



Global Digital Forensics

Case Study – Electronic Data Discovery

Case Type – Intellectual Property

Environment – Large Network, International WAN

Industry – Manufacturing/Wholesale

Quantity of Data - > Large E-Mail Server (Notes), CRM System (Customer Relationship Management) Database, PeopleSoft

Task – Work with counsel on Discovery Requests, Depositions, 30(b)6 and data correlation, coding and link analysis.

Scenario

Two employees and a manager left a large chemical manufacturing company with offices and facilities in New York, New Jersey, Texas, China and Argentina. The two employees and the manager had emailed a customer contact database, invoicing information, financial data and proprietary information to their home computer in an attempt to steal intellectual property. The employees believed they were untraceable since they emailed the information to their home computers and deleted the emails. The allegations were firmly denied. The company receiving the information denied having any knowledge of the transfer or the existence of the information acquired from the clients company.

The Solution

GDF worked with the attorneys to draft discovery requests, write questions for interrogatories and depositions and ultimately analyze data received from opposing counsel. After identifying several sources of evidence, including the mail servers that received the information, several sets of backup tapes and the database it self, GDF was able to extract relevant data from those sources. The desktop systems used by the former employees were forensically analyzed and the original emails were extracted. By correlating the dates and times from several sources and a review of the email and data it GDF could prove that the employees did in fact transfer the information and that the other company knew of the transfer at very high levels.

The Outcome

After presenting the evidence and testimony a 3.5 million dollar verdict was rendered for the plaintiff. The jury found the manager and employees had deceitful conduct, destruction of documents during litigation and the manager was found guilty of breach of fiduciary duties. The court further found that they had engaged in gamesmanship and discovery abuse designed to increase the cost of litigation and make presentation more difficult.

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