

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

WILLIAM WHITFORD, *et. al.*,

Plaintiffs,

v.

Case No.: 15-CV-421-BBC

GERALD NICHOL, *et. al.*,

Defendants.

AMENDED DECLARATION OF MARK LANTERMAN

I, Mark Lanterman, declare, under penalty of perjury and pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am the Chief Technology Officer for Computer Forensic Services, Inc. (“CFS”) in Minnetonka, Minnesota. I have personal knowledge of all facts set forth in this declaration. A copy of my curriculum vitae has been attached as Exhibit A for reference.

SUMMARY OF PREVIOUS INVOLVEMENT

2. In 2012, I was retained as a consulting expert by counsel for the plaintiffs in the action captioned *Baldus, et al. v. Brennan, et al.*, case number 11-CV-562, then pending in the U.S. District Court for the Eastern District of Wisconsin. I was retained to provide computer forensic consulting services and opinions, including forensic examination and analyses, with respect to three state-owned computers in the custody of the Legislative Technology Services Bureau (“LTSB”).

3. My work and opinions in the *Baldus* case were set forth, in part, in two declarations that I submitted in that action. One of those declarations is dated March 11,

2013, and the other is dated April 10, 2013. Copies of those declarations are attached to this declaration as Exhibit B and Exhibit C. I hereby reaffirm and adopt the statements made in those declarations as my truthful testimony, made under penalty of perjury and pursuant to 28 U.S.C. § 1746, as my testimony in this action.

4. In both of my declarations made in 2013, I stated that I had received a total of three computers used for the purpose of legislative redistricting in 2011. Each one of those computers contained two internal hard drives for a total of six. Additionally, each computer had associated with it one external hard drive. In all, CFS received a total of nine hard drives for preservation and analysis. Upon receipt, one of the three external hard drives was physical damaged and therefore could not be preserved. As stated in my previous affidavits, the data contained on eight of these nine hard drives were preserved according to industry standards by creating what is known as a “forensic image”.

5. Upon the termination of the *Baldus* litigation in June 2013 and the conclusion of my work in that action, I determined that the most cost-efficient way to preserve and store the “forensic images” created in connection to that case was to transfer them from CFS’s production environment to archival quality magnetic storage tape. The storage tape is created for the express purpose of storing data for long periods of time with no degradation or loss of data, and it is a common and generally accepted practice to store data for long periods of time on magnetic storage tape.

CURRENT DISPUTE AND SCOPE OF REQUEST

6. On January 30, 2016, I was retained as a consultant in this action by counsel for the plaintiffs. I was asked to recover, identify and produce any Excel

spreadsheets created, accessed or modified during the months of April, May, or June of 2011 from the three workstation computers, and the three associated external hard drives.

7. To conduct the requested searches, I first had to restore the data on the hard disk drives from the magnetic storage tape on which it had been stored since June 2013.

8. Upon restoring the data on the hard disk drives from the backup tape, I verified the integrity of the data. Upon creation, the data contained within each forensic image was assigned a “hash value”, which was subsequently logged. Hash values act as digital fingerprints, unique alphanumeric values. At the outset, these hash values show that the forensic image is an exact duplicate of the original media (hard drive). In order to verify that no data was changed, corrupted or otherwise altered after being stored on the backup tapes, the data within the forensic images was “hashed” a second time. The original hash value is compared with subsequent hash value. If the hash values are different, the data was changed, corrupted or otherwise altered. If the hash values are a perfect match, then the data is verified, sound, and original.

9. All eight of the forensic images CFS was asked to review were verified.

10. CFS noted that all three provided workstations contained internal two hard drives. Each hard drive was a member disk in what is known as a “mirrored RAID”. Such a configuration duplicates, or backs up the data from one drive by copying it to the other. Despite the high probability of file duplicates between the two hard drives, CFS was asked to analyze each regardless.

SYSTEMS ASSOCIATED WITH “WRK32864”

11. First, CFS recovered, identified and produced any active or deleted Excel spreadsheets created, accessed or modified during the months of April, May, or June of 2011 from the system named “Sen Republican WRK 32864”, which I understand was assigned to Joseph Handrick while employed by LTSB. Across the two hard drives in this system a total of 48 spreadsheets were responsive. However, the majority of these were exact duplicates. After identifying and removing duplicates, a total of 14 unique files remained.

12. I created an Excel spreadsheet detailing the locations, dates and other information of all responsive spreadsheets that were identified from WRK32864 system. (“WRK32864 Responsive Spreadsheets File Detail Report.xlsx”). I provided a copy of that spreadsheet, as well as the 14 unique spreadsheets, to counsel for the plaintiffs. Copies of the file detail spreadsheet that I created, as well as the 14 unique spreadsheets, are contained on the DVD-ROM provided contemporaneously with this declaration.

13. As noted in paragraph four above, the external hard drive associated with WRK32864 had been damaged before CFS took possession. This damage rendered the device unreadable, thus thwarting attempts to preserve the data and identify relevant files.

SYSTEMS ASSOCIATED WITH “WRK32586”

14. Second, CFS recovered, identified and produced any active or deleted Excel spreadsheets created, accessed or modified during the months of April, May, or June of 2011 from the system named “ASM Republican WRK 32586”, which I understand was assigned to Adam Foltz. Across the two hard drives in this system, a total of 86 spreadsheets were responsive. However, the majority of these were exact

duplicates. After identifying and removing duplicates, a total of 27 unique files remained.

15. I provided a copy of the spreadsheet I created, as well as the 27 responsive spreadsheets, to counsel for the plaintiffs. Copies of the spreadsheet that I created, as well as the 27 responsive spreadsheets, are contained on the DVD-ROM provided contemporaneously with this declaration.

16. I also identified relevant spreadsheets from the external hard drive associated with the WRK32586 system. This external hard drive was used in conjunction with a backup program that packaged files within compressed ZIP volumes that first needed to be decompressed. After that, CFS identified a total of 57 spreadsheets that had been created or modified between April and June 2011. Of those 57, eleven files were duplicates, leaving a total of 46 unique files. I created an Excel spreadsheet detailing the locations, dates and other information of all responsive spreadsheets that were identified on the external hard drive associated with the WRK32586 system (“WRK32586 External HD Responsive Spreadsheets File Detail Report.xlsx”). I provided a copy of the spreadsheet I created, as well as the 46 unique identified spreadsheets, to counsel for the plaintiffs. Copies of the spreadsheet that I created, as well as the 46 unique identified spreadsheets, are contained on the DVD-ROM provided contemporaneously with this declaration.

SYSTEMS ASSOCIATED WITH “WRK32587”

17. Third, CFS recovered, identified and produced any active or deleted Excel spreadsheets created, accessed or modified during the months of April, May, or June of 2011 from the system named “Sen Republican WRK 32587”, which I understand was

assigned to Tad Ottman. Across the two hard drives in this system, a total of 364 spreadsheets were responsive, being created between April and June 2011. However, the vast majority of these were exact duplicates. After identifying and removing duplicates, a total of 35 unique files remained.

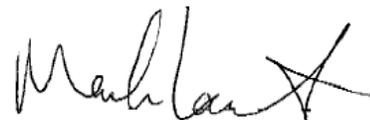
18. I created an Excel spreadsheet detailing the locations, dates and other information of all responsive spreadsheets that were identified on the WRK32587 system (“WRK32587 Responsive Spreadsheets File Detail Report.xlsx”). I provided a copy of that spreadsheet, as well as the 35 unique spreadsheets, to counsel for the plaintiffs. Copies of the file detail spreadsheet that I created, as well as the 35 unique spreadsheets, are contained on the DVD-ROM provided contemporaneously with this declaration.

19. I also identified relevant spreadsheets from the external hard drive associated with the WRK32587 system. This external hard drive was used in conjunction with a backup program that packaged files within compressed ZIP volumes that first needed to be decompressed. After that, CFS identified a total of 431 spreadsheets that had been created or modified between April and June 2011. Of those, the vast majority were found to be duplicates, leaving a total of 77 unique files. I created an Excel spreadsheet detailing the locations, dates and other information of all responsive spreadsheets that were identified on the external hard drive associated with the WRK32587 system (“WRK32587 External HD Responsive Spreadsheets File Detail Report.xlsx”). I provided a copy of the spreadsheet I created, as well as the 77 unique identified spreadsheets, to counsel for the plaintiffs. Copies of the spreadsheet that I

created, as well as the 77 unique identified spreadsheets, are contained on the DVD-ROM provided contemporaneously with this declaration.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 18, 2016

A handwritten signature in black ink, appearing to read "Mark Lanterman". The signature is cursive and includes a large, stylized initial "M" and a long, sweeping horizontal stroke at the end.

Mark Lanterman