

IN THE UNITED STATES DISTRICT COURT  
FOR THE STATE OF MINNESOTA

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Patterson Dental Supply, Inc.,

Plaintiff,

Case File No. 19-cv-01940-JNE-LIB

v.

Daniele Pace,

Defendant.

DECLARATION OF  
MARK LANTERMAN

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I, Mark Lanterman, state as follows:

1. My name is Mark Lanterman. I am the Chief Technology Officer of Computer Forensic Services (“CFS”) located in Minneapolis, Minnesota. CFS and I have been retained by counsel for Daniele Pace (“Pace”) to assist with matters that involve digital evidence. I am at least 18 years of age and competent to testify as to the statements made in this Declaration. If called to testify, I would do so consistent with the content of this Declaration.

**Background**

2. Our firm specializes in the analysis of digital evidence in civil and criminal litigation. I have over 25 years of experience in computer forensics and cybersecurity. Prior to joining CFS, I was a sworn investigator for the United States Secret Service Electronic Crimes Task Force and acted as its senior computer forensic analyst.

3. I am certified by the United States Department of Homeland Security as a “Seized Computer Evidence Recovery Specialist,” as well as certified in computer forensics by the National White-Collar Crime Center. Both federal and state court judges have appointed me as a neutral computer forensic analyst and special master.

4. I graduated from Upsala College in New Jersey with both a Bachelor of Science and a Master’s degree in computer science. I completed post graduate work in cyber security at Harvard University.

5. I am currently adjunct faculty of computer science for the University of Minnesota Technological Leadership Institute’s Master of Science and Security Technologies program (MSST). I am also faculty at the Mitchell Hamline School of Law and the University of St. Thomas School of Law in Minnesota. I am faculty for the National Judicial College in Reno, Nevada and the Federal Judicial Center in Washington D.C.

6. I have previously provided training and delivered keynote addresses for the United States Supreme Court, the Eleventh Circuit Federal Judicial Conference, the Eighth Circuit Federal Judicial Conference, the Southern District of Georgia and several state judicial conferences. I recently delivered the keynote address at the 2018 Chief Justices’ Conference in Newport, Rhode Island. In November 2018, I delivered the keynote address at Georgetown Law School’s e-discovery conference.

7. I was appointed by the Minnesota Supreme Court to serve as a member of Minnesota’s Lawyers’ Professional Responsibility Board (LPRB). I was recently appointed to its Opinion Committee.

8. I am a co-author of the Minnesota State Bar's e-Discovery Deskbook, and I also write monthly articles for *Minnesota Bench & Bar* magazine.

9. CFS is the exclusive, contracted computer forensic expert for the Hennepin County Sheriff's Office, the Ramsey County Attorney's Office, the Washington County Attorney's Office in Minnesota, as well as the Metropolitan Airports Commission, also known as the Minneapolis/Saint Paul International Airport. CFS is partnered with the U.S. Secret Service to assist with its electronic investigations.

10. I have attached as Exhibit A, a list of cases in which I have testified, as well as a list of articles I have written for a number of publications throughout the past 10 years. I am compensated at a rate of \$425 per hour. My compensation is not dependent upon the outcome of this case.

### **Materials Reviewed**

11. I am familiar with the facts as alleged. I have also received and reviewed the following documents in preparing this Declaration:

- a. The Complaint, filed in Minnesota state court on July 18, 2019, and its attached Exhibit (the "Employment Agreement");
- b. Plaintiff's Proposed Temporary Restraining Order;
- c. The Declaration of Daniele Pace of August 8, 2019.

12. I offer this Declaration to generally discuss the information that is stored on electronic devices, and their connection and synchronization with "cloud" service accounts and broadband cellular services. I also comment upon the publicly-available nature of some of Plaintiff's customers' contact information.

**Forensic preservation and analysis often discloses the content of online data storage repositories.**

13. Consumer electronics often utilize cloud services for remote data storage and management. Typically, devices can be configured to synchronize with online accounts. For example, Apple offers its iCloud cloud platform to allow users of its products to upload data, via the Internet, and synchronize it among several devices. This information often includes, but is not limited to, documents, photos, email communications, contacts, and Internet browsing history. In the case of smartphones, information that is sent via a cellular service provider is also often stored on a device, such as voicemails, call history, and text messages.

14. Information that is stored in the cloud is often available directly from an electronic device and is disclosed during the process of forensic extraction. The term “local” storage is used to describe copies of information or files that are stored on a user’s own hardware, whereas “cloud” storage is used to refer to data stored on a third party’s server (e.g. Apple, Dropbox, or Google). In most cases, data is stored both locally and in the cloud. Local data storage allows a user to access copies of information stored in the cloud from their device, without the need for an Internet connection.

15. In short, access to a physical device (e.g. a laptop or smartphone) will most often disclose information that is 1) stored in cloud service accounts and 2) sent or received using a subscriber’s cellular service provider. In this way, access to a device for forensic preservation and examination functions as a digital skeleton key.

**Information about CEREC® customers is publicly-available online.**

16. I understand further, from the documents that have been provided to me, that Plaintiff used to have an exclusive distribution agreement with third party Dentsply Sirona (“Dentsply”) for a product known as CEREC®. (See Pace Decl. ¶ 9, Compl. ¶ 5).

17. I determined that Dentsply hosts a publicly-facing website, apparently for marketing purposes.<sup>1</sup> As part of this website, Dentsply hosts and makes available a feature that allows any user on the Internet unfettered access to its list of participating dentists/dental clinics. The website, as shown in screenshots represented in this Declaration as Figures 1 and 2, allows a user to input a zip code and a set radius around that zip code, to return information about participating dentists/dental clinics. Because Plaintiff had an exclusive distribution contract for 20 years, one could ostensibly obtain a significant amount of Plaintiff’s CEREC® customer contact information by setting a wide search parameter, and inputting major metropolitan zip codes. (*Id.*)

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<sup>1</sup> “SD Cerec”, Available at: <https://www.sdcerec.com>

**SEARCH**

## CEREC® DENTIST FINDER

- 1 Enter Zip
- 2 Find CEREC® Doctor

Find a doctor near you!

Figure 1: CEREC® Dentist Finder feature on homepage (Available at: <https://www.sdcerec.com>)

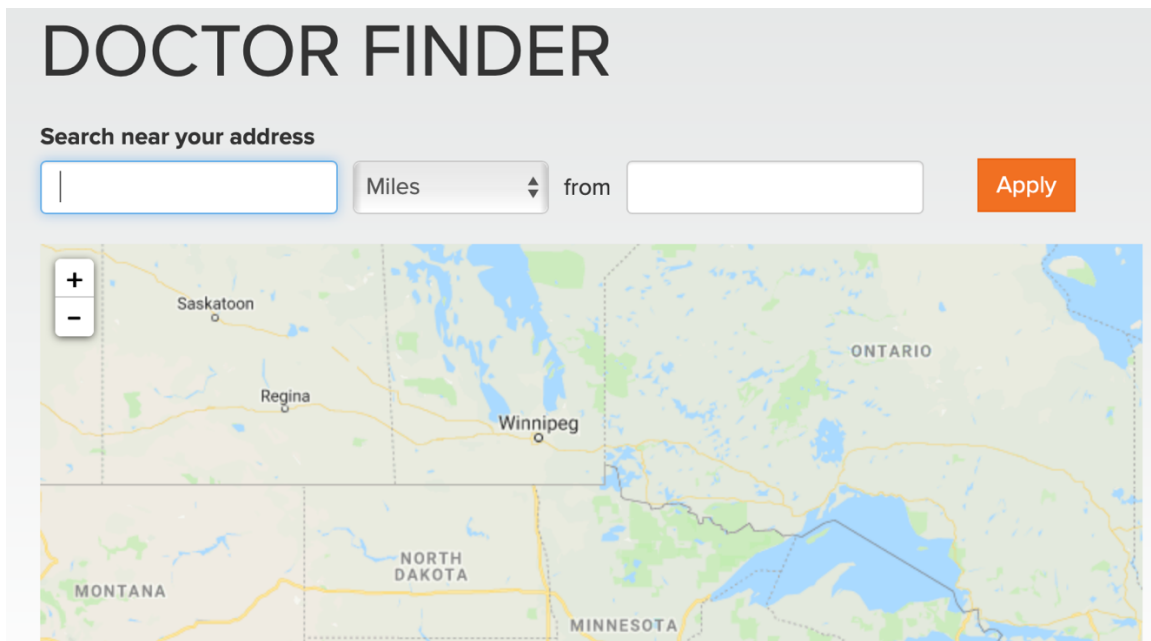


Figure 2: CEREC® Dentist Finder Feature (Available at: <https://www.sdcerec.com/doctor-finder>)

I declare under penalty of perjury pursuant to the laws of the United States of America that the foregoing is true and correct.

Executed on: August 8, 2019

A handwritten signature in cursive script, appearing to read "Mark Lanterman".

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Mark Lanterman