

Andrew Crain

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SUMMARY

Andrew Crain provides expert witness and strategic consulting services to law firm and corporate clients in the areas of computer forensics, investigations, electronic discovery, and litigation support. Licensed in California as both an attorney and private investigator, he has assisted clients with a wide variety of consulting engagements in the past seventeen years. Mr. Crain also possesses many years of experience with personnel management, and profitably building and growing private computer forensics consulting practices.

His case experience includes areas such as theft of trade secrets, spoliation of evidence, internal investigations, employment disputes, government/regulatory inquiries, and fraud. He has provided expert testimony in declarations, depositions, and at trial. He has also served many times as a neutral computer forensics examiner, either by court appointment or stipulation. He frequently lectures at CLE seminars, in university courses, and in law firm presentations on the topics of investigations, computer forensics, and electronic discovery.

EDUCATION

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| J.D. | Colorado University School of Law, 2000 |
| B.A. | Butler University, 1996 |

PRESENT EMPLOYMENT

Managing Director, Global Investigations and Strategic Intelligence, Berkeley Research Group, 2018-present

PREVIOUS POSITIONS

Vice President of Forensics, Lighthouse Global (formerly Discovia), 2009-2018
Forensics Litigation Director, Bridge City Legal, 2007-2009
Forensics Lab Manager, SafirRosetti, 2001-2007
Project Manager, Fast Track Litigation Support, 2000-2001

PROFESSIONAL LICENSES AND CERTIFICATIONS

California Licensed Attorney (#212402), 2000
California Licensed Private Investigator (#26852), 2010

Certified Blacklight Examiner (CBE), 2016
Cellebrite Certified Logical Operator (CCLO), 2015
EnCase Certified Examiner (EnCE), 2008

REPRESENTATIVE ENGAGEMENTS

Waymo v. Uber: Conducted extensive and complex forensic analysis, generated expert reporting, and provided deposition and trial testimony in high-profile trade secrets lawsuit related to autonomous vehicle technology. Exemplar media coverage available at:

- <http://money.cnn.com/2018/02/10/technology/waymo-uber-what-we-learned/index.html>
- <http://www.latimes.com/business/autos/la-fi-hy-waymo-uber-trial-4-story.html>

Major ESI collection related to complex energy and environmental dispute: Coordinated and performed voluminous and complex data collection of nearly 100 systems at a construction site high in the Chilean Andes, on less than 48 hours notice.

Move v. Zillow: Conducted exhaustive forensic analysis and provided both deposition and evidentiary hearing testimony in trade secrets case related to real estate industry. Exemplar media coverage available at:

- <https://www.inman.com/2016/04/25/move-zillow-spoliation-hearing-day-6/>

ESI preservation and forensic analysis in intellectual property dispute : Spearheaded the rush, onsite preservation of more than 200 sources of evidence in an intellectual property matter in two weeks (including approximately 80 computers, 25 mobile devices, social media accounts, cloud storage data, and source code repositories).

Trade secrets forensic analysis and testimony: Provided declaration testimony and assisted the client's case team with defending and then resolving a fast-moving theft of trade secrets matter, related to the video game industry.

LITIGATION TESTIMONY EXPERIENCE

Marketron International Inc., Tapscan LLC –v- OneDomain, Inc., et al
Circuit Court of Jefferson County, Alabama
Case No. CV03-6465 (2002-04)
Designated by Plaintiff as Testifying Computer Forensics Expert (case settled)

Allied North America Insurance Brokerage Corp –v- Woodruff Sawyer
US District Court, Northern District of California
Case No. C-04-2527 MJJ (2004-06)
Designated by Plaintiff as Testifying Computer Forensics Expert. Provided deposition testimony.

Kimberly Rose –v- Novato Ford, Inc., et al.
Superior Court for the State of California, Los Angeles
Computer Forensics Expert for JAMS Discovery Referee (2005)

Bronstein –v- UBS Financial Services Inc., et al.

Superior Court for the State of California, Los Angeles

Case No. BC 331353 (2005-06)

Designated by Defendant as Testifying Computer Forensics Expert (summary judgment granted to client)

Oz Optics, Ltd., et al. –v- Hakimoglu, et al.

Superior Court for the State of California, Alameda County

Case No. 01-034488 (2002-06)

Provided Expert Testimony at Trial for Plaintiff (Plaintiff victorious on all causes of action, upheld on appeal, summary available at: <http://bit.ly/15goLuo>).

Roskelley –v- The Dow Chemical Co., et al.

Superior Court for the State of California, Contra Costa County

Case No. C05-00417 (2006)

Court-appointed Neutral Computer Forensics Expert

Easton Sports, Inc. –v- Warrior Lacrosse, Inc. et al.

US District Court, Eastern District of Michigan

Case No. 05-72031 (2005-06)

Served as Neutral Computer Forensics Expert. Provided deposition testimony.

In the matter of CERTAIN INCREMENTAL DENTAL POSITIONING ADJUSTMENT APPLIANCES AND METHODS OF PRODUCING SAME

International Trade Commission; Investigation No. 337-TA-562 (2005-06)

Designated by Defendant as Testifying Computer Forensics Expert (case settled). Provided deposition testimony.

Hameed S. Faidi and Inam I. Faidi, et al. –v- William H. Faidi, et al.

Superior Court for the State of California, Marin County

Case No. CV 062209 (2007-08)

Designated by Plaintiff as Testifying Computer Forensics Expert (case settled)

PC Specialists, Inc. –v- Fusionstorm, et al

Superior Court for the State of California, San Francisco County

Case No. CGC-07-464358 (2009)

Designated by Defendant as Testifying Computer Forensics Expert. Provided deposition testimony.

Michael Golden and Laurie Martinez –v- Margo International, et al

Superior Court for the State of California, Contra Costa County

Case No. C08-01103 (2009)

Designated by Defendant as Testifying Computer Forensics Expert (case settled). Provided deposition testimony.

CDS Distributing, Inc. –v- Mount Tam Fresh, Inc., et al

Superior Court for the State of California, Marin County

Case No. CV075824 (2009)

Designated by Plaintiffs as Testifying Computer Forensics Expert (case settled)

Gray 1 CPB, LLC –v- SCC Acquisitions, Inc., et al

Superior Court for the State of California, Orange County

Case No. 30-2008-00112660 (2010)

Designated by Defendants and Cross Complainants as Testifying Computer Forensics Expert. Provided deposition and trial testimony.

Ghilotti Brothers, Inc. –v- Monahan Pacific Construction, et al

Superior Court for the State of California, Marin County

Case No. CV060168 (2010)

Designated by Plaintiffs as Testifying Computer Forensics Expert. Provided deposition testimony, not called at trial.

The Retirement Group, et al –v- Cuenca, et al

Superior Court for the State of California, County of San Diego, Central Judicial District

Case No. 37-2008-91267-CU-BT-CTL (2010-11)

Designated by Defendants as Testifying Computer Forensics Expert (case settled)

Rosetta Stone, Ltd. v. Topics Entertainment, Inc.

U.S. District Court for the Eastern District of Virginia

Case No. 09-cv-00736 (2010)

Served as Neutral Computer Forensics Expert (case settled)

Eric Sedie –v- United States Postal Service

U.S. District Court for the Northern District of California, San Francisco Division

Case No. 08-4417 EDL (2010)

Served as Neutral Computer Forensics Expert. Provided deposition testimony.

Terry Bock –v- Zantaz, Inc.

JAMS Arbitration, San Francisco and New York City

Case No. 1425005771 (2010-11)

Designated by Defendants as Testifying Computer Forensics Expert. Provided arbitration testimony.

Catherine Norris –v- Jan Ebeling, et al

Superior Court for the State of California, Ventura County, East County Branch, Simi Valley

Case No. 56-2010-00372707-CU-FR-SIM (2011)

Designated by Plaintiffs as Testifying Computer Forensics Expert (case settled)

Aruba Networks, Inc. –v- Chris Spain

Superior Court for the State of California, Santa Clara County

Case No. 1-12-CV-226698 (2012)

Served as Neutral Computer Forensics Expert

Zynga Inc. –v- Alan Patmore and Kixeye Inc.

Superior Court for the State of California, San Francisco County

Case No. CGC-12-525099 (2012-13)

Provided declaration testimony (case settled)

Tracey McEuen –v- Riverview Bancorp, Inc., et al

U.S. District Court for the Western District of Washington (Tacoma)

Case No. 3:12-cv-5997 (2014)

Designated by Plaintiffs as Testifying Computer Forensics Expert (case settled). Provided expert report.

SanDisk Corporation –v- SK Hynix, Inc., et al

Superior Court for the State of California, Santa Clara County

Case No. 1:14-CV-262078 (2014)

Provided declaration testimony for Plaintiffs (case settled)

Business Transitions LLC, et al –v- David Grau, Jr., et al

U.S. District Court for the District of Oregon (Portland)

Case No. 3:13-cv-02168-ST (2014)

Designated by Plaintiffs as Testifying Computer Forensics Expert (case settled)

Move, Inc. et al –v- Zillow, Inc., et al

Superior Court of Washington for King County

Case No. 14-2-07669-0 SEA

Designated by Defendants as Testifying Computer Forensics Expert (case settled). Provided three expert reports, three depositions, and oral testimony during six-day evidentiary hearing related to spoliation allegations.

A.H. Lundberg Associates, Inc. –v- TSI, Inc.

U.S. District Court for the Western District of Washington (Seattle)

Case No. 14-CV-01160-JLR

Designated by Defendant as Testifying Computer Forensics Expert. Provided deposition and trial testimony

Kristian M. Ferry, M.D. -v- McKenzie Physician Services, LLC, et al

Circuit Court of the State of Oregon, County of Lane

Case No. 15CV13177

Provided declaration testimony for Plaintiff. Not called at trial.

Ten-X, LLC -v- Commercial Real Estate Exchange, Inc., Michael DeGiorgio, et al

Superior Court for the State of California, County of Los Angeles, Central District

Case No. BC616600

Designated by Defendant as Testifying Computer Forensics Expert (case settled). Provided declaration testimony.

Car-Freshner Corporation and Julius Samann Ltd., -v- Crocs, Inc.

United States District Court for Northern District of New York

Case No. 7:16-cv-0068-GLS-TWD

Designated by Defendant as Testifying Computer Forensics Expert (case settled). Provided expert report.

Blue Mountain Enterprises, LLC -v- Gregory S. Owen and Silvermark Construction Services, Inc.

Superior Court for the State of California, County of Solano

Case No. FCS049313

Designated by Defendant as Testifying Computer Forensics Expert. Provided declaration testimony. Case ongoing.

Waymo LLC -v- Uber Technologies, Inc., et al

U.S. District Court for the Northern District of California (San Francisco)

Case No. 3:17-cv-00939-WHA

Designated by Plaintiff as Testifying Computer Forensics Expert. Provided expert report, deposition testimony and trial testimony.

Cory Spencer, et al -v- Lunada Bay Boys, et al

United States District Court for the Central District of California, Western Division

Case No. 2:16-cv-02129-SJO

Designated by Plaintiff as Testifying Computer Forensics Expert (case ongoing). Provided expert report.

Amgen Inc. and Amgen USA, Inc., -v- Coherus Biosciences, Inc., KBI Biopharma, Inc., Howard Weiser, et al

Superior Court for the State of California, County of Ventura

Case No. 56-2017-00493553-CU-BT-VTA

Designated by Defendant as Testifying Computer Forensics Expert (case ongoing). Provided declaration testimony.