

## LLOYD E. OLIVER

Microeconomic Consulting & Research Associates, Inc.  
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Areas of Specialization: Microeconomic Analyses, Industry Studies and the Economics of Consumer Protection, Economic Damages, Trade Regulation, Antitrust, Industrial Organization, Healthcare, and International Trade.

## PROFESSIONAL EXPERIENCE

### Senior Economic Consultant

Microeconomic Consulting & Research Associates, Inc.  
Washington, DC  
May 2004 to Present

Renders professional economic consulting to government and business, primarily dealing with the effects of mergers, business acts and practices (including international trade practices) and governmental regulations, valuing business operations, and in estimation of damages on a variety of issues. Provides expert opinions and testimony, assistance with the review of internal documents and studies, and analyses of factual situations and industry trends.

### President <sup>1</sup>

Glassman-Oliver Economic Consultants, Inc.  
Washington, DC  
1976 to May 2004

Provided professional economic consulting to government and business, primarily dealing with the effects of mergers, business acts and practices (including international trade practices) and governmental regulations, valuing business operations, and in estimation of damages on a variety of issues. Assistance frequently involved review of internal documents and studies, analyses of factual situations and industry trends,

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<sup>1</sup> Senior Vice President on Alternating Years, 1977-1996.

preparation of opinions and expert testimony. Expert opinions have been rendered on dozens of occasions to state and federal governmental groups, businesses, hospitals, individuals, trade associations, U.S. District Courts, arbitrators and regulatory agencies such as the Federal Trade Commission, Consumer Product Safety Commission, International Joint Commission, state Certificate of Need Appeals Board, International Trade Commission, U.S. Department of Commerce (ITA) and the European Commission (DG IV). Cofounded and supervised operation of firm of around 40 employees.

## **Deputy Assistant Director for Economic Evidence**

Bureau of Economics  
Federal Trade Commission  
Washington, DC  
July 1975 to December 1976

Assisted in the supervision of about 40 professional economists in their input into the Commission's antitrust and consumer protection cases and investigations, which represented substantially all of the Commission's economists assigned to such matters. Chairman of the Commission's Merger Screening Committee, which evaluated all announced mergers and acquisitions and reviewed all requests for merger investigations, from September 1975 until November 1976. Member of the Commission's Evaluation Committees which reviewed and initiated requests for legal investigations in the antitrust and consumer protection area which did not deal with mergers. Chairman of the Food Group, a group of about fifteen economists studying competitive problems in the food manufacturing industry. Supervised the economic input into the Commission's Health Care Program (including initiation of the program) and all matters dealing with insurance industry. Served as acting Assistant Director in the absence of the Assistant Director. Represented the Bureau of Economics at conferences and seminars outside of the Agency as well as at meetings of the Commission itself.

## **Senior Staff Economist**

Division of Economic Evidence  
Bureau of Economics  
Federal Trade Commission  
Washington, DC  
March 1970 to June 1975  
January 1965 to October 1965<sup>2</sup>

Chief economist on over fifty antitrust and consumer protection cases and investigations, including the monopoly case against the Xerox Corporation, and the industry-wide investigation of the Title Insurance industry. Chief Economist on virtually

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<sup>2</sup> Military Service, 1966 to 1970 (Captain, U.S. Army Artillery).

all insurance matters which were investigated by FTC during this period. Testified as a witness and participated in the cross-examination of economic, marketing and statistical experts. Supervised the Commission's Premerger Notification Program for about a year and a half. Participated in economic study groups evaluating competitive problems and assisted in the development of economic studies. Co-author of a large, unpublished study of the Plastics Industry. Permanent member of the Commission's Merger Screening Committee and Antitrust Evaluation Committee. Acting Division Chief in the absence of the Division Chief, Economic Evidence.

**Student Trainee in Economics**

Division of Economic Evidence  
Bureau of Economics  
Federal Trade Commission  
Washington, DC  
June 1962 to January 1965 (part-time)

Participated in a large number of Commission activities including preparing economic exhibits for trial (especially in antitrust cases involving the bread, milk, cement and truck trailer industries), doing a wide variety of statistical compilations and acting as a research assistant in economic studies of numerous industries, including a large study of passenger automobile tire prices.

**PROFESSIONAL ASSOCIATIONS**

American Bar Association<sup>3</sup>  
American Economic Association  
American Law and Economic Association  
District of Columbia Bar Association (Inactive)  
Industrial Organization Society  
International Atlantic Economic Society  
Royal Economic Society  
Southern Economic Association

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<sup>3</sup> Previously, economist member, Advisory Panel to the ABA Antitrust Economics Committee.

**ACADEMIC TRAINING AND DEGREES**

<u>Institution Attended</u>	<u>Dates Attended</u>	<u>Degrees</u>
Marietta College Marietta, Ohio	9/60 - 6/61	--
George Washington University Washington, DC	9/61 - 1/65	B.A. (Economics)
George Washington University Washington, DC	2/65 - 8/65 2/70 - 6/72	-- <sup>4</sup>
Washington College of Law, American University Washington, DC	8/71 - 5/75	J.D.

**HONORS AND AWARDS**

Nominee for Chairman's Award, Federal Trade Commission

Superior Service Award, Federal Trade Commission

**PUBLICATIONS AND PRESENTATIONS**

Publications include an article entitled, "A.C. Nielsen Market Share Data" (co-author), presented before the American Economic Association and published in 47 Antitrust L.J. 1067 (1979); a monograph entitled "Analysis of the Proposed Flammability Standards for Upholstered Furniture" (co-author); an article dealing with competitive problems in health care delivery entitled "Insurance," Antitrust in the Health Care Field (National Health Publishing, 1979), pp. 180-185; a monograph entitled, "Economic Analysis of Phosphate Control: Detergent Phosphate Limitations vs. Wastewater Treatment" (co-author) (1978); and a monograph entitled "An Economic Analysis of the Draft Small Open-Flame Regulation of Upholstered Furniture" (co-author) (2000). Supplied well over a hundred written reports containing economic analyses of competitive, regulatory and damage issues which have been submitted on behalf of the firm's clients, usually on a confidential basis. Numerous speeches and briefings to economists, lawyers and others on issues concerning antitrust economics and other microeconomic issues.

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<sup>4</sup> Completed all requirements for an M.A. (Economics) except for thesis.

**EXPERT TESTIMONY**

Deposition testimony (January 5, 2012) for Campbell Soup Co. in Steuben Foods, Inc. v. Country Gourmet Foods, LLC, Campbell Soup Co. in the U.S. District Court Western District of New York

Trial testimony (November 30, 2010 and December 7, 2010) and deposition testimony (November 4, 2004 and May 12, 2005) for Thomas & Betts Corporation, in Thomas & Betts Corporation v. Richards Manufacturing Company, et al., in the U.S. District Court for the District of New Jersey.

Trial testimony (July 16, 2008) for M/A-COM, Inc. (a unit of Tyco Electronics Ltd.), in M/A-COM, Inc. against Seoul Commtech Co., Ltd., an Arbitration In and Before the International Chamber of Commerce, Washington, DC.

Deposition testimony (April 26, 2006) for U.S. Cosmetics Corporation, in U.S. Cosmetics Corporation and Miyoshi Kasei, Inc. v. Greenberg Traurig, LLP, in the U.S. District Court for the District of New Jersey.

Deposition testimony (March 20, 2006) and trial testimony (April 17, 2006) for Sunoco, Inc., in the Matter of Honeywell International Inc. v. Sunoco, Inc. (R&M), American Arbitration Association proceeding, New York, New York.

Deposition testimony (March 15, 2006) for ACE Capital Title Reinsurance Co., in Olympic Holding Company LLC et al. v. ACE Limited et al., in the Court of Common Pleas, Franklin County, Ohio.

Deposition testimony (April 25, 2003) for MTD, in Deere & Company v. MTD Holdings Inc., in the U.S. District Court for the Southern District of New York.

Deposition testimony (January 17, 2003) for Thomas & Betts, in Thomas & Betts Corporation et al. v. International Business Machines Corporation, in the U.S. District Court for the Southern District of New York.

Declaration (October 8, 2002) and Supplemental Declaration (December 13, 2002) for New World Pasta Company, in American Italian Pasta Company v. New World Pasta Company, and Related Counterclaim, in the U.S. District Court for the Western District of Missouri, Western Division.

Testimony (June 6, 2002) for Thermo Ecotek Corporation, in Beleggingsmaatschappij Wolfje, B.V. v. Thermo Ecotek Europe Holdings, B.V., American Arbitration Association proceeding, New York, New York.

Trial Testimony (November 2, 2001) for U.S. Surgical Corporation (Tyco Healthcare), in

Chase Medical, L.P. v. United States Surgical Corporation, American Arbitration Association proceeding, Chicago, Illinois.

Deposition testimony (March 27, 2001) on behalf of Lowe, Price, Le Blanc & Becker, Stephen A. Becker and McDermott Will & Emery, in PhoneTel Communications, Inc. v. Lowe, Price, Le Blanc & Becker, et al., in the U.S. District Court for the Eastern District of Virginia.

Deposition testimony (June 22, 2000) on behalf of Benesch, Friedlander, in AutoVideo Productions Co., Inc. v. Benesch, Friedlander, Coplan & Aronoff, LLP, et al., in the U.S. District Court for the Southern District of New York.

Deposition testimony (August 27, 1999) on behalf of the Delaware Solid Waste Authority, in Jenifer/National Solid Waste, et al. v. Delaware Solid Waste Authority, in the U.S. District Court for the District of Delaware.

Trial testimony (March 31, 1999 and April 5, 1999) on behalf of Braun and Gillette, in Braun, Inc. and The Gillette Company v. Optiva Corporation, in the U.S. District Court for the Southern District of New York.

Affidavit testimony (April 3, 1998; May 5, 1998; and May 14, 1998) and deposition testimony (May 11, 1998) on behalf of Fort James Corporation, In Re: Commercial Tissue Products Antitrust Litigation, in the U.S. District Court for the Northern District of Florida, Gainesville Division.

Testimony (August 6, 1997) on behalf of ARCO Chemical Co., in Hearing before European Commission, Directorate General IV - Competition, Case No. IV/36.233 - ARCO/Repsol.

Affidavit testimony (January 17, 1997 and February 4, 1997) and deposition testimony (February 5, 1997) on behalf of Campbell Soup Co., in Campbell Soup Company v. Daniel J. O'Neill, in the U.S. District Court for the District of New Jersey.

Deposition testimony (September 26, 1996) and trial testimony (October 13-14, 1996) for the Defendants, in HTI Health Services, Inc. v. Quorum Health Group, Inc., River Region Medical Corporation, and Vicksburg Clinic, P.A., in the U.S. District Court for the Southern District of Mississippi, Western Division.

Deposition testimony (August 29-30, 1995) and affidavit testimony (October 18, 1995 and November 14, 1995) on behalf of Acoustical Distributors, Inc., in Acoustical Distributors, Inc. v. Armstrong World Industries, Inc. and Cain & Bultman, Inc., in the U.S. District Court for the Middle District of Florida, Orlando Division.

Affidavit testimony (August 15, 1995) on behalf of Ameron, Inc., in Ameron, Inc. v. Total

Containment, Inc. et al., in the U.S. District Court for the Central District of California.

Deposition testimony on behalf of the Defendants, in Richard A. Bolt and Richard A. Bolt, M.D., P.A. v. Halifax Hospital Medical Center, et al., in the U.S. District Court for the Middle District of Florida, 1991 and 1994.

Affidavit testimony submitted to the Certificate of Need Appeals Board, Department of Health and Social Services, State of Delaware, In the Matter of St. Francis Hospital, Appeal of Decision Regarding Certificate of Need, 1992.

Deposition testimony on behalf of Mars, Inc., in Bodie-Rickett and Associates et al. v. Mars, Inc. et al., in the U.S. District Court for the Western District of Tennessee, Western Division, 1990.

Affidavit testimony for Alamo Rent-A-Car, Inc., in The Hertz Corporation v. Alamo Rent-A-Car, Inc., in the U.S. District Court for the Central District of California, 1989.

Testimony on behalf of James River Corporation of Virginia and Princeton Packaging, Inc., before the U.S. Federal Trade Commission, In the Matter of James River/Princeton Packaging, 1988.

Affidavit testimony for Turner Outdoor Advertising, Ltd., in U.S. v. Lewis M. Manderson, Jr. and Patrick Media Group of Atlanta, inc., in the U.S. District Court for the Northern District of Georgia, 1987.

Deposition testimony and trial testimony on behalf of Mag Instrument, Inc., U.S. International Trade Commission, In the Matter of Certain Small Aluminum Flashlights and Components Thereof, 1987. Further submission of a written "Declaration" to the International Trade Commission, 1987.

Affidavit testimony for WECK GmbH u. Co., U.S. International Trade Commission, In the Matter of Certain Glass Construction Blocks, 1984.

Trial testimony for International Telephone & Telegraph Corporation, U.S. International Trade Commission, In the Matter of Certain Rotary Wheel Printing Systems, 1984.

Deposition testimony and trial testimony for the Defendants, in Platt Saco Lowell, Ltd., et al. v. Spindelfabrik Suessen-Schurr Stahlecker & Grill GmbH, et al., in the U.S. District Court for the Western Division of the Northern District of Illinois, 1983.

Testimony for Sanyo Special Steel Co., Ltd., U.S. Department of Commerce, International Trade Administration, Hearings on Certain Steel Pipe and Tubes from Japan, 1982.

Deposition testimony for Westvaco Corporation, In Re: Corrugated Container Antitrust

Litigation (Opt-out litigation), in the U.S. District Court for the Southern District of Texas, 1982.

Affidavit testimony for the Defendants, In Re: Shopping Carts Antitrust Litigation, in the U.S. District Court for the Southern District of New York, 1982.

Deposition testimony for Olin Ski Company, in Maiocco v. Olin Ski Co., Inc., in the U.S. District Court for the Eastern District of Pennsylvania, 1981.

Testimony for The Soap and Detergent Association before the International Joint Commission, Hearing on the Report of the Phosphate Management Strategies Task Force, 1980.

Deposition testimony for the Defendants, In Re: Corrugated Container Antitrust Litigation, in the U.S. District Court for the Southern District of Texas, 1980.

Deposition testimony and trial testimony for the Kroger Company, In the Matter of the Kroger Company, U.S. Federal Trade Commission Proceeding, 1979.

Trial testimony on behalf of Consolidated Foods Corporation, in U.S. v. Consolidated Foods Corporation and Chef Pierre, in the U.S. District Court for the Eastern District of Pennsylvania, 1978.

Deposition testimony for McDonald's Corporation, in Barby's Frosted Foods, Inc. v. McDonald's Corporation, et al., in the U.S. District Court for the District of New Jersey, 1977.

Affidavit testimony for the U.S. Federal Trade Commission, In the Matter of Food Town Stores, Inc., and Lowe's Food Stores, Inc., in the U.S. District Court for the Middle District of North Carolina, 1976.

Trial testimony for the U.S. Federal Trade Commission, In the Matter of the American General Insurance Company, 1974.