LITIGATION SERVICES HANDBOOK

Sixth Edition

The Role of the Financial Expert

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Roman L. Weil, Peter B. Frank, Kevin D. Kreb, Michael J. Wagner

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In any particular deal the parties can negotiate whatever terms of MAC or MAE they choose but still may find themselves in sufficient disagreement that the buyer typically tries to invoke the MAC clause to get out of the deal In our experience there has been some economy wide bad economic event think the market crash of March 2000 that causes the buyer to wish he hadn t offered such a high price The buyer seeks to find some aspect of the target s operations or financial statements on which to build a case that bad things happened to the target company beyond economy wide effects The lead case discussed here IBP v Tyson arose from a deal negotiated in December 1999 but not completed before the March 2000 crash The authors discuss the proto typical MAC clause and how an expert can help in supporting or defeating the claim that a company specific MAC has occurred Litigation Services Handbook, 1998 Cumulative Supplement Roman L. Weil, Michael J. Wagner, Peter B. Frank, 1998-03-16 This indispensable reference is the result of a joint project between Price Waterhouse and top experts in the field Covers all aspects of litigation services including current environments the process itself different types of cases proving damages and practical considerations of court appearances In addition to addressing important developments affecting the accounting practice it examines issues raised when calculating both prejudgment and postjudgment interest on damage awards Provides the latest information on relevant statutes and interest rates on damages

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