

MATTHEW TODD WINER

Litigation Support and Expert Witness C.V.

EXPERIENCE:

Jet Management Associates, LLC (JMA)

Miami Beach/Opa-locka, FL
2011 - Present

Founder/Director

- Provide litigation support for owners in disputes with their aircraft management providers, disputes with aircraft manufacturers, lease and purchase disputes, insurance companies and disputes with outside service providers (ie: maintenance facilities), and general corporate aviation industry standard disputes
- Provide real-time owner's proxy operations management, charter sales oversight and aircraft operations accounting, including a full suite of financial statements/reports. Assist in the lease agreement negotiations
- Audit private flight department operations and financial data to ensure all costs are in line with industry standards

Written Works: Copyright 2010: Charter Broker's Bill of Rights (CBBR), **Blog:** Do You Know Your Aircraft Management Company, **White Paper:** How To Choose The Right Aircraft Management Company, **Lecture:** Embry Riddle University/Daytona, FL—Certified Appraiser Coursework Lecture on *The Difference Between Desktop Appraisal and Formal Appraisal Standards in Aircraft Appraisal*, DEMA Miami Chapter Introduction to Corporate Aviation, U.S. Corporate Aviation Symposium—Co-Developer with Aeropodium and Keynote speaker 2012. **Publication Citings:** *Business and Commercial Aviation, Aviation International News, Aviation Week, Avinode, Business Jet Traveler, Business Air, Corporate Jet Investor, FlyCorporate, South Florida Business Journal, Wings Magazine, and Executive and VIP Aviation International.*

Executive Air Services, LLC (EAS Charter)

Opa-locka, FL
2010 - 2012

President/CEO (sold shares 9/1/12)

- Built fleet from 3 to 14 Part 91 and 135 Aircraft (Avanti II, Lear31/55/60, Excel, G3/4SP/550, 601/Global)
- drafted, negotiated, and published all mgmt. contracts, operating agreements, and ex/non-exclusive leases
- Built staff from 6 to 19 employees and 8 to 25 pilots, opened offices in Ft. Lauderdale and NJ
- Obtained Wyvern Wingman, IS-BAO Stage I & II, Re-certified ARG/US Platinum, FAA Pilot SMS Program

(Revolution Air 2005-2006) Prudential Aviation, Inc.

Miami Beach/Opa-locka, FL
2005 - 2012

Co-Founder (bought out partner in 2010/merged with EAS, sold shares 9/1/12)

- Managed daily operations of a 4-person, \$6-8MM annual sales, charter brokerage firm
- Approved all sales and contracts, oversaw daily ops, all accounting/annual budgets & Part 91 management

LITIGATION AND PRIVATE OWNER DISPUTE EXPERIENCE (RECENT):

MB Aviation, LLC a Florida Limited Liability Company vs. KIM Aviation, Inc. a Floridan Corporation, V. KLM Jets, In the Circuit Court in and for the Seventeenth Judicial Circuit for Broward County, Florida, Case No: 19-003210

Engaged by Defendant, January, 2019

Details: KLM Manages Hawker 850XP for MB Aviation. Dispute relating to aircraft management agreement terms, including delineation of expenses and charter income split. Also dispute over aircraft operations accounting.

Issues: Counts for Breach of Contract and Civil Theft **Services Provided:** Case pending. Providing document review, negotiation and strategy advice to client and counsel, corporate re-publishing of financial statements.

In The Marriage of Petitioner CHARLES BRANDES and Respondent TANYA JOHNSON, Superior Court of the State of California for the County of San Diego, CASE NO. 18FL001027N

Engaged by Respondent October, 2018

Details: Divorce proceedings, Respondent's company owns a Bombardier Global 6000 aircraft. The aircraft is exclusively leased to another company with Respondent as the only shareholder. Petitioner claims the aircraft was purchased with Petitioner's money and he should be granted access to use the aircraft. Respondent claims exclusive operational control and liability and prohibits Petitioner from using the aircraft.

Issues: Definition of "operational control" of private jet aircraft operations. **Services Provided:** Provided an Expert Declaration related to the exclusivity of Respondent's operational control of the Aircraft.

Exmegs Marketing, LLC V. Projets, Inc., in the District Court of Oklahoma County, State of Oklahoma, Case No. CJ – 2017 – 5620

Engaged by Plaintiff, Exmegs Marketing, LLC, June, 2018

Details: Plaintiff traded a Hawker 700 aircraft for a Hawker 1000 aircraft. Included in the terms of the LOI were free maintenance labor for one year. The Defendant did not honor the maintenance labor provision.

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Issues: Breach of Contract, Negligent Misrepresentation, Fraud and Deceit. **Services Provided:** Case pending. Provided expert document review and published expert report for the court, relating to industry standard aircraft transactions and maintenance provisions.

Berge Air, LLC a New Mexico limited liability company v. Wright Brothers Aircraft Title, Inc., an Oklahoma Corporation, Filed in District Court of Oklahoma County, Case No.: CJ – 2016 - 1857

Engaged by Plaintiff, Berge Air, June, 2018

Details: Plaintiff wired money to Defendant. Defendant forwarded the funds to an account(s) not owned by Plaintiff, without instructions from Plaintiff.

Issues: Want of Accounting, Negligence, Breach of Contract **Services Provided:** Case pending. Providing expert document review and potential expert report relating to industry standard in aviation escrow services for aircraft transactions.

WESTERN AIR CHARTER, INC., doing business as JET EDGE INTERNATIONAL, a California corporation, Plaintiff, v. PAUL SCHEMBARI, an individual; ACP JET CHARTERS, INC., doing business as PHENIX JET, a Florida Corporation; PHENIX JET LLC, a Guam Limited Liability Company, COSA DI FAMIGLIA HOLDINGS, LLC, a Guam Limited Liability Company, and DOES 1-10, inclusive, Defendants. Case No.: 2:17-cv-00420-JGB-(KSx)

Engaged by Plaintiff, Jet Edge International, May, 2018 (Deposed) (Testified January, 2019)

Details: Ex-Assitant Director of Operations departed the company, opened a competing Part 135 Charter company in Asia and won 5 Japanese aircraft owners from the Plaintiff.

Issues: Breach of Employment Agreement and trade secret misappropriation **Services Provided:** Case pending. Provided expert document review and written expert report relating to charter industry standards, foreign owners of FAA regulated aircraft and the industry standards for charter, the U.S. registered aircraft charter industry in Asia. Publishing, and assistance with damages. Writing a rebuttal of the defense's expert report on trade secrets.

Ocean Air 1, LLC and David Linn vs M2 Gold Jets, LLC, In The Supreme Court of the State of New York, County of Westchester, Index No. 2016-63668

Engaged by Defendant M2 Gold Jets, LLC, July, 2017

Details: Aircraft lease from defendant to Plaintiff. Plaintiff defaulted on lease and Defendant terminated and foreclosed. **Issues:** Plaintiff claims conversion by Defendant. **Services Provided:** Case pending. Providing expert document review and written expert report relating to industry standard leases, including the terms, pre-lease maintenance, and aircraft valuation analysis.

N111KJ v. Cessna Aircraft Company, In The United States District Court, Southern District of Florida, Palm Beach Division, Case No. 15-CIV 80058/ Middlebrooks/Brannon

Engaged by Defendant Cessna Aircraft Company, April, 2017 (Deposed)

Details: New aircraft sale from Cessna to the Plaintiff. Aircraft to be placed in CitationAir program and Cessna to pay management fees for specific period. CitationAir ceased operations and offered management alternatives to Plaintiff but Plaintiff attempted to return the aircraft To Cessna and filed suit when Cessna would not accept the aircraft. **Issues:** Industry standard differences between manufacturer sales agreements and aircraft management and charter agreements. Valuation at the time of initial aircraft sale and pre-claim sale. Claims of fraudulent inducement, breach of contract, breach of Kansas Sales Act.

Services Provided: Case pending. Providing expert document review and written expert report relating to on-industry standard differences between sales agreements and management and charter contracts, and valuation analysis.

Joel Castillo, individually, and as Personal Representative of the Estate of Diana Suriel, deceased vs. Execuflyght, Inc., Rais Group International NC, LLC, Air Charter Service, Inc, Air Charter Service (Florida), Inc., Raquel Cordoves-Marchese, as Personal Representative of the Estate of Renato Marchese, deceased; Camilo Alejandro Chaves Mosquera, as Personal Representative of the Estate of Oscar Chavez Mosquera, deceased, In The Circuit Court of the 17th Judicial Circuit in and For Broward County, Florida, Case #: CACE 16-000968 (08)

Engaged by Defendant Air Charter Service, Through their insurance Provider Allianz Insurance, April, 2017

Details: Fatal Accident involving FAA Part 135 charter operator and on-demand aircraft charter broker. **Issues:** On-demand charter industry standard booking, including communication w/charter operator and end-user client, duty of care when booking charter, duty of reasonable care, Wyvern Pass and Arg/us Tripcheq qualifications and industry standard use of the services.

Services Provided: Case pending. Providing expert document review and written expert report relating to on-demand charter industry standard booking, including communication w/charter operator and end-user client, duty of

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care when booking duty of reasonable care, Wyvern Pass and Arg/us Tripcheq qualifications and industry standard use of the services.

Sam Agronow vs. Hamid Sheikhai, Krystal Aviation LLC, Berkley Aviation LLC, Starnet Insurance Company, Joshua Gust, The Aviation Group Inc., Busy Buggy, Ziba Air LLC, Heart of Texas Aircraft Engines, Aviation Light Services Corp, Individual Does 1-XX, Roe Business Entities I-XV, Nevada Eighth Judicial District Court, Clark County Nevada, Case #: A-15-720431-C, Dept. No.: XXVI

Engaged by Plaintiff, August, 2016

Issues: unjust enrichment, ownership and right to insurance proceeds, Part 135 charter certificate sale, breach of contract.

Services Provided: Providing expert document review and written expert report relating to FAA Part 135 charter sale, aircraft and charter company ownership claims, and right to insurance proceeds.

IBX Jets, LLC vs. Paradigm Jet Management, Inc., Jetaway Air Service, LLC, Justin Sullivan Individually, and d/b/a UB Air, and UB Air, LLC, and Christopher Jones, Michael Jones, Brandon Coleman, and IBX Air Corporation vs. Justin Sullivan, Individually, and d/b/a UB Air, and UB Air LLC, In the United States District Court for the Western District of Michigan Southern Division, Case #: 1:16-CV-229, Hon. Robert J. Jonker

Engaged by Plaintiffs July, 2016

Details and Issues: Breach of contract claims against both the owner/lessor and the Part 135 charter operator, including lease-to-purchase, libel and defamation, negligence, lost charter revenue, breach of duty to maintain, violation of Part 135 maintenance and operational requirements.

Services Provided: Case pending. Providing expert document review and written expert report, addressing lease agreement, management agreement, and lease-to-purchase document review and interpretation. Damages review for damages incurred through the end of the original lease term.

Signature Group LLC vs. Young Money Entertainment and Dwayne Michael Carter Jr, FL Case #: 132014CA019871000001, Local Case #: 2014-019871-CA-1, Turbine Leasing Intervenor as Plaintiff against Signature Group LLC, In the Circuit Court of the Eleventh Judicial Circuit in and For Miami-Dade-County, Florida

Engaged by Plaintiff, May, 2016

Details: Exclusive multi-year Part 91 dry lease. **Issues:** Breach of contract issue.

Services Provided: Provided expert document review and written expert report relating to FAA Part 135 charter standards, the viability of Gulfstream II's in the charter market, industry standard practices relating to duty to mitigate in breached lease agreements, and an analysis of valuation of damages.

Kerzo Ventures vs. Jet Linx Aviation (To Be Filed)

Engaged by Plaintiff, February, 2016

Details: Clients engaged Defendant charter operator to charter their newly purchased aircraft due to promises of immediate charter revenue. **Issues:** Damage to aircraft while in operational control, lost charter revenue, breach of contract relating to termination clause, and control of logbooks.

Services Provided: Hired to review pre-agreement budgetary analysis, management and charter agreement, and communications, and produce a written report to determine the value of lost charter revenue relating to a number of external and internal parameters.

A.N. (Confidential) vs. Rolls-Royce Canada (MATTER RESOLVED October, 2015)

Engaged by Plaintiff, September, 2015

Details: Second engine midlife on Gulfstream G-IV engines. \$1.5mm cost overrun during the maintenance event.

Issues: Questions of notice provisions under Agreement, approval scheme for cost overruns, potential maintenance facility negligence, potential insurance FOD Damage.

Services Provided: Hired to review contracts, work orders, work cards, all correspondence, cost estimates, preliminary negotiations, review the engines and scrapped parts in-person with affiliated engineer, publish findings for client, lead negotiations with Rolls, all local and North America management and corporate counsel, and client counsel. Produce final internal report of event chronology.

IHDE Investments LP vs. Coventures LC d/b/a GoCopter LC, Daniel L. Claassen, Kent Claassen, Troy Mitchell, and Stefan Lauder, No. DC-14-13012 in the District Court, 14th Judicial District, Dallas County, Texas

Engaged by Defendant July, 2015

Details: Exclusive dry lease of a Robinson R44 Raven Helicopter to a Part 135 Operator. The operator's pilot was involved in an incident which caused substantial damage to the aircraft. **Issues:** Questions of operator and pilot negligence and aircraft valuation.

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Services Provided: Hired to publish an expert report relating to aircraft valuation on the date of the incident in 2014. Also hired to analyze and publish commentary relating to pilot negligence, based upon sworn statements and published FAA/NTSB reports.

Signature Group LLC v. Young Money Entertainment and Dwayne Michael Carter Jr, FL Case #: 132014CA019871000001, Local Case #: 2014-019871-CA-1, In the Circuit Court of the Eleventh Judicial Circuit In and For Miami-Dade-County, Florida

Engaged by Plaintiff, May, 2015

Details: Exclusive multi-year Part 91 dry lease. **Issues:** Breach of contract issue.

Services Provided: Provided trial strategy support relating to industry standard leasing practices, defining material changes in aircraft valuation, calculation of damages due to the breach, deposition support, pre-trial strategy support.

Confidential Part 135 Operator vs. Confidential Flight Simulator Manufacturer (Litigation Pending)

Engaged by Plaintiff, May, 2015

Details: Part 135 Operator contracted for a custom Level 6 simulator to be manufactured and installed at their HQ. Operator custom-built a facility to house the simulator. The manufacturer did not deliver the simulator and had to make material changes to the type of simulator and the dimensions. **Issues:** Ongoing dispute

Services Provided: Have provided pre-litigation strategy support, including assisting in communication strategy with the manufacturer, hiring a commercial litigation specialist with intellectual property background (simulator source-code an issue), and determining actual damages.

Adrian Cervantes Covarrubias v. Gregory Ed. Dukes; Houston Aviation Technical Services Inc; Alliance Airparts, Inc; Carlos Ryerson; Ryerson and Associates, P.C.; Management by GT Services Inc.; Case no. NO.1:14-cv-00379-LY United States District Court for the Western District of Texas, Austin Division:

Engaged by Plaintiff, October, 2014

Details: Foreign buyer of U.S. registered aircraft. **Issues:** Non-Citizen Owner Trust drafting, execution and FAA notice, Breach of fiduciary duty, Breach of Contract, Theft, Fraud, aircraft valuation at the time of the alleged theft/fraud.

Services Provided: Represented the Plaintiff Buyer, and wrote expert report relating to all of the above claims, based upon the weight of the evidence.

Arrowhead Aviation Purchase Dispute Against Neumeyr Fuggerate II GbR (No Action Filed):

Engaged by Plaintiff, June, 2014

Details: Foreign owned/registered Citation Excel sold to American buyer, had airframe and engine corrosion issues beyond limits, which required extensive remediation, time and expense. **Issues:** Breach of contract claims by both parties.

Services Provided: Represented the buyer with buyer's claim to the original aircraft deposit. Reviewed APA, inspection reports, email correspondence and legal representative official correspondence, and worked with Buyer's counsel to confirm strategy.

Insured Aircraft Title Service, Inc. v. Bernstein Services, Inc.; International Aviation Services (VIP) Corp.; Xtordinair Aviation, Inc.; and Aero Taxis Metropolitanos S.A. de C.V. District Court of Oklahoma County, State of Oklahoma, Case No. CJ-2012-7740

Engaged by Defendant (actual Plaintiff), March, 2014 (Testified January, 2019)

Details: Foreign purchaser of Gulfstream 550 traded in a Gulfstream V. The transaction was "back-to-back-to-backed". \$2.1 million dollar escrow dispute, interpled into the court in OKC. **Issues:** Aircraft valuation, diminution in value, fraud, EASA delivery conditions, industry standard back-to-back transactions.

Services Provided: Hired to provide strategic litigation support and publish an expert report and testify on back-to-back, and back-to-back-to-back transactions, standard aviation transactional contracts, and aircraft valuation.

JG Asset Management & GII-78 Holdings Insurance Claim Under Meadowbrook Insurance (No Action Filed):

Engaged by Plaintiff, October, 2013

Details: Foreign registered aircraft ferried to the U.S. to be monetized by full sale, parts sale, different use. In-air incident causing damage to the aircraft. **Issues:** Diminution in whole aircraft value, diminution in engine value, potential fraud issues.

Services Provided: Originally hired by one party to protect ownership interests. Upon insertion, hired by both parties to re-draft all j.v. agreements, consolidate and coordinate docs, and represent their interests against insurance carrier and insurance agency (issues involving Errors & Omissions coverage).

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ERDL Purchase Dispute Against Aircraft Manufacturer Authorized Sales Center (No Action Filed):
Engaged by Plaintiff, November, 2013

Details: Foreign ownership Entity purchased an aircraft from an authorized Cessna approved vendor. **Issues:** time of essence clause in the P&S Agreement, misuse of escrowed funds, dispute on sales finance charges, complex chattel finance.

Services Provided: Represented buyer in dispute with seller and Cessna—QB'd deal and liaised with both parties, while working with buyer's counsel to draft all correspondence, amend P&S Agreement, interface with financial institutions and escrow agents.

Talon Air, Inc. vs. DGC Air, Inc. and JAS Enterprises, Inc.: New York Eastern District Court, Case:
2:2013cv02491

Engaged by Defendant, April, 2013

Issues: Breach of Contract with funds in dispute, Counterclaim for malicious prosecution, overcharging fees

Services Provided: Full aircraft operations accounting audit, including part 91 aircraft operating expenses, Part 135 charter revenue and accounting, audit of all aircraft flight and maintenance logs. Assist in answer prep, motions, and counterclaim.

EDUCATION:

VERMONT LAW SCHOOL, Juris Doctor, May 2002

South Royalton, VT

BABSON COLLEGE, B.S. May 1994, Major: Finance & Investments, Minor: Sociology

Wellesley, MA