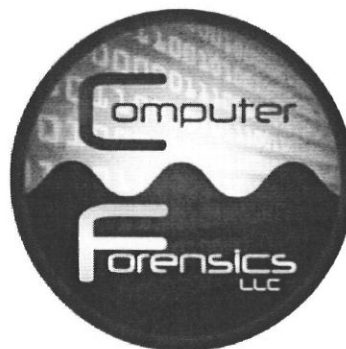


# ***EXHIBIT***

***F***



Computer Forensics, LLC  
1880 N. Congress Ave Suite 333  
Boynton Beach, FL 33426  
Main: 561.404.3074  
[www.ComputerForensicsLLC.com](http://www.ComputerForensicsLLC.com)

**Malibu Media, LLC v. Jesse Raleigh**  
**Civil Action Number: 1:13-CV-360-RJJ**  
**In the United States District Court for the Western District of Michigan**

Prepared On: October 5, 2015  
Prepared By: Patrick Paige, EnCE SCERS  
Managing Member  
Computer Forensics, LLC

Submitted to: M. Keith Lipscomb, Esq.  
LIPSCOMB EISENBERG & BAKER, PL  
2 South Biscayne Blvd.  
Penthouse 3800  
Miami, FL 33131

1. My name is Patrick Paige. I am a managing member at Computer Forensics, LLC. I am over the age of eighteen (18) and otherwise competent to provide this report. My *curriculum vitae* ("CV") is attached as Exhibit A.

2. Malibu Media, LLC ("Malibu") retained me: (a) to test and opine about IPP International U.G.'s ("IPP") and Excipio GmbH's ("Excipio") infringement detection system; and (b) to conduct a computer forensic examination of Defendant's computers devices and hard drives.

3. A list of all other cases in which, during the previous four years, I have testified as an expert at trial or by deposition is set forth on my CV.

4. Computer Forensics, LLC is compensated for my services at the rate of \$325 per hour of my time.

5. The only communication between me or Computer Forensics, LLC on the one hand, and Malibu or its counsel on the other hand, relating to the compensation received for my work on this matter is attached hereto as Exhibit B.

**A. Excipio's Infringement Detection System Works**

6. IPP uses an infringement detection system. IPP licenses this system from Excipio. I tested this infringement detection system. After performing the test, I concluded that the infringement detection system works. Specifically, the system accurately records the IP address of a person using BitTorrent to transmit data to Excipio's computer servers. The basis for this opinion and the facts and data I considered to give this opinion are identified on Exhibit C.

7. The facts and data that I considered to give the other opinions in this report are set forth on Exhibit D.

8. I conducted a forensic examination of Defendant's computer devices using the forensic software EnCase Version 7 by Guidance Software ("EnCase"), Internet Evidence Finder by Magnet Forensics ("IEF"), Registry Recon by Arsenal Recon, BlackLight forensic software by BlackBag Technologies, and F-Response Now Cloud Services.

9. I also received Defendant's Discovery Responses and the Deposition transcript for Defendant Jesse Raleigh, and his wife, Heather Raleigh.

10. In total, Defendant produced for examination his: (a) MacBook C02HW056DV31 ("MacBook Laptop No. 1"); (b) MacBook 340269NBATM ("MacBook Laptop No. 2"); (c) an iPad; (d) another iPad; (e) Western Digital external 2TB My Book hard disk drive serial number 574D415A4139303734343136 ("Western Digital Hard Drive"); (f) Toshiba 80GB external hard drive serial number X86AFIYXS ("Toshiba Hard Drive"); (g) PlayStation 3 ("Play Station"); (h) iCloud contents; and (i) DropBox contents. Collectively, these devices are referred to as Defendant's "Hard Drives".

**B. Defendant Intentionally Failed to Produce Relevant Computer Devices and Committed Perjury**

11. In response to Plaintiff's request for production of all servers in Defendant's home, Defendant stated that he "does not possess of any devices responsive to this request." *See* Defendant's Responses to Plaintiff's Second Set of Request for Production. And, at Defendant's deposition, he swore under oath several times that he does not own any servers.

Q. ... I just want to get a complete list so I understand every computer device that you had ... Servers, did you have any servers?

A. No.

Defendant's Dep. 30:24-25; 31:1

Q. No servers?

A. No.

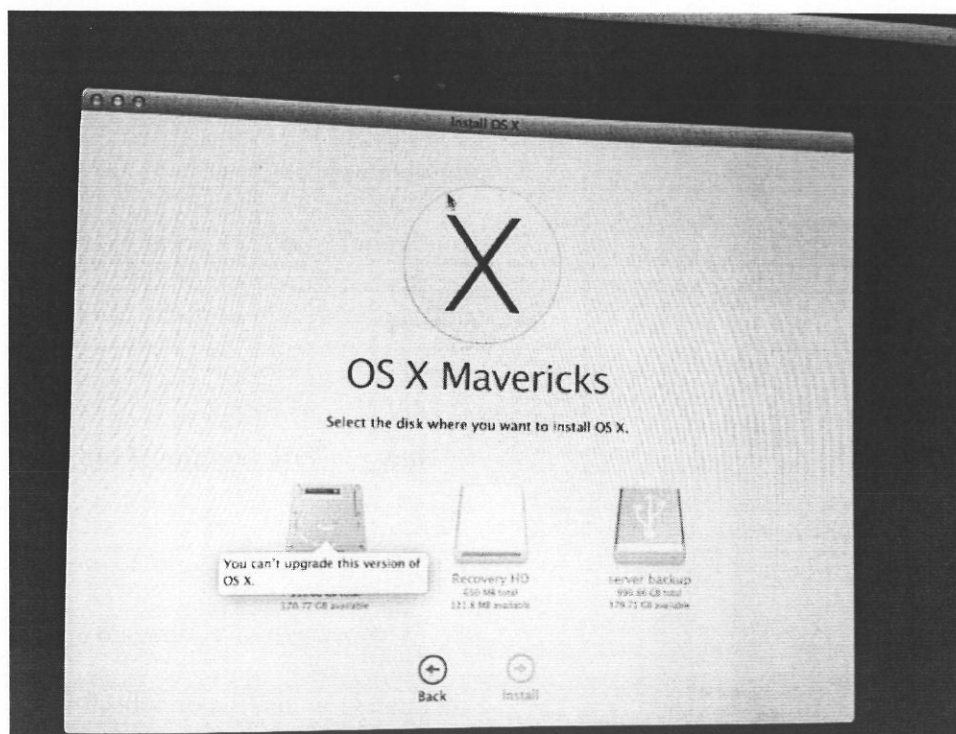
Defendant's Dep. 41:23-24

Q. Other than e-mail servers you did not have any other storage spaces that you were using?

A. Not that I recall, no.

Defendant's Dep. 61:22-24

12. Defendant's DropBox contained a picture illustrating the installation of Mac OS X Maverick operating system. One of the available drives is listed as a one (1) terabyte hard drive labelled as "server backup". The picture file was created on November of 2013.



13. On December 27, 2014, Defendant tweeted that he was "looking at the timestamps of some files on an old server of [his]."



**Jesse Raleigh** @dravine · Dec 27

looking at the timestamps of some files on an old server of mine, realizing I have been kicking around the aether for a long time :)



14. At that time, Defendant states he was working at Silversmith, Inc. Defendant's Dep. 44:16-19. When asked about Silversmith's servers, Defendant stated they were all between 50 and 100 GB in size, which is one tenth of the size of the server displayed in the screenshot. Defendant's Dep. 45:17-25.

15. Based on the foregoing, I conclude Defendant has a server and did not identify or produce it. Further, Defendant's testimony was materially and intentionally untruthful.

16. In response to Plaintiff's Interrogatory No. 4 seeking disclosure of all computer devices in Defendant's home, Defendant only listed two MacBook Laptops and two tablets (iPads). However, he testified that in 2013 he only owned two MacBook Laptops and two iPads. Defendant Dep. 26:10-13; 26:16-18; 27:20-21; 28:1-6.

17. Defendant's DropBox contained a picture of three MacBook Laptops and three tablets. The picture file<sup>1</sup> was created in June of 2013.



18. The third MacBook Laptop and the third tablet was not disclosed in discovery and never produced to me for examination.

19. At Mrs. Raleigh's deposition, attended by Defendant, Mrs. Raleigh first mentioned the third MacBook Laptop. Mrs. Raleigh's Dep. 33: 15-21. Defendant later admitted they owned a third MacBook Laptop, but denied it existed in 2013. Defendant's Dep. 26: 10-23.

---

<sup>1</sup> Note: This image was cropped to protect the identities of the children in the image.

20. Plaintiff's discovery was served on Defendant on October 25, 2013. Defendant produced his hard drives on December 3, 2014, March 6, 2015, August 25, 2015 and August 27, 2015. Defendant never supplemented his response to include a third MacBook Laptop.

21. Defendant claims that "numerous people throughout the years" brought and used their own laptops in Defendant's home. However, Defendant and his wife both refused to identify any specific person who did so. *See* Defendant's Dep. 48:12-20; Mrs. Raleigh's Dep. 38: 5-12.

22. The picture above does not show any guests. The MacBook appears to be identical to the other MacBooks favored by Defendant.

23. Based on all the evidence, I think it is likely that the MacBook in the photo belonged to Defendant, was in use during the period of recorded infringement, and was likely intentionally suppressed.

24. At his deposition, Defendant testified that in 2013 he did not own any other desktops or computer devices aside from those disclosed and produced in discovery. He also specifically denied owning an "all-in-one" computer, which he would "classify as a desktop". Defendant's Dep. 31:12.

Q: No all-in-one computers?

A: No...

Defendant's Dep. 31:14-15

Q: Okay. One of those things that looks like a monitor in my mind that -- do you know what I'm talking about?

A: Yeah...

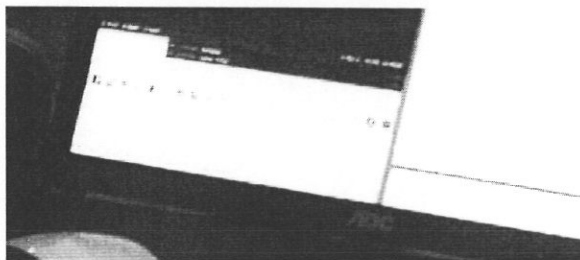
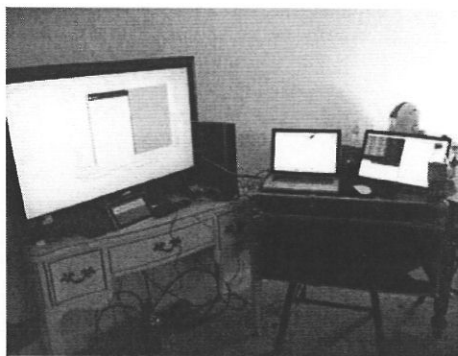
Defendant's Dep. 32:19-21.

Q: Do you ever recall while you were living in that quadruplex anybody bringing over additional desktop computers?

A: Desktop computers, no.

Defendant's Dep. 48:7-10.

25. Defendant's DropBox contained a picture of an AOC "All-In-One" tablet PC which is known to run an android operating system. The picture, titled "Working at Home", was created in November of 2012.



26. This AOC "All-In-One" was not disclosed in discovery and never produced to me for examination.

27. Defendant testified that aside from his DropBox and iCloud accounts, he did not have any other cloud storage devices. Defendant's Dep. 58:10-19.

28. I located numerous Google Drive account URLs ("Uniform Resource Locators" also known as web addresses) on Defendant's laptops.

29. Defendant did not ever disclose or produce the contents of his Google Drive account.



30. On Defendant's MacBook Laptop No. 1, I discovered the existence of folders which contained additional storage locations within Defendant's home network. Specifically, I located a folder titled "PSF" where in which Defendant consistently accessed files. This storage location was not ever disclosed in discovery nor produced to me for examination.

31. Based on all of the foregoing, I conclude Defendant intentionally failed to identify and produce all of his computer devices. Malibu's works could be on any of the suppressed devices.

**C. Defendant Used BitTorrent and Committed Perjury Regarding His BitTorrent Use**

32. In response to Plaintiff's Interrogatory No. 20, Defendant denied using BitTorrent to illegally download copyrighted content by declaring he "does not download torrents that are not opensource software and legally distributed." Computer records on Defendant's hard drives, as further discussed below, prove this to be a perjurious statement.

33. A search across all of Defendant's produced Hard Drives yields numerous files related to BitTorrent use.

34. First, the BitTorrent client "uTorrent" is installed on a Windows XP virtual machine on Defendant's MacBook Laptop No. 1. Computer records show that the uTorrent.exe file was first created on January 3, 2011.

35. Within the Windows XP virtual machine I also located the uTorrent protocol LNK file on the start menu for the computer user "Jesse".

36. Next, a search for the term "torrent" on Defendant's MacBook Laptop No. 1 yields numerous results, some of which were text files within the folder "Chinga\_La\_Migra\_Dos". This folder and its contents are related to a hacking event that took place in 2011. Indeed, this folder contains sensitive files released by hacker(s) which contain

individuals' personal information including social security, driver's license numbers, account passwords etc.

37. On Defendant's MacBook Laptop No. 1, I located "NFO" files in connection with the movie files "Lost Highway 1997 720p BRRip x264 RmD (HDSScene Release).mkv".

38. "An NFO file is basically pirated information which pertains to a software or program that is released and distributed by any organized group without the knowledge or permission of the creator or owner of the software."<sup>2</sup> The NFO files establish that these movie files were unauthorized pirated movies.

39. The BitTorrent client "uTorrent" was also installed on Defendant's MacBook Laptop No. 2.

40. Additionally, Defendant's MacBook Laptop No. 2 contained several .torrent files as listed below.

- "cablegate-201011290900.7z.torrent"; – a torrent file related to the United States diplomatic cables leak, widely known as "Cablegate";
- "Chinga La Migra.torrent" – a torrent file related the publication of hundreds of Arizona law enforcement classified documents;
- "Chinga\_La\_Migra\_Dos.torrent" – a torrent file located related to the publication of hundreds of Arizona law enforcement classified documents;
- "MMM\_Booz\_Allen.torrent" – a torrent file related to the publication of ninety thousand military email addresses and passwords;
- "cablegate-201108300212.7z.torrent" – a torrent file related to the United States diplomatic cables leak, widely known as "Cablegate"

41. Defendant's MacBook Laptop No. 2 contained .torrent files for copyrighted works as listed below.

- "Zenith.Part.1.2011.720p.x264-VODO.torrent" – a torrent file located on the MacBook Laptop No. 2 for the copyrighted movie "Zenith".
- "THE METEORS - [ WWW.PunksAndSkins.COM ] - 13 ALBUMS.torrent" – a torrent file located on the MacBook Laptop No. 2.

---

<sup>2</sup> <http://www.openthefile.net/extension/nfo> (Last Accessed on September 30, 2015)

- “Demented Are Go.torrent” – a torrent file located on the MacBook Laptop No. 2 of music by a British band;
- “American Survival Guide Magazine.torrent”

42. At his deposition and after being notified that computer files prove Defendant used BitTorrent to download copyrighted works as listed above, Defendant retreated from his prior perjurious statements, by testifying that he used BitTorrent to download open-source software, music by the band The Meteors, and some old magazines. However, Defendant’s deposition testimony is again false.

43. Indeed, I discovered numerous copyrighted music files on Defendant’s DropBox which contain torrent metadata, demonstrating that the content originated from the torrent website “torrentazos.com”. The music files are listed below:

- “05 The Rape Over.mp3”
- “06 - I Got Bass.mp3”
- “06 - Walk this way.mp3” By Aerosmith
- “06 Drive Slow (ft. Paul Wall & Glc).mp3”
- “06 Hate that I love You (Feat. Ne-Yo).mp3”
- “06 Metal Hear.mp3”
- “06 Nothing’s The Same.mp3”
- “06 Silver.mp3”
- “07 – Dude (Looks Like A Lady).mp3” By Aerosmith
- “07 – Girls Love Me feat. Rick Ross.mp3”
- “07 Bedstudy Parade & Funeral March.mp3”
- “07 Civilize The Universe.mp3”
- “07 Hell is High.mp3”
- “07 My Way Home (ft. Common).mp3” By Kanye West
- “07 Say it.mp3”
- “07 Sex Is Not The Enemy.mp3” By Garbage
- “07 What else is there.mp3”
- “08 – Blown feat T-Pain.mp3”
- “08 – Rag Doll.mp3” By Aerosmith
- “05 – Arab Money (Street Runnaz Remix) feat. Rick Ross, T-Pain, Akon & Lil Wayne 19884011e4a90.mp3”
- “06 – I Got Bass19883011e4a90.mp3”



44. Defendant's DropBox also contained files with torrent metadata indicating that the file originated from the "Kickass Torrent" database. The files are listed below.

- "Interactive Data Visualization for the Web14b0052a561.pdf"
- "JavaScript Programmers Reference13b0052a561.pdf"
- "Killer UX Design631e0052a561.pdf"
- "Learning iOS Programmingcc0052a561.pdf"
- "Professional Nodea30052a561.pdf"
- "Python for Kids63080052a561.pdf"
- "The Principles of Object – Oriented JavaScript63050052a561.pdf"

45. I also located several BitTorrent website URLs pertaining to the website "The Pirate Bay". The Pirate Bay is an online website which enables piracy of copyrighted works through its extensive index of torrent files.

**D. The Creation Date of the Volume on Defendant's Western Digital Erased All Data on the Western Digital Prior to December 17, 2013**

46. I was able to locate and identify USB devices which were plugged into both of Defendant's MacBook Laptops.

47. First, I discovered that a Western Digital MyBook Essentials External Hard Drive ("Western Digital Hard Drive") serial number "574D415A4139303734343136" was initially not produced.

48. I then conducted a keyword search across both MacBook Laptops for the Western Digital Hard Drive's serial number - "574D415A4139303734343136". The results of this search prove that the Western Digital Hard Drive was plugged into both the MacBook Laptop No. 1 and MacBook Laptop No. 2 numerous times between October 2011 to December 2014. In other words, Defendant has been using the Western Digital Hard Drive in connection with his MacBook Laptops for the past five years.

49. On March 6, 2015, Defendant produced his Western Digital Hard Drive. During my examination of same, I discovered that it contained a FileVault2 encrypted volume.



Defendant provided me with the password “dontbeafuckingprickman15423” which successfully unlocked the volume.

50. Examination revealed that the drive was used as a “backup drive” through use of the software “Time Machine”.

51. Time Machine is backup software which keeps all the backups stored until the disk (on which the backup is stored) becomes full. Once the disk is full, the oldest backups are deleted.

52. During Defendant’s deposition, he testified that his Western Digital Hard Drive “was purchased specifically to be a backup drive.” And, that it “was only ever used for that purpose from its purchase date forward.” Defendant’s Dep. 77:12-14.

53. However, the FileVault2 encrypted volume on the Western Digital was created on December 17, 2013. Notably, near that time, Defendant’s responses to Plaintiff discovery were due and Defendant would therefore be required to produce his hard drives to Plaintiff.

54. Creation of FileVault2 encrypted volume erased all data that existed on the hard drive prior to December 17, 2013. And, its subsequent use caused all data to be unrecoverable.

55. Plaintiff’s works could have been on the drive prior to creation of the FileVault2 encrypted volume.

**E. Defendant’s Intentional Failure to Produce Relevant Devices and the Other Evidence Makes it Likely that Defendant is the Infringer**

56. In my review of all the evidence in this case, I discovered significant correlations between Plaintiff’s Additional Evidence on the one hand, and Defendant’s hard drives, the deposition transcripts, and other public information about Defendant on the other hand.

57. The correlations, as further discussed below, are too substantial to be coincidental. Indeed, they match defendant's interests and hobbies, along with the interests of his wife and children.

58. For example, on Defendant's YouTube page [<https://www.youtube.com/user/dravine>], Defendant subscribed to the channels "The Modern Survivalist", "six pack shortcuts", and "signmaa 3 survival school". Defendant also produced in discovery a list of phone applications he possesses one of which is titled "SAS Survival Guide." Defendant further testified that he possesses the book "The Ultimate Guide to U.S. Army Survival Skills, Tactics and Techniques" and that he may be in possession of the e-books "The Survival Handbook, Essential Skills for Outdoor Adventure" and "Kettlebell training for athletes develop explosive power and strength for martial arts". Defendant's Dep. 90:13-25.

59. Plaintiff's Additional Evidence lists "The Ultimate Guide to U.S. Army Survival Skills, Tactics, and Techniques," "The Survival Handbook - Essential Skills for Outdoor Adventure," "Kettlebell Training for Athletes Develop Explosive Power and Strength for Martial Arts, F," and "The Pocket Outdoor Survival Guide - The Ultimate Guide for Short-Term Survival".

60. I was also able to locate the torrent file "American Survival Guide Magazine.torrent" on Defendant's MacBook Laptop No. 2.

61. Plaintiff's Additional Evidence lists a PlayStation 3 game titled "Dead Space 3". Defendant owns a PlayStation 3. And, Defendant testified that he has played Dead Space 3. Defendant's Dep. 91: 9-11.

62. Examination of Defendant's PlayStation 3 revealed that Defendant played the games "Resident Evil 6" and "Resident Evil 5" which Defendant also confirmed at his

deposition. Defendant's Dep. 92:15-18. Plaintiff's Additional Evidence lists the game "Resident Evil 6 Full For PC + Crack" as downloaded on February 1, 2013.

63. Plaintiff's Additional Evidence lists "The Karate Kid (2010)" as downloaded on February 6, 2013. Defendant's PlayStation3 contained the movie "The Karate Kid" in Blue Ray.

64. Defendant admitted to using BitTorrent for linux purposes and to download ISO images. See Defendant's Response to Plaintiff's Interrogatory No. 14. Plaintiff's Additional Evidence lists "linuxmint-13-kde-dvd-64bit.iso" which is a linux related download.

65. Defendant's Deviant Art website [<http://dravine.deviantart.com/>] states that his favorite cartoon character is "Shake" from television show "Aqua Teen Hunger Force". Defendant also testified that he watches "Aqua Teen Hunger Force". Defendant's Dep. 91:12-14. The television show "Aqua Teen Hunger Force" is listed on Plaintiff's Additional Evidence numerous times as indicated in the chart below.

Date	Torrent File Name
09/07/2012	[ www.TorrentDay.com ] - Aqua.Teen.Hunger.Force.S09E09.HDTV.x264-2HD
08/28/2012	Aqua.Teen.Hunger.Force.S09E10.Totem.Pole.480p.WEB-DL.AAC2.0.H264
08/07/2012	[ www.TorrentDay.com ] - Aqua.Teen.Hunger.Force.S09E07.Fightan.Titan.HDTV.x264-FQM
07/30/2012	{www.scenetime.com} Aqua.Teen.Hunger.Force.S09E06.HDTV.XviD-AFG
07/24/2012	[ www.TorrentDay.com ] - Aqua.Teen.Hunger.Force.S09E05.The.Granite.Family.HDTV.x264-FQM
07/23/2012	Aqua.Teen.Hunger.Force.S09E04.Rocket.Horse.Jet.Chicken.HDTV.x264-FQM.mp4
07/23/2012	[ www.TorrentDay.com ] - Aqua.Teen.Hunger.Force.S09E03.HDTV.XviD-AFG
07/23/2012	[ www.TorrentDay.com ] - Aqua.Teen.Hunger.Force.S09E01.HDTV.XviD-AFG
07/23/2012	[ www.TorrentDay.com ] - Aqua.Teen.Hunger.Force.S09E02.HDTV.XviD-AFG

66. Defendant's personal website [<http://www.jraleigh.com>] states that Mrs. Raleigh has an interest in "up cycling clothing". At her deposition, Mrs. Raleigh defined "up cycling" as "taking one piece of clothing or article and turning it into something else." Mrs. Raleigh's Dep. 48:1-6. She also confirmed that she upcycles clothing. *Id.* Plaintiff's Additional Evidence lists "1000 Ideas for Creative Reuse - Remake, Restyle, Recycle, Renew -Mantesh" which is "a



cutting edge collection of the most inventive work being made with re-used, upcycled, and already existing materials.”<sup>3</sup>

67. Mr. and Mrs. Raleigh have two young boys. Mrs. Raleigh testified that no other children resided within their quadruplex during the period of recorded infringement and that if there were other children living in the quadruplex, she would have been aware. Mrs. Raleigh’s Dep. 13:2-11; 13:14-25; 14:1-5. Plaintiff’s Additional Evidence lists numerous media content specifically targeted at children. Below is a list of such content.

- “Finding Nemo (2003)”;
- “Toy Story 3 (2010) [1080p]”;
- “The Amazing Spiderman (2012) [1080p]”;
- “The Avengers (2012) [1080p]”;
- The Movie “Arthur Christmas”;
- “Captain.America.2.Jaybob.DVDRip”;
- “Dragon.Hunters.2008.720p.BluRay.DTS.x264-PIS [PublicHD]”;
- “Sammy s Adventures 2 2012.French DVDRip XviD READNFO-ICE”;
- “How to Train your Dragon (2010) [1080p] {5.1}”

68. Mrs. Raleigh testified that her sons have seen all of the “Toy Story” movies. Mrs. Raleigh’s Dep. 49:1-11. The movie Toy Story 3 (“Toy Story 3 (2010) [1080p]”) is listed on Plaintiff’s Additional Evidence.

69. Defendant produced a list of software applications installed on his phone. One application is titled “Medical Encyclopedia”. Plaintiff’s Additional Evidence lists “Current Medical Diagnosis and Treatment 2013 (gnv64).pdf”

70. Defendant possess phone applications titled “How to Cook Everything” and “Betty Crocker”. Defendant also tweeted that he intended on writing a “Family Cookbook with all the recipes [he] [loves]”.

---

<sup>3</sup> <http://www.amazon.com/1000-Ideas-Creative-Reuse-Restyle/dp/1592535402> (Last Accessed on October 2, 2015)





Jesse Raleigh @dracone Jan 3

But today, I'm using it differently, decided to start a new project this year and write a Family Cookbook with all the recipes I love :)

71. This matches Plaintiff's Additional Evidence which lists "Mastering the Art of French Cooking.pdf" and "631\_Mackenzies\_Ten\_Thousand\_Receipts".

72. The possibility that these correlations are the coincidental BitTorrent infringements of a neighbor with the exact same interests as Defendant is small.

73. Since Plaintiff's Additional Evidence correlates to Defendant and his family's interests, hobbies, and activities, I would have expected to find torrent files correlating to the Additional Evidence on at least one of the computers or data storage devices that Defendant produced. No such evidence was located. Consequently, this bolsters my conclusion that Defendant has failed to identify and produce all of the computer and data storage devices in his home.

### CONCLUSION

74. Based on the evidence and data identified in this report and its attachments, I conclude Defendant failed to produce relevant computer devices and Plaintiff's works may be on the undisclosed computer devices. Additionally, the creation of the FileVault2 volume on Defendant's Western Digital erased all data on the hard drive prior to December 17, 2013. Evidence of Plaintiff's works may have been on the Western Digital prior to creation of the FileVault2 volume. Lastly, the correlations between Plaintiff's Additional Evidence, the computer files discovered on Defendant's produced hard drives, and all other social media evidence shows that Defendant is likely the infringer of Plaintiff's works.

**STANDARDS AND LIMITATIONS**

75. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and the limitations set forth herein, and are my personal, impartial, and unbiased professional analyses, opinions and conclusions.

76. The reported analyses, opinions, and conclusions were performed using general accepted methods and are compliant with the professional standards within the computer forensics industry.

77. I have no present or prospective interest in the parties related to this matter.

78. I have no bias with respect to any product, service, or party related to this matter.

79. My engagement in this assignment was not contingent upon developing or reporting predetermined results.

**FURTHER DECLARANT SAYETH NAUGHT.**

**DECLARATION**

**PURSUANT TO 28 U.S.C. § 1746**, I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on this 5<sup>th</sup> day of October, 2015.

By: **Patrick Paige**  
**PATRICK PAIGE**

Digitally signed by Patrick Paige  
DN: cn=Patrick Paige, o=Computer Forensics LLC,  
ou, email=Patrick@ComputerForensicsLLC.com,  
c=US  
Date: 2015.10.05 23:22:54 -04'00'