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9 Attorneys for Defendants
WILLIAM ADAMS, JR.; STACY FERGUSON; ALLAN PINEDA; JAIME
10 GOMEZ; TAB MAGNETIC PUBLISHING; HEADPHONE JUNKIE
PUBLISHING, LLC; WILL.I.AM. MUSIC, LLC; JEEPNEY MUSIC, INC.; and
11 CHERRY RIVER MUSIC CO

12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**
14 **SOUTHERN DIVISION**

15 BRYAN PRINGLE, an individual,
16
17 Plaintiff,
18
19 v.
20 WILLIAM ADAMS, JR.; STACY
FERGUSON; ALLAN PINEDA; and
21 JAIME GOMEZ, all individually and
collectively as the music group the
22 Black Eyed Peas; DAVID GUETTA;
FREDERICK RIESTERER; UMG
RECORDINGS, INC.; INTERSCOPE
23 RECORDS; EMI APRIL MUSIC,
INC.; HEADPHONE JUNKIE
24 PUBLISHING, LLC; WILL.I.AM.
MUSIC, LLC; JEEPNEY MUSIC,
INC.; TAB MAGNETIC
25 PUBLISHING; CHERRY RIVER
MUSIC CO.; SQUARE RIVOLI
26 PUBLISHING; RISTER EDITIONS;
and SHAPIRO, BERNSTEIN & CO.,
27
28 Defendants.

Case No. SACV10-1656 JST (RZx)
**DECLARATION OF ERIK LAYKIN
IN SUPPORT OF DEFENDANTS'
OPPOSITION TO EX PARTE
APPLICATION OF PLAINTIFFS
FOR A TEMPORARY
RESTRAINING ORDER AND
ORDER TO SHOW CAUSE RE
PRELIMINARY INJUNCTION**
Hon. Josephine Staton Tucker
Courtroom 10A
Complaint Filed: October 28, 2010
Trial Date: Not Assigned

DECLARATION OF ERIK LAYKIN

I, Erik Laykin being duly sworn, say as follows:

A. BACKGROUND AND QUALIFICATIONS

1. I am a Managing Director with Duff & Phelps, LLC. (D&P), an independent consulting firm of approximately 1,100 professionals, which is publicly listed on the New York Stock Exchange (DUF). D&P provides litigation, financial, restructuring and operational consulting services to government agencies, legal counsel and companies in a variety of industries.
2. I am a Managing Director of the Global Electronic Discovery and Investigations practice of Duff & Phelps LLC, in Los Angeles, California and have been employed by this firm since July 14th, 2008.
3. I am accredited by the Electronic Commerce Council as a specialist in the field of Technology Disputes, Computer Forensics and Electronic Discovery and have testified in State and Federal court on numerous occasions on matters related to the investigation, analysis and management of electronic data, computer forensic preservation and analysis, and other information technology disputes. I have managed over 200 matters relating to these issues during the past 10 years.

4. From 2004 through 2008, I was the Director of the Information Technology Investigations practice group and on the Management Committee of the Discovery Services practice group at Navigant Consulting, Inc. (NYSE:NCI). In this role, I led teams of professionals that provided electronic discovery, computer forensic and investigative consulting services for a wide variety of national and international clients.
5. From 1997 – 2004, I served as President and Founder of Online Security (OnlineSecurity.com) which was one of world's first providers of commercial computer forensic services to the legal and business community for the investigation and resolution of disputes.
6. As part of my work at Online Security, I managed and or constructed the initial Computer Forensic service offerings and established standards on behalf of important traditional investigative agencies in the United States and Asia, including The Investigative Group International, Kroll & Associates and Pinkerton Consulting & Investigations.
7. As a result of the above training and experience, I have become very familiar with a variety of software development technologies, systems, programming languages, computer forensic and electronic discovery systems and standards of practice within the Information Technology industry.
8. I have provided expert training to numerous organizations on the topics of Computer Forensics, Cyber Crime and Electronic Discovery including the HTCIA (High Tech Crime Investigation Association) AICPA (American Institute of Certified Public

Accountants) ABA (American Bar Association) The Government of Malaysia, The Government of the United Arab Emirates, The Government of Taiwan, the Government of Hong Kong, The Government of the Peoples Republic of China and the FBI (Federal Bureau of Investigation)

9. I have served as an expert witness and investigator and have been appointed Special Master to the court in complex cases involving information technology and the disputes which arise from its usage within a business and network environment. My Curriculum Vitae is attached as Exhibit A.

B. SCOPE OF RETENTION

10. I was retained on July 7th, 2010 by Kara Cenar of Bryan Cave to serve as a Computer Forensic Expert.
11. I am being compensated at the rate of \$525 /hour for the testimony which may be provided in this matter.

C. OVERVIEW OF FINDINGS

1. I have examined the declaration submitted by David Gallant in which he describes the methodology which he used during the examination of electronic data and a CD supplied to him in this matter.
2. For the purpose of rendering judgment on the disposition, characteristics, authenticity or reliability of the disc and its contents, Mr. Gallant's report falls short of the standard of care expected in the practice of professional computer forensics.
3. Not only are the process and procedures employed and described in the report of questionable reliability, but the findings which are reported on are also incomplete and therefore do not propound facts which one can rest upon.
4. Among the areas of concern I include the following:

a) No Chain of Custody Provided

Standard procedure during the collection and preservation of electronic evidence includes the preparation of a Chain of Custody form which will document the manner in which the evidence has been handled. While a form has been referenced on Mr. Gallant's report, none is attached as an exhibit.

b) No Acquisition Form Provided

Standard procedure during the collection and preservation of electronic evidence includes the preparation of an Acquisition form which will outline the characteristics of the evidence being acquired, the identity of the person(s) completing the acquisition and the identity of the tool, environment and systems used to for the

forensic capture. There is no mention of an acquisition form in Mr. Gallant's declaration, nor is one attached. Thus I have no way to gauge the methodology or reliability of the process employed by Mr. Gallant in the all important step of preserving the evidence.

c) No File Structure or File Characteristics Provided

The report provided by Mr. Gallant provides no insight into the File Structure or the File / Directory characteristics which were found on the CD Rom device. Standard procedure would be to include this information. Due to its absence it is impossible to ascertain any meaningful information as to the content and structure of the CD and the evidence contained therein.

d) NeroInfoTool is not a forensic tool

In the description of the process employed by Mr. Gallant to analyze the CD which was created from a copy of the original CD provided to him; the tool "NeroInfoTool" is identified.

NeroInfoTool is a commercial / consumer application which is available as a free download to the general public. While it may be a sufficient utility for the basic exercise of managing personal or corporate needs related to CD management, the tool does not qualify in any manner as a Computer Forensic tool nor is it a tool which the Computer Forensic community has standardized on.

e) No serial and/or license number for NeroInfoTool

Standard care in the Computer Forensic practice dictates that software used for the preservation and analysis of electronic evidence must be properly licensed and the user of the software must have the commercial right to use it. Mr. Gallant's declaration and description of his efforts to preserve and analyze the electronic evidence in this matter contains no indication that the tools or software used, including NeroInfoTool are owned by or licensed to him or his firm.

f) No Disc Validation described

No disc validation is described by Mr. Gallant in his declaration and therefore this important data point cannot be used to further understand the characteristics of the evidence and whether or not the physical writer used by Mr. Gallant is compatible with or appropriate for the CD which was both being written from and written to.

Due to the wide variety of Disc technologies employed by both CD discs and the writing hardware and software used to read and write to them, this important step has been established to assist in the validation of the compatibility between the various components being deployed for any particular examination.

g) No MD5 Hash Value computed for the CD Disc.

Standard practice in the computer forensic industry is to computer an MD5 Hash Value for electronic evidence. This process ensures the reliability of the evidence and provides assurances that a copy of a piece of evidence is identical to the original. Mr.

Gallant does not indicate in his report that he has completed an MD5 hash Value for the CD disc and therefore the disc cannot be relied upon as a bona fide copy of the original.

h) No MD5 Hash Value computed for the files contained on the disc

No MD5 hash value was computed for the files contained on the CD in this matter per the description of the process employed by Mr. Gallant in his declaration; therefore each of the files examined cannot be relied upon as bona fide copies of the originals.

i) Discs can and often are Backdated

Mr. Gallant's declaration comments on the characteristics of the files contained on the CD as well as the purported "burned" or creation date. However, Mr. Gallant fails to note that a common method for fraudulently "backdating" the date and time stamps for files as well as actions taken by a computer or software program such as the burning of a CD can be as simple as changing the clock on your computer.

j) No indication of what software and version number was used to create the disc

Due to the incomplete nature of the reporting of Mr. Gallant in his declaration, no analysis can be relied upon providing information on which software was originally used to burn the image of the CD by the plaintiff. In addition there is no information on the Version number. Should appropriate computer forensic tools be used, it is possible to report on this information.

k) No indication of what platform was used to create the disc.

Due to the incomplete nature of the reporting of Mr. Gallant in his declaration, no analysis is provided on which platform was originally used to burn the image of the CD by the plaintiff (such as Mac OS or which version of Windows). Should appropriate computer forensic tools be used, it is possible to report on this information.

l) No times present for the dates on the Gallant Report only dates

The Gallant Declaration is further incomplete due to the lack of full time stamps with the date stamps which are mentioned.

m) No Indication of Multi-Session Information

It is possible to manage a disc in such a fashion that previous burn sessions are not seen by the windows operating system – Called Multi-Session Hiding. Mr. Gallant's Declaration has no indication that this analysis was completed.

n) No way to calculate the actual date of the burning of the CD with the information supplied.

With the information which is supplied in the Gallant Declaration, it is not possible to validate or quantify the actual date and time of the original burning of the CD or the actual time and date of the creation of the files.

o) Need to review the computer that burned the CD

For a more thorough analysis it is necessary not only to review the CD and the Files contained therein using actual computer forensic software and tools, but it would also be vital to review the original computer which managed the burning of the CD in the first instance. Should that computer be unavailable, it may be sufficient to review backups of the computer or the recipient's computer that the files were ported to during an upgrade.

p) Need to review the actual files in a forensic manner

Mr. Gallant's declaration does not indicate that there was any computer forensic analysis of the files contained on the CD other than a cursory review of the last modified dates. These dates can not be relied upon for the reasons stated above.

In order to rely upon this information for the purposes of rendering a final judgment on the disposition of the electronic evidence contained, I am of the opinion that further analysis including what is described in this declaration warrants being completed.

I RESERVE THE RIGHT TO SUPPLEMENT THIS REPORT AND TO REVISE MY OPINION TO ACCOUNT FOR ANY NEW INFORMATION THAT MAY BE MADE AVAILABLE BY THE REPRESENTATIVES FOR THE PLAINTIFFS, DEFENDANTS THEIR COUNSEL OR ANY OTHER SOURCE. I MAY PREPARE AND RELY UPON VISUAL AIDS OR DEMONSTRATIVE EXHIBITS AT TRIAL CONSISTENT WITH THE OPINIONS I WILL OFFER.



November 23rd, 2010

Erik Laykin

Date

EXHIBIT A

Erik Laykin

Erik Laykin, CHFI
Managing Director

Duff and Phelps, Inc.
Two California Plaza
350 South Grand Avenue
31st Floor
Los Angeles, CA 90071

Tel: 213.270.2370
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Cell: 310.245.2902

erik.laykin@duffandphelps.com

Current Position

Erik Laykin is the Managing Director and Practice Co-Chair of the Duff and Phelps, Inc. (NYSE: DUF) Global Electronic Discovery and Investigations Practice. Mr. Laykin manages complex investigations and disputes in a wide variety of industries and geographies on behalf of litigants, corporations and government agencies.

Previously Mr. Laykin was the Director of Information Technology Investigations at Navigant Consulting, Inc. (NYSE: NCI) and in the mid 1990's was the Founder and President of Online Security, Inc., a pioneer in the emerging discipline of high technology investigations, computer forensics and electronic discovery.

Today Mr. Laykin is an accredited specialist in the reactive investigation and analysis of domestic and international digital theft, cyber-terrorism, trademark infringement, online piracy, cyber squatting, information technology disputes, electronic discovery protocols and corporate espionage. He has frequently appeared on CNN, FOX, ABC, NBC, and CBS and has participated on several advisory boards including the California Judicial Council's Subcommittee on Digital Evidence, The Electronic Commerce Council, The State of California's Insurance Fraud Task Force and he is the past Pacific Rim Director of the FBI's INFRAGARD program.

Mr. Laykin has also served as an expert witness, Investigator and Special Master to the court in complex cases involving information technology and the disputes which arise from its usage within a business and network environment. Through his ability to distill and simplify a broad range of technology concepts and issues, many of his clients have successfully resolved their disputes.

Selection of Noteworthy Cases

Largest Bankruptcy in US History

On behalf of Anton R. Valukas, Chairman of Jenner & Block

On behalf of the court appointed examiner, Mr. Laykin led the team responsible for managing the data request, collection and analysis effort for the financial investigation of the largest bankruptcy in US history. In providing support to the financial analysis teams, Mr. Laykin directed the collection, analysis and distribution of over 40 million pages of documents culled from 7 petabytes of data in over 2,600 global systems. The effort resulted in a comprehensive 2,200 page report on the causes of the September 2008 failure of Lehman Brothers which was delivered to several branches of the US government.

Global Intellectual Property and Patent Dispute

On behalf of Kelley Drye and Warren

Appointed expert witness on behalf of defendant, a European based global Fortune 50 Company engaged in an intellectual property dispute with an American Fortune 100 company. The action, which was filed in 2003 rested on transactions and systems dating back to the mid 1990's. As an expert in the matter Mr. Laykin directed the management and retrieval of archival data from multiple global systems and successfully testified as to the impact of the plaintiff's actions and access to databases operated by the defendant.

Global Cyber Crime Conspiracy

On behalf of Baker Hostetler

As expert witness and Special Master to the Federal Court, Mr. Laykin managed the strategic direction of the plaintiff's global electronic evidence preservation, analysis and discovery requirements. Directing both local teams and subcontracted teams from "Big 4" consulting firms on several continents, Mr. Laykin successfully acquired digital evidence which thwarted a major global cyber crime conspiracy which included both intellectual property theft and trade secret misappropriation in which the plaintiff had already suffered considerable loss. As a result of Mr. Laykin's testimony, the defendants elected for settlement.

Global Trademark Infringement and Trade Secret Theft Matter

On behalf of Kelley Drye and Warren

On behalf of defendant and counter claimant: one of India's largest online businesses, Mr. Laykin was appointed expert witness in a trademark infringement matter, valued at over 60 million dollars, which had lingered for several years. Through extensive discovery and pretrial investigations, Mr. Laykin and the electronic evidence team was able to establish substantial evidence favorable to the position of the defendant, thereby helping to induce positive early settlement.

California Insurance Fraud Matter

On behalf of Ford, Walker, Haggerty and Behar

On behalf of several co-defendant insurance carriers, Mr. Laykin was appointed expert for the purpose of testifying as to the market value of an online business which had suffered a catastrophic fire several years earlier and had filed a claim for exorbitant losses based on inflated

internet valuations. As a result of Mr. Laykin's testimony, plaintiff settled with the insurance carriers for an amount equal to a small fraction of their original claim.

National Intellectual Property Theft and Unfair Competition Dispute

On behalf of Goodwin Procter

Plaintiff's counsel appointed Mr. Laykin to establish a basis for intellectual property violations based on the unfair usage of computer code. Mr. Laykin and his team examined thousands of pages of database and programming code from both plaintiff and defendant and provided a basis for the argument that the defendant had both infringed on plaintiffs intellectual property and was engaging in unfair competitive practices. As a result of Mr. Laykin's testimony defendant settled on terms favorable to the plaintiff.

Selection of Recent and Upcoming Presentations

<u>Conference</u>	<u>Topic</u>
• 1st Annual World Congress of Forensics Conference – Dalian, China – October 2010	Chair – Cyber Crimes, Computer Forensics and IP toward Business Law.
• Hacker Halted USA Conference – Miami, FL – October 2010	Speaker – The National Cyber Corps: A Call to Action.
• Asia Anti Fraud Conference – Jakarta, Indonesia – August 2010	Faculty – International Seminar on Information Technology, Cyber Crimes and Computer Forensic series
• Association of Information Technology Professionals Panel Discussion – Los Angeles, CA – July 2010	Panelist / Moderator – “Protecting Client Data in the Enterprise”
• Annual National IASA Conference: Insurance Accounting and Systems Association – Dallas, TX – June 2010	Investigative Computer Forensics: A hands on primer for leveraging computer forensics to preserve evidence and prevent fraud.
• Greenberg Traurig Litigation Skills Academy – Chicago, IL – May 2010	Faculty – Computer Forensics
• Annual Symposium on Risk Management – Hong Kong – March 2010	Keynote Speaker – Computer Forensics
• Information Systems Security Association (ISSA) – New York, NY – February 2010	Panelist – "Shifts in the CISO's Domain – Authenticity, Admissibility and the Future of Forensics."
• Legal Technology CEO Summit – New York, NY – January 2010	Speaker – Intersection of Law, Technology and Capital
• HTCIA – Asia Pacific Annual Conference – Hong Kong – December 2009	Investigating Accounting and Financial Fraud in Asia
• Greenberg Traurig Shareholders Mock Trial – Houston TX – October 2009	Faculty – Computer Forensics
• AICPA National Conference – Orlando, FL – September 2009	Computer Forensics in Accounting Investigations
• Hacker Halted USA Conference – Miami, FL – September 2009	The Intersection of Technology and Crime
• Greenberg Traurig Litigation Skills Academy – Tampa, FL – May 2009	Faculty & Keynote – Computer Forensics

<u>Conference</u>	<u>Topic</u>
• US Trustees Annual Conference – Los Angeles, CA – May 2009	Complex Data Management in Bankruptcy Matters
• US Department of Defense – CyberCrime Summit – January 2009	The Chinese Cyber War Machine
• Practicing Law Institute – National CLE – December 2008	Electronic Discovery in the Financial Sector
• Annual Risk Symposium – Hong Kong – 2008	Forensic Data Collection in Foreign Jurisdictions
• Hacker Halted USA – Myrtle Beach, SC – 2008	The Chinese Cyber War Machine
• IASA – Seattle, WA – 2008	Forensics for the Insurance Industry
• Microsoft Asian Partners Symposium – Taiwan – 2008	The Global Cyber Security Footprint
• Integrated Security Conference – Hong Kong – 2008	Keynote Speech – Hackers and CyberCrime Comes of Age
• Greenberg Traurig Litigations Skills Academy – Washington, DC – 2007	Faculty and Keynote – Computer Forensics and Electronic Discovery
• Malaysian Prime Minister’s Symposium on Cyber Terrorism and Cyber Crime – Kuala Lumpur – 2007	Guest Faculty and Conference Chairman
• Taiwan Privacy Association – Taipei – 2007	Keynote Speech on Digital Privacy for Launch of Association
• ABA Employment Section National Conference – New Orleans, LA – 2007	Investigating Mass Personal Identity Theft
• Hacker Halted 2007 – Dubai	Keynote: Penetration Testing Methodologies
• IAPP Privacy Summit 2007 – Washington, DC	Investigations and Litigation in the European Union
• Hacker Halted – Peoples Republic of China – 2006	Keynote – CyberCrime: A Global Outlook
• Symposium on Risk Management 2006 – Hong Kong	Digital Disaster: How Digital Data can Destroy your Business
• 3 rd Annual Integrated Security Conference and Storage World 2006	Privacy Risks in the Enterprise
• International Technology Law Association 35 th Annual Congress – San Francisco – 2006	Navigating the new threat landscape: Exploring methods and protecting critical business infrastructures
• Middle East Security Conference – Abu Dhabi	Global Internet Money Laundering
• Hacker Halted 2005 – Dubai	Global Internet Money Laundering
• Hacker Halted 2005 – Singapore	The State of Personal Data Privacy
• Direct Selling Association 2005 – Baltimore, MD	Best Practices in Security and Disaster Recovery
• HTCIA (High Tech Crime Investigators Association) – Los Angeles	Ethical Considerations in Electronic Discovery
• IASA 2005 – Anaheim, CA	Insurance Industry Investigations
• Lex Mundi European Annual Conference – Prague	Challenges in Electronic Evidence Collection
• Hacker Halted 2005 – Mexico City	Cyber Crime
• Symposium on Risk Management 2005 – Hong Kong	Technology Risk Management Best Practices

<u>Conference</u>	<u>Topic</u>
• American Conference Institute – New York, NY	Responding to Insurance Industry Investigations
• Techno-Security 2005 – Myrtle Beach, SC	Hardware Based Computer Forensic Acquisitions with the Logicube
• InfoSecurity 2004 – New York, NY	Electronic Evidence Fundamentals
• Hacker Halted / Asian Computer Forensic Conference	Keynote – Information Espionage
• CA World 2004	Risks of Outsourcing
• Software Council of Southern California	Risks of Outsourcing
• IDG Integrated Security Asian Expo 2004	Keynote – Cyber Terrorism
• Informatics Symposium on Computer Forensics and Cyber Crime	Keynote – Information Espionage
• Security Industry Roundtable 2004	Computers and Terrorists
• Computer Security Institute’s 30 th Annual Industry Conference	Computer Forensics: Incident Response and Best Practices
• USC Marshall School of Business – Roundtable – 2003	Pan-Pacific Strategies to Secure the M-Commerce Marketplace
• CA World 2003	Convergence of Physical and I.T. Security: A New Dynamic
• Los Angeles Venture Association	Economic Espionage, Fraud and Embezzlement
• California CPA Educational Foundation Conference 2003	Digital Evidence and Monitoring for Electronic Fraud
• Association of Internet Professionals	Security in the Connected World
• Asian Development Bank : 36 th Annual World	Global Security Risks in the Energy Industry
• Information Systems Audit and Control Association : 30 th Annual	Compliance Tools: The Changing Landscape of American Business
• United Kingdom National Crime Squad Conference	Fraud in the Enterprise: Economic Espionage in the Connected World
• Association of Certified Fraud Examiners	Information Technology Fraud: Emerging Threats and Responses
• ComTech	Cyber Attack: Security and Recovery Solutions
• Association of Trial Lawyers of America	Discovery of Insurance Industry Computer Systems
• Federal Bureau of Investigations	Computer Forensics and International Cyber Crime
• International Security Conference and Exposition	Economic Espionage and Protecting Intellectual Property
• LinuxWorld	Information Espionage and Global Corporate Risk
• Comdex	Computer Forensics and Digital Evidence Preservation
• 1 st Annual China Banking Security Forum	Electronic Evidence and Contemporary Banking Fraud
• Computer Law Association	Wireless Security
• Asia Law Society	Emerging Trends in Cyber Terrorism and Global Information Security
• Information Systems Security Association	Internet Security and Investigations

Selection of Recent Publications

Publications

- Featured Computer Forensic Expert for a 6 part television series on Forensic Sciences produced by A&E /The History Channel 2010
- Investigative Computer Forensics – Wiley, Due Q1 2011
- Government Information Security News – May 24, 2010
- Product Liability Litigation: Current Law, Strategies and Best Practice, Published 2009 by Practicing Law Institute Press.
- American Bar Association – National Institute on White Collar Crime 2008
- Cybex Europe – 2007
- eSecurity Magazine
- Certified Forensic Hacking Investigator
- Informatics Computer Education Centers
- Government Security News
- OnlineSecurity.com
- Association of Trial Lawyers of America
- Asia Law & Practice
- Corporate Secretary Magazine
- OnlineSecurity White Paper
- The Life and Death of a Dotcom in China

Title

- “Control – Alt – Delete”
- Investigative Computer Forensics*
- “National Cyber Corps: Recruiting the Best”
- “Fact Finding in the Digital Age”
- “Avoiding the Disclosure of Intermingled Data”
- “Managing European Data Collections”
- “Computer Forensics in Asia”
- Editor of Official Courseware*
- Computer Forensic Courseware*
- “Computers and Terrorists”
- “California Law SB 1386 Impacts Global Business”
- “Discovery of Insurance Industry Computer Systems”
- “Computer Forensics: A Primer for Recovering Electronic Evidence”
- “Overview of Online Security and Privacy Issues: Preparing and Responding to Intrusions”
- “Network Security: Intrusion Detection Response for Enterprise Networks”
- “Cyber Crime Reads Its Ugly Head”

Professional Associations and Affiliations

- Boy Scouts of America
- 2011 LA Leadership Event Blue Ribbon Committee *Member*
- Association of Information Technology Professionals *Member*
- Academy of Court-Appointed Masters *Fellow*
- High Tech Crime Consortium *Member*
- Association for Enterprise Information *Member*
- Forensic Expert Witness Association *Member*
- Practicing Law Institute *Faculty*
- Presidential Task Force on CyberCrime *Member*
- State of California – Insurance Fraud Task Force *Past Director – Technology Committee*
- FBI / Infragard – National *Past Pacific Rim Director*
- FBI / Infragard – Los Angeles Chapter *Past President*
- Secret Service Electronic Crimes Task Force *Member*

- WestLaw / Thompson Publishing *Writing Faculty*
- California Judicial Council's Sub-Committee on Electronic Evidence *Member*
- American Bar Association *Member*
 - 2011 Planning Committee
 - Pretrial Practice and Discovery Committee
 - China Law Committee
 - Anti Corruption Committee
 - Committee on CyberSpace Law
- Open Security Exchange *Founding Member*
- USC School of Information Technology Industry Advisory Board *Founding Member*
- Electronic Commerce Council *Past Chairman of the Advisory Board*
- Rotary International (LA5) *Member*
- Independent Power Producers Forum *Delegate*
- Pacific Water Council *Past Member*
- Association of Internet Professionals *Past Corporate Member*
- Information Security Systems Association *Member*
- Association of Certified Fraud Examiners *Member*
- High Tech Crime Investigators Association *Member – Asia Pacific Chapter*
- Strategic Alliance for Enforcement (SAFE) Culver City Police Department *Past Member*
- Taiwan Privacy Association *Founding Member*

Education

Santa Monica College, Santa Monica, CA
Major: Political Science

Gemological Institute of America, Santa Monica CA
Degree: JMG (Jewelry Management Graduate)

Certifications and Commendations

CHFI: Certified Hacking Forensic Investigator
Commendation from the Government of Abu Dhabi, United Arab Emirates
Commendation from the Government of Malaysia, Judicial Training Academy

Advisory and Boards of Directors

Dapict, Inc. (Los Angeles) *
EC Council, Inc. (New York) *
Kornerstone, Ltd. (Hong Kong) *
Leadership for Life Academy (Shanghai)
Odessa Philharmonic Orchestra (Odessa)
American Music Ensemble of Vienna (Vienna)
U.N World Peace Bell Foundation (Hiroshima)
Los Angeles Master Chorale / Los Angeles Music Center (Los Angeles)

* Current

Prior Work Experience

2004 – 2008

Director

Navigant Consulting, Inc. (NYSE: NCI) – Los Angeles and New York

Director of the firm's Information Technology Investigations Practice and member of the Discovery Services management committee. Provided electronic discovery, computer forensics and investigative consulting for multinational corporations involved in disputes, internal investigations or governmental inquiries. Responsibilities included Directing the firm's European Union Data Privacy Monitoring, Developing and Managing Computer Forensic Laboratories throughout the United States and in foreign jurisdictions. Directed complex electronic discovery matters in the domestic market as well as throughout Asia and Europe. Managed significant matters related to issues such as: Stock Options Backdating, Theft of Trade Secrets, Software Failures, CyberCrime, Insurance Industry Bid Rigging, SEC and DOJ Investigations, International Due Diligence and numerous expert witness engagements.

1997 - 2004

President

Online Labs, Inc. – Los Angeles

Software integration, Email hosting, Web application development and hosting, online marketing and developer of custom database driven technology solutions for online and traditional applications and businesses. Developed, managed and hosted large scale secure web enabled projects for clients including; The State of California, The Government of Hong Kong, Warner Brothers, Disney Studios, Toyota, Porsche, Veterinarian Centers of America, Latham and Watkins, Kroll and Associates, California Manufacturing Technology Center, The Government of Alsace France, ICN Pharmaceuticals and The Richemont Group.

1998 - 2004

President and Founder

Online Security, Inc. – Los Angeles

Information Technology Investigations and Computer Security firm specializing in the protection of digital assets, computer forensics and the analysis of online fraud. Pioneered numerous groundbreaking investigative techniques which resulted in the successful conclusion of investigations and litigation valued in the hundreds of millions of dollars.

1995 - 1997

Publisher and Editor in Chief

PhotoRents Magazine – Los Angeles

PhotoRents at America Online

Natural Living at America Online

1992 - 1994

Director of Sales and Marketing

American Product Development, LTD - Peoples Republic of China

1991- 1992

Director of Sales and Marketing

Oleg Cassini Products, LTD – Japan

1990 – 1991
 Director of Sales and Marketing
Les Quad Products, Inc. – France

1986 – 1990
 Vice President
Laykin et Cie at I.Magnin & Co. – Beverly Hills

1984 - 1986
 Director of Marketing and Advertising
Laykin et Cie at I.Magnin & Co. – Beverly Hills

1982 - 1984
 Sales Person
Laykin et Cie at I. Magnin & Co. – Beverly Hills

Expert Witness and Special Master Case List

CASE NUMBER	CASE NAME
United States District Court, Western District of Washington, Seattle Case No. C10-268 TSZ	*Straitshot Communications, Inc. v. Telekenex, Inc., Mark Prudell and Joy Prudell, Mark Radford and Nikki Radford, Joshua Summers and Julia Summers, Anthony Zabit and Jane Zabit, Brandon Chaney and Jane Doe Chaney, Mammoth Networks, LLC, and Brian Worthen and Jane Doe Worthen
Superior Court of the State of California, County of San Bernardino, Central District Case. No. CIVSS-814598	Tracy A Yarbough-Moore v. Addus Healthcare, Inc.
Superior Court of the State of California, County of San Diego Case. No. 37-2009-00086022-CU-PO-CTL	Jeff Fratilla v. So Relax California, Inc., et al.
Superior Court of the State of California, County of Los Angeles, Central District Case No. BC385368	The Estate of Joseph Omar Cosina et al v. Crash Mansion LA.
United States District Court, Southern District of California Case No. 09'CV0723	** Ann Capozza, Anthony Capozza, Capstone Investments, Capstone Group LLC, and Capstone Partners v. Steven Martinez, Kenneth Goertz, Goertz & Martinez, CPA, EFTPS-2007, Inc., EFTPS-2008, Inc., Goertz & Martinez, CTA, Inc., and DOES 1-10
United States District Court, Central District of Florida, Orlando Division	Federal Trade Commission vs. CyberSpy LLC and Tracer Spence.
United States District Court for the Southern District of Texas, Houston Division	*Control Components, Inc. vs. Juan Ricardo Simeoni, David Minoofar, Vinay Nagpal, Sanjay Sherikar, Koso America Inc., Nihon Koso (Japan) Ltd. and Baro Control Valve, Inc.
United States District Court, District of Connecticut Case No. 3:07CV171	*Sedona Corporation vs. Open Solutions Inc.

CASE NUMBER	CASE NAME
United States Securities and Exchange Commission	SEC vs. (Confidential)
Superior Court of the State of California, County of Los Angeles Case No. VC 047347	Chi Ming Fan vs. Horizon Grocers LLC, A California Limited Liability Corporation and Carmanita Corporation, A California Corporation
Superior Court of the State of California, County of San Diego Case No. GIC 853833	*Baja Bound Insurance Services Inc., a California Corporation vs. Richard Allen Crews Individually dba Mexbound.com, Brian Archambo Individually and dba Mexbound aka Mexbound.com; Baja-Mex Insurance Services Inc., a Corporation
United States District Court, District of Minnesota Case No. 06-2446 JRT/FLN	*NAU Holding Company LLC, a Minnesota Limited Liability Company vs. Crop 1 Insurance Direct Inc., a Wyoming Corporation, Farm Bureau Mutual Insurance Company, an Iowa Corporation and Ecliptic Technologies Inc., a North Dakota Corporation
Superior Court of the State of California, County of Los Angeles Case No. BC 336916	Burnie Allen, an individual, as an individual and as Co-Trustee and Beneficiary of the Burnie Allen Trust v. Gary Allen, an individual and as Co-Trustee and Beneficiary of the Gary and Robin Allen Family Trust; Robin Allen, as Co-Trustee and Beneficiary of the Gary and Robin Allen Family Trust; Ampac Insurance Marketing, Inc., and Does 1 – 5 inclusive
CA Dept of Justice before the Division of Medical Quality Medical Board of CA, Dept of Consumer Affairs State of CA Case No 11-04-162836	Gloria L. Castro, Deputy Atty General of the State of CA, CA Dept of Justice Attorney for Complainant v. Lawrence Koplín, M.D.
CA Dept of Justice before the Division of Medical Quality Medical Board of CA, Dept of Consumer Affairs State of CA Case No 05-2001-124743	Bill Lockyer, Atty General of the State of CA, John DeCure, Deputy Attorney General, CA Dept of Justice Attorneys for Complainant v Gary J. Ordog, M.D., Newhall CA
US District Court for the Southern District of California Case No. 04 CV 1479 H (BLM)	TrekEight, LLC, a California Company limited liability company v. Symantec Corporation, a Delaware Corporation
Supreme Court of the State of New York County of New York	*Genserve, Inc. v. Unity International Inc., Joseph Belmonte Sr., Joseph Belmonte Jr., James Guida, & William Randel
US District Court for the Northern District of Illinois, Eastern Division Civil Action No. 03 CV 07882	Evelyn Clark, on behalf of herself and all other others similarly situated v Experian Information Services d/b/a Consumerinfo.com, Inc.
US Western District of Oklahoma Case No. CIV-04-1013-W	Robert H.Braver, an individual v Ameriquest Mortgage Company, a Delaware corporation; Innovative Marketing, Inc., d/b/a Lead Extreme, a Washington corporation; The Loan Page, Inc. a Delaware corporation; Go Aplly, Inc., d/b/a Eleadz, a Nevada corporation, John Does 1 -50

CASE NUMBER	CASE NAME
Circuit Court of the First Judicial District of Hinds County, Mississippi Civil Action No. 251-04-642CIV	*Eaton Corporation; Aeroquip-Vickers, Inc.; Eaton Hydraulics, Inc. f/k/a Vickers, Inc.; & Eaton Aerospace, LLC v Jeffery D. Frisby, Individually; Kevin E. Clark, Individually; James N. Ward, Individually; Douglas E. Murphy, Individually; Rodney L. Case, Individually; Billy D. Grayson, Individually; Frisby Aerospace LLC, Frisby Aerospace Inc n/k/a Four Seventeen Aerospace, Inc; Triumph Group, Inc.; The Triumph Group Single Business Enterprise; and certain Doe Defendants numbers 1 – 150
US District Court Southern District of New York Case No. 05 CV 5597 (GEL) (DFE)	*Solar Tours Inc, v Luis Macias d/b/a Tournet Systems v Rafeal A. Chieca & Rudy Tan a/k/a Rudy Fnu
US District Court Eastern District of Michigan, Southern Division Case No. 05-72031	*Easton Sports, Inc., a California corporation v Warrior Lacrosse, Inc., a Michigan corporation and New Balance Athletic Shoe, Inc., a Massachusetts corporation
US District Court Southern District of New York Case No. 04-CV-00604 (CSH) (DFE)	Logicom Inclusive Inc.d/b/a Logicom Inc.; Stephen Borioti and Richard Rosen v W.P. Stewart & Co., William P. Stewart; John C. Russell; Edward Butler; & Rocco Macri
American Arbitration Association Case No. 7311700207 03 ARC	Laguna Coast Publishing, Inc. dba Performance Racing Industry v. Gomembers, Inc.
US District Court of Eastern Michigan	*Compuware Corporation, a Michigan corporation vs International Business Machines Corporation, a Delaware corporation
Orange County Superior Court Case No. 02CC00003	Peggie Jo Brown, Rick Hornbeck, and Laurel Nevans v. Erie Insurance Exchange Company, The Chubb Group, Federal Insurance Company, Salor & Hill Company
Los Angeles Superior Court Case No. BC 280222	*McFarlin Graphic Systems, Inc. dba McFarlin Group vs. Shell Oil Company, et al
US District Court of Maryland Northern Division Civil No. AMD 03 CV 3108	Federal Trade Commission v. D Squared Solutions, LLC, a California limited liability company; Anish Dhingra, individually and as an officer of D Squared Solutions, LLC; Jeffrey Davis, individually and as an officer of D Squared Solutions, LLC
Orange County Superior Court OCDA Case No. 01F11792	People of the State of California vs. Timothy Chavez
US District Court for the Eastern District of California Case No. CR-F-03-5142 OWW	United States of America vs. Terry L. Walton and Everett Rabbon, Jr.
US District Court of California Case No. CA-1193-A (Lee)	*Physicians Interactive (a division of Allscripts, LLC v. Lathian Systems, Inc. Stephan Martinez and John Does 1-10

CASE NUMBER	CASE NAME
U.S. District Court – Eastern District of New York Case No. 02-CIV-04195 (DGT) (RLM)	Elizabeth De Chanval Pellier against British Airways, Plc., Irving Rudowitz, Rosemary Rogers, Dan Driscoll, and Doug Hutchenson, individually, and as employers, agents, and as abiders and abettors
U.S. District Court – Southern District of California Case No. 00CV1199 BTM (JFS)	*India World Communications Private Limited, v. ASAP Solutions, Inc., Hassan Jacob and Victor George
U.S. District Court – Central District of California Western Division Case No. 02-04299 DT (Cox)	*/**Software Center, Ltd., trading as Gambling.com v. Unified Productions, Inc., a California corporation; Jason Yard, an individual; James Taylor, an individual; Internet Traffic Solutions Management Pty Limited, trading s ITS Management, an Australian corporation; Ryan McFadden, an individual; and John Does 1-100, inclusive
U.S. District Court Central District of California Case No. 03-1504 FMC (Ex)	*Honeywell International Inc. and Honeywell Intellectual Properties, Inc. v. ABB Inc., ABB Inc. – BU Turbocharger and ABB Turbocharger Company
Superior Court of the State of California For the County of Orange Case No. 01CC08414	B.J.M.V., Inc., dab Southern Pacific Coatings; Arbor Media, Inc., and Pueblo Computers, Inc. vs. Paul J. Tolbert; Joyce K. Tolbert; Tolbert Living Trust Dated March 27, 1990; Propone Satitpunwaycha; 3-Star T-Shirts; Mario Guerra; Scalon, Guerra and Jacobson, and Does 1 through 20, et al.

* Cases involving the theft of Trade Secrets and / or Intellectual Property theft

** Special Master in Case