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I. **Professions:**

<u>Profession</u>	<u>Accrediting Agency or Jurisdiction</u>	<u>Date of Admission</u>
Certified Public Accountant	New York	1981
Attorney	New York	1985
	United States Bankruptcy Court for the Southern District of New York	1986

II. **Professional Organizations:**

<u>Accrediting Agency or Organization</u>	<u>Date of Admission</u>
New York State Society of Certified Public Accountants	1981
<ul style="list-style-type: none"> • Committee of Bankruptcy & Financial Organizations • Committee of Litigations Services 	
American Institute of Certified Public Accountants	1981
American Bankruptcy Institute	2001
New York City Bar Association	1994

III. **General Professional Experience and Employment History**

- 5/86 – Present ***BERNARD W. COSTICH, CPA, JD (self-employed)***
- Appointed Examiner and Chapter 11 Trustee in 12 cases filed in the Southern and Eastern District of New York and District of Connecticut. These cases usually involved allegations of fraudulent conveyance or preference transfers to affiliated entities or insiders.
 - Retained as accountant by more than 100 financially troubled entities (including DIPs and cases where chapter 11 or 7 trustees had been appointed) where primary responsibilities included but were not limited to review of financial transactions involving the debtor and its financial position; ongoing responsibility for the financial reporting of the debtor, assisting in the structuring and negotiating of plans of reorganization, identification of debtor owned assets, monetization of assets, tax planning and the preparation of tax returns, preference and fraudulent conveyance analysis, insolvency analysis, review of proof of claims and the preparation of objections to claims where appropriate, identification of claims and cause of action held by the debtor and litigation accounting services in connection with the prosecution of claims involving

breach of contract, fraudulent conveyances, preferences and malpractice (attorney and accountant).

- Retained by creditors for litigation accounting services (defense of claims brought against them for preference transfers and fraudulent conveyances).
- Retained as expert witness in accountant malpractice actions.
- Retained as interim Chief Financial Officer or Chief Reorganization Officer by chapter 11 debtors or financially troubled entities.
- Retained by creditor committees as accountant.

1984-86 ***DEAN WITTER REYNOLDS, INC., New York, NY***
Tax Attorney to Chief Financial Officer

- Provided general corporate tax planning, new product analysis, review of proposed acquisitions, analysis of proposed and enacted legislation and negotiated tax settlements.

1978-84 ***COOPERS & LYBRAND, New York, NY***
Tax Supervisor and Project Manager

- Supervised the preparation of tax returns, ruling requests, opinion letters and memoranda.
- Evaluated and conducted due diligence of possible acquisition candidates for clients and advised as to the financial, accounting and tax implications.
Areas of expertise: corporation reorganizations, mergers and acquisitions and consolidated regulations.

IV. Experience and Familiarity with Bankruptcy Laws

I have over 20 years of pertinent bankruptcy experience. Specifically, I have been employed by financially troubled entities including debtors as an interim Chief Financial Officer or Chief Restructuring Officer, as a financial consultant or as an accountant. I have also been retained by numerous chapter 11 and 7 trustees as an accountant. On limited occasions, I have served as an accountant to a creditors' committee or have been retained by a defendant in a preference or fraudulent conveyance claim filed by a debtor. Lastly, I have been appointed as an Examiner in 11 cases filed in the Southern and Eastern Districts of New York and the District of Connecticut.

V. Mediation Training

Advanced Negotiation and Mediation Skills Training Workshop sponsored by NASD Dispute Resolution and the Southern and Eastern Districts of New York U.S. Bankruptcy Courts, held in September 2005. (26.5 hours)

VI. Mediation Experience

My mediation experience includes both participation as one of the parties and serving as a mediator. Specifically, as both Examiner and as an accountant to a debtor, I have represented the Debtor in five separate mediations involving construction disputes, one mediation involving a general commercial/contract dispute and a mediation involving professional malpractice (attorney) dispute. I have also been retained by a debtor and a creditor to mediate a commercial dispute involving a

prepetition claim and a claim for setoff. This case, which was filed in the Southern District, was successfully mediated.

In connection with my appointment as Examiner, I am frequently asked to resolve issues between different classes of creditors and to assist the parties in their settlement discussions and in their negotiations for a consensual plan of reorganization.

VII. Areas of Expertise

- Accounting Standards
- Bankruptcy and Insolvency

VIII. General Pertinent Business or Legal Experience

Since May, 1986, I have concentrated my practice in corporate bankruptcies. For the last 19 years, I have been retained by numerous financially troubled entities including debtors as an interim Chief Financial Officer, Chief Restructuring Officer, as a financial business consultant or an accountant. I have also been retained by numerous chapter 11 and 7 trustees as an accountant to the debtor. Finally, I have been appointed an Examiner in 11 cases filed in the Southern and Eastern Districts of New York and District of Connecticut.

As a CPA, MBA graduate and an attorney who possesses in excess of 20 years of significant business experience working for financially troubled entities, I believe that I possess both a unique skill set and perspective for mediating disputes involving a debtor and a creditor or involving an accountant in a negligence or malpractice action.

IX. Fee Structure (Compensation and Expense Reimbursement)

Hourly Rate: \$300 per hour

Disbursements charged in conformity with guidelines issued by the Bankruptcy Court for the Southern District of New York and the United States Trustee.