

- 1 Q. So, but isn't your position that if that
2 document was created on a computer that had a
3 floppy drive and a hard drive, C drive, that if
4 Microsoft Office was just brought up and that
5 document was created, wouldn't the temp file
6 have been on the C drive?
- 7 A. Both.
- 8 Q. It would be in both places.
- 9 A. Yes.
- 10 Q. So the temp file then, the metadata with respect
11 to the temp file, wouldn't have been copied over
12 to that other floppy? Is that the point?
- 13 A. No. Not the point. The temp file would not
14 have been copied over to the other floppy disk.
- 15 Q. I see. Okay. With respect to the 60-gigabyte
16 hard drive and the identification of the Fox Pro
17 files you were asked to search for deleted files
18 and you found a substantial number of deleted
19 files after Mr. Zweizig turned over the
20 computer. Do you recall the dates?
- 21 A. Yes. Well, I recall that it was December, I
22 believe 29th of '03 and above.
- 23 Q. And after?
- 24 A. And after.
- 25 Q. Were you asked to look for the existence of Fox



1 Pro files that had date stamps prior to
2 November 13, 2003?

3 A. I was asked -- No, not specifically.

4 Q. So you were only asked to look for deleted
5 files, not Fox Pro files that were created prior
6 to November 13, 2003?

7 A. That is correct. But I am verifying with the
8 stipulation order. That is correct. The only,
9 the only restriction or limit that I had for the
10 year 2003 was the examination of media for the
11 limited purposes of identifying records from
12 2003 relating to the creation, modifying,
13 editing, storing, chain of custody, receipt and
14 transmission of the termination letter or
15 derivations thereof. So the actual look for
16 destroy and tampered with files was not limited
17 to 2003.

18 Q. Were you asked to examine any of Max Zweizig's
19 computers?

20 A. Personal computers?

21 Q. Personal computers.

22 A. No.

23 Q. Laptop. He had a laptop?

24 A. No.

25 Q. And that wasn't made available to you?

1 A. No.

2 Q. And your conclusion with respect to the exit
3 time on the e-mail was that, was that the dates
4 and times associated with that e-mail are
5 accurate?

6 A. Accurate in the sense that they were definitely
7 sent at that date and time would be no. If you
8 mean that the computer was accurate when it put
9 on those date and times based on whatever the
10 computer time was? I would say yes.

11 Q. Your testimony is that you have not been able to
12 refute that evidence; is that correct?

13 A. That's correct.

14 Q. And not that it didn't happen, just that you
15 weren't able to refute it?

16 A. I don't have any collaborating evidence that
17 tells me one way or another if it's accurate or
18 not.

19 MR. ROTE: Okay. That's all. Thank you.

20 ARBITRATOR CROW: Redirect.

21 Q. BY MS. MARSHALL: Yes. I just want to make sure
22 that I understand correctly. When Mr. Rote drew
23 the distinction between the e-mail that you
24 testified about that, if you recall that was an

