

EXHIBIT S

DECLARATION OF RYAN BRICKER IN SUPPORT OF
PLAINTIFF SONY COMPUTER ENTERTAINMENT AMERICA
LLC'S OPPOSITION TO DEFENDANT GEORGE HOTZ'S
MOTION TO DISMISS FOR LACK OF PERSONAL
JURISDICTION AND IMPROPER VENUE

Bricker, Ryan

From: Michael Grennier [MGrennier@intell-group.com]
Sent: Thursday, March 17, 2011 2:12 PM
To: Yasha Heidari; Boroumand Smith, Mehrnaz
Cc: Stewart Kellar; Jack C. Praetzelis; Robert Kleeger; Bricker, Ryan; heidari@hplawgroup.com; delgado@hplawgroup.com; Gaudreau, Holly
Subject: RE: Imaging of encrypted drives. CRM:0003005

Yasha,

Your client has not provided a “hard drive” but rather parts of the hard drive. A “hard drive” must contain all the parts that make it a working device which include the enclosure, platters, heads and attached controller card. This controller card is installed at the factory and not normally removed or handled by an end user.

Regards,

Mike
 Michael Grennier, CFCE, EnCE

TheIntelligenceGroup

1545 US Highway 206, STE 202
 Bedminster, NJ 07921
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Please consider the environment before printing this e-mail

From: Yasha Heidari [mailto:yasha@hplawgroup.com]
Sent: Thursday, March 17, 2011 4:36 PM
To: Boroumand Smith, Mehrnaz
Cc: Stewart Kellar; Jack C. Praetzelis; Robert Kleeger; Bricker, Ryan; heidari@hplawgroup.com; delgado@hplawgroup.com; Gaudreau, Holly; Michael Grennier
Subject: Re: Imaging of encrypted drives. CRM:0003005

Merhnaz,

Your concerns are completely unfounded. To the contrary, Mr. Hotz has gone above and beyond what

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he has been required to do.

Mr. Hotz was ordered to provide his hard drives and storage devices on which any circumvention devices were stored-- nothing more.

As your co-counsel is aware, Mr. Hotz is currently out of the country, so your unilateral demand to have him provide the controllers by noon tomorrow is not only unreasonable, but simply not possible. No explanation is necessary as Mr. Hotz fully complied with the terms of the Court's order.

Best regards,
Yasha

Yasha Heidari
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On Thu, Mar 17, 2011 at 4:02 PM, Boroumand Smith, Mehrnaz
<mboroumand@kilpatricktownsend.com> wrote:
Stewart, Yasha and Jack:

The fact that Mr. Hotz removed portions of the hard drives is very disturbing and leads to obvious concerns regarding tampering and spoliation. We demand that the materials requested by TIG in Mr. Grennier's email below be delivered to TIG immediately and certainly by no later than noon Eastern time tomorrow. We also require an explanation from Mr. Hotz as to why the controller cards were removed.

Mehrnaz

Mehrnaz Boroumand Smith

Kilpatrick Townsend & Stockton LLP
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From: Michael Grennier [<mailto:MGrennier@intell-group.com>]
Sent: Thursday, March 17, 2011 7:56 AM
To: Stewart Kellar; Gaudreau, Holly
Cc: Robert Kleeger; Yasha Heidari; Boroumand Smith, Mehrnaz; Bricker, Ryan; Jack C. Praetzelis;
heidari@hplawgroup.com; delgado@hplawgroup.com

3/18/2011

Subject: Imaging of encrypted drives. CRM:0003005

All,

We took the drives out of our evidence locker and the evidence bag to image them in their current encrypted state as stated in the order and agreed to on our phone call yesterday. We have determined that the controller cards which are screwed onto the hard drives were removed prior to them being given to us. Therefore we are unable to operate the hard drives in their current state. Keep in mind that we need two days to image these drives as we have to image two 1TB drives.

I would recommend that Mr. Hotz forward to us immediately both the hard drive controller cards, screws and anything else he may have including the complete computer system (minus the monitor, keyboard and mouse) so that we can be prepared to complete the forensic imaging process (both encrypted and un-encrypted). The drives have been returned to the evidence bag and locker at this time.

Regards,

Mike

Michael Grennier, CFCE, EnCE

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Please consider the environment before printing this e-mail

From: Stewart Kellar [mailto:stewart@etrny.com]

Sent: Wednesday, March 16, 2011 2:41 PM

To: Gaudreau, Holly

Cc: Robert Kleeger; Yasha Heidari; Michael Grennier; Boroumand Smith, Mehrnaz; Bricker, Ryan; Jack C. Praetzellis; heidari@hplawgroup.com; delgado@hplawgroup.com

Subject: Re: SCEA v. Hotz - Meet and Confer

Attached for everyone's reference is the Transcript of the March 10 2011 hearing before Judge Spero. I look forward to receiving the dial in number.

Stewart Kellar

E-ttorney at Law™

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3/18/2011

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On Wed, Mar 16, 2011 at 9:33 AM, Gaudreau, Holly <hgaudreau@kilpatricktownsend.com> wrote:
 Thanks Rob and Mike. I will circulate a dial in number for the 3pm EST call shortly.

Holly Gaudreau

Kilpatrick Townsend & Stockton LLP

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From: Robert Kleeger [mailto:RKleeger@intell-group.com]
Sent: Wednesday, March 16, 2011 8:19 AM
To: Gaudreau, Holly; Yasha Heidari
Cc: Michael Grennier; stewart@etrny.com; Boroumand Smith, Mehrnaz; Bricker, Ryan; Jack C. Praetzelis; heidari@hplawgroup.com; delgado@hplawgroup.com
Subject: RE: SCEA v. Hotz - Meet and Confer

Works for us.

Please provide call in details.

Regards,

--

Rob Kleeger - Managing Director
 TheIntelligenceGroup

Direct Tel: [908-396-1467](tel:908-396-1467)
 Fax: [908-901-0115](tel:908-901-0115)
 Cell: [973-699-0167](tel:973-699-0167)

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Please consider the environment before printing this e-mail

From: Gaudreau, Holly [mailto:hgaudreau@kilpatricktownsend.com]
Sent: Wednesday, March 16, 2011 3:20 AM
To: Yasha Heidari
Cc: Michael Grennier; stewart@etrny.com; Boroumand Smith, Mehrnaz; Bricker, Ryan; Robert Kleeger; Jack C. Praetzelis; heidari@hplawgroup.com; delgado@hplawgroup.com

3/18/2011

Subject: RE: SCEA v. Hotz - Meet and Confer

I will circulate a dial-in number in the morning for counsel's 10:00 a.m. PST call.

Mike, please confirm you are available for a conference call at 3pm EST.

Thanks.

Holly

Holly Gaudreau

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From: Gaudreau, Holly

Sent: Tuesday, March 15, 2011 5:51 PM

To: 'Yasha Heidari'

Cc: Michael Grennier; stewart@etrny.com; Boroumand Smith, Mehrnaz; Bricker, Ryan; Robert Kleeger; Jack C. Praetzellis; heidari@hplawgroup.com; delgado@hplawgroup.com

Subject: RE: SCEA v. Hotz - Meet and Confer

Hi Yasha,

That sounds fine.

Thanks.

Holly

Holly Gaudreau

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From: Yasha Heidari [mailto:yasha@hplawgroup.com]

Sent: Tuesday, March 15, 2011 5:44 PM

To: Gaudreau, Holly

Cc: Michael Grennier; stewart@etrny.com; Boroumand Smith, Mehrnaz; Bricker, Ryan; Robert Kleeger; Jack C. Praetzellis; heidari@hplawgroup.com; delgado@hplawgroup.com

Subject: Re: SCEA v. Hotz - Meet and Confer

Holly,

I'm going to suggest that counsel hold an initial conference call at 10:00 PST to resolve any issues among ourselves first, and then have a discussion with Mike to finalize any protocol at 12:00 PST.

Is this agreeable?

Best,

Yasha

3/18/2011

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On Tue, Mar 15, 2011 at 8:09 PM, Gaudreau, Holly <hgaudreau@kilpatricktownsend.com> wrote:
 Thanks, Mike.

I'm copying Mr. Hotz's other counsel on this email.

Does 10:00 a.m. PST tomorrow (Wed) work?

Thanks.
 Holly

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From: Michael Grennier [mailto:MGrennier@intell-group.com]
Sent: Tuesday, March 15, 2011 1:21 PM
To: 'hgaudreau@kilpatricktownsend.com'; 'stewart@etrny.com'
Cc: 'mboroumand@kilpatricktownsend.com'; 'rbricker@kilpatricktownsend.com'; Robert Kleegeer

Subject: Re: SCEA v. Hotz - Meet and Confer

I have conference calls scheduled for 10AM and 2PM(EST). Other than that I am available as needed.

Please advise me what time you want to start.

Mike
 Michael Grennier

This message was sent from my Mobile Device - please excuse any typo's

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From: Gaudreau, Holly [mailto:hgaudreau@kilpatricktownsend.com]
Sent: Tuesday, March 15, 2011 04:18 PM
To: Stewart Kellar <stewart@etny.com>; Michael Grennier
Cc: Boroumand Smith, Mehrnaz <mboroumand@kilpatricktownsend.com>; Bricker, Ryan <rbricker@kilpatricktownsend.com>
Subject: SCEA v. Hotz - Meet and Confer

Hi Stewart and Michael,

Per Paragraph 5 of the Court's order issued today (attached), the parties and TIG need to meet and confer on a protocol for the search of the authorized jurisdictional discovery on the impounded devices. We need to submit a protocol for the Court's approval by the end of the day tomorrow (March 16).

Please let us know what time works for both of you today to discuss.

Thanks.
Holly

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