



# Eric Kimberling's Expert Witness Experience

## About Eric Kimberling

CEO and Founder of Third Stage Consulting Group

Eric Kimberling, MBA, is one of the most recognized and respected independent **Enterprise Resource Planning (ERP)** systems expert in the world, giving 100% unbiased advice to clients for more than 20 years. Mr. Kimberling has been quoted in thousands of articles, including the Wall Street Journal, CIO Magazine and Fortune. He provides keynote speeches at industry conferences and universities worldwide, and continually provides industry thought leadership through blogs, podcasts, webinars and articles. He is the author of the acclaimed book, "An Expert's Guide to ERP Success."

Throughout his career, Mr. Kimberling has been called upon to investigate the feasibility of litigation, provide witness testimony and build background reporting for the industry's highest-profile ERP lawsuits, including Lyons Magnus, Inc. v. Fujitsu America, Inc.; Partner Services, Inc v. Avanade; Kathy Pishghadamian v. Nicor Gas; Flotek Industries, Inc. v. CD Group, Inc.; Midwest Tape LLC v. ESR Associates, Inc.; Waste Management v. SAP; and Whaley Food Service Repairs v. Epicor to name a few. Eric is actively involved in implementations and project recoveries, giving him unique and up-to-date experience with modern enterprise technologies.

## Areas of Expertise:

- Organizational Change Management
- Implementation Methodologies
- Sales Cycle Fraud and Misrepresentation
- Contract Compliance
- Consultant Errors
- Budget Overages
- Project Governance
- Software Customization
- Project Team Staffing
- Software Schedule Delays

Eric holds an MBA with an emphasis in operational strategy and a Bachelor of Science in business administration from Daniels College of Business at the University of Denver. He is also Six Sigma certified and a certified practitioner of multiple ERP solutions, including SAP, Oracle, Microsoft Dynamics, Epicor and Infor, among others. He has won numerous industry awards for his experience and contributions, including Supply Chain Pro to Know and Best Independent ERP Blog from ERP Focus.



## Past Expert Witness Engagements

\* Note: Those companies marked in **BOLD**, are those that Mr. Kimberling was the expert.

### Depositions:

Flotek Industries v. **CD Group**

Retained by: Miller & Martin – December 2012 Case #: 30 117 Y 0032812

Deposition Date: June 27, 2014

Buren v. **Airgas USA, LLC**

Retained by: Zimmerman Law – June 2014 Civil Action No.: 12CV06415

Deposition Date: August 15, 2014

Copart, Inc. v. **Sparta Consulting, Inc.**

Retained by: Lewis & Llewellyn LLP

Case #: 14-cv-00046-KJM-CKD

### Expert Witness Retentions:

Waste Management v. **SAP America**

Retained by: Morgan, Lewis & Bockius LLP – March 2009 Case #: 2008-17510

Expert Report Submitted: February 2010

Case Dismissed: April 2010

MidWest Tape LLC v. **itelligence Inc. et. al.**

Retained by: Ulmer|Berne – September 2013

Case #: G-4801-CI-0201203572-000

Stay in the Case: January 2014

Partner Services, Inc. v **Avandade**

Retained by: Kirkland & Ellis – January 2013

Case#: 1:13-cv-00001

**WBM Office Systems**

Retained by: Miller Thomson – January 2015

Expert Assessment Report

Expert Report Submitted: February 23, 2015



**Stoneridge v. Sopris**

Retained by: Pendleton Wilson Hennessey & Crow P.C. – January 2015

Expert Assessment Report

Expert Report Submitted: March 2, 2015

**U.S. Welding v. TECSYS, Inc.**

Retained by: Marcus Stephen Harris, LLC – March 2015

Expert Assessment Report

Expert Report Submitted: 2016

**HB Fuller Co v. Accenture LLP**

Retained by: Bowman and Brooke – April 21, 2015

Expert Assessment Report

Expert Report Submitted: 2015

**Grupo Viz/SuKarne v. Oracle**

Retained by: Bufete Asali SC – June 5, 2015

Expert Assessment Report

Expert Report Submitted: July 15, 2015

**Atos Canada, Inc. v. Siemens Canada Limited**

Retained by: Lenczner Slaght Royce Smith Griffin LLP – July 2015

Expert Assessment Report

Expert Report Submitted: 2015

**California State Controller's Office v. SAP**

Expert Assessment Report

Expert Report Submitted: 2016