA arbitration related to the formation of a new Registered Investment Advisor and allegations of raiding. Hearings were held in August 2024 and February 2025. The panel ruled in favor of the respondent (my client) but denied their counterclaims.
FINRA 23-00502

8. Retained in October 2023 by the respondent to author an expert report and testify as an expert witness at a FINRA arbitration related to allegations of failure to supervise. The matter was settled in June 2024. FINRA 22-01948

9. Retained in February 2023 by the claimant to testify as an expert witness at a FINRA arbitration regarding allegations of suitability, churning, excess markups and lack of supervision. The claim was settled in May 2023.

FINRA 21-00905

10. Retained in July 2022 by the claimant as an expert witness to testify at a FINRA arbitration regarding a defaulted employee loan, the matter was settled in August 2022.

FINRA 20-03819

11. Retained in December 2021 by the respondent as an expert witness on a FINRA arbitration matter involving claims related to forfeited deferred compensation and a counterclaim related to forgivable loans. Provided expert testimony via Zoom in January 2022 on behalf of the respondent and counter claimant regarding standard and customary industry practices related to the replacement of forfeited deferred compensation and the repayment of forgivable loans. The panel ruled unanimously exonerating the respondent (my client) on all claims and ruled unanimously awarding the counterclaim.

FINRA 16-03296

12. Retained in June 2021 by the respondent as an expert witness to testify at a FINRA arbitration involving allegations of excessive trading and consequent claims of fraud, negligent misrepresentation, breach of fiduciary duty, negligent supervision. The case was settled in August 2021. FINRA 19-03236

13. Retained in January 2021 by the respondent to assist in defending claims of negligence, misrepresentation, fraud, breach of fiduciary duty. Assisted counsel with its motion to dismiss. The panel dismissed the claims in February of 2021.

FINRA 18-00141

14. Retained in June 2020 by the respondent as an expert witness on a FINRA arbitration regarding an employment matter related to forfeited deferred compensation and a defaulted employee loan. The hearing was rescheduled to February 2024 and the case settled in January 2024.

FINRA 16-02619

15. Retained in October 2019 by the respondent as an expert witness on a JAMS arbitration involving allegations of unsuitable trading, breach of fiduciary duty, and conflicts of interest. Provided an expert report on behalf of the respondent rebutting the conclusions of the claimant's expert. Was deposed and also provided expert testimony at the hearing. The final ruling exonerated the respondents (my client) on all allegations.

JAMS ID # 1340016903

16. Retained in September 2019 by the respondent as an expert witness on a FINRA arbitration matter involving claims related to forfeited deferred compensation. Provided expert testimony on behalf of the respondent regarding standard and customary industry practices related to the replacement of forfeited deferred compensation and related U5 reporting requirements. The FINRA panel ruled against the respondent (my client). However, the ruling was subsequently vacated by the NY Supreme Court Appellate Division. FINRA 17-01489. Appellate Court Case No. 2020-03381 and 2020-05002N

17. Retained in July 2019 by the defendant as an expert witness on a matter involving a US registered broker serving as the clearing firm for an international introducing broker who traded US equity options for his clients. Provided written expert opinions for the US broker dealer to use in their defense in a German district court. Do not have a case number reference.

18. Retained in March 2019 by the claimant as a consulting expert to counsel regarding the scope of a potential claim. The issue was that a registered broker dealer's estate planning department provided incorrect advice which resulted in a substantial tax liability. A complaint was filed with FINRA and promptly settled.

19. Retained in March 2018 by the defendant as an expert witness on a matter in Minnesota District Court involving allegations that a broker-dealer failed to supervise an employee who personally committed bank fraud. Provided an expert rebuttal report on behalf of the defendant, opining on the related FINRA and NASD regulations and their applicability in supervising the employee's personal actions. The case was settled in March 2019.

Court file Number 82-CV-16-5003

20. Retained in February 2018 by the respondent as an expert witness on a FINRA arbitration matter involving allegations of unsuitability of a specific energy related ETN used to execute an undisputed investment strategy. Provided the respondent with a detailed analysis of all other potential ETF/ETN's which could have been substituted to discover that all had the same inherent structures, and all would have produced similar results during then current market conditions. The matter was settled promptly following disclosure of this analysis.

21. Retained in January 2018 by the claimant, a charitable foundation, as an expert witness on a FINRA arbitration matter alleging fraudulent trading (churning), breach of fiduciary duty and gross negligence. Prepared extensive analysis of the account activity over a seven-year period in preparation for testimony at hearing. Provided expert witness testimony at the hearing in September 2019 regarding churning, breach of fiduciary duty and failure to supervise. Eight different parties were named respondents. Five reached settlement agreements during the hearings and the panel ruled unanimously in favor of the claimant (my client) and found the other three liable for compensatory damages.

FINRA 17-02211

22. Retained in January 2017 by the defendant as an expert witness on a matter in Ohio State Probate Court involving a concentrated equity position held within a trust. Authored an expert report opining on the feasibility of diversifying away from said concentrated position based on analysis done by investment banks that had been presented to the trustee. Authored rebuttal report to arguments put forth by the opposing expert and deposed in August 2017 by claimant's counsel. Judge ruled in September 2017 in summary judgment 100% in favor of defendants (my client).

Probate Court Hamilton County, OH. Case # 2015-03814

23. Retained in October 2016 as an expert witness by the defendant on a matter in U.S. District Court South Dakota Southern Division involving commodities trading, daily position limits, and automated order systems trading limits. Provided an expert report for the defendant and provided expert opinions used in the development of a counter suit. The case was stayed.

CIV-16-4132

24. Retained in March 2016 by the respondent as an expert witness on a matter involving the main issues of a business failure. Scope of engagement was to opine as an expert on the associated Private Placement Memorandum, specifically related to disclosures. Submitted expert report on the matter and extensively prepared for expert testimony before an American Arbitration Association arbitrator, who ruled 100% in favor of the respondent (my client).

Case # 65-20-1400-0026