

Jeffrey D. Bernard
J. Bernard Associates, LLC
813 West Cub Hunt Lane
West Chester, PA 19380
Office (484) 678 9591
Fax (484) 356 0173
jdbernard@verizon.net
www.jbernardassociates.com

Qualifications

My qualifications include 40 years experience in the petroleum marketing business with Mobil Oil Corporation and J. Bernard Associates, LLC.

During my first 14 years at Mobil, I gained extensive operational experience working directly with dealers and distributors as a field representative, area manager and other marketing related positions. During that 14-year period I had to understand every aspect of the petroleum marketing business including fuels, convenience store, car wash marketing and product transportation. Fuels pricing was a critical area in which I also gained extensive expertise including the various methods used to price gasoline at the wholesale and retail level. In addition, I became a field expert in the Petroleum Marketing Practices Act.

During the next 13 years at Mobil I held a variety of planning positions. As a planning analyst I pioneered one of Mobil's first retail volume projection models. I also gained expertise in spot market, rack, wholesale and retail pricing from the oil company, jobber's and dealer's perspective while Supply Planning Manager in Mobil's US Fuels Pricing department.

I managed Marketing Planning during a period when Mobil was investing capital in service station and convenience stores throughout the US. As part of being Manager of Marketing Planning I evaluated several sales of markets to distributors. Further, I was the leader of the team that developed Mobil's convenience retailing strategies including Mobil's On-The-Run convenience store franchise concept and brand. Ultimately, I became Mobil's business specialist on sales and distribution in the US. In this capacity I gain an extensive working knowledge of the fuel supply and transportation side of the petroleum business.

In 1997, I returned to the operational side of the business to manage Mobil's US Fuels Customer Support organization in Malvern, Pennsylvania. In this position I managed Mobil's dealer and distributor contract administration, credit and accounting functions.

In 2000, I started J. Bernard Associates, LLC working primarily for petroleum marketers and convenience store retailers. In my consulting business I advise clients on business strategy development, service culture, organizational improvement, convenience store retailing, brand building, business valuation, property acquisition and sales, and lease and contract negotiations. I also served as an expert witness for cases involving landowners, distributors and petroleum suppliers.

Jeffrey D. Bernard Resume

The following are the specific positions held during my career.

Mobil Oil Corporation:

Various Field Marketing Positions (1969 – 1984)

Counseled dealers and distributors on retailing, financial management and product distribution; managed sales personnel and company-operated stores.

Planning Analyst, Planning & Financial Analysis (1984 – 1990)

Analyzed competitive activity created a ranking system to focus US service station capital plans in areas with highest profit potential in terms of supply and marketing and developed a volume prediction model for retail service stations.

Manager, Supply/Volume Planning (1990)

Managed supply/demand balance for US fuels business. Became expert on gasoline pricing and prepared correspondence to legislators and customers during Gulf War regarding price escalation

Planning Analyst, U.S. Planning Environmental and Political Affairs (1990 – 1992)

Provided marketing, supply and refining technical expertise for Mobil's Marketing and Refining business. Lobbied federal government officials and developed Mobil's position on critical political issues.

Manager, U.S. Marketing Planning and Financial Analysis (1992 – 1995)

Managed strategic planners, market researchers, volume projection modelers and financial analysts. Conducted market and consumer research and competitive analysis to develop US fuels strategy.

Sales and Distribution Business Specialist (1995 – 1997)

Acted as an internal senior management consultant. Led the development of new strategies and business plans for Mobil's decentralized business units in U.S. and Latin America. Represented Mobil on merger negotiations and IPO teams.

Manager, US Fuels Customer Support (1997 – 2000)

Managed customer service representatives, accountants and financial analysts supporting Mobil's dealer and distributor business in the U.S. Provided fuels business with franchise and supply contract administration, credit management, collection and accounting support including a call center for dealer and distributor organization.

J. Bernard Associates, LLC - (2000 – Present)

President and Owner

Provide consulting services including strategy development, marketing plans, operational expertise, lease and contract negotiations, project management and team development to a variety of petroleum marketing and non-petroleum companies.

Education

I received a BS, Marketing from The Pennsylvania State University in State College, PA in 1969. Mobil also provided numerous formal courses on the marketing, supply and refining business. I am also a frequent guest speaker for several industry organizations.

Current Activities

National Petroleum News published my articles on "Strategic Planning" in the July 2001 issue, "Linking Strategy to Implementation" in NPNweb.com in March 2005 and "Fair Return on Fuel Investments – Am I Just Dreaming?" in April 2006. I am currently NPN's "Expert Online" regarding strategic planning for petroleum marketers. I am also a frequent seminar facilitator for several industry organizations including the Society of Independent Gasoline Marketers of America, BP Amoco Marketers Association and Wisconsin Petroleum Marketer and Convenience Store Association. I also facilitate industry "share" groups for SIGMA and Financial Management Resources Corporation.

Jeffrey D. Bernard's Experience as a Witness (Last four years)
(**Bold** indicates contracting party)

Dennis Williams et al v. BP Products North America Inc.

- Petroleum Marketing Practices Act regarding the relationship between petroleum suppliers and dealers
- Business value
- Station operating practices
- Report prepared
- Testified at trial October 2005

Francis Marcoux et al v. Shell Oil Products Co.

- Industry real estate rent practices
- Report prepared
- Deposed by Shell Oil Products Co. June 8 2004
- Testified at trial November 2004

Joe Piroso v. T. Gianchristoforo

- Industry contract relationships
- Industry pricing practices (Southeast Pennsylvania)
- Damage assessment
- Report prepared December 2004
- Case settled

Maid O' Clover, Inc. V. Chevron et al

- Industry pricing practices
- Industry marketing programs and practices
- Report prepared April 2005
- Deposed June 2005
- Testified at trial in late 2005

Ocean Petroleum, LLC v. Richard Thomson Automotive, Inc.

- Petroleum Industry Structure
- Industry pricing practices
- Damages
- Report issued May 2005
- Deposed June 2005
- Case settled prior to trial

Parish Oil and Ray Moore Tire and Petroleum Services v. City Market

- Below cost selling issues
- Damages
- Report issued in June 2005
- Deposed in June 2005
- Testified at hearing July 2005
- Second report issued September 2005
- Declaration signed in January 2006
- Testified at trial in September 2006

Colonial Quick Stop, Inc. v. **BP Products North America Inc.**

- Industry real estate practices
- Dealer franchise and supply agreements
- Retail pricing
- Damages
- Submitted report June 2006
- Case settled

Super 39 Shell, et al v. **Ron J. Barthel, et al**

- Minimum mark-up issues
- Submitted report in October 2005
- Disposition unknown

Sarwari, et al v **BP Products North America Inc.**

- Standard industry practices
- Retail pricing
- Rent calculations
- Reviewed data – case settled December 2006

Akshayraj, Inc. et al v Getty Marketing and LUKOIL America

- Brand value
- Damages calculation
- Report prepared in March 2007
- Deposed January 2009
- Case still pending

Atlantic Auto Care, Inc. et al v. Shell Oil Products Company, LLC

- Industry standard rent and pricing practices
- Report prepared and deposed in March 2008
- Case still pending

JIMICO et al v. Lehigh Gas Corporation

- Damages that resulted from termination of lease without notice
- Report prepared in March 2008
- Supplemental report prepared in Sept 2008
- Deposed in December 2008
- Case still pending

Kazemzadeh et al v. Eastern Petroleum Inc. and **B P Products North America Inc.**

- Industry rent standards
- Petroleum use deed restrictions
- Report submitted March 2009
- Deposition scheduled March 31, 2009

Davis Oil v Chevron Products Company

- Repayment of incentives and rebates
- Report prepared April 2009
- Case pending

CITGO Petroleum v **Ranger Enterprises, Inc.**

- Distributor contract supply issues
- Report submitted April 2009
- Deposed June 2009
- Case settled prior to trial