

## **Curriculum Vitae of Jerry Hatchett**

### **SUMMARY**

Mr. Hatchett brings seasoned expertise to the areas of digital forensics and electronic discovery, providing assistance to law firms, businesses of all sizes, federal and state courts, and foreign and domestic governmental entities. His digital forensics expertise covers computers and data devices of all types, and also extends to the fields of forensic audio and forensic video. The primary focus of his practice is enabling clients to deal with challenges regarding their ESI (electronically stored information) universe, from forensic examinations, to turnkey management of electronic discovery matters.

His experience includes cases dealing with theft of intellectual property, misappropriation of trade secrets, antitrust, breach of contract, stock option backdating, HIPAA violations, embezzlement, larceny, bankruptcy, liability, and criminal matters. Mr. Hatchett has worked extensively as a court-appointed expert in digital forensics for both federal and state courts, and as a testifying expert engaged by parties to litigation. He has worked with sensitive data involving multiple major U.S. defense contractors, and has conducted major data acquisition efforts in Asia. He has examined and analyzed numerous computers containing non-English data, including Chinese and Japanese.

Mr. Hatchett is a Certified Computer Examiner (CCE). His professional affiliations include the International Society of Forensic Computer Examiners (ISFCE) and numerous industry groups in the online world. He speaks at industry events, including CEIC, the digital forensics industry's major annual conference. He has published dozens of articles in national technology magazines, reference works, and law journals.

### **SELECT EXAMPLE ENGAGEMENTS**

- Served as testifying expert in a federal case in which a Texas corporation (my client) was defending a lawsuit brought by a former partner company in another state. Plaintiff accused my client of an electronic intrusion into their company network, followed by data theft and destruction, and submitted reports from multiple experts that seemed to support the plaintiff's claims. After a voluminous amount of analysis, I proved that not only had my client not committed the intrusion, but that no intrusion had ever taken place at all. Opposing experts were forced to retract their earlier claims, and after issuance of my expert reports, the judge granted my client's motion for summary judgment and dismissed the case.

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- Served as testifying expert for Fortune 100 corporation in litigation in which the corporation was defending a wrongful termination lawsuit. Critical evidence produced by Plaintiff included a series of surreptitiously recorded audio files that purportedly supported plaintiff's claims against the corporation. After I analyzed the recordings and produced two expert reports demonstrating that numerous of the recordings had been tampered with, and that other recordings had been intentionally deleted and not produced, the judge granted a motion for summary judgment and dismissed the case.
- Served as testifying expert for national restaurant chain defending an arbitration action from a disgruntled former employee who had been terminated. At issue were surreptitiously created recordings of the conversation during which the employee was terminated. After analysis of the evidence, I testified at the arbitration trial that the recordings were incomplete and had been intentionally edited to present an inaccurate portrayal of the recorded conversation. My client won a sweeping victory hours later.
- Served as testifying expert for a Washington (state) corporation whose intellectual property had been copied and publicly disseminated on the Internet. My analysis and expert report established with certainty that the distributed information was copied from the corporation's intellectual property and distributed online without the owner's consent.
- Served as consulting and testifying expert in matter in which an international corporation had suffered theft of confidential and proprietary business data. I established the theft of the data and subsequent efforts to erase the electronic tracks of the data theft. I served in a purely civil role, but the action was serious enough that the former employee was tried, convicted, and sentenced in U.S. federal court for the actions I discovered.
- Served as court-appointed neutral forensic expert in Texas and Florida for more than two years in litigation involving Fortune 100 defense contractors. Issues in case included alleged infringement of intellectual property and misappropriation of trade secret issues dealing with contracts valued at over one billion dollars. Services included data acquisition from numerous U.S. sites and detailed forensic analysis of dozens of computers containing highly sensitive defense-related data. Work performed in phased approach, with an extensive number of interim and final expert reports. Consulted throughout the engagement with a large number of different clients and outside counsel from all sides of the litigation.
- Engaged to collect information in China from pharmaceutical manufacturer involved in complex litigation with U.S. federal government. Issues in case included alleged antitrust violations, including allegations of attempted price-fixing in the market for a global staple

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product. Services included collection of ESI and hard documents, followed by analysis and processing of the collected information.

- Provided expert deposition and trial testimony in engagement serving as court-appointed neutral forensic expert in Texas court. Issues in case included misappropriation of intellectual property and unfair trade practices. Services included ESI collection and detailed forensic analysis of multiple computers, including meticulous examination regarding the alleged intentional destruction of evidentiary data. Engagement proceeded through multiple phases and included regular consultation with outside counsel representing three different parties for over a year.
- Led team that collected, organized, and distributed to forensic accounting team and outside counsel, ESI involved in major stock-option backdating case. Issues in case focused on allegations that executives of a major insurance holding corporation manipulated the dates on which stock options were granted and exercised. Engaged by Audit Committee of the company's Board of Directors. ESI included forensic imaging of numerous critical computers, along with collection and processing of hundreds of backup tapes containing system and e-mail store backups. Participated in interviews of key custodians and personnel. Designed, implemented, and managed multi-attorney ESI review. Supported ESI needs of forensic accounting team and counsel throughout the engagement.
- Served as forensic video expert in litigation involving major manufacturer of household small appliances. Analyzed video footage of a forensic fire expert conducting interview of key witness, that interview having taken place in a reconstructed pre-fire environment. Identified and demonstrated in expert report that the video footage had been altered. Case settled shortly after report filed.
- Analyzed video footage of casino cash-handling station to determine whether employee stole cash from bank deposit while that deposit was being prepared. Conducted significant enhancement operations of low-quality surveillance video and a detailed frame-by-frame analysis that resulted in exoneration of the employee and resulting confession by armored car driver.
- Conducted numerous forensic examinations of computers, and digital forensic examinations and processing of video and audio data in civil and criminal court matters.

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## TESTIMONY

### **Lockheed Martin v. Speed et al.**

U.S. District Court  
Middle District of Florida

U.S. District Court  
Northern District of Texas

Court-appointed neutral forensic expert, submitted numerous sworn expert reports to the court over a two-year period.

### **Airgas v. IWS**

249<sup>th</sup> Judicial District  
Harris County, Texas

Served as court-appointed neutral forensic testifying expert in Texas court. Submitted multiple sworn expert reports to the court, testified verbally at deposition and trial.

### **Hatchett v. Hatchett**

Superior Court of Henry County  
State of Georgia

Served as digital forensic expert. Submitted sworn expert report and testified verbally at trial.

### **Nancy J. Clark v. Fiesta Restaurant Group, Inc.**

JAMS Arbitration – Dallas

Served as digital forensic expert and testified verbally at trial.

### **The Matter of the Marriage of Courtney Bellow and Michael David Bellow, Jr.**

356<sup>th</sup> Judicial District  
Hardin County, Texas

Provided expert report and testified at trial.

### **HCC Insurance Holdings vs. Flowers, et. al.**

U.S. District Court  
Northern District of Georgia

Provided expert reports and testified at deposition.

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### SKILLS

**All facets of forensic acquisition, consulting, analysis, reporting, and testimony, including thorough familiarity with the key software applications listed below as well as numerous ancillary tools:**

EnCase

FTK (Forensic ToolKit)

X-Ways Forensic

Forensic Explorer

Internet Evidence Finder

NetAnalysis

Virtual Forensic Computing (VFC)

Plaso (log2timeline)

Various database-oriented tools, including SQL

Microsoft: Excel, Word, Outlook, PowerPoint

Adobe: Acrobat, Photoshop, After Effects

### REFERENCES

Laura O'Donnell – Partner – Haynes and Boone, San Antonio

[laura.odonnell@haynesboone.com](mailto:laura.odonnell@haynesboone.com) 210-978-7421

Darin R. Leong – Partner – Marr Jones & Wang, Honolulu

[dleong@marrjones.com](mailto:dleong@marrjones.com) 808-536-4900

Kelly Cameron – Partner – Perkins Coie, Boise

[KCameron@perkinscoie.com](mailto:KCameron@perkinscoie.com) 208-343-3434

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### PUBLICATIONS

- *Electronic Discovery: Beneath the Surface* - An exploration of the accuracy and completeness of evidence in today's e-discovery environment. - Tennessee Bar Journal (Complete article available upon request.)
- *Cover series on the use of biometric technologies in crime fighting and security*: This series of three articles explored a variety of biometric identification and authentication technologies, including fingerprint recognition, hand geometry scanning, facial and voice recognition, as well as iris and retina scanners; the exploration moved deeper, examining the ways in which these emerging and/or rapidly developing technologies are being put to use in today's society. (Complete article available upon request.)
- *Understanding Drive Compression* - Overview of using drive compression to conserve hard-drive space. - Smart Computing *Digital or Film* - An explanation of digital vs. film photography, cameras, and related issues. - Smart Computing
- *Tales of Transferring* - Overview of moving digital imagery from camera to computer. - Smart Computing Reference Series
- *Review* - ZoneAlarm Pro firewall software - Computer Power User
- *Review* - BlackICE Defender - Internet security software - Computer Power User
- *Webcams* - Feature on Internet-enabled cameras, hosting, Internet video, and related software. - Smart Computing
- *Setting Up a Message Board* - Overview on setting up Internet message boards. -Smart Computing
- *As Data Storage Evolves* - Overview of data storage technologies, from floppy diskettes to DVDs and beyond - CE Tips
- *How To Install Microsoft Office* - PC Today
- *Choosing a Business Projector* - An overview and tutorial roundup of video projectors used in business roles today. - Smart Computing Reference Series
- *Set Up A Small Wired Network* - Smart Computing
- *Cable TV: A Journey* - A history of cable television and examination of current cable technology. - CE Tips
- *Windows XP Network and Online Error Messages* - Smart Computing Reference Series
- *Windows 98 Installation Error Messages* - Smart Computing Reference Series
- *Phone Home In Style* - A look at modern wireless phone technology and an overview of available cellular gear. - CE Tips

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- *From Prototype to Profits* - Innovative use of video in the inventive processes. - Video Toaster User
- *The Long, Hard Road to Quick and Easy Riches* - An exploration of the process of moving from raw mental concept to physical prototype to the mass market. -Inventor's Digest
- Helped write a technology encyclopedia published by Sandhills Publishing.

### PROFESSIONAL HISTORY

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|-----------------|---|
| 2012 to present | <b>Red Forensic</b> <ul style="list-style-type: none"><li>• Owner. Provide consulting services in digital forensics and electronic discovery.</li></ul>   |
| 2011            | <b>BIT</b> <ul style="list-style-type: none"><li>• Director of Operations. Built out forensic lab and managed operations in digital forensics and electronic discovery.</li></ul>   |
| 2007 to 2011    | <b>Evidence Technology</b> , Houston, TX, <ul style="list-style-type: none"><li>• Owner. Provided consulting services in digital forensics and electronic discovery.</li></ul>  |
| 2005 to 2007    | <b>LECG</b> <ul style="list-style-type: none"><li>• Principal. Managed digital forensic practice within Houston office of global consulting firm. Design and built forensic lab.</li></ul>  |
| 2005            | <b>Beach &amp; Company International</b> <ul style="list-style-type: none"><li>• Consulting Manager. Established technology practice within Houston consulting firm, which was then acquired by LECG.</li></ul>   |
| 1992 to 2005    | <b>JTP Enterprises</b> <ul style="list-style-type: none"><li>• Owner. Provided a broad array of technology and media consulting services for over a decade, moving to a specialty of digital forensics and electronic discovery in the later years.</li></ul> |

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### **EDUCATION, CERTIFICATIONS, AND MEMBERSHIPS**

- Kennesaw State University, Forensic Computer Examiner Certificate 2002
- Ole Miss, Oxford, Mississippi
- Certified Computer Examiner, CCE