

Daniel F. Kolb
450 Lexington Avenue
New York, NY 10017
Tel.: 212-450-4394
Fax: 212-701-5394
kolb@davispolk.com

June 26, 2012

I. **Profession**

Attorney

University of Michigan
School of Law 1965 JD

College of the Holy Cross 1963 BA

Bar Admissions

Date of Admission

State of New York	6/27/66
United States Supreme Court	7/8/74
United States Court of Appeals for the Second Circuit	3/20/67
United States Court of Appeals for the Third Circuit	5/2/73
United States Court of Appeals for the Fourth Circuit	1/31/08
United States Court of Appeals for the Fifth Circuit	4/17/00
United States Court of Appeals for the Sixth Circuit	5/25/84
United States Court of Appeals for the Eighth Circuit	1/1/75
United States Court of Appeals for the District of Columbia Circuit	8/11/77
United States District Court for the Eastern District New York	1/24/74
United States District Court for the Southern District New York	9/30/71

II. **Professional Organizations**

Date of Admission

Active/Inactive

CPR's Panel of Distinguished Neutrals	since 2010	Active
AAA's Panel of Mediators	since 2012	Active
AAA's Panel of Arbitrators	since 2011	Active
Member, AAA's Advisory Committee on Accounting Matters	since 2011	Active
The American College of Trial Lawyers former National Chair of the College's Access to Justice Committee	since early 1990's	Active
New York City Bar Association, Chair of The Audit Committee, former Vice President	since 1966	Active

and Chair of the Executive, Judiciary and Litigation Committees

<u>Professional Organizations</u>	<u>Date of Admission</u>	<u>Active/Inactive</u>
New York State Bar Association, Dispute Resolution Section; Co-Chair of the Diversity Committee 2010, Member of the Mediation and Arbitration Committees	since 1966	Active
American Bar Association, ADR Section	since 1966	Active
Board of Directors of the Lawyers' Committee for Civil Rights Under Law; Chair of the Development Committee; former National Co-Chair	since early 1990's	Active
Board of Directors of The Legal Aid Society Vice-Chair and Chair of the Development Committee	since 2004	Active
Board of Directors of the Brennan Center for Justice, Chair of the Audit Committee	since 2011	Active
Federal Bar Counsel	since early 1990's	Active

III. General Professional Experience:

Over 45 years experience representing major accounting firms, corporations, law firms and individuals primarily as a trial lawyer and litigator in matters involving significant damage claims and regulatory and business issues.

Matters have included numerous extended trials in both federal and state courts throughout the United States, class actions, criminal and SEC investigations, mediations and arbitrations, appeals to state and federal appellate courts and submission of various briefs on Constitutional issues to the United States Supreme Court. Many of the matters have included litigation in European or Canadian courts.

Claims and charges have included alleged securities and banking law violations, financial, accounting and tax fraud, professional malpractice as to both accountants and lawyers, breach of contract, mass torts and antitrust violations. Also included have been significant Constitutional issues, probate issues, issues as to transactions of various types, including both secured and unsecured transactions, significant issues as to jurisdiction and venue, related bankruptcy law questions and attempts to pierce the corporate veil.

Among others, the matters have required significant focus on the following industries and businesses: Accounting and Auditing, Banking, Underwriting, Investment, brokerage, Tobacco, Telecommunications, Paper and Packaging, Aluminum Cable, Dairy Products, Rendering, Retail Sales Practices, Auto Parts, Nursing Homes, Franchising Nuclear Energy, Grocery Chain Stores, Newspaper , Mining, Food Safety, Marketing of Pharmaceutical Products, and Toys.

IV. Experience and Familiarity with Bankruptcy Law:

While I have not specialized in bankruptcy, bankruptcy issues have been presented in a number of my cases, some requiring numerous appearances in a bankruptcy court. Issues have included relief from contracts, bankruptcy court jurisdiction and settlement approval.

V. Mediation Training:

Advanced Commercial Mediation Training 4/1/2010-4/8/10 New York State Judicial Institute, New York State Bar Association

Advanced Commercial Mediation Training 5/18/2010-5/26/2010 New York City Bar Association

CPR Advanced Mediation Training 1/12/2011-1/13/11

VI. Mediation Experience:

Appointed Mediator in the United States District Court for the Southern District of New York and New York's Supreme Court Commercial Division and Appellate Division for the First Department.

Member of the AAA Commercial and Accounting Panels of Mediators

Numerous Mediations have focused on subjects including: valuation of investment partnership interests, commercial contract interpretation, identity theft, sale and ownership of commercial real estate in the United States and abroad, estate matters, employment discrimination, payment of professional advisor fees, nursing homes and sale of technology.

Arbitrator in AAA arbitration brought by major corporations involving complex commercial contract claims as to distressed debts.

Designated Arbitrator by two Fortune 100 corporations to resolve disputes between them arising out of a cross-border joint venture agreement.

Representation of U. S. Fortune 100 Corporation in the arbitration of a contract dispute with a major European corporation.

Representation of major professional firms in numerous mediations arising out of the failures of major financial institutions, the largest insurance company in North America, and several Fortune 500 Corporations.

Representation of law firms in mediations arising out of malpractice claims.

VII. Area of Expertise:

Primarily commercial litigation and litigation and investigations initiated by Government. Special expertise in accounting and auditing, banking and securities law.

VIII. General Pertinent Business or Legal Experience:

See III, V and VI above.

IX. Other Pertinent Information:

Listed as a leading lawyer in Chambers USA: America's Leading Lawyers for Business and Legal Media Group's Benchmark Litigation

Recipient of the Gould Award for Outstanding Advocacy, presented by the Office of the Appellate Defender

Recipient of The Lawyers Committee for Civil Rights Whitney North Seymour Award for Exemplary Support for Those in Need

Several times recipient of the Legal Aid Society's Award for Outstanding Pro Bono Service

Recipient of the New York State Bar Association President's Award for Extraordinary Pro Bono Service by a Senior Attorney

X. Fee Structure (Compensation and Expense Reimbursement):

Hourly rate: \$475 per hour, including study time.

No penalty for settlement.

Reimbursement for expenses.

XI. Pro Bono Preference: Brooklyn and/or Central Islip:

Brooklyn