

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA**

**WILBUR-ELLIS COMPANY, LLC
v.
KEVIN ERIKSON AND J. R. SIMPLOT COMPANY**

**MEMORANDUM OF LAW IN SUPPORT OF ITS MOTION
FOR A PRELIMINARY INJUNCTION OR, IN THE
ALTERNATIVE, TEMPORARY RESTRAINING ORDER**

Exhibit 2

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA**

Wilbur-Ellis Company LLC,

Plaintiff,

v.

Kevin Erikson,

and

J.R. Simplot Company,

Defendants.

Court File No.: 4:23-cv-04058-LLP

DECLARATION OF MARK LANTERMAN

1. My name is Mark Lanterman.¹ I am the Chief Technology Officer of Computer Forensic Services (“CFS”), located in Minneapolis, Minnesota.

2. CFS and I were retained by counsel for Plaintiff, Wilbur-Ellis Company LLC (“Wilbur-Ellis”), to preserve and analyze electronic devices that were assigned to Defendant Erikson during the course of his employment with Wilbur-Ellis.² I offer this declaration in support of Plaintiff’s Motion for Preliminary Injunction or, in the alternative, Temporary Restraining Order.

¹ Exhibit 1 to this declaration contains my curriculum vitae, including a list of cases in which I have testified in the last four years, as well as a list of articles I have written for a number of publications throughout the past 10 years. CFS is compensated at rates ranging from \$425 to \$625 per hour for my work, depending upon the requested task. CFS’s compensation is not dependent upon the outcome of this case.

² I understand that Defendant Erikson was previously an employee of Wilbur-Ellis, and resigned from the company on or about March 20, 2023.

3. In summary, and consistent with opinions expressed in greater detail in this declaration, Defendant Erikson attached a removable USB data storage device to his Wilbur-Ellis-issued laptop on March 3, 2023. There is evidence to indicate that Defendant Erikson copied Wilbur-Ellis files to the USB data storage device immediately after it was connected to the laptop.

I. Biography

4. CFS specializes in the analysis of digital evidence in civil and criminal litigation. I have over 30 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.

5. 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 or special master.

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

7. 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 a faculty member at Hamline University and a professor of cybersecurity at the University of St. Thomas School of Law. I am also a

faculty member for the National Judicial College in Reno, Nevada and the Federal Judicial Center in Washington, D.C.

8. I have previously provided training or 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; the Western District of Tennessee; and several state judicial conferences. I delivered the keynote address at the Chief Justices' Conference in Newport, Rhode Island and at Georgetown Law School's advanced e-discovery conference.

9. I was appointed by the Minnesota Supreme Court to serve as a member of Minnesota's Lawyers Professional Responsibility Board ("LPRB"). I currently serve on the LPRB's Rules and Opinion Committee.

10. 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.

11. CFS holds a corporate private detective license issued by the State of Minnesota Board of Private Detective and Protective Agent Services (License No. 2341).

12. CFS was awarded a Multiple Award Schedule contract (contract #47QTCA22D004L) for the 54151HACS (highly adaptive cybersecurity services) SIN by the General Services Administration (GSA). GSA awarded CFS the contract after a rigorous inspection and technical competence evaluation of knowledge, abilities, competency, policies, and procedures.

13. CFS is the exclusive, contracted computer forensic service provider for 38 law enforcement agencies in Minnesota, including Hennepin County Sheriff's Office

(the county that encompasses Minneapolis). CFS also serves 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.

II. CFS forensically preserved the Wilbur-Ellis laptop computers previously assigned to Defendant Erikson.

14. CFS and I understand from Wilbur-Ellis's counsel that Wilbur-Ellis issued Defendant Erikson a laptop that was intended for use in connection with his job responsibilities ("Erikson's Wilbur-Ellis laptop").

15. On March 24, 2023, Wilbur-Ellis provided two (2) laptop computers that were previously assigned to Defendant Erikson to my office for forensic preservation and analysis. The computers were used by Defendant Erikson through the date of his separation from Wilbur-Ellis. Table 1 below summarizes identifying information about the laptop computers that were submitted to me. I note that CFS assigned the designations of "1.1" and "2.1" for tracking purposes. These designations are used where appropriate throughout this declaration.

Device Make/Model	Custodian/Username	Serial Number
1.1 Lenovo ThinkPad T490s Laptop	KErikson	MJ-0CGGBP
2.1 Lenovo ThinkPad T490s Laptop	KErikson	PC-1FWQZM

Table 1

16. Upon receipt, CFS created forensic images of Erikson's Wilbur-Ellis laptops.³ A forensic image comprehensively preserves data from the device and its

³ The laptops' data was encrypted using Microsoft Bitlocker. Bitlocker is a popular encryption software that is built-in to the Microsoft Windows operating system. CFS coordinated with Wilbur-Ellis's IT team to ensure that Bitlocker would not interfere with the data collection process.

operating system, including deleted data. The comprehensive nature of this preservation process allows for the assembly of a timeline of user actions. More specifically, the process preserves data such as system files and logs, which in the aggregate may be used create a narrative of user actions.⁴

III. “Kerickson” conducted Internet research about Simplot beginning in and around February 2023.

17. During the course of the analysis, I recovered and analyzed the content of Erikson’s Wilbur-Ellis laptops’ Internet browsing history (*e.g.*, website visits and searches on the Internet). I determined that the Erikson’s Wilbur-Ellis laptops’ user “Kerickson” conducted Internet research related to Simplot. Moreover, emails were received by a Defendant Erikson’s personal email account related to an employment application with Simplot.

18. Table 2 below is a representative sample of relevant Internet activity obtained from Erikson’s Wilbur-Ellis laptop (2.1).

Timestamp (Central)⁵	Activity
02/09/2023 12:15:47 PM	https://www.croplife.com/croplife-top-100/simplot-finalizes-pinnacle-agriculture-acquisition/
02/09/2023 12:17:12 PM	https://www.croplife.com/top100/company/simplot-grower-solutions/#slide=85788-49649-1
02/10/2023 06:52:58 AM	https://www.linkedin.com/search/results/[omitted]keywords=j.r.%20simplot%20company[omitted]
03/01/2023 11:25:57 AM	Google search - “simplot careers”
03/01/2023 11:33:21 AM	https://www.salary.com/job/simplot/crop-advisor-north/[remainder omitted]

⁴ CFS has maintained the forensic images of Erikson’s Wilbur-Ellis laptops since they were preserved, and will continue to do so until instructed otherwise.

⁵ I note that, for the purposes of this declaration, all times are reported in the Central time zone.

Timestamp (Central)	Activity
03/01/2023 11:33:28 AM	https://www.simplot.com/
03/01/2023 12:30:41 PM	https://career4.successfactors.com/career?company=simplotP
03/01/2023 1:09:45 PM	Google search - "resume templates free"
03/01/2023 02:41:36 PM	https://mail.google.com/mail/u/0/?tab=rm&ogbl#inbox/ Email subject: "Thank you for applying to the J.R. Simplot Company: Crop Advisor North - kerikson66@gmail.com - Gmail"
03/02/2023 8:44:45 PM	https://simplot-benefits.s3.us-east-2.amazonaws.com/0774.0312-Simplot-2023-Mainland-Benefits-Guide-Digital.pdf
03/03/2023 04:01:45 AM	https://simplot-benefits.s3.us-east-2.amazonaws.com/2023-Voluntary-Life-and-ADD-Rate-Calculator-1.xlsx
03/10/2023 09:06:26 PM	Email subject: "Welcome to Simplot! - kerikson66@gmail.com - Gmail"

Table 2

IV. There is evidence to indicate that data was copied to an external USB data storage device after it was attached to Erikson's Wilbur-Ellis laptop.

19. After preserving the devices' data, I analyzed Erikson's Wilbur-Ellis laptops for activity consistent with the copying of files to sources extrinsic to Erikson's Wilbur-Ellis laptops (e.g., USB data storage devices).

20. It is important to understand that the Windows operating system, generally, does not generate a record or log of all files stored on an external USB data storage device when the device is simply connected to a computer. However, because Windows records information related to 1) the attachment of external USB data storage devices, and 2) files and folders that are accessed, it is often possible to observe patterns of activity consistent with the copying of files and folders, even where the USB device to which the files/folders are copied is not available for analysis, as here.

21. First, when USB data storage devices are attached, the Windows operating system records: 1) the last time when a device was attached or plugged in, 2) the make/model of the attached device (when available), and 3) its serial number (when available). Windows records this information so that if/when the device is reconnected it is recognized, thus eliminating the need to reconfigure Windows to interact with the attached device (e.g. installing device “drivers” or software used to recognize the device).

22. Second, when files are accessed, Windows often records information related to a user’s interaction with files and folders, including those stored on an attached external USB data storage device. For example, it is possible to determine whether a user “double-clicked” or opened files or folders stored on a USB device. When a file or folder is opened or “double-clicked”, it is possible to determine the names of the accessed files and folders that exist/existed on that same external USB device.

23. Moreover, Microsoft Windows can further be configured to track the “accessed” time of files. This timestamp represents when an application or service last interacts with a file or folder. This feature was enabled on both of Erikson’s Wilbur-Ellis laptops.

24. On March 3, 2023, an external USB data storage device was connected to Erikson’s Wilbur-Ellis laptop designated herein by CFS as “2.1.” (See *supra*. ¶ 15, Table 1). The USB data storage device was connected to Erikson’s Wilbur-Ellis laptop on six (6) occasions throughout the day. Based on the information recorded by the Windows

operating system, the USB data storage device has a capacity of one (1) terabyte. This capacity would allow the entirety of Erikson's Wilbur-Ellis laptop to be copied approximately twice over.

25. The fifth time that the USB data storage device was connected to Erikson's Wilbur-Ellis laptop (2.1) was at approximately 5:23 PM. Within seconds after this connection, thousands of files from Wilbur-Ellis's OneDrive were accessed from Erikson's Wilbur-Ellis laptop. Microsoft OneDrive is a "cloud" file repository. It allows users to centrally store and access files over the Internet.

26. The files within Wilbur Ellis's OneDrive were accessed in rapid succession, which is, when considering the attached external USB data storage device, indicative that those folders and their contents were copied from Erikson's Wilbur-Ellis laptop (2.1) to the external USB data storage device attached to it.⁶

27. Moreover, and as noted above, Windows tracks information related to a user's access of specific files and folders, including those stored on external USB data storage devices. (*See supra.* ¶ 22). Here, there is evidence to indicate that while the USB device was attached to Erikson's Wilbur-Ellis laptop (2.1), the following folder was accessed from it.

Folder/File name	Date created on USB drive
D:\kerikson (saalemwinfssaleusers)	3/3/2023 5:23:28 PM

Table 3

Please note that "D:" is a "drive letter," commonly assigned to external, attached

⁶ I estimate that over 7,000 files were copied to the USB data storage device. I note that a precise figure for the number of files copied is difficult to calculate, provided that files were deleted from Erikson's Wilbur-Ellis laptop (2.1). (*See infra.* ¶ 33).

storage devices.

28. The folder “kerikson (salemwinfssalemusers)” is confirmed to have existed on the USB data storage device. This folder name matches the name of a folder within Wilbur-Ellis’s OneDrive. (*See supra.* ¶¶ 25-26).

29. I have submitted to Plaintiff’s counsel a list of the files that were contained within the folder “kerikson (salemwinfssalemusers)”, which was created on the USB data storage device during the window of time that it was attached to Erikson’s Wilbur-Ellis laptop. (*See supra.* Table 3).

30. At approximately 6:40 PM on March 3, 2023, the external USB device was unplugged from Erikson’s Wilbur-Ellis laptop (2.1).

31. In summary, Erikson’s Wilbur-Ellis laptop (2.1) disclosed that a USB data storage device was attached on March 3, 2023. During the periods that it was connected, files and folders stored on Erikson’s Wilbur-Ellis laptop (2.1) were accessed in rapid succession. This evidence indicates that files were copied from Wilbur-Ellis’s environment to external, portal media.

32. Because the USB data storage device has not been provided to me for analysis, and indeed, it has not been made available to Wilbur-Ellis, it is not possible to establish the precise scope, nature, and volume of the copied data.⁷

33. I note that prior to Erikson’s separation, a significant number of files and folders within OneDrive on Erikson’s Wilbur-Ellis laptop (2.1) were deleted. Based on

⁷ As an aside, I note that there is evidence to indicate that Defendant Erikson purchased a new Lenovo laptop, ostensibly for personal use, on March 11, 2023. To the extent that data could be copied to that device, I respectfully reserve the right to supplement this report should additional information be made available to me, including other devices possessed or used by Defendant Erikson.

information that has been made available to me, this mass deletion took place sometime between March 15 and March 20, 2023, and subsequent to the file copying activity discussed above.

V. I identified a potentially relevant, deleted document that exists on Erikson's Wilbur-Ellis laptop (2.1).

34. During the course of my analysis, I recovered a deleted Microsoft Word document, that was created on Erikson's Wilbur-Ellis laptop (2.1) March 8, 2023. While the original document's filename has not been recovered, it is likely relevant as it discusses Defendant Erikson's separation from Wilbur-Ellis. I have attached a true and correct copy of this document as Exhibit 2.

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

Executed on: April 19, 2023 in Hennepin County, Minnesota.



Mark Lanterman

DECLARATION OF MARK LANTERMAN

EXHIBIT 1



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Professional Biography

Mark has over 30 years of experience in digital forensics, e-discovery, and has provided education and training to a variety of audiences. Prior to founding Computer Forensic Services in 1998, Mark was a sworn investigator with the United States Secret Service Electronic Crimes Task Force. Both federal and state court judges have appointed Mark as a neutral computer forensic analyst.

Mark is a member of the Minnesota Lawyers Professional Responsibility Board and serves on its Rules & Opinion Committee.

Mark frequently provides training within the legal community, including presentations for the United States Supreme Court, Georgetown Law School, the 11th Circuit Federal Judicial Conference, the 8th Circuit Federal Judicial Conference, the American Bar Association, the Federal Bar Association, and the Department of Homeland Security, among others.

As a member of its faculty, Mark has presented to the entire Federal Judiciary through the Federal Judicial Center. Mark is faculty at the National Judicial College, and is an adjunct instructor in the University of Minnesota's MSci Security Technologies program. Mark is also a professor of cybersecurity at the Saint Thomas School of Law.

Mark provides frequent commentary about cyber security issues for national print and broadcast media, including ABC, 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; M.S. Computer Science

Harvard University – Cybersecurity

Department of Homeland Security – Federal Law Enforcement Training Center
Seized Computer Evidence Recovery Specialist

National White-Collar Crime Center – Advanced Computer Forensics

Publications

Co-author of the *E-Discovery and Forensic Desk Book*

Regular columnist for *Bench & Bar* magazine



Previous Testimony List – Mark Lanterman

- *Tumey LLP, et al. v. Mycroft, Inc., et al.*, 4:21-CV-00113 (W.D. Mo.)
- *Warren, et al. v. ACOVA, Inc., et al.*, 27-CV-18-3944, (Henn. Co. Minn.)
- *Hagen v. Your Home Improvement, LLC, et al.*, 73-cv-21-2067, (Sterns Co. Minn.)
- *Jane Doe, et al. v. Independent School District 31*, 20-CV-00226, (U.S. Dist. Ct. Minn.)
- *Galan v. Munoz, et al.*, 2019-CI-19143, (Dist Ct. Bexar Co., Texas)
- *Vision Industries Group, Inc. v. ACU Plasmold, Inc., et al.*, 2:18-CV-6296, (U.S. Dist. Ct. New Jersey)
- *Troutman v. Great American Hospitality, LLC*, 19-CV-878, Stanley Co., N. Carolina)
- *Baxter Insurance Group of Agents, et al. v. Woitalla et al.*, 27-CV-20-16685, (Henn. Co. Minn.)
- *Sweigart v. Patten, et al.*, 5:21-cv-00922, (U.S. Dist Ct. E.D. Penn.)
- *Sarah Hoops v. Solution Design Group, Inc.*, 27-CV-20-11207, (Henn. Co. Minn.)
- *Stephanie Ramos v. Lazy J Transport, et al.*, 2018CI21594, (Dist Ct. Bexar Co., Texas)
- *Schwan's Company, et al. v. Rongxuan Cai, et al.*, 0:20-SC-2157, (U.S. Dist. Ct. Minn.)
- *Michael D. Tewksbury, as Guardian ad Litem for Miles Chacha and Lulu Kerubo Simba v. PODS Enterprises, LLC, et al.*, 62-CV-20-4209, (Ramsey Co., Minn.)
- *RG Golf v. The Golf Warehouse*, 19-CV-00585 (U.S. Dist. Ct. Minn.)
- *Dunn v. PSD LLC, et al.*, 02-CV-20-4504, (Anoka Co., Minn.)
- *Chambers, et al. v. B&T Express, et al.*, 19-CI-00790, (Franklin Cir. Ct. Ky. 2d Div.)
- *Natco Pharma Ltd. V. John Doe*, 21-cv-00396-ECT-BRT, (U.S. Dist. Ct. Minn.)
- *Kimberly Clark, et al. v. Extrusion Group, et al.*, 1:18-cv-04754-SDG, (U.S. Dist. Ct. N.D. Ga.)
- *PalatiumCare Inc. v. Notify, LLC, et al.*, 2021-cv-000120, (Sheboygan Co., Wis.)

- *State of Nebraska v. Jeffrey Nelson*, CR21-19, (Saunders Co., Nebraska)
- *Lutzke v. Met Council*, 27-CV-19-14453, (Henn. Co. Minn.)
- *Rivera et al., v. Hydroline, et al.*, DC-19-143, (Dist. Ct. Duval Co, Texas).
- *Coleman & Hartman, et al. v. iAMg, et al.*, 16CV317, (Cir. Ct. Polk Co Wis.)
- *Mixon v. UPS, et al.*, 2019-CI-13752, (Dist Ct. Bexar Co., Texas)
- *Goodman v. Goodman*, 27-DA-FA-21-672, (Henn. Co. Minn.)
- *Shaka v. Solar Partnership*, 27-CV-20-12474, (Henn. Co. Minn.)
- *Patel Engineering Ltd. V. The Republic of Mozambique*, UNCITRAL PCA: 2020-21.
- *Estate of Rima Abbas v. ABDCO*, (19-CI-1315), (Fayerette Cir. Ct. Ky. 4th Div.)
- *State of Nebraska v. Jeffrey Nelson*, CR21-19, (Saunders Co., Nebraska)
- *Riccy Mabel Enriquez-Perdomo v. Richard A. Newman, et al.*, 3:18-CV-549, (U.S. W.D. Kentucky)
- *United States v. Alakom-Zed Crayne Pobre*, PX-19-348, (U.S. Dist. Maryland)
- *Lewis v. Northfield Savings Bank, et al.*, 295-5-19-WNCV, (Vermont, Sup. Ct., Washington Div.)
- *State of Minnesota v. Thomas James Crowson*, 13-CR-20-325, (Chisago Co., Minn.)
- *Vimala et al., v. Wells Fargo, et al.*, 3:19-CV-0513, (U.S. M.D. Tenn.)
- In re: Estate of Anthony Mesiti, 318-2017-ET-00340, N.H. 6th Cir. Probate Division.
- *Ernie’s Empire, LLC, et al. v. Burrito & Burger, Inc., et al.*, 82-CV-20-28, (Wash. Co., Minn.)
- *Sol Brandys v. Wildamere Capital Management LLC*, Case No.: 27-CV-18-10822, (Henn. Co., Minn.)
- *State of Minnesota v. Yildirim*, Case No. 27-CR-19-7125, (Henn. Co., Minn.)
- *Jabil v. Essentium, et al.*, Case No. 8:19-cv-1567-T-23SPF, (U.S. M.D. Fla.)
- *Lifetouch National School Studios Inc. v. Walsworth Publishing Company, et al.*, (U.S. Dist. Conn.)
- *Motion Tech Automation, LLC v. Frank Pinex*, Case No.: 82-CV-18-5202, (Wash. Co., Minn.)
- *Lundin v. Castillo, et al.*, Case No.: 2019-CV-000452, (Walworth Co., Wis.)
- *Yun v. Szarejko-Gnoinska, et al.*, Case No.: 27-PA-FA-13-967, (Henn. Co., Minn.)

- Jonas Hans v. Belen Fleming, Case No.: 27-PA-FA-13-967, (Henn. Co., Minn.)
- Daniel Hall, et al. v. Harry Sargeant III, Case No.: 18-cv-80748, (U.S. Dist. Ct. S.D. Fl.)
- Miller v. Holbert, et al., Case No.: 48-CV-15-2178, (Mille Lacs Co., Minn.)
- Strohn, et al. v. Northern States Power Company, et al., Case No.: 18-cv-1826-DSD-KMM, (U.S. Dist. Ct. Minn.)
- Stamper, et al. v. Highlands Regional Medical Center, Case Nos.: 11-CI-1134 & 12-CI-00468, (Commonwealth of Kentucky, Floyd Cir. Co., Div. I).
- Patterson Dental Supply, Inc. v. Daniele Pace, Case No.: 19-cv-01940-JNE-LIB, (U.S. Dist. Ct. Minn.)
- Ryan Rock v. Jonathan Sargent and The Sargent Group, Inc. d/b/a Todd & Sargent, Inc., Case No. LACV050708, Dist. Ct. Story Co., Iowa.
- Oscar Alpizar v. Eazy Trans, LLC, et al., Case No.: 2018CI00878, (Dist Ct. Bexar Co., Texas)
- MatrixCare v. Netsmart, Case No.: 19-cv-1684, (D. Minn.)
- State of Minnesota v. Nathan Roth, Case No.: 80-CR-18-1007, (Wadena Co., Minn.)
- Parisi v. Wright, Case No.: 27-CV-18-5381, (Henn. Co., Minn.).
- Lloyd C. Peeoples, III v. Carolina Container, LLC, U.S. N. Dist. Geor., Case No.: 4:19-cv-00021
- Sandra Wolford, et al. v. Bayer Corp., et al., Action No. 16-CI-907, 17-CI-2299, Commonwealth of Kentucky, Pike Cir. Ct. Div. I. (2019)
- BuildingReports.com, Inc. v. Honeywell International, Inc., Case No.: 1:17-cv-03140-SCJ, (U.S. Dist. Ct. N.D. Ga.)
- Evan D. Robert and Dr. Kerry B. Ace v. Lake Street Cafeteria, LLC, et al., Case No: 27-CV-17-18040, (Henn. Co., Minn.)
- State of Minnesota v. Andrew Seeley, Case No.: 14-CR-17-4658, (Clay Co., Minn)
- McNutt & Company v. Focus Engineering, et al., Case No.: CV-2018-900432.00, Cir. Ct. Lee County, Alabama.
- In re: City of Eden Prairie and Law Enforcement Labor Services Inc., BMS Case #19-PA-0530 (2019).
- State of Minnesota v. Stephen Allwine, Case No.: 82-CR-17-242, (Wash. Co., Minn.)
- PMT v. Wade Fredrickson, Case No.: 27-CV-18-4364, (Henn. Co., Minn.)
- Stratasys, Inc. v. Christopher Krampitz, Case No.: 0:17-cv-05524-DSD-HB, (D. Minn.)

- State of North Dakota v. Connor Brennan, (Court File No.: 17300214), (Grand Forks Co., ND)
- U.S. v. Farber, Case No.: 1:2017-cr-00188-320735, (E.D. Cal.)
- In re: the Marriage of: Amanda Jo Briggs and Kent Stewart Mitchell Briggs, Case No.: 27-FA-17-3414, (Henn. Co., Minn.)
- Edgewell Personal Care Company v. Michael O'Malley, (Superior Court (Judicial District of Ansonia at Milford) No. AAN-CV-176025160-S)
- East Coast Test Prep, L.L.C. d/b/a Achieve Test Prep and Mark Olynyk, v. Allnurses.com, Inc., and David R. Smits, as Administrator of the Estate of Brian Short, ABC Companies 1-10 and John Does 1-10, Case No.: 0:15-cv-03705-JRT-SER (D. Minn.)
- DTN, LLC, v. Matthew Walsh, Case No. 0:17-cv-5206(SRN)(HB) (D. Minn.)
- In Re the Matter of: Wainaina Kamau and Ruth Marionya Kamau, Court File No: 27-DA-FA-18-5521 (Dist. Ct. Hennepin County, Minn.).
- Nagios Enterprises, LLC, vs. Mary Starr, et al. Court File No: 62-CV-16-3280, (Dist. Ct. Ramsey County, Minn.)
- Larry Novack v. David Rios and United Parcel Service, Inc. (TX Dist. CT., 57th Dist. (Bexar County, Texas) No. 2016-CI-12388)
- Mylan Pharmaceuticals Inc., Petitioner v. Sanofi-Aventis Deutschland GMBH Patent Owner (United States Patent and Trademark Office) U.S. Patent Nos. 7,476,652 and 7,713,930-IPR2017-01526/IPR2017-01528)
- Elisabeth Ostendorf v. Michigan State University and the Board of Trustees of Michigan State University, (State of Michigan (In the court of claims) No. 15-47-MZ)
- Elyse Puklich v. Blayne Puklich, (Burleigh Co., ND) No. 08-2014-CV-00029)
- Jeffrey Ketchum and Anniken Ketchum vs. Home-Owners Insurance; D & L Janitorial Supply, Inc. (MI 47th Circuit Court (Delta Co.) No. 15-22960-CB)
- Parsons Electric L.L.C vs. Integrated Building Solutions L.L.C., Paul Kelly, Kristopher Kelly, Troy Stanislawski, and Jack Tucker (MN Dist. CT., 10th Dist. (Anoka Co.) No. 02-CV-16-2644)
- State of Minnesota vs. Erin Marie Hennessey, (MN Dist. CT., 10th Dist. (Washington Co.) No. 82-CR-16-2208)
- The Hays Corporation vs. Barry Peters, et al. (In The Circuit for Montgomery Co., Maryland)
- International Chemtex Corporation vs. Jennifer Lassiter, John Hofstad, and Sustainable Water Treatment, LLC (United States Dist. Court (Dist. of MN)

- David Rubenzer and La La La, LLC vs. City of Burnsville (MN Dist. Ct., 1st Dist. (Dakota Co.) No. 19HA-CV-15-3743)
- State of Minnesota vs. John Frederick Thorene, IV (MN Dist. Ct., 6th Dist. St. Louis Co.) No. 69DU-CR-15-3038)
- Nu-Look Exteriors, Inc. vs. Brett A. Looney, Mark A. Peare, Julie A. Young, f/k/a Julie A. Strot, Stephen B. Martin, and 4 Corner Architectural Sheet Metal, Inc. (MN Dist. Ct., 1st Dist. (Dakota Co.) No. 19HA-CV-15-432)
- Brook Mallak v. Aitkin County, et al., (United States District Court of Minnesota, No. 13-CV-02119 DWF/LIB)
- Jonathan Scarborough v. Federated Mutual Insurance Company, (United States District Court (Dist. of MN) No: 0:15-cv-01633 -DWF/FLN)
- Future Motion, Inc. vs. Changzhou First International Trade Co., LTD, (United States District Court (Dist. of NV) No. 2:16-cv-00013-MMD-CWH)
- In re the Marriage of: Catherine Ann Ivey and John Raymond Ivey, (State of Minnesota (Hennepin Co.) No. 27-FA-15-7650)
- Bay Side Recycling Co., et al. v. SKB Environmental, Inc., Case No.: 14-CV-4550 (SRN/LIB), (U.S. Dist. Ct. Minn.).
- United States of America v. Khaalid Adam Abdulkadir, (United States District Court (Dist. of MN) No: 15-mj984 KES)
- Kimberly Kay Seidel and Trevor Carlton Seidel, (MN Dist. Ct., 10th Dist. (Anoka Co.) No. 02-FA-15-2022)
- Dexon Computer, Inc. v. Modern Enterprise Solutions, Inc., Timothy Durant, and Andrew Uzpen, (MN Dist. Ct., 4th Dist. (Hennepin Co.) No. 27-CV-15-17171)
- Golden Supply, Inc., a Minnesota Corporation v. Jeffrey Hunt and Ken Aronckes, (MN Dist. Ct. 4th Dist. (Hennepin Co.) No. 27-CV-15-1625)
- Jerry Wilkinson and Karen Wilkinson v. State Farm Fire and Casualty Company, (U.S. Dist. Ct. E.D. Wis.) Case No. 14 CV 1187)
- Greiner Construction, Inc. vs. Bert Westerman et al., (MN Dist. Ct., 4th Dist. (Hennepin Co.)
- Samantha Orduno, et. al. v. Richard Pietrzak, et al. (United States District Court (Dist. of MN) No. 0:14-cv-01393-ADM-JSM)
- Zimmer, Inc. v. Stryker Corporation; Howmedica Osteonics Corp. d/b/a Stryker Orthopedics; and Cody Stovall. (United States District Court (Northern District of Indiana of Indiana South Bend Division) Case No. 3:14-cv-00152-JD-Can)
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- Curtis Trude, et al. v. Glenwood State Bank, et al. (MN Dist. Ct., 8th Dist. (Meeker Co.) No. 47-CV-12-176)
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- Jenine Ellison v. Advanced Surgery Center of Palm Beach Count, LLC, (15th Circuit Court (Palm Beach County), Florida. No: 502011CA020861XXXXMB.)
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Publications List – Mark Lanterman

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How the American Choice and Innovation Online Act may affect cybersecurity,
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Ransomware and federal sanctions, March 2021

The SolarWinds breach and third-party vendor security, February 2021

Considerations in cloud security, January 2021

Deciding when to use technology-assisted review, December 2020

How to avoid an old scam with a new twist, November 2020

Your back-to-school tech brush-up, October 2020

The Twitter breach and the dangers of social engineering, September 2020

Cyber risk: Is your data retention policy helping or hurting?, August 2020

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Working from home and protecting client data, May/June 2020

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Business continuity and coronavirus planning, March 2020

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Beyond compliance: Effective security training, January 2020

Doxxing redux: The trouble with opting out, December 2019

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Security, convenience and medical devices, August 2019

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The Chinese spy chip scandal and supply chain security, December 2018 (Republished in *The Computer & Internet Lawyer*)

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Is the Internet of Things spying on you?, February 2018

#UberFail, January 2018

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Your Personal Data – Or is it? Doxxing and online information resellers pose threats to the legal community, May/June 2017

What You Don't Know Can Hurt You: Computer Security for Lawyers, March 2014

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Phishing, vishing and smishing – oh, my!, January 2018

Equifax was unprepared for a data breach, September 2017

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Opting out when private information goes public, March 2017

Are fingerprints keys or combinations?, February 2017

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Acknowledge the security issues, December 2016

Modern life is driven by the internet of things, November 2016

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Is Emailing Confidential Information a Safe Practice for Attorneys?, July 2018
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International Risk Management Institute, Inc. (IRMI)

Evolving Threats? Assess and Update Security Measures, June 2022

Cyber Security and the Russian Invasion of Ukraine, April 2022

Thoughts on the FBI Email Compromise—and Lessons Learned, January 2022

Ransomware, National Cyber Security, and the Private Sector, October 2021

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Third-Party Vendor Risk Management, March 2021

The Importance of (Remote) Security Culture in Mitigating Risks, December 2020

Security from Home: Continuing to Work and Learn Amid COVID-19, September 2020

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Human Aspect of Incident Response Investigations, January 2020

The Impact of Digital Incompetency on Cyber-Security Initiatives, September 2019

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Real-Life Consequences in a Digital World: The Role of Social Media, July 2018

Some Thoughts on the Dark Web—and How it Affects You, March 2018

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Understand the Layers of Cyber-Security and What Data Needs Protecting,
March 2017

Learn about the Internet of Things: Connectivity, Data, and Privacy, January 2017

Assessing Risk and Cyber-Security, September 2016

SCCE The Compliance & Ethics Blog

The Components of Strong Cybersecurity Plans: Parts 1-5, 2017

Prevention Is the Best Medicine, August 2016

Lawyerist

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Don't Be Too Hasty! What to Do When an Email Prompts You to Act Quickly,
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The Digital Challenges of COVID-19, June 2020

E-Discovery Deskbook

Chapter Thirteen “Forensic Experts—When and How to Leverage the Talent” co-authored with John M. Degan Briggs and Morgan, P.A.

The Complete Compliance and Ethics Manual 2022

Cybervigilance in Establishing Security Cultures

DECLARATION OF MARK LANTERMAN

EXHIBIT 2

1. EMPLOYMENT AGREEMENT

- a. Fight legal battles against Wilbur Ellis / Non-Compete Agreement.
- b. Pay fees associated with Non-Compete Agreement.
- c. Meghann Joyce from Redstone Law Firm requested permission to advise me
of the costs being paid by Simplot. She has been contacted by the Simplot legal team.

2. TAIT LACEY/PHIL HEIBEGER/COLLIN KOLBECK

- a. Want Tait involved in the planning of Simplot in the Salem area.
- b. Important piece of my success / Simplot's success in converting customer base.
- c. Phil Heibeger currently is operations / applied and interviewed at Beresford
- d. Collin Kolbeck currently sales / has not been approached

3. COMMITMENT OF FACILITIES NEAR SALEM

- a. 2 of my top revenue growers are located 120 miles from Beresford location with average being 90 plus miles. Facilities will be required to make this work.

4. PICK-UP, CELL PHONE, HOME OFFICE

- a. I prefer to own my own with reimbursement agreement between Simplot and myself.

5. SENIORITY

- a. Want to maintain my seniority - currently have 30+ years in industry.

6. VACATION

- a. Currently have 320 hours of vacation.

7. HEALTH INSURANCE

- a. My spouse is currently scheduled for eye surgery mid-April.
- b. Out-of-Pocket for this surgery is estimated at \$8,000 - \$10,000.
- c. Changing insurance may affect coverage. Reimbursement?

8. SALARY

- a. Current salary is \$270,000.
- b. Base pay is \$144,000 with balance of salary based on commission.
- c. Desired salary is \$320,000.
- d. Base pay of \$160,000 with 3-year guarantee of \$160,000 in commission.
- e. Commission paid in the month of November 2023, 2024, and 2025.

- f. If commission exceeds \$160,000 in the 3-year period, my commission would then be based off Simplot's bonus/commission structure.

9. FUTURE AMBITION

- a. To move from direct sales to management / supervisor position.

10. SIGN-ON BONUS

- a. Desire a \$30,000 sign-on bonus.

11. START DATE

- a. To be determined (after March 16, 2023).

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