



EAGAN AVENATTI, LLP
Michael J. Avenatti, Bar No. 206929
Jason M. Frank, Bar No. 190957
Michael Q. Eagan, Bar No. 63479
Scott H. Sims, Bar No. 234148
450 Newport Center Drive, Second Floor
Newport Beach, CA 92660
Telephone: (949) 706-7000
Facsimile: (949) 706-7050

Attorneys for Plaintiffs, On Behalf of
Themselves and All Others Similarly Situated

CONFORMED COPY
ORIGINAL FILED
Superior Court Of California
County Of Los Angeles

MAY 09 2014

Sherri R. Carter, Executive Officer/Clerk
By: Kristina Vargas, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES- CENTRAL DISTRICT**

ROBERT SCOTT, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

SERVICE CORPORATION
INTERNATIONAL, a Texas corporation,
SCI CALIFORNIA FUNERAL SERVICES,
INC., a California corporation, EDEN
MEMORIAL PARK MANAGEMENT CO.,
a California corporation, EDEN
MEMORIAL PARK ASSOCIATION, a
California business entity, EDEN
MEMORIAL PARK, a California business
entity, JAMES R. BIBY, an individual and
DOES 1 through 100.

Defendants.

Case No. BC421528

ASSIGNED FOR APPROVAL OF CLASS ACTION
SETTLEMENT TO:
Hon. Daniel Buckley, Dept. 1

ASSIGNED FOR TRIAL TO:
Hon. Marc Marmaro, Dept. 37

**DECLARATION OF DR. DAVID W. STEWART IN
SUPPORT OF PLAINTIFFS' MOTION FOR
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT AND APPLICATION FOR
ATTORNEYS' FEES, COSTS AND INCENTIVE
AWARDS TO THE CLASS REPRESENTATIVES**

*[Plaintiffs' Motion for Final Approval of Class Action
Settlement; Application for Attorneys' Fees, Costs &
Incentive Awards; Declarations of Michael J. Avenatti,
Jason M. Frank, Kenneth Jue, Professor Brian
Fitzpatrick, Robert Scott, Sean Frank, Rabbi Howard
Laibson, Barry Chapman, Warren Binder, Ivy
Greenstein, Linda Pore, Miriam Sue Roth and Habib
Naeim; [Proposed] Final Approval Order; and
[Proposed] Judgment filed concurrently herewith]*

**Date: May 15, 2014
Time: 9:00 a.m.
Dept.: 1**

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

15
16
17
18
19
20
21
22
23
24
25
26
27
28

16
17
18
19
20
21
22
23
24
25
26
27
28

26
27
28

1 consumer behavior, market definition and structure, branding, marketing communication, marketing
2 research, and marketing management. My research has examined how consumers and managers search
3 for and use information in decision making, how to effectively communicate with consumers, how to
4 study consumers and their behavior, and how to effectively design marketing programs. In addition to
5 my work on consumer behavior related to commercial products and services, I have also examined the
6 influences of warnings and disclosures on consumers. My scholarship has been widely cited and has
7 been recognized and honored in a number of venues including the receipt of the Award for Outstanding
8 Contribution to Advertising Research by the American Academy of Advertising. My publications
9 include papers related to the role of surveys in assessing deceptive marketing practices, as well as the
10 appropriate use of information disclosures.

11 5. I am a member of the American Marketing Association, the American Statistical
12 Association, the Association for Consumer Research, the Society for Consumer Psychology, the
13 American Academy of Advertising, the American Psychological Association, the American
14 Psychological Society, the American Association for Public Opinion Research, the Psychometric
15 Society, and the Institute for Operations Research and Management Sciences, among others. I have also
16 served two terms as a member of the United States Census Bureau's Advisory Committee of Joint
17 Professional Associations and I am a past-chairman of this committee.

18 6. I have served as Vice President for Finance and as a member of the Board of Directors of
19 the American Marketing Association. I am a past-president of the Society for Consumer Psychology, a
20 past-chair of the Section on Statistics in Marketing of the American Statistical Association, and a past-
21 president of the Academic Council of the American Marketing Association. I am a Fellow of both the
22 American Psychological Association and the American Psychological Society.

23 7. I have taught marketing courses to undergraduates, MBA students, Ph.D. students, and
24 practicing managers for more than thirty years. I have taught courses on principles of marketing,
25 consumer behavior, advertising and promotion management, product development and management,
26 marketing research, marketing management, and marketing strategy, among others. I have taught both
27 qualitative and quantitative approaches to marketing research, including the design and use of in-depth
28 personal interviews, customer visits, focus groups, survey research, choice modeling, and marketing

1 experiments to both university students and practicing professionals. I have offered executive education
2 courses on marketing topics, including marketing research, in twenty countries on four continents.

3 8. I have served as a consultant for a wide array of companies and government
4 organizations. In this work I have studied marketing activities and consumer behavior and have advised
5 companies, not-for-profit organizations, and government agencies. Among the organizations with which
6 I have consulted are Coca-Cola, General Motors, Visa Services, Hewlett Packard, Agilent Technologies,
7 Hughes, Texas Instruments, Samsung, NCR, IBM, and Cadence Design Systems, among other
8 companies. I have also served as a consultant to and expert witness for the Federal Trade Commission
9 and the Office of Consumer Protection of the California Attorney General.

10 9. As a part of my business experience, academic research, and consulting practice, I have
11 personally designed and conducted focus groups and in-depth customer interviews. I have also designed
12 and implemented several hundred surveys. My experience with survey research includes the design of
13 questionnaires, specification of the relevant universe and sampling frame, identification and
14 implementation of sample selection, supervision of fieldwork, and data analysis and interpretation. I
15 have published numerous papers using survey methodology and have also published papers on the
16 methodology of survey research. I have also presented the results of my surveys to academic
17 conferences and to senior managers. I have offered testimony regarding surveys, including surveys of
18 my own design, before the Federal Trade Commission and in various Federal and State Courts.

19 10. I have offered testimony regarding marketing issues, including issues related to consumer
20 behavior, branding, marketing communications, marketing strategy, deceptive advertising, and
21 intellectual property before the Federal Trade Commission and in Federal and State Courts. I have
22 served as an expert witness for a mixture of plaintiffs and defendants over time.

23 11. In the conduct of my work as scholar, teacher, consultant, and expert witness I rely on
24 well-accepted principles and theories in marketing and the behavioral sciences. I also place great
25 reliance on properly designed and well-executed empirical research, such as survey research, to inform
26 my opinions. Such research may be of my own design but may also be research published in journals or
27 conducted to inform business decisions with important economic and/or social consequences.
28

12. A copy of my Curriculum Vitae, including a list of my testimony over the prior 4 years, is attached as Exhibit A.

Analysis

13. I previously served as an expert in this case regarding Plaintiffs' claims for "out of pocket" loss damages. Specifically, I was asked to determine what effect, if any, the disclosure of certain burial practices at Eden would have had on the market price of the Eden's plots, goods and services. These burial practices included breaking burial vaults in neighboring graves in order to make new burials fit and discarding human remains that fell out of the broken containers.

14. It is my understanding that under California law, when a party is fraudulently induced to enter into a sales transaction, the defrauded party is entitled to either: (a) rescind the transaction and get his/her money back in exchange for the return of the purchased items; or (b) keep the purchased items and seek out-of-pocket loss as damages.¹ This out-of-pocket loss is measured as the difference between what the party paid and the reasonable market value of what the party received at the time of sale if the true quality or other characteristics of the transaction were known.² The "value" is the "reasonable market value" which "is normally determined by the price at which it could be resold in an open market or by private sale if its quality or other characteristics which affect its value were known."³

15. In order to determine what effect, if any, the disclosure of the burial practices at Eden would have on the market price, I employed concept testing wherein you test a potential customer's willingness to purchase a product based on certain descriptions. Concept testing is a common tool used to assess market value and the appropriate price points for a company's products. I have substantial experience conducting concept testing on behalf of companies in order to assess market value and price points.

16. As part of my concept testing in this case, I designed and oversaw multiple telephonic surveys on a representative sample of potential Jewish cemetery customers in the Los Angeles and Orange County markets. I restricted the samples in this manner to approximate the potential market of

¹ *Alliance Mortgage Co. v. Rothwell* (1995) 10 Cal. 4th 1226, 1240.

² See Judicial Council of California Civil Jury Instruction (“CACI”) 1923; OCM Principal Opportunities Fund v. CIBC World Markets Corp. (2007) 157 Cal. App. 4th 835, 870, 876 (citing Stout v. Turney (1978) 22 Cal. 3d 718, 725).

³ *Bagdasarian v. Gragnon* (1948) 31 Cal.2d 744, 753.

1 customers for Eden, which is a Jewish cemetery in Los Angeles, California. The questions in my survey
2 tested a customer's willingness to purchase graves at Eden if the cemetery disclosed: (a) the cemetery's
3 employees will at times break burial vaults and caskets in order to make new burials fit; and/or (b) the
4 cemetery's employees will at times break burial vaults and caskets and discard the human remains that
5 fall out of the broken containers. The questions were drafted to assume that the practice would continue
6 in the future after the sale.

7 17. The results of my survey indicated that approximately 91% of Eden's potential market of
8 customers definitively would not be willing to make purchases at Eden under any circumstances if those
9 burial problems were disclosed and continuing. Approximately 5.5% of Eden's potential customers
10 would still "consider" making a purchase at the cemetery if those practices were disclosed, while an
11 additional 3.5% answered "I don't know." A copy of my survey results is attached as Exhibit "B."

12 18. Based on my review of the evidence, it is my understanding that Eden sold approximately
13 \$99,643,815 of plots, goods and services to the Class during the Class Period (February 7, 1985 to
14 September 10, 2009). This includes approximately \$52,720,791 worth of in-ground plots, some of
15 which have been used, and some of which have not been used. Attached as Exhibit C is a chart setting
16 forth Eden's sales during the Class Period which was prepared by Plaintiffs' accounting and damages
17 expert, Neill Freeman. It is my understanding that Defendants stipulated that the sales amounts on his
18 chart are accurate.

19 19. Based on the results of my survey, Mr. Freeman conservatively concluded that the market
20 value of Eden's plots, goods and services would have been worth approximately 95% less than what the
21 Class paid if the above-referenced burial practices were disclosed and continuing. This was based on
22 the fact that only approximately 5% of Eden's potential market of customers would be even willing to
23 consider making a purchase at Eden if those problems were disclosed and continuing. Accordingly, Mr.
24 Freeman calculated that the out-of-pocket loss aggregately suffered by the Class was approximately
25 \$94,661,624 (95% of \$99,643,815). I consulted with Mr. Freeman and agreed with his analysis which,
26 in my opinion, presented a best case scenario for Defendants. Attached as Exhibit D is the damage
27 analysis of Mr. Freeman.

28

1 20. As indicated above, my surveys assumed that burial problems at issue in this lawsuit
2 would continue post-sale. It is my understanding that the Settlement provides Permanent Corrective
3 Measures designed to prevent the breakage of outer-burial containers in the future and to re-sanctify the
4 cemetery under Jewish law. The terms of the Settlement, and the Permanent Corrective Measures, were
5 made public at the end of February 2014. I reviewed numerous articles discussing the Settlement at that
6 time. I am also aware that notice of the Settlement was mailed directly to the Class, and published in
7 the Jewish Journal and on the internet.

8 21. After the announcement of the Settlement and the Permanent Corrective Measures, I
9 reviewed current advertising for sales of Eden's graves on the secondary market where an owner of an
10 unused grave offers to sell the grave to third parties.⁴ Based on my review, the re-sale price of Eden's
11 graves on the secondary market today is ranging from 50% to 80% of regular market prices, with most
12 prices in the 60% to 70% range.

13 22. Using the same evidence and methodology employed to determine the out-of-pocket loss
14 damages in this lawsuit, I can also determine that value of the Permanent Corrective Measures in the
15 Settlement for those class members who do not choose the rescission remedy and who are instead
16 keeping their graves at the cemetery. Based on my analysis, it is reasonable to conservatively assume
17 that the restored value of the cemetery plots, goods and services at Eden in the absence of the offending
18 practices is at least half of the total out-of-pocket losses that would have occurred if the burial problems
19 had been disclosed and were continuing. This is based on the fact that owners of unused graves at Eden
20 appear to be able to sell their graves at 50% to 80% of the retail price, and Eden is apparently selling
21 their graves a regular market rates. For purpose of my analysis, I am assuming that the buyers in the
22 current sales do not believe that the alleged burial problems at Eden will be continuing in the future.

23 23. The following example illustrates how the Permanent Corrective Measures restore
24 economic value to customers. Assume a person with an unused plot wanted to re-sell the plot today on
25 the secondary market and the regular market price for the graves was \$5,000. Based on the survey
26

27 ⁴ Based on my review of Eden's refund policies, it is my understanding that if a customer with an unused grave no longer
28 wants to use the grave they will not be able to obtain a refund from the cemetery. Instead, they have to re-sell the grave on
the secondary market, as evidenced by the listings I have reviewed on various cemetery broker websites.

1 results, if it was disclosed that Eden had an ongoing practice of breaking burial vaults to make new
2 burials fit, the evidence indicates that the person would only be able to sell the grave at 5% of the
3 regular market price, or \$250 (5% of \$5,000). This is because 90% to 95% of the market of potential
4 customers for Eden would not even be willing to consider making a purchase at such a cemetery under
5 any circumstances according to the survey results. However, assuming that the buyers in the current
6 sales I reviewed are aware of the past burial problems at Eden and have been provided with assurances
7 that they will not continue in the future, the evidence indicates that this person would be able to re-sell
8 the grave today on the secondary market for 50% to 80% of the regular market price of \$5,000. If we
9 take the lowest percentage I observed on the secondary market (50% of the retail price), this would
10 result in a sale of \$2,500. In this example, if we take the difference between the actual sales price
11 obtained with the assurance that the burial problems are no longer continuing (\$2,500) and the sales
12 price my survey indicated would occur if the problems were disclosed as continuing (\$250) then we
13 arrive at the "restored value" provided by the Permanent Corrective Measures, which in this example
14 would be \$2,250. Similarly, a person who has a used grave is now getting closer to what they paid for,
15 i.e. a grave at a cemetery where these types of burial problems will not occur.

16 24. One can apply this same approach to determine the aggregate restored value of the
17 Permanent Corrective Measures to the Class. Based on my and Mr. Freeman's damage analysis, the
18 total aggregate out-of-pocket loss incurred by the Class as a result of Eden failing to disclose a
19 *continuing* problem of breaking burials vaults would be at least \$94.6 million. In other words, the Class
20 purchased approximately \$99.6 million in plots, goods and services at Eden during the Class Period, and
21 if they were to turn around and re-sell them in a market that is being advised about Eden's *continuing*
22 burial problems, then my survey results indicate that the best they could obtain in resale is
23 approximately \$5 million in the aggregate, resulting in a 95% loss in economic value of approximately
24 \$94.6 million. Today, the lowest re-sale price I observed on the secondary market was approximately
25 50% of the regular market price. This would mean that the Class could now turn around and re-sell their
26 plots, goods and services for at least 50% of what they paid, or approximately \$50 million. Again, I am
27 assuming that buyers today are doing so based on the belief that the burial problems at Eden will no
28 longer be occurring. Accordingly, the difference between this figure (\$50 million) and the amount the

1 Class could obtain if the problems were continuing (\$5 million) would indicate that the Class obtained at
2 least \$45 million in restored value as a result of the Permanent Corrective Measures in the Settlement.

3 25. Accordingly, based on my analysis and the same evidence used to support Plaintiffs'
4 damage claims, I believe the value of the Permanent Corrective Measures in the Settlement for those
5 Class Members who elect to keep their graves at Eden is well over \$45 million. If a Class Member were
6 to argue that the restored value is less than \$45 million, or not quantifiable, then that Class Member
7 would not only be wrong, he/she would be essentially arguing that he/she did not suffer economic
8 damages in the manner or amount alleged in this lawsuit. This is because my valuation of the
9 Permanent Corrective Measures is based on the same evidence and methodology used to establish
10 his/her damage claim.

11 26. It is important to note that my damage analysis, as well as my valuation of the Permanent
12 Corrective Measures, is only measuring economic value, not emotional distress or "peace of mind"
13 value. Undoubtedly, Class Members suffered emotional distress after they learned about the problems
14 occurring at Eden. However, it is my understanding that the Court did not allow the Class to seek
15 emotional distress damages in this Class Action, and the Class's monetary remedies were limited to
16 rescission or economic damages in the form of "out-of-pocket loss." For this reason, I have not
17 attempted to evaluate the "peace of mind" value provided by the Permanent Corrective Measure, nor did
18 I attempt to evaluate the amount of the emotional distress caused by the discovery of these problems at
19 the cemetery. This is strictly an economic analysis.

20 I declare under penalty of perjury under the laws of the United States that the foregoing this true
21 and correct. Executed this 8th day of May 2014, in Los Angeles
22 _____, California.

23
24 
25 _____
26 Dr. David W. Stewart
27
28

Exhibit A

CURRICULUM VITAE
President's Professor of Marketing and Law
Loyola Marymount University
1 LMU Drive
319 Conrad Hilton Business Center
Los Angeles, CA 90045

TELEPHONE: (310) 338- 6033 (O)

FAX: (866) 834-5492

E-MAIL: David.Stewart@LMU.EDU

EDUCATION:

Baker High School	Baker, LA	(1969)
University of Louisiana	Monroe, LA	B.A. (1972, psychology)
Baylor University	Waco, TX	M.A. (1973, psychology)
Baylor University	Waco, TX	Ph.D. (1974, psychology)

PROFESSIONAL INTERESTS:

Advertising and Promotion Management; Consumer Behavior; Marketing Strategy and Planning; Behavioral Decision Theory; Product Management; Market Structure/Market Segmentation Analysis; Research Methods; Quantitative Aids to Decision Making; Measurement Theory

PROFESSIONAL AFFILIATIONS:

American Marketing Association
Academy of Marketing Science
Association for Consumer Research
American Academy of Advertising
Institute for Operations research and the Management Sciences
American Association for Public Opinion Research
Decision Sciences Institute
Academy of Management
American Psychological Association
Society for Consumer Psychology (Division 23 of APA)
Society for Personality and Social Psychology (Division 8 of APA)
American Psychological Society

Professional Affiliations (Cont'd.):

Psychometric Society
American Statistical Association
Classification Society of North America
Product Development and Management Association
Sales and Marketing Executives International

RESEARCH, PUBLICATIONS, AND PRESENTATIONS:

Books

Handbook of Persuasion and Social Marketing, Three Volumes (New York: Praeger).
(forthcoming 2014).

Return on Marketing: Measuring the Value of Marketing, The MASB Project (with Craig Gugel).
(forthcoming 2014).

Marketing Champions: Practical Strategies for Improving Marketing's Power, Influence and Business Impact, (New York: Wiley Interscience, 2006). (with Roy Young and Allen Weiss.)
(translated into Chinese, Russian and Portuguese language editions).

Focus Groups: Theory and Practice, Sage Series in Applied Research in Social Psychology,
(Beverly Hills, CA: Sage Publications, 1990). (with P. Shamdasani and Dennis Rook). (Second
edition published in 2007). (Third edition in preparation).

Attention, Attitude, and Affect in Response to Advertising, (Hillsdale, N.J.: Erlbaum Publishing,
1994). (with E. Clark and T. Brock) (edited volume).

Secondary Research: Sources and Methods, Sage Series in Applied Research in Social
Psychology, Second Edition, (Newbury Park, CA: Sage Publications, 1993). (with M. Kamins).

Student Guide to the Psychology of Advertising, (College Park, MD: University of Maryland,
1992). (with Ingrid Martin).

Non-Verbal Communication in Advertising, (Lexington, Mass.: Lexington Books, 1988). (with
Sid Hecker) (edited volume).

Consumer Behavior and the Practice of Marketing, 3rd Edition (Columbus, Ohio: Merrill
Publishing, 1987). (with K. Runyon).

Effective Television Advertising: A Study of 1000 Commercials, (Lexington, MA: Lexington
Books, 1986). (with D. H. Furse) (six printings; Japanese translation published by D. C. Heath).

Book Chapters

Consumer Behavior, in Naresh Malhotra and Rajiv Grover (Eds.), *Essentials of Marketing Management*, (Upper Saddle River, NJ: Prentice Hall), (forthcoming).

Seizing our Destiny: Leading Economic Redevelopment at the Epicenter of the Housing Crisis, in *Lessons In Leading Change: Learning From Real World Cases*, (Oxford, UK: RossiSmith, 2012), pp. 13-24.

Secondary Analysis and Archival Research: Using Data Collected by Others, in Harris Cooper (Ed.), *APA Handbook of Research Methods in Psychology*, Volume 3, Chapter 24, (Washington, D.C.: American Psychological Association, 2012), pp. 473-484.

A Comment on the Ontology of "Dominant Logics" in Marketing, in Rajendra S. Sisodia (ed.), *Legends in Marketing: Philip Kotler*, (Thousand Oaks, CA: Sage, 2012), 334-340.

Defining Interactive Social Media in an Educational Context in Charles Wankel (Ed.), "Cutting-edge Social Media Approaches to Business: Business Education," *Research in Management Education and Development, Volume 9* (Charlotte, NC: Information Age Publishing, 2010), pp. 7-38. (with Aditi Grover).

The Evolution of Marketing Research (2010), in Pauline Maclaran, Mike Saren, Barbara Stern, and Mark Tadajewski (Eds.), *The SAGE Handbook of Marketing Theory*, (Thousand Oaks, CA: Sage, 2010), pp. 74-88.

Observations on Soft Computing in Marketing (2010), in Jorge Casillas and Francisco J. Martínez-López (Eds.), *Marketing Intelligent Systems Using Soft Computing: Managerial and Research Applications*, (Berlin: Springer-Verlag), pp. 17-20.

The Effects of Media on Marketing Communications, in Jennings Bryant and Mary Beth Oliver (Eds.), *Media Effects: Advances in Theory and Research*, 3rd Edition (New York: Taylor and Francis Group, 2008), pp. 363-402. (with Paul Pavlou).

Group Depth Interviews: Focus Group Research, in Len Bickman and Debra Rog (Eds.), *Handbook of Applied Social Research Methods*, Revised Edition, (Thousand Oaks, CA: Sage Publications, 2008), pp. 589-616. (with Prem Shamdasani and Dennis Rook).

Emotion in Advertising in Tim Ambler and Gerard Tellis (Eds.), *The SAGE Handbook of Advertising*, (Thousand Oaks, CA: Sage, 2007), pp. 120-134. (with Jon Morris and Aditi Grover).

Book Chapters (Cont'd.):

Measuring the Effects of Interactive Media, in David Schumann and Esther Thorsen (Eds.), *Internet Advertising, Theory and Research*, (Mahwah, N.J.: Lawrence Erlbaum, 2007), pp. 225-257. (with Paul Pavlou).

Reform, Reclamation, or Improvement: Reinventing Marketing in Jagdish Sheth and Raj Sisodia (Eds.), *Does Marketing Need Reform?*, (Armonk, N.Y.: M. E. Sharpe, 2006), pp. 82-88.

Internet Research Methods, in Brian Everitt and David Howell (Eds.), *Encyclopedia of Behavioral Statistics*, (New York: John Wiley & Sons, 2005), 937-940.

A Re-Appraisal of the Role of Emotion in Consumer Behavior: Traditional and Contemporary Approaches," in Naresh Malhotra (Ed.), *Review of Marketing Research*, Volume 1, (Armonk, N.Y.: M.E. Sharpe, Inc., 2004), 1-33. (with Allison Johnson).

The Role of Goals in Extending Brand Equity, in Serge P. Shohov (Ed.), *Advances in Psychology Research*, Volume 25, (Hauppauge, NY: Nova Science Publishers, 2003), pp. 31-48. (with Ingrid Martin and Shashi Matta). Reprinted in A. Tavidze (Ed.), *Progress in Economics Research*, Volume 8, (Hauppauge, NY: Nova Science Publishers, 2004), pp. 1-18.

Marketing Communications, in Barton Weitz (Ed.), *Handbook of Marketing*, (Newbury Park, CA: Sage, 2003), pp. 282-309. (with Michael Kamins).

Media Influences on Marketing Communications in Jennings Bryant and Dolf Zillmann (Eds.), *Media Effects: Advances in Theory and Research*, Revised Edition, (Hillsdale, N. J.: Erlbaum, 2002), pp. 353-396. (with Paulos Pavlou and Scott Ward).

Consumer Response to Warnings and Other Types of Product Hazard Information: Future Public Policy and Research Directions, in Paul Bloom and Greg Gundlach (eds.), *Handbook of Marketing and Society*, (Newbury Park, CA: Sage Publications, 2000), pp. 335 – 371. (with Ingrid Martin and Valerie Folkes).

Focus Group Research: Exploration and Discovery, in Len Bickman and Debra Rog (Eds.), *Handbook of Applied Social Research Methods*, (Newbury Park, CA: Sage Publications, 1997), pp. 505 – 526. (with Prem Shamdasani).

Using and Evaluating Syndicated and Primary Market Research, *1997 Marketing Yearbook*, (Englewood Cliffs, NJ: Prentice-Hall) (with Michael Kamins).

Integrated Channel Management: Merging the Communication and Distribution Functions of the Firm, in Esther Thorson and Jeri Moore (Eds.), *Integrated Communication: Synergy of Persuasive Voices*, (Hillsdale, N.J.: Erlbaum, 1996), pp. 185-216. (with G. Frazier and I. Martin).

Book Chapters (Cont'd.):

Non-traditional Media and Promotions in the Marketing of Alcoholic Beverages, *The Effects of Mass Media on Alcohol Use and Abuse*, (Washington, D. C.: National Institute of Health, 1995), pp. 209-238. (with Ronald Rice).

The Psychology of Comparative Advertising, in E. Clark, T. Brock, and D. W. Stewart (Eds.), *Attention, Attitude, and Affect in Response to Advertising*, (Hillsdale, N. J.: Erlbaum, 1994), 79-96. (with C. Pechmann).

Introduction, in E. Clark, T. Brock, and D. W. Stewart (Eds.), *Attention, Attitude, and Affect in Response to Advertising*, (Hillsdale, N. J.: Erlbaum, 1994), 1-9. (with C. Pechmann).

Media Effects on Advertising, in J. Bryant and D. Zillman (Eds.), *Media Effects: Advances in Theory and Research*, (Hillsdale, N. J.: Erlbaum, 1993), 315-363. (with Scott Ward).

Market Structure Analysis: Practice, Problems, and Promises, in G. Day, B. Weitz, and R. Wensley (Eds.), *The Interfaces of Marketing and Strategy*, (Greenwich, CT: JAI Press, 1990), pp. 9-56. (with A. D. Shocker and A. D. Zahorik).

Judgmental Data in Marketing Planning Systems, in R. Blanning (Ed.), *Foundations of Expert Systems for Management*, (Koln, West Germany: Verlage TUV Rheinland GmbH: 1990), pp. 125-167. (with A. Zahorik).

The Multidimensionality of Persuasive Communication: Theoretical and Empirical Foundations, in Alice Tybout and Pat Cafferata (Eds.), *Perspectives on the Affective and Cognitive Effects of Advertising*, (Lexington, MA: Lexington Books, 1988), pp. 31-65. (with C. Pechmann).

Nonverbal Communication: Advertising's Forgotten Elements, in Sid Hecker and David W. Stewart (Eds.), *Nonverbal Communication in Advertising*, (Lexington, Mass.: Lexington Books, 1988), pp. 1-7. (with Sid Hecker).

The Future of Nonverbal Research in Advertising, in Sid Hecker and David W. Stewart (Eds.), *Nonverbal Communication in Advertising*, (Lexington, Mass.: Lexington Books, 1988), pp. 252-264. (with Sid Hecker).

Assessing Social, Economic, and Consumer Behavior in Ronald Jay Cohen, et al., (eds.) *Psychological Testing and Assessment*, (Mountain View, California: Mayfield Publishing Company, 1988), pp. 563-591. (with Ronald J. Cohen).

Working Papers

A Dual Process Model of the Construction of Product Portfolios: The Case of Dietary Supplements, under second review with the Journal of Public Policy and Marketing. (with Ingrid Martin and Sayantani Mukherjee).

Learning and Unlearning About Competitors: Managerial Judgment in Repeated Competitive Interaction. (with J. Prabhu).

Refereed Journal Publications

2012

Future of MBA and Executive Education, *Journal of Higher Education Theory and Practice*, forthcoming. (with J. Gregg).

2011

Learning to Improve: Advertising Research that Guides Practice, *International Journal of Advertising*, 30 (5), 786-789.

Quality Perception of Private Labels: Effects of Intransient Cues and Consumer Characteristics, *Journal of Consumer Marketing*, 28 (6), 448-458. (with Yongchuan Bao, Shibin Sheng, and Yeqing Bao).

Social Media Tools: What Are Our Universities Doing? (2011), *Global Business & Economics Anthology*, 30-36. (with Aditi Grover).

How Relevancy, Use, and Impact Can Inform Decision Making: The Uses of Quantitative Research, *Journal of Advertising Research*, 51 (1), 195-206. (with Michael Hess). DOI: 10.2501/JAR-51-1-195-206

2010

Consumer Behavior in a Multichannel, Multimedia Retailing Environment (2010), *Journal of Interactive Marketing*, 24 (2), 86-95. (with Utpal M. Dholakia, Barbara E. Kahn, Randy Reeves, Aric Rindfleisch, and Earl Taylor). (doi:10.1016/j.intmar.2010.02.005).

The Purpose of University Education, *The Psychologist-Manager Journal*, 2010, 13 (4), 244-250. (<http://dx.doi.org/10.1080/10887156.2010.522480>).

2009

Customer Experience Management in Retailing: Understanding the Buying Process, *Journal of Retailing*, 2009, 85 (1), 15-30. (with Nancy M. Puccinelli, Ronald C. Goodstein, Dhruv Grewal, Robert Price and Priya Raghubir).

Refereed Journal Publications (Cont'd.):

Marketing Accountability: Linking Marketing Actions to Financial Results, *Journal of Business Research*, 2009, 62 (June), 636-643. (doi:10.1016/j.jbusres.2008.02.005).

2008

Envisioning the Future of Advertising Creativity Research: Alternative Perspectives: Creative and Effective Advertising: Balancing Spontaneity and Discipline, *Journal of Advertising*, 2008, 37 (4), 135-139. (with Yan Cheng and Heather Wan).

How Marketing Contributes to the Bottom Line, *Journal of Advertising Research*, 2008, 48 (1), 94-105.

Academic Publishing in Marketing: Best and Worst Practices, *European Business Review*, Special Issue on Academic Journals and Academic Publishing, 2008, 20 (5), 421-434.

2007

Threats to Hope: Effects on Reasoning About Product Information, *Journal of Consumer Research*, 34 (2), 153-161. (with Gustavo de Mello and Deborah J. MacInnis). (Honorable Mention, Robert Ferber/JCR Award for Best Paper Based on a Dissertation).

2006

Putting Financial Discipline in Marketing: A Call to Action, *Corporate Finance Review*, 10 (Sept./Oct.), 14-21. (with Wade Holmes and the Boardroom Project).

2005

The Impact of Branding and Marketing Communication Strategies on the Transfer of Purposive, Goal-Oriented Brand Meaning, *Journal of the Academy of Marketing Science*, 2005, 33 (Summer), 275-294. (with Ingrid Martin and Shashi Matta).

2004

Advertising Disclosures: Clear and Conspicuous or Understood and Used?, *Journal of Public Policy and Marketing*, 2004 (Fall), 183-192. (with Ingrid Martin).

2002

From Consumer Response to Active Consumer: Measuring the Effectiveness of Interactive Media, *Journal of the Academy of Marketing Science*, 2002, 30 (4), 376-396. (with P. Pavlou).

Refereed Journal Publications (Cont'd.):

Advertising the Census: A Commentary on the "Census 2000 Partnership and Marketing Program Evaluation," *Population Research and Policy Review*, 2002, 21 (1, 2), 155-161.

2001

Signaling Strategies in Competitive Interaction, *Journal of Marketing Research*, 38 (Feb.), 2001, 62-71. (with Jaideep Prabhu).

The Dimensionality of Measures of Product Similarity Under Goal-Congruent and Goal-Incongruent Conditions, *Journal of Marketing Research*, 2001, 38 (Nov.), 471-484. (with Ingrid Martin).

2000

Measuring the Effects and Effectiveness of Interactive Advertising, *Journal of Interactive Advertising*, 2000, 1 (1). URL: <http://www.jiad.org/vol1/no1/pavlou/>. (Lead Article). (with Paulos Pavlou).

Internet Marketing, Business Models, and Public Policy, *Journal of Public Policy and Marketing*, 2000, 19 (Fall), 287-296. (with Qin Zhao).

1999

Advertising Wearout: What and How You Measure Matters, *Journal of Advertising Research*, 39, 1999 (Sept./Oct.), 39-42.

1998

The Effects of Using a Nonverbal (Musical) Cue On Recall And Playback Of Television Advertising: Implications For Advertising Models, *Journal of Business Research*, 1998, 42 (May), 39-51. (with G. Punj).

1996

Managing Market Structure: Achieving Competitive Advantage and Market Dominance, *Journal of Managerial Issues*, 1996, 8 (Spring), 13-34.

The Market-Back Approach to the Design of Integrated Communications Programs: A Change in Paradigm and a Focus on Determinants of Success, *Journal of Business Research*, 1996, 37, 147-153.

Brand Based Versus Category Based Judgments: The Role of Frame of Reference on Customer Satisfaction Judgments and Behavior, *Marketing Letters*, 1996, 7 (July), 249-263. (with Kamal Gupta).

Refereed Journal Publications (Cont'd.):

1995

Deception, Materiality, and Survey Research: Lessons from FTC v. Kraft, *Journal of Public Policy and Marketing*, 1995, 14 (Spring), 15-29.

An Empirical Investigation of the Formation and Implications of the Organizational Buyer's Strategic and Tactical Roles, *Journal of Business-to-Business Marketing*, 1995, 2 (4), 37-63. (with Robert E. Spekman and Wesley J. Johnson).

1994

Intended and Unintended Consequences of Warning Labels, *Journal of Public Policy and Marketing*, 1994, 13 (Spring), 1-19 (lead article) . (with Ingrid Martin). Reprinted in Elaine Sherman and Joel N. Greene (Eds.), *Readings on Domestic and International Issues*, Needham Heights, MA: Simon and Schuster, 1995). Selected as the best paper published in the *Journal of Public Policy and Marketing* during 1992-1994.

How Advertising Works In Mature Markets, *American Demographics*, 1994, 16 (Sept.), 40-47.

1992

When Firms Stop Listening to Customers: Why Marketing Research Is Ignored, *Journal of Managerial Issues*, 1992, 4 (December).

Speculations on the Future of Advertising Research, *Journal of Advertising*, 1992, 21 (Sept.), 1-18 (lead article).

Reply to McGann's Comment on "Speculations on the Future of Advertising Research," *Journal of Advertising*, 1992, 21 (4), 95-97.

Analytical Issues in Focus Group Research, *Asian Journal of Marketing*, 1992, 1 (1), 27-42. (with Prem Shamdasani).

1991

The Effect of Comparative Advertising on Sales of Low, Moderate, and High Share Brands, *Journal of Advertising Research*, 1991, 31 (Dec./Jan.), 47-55. (with C. Pechmann).

Frequent Shopper Programs: Supermarketers' New Tool to Stimulate Store Loyalty, *Journal of Promotion Management*, 1991, 1 (Fall), 55-76. (with S. Lawmaster).

From Methods and Projects to Systems and Process: The Evolution of Marketing Research, *Marketing Research*, 1991, 3 (September), 25-36.

Refereed Journal Publications (Cont'd.):

1990

Channel Response to Trade Programs, in J. Sheth (Ed.), *Research in Marketing*, 1990, Volume 11, pp. 15-59. Also published as Report No. 89-119, (Cambridge, Mass: Marketing Science Institute) (with G. Frazier).

Mapping Customer Perceptions of Markets, *Journal of Managerial Issues*, 1990, 2 (Summer), 127-159. (with A. D. Shocker and A. J. Zahorik). (Also published as Report No. 90-115, (Cambridge, Mass.: Marketing Science Institute).

The Development and Partial Testing of a Contingency Model of Comparative Advertising, *Report No. 90-108*, (Cambridge, Mass.: Marketing Science Institute).

Music As a Recognition Cue In Advertising Tracking Studies, *Journal of Advertising Research*, 1990, 30 (Aug./Sept.), 39-48. (with K. Farmer, and C. Stannard).

The Role of Comparative Advertising: Documenting Its Effects on Attention, Recall, and Purchase Intentions, *Journal of Consumer Research*, 1990, 17 (Sept.), 180-191. (with C. Pechmann).

1989

Information Search and Decision Making in the Selection of Family Physicians, *Journal of Health Care Marketing*, 1989, 9 (June), 29-39. (with G.B. Hickson, Scott Koslow, Connie Pechmann, and W. A. Altemeier).

Measures, Methods, and Models of Advertising Response Over Time, *Journal of Advertising Research*, 1989, 29 (June/July), 54-60.

Nonresponse in Mail Surveys: An Integrative Review, *Applied Marketing Research*, 1989, 29 (3), 37-48. (with S. Ratneshwar).

Executional Factors and Advertising Effectiveness: A Replication, *Journal of Advertising*, 1989, 18 (3), 21-32. (with S. Koslow). Recognized by the American Academy of Advertising as the best paper published in the *Journal of Advertising* in 1989.

1988

The First Step in Obtaining Child Health Care: Selecting a Physician, *Pediatrics*, 81 (Winter), 1988, 333-338 (with G. B. Hickson, W. A. Altemeier, and James M. Perrin).

Refereed Journal Publications (Cont'd.):

Rethinking the Product Portfolio: A Generalized Investment Model, *Management Science*, 1988, 34 (Sept.), 1080-1096 (with Timothy Devinney). (Reprinted in Jeffrey A. Krug (Ed.), *Corporate Strategy*, Thousand Oaks, CA: Sage Publications, 2009, Vol. 3, pp. 46 – 63).

Determinants of International Media Purchasing: A Survey of Media Buyers, *Journal of Advertising*, 1988, 17(3), 22-26 (with K. J. McAuliffe).

Advertising Repetition: A Critical Review of Wearin and Wearout, *Current Issues and Research in Advertising*, 1988, 285-330 (with C. Pechmann). Also published as Report No. 90-106, (Cambridge, Mass.: Marketing Science Institute).

1987

Toward Understanding the Attraction Effect: The Effects of Product Meaningfulness and Familiarity, *Journal of Consumer Research*, March 1987, 13 (March), 520-533 (with S. Ratneshwar and A. D. Shocker).

Advertising in a New Competitive Environment: Persuading Customers to Buy, *Business Horizons*, 30 (Nov./Dec.), 1987, 20-26 (with M. H. Blair, A. R. Kuse, and D. H. Furse).

It's More Than What You Say: A Review of Nonverbal Communication in Marketing, *Psychology and Marketing*, 4 (Winter), 1987, 303-322 (with Sid Hecker and John L. Graham).

1986

Dimensions of Fiedler's Contingency Model of Leadership, *Small Group Behavior*, 17 (February), 1986, 83-93 (with D. Latham).

The Moderating Role of Recall, Comprehension, and Brand Differentiation on the Persuasiveness of Television Advertising, *Journal of Advertising Research*, 26 (April/May), 1986, 43-47. (with D. H. Furse).

1985

Differences Between Basic Research and The Validation of Specific Measures: A Reply to Weinstein, et al., *Psychology and Marketing*, 2 (1), 1985, 41-50.

A Note on the Application of Portfolio "Theory": A Comment on Cardozo and Smith, *Journal of Marketing*, 49 (4), 1985, 107-112 (with T. Devinney and A. Shocker).

The Effects of Television Advertising Execution on Recall, Comprehension, and Persuasion, *Psychology and Marketing*, 2 (4), 1985, 135-160 (with D. Furse).

Refereed Journal Publications (Cont'd.):

Methodological and Theoretical Foundations of Advertising Copy Testing: A Review, *Current Issues and Research in Advertising*, 1985, 1-74 (with C. Pechmann, S. Ratneshwar, J. Stroud, and B. Bryant).

1984

A Typology of Individual Search Strategies Among Purchasers of New Automobiles, *Journal of Consumer Research*, 1984, 11 (March), 417-431 (with G. Punj and D. Furse).

Physiological Measurement of Advertising Effects: An Unfulfilled Promise, *Psychology and Marketing*, 1984, 1 (1), 43-48.

Manipulating Dissonance to Improve Mail Survey Response, *Psychology and Marketing*, 1984, 1 (2), 71-94 (with D. Furse).

The Relationship Between Resource Acquisition and Effective Resource Use Among a Heterogeneous Set of Locally Monitored Human Service Agencies, *Evaluation Review*, 1984, 8 (Aug.), 493-518 (with K. G. Provan).

Competitive Market Structure Analysis: A Primer on Problems, *Journal of Consumer Research*, 1984, 11 (Dec.), 836-841 (with A. Shocker and T. Zahorik).

Analysis of the Impact of Executional Factors on Advertising Performance, *Journal of Advertising Research*, 1984, 24 (Dec./Jan.), 23-26 (with D. Furse). (Named a "classic" article published during the past 40 years and reprinted in a special classics edition of the *Journal of Advertising Research*, 40 (6), 2000).

On Factors and Clusters in Segmentation Research, *Journal of Advertising*, 1984, 13 (Dec.), 58-59 (with D. Furse).

1983

Cluster Analysis in Marketing Research, Review and Suggestions for Application, *Journal of Marketing Research*, 1983, 20 (May), 134-148 (with G. Punj). Reprinted in Joe F. Hair, et al., *Multivariate Data Analysis: With Readings*, (New York: MacMillan, 1987). (Identified as one of the 20 most influential publications in marketing science in a survey commissioned by the INFORMS Society for Marketing Science in 2007).

A Descriptive Analysis of Commercial Copytesting Services, in C. Martin and J. Leigh (Eds.), *Current Issues and Research in Advertising*, 1983, 6, 1-44 (with D. Furse and R. Kozak).

An Interaction Framework of Consumer Decision Processes, *Journal of Consumer Research*, 1983, 10 (September), 181-196 (with G. Punj).

Refereed Journal Publications (Cont'd.):

1982

Applying Psychophysiological Measures to Marketing and Advertising Research Problems in C. Martin and J. Leigh (Eds.), *Current Issues and Research in Advertising*, 1982, 5, 1-38 (with D. Furse).

Monetary Incentives Versus Promised Contribution to Charity: New Evidence on Mail Survey Response, *Journal of Marketing Research*, 19, August 1982, 375-380 (with D. Furse).

Standards of Advertising Copytesting: A Psychometric Interpretation, *Journal of Advertising*, 1982, 11, 30-38, 76 (with D. Furse).

1981

The Application and Misapplication of Factor Analysis in Marketing Research, *Journal of Marketing Research*, 1981, 18 (1), 51-62. Reprinted in Joe F. Hair, et al., *Multivariate Data Analysis: With Readings*, (New York: MacMillan, 1987).

Organizational Objectives and Winning: An Examination of the NFL, *Journal of the Academy of Management*, 1981, 24 (2), 402-408 (with Donald Latham).

OBVERS: A Computer Program for Obverse Factor Analysis with Rotation, *Journal of Marketing Research*, 1981, 18 (4), 481-482.

Foot-in-the-Door, Cash Incentives, and Follow-up Effects on Survey Response, *Journal of Marketing Research*, 1981, 18 (4), 473-478 (with David Furse and David Rados).

1980

A Preference Mapping of Organizational Objectives, *Journal of Applied Psychology*, 1980, 65 (5), 610-615 (with Donald Latham).

1977

The Factorial Structure of the ITPA and WISC in Three Diagnostic Groups, *Journal of Clinical Psychology*, 1977, 33, 199-205.

The Self-sentiment: Comment on the Internal Consistency of Cattell's Theory, *Psychological Reports*, 1977, 40, 267-270.

Refereed Journal Publications (Cont'd.):

Psychology and Accounting: An Interface or a Red Face, *Professional Psychology*, 1977, 8, 178-184. Reprinted in *Psychology and National Health Insurance: A Sourcebook*, C. Kiesler and N. Cummings (Eds.) (Washington, D.C.: American Psychological Association, 1978).

Intelligence and Academic Achievement in a Clinical Adolescent Population, *Psychology in the Schools*, 1977, 14, 513-518.

Staff Characteristics Associated with Likeableness on an Adolescent Treatment Unit, *Perceptual and Motor Skills*, 1977, 44, 1033-34.

1976

The Effects of Sex and Ethnic Variables on the Test Profiles of the ITPA and WISC, *Psychological Reports*, 1976, 38, 53-54.

Dimensions of Interpersonal Communication, *Journal of Psychology*, 1976, 93, 101-111 (with Millard J. Bienvenu).

An Item Factor Analysis of the Mooney Problem Checklist, *Educational and Psychological Measurement*, 1976, 36, 509-513 (with Thomas E. Deiker).

Intelligence, Academic Achievement, and Personality: A Canonical Variate Analysis, *Psychology in the Schools*, 1976, 13, 468-470 (with Valentine Louisa).

Measurement of Self Concept: A Multitrait-Multimethod Look, *Journal Supplement Abstract Service Catalog of Selected Documents in Psychology*, 1976, 6, Ms. No. 1242.

An Application of P Technique to Transient States of the Organism, *Multivariate Experimental Clinical Research*, 1976, 2, 135-139 (with Lenora F. Stewart).

HSPQ Profile of Psychotic Adolescents, *Journal Supplement Abstract Service Catalog of Selected Documents in Psychology*, 1976, Ms. No. 1377 (with S. Kaczor and B. Bruce).

1975

A Factor Analysis of Zuckerman's Sensation Seeking Scale, *Psychological Reports*, 1975, 37, 849-850 (with G. Mac Griffith).

The Future of the State Mental Hospital, *Perspectives in Psychiatric Care*, 1975, 13, 120-122.

Religious Correlates of the Fear of Death, *Journal of Thanatology*, 1975, 3, 161-164.

Published Proceedings

2006

Co-editor, *Proceedings of the 2006 American Marketing Association's Marketing and Public Policy Conference*, (Chicago: American Marketing Association). (With Ingrid Martin and Michael Kamins).

2005

Measurement-based Accountability and Standards to Optimize TV Media Investments, In *Proceedings of the Institute for International Research Conference on Return on Marketing Investment*, (Miami, FL, January, 2005). (New York: Institute for International Research).

Measurement based Accountability and Standards, In *Proceedings of the 51st Annual Meeting of the Advertising Research Foundation*, (New York: Advertising Research Foundation, April, 2005).

2003

The Effects of Comparative Advertising, in *The Case for Comparison: How Comparison Advertising Can Meet the Test of Self-Regulation*, (New York: National Advertising Division, Oct., 2003).

2001

Interactive Advertising: A New Conceptual Framework Towards Integrating Elements Of The Marketing Mix, (Abstract). *2001 Proceedings of the Academy of Marketing Science*. (with Paulos Pavlou).

1997

Research and the Bottom Line: What Researchers Should Know and What They Should Teach Their Clients, *1997 Proceedings of the Annual Attitude and Behavior Conference of the American Marketing Association* (Chicago: American Marketing Association).

1996

Integrated Marketing Communications and Relationship Marketing: Complementary Metaphors for the Twenty-First Century, in Atul Parvatiyar and Jagdish N. Sheth (Eds.), *1996 Research Conference Proceedings, Contemporary Knowledge of Relationship Marketing*, (Atlanta, GA: Emory University Center for Relationship Marketing), pp. 182-184 (with G. M. Zinkhan, C. S. Madden, and R. Watson).

1995

Advertising and Interactive Media, *1995 Proceedings of the American Academy of Advertising*, pp. 244-251. (American Academy of Advertising).

Published Proceedings (Cont'd.):

1994

Contingencies For Effective Advertising In The Marketplace, *1994 Proceedings of the American Marketing Association Winter Educators' Conference*, (Chicago: American Marketing Association), pp. 297-302. (with Jaideep Pabhu).

Adolescent Response to Tobacco and Beer Advertising: In Search of the Causal Linkage Between Advertising Exposure and Product Attitudes and Usage, in Debra J. Ringold (Ed.), *1994 Proceedings of the Marketing and Public Policy Conference*, (Chicago: American Marketing Association), pp. 130-138. (with Ronald Rice).

Deception, Materiality, and the Role of Survey Research: On the Difference Between Evidence and Desire, (Abstract only), in Debra J. Ringold (Ed.), *1994 Proceedings of the Marketing and Public Policy Conference*, (Chicago: American Marketing Association), p. 12.

1993

"An Advertising Potpourri": Some Comments and A Unifying Theme in Chris Allen and Debra Roedder John (Eds.), *Advances in Consumer Research*, 1993, Volume 20 (Provo, UT: Association for Consumer Research).

1992

Making Use of Verbatim Response Analysis in Survey Research: New Solutions on the Horizon, *Proceedings of the Second Annual Advanced Research Techniques Forum*, (Chicago: American Marketing Association, 1992), 174-185.

1991

Segmentation in Consumer and Market Research: Applications, Current Issues, and Trends, *Advances in Consumer Research*, Volume 18, 1991, 176-178. (with M. Kamins).

Consumer Self-Selection and Segments of One: The Growing Role of Consumers in Segmentation, *Advances in Consumer Research*, Volume 18, 1991, 179-186.

Progress in Marketing Research: An Introduction to the Advanced Research Techniques Forum, *Proceedings of the First Annual Advanced Research Techniques Forum*, (Chicago: American Marketing Association, 1991), 7-21.

Issues and Problems in the Representation of Market Structure, *Proceedings of the First Annual Advanced Research Techniques Forum*, (Chicago: American Marketing Association, 1991), 167-192. (with A. D. Shocker and A. Zahorik).

Published Proceedings (Cont'd.):

Comments on "Some Unmixing Models for Analyzing Market Research Data Having Heterogeneous Components," *Proceedings of the First Annual Advanced Research Techniques Forum*, (Chicago: American Marketing Association, 1991), 317-323.

Is Business-to-Business Advertising Really Different?, *1991 Proceedings of the American Academy of Advertising*, 199-200. (American Academy of Advertising).

A Systematic Inquiry Into Business-to-Business Advertising: An Early Assessment, Rebecca Holman and Patricia Stout (Eds.), *1991 Proceedings of the American Academy of Advertising*, 201-202. (with Robert Spekman).

1990

Nonverbal Communication in a Natural Context: Consumer Markets, *Proceedings of the Society for Consumer Psychology*, 1990, 68-71. (with C. Pechmann).

The Accumulation Model of Advertising Response, *Proceedings of the Society for Consumer Psychology*, 1990, 97-99. (with C. Pechmann).

A Commentary on New Theoretical Perspectives on Consumer Behavior, *Advances in Consumer Research*, Volume 17, 1990, 750-754.

1989

On the Meaningfulness of Sensory Attributes: Further Evidence on the Attraction Effect, *Advances in Consumer Research*, 1989, 197-202.

Maintaining the Delicate Balance: Industry and Academic Approaches to Advertising Research, *Advances in Consumer Research*, 1989, 595-597.

Executional Factors and Advertising Effectiveness, *Proceedings of the 1989 Meeting of the American Academy of Advertising*, RC78-RC82. (with Scott Koslow).

Same Problems, Different Solutions: The Interface of Industry and Academe, *Proceedings of the 1989 Meeting of the American Academy of Advertising*, RST128.

Advertising Opportunities in a Fragmented Media Environment, *Proceedings of the First Annual Advertising Research Foundation Conference on Media Research*, (New York: Advertising Research Foundation, 1989), 193-206.

1988

Methodological Perspectives on the Analysis of Nonverbal Communication, in Linda Alwitt (Ed.), *Proceedings of the Division of Consumer Psychology*, 1988 (with S. Hecker), pp. 67-70.

Published Proceedings (Cont'd.):

Social Judgment Theory and Consumer Decision Making: Understanding the Stimulus and the Response, in Linda Alwitt (Ed.), *Proceedings of the Division of Consumer Psychology*, 1988, pp. 104-107.

1987

Perspectives on Measuring Advertising Stimuli, *Proceedings of the Division of Consumer Psychology*, Joel G. Saegert (Ed.), 1987, pp. 91-93.

Integrating Theories of Consumer Decision Making, Presidential Address, Division of Consumer Psychology, *Proceedings of the Division of Consumer Psychology*, Joel G. Saegert (Ed.), 1987, pp. 104-106.

Toward Ecologically Oriented Inquiry in Marketing, in G. Zaltman and R. Belk (Eds.), *Proceedings of the 1987 Winter Educators' Conference of the American Marketing Association* (Chicago: American Marketing Association).

Prescriptions for Market Dominance, in G. Zaltman and R. Belk (Eds.), *Proceedings of the 1987 Winter Educators' Conference of the American Marketing Association* (Chicago: American Marketing Association).

Selecting a Physician: The First Step in Obtaining Child Health Care, *Proceedings of the 1987 Ambulatory Pediatrics Association*, Anaheim, CA (with G. Hickson, M.D., W. A. Altemeier, M.D., and J. M. Perrin, M.D.).

1985

Institutional Differences in Marketing Channels: A Comparative Analysis of Distribution Systems in the United States and Japan, in B. P. Hartman and J. L. Rinqest (Eds.), *Proceedings of the American Institute for Decision Sciences* (Atlanta, Georgia: American Institute for Decision Sciences, 1985) (with A. C. Seror).

Advertising Evaluation: A Review of Measures, *Proceedings of the 1985 Winter Educators' Conference of the American Marketing Association*, M. Houston and R. Lutz (Eds.), Chicago: American Marketing Association, 1985, 3-6 (with C. Pechmann, B. Bryant, J. Stroud, and S. Ratneshwar).

Information Search and Decision Strategies Among Health Care Consumers, *Advances in Consumer Research*, Vol. 12, 1985, 252-257 (with S. Ratneshwar, C. Pechmann, and G. B. Hickson).

Published Proceedings (Cont'd.):

1984

Proceedings of the Division of Consumer Psychology, 1984, Editor, Washington, D.C.: American Psychological Association.

Shopping Behavior: Selecting a Pediatrician Versus Family/General Practitioner, *Proceedings of the Ambulatory Pediatrics Association*, Washington, D.C., 1984 (with G. B. Hickson, M.D., W. A. Altemeier, M.D., and J. M. Perrin, M.D.).

Analysis of the Impact of Executional Factors on Advertising Performance, *Television Copy Research, The State of the Art, Current Applications, Validity, and Future Promise*, New York: Advertising Research Foundation, 1984, pp. 99-104 (with D. Furse).

Executional Elements Affecting Persuasion and Recall in New Products' Advertising, *Advertising Research in the New Product Process*, New York: Advertising Research Foundation, 1984, pp. 109-112 (with D. Furse).

1983

The Role of the Clinical Laboratory Computer in Data Interpretation: Discriminant Analysis of A Chemistry - 18 Test Profile in Patients with Multiple Myeloma, *Proceedings of the Fourth Annual Meeting on Clinical Laboratory Automation and Management*, 1983 (with Fritz F. Parl, M.D., Donald E. Ulinsky, Herman Benge, and Charles Bradley).

Strategic Marketing Decision-Making and Perceptual Mapping, Fred S. Zufryden (Ed.), *Advances and Practices in Marketing Science*, 1983, 239-244. Providence: Institute of Management Science (with A. Shocker).

Human Judgment and Decision Making: A Course in the Analysis of Decision Processes, *Proceedings of the American Institute for Decision Sciences*, 1983, Thomas Dock (Ed.).

A Coding System for Executional Variables in Television Advertisements, *Proceedings of the Division of Consumer Psychology*, American Psychological Association, 1983, 66-69 (with D. Furse).

1982

Individual Search Strategies in New Automobile Purchases, in A. Mitchell (Ed.), *Advances in Consumer Research*, Vol. 9, 1982, Chicago, IL: Association for Consumer Research, 379-384 (with D. Furse and G. Punj).

Published Proceedings (Cont'd.):

Filling the Gap: A Review of the Missing Data Problem, *An Assessment of Marketing Thought and Practice, Proceedings of the 1982 American Marketing Association Educators' Conference*, Series No. 48, 395-399.

Factors Associated with Changes in Evoked Sets Among Purchasers of New Automobiles, *An Assessment of Marketing Thought and Practice, Proceedings of the 1982 American Marketing Association Educators' Conference*, Series No. 48, 61-65 (with G. Punj).

Measuring Organizational Effectiveness in the Not-for-Profit Sector: An Empirical Analysis, *Proceedings of the Academy of Management*, 1982, 339-343 (with K. G. Provan) (nominated for best paper award by the Public Policy Division of the Academy).

On Some Psychometric Properties of Fiedler's Contingency Model of Leadership, *Proceedings of the Southern Management Association*, 1982, 64-66 (with D. Latham).

An Integrative Framework for Mail Survey Response, *Proceedings of the American Statistical Association, Section on Survey Research Methods*, 437-442, 1982 (with D. Furse).

Interactions in Structural Equations Models, *Proceedings of the American Statistical Association, Social Statistics Section*, 1982, 368-370.

Integrating Results on Mail Survey Response Rates: Toward a Cognitive Dissonance Theory of Survey Response, *Proceedings of the Division of Consumer Psychology, American Psychological Association*, 1982, 51-54 (with D. Furse).

Diffusion of Innovations: A Review of Research and Theory with Applications to Computer Technology, *Proceedings of the Division of Consumer Psychology, American Psychological Association*, 1982, 39-42.

The Study of Social Issues as Consumer Research, *Proceedings of the Division of Consumer Psychology, American Psychological Association*, 1982, 94-97 (with D. Furse).

Models of Consumer Choice or Models of Choice Task? Toward a Geography of the Task Environment, in R. Srivastava and A. Shocker (Eds.), *Analytical Approaches to Product and Marketing Planning: The Second Conference*, Cambridge, MA: Marketing Science Institute, 1982, 165-176.

1980

Applying Marketing Research Techniques to Regional and Local Planning, in *Proceedings of the 1980 Southern Conference of the Society for General Systems Research*, Birmingham, AL, 1980.

Other Publications

2009

"The Role of Method: Some Parting Thoughts from A Departing Editor," *Journal of the Academy of Marketing Science*, 2009, 27 (4), 381-383.

2008

The Contribution Continuum, *Journal of the Academy of Marketing Science*, 2008, 36 (2), 157-165. (with Daniel M. Ladik).

2007

New and Improved! A Look at the Future, *Journal of the Academy of Marketing Science*, 35 (Winter), 1-4.

2006

Enhancing Marketing Theory in Academic Research, *Journal of the Academy of Marketing Science*, 34 (Fall), 477-480. (with George Zinkhan).

Making Marketing Accountable, *Graziadio Business Report*, 9 (July),
<http://gbr.pepperdine.edu/063/marketing.html>.

2004

Consumer Research, Management Practice and Public Policy, *Marshall Magazine*, Winter, 23-25.

The New Face of Interactive Advertising, *Marketing Research*, 2004, 16 (Spring), 10-15.

2003

Exploring the Land of Oz: The Science of Consumer Research, *Marketing Research*, 2003 (Summer), 1-6.

2002

"Getting Published: Reflections of an Old Editor," (Editorial Statement), *Journal of Marketing*, 2002, 66 (Oct.), 1-6.

Other Publications (Cont'd.):

"Consumer Research with Implications for Public Policy," *ACR News* (Newsletter of the Association for Consumer Research), Spring, 2002, pp. 9-11.

2001

"Exploratory Versus Confirmatory Analysis, *Journal of Consumer Psychology*, 2001, 10 (1&2), 76-77.

"Advertising," in *Encyclopedia of Communication and Information*, (New York: Macmillan, 2001). (with Sarah E. Stewart).

2000

Testing Statistical Significance Testing: Observations of an Agnostic, *Educational and Psychological Measurement*, 2000, 60 (October), 685-690.

1999

Beginning Again: Change and Renewal in Intellectual Communities (Editorial Statement), *Journal of Marketing*, 63 (October), 1999, 2-5.

1998

Review of Market Structure Analysis, by James Meyers, Book Review, *Journal of Marketing Research*, 1998, 25 (January), 128-129.

The "New Marketing," *Marshall Magazine*, Fall, 1999, pp. 34-31.

1996

Review of *Answering Questions*, Edited by Seymour Sudman and Norm Bradburn, Book Review, *Journal of Marketing Research*, 1996, 23 (May), 250-252.

1993

Review of "Handbooks of Marketing Scales," *Journal of Marketing Research*, 1993, 30 (Nov.), 525-527.

Is A Customer Focus Ahead for Health Care?, *USC Business*, Summer, 1993, 50-54.

Other Publications (Cont'd.):

1992

Review of Research in Marketing, Edited by Jagdish N. Sheth, et al, Book Review, *Journal of Marketing Research*, 1992 (Feb.), 149-151.

1991

Review of Emotion in Advertising, Book Review, *Journal of the Academy of Marketing Science*, 1991 (Fall), 394-395.

The Customer As Annuity or Why Satisfied Customers Really Matter, *USC Business*, Summer, 1991, 45-48. (reprinted in *Baylor Business*)

New Solutions for Verbatim Response Analysis, *Newsletter of the Southern California Chapter of the American Marketing Association*, July, 1991, front page.

1990

Review of *Cognition and Personal Structure: Computer Access and Analysis* by James C. Mancuso and Mildred L. G. Shaw, Book Review, *Journal of Marketing Research*, 1990 (Feb.), 112-113.

1989

Work, Income, and Children: How Americans Spend Their Money, *Nikkei Ryutsu Shimbun (Nikkei Marketing Journal)*, January 7, 1989.

Brand Loyalty and Brand Equity in the United States, *Nikkei Ryutsu Shimbun (Nikkei Marketing Journal)*, January 14, 1989.

American Marketers in Search of the "Real" Consumer, *Nikkei Ryutsu Shimbun (Nikkei Marketing Journal)*, February 4, 1989.

In The United States You Are Where You Live, *Nikkei Ryutsu Shimbun (Nikkei Marketing Journal)* March 11, 1989.

Component Lifestyles in the United States, *Nikkei Ryutsu Shimbun (Nikkei Marketing Journal)*, April 8, 1989.

Other Publications (Cont'd.):

Review of *Q Methodology* by Bruce McKeown and Dan Thomas, Book Review, *Journal of Marketing Research*, 1989 (May), 249-250.

Advertising Works!, *Nikkei Ryutsu Shimbun (Nikkei Marketing Journal)*, May 13, 1989.

The Fragmentation of America's Media, *Nikkei Ryutsu Shimbun (Nikkei Marketing Journal)*, June 10, 1989.

America in 2010, *Nikkei Ryutsu Shimbun (Nikkei Marketing Journal)*, July 10, 1989.

New Ways to Measure Media Use, *Nikkei Ryutsu Shimbun (Nikkei Marketing Journal)*, August 5, 1989.

Americans Changing Attitudes Toward Business, *Nikkei Ryutsu Shimbun (Nikkei Marketing Journal)*, September 9, 1989.

The Mature American Consumer, *Nikkei Ryutsu Shimbun (Nikkei Marketing Journal)*, October 10, 1989.

The Mature Consumer and the Food Market, *Nikkei Ryutsu Shimbun (Nikkei Marketing Journal)*, October 17, 1989.

The Mature Consumer and the Leisure Products Market, *Nikkei Ryutsu Shimbun (Nikkei Marketing Journal)*, October 24, 1989.

The Mature Consumer and the Housing Market, *Nikkei Ryutsu Shimbun (Nikkei Marketing Journal)*, October 31, 1989.

The Mature Consumer and Health Care, *Nikkei Ryutsu Shimbun (Nikkei Marketing Journal)*, November 14, 1989.

The Mature Consumer and Financial Services, *Nikkei Ryutsu Shimbun (Nikkei Marketing Journal)*, November 21, 1989.

1988

Comment on "The Bootstrap," *Journal of the Royal Statistical Society*, 1988, 50, 362 (with Scott Koslow).

Americans Are Rediscovering the Home, *Nikkei Ryutsu Shimbun (Nikkei Marketing Journal)*, January 9, 1988.

Other Publications (Cont'd.):

The American Health Care Maze: A Growing and Complex Market, *Nikkei Ryutsu Shimbun (Nikkei Marketing Journal)*, February 6, 1988.

From Creditor to Debtor and Back Again, *Nikkei Ryutsu Shimbun (Nikkei Marketing Journal)*, March 5, 1988.

What Makes American Television Commercials Effective, *Nikkei Ryutsu Shimbun (Nikkei Marketing Journal)*, April 4, 1988.

Who Are American Consumers? Psychographics Provides An Answer, *Nikkei Ryutsu Shimbun (Nikkei Marketing Journal)*, May 5, 1988.

Americans Are Changing the Way They Shop, *Nikkei Ryutsu Shimbun (Nikkei Marketing Journal)*, June 4, 1988.

Americans Give Reagan An Economic Vote of Confidence, *Nikkei Ryutsu Shimbun (Nikkei Marketing Journal)*, July 9, 1988.

Information Age Influences Consumers As Well As Business, *Nikkei Ryutsu Shimbun (Nikkei Marketing Journal)*, July 30, 1988.

Americans Are Changing the Foods They Eat, *Nikkei Ryutsu Shimbun (Nikkei Marketing Journal)*, September 3, 1988.

Christmas in America, *Nikkei Ryutsu Shimbun (Nikkei Marketing Journal)*, October 1, 1988.

What American Election Results Mean for Consumers, *Nikkei Ryutsu Shimbun (Nikkei Marketing Journal)*, December 10, 1988.

1986

Effective Television Advertising - It's More What You Say Than How You Say It, *Owen Manager*, Spring 1986, 20-22.

Understanding the Phenomenological World of Consumers (Or Who Is Buying All Those Slim Whitman Albums), Invited Paper, *Theoretical and Philosophical Psychology*, 1986, 6 (Fall), 123-124.

1983

Coming to Grips with Product Liability, *Advantage*, March 1983, 81.

Other Publications (Cont'd.):

Effective TV Commercials: Much More Than the Message, *Advantage*, November 1983, 120-121.

1982

Want High Response From Direct Mail Marketing and Mail Surveys? Make It Hard Not to Respond, *Advantage*, April 1982, 30-31 (with D. Furse).

Key to Successful Product Management: More Anticipation, Less Reaction, *Advantage*, June, 1982, 79-80.

1981

Marketing and Community Psychology, *Newsletter of the Division of Community Psychology*, 1981, 15 (1), 8-10.

Representative Unpublished Conference Papers and Presentations:

On the Application of Psychophysiological Methods in the Clinical Setting, presented to the Louisiana Psychological Association, November 1, 1974.

Psychology and Accounting: Interface or Red Face, presented to the Louisiana Psychological Association, October 24, 1975.

On Some Psychometric Properties of Fielder's Leadership Scales, presented to the Southeastern Psychological Association, March 1980 (with Dorene McGaughy and Phyllis Waugh).

On the Use of Undergraduate Practica for Industrial/Organizational Psychology Students, presented to the Southeastern Psychological Association, March 1980.

Media Decision Models: A Review and Evaluation, presented to the joint meeting of the Operations Research Society of America and the Institute of Management Sciences, May 1980 (with Joan Blackwell).

Marketing and Community Psychology, presented to the Southeastern Psychological Association, April 1981 (with Lona Spencer).

Individual Search Strategies in New Automobile Purchases, presented to the Association for Consumer Research, October 1981 (with D. Furse and G. Punj).

Discussant, "Consumer Decision Making," 1982 Special Conference on Marketing Theory, San Antonio, Texas, February 1982.

Representative Unpublished Conference Papers and Presentations (Cont'd.):

"Standards for Advertising Copytesting: A Psychometric Interpretation," presented to the American Academy of Advertising, Lincoln, Nebraska, March 1982 (with D. Furse).

"Innovative Approaches to Teaching Marketing Research," symposium panel member, Mid-South Conference of Marketing Educators, Long Beach, MS, March/April 1982.

Panel Member/Discussant, 5th Annual Nashville Business Conference, Nashville, TN, April 1982.

A Generalized Investment Portfolio Model: An Application to Product Line Investment, 2nd Marketing Science Conference, Chicago, IL, March 1984 (with T. Devinney).

Physiological Measures of Advertising Response: An Unfulfilled Promise, Southern Marketing Association, New Orleans, November 1984.

A Meta-Analysis of Comparative Advertising, presented to the Advertising and Consumer Psychology Conference, Chicago, 1987 (with C. Pechmann).

Advertising Repetition: What Do We Really Know?, 1987 AMA Educators' Conference, Toronto, Canada (with C. Pechmann).

Conditional Non-Parametric Resampling Segmentation of Sequential Discrete Choice Data, presented to 1988 Marketing Science Conference, University of Washington, Seattle (with S. Koslow).

Different Measures = Different Effects: Sorting Effects of Advertising by Measures Obtained, presented to Marketing Science Institute Conference on "Evaluating the Effects of Consumer

Advertising On Market Position Over Time: How to Tell Whether Advertising Ever Works," Wellesley, MA, June 1988.

Discussant, "Consumer Decision Making," 1988 Association for Consumer Research, Maui, Hawaii, October 1988.

Advertising Repetition: A Critical Review of Wearin and Wearout, Presented to the 1989 Meeting of the American Academy of Advertising (with Connie Pechmann).

Teaching Consumer Behavior for Management Action, American Marketing Association, Chicago, August, 1989.

Representative Unpublished Conference Papers and Presentations (Cont'd.):

The Interaction of Person and Medium, Special Session on Advertising in the 1990's, Southern Marketing Association, New Orleans, November, 1989.

The Marketing Concept and the Forgotten Consumer, Special Session at the 1990 Winter Educators' Conference of the American Marketing Association, Scottsdale, AZ, February, 1990.

A Null Distribution for Testing Conditionality Between Two or More Variables: An Application of the Bootstrap, presented to the 214th Institute of Mathematical Statistics Special Topic Session on the Bootstrap, 1990.

Integrated Channel Management: Merging the Communication and Distribution Functions of the Firm, 1992 Advertising and Consumer Psychology Conference, Chicago.

Social and Economic Effects of Proposed EEC Advertising Regulations, Istituto Di Economia Dei Media Dela Fondazione Roselli Prometeo in Catene, Cause ed Effetti Economico Sociali delle Restrizioni Cee alla Pubblicita, Milan, May 11, 1992.

Integrated Marketing: New Technologies, Non-traditional Media, and Nonmedia Promotion in the Marketing of Alcoholic Beverages, The National Institute on Alcohol Abuse and Alcoholism Working Group on the Effects of the Mass Media on the Use and Abuse of Alcohol, Washington, D. C., September 24, 1992.

Integrating the Marketing Mix: Coordination of Non-Store Retailing Program, International Symposium on Non-store Retailing, Berlin, September, 1993.

Contributions of Marketing Models to Direct Response Marketing, American Statistical Association, August, 1994, Toronto.

Intended and Unintended Effects of Warnings, American Psychological Association, August, 1994, Los Angeles.

On the Future of Marketing Thought: Contribution of Marketing to Public Policy and Social Issues, 1995 American Marketing Association Winter Educators' Conference, February, La Jolla, California.

Marketing in a Wired Environment, Spring Conference of INFORMS, April, 1995, Los Angeles.

Estimating Brand Loyalty, Annual Conference of the Psychometric Society, Minneapolis, MN, June, 1995 (with S. Koslow).

Representative Unpublished Conference Papers and Presentations (Cont'd.):

Designing Consumer Warning Messages: Toward Market-Focused Public Policy, American Marketing Association's Annual Conference on Public Policy and Marketing, Washington, D.C., May, 1996. (with Ingrid Martin).

A Generalized Approach for Detecting and Correcting Measurement Dependency, Presented to the Annual Meeting of the American Statistical Association, Chicago, Illinois, August, 1996. (with Scott Koslow).

The Transfer of Purposive, Goal-Oriented Knowledge and Attitudes Across Product Categories, Presented to the Annual Conference of the Association for Consumer Research, Tucson, AZ, October, 1996. (with Ingrid Martin).

The Dimensionality of Measures of Product Similarity Under Goal Congruent and Goal Incongruent Conditions, Presented to the Winter Conference of the Society for Consumer Psychology, St. Petersburg, FL, February 14, 1997.

Communicating Uncertain Benefits and Hazards to Consumers: How Much Qualification Is Useful, Presented to the Annual Public Policy and Marketing Conference, Boston, MA, May, 1997.

Clustering When There Are Economic Consequences of Cluster Assignment Presented to the Social Statistics Workshop, University of California, Irvine, May, 1998.

Implementing Successful Segmentation Strategies: Capturing and Retaining the Segments of Your Choice Presented to the International Research Institute's Annual Customer Segmentation Summit, October, 1998, Scottsdale, AZ.

Issues in Integrated Marketing Communications, Presented to the 1998 Doctoral Consortium of the American Marketing Association, University of Georgia, August, 1998.

The Boundaries of Relationship of Marketing In Channels of Distribution, Presented to the Marketing Science Institute/Journal of Marketing Conference on Marketing at the Millennium, Boston, May, 1998. (with Gary Frazier).

Measuring Brand Loyalty Presented to the Marketing Science Conference, INSEAD, Fountainebleau, France, July, 1998. (with Scott Koslow).

Weak Models Versus Weak Data: Diagnostic Aids for Ambiguous Results, Presented to the Annual Meeting of the American Statistical Association, Dallas, August, 1998.

Representative Unpublished Conference Papers and Presentations (Cont'd.):

Transactions versus Relationships: Alternative Forms of Integrated Marketing Communications, Presented to the 1998 Summer Educators Conference of the American Marketing Association, Boston, August, 1998.

New Findings on Advertising Effectiveness, Advertising Research Foundation, New York, New York, March, 1999.

Learning and Unlearning About Competitors: Marketing Managers' Judgments and Decision Making In A Repeated Entry-Pricing Game, Presented to the 1999 Marketing Science Conference, Syracuse University, Syracuse, New York, May, 1999. (with J. Prabhu).

The Effects of Warning Messages, Presented to the 1999 Public Policy and Marketing Conferences, Notre Dame University, Notre Dame, Indiana, June, 1999. (with Ingrid Martin and Valerie Folkes).

The Influence of Goals on Managerial Learning in Competitive Interaction, Presented to the Conference on Competition and Marketing, Mainz, Germany, June 1999 (with Jaideep Prabhu and Ingrid Martin).

Effective Television Advertising: Old and New Findings and an International Dimension, Presented to the 1999 Summer Educators' Conference of the American Marketing Association, San Francisco, August, 1999.

Business Models for Internet Businesses, Presented to the 1999 Mini-conference of the Marketing and Society Special Interest Group, San Francisco, August, 1999.

Integrated Marketing in Segmented Markets, American Marketing Association Conference on Marketing, Beijing, China, December, 1999.

The Future of Business Education, Presented to the 2000 International Conference of the American Marketing Association, Buenos Aires, Argentina, July, 2000.

A Perspective on Advertising Research, Presented to the American Academy of Advertising, Salt Lake City, UT, March, 2001.

Substitution and Complementarity: Measuring the Effectiveness of Interactive Media
MSI/JAMS Conference on Marketing to and Serving Customers through the Internet:
Conceptual Frameworks, Practical Insights, and Research Directions, Boca Raton, Florida,
December, 2001.

Representative Unpublished Conference Papers and Presentations (Cont'd.):

Various "Meet the Editor" Sessions at the American Marketing Association, Academy of Marketing Science, Association for Consumer Research, and other professional conferences, 1999-2002, 2006-2009.

Getting Published and Other Thoughts on Career Development, Keynote address, The PhD Project, Marketing Doctoral Students Association Conference, August 15, 2003
Chicago.

Marketing and Society: A Frank Discussion of Past, Present, and Future, Panel Discussion, American Marketing Association, August 16, 2003, Chicago.

Consumer Response to Warnings and Other Product Hazard Information, Session on Award Winning and Frequently Cited Research on Public Policy and Marketing, American Marketing Association, August 16, 2003, Chicago.

Meet the Ex-Editors, American Marketing Association, August 18, 2003, Chicago.

The Effects and Effectiveness of Comparative Advertising, National Advertising Division, National Advertising Review Board, October 22, 2003, New York, New York.

Leveraging Brand Equity, Marketing Scholar Forum, China Marketing Institute, Guanghua School of Management, December 13-17, 2003, Beijing, China.

The Intended and Unintended Consequences of Warning Messages, Marketing and Public Policy Panel Discussion, American Marketing Association, February, 2004, Scottsdale, AZ.

Measurement Issues in Interactive Media, American Academy of Advertising, March, 2004, Baton Rouge, Louisiana.

Communicating Hazards and Health Risks to Consumers, Marketing and Society Workshop on Researching Risk, St. Lake City, Utah, May 17-18, 2004.

Self-Induced Consumer Vulnerability: Goal-Directed Biases in Product Information Search and Evaluation, Public Policy and Marketing Conference, St. Lake City, Utah, May 21, 2004 (with Gustavo E. de Mello and Debbie MacInnis).

Goal-Motivated Reasoning: The Lure of the 'Yes, I Can' Conclusion, Association for Consumer Research, Portland, OR, October, 2004 (with Gustavo E. de Mello and Debbie MacInnis).

Representative Unpublished Conference Papers and Presentations (Cont'd.):

Speaking in Numbers, the Language of Bottom Line Business, IIR 9th Annual Conference on Return on Marketing Investment, Fort Meyers, Florida, February 7, 2006 (with D. Risky and K. Sirkin).

Publishing: An Editor's Perspective, Society for Marketing Advances, Nashville, TN, November, 2006.

The Contribution Continuum, American Marketing Association Summer Educators' Conference, Washington, D.C., August 6, 2007.

Where is the Cutting Edge, American Marketing Association Summer Educators' Conference, Boston, August 9, 2008.

Reflections on a Career in Marketing, World Marketing Conference, Oslo, Norway, July 21, 2009.

MASB: Bringing Marketing to Wall Street, American Marketing Association Winter Educators Conference, New Orleans, February 20, 2010.

Marketing the Census, Marketing and Public Policy Workshop, American Marketing Association, Fort Collins, CO, May 18, 2010.

Marketing and Public Policy: Synergy, Synthesis and Successes, Marketing and Public Policy Workshop, American Marketing Association, Fort Collins, CO, May 120, 2010.

Enhancing Theory and Strengthening Knowledge Development in the Marketing Discipline, Theory Pre-Conference: Ideas that Matter: A Dialog on Enhancing Theory Development in Marketing, American Marketing Association Summer Educators Conference, Boston, August 13, 2010.

Representative Invited Research Presentations:

Department of Marketing, University of Mississippi (October, 1979).

Colgate-Darden Graduate School of Business, University of Virginia (June 1982).

Department of Marketing, Florida State University (October 1982).

A. B. Freeman School, Tulane University (October 1982, March 1990).

Advertising Research Department, Procter and Gamble (November 1984).

Representative Invited Research Presentations (Cont'd.):

Department of Marketing, Baylor University (February 1984).

Department of Marketing, University of North Carolina (November 1984).

Department of Marketing, University of Arizona (February 1985).

Graduate School of Business, University of Chicago (May 1985).

Department of Marketing, University of Washington, Seattle (November 1986).

Joint USC/UCLA/UCI Research Symposium (May 1987).

Department of Marketing, University of Georgia (March 1988).

Graduate School of Management, University of California, Irvine (April 1988).

Corporate Marketing and Advertising Research Planning Group, General Motors Corp. (August 1988, January 1989, July 1989).

School of Social Sciences, University of California, Irvine (February 1989).

Presbyterian College (South Carolina) (February 1989).

Department of Marketing, University of Colorado (March 1990).

Graduate School of Management, University of California, Riverside (March 1990).

Graduate School of Management, University of California, Berkeley (February 1994).

Department of Marketing, University of Calgary (March 1994).

Senior Staff, United States Census Bureau (April, 1997).

Social Sciences Computing Consortium, University of California, Irvine (June, 1997).

Department of Marketing, Washington State University (March, 1999).

Department of Marketing, University of Georgia (April, 1999).

Department of Marketing, University of Miami (May, 1999).

Representative Invited Research Presentations (Cont'd.):

Department of Marketing, University of Massachusetts (October, 1999).
Graduate School of Management, University of California, Irvine (January, 2000).
Department of Marketing, University of Kansas (February, 2000).
Department of Marketing, Marquette University (February, 2000).
Department of Marketing, Boston University (April, 2000).
Department of Marketing, University of Notre Dame (April, 2001),
Albert Haring Symposium, University of Indiana (March, 2001).
Southwestern Doctoral Symposium, University of Houston (April, 2001).
Georgetown University (May, 2002).
Department of Marketing, University of Georgia (November, 2005).
Owen Graduate School of Management, Vanderbilt University (November, 2006)
Department of Marketing, Villanova University (November, 2006)
Department of Marketing, Iowa State University (March, 2007)
Anderson Graduate School of Management, University of California, Riverside (March, 2007)
Department of Marketing, University of Rhode Island (April, 2007)
Department of Marketing, Louisiana State University (November, 2007)
Department of Marketing, University of Alabama (April, 2009)
Harrah's College of Hotel Administration (May, 2012)
Marketing and Public Policy Workshop and Doctoral Seminar (2004, 2006, 2008, 2010, 2012)

HONORS AND AWARDS:

Elsevier Distinguished Marketing Educator, Society for Marketing Advances, November, 2007.

Cutco/Vector Distinguished Marketing Educator Award, Academy of Marketing Science, May, 2006.

Omicron Delta Kappa Men of Merit Award, Baylor University, 2005.

American Academy of Advertising Award for Outstanding Contribution to Advertising Research, 1998.

Best Distance Learning Program - Continuing Education, 1996, Presented by the U. S. Distance Learning Association.

Best Paper (1992-1994), Journal of Public Policy Marketing, Awarded in 1996 by the American Marketing Association.

Best Paper, Journal of Advertising (1989), Awarded by American Academy of Advertising in 1990.

Best Review, Advanced Research Techniques Conference, American Marketing Association, Beaver Creek, CO (1990, 1992).

Who's Who in the World.

Who's Who in America.

Charter Fellow, Association for Psychological Science.

Fellow of the American Psychological Association (Division 23).

Senior Research Fellowship, American Academy of Advertising (1988).

Listed among top ten contributors to marketing journals in a study published in Fall, 1985, Journal of Marketing Education.

Listed among top ten contributors to Advertising literature in a study published in the Spring, Journal of Advertising.

Honorable Mention, 1983 Alpha Iota Delta/American Institute for Decision Sciences Instructional Award.

Honors (Cont'd.):

Marketing Science Institute Visiting Scholar, General Motors Corporation (1988-89).

Alpha Iota Delta, Decision Sciences Honorary.

Beta Gamma Sigma Business Honor Society.

Phi Kappa Phi National Honor Society.

Who's Who in the West.

Who's Who of Emerging Leaders in America, Third Edition.

Who's Who in Finance and Industry.

Who's Who in American Education.

Five Thousand Personalities of the World.

New York Academy of Sciences.

Who's Who in California.

Who's Who in Advertising.

Who's Who in Sales and Marketing.

International Platform Association.

Who's Who in the South and Southwest

Outstanding Young Men of America, 1985.

Personalities of the South.

Personalities of America.

Dean's Research Fellowship, University of Southern California (Sept., 1987 – Aug., 1990).

OGSM Dean's Fund for Faculty Research Grant (1981, 1982, 1983).

State Board of Education Scholar, Northeast Louisiana University.

RESEARCH GRANTS:

Department of Education, Center for International Business, Education and Research (July 1, 2002 – June 30, 2006, \$ 1.4 million).

Marketing Science Institute, Cambridge, MA: An Analysis of the Impact of Type of Commercial on Recall, Key Selling Point Communication, and Persuasion (1983-84, \$25,000.00). (with D. Furse).

Marketing Science Institute, Cambridge, MA: Research Conference on Nonverbal Communication in Advertising (1986, \$2,000.00). (with S. Hecker).

American Academy of Advertising: A Replication and Extension of Stewart's and Furse's Analysis of the Impact of Type of Commercial on Recall, Key Selling Point Communication, and Persuasion (1988, \$1,500.00).

General Motors Corporation, Detroit, MI and the Marketing Science Institute, Cambridge, MA: Analysis of the Impact of Advertising Over Time (1988, \$16,000.00).
Marketing Science Institute, Cambridge, MA: A Research Agenda for Business-to-Business Advertising (1989, \$5,000.00). (with R. Spekman and K. Reardon).

General Motors Corporation, Detroit, MI: Processing Music in Advertising (1989, \$20,000.00).

Covington and Burling, Washington, D. C.: Effects of Advertising (1990, \$15,000).

Faculty Research Innovation Fund, University of Southern California (1990, \$12,000).

General Motors Corporation, Detroit, MI: Arousal Properties of Music in Advertising (1990, \$21,738).

IBM, The Economic Consequences of Close Customer/Supplier Relationships (1993, \$.25,000)

Travel grants, data, and in kind support provided by Burke Marketing Research, Cincinnati, OH; Research Systems Corporation, Evansville, IN; General Motors Corporation, Detroit, MI; Marketing Science Institute, Cambridge, MA.

PROFESSIONAL EXPERIENCE:

Academic:

President's Professor of Marketing and Law, College of Business Administration, Loyola Marymount University (2012 – present). (primary appointment in the College of Business Administration; courtesy appointment in the School of Law).

Professor of Management and Marketing, School of Business Administration, University of California, Riverside (2007 – 2012). (Professor Emeritus, 2012 – present).

Dean and Professor, School of Business Administration and the A. Gary Anderson Graduate School of Management, University of California, Riverside, 2007-2011.

Robert E. Brooker Professor of Marketing, University of Southern California, 1992-2007.

Deputy Dean, Marshall School of Business, University of Southern California, Los Angeles, CA, (1999-2004).

Chairperson, Department of Marketing, Marshall School of Business, University of Southern California, Los Angeles, CA, (1994-1999), (2006-2007).

Professor, Department of Marketing, University of Southern California, Los Angeles, CA, 1988-2007 (tenured 1988).

Associate Professor, Department of Marketing, University of Southern California, Los Angeles, CA, July 1986 to 1988.

Senior Associate Dean for Academic Affairs, Owen Graduate School of Management, Vanderbilt University, Nashville, TN, July 1984 to June 1986.

Assistant/Associate Professor, Owen Graduate School of Management, and Associate Professor of Psychology and Human Development, George Peabody College, Vanderbilt University, Nashville, TN, September 1980 to June 1986 (tenured 1983).

Associate Professor of Psychology and Business, Jacksonville State University, Jacksonville, AL, September 1978 to August 1980.

Adjunct Professor of Psychology, Northwestern State University, Natchitoches, LA, 1975 (1/4 time).

Adjunct Professor of Psychology, Louisiana College, Pineville, LA, 1975 (1/4 time).

Professional Experience (Cont'd.):

Non-Academic:

Manager, Special Projects and Mathematical Models, Needham, Harper, and Steers Advertising, Inc., Chicago, IL, October 1976 to August 1978.

Director of Training and EEO Coordinator, East Louisiana State Hospital, Jackson, LA, March 1976 to October 1976 (4/5 time).

Consultant, Central Louisiana State Hospital, Pineville, LA, March 1976 to October 1976 (1/5 time).

Research Psychologist, Central Louisiana State Hospital, Pineville, LA, August 1974 to March 1976.

Consultant, Rapides Area Planning Commission, Pineville, LA, December 1974 to January 1976 (part-time).

PROFESSIONAL ACTIVITIES:

Representative Professional Experience:

Editor, *Journal of Public Policy and Marketing* (2012 – present).

Co-founder and Chair, Marketing Accountability Standards Board (2004 – present).

City of Riverside Strategic Vision Task Force (2009 - 2012).

Member, City of Riverside Mayor's Committee on Economic and Workforce Development (2007 - 2012).

Member, Board of Directors, Inland Empire Economic Partnership (2007 - 2011).

Graduate, Class of 2009, Leadership Riverside.

Member, California Inland Empire District Export Council, Department of Commerce (2009 - 2012).

Member, Academic Assessment Panel, 2010 Decennial Census, United States Census Bureau (2009).

Member/Partner, Riverside Technology CEO Forum (2007 - 2012).

Professional Activities (Cont'd.):

Member, Board of Governors, Academy of Marketing Science (2004 - 2010).

Co-Chair, 2007 Academy of Marketing Science Annual Conference, Coral Gables, FL, May, 2007.

Member, Academic Advisory Committee, CMO Council, 2007 - present.

Member, Product Development and Management Association International Conference Program Planning Committee, San Diego, CA, Oct. 2005.

Co-Chair, Second Risk Perception Workshop, American Marketing Association and Marketing and Society Special Interest Group, Los Angeles, CA, June, 2006.

Co-Chair, Marketing and Public Policy Conference of the American Marketing Association, Long Beach, CA, June, 2006.

Editor, *Journal of the Academy of Marketing Science*, 2006-2009.

Editor, *Journal of Marketing*, 1999-2002.

Chairperson, Marketing and Society Special Interest Group, American Marketing Association, 2000-2001.

Co-Chair, American Marketing Association International Conference, Buenos Aires, Argentina, 2000.

Vice President, Finance/Secretary, American Marketing Association, 1998-1999.

Member of the Board of Directors, American Marketing Association, 1996-1999.

Member of the Board of Directors, American Marketing Association Foundation, 1998-1999.

President of the Academic Council, American Marketing Association, 1997-1998.

Chair, Section on Statistics in Marketing, American Statistical Association, 1997.

Member, CEO Search Committee, American Marketing Association, 1998-1999.

Member, Nominating Committee, American Marketing Association, 1999.

Professional Activities (Cont'd.):

Member, Census Bureau Advisory Committee of Professional Associations (1992-1998).

Chair, 1995.

Judge, 1997, 1998 American Marketing Association Edison Awards for Best New Products.

Co-Chair, 1995 Winter Educators' Conference, American Marketing Association.

Member, Editorial Board, *Review of Marketing Research* (2004-present)

Member, Editorial Board, *Journal of Marketing Research* (1983-1994, 1999-2003).

Member, Editorial Board, *Journal of Marketing* (1990 - present).

Member, Editorial Board, *Journal of Public Policy and Marketing* (1993 - present).

Member, Editorial Board, *Journal of Advertising* (1991 - present).

Member, Editorial Board, *Journal of Advertising Research* (2005 - present)

Member, Editorial Board, *International Journal of Advertising* (2003 - present)

Member, Editorial Board, *Journal of Interactive Marketing* (2001 - present)

Member, Editorial Board, *Journal of Promotion Management* (1991- present).

Member, Editorial Board, *Journal of Consumer Marketing* (1985 - 1996).

Member, Editorial Board, *Current Issues and Research in Advertising* (1987 - present).

Member, Editorial Board, *Journal of International Consumer Marketing* (1987 - present).

Member, Editorial Board, *Journal of Management Issues* (1991 - present).

Member, Editorial Board, *Journal of Product and Brand Management* (1991 - present).

Member, Editorial Board, *Media Psychology* (2001-2006)

Member, Editorial Board, *International Journal of Marketing Research* (2000 - present)

Editor, Sage Series in Marketing (1992-1999).

Professional Activities (Cont'd.):

Member, General Advisory Board, International Business Press (1991-1996).

Advisory Editor, *Psychology and Marketing* (1990-1999).

Founding Chair, Consumer Behavior Special Interest Group, American Marketing Association.

Program Chair, Section on Statistics in Marketing, American Statistical Association (1994).

Representative to Council, American Psychological Association (Governing Body of APA)

(Elected by Society for Consumer Psychology) (1989-1992, 1997-1998).

Judge, 1992 Design Competition of the Los Angeles Design Club.

Faculty Member, American Marketing Association Doctoral Consortium (1990, 1991, 1998 - 2011).

Co-Chair, American Marketing Association Doctoral Consortium (1991).

Research Methodology Track Chairman for 1990 AMA Summer Educators' Conference.

President, Society for Consumer Psychology, Division 23 of the American Psychological Association (1985 - 1986).

Chairman, Research Committee, American Academy of Advertising (1989 - 1991).

Member, Research Committee, American Academy of Advertising (1988 - 1989).

Member, Publications Committee, Society for Consumer Psychology (1988 - 1989).

Associate Editor, *Psychology and Marketing* (1983 - 1990).

Member, Policy Board, *Journal of Consumer Research* (1986 - 1988).

President, Policy Board (1988), Vice President (1987).

Alternate Member, Advertising Steering Committee, Marketing Science Institute (1987 - 1991).

Co-chair, Fifth Annual Advertising and Consumer Psychology Conference (1986).

Program Chair, Society for Consumer Psychology (1984).

Professional Activities (Cont'd.):

Editor, The Communicator, Newsletter of the Society for Consumer Psychology, (1981-1983).

Member, Executive Committee, Society for Consumer Psychology, American Psychological Association (1981-1991).

Research Methodology Track Chairman for 1985 AMA Marketing Theory Conference.

Occasional Reviewer, *Applied Demographics* (1996, 1998)

Occasional Reviewer, *International Journal of Marketing Research* (1988, 1997).

Occasional Reviewer, *Journal of Consumer Research* (1983 - present).

Occasional Reviewer, *Journal of the Academy of Marketing Science* (1985 - 1999).

Occasional Reviewer, *Psychological Bulletin* (1984 - 1999).

Occasional Reviewer, *Journal of Applied Psychology* (1983 - 1999).

Occasional Reviewer, *Journal of Advertising* (1983 - 1990).

Occasional Reviewer, *Journal of Personality and Social Psychology* (1978, 1990).

Occasional Reviewer, *Personality and Social Psychology Bulletin* (1976, 1990, 1993, 1997).

Occasional Reviewer, *Psychometrika* (1988, 1990, 1991, 1996).

Occasional Reviewer, *Journal of the Academy of Management* (1983 - 1985).

Occasional Reviewer, *Annals of Travel and Leisure* (1983 - 1985).

Occasional Reviewer, *Journal of Mathematical Social Sciences* (1987).

Occasional Reviewer, *Decision Sciences* (1989-2000).

Judge for Dissertation Competition of the American Marketing Association (1988-1998, 2008).

Referee, Annual Conference of the American Academy of Advertising (1985-2009).

Referee, Society for Consumer Psychology Annual Program (1982-2010).

Professional Activities (Cont'd.):

Conference Program Referee, AMA Summer Educators' Conference (1982 - 2012).

Referee, 1988-1997 Decision Sciences Institute Conferences.

Chairman, 1983 Consumer Psychology Dissertation Award Committee.

Referee, 1983, 1984, 1986 - 2012 Winter AMA Educators' Conference.

Referee, 1984 - 2009 Society for Marketing Advances Conference.

Referee, 1983 - 2008 Association for Consumer Research Conference.

Textbook Reviewer, Prentice-Hall Publishing Company (1979-1986).

Textbook Reviewer, McGraw-Hill Book Co. (1983).

Textbook Reviewer, PWS/Kent (1990).

Proposal Reviewer, Social and Developmental Psychology Division, National Science Foundation (1979, 1993).

Proposal Reviewer, Applied Research Division, NIMH (1976, 1993, 1998).

Proposal Reviewer, Management and Decision Sciences Directorate, National Science Foundation (1990, 1994, 1997).

Editor, Louisiana Psychologist (1976).

University/School Service:

University of California, Riverside

Chair, Search Committee for Vice Chancellor for Advancement (2008 - 2009).

Member, UCR Campus Budget Planning Committee (2009 - 2011).

Chair, Palm Desert Graduate Center Planning Committee (2009 - 2010).

Member, Community Engagement Committee, UCR Strategic Planning Exercise (2009-2010).

Professional Activities (Cont'd.):

University of Southern California

Member, Dean Search Committee, School of Planning, Policy and Development (2004 - 2005)

Member, University Committee on Academic Review (2006 - 2007)

Member, Health Advisory Board, School of Planning, Policy and Development (2005 - 2007)

Member, Board of Directors, University Faculty Center (1995 - 2000).

Chair, Membership Committee (1995 - 1996)

Treasurer and Member of Executive Committee (1996 - 1997)

President (1998 - 1999)

Member, University Appointments, Tenure and Promotion Committee, University of Southern California (1990 - 1994).

Chair, Panel on Social Sciences and Professional Schools (1993 - 94).

Member, University Graduate Studies Advisory Council (1994 - 1998).

Member, School of Business Administration Dean Search Committee (1993).

Member, University Employee Benefits Committee (1987 - 1992).

Member, University Research Committee (1990 - 1991).

Member, Personnel Committee, School of Business Administration (1990 - 1992).

Member, Marketing Ph.D. Committee (1986 - 1990).

Coordinator, Doctoral Program in Marketing (1987 - 1989).

Coordinator, 1988 and 1990 Advertising Education Foundation Ambassador Program.

Member and Chairman, Various Tenure, Promotion, and Review Committees (1988 - 2007).

Member, Dean's Advisory Council, School of Business Administration (1987 - 1988, 1994).

Member, Building Advisory Committee, School of Business Administration (1987 - 1988).

Professional Activities (Cont'd.):

Founding Director, Master of Science in Management for Information Executives Program, University of Southern California (1987 - 1989).

Member, School of Business Administration Executive Development and Training Oversight Committee (1988).

Member, Marketing Chair's Advisory Committee (1988 - 1989).

Research Seminar Coordinator, Department of Marketing, University of Southern California (1986 - 1987).

Working Paper Series Coordinator, Department of Marketing, University of Southern California (1986 - 1987).

Member, Research Committee, School of Business Administration, University of Southern California (1986 - 1988).

Member, Marketing Department Strategic Planning Committee, University of Southern California (1986 - 1987).

Member, Operations Committee, School of Business Administration, University of Southern California (1987).

Member, Undergraduate Curriculum Committee, School of Business Administration, University of Southern California (1987).

Vanderbilt University

Member, Vanderbilt University Re-Accreditation Steering Committee (1985 - 1986).

Member, University Human Subjects Research Review Committee (1983 - 1986).

Member, Committee on Instruction, Owen School (1981 - 1986).

Faculty Advisor, Owen School Chapter of the American Marketing Association (1981 - 1984).

Coordinator of Faculty Research, Owen School (1982 - 1984).

Member, Tenure Review Committee, Owen School (1983 - 1984).

Member, Committee on Faculty Research, Owen School (1981 - 1982).

Professional Activities (Cont'd.):

Chairman, Strategy Faculty Search Committee, Owen School (1983 - 1984).
Member, Marketing Faculty Search Committee, Owen School (1980 - 1985).
Member, Statistics Faculty Search Committee Owen School (1983 - 1984).
Member, Honor Council Appeals Board, Vanderbilt University (1982 - 1984).
Member, Organizational Behavior Faculty Search Committee, Owen School (1981 - 1982).
Member, Admissions Committee, Executive MBA Program, Owen School (1981 - 1983).
Consultant, Vanderbilt University Development Office (1982).
Member, Admissions Committee, MBA Program, Owen School (1980 - 1981).
Member, Ph.D. Program Development Committee, Owen School (1980 - 1981).
Member, Ad Hoc Committee on Computer Resources, Owen School (1980-1981) (1983-1984).
Faculty Secretary, Owen School (1982-1983).

Representative Courses Taught:

Undergraduate

Principles of Marketing
Consumer Behavior
Marketing Research
Advertising
Measurement
Industrial Marketing
Social Psychology
Statistics

Graduate

Marketing Management
Marketing Research
Product Management
Sales Management
Advertising and Promotion Management
Marketing Strategy and Planning
Consumer Behavior
Human Judgment & Decision Making

DOCTORAL COMMITTEES CHAIRED:

Gustavo DeMello, Department of Marketing, University of Southern California, In Need of a Favorable Conclusion: The Role of Goal-Biased Reasoning in Consumer Judgments and Evaluations (2005; co-chair: Debbie MacInnis) (Honorable Mention, Ferber Award for Best Paper Published in the Journal of Consumer Research Based on a Dissertation, 2007). (Effective Fall of 2005, Assistant Professor of Marketing, Amos Tuck School of Business, Dartmouth College; deceased).

Jaideep Prabhu, Department of Marketing, University of Southern California, Competitive Signaling: The Role of Receiver Inference in Determining Optimal Signaling Strategies, (1995) (The Jawaharlal Nehru Chair in Marketing, Judge School of Business, Cambridge University United Kingdom).

Ingrid Martin, Department of Marketing, University of Southern California, Purposive, Goal-Oriented Knowledge and Attitudes: The Case of Brand Extensions (1993) (professor of marketing, California State University at Long Beach).

Scott Koslow, Department of Marketing, University of Southern California, A Theory of Deterministic Consumer Choice Behavior: Applying Generalizability Theory of Measurement to Consumer Panel Data (1990) (senior lecturer in marketing at the University of Waikato, New Zealand).

Kamal Gupta, Department of Marketing, University of Southern California, Product Performance Evaluation Using Brand and Category Expectations (1990) (research associate with A. C. Nielsen, New York).

Connie Pechmann, Owen Graduate School of Management, Vanderbilt University, The Development and Testing of a Contingency Model for Comparative Advertising (1988) (winner of 1987 Marketing Science Institute Dissertation Proposal Award) (professor of marketing at the University of California at Irvine).

DOCTORAL COMMITTEE MEMBERSHIPS:

Srinivasan Ratneshwar, Owen Graduate School of Management, Vanderbilt University.

Andrew Hicks, Department of Psychology, Vanderbilt University.

Debra Rog, Department of Psychology, Vanderbilt University.

John Stroud, Department of Psychology, Vanderbilt University.

Susan Choati, Department of Psychology, University of Southern California.

Doctoral Committee Memberships (Cont'd.):

Robert Simon, Department of Psychology, The Claremont Graduate School.

Ray Rody, Department of Marketing, University of Southern California.

Key-suk Kim, Department of Marketing, University of Southern California.

Kirti Sawhney, Department of Marketing, University of Southern California.

Walfried Lassar, Department of Marketing, University of Southern California.

Peter Golder, Department of Marketing, University of Southern California.

Alex Rader, Department of Psychology, University of Southern California.

Robyn Johnson, Department of Psychology, University of Southern California.

Amy Feldstein, Department of Sociology, University of Southern California.

Susan Barazani, Department of Education, University of Southern California.

Lilian Chang, Department of Marketing, University of Southern California.

Paulos Pavlou, Information and Operations Management, University of Southern California.

Allison Johnson, Department of Marketing, University of Southern California.

Shashi Matta, Department of Marketing, University of Southern California.

Aditi Grover, Department of Marketing, University of Southern California.

Heather Wan, Department of Marketing, University of Southern California.

REPRESENTATIVE CONSULTING ACTIVITIES

Consulting Expert, Cornerstone Research (1999-present)

Hewlett Packard, Palo Alto, CA (1987 - 2001)

Agilent Technologies (2000-2001)

Visa Services International (1996-2001)

Xerox, Los Angeles (1996-1999)

Texas Instruments, Dallas (1994-96)

Century 21 Real Estate, Irvine, CA (1994-96, 1999)

Representative Consulting Activities (Cont'd.):

Hughes Corp., Los Angeles (1993-1998)
Honeywell Home and Building Control, Minneapolis (1992-1995)
Cadence Design Systems, San Jose, CA (1994-1995)
Coca-Cola Company, Atlanta (1991, 1994, 1997)
Pacific Bell Telephone, Los Angeles (1994-1996)
FISERV, West Covina, CA (1994, 1995)
NCR, Dayton, San Diego (1992, 1993)
Baxter Health Care Group, Irvine, CA (1992)
Covington and Burling, Washington, D. C. (1989 - 1992)
Schnucks' Supermarkets, St. Louis (1988, 1990)
Los Angeles Chapter of American Association of Advertising Agencies Institute of Advanced Advertising Studies (1987 - 1993)
Bell Communications Research (1988 - 1989)
Weyerhaeuser Company (1988 - 1989)
Federal Trade Commission, Advertising Practices Division, Washington, D.C. (1987 - 1989, 1995-98, 2004-present)
International Teleproduction Society (1989)
Lintas Worldwide Advertising, New York (1987 - 1988)
Yankelovich, Clancy, and Schulman, New York (1988)
Nihhon Health Industry Co. (Japanese Pharmaceutical Trade Association) (1987)
American Cable Systems, Los Angeles, CA (1987)
Ford Motor Company, Detroit, MI (1986)
Mead Johnson, Evansville, IN (1986)
Northern Telecom, Inc., Nashville, TN (1983 - 1986)
Hickory Specialties Company, Brentwood, TN (1981 - 1986)
Nashville Consulting Group, Nashville, TN (1983 - 1988)
Dede Wallace Mental Health Center, Nashville, TN (1986)
Tennessee State Attorney General's Office of Consumer Affairs, Nashville, TN (1983)
Vanderbilt University Hospital, Nashville, TN (1983)
Eric Ericson and Associates Advertising, Nashville, TN (1983 - 1984)
Research Systems Corporation, Evansville, IN (1983)
Milam's Optical, Inc., Nashville, TN (1983)
Viacom Cablevision, Nashville, TN (1982)
Hydrowave Hot Water Heaters, Nashville, TN (1981 - 1982)
National Geothermal Company, Lawrenceburg, TN (1981 - 1982)
Calhoun County Chamber of Commerce, Anniston, AL (1978 - 1980)
The Anniston Star/WHMA Radio TV, Anniston, AL (1979)
First Federal Savings and Loan, Huntsville, AL (1979)
CED Mental Health Center, Gadsden, AL (1979)
Southeastern Manufacturing Company, Anniston, AL (1979)
Goodyear Tire and Rubber Company, Gadsden, AL (1979)

Representative Consulting Activities (Cont'd.):

U.S. Aeromedical Research Laboratory, Fort Rucker, AL (1979 - 1980)
Office of Planning and Education, Jacksonville State University, Jacksonville, AL (1980)

Representative Workshops and Executive Programs:

Marketing Management, One-day Executive Program, Northrup Grumman Space Technology, Redondo Beach, CA, June, 2005.

Business Models and Branding, K.A.I.S.T. Executive MBA, Los Angeles, CA, July, 2004, July, 2005 and July 2006.

Marketing Strategy, Twenty Hour Videotape/Distance Learning Course Created for Business BreakThrough (Japan) and the University of Southern California, Summer, 2000.

Developing a Customer Focus, UCLA Executive Program, Los Angeles, CA, February, 1999, 2000.

Hughes Marketing Management Institute, Los Angeles, CA, March, 1994, September, 1994, March, 1995, September, 1995, March, 1996, January 1997, February, 1997.

Creating Value and Organizing for Value Creation, Nevada Power Company, March, 1996, March 1997.

Cheil Advertising Managers Program, University of Southern California, Los Angeles, June, 1995, August, 1996 (faculty coordinator).

Understanding Customer Decision-Making, Texas Instruments (1994-96) (seven deliveries).

Cheil Communications Managers Program, Korea, November, 1996, 1997.

Samsung Business-to-Business Program, University of Southern California, Los Angeles, October-November, 1996, 1997.

Samsung Directors Program, Korea, August, 1996.

Changing Consumer Demographics and Lifestyles: Drivers of Market Demand in the 1990's and Beyond (offered to and for various organizations including Pacific Bell and FISERV).

Customer Focus and Organizational Change, United States Census Bureau (1997).

Creating Customer Value, United States Census Bureau (1995).

Representative Workshops and Executive Programs (Cont'd.):

Honeywell Branch Leadership Program, University of Southern California, 1992-1994, faculty coordinator (fourteen deliveries).

Creating Value and Organizing for Value Creation, Advanced Management Program, University of Southern California, September/November, 1995, January/March, 1996.

Creating Value and Organizing for Value Creation, Executive Education Network, January, 1996, October, 1996).

Korean Marketing Management Program, four week program offered to Haitai Company by Marketing Department of the University of Southern California, July, 1994 (faculty coordinator).

The Executive Program, University of Southern California, June, 1992, 1993.

Listening to Customers, Baxter Health Care Group, August, 1992; Hughes, February, September, 1994, February, 1995; Cadence Design Systems, February, 1995.

Creating a Market Focus, Magnetec Institute of Management, University of Southern California, Los Angeles, July, 1992.

Strategic Marketing, Middle Management Program for Telecommunications, University of Southern California, October, 1988, May 1989, May, October, 1993.

Marketing and Advertising Research, Institute for Advanced Studies in Advertising,

American Association of Advertising Agencies, Western Region, 1987, 1988, 1989, 1990, 1992, 1993.

Listening to Customers: Managing Customer Visits, NCR Corp., December 1992, June, August 1993.

Listening to Customers: Managing Customer Visits, Cadence Design Systems, San Jose, CA, February, 1995.

Listening to Customers: Managing Customer Visits, Xerox Corp., El Segundo, CA (1997, 1998)

Using Market Information for Decision Making, Hewlett Packard Corporation, various locations in U.S. and worldwide (1996-2000).

Developing Hi-tech Consumer Products, Hewlett Packard Corporation, various locations in U.S. and worldwide (1995-1999).

Representative Workshops and Executive Programs (Cont'd.):

A Managerial Approach to Choice Modeling, Hewlett Packard Corporation, various locations in U.S. and worldwide (1991-1993, 2000).

Evaluating Marketing Actions With Experiments, Hewlett Packard Corporation, , various locations in U.S. and worldwide (1991-1995).

Managing Survey Research. Hewlett Packard Corporation, (1988-2000) (offered in Japan, Singapore, and Europe as well as various sites in the United States).

Managing Marketing Research. Hewlett Packard Corporation, (1988-2000) (offered in Japan, Singapore, and Europe as well as various sites in the United States).

Conducting Customer Visits. Hewlett Packard Corporation, (1990-2001) (offered in Singapore, Japan, Taipei and Europe as well as various sites in the United States).

Market Segmentation and Positioning. Schnucks Markets, St. Louis, MO, September 1990.

Marketing Management, International Teleproduction Society, Sept. 1989.

Integrating Verbal and Non-Verbal Communication, Broadcast Promotion and Marketing Executives Association, Annual Meeting, Los Angeles, 1988.

Creating a Market Focused Organization, Weyerhaeuser Company, presented seven times from May 1988 to February 1989.

Product Management, Bell Communications Research, 1988.

Product Management, Hewlett Packard Corporation, Palo Alto, CA, September, December 1987, March 1988.

Executive Decision Making, Executive Workshop for the Southeastern Chapter of the Young Presidents' Organization, April 1986.

New Product Development, Executive Workshop, Vanderbilt University's Owen Graduate School of Management, Nashville, TN, August 1981, August 1982, August 1983, and November 1985.

Advertising Strategy and Evaluation, Executive Workshop, Vanderbilt University's Owen Graduate School of Management, Nashville, TN, October 1981, October 1982, and September 1983.

Representative Workshops and Executive Programs (Cont'd.):

An Introduction to Model Building in Advertising and Marketing, Internal Presentation, Needham, Harper, and Steers, Inc., Chicago, IL, April 1978.

An Introduction to Practical Statistics, Internal Presentation, Needham, Harper, and Steers, Inc., Chicago, IL, February 1978.

An Introduction to Data Processing for the Market Researcher, Internal Presentation, Needham, Harper, and Steers, Inc., Chicago, IL, February 1977.

A Short Course in Multivariate Statistics, Internal Presentation, Needham, Harper, and Steers, Inc., Chicago, IL, March 1977 and March 1978.

Representative Media Citations:

Interviews or Published Works have been cited in *Advertising Age*, *Wall Street Journal*, *New York Times*, *New York Daily News*, *Washington Post*, *U.S. News and World Report*, *Newsweek*, *Time*, *Fortune*, *Adweek*, *Chicago Tribune*, *Christian Science Monitor*, *Crain's New York Business*, *Los Angeles Times*, *Los Angeles Herald Examiner*, *Atlanta Constitution*, *Broadcasting*, *Smithsonian*, *Columbia Missourian*, *Birmingham Herald*, *Nashville Banner*, *Nashville Tennessean*, *Self Magazine*, *Ladies Home Journal*, *BusinessWeek*, *TV Guide*, *Information Week*, *Success Magazine*, *Los Angeles Times Magazine*, *Automotive Market Report*, *Sales Motivation Magazine*, *Columbia Journalism Review*, *Newsday*, *U.S.A. Today*, *Boardroom Reports*, *New York Magazine*, *Orange County Register*, *Baton Rouge Morning Advocate*, *Health Magazine*, *Parenting Magazine*, *L. A. Today*, *Health Magazine*, *Detroit Free Press*, *Greenville News*, *Birmingham News*, *Pittsburgh Press*, *Times Herald (Vellejo, CA)*, *St. Petersburg Times*, *New Orleans Times Picayune/States Item*, *Convenience Store News*, *Working Mother*, *Working Woman*, *Philadelphia Inquirer*, *Washington Post*, *Medical Economics*, *Investor's Daily*, *Privileged Information*, *Times Herald International*, *Nikkei Marketing Journal* (*Nikkei Ryutsu Shimbun*), *Veckan Affarer* (*Swedish Business Magazine*), *San Jose Mercury News*, *The Marketer*, *Sacramento Bee*, *Miami Herald*, *Baltimore Sun*, *The Daily Breeze*, *The Observer*, *The Daily News (Los Angeles)*, *St. Louis Dispatch*, *Marketplace*, *Orange County Metropolitan*, *Los Angeles Daily News*, *AutoAge*, *Dayton Daily News*, *Palm Springs Desert Sun*, *National Inquirer*, *Orlando Sentinel*, *Riverside Press Enterprise*, *Phoenix Sun*, *Entrepreneur*, *Business and Incentive Strategy*, *Nihon Keizai Shimbun*, *American Demographics*, *San Bernardino Sun*, *Alberta Report*, *Profiles Magazine*, *Cosmopolitan*, *Congressional Quarterly*, *Sports Trade*, *Sporting Goods*. Authored a monthly column on consumer trends in the United States for the *Nikkei Marketing Journal* (circulation 330,000+) from January 1988 to December 1989.

Vita: David W. Stewart
9/28/12

Have appeared on numerous television and radio programs, including the *NBC Evening News*, *CBS Evening News*, *ABC Evening News*, *CBS News' America Tonight*, *CNN News*, *ABC's Nightline*, *History Channel*, *Financial News Network*, *Money Radio*, *Financial Broadcasting Network*, *The Parenting Network*, *Senior Report*, *National Public Radio*, *the Copley Radio Network*, and local radio and television stations in Nashville, Birmingham, Cleveland, Detroit, Los Angeles, St. Louis, San Diego, Calgary, and San Francisco, and various Public Broadcasting Stations, interview on NYNEX tape-of-the month, "Needs Analysis and RFP's."

David W. Stewart

Depositions and Testimony in Past Four Years:

Brighton Collectibles v. Renaissance Group International and Ralph's Grocery Company (2008), Retained on behalf of plaintiffs by Browne, Woods and George, LLP (United States District Court, Southern California Division).

Brighton Collectibles v. BI-LO, LLC, et al. (2008), Retained on behalf of plaintiffs by Browne, Woods and George, LLP (United States District Court, Southern California Division).

Morgate v. Mail Boxes Etc., et al. (2009), Retained on behalf of defendants by Morrison and Foerster (Superior Court of California, County of Los Angeles). (Deposition only).

City of St. Louis, et al. v. American Tobacco Company, et al. (2009), Retained on behalf of defendants by Goodwin, Procter LLP (Circuit Court of City of St. Louis, State of Missouri), (Deposition only).

Securities And Exchange Commission v. John Michael Kelly, Steven E. Rindner, Joseph A. Ripp, and Mark Wovsaniker, (2010), Retained on behalf of defendants by White and Case LLP (United States District Court, Southern District of New York). (Deposition only).

CITA ("The Wireless Association") v. City of San Francisco (2011) retained on behalf of plaintiff by Jones Day (United States District Court, Northern District of California, San Francisco Division). (Deposition only).

Peace and Love Jewelry by Nancy Davis v. Kohls Department Stores (2011), Retained on behalf of plaintiffs by Linde Law Firm (United States District Court, Central District of California). (Deposition only).

Federal Trade Commission v. POM Wonderful (2011), Retained by the Federal Trade Commission (Federal Trade Commission Administrative Law Hearing, Washington, D.C.).

Federal Trade Commission v. John Beck Amazing Profits, et al. (2011), Retained by the Federal Trade Commission (United States District Court, Central District of California), (Deposition only).

Brenda F. Kitrosser v. NuVasive (2012), Retained on behalf of plaintiff by Robert Vaage (Superior Court of California, County of San Diego, Central Branch). (Deposition only).

Sexy Hair Concepts v. Conair Corporation (2012), Retained on behalf of defendant by Newport Trial Group (United States District Court, Central District of California, Western Division). (Deposition only).

Masimo v. Philips Electronics, North America, et al. (2012), Retained by Meyer Brown, LLP on behalf of defendants (United States District Court, District of Delaware). (Deposition only).

Willard R. Brown, et al. v. The American Tobacco Company, et al. (2012), Retained by Munger, Tolles, and Olson on behalf of defendants (Superior Court of the State of California, County of San Diego). (Deposition only).

Exhibit B

TARGET RESEARCH GROUP INC.
FUNERAL SURVEY (H101-12036/12072;

Page	Table	Title
1	1	Q.D GENDER/AGE
4	2	Q.E3 ETHNIC GROUPS IDENTIFY WITH
5	3	Q.S4 RELIGIOUS GROUPS IDENTIFY WITH
6	4	Q.S3/S4 ETHNIC/RELIGIOUS GROUP IDENTIFY WITH
7	5	Q.S6 WHETHER EVER HAVE BEEN PERSONALLY INVOLVED IN PLANNING THE FUNERAL AND BURIAL SERVICES OF ANOTHER PERSON?
8	6	Q.S7 WHETHER MADE ANY PLANS FOR YOUR OWN OR A LOVED ONE'S FUTURE FUNERAL, BURIAL OR CREMATION?
9	7	Q.S8 WHICH OF THE FOLLOWING OPTIONS WOULD YOU CONSIDER IN THINKING ABOUT YOUR OWN OR A LOVED ONE'S FUNERAL ARRANGEMENTS?
10	8	Q.1 WHICH OF THE FOLLOWING FACTORS WOULD INFLUENCE YOUR CHOICE IN THINKING ABOUT AND PLANNING FOR YOUR OWN OR A LOVED ONE'S FINAL RESTING PLACE?
11	9	Q.1 HOW WILL YOU LET OTHERS KNOW WHAT TYPE OF FUNERAL YOU WOULD PREFER?
13	10	Q.3 IN THINKING ABOUT THE SELECTION OF A CEMETERY FOR YOURSELF OR FOR A LOVED ONE, WOULD YOU EVER CONSIDER A CEMETERY WHERE EMPLOYEES HAVE ADMITTED TO BREAKING VAULTS AND CASKETS AND THROWING OUT HUMAN REMAINS?
14	11	Q.4 IN THINKING ABOUT THE SELECTION OF A CEMETERY FOR YOURSELF OR FOR A LOVED ONE, WOULD YOU EVER CONSIDER A CEMETERY WHERE EMPLOYEES HAVE ADMITTED TO BREAKING VAULTS AND CASKETS IN ORDER TO MAKE NEW GRAVES FIT?
15	12	Q.3/4 IN THINKING ABOUT THE SELECTION OF A CEMETERY FOR YOURSELF OR FOR A LOVED ONE, WOULD YOU EVER CONSIDER A CEMETERY WHERE EMPLOYEES HAVE ADMITTED TO BREAKING VAULTS AND CASKETS AND THROWING OUT HUMAN REMAINS/IN ORDER TO MAKE NEW GRAVES FIT?

TARGET RESEARCH GROUP INC.
FUNERAL SURVEY (#101-12036/12072)

Table 1

O.D. GENDER/AGE

	TOTAL			Males			FEMALES		
	TOTAL	18-49	50+	TOTAL	18-49	50+	TOTAL	18-49	50+
TOTAL RESPONDENTS	200	65	135	89	34	55	111	31	80
Males (NET)	89	34	55	89	34	55	0	0	0
	44.5	52.3	40.7	100.0	100.0	100.0	0	0	0
18 - 49 (SUBNET)	34	34	0	34	34	0	0	0	0
	17.0	52.3	0	38.2	100.0	0	0	0	0
18 - 24 YEARS	1	1	0	1	1	0	0	0	0
	0.5	1.5	0	1.1	3.9	0	0	0	0
25 - 34 YEARS	9	9	0	9	9	0	0	0	0
	4.5	13.8	0	10.1	26.5	0	0	0	0
35 - 49 YEARS	24	24	0	24	24	0	0	0	0
	12.0	36.9	0	27.0	70.6	0	0	0	0
50 + (SUBNET)	55	0	55	55	0	55	0	0	0
	27.5	0	40.7	61.8	0	100.0	0	0	0
50 - 54 YEARS	6	0	6	6	0	6	0	0	0
	3.0	0	4.4	6.7	0	10.9	0	0	0
55 - 59 YEARS	12	0	12	12	0	12	0	0	0
	6.0	0	8.9	13.5	0	21.8	0	0	0
60 - 64 YEARS	10	0	10	10	0	10	0	0	0
	5.0	0	7.4	11.2	0	16.2	0	0	0
65 YEARS OR OLDER	27	0	27	27	0	27	0	0	0
	13.5	0	20.0	30.3	0	49.1	0	0	0
FEMALES (NET)	111	31	80	0	0	0	111	31	80
	55.5	47.7	59.3	0	0	0	100.0	100.0	100.0
18 - 49 (SUBNET)	31	31	0	0	0	0	31	31	0
	15.5	47.7	0	0	0	0	27.9	100.0	0
18 - 24 YEARS	2	2	0	0	0	0	2	2	0
	1.0	3.1	0	0	0	0	1.2	6.5	0
25 - 34 YEARS	8	8	0	0	0	0	8	8	0
	4.0	12.3	0	0	0	0	7.2	35.8	0

TARGET RESEARCH GROUP INC.
FUNERAL SURVEY (#101-12036/12072)

Table 1

Q.D. GENDER/AGE

	TOTAL			MALES			FEMALES		
	TOTAL	18-49	50+	TOTAL	18-49	50+	TOTAL	18-49	50+
TOTAL RESPONDENTS	200	65	135	89	34	55	111	31	80
35 - 49 YEARS	21	21	0	0	0	0	21	21	0
	10.5	32.3	0	0	0	0	18.9	67.7	0
50 + (SUBNET)	80	0	80	0	0	0	80	0	80
	40.0	0	59.3	0	0	0	72.1	0	100.0
50 - 54 YEARS	6	0	6	0	0	0	6	0	6
	3.0	0	4.4	0	0	0	5.4	0	7.5
55 - 59 YEARS	7	0	7	0	0	0	7	0	7
	3.5	0	5.2	0	0	0	6.3	0	8.8
60 - 64 YEARS	13	0	13	0	0	0	13	0	13
	6.5	0	9.6	0	0	0	11.7	0	16.3
65 YEARS OR OLDER	54	0	54	0	0	0	54	0	54
	27.0	0	40.0	0	0	0	48.8	0	67.5
TOTAL	65	65	0	34	34	0	31	31	0
18 - 49 (NET)	32.5	100.0	0	38.2	100.0	0	27.9	100.0	0
18 - 24 YEARS	3	3	0	1	1	0	2	2	0
	1.5	4.6	0	1.1	2.9	0	1.8	6.5	0
25 - 34 YEARS	17	17	0	9	9	0	8	8	0
	8.5	26.2	0	10.1	26.5	0	7.2	25.8	0
35 - 49 YEARS	45	45	0	24	24	0	21	21	0
	22.5	69.2	0	27.0	70.6	0	18.9	67.7	0
50 + (NET)	135	0	135	55	0	55	80	0	80
	67.5	0	100.0	61.8	0	100.0	72.1	0	100.0
50 - 54 YEARS	12	0	12	0	0	0	6	0	6
	6.0	0	8.9	6.7	0	10.9	5.4	0	7.5
55 - 59 YEARS	19	0	19	12	0	12	7	0	7
	9.5	0	14.1	13.5	0	21.8	6.3	0	8.8

TARGET RESEARCH GROUP INC.
FUNERAL SURVEY (#101-12036/12072)

Table 1

Q.D GENDER/AGE

	TOTAL			MALES			FEMALES		
	TOTAL	18-49	50+	TOTAL	18-49	50+	TOTAL	18-49	50+
TOTAL RESPONDENTS	200	65	135	89	34	55	111	31	80
60 - 64 YEARS	23	0	23	10	0	10	13	0	13
	11.5	0	17.0	11.2	0	18.2	11.7	0	16.3
65 YEARS OR OLDER	81	0	81	27	0	27	54	0	54
	40.5	0	60.0	20.3	0	49.1	48.6	0	67.5

TARGET RESEARCH GROUP INC.
FEDERAL SURVEY (#101-12036/12072)

Table 2

Q.53 ETHNIC GROUPS IDENTIFY WITH

	TOTAL		Males		FEMALES	
	TOTAL 18-49	50+	TOTAL 18-49	50+	TOTAL 18-49	50+
TOTAL RESPONDENTS	200	65	135	89	34	55
BLACK	1	0	1	0	0	1
	0.5	0	0.7	0	0	0.9
HISPANIC	5	2	3	2	1	3
	2.5	2.1	2.2	2.3	1.8	2.7
JEWISH	100	38	82	54	19	35
	60.0	58.5	60.7	62.7	55.9	63.6
NATIVE AMERICAN	0	0	0	0	0	0
	0	0	0	0	0	0
WHITE (NOT HISPANIC)	89	31	57	39	15	23
	44.5	49.2	42.2	43.8	47.1	41.8
AMERICAN	2	5	2	1	0	1
	1.0	0	1.5	1.1	0	1.8
ASIAN	2	1	1	1	1	0
	1.0	1.5	0.7	1.1	2.9	0
REFUSED	1	0	1	0	0	0
	0.5	0	0.7	0	0	0.9

TARCE RESEARCH GROUP INC.
FUNERAL SURVEY (#101-12036/12072)

Table 3

Q.84 RELIGIOUS GROUPS IDENTIFY WITH

	TOTAL		MALES		FEMALES	
	TOTAL 18-49	50+	TOTAL 18-49	50+	TOTAL 18-49	50+
TOTAL RESPONDENTS	200	63	135	89	34	55
CATHOLIC	2	2	0	1	1	0
	1.0	1.1	0	1.1	2.9	0
JEWISH	196	62	134	87	32	54
	98.0	95.4	99.3	97.8	97.1	98.2
MUSLIM	1	1	0	0	0	0
	0.5	1.5	0	0	0	0
PROTESTANT	0	0	0	0	0	0
	0	0	0	0	0	0
LATTER DAY SAINTS	1	0	1	1	0	0
	0.5	0	0.7	1.1	0	1.8
NOT RELIGIOUS	1	1	0	1	1	0
	0.5	1.5	0	1.1	2.9	0
REFUSED	1	1	0	0	0	1
	0.5	1.5	0	0	0	0.9

TARGET RESEARCH GROUP INC.
FUNERAL SURVEY (#101-12036/12072)

Table 4

Q.53/54 ETHNIC/RELIGIOUS GROUP IDENTIFY WITH

	TOTAL			MALES			FEMALES		
	TOTAL	18-49	50+	TOTAL	18-49	50+	TOTAL	18-49	50+
TOTAL RESPONDENTS	200	85	115	129	34	55	111	31	80
JEWISH (NET)	200	65	135	89	34	55	111	31	80
	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
JEWISH - Q.53	125	38	82	54	19	35	66	19	47
	60.0	58.5	60.7	60.7	55.9	63.6	59.5	61.3	58.8
JEWISH - Q.54	195	82	114	87	33	54	109	29	80
	98.0	95.1	99.3	97.8	97.1	98.2	98.2	93.5	100.0

TARGET RESEARCH GROUP INC.
FUNERAL SURVEY #H01-12036/120121

Table 5

Q.36 WHETHER EVER HAVE BEEN PERSONALLY INVOLVED IN PLANNING THE FUNERAL
AND BURIAL SERVICES OF ANOTHER PERSON?

	TOTAL		MALES		FEMALES	
	TOTAL 18-49	50+	TOTAL 18-49	50+	TOTAL 18-49	50+
TOTAL RESPONDENTS	200	65 135	89 34	55 111	31 90	
YES	126 63.0	22 33.8 104 77.0	42 53.9 12 35.3	26 65.5 78 70.3	10 32.3 68 85.0	
NO	74 37.0	43 66.2 31 23.0	47 64.7 22 24.5	19 29.7 33 67.7	21 67.7 12 15.0	

TARGET RESEARCH GROUP INC.
FUNERAL SURVEY (#101-13036/12072)

Table 6

Q.57 WHETHER MADE ANY PLANS FOR YOUR OWN OR A LOVED ONE'S FUTURE FUNERAL,
BURIAL, OR CREMATION?

	TOTAL		MALES		FEMALES	
	TOTAL	18-49	50+	TOTAL	18-49	50+
TOTAL RESPONDENTS	200	65	135	89	34	55
					111	31
						80
YES	96	9	81	29	5	24
	45.0	13.8	60.0	32.6	14.7	43.6
					55.0	12.9
						71.3
NO	110	56	54	60	29	31
	55.0	86.2	40.0	67.4	85.3	56.4
					45.0	87.1
						28.8

TARGET RESEARCH GROUP INC.
FUNERAL SURVEY (#101-12036/12072)

Table 7

Q.58 WHICH OF THE FOLLOWING OPTIONS WOULD YOU CONSIDER IN THINKING ABOUT
YOUR OWN OR A LOVED ONE'S FUNERAL ARRANGEMENTS?

	TOTAL		MALES		FEMALES	
	TOTAL 18-49	50+	TOTAL 18-49	50+	TOTAL 18-49	50+
TOTAL RESPONDENTS	200	65	135	89	34	55
BURIAL OF THE DECEASED AT A CEMETERY	200	65	135	89	34	55
	100.0	100.0	100.0	100.0	100.0	100.0
CREMATION WITH ASHES STORED OUTSIDE OF A CEMETERY	32	16	16	19	10	9
	16.0	24.6	11.9	21.3	29.4	16.4
DONATE BODY TO SCIENCE	27	15	12	10	6	4
	13.5	23.1	8.9	11.2	17.6	7.3
ASHES DISPERSED OVER WATER OR SPECIFIC PLACE SIGNIFICANT TO DECEASED	1	1	0	1	1	0
	0.5	1.5	0	1.1	2.9	0
SENDING TO ISRAEL	1	1	0	1	1	0
	0.5	1.5	0	1.1	2.9	0

TARGET RESEARCH GROUP INC.
FUNERAL SURVEY (4101-12036/12073)

Table 9

2.1 WHICH OF THE FOLLOWING FACTORS WOULD INFLUENCE YOUR CHOICE IN THINKING ABOUT AND PLANNING FOR YOUR OWN OR A LOVED ONE'S FINAL RESTING PLACE?

	TOTAL			MALES			FEMALES		
	TOTAL 18-49	50+	TOTAL	TOTAL 18-49	50+	TOTAL	TOTAL 18-49	50+	TOTAL
TOTAL RESPONDENTS	200	65	135	89	34	55	111	31	80
FAMILY TRADITIONS	140	44	96	63	23	40	77	21	56
	70.0	67.7	71.1	70.8	67.6	72.7	69.4	67.7	70.0
NOT WANTING TO BURDEN FUTURE GENERATIONS	48	13	29	24	11	13	24	8	16
	24.0	20.2	21.5	27.0	32.4	23.6	21.6	25.8	20.0
CLOSE TO WHERE YOU LIVE	71	28	46	36	13	23	38	15	23
	37.0	43.1	34.1	40.4	38.2	41.8	34.2	46.4	28.8
SOME OTHER FACTOR (NET)	19	8	11	7	4	3	12	4	8
	9.5	12.3	8.1	7.9	11.8	5.5	10.8	12.9	10.0
PERSONAL WISHES	2	1	1	1	0	1	1	1	0
	1.0	1.5	0.7	1.1	0	1.8	0.9	3.2	0
WITH A FAMILY MEMBER/LOVED ONE	2	0	3	0	0	0	2	0	2
	1.0	0	2.2	0	0	0	2.7	0	3.8
GOOD CEMETERY THAT WON'T BE DESTROYED	1	0	1	0	0	0	1	0	1
	0.5	0	0.7	0	0	0	0.9	0	1.3
FINANCIAL/PRICE/COST	4	3	1	2	2	0	2	1	1
	2.0	4.6	0.7	2.2	5.9	0	1.8	3.2	1.3
RELIGIOUS TRADITIONS/FACTORS/LAW	2	1	1	0	0	0	2	1	1
	1.0	1.5	0.7	0	0	0	1.8	3.2	1.3
PURCHASED ALREADY	1	0	1	0	0	0	1	0	1
	0.5	0	0.7	0	0	0	0.9	0	1.3
HAVING TO TAKE CARE OF IT	1	0	1	0	0	0	1	0	1
	0.5	0	0.7	0	0	0	0.9	0	1.3
UNDECIDED/NOT SURE/DON'T KNOW	2	0	2	2	0	2	0	0	0
	1.0	0	1.5	2.2	0	3.6	0	0	0
NONE/NO FACTORS	2	3	0	2	2	0	1	1	0
	1.0	4.6	0	2.2	5.9	0	0.9	3.2	0

TARGET RESEARCH GROUP INC.
FUNERAL SURVEY (9101-13036/12073)

Q.2 HOW WILL YOU LET OTHERS KNOW WHAT TYPE OF FUNERAL YOU WOULD PREFER?

	TOTAL			MALES			FEMALES		
	TOTAL	18-49	50+	TOTAL	18-49	50+	TOTAL	18-49	50+
TOTAL RESPONDENTS	200	65	135	89	34	55	111	31	80
WRITTEN IN YOUR WILL	81	32	49	29	14	15	52	18	34
	40.5	49.2	36.3	32.6	41.2	27.3	46.8	58.1	42.5
DISCUSSING WITH FAMILY/FRIENDS	120	38	82	51	21	30	69	17	52
	60.0	58.5	60.7	57.3	61.8	54.5	62.2	54.8	65.0
NOTES WITH OTHER IMPORTANT PAPERS	36	6	30	6	2	4	20	4	16
	18.0	9.2	14.8	6.7	5.9	7.3	18.0	12.9	20.0
PRE-PAID FUNERAL PLAN	53	11	42	20	5	15	33	6	27
	26.5	16.9	31.1	22.5	14.7	27.3	29.7	19.4	33.8
SOME OTHER WAY (NET)	18	7	9	8	3	5	8	4	4
	9.0	10.6	6.7	9.0	8.8	9.1	7.2	12.9	5.0
HAVE NOT DISCUSSED IT YET	1	0	1	1	0	1	0	0	0
	0.5	0	0.7	1.1	0	1.0	0	0	0
I DON'T WANT TO SPECIFY	1	0	1	1	0	1	0	0	0
	0.5	0	0.7	1.1	0	1.8	0	0	0
NOT PLANNED RIGHT NOW	1	0	1	1	0	1	0	0	0
	0.5	0	0.7	1.1	0	1.8	0	0	0
RELIGIOUS TRADITIONS/FACTORS/LAW	1	1	0	0	0	0	1	1	0
	0.5	1.5	0	0	0	0	0.9	3.2	0
TRADITION - ALL HAVE THE SAME FUNERAL	1	1	0	0	0	0	1	1	0
	0.5	1.5	0	0	0	0	0.9	3.2	0
WRITTEN IN A LIVING TRUST	1	0	1	0	0	0	1	0	1
	0.5	0	0.7	0	0	0	0.9	0	1.3
HAVEN'T THOUGHT ABOUT IT	1	0	1	2	0	1	0	0	0
	0.5	0	0.7	1.1	0	1.3	0	0	0
HEALTH CARE DIRECTED	1	1	0	1	1	0	0	0	0
	0.5	1.5	0	1.1	2.9	0	0	0	0
LEAVE IT TO OUR CHILDREN	1	0	1	0	0	0	1	0	1
	0.5	0	0.7	0	0	0	0.5	0	1.3

TARGET RESEARCH GROUP INC.
FUNERAL SURVEY (#101-12036/12074)

Q.2 HOW WILL YOU LET OTHERS KNOW WHAT TYPE OF FUNERAL YOU WOULD PREFER?

	TOTAL		MALES		FEMALES	
	TOTAL 18-49	50+	TOTAL 18-49	50+	TOTAL 18-49	50+
TOTAL RESPONDENTS	200	65	125	89	34	55
					117	31
						80
OTHER/OTHER WAYS	2	1	1	1	0	0
	1.0	1.5	0.7	1.1	0.9	0
				2.9	0	1.3
UNDECIDED/NOT SURE/DON'T KNOW	5	3	2	2	1	2
	2.5	4.6	1.5	2.3	2.7	6.5
				1.3		1.3

TARGET RESEARCH GROUP INC.
FURNERAL SURVEY (#101-12636/13072)

Table 10

Q.3 IN THINKING ABOUT THE SELECTION OF A CEMETERY FOR YOURSELF OR FOR A LOVED ONE, WOULD YOU EVER CONSIDER A CEMETERY WHERE EMPLOYERS HAVE ADMITTED TO BREAKING VAULTS AND COSSKETS AND THROWING OUT HUMAN REMAINS?

	TOTAL			MALES			FEMALES		
	TOTAL	18-49	50+	TOTAL	18-49	50+	TOTAL	18-49	50+
TOTAL RESPONDENTS	200	45	135	89	34	55	111	31	80
YES	10	2	7	5	2	3	5	1	4
	5.0	4.6	5.2	5.6	5.9	5.5	4.5	3.2	5.0
NO	181	50	131	78	30	48	103	30	73
	90.5	92.3	89.6	87.6	88.2	87.3	92.8	96.8	91.3
I DON'T KNOW	9	3	7	6	2	4	3	0	3
	4.5	3.1	5.2	6.7	5.9	7.3	2.7	0	3.8

TARGET RESEARCH GROUP INC.
FUNERAL SURVEY #161-12836/13072;

Table 11

Q.4 IN THINKING ABOUT THE SELECTION OF A CEMETERY FOR YOURSELF OR FOR A LOVED ONE,
WOULD YOU EVER CONSIDER A CEMETERY WHERE EMPLOYEES HAVE ADMITTED TO BREAKING VAULTS
AND CASKETS IN ORDER TO MAKE NEW GRAVES FIT?

	TOTAL		MALES		FEMALES	
	TOTAL 18-49	50+	TOTAL 18-49	50+	TOTAL 18-49	50+
TOTAL RESPONDENTS	200	65	135	89	34	55
YES	5	1	4	1	1	0
	2.5	1.5	3.0	1.1	2.9	0
NO	175	57	118	78	29	49
	87.5	87.5	87.4	87.6	85.3	89.1
I DON'T KNOW	20	7	12	10	4	6
	10.0	10.5	9.6	11.2	11.8	10.9
					12	3
					9.3	9.7
					8.6	8.6

TARGET RESEARCH GROUP INC.
FUNERAL SURVEY (#101-12036/12072)

Q.3/4 IN THINKING ABOUT THE SELECTION OF A CEMETERY FOR YOURSELF OR FOR A LOVED ONE,
WOULD YOU EVER CONSIDER A CEMETERY WHERE EMPLOYEES HAVE ADMITTED TO BREAKING VAULTS
AND CASKETS AND THROWING OUT HUMAN REMAINS/IN ORDER TO MAKE NEW GRAVES FIT?

	TOTAL		MALES		FEMALES	
	18-49	50+	18-49	50+	18-49	50+
TOTAL RESPONDENTS	200	65	135	89	34	55
YES TO EITHER	11	3	8	5	2	3
	5.5	4.6	5.9	5.6	5.9	5.5
NO TO EITHER (AND YES TO NEITHER)	183	61	121	80	31	49
	91.0	93.8	89.6	89.9	91.2	89.1
I DON'T KNOW (ONLY)	7	1	6	4	1	3
	3.5	1.5	4.4	4.5	2.9	5.5
					2.7	0
					0	3.8

Exhibit C

EXHIBIT 4

Eden

Amounts "Class A" Paid or Contractually Obligated Themselves to Pay (1)

Year Ending	Plots (2)	Outer Burial Containers (3)	Interment Services (4)	Markers (5)	Other (6)	Unrecognized Finance Charges (7)	Care (8)	Sales Tax (9)	Total
4/30/1985	\$256,890	\$52,552	\$49,720	\$61,483	(\$27,631)		\$13,620	\$0	\$406,634
4/30/1986	677,113	203,864	239,556	256,919	3,349		35,901	57	1,416,758
4/30/1987	816,681	241,982	232,170	347,598	6,068		43,300	735	1,688,535
12/31/1987 (10)	460,645	169,699	168,488	231,639	3,552		24,423	980	1,059,426
12/31/1988	1,205,117	297,919	284,427	427,900	8,237		63,895	18,737	2,306,232
12/31/1989	961,472	313,684	293,207	474,225	18,539		50,977	21,306	2,133,410
12/31/1990	1,243,647	265,265	297,584	461,564	13,861		65,938	15,820	2,363,679
12/31/1991	1,191,442	243,055	306,712	437,083	18,529		63,170	18,755	2,278,747
12/31/1992	892,076	252,503	347,575	396,576	27,474		47,298	21,681	1,985,184
12/31/1993	1,152,245	291,688	387,211	464,173	82,016		61,092	24,066	2,462,491
12/31/1994	1,985,834	296,676	569,516	509,140	116,143		116,884	25,590	3,619,784
12/31/1995	1,560,996	269,527	528,713	554,369	275,664		156,482	27,810	3,373,561
12/31/1996	1,649,127	300,483	581,642	621,411	156,034		169,307	30,903	3,508,906
12/31/1997	1,549,896	329,402	807,948	519,600	289,464		131,822	31,925	3,660,057
12/31/1998	2,376,641	361,158	644,901	708,693	250,476		118,456	38,964	4,499,289
12/31/1999	2,479,101	387,899	740,598	741,425	52,269		104,714	46,961	4,552,967
12/31/2000	2,324,693	342,295	674,035	687,152	(90,743)		158,611	41,159	4,137,201
12/31/2001	2,040,257	418,530	745,495	900,605	(83,988)		123,736	52,584	4,196,719
12/31/2002 (11)	2,386,054	342,694	440,535	889,382	(62,536)		139,531	70,796	4,206,456
12/31/2003	2,287,225	475,680	670,449	866,478	243,878		123,393	79,485	4,746,587
12/31/2004	2,785,441	451,441	654,987	849,871	273,863		148,403	76,563	5,240,569
12/31/2005	2,918,694	429,051	685,396	963,194	147,177		148,582	76,338	5,368,430
12/31/2006	4,000,641	360,703	792,525	825,107	74,256		228,844	62,605	6,344,681
12/31/2007	4,710,577	468,740	734,507	918,602	143,446		163,271	76,265	7,215,409
12/31/2008	5,094,746	480,424	745,038	829,141	149,587		189,088	71,562	7,559,586
9/10/2009 (12)	3,713,541	339,744	462,195	580,354	57,686		105,017	51,047	5,309,584
Subtotal	\$52,720,791	\$8,386,657	\$13,085,128	\$15,523,686	\$2,146,669	\$4,002,933	\$2,795,258	\$982,693	\$95,540,882
Total	\$52,720,791	\$8,386,657	\$13,085,128	\$15,523,686	\$2,146,669	\$4,002,933	\$2,795,258	\$982,693	\$99,643,815

EXHIBIT 4

Eden

Amounts "Class A" Paid or Contractually Obligated Themselves to Pay (1)

Year Ending	Plots (2)	Outer Burial Containers (3)	Interment Services (4)	Markers (5)	Other (6)	Unrecognized Finance Charges (7)	Endowment Care (8)	Sales Tax (9)	Total
-------------	-----------	-----------------------------	------------------------	-------------	-----------	----------------------------------	--------------------	---------------	-------

Notes:

(1) "Class A" consists of members who "After February 7, 1985 but prior to September 10, 2009, you (1) purchased interment rights (plots) or cemetery goods or services at Eden for yourself or a loved one; and/or (2) entered into an interment authorization form authorizing a loved one to be buried at Eden," Amended Notice of Pendency, Class Action, November 9, 2012.

(2) Charges for in-ground burial plots (after discounts and cancellations).

(3) Charges for outer burial containers (after discounts and cancellations).

(4) Charges for opening and closing graves (after discounts and cancellations).

(5) Charges for markers, marker bases, and installation (after discounts and cancellations). Adjusted for amounts unrelated to in-ground burials.

(6) Charges for other merchandise, discounts, equity in cancellations, processing fees, and interest on trade receivables. Adjusted for amounts unrelated to in-ground burials.

(7) Deferred finance charges not recognized on Eden Memorial operating or PPM statements. Adjusted for amounts unrelated to in-ground burials.

(8) Endowment care amounts. Adjusted for amounts unrelated to in-ground burials. Amounts are projected for 1985 through 1993.

(9) Charges for sales tax related to in-ground burials.

(10) Amounts are sourced from prior year data reported in the 1988 operating statement which reflect eight months of sales.

(11) Amounts for 2002 and later years are sourced from PPM statements.

(12) Annual amounts prorated to reflect amounts for January 1 through September 10, 2009 (253 of 365 days), except for Sales Tax which is sourced from FIMIS data for the actual period.

Sources:

Amounts for Plots, Outer Burial Containers, Interment Services, Markers, and Other are sourced from Eden detailed operating statements for 1985 - 2001; PPM statements, 2002 - 2009.

Amounts for Endowment Care is sourced from Defendants' interrogatory responses.

Amounts for Unrecognized Finance Charges and Sales Tax are sourced from HMIS data provided via file "0446 EdenRevenue data 11-29-2012.xlsx."

Exhibit D

1 EAGAN AVENATTI, LLP
Michael J. Avenatti, Bar No. 206929
2 Jason M. Frank, Bar No. 190957
Michael Q. Eagan, Bar No. 63479
3 450 Newport Center Drive, Second Floor
Newport Beach, CA 92660
4 Tel: (949) 706-7000
Fax: (949) 706-7050

5 PANISH SHEA & BOYLE LLP
6 Brian J. Panish, Bar No. 116060
Kevin R. Boyle, Bar No. 192718
7 PANISH SHEA & BOYLE LLP
11111 Santa Monica Blvd., Ste. 700
8 Los Angeles, CA 90025
Tel: (310) 477-1700
9 Fax: (310) 477-1699

10 Attorneys for Plaintiffs, On Behalf of
11 Themselves and All Others Similarly Situated

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **FOR THE COUNTY OF LOS ANGELES- CENTRAL DISTRICT**
14

15 F. CHARLES SANDS, et al, On Behalf of
16 Themselves and All Others Similarly Situated

17 Plaintiff,

18 vs.

19 SERVICE CORPORATION INTERNATIONAL,
a Texas corporation, SCI CALIFORNIA
20 FUNERAL SERVICES, INC., a California
corporation, EDEN MEMORIAL PARK
21 MANAGEMENT CO., a California corporation,
EDEN MEMORIAL PARK ASSOCIATION, a
22 California business entity, EDEN MEMORIAL
PARK, a California business entity, JAMES R.
23 BIBY, an individual and DOES 1 through 100.

24 Defendants.
25
26
27
28

Case No. BC421528

ASSIGNED FOR ALL PURPOSES TO:
Hon. Lee Smalley Edmon; Dept. 322

**DECLARATION OF NEILL FREEMAN IN
SUPPORT OF PLAINTIFFS' OPPOSITIONS
TO DEFENDANTS' MOTION TO
BIFURCATE EQUITABLE ISSUES AND TO
BIFURCATE LIABILITY ISSUES**

*[Brief in Opposition to Defendants' Motion to
Bifurcate Liability from Damages; Brief in
Opposition to Defendants' Motion to Bifurcate
Equitable Issues; Declarations of Michael J.
Avenatti; and Objection to Defendants Omnibus
Statement of Facts in support thereof, filed
concurrently herewith]*

Date: March 19, 2013
Time: 9:00 a.m.
Dept.: 322

Complaint Filed: September 10, 2009
Trial Date: July 15, 2013

CONFIRMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles
FEB 26 2013
John A. Clarke, Executive Officer/Clerk
By L. Worrell, Deputy

DECLARATION OF NEILL FREEMAN

I, Neill Freeman, declare as follows:

I. Personal Qualifications

1. I am a retired member and founder of the firm of Freeman & Mills, Incorporated, an accounting, economics and management consulting firm headquartered in Los Angeles, California. I have personal knowledge of the facts set forth below and if called as a witness I could and would testify as follows.

2. I am a Certified Public Accountant, licensed to practice in the State of California and other jurisdictions. I have been licensed to practice since 1968 and am a member of the American Institute of Certified Public Accountants, the Association of Certified Fraud Examiners, and the American Society of Appraisers, among other professional organizations. I have lectured to professional groups and societies and have authored original texts for training programs, professional publications and reference works. I have also authored professional texts, lectured to professional societies and testified on the measurement of damages, including the determination of market value. I have qualified as an expert and have testified in numerous state and federal courts in California and other jurisdictions, including Federal District Courts in a number of Circuits. I have served as a referee within the state court system in California pursuant to Section 639 of the Code of Civil Procedure. In the federal court system I have served as a Special Master pursuant to Fed.R.Civ.P. 53 and as a court appointed expert pursuant to Fed.R.Evid. 706. My resume, which sets forth my experience, professional affiliations and publications, is attached hereto as Exhibit 1.

II. Scope of Opinions

3. At the request of counsel for Plaintiffs and the Class, I have been asked to form and render opinions as to the amount of out-of-pocket loss, if any, the Class suffered as a result of the conduct of Defendants Service Corporation International, SCI California Funeral Services, Inc., Eden Memorial Park Management Co., and Eden Memorial Park (collectively "Defendants").

III. Opinions

4. We understand that discovery is ongoing and we are awaiting further information which may alter the opinions reached thus far. However, thus far my analysis has resulted in the formation of the following opinions relating to damages for three defined classes in this litigation:¹

(a) Class A incurred an out-of-pocket loss of approximately \$94,661,624 and prejudgment interest through an assumed date of trial, July 15, 2013, of approximately \$118,415,711. Total out-of-pocket loss and prejudgment interest for Class A is approximately \$213,077,336.

(b) Class B incurred an out-of-pocket loss of approximately \$42,480,636 and prejudgment interest through an assumed date of trial of approximately \$56,626,675. Total out-of-pocket loss and prejudgment interest for Class B is approximately \$99,107,311.

(c) Class C incurred an out-of-pocket loss of approximately \$53,768,991 and prejudgment interest through an assumed date of trial of approximately \$41,606,815. Total out-of-pocket loss and prejudgment interest for Class B is approximately \$95,375,806.

(d) While prejudgment interest is for the trier of fact to determine, from an economic standpoint prejudgment interest will serve to compensate the Classes and make them whole for the loss of use of their funds during the period of loss.

IV. Data or Other Information Relied Upon

5. My opinions are based on information of the type reasonably relied upon by experts in my field in forming opinions or inferences, including my own education, knowledge and experience, as described herein and as described further in my attached resume. I have further reviewed and relied upon a number of documents, many of which are cited herein and attached hereto, including but not limited to Defendants' cemetery and financial records for Eden Memorial Park cemetery ("Eden"), Defendants' discovery responses, the deposition transcripts of Defendants' person most knowledgeable designee Christopher Harper, and the survey and deposition transcript of Dr. David Stewart.

¹ Amended Notice Pendency, Class Action, November 9, 2012.

V. Statement of Opinions and Reasons and Bases Therefor

Out-of-Pocket Loss

6. It is my understanding that under California law, when a party is fraudulently induced to enter into a transaction, the defrauded party is entitled to his or her out-of-pocket losses as damages.² This loss is measured as the difference between what the party paid and the reasonable market value of what the party received at the time of sale if the true quality or other characteristics of the transaction were known.³ For example, if a person purchased a diamond ring for \$10,000 and received a cubic zirconium ring which would have been worth \$500 at the time of the transaction, his or her out-of-pocket loss would be \$9,500.

7. I understand that there are three classes defined in this litigation: Class A, B, and C.⁴ Class A consists members who after February 7, 1985 but prior to September 10, 2009, purchased plots or goods or services at Eden or for a loved one and/or entered into an interment authorization form authorizing a loved one to be buried at Eden. Class B consists of members who after February 7, 1985 but prior to September 10, 2009 purchased tangible goods or services at Eden. Class C consists of members who after January 1, 2000 but prior to September 10, 2009 purchased plots or goods or services at Eden and/or entered into an interment authorization form authorizing a loved one to be buried at Eden in reliance upon written representations that Eden treats decedents with dignity, care and respect at all times.

8. I calculated the out-of-pocket loss suffered by the each class by first determining the amount paid or contracted to be paid by each class for plots, goods, and/or services sold by Defendants at Eden during the relevant class period. I then calculated what the reasonable market value of these same plots, goods, and services would have been at the time of the actual transaction

² Cal. Civ. Code Section 3343.

³ See Judicial Council of California Civil Jury Instruction ("CACI") 1923; OCM Principal Opportunities Fund v. CIBC World Markets Corp. (2007) 157 Cal. App. 4th 835, 870, 876 (citing Stout v. Turney (1978) 22 Cal. 3d 718, 725); see also Bagdasarian v. Gragnon (1948) 31 Cal.2d 744, 753.

⁴ Amended Notice Pendency, Class Action, November 9, 2012.

had Defendants disclosed the problems at Eden as set forth in the complaint.⁵ The difference between the two values is the Class' out-of-pocket damages measured as the value paid less the value received.

9. I calculated the amount actually paid or contracted to be paid by the Class to Defendants during the relevant class period using financial information provided by Defendants. Defendants' person most knowledgeable designee, Christopher Harper, adopted and verified the accuracy of my calculations for the amounts paid for plots, outer burial containers, interment services, and markers. Additional revenue categories, such as amounts paid for processing fees, are sourced from Defendants' financial records and discovery responses with projections for missing time periods.⁶

10. The market value of these same plots, goods, and services at the time of the actual transaction but with the disclosure of the problems at Eden was determined using contingent valuation methodology.

Contingent Valuation Methodology

11. According to the complaint and Defendants' admissions, the alleged problems at Eden were not disclosed during the Class period.⁷ Consequently, one would need to use contingent valuation to determine reasonable market value at the time of purchase. Contingent valuation is a commonly used methodology to measure market value where buyers are not fully informed of important disclosures as is the case with Eden.

12. In economic terms, contingent valuation methodology measures the reasonable market value of buyers' purchases of plots, goods, and services from Defendants whereby the actions of Defendants as detailed in the complaint are fully revealed at the time of purchase. This impaired market value can then be compared to amount contracted to be paid for the same bundle of plots, goods, and services. The difference between the two constitutes the amount the Class overpaid due to the alleged fraudulent nondisclosure by the Defendants.

⁵ 2nd Amended Complaint.

⁶ Projections will be updated if additional information is received.

⁷ Defendant SCI California Funeral Services, Inc.'s supplemental responses to Habib Nalein's request for admission nos.10

- 15.

13. I reviewed the survey documents and the deposition transcript of Dr. David Stewart.⁸ The subject matter of Dr. Stewart's testimony is consumer preferences and attitudes, including customer preferences relating to cemeteries and burials based on different factual contingencies.⁹ To that end, Dr. Stewart conducted a survey of potential purchasers of cemetery goods and services among a demographic group and a geographic market similar to that served by Eden.

14. For example, Eden is a Jewish cemetery generally serving the greater Los Angeles area. The Stewart survey screened respondents to select potential customers who identified with the Jewish faith in Los Angeles and Orange counties, and would consider burial at a cemetery.¹⁰ The qualified respondents were then asked if they would ever consider a cemetery that had the same problems that allegedly existed at Eden during the Class period.

15. The survey results demonstrated that only 5% of Eden's potential market base would even consider purchasing plots, goods, or services at a cemetery that had the same problems or characteristics that allegedly existed at Eden during the Class period. Dr. Stewart determined that this five percent of respondents was too small for follow up surveys to determine whether they would actually agree to purchase a plot at such a cemetery and under what circumstances they would do so.¹¹

16. Dr. Stewart testified that based on his experience when a product receives these "kinds of results in concept testing, it indicates that the product does not have any market value, and likely has a negative market value."¹² Based on Dr. Stewart's survey results the reasonable market value is negligible. However, to be conservative, I assumed that, at best, that no more than five percent of the plots, goods, and/or services could have been sold during the Class period. Based on this assumption the reasonable market value of the portfolio of sales Eden obtained during the relevant period for Class A would be approximately \$4,982,191. I determined this amount by calculating the actual amount the members of Class A agreed to pay during this period (\$99,643,815) and multiplying by five percent ($\$99,643,815 \times 0.05 = \$4,982,191$).

⁸ Deposition of Dr. David Stewart, 11/19/2012 and accompanying exhibits.

⁹ Deposition of Dr. David Stewart, 11/19/2012, (38:24-39:9).

¹⁰ Deposition of Dr. David Stewart, 11/19/2012, (27:15-28:7).

¹¹ Deposition of Dr. David Stewart, 11/19/2012, (71:19 and 72:3).

¹² Deposition of Dr. David Stewart, 11/19/2012, Opinion number seven.

17. This resulting market value can then be compared to the actual amounts customers contractually obligated themselves to pay for the same bundle of plots, goods, and/or services. The difference between these two amounts is the out-of-pocket loss suffered by the Class.

18. An individual class member's damages can then be determined by applying the percentage change in value, 95%, to the amount actually paid or agreed to be paid by each class member. Therefore 95% of the money paid or to be paid by each class member constitutes his or her loss.

19. It is not necessary to individually calculate the loss to each class member, because I would use the same market value in each instance to calculate the loss. No unique factor differentiates one class member from another class member for purposes of calculating the reasonable market value on the open market.

20. What each class member actually paid can be determined from Defendants' own records which have been provided by Defendants including but not limited to their electronic HMIS database. It is my understanding that the paper copies of any contract that were not recorded in the HMIS database are available at Eden.¹³ These records detail individual class member names and associated contracted amounts paid to Defendants.

Market Value of Plots, Goods and/or Services Purchased by Defendants

21. According to Defendants, two databases of financial information prepared in the normal course of business by Defendants identify and quantify all purchases and contracted purchases made by the Class during the class period.¹⁴ For the period 1985 through 2001, I was provided with Eden's operating statements. For the period 2002 through 2009, I was provided with Eden's PPM statements.¹⁵ I was also provided transactional-level data from Defendants' HMIS database.

22. From the detailed operating statements and the detailed PPM statements, I identified charges for five categories that customers paid: plots, outer burial containers, interment services, memorial markers, other merchandise and services.

¹³ Deposition of Christopher Harper, Vol. II, 12/20/2012 (319:23-320:7).

¹⁴ Deposition of Christopher Harper, Vol. IV, 2/14/2013. Taxes are obtained from a third database, HMIS.

¹⁵ PPM statements are Defendants reporting of current period sales including all pre-need and at-need sales.

23. I identified amounts for endowment care and sales tax from Defendants' interrogatory responses and HMIS data, respectively.

24. I then made adjustments for charges that were unrelated to in-ground burials. For example Eden also sold mausoleum and niche interment rights along with associated markers and other products with those rights. These sales are not included in the damages claim.

25. For 1985 through 2001, I used Eden's operating statements for amounts the Classes agreed to pay for plots, outer burial containers, interment services, markers, and other merchandise or services. Prior to 2002, Eden recognized and reported all sales for both preneed sales and at-need sales on its operating statements.

26. For 2002 through 2009, I used Eden's PPM statements for amounts the Classes paid or agreed to pay for plots, outer burial containers, interment services, markers, and other merchandise or services. From 2002 and on, Eden did not recognize and report all sales on its operating statements¹⁶. Certain pre-need sales of plots and non-delivered goods and services were deferred. For 2002 and on, Eden's PPM statements report all sales in the same manner as the pre-2002 operating statements.

27. Together Eden's pre-2002 operating statements and post-2001 PPM statements capture all amounts the Class paid or agreed to pay for plots, outer burial containers, interment services, markers, and other merchandise and services.

28. Defendants provided endowment care amounts by year for 1994 through 2009. I adjusted endowment care for amounts unrelated to in-ground burials. And then, using the amount of plots sales for each year, I computed the percentage of endowment care to plot sales and applied the overall average percentage of endowment care to plot sales to plot sales for the years 1985 through 1994 to determine endowment care for those years.

29. For the amount of sales tax the Class paid or agreed to pay, I used sales tax data in the HMIS data. I then adjusted sales tax for amounts unrelated to in-ground burials.

30. I computed prejudgment interest on the Class' out-of-pocket losses. Interest is computed at 10 percent per annum simple interest from the midpoint of each tabulated year or period through an assumed date of trial, July 15, 2013.

¹⁶ Deposition of Christopher Harper, Vol. IV, page 46, 2/14/2013.

Summary

31. I applied the valuation analysis to three classes of plaintiffs defined according to the Amended Notice of Pendency Class Action:

"You are a member of one or more of the following Classes if:

Class A: After February 7, 1985 but prior to September 10, 2009, you (1) purchased interment rights (plots) or cemetery goods or services at Eden for yourself or a loved one; and/or (2) entered into an interment authorization form authorizing a loved one to be buried at Eden; and/or

Class B: After February 7, 1985 but prior to September 10, 2009, you purchased tangible cemetery goods or services at Eden; and/or

Class C: After January 1, 2000 but prior to September 10, 2009, you purchased interment rights (plots) or cemetery goods or services at Eden and/or entered into an interment authorization form authorizing a loved one to be buried at Eden in reliance upon written representations by Eden that it treats decedents with dignity, care and respect at all times."¹⁷

32. As shown on Exhibit 2 of this declaration, the amount members of Class A contractually obligated themselves to pay for plots, goods, and/or services at Eden totals \$99,643,815. The reasonable market value of the plots, goods and/or services had Eden disclosed the problems set forth in the complaint is not more than 5% of the amount paid or not more than \$4,982,191, resulting in an out-of-pocket loss to the class of \$94,661,624.

33. Also as shown on Exhibit 2, prejudgment interest to the time of trial is \$118,415,711. Total out-of-pocket loss and prejudgment interest for Class A is \$213,077,336.

34. Exhibits 3 and 4 summarize prejudgment interest calculation and amounts paid or agreed to be paid by Class A, respectively.

¹⁷ Amended Notice of Pendency Class Action, 11/9/2012, p.3.

35. As shown on Exhibit 5, the amount members of Class B contractually obligated themselves to pay for goods and/or services at Eden totals \$44,716,459. The reasonable market value of the goods and/or services had Eden disclosed the problems set forth in the complaint is not more than 5% of the amount paid or not more than \$2,235,823 resulting in an out-of-pocket loss to the class of \$42,480,636.

36. Also as shown on Exhibit 5, prejudgment interest to the time of trial is \$56,626,675. Total out-of-pocket loss and prejudgment interest for Class B is \$99,107,311.

37. Exhibits 6 and 7 summarize prejudgment interest calculation and amounts paid or agreed to be paid by Class B, respectively.

38. As shown on Exhibit 8, the amount members of Class C contractually obligated themselves to pay for plots, goods, and/or services at Eden totals \$56,598,938. The reasonable market value of the plots, goods and/or services had Eden disclosed the problems set forth in the complaint is not more than 5% of the amount paid or not more than \$2,829,947 resulting in an out-of-pocket loss to the class of \$53,768,991.

39. Also as shown on Exhibit 8, prejudgment interest to the time of trial is \$41,606,815. Total out-of-pocket loss and prejudgment interest for Class C is \$95,375,806.

40. Exhibits 9 and 10 summarize prejudgment interest calculation and amounts paid or agreed to be paid by Class C, respectively.

I declare under penalty of perjury under of the laws of the State of California that the foregoing is true and correct, executed at Tucson, Arizona on February 26, 2013.



Neill W. Freeman