



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 hundreds 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 his YouTube channel, along with blogs, podcasts, and webinars. He is the author of multiple acclaimed books, including "Lessons from 1,000 ERP Implementations," "Guide to Successful Digital Transformations," and others.

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 Waste Management v. SAP, 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.,; 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.



Partial List of Past Expert Witness Engagements

** Companies marked in **BOLD** are those parties for which Mr. Kimberling was the designated expert.*

Expert Witness Retentions That Involved 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

U.S. Welding v. TECSYS, Inc.

Retained by: Marcus Stephen Harris, LLC – March 2015

Expert Report Submitted: 2016

Dealer Management Systems Antitrust Litigation (plaintiff)

Retained by: Kellogg, Hansen, Todd, Figel & Frederick, P.L.L.C.-August 2019

Expert Report Submitted: December 2019

Deposition Date: January 2020

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 Report Submitted: February 23, 2015



Stoneridge v. Sopris

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

Expert Report Submitted: March 2, 2015

HB Fuller Co v. Accenture LLP

Retained by: Bowman and Brooke – April 21, 2015

Expert Report Submitted: 2015

Grupo Viz/SuKarne v. Oracle Mexico

Retained by: Bufete Asali SC – June 5, 2015

Expert Report Submitted: July 15, 2015

Atos Canada, Inc. v. Siemens Canada Limited

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

Expert Report Submitted: 2015

California State Controller's Office v. SAP

Expert Assessment Report

Expert Report Submitted: 2016

Copart, Inc. v. Sparta Consulting, Inc.

Retained by: Lewis & Llewellyn LLP - 2017

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

DL Acquisitions, LLC v. Michelle Denton, John D. Smith, IOUS CO., and One Point Business Solutions

Retained by: The Culpepper Law Firm, PC-August 2018

Expert Report Submitted: September, 2018

Clean Management v. Victory Environmental

Retained by: Pendarvis Law-January 2020

Expert Report Submitted: In Progress as of February 2020

Clean Management v. Asymmetric

Retained by: Pendarvis Law-January 2020

Expert Report Submitted: In Progress as of February 2020

MaxiTRANS Australia Pty Ltd v Red Rock Consulting Pty Ltd (Australia)

Retained by: K&L Gates- January 2020

Expert Report Submitted: In Progress as of February 2020



Empirical Foods, Inc. v. **Primus Builders, Inc.** v. Swisslog Logistics, Inc.
Retained by: Taylor English Duma, LLP-January 2020
Expert Report Submitted: TBD / Pre-Discovery Phase