

TECHNICAL SPECIALTIES

Mr. Scarcella has more than twenty years of experience as an economic consultant for mass tort litigation, specializing in quantitative methods and their applications in dispute resolution and strategic litigation management. He has extensive experience estimating litigation risk and economic damages related to environmental and product liability, including projections of latent personal injury claims.

EXPERIENCE SUMMARY

Mr. Scarcella has developed forecasting models used to evaluate the impact of litigation and legacy liability on corporate financial management, transactions, and restructuring. His work has been leveraged in corporate financial disclosures for SEC reporting, bankruptcy reorganization, and due diligence for structured financial transactions.

Mr. Scarcella has acted as consulting or testifying expert on a number of complex insurance coverage cases and has developed economic models for estimating potential insurance recoveries due to environmental and product liability claims. He has applied his expertise in forecasting future loss and litigation risk to the areas of asbestos, silica, pharmaceutical, medical device, water contamination, sports-related head trauma, tobacco litigation, and various deleterious substances.

Prior to joining Roux to lead their Economic & Complex Litigation practice, Mr. Scarcella was a Principal at Bates White. Prior to joining Bates White, Mr. Scarcella was Managing Director at Analysis Research Planning Corporation (ARPC), where he provided economic analyses and consultative services in 524(g) Chapter 11 bankruptcy reorganization in the areas of asbestos liability estimation and insurance allocation. This experience has made Mr. Scarcella a recognized expert on claim processing management and valuation for 524(g) asbestos personal injury and property damages bankruptcy trusts. He has testified on matters of trust transparency and potential plaintiff recoveries at both the state and federal level. Mr. Scarcella has also consulted on issues of process and policy management for other Qualified Settlement Funds (QSF) established from non-asbestos product liability litigation.

CREDENTIALS

MA, Financial Economics, American University
BA, Economics, American University
BA, Public Affairs, American University

SELECTED EXPERIENCE: LIABILITY ESTIMATION AND INSURANCE ALLOCATION ANALYSIS

- Strategic consulting lead to assess the potential risk associated with alleged airborne contaminants.
- Litigation expert on behalf of an insurer in an arbitration matter involving the allocation of asbestos-related losses.
- Strategic consulting lead to assess the potential risk associated with sport-related head trauma.

- Strategic consulting lead and litigation expert on behalf of an insurer to estimate potential economic damages in a public water contamination case.
- Litigation expert on behalf of insurer opining to the reasonableness of an underlying workplace-related wrongful death settlement.
- Litigation expert on behalf of insurer in a benzene-related coverage dispute requiring the allocation of historical and future projections of claim expenditures and indemnity.
- Litigation expert on behalf of an insured friction defendant in an asbestos-related insurance coverage dispute.
- Strategic consulting lead on behalf of a joint-defense group of insurers to analyze historical costs and exposure claims related to exposures to various deleterious substances.
- Litigation expert on behalf of insurer in an asbestos-related coverage dispute requiring allocation of both historical and future projections of product and premises claim expenditures and indemnity.
- Consulting lead for estimating future asbestos-related expenses and potential insurance receivables for a friction defendant's SEC financial disclosures.
- Technical consulting lead for modeling historical and future asbestos-related costs and corresponding insurance receivables on behalf of the future asbestos claimant representative in a 524(g) bankruptcy reorganization.

SELECTED EXPERIENCE: QUALIFIED SETTLEMENT FUND CLAIMS PROCESSING

- Procedures and policy development.
- Reporting system development.
- Claims valuation model development and analysis.
- Exposure site list management.
- Property damages claims administration.
- Quality control management, including the development of a system of standards and auditing procedures.

EXPERT TESTIMONY

Mr. Scarcella has testified on matters of insurance allocation, 524(g) asbestos bankruptcy trust transparency, and potential plaintiff recoveries at the state and federal levels.

- Trial testimony in *First State Insurance Company and Twin City Fire Insurance Company vs. ACE Property & Casualty Insurance Co., et al*, Montgomery County Court of Common Pleas, OH, September 2017.
- Hearing testimony on H.B. 1428, Pennsylvania House Committee on Judiciary, PA, January 2016.
- Hearing testimony, in *Poage vs. 3M Company, et al*, Circuit Court for St. Louis, MO, August 2015.
- Hearing testimony, in *Catlett vs. A.W. Chesterton Company, et al*, Circuit Court for Hamilton County,

TN, June 2015.

- Hearing testimony on H.B. 1492, Texas House Judiciary and Civil Jurisprudence Committee, April 2015.
- Hearing testimony on H.R. 526, the “Furthering Asbestos Claim Transparency (FACT) Act of 2015,” US House Judiciary Committee’s Subcommittee on Regulatory Reform, Commercial and Antitrust Law, February 2015.
- Hearing testimony, in *Olin Corporation vs. Insurance Company of North America, et al.*, United States District Court for the Southern District of New York, January 2015.
- Hearing testimony, American Bar Association’s Task Force on Asbestos Litigation and the Bankruptcy Trusts, June 2013.
- Hearing testimony on H.B. 1150, the “Fairness in Claims and Transparency Act,” Pennsylvania House Committee on Judiciary, April 2013.
- Hearing testimony on A.B. 19, “Tort and Personal Injury Trusts,” Wisconsin House Committee on Judiciary and Senate Committee on Judiciary and Labor, April 2013.
- Hearing testimony on H.R. 982, the “Furthering Asbestos Claim Transparency (FACT) Act of 2013,” US House Judiciary Committee’s Subcommittee on Regulatory Reform, Commercial and Antitrust Law, March 2013.
- Hearing testimony on H.R. 4369, the “Furthering Asbestos Claim Transparency (FACT) Act of 2012,” US House Judiciary Committee’s Subcommittee on Courts, Commercial and Administrative Law, May 2012.
- Hearing testimony on H.B. 380, Ohio Senate Judiciary Committee, March 2012.
- Hearing testimony on H.B. 380, Ohio House Judiciary and Ethics Committee, November 2011.
- Hearing testimony on H.B. 2034, Texas House Judiciary and Civil Jurisprudence Committee, March 2011.
- Deposition testimony in *Davis vs. 3M Company, et al.*, In the Circuit Court for Maury County, Tennessee, June 2018.
- Deposition testimony in *Knutson vs. Air & Liquid Systems Corporation, et al.*, Superior Court of the State of California, County of Alameda, June 2018.
- Deposition testimony in *Garcia vs. Colgate-Palmolive Company, et al.*, Superior Court of California, County of Los Angeles, May 2018.
- Deposition testimony in *Olin Corporation vs. Insurance Company of North America, et al.*, United States District Court for the Southern District of New York, April 2018.
- Deposition testimony in *Olin Corporation vs. Insurance Company of North America, et al.*, United States District

Court for the Southern District of New York, January 2018.

- Deposition testimony in *Defiore vs. Huntington Ingalls Inc., et al.*, Civil District Court for the Parish of Orleans, LA, September 2017.
- Deposition testimony in *Robaey vs. Air & Liquid Systems Corporation, et al.*, Supreme Court of New York County, NY, November 2016.
- Deposition testimony in *Haefele vs. Honeywell International, Inc., et al.*, Court of Common Pleas of Lorain County, OH, September 2016.
- Deposition testimony in *Hayden vs. 3M Company, et al.*, Civil District Court for the Parish of Orleans, LA, July 2016.
- Deposition testimony in *New York City Asbestos Litigation*, Supreme Court of New York County, NY, February 2016.
- Deposition testimony in *Petersen vs. Industrial Supply Company, Inc., et al.*, Third Judicial District Court for Salt Lake County, UT, October 2015.
- Deposition testimony in *Radiator Specialty Company vs. Arrowood Indemnity Company, et al.*, General Court of Justice, Superior Court Division of Mecklenburg County, NC, March 2015.
- Deposition testimony in *Hill vs. Certaineed Corporation, et al.*, Superior Court of Los Angeles County, CA, November 2014.
- Deposition testimony in *Muldoon vs. American Honda Motor Company, et al.*, Court of Common Pleas of Horry County, SC, October 2014.
- Deposition testimony in *Andrews v. A.W. Chesterton, Inc.*, Third Judicial Circuit Court of Madison County, IL, September 2011.
- Deposition testimony in *Christopher v. Armstrong Intern’l Inc.*, Circuit Court of Limestone County, AL, April 2011.
- Deposition testimony in *Moore v. A.W. Chesterton, Inc.*, Third Judicial Circuit Court of Madison County, IL, April 2010.

PROFESSIONAL EXPERIENCE

Mr. Scarcella first began evaluating environmental and product liability claims in 2001 as the statistician and quantitative data analyst for the claims processing facility of the Johns-Manville Personal Injury Settlement Trust. Following his time with Manville, he joined ARPC, an economic consulting firm specializing in asbestos liability estimation for bankruptcy reorganization and qualified settlement funds. During his tenure with ARPC, Mr. Scarcella had the opportunity to estimate current and future asbestos liability and associated insurance recoveries in asbestos bankruptcy proceedings for multiple companies including, but not limited to, Armstrong World Industries, Babcock and Wilcox, Federal-Mogul Corporation, Halliburton Co., Honeywell International Inc., Owens Corning, and United States Gypsum. Most recently, Mr. Scarcella was a Principal at

Bates White, an economic consulting firm offering expert testimony and consultative services to law firms, Fortune 500 companies, and government agencies.

- Economic & Complex Analytics Group of Roux Associates, Inc.
 - Principal, August 2016 to present
- Bates White Economic Consulting, Washington, DC
 - Principal, 2015–July 2016
 - Manager, 2009–2015
- Analysis Research Planning Corporation (ARPC), Washington, DC
 - Managing Director (2009), Director (2005–2008), Senior Consultant (2004), Consultant (2002–2003)
- Quantitative Data Analyst, Claims Resolution Management Corporation (CRMC), Fairfax, VA, 2001–2002

PUBLICATIONS

Scarcella, Marc C., and Peter R. Kelso. “The Waiting Game: Delay and Non-Disclosure of Asbestos Trust Claims,” U.S. Chamber Institute for Legal Reform, Dec. 2015.

Ableman, Peggy L., Peter R. Kelso, and Marc C. Scarcella. “A Look Behind the Curtain: Public Release of Garlock Bankruptcy Discovery Confirms Widespread Pattern of Evidentiary Abuse Against Crane Co.” Mealey’s Asbestos Litigation Report 30, no. 19 (2015).

Ableman, Peggy L., Peter R. Kelso, and Marc C. Scarcella. “The Consolidation Effect: New York City Asbestos Verdicts, Due Process and Judicial Efficiency.” Mealey’s Asbestos Litigation Report 30, no. 7 (2015).

Scarcella, Marc C. and Peter R. Kelso. “A Reorganized Mess: The Current State of the Asbestos Bankruptcy Trust System.” Mealey’s Asbestos Bankruptcy Report 14, no. 7 (2015).

Scarcella, Marc C., Peter R. Kelso, and Joseph Cagnoli, Jr. “Asbestos Litigation, Attorney Advertising & Bankruptcy Trusts: The Economic Incentives Behind The New Recruitment Of Lung Cancer Cases.” Mealey’s Asbestos Litigation Report 13, no. 4 (2013).

Scarcella, Marc C. and Peter R. Kelso. “Asbestos Bankruptcy Trusts: A 2013 Overview of Trust Assets, Compensation & Governance.” Mealey’s Asbestos Bankruptcy Report 12, no. 11 (2013).

Scarcella, Marc C., Peter R. Kelso, and Joseph Cagnoli, Jr. “The Philadelphia Story: Asbestos Litigation, Bankruptcy Trusts and Changes in Exposure Allegations from 1991–2010.” Mealey’s Asbestos Litigation Report 27, no. 19 (2012).

Scarcella, Marc C. and Peter R. Kelso. “Asbestos Bankruptcy Trusts: A 2012 Overview of Trust

Assets, Compensation & Governance.” Mealey’s Asbestos Bankruptcy Report 11, no. 11 (2012).

Hartley, Kirk T., David C. Christian II, Marc C. Scarcella, and Peter R. Kelso. “Pre-Packaged Plan of Inequity: the financial abuse of future claimants in the T H Agriculture & Nutrition 524(g) asbestos bankruptcy.” Mealey’s Asbestos Bankruptcy Report 11, no. 4 (2011).

Bates, Charles E., Charles H. Mullin, and Marc Scarcella. “The Claiming Game.” Mealey’s Litigation Report: Asbestos 25, no. 1 (2010).

SELECTED SPEAKING ENGAGEMENTS

The SEC Revised Compliance and Disclosure Interpretations (C&DIs): Time to Rethink Your Firm’s Current Non-GAAP Measures, September 14, 2016.

“Leveling the Playing Field: Reform Issues Impacting U.S. Asbestos Litigation Risk.” IntAP Technical Meeting, June 8–9, 2016.

“Don’t Get Burned on Your Reserves: Future Incidence of Latent Claims vs. Current Burn Rates.” 2015 EECMA Annual Conference, Apr. 29–May 1, 2015.

“NYCAL Filing and Verdict Trends.” US Civil Justice Reform Group, Dec. 3, 2014.

“Asbestos Bankruptcy and Tort Litigation Trends in 2014–2015.” DRI Asbestos Defense Strategic Summit, Nov. 5, 2014.

“The Garlock Ruling: Understanding the Impact and Applications in the Tort System.” FETII Annual Conference, Oct. 10, 2014.

“The Economic Incentives Behind the New Recruitment of Lung Cancer Cases.” Perrin Conferences Defense Asbestos Litigation Seminar, June 5, 2014.

“Lung Cancer and Asbestos Litigation: The Science and Economics Behind the Recent Rise in Filings.” 2014 EECMA Annual Conference, Apr. 30–May 2, 2014.

“A Look Ahead to 2014: Open Issues in a Mature Litigation.” Perrin Conferences Litigating Asbestos Cases in Today’s Environment Conference, Dec. 12, 2013.

“Emerging Asbestos Litigation Trends.” Perrin Conferences Asbestos Defense Strategic Summit, Nov. 6, 2013.

“Insurer & Policyholder Bankruptcy & Trust Transparency.” FETII 20th Annual Conference, Sept. 25–27, 2013.

“NFL Concussion Litigation.” 2013 EECMA Annual Conference, May 1–3, 2013.