

# Exhibit B

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

DANIEL FINERMAN and DONNA  
DEVINO, individually and on behalf of  
all others similarly situated,

Plaintiffs,

Case No.: 3:14-cv-1154-J-32MCR

vs.

MARRIOTT OWNERSHIP RESORTS, INC.,  
a foreign corporation, and INTERNATIONAL  
CRUISE & EXCURSION GALLERY, INC., a  
foreign corporation,

Defendants.

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**DECLARATION OF ELIZABETH A. YOST**

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I, Elizabeth A Yost, hereby depose and say as follows:

1. I am a Certified Hospitality Accountant Executive. I hold a B.S. in Finance from the University of Florida and M.S. in Accounting and PhD in Hospitality Education from University of Central Florida. I am currently on the faculty at University of Central Florida. I have attached a copy of my Curriculum Vitae.
2. I was retained in this case to evaluate Plaintiffs' damages, among other things.
3. I have reviewed the spreadsheet that Defendants provided to Plaintiffs titled "Marriott V9 – Class Only" that lists information on cruise bookings from July 26, 2010 to February 23, 2018 for settlement class members only.

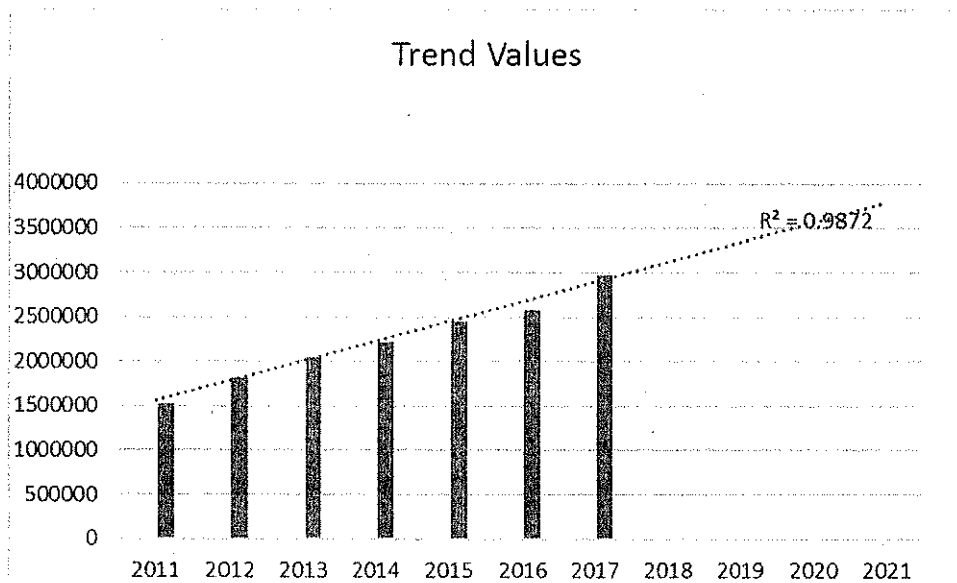
4. Column R is labeled "CruisePortCharges" and represents the amount of NCFs charged to settlement class members.
5. From July 26, 2010 to February 23, 2018, the total amount of NCFs that Defendants charged settlement class members is **\$15,843,077.76**.
6. Further, I understand that the proposed settlement also requires Defendants to refrain from collecting NCFs from class members going forward. Therefore, I have extrapolated out the data through 2021 to predict the amount of NCFs that would have been collected from settlement class members if the settlement had not occurred.
7. First, I determined the amounts of NCFs that Defendants had collected from class members by year from 2011-2017, which are the years we have data for the entire year, as follows:

2011	\$ 1,528,524.04
2012	\$ 1,818,995.25
2013	\$ 2,048,730.00
2014	\$ 2,221,166.82
2015	\$ 2,447,330.00
2016	\$ 2,578,776.66
2017	\$ 2,965,647.15

8. Assuming that this trend of the amount of NCFs collected increasing every year would have continued if settlement had not occurred, I used the Excel TREND function as an array formula to predict the amount of NCFs that would have been collected through 2021. The Excel TREND function uses the regression method of least squares to calculate the linear trend line through a given set of x-values and a given set of y-values. This is an appropriate test because the data is a simple trend extrapolation of time series data, meeting all assumptions of OLS trends. Because we need to know more than one predicted value, I entered as an array formula. The results are as follows:

2018	\$ 3,119,814.58
2019	\$ 3,342,297.87
2020	\$ 3,564,781.16
2021	\$ 3,787,264.45

9. The graph showing the linear trend line is:



Note that the  $R^2$  value is 0.9872. Values close to 1 (one) mean increased reliability, so this trend line is reliable and fits the data well.

10. Therefore, the total amount of NCFs that would have been collected from 2018-2021 if the yearly trend from 2011-2017 had continued is **\$13,814,158.07**. Since this amount represents future payments, it is appropriate to discount this total back to present value as of 1/1/2018. Using a discount rate of 2.35% to calculate the present value of the uneven (not the same every year) future payments is appropriate. The discount rate is based on AAa corporate bond yield, and uses the average yield rate between time = 0 (current, January 2018) and time=4 years, or December, 2021, as of the date 1/1/2018. The net discount rate used is the rate of return or yield rate of “high quality corporate bonds” (AAa) that is determined by the IRS monthly spot HQM Corporate Yield Curve

for maturity at half-year intervals. Monthly yield curve tables provide more precise data than funding segment rates, and provide precise yield rates to determine a present value of a future annuity obligation. The spot rate yield curve is most appropriate since an individual/investor can create their own annuity equal to the annuity under examination by purchasing a portfolio of high grade corporate bonds at the date of analysis (the present value) that mature at the same dates that the annuity payments would be made. Numerically, this rate is calculated as follows:

High Quality Corporate Bond Yield	
<u>Discount Rate Calculations</u>	
Yield Rate Immediate	1.97%
Yield Rate 4 years	2.73%
<b><i>Average</i></b>	<b>2.35%</b>

Using the average discount rate of 2.35%, the present value of the annual payments is **\$13,014,822.82** (assuming payments at the end of the year).

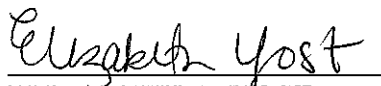
11. When added to the 2010-2018 amount of **\$15,843,077.76** in NCFs actually collected, the total amount of NCFs that would have been collected from 2010 through 2021 (if the trend had continued) is **\$28,857,900.58**.
12. However, the proposed settlement provides that settlement class members will have three different options for remuneration: 50% of the cash value paid in NCFs in cash or 75% of cash value paid in NCFs in PlusPoints or Gift Card. Therefore, the value of the settlement is slightly less than the total amount of collected and uncollected NCFs.
13. If all settlement class members opted to take in cash 50% of the cash value of NCFs paid, then the value of the settlement for settlement class members would be

**\$7,921,538.88 (50% of 15,843,077.76) plus \$13,014,822.82 (present value of NCFs not collected in years 2018-2021), which is \$20,936,361.70.**

14. If all settlement class members opted to take in PlusPoints or Gift Card 75% of the cash value of NCFs paid, then the value of the settlement for settlement class members would be **\$11,882,308.32 (75% of 15,843,077.76) plus \$13,014,822.82 (present value of NCFs not collected in years 2018-2021) which is \$24,897,131.14.**

15. Thus, it is my opinion that the value of the settlement is within the range of **\$20,936,361.70 and \$24,897,131.14.**

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this 23<sup>rd</sup> day of April, 2018 at Orlando, Florida.

  
ELIZABETH A. YOST

**Elizabeth A. Yost, PhD, CHAE, CCEP**  
**10032 Randolphs Orchard Lane**  
**Orlando, FL 32827**  
**(407) 402-0302**  
**Elizabeth.Yost@ucf.edu**

***EDUCATION:***

University of Central Florida  
Rosen College of Hospitality Management  
Orlando, FL  
PhD Hospitality Education, 2015

***Dissertation Title:*** Conditions Associated with Increased Risk of Fraud: A Model for Publicly Traded Restaurant Companies

University of Central Florida  
Kenneth G. Dixon School of Accounting, College of Business Administration  
Orlando, FL  
M.S. Accounting, 2003

University of Florida  
Warrington College of Business Administration  
Gainesville, FL  
B.S. Finance, 2000

***LICENSES and PROFESSIONAL DESIGNATIONS:***

Certified Hospitality Accountant Executive (CHAE)  
Certified Compliance and Ethics Professional (CCEP)

***PROFESSIONAL ORGANIZATIONS:***

Society of Corporate Compliance and Ethics  
CEB – Compliance and Ethics Leadership Council

**TEACHING EXPERIENCE**

**Rosen College of Hospitality Management**  
**University of Central Florida, Orlando, Florida**  
**Instructor of Record (2007 – 2011):**

**Developed and taught 5 courses in various concentrations of hospitality management, including:**

- HFT 1000 – Introduction to Hospitality and Tourism
- HFT 2401 – Introduction to Hospitality Financial Accounting
- HFT 3431 – Introduction to Hospitality Industry Managerial Accounting
- HFT 4432 - Introduction to Hospitality Industry Auditing (introduced/approved by UCF in the Fall of 2007)
- HFT 4473 - Introduction to Hotel Development Analysis

**January 2008 – August 2008**  
**University of Central Florida - Orlando, Florida**  
**Disney Scholars Program**

- Developed, facilitated and taught eight week courses in financial and managerial accounting and financial management for international students working for Disney as part of an international scholar program.

## RELATED BUSINESS EXPERIENCE

### **Darden Restaurants, Inc.**

#### **Ethics and Compliance Manager (August 2012 – August 2015)**

- Supported the implementation of Darden's first centralized Compliance and Ethics Office by fulfilling the need for the Manager of Compliance and Ethics role
- Assisted the Chief Compliance and Ethics Officer in the design of the enterprise wide conflict-of-interest process
- Analyzed over 125 conflicts of interest cases and presented recommendations to the Chief Compliance and Ethics Officer and General Counsel
- Assisted the Chief Compliance and Ethics Officer in the design and facilitation of the global risk-based due diligence process, and analyzed due diligence reports
- Developed and managed the certification process for franchisees and suppliers to third party Codes of Conduct
- Helped to revamp Darden's Code of Conduct with a third party consulting firm in order to comply with the current Gold Standard set for Codes of Conduct
- Developed and presented a new Corporate Governance Framework (also known as the Policy Centralization Effort) to General Counsel, with assistance from the Director of Internal Audit, Chief Compliance and Ethics Officer and SVP Internal Audit
- Developed content for and rolled out an e-learning course with assistance from the Learning Center of Excellence to the restaurant managers/MITs/GMs/MPs and DOs regarding key risk areas. This was introduced during Recommitment 2014
- Developed the new Hotline reporting program with NAVEX Global for Darden employees, suppliers, and franchisee partners. Program includes 15 local languages and standard allegation reporting through one phone number
- Took the lead and worked directly with our 3rd party consulting company on making changes to the existing Code of Conduct, as well as negotiating a training course and helped to develop content for a Code of Conduct poster for the restaurants. I helped to develop content for each of these items based on our risk assessments in this area
- Assumed responsibility for the comprehensive FY 14 Recommitment process for all levels of employees in the organization (RSC + brand managers and above). Made improvements to the process by developing a single document that allows employees to attest to and acknowledge the appropriate policies, which makes the tracking process for 12,000 employees much easier. Worked with Revenue accounting to help update the Cash Handling policies at the brand level so that the language is consistent across brands, which hasn't been done before
- Recognized an opportunity to develop a supplemental Conflicts of Interest policy based on review of current data of conflicts at the restaurant level for the past 2 years. Asked for and obtained approval from the Chief Compliance and Ethics Officer to develop a draft of this policy

### **Darden Restaurants, Inc.**

#### **Senior Internal Auditor, Financial Audit (August 2011 – August 2012)**

- Responsible for planning, testing and documenting compliance with determined key controls for approximately 8 of the 20 business processes scoped in for Sarbanes-Oxley compliance efforts at Darden's Restaurant Support Center.
- Designed procedures and completed test work for direct audit assistance areas (including purchase price accounting, goodwill and inventory testing) in order to aid Darden's external auditors (KPMG) and reduce overall audit fees.
- Initiated the process to create and develop a Compliance and Ethics Office website which is planned to go live in FY 13. Worked closely with IT, Compliance and Law professionals on design elements and conflict of interest reporting.
- Managed approximately 22 potential conflicts of interest reported at the RSC level, and worked with the SVP of Internal Audit and VP of Compliance and Ethics to resolve the potential conflicts timely.
- Created efficiencies within the conflicts of interest process by developing standard templates to utilize in the documentation of reported potential conflicts of interest. The templates will be housed on the forthcoming Compliance and Ethics Office website for ease of self-reporting, and will provide a means for tracking the status of each potential conflict within the website database function.



- Conducted detailed investigation work surrounding two potential conflicts of interest that required additional review of data. Developed interview question templates to aid in further questioning of individuals, and conducted interviews, summarized data and presented results to HR, Compliance and Internal Audit.
- Created the audit report presentation resulting from an investigation and subsequent audit of a specific business process, and presented the report to management.
- Researched specific potential conflicts of interest for the Accounts Payable process, and helped to determine proper course of action based on invoice review and data matches.

### **PricewaterhouseCoopers, LLP**

**Audit Senior Associate (2006 to 2008), Audit Associate (2004 to 2006), Audit Intern (2001 to 2001)**

#### **Senior Associate Role:**

- Senior/Managing Associate in PwC's Assurance and Business Advisory Services (ABAS) practice specific to the Financial Services (FS) group, and served clients in real estate and hospitality industries, primarily hotel and restaurant REITs and privately held hotel partnerships.
- Managed Sarbanes-Oxley compliance work and tested key controls for 93 hotel properties in the REIT portfolio, and also worked closely with internal audit to analyze and test the key controls at corporate. Reviewed and determined reliance and applicability of SAS 70 reports.
- Supervised and completed all planning and completion audit procedures, organized site visits for audits at material properties, audited complex transactions with consideration of purchase price accounting and valuation.
- Experience in auditing all major business cycles and accounts, including: fixed assets, equity, revenue and receivables, cash, purchasing and payables and expenses.
- Performed detailed financial statement and revenue management review, cash flow analysis, budget to actual analysis, common size and comparative financial statement analysis.
- Experience in auditing major transactions such as acquisitions and dispositions of properties held within the REIT portfolio, including carve out audits and special SEC filings and compliance work.

#### **Audit Associate Role:**

- Audit Associate in PwC's Assurance and Business Advisory Services (ABAS) practice specific to the Financial Services (FS) group and the Consumer and Industrial Products and Services (CIPS) group.
- Audit responsibilities included detailed audit review of cash, accounts receivable, inventory and payables.
- Assisted senior associates with review and testing of controls for manufacturing clients in compliance with the Sarbanes-Oxley Act.

#### **Audit Intern:**

- Responsible for assisting senior associates in the firm's audit process of certain clients.
- Culmination of internship program resulted in a full time offer with PricewaterhouseCoopers LLP.

### **American Cancer Society**

**Gainesville, FL (2000-2001)**

#### **Accounting Assistant**

- Worked with major fundraising events of the American Cancer Society in 11 Florida counties.
- Responsible for accounts receivable/accounts payable for all fundraising events designed to raise funds for cancer research.

## **PUBLICATIONS, PRESENTATIONS, AND RESEARCH\***

### **Refereed Presentations**

- Yost, E. (2017). "Conditions for increased fraud risk: A case study by restaurant segment". Presented at the 4<sup>th</sup> World Research Summit for Tourism and Hospitality, Rosen College of Hospitality Management, Orlando Florida, December, 2017.
- Yost, E. (2015). "Conditions Associated with Increased Risk of Fraud: A Model for Publicly Traded Restaurant Companies". Presented at the 3<sup>rd</sup> World Research Summit for Tourism and Hospitality, Rosen College of Hospitality Management, Orlando Florida, December, 2015.
- Yost, E. and Croes, R. (2015). "Conditions Associated with Increased Risk of Fraud: A Model for Publicly Traded Restaurant Companies". Winner of the "2015 Best Graduate Student Research Paper" presented at the 32<sup>nd</sup>

International Association of Hospitality Financial Management Education Research Symposium. New York University, N.Y., November 7, 2015.

- Croes, R., Lebruto, E., and Semrad, K. (2009). "The effects of non-stationarity demand on hotel financial performance." 14th Annual Hotel Graduate Conference, Las Vegas, Nevada, 2009.
- Severt, D., Lebruto, E., and Childers, N. (2009). "An Exploratory Study for the Development of an Employee Classification Scheme of Deviance Using a Framework of Internal Control and Reported Acts of Deviance." 14th Annual Hotel Graduate Conference, Las Vegas, Nevada, 2009.
- Croes, R., Semrad, K., Murphy, K., and Lebruto, E. (2009). "An Exploratory Sales Forecasting Analysis: A Comparison of Time Series Models in Full Service Restaurants". The 29th Annual International Symposium on Forecasting, the International Institute of Forecasters, Hong Kong, June 21-24, 2009.
- Lebruto, E., Semrad, K., Lee, J., and Severt, D. (2009). "An application and analysis of a modified service blueprint design technique using the case of a lobby of an emergency department: Enhancing or detracting from the patient experience". The 4th International Conference on Services Management, "Managing Services across Continents," Oxford, UK, May 8-9, 2009.
- Hua, N., and Lebruto, E. (2009). "How to outperform your competitors in troubled economic times – evidence from the restaurant industry." Council on Hotel, Restaurant, and Institutional Education Conference, San Francisco, CA, 2009.
- Croes, R., Lebruto, E., and Semrad, K. (2008). "Discounting as a Function of Hotel Financial Performance." International Society of Tourism and Travel Educator's Annual Conference, Dublin, Ireland, 2008.
- Lebruto, E. (2008). "Assessing the Relationship of the Control Environment and Internal Controls in the Hospitality Industry in order to mitigate fraudulent financial reporting". Council on Hotel, Restaurant, and Institutional Education Conference, Atlanta, Georgia, 2008.
- Lebruto, E. (2008). "An analysis of the relationships between customer bonds, relationship strength, relationship longevity and relationship profitability in the hospitality industry". Council on Hotel, Restaurant, and Institutional Education Conference, Atlanta, Georgia, 2008.

### **Refereed Journal Publications**

- Yost, E. and Croes, R. (2016). Conditions associated with increased risk of fraud: a model for publicly traded restaurant companies. *The Journal of Hospitality Financial Management*, 24(2), pp. 92-109.
- Hua, N., Xiao, Q., Yost, E. (2013). An empirical framework of financial characteristics and outperformance in troubled economic times: evidence from the restaurant industry. *International Journal of Contemporary Hospitality Management*, 25(6), pp. 945-964.
- Murphy, K., Semrad, K., Yost, E. (2013). The impact of discounting room rates on in-house restaurant sales. *International Journal of Hospitality and Tourism Administration* 14(1), pp. 50-65.
- Croes, R., Lebruto, E., and Semrad, K. (2008). The relationship between discounting and hotel financial performance. *E-Review of Tourism Research (eRTR)*, 6(5). Retrieved from eRTR website: <http://ertr.tamu.edu>.

### **Other Publications**

- Semrad, K., Murphy, K., and Yost, E. (2010). "The influence of discounting hotel room rates on food and beverage revenues". Proceedings of the European Institute of Retailing and Service Studies, Istanbul, Turkey, July 2-5, 2010.

- Croes, R., Semrad, K., and Lebruto, E. (2010). Explaining the pricing decision-making process in the hotel industry. In Berge, P. and Eliassen S. (Eds.), *Hospitality and tourism management* (Chapter 4). New York, NY: Nova Science Publishers Inc.
- Croes, R., Semrad, K., Murphy, K., and Lebruto, E. (2009). "An exploratory sales forecasting analysis: A comparison of time series models in full service restaurants". Proceedings of the 29th International Symposium on Forecasting, the International Institute of Forecasters, Kowloon, Hong Kong, June 21-24, 2009.
- Semrad, K., Lebruto, E., Lee, J., and Severt, D. (2009). "An application and analysis of a modified service blueprint design technique using the case of a lobby of an emergency department: Enhancing or detracting from the patient experience". Proceedings of the 4th International Conference on Services Management, "Managing Services across Continents," Oxford, UK, May 8-9, 2009.
- Lebruto, E., Semrad, K. and Croes, R. (2009). "The effects of non-stationary demand on hotel financial performance". Proceedings of the 14th Annual Graduate Student Research Conference in Hospitality and Tourism, Las Vegas, NV, January 4-6, 2009.
- Croes, R., Lebruto, E., and Semrad, K. (2008). "Discounting as a function of hotel financial performance". Proceedings of the International Society of Tourism and Travel Educator's Annual Conference, Dublin, Ireland, September 30 - October 2, 2008.

\*Surname of Lebruto is utilized prior to 2011

#### **Scholarly Work Under Review**

Yost, E. (2018). (1<sup>st</sup> Round, revision and resubmission underway). Conditions for increased fraud risk: a case study by restaurant segment. *Cornell Hospitality Quarterly*.

#### **Scholarly Work in Progress**

Yost, E., Ridderstaat, J., Kizildag, M. (2018). Fear, Confidence and Return Assessment in the Restaurant Industry. Targeted journal: *Cornell Hospitality Quarterly*.

Yost, E., Zhang, T., Qi, R. (2018). The power of engagement: uncovering social media's return on investment

#### **Grants and Projects**

##### **Funded:**

Yost, E. & Ridderstaat, J. (2017). A sensitivity analysis for external recurring impulses: The case of the US restaurant industry. **Principal Investigator:** Elizabeth Yost. **Proposal Submission Date:** October 31, 2017. **Timeline:** 2017-September 30, 2018 (Research Colloquium Presentation in September 2018). Grant Amount: \$2,500 (Dean's Research Scholars Internal Grant).

Karen L. Smith Faculty Center for Teaching and Learning, Summer Faculty Development Conference Presentation, Writing Across the Curriculum. **Project Topic:** *Using Case Study to improve critical thinking skills of accounting and finance students*. **Principal Investigator and Participant:** Elizabeth Yost. **Project Timeline:** Summer 2018. **Grant Amount:** \$800.

##### **In Progress:**

Yost, E., Orlowski, M., Bufquin, D., Shapoval, V. (2018). A framework towards measuring sales' force employees engagement through non-incentive travel incentives. **Principal Investigator:** Elizabeth Yost. **Proposal Submission Date:** April 30, 2018. **Timeline:** 2018-2019. Grant Amount: \$40,000 (IRF – Incentive Research Foundation).

## SERVICE

### ***Academic Faculty Committees:***

#### *University of Central Florida:*

- Member of the Student Conduct Board 2017-2018
- Senate Alternate 2018

#### *Rosen College of Hospitality Management:*

- Member of the Scholarship Committee.
- Undergraduate Student Tutor in the Finance and Accounting Lab, Rosen College of Hospitality Management since Fall 2015.
- Hospitality Management Advisory Board Member since Fall 2015.
- Member of the Budget & Finance Committee since Fall 2015.

### ***External Outreach & Scholarly Engagement:***

- Session Chair for the 3<sup>rd</sup> World Research Summit for Tourism and Hospitality and 1<sup>st</sup> USA-China Tourism Research Summit: Transforming Partnerships, December 2015.
- Session Chair for the 4th World Research Summit for Tourism and Hospitality, December 2017.
- International Association of Hospitality Financial Management

### ***Ad-Hoc Reviewer for Journals and Conferences:***

- Cornell Hospitality Quarterly
- International Journal of Contemporary Hospitality Management

### **Education, Symposia, Conferences & Exhibitions**

Hospitality Financial and Technology Professionals Convention and Tradeshow, 2007  
Mid-Florida Chapter of HFTP meetings (2006-2007)  
Council on Hotel, Restaurant, and Institutional Education Conference (2007 – 2009)  
Women in Accounting Panelist – UCF Dixon School of Accounting Symposium (2014)  
Guest Speaker- Florida Tourist Development Tax Association Event (July 2018)

### **Awards**

2010 Rosen College Outstanding Graduate Student Teacher Award  
2015 Best Paper Award presented at the 32<sup>nd</sup> International Association of Hospitality Financial Management Education Research Symposium. New York University, N.Y., November 7, 2015.