

EXHIBIT I

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNIVERSAL INSTRUMENTS CORPORATION,)
a Delaware Corporation,)

Plaintiff,)

vs.)

MICRO SYSTEM ENGINEERING, INC., an)
Oregon Corporation, and MISSOURI)
TOOLING & AUTOMATION, a Missouri)
Corporation,)

Defendants.)

CASE NO. 13-CV-831

VOLUME VI-Morning

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HON. GARY L. SHARPE
MONDAY, AUGUST 7, 2017
ALBANY, NEW YORK

THERESA J. CASAL, RPR, CRR
UNITED STATES DISTRICT COURT - NDNY

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A P P E A R A N C E S

FOR THE PLAINTIFF:

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I N D E X T O W I T N E S S E S

<u>PLAINTIFF:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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BRUCE L. BLACKER	64	85	---	---
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Saidi - Redirect

1 Micro System Engineering, Inc?

2 A Yes.

3 Q Do you have the express authorization of Ravi

4 Subrahmanyan to sign?

5 A Yes, and also from my general manager, Mr. Lindner.

6 Q Jeurgen Lindner?

7 A Jeurgen Lindner, yes.

8 MR. TULCHIN: Nothing else, your Honor.

9 THE COURT: Anything this time around, Mr. Kaplan?

10 MR. KAPLAN: No, your Honor, thank you.

11 THE COURT: Anything further?

12 MR. MEOLA: Nothing further, your Honor, thank

13 you.

14 THE COURT: All right. You may step down. Next

15 witness, please.

16 (Witness was excused.)

17 (Pause in proceedings.)

18 MR. WHITE: The defendants call Bruce Blacker,

19 your Honor.

20 THE COURT: All right.

21 THE CLERK: Mr. Blacker, come right down this way.

22 Please raise your right hand. Please state your name for

23 the record.

24 THE WITNESS: Bruce Lee on Blacker.

25 THE CLERK: And please spell your name for the

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Blacker - Direct

1 record.

2 THE WITNESS: B-R-U-C-E, L-E-O-N, B-L-A-C-K-E-R.

3 B R U C E L. B L A C K E R,

4 having been duly sworn by the Clerk of the Court, was
5 examined and testified as follows:

6 MR. WHITE: And with the Court's permission, your
7 Honor, I will have a few questions for Mr. Blacker and
8 Mr. Kaplan will follow with a few additional questions for
9 Mr. Blacker.

10 THE COURT: All right. That's ordinarily the
11 rotation I would engage in and that sounds fine to me. Go
12 ahead.

13 MR. KAPLAN: Thank you, your Honor.

14 **DIRECT EXAMINATION BY MR. WHITE:**

15 Q Mr. Blacker, would you please introduce yourself to the
16 Court and the ladies and gentlemen of the jury?

17 A Good morning. My name is Bruce Leon Blacker.

18 Q And Mr. Blacker, what do you do for a living?

19 A I'm a Certified Public Accountant, a CPA, and I do
20 expert witness work.

21 Q When you say "expert witness work," what do you mean by
22 that, Mr. Blacker?

23 A Specifically, I'm a damage quantifier, so in cases much
24 like this, when companies are in disputes, one company is
25 usually asked -- or claiming that they have been

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Blacker - Direct

1 economically harmed, I quantify what is that harm.

2 Q And what is your educational background, Mr. Blacker?

3 A I received a Bachelor's and a Master's degree from
4 Brigham Young University, that was in 1989, and then I, as I
5 said, I'm a Certified Public Accountant. I'm also certified
6 in financial forensics.

7 Q And what is your prior work experience, Mr. Blacker?

8 A After graduating college, I worked for one of the large
9 accounting firms, Peat Marwick, KPMG Peat Marwick, I was
10 working in their tax department at the time helping
11 companies prepare, specifically, international tax returns.
12 And then, after working there, I worked at Pricewaterhouse
13 Coopers, one of the large accounting firms. I worked there
14 for 13 years, started as a staff and worked my way up and
15 was a partner within that partnership. And then in 2004, I
16 had the opportunity to help open the office of Analysis
17 Group, the company that I currently work for, a company that
18 provides economic consulting services, again to corporations
19 and our clients, and I still work at Analysis Group today.

20 Q And within your field, Mr. Blacker, do you have a
21 particular specialty?

22 A Damage quantification. I worked in breach of contract
23 cases. I do a lot of work in intellectual property cases,
24 where I value patents, copyrights, trade secrets,
25 trademarks, those types of intellectual property, and place

Blacker - Direct

1 a value on those.

2 Q And have you testified before?

3 A I have; nine times in trial and arbitration and about
4 19 times in deposition.

5 Q And what was your assignment in this case?

6 A To evaluate Universal's claimed damages.

7 Q And what information did you consider in carrying out
8 your assignment, Mr. Blacker?

9 A Well, as you already heard, in a litigation, both the
10 plaintiff and the defendants in this case have produced
11 information and I reviewed that information. Universal has
12 presented its damages claim through Mr. Hampton's reports,
13 which I have reviewed. There's publicly available
14 information that I may have looked at, some of the legal
15 documents in this case, as well as had conversations with
16 personnel, both MSEI and MTA, as well as I've listened to
17 some of the testimony that's been given here at trial and
18 some of the evidence that's been presented here at trial.

19 Q But you were here in the courtroom, Mr. Blacker, for
20 Mr. Hampton's testimony, isn't that right?

21 A Yes, I was present then.

22 Q And did you agree with his analysis as it pertains to
23 damages here?

24 A No. We have some disagreements.

25 Q And are you prepared to discuss and explain your

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