



## RESUME OF DR. ANDREW E. ABERE

### ***Senior Economist***

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### **PROFESSIONAL EXPERIENCE**

Andrew E. Abere is a Senior Economist with the firm. He has over twenty years of experience providing economic consulting services to public and private companies, law firms, and government agencies. Dr. Abere has provided expert witness or consulting services in matters involving antitrust, securities fraud, breach of contract, patent infringement, product liability, and government regulation.

Most notably, Dr. Abere served as an expert witness on damages on behalf of The Coca-Cola Company in the *PepsiCo v. Coca-Cola* antitrust litigation, and on behalf of BDO Seidman in the *Health Management* and *Jennifer Convertibles* securities fraud litigation. Dr. Abere also served as a court-appointed expert on damages in United States District Court for the *Newell v. Rubbermaid* breach of contract litigation. He has also appeared on behalf of clients in antitrust matters before the U.S. Department of Justice, the Federal Trade Commission, the Italian Antitrust Authority, and the French Competition Council.

Dr. Abere's experience includes the analysis of a wide variety of industries. These include airlines; automobiles and automotive parts; beer; chemicals; cigarettes; computer equipment; financial services; food manufacturing and retailing; health care; pharmaceuticals; professional sports; recorded music; soft drinks; and television programming and distribution. Prior to joining the Princeton Economics Group, Dr. Abere served as a Senior Manager at Ernst & Young LLP and as an Economist with the law firm of Skadden, Arps, Slate, Meagher & Flom LLP. In addition to consulting, Dr. Abere has also held positions with the Departments of Economics at Columbia University, NYU, and Rutgers University, and has taught courses in industrial organization, microeconomic theory, and the economic analysis of law.

Dr. Abere received his B.A. with a major in economics in 1983 from Columbia University and his Ph.D. in economics in 1991 from Columbia University. In the final year of his graduate studies, Dr. Abere was named John M. Olin Research Fellow at the Center for Law and Economic Studies at the Columbia University School of Law.

## **EDUCATION**

- Ph.D. Economics, 1991, Columbia University  
Specializations in Law and Economics, Industrial Organization, and  
Microeconomics
- M.Phil. Economics, 1987, Columbia University
- M.A. Economics, 1986, Columbia University
- B.A. Major in Economics, 1983, Columbia University

## **ACADEMIC HONORS**

John M. Olin Research Fellow  
Columbia University  
School of Law, Center for Law and Economic Studies  
Fall 1990 – Spring 1991

## **CURRENT EMPLOYMENT**

Princeton Economics Group, Inc.  
Senior Economist  
August 1995 – Present

## **PRIOR EMPLOYMENT**

### *Consulting*

Ernst & Young LLP  
Dispute Resolution & Litigation Services Group  
Economist and Senior Manager  
September 1991 - August 1995

Skadden, Arps, Slate, Meagher & Flom  
Economist  
May 1987 - September 1991

Skadden, Arps, Slate, Meagher & Flom  
Research Economist  
June 1984 - May 1987

*Teaching*

Rutgers University  
Department of Economics  
Part-Time Lecturer (*Law and Economics*)  
1997 - 2003 (Fall Semesters)

Columbia University  
Department of Economics  
Assistant Adjunct Professor (*Economic Analysis of Law*)  
1991 - 1996 (Fall Semesters)

New York University  
Department of Economics  
Assistant Adjunct Professor (*Topics in Industrial Organization*)  
Spring 1991

Columbia University  
Department of Economics  
Lecturer (*Industrial Organization*)  
Fall 1989 - Spring 1990

Columbia University  
Department of Economics  
Preceptor (*Intermediate Microeconomics*)  
Fall 1988 - Spring 1989

Columbia University  
Department of Economics  
Instructor (*Industrial Organization*)  
Summer 1987

## **PUBLICATIONS**

“The Economics of NASCAR,” (with P. Bronsteen and K. Elzinga), in *The Oxford Handbook of Sports Economics*, Vol. I, L. Kahane and S. Shmanske (eds.), Oxford University Press (forthcoming 2012).

“Using Economics to Measure Consumer Damages in Private Advertising Litigation,” *The ADviser* published by the American Bar Association Section of Antitrust Law Private Advertising Litigation Committee, Vol. 1, No. 1 (2010).

“The Fundamental Economics of Class Certification,” (with J. Bigelow and P. Bronsteen), *The Economics Committee Newsletter* published by the American Bar Association Section of Antitrust Law Economics Committee, Vol. 9, No. 2 (2009).

“Mergers and Market Power: Estimating the Effect on Market Power of the Proposed Acquisition by The Coca-Cola Company of Cadbury Schweppes’ Carbonated Soft Drinks in Canada,” (with O. Capps Jr., J. Church, and H.A. Love), in *Measuring Market Power*, D. Slottje (ed.), North-Holland (2002).

“Mergers and Acquisitions in the Age of Wall Street: An Assessment” (with M. Glick), *New York Law School Law Review*, Vol. 35, No. 4 (1990).

## **PRESENTATIONS**

“The New Economics of Class Certification,” at Arnold & Porter LLP, Washington D.C., October 25, 2007.

“Observations on the Observable and Unobservable: Price Transparency in Coordinated Effect Analysis,” at “Antitrust Issues in Today’s Economy,” The Conference Board’s 2005 Antitrust Conference, New York City, March 3, 2005.

## **SELECTED CONSULTING ENGAGEMENTS**

### **(WITH PRINCETON ECONOMICS GROUP)**

#### *Damages*

For The Coca-Cola Company, provided expert testimony in an antitrust case on the amount of damages sustained by PepsiCo, which alleged it had been excluded from supplying soft drinks to certain fast-food restaurants.

For BDO Seidman, provided expert testimony in a securities class action on the amount of damages sustained by a class of shareholders who alleged the firm disregarded fraud during its audit.

For Amgen, calculated the damages sustained by the company in a patent infringement case in which it alleged price erosion due to improper competition by a patent licensee for one of its biotech drugs.

For Showtime Networks, filed an expert report on the amount of damages sustained by the company in a breach of contract case in which it alleged a breach by a distributor of in-room programming to the lodging industry.

For Virgin Atlantic, calculated the damages sustained by the company in an antitrust case in which it alleged the business practices of British Airways excluded it from certain international routes.

For a class of automobile owners, calculated the monetary value of a settlement in a product liability class action in which it was alleged the Ford Motor Company concealed defects in a number of its models.

For a consumer advocate group, calculated the damages sustained by consumers in a private-attorney-general action in which it was alleged General Motors engaged in deceptive advertising regarding a number of its models.

#### *Antitrust*

For GlaxoSmithKline, analyzed allegations that its patent infringement suits against various generic drug manufacturers maintained monopoly power for certain branded pharmaceuticals.

For NASCAR, analyzed allegations that its affiliations with racetrack operators foreclosed rival operators and motorsports sanctioning bodies.

For the Federal Trade Commission, analyzed the competitive impact of the proposed horizontal merger of two manufacturers of sodium silicates (PQ and INEOS).

For Philip Morris USA, analyzed allegations that its discount programs with wholesalers foreclosed rival cigarette manufacturers.

For a group of automobile paint manufacturers (including PPG and Sherwin-Williams), analyzed allegations of price-fixing with regard to refinishing paint used by body repair shops and fleet owners.

For Albertson's, analyzed allegations that various contracts with suppliers disadvantaged the supermarket chain's rivals in connection with a Robinson-Patman investigation by the Federal Trade Commission.

For IBM and Hitachi, appeared before the Federal Trade Commission analyzing the likely competitive effects of their hard drive joint venture.

For The Coca-Cola Company, appeared before various competition authorities analyzing the competitive effects of horizontal acquisitions of rival suppliers, as well as other business practices.

For Hunter Douglas, appeared before the Department of Justice analyzing the competitive effects of a horizontal acquisition of a rival supplier of window treatments.

For Comcast, appeared before the Department of Justice analyzing the competitive effects of a vertical acquisition of a regional sports television network in the Washington, D.C. area.

For Cablevision, analyzed the likely effect of proposed state legislation in New Jersey on access for regional sports television networks.

### *Business Strategy*

For The Coca-Cola Company, provided consulting on the pricing of new product offerings in the bottled water category.

For Bertelsmann Music Group, provided consulting on changes in the pricing strategy of a rival record label.

For Comcast, provided consulting on the pricing of its regional sports network to rival cable systems.

For PetroCom, provided consulting on alternative pricing plans for its cellular telephone service in the Gulf of Mexico.

### **TESTIMONY**

For defendant Dollar Tree in Winn-Dixie Stores, Inc. et al., v. Dollar Tree Stores, Inc., United States District Court for the Southern District of Florida, Case No.: 11-CV-80638-DMM, deposition testimony (January 2012).

For defendant BDO Seidman in George A. Batchelor and The Batchelor Foundation, Inc. v. Deloitte & Touche, LLP and BDO Seidman, In the Judicial Court of the Eleventh Judicial Circuit in and for Miami Dade County, Florida, General Jurisdiction Division, Case No. 02-07135-CA-06, deposition testimony (June 2008)

For defendant BDO Seidman in In re Jennifer Convertibles Securities Litigation, United States District Court for the Eastern District of New York, Master File No. CV-94-5570, deposition testimony (August 2002).

For defendant The Coca-Cola Company in PepsiCo, Inc. v. The Coca-Cola Company, United States District Court for the Southern District of New York, 98 Civ. 3282, deposition testimony (September 2000).

For defendant BDO Seidman in In Re: Health Management, Inc. Securities Litigation, United States District Court for the Eastern District of New York, Civil Action No. 96-889, deposition testimony (February 1999) and trial testimony (October 1999).

For defendant Federal Insurance Company (Chubb Group) in The Titan Industrial Corporation, Titan Industrial de Espana, S.A., and Titan Acier, S.A., against Federal Insurance Company, Jack J. Karasu, Stephen P. Krauss, Jose-Carlos Torija Monroy, and Ciro Pumariega Diaz, United States District Court for the Southern District of New York, 94 Civ. 0726, deposition testimony (July 1995).

For plaintiffs in Carretta Trucking, Inc. and Joseph Carretta vs. Clyde Fuller and David Parker, United States District Court for the District of New Jersey, Civil Action No. 94-2369, deposition testimony (December 1994).

For plaintiffs in Transtat, Inc. and Globe Plastics, Inc. vs. Sarnelli Brothers, Inc. et al., Superior Court of New Jersey, Law Division, Essex County, Docket No. ESX-10041-91, deposition testimony (May 1993).

For the Court as an independent expert in Newell Puerto Rico, Ltd. vs. Rubbermaid, Inc., United States District Court for the District of Puerto Rico, Civil No. 92-1150, deposition testimony (January 1993) and trial testimony (February 1993).

For defendants in Clayton Group Inc. vs. Mueller Holdings Corporation, Mueller Company, and O&R Utilities, Inc. vs. Paul Thanasides, Circuit Court of the Thirteenth Judicial Circuit of the State of Florida, Hillsborough County, Civil Division, Case No. 88-21992, deposition testimony (October 1992).

For defendants in D. Henry Sattler vs. Herbert J. Cooper, Stuart F. Cooper, Gerald Lewis, Cooper Alloy Metals, Inc., and Cooper Alloy Corporation, Superior Court of New Jersey, Chancery Division, Somerset County, Docket No. SOM-C-12052-91, deposition testimony (June 1992).