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7 Email: mtenenbaum@thinkbrg.com

8 Consultants to Receiver
9 Thomas A. Seaman

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
12 **SOUTHERN DIVISION**

13 SECURITIES AND EXCHANGE
14 COMMISSION,

15 Plaintiff,

16 v.

17 EMILIO FRANCISCO; PDC CAPITAL
18 GROUP, LLC; CAFFE PRIMO
19 INTERNATIONAL, INC.; SAL SENIOR
20 LIVING, LP; SAL CARMICHAEL, LP;
21 SAL CITRUS HEIGHTS, LP; SAL KERN
22 CANYON, LP; SAL PHOENIX, LP; SAL
23 WESTGATE, LP; SUMMERPLACE AT
24 SARASOTA, LP; SUMMERPLACE AT
25 CLEARWATER, LP; SUMMERPLACE
26 AT CORRELL PALMS, LP; TRC
27 TUCSON, LP; CLEAR CURRENTS
28 WEST, LP; CAFFE PRIMO
MANAGEMENT, LP; CAFFE PRIMO
MANAGEMENT 102, LP; CAFFE PRIMO
MANAGEMENT 103, LP; CAFFE PRIMO
MANAGEMENT 104, LP; CAFFE PRIMO
MANAGEMENT 105, LP; CAFFE PRIMO
MANAGEMENT 106, LP; CAFFE PRIMO
MANAGEMENT 107, LP; and CAFFE
PRIMO MANAGEMENT 108, LP,

Defendants.

Case No. 8:16-cv-02257-CJC-DFM

**SECOND INTERIM FEE
APPLICATION OF BERKELEY
RESEARCH GROUP, LLC**

Date: January 29, 2018
Time: 1:30 p.m.
Ctrm: 9B, 9th Floor
Judge: Hon. Cormac J. Carney

INTRODUCTION

Berkeley Research Group, LLC (“BRG”), consultants to Thomas Seaman, the court-appointed Receiver of Defendants’ entities¹ (collectively, the “Receivership Entities”), hereby submits this Second Interim Application for Payment of Fees and Reimbursement of Expenses (the “Application”). The Application covers the period from May 1, 2017 through September 30, 2017 (the “Application Period”).

BRG previously filed a First Interim Fee Application, for the period of January 1, 2017 through April 30, 2017 (the “Prior Application Period”). BRG requested, and the Court approved \$42,969.00 in fees and \$2,230.49 in costs for the Prior Application Period. The Court authorized the Receiver to pay out of assets of the Receivership Estate 90% of the allowed fees, equal to \$38,672.10, and 100% of the allowed costs.

By this Second Interim Fee Application, BRG seeks compensation for a total of 21.05 hours working on behalf of the Receivership Entities, at a weighted average rate of \$343 per hour, for professional fees totaling \$7,226.00. In addition, BRG

¹ The entities included in the receivership are PDC Capital Group, LLC ("PDC"); Caffè Primo International, Inc. ("Caffè Primo"); SAL Senior Living, LP ("SAL Senior Living"); SAL Carmichael, LP ("SAL Carmichael"); SAL Citrus Heights, LP ("SAL Citrus Heights"); SAL Kern Canyon, LP ("SAL Kern Canyon"); SAL Phoenix, LP ("SAL Phoenix"); SAL Westgate, LP ("SAL Westgate"); Summerplace at Sarasota, LP ("Sarasota"); Summerplace at Clearwater, LP ("Clearwater"); Summerplace at Correll Palms, LP ("Correll Palms"); TRC Tucson, LP ("TRC Tucson"); Clear Currents West, LP ("Clear Currents"); Caffè Primo Management, LP ("CPM"); Caffè Primo Management 102, LP ("CPM 102"); Caffè Primo Management 103, LP ("CPM 103"); Caffè Primo Management 104, LP ("CPM 104"); Caffè Primo Management 105, LP ("CPM 105"); Caffè Primo Management 106, LP ("CPM 106"); Caffè Primo Management 107, LP ("CPM 107"); Caffè Primo Management 108, LP ("CPM 108"); and their subsidiaries and affiliates, including, but not limited to, Summerplace Management, LLC ("Summerplace Management"); PDC Partners Management, Inc. ("PDC PM"); and FDC Partners Management, Inc. ("FDC PM") (collectively, "Named Entities"); and their subsidiaries and affiliates Summerplace Management, LLC; PDC Partners Management, Inc.; FDC Partners Management, Inc.; KPF Capital, LLC; FDC Capital Partners, LLC; MSL US Fund I, LLC; MPoint Land & Development, Inc.; Woodcrest Construction Management, Inc.; Professional Loading Service, LLLP; WDC Capital Group, LLC; WDC Capital Partners, LLC; KPF Investment Management, Inc.; Meridian Summerplace at Snug Harbor, LLC; Meridian Summerplace at Snug Harbor, LP; Summerplace at Correll Palms, LLC; Summerplace at Correll Palms, LP; Summerplace at Winter Haven, LLC; Summerplace at Winter Haven, LP; Summerplace at Sun City, LLC; Summerplace at Sun City, LP; Meridian at Sun City, LLC; Summerplace at Orlando-Summerfield, LLC; Summerplace at Orlando-Summerfield, LP; Summerplace at Kissimmee, LLC; Summerplace at Kissimmee, LP; Summerplace at Merced, LLC; Summerplace at Merced, LP; SAL-PDC, LLC; SLALMC, LLC; SAL Lincoln Village, IL; Lincoln Village IL, LLC; Lincoln Village IL, LP; Lincoln Village SNF, LLC; Lincoln Village SNF, LP; FCM Development Group, LLC; ADC Capital Group, LLC; NCDC Capital Partners, LLC; Summerplace at Bonney Lake MC, LLC; Summerplace at Bonney Lake MC, LP; Summerplace Management, LLC; Summerplace Development, LLC; Defiance Charters, LLC; and Red Sunshine Holdings, Ltd. (collectively, "Affiliated Entities").

1 incurred \$431.46 in expenses. In accordance with this Court's orders, BRG now
2 requests that the Court approve the \$7,226.00 in fees and \$431.46 in expenses on an
3 interim basis, and enter an Order authorizing the Receiver to pay 90% of the fees
4 (\$6,503.40) and 100% of expenses incurred.

5 **SERVICES PERFORMED DURING THE APPLICATION PERIOD**

6 On or about January 5, 2017, the Court appointed Thomas Seaman on a
7 temporary basis. The Receiver was authorized to, among other things, (1) assume
8 control over the Receivership Entities and their assets ("Receivership Assets"), (2)
9 perform an accounting of the assets and financial condition of the Receivership
10 Entities, (3) investigate, locate, and recover Receivership Assets, (4) to choose,
11 engage, and employ attorneys, accountants, appraisers, and other independent
12 contractors and technical specialists, as the receiver deems advisable or necessary (5)
13 pursue claims and causes of action of the Receivership Entities, and (6) prepare
14 reports for the Court. Accordingly, the Receiver immediately engaged BRG to
15 perform data collection, preservation, retrieval, and analytics, as well as computer
16 forensic services. The Receiver selected BRG due to the firm's extensive experience
17 and expertise in receiverships as well as bankruptcy and litigation matters.
18 Additionally, BRG, and specifically the team assigned to this matter, possess
19 significant experience with corporate networks, data collection/preservation,
20 databases and computer forensics. Reasonably detailed descriptions of the fees and
21 expenses incurred by BRG are included in the invoices attached hereto as Exhibit A.
22 Biographical information of the BRG professionals who performed such services is
23 attached hereto as Exhibit B.

24 As summarized below, BRG provided services in the following categories
25 during the Application Period:

- 26 1. Data Processing and Searching
- 27 2. Online Account Maintenance and Collections
- 28 3. Accounting Data Export

1 The Receiver instructed BRG to undertake these tasks, approved the amounts billed
 2 by BRG in connection with these tasks, and instructed BRG to prepare this
 3 Application. BRG completed these tasks as efficiently as possible given the time
 4 constraints, amount of data requested to be preserved, and analysis performed.

5 **1. Data Processing and Searching**

6 BRG processed approximately 70GB of emails and other documents, being
 7 used by the Receivership Entities, affiliates, and employees.

8 In order to complete these activities, BRG staff was required to spend 10.60
 9 hours resulting in fees in the amount of \$3,692.00.

10 **2. Online Account Maintenance and Collections**

11 BRG also assisted with the remote collection of 3 online cloud accounts. In
 12 order to complete these activities, BRG staff was required to spend 5.85 hours
 13 resulting in fees in the amount of \$2,062.00.

14 **3. Accounting Data Export**

15 As requested by the Receiver, BRG searched for and exported Quickbook files
 16 containing accounting data pertaining to PDC and/or one of its entities. In order to
 17 complete these activities, BRG staff was required to spend 4.60 hours resulting in
 18 fees in the amount of \$1,472.00.

19 **EXPENSES**

20 In order to complete each of the above tasks, BRG incurred \$431.46 in
 21 expenses during the application period summarized as follows:

22

| Description | Amount |
|--------------|-----------------|
| Admin Fee | \$361.30 |
| Shipping | \$70.16 |
| Total | \$431.66 |

23
24
25
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27
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1 The majority of expenses relate to shipping and a 5% standard admin fee which
2 covers administrative, software, and equipment costs such as Network Attached
3 Storage Devices, Certified Blank Hard Drives, Data Backup Systems, High Speed
4 Network, Telecommunications, Internal Copying and Printing, Itemized Supplies,
5 and specialized equipment and software.

6 **BRG'S FEES AND EXPENSES ARE REASONABLE AND APPROPRIATE**

7 The amounts sought in this Application are reasonable for the professional
8 services performed by BRG on behalf of the Receiver and the Receivership Entities.
9 BRG believes the services rendered constitute necessary and appropriate services to
10 assist the Receiver in carrying out his duties and obligations. Moreover, BRG
11 believes that the services rendered provided substantial benefit to the Receiver and
12 the Receivership Entities and therefore respectfully submits that its fees and expenses
13 are fair and reasonable and should be approved on an interim basis.

14 **CONCLUSION**

15 Accordingly, BRG respectfully requests that the Court enter an Order
16 approving, on an interim basis, BRG's fees in the amount of \$7,226.00, its expenses
17 in the amount of \$431.46, and authorizing the Receiver to pay BRG 90% of its fees
18 incurred, or \$6,503.40, and 100% of its expenses, in the amount of \$431.46.

19
20 Dated: November 18, 2017

BERKELEY RESEARCH GROUP, LLC

21
22
23 

24 Marvin A. Tenenbaum
25 Senior Vice President & Senior Counsel
26
27
28

EXHIBIT A



Thomas Seaman, CFA
Thomas Seaman, Receiver for PDC Capital Group
3 Park Plaza, Suite 550
Irvine, CA 92614

June 28, 2017
Client-Matter: 10920-16208
Invoice #: 53711
Tax ID # 27-1451273

Via Email: tom@thomasseaman.com

RE: SEC v. PDC Capital Group

Services Rendered Through May 31, 2017

| | | | |
|----------------------------------|-----------|------------------|------------|
| Professional Services | \$ | 5,402.00 | USD |
| Expenses Incurred | | <u>312.02</u> | |
| CURRENT CHARGES | \$ | 5,714.02 | USD |
| OUTSTANDING INVOICES | | | |
| Invoice # 49801 - Dated 02/27/17 | | 41,104.44 | |
| Invoice # 52823 - Dated 05/31/17 | | 4,181.24 | |
| BALANCE DUE | \$ | 50,999.70 | USD |

PAYMENT IS DUE BY July 28, 2017

Please direct questions regarding this invoice to: Michael Bandemer at (619) 823-8867 or mbandemer@thinkbrg.com.

Please remit payment by check to:

Berkeley Research Group, LLC
2200 Powell Street, Suite 1200
Emeryville, CA 94608

Please remit payment by wire or ACH to:

Bank Name: PNC Bank, N.A.
SWIFT: PNCCUS33ENJ
ABA #: 031207607
Account Name: Berkeley Research Group, LLC
Account #: 8026286672
Reference: 53711

Remittance advices are to be sent to:
remitadvice@thinkbrg.com



To: Thomas Seaman, CFA
 c/o: Thomas Seaman, Receiver for PDC Capital Group
 RE: SEC v. PDC Capital Group

Page 2 of 3
 Invoice # 53711
 Client-Matter: 10920-016208

Services Rendered Through May 31, 2017

PROFESSIONAL SERVICES

| | <u>Rate</u> | <u>Hours</u> | <u>Amount</u> |
|------------------------------------|-------------|--------------|-----------------|
| Director | | | |
| Geoffrey Brown | 395.00 | 4.00 | 1,580.00 |
| Senior Managing Consultant | | | |
| David Jimenez | 360.00 | 4.75 | 1,710.00 |
| Managing Consultant | | | |
| Darielle Delgado | 320.00 | 6.60 | 2,112.00 |
| Total Professional Services | | <u>15.35</u> | <u>5,402.00</u> |

EXPENSES

| | |
|--|---------------|
| Express Messenger/Shipping | 41.92 |
| In-House Costs: Technology, Fax, Phone, Supplies & Photocopies | <u>270.10</u> |
| Total Expenses | 312.02 |



To: Thomas Seaman, CFA
 c/o: Thomas Seaman, Receiver for PDC Capital Group
 RE: SEC v. PDC Capital Group

Page 3 of 3
 Invoice # 53711
 Client-Matter: 10920-016208

Services Rendered Through May 31, 2017

DETAIL OF PROFESSIONAL SERVICES

| <u>Date</u> | <u>Name</u> | <u>Description</u> | <u>Hours</u> |
|------------------------------|------------------|--|--------------|
| 05/02/17 | Geoffrey Brown | Confer with client on cost effective options for e-mail review. | 0.50 |
| 05/03/17 | Geoffrey Brown | Processing of selected e-mails 70.5 GB | 3.00 |
| 05/04/17 | Darielle Delgado | Data processing, ocr and prepare for searching. | 4.10 |
| 05/08/17 | David Jimenez | Reset passwords to Godaddy accounts. | 1.00 |
| 05/12/17 | Darielle Delgado | Preservation of box account. | 1.10 |
| 05/15/17 | Darielle Delgado | Export load file and upload data. | 1.40 |
| 05/15/17 | David Jimenez | Reset passwords on online accounts and coordinated collection of cloud storage accounts. | 1.25 |
| 05/16/17 | Geoffrey Brown | Confer with team on productions. Advise client on deliverable. | 0.50 |
| 05/23/17 | David Jimenez | Reset password to box accounts and coordinated collection. | 2.50 |
| Professional Services | | | 15.35 |



Thomas Seaman, CFA
Thomas Seaman, Receiver for PDC Capital Group
3 Park Plaza, Suite 550
Irvine, CA 92614

September 29, 2017
Client-Matter: 10920-16208
Invoice #: 56750
Tax ID # 27-1451273

Via Email: tom@thomasseaman.com

RE: SEC v. PDC Capital Group

Services Rendered Through August 31, 2017

| | | | |
|----------------------------------|-----------|------------------|------------|
| Professional Services | \$ | 1,472.00 | USD |
| Expenses Incurred | | <u>101.84</u> | |
| CURRENT CHARGES | \$ | 1,573.84 | USD |
| <i>OUTSTANDING INVOICES</i> | | | |
| Invoice # 49801 - Dated 02/27/17 | | 3,992.69 | |
| Invoice # 52823 - Dated 05/31/17 | | 390.40 | |
| Invoice # 53711 - Dated 06/28/17 | | 5,714.02 | |
| BALANCE DUE | \$ | 11,670.95 | USD |

PAYMENT IS DUE BY October 29, 2017

Please direct questions regarding this invoice to: Michael Bandemer at (619) 823-8867 or mbandemer@thinkbrg.com.

Please remit payment by check to:

Berkeley Research Group, LLC
2200 Powell Street, Suite 1200
Emeryville, CA 94608

Please remit payment by wire or ACH to:

Bank Name: PNC Bank, N.A.
SWIFT: PNCCUS33ENJ
ABA #: 031207607
Account Name: Berkeley Research Group, LLC
Account #: 8026286672
Reference: 56750

Remittance advices are to be sent to:
remitadvice@thinkbrg.com



To: Thomas Seaman, CFA
c/o: Thomas Seaman, Receiver for PDC Capital Group
RE: SEC v. PDC Capital Group

Page 2 of 3
Invoice # 56750
Client-Matter: 10920-016208

Services Rendered Through August 31, 2017

PROFESSIONAL SERVICES

| | <u>Rate</u> | <u>Hours</u> | <u>Amount</u> |
|--|-------------|--------------|-----------------|
| Managing Consultant Darielle Delgado | 320.00 | 4.60 | 1,472.00 |
| Total Professional Services | | <u>4.60</u> | <u>1,472.00</u> |

EXPENSES

| | | | |
|--|--|--|---------------|
| Express Messenger/Shipping | | | 28.24 |
| In-House Costs: Technology, Fax, Phone, Supplies & Photocopies | | | <u>73.60</u> |
| Total Expenses | | | 101.84 |



To: Thomas Seaman, CFA
c/o: Thomas Seaman, Receiver for PDC Capital Group
RE: SEC v. PDC Capital Group

Page 3 of 3
Invoice # 56750
Client-Matter: 10920-016208

Services Rendered Through August 31, 2017

DETAIL OF PROFESSIONAL SERVICES

| <u>Date</u> | <u>Name</u> | <u>Description</u> | <u>Hours</u> |
|------------------------------|------------------|--|--------------|
| 08/09/17 | Darielle Delgado | Identify and prepare quickbook files from forensic images. | 2.80 |
| 08/10/17 | Darielle Delgado | Identify and prepare quickbook files from forensic images. | 1.80 |
| Professional Services | | | 4.60 |



Thomas Seaman, CFA
Thomas Seaman, Receiver for PDC Capital Group
3 Park Plaza, Suite 550
Irvine, CA 92614

October 19, 2017
Client-Matter: 10920-16208
Invoice #: 57513
Tax ID # 27-1451273

Via Email: tom@thomasseaman.com

RE: SEC v. PDC Capital Group

Services Rendered Through September 30, 2017

| | | | |
|----------------------------------|-----------|------------------|------------|
| Professional Services | \$ | 352.00 | USD |
| Expenses Incurred | | <u>17.60</u> | |
| CURRENT CHARGES | \$ | 369.60 | USD |
| <i>OUTSTANDING INVOICES</i> | | | |
| Invoice # 49801 - Dated 02/27/17 | | 3,992.69 | |
| Invoice # 52823 - Dated 05/31/17 | | 390.40 | |
| Invoice # 53711 - Dated 06/28/17 | | 5,714.02 | |
| Invoice # 56750 - Dated 09/29/17 | | 1,573.84 | |
| BALANCE DUE | \$ | 12,040.55 | USD |

PAYMENT IS DUE BY November 18, 2017

Please direct questions regarding this invoice to: Michael Bandemer at (619) 823-8867 or mbandemer@thinkbrg.com.

Please remit payment by check to:
Berkeley Research Group, LLC
2200 Powell Street, Suite 1200
Emeryville, CA 94608

Please remit payment by wire or ACH to:
Bank Name: PNC Bank, N.A.
SWIFT: PNCCUS33ENJ
ABA #: 031207607
Account Name: Berkeley Research Group, LLC
Account #: 8026286672
Reference: 57513

Remittance advices are to be sent to:
remitadvice@thinkbrg.com



To: Thomas Seaman, CFA
c/o: Thomas Seaman, Receiver for PDC Capital Group
RE: SEC v. PDC Capital Group

Page 2 of 3
Invoice # 57513
Client-Matter: 10920-016208

Services Rendered Through September 30, 2017

PROFESSIONAL SERVICES

| | <u>Rate</u> | <u>Hours</u> | <u>Amount</u> |
|--|-------------|--------------|---------------|
| Managing Consultant Darielle Delgado | 320.00 | 1.10 | 352.00 |
| Total Professional Services | | <u>1.10</u> | <u>352.00</u> |

EXPENSES

| | | | |
|--|--|--|--------------|
| In-House Costs: Technology, Fax, Phone, Supplies & Photocopies | | | <u>17.60</u> |
| Total Expenses | | | 17.60 |



To: Thomas Seaman, CFA
c/o: Thomas Seaman, Receiver for PDC Capital Group
RE: SEC v. PDC Capital Group

Page 3 of 3
Invoice # 57513
Client-Matter: 10920-016208

Services Rendered Through September 30, 2017

DETAIL OF PROFESSIONAL SERVICES

| <u>Date</u> | <u>Name</u> | <u>Description</u> | <u>Hours</u> |
|------------------------------|------------------|---|--------------|
| 09/27/17 | Darielle Delgado | Data processing, ocr and prepare for searching. | 1.10 |
| Professional Services | | | 1.10 |

EXHIBIT B



Michael R. Bandemer

CPA, EnCE, CFF, CMA, CITP

Managing Director

P: 619.823.8867

mbandemer@thinkbrg.com

Summary

Michael Bandemer is a Managing Director with Berkeley Research Group and leader of its Discovery and Forensic Technology Practice which specializes in e-discovery, digital forensics and investigations. Prior to joining Berkeley Research Group, Mr. Bandemer was a Managing Director with Huron Legal, an international advisory and business services firm, and previously the national practice leader of LECG's Legal Technology and Analytics Consulting group (LTAC) which specialized in e-discovery, digital forensics and data analytics and provided strategic consulting, expert testimony and services to corporations and law firms across all phases of discovery.

Mr. Bandemer has performed or supervised the preservation, forensic collection and analysis of electronically stored information ("ESI") from corporate networks, databases, personal computers (Mac and PC), phones, tablets, external storage devices, social media, archives, cloud providers and other digital storage media in hundreds of matters ranging from internal and federal investigations to commercial disputes. Mr. Bandemer advises both corporate and law firm clients and provides expert testimony regarding various information management and legal technology issues including internal discovery processes, procedures, best practices, evidence preservation and collection, computer forensics, electronic discovery, complex data analytics, and other information technology issues.

Mr. Bandemer has qualified in court as an expert in e-discovery and computer forensics and provided testimony at deposition, arbitration and federal and state court. He has been selected as an independent e-discovery expert and has served as a 30(b)(6) corporate representative, special master and court appointed third-party neutral in various engagements. In these matters Mr. Bandemer has addressed discovery issues concerning records management, accessibility, burden, preservation, collection, spoliation, search and production.

The diverse range of matters Mr. Bandemer has assisted with includes misappropriation of trade secrets, internal investigations, breach of contract, business interruption, employment disputes, fraud investigations, securities, and wage and hour class actions among others. He has experience in a broad spectrum of industries including high technology, financial services, construction, professional services, gaming, hospitality, entertainment, oil and gas, government, retail, auto, railroad, entrepreneurial business, manufacturing, and real estate.

Professional Experience

| | | |
|---------------------------|-------------------|-----------------|
| Berkeley Research Group | Managing Director | 2014 to Present |
| Huron Consulting Group | Managing Director | 2011 to 2014 |
| LECG (Mack Barclay Inc.) | Partner | 1994 to 2011 |
| Peterson Consulting, L.P. | Senior Consultant | 1990 to 1994 |
| Phelps Dodge Corporation | Associate | 1988 to 1990 |



Education and Certifications

Bachelor of Science in Finance, Arizona State University 1990, *cum laude* graduate.
Member of the Golden Key Honor Society
Selected for *Who's Who Among Students in American Universities and Colleges*
Served as the chief budgeting assistant for the Associated Student Body (1989–1990)

Certified Public Accountant, 1998
Certified Management Accountant, 1995
Certified Information Technology Professional, 2001
Certified EnCase Computer Examiner, 2003
Certified Financial Forensics, 2008

Continuing education as lecturer and participant.

Patents Held

System and Method for Managing Observational Information Items
United States 7,107,278 B1, Issued September 12, 2006
Structural relational database and interface developed for managing electronic information, photos, and digitized field drawings/notes and other information in construction defect matters.

Professional Associations

American Institute of Certified Public Accountants
High Technology Crime Investigation Association
The Sedona Conference Working Group:
 Electronic Document Retention and Production
California State Society of Certified Public Accountants
Association of Certified Fraud Examiners
Association of Records Managers & Administrators
Association for Information and Image Management
Institute of Management Accountants

Publications

Digital Forensics in Trade Secret Investigations
 Trade Secret Litigation and Protection in California (Third Edition)
 Section Co-contributor, State Bar of California, December 2014
The Changing ESI Landscape: How a Proactive eDiscovery Program can Control Litigation Costs
 XPRT Forum Magazine, March 2010
The Rising Costs of Litigation
 Fox Business Channel, March 2010



Anatomy of an IP Theft: A Case Study of a Forensic Computer Investigation

e-Discovery Law & Strategy, September 2007, Volume 4, Number 5

You Want Me to do What? A Practical Look at the Question of Proper Preservation of Electronically Stored Information in Today's Business Litigation Environment with Sergio D Kopelev

Nevada Lawyer, October 2006

Computer Forensics, an Effective HR Tool

Employers Group People & Productivity Newsletter, April/May 2002, Volume 59

Board Experience

Past President and 1st Vice President - High Technology Crimes Investigation Association (HTCIA); San Diego Chapter
Youth Tennis San Diego—Board of Directors, Past President



David Jimenez

EnCE

Senior Managing Consultant

D 713.493.2553 | M 281.217.1310

djimenez@thinkbrg.com

700 Louisiana Street, Suite 1750
Houston, TX 77002

Summary

David Jimenez is a Senior Managing Consultant with Berkeley Research Group. Prior to joining BRG, he was a Manager with Huron Consulting Group. He has over 12 years of experience and expertise advising both corporate and law firm clients on information technology issues. He specializes in performing legally defensible electronic collections and conducting digital forensic investigations, e-discovery project management and incident response.

Mr. Jimenez has utilized his technical skills to collect and analyze data from a broad spectrum of sources including geolocation and seismic equipment, physical access control systems, medical devices, mainframes, and air quality monitoring instruments.

Mr. Jimenez has performed hundreds of computer forensic investigations, performed onsite analysis of cyber security breaches, and has assisted legal counsel with the preservation and management of large volumes of data in response to civil litigation, government inquiries and internal investigations.

Professional Experience

- 2014 – Present Berkeley Research Group LLC
- 2012 – 2014 Huron Consulting Group
- 2008 – 2012 LCG Discovery Experts
- 2007 – 2008 Huron Consulting Group
- 2005 – 2007 Baker Robbins & Co.
- 2002 – 2005 Beirne, Maynard & Parsons L.L.P.

Education and Certifications

- EnCase Certified Examiner (ENCE), 2013
- 60+ course hours at San Jacinto College, 2003
- Cisco Certified Network Associate (CCNA), 2000
- Licensed Private Investigator
- Native Spanish Speaker

Expert Testimony

June 2014: US District Court Southern District of Texas: Vincent Edward Roach Sr. vs. Compass Manufacturing International LLC

July 2010: 61st District Court of Texas: Catalyst Services Inc. vs. Caskey, Paul

March 2010: 113th District Court of Texas: Amerigas Propane vs. Texas Star Propane Inc.

December 2008: 61st District Court of Texas: Square D Company vs. Dashiell LLC

Curriculum Vitae



Vishal B. Oza
BERKELEY RESEARCH GROUP, LLC
1600 Dove Street, Suite 400, Newport Beach, CA 92660

Direct: 213.261.7202
Cell: 714.767.9647
VOza@thinkbrg.com

PRESENT EMPLOYMENT

Berkeley Research Group, LLC, Associate Director

Vishal Oza is a lead investigator within BRG's Global Investigations and Strategic Intelligence practice, specializing in Digital Forensics Investigations, Technology and eDiscovery services.

Mr. Oza brings over 10 years of experience in high-tech investigations, computer forensics, and information security. As an expert in his field, Mr. Oza provides services and solutions for clients in preparation of and response to matters involving data breach investigations, information security and digital forensic analysis.

Mr. Oza has experience in providing computer forensics and investigative services in connection with dozens of legal actions as well as internal investigations, audit committee inquiries, and regulatory agency investigations. He recovers facts from computers and electronic storage devices to help attorneys, auditors and investigators make informed decisions. Mr. Oza provides objective assessments of digital evidence in matters related to legal or ethical issues, misappropriation of trade secrets, intellectual property issues, contract disputes, fraud investigations, alleged hacking, and employment disputes, among others.

Mr. Oza has participated in or managed numerous projects in North America, Europe and Asia for Fortune 500 companies. He has collected forensic evidence from many international locations including Canada, Mexico, United Kingdom, Costa Rica, Brazil, Australia and Singapore.

Mr. Oza received his Bachelor of Science degree in Business Administration with a concentration in Computer Information Systems from University of Southern California (USC). He has received extensive formal training in computer forensics, incident response, data recovery and evidence handling.

PREVIOUS POSITIONS

Navigant Consulting, Inc., Associate Director, 2008 – 2015

LECG LLC, Senior Associate, 2007 - 2008

KPMG LLP, Associate, 2005 - 2007



PROFESSIONAL AWARDS, RECOGNITION, AND PRIZES

| | |
|---------------|--|
| December 2013 | Navigant – Most Outstanding Client Outcome of The Year |
| November 2006 | KPMG Encore Award – Standing Ovation |
| December 2006 | KPMG Encore Award – Standing Ovation |

PROFESSIONAL AFFILIATIONS

Present

Member, *Information Systems Security Association (ISSA)*
Member, High Technology Crime Investigation Association (HTCIA)
Member, High Technology Crime Consortium (HTCC)
Member, InfraGard (Los Angeles Chapter)

PUBLICATIONS

ARTICLES

- (1) “Your Data Are In China. The Judge Has Ordered You To Produce Them In The U.S. Now What?”, American Bar Association EDGE Journal, January 2013
- (2) “Data Breach - What Are The Risks To My Company?”, JDSupra.com, September 2012



Darielle D. Delgado

Managing Consultant

P: 619.318.0851

dadelgado@thinkbrg.com

12707 High Bluff Drive, Suite 200
San Diego, CA 92130

Summary

Darielle Delgado, a Managing Consultant in San Diego, is an experienced technologist with more than 10 years of experience in the electronic discovery field. His expertise includes data analytics, computer forensics, electronic discovery, investigations, and incident response. Darielle's engagement history includes matters relating to intellectual property, internal investigations, bankruptcy, revenue recognition, racial discrimination and SEC inquiries and investigations.

Darielle has provided network connectivity support, discovery assistance, and forensic data acquisitions services in varied matters and industries. He has extensive training in the use of forensic software and computer investigations. Darielle assists in the development of custom software applications and data organization solutions providing data analysis, conversion, recovery, integration, and reporting services to both law firms and business clients.

Professional Experience

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|-------------------------|---------------------|-----------------|
| Berkeley Research Group | Managing Consultant | 2014 to Present |
| Huron Consulting Group | Associate | 2011 to 2014 |
| Mack Barclay Inc. | Consultant | 2000 to 2011 |

Education and Certifications

Bachelor of Science, Business Administration with emphasis in Information Technology
San Diego State University

EnCase Certified Examiner, EnCE