CHICAGO LAWYERS' COMMITTEE

FOR CIVIL RIGHTS UNDER LAW, INC.

CHICAGO'S PARTNERSHIP FOR EQUAL JUSTICE

March 24, 2016

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Re: William Whitford, et al. v. Gerald Nichol, et al.
      Case No. 15-CV-421

Dear Sirs,

In accordance with the Stipulation Regarding 30(B)(6) Depositions of the Legislative Technology Services Bureau and Wisconsin State Senate and Assembly dated March 18, 2016, I enclose the Amended Declaration of Mark Lanterman dated March 18, 2016.

I will forward a copy of this letter and the enclosed exhibits (including a DVD for Exhibit B) by U.S. Mail.

Sincerely,

Ruth Greenwood
Lead Attorney, Voting Rights Project
e: rgreenwood@clccrul.org | t: (312)-888-4194

Encl.

Cc. Douglas M. Poland

Cc. Peter G. Earle

EXHIBIT   83
WIT: Foltz
DATE: 3-31-16
Halma-Jilek Reporting, Inc.

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,

1

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

2

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.

3

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 be 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

5

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 be 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

6

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

_____
Mark Lanterman

Exhibit A

**ComputerForensic
Services**

Mark Lanterman

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Title
Chief Technology Officer

Professional Biography
Mr. Lanterman has over 25 years of experience in computer forensic investigations. Prior to joining CFS, Mark was a sworn investigator for over eleven years at both state and federal law enforcement agencies. During his last three years in law enforcement, he was assigned to the United States Secret Service Electronic Crimes Task Force as its senior computer forensic analyst. The Director of the U.S. Secret Service has recognized Mark for his contributions to law enforcement.

Mark has successfully led thousands of computer forensic investigations, collaborating and supporting large legal organizations, corporations and government entities, and has provided expert witness testimony in over 2,000 matters. The Honorable Michael J. Davis, Chief Judge and the Honorable Magistrate Judge Tony Leung, United States District Court-Minnesota, as well as the Honorable Chief U.S. Bankruptcy Judge Gregory Kishel have previously appointed him as their Courts' neutral computer forensic analyst. The Honorable Mel Dickstein, the Honorable John Borg, the Honorable Michael O'Rourke, the Honorable Ann Poston (Hennepin County, MN) and the Honorable A.P. Fuller (Pennington Country Seventh Judicial Circuit, SD) have also appointed Mark as a neutral computer forensic analyst.

Mark is a sought-after speaker in the United States and abroad, and has presented for several government offices as well as private organizations representing a variety of different industries. Among these venues, Mark has spoken at the Minnesota Criminal Justice Institute, the Minnesota Employment Law Institute, the Minnesota Intellectual Property Institute, the Minnesota Family Law Institute, the Minnesota Private Investigators Conference, the Minnesota Judicial Conference, the Association of Certified Fraud Examiners, the International Association of Financial Crime Investigators, the American Society for Industrial Security, Hamline Law School, and the University of Minnesota Law School. Mark has also been a featured speaker for the State Bar Associations of Minnesota, California, Wisconsin, New York, and Tennessee. He represented the U.S. Secret Service at the International Association of Chiefs of Police National Conference. He conducts over forty CLE classes annually. Additionally, Mark is adjunct faculty of computer science at the University of Minnesota's Technological Leadership Institute, and is currently teaching in the Master of Science Security Technologies (MSST) program.

Mark provides frequent commentary about cyber security issues for national print and broadcast media, including ABC, Al Jazeera, Bloomberg, BusinessWeek, CBS, FOX News, NBC, The New York Times, NPR, and The Wall Street Journal.

Education and Certifications
Upsala College - B.S. Computer Science (1988); M.S. Computer Science (1990)
Department of Homeland Security - Seized Computer Evidence Recovery Specialist
Minnesota Bureau of Criminal Apprehension - Management Series Certification
National White Collar Crime Center - Advanced Computer Forensics
International Information Systems Forensics Association
Pennsylvania Municipal Police Officer Training
John Reid Advanced Interrogation Training
SEARCH Internet Investigation Training

Publications
"What You Don't Know Can Hurt You: Computer Security for Lawyers," *Bench & Bar of Minnesota.*

"Elephant in the Room" – Case Studies of Social Media in Civil and Criminal Cases," *Next Generation eDiscovery Law and Tech Blog.*

Exhibit B