

## Robert Lance Fogarty CISSP, CCE

### Summary

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Lance has nearly 30 years of experience in the design, development, and deployment of networked computer systems, security strategies, and related technologies. Lance's diverse background includes extensive knowledge of operating systems, network infrastructures, the Internet, information security, programming, computer forensics, e-discovery, litigation support, and more, within a variety of industries.

### Areas of Strength

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- Computer Forensics
- Penetration Testing
- e-Discovery
- Security Auditing
- Network/Systems Design
- Operating Systems Support
- Litigation Support
- Programming
- Incident Response

### Representative case-types

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- Retrieving and analyzing computer evidence, providing litigation support, and presenting testimony in cases involving *Breach of Fiduciary Duty*, *Theft of Intellectual Property*, *Theft of Trade Secrets*, *Texas Theft Liability Act*, *Fraud*, *Forgery*, *Breach of Contract*, *Hidden Assets*, *Child Custody*, *Securities and Exchange Commission Investigations*, *Department of Justice Antitrust Investigations*, *Investigations on behalf of Bankruptcy Trustees*, *Spoilation and Destruction of Evidence*, and more.
- Assisting on investigations with the Texas Attorney General's Office, the Federal Bureau of Investigation (FBI), the Department of Justice (DOJ), and Securities & Exchange Commission (SEC) receiverships.

### Expert Testimony

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As an expert witness, Lance has testified in the following Texas counties: Collin, Dallas, Denton, Galveston, Rockwall, Shackelford, Tarrant, and Travis. He has also provided testimony in the United States District Court (Northern District of Texas) and in the Superior Court of Orange County, California.

### Sampling of Cases Where Testimony Was Provided

- *Nicole Darice Blind v. Thomas Blind*, Cause No. 2010-40620-362, In the 431<sup>st</sup> Judicial District Court, Denton County, Texas
- *J.M. Decker Ranch Investments, LLC, v. Justin State Bank and Howard Young*, Cause No. CV-10-1656, In the 59<sup>th</sup> Judicial District Court, Grayson County, Texas
- *Jeremiah Cottle v. Lora Cottle*, Cause No. 2013-001, In the 259<sup>th</sup> Judicial District Court, Shackelford County, Texas
- *Sheri Marsh v. Stephen Marsh*, Cause No. 296-52848-2010, In the 296<sup>th</sup> Judicial District Court, Collin County, Texas
- *Michael Kohrs v. JC Bowling & Company LLC, et al*, Cause No. DC-10-00159, In the 14<sup>th</sup> Judicial District Court, Dallas County, Texas
- *David W. Ritter v Holly J. Ritter*, Cause No. 1-06-146, In the 439<sup>th</sup> Judicial District Court, Rockwall County, Texas
- *Nouveau Tech Services v. Morley-Moss Inc., et al*, Cause No. DC-05-06063, In the 162<sup>nd</sup> Judicial District Court, Dallas County, Texas
- *Miracon Technologies LLC, v. Christopher Bledsoe, Jonathan Luna, and Lunatec Inc.*, Cause No. DC-12-090006, In the 298<sup>th</sup> Judicial District Court, Dallas County, Texas
- *Desert Beach, LLC v. Nottage Design PTY LTD.*, Cause No. 30-2012-00598934-CU-BC-CJC, In the Superior Court of the State of California in the County of Orange
- *Kristin Thomas v. Trent Thomas*, Cause No. 417-50626-2012, In the 417<sup>th</sup> Judicial District Court, Collin County, Texas
- *Garrett Draper, Grant Draper, and Antonio C. Garcia, III v. Campus Crest Communities, Inc., et al*, Cause No. D-1-GN-11-003669, In the 250<sup>th</sup> Judicial District Court, Travis County, Texas
- *Lumenate, LP v. D. William Currier, et al*, Cause No. CV-13-815919, In the Court of Common Pleas, Cuyahoga County, Ohio

- *T&E Investment Group, LLC, d/b/a Roberts Investment Group, and Timothy Roberts v. Christopher Faulkner, Breitling Oil and Gas Corporation, et al*, Civil Action No. 3:11-CV-0724-P, In the United States District Court for the Northern District of Texas, Dallas Division
- *INX, LLC v. Lumenate, LLC, et al*, Cause No. 429-03626-2012, In the 429<sup>th</sup> Judicial District Court, Collin County, Texas

### Professional Experience

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Since 2005, Lance has focused solely on the computer forensics, e-discovery, and litigation support aspects of computer security. To this end, his services have included computer forensic investigations, e-discovery processing and production, litigation support, and incident response for clients in Texas, New York, Florida, California, Oklahoma, and Utah.

In 1988, Lance started his technology career discovering, diagnosing, and documenting methods to circumvent flaws designed into a proprietary network computing system for **Pearle Health Services**. Lance then moved to **NEC America - Mobile Radio Division** where he provided the sole support for their existing network infrastructure. Lance held simultaneous titles at NEC including Network Administrator, Systems Programmer, Database Administrator, and Unix Administrator. Lance immediately set about the task of diagnosing and repairing the problems within the infrastructure bringing the system uptime to 99%, up from 60%. During his term at NEC, Lance successfully migrated the Mobile Radio Division from a slow, inflexible mainframe environment to a state-of-the-art integrated, networked Unix platform. Lance's career started during a time of "If you don't have it, write it." Lance wrote numerous programs and utilities to keep his environments functioning including DHCP – Automatic Address Distribution, Automated Nightly Batch Processing – Unix, Unix Network/Desktop Printing, Barcode Data Retrieval/Processing, Source Code Management System, and an International Data Synchronization System.

Lance continued his career at **Brierley & Partners of Dallas** as Director of Network Services. The challenges here were numerous including: bringing an outdated infrastructure into the 20<sup>th</sup> century, preparing for any "Year 2000" disaster, developing an infrastructure to support the dramatic growth in e-business for both Brierley and its clients, providing a secure and reliable environment for 24x7 operations, and many more.

At Brierley & Partners, Lance:

- Designed and implemented multiple data centers and a 24x7 Internet operation facility to increase uptime, provide improved security, and handle explosive organizational growth.
- Designed and implemented bulk e-mail operations increasing outbound e-mail capacity from a few hundred thousand to over 6,000,000 per day enabling support of increased client demand.
- Designed and implemented a company-wide infrastructure upgrade including an International Frame Relay, desktop, application, and server upgrades, enhanced e-mail system, and more in order to increase functionality, system performance, and organizational security.
- Integrated infrastructure and support resources for four organizations (Brierley, eRewards, RMPI, On-Call Vacations), reduced system downtime, and increased end-user productivity through focused efforts on efficiencies, process improvements, and security.

Prior to his tenure at Protegga, Lance worked for **Veloz Global Solutions**, a Process & Infrastructure Monitoring startup, as Manager of Network Architecture. Here Lance designed and implemented a secure and fully redundant 24x7x365 Network Operations Center and linked this with clients and Competency Centers across the globe enabling Veloz to provide process-level monitoring to its clients.

During Lance's career he has utilized the technologies listed below, and more, to provide desktop support, network administration, web administration, system administration, systems programming, database administration, security management, and computer forensics for his employers and clients.

### Technologies

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#### Forensics & Security:

AAA, AccessData Forensic Toolkit, AccessData Password Recovery Toolkit, AccessData Registry Viewer, Acronis Disk Director & True Image, Active@ Partition Recovery Enterprise, Active@ Password Changer, BlackBag Blacklight, BlackBag MacQuisition, Brutus, CacheBack, Cain & Able, Case Agent Companion, Cellebrite Physical Analyzer, Cellebrite UFED Ultimate, Chat Examiner, Checkpoint Firewall-1, Cisco IOS Firewall, DataNumen Outlook Repair, Decode Date, Decryption Collection Enterprise, Digital Detective NetAnalysis, Elcomsoft iPhone Password Breaker, Elcomsoft Password Recovery, E-Mail Detective, E-mail Examiner, Encase Forensic, Ethereal, Fookes Aid4Mail, Forensic Acquisition of Websites, Forensic Sorter, FTS iXAM, GetData Mount Image Pro, GFI LANguard, HFSExplorer for Windows, Internet Evidence Finder, Logicube Forensic Dossier, Mac Marshall, MD5Hash, MFT Object ID Decoder, MFT Ripper PE, Nessus, NetStumbler, Network E-mail Examiner, Nikto, nmap, Nucleus Kernel for Exchange, Nucleus Kernel for OST to PST, Nucleus Kernel for Outlook PST Repair, Nuix Proof Finder, Oxygen Forensic Suite, Paraben P2 eXplorer, Paraben Forensic Replicator, Paraben Device Seizure, Paraben P2 Commander, Passware Forensic Password Recovery Kit, Phlax, PinPoint Harvester, PinPoint MetaDiscover, PinPoint SafeCopy, PIX & IDS, PList Editor for Windows, RAID Reconstructor, Registry Ripper, Sam Spade, Simple Carver Suite, SnapView, SNMPwalk, SSL, Stellar Phoenix Macintosh, Symantec Backup Exec, SysTools BKF Repair, Tableau Forensic Acquisition Devices, Text Searcher, USBDeview, Veritas NetBackup, X-Ways Forensics

#### **Operating Systems:**

Windows 8, Server 2008, 7, Server 2003, Vista, XP, 2000, NT 3.5-4.0, UNIX (Solaris, HP-UX), Linux, Cisco IOS, Microsoft Clustering, Veritas Cluster Server, DOS V3 – V5, Novell 286 – 4.1, CPM, Alloy NTNx, MacOS, Apple iOS, Google Android, Windows Mobile

#### **File Systems:**

FAT12, FAT16, FAT32, NTFS, Ext2, Ext3, Ext4, HFS, HFS+, ReiserFS, Reiser4, UFS

#### **Network Software:**

Microsoft IIS, Apache, Microsoft Exchange, DNS, DFS, WINS, DHCP, SMTP, NTP, HSRP, FTP, IPSEC, ISAKMP, Lotus cc:Mail, IPSwitch iMail

#### **Smart Phones and Tablets:**

Apple iPhone, Apple iPad, Research in Motion (RIM) Blackberry, Motorola, Samsung, Nokia, and others

#### **Applications:**

Microsoft Office (Word, Excel, PowerPoint, Outlook), Internet Explorer, Chrome, Netscape, Firefox, Macromedia Dreamweaver, Flash, Fireworks, Adobe Photoshop, Illustrator, Acrobat, Nuance PDF Converter Pro, VMWare, Microsoft Virtual PC, White Canyon SecureClean, Intuit QuickBooks, JetBrains, Sublime

#### **Databases:**

Microsoft SQL Server, ORACLE, Postgres, Progress, Microsoft Access, Focus

#### **Programming:**

C, Visual Basic, SQL, Pascal, HTML, CSS, PHP, Java, Foxbase, Foxpro, Cobol, JCL, shell script (csh & ksh)

### **Computer Forensics Certifications and Licenses**

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#### **Certified Information Systems Security Professional (CISSP), Certification # 51679**

This certification, awarded by the *International Information Systems Security Certification Consortium*, includes extensive testing in the following 10 domains of knowledge in addition to verified experience.

- Access Control Systems and Methodology
- Applications and Systems Development Security
- Business Continuity and Disaster Recovery Planning
- Security Architecture and Models
- Telecommunications and Network Security
- Cryptography
- Law, Investigation and Ethics
- Operations Security
- Physical Security
- Security Management Practices

**Certified Computer Examiner (CCE)**, Certification # 678

The CCE certification is awarded by the *International Society of Forensic Computer Examiners*. The certification process includes minimum experience or training requirements, passing a written examination, and successfully performing actual forensic examinations on three test media.

**Private Investigator and Manager**, License # A13971

Licensed by the *Texas Department of Public Safety*

**Other Certifications, Training, and Self-Study**

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- Cisco Certified Network Professional (**CCNP**)
- Microsoft Certified Systems Engineer (**MCSE**)
- Master Certified Network Engineer (**MCNE**)
- Progress and Oracle Database Administration
- Unix Administration
- Ethical Hacking
- Rules of Evidence
- Rules of Civil Procedure
- Computer Forensics

**Professional Affiliations**

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- International Society of Forensic Computer Examiners (**ISFCE**)
- International Information Systems Security Certification Consortium (**ISC<sup>2</sup>**)

**Presentations, Publications, and Instructional Experience**

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- **State Bar of Texas** – Approved presenter of Minimum Continuing Legal Education (MCLE) courses
- **Publisher** of computer forensic whitepapers and articles of interest