

DISPUTE ADVISORY SERVICES FOR THE HOTEL, HOSPITALITY AND GAMING INDUSTRIES

In the hotel, hospital and gaming industries, disputes arising from construction such as change orders, schedule delay and disruption, design deficiencies, lost productivity and lost profits, are as common as shareholder and partnership disputes, post-acquisition purchase price analysis and business value assessment disputes, breach of contract, intellectual property, insurance and other business disputes. With proven financial, economic and industry expertise, FTI Consulting helps clients unravel challenging financial and economic issues and resolve disputes in a cost-effective and expedient manner.

SERVICE HIGHLIGHTS

- Financial consulting and valuation for disputes and litigation involving:
 - Hotels
 - Resorts
 - Casinos
 - Attractions
 - Mixed-use projects
 - Conference facilities
 - Technology
- Credentialed and experienced professionals with degrees in accounting, finance, valuation, engineering and economics
- Early case assessment and risk analysis, litigation support and expert testimony
- Experienced team of testifiers with broad industry experience
- Testimony in federal and state courts, arbitral tribunals and before the International Trade Commission
- Experienced arbitrators, domestically and internationally
- Global operational capabilities

The Dispute Advisory Services professionals in FTI Consulting's Hotel, Hospitality and Gaming Industries group provide clients with valuable insight and clarity, assisting with every phase of the dispute resolution process. The comprehensive services offered by FTI Consulting across the hotel, hospitality and gaming industries, including litigation advisory, construction advisory, audit, tax, transactional due diligence, and restructuring and reorganization, provide us with unsurpassed insight that we draw upon throughout the scope of each engagement.

WHO WE ARE

Our multidisciplinary team includes Certified Public Accountants, real estate and valuation professionals, forensic accountants, engineers, scheduling professionals, former contractors, tax specialists, certified financial advisors, project managers and claims specialists located in every major business center. We have the industry experience and necessary qualifications in accounting, statistics, engineering, finance, economics, and valuation to provide a wide range of economic analysis for any dispute.

WHAT WE DO

Our Dispute Advisory Services professionals have deep and varied experience in all segments of the hotel, hospitality and gaming industries helping clients throughout the dispute resolution process, from early case assessment and pre-litigation strategy to discovery to settlement or trial. We have testified before state and federal courts, arbitral tribunals and government agencies on matters ranging from liability to economic damages, including disgorgement of profits, excess costs, lost business value, lost earnings, lost profits, out-of-pocket costs, price erosion, punitive damages and royalties. We can also assist parties in resolving disputes through arbitration by acting as a neutral arbitrator.

RELEVANT ENGAGEMENT EXAMPLES

- Retained by the shareholder of a hotel to conduct a forensic investigation of transfers made by the managing shareholder and to determine the value of the property
- Performed an accounting investigation of a horse racing/parimutuel betting systems relating to how purse money was segregated and accounted for
- Investigated, for limited partners, the books and records and operations of a 900 room hotel in New York City to identify related party arrangements and transactions, not at arms length, between the general partner and his related companies
- Analyzed all cash activities of a company that owned and managed four large hotels to identify fraudulent transactions for the Superintendent of Banks of New York State

- Acted as Mediator, Collateral Agent and Fiscal Responsible Officer for a resort in the Caribbean that was involved in a shareholder dispute and a payment default and is now being offered for sale
- Retained by Tribal Counsel to conduct a fraud investigation in an Indian casino in Arizona including a review of slot and table games operations
- Conducted a kickback investigation for a hotel management company related to specific issues that arose in the design and renovations department
- Valuation expert for litigation involving the Prudential Center in Boston's Back Bay, which is comprised of retail, office and hotel development
- Critiqued construction delay claim of a major Las Vegas hotel and casino against one of its contractors, analysis included a financial assessment of the casino and hotel performance and over \$400,000 in daily EBITA
- In a litigation by an Indian tribe against its financier whereby the tribe was seeking to invalidate its financing contract on grounds that it was breached by the financier, we analyzed the actual versus contractual payments made under the contract involving intricate payment formulas and the but-for analysis of alternate payments under various scenarios. Our work also included the financial modeling of the casino's operations and various buyout scenarios
- Engaged as the damages expert in the Mirage Hotel v. Donald Trump breach of contract case which focused on the alleged interference of the contract by Mr. Trump, the loss of the CEO of the Golden Nugget, and interference with the international baccarat network at both hotels and casinos; valued all aspects of the hotels, including their casino operations, utilizing market data supplied by the Las Vegas Gaming Commission, along with the detailed analysis of the past performance of all aspects of the casino and hotel operations
- Represented a construction manager in defense of allegations by the developer of delay, cost overruns, quality of work and performance. In addition to a schedule delay analysis, an investigation of the performance of the construction manager was prepared to determine whether the obligations to the contract were met and in conformance to industry standards
- Retained as the damages expert in patent infringement action involving electronic lottery for slot machine type games
- Performed an analysis and development of a \$10 million claim on behalf of a general contractor on a luxury 5-star resort project near Miami, FL, and participated in a two month arbitration
- Valuation expert for litigation involving the bankruptcy of a major resort complex in Southeastern Massachusetts comprised of a hotel, golf course and luxury condominiums
- Assisted Sandals Mediterranean Village in Antigua in successfully defending against a number of claims from Kier International arising out of a large extension to the existing hotel. Kier overran on cost by about \$40 million and a year in time
- Working for a consortium of five insurers in an arbitration with the IRR over the development of the Ritz Carlton Grand Cayman which was hit by Hurricane Ivan during construction, we provided delay analysis expert witness services and cost expert witness services
- Defended a real estate investment trust (hotel owner) in a securities class action litigation and SEC administrative proceeding centered around its financial statement disclosures
- Represented a municipality as a defendant in a real estate condemnation action; analyzed the pro forma financial statements of plaintiff as a developer of a hotel, testified as to inaccuracies in pro forma and lack of feasibility for project based on incomplete, inaccurate and misleading projections, and prepared revised projections and testified as to the appropriateness of them



Critical thinking at the critical time™

About FTI Consulting

FTI Consulting, Inc. is a global business advisory firm dedicated to helping organizations protect and enhance enterprise value in an increasingly complex legal, regulatory and economic environment. With more than 3,700 employees located in 22 countries, FTI Consulting professionals work closely with clients to anticipate, illuminate and overcome complex business challenges in areas such as investigations, litigation, mergers and acquisitions, regulatory issues, reputation management and restructuring. The company generated \$1.4 billion in revenues during fiscal year 2010. More information can be found at www.fticonsulting.com.