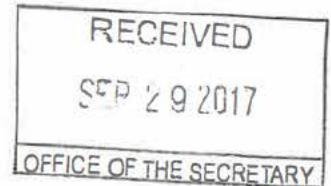


UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION.



Admin. Proc. File 3-18150

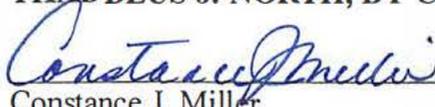
In the matter of the Application of
THADDEUS J. NORTH
For Review of Disciplinary Action Taken
by FINRA

Motion and Brief in Support of
Admission of Additional Evidence to
Supplement the Record in Disciplinary
Proceeding No. 2012030527503

Pursuant to the Securities and Exchange Commission (the "Commission") Rules of Practice 154 and 452, applicant Thaddeus J. North ("Mr. North") moves for the admission of relevant and material evidence omitted or not available during the Financial Industry Regulatory Authority ("FINRA") Disciplinary Proceeding No. 2012030527503 and explains below (i) the nature of the evidence, (ii) the good cause for why the evidence was not introduced in the proceedings below, and (iii) how and why it is material and relevant to the proceedings and this appeal. This motion is supported by the following Brief and Exhibits attached.

Respectfully submitted this 29th day of September 2017.

THADDEUS J. NORTH, BY COUNSEL



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Brief in Support of Applicant North's Motion

I. The nature of the additional evidence.

The additional evidence, offered according to Commission Rule 452 and listed below, is material and relevant because it tends to prove that testimony and evidence admitted by the Hearing Officer in the FINRA Enforcement proceedings were inadmissible and prejudicial and so resulted in reversible error. The additional evidence also demonstrates a criminal departure from lawful protocol towards electronically stored information ("ESI"), including Email, Email metadata and attachments, texts, chats, and Bloomberg messaging (collectively "Email"), and records of compliance actions ("Smarsh Reports") allegedly recorded by the Smarsh Management Console ("SMC") allegedly supported by Smarsh Inc. ("Smarsh") and that were used in Enforcement's proceedings. The additional evidence offered consists of the following:

- Frank Huber Summary Report dated February 23, 2016 ("Huber Summary"), attached as Exhibit 1;¹
- Frank Huber Declaration dated June 9, 2015 ("Huber Dec"), attached as Exhibit 2;²

¹ Mr. Huber has over 30 years of expertise in government network systems, computer programming and scripting, Y2K remediation, and Extensible Mark-up Language ("XML"). In this case, over eighty-five percent (85%) of the Ocean Cross "Email" messaging is Bloomberg, which is XML as a native file. *See* Exhibit 1 at 10-12. Between May 2015 and January 2016 Mr. Huber prepared five reports. In each he describes the systematic examination and analysis performed for each report. *See* Exhibits 1-5. As the reports describe, Mr. Huber examined over two million electronic files disclosed by Enforcement in this and a related proceeding involving Southridge Investment Group LLC ("Southridge"), Email and metadata from third party sources, the Smarsh Reports, reports prepared by three professionals previously consulted about various characteristics of the ESI, witness statements, declarations, testimony, and evidence submitted in the Southridge and Ocean Cross FINRA proceedings and *North, et al v. Smarsh, Inc., et al*, 160 F. 3d 63 (D.D.C. 2015). *See* Exhibit 1 at 14. Specifically, Exhibit 1 summarizes conclusions from Mr. Huber's four prior reports and notes that: the ESI shows handling on non-Y2K compliant resources; Enforcement Examiner McKennedy admitted to altering Smarsh Reports; how Emails show alteration and real-time interception; ARIN records show no servers are registered to Smarsh; and no IP addresses in the Email metadata resolve to Smarsh. *See also* Exhibit 4, Huber Dec. 3 ¶ 12.

² Exhibit 2 is attached for convenience; it was tendered to the NAC Subcommittee and rejected before the NAC Hearing Panel convened on March 8, 2016. Record (R.) 001361, 001517. This

- Frank Huber Supplement Declaration dated August 11, 2015 (“Huber Supp.”), attached as Exhibit 3;³
- Frank Huber Declaration dated November 28, 2015 (“Huber Dec. 3”), attached as Exhibit 4;⁴
- Frank Huber Declaration dated December 22, 2015 (“Huber Dec. 4”), attached as Exhibit 5;⁵
- Excerpt from Testimony of Enforcement Investigator Robert Sherman from Disciplinary Proceeding No. 2010025087302 (“Sherman Testimony”), attached as Exhibit 6;
- Declaration of Bonnie Page, Smarsh General Counsel dated September 3, 2015 (“Page Dec.”), attached as Exhibit 7;⁶
- Email dated October 25, 2011 from Smarsh Support, 75 Broad Street, New York, NY, with IP addresses and CIDR Range Values (“Smarsh Support Email”), attached as Exhibit 8;
- Declaration of Tom McCay of Southridge Technologies Grp LLC, dated September 4, 2015, attached as Exhibit 9 (“McCay Dec.”); and
- Excerpt from Testimony of William E. Schloth date 4/23/2012 in Disciplinary Proceeding No. 2012030527503 (“WES OTR”) and Web.com receipts, attached as Exhibit 10.⁷

II. Background and Mr. North’s diligence.

Smarsh originally contracted with Southridge Investment Group LLC (“Southridge”) in late 2005 under its former name of Greenfield Capital partners, LLC to archive the employees’

report describes how Email metadata records the use of software, AES-256 encryption, and processes responsible for the false positives observed in the data, demonstrating that actions towards the Email were intentional and involved human intervention. *See* Exhibit 2 ¶¶ 8-18.

³ Exhibit 3 was tendered to the NAC Subcommittee as was Exhibit 2. *See supra* note 2. This report identifies Internap Corp. as FINRA’s Internet Service Provider (“ISP”) and explains that Email was redirected to and processed in a private network accessible by FINRA employees, of necessity the “Email” was reconstructed to look like Email, and because no servers are registered and no IP address resolves to Smarsh according to ARIN, it is apparent that Smarsh did not have the resources to archive the Email according to Commission rules. *See* Exhibit 3 ¶¶ 10-11.

⁴ Exhibit 4 explains how the data shows non-Y2K compliant resources were used to process ESI.

⁵ Exhibit 5 distinguishes journaling from archiving and notes the use of AES-256 encryption in processing the ESI as evidence that Smarsh did not archive the Email and that federal resources, to which FINRA would have access, were used in storing and processing the ESI. Mr. Huber also observed that the substantial quantities of Bloomberg related records relevant to Smarsh Reports could not have been unsuccessfully re-ingested after a migration absent intent. *Id.* ¶¶ 6, 7, 13, 15.

⁶ Exhibit 7 was likewise tendered as Exhibits 2 and 3. *See supra* note 2.

⁷ Exhibit 10 was offered as RX-19, R. 000917, and rejected, R. 1037.

Email and provide a compliance platform for storing and reviewing Email. Mr. North joined the Southridge firm in early 2008. In late 2010, FINRA Enforcement commenced an examination of the Southridge firm encompassing the months of July 2009 through June 2011.⁸ Southridge closed in September 2011⁹ and about half of the registered brokers, including CEO William Schloth and Mr. North transferred employment and registration to Ocean Cross Capital Markets, LLC (“Ocean Cross”). Harry Bloch¹⁰ joined the firm as the Municipal Securities Principal. For compliance and practical reasons, unlike his duties involving Email at the Southridge firm, Mr. North was intentionally not “the” or “a” designated principal for reviewing Email at Ocean Cross. Within six months of opening, Enforcement commenced examination of Ocean Cross from its opening in September 2011 through April 2012. Enforcement in Boston and New Orleans simultaneously filed disciplinary proceeding complaints against Mr. North in this matter in August 2013 and in July 2013 respecting his registration with Southridge.¹¹

Until Enforcement delivered its production to Mr. North in January 2014 and he compared a sample set from the production Email files to the same originals obtained from Bloomberg, LP (“Bloomberg”) in mid April 2014, Mr. North had no reason to question whether or not Smarsh delivered archiving and compliance solutions according to regulatory standards of 17 C.F.R. § 240.17a-4(f)(2) and the terms of its contracts. Mr. North noted irregularities in the Email that caused Email to appear to have been spoliated, and that Smarsh Reports delivered to him in 2012 were changed one or more times; he reasoned that the spoliation and changes must have been made either *during* the alleged archiving and examination periods, *e.g.*, between

⁸ See Disciplinary Proceeding No. 2010025087302 involving Southridge, which is also on appeal. See SEC Administrative File No. 3-17909.

⁹ See <https://brokercheck.finra.org/firm/summary/45531>.

¹⁰ See <https://brokercheck.finra.org/individual/summary/23688>.

¹¹ See *supra* note 7.

mid September 2011 and April 2012, or *after* Smarsh allegedly delivered the ESI to Enforcement, but *before* it was delivered by Enforcement to him in January 2014.¹²

The record shows that Mr. North diligently consulted professionals,¹³ including Bloomberg technicians, each of whom performed or offered different analyses of the production and third party sourced comparison ESI. He challenged the admissibility of the evidence used in this (and the Southridge) proceeding.¹⁴

Before the April 2015 hearing in this case, the Hearing Officer decided that the Email and expert testimony about its sources and handling were irrelevant,¹⁵ but held evidentiary hearings in which a Smarsh witness, Jimmy Douglas was called for the purpose of admitting into evidence

¹² See Exhibit 2, Huber Dec. ¶¶ 5h, 5i.

¹³ R. 00209, Andy Thomas of To The Rescue, Texas, assisted in collecting, inventorying, and identifying anomalies in the Email and ESI received from Enforcement and other third parties between April and October 2014. Referred to by Frank Huber in his reports are Dustin Sachs of Navigant who examined the disks received from Enforcement for errors in July 2014 and Jon Berryhill of Berryhill Computer Forensics, Inc. who determined in February and March 2015 that 100 percent of the Email and ESI allegedly “archived” by Smarsh and received from Enforcement had been altered. Mr. Huber was retained in May 2015 for his specific skills and experience.

¹⁴ R. 000307, 000537, 000917, 000961. *United States v. Hayes*, 120 F.3d 739, 743 (8th Cir. 1997) (“The defendants offered no good cause for waiting . . . to request this alleged *Brady* material. [The motion to adduce] was untimely.”); *Scott E. Wiard*, SEC Rel. No. 34-50393, 2004 WL 2076190 at *2 n.16 (Sept. 16, 2004) (rejecting request to adduce additional evidence where applicant failed to sufficiently explain why he did not offer the materials in the proceeding below.) See also, e.g., *Sidney C. Eng*, SEC Rel. No. 34-40297, 1998 WL 433050 at *7 & n.17 (Aug. 3, 1998) (denying motion to adduce additional evidence and noting that “a respondent cannot be permitted to gamble on one course of action and, upon an unfavorable decision, to try another course of action”) (internal citations omitted); cf. *Milano v. Bowen*, 809 F.2d 763, 767 (11th Cir. 1987) (holding that the requirement in 42 U.S.C. 405(g) that a reviewing court order the Social Security Administration to consider new evidence in a proceeding to determine benefits only where there was “good cause” for failing to introduce the evidence earlier) (internal citations omitted); *P&G v. Paragon Trade Brands*, 15 F. Supp. 2d 406, 415 (D. Del. 1998) (rejecting request to vacate court order and reopen discovery under the Federal Rules of Civil Procedure and noting that those rules do not “permit a party to sandbag its adversary with evidence or arguments available prior to trial in an effort to needlessly prolong the litigation or in a vain attempt to salvage a victory already lost”).

¹⁵ R. 771, 1037.

an August 19, 2014 letter he prepared (“Smarsh Letter”)¹⁶ and the Smarsh Reports.¹⁷ Because Mr. Douglas’ testimony conflicted with the evidence in the production files, other data Mr. North collected, and the opinions of professionals he had consulted, Mr. North contends that Enforcement offered Smarsh’s deceptive statements and testimony knowing it created the façade of a trusted source for archiving and compliance services Smarsh had no intent or ability to perform, and which led the Hearing Officer to err by denying Mr. North’s tender of expert testimony and evidence to show that Smarsh grossly failed to perform the services it claims to have performed and that neither the content of the Email nor the content of the Smarsh Reports is admissible or reliable to prove Enforcement’s contentions. The evidence now tendered demonstrates how Smarsh facilitated the interception and delivery of electronic communications files to FINRA and so, Smarsh had no hand in preparation of Smarsh Reports because it owns, controls and operates none of the equipment necessary to archive and support Email, or to perform archiving, or to provide compliance services.

A. Most of the additional evidence became available after the August 21, 2014 deadline for submitting proposed exhibits and witnesses.

The deadline for submitting witness and exhibit lists in the Enforcement proceeding below was August 21, 2014.¹⁸ After the November 2014 evidentiary hearings in this matter and during an April 13, 2015 evidentiary hearing in the Southridge matter, a different Smarsh witness testified that Bloomberg data was lost to migration;¹⁹ during the April 27, 2015 hearing in this

¹⁶ See R. 001335, CX-13.

¹⁷ See R. 001063, 001293, 001297, 001325, 001329; CX-9—CX-12. In the Southridge matter an evidentiary hearing was held on the morning of the scheduled panel hearing.

¹⁸ R. 000167, 000209.

¹⁹ See Exhibit 2, Huber Dec. ¶ 24 and Attachment 2. Respecting decommissioned servers, file migration and failed re-ingestion, *compare* Exhibit 6, Sherman Testimony at 114-15 and 119-121, *with* Exhibit 7, Page Dec. ¶ 4.

matter Enforcement Examiner James McKennedy revealed that non-Y2K compliant²⁰ resources produced the Smarsh Reports and that he could “fix” them.

Because most issues involving ESI are beyond his experience, were misrepresented by Smarsh witnesses and so were not addressed in the proceedings, or explained to a necessary level by the professionals he had consulted before the hearings in this matter, Mr. North retained Mr. Huber²¹ in May 2015 to examine the entire record and explain what happened to the Email, who was responsible, and why Smarsh Reports could be “fixed” by a FINRA examiner. In September 2015 Smarsh’s General Counsel admitted that users were instructed to change server settings to include IP addresses,²² confirming that instructions Smarsh gave to Ocean Cross brokers are the device, according to the Electronic Communications Privacy Action, 18 U.S.C. §§ 2501-2521 (2016) (“ECPA”), used to unlawfully intercept and redirect the brokers’ business *and personal Email* in real time to a private network accessible by FINRA and identified by Mr. Huber. Mr. North filed a motion to admit the introduction of Exhibits 2, 3, 7 and 9 in September 2015; but the motion was denied.²³

B. The additional evidence is relevant, material, and admissible for good cause.

1. Frank Huber Declarations.

Good Cause. The Hearing Panel considered the underlying case on April 27, 2015. Mr. Huber was retained in May 2015 and his reports are dated June 9, 2015, August 11, 2015,

²⁰ See R. 001099, Testimony of James McKennedy at 35:9 – 37:6. See also Exhibit 2, Huber Dec. ¶¶ 5h, 5i, 16, and Conclusion; Exhibit 4, Huber Dec. 3 ¶ 11-12. See Y2K Act, 15 U.S.C. §§ 6601-6616 (1999).

²¹ See Exhibit 1 at 1.

²² Compare Exhibit 7, Page Dec. with Exhibit 8, Smarsh Support Email and Exhibit 9, McCay Dec.

²³ R. 001517, 001567.

November 28, 2015, December 22, 2015, and February 23, 2016.²⁴

In underlying proceedings Mr. North and even the professionals he consulted prior to retaining Mr. Huber in 2015 presumed that Smarsh performed the archiving services, supported the SMC for the Ocean Cross firm, and delivered an archival copy of Email and the Smarsh Reports directly to Enforcement in response to FINRA Rule 8210 letters Enforcement issued in 2012. Mr. Huber's analysis of the Email, its metadata and the record between May 2015 and February 2016 revealed that the presumption was wrong and therefore, wrongly lent credibility to Smarsh's operations, its witnesses, testimony, and the Smarsh Reports allegedly produced by Smarsh.²⁵ The inconsistent and contradictory testimonies and evidence Enforcement offered in the November 2014 evidentiary and April 2015 Panel Hearings, though designed to thwart Mr. North's defense and maintain the façade of services Smarsh could not and did not perform, exposed the flawed presumption about Smarsh's alleged archiving and compliance solutions.

Relevance and Materiality. Mr. Huber's analyses conclude that (1) Smarsh did not archive the electronic communications for any employee at Ocean Cross because Smarsh does not own, operate or control any servers registered with American Registry of Internet Numbers ("ARIN")²⁶ and there was no evidence that any employee of Smarsh physically went to the offices of Web.com, the Email service provider for the Ocean Cross firm, to connect an archive server to Web.com's Email server,²⁷ (2) *Smarsh did not journal the Email to an archive at an IP address because Email cannot be journaled over the Internet to an IP address*; (3) Smarsh instructed users to change settings on servers and communication devices; however, the server IP

²⁴ See attached Exhibits 1-5, Frank Huber Declarations.

²⁵ See Exhibit 1, Huber Summary ¶ 12; Exhibit 2, Huber Dec. ¶¶ 8, 9, 15, 16, 27-29, and Conclusion; Exhibit 3, Huber Supp. ¶¶ 3-6, 8-12, and Conclusion.

²⁶ See <http://whois.arin.net/ui/>. See also Exhibit 3, Huber Supp. ¶ 6; Exhibit 4, Huber Dec. 3 ¶¶ 7, 8, 13; Exhibit 5, Huber Dec. 4 ¶¶ 10-11.

²⁷ See Exhibit 9, McCay Dec. ¶¶ 9-10.

addresses in the Smarsh instructions do not resolve to Smarsh;²⁸ (4) the Smarsh instructions were the device of interception for redirecting the Email to a private network, where government resources, including non-Y2k compliant resources,²⁹ were used to process and reconstruct the ESI to appear like Email taken from an archive³⁰ and to produce the Smarsh Reports;³¹ and (5) Enforcement had real time access to the private network³² to which Smarsh instructions sent Ocean Cross employees' business *and personal* Email.³³

It is both material and relevant that Smarsh does not own, operate or control any servers, and therefore, it could not support the alleged SMC on which compliance actions were allegedly recorded. This means that testimony and statements solicited by FINRA prosecutor(s) from Smarsh witness(es) about archiving and the SMC were a fraud on the process, not foundation for admitting the Smarsh Reports as evidence, and the Hearing Officer committed reversible error.

2. Excerpt from Testimony of Robert Sherman in Disciplinary Proceeding 2010025087302 about records lost in migration.

Good cause. The hearing in this matter took place on April 27, 2015. Mr. Sherman testified on April 13, 2015 in the Southridge matter; that hearing transcript was not available

²⁸ See Exhibit 5, Huber Dec 4 ¶¶ 6, 9-11. See also Exhibit 8, Smarsh Support Email. Server types and Email compatibility can be identified from IP addresses specific search tools. See <http://www.nirsoft.net/utills/ipnetinfo.html> and <https://www.iptrackeronline.com>.

²⁹ See Exhibit 2, Huber Dec. ¶¶ 5g, 9,10, 29, and Conclusion; Exhibit 3, Huber Supp. ¶ Conclusion. See also Exhibit 1, Huber Summary ¶¶ 7, 12; Exhibit 2, Huber Dec. 3 ¶ 12.

³⁰ R. 001271, CX-2. See Exhibit 2, Huber Dec. ¶¶ 5g, 29, and Conclusion; Exhibit 3, Huber Supp. ¶ Conclusion.

³¹ See *supra* note 20. See also Exhibit 3, Huber Supp. ¶¶ 5a and Conclusion. In the Southridge proceeding, Smarsh witness Robert Sherman testified about unsuccessful data migration and re-ingestion that precluded production of underlying data for the Smarsh Reports in that case. In this case Mr. North challenged the Smarsh Reports as hearsay, lacking foundation, and because no underlying data was made available. Fed. R. Evid. 402, 403, 803(6) 1006. The Hearing Officer declined to order that Smarsh or Enforcement produce the underlying job requests and [server] event logs for the Smarsh Reports. R. 000537, 000703, 000771.

³² See Exhibit 5, Huber Dec. 4 ¶¶ 9-10; Exhibit 8, Smarsh Support Email.

³³ See Exhibit 1, Huber Summary ¶¶ 6, 9-11, 17, and Conclusion; Exhibit 2, Huber Dec. ¶ 9; Exhibit 5, Huber Dec. 4 ¶¶ 9-11, and Summary and Conclusions.

until after the April 27, 2015 hearing in this matter. Until Smarsh's General Counsel submitted her Declaration in September 2015, Mr. Sherman's testimony appeared to be admissible only to explain why Bloomberg records were unavailable in the Southridge case.

Relevance and Materiality. The testimony contradicts the testimony of and letter written by Smarsh witness Douglas respecting Smarsh's seamless archiving process and Smarsh General Counsel Page's statement about alleged decommissioning of the sands.smarsh.com server in July 2014.³⁴ The contradictory statements suggest that witnesses for Enforcement testified inconsistently because, as Mr. Huber concluded, Smarsh does not own, operate or control the equipment necessary to and had no intent or ability to archive Email or host the SMC.³⁵

3. Bonnie Page Declaration dated September 3, 2015.

Good cause. The deadline for submitting pre-hearing evidence was August 21, 2014; Ms. Page's Declaration is dated September 3, 2015 and was offered by Smarsh in another judicial proceeding³⁶ five months after the hearing in this matter to contest findings made by Mr. Huber in his June and August 2015 reports, Exhibits 2 and 3, respectively. Mr. North could not have anticipated the conflicting content and admissions contained in Ms. Page's Declaration.

Relevance and Materiality. Ms. Page participated as General Counsel for Smarsh in the November 5 and 25, 2014 hearings with Mr. Douglas (and the April 13, 2015 Hearing with

³⁴ Compare R. 001335, CX-13, with Exhibit 6, Sherman Testimony, and Exhibit 7, Page Dec.

³⁵ See *supra* notes 1, 3.

³⁶ See *North et al v. Smarsh, Inc. et. al.*, 15-cv-00494 (RMC) Docket No. 22-1. See 17 C.F.R. § 201.323 (2017):

Official notice may be taken of any material fact which might be judicially noticed by a district court of the United States, any matter in the public official records of the Commission, or any matter which is peculiarly within the knowledge of the Commission as an expert body. If official notice is requested or taken of a material fact not appearing in the evidence in the record, the parties, upon timely request, shall be afforded an opportunity to establish the contrary.

Robert Sherman³⁷) yet her Declaration contradicts both Smarsh witnesses' testimonies. Ms. Page's Declaration is a material admission that Smarsh did not attach an archive server to the Ocean Cross Email server (at Web.com), but instead gave "instructions" to users to change server and device settings, so that Email was sent to IP addresses.³⁸ Ms. Page states, "[T]he *user* of the email client must configure the server upon which the email client is hosted to copy messages to [sic] journaling address [which] translates to an IP address ... associated with the Smarsh archive server sands.smarsh.com" which alleged server was decommissioned in July 2014.³⁹ Archiving compliant with Commission rules, *e.g.*, 17 C.F.R. § 240.17a-4(f)(2), requires connection to the Email server; it is not accomplished by journaling to an IP address over the Internet.⁴⁰ The process Ms. Page described actually circumvents archiving and admits to Smarsh's role—delivering instructions—for the delivery of Email to FINRA; it is consistent with Mr. North's contention that Smarsh did not provide the alleged archiving and compliance services as it claims to have and that the Smarsh Reports were not admissible.

4. Email from Smarsh Support dated October 25, 2011.

Good cause. The deadline for submitting pre-hearing evidence was August 21, 2014. This Email was not in the production files delivered by Enforcement to Mr. North, but was among Email files obtained for the Southridge proceedings on or about October 28, 2014 from a back-up server hosted by Southridge Technologies Grp LLC ("SRT") for Southridge employees for use.

³⁷ See Exhibit 6, Sherman Testimony at 2.

³⁸ See Exhibit 1, Huber Summary ¶¶ 6; Exhibit 5, Huber Dec. 4 ¶¶ 10-11.

³⁹ See Exhibit 7, Page Dec. ¶ 4. Technically, only system administrators, not users, have authority to change Email *server* settings. Notwithstanding how server settings are changed, individual users can change settings on personal devices. *See also* http://en.help.mailstore.com/Archiving_Emails_from_Microsoft_Exchange_2010.

⁴⁰ See Exhibit 1, Huber Summary ¶ 16; Exhibit 5, Huber Dec. 4 ¶¶ 6-7; Exhibit 4, Huber Dec. 3 ¶¶ 5-6.

After the Southridge firm closed in September 2011, the SRT server continued to back-up Email files during the transition of business operations, employees, and archiving services from Southridge to Ocean Cross.⁴¹ This Email, which identifies the IP addresses referred to by Smarsh General Counsel Page, *supra*, was unknown until October 28, 2014; its relevance became clear after Ms. Page's Declaration of September 2015.

Relevance and Materiality. The content of this Email confirms that Smarsh had instructed Ocean Cross brokers, as General Counsel Page described, to change the Email settings on devices to direct electronic communications to "IP ranges". Mr. Huber explains that IP addresses with CIDR Range Values denote the existence of a private network and also, that none of the IP addresses in the October 25, 2011 Email resolve to servers controlled, owned, or operated by Smarsh.⁴² The Email is also relevant for the address displayed, allegedly for Smarsh Support located at 75 Broad Street, New York, NY; this address is associated with IP addresses in the production Email metadata and an Internap Corporation data center in New York City.⁴³ Internap is FINRA's Internet Service Provider ("ISP").⁴⁴

Smarsh does not and did not occupy offices at 75 Broad Street, New York City at any time, however, this Email links the metadata information identifying Internap's New York data center location to the private network and FINRA. This Email also demonstrates that FINRA selectively withheld Email; this Email was not in the production files for this case.

5. Tom McCay Declaration dated September 4, 2015.

Good cause. The deadline for submitting pre-hearing evidence was August 21, 2014;

⁴¹ See Exhibit 9, McCay Dec. ¶¶ 5, 8, 9.

⁴² See Exhibit 3, Huber Supp. ¶ 4; Exhibit 4, Huber Dec. 3 ¶¶ 7-9; Exhibit 5, Huber Dec. 4 ¶ 11.

⁴³ <http://www.datacentermap.com/USA/new-york/internap-75-broad.html>;

<https://hostingcompass.com/site/finra.org>.

⁴⁴ *Id.* See also Exhibit 3, Huber Supp. at 8 and 12.

Mr. McCay's Declaration is dated September 4, 2015. Mr. North did not know until late 2014 that the Smarsh Support Email identifying the IP addresses referred to by Smarsh General Counsel Page was in back-up files on a server hosted by SRT, the Email service provider for the Southridge firm.

Relevance and Materiality. Mr. McCay's Declaration confirms that records from SRT's backup server were delivered to Mr. North's agent on October 28, 2014. The Declaration further confirms that Smarsh did not attach to the SRT server for archiving.⁴⁵

6. Excerpt from Testimony of Ocean Cross CEO Schloth in Disciplinary Proceeding No. 2012030527503 and Web.com Receipts.

Good Cause. The pre-hearing deadline for submitting evidence was August 21, 2014. On or about August 21, 2014, Enforcement identified the August 19, 2014 Smarsh Letter as evidence for the proceedings.⁴⁶ Mr. North identified the testimony from on-the-record testimony given on April 23, 2012 to challenge the letter and show that Smarsh did not support the Email services for Ocean Cross as the Smarsh Letter describes. CEO Schloth's excerpted testimony and Web.com receipts disprove the statements in Mr. Douglas' letter and testimony about hosting Email services. The Hearing Officer however, did not allow Mr. North to use the excerpted testimony to impeach Mr. Douglas' testimony and the Smarsh Letter in the November 2014 hearings.⁴⁷

Relevance and Materiality. Enforcement counsel and examiners interviewed CEO Schloth and learned that Web.com provided Email services for Ocean Cross, over two years before Smarsh witness Douglas authored the Smarsh Letter and testified in November 2014.

⁴⁵ See Exhibit 9, McCay Declaration ¶¶ 5, 8, 9.

⁴⁶ See R. 000167, 0001335, CX -13. See generally R. 000821, 001037, November Hr'g Trs.

⁴⁷ R. 000917, 987. See also Exhibit 3, Huber Supp. ¶ 4; Exhibit 4, Huber Dec. 3 ¶ 7; Exhibit 5, Huber Dec. 4 ¶¶ 9-11.

Exhibit 10 supports Mr. North's hearing testimony; it suggests that Enforcement suborned perjury from Smarsh witness Douglas. Consistent with Mr. Huber's observations, the absence of Web.com in the Email metadata means that the production Email bypassed the Web.com server.⁴⁸

V. CONCLUSION

Mr. North has demonstrated good cause for the additional evidence not being available for the underlying FINRA and NAC proceedings. In the underlying Enforcement proceedings, Email and ESI dominated other forms of evidence and made up a substantial portion, if not most, of the evidence requested, examined, produced, and offered by Enforcement. Mr. North urges that the additional evidence is admissible for a full and fair evaluation of the underlying events and issues before the Commission, because it demonstrates a breakdown in and intentional circumvention of the Commission's regulatory requirements for preservation of electronic communications and compliance.⁴⁹ The additional evidence demonstrates the inadmissibility of the Smarsh Reports and Smarsh witness testimony to prove compliance failures and the misconduct engaged in by FINRA and Smarsh in developing and presenting evidence in the proceedings below.

Respectfully submitted this 29th day of September 2017.

THADDEUS J. NORTH, BY COUNSEL



Constance J. Miller

P.O. Box 125

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⁴⁸ See Exhibit 1, Huber Summary ¶ 12; Exhibit 4, Huber Dec. 3 ¶¶ 11-12.

⁴⁹ Mr. North contends that the actions taken by Smarsh and FINRA that caused the appearance of spoliation to the Email and ESI are far too complex to have been isolated events.

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of September 2017, a copy of Respondent Thaddeus J. North's foregoing Motion and Brief in Support of the Admission of Additional Evidence was sent by USPS email to:

The Office of the Secretary
Securities and Exchange Commission
100 F Street NE, Room 10915
Washington, DC 20549-1090

Attention: Jennifer Brooks
FINRA Office of General Counsel
1735 K Street, NW
Washington, DC 20006


Constance J. Miller

FRANK HUBER SUMMARY REPORT

1. I declare under penalty of perjury that the following statements are true according to the best of my knowledge, information and belief.

2. My name is Frank Huber. I am over the age of twenty-one (21) and I am competent and qualified to make this declaration. I am a computer programmer with over thirty (30) years of experience working for various agencies of federal and state governments as well as corporate and commercial clients, primarily Fortune 100 companies. My formal CV is attached (Attachment 1). A Glossary of Abbreviations used in this Report is found in Attachment 2.

3. In May of 2015, I was retained by Constance Miller, Esq. to examine various digital files, emails and other material related to FINRA DOE complaints against TN, MP, LK, and TC for the purposes of verifying various levels of corruptions and alterations to emails delivered by Smarsh and FINRA. LK was formerly registered with SIG and OCCM which were both formerly FINRA members. TN was the compliance officer for both SIG and OCCM. MP was a broker. SRT provided the email server and service for SIG and web.com provided the email server and services for OCCM.

4. This Summary Report is based upon my examination and comparison of the production files in the SIG and OCCM FINRA Enforcement proceedings and emails from Bloomberg, SRT, and Issuer Direct, previous reports and declarations. It is also based on my analyses of other experts referenced in this and in previous reports, the administrative record and various pleadings submitted by counsel for TN and MP and counsel for Smarsh and FINRA. This Summary Report is also based upon transcripts from the FINRA Enforcement hearings.

The list of previous reports, declarations, motions, filings, and transcripts is contained in Attachments 3.

5. The tools and resources that I used in the analysis of the evidence in this case include the following:

- a) IPNetInfo – software tool to analyze and resolve internet transportation headers and IP addresses
- b) IP Tracker Online – online web application to analyze and resolve internet transportation headers and IP addresses
- c) First Object XML Editor – Foxe – software tool to analyze and compare XML emails with Outlook PST emails
- d) ARIN – American Registry of Internet Numbers – online database with web applications to search their registry
- e) IANA – Internet Assigned Numbers Authority – online web site
- f) Kernel Outlook PST Viewer – software tool to analyze Outlook emails and their headers

6. I conclude that Smarsh did not archive the electronic communications files for SIG and OCCM based upon my examination of the electronic files and the case history including testimony in the FINRA Enforcement proceedings, and federal court filings. Instead of archiving the SIG and OCCM electronic communications files including emails, texts, and Instant Messages, the evidence clearly shows that the files were re-directed to a non-public network. I conclude that the actions of Smarsh were intentional, because Smarsh had contractual and regulatory duties to archive the emails of SIG and OCCM including TN's and MP's emails. Contrary to that duty, Smarsh employees provided instructions to SIG and OCCM employees

including TN and MP for re-directing their emails. Re-directing emails violates the requirement to preserve ESI in an unaltered and indelible form. I conclude that FINRA employees received the electronic files in real time and that FINRA employees altered the electronic files to create exhibits that were used in their legal proceedings. FINRA also corrupted the remaining files so that there would be no digital integrity. My conclusion that FINRA employees intentionally tampered with and altered the electronic files is based upon the facts found in evidence as described in the following paragraphs.

7. **Table 1 – Facts Present in Evidence by Data Area** shown below summarizes the evidence described in the following paragraphs from the perspective of each “data area”. It shows the relationship each party had with respect to their handling the flow of the data.

Table 1 – Facts Present in Evidence by Data Area

Data Area	Bloomberg	Smarsh	FINRA	Comments
UUID	Present	Not Present	Spoliated by removal: Not Present	Requires electronic access to change UUID – <u>U</u> niversal <u>U</u> nique <u>I</u> dentifier.
AES-256	Not Applicable	Not Present	Spoliated by adding: Present	Requires Security Clearance to add AES-256 to headers.
Email Dates	Present	Present	Spoliated by changing	Leap Year, Y2K dates reported by Smarsh as altered.
Email Bodies	Present	Present	Spoliated by changing	Evidence in prior declaration(s).
Internet Transportation Headers	Not Applicable	Present	Spoliated: Redirected by Rule	Evidence in prior declaration(s).
IP addresses	Not Applicable	Present	Spoliated	No Smarsh IPs resolve to a Smarsh physical location.
CIDR – PCN	Not Applicable	Present and redirected	Spoliated	Instructions from Smarsh to clients to re-route through Smarsh’s PCN.

8. **Table 2 – Facts Present in Evidence** shown below summarizes in a short list the main facts in evidence.

Table 2 – Facts Present in Evidence

Facts Present in Evidence	
1	Smarsh did not archive emails.
2	Smarsh did not journal emails.
3	Emails were spoliated in real time.
4	Smarsh provided IP addresses to clients that routed all emails to a “Private Network”.
5	No production emails with Smarsh in the headers resolve to Smarsh.
6	Smarsh does not have any archives from SIG or OCCM.
7	Smarsh and FINRA do not deny that they spoliated the emails.

9. It is a fact found in evidence that none of the emails in their original forme contained any encryption tags indicating the use of the Advanced Encryption Standard using 256 bit keys (AES-256) but they are contained and exist in the emails as provided in the FINRA production emails. It is also a fact found in evidence that all of the Universally Unique Identifiers (UUIDs) that exist in the original emails from the Bloomberg archives are completely missing from all of the emails provided in the FINRA production emails. These two (2) facts lead this expert to conclude that the emails were captured in real time. This conclusion is based in part upon a third fact, that is, AES-256 tags are specific only to an email’s internet transportation header. This means that the stripping of one – the UUIDs – and insertion of the other – the AES-256 tags - had to have occurred at the time of the email’s transmission; in other words, the email was spoliated in real time. Otherwise, these two (2) key facts would not be present in the email evidence. Since the practice of writing computer code and the execution of computer programs is an extremely exacting practice, the appearance of these two (2) forms of email spoliation shows clearly that both Smarsh and FINRA were fully intentional in their actions. I conclude that the real time capture and spoliation of the emails could not have occurred without both Smarsh and FINRA working together to cause these two (2) key pieces of evidence to be present in the emails that were provided in the FINRA production emails.

10. The email timestamps are additional confirmation to the conclusion that the emails were spoliated in real time. The time stamps in the spoliated emails provided in the FINRA production emails do not vary by more than a few seconds from the time stamps in the original emails provided by Bloomberg.

11. It is a fact, in the nature of the high speed internet that changes to emails in real time requires electronic access to the emails while they are in transit. There is no other conclusion that can be made except that both Smarsh and FINRA collaborated together in order to spoliage the emails in the real time arena of the internet since real time access and applying changes to emails in real time is technically impossible for either one (1) party acting alone in this case. This fact is borne out by another fact that Smarsh gave instructions to its clients to redirect their emails to a Private Network over which Smarsh had no control effectively providing an interface for FINRA to gain access to the emails

12. It is a fact found in evidence that email dates were reported by Smarsh to have Leap Year and Y2K issues. Smarsh reported that some emails were changed to be in alignment with Leap Year and Y2K values.

13. The evidence shows that email content in the bodies of the emails as well as other critical compliance information contained in the email were changed extensively as discussed in prior declarations:

- 06/09/15 – Frank Huber Declaration
- 03/02/15 – Jon Berryhill Declaration
- 10/04/14 – Andy Thomas of To The Rescue Texas Declaration
- 07/30/14 – Dustin S. Sachs of Navigant Declaration

14. Facts found in evidence show that the internet transportation headers were changed as described in the Huber Supplement Declaration dated 08/11/15. Relevant to the Internet header information is the important fact that Smarsh provided instructions to persons registered through the Southridge and Ocean Cross FINRA-member firms to set up personal computers and all media devices used for sending email with specific IP addresses. These IP addresses were part of a Classless Inter-Domain Routing network or CIDR, which I described in the Huber Report of 12/22/15. The fact that the IP addresses were Inter-Domain in nature means that they were part of a Private Network as opposed to the "public" facing network known as the Internet. None of the IP addresses contained in the instructions to SIG and OCCM employees resolve to Smarsh through any public record or IP address registry. The instructions provided by Smarsh with the IP addresses and CIDR values contained the detailed information that was used to implement the re-routing of SIG and OCCM emails to a Private Network.

15. I was able to confirm that Smarsh did not attach to the ST server that was handling email for SIG or to the web.com email server for OCCM, meaning that Smarsh could not have archived or journaled the emails for SIG or OCCM employees. Archiving and journaling requires being attached or connecting to the email server. The instructions from Smarsh however, sent all business and personal email from all devices setup with the IP addresses and CIDR values to the Private Network. The redirection of the email to the Private Network by Smarsh's instructions was not an archiving service or a journaling function as Smarsh was obligated to provide and as was described by Bonnie Page, General Counsel for Smarsh in her declaration dated 09/03/15 and Smarsh representative Jimmy Douglas in a letter dated August 19, 2014 and testimony on 11/05/2014 and 11/25/2014.

16. Because Smarsh did not attach to the email servers for the SIG or OCCM firms and instead instructed their clients set up all communication devices to redirect all electronic communications to IP addresses that Smarsh does not own or control, it is my conclusion that Smarsh did not intend to and did not archive or journal the SIG or OCCM email. Because Smarsh did not archive or journal the emails and did not control the Private Network to which the email was redirected, Smarsh does not have and, therefore, cannot produce any of the email archives for SIG and OCCM. Instead, FINRA received all business and personal communications of SIG and OCCM employees in real time as shown by the evidence presented and described in the previous Paragraphs nine (9) and ten (10) of this Summary Report.

17. Since FINRA produced the emails for legal proceedings and none of the email could have come from Smarsh's archiving or journaling the emails, there can be no other conclusion than that FINRA accessed and processed the emails in real time.

18. It is a fact that neither Smarsh nor FINRA denied that they spoliated the emails as shown by the absence of any such denial in any administrative or federal court pleadings and filings I have read.

Conclusions

FINRA had final possession of and produced the emails it used in evidence. The emails produced by FINRA are shown by the evidence to contain extensive spoliation including changes to dates, email body content, unresolved IP addresses, redirection by rules, added AES-256 encryption tags, missing UUIDs, changes to sender and recipient names, and other alterations as described in my Declaration dated 06/09/2015.

Emails were captured in real time by FINRA while the emails were being transmitted. The five (5) pieces of evidence that lead to this conclusion are:

- i. FINRA had final possession of and provided the production emails.

- ii. All the SIG and OCCM personal and business emails were re-routed to a Private Network as instructed by Smarsh.
- iii. AES-256 encryption tags appear in the FINRA production emails where they do not exist in the emails in their original form.
- iv. UUIDs are missing in all of the FINRA production emails even though they did exist in the emails in their original form.
- v. The timestamps of the FINRA production emails correspond within a few seconds or fractions of seconds with the timestamps of the emails in their original form.

FINRA and Smarsh collaborated in their efforts towards the end result that SIG and OCCM firms' employees' emails were not archived and emails were spoliated in real time. In this case, real time access and applying changes to emails in real time is technically impossible for either Smarsh or FINRA to accomplish acting alone based on the facts in evidence. FINRA could not have been able to successfully spoliolate and alter the SIG and OCCM emails without the cooperation and collaboration of Smarsh

Since the implementation and use of computer program code is extremely exacting and leaves no room for error, there can be no other conclusion than that Smarsh and FINRA planned, implemented and executed with full intention a set of computer programs and computer configurations to achieve their desired results.

Respectfully submitted this 23 day of February 2016.

Frank Huber

Frank Huber

County of Baltimore)

State of Maryland)

On this 23 day of February 2016, Frank Huber, appeared before me a Notary Public in and for the state of Maryland, and having presented proper identification, did execute the foregoing Declaration under oath and penalty of perjury.

Elston Carroll

Notary Public

My commission Expires:

May 3 2018

[Seal]



Email and provide a compliance platform for storing and reviewing Email. Mr. North joined the Southridge firm in early 2008. In late 2010, FINRA Enforcement commenced an examination of the Southridge firm encompassing the months of July 2009 through June 2011.⁸ Southridge closed in September 2011⁹ and about half of the registered brokers, including CEO William Schloth and Mr. North transferred employment and registration to Ocean Cross Capital Markets, LLC (“Ocean Cross”). Harry Bloch¹⁰ joined the firm as the Municipal Securities Principal. For compliance and practical reasons, unlike his duties involving Email at the Southridge firm, Mr. North was intentionally not “the” or “a” designated principal for reviewing Email at Ocean Cross. Within six months of opening, Enforcement commenced examination of Ocean Cross from its opening in September 2011 through April 2012. Enforcement in Boston and New Orleans simultaneously filed disciplinary proceeding complaints against Mr. North in this matter in August 2013 and in July 2013 respecting his registration with Southridge.¹¹

Until Enforcement delivered its production to Mr. North in January 2014 and he compared a sample set from the production Email files to the same originals obtained from Bloomberg, LP (“Bloomberg”) in mid April 2014, Mr. North had no reason to question whether or not Smarsh delivered archiving and compliance solutions according to regulatory standards of 17 C.F.R. § 240.17a-4(f)(2) and the terms of its contracts. Mr. North noted irregularities in the Email that caused Email to appear to have been spoliated, and that Smarsh Reports delivered to him in 2012 were changed one or more times; he reasoned that the spoliation and changes must have been made either *during* the alleged archiving and examination periods, *e.g.*, between

⁸ See Disciplinary Proceeding No. 2010025087302 involving Southridge, which is also on appeal. See SEC Administrative File No. 3-17909.

⁹ See <https://brokercheck.finra.org/firm/summary/45531>.

¹⁰ See <https://brokercheck.finra.org/individual/summary/23688>.

¹¹ See *supra* note 7.

ATTACHMENT 1

Frank Huber Experience

Curriculum Vitae - CV

Frank H. Huber

[REDACTED]
Baltimore, MD [REDACTED]

[REDACTED]@yahoo.coma

301-537-6513a

Summary

Frank Huber has over 30 years of experience as a Software Programmer of Applications in the fields of Communications, Avionics, Engineering, Artificial Intelligence, Business, Banking and Insurance for Aerospace, Defense, Commercial, Public Utilities and Government (Federal, State and City). Concentration is on applications and systems programming.

Working knowledge of Object Oriented Programming (OOP), Yourdon, Fourth Generation Languages (4GL), Computer Aided Software Engineering (CASE), Graphics, Communications, Networks, Real-Time, Databases (Hierarchical and Relational), System Conversion, Operating Systems, Capacity Planning, Client-Server, Messaging systems, Year 2000 (Y2K) and Configuration Management.

Primary responsibilities included the software life cycle of design, development, implementation, conversion, test, maintenance, support, production, validation, verification and documentation of Software Application requirements.

Programming Languages

Assembler, BASIC, C/C++, CLIST, COBOL, FORTRAN, JCL, Pascal, Oracle, REXX, SQL and XML.

Professional Experience

Center for Medicare and Medicaid Systems – CMS

Federal Deposit Insurance Company – FDIC

U.S. Department of Treasury

Resolution Trust Corporation- RTC

National Institutes of Health – NIH

ATTACHMENT 1

Frank Huber Experience

Curriculum Vitae - CV

Frank H. Huber

[REDACTED]
Baltimore, MD [REDACTED]

[REDACTED]@yahoo.coma

301-537-6513a

Summary

Frank Huber has over 30 years of experience as a Software Programmer of Applications in the fields of Communications, Avionics, Engineering, Artificial Intelligence, Business, Banking and Insurance for Aerospace, Defense, Commercial, Public Utilities and Government (Federal, State and City). Concentration is on applications and systems programming.

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Professional Experience

Center for Medicare and Medicaid Systems – CMS

Federal Deposit Insurance Company – FDIC

U.S. Department of Treasury

Resolution Trust Corporation- RTC

National Institutes of Health – NIH

Food and Drug Administration – FDA

US Department of Interior – Bureau of Indian Affairs

General Dynamics Information Technology, Inc. - GDIT

Westinghouse Defense and Electronic Systems (now Lockheed Martin)

General Dynamics - GD (now Lockheed Martin)

International Business Machines - IBM

MCI Telecommunications Corporation

Grumman Data Systems

Education

State University of New York (SUNY) Utica – 1982 - 1983

Mohawk Valley Community College – AAS Computer Science 1980 - 1982

USCF rated Tournament chess player

ATTACHMENT 2

Glossary of Acronyms, Terms and Names

AES-256	Advanced Encryption Standard using 256 bit keys
ARIN	American Registry for Internet Numbers
CIDR	Classless Inter-Domain Routing used for private "internal" networks
DOE	Department of Enforcement for FINRA
ESI	Electronically Stored Information
XML	Extensible Markup Language
FINRA	Financial Industry Regulatory Authority
Internet transportation headers	Data area containing email IP addresses, MSG IDs, UUIDs, etc.
IP	Internet Protocol, rules-based software used for transporting messages and emails on the internet
IP address	the IP number that identifies a specific person or company on the internet
IPNetInfo	software product that generates reports of email IP address pathways
LK	Leslie King – broker at SIG and OCCM
MP	Mark P. Pompeo – broker at SIG
NAC	National Adjudicatory Council for FINRA DOE
OCCM	Ocean Cross Capital Markets
PCN	Private Collaborative Network
Resolve	to find an item such as an IP address that matches a reference database
Smarsh	Data archiver for the financial, medical and securities industries – named after Stephen Marsh
SIG	Southridge Investment Group
ST	Southridge Technologies
TC	Todd Cowle
TN	Thaddeus North - chief compliance officer at SIG and OCCM
UUID	Universal Unique Identifier

ATTACHMENT 3

Pleadings, Declarations, Reports

- 12/22/15 – Frank Huber – Report
- 11/28/2015 – Frank Huber – Report
- 09/03/15 – Bonnie Paige, General Counsel for Smarsh - Declaration
- 08/11/15 – Frank Huber - Supplement Declaration
- 07/16/15 – Smarsh - Motion to Dismiss (Case No. 15-cv-00494 (RMC))
- 06/30/15 – FINRA - Motion to Dismiss (Case No. 15-cv-00494 (RMC))
- 06/09/15 – Frank Huber – Declaration
- 05/29/15 – Smarsh – Motion to Dismiss
- 04/27/2015 – OCCM Enforcement Hearing Transcript
- 4/13-14, 2015 – SIG Enforcement Hearing Transcript
- 04/06/15 – Pompeo / North Complaint for Relief (Case No. 15-cv-00494 (RMC))
- 03/02/15 – Jon Berryhill – Declaration
- 11/25/14 – Jimmy Douglas – OCCM Pre-hearing Transcript
- 11/05/14 – Jimmy Douglas – OCCM Pre-hearing Transcript
- 10/04/14 – Andy Thomas of To The Rescue Texas - Declaration
- 07/30/14 – Dustin S. Sachs of Navigant – Declaration
- Smarsh Contracts with SIG and OCCM for archiving from 12/23/2005 forward
- 10/2009 and 10/2011 authorization for Bloomberg access
- Declarations of Jonathan Gibney and Tom McCay of SRT

Note: See Appendix for Frank Huber Reports.

DECLARATION OF FRANK HUBER

1. I declare under penalty of perjury that the following statements are true according to the best of my knowledge, information and belief.

2. My name is Frank Huber. I am over the age of twenty-one (21) and I am competent and qualified to make this declaration. I am a computer programmer with over thirty (30) years of experience working for various agencies of the federal and state governments as well as corporate and commercial clients, primarily Fortune 100 companies. During that time, I have worked on several projects involving the use of XML. XML is an acronym that stands for eXtensible Markup Language. I was responsible for the design, implementation and maintenance in the proper use of XML within environments utilizing computer resources that were distributed across multiple servers, clients and mainframe systems. My formal CV is attached (**Attachment 1**). In the course of my work with XML, my design implementation was considered the standard usage of XML in applications used by the Centers for Medicare and Medicaid Services (CMS). It was replicated across at least three (3) large additional application areas at CMS using the initial design approach that I originally implemented. The key to programming with XML documents is the proper interpretation of what is known in the industry as a "well-formed" XML document that will not cause any errors during the formation process or the interpretation process of the XML document.

Glossary of Acronyms, Terms and Names

Autocopy – Bloomberg’s term for the function of email forwarding
BB – Bloomberg LP
BCC – Blind Carbon Copy
Critical information – information in an email’s content or transport area that must remain in its original state, i.e. not altered, not erased, and not rewritten
DOE – Department of Enforcement for FINRA
False positive – a phrase indicating a positive result that is not true
FINRA – Financial Industry Regulatory Authority
GUID – Global Unique IDentifier – used by Microsoft based Windows systems
JM – James D. McKennedy - Principal Examiner DOE Boston
LDJ – Leslie D. Jackson (Boo) – Principal Examiner DOE New Orleans
LK – Leslie King – broker SIG and OC
MM – Melissa Mizzell
MP – Mark P. Pompeo – broker SIG
msg – message file, not an email
pst – Personal Stored Tables
OC – Ocean Cross Capital Markets
OTR – On The Record interview under oath
Schema – a default list of XML tag names used for the XML generate function
Script – a series of system software commands
Side Schema - a non-default list of XML tag names used for XML generate function
SIG – Southridge Investment Group
SM – Smarsh – data archiver for the financial, medical and securities industries – named after Stephen Marsh
Spoliation - intentional, reckless or negligent withholding, hiding, altering, or destroying of evidence
Spoof – forgery of a document or transportation header
Outlook.msg – message file used solely in Microsoft Windows operating systems
Unicode.msg – message file used in both Microsoft and non-Microsoft operating systems
TC – Todd Cowle – consultant for LK
TJN – Thaddeus J. North – chief compliance officer at SIG and OC
UUID – Universal Unique IDentifier – used by non-Microsoft based Windows systems
XML – eXtensible Markup Language

3. In May of 2015, I was retained by Constance Miller, Esq. to examine various digital files, emails and other material related to FINRA DOE complaints against Thaddeus J. North, Mark P. Pompeo, LK, and TC for the purposes of verifying various levels of corruptions and alterations to emails delivered by Smarsh and FINRA. LK was formerly registered with Southridge Investment Group, LLC ("Southridge") and Ocean Cross Capital Markets, LLC which were both formerly FINRA members. Mr. North and Mr. Pompeo are two (2) plaintiffs in a federal civil suit, case number 15-cv-00494. Mr. North was the compliance officer for both Southridge and Ocean Cross. Mr. Pompeo was a broker.

4. For the purpose of my analysis, I was provided copies of four (4) of the following separate groups of emails by Joseph Marshall Hosea and Constance Miller:

- A. Baseline version of XML as archived at Bloomberg in XML format
- B. Outlook format of .pst files as provided by Southridge Technologies, LLC
- C. Non MS-Windows format as provided by the retention vendor SMARSH
- D. Outlook format as provided by FINRA

5a. The baseline version included archived copies of the Bloomberg message repositories belonging to LK and TC, another formerly registered representative. This data is in its native XML format as it was created and maintained by Bloomberg. It has been represented to me that this data was obtained directly from Bloomberg via FTPS or File Transfer Protocol Secure on or about 04/14/2014. I have the Bloomberg certifications and export identifiers that assure me that the inventory files are correct as received from Bloomberg. Bloomberg LP supports the largest closed network trading platform for domestic and global securities. In the LK Bloomberg XML database provided by Bloomberg LP, there are a total of two hundred thirty-one thousand five hundred forty-eight (231,548) communications. For the period 07/01/2009 through 09/01/2011, there are one hundred seventy-eight thousand four hundred twenty-nine (178,429) Bloomberg email messages, 983 posts, and 285 Bloomberg chats. In LK's repository for the period 9/1/2011 through 04/15/2012, there are 51,564 Bloomberg email messages, one hundred seventy-three (173) posts, and forty-four (44) Bloomberg chats. In the TC repository there are two hundred fifty-two thousand five hundred twenty-four (252,524) Bloomberg email messages.

5b. It is my understanding from examining the discs provided by FINRA that the initial disclosure in November 2013 in the Southridge case included two (2) discs containing ten (10) .pst files with fifty-nine thousand one hundred seventy-four (59,174) "email" files, two (2) discs containing the same six hundred thirty-one (631) alleged XMLs, and one (1) disc with three hundred sixteen (316) Unicode.msg files, allegedly emails, created by FINRA investigator LDJ. An initial disclosure in January 2014 in the Ocean Cross matter included ninety-nine thousand one hundred ninety-five (99,195) "email" files, with multiple copies of the same email (in one case, seven (7) copies), scattered throughout ten (10) discs.

5c. Mr. North and LK arranged for Mr. Hosea to deliver a copy of the LK and TC Bloomberg archives to Mark J. Fernandez, New Orleans FINRA Department of Enforcement lead counsel on 08/2014. The two (2) discs delivered by Mr. Hosea to FINRA in 08/2014 contained four hundred seventy-eight thousand nine hundred thirteen (478,913) Bloomberg messages.

I also examined two (2) discs provided by FINRA in October 2014 alleged to be Bloomberg emails that Smarsh had overlooked in a prior delivery of files. The discs delivered in October coincidentally contain four hundred seventy-eight thousand nine hundred thirteen (478,913) emails messages of *both* LK and TC, even though TC's Bloomberg messages were not archived by Smarsh at any time.

5d. In LK's entire Bloomberg XML database there were only forty-one (41) emails sent by LK from LK's Bloomberg account to MMizell@Southridgegroup.com by any of the available means supported by Bloomberg LP. All forty-one (41) of the emails between LK and MM were sent as **Blind Carbon Copy (BCC) emails**.

5e. On 10/1/2009 LK contacted the Bloomberg Help Desk to inquire about turning on the Autocopy function of Bloomberg emails. On 04/11/2011 LK contacted the Bloomberg Help Desk to inquire about turning off the Autocopy function of Bloomberg emails. The email Autocopy function is part of the Bloomberg LP enterprise and is known as an eCommerce feature to provide for an email forwarding function. This Autocopy function shows up in the XML as a Blind Carbon Copy or BCC. To support the email Autocopy function in conjunction with Bloomberg's exclusive use of XML, only the original sender is shown on all autocopied emails. The configuration of using only the original sender within Bloomberg LP's enterprise for all Autocopy functions is done this way to charge a small fee to the original sending party for their promotion of their own or their company's product.

5f. Out of fifty-one (51) exhibits in the OTR of Mr. North prior to FINRA charging Mr. North with failure to review emails, thirty-one (31) exhibits include the phrase "on behalf of . . ." in the sender's address field of the email. Of the fifty-one (51) exhibits, thirteen (13) of the exhibitse were selected and presented by LDJ in a déclaration dated 02/25/2014 to support the disciplinarye charges against Mr. North. In the emails provided by FINRA, thirty-five thousand nine hundrede eighty-six (35,986) emails present a "false positive" with an inserted phrase "on behalf of . . ." ine the sender's address field.e

In my examination of the XMLs that LK purchased from BB, I conclude that there were onlye forty-one (41) emails that were transpired between LK and MM (within the certified databasewe purchased by LK from BB). Additionally, Mr. Thomas states in his report (see referencese section) and I concur, based on my examination that BB has certified that there were no emailse either directly or indirectly from the BB accounts of TC to the non-BB account of MM. e

Because XML can only deliver the data values within its tag fields, the absence of the phrase "one behalf of . . ." in the XML means that the phrase did not originate within the Bloomberg systeમે but was added after the archival of the emails by Smarsh. An email by Danny Brizuela frome within Bloomberg's technology department confirms that there is nothing in the Bloomberge system that allows for the generation of the phrase "on behalf of . . .". e
Because of the way well-formed XML documents that are processed, data corruption can onlye occur either manually or in a batch scrip by an intentional act. The aforementioned factse respecting Bloomberg XMLs were supplied by Bloomberg technicians. e

It has been reported to me also that LDJ testified under oath in a recent hearing in N.Y., N.Y.e that she personally prepared or participated in preparing eighteen (18) exhibits within here

declaration. All, i.e., 100%, of the LDJ exhibits I have examined were provided by LDJ which was determined by the printable header inserted by Outlook for the account holder of that Outlook program when entering the print command within Outlook. This clearly identifies LDJ as the individual who intentionally corrupted the email documents because the printout in PDF indicates she did. I can only conclude LDJ had a significant role in preparing the fifty-one (51) exhibits, all of which I conclude were falsified.

5g. I personally performed a thorough review of the two hundred thirty-one thousand five hundred forty-eight (231,548) emails generated by Bloomberg in production requests and certify that only forty-one (41) messages contain the text "MMizell". Those forty-one (41) messages to "MMizell" were BCC'd by LK. Bloomberg uses XML documents for all of its internal email. For MM to receive a BCC email sent from inside the Bloomberg network to her external email account, i.e. LK12@Bloomberg.net to mmizell@southridgegroup.com, the email messages sent to her by BCC from LK as received from other Bloomberg users would appear in the XML without an internet transportation header. Because there are only forty-one (41) Bloomberg XMLs resulting in emails with internet transportation header tags indicating having been sent to "MMizell" and since there are no internet transportation headers on the original Bloomberg XMLs, there were thirty-five thousand nine hundred eighty-six (35,986) emails that must have been "spoofed" with transportation headers that appear real but are falsely created.

There are three (3) software products that are used for spoofing transportation headers, all of which appear by name or distinct font in the headers of the data allegedly archived by Smarsh, e.g. Barracuda, Icewarp and Transend. Within the meta-data accompanying the data archived by Smarsh are notations identifying Barracuda and Icewarp as translation software products that must have been used to spoof or falsify internet transportation headers of the emails purportedly sent from brokers to LK and forwarded by BCC to MM. Because the email headers were faked, the emails were never able to be transported over the Internet. They simply did not occur as viable emails. Because of the facts stated here and in Paragraph 5h, the only conclusion that is possible to reach is that there was no data to flow because it did not exist in a viable form.

5h. It appears from the electronic files and other correspondence I reviewed that only Smarsh and FINRA handled the electronic files from the point of archive until their production to Mr. North and Mr. Pompeo.

5i. It has been reported to me that SM responded by a motion to dismiss in which SM expresses their opinion there were "there were so many hands involved with these emails". The standard protocol for a data retention vendor includes the journaling and archiving of emails. The email will pass from the sender through the sender's server to the receiver's server at which point the email should be archived and journaled by the retention vendor. It is at this exact point that the contracted retention vendor has the sole responsibility of being the steward of the unalterable, unrewritable, unerasable native format message. From its position of exclusive possession and control of these native format messages, SM grossly failed in their duties by their own admittance to preserve the records which allowed others to change them.

5j. It has been reported to me that in testimony given by JM in the TJN Boston hearing that JM testified that he created or helped to create the four (4) emails used in the OC OTR for TJN. Theo

exhibit marked "North2", JM contains four (4) BB messages represented as VCON trade tickets reportedly between a Citigroup broker and LK. Because BB is a closed network in trading practices, it would not be possible for the owner of the email account [REDACTED]@gmail.com to make that transaction. This leads this expert to conclude that only JM spoliated the data or that JM participated in spoliating the data in said exhibits.

5k. All of the requests by FINRA were for emails to be delivered in .pst format.

6. The Outlook format emails provided by Southridge Technologies, LLC in Connecticut were obtained by Mr. Hosea on or about 10/28/2014 from a back-up server maintained by the company. Southridge Technologies provided the server and email service for Southridge until 09/2011. The files from Southridge Technologies also included some emails sent and received by employees of Ocean Cross. When the Ocean Cross firm began, it used the same server, but changed to web.com for its email services provider as evidenced by invoices Mr. North provided.

7. Other data, in the non-MS Windows and Outlook formats were provided on approximately seventy (70) CDs produced by FINRA to the parties of this case between 11/01/2013 and 12/30/2014. *See also* paragraph 5b above. Over ninety percent (90%) of the data provided by FINRA originated as Bloomberg messages.

8. My conclusion, based on the evidence I have examined to date, is that over five hundred thousand (500,000) electronic files represented as emails, contained in the CDs delivered by FINRA and represented as having been archived or processed by Smarsh for the Southridge and Ocean Cross firms were subject to intentional alteration. Due to the nature and variety of alterations in the data, it is apparent that a person or persons having specific technical knowledge of the software systems involved caused the alterations. This declaration will also explain and demonstrate how the alterations can be duplicated.

9. The alteration of emails occurred primarily during the two (2) processes of transportation and archiving. This conclusion is based on the results of the evidence examined. This will be demonstrated in the following paragraphs by identifying eight (8) distinct and separate areas of alteration that have occurred throughout the data examined. These eight (8) areas of alteration fall into two (2) categories. One (1) group of alterations occurred within the email's transportation header area.

The other group occurred outside of the transportation header area of the emails and instead occurred within the areas of the email body, subject, send to field, timestamp, etc. With respect to the emails that demonstrate alterations to their transportation header area, it will be shown in exhibits that follow that these never were emails since they could never have been transported as an email over the Internet or within a network. The primary prerequisite for a message to be an email is that it must be transportable; the email must have a valid and functional transportation header. XML documents are not involved with parts of internet transportation headers. The importance of this distinction will be discussed further in the paragraphs that follow.

10. The eight (8) distinct and separate areas of alteration to fields of *critical compliance information* identified in the emails reviewed include the following:

- A. Date stamp
- B. Time stamp
- C. Account ID
- D. UUID, GUID
- E. Email transportation header
- F. Email body – text insertion, text modification
- G. Auto-forwarding with and without “On behalf of . . . “
- H. Blind Carbon Copy (BCC) with and without “On behalf of . . . “

11. The specific technical knowledge mentioned in paragraph eight (8) above has to do with XML which is the native language of Bloomberg communications. XML also makes up over ninety percent (90%) of the electronic data subjected to intentional alteration. XML is being introduced here to help prepare the reader for the demonstrations and exhibits that will follow.

The following is a very simple example of an XML statement:

```
<FirstName>John</FirstName>
```

When the sample XML statement above is resolved to human-readable form, it looks simply like this:

John

Note that in the example above that there are two (2) tags that are a markup of the name John. In XML, these are referred to as the begin tag and the end tag. The label inside the brackets for both the begin tag and the end tag in XML is always identical, in this example that tag label is “FirstName”. The only difference between the two (2) tags is that the begin tag starts with “<” and the end tag starts with “</”. This is an important distinction that will apply to some of the examples given later.

12.e An example of a more complex set of XML statements making up what is known as an XML document is given here:

```
<ContactInfo>
  <FirstName>John</FirstName>
  <LastName>Doe</LastName>
  <Address>
    <Street>123 Main Street</Street>
    <City>Anytown</City>
    <State>KS</State>
    <Zip>12345</Zip>
  </Address>
</ContactInfo>
```

Note here the additional grouping of related data in the XML document above including the outer group tag called “ContactInfo” and the inner group tag called “Address”.

When the sample XML statement above is resolved, it looks this:

```
John Doe
123 Main Street
Anytown, KS 12345
```

The process of resolving an XML document to human-readable form is called a parse function. In parsing, all XML tags are removed from the XML document leaving only the data values held between the tags to be used for displaying, printing or *in this case the processes of transporting and archiving of email messages*. Similarly, human-readable text is imported into an XML document through a “generate” function using the values provided for the data between the XML tags. The tag identifiers used for the XML generate function are defined separately from the data values within software systems supporting the use of XML.

13.e XML is strictly a markup language much like HTML that is used on the internet for rendering web pages. HTML is an acronym which stands for Hyper Text Markup Language. XML is not a programming language although true programming languages such as Java and COBOL are used to perform the parse and generate functions on the content of XML documents. Programming languages that process XML documents should use the parse and generate functions according to XML standards. For example, MS Outlook has an XML parsing program built in. It parses XML according to XML standards when an Outlook email user receives an XML. Other software programs also perform parse and generate functions on XML content, however, the other parsing programs are known to use modified parse and generate functions outside of the XML standards. *While there is nothing to prevent the usage of modified parse and generate functions outside of the XML standards, it was the use of such translation software that was the root cause of the alteration of the emails presented in this report.*

14. XML documents may also contain an optional header at the beginning of an XML document that informs a parsing program with *critical information*. An example header follows:e

```
<?xml version="1.0" encoding="UTF-8"?>e
```

The example shown above contains an XML version number set to equal "1.0" (the file version used for Bloomberg's vault) and an encoding value set to equal "UTF-8" (the font version). UTF is a compound acronym which stands for Universal Character Coded Character Set + Transformation Format. This technical detail about XML is introduced now in order to prepare for some selected exhibits discussed below where the XML encoding component UTF-8 is found in a place that it does not belong, namely the transportation header portion of an apparent email. The UTF-8 code tells the parsing program to expect an encoding level that indicates the character set encoding maintains a backward compatibility with ASCII. UTF-8 avoids the issues of the byte-order marks of UTF-16 and UTF-32.e

15. There is an identifier called "GUID" generated only on Microsoft systems. GUID is an acronym that expands to Globally Unique Identifier. The GUID is inserted within the metadata of an email as it is *sent*; it remains with the message throughout its transportation. Some of the exhibits I reviewed in this report show GUIDs on some email transportation headers and some emails had the GUIDs missing from the transportation headers. This indicates an inconsistency with the host email archiving services. The GUID is a piece of critical information in an email message as it uniquely identifies each message by a number assigned by its operating system.e

16. Bloomberg uses a tag named "UUID" in its XML. This acronym is used in Information Technology (IT) to mean Universally Unique Identifier. It is used very much like the GUID as a unique identifier. The Bloomberg XML tag for UUID holds data that identifies a specific Bloomberg user's Bloomberg terminal ID number. Bloomberg archives their emails according to the Bloomberg user's terminal number so that the archive can later be queried and the XML retrieved from the archive. If a UUID is removed from an XML document during the parsing process the resulting file has no security or protection and can be altered. On the CDs, the UUIDs were missing from files that were represented to be Bloomberg. The UUID is a piece of critical information in an email message. Its absence or incorrectness can be the cause of negative impacts in the areas of recovery, loss, migration, archival, and searchability.e

17. The following example falls loosely under the category in paragraph 10-F above - Email body – text insertion, text modification. It shows the first example of an email alteration and demonstrates an improper interpretation of what XML is and what XML is not. This example is located on a CD identified as DOE007424 and delivered by FINRA on or about 10/15/2014. It was claimed that the contents of two (2) files identified as DOE007424 and DOE007425 were Bloomberg messages that were inadvertently overlooked by Smarsh - in responding to a prior request for files. The following email in **Exhibit 1a** does not contain any XML and illustrates alteration to critical information relating to the time, sender, recipient, subject and body fields.e

Exhibit 1a

From: MATTHEW CARRARA <M.CARRARA1@Bloomberg.net>
Sent: Wednesday, February 03, 2010 10:56 AM
To: LESLIE KING; LESLIE KING
Subject: i guess size matters huh? not sure really what do you think 7

BB Message

"MATTHEW CARRARA" <M.CARRARA1@Bloomberg.net> To "LESLIE KING" <LKINGI2@Bloomberg.net>, "LESLIE KING" <LKINGI2@Bloomberg.net>

i guess size matters huh? not sure really what do you think ?
i guess it depends on the deal and such. we should talk over each one.

February 03, 2010 11:55 AM (Eastern)

In the email example shown above in **Exhibit 1a**, there appear to be some of the telltale signs of XML, namely the so-called XML tags that look like this <Tag> but these alone do not constitute XML. Nor do they satisfy the international standards as defined by the World Wide Web Consortium (W3C) for the minimum requirements to be considered an XML document. This is primarily because they lack the distinctive marker of an XML end tag. The key to all of XML is that these XML begin and end tags must always come in pairs. The pairing of the tags is what is lacking in the evidence shown here in **Exhibit 1a** and all other electronic files contained in *DOE007424* and *DOE007425*, the two (2) CDs delivered by FINRA in 10/2014. **Exhibit 1a** represents only the *appearance* of what *looks like* XML begin tag and there is no end tag to complete the pair. Also **Exhibit 1a** is in human-readable form, which is not XML.

It should be noted here that there is another version of the above **Exhibit 1a** in the following **Exhibit 1b**, which looks more like a typical XML; this version of the same message is located on CD DOE001918.

Exhibit 1b

```
<?xml version=" 1.0"?>
<Message>
<MsgID>4B69AA9B002CF36A011E2983</MsgID>
<MsgTime>2010-02-03-11.55.55.000000</MsgTime>
<MsgTimeUTC>1265216155</MsgTimeUTC>
<MsgLang>English</MsgLang>
- <Sender>
- <UserInfo>
<FirstName>MATTHEW</FirstName>
<LastName>CARRARA</LastName>
<FirmNumber>12221</FirmNumber>
<AccountName>SOUTHRIDGE ASSET MAN</AccountName>
<AccountNumber>[REDACTED]</AccountNumber>
<BloombergUUID>5781301</BloombergUUID>
<BloombergEmailAddress>M.CARRARA I@Bloomberg.net</BloombergEmailAddress>
<CorporateEmailAddress/>
```

</UserInfo>
</Sender>
- <Recipient DeliveryType="BCC">
- <UserInfo>
<FirstName>LESLIE</FirstName>
<LastName>KING</LastName>
<AccountName>KING ASSET MANAGEMEN</AccountName>
<BloombergEmailAddress>LKING 12@Bloomberg.net</BloombergEmailAddress>
<CorporateEmailAddress/>
</UserInfo>
</Recipient>
<Subject>i guess size matters huh ? not sure really what do you think ?</Subject>
<MsgBody>i guess size matters huh ? not sure really what do you think ? i guess it depends on the deal and such. we should talk over each one. </MsgBody>
</Message>

The presence of the same message on two (2) discs and in two (2) versions indicates inconsistent and improper processing, which permanently changed the critical information contained in the original file. Specifically, note the differences in the times found in Exhibits 1a and 1b. Exhibit 1a shows a timestamp in the "Sent:" field of 10:56 AM. Exhibit 1b shows a timestamp in the XML tag field named <MsgTime> of 11.55.55, one full hour difference.

18.e Exhibits demonstrating the alterations identified in paragraph 10 above will be discussed in several paragraphs following. These exhibits depict multiple alterations of various types. They include exhibits also observed or provided by Dustin S. Sachs of Navigant's Legal Technology Solutions in a Declaration dated 07/30/2014, Andy Thomas in a Consolidated Declaration dated 10/04/2014 and Jon Berryhill of Berryhill Computer Forensics in a Declaration dated 03/02/2015.e

19. **Exhibit 2** which follows is an example of an alteration to another field of critical information according to paragraph 10-B - a timestamp difference.

```
<Message>
  <MsgID>4B956A880019C18000AB2E5B</MsgID>
  <MsgTime>2010-03-08-16:22:16.000000</MsgTime>
  <MsgTimeUTC>1268083336</MsgTimeUTC>
  <MsgLang>English</MsgLang>
  <Sender>
    <UserInfo>
      <FirstName>BILLY</FirstName>
      <LastName>STOWASSER</LastName>
      <AccountName>RAYMOND JAMES & ASSO</AccountName>
      <BloombergEmailAddress>WSTOW@Bloomberg.net</BloombergEmailAddress>
      <CorporateEmailAddress/>
    </UserInfo>
  </Sender>
  <Recipient DeliveryType="BCC">
    <UserInfo>
      <FirstName>LESLIE</FirstName>
      <LastName>KING</LastName>
      <FirmNumber>838178</FirmNumber>
      <AccountName>KING ASSET MANAGEMEN</AccountName>
      <AccountNumber>[REDACTED]/AccountNumber>
      <BloombergUUID>6500283</BloombergUUID>
      <BloombergEmailAddress>LKING12@Bloomberg.net</BloombergEmailAddress>
      <CorporateEmailAddress>leslielynking@gmail.com</CorporateEmailAddress>
    </UserInfo>
    <ForwardedTo>
      <Recipient DeliveryType="BCC">
        <UserInfo>
          <FirstName/>
          <LastName>MMIZELL</LastName>
          <AccountName/>
          <BloombergEmailAddress/>
          <CorporateEmailAddress>mmizell@southridgegroup.com</CorporateEmailAddress>
        </UserInfo>
      </Recipient>
    </ForwardedTo>
  </Recipient>
  <Subject>
    MEAG will ticket tomorrow </Subject>
  <MsgBody>
    MEAG will ticket tomorrow
    Reply:
    THANKS.. I ASKED TODD FOR THE HEDGE RATIO ?? DO YOU HAVE THAT ??
  </MsgBody>
  <DisclaimerReference>672836</DisclaimerReference>
  <Greeting>
    LUCK FOLLOWS BEING PREPARED/WHAT SNOW ??? 727-567-3600/800-2774632
  </Greeting>
</Message>
```

The timestamp highlighted in grey shown above in **Exhibit 2** between the XML begin and end tags named **MsgTime** reads as follows:

2010-03-08-16.22.16.000000

The timestamp on the human readable email from FINRA's exhibit marked with a number "29" reads as follows:

Monday, March 08, 2010 3:22 PM

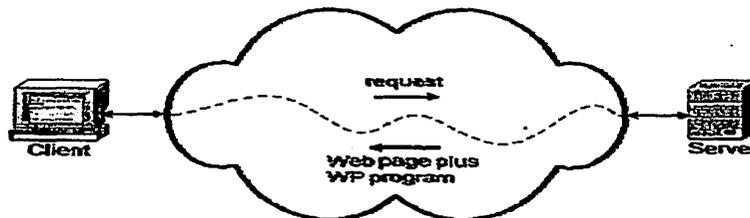
While this is a one-hour difference in time, throughout the data are several thousand examples of timestamp differences of one to four hours when comparing the XML and the human readable form of the same messages. In addition, the messages contained in the two (2) CDs DOE007424 and DOE007425 show two (2) different timestamps in the human readable format as **Exhibit 1a** illustrates above in paragraph 17.

20. **Exhibit 2** at the end of paragraph 19 is an example of an altered email under the category of paragraph 10-G related to the phrase “on behalf of” This alteration illustrates a change to the critical information contained in the sender field; it is coupled with an alteration to the critical information contained in the recipient field. Specifically, in **Exhibit 2**, MMizell is intended as a forwarded recipient as shown in this set of commands excerpted from the XML:

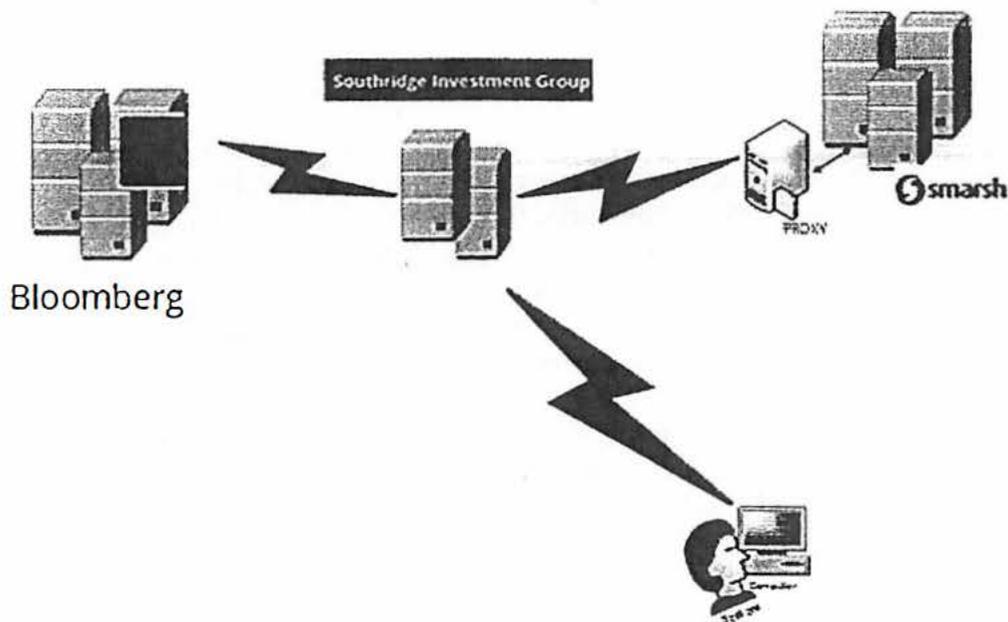
```
<ForwardedTo>
<Recipient DeliveryType="BCC">
<UserInfo>
<FirstName/>
<LastName>MMIZELL</LastName>
```

In the human readable form of the Bloomberg email, however, although “MMizell” is intended only as an email recipient by a <ForwardedTo> tag as highlighted above, the originally intended recipient LKING12@Bloomberg.net is removed and “MMizell” is inserted instead with the phrase “on behalf of” added to the sender information. This was one of the forty-one (41) emails forwarded by LK. These insertions are not in the source XML document and demonstrate intentional alteration to the critical information contained in the file typically caused by scripts.

21. To further understand the importance of critical information contained in the XML language, **Exhibit 3** depicts a basic data flow between an email client and server. A request is sent from the client to the server and a webpage with program data is returned from the server to the client.



22. In **Exhibit 4** below, the illustration in **Exhibit 3** is expanded to show multiple data flows with multiple servers. The data flow of email messages depicted by the lightning bolt symbols are shown between Bloomberg and **Southridge Investment Group** also known as SIG. There are data flows also between SIG and client computer sessions. The client users are depicted by a person and computer screen in the lower right area of the diagram. In the upper right area of the diagram is a “proxy” server that is in between the data flow of email messages between SIG and Smarsh. In computer networks, a proxy server is a server that acts as an intermediary between clients and other servers to provide additional support for the transportation of requests for data and their related responses.



23. **Exhibit 3** and **Exhibit 4** illustrate why valid transportation headers are required to distinguish a simple file from an email. Transportation headers containing unique identifiers such as UUIDs and GUIDs help determine and track the flow of an email between the server entities Bloomberg, SIG and Smarsh – as depicted in **Exhibit 4** above.

24. Exhibit 5a, which follows illustrates the alteration to the critical information contained in the recipient address field of a Bloomberg email.

```
<Message>
<MsgID>4ED5530B0000140600A10028</MsgID>
<MsgTime>2011-11-29-16.47.55.000000</MsgTime>
<MsgTimeUTC>1322603275</MsgTimeUTC>
<MsgLang>English</MsgLang>
<Sender>
<UserInfo>
<FirstName>AUBREY</FirstName>
<LastName>HURSE</LastName>
<AccountName>CITIGROUP GLOBAL MAR</AccountName>
<BloombergEmailAddress>AHURSE@Bloomberg.net</BloombergEmailAddress>
<CorporateEmailAddress></CorporateEmailAddress>
</UserInfo>
</Sender>
<Recipient DeliveryType = "BCC">
<UserInfo>
<FirstName>LESLIE</FirstName>
<LastName>KING</LastName>
<FirmNumber>838178</FirmNumber>
<AccountName>KING ASSET MANAGEMEN</AccountName>
<AccountNumber>[REDACTED]</AccountNumber>
<BloombergUID>6500283</BloombergUID>
<BloombergEmailAddress>LKING12@Bloomberg.net</BloombergEmailAddress>
<CorporateEmailAddress>leslie.lynn.king@gmail.com</CorporateEmailAddress>
</UserInfo>
</Recipient>
<Subject>
*VCON TICKET*TRDR:AUBREY HURSE&gt;CITIGROUP GLOBAL MARKE *11/29/11</Subject>
<MsgBody>
*VCON TICKET*TRDR:AUBREY HURSE&gt;CITIGROUP GLOBAL MARKE *11/29/11
SELLS 3400 (M) GLDGEN 5 □ 06/01/47 38122NPB2 DTD: 3/14/07
SETTLEMENT on 11/30/11 FCPNDT: 6/ 1/07
PRICE 63.2630000 or YIELD 8.3800 (to 6/ 1/47 @ 100.0000)
After Concession [ 0.0000 pts]: Price 63.263000 / Yield 8.3800
NOTES: ULTIMATE TIER BUYS 3.4MM @ 8.38
BOOK TO TBMB/0309 (38122NPB Muni DES&lt;GO&gt;)
* GOLDEN TOB SR-A- *
*** PRINCIPAL: $ 2,150,942.00 ***
*** CONCESSION: 0.00 ***
*** PRINCIPAL NET CONCESSION: 2,150,942.00 ***
*** ACCRUED (179 days): 86,640.97 ***
*** TOTAL: $ 2,237,582.97 ***
</MsgBody>
<DisclaimerReference>50136</DisclaimerReference>
<Greeting>
Muni Sales/Trading W:212-723-7103 C:917-723-6898
</Greeting>
</Message>
```

The Bloomberg email address highlighted in grey shown above in Exhibit 5a between the XML begin and end tags named BloombergEmailAddress reads as follows:

LKING12@Bloomberg.net

Although the BloombergEmailAddress is the address that should print in the human readable form of Exhibit 5a, throughout the data are several thousand emails that dropped the Bloomberg email address, inserting the corporate email address, also highlighted in grey above in the human readable email as follows:

[REDACTED]@gmail.com

Exhibit 5b attached here in **Attachment 2** is an exhibit marked “North2” from the Ocean Cross proceedings, which appears to be the same email in many respects as the XML document shown above in **Exhibit 5a** with some differences in critical information. This indicates that the email shown in **Attachment 2** is an alteration of the original XML document. The timestamp is different: in the XML document the time is 16.47.55; the PDF document shows a one hour difference – 17.47.55. Also, the ‘@’ sign in the PDF document is an Arial font used only by MacIntosh computers.

25. **Exhibit 6**, which follows, illustrates a Bloomberg email in the form of an XML document. **Attachment 3** shows the added top line “Jackson, Leslie (Boo)” which is missing from the XML document shown here in **Exhibit 6**. This is an example of an email that was modified only for the purpose of printing and saving the inserted changes as a PDF file. It is also an example of an altered file under the category of paragraph 10-F related to “. . . text insertion, text modification”.

```
<Message>
<MsgID>4B956A880019C18000AB2E5B</MsgID>
<MsgTime>2010-03-08-16.22.16.000000</MsgTime>
<MsgTimeUTC>1268083336</MsgTimeUTC>
<MsgLang>English</MsgLang>
<Sender>
<User Info>
<FirstName>BILLY</FirstName>
<LastName>STOWASSER</LastName>
<AccountName>RAYMOND JAMES & ASSO</AccountName>
<BloombergEmailAddress>WSTOW@Bloomberg.net</BloombergEmailAddress>
<CorporateEmailAddress/>
</UserInfo>
</Sender>
<Recipient DeliveryType="BCC">
<User Info>
<FirstName>LESLIE</FirstName>
<LastName>KING</LastName>
<FirmNumber>838178</FirmNumber>
<AccountName>KING ASSET MANAGEMEN</AccountName>
<AccountNumber>[REDACTED]/AccountNumber>
<BloombergUUID>6500283</BloombergUUID>
<BloombergEmailAddress>LKING12@Bloomberg.net</BloombergEmailAddress>
<CorporateEmailAddress>[REDACTED] gmail.com</corporateEmailAddress>
</UserInfo>
<Forwarded To>
<Recipient DeliveryType="BCC">
<User Info>
<FirstName/>
<LastName>MMIZELL</LastName>
<AccountName/>
<BloombergEmailAddress/>
<corporateEmailAddress>mmizell@southridgegroup.com</corporateEmailAddress>
</UserInfo>
</Recipient>
</ForwardedTo>
</Recipient>
<Subject>
MEAG will ticket tomorrow </subject>
<MsgBody>
MEAG will ticket tomorrow
Reply:
THANKS .. I ASKED TODD FOR THE HEDGE RATIO ?? DO YOU HAVE THAT ??
</MsgBody>
```

26. **Attachment 4** is a printed email chain in PDF form, which comes from the disc provided by FINRA identified as DOE000735. It includes several examples of intentional data alteration including: insertion of new text onto the top line of the email showing “Jackson, Leslie (Boo)” where that text was not in the original email. The presence of this information identifies the individual who printed the file that was created using a computer specifically set up for that user.

In **Attachment 4** there are at least three (3) symbols in the body of email that can be identified clearly as being from a Macintosh computer based on the font type used. Namely *bit fonts* were used in this file versus the *Microsoft TrueType fonts* that were known to be used within the operating systems used by Southridge and Ocean Cross. The symbols identified in this manner include the “at sign” - ‘@’, the greater than symbol - ‘>’ and the equals symbol ‘=’. Also, letters near the top of the email show up in Arial (MAC) font like this ‘IOI’ vs. this ‘IOI’. There is no XML document or .pst file that corresponds to **Attachment 4**, indicating that while it may have existed at one time as an electronic file, discrete changes were made to critical information, which could not be saved electronically, but could only exist if the file was “made up”, printed and then saved in a PDF format.

27. **Attachment 5** is a set of emails that were all in Unicode.msg format showing the following: (a) an email without a transportation header, (b) an email with a good transportation header, (c) an email showing a transportation header that is corrupted and whose transportation header contains an indication that AES 256 bit encryption was used.

In the attachment 5(a) where the transportation header is missing (in properties), the first email’s “From:” field is “Ellen Klem”, the “To:” field is “Jackson, Leslie (Boo)”, the “Subject:” field is “RE: SIG Response” and the date is “November 30, 2011”, the email body displays: “Thanks Boo! When do you need this information by?”

In attachment 5(b) where there is a good transportation header (in properties), the second email’s “From:” field is “Jackson, Leslie (Boo)”, the “To:” field is “Thaddeus J. North”, the “Subject:” field is “RE: Southridge Investment Group, LLC” and the date is “March 1, 2012”, the email body displays the one word “fine”.

In attachment 5(c), which is a bad transportation header, starts with a statement as follows: “Microsoft Internet Headers Version 2.0”. The reason this transportation header is considered bad is 5(c) contains an indication within the transportation header that AES 256 bit encryption was used.

Here is the statement within the transportation header with AES256 highlighted:

(version=TLSv1/SSLv3 cipher=DHE-RSA-~~AES256~~-SHA bits=256 verify=NO)

the email with AES 256 could not have occurred. The emails shown here in **Attachment 5** that are all in Unicode.msg format which should have been in Outlook.msg format all lead this expert to conclude that highly refined technical knowledge and access was required to apply such changes intentionally to an email's transportation header.

28. It has been reported to me that a hearing transcript indicates that Smarsh lost Bloomberg records from files during a migration and unsuccessful re-ingestion archive process sometime in early 2014 and before Smarsh located the additional files it delivered in 10/2014. During a migration or archive process, only a copy is being made of the files. The files are not being moved or deleted and should not be affected in any way if properly archived and backed-up. The only way a file could be lost during migration or archiving is through incompetence or intentional deletion.

29. To summarize the observed alterations, falsifications, and corruptions to the electronic files contained on the CDs produced by FINRA, some of the smaller sets of changes were done manually by a person simply typing over the original text or inserting new text in various parts of the emails including the email body, email subject line, and even the so-called top line above the original email's first line. More involved changes were applied across hundreds or thousands of emails in a consistent manner such as missing transportation headers, hundreds or thousands of emails all containing the same GUIDs, and emails with "on behalf of . . ." inserted in the recipient address field indicating they were delivered to MM but there is no XML record of that delivery with the phrase "on behalf of . ..". These involved, numerous examples of alterations can be duplicated with a commonly used scripting language such as REXX or Python. A scripting language generally provides support for the programmer to alter text in a 'scripted' manner so that it consistently changes, for example 'A' to 'B' across hundreds or thousands of documents. They can be used in conjunction with or separately from XML documents. The existence of multiple categories of alterations to the five hundred thousand (500,000) plus emails that must have been scripted for the numbers and consistency to be present, demonstrate an intentional pattern of alteration and falsification to hundreds of thousands of official federal records.

Conclusions

It is my conclusion based on the facts presented in this report, that the parties who had access, possession, exclusive control or 'touched' the data conducted a series of automated and manual actions through a sophisticated scheme for only one reason – to cause spoliation and corruption of one-hundred percent (100%) of the emails and to represent facts and communications that never occurred. Because the computing industry is a demanding and exacting process, there is no room for error. This demand for exactness is especially true for XML documents that must be well-formed where each and every character is controlled and cannot be changed without causing an error in the processing of the XML documents. There is an old saying in computer programming - "The last one who touched it owns it". This saying also applies to data files. The last one touching the data file owns it. In this expert's opinion, there was a combined and agreed upon event where two (2) or more persons or entities worked together to achieve the goal of spoliating the entire database. Because of the electronic fingerprints within the data, the printed exhibits and the statements made by the FINRA employees LDJ and JM, I can only conclude that FINRA and Smarsh spoliated the data concerned.

The nature and extent of the spoliation is neither accidental nor coincidental and demonstrates that intentional actions were taken to achieve the corruption of data observed throughout the files. If any of the data is spoliated, then nothing is reliable. This means that one-hundred percent (100%) of the provided database that I examined is unreliable. Because of the mass spoliation of files that never did and never could become emails, they are not able to searched or reviewed.

This concludes my declaration and report about a trail of secretly embedded changes that demonstrates a widespread and intentional series of data corruptions.

References

Declaration of Dustin S. Sachs of Navigant – 07/30/2014

Consolidated Declaration of Andy Thomas of To The Rescue Texas - 10/04/2014

Declaration of Jon Berryhill – 03/02/2015

Respectfully submitted this 9th day of June 2015.

Frank Huber

Frank Huber

County of Baltimore City
State of Maryland)

On this 9 day of June 2015, Frank Huber, appeared before me a Notary Public in and for the state of Maryland, and having presented proper identification, did execute the foregoing Declaration under oath and penalty of perjury.

Shannon D. Boswell

Notary Public

My commission Expires:

05/19/2017



Curriculum Vitae - CV

Frank H. Huber

[REDACTED]
Baltimore, MD [REDACTED]

[REDACTED]@yahoo.com
[REDACTED]

Summary

Frank Huber has over 30 years of experience as a Software Programmer of Applications in the fields of Communications, Avionics, Engineering, Artificial Intelligence, Business, Banking and Insurance for Aerospace, Defense, Commercial, Public Utilities and Government (Federal, State and City). Concentration is on applications and systems programming.

Working knowledge of Object Oriented Programming (OOP), Yourdon, Fourth Generation Languages (4GL), Computer Aided Software Engineering (CASE), Graphics, Communications, Networks, Real-Time, Databases (Hierarchical and relational), System Conversion, Operating Systems, Capacity Planning, Client-Server, Messaging systems, Year 2000 (Y2K) and Configuration Management.

Primary responsibilities included the software life cycle of design, development, implementation, conversion, test, maintenance, support, production, validation, verification and documentation of Software Application requirements.

Programming Languages

Assembler, BASIC, C/C++, CLIST, COBOL, FORTRAN, JCL, Pascal, Oracle, REXX, SQL and XML.

Professional Experience

Center for Medicare and Medicaid Systems – CMS

Federal Deposit Insurance Company – FDIC

U.S. Department of Treasury

Resolution Trust Corporation - RTC

National Institutes of Health – NIH

Food and Drug Administration – FDA

US Department of Interior – Bureau of Indian Affairs

General Dynamics Information Technology, Inc. - GDIT

Westinghouse Defense and Electronic Systems (now Lockheed Martin) e

General Dynamics - GD (now Lockheed Martin)

International Business Machines - IBM

MCI Telecommunications Corporation

Grumman Data Systems

Education

State University of New York (SUNY) Utica – 1982 - 1983

Mohawk Valley Community College – AAS Computer Science 1980 - 1982

USCF rated Tournament chess player

From: "AUBREY HURSE"
To: "LESLIE KING"
Subject: "VCON TICKET TRUFALBREY HURSE>CITIGROUP GLOBAL MARKE *11/29/11
Received (Date): Tue, 29 Nov 2011 17:47:55 -0400

"VCON TICKET TRUFALBREY HURSE>CITIGROUP GLOBAL MARKE *11/29/11
SELLS 3400 (M) GLDGEN 5 [06/01/47 38122NPB2 DTD: 3/14/07
SETTLEMENT on 11/30/11 FCPNDT: 6/ 1/07
PRICE 63.263000 or YIELD 8.3800 (to 6/ 1/47 @ 100.0000)
After Concession [0.0000 pts]: Price 63.263000 / Yield 8.3800
NOTES: ULTIMATE TIER BUYS 3.4MM @ 8.38
BOOK TO TEBM6300 {38122NPB Muni DES<GO>}

*GOLDEN TOB SR:A *

*** PRINCIPAL:	\$	2,150,942.00	***
*** CONCESSION:		0.00	***
*** PRINCIPAL NET CONCESSION:		2,150,942.00	***
*** ACCRUED (179 days):		86,640.97	***
*** TOTAL:	\$	2,237,582.97	***



<Message>
 <MsgID>4ED5530B0000140600A10028</MsgID>
 <MsgTime>2011-11-29-16.47.55.000000</MsgTime>
 <MsgTimeUTC>1322603275</MsgTimeUTC>
 <MsgLang>English</MsgLang>
 <Sender>
 <UserInfo>
 <FirstName>AUBREY</FirstName>
 <LastName>HURSE</LastName>
 <AccountName>CITIGROUP GLOBAL MAR</AccountName>
 <BloombergEmailAddress>AHURSE@Bloomberg.net</BloombergEmailAddress>
 <CorporateEmailAddress/>
 </UserInfo>
 </Sender>
 <Recipient DeliveryType>"BCC">
 <UserInfo>
 <FirstName>LESLIE</FirstName>
 <LastName>KING</LastName>
 <FirmNumber>838178</FirmNumber>
 <AccountName>KING ASSET MANAGEMEN</AccountName>
 <AccountNumber>[REDACTED]</AccountNumber>
 <BloombergUUID>6500283</BloombergUUID>
 <BloombergEmailAddress>LKING12@Bloomberg.net</BloombergEmailAddress>
 <CorporateEmailAddress>[REDACTED]</CorporateEmailAddress>
 </UserInfo>
 </Recipient>
 <Subject>e
 *VCON TICKET*TRDR:AUBREY HURSE>CITIGROUP GLOBAL MARKE *11/29/11</Subject>e
 <MsgBody>
 *VCON TICKET*TRDR:AUBREY HURSE>CITIGROUP GLOBAL MARKE *11/29/11e
 SELLS 3400 (M) GLDGEN 5 1/8 06/01/47 38122NPB2 DTD: 3/14/07e
 SETTLEMENT on 11/30/11 FCPNDT: 6/ 1/07e
 PRICE 63.2630000 or YIELD 8.3800 (to 6/ 1/47 @ 100.0000)
 After Concession [0.0000 pts]: Price 63.263000 / Yield 8.3800
 NOTES: ULTIMATE TIER BUYS 3.4MM @ 8.38
 BOOK TO TBMB/0309 {38122NPB Muni DES⁢GO>}
 *eGOLDEN TOB SR-A- *e
 *** PRINCIPAL: \$ 2,150,942.00 ***
 *** CONCESSION: 0.00 ***
 *** PRINCIPAL NET CONCESSION: 2,150,942.00 ***
 *** ACCRUED (179 days): 86,640.97 ***
 *** TOTAL: \$ 2,237,582.97 ***
 </MsgBody>
 <DisclaimerReference>50136</DisclaimerReference>
 <Greeting>
 Muni Sales/Trading W:212-723-7103 C:917-723-6898
 </Greeting>
 </Message>

Jackson, Leslie (Boo)

From: wstow@bloomberg.net on behalf of BILLY STOWASSER, RAYMOND JAMES & ASSO
[wstow@bloomberg.net]
Sent: Monday, March 08, 2010 8:22 PM
To: mmizell@scout24group.com
Subject: NEAG will ticket tomorrow

NEAG will ticket tomorrow

Reply:

THANKS.. I ASKED TODD FOR THE HEDGE RATIO ?? DO YOU HAVE THAT ??

ATTACHMENT 3

29

Jackson, Leslie (Boo)

From: tcowle2@bloomberg.net on behalf of TODD COWLE, ULTIMATE TIER ADVISO [tcowle2@bloomberg.net]
Sent: Wednesday, November 18, 2009 11:32 AM
To: mmizell@southridgegroup.com
Subject: Re:Fwd:THE HEALTH CARE AUTHORITY OF CULLMAN COUNTY, ALABAMA

sure looks that way

----- Original Message -----

From: LESLIE KING (KING ASSET MANAGEMEN)
At: 11/18 11:30:02

Todd- what do you think about these? Cheap

----- Original Message -----

From: JAMES SCHERR (DOCKSIDE)
At: 11/18 12:17:46

=
> = CONSENSUS/ IOI

>
> RE: \$74,795,000*
> THE HEALTH CARE AUTHORITY OF CULLMAN COUNTY, ALABAMA CULLMAN REGIONAL
> MEDICAL CENTER SERIES 2009-A
>
>
> WE PLAN ON PRICING THIS ISSUE TOMORROW, NOVEMBER 19, 2009. BELOW IS
> THE CONSENSUS SCALE.
>
> WE WILL BEGIN TAKING IOI'S THIS AFTERNOON.

> MOODY'S: Baa3 S&P: FITCH: BBB-

> DATED:12/03/2009 FIRST COUPON:02/01/2010

> DUE: 02/01

> MATURITY	AMOUNT*	COUPON	PRICE
> 02/01/2010	1,075M	3.00%	2.37
> 02/01/2011	1,260M	5.00%	2.95
> 02/01/2012	1,320M	5.00%	3.51
> 02/01/2013	1,380M	5.00%	4.12
> 02/01/2014	1,470M	5.00%	4.76
> 02/01/2015	1,530M	5.00%	5.20
> 02/01/2016	1,600M	5.25%	5.44
> 02/01/2017	1,685M	5.50%	5.68

18

> 02/01/2018	1,795M	5.75%	5.88
> 02/01/2019	1,915M	6.00%	6.03
>			
> 02/01/2024	11,490M	6.25%	6.50
>			
> 02/01/2029	16,065M	6.50%	6.75
>			
> 02/01/2036	32,210M	6.75%	7.00

> -----

> CALL FEATURES: Optional call in 02/01/2019 @ 100.00

> -----

> * - APPROXIMATE SUBJECT TO CHANGE

> PRIORITY OF ORDERS AS FOLLOWS:

- > 1. Alabama Retail
- > 2. Group Net
- > 3. Member

> The Award is expected on Friday, November 20, 2009.

> Delivery is expected on Thursday, December 3, 2009.

> This Issue is book entry. This issue is clearing through DTC.

> Merrill Lynch & Co.

> Frazer Lanier Company Incorporated

From: TODD COWLE <TCOWLE2@frontier.net>
Sent: Wednesday, November 18, 2009 12:32 PM
Subject: Re: Fwd: THE HEALTH CARE AUTHORITY OF CULLMAN COUNTY, ALABAMA

sure looks that way

—>Original Message —

From: LESLIE KING (KING ASSET MANAGEMENT)>
At: 11/18 11:30:02>

Todd- what do you think about these? Cheap

— Original Message —

From: JAMES SCHERR (DOCKSIDE)>
At: 11/18 12:17:46>

= CONSENSUS/ IOI

> ==>

>

> RE: \$74,795,000*

> THE HEALTH CARE AUTHORITY OF CULLMAN COUNTY, ALABAMA CULLMAN REGIONAL>

> MEDICAL CENTER SERIES 2009-A>

>>

>

>

> WE PLAN ON PRICING THIS ISSUE TOMORROW, NOVEMBER 19, 2009. BELOW IS

> THE CONSENSUS SCALE.>

>>

> WE WILL BEGIN TAKING IOI'S THIS AFTERNOON.

>

>

>

> MOODY'S: Baa3 S&P: FITCH: BBB-

>

>

>> DATED:12/03/2009 FIRST COUPON:02/01/2010>

>>

> DUE: 02/01

>

>

>

> MATURITY AMOUNT* COUPON PRICE

> 02/01/2010 1,075M 3.00% 2.37>

> 02/01/2011 1,260M 5.00% 2.95>

> 02/01/2012	1,320M	5.00%	3.51
> 02/01/2013	1,380M	5.00%	4.12
> 02/01/2014	1,470M	5.00%	4.76
> 02/01/2015	1,530M	5.00%	5.20
> 02/01/2016	1,600M	5.25%	5.44
>			
> 02/01/2017	1,685M	5.50%	5.68
> 02/01/2018	1,795M	5.75%	5.88
> 02/01/2019	1,915M	6.00%	6.03
>			
> 02/01/2024	11,490M	6.25%	6.50
>			
> 02/01/2029	16,065M	6.50%	6.75
>			
> 02/01/2036	32,210M	6.75%	7.00

> -----

> CALL FEATURES: Optional call in 02/01/2019 @ 100.00

> -----

> * - APPROXIMATE SUBJECT TO CHANGE

> PRIORITY OF ORDERS AS FOLLOWS:

- > 1. Alabama Retail
- > 2. Group Net
- > 3. Member

> The Award is expected on Friday, November 20, 2009.

> Delivery is expected on Thursday, December 3, 2009.

> This Issue is book entry. This issue is clearing through DTC.

> Merrill Lynch & Co.

> Frazer Lanier Company Incorporated

From: JAMES SCHERR <JSCHERR@Bloomberg.net>
Sent: Wednesday, November 18, 2009 12:18 PM
Subject: THE HEALTH CARE AUTHORITY OF CULLMAN COUNTY, ALABAMA

== CONSENSUS/ IOI

> ==

>

> RE: \$74,795,000*

> THE HEALTH CARE AUTHORITY OF CULLMAN COUNTY, ALABAMA CULLMAN REGIONAL

> MEDICAL CENTER SERIES 2009-A

>

>

>

> WE PLAN ON PRICING THIS ISSUE TOMORROW, NOVEMBER 19, 2009. BELOW IS

> THE CONSENSUS SCALE.

>

> WE WILL BEGIN TAKING IOI'S THIS AFTERNOON.

>

>

>

> MOODY'S: Baa3 S&P: FITCH: BBB-

>

>

> DATED:12/03/2009 FIRST COUPON:02/01/2010

>

> DUE: 02/01

>

>

>

> MATURITY AMOUNT* COUPON PRICE

> 02/01/2010 1,075M 3.00% 2.37

> 02/01/2011 1,260M 5.00% 2.95

> 02/01/2012 1,320M 5.00% 3.51

> 02/01/2013 1,380M 5.00% 4.12

> 02/01/2014 1,470M 5.00% 4.76

> 02/01/2015 1,530M 5.00% 5.20

> 02/01/2016 1,600M 5.25% 5.44

>

> 02/01/2017 1,685M 5.50% 5.68

> 02/01/2018 1,795M 5.75% 5.88

> 02/01/2019 1,915M 6.00% 6.03

>

> 02/01/2024 11,490M 6.25% 6.50

>

Message

File Edit View Favorites Tools

Print Delete Reply Reply All Forward Merge Move Actions* Help Undo Paste Up Translate Select Show

Delete Respond Move

From: Jackson, Leslie (Boo)
 To: Thomas J. North
 Cc:
 Subject: RE: SIG Response

fine

Boo Jackson
 Principal Examiner
 FNRA - New Orleans District 5
 1100 Poydras Street
 Suite 650
 New Orleans, Louisiana 70163
 Telephone: (504) 522-6527
 Facsimile: (504) 412-2452

From: Thomas J. North
 Sent: Wednesday, November 30, 2011 10:14 AM
 To: Jackson, Leslie (Boo)
 Subject: SIG Response

Boo,

Bill has been traveling and asked if he can get his response to

Thanks,

Tad

11/30/11 11:15 AM

Properties

Send: Wed 11/30/11 11:15 AM

Importance: Normal
 Security: Encrypt message contents and attachments
 Add digital signature to outgoing message
 Request S/MIME receipt for this message

Do not AutoArchive this item

Tracking options
 Request a delivery receipt for this message
 Request a read receipt for this message

Delivery options
 Expires after: None 11:59 AM

Content type:
 Categories: None

Internet feeds:

Close

See more about: Jackson, Leslie (Boo).

Taskbar: Start, Internet Explorer, Outlook, Word, Office, etc.

Settings

Importance: Normal
 Security: Encrypt message contents and attachments
 Add digital signature to outgoing message
 Request S/MIME receipt for this message

Do not auto-archive this item

Tracking options

Request a delivery receipt for this message
 Request a read receipt for this message

Delivery options

When not delivered: Expires after: Zone 12:00 AM

Categories

Categories: None

Internet headers:

[Redacted]

Close

You replied to this message on 3/1/2012 1:43 PM.
 From: Ellen Klein <ellenk@smarsh.com>
 To: Jackson, Leslie (Bo) <leslie.jackson@smarsh.com>
 Subject: RE: Southridge Investment Group LLC

Thanks Bo! When do you need this information by?
 Ellen

From: Jackson, Leslie (Bo) [mailto:leslie.jackson@smarsh.com]
 Sent: Thursday, March 01, 2012 8:48 AM
 To: Ellen Klein
 Subject: FW: Southridge Investment Group LLC

Ellen:

I appreciate your reaching out to me concerning FINRA's request during the time period of June 2009 until September 2011:

- Documentation supporting the evidence of supervision
- Date of review;
- Approval by a principal of the firm;
- Document reviewed.

Note that Southridge's request to SMARSH is attached below.
 Please free to contact me with any questions.

Sent: Thu 3/1/2012 12:50 PM

conversation, please provide the following information

See more about: Ellen Klein.

Microsoft Mail Internet Headers Version 2.0

Received: from CLT-NASD-MTAP1.corp.root.nasd.com ([150.123.241.111]) by CLT-NASD-EXCLP1.corp.root.nasd.com with Microsoft SMTPSVC(6.0.3790.4675);

Thu, 1 Mar 2012 12:56:06 -0500

Received: from corpmail.finra.org ([172.27.0.239]) by CLT-NASD-MTAP1.corp.root.nasd.com with Microsoft SMTPSVC(6.0.3790.4675);

Thu, 1 Mar 2012 12:56:06 -0500

Received: from psmtp.com (exprod8mx250.postini.com [64.18.3.41])

by corpmail.finra.org (8.14.4+Sun/8.13.8/20081014) with SMTP id q21Hu4!Q018018

(version=TLSv1/SSLv3 cipher=DHE-RSA-AES256-SHA bits=256 verify=NO)

for <Leslie.Jackson@finra.org>; Thu, 1 Mar 2012 12:56:04 -0500 (EST)

Received: from email.smarshcorp.com ([209.237.75.2]) (using TLSv1) by exprod8mx250.postini.com ([64.18.7.10]) with SMTP;

Thu, 01 Mar 2012 12:56:04 EST

Received: from CORP-EXMB-03.smarshcorp.com ([169.254.3.15]) by

CORP-EXHT-01.smarshcorp.com ([172.27.101.203]) with mapi id 14.02.0247.003;

Thu, 1 Mar 2012 09:55:58 -0800

From: Ellen Klem <eklem@smarsh.com>

To: "Jackson, Leslie (Boo)" <Leslie.Jackson@finra.org>

Subject: RE: Southridge Investment Group LLC

Thread-Topic: Southridge Investment Group LLC

Thread-Index: Acz3FYYPWrd3fDgQSmjtdtiGnJlrQAvXOVwAABjW7A=

Date: Thu, 1 Mar 2012 17:55:57 +0000

Message-ID: <B21571F6FC8AF140A6562847CD2870E7051434@CORP-EXMB-03.smarshcorp.com>

References: <18DB7BCE60FE1545B29509227FCC49E40DAD288D@CLT-NASD-EXCLP1.corp.root.nasd.com>

In-Reply-To: <18DB7BCE60FE1545B29509227FCC49E40DAD288D@CLT-NASD-9
EXCLP1.corp.root.nasd.com>9

Accept-Language: en-US

Content-Language: en-US9

X-MS9Has-Attach:9

X-MS-TNEF-Correlator:9

x-originating-ip: [172.27.50.97]9

Content-Type: multipart/alternative;

boundary=" _000_B21579F6FC8AF140A6562847CD2870E7051434CORPEXMB03smarshc_9

MIME-Version: 1.0

X-pstn-lex: cm_lex_ccn

X-pstn-levels: (S:99.90000/99.90000 CV:99.9000 FC:95.5390 LC:95.5390 R:95.9108 P:95.91089
M:97.0282 C:98.6951)9

X-pstn-dkim: 0 skipped:not-enabled

X-CM: Credit Card Numbers9

X-pstn-settings: 5 (2.0000:2.0000) s cv gt3 gt2 gt1 r p m c9

X-pstn-addresses: from <eklem@smarsh.com> [db-null]9

Return-Path: eklem@smarsh.com9

X-OriginalArrivalTime: 01 Mar 2012 17:56:06.0364 (UTC) FILETIME=[9351C9C0:01CCF7D4]9

—_000_B21571F6FC8AF140A6562847CD2870E7051434CORPEXMB03smarshc_

Content-Type: text/plain; charset="us-ascii"

Content-Transfer-Encoding: quoted-printable

—_000_B21571F6FC8AF140A6562847CD2870E7051434CORPEXMB03smarshc_9

Content-Type: text/html; charset="us-ascii"

Content-Transfer-Encoding: quoted-printable

--_000_B21571F6FC8AF140A6562847CD2870E7051434CORPEXMB03smarshc_--

SUPPLEMENT DECLARATION OF FRANK HUBER

1.e I declare under penalty of perjury that the following statements are true according to the best of my knowledge, information and belief.e

2a. My name is Frank Huber. I am over the age of twenty-one (21) and I am competent and qualified to make this declaration. I am a computer programmer with over thirty (30) years of experience working for various agencies of the federal and state governments as well as corporate and commercial clients, primarily Fortune 100 companies. My formal CV is attached (**Attachment 1**).

2b. In May of 2015, I was retained by Constance Miller, Esq. to examine various digital files, emails and other material related to FINRA DOE complaints against TN, MP, LK, and TC for the purposes of verifying various levels of corruptions and alterations to emails delivered by SM and FINRA. LK was formerly registered with SIG and OC which were both formerly FINRA members. TN and MP are two (2) plaintiffs in a federal civil suit, case number 15-cv-00494. TN was the compliance officer for both SIG and OC. MP was a broker.

2c. For the purpose of my analysis, Joseph Marshall Hosea and Constance Miller provided me with copies of emails as provided to them by FINRA DOE and SM. I or my technical assistant reviewed over 85% of the digital files presented as emails from FINRA DOE.

3.e This paragraph three (3) and paragraph four (4) presents new evidence and findings from a "bird's eye" view that will clearly show what happened and how it happened based on a review of over 85% of the digital files presented as emails by FINRA DOE.e

Exhibit 1 is shown on the following page depicting the correct way email scanning, capture, and archive would flow.e

At the top of **Exhibit 1**, MP and TN are shown sending emails with their individual MS Outlook accounts through either the path shown by the arrows on the left side of the exhibit via SIG through ST's physical server. Or, MP and TN are shown sending emails with their individual MS Outlook accounts through the path shown by the arrows on the right side of the exhibit via OC through the Web.com online server.

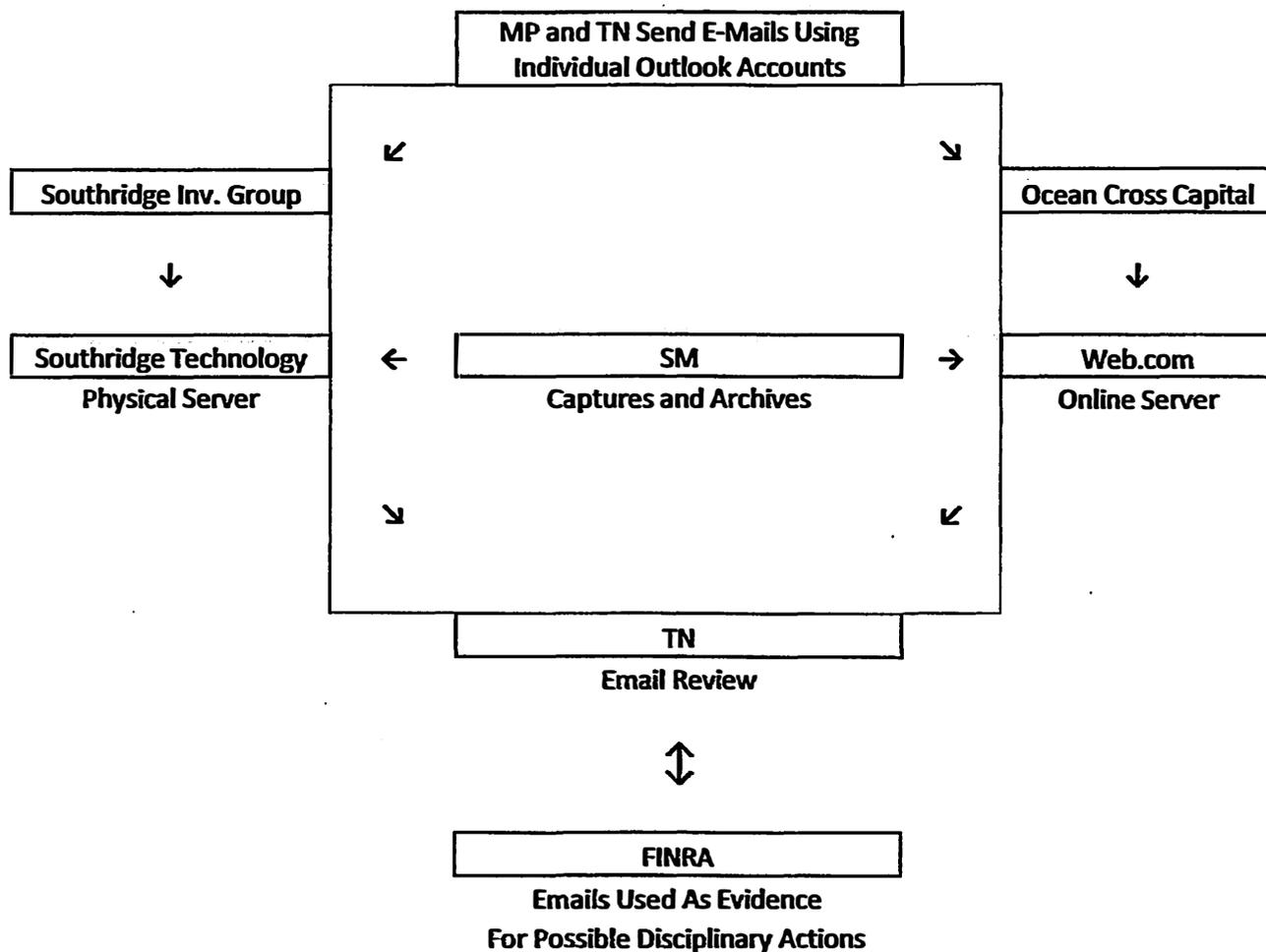
SM is shown in the middle of the large box of the diagram in **Exhibit 1** with the role of capture and archive.

TN is shown immediately below the large box of the diagram in **Exhibit 1** with the role of email review for both the left and right paths as shown by the arrows.

FINRA is shown immediately below TN in diagram in **Exhibit 1** with the role of Emails used as evidence for possible disciplinary action.

Exhibit 1

**CORRECT EMAIL
PROCESSING**



4.e **Exhibit 2** is shown on the following page with a depiction of the scanning, capture, and archive flow that actually occurred based on the detailed evidence and findings shown in this report.e

At the top of **Exhibit 2**, MP and TN are shown sending emails with their individual MS Outlook accounts through either the path shown by the arrows on the left side of the exhibit via SIG through ST's physical server. Or, MP and TN are shown sending emails with their individual MS Outlook accounts through the path shown by the arrows on the right side of the exhibit via OC through the Web.com online server.

SM is shown immediately below the large box of the diagram in **Exhibit 2** without the role of capture and archive as depicted in the diagram of **Exhibit 1**. Instead, SM is shown with its owning parent company Toba Capital which has ties to BF UK, and TI AG. This depiction of how SM appears differently as shown in the flow between **Exhibit 1** and **Exhibit 2** is supported by the detailed evidence and findings presented in the previous paragraphs of this report where SM is never found to be resolved properly by either its IP addresses or email addresses in the query reports from IPNetInfo and ARIN.

FINRA is shown immediately below SM in the diagram of **Exhibit 2** associated with the overseas servers owned by BF UK and TI AG. This is also supported by the detailed evidence and findings presented in the previous paragraphs of this report where FINRA IP addresses on the email internet transportation headers are resolved in conjunction with BF UK and TI AG in the query reports as shown from IPNetInfo and ARIN.

FINRA is identified in the diagram of **Exhibit 2** as the owner of the redirected digital files represented as emails that they then falsified through their redirected ownership of the digital files with their overseas partners. Again, this is all supported by the new evidence and findings in this report.

SM is shown next after FINRA with captures and false archives.

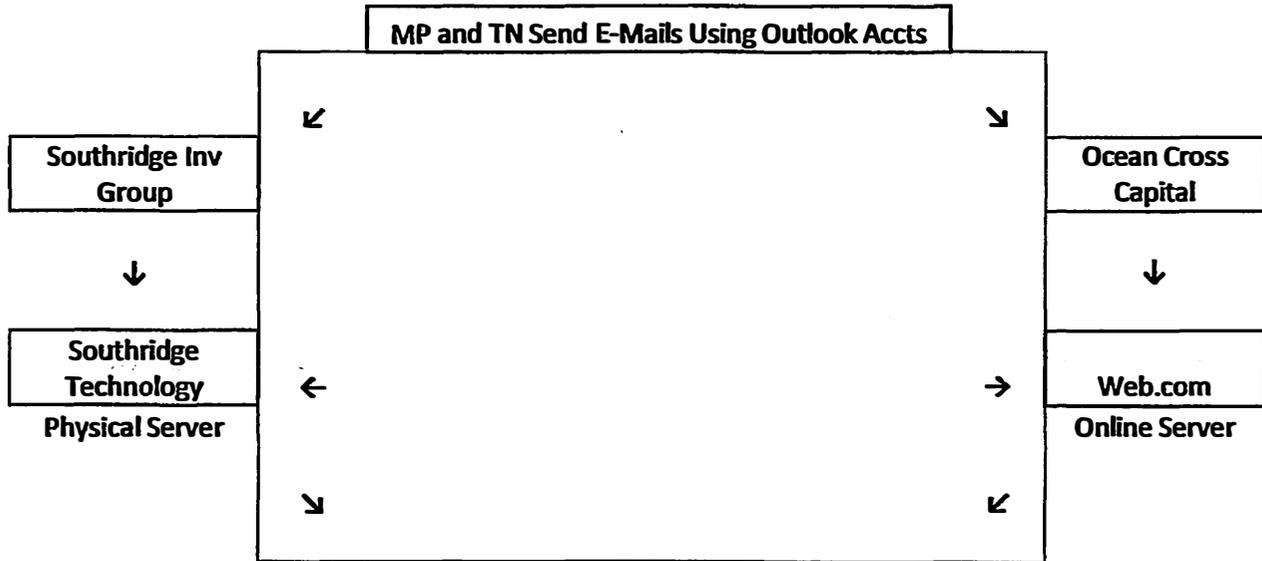
TN is shown in the immediately after SM at the second from bottom of the diagram in **Exhibit 2** with the role of email review.

FINRA is shown at the bottom the diagram in **Exhibit 2** having captured, archived, and reviewed falsified electronic documents made to look like emails that have been shown definitively and exhaustively to have mismatching critical information with respect to the original good source copies of their corresponding genuine emails.

If SM were properly capturing and archiving emails, they would have had to be connected to the ST email server for SIG emails and to the Web.com online email server for OC. Otherwise, they would have had to be connected to each individual employee computer to capture emails. Neither of these connection options was used. This is clearly shown by the evidence and new findings in this report showing unresolved IP addresses and unresolved email addresses from the transportation headers of the digital files represented as emails by FINRA DOE.

Exhibit 2

FINRA EMAIL PROCESSING



Toba Capital/Owns SM

FINRA
Barefruit Error-Handling UK
Team Internet AG
(Overseas Servers)



FINRA Tampered With And Made To Look Like
SIG & OC Emails



Smarsh

False Capture & Archives



TN

Review Emails



FINRA

False Review Reports
On FINRA Computers

5a. The new evidence and new findings of evidence are given in this declaration subsequent to my original declaration of June 9, 2015. These new findings come out of a closer investigation of the declarations of Andy Thomas, Jon Berryhill and Dustin Sachs (References). The new findings also come out of a thorough review of the internet transportation headers of the digital files represented as emails as provided by FINRA DOE and SM by using industry standard software tools and internet databases as detailed in this declaration. In this supplement to my June 9, 2015 declaration, it is my conclusion that the files identified as emails provided by FINRA DOE and SM are not real emails. The files identified as emails provided by FINRA DOE are files digitally reinvented to make them look like real emails.

5b. SIG and OC did not own or operate their own email servers. SIG depended on and used the email server provided by ST. OC used the online email server called Web.com.

6. ARIN is the American Registry for Internet Numbers. A query against the ARIN database goes through the process of checking on the validity of each of the IP addresses given on email transportation headers. This query process either resolves or does not resolve the validity of each given IP address. If an IP address is not found and not valid, that means that the emails themselves are not valid emails. The digital files that were presented as though they were real emails by FINRA DOE are analyzed and presented in this declaration. They show serious discrepancies between the IP addresses that appear on the email transportation headers and those that appear resolved or not resolved in the ARIN database.

This declaration will present evidence of the following findings:

- ARIN does not resolve the IP address as given for the email address used by SM
- ARIN does not resolve the IP address as given for the email address used by LK
- ARIN does not resolve the IP addresses as given for the email address used by GC
- ARIN does not resolve the IP addresses as given for the email address used by SIG
- ARIN does not resolve the IP addresses as given for the email address used by ST
- ARIN does not resolve the IP address as given for the email address used by TC
- ARIN resolves emails redirected to FINRA and NASD IP addresses that are in turn dependent upon and related to Internap

This preponderance of new evidence therefore shows that the digital files presented as emails provided by FINRA DOE were grossly falsified by FINRA using encryption tags and other resources normally authorized only for government use related to Internap server resources and the NASD root server resources.

7. My in-depth review of the internet transportation headers was performed using a software tool called IPNetInfo to query ARIN. ARIN is the internet industry standard reference database for all American based internet IP address numbers and naming information. It provides for the maintenance of a registry of all American IP addresses and their related information.

The following is the Mission Statement of ARIN from their web-site at

https://www.arin.net/about_us/overview.html:

ARIN Mission Statement:

“ARIN, a nonprofit member-based organization, supports the operation of the Internet through the management of Internet number resources throughout its service region; coordinates the development of policies by the community for the management of Internet Protocol number resources; and advances the Internet through informational outreach.”

7a. The ARIN database of internet IP addresses was queried using a standard query called a “whois” query through a utility called IPNetInfo.

The following is the text and a sample query result from the web-site that provides the IPNetInfo utility <http://www.nirsoft.net/utills/ipnetinfo.html>:

“IPNetInfo is a utility that allows you to easily find all available information about an IP address: The owner of the IP address, the country/state name, IP addresses range, contact information (address, phone, fax, and email), and more.

This utility can be very useful for finding the origin of unsolicited mail. You can simply copy the message headers from your email software and paste them into IPNetInfo utility. IPNetInfo automatically extracts all IP addresses from the message headers, and displays the information about these IP addresses.

O.	IP Address	Status	Country	Network Na...	Owner Name	From IP	To IP
1	211.199.20...	Succeed	USA - California	ECCC-CA...	epcc	211.199.204.0	211.199.207.255
2	211.190.13...	Succeed	Korea, Republic Of	KRNIC-KR	KRNIC	211.172.0.0	211.199.255.255
3	67.28.113.10	Succeed	USA - California	LEVEL3-YA...	Yahoo!	67.28.112.0	67.28.115.255
4	16.224.32.64	Succeed	USA - Texas	DEC-INTER...	Digital Equipment Co...	16.0.0.0	16.255.255.255

OrgName: Yahoo
OrgID: YH00
Address: 701 First Avenue
City: Sunnyvale
StateProv: CA
PostalCode: 94089

How does it work ?

The IP address information is retrieved by sending a request to the whois server of ARIN. If ARIN doesn't maintain the information about the requested IP address, a second request is sent to the whois server of RIPE, APNIC, LACNIC or AfriNIC.

After the IP address information is retrieved, IPNetInfo analyzes the Whois record and displays it in a table."

7b. RIPE NCC is the European registry of internet information Network Coordination Center. The following is from the RIPE web-site at: <https://www.ripe.net/about-us>

"We're the Regional Internet Registry for Europe, the Middle East and parts of Central Asia. As such, we allocate and register blocks of Internet number resources to Internet service providers (ISPs) and other organisations.

We're a not-for-profit organisation that works to support the RIPE (Réseaux IP Européens) community and the wider Internet community. The RIPE NCC membership consists mainly of Internet service providers, telecommunication organisations and large corporations. "

7c. APNIC is the Asian registry of internet information, LACNIC is the Latin American registry of internet information, and AfriNIC is the registry for the African registry of internet information.

8.e The following paragraphs refer to itemized attachments with the new findings of evidence. Each attachment contains three (3) parts or sections. The first part of each attachment is a cross-list showing the IP addresses (matched and unmatched) between the email headers and the ARIN/IPNetInfo report. The second part is the email internet transportation header. The third part is the ARIN/IPNetInfo report. Each of the attachments show the IP addresses in reverse order. The last is at the top of the list and is numbered as one (1) and the first is at the bottom. This reverse order presentation of IP addresses is the industry standard for showing the receiver of the email as the last stop at the top of the list. The sender of the email is at the bottom of the list where the email starts and so the list reads from the bottom up to the top. The IP addresses in each given internet transportation header are in various text colors to identify the addresses that match the cross-table example listing shown below. The following is an excerpt from **Attachment 2** to illustrate this:

Email Header	#	ARIN and IPNetInfo	
Unmatched	1	92.242.140.21	paul@catalyst2.com
Unmatched	2	192.138.181.104	robert.cleary@bankofamerica.com
171.172.198.182	3	171.172.198.182	HOSTMASTER@bankofamerica.com
171.186.96.242	4	171.186.96.242	HOSTMASTER@bankofamerica.com

X-Vipre-Scanned: 15848343006DD315848490

Return-Path: lora.zajic@bofasecurities.com lora.zajic@bofasecurities.com

Received: from crprchbrdb2.bankofamerica.com ([171.172.198.182]) by

crpcltmsga1.bankofamerica.com with Microsoft SMTPSVC(6.0.3790.3959); Fri, 10 Jul 2009 15:06:07 -0400 from CRPSFOEXC43V1.bankofamerica.com

([171.186.96.242]) by crprchbrdb2.bankofamerica.com with Microsoft

9.e **Attachment 2** contains an internet transportation header followed by an IPNetInfo report.e The report shows discrepancies between the transportation header associated with the digital file represented as an email provided by FINRA DOE and the IPNetInfo query results. The IPNetInfo report reveals the following: There are two (2) additional IP addresses between those provided on the email header and those resolved by ARIN IPNetInfo. These additional IP addresses indicate they are hidden in the email header provided and only revealed by the query result provided by ARIN IPNetInfo.e

The ARIN IPNetInfo report does not resolve the email address used by LK as given in the email transportation header of this attachment and shown highlighted with green in the attachment and as shown here - [REDACTED]@gmail.com. The fact that this email address does not show up in the ARIN IPNetInfo query results means that it was not resolved.

Of particular note is the overseas reference resolved by ARIN for the United Kingdom, Belfast for whom a part of the network name and owner name is BF. The contact name resolved is Paul Redpath. Both of these names show up throughout the new findings.

10. **Attachment 3** contains an internet transportation header followed by an IPNetInfo report. The report shows several discrepancies between the transportation header associated with the digital file represented as an email provided by FINRA DOE and the IPNetInfo query results. In this second example, the IPNetInfo report reveals the following: it identifies the NASD server as well as eleven (11) entries overall compared to only seven (7) entries on the original email, yielding an additional four (4) otherwise hidden IP address entries.

ARIN resolves the header information in this attachment to be redirected to FINRA and NASD IP addresses through the Internap server. Internap Network Services Corporation and National Association of Securities Dealers, Inc. (NASD) also show in this attachment as in other attachments in this declaration. The email address of the NASD corporate root server is identified by the ARIN/IPNetInfo query results reported here as evidence. Note also the **existence in the email header the following tag: TLS_DHE_RSA_WITH_AES_256_CBC_SHA**. This encryption identifying tag indicates the use of another resource normally authorized only for government use in addition to the use of Internap resources and the NASD root server resources.

ARIN does not resolve the IP address as given for the email address used by SM in this attachment. The IP address given as 173.9.87.98 for the email address sands.smarsh.com is resolved by ARIN as email address CNIPEO-Ip-registration@cable.comcast.com shown in order position #2. The email address for sands.smarsh.com is reported as being the Host Name only in the ARIN IPNetInfo query result in order position #3 for IP address 92.242.140.21. This IP address only shows up in the IPNetInfo query result from ARIN and is reported as located in Belfast, United Kingdom for whom the Network Name is BF. The contact name resolved is Paul

Redpath. These otherwise hidden names show up throughout the new findings where sands.smarsh.com is tied to the Network Name of BF. ARIN does not resolve the IP addresses as given for the email address used by ST as shown in this attachment. The IP address given as 173.9.87.98 associated with the email address mail.southridgetech.com is resolved by ARIN as email address CNIPEO-Ip-registration@cable.comcast.com shown in order position #2. The email address for mail.southridgetech.com does get reported instead by ARIN in the IPNetInfo query result in order position #1 as the Host Name for IP address 69.25.72.21 with Owner Name as Group Spark, Inc. in Burlington, Massachusetts and email address of noc@internap.com.

ARIN does not resolve the IP addresses as given for the email address used by GC as shown in this attachment. The IP address given as 173.9.87.98 associated with the email address emailarchive@greenfieldcapitalarchive.com is resolved by ARIN as email address CNIPEO-Ip-registration@cable.comcast.com shown in order position #2. The email address for emailarchive@greenfieldcapitalarchive.com does not get reported at all by ARIN in the IPNetInfo query result.

The existence of these numerous discrepancies means that this digital file represented as an email with the transportation headers as provided by FINRA DOE is not a real email according to internet industry standard databases ARIN, RIPE and reporting tool IPNetInfo.

11.e **Attachment 4** contains an internet transportation header followed by an IPNetInfo report.e The report shows several discrepancies between the transportation header associated with the digital file presented as an email provided by FINRA DOE and the IPNetInfo query results. In this third example, the IPNetInfo report reveals the following: it identifies nine (9) entries overall compared to only four (4) entries on the provided digital file, yielding an additional five (5) otherwise hidden IP address entries.e

ARIN does not resolve the IP address as given for the email address used by LK in this attachment. The IP address given as 204.109.32.235 associated with the email address lking@southridgegroup.com is resolved by ARIN as email address lpenny@firstsw.com as shown in order position #5. The email address for lking@southridgegroup.com does not get reported at all by ARIN in the IPNetInfo query result.

The southridgegroup.com does get reported instead by ARIN in the IPNetInfo query result in order position #9 of this attachment as the Host Name for IP address 185.53.179.6 with a physical address in Germany and Owner Name of Team Internet AG.

Internap appears in order #2 of the ARIN IPNetInfo report.

The existence of these numerous discrepancies means that this digital file represented as an email with the transportation headers as provided by FINRA DOE is also not a real email according to ARIN, RIPE and IPNetInfo.

12.e**Attachment 5** contains an internet transportation header followed by an IPNetInfo report.e The report shows several discrepancies between the transportation header associated with the digital file represented as an email provided by FINRA DOE and the IPNetInfo query results. In this fourth example, the IPNetInfo report reveals the following: it identifies seven (7) entries overall compared to only five (5) entries on the digital file as provided by FINRA, yielding an additional two (2) otherwise hidden IP address entries.e

There is also one (1) entry from the transportation header that does not show up at all on the IPNetInfo report: 192.168.15.50. This entry appears closest to entry Order #6 that does show up on the IPNetInfo report as 69.10.70.2 with a status of Failed.

There are five (5) entries out of seven (7) that show on the IPNetInfo report with a status of Failed. The two (2) that show up with a status of Success are Unmatched with any of the items on the internet transportation header. They include 185.53.179.6 which has a physical address in Germany, an Owner Name of Team Internet AG and Host Name of southridgegroup.com.

The other IP address that only shows up in the IPNetInfo query result from ARIN is reported as located in Belfast, United Kingdom for whom the Network Name is BF. The contact name resolved is Paul Redpath. These otherwise hidden names show up throughout the new findings where sands.smarsh.com is tied to the Network Name BF.

Out of the five (5) that had a status of Failed in the IPNetInfo report, four (4) were matched to the internet transportation header. They include:

- e 66.253.40.35e mail.southridgetech.com and/or sands.smarsh.com
- e 204.11.209.108e mta57.mke.securrence.com and/or mail.southridgetech.com
- e 167.206.4.200e mta5.srv.hcvlny.cv.net and/or mta57.mke.securrence.com
- e 69.10.70.2e mta5.srv.hcvlny.cv.net

These Failed entries are even more significant proof than the previous unresolved, unmatched and otherwise hidden IP addresses. The existence of these numerous discrepancies means that the digital file represented as an email with the transportation headers as provided by FINRA DOE is also not a real email according to ARIN, RIPE and IPNetInfo.

Conclusions

It is my conclusion based on the facts and evidence presented in this report, that the internet transportation headers of the digital files presented as emails by FINRA DOE were modified so drastically, that they can only be construed to be falsifications of the original emails. These changes made the resulting digital files represented as emails practically impossible to be matched with their original senders/receivers as shown by the query results from ARIN and IPNetInfo presented in this report.

The intended transportation path for the emails was changed from the original path to an entirely different and contorted path. These path changes failed to maintain the integrity of the original email transportation headers. The emails were transported through internet email servers outside the boundaries of the USA and IPNetInfo does not resolve the emails' original authors or receivers. The original intended chain of ownership of these emails was therefore broken.

Since the ARIN database does not resolve the validity of any of third party emails including LK, SIG, ST, and TC it means that none of the DOE digital files represented as emails were valid emails.

This declaration, its evidence and findings clearly show that foreign entities were used and resources normally authorized only for government use were used to perform these falsifications. These resources include encryption identifier tags, Internap resources and the NASD root server resources.

Therefore only FINRA and/or a 3rd party related to FINRA by its contracts could have falsified the emails.

References

Declaration of Dustin S. Sachs of Navigant – 07/30/2014
Consolidated Declaration of Andy Thomas of To The Rescue Texas - 10/04/2014
Declaration of Jon Berryhill – 03/02/2015
Declaration of Frank Huber – 06/09/2015

Glossary of Acronyms, Terms and Names

AfriNIC	African registry of internet numbers
ARIN	American Registry for Internet Numbers
BF	BAREFRUIT-ERRORHANDLING, a network name in the United Kingdom
DOE	Department of Enforcement for FINRA
FINRA	Financial Industry Regulatory Authority
GC	Greenfield Capital
Gmail	Google email
Internap	Internap Network Resources Corporation - ISP used by government agencies
Internet transportation headers	email IP addresses, MSG IDs, thread index, etc.
IP	Internet Protocol, rules-based software used for transporting message on the internet
IP address	the IP number that identifies a specific person or company on the internet
IPNetInfo	software product that generates reports of email IP address pathways
ISP	Internet Service Provider – a provider of internet services - web browsing, email
LACNIC	Latin American registry of internet numbers
LDJ	Leslie D. Jackson (Boo) – Principal Examiner DOE New Orleans
LK	Leslie King – broker at SIG and OC
MP	Mark P. Pompeo – broker at SIG
NASD	National Association of Securities Dealers
OC	Ocean Cross Capital Markets
Resolve	to find an item such as an IP address that matches a reference database
RIPE NCC	European registry of internet addresses Network Coordination Center
SIG	Southridge Investment Group
SM	Smarsh – data archiver for the financial, medical and securities industries – named after Stephen Marsh – owned by Toba Capital
ST	Southridge Technologies
TC	Todd Cowle – consultant for LK
TI AG	TEAM INTERNET AG - network name of a company in Germany
Toba Capital	parent company of SM
TN	Thaddeus North - chief compliance officer at SIG and OC
Transportation Headers	email sender, receiver, cc:, bcc:, date, time
Whois	query tool used by IPNetInfo to resolve IP address related information against internet databases ARIN, RIPE, LACNIC, and AfriNIC

Respectfully submitted this ___ day of August 2015,

Frank Huber

Frank Huber

City of Baltimore
County of Baltimore
State of Maryland)

On this 11th day of August 2015, Frank Huber, appeared before me a Notary Public in and for the state of Maryland, and having presented proper identification, did execute the foregoing Declaration under oath and penalty of perjury.

Rachna Batra

Notary Public

My commission Expires:
12-16-2015

RACHNA BATRA
NOTARY PUBLIC
BALTIMORE CITY
MARYLAND
My Commission Expires 12-16-2015

ATTACHMENT 1

Curriculum Vitae - CV

Frank H. Huber

[REDACTED]
[REDACTED]
[REDACTED]

Summary

Frank Huber has over 30 years of experience as a Software Programmer of Applications in the fields of Communications, Avionics, Engineering, Artificial Intelligence, Business, Banking and Insurance for Aerospace, Defense, Commercial, Public Utilities and Government (Federal, State and City). Concentration is on applications and systems programming.

Working knowledge of Object Oriented Programming (OOP), Yourdon, Fourth Generation Languages (4GL), Computer Aided Software Engineering (CASE), Graphics, Communications, Networks, Real-Time, Databases (Hierarchical and Relational), System Conversion, Operating Systems, Capacity Planning, Client-Server, Messaging systems, Year 2000 (Y2K) and Configuration Management.

Primary responsibilities included the software life cycle of design, development, implementation, conversion, test, maintenance, support, production, validation, verification and documentation of Software Application requirements.

Programming Languages

Assembler, BASIC, C/C++, CLIST, COBOL, FORTRAN, JCL, Pascal, Oracle, REXX, SQL and XML.

Professional Experience

Center for Medicare and Medicaid Systems – CMS

Federal Deposit Insurance Company – FDIC

U.S. Department of Treasury

Resolution Trust Corporation - RTC

National Institutes of Health – NIH

Food and Drug Administration – FDA

US Department of Interior – Bureau of Indian Affairs

General Dynamics Information Technology, Inc. - GDIT

Westinghouse Defense and Electronic Systems (now Lockheed Martin)

General Dynamics - GD (now Lockheed Martin)

International Business Machines - IBM

MCI Telecommunications Corporation

Grumman Data Systems

Education

State University of New York (SUNY) Utica – 1982 - 1983

Mohawk Valley Community College – AAS Computer Science 1980 - 1982

USCF rated Tournament chess player

Attachment 2

Email Header	Order #	ARIN and IPNetInfo	
Unmatched	1	92.242.140.21	paul@catalyst2.com
Unmatched	2	192.138.181.104	robert.cleary@bankofamerica.com
171.172.198.182	3	171.172.198.182	HOSTMASTER@bankofamerica.com
171.186.96.242	4	171.186.96.242	HOSTMASTER@bankofamerica.com

X-Vipre-Scanned: 15848343006DD315848490

Return-Path: lora.zajic@bofasecurities.com lora.zajic@bofasecurities.com

Received: from crprchbrdb2.bankofamerica.com ([171.172.198.182]) by crpcltmsga1.bankofamerica.com with Microsoft SMTPSVC(6.0.3790.3959); Fri, 10 Jul 2009 15:06:07 -0400 from CRPSFOEXC43V1.bankofamerica.com ([171.186.96.242]) by crprchbrdb2.bankofamerica.com with Microsoft SMTPSVC(6.0.3790.3959); Fri, 10 Jul 2009 15:06:07 -0400

Date: Fri, 10 Jul 2009 19:06:05 +0000

From: "Zajic, Lora" <lora.zajic@bofasecurities.com>

To: "Leslie King" <██████████@gmail.com>

Message-ID:

<5F5C4B340DD711489CA9A8E8874690B901ECC58C@CRPSFOEXC43V1.bankofamerica.com>

In-Reply-To: <3c388cc30907100906g2b1cc90bofb6e9ddba73c9d16@mail.gmail.com>

References: <3c388cc30907100906g2b1cc90bofb6e9ddba73c9d16@mail.gmail.com>

Subject: RE: New Delivery Instrx

Compressed-File-Size: 1994

Compression-Method: Deflated

Disposition-Notification-To: "Zajic, Lora" <lora.zajic@bofasecurities.com>

File-Modified: Mon, 03 Mar 2014 18:44:32 +0000

Name: 05463461ed5ff833b20000001d5500424300000136430c5c6100000000.eml

Stored-Check-Sum: 2916772455

Thread-Index: AcoBeG+R22dMk1daSyuUeWOP7ivlvQAGPVww

Thread-Topic: New Delivery Instrx

X-Media-ID: DOB1DQTI3RAFUE9UEAJMV0H9K1VG4149IOHAR00U5SNHLOVUCAM2N

X-Mimeole: Produced By Microsoft Exchange V6.5

X-Ms-Has-Attach:

X-Ms-Tnef-Correlator:

X-Originalarrivalttime: 10 Jul 2009 19:06:07.0758 (UTC)

FILETIME=[7AEAE2E0:01CA0191]

X-Zantaz-Assentor-Date: 2009-07-10 15:07:16.747

X-Zantaz-Camm-External-Identification: <P0010812698@CRPCLTMSQA1>

X-Zantaz-Content-Type: email

X-Zantaz-Datasource: Production_GCIB

X-Zantaz-Recip: "Leslie King" <██████████@gmail.com>

X-Zantaz-Source-Message-Direction: OUT
Zip-Platform: Unknown

IP Addresses Report

Created by using IPNetInfo

Order	1
IP Address	92.242.140.21
Status	Succeed
Country	United Kingdom
Network Name	BAREFRUIT-ERRORHANDLING
Owner Name	BAREFRUIT-US-ANYCAST-A
From IP	92.242.140.0
To IP	92.242.140.255
CIDR	92.242.140.0/24
Allocated	Yes
Contact Name	Paul Redpath
Address	Forsyth House Cromac Square Belfast BT2 8LA
Postal Code	
Email	paul@catalyst2.com
Abuse Email	abuse@catalyst2.com
Phone	+44 800 107 7979
Fax	+44 845 280 4993
Whois Source	RIPE NCC
Host Name	lora.zajic
Resolved Name	unallocated.barefruit.co.uk
Order	2

IP Address	192.138.181.104
Status	Succeed
Country	USA - Florida
Network Name	BAC-192-138-181-0-1
Owner Name	Bank of America
From IP	192.138.181.0
To IP	192.138.181.255
CIDR	192.138.181.0/24
Allocated	Yes
Contact Name	Bank of America
Address	Bank of America Fleming Island Office Ste 75 5000 US Highway 17 Mail Code: FL8-060-01-01 Fleming Island
Postal Code	32003
Email	robert.cleary@bankofamerica.com
Abuse Email	ABUSE@bankofamerica.com
Phone	+1-704-386-5000
Fax	
Whois Source	ARIN
Host Name	bofase.critics.com
Resolved Name	

Order	3
IP Address	171.172.198.182
Status	Succeed
Country	USA - California
Network Name	BAC-171-128-0-0-1

Owner Name	Bank of America
From IP	171.128.0.0
To IP	171.206.255.255
CIDR	171.128.0.0/10, 171.206.0.0/16, 171.204.0.0/15, 171.192.0.0/13, 171.200.0.0/14
Allocated	Yes
Contact Name	Bank of America
Address	2000 Clayton Road M/S CA4-704-04-21 Concord
Postal Code	94520
Email	HOSTMASTER@bankofamerica.com
Abuse Email	ABUSE@bankofamerica.com
Phone	+1-704-386-5000
Fax	
Whois Source	ARIN
Host Name	
Resolved Name	
Order	4
IP Address	171.186.96.242
Status	Succeed
Country	USA - California
Network Name	BAC-171-128-0-0-1
Owner Name	Bank of America
From IP	171.128.0.0
To IP	171.206.255.255
CIDR	171.192.0.0/13, 171.204.0.0/15, 171.128.0.0/10, 171.206.0.0/16,

	171.200.0.0/14
Allocated	Yes
Contact Name	Bank of America
Address	2000 Clayton Road M/S CA4-704-04-21 Concord
Postal Code	94520
Email	HOSTMASTER@bankofamerica.com
Abuse Email	ABUSE@bankofamerica.com
Phone	+1-704-386-5000
Fax	
Whois Source	ARIN
Host Name	
Resolved Name	

Attachment 3

Email Header	Order #	ARIN and IPNetInfo
Unmatched	1	69.25.72.21 noc@internap.com
173.9.87.98	2	173.9.87.98 CNIPEO-Ip-registration@cable.comcast.com
Unmatched	3	92.242.140.21 paul@catalyst2.com
216.17.3.158	4	216.17.3.158 hostmaster@usinternet.com
64.18.3.30	5	64.18.3.30 postini-arin-contact@google.com
63.251.87.238	6	63.251.87.238 noc@internap.com
64.18.7.12	7	64.18.7.12 postini-arin-contact@google.com
Unmatched	8	65.199.32.26 stephen.r.middleton@verizon.com
150.123.241.111	9	150.123.241.111 dn-administration@finra.org
150.123.241.203o	10	150.123.241.203 dn-administration@finra.org
Unmatchedo	11	198.202.241.222 dn-administration@finra.org

Received: from mail.southridgetech.com ([173.9.87.98]) by sands.smarsh.com (IceWarp 9.4.2) with ESMTP id ZWV12556 for <emailarchive@greenfieldcapitalarchive.com>; Thu, 16 Jun 2011 12:31:56 -0400

Received: from mail030.158.3.17.216.mtka.securence.com ([216.17.3.158]) by mail.southridgetech.com with Microsoft SMTPSVC(6.0.3790.4675); Thu, 16 Jun 2011 12:31:53 -0400

Received: from exprod8og115.obsmtmp.com. (64.18.3.30) by mta30.mtka.securence.com (Securence); Thu, 16 Jun 2011 11:31:29 -0500 (CDT)

Received: from corpmail.finra.org ([63.251.87.238]) (using TLSv1) by exprod8ob115.postini.com ([64.18.7.12]) with SMTPID DSNKTfov3ZW8ZAz2pODr96U4QlsZUo44EDrn@postini.com; Thu, 16 Jun 2011 09:31:26 PDT

Received: from CLT-NASD-MTAP1.corp.root.nasd.com (clt-nasd-mtap1.clt.nasd.com [150.123.241.111]) by corpmail.finra.org (8.14.4+Sun/8.13.8/20081014) with ESMTP id p5GGVO4Y003319;

Thu, 16 Jun 2011 12:31:24 -0400 (EDT)

Received: from CLT-NASD-EXCLP1.corp.root.nasd.com ([150.123.241.203]) by CLT-NASD-MTAP1.corp.root.nasd.com with Microsoft SMTPSVC(6.0.3790.4675);

Thu, 16 Jun 2011 12:31:18 -0400

X-MimeOLE: Produced By Microsoft Exchange V6.5o

Content-class: urn:content-classes:calendarmessageo

MIME-Version: 1.0o

Content-Type: multipart/alternative;o

boundary="-----_NextPart_001_01CC2C42.D204E755"o

Subject: King Telephonic Interviewo

Date: Thu, 16 Jun 2011 12:31:18 -0400o

Message-ID: <18DB7BCE60FE1545B29509227FCC49E40B678553@CLT-NASD-EXCLP1.corp.root.nasd.com>o

X-MS-Has-Attach:
X-MS-TNEF-Correlator:
Thread-Topic: King Telephonic Interview
Thread-Index: AcwsQtGs8X1WbNc0SIGVYFdJ7CocNw==
From: "Jackson, Leslie (Boo)" <Leslie.Jackson@finra.org>
To: "Thaddeus J. North" <tnorth@southridgegroup.com>,
<lking@southridgegroup.com>
X-OriginalArrivalTime: 16 Jun 2011 16:31:18.0755 (UTC) FILETIME=[D1E10330:01CC2C42]
X-Secure-ID: 1308241885026-030-00759209
X-Secure-Country-Code: US - UNITED STATES
X-Secure-TLS-SUITE-INCOMING: TLS_DHE_RSA_WITH_AES_256_CBC_SHA
X-Secure-REMOTE-HOST: exprod8og115.obsmt.com.
X-Secure-REMOTE-ADDR: 64.18.3.30
X-Secure-RFC2821-MAIL-FROM: leslie.jackson@finra.org
X-Secure-pp1t: 1
X-Secure-trat: 8
X-Secure-omc: 0
X-Secure-tsist: 208
X-Secure-urt: 4268
X-Secure-art: 0
X-Secure-drt: 4277
X-Secure-USIAS2-Class: Unknown
X-Secure-USIAS2-RefID:
str=0001.0A020206.4DFA2FE2.015D:SCFSTAT1168058,ss=1,fgs=0
X-Secure-Note-com: ctv-off
X-Secure-Info: d208;
0mip0;94dfs0;6orl0;100opt0;
3trp0;96whl0;98mec0;2bll0;
4fcc0;97fae0;68pp10;34pp20;
22srb4;24us185;66spa0;
22avs39;35vxr0;3clm101;
59aop52;22com89;78vrc0;
99phc0;92all0;7rcv0;1rsp0;
99dds0;95domspl0;99vac0;
99dogp0;8med0;5fsqd0;
28fsdd1;59dod0;10cld0;
95lrd0;24dlv0;dmqq0;s1951;
t2159
Return-Path: leslie.jackson@finra.org
ckx-imap-uid: 586873
ckx-imap-isUId: YES
ckx-imap-seen: NO
ckx-imap-answered: NO
ckx-imap-deleted: NO
ckx-imap-flagged: NO
ckx-imap-draft: NO

IP Addresses Report

Created by using IPNetInfo

Order	1
IP Address	69.25.72.21
Status	Succeed
Country	USA - Massachusetts
Network Name	INAP-BSN-GROUPSPARK-47861
Owner Name	Group Spark, Inc
From IP	69.25.72.0
To IP	69.25.72.255
CIDR	69.25.72.0/24
Allocated	Yes
Contact Name	
Address	76 Blanchard Rd Suite 201 Burlington
Postal Code	01803
Email	noc@internap.com
Abuse Email	abuse@internap.com
Phone	+1-206-256-9500
Fax	
Whois Source	ARIN
Host Name	mail.southridgetech.com
Resolved Name	
Order	2

IP Address	173.9.87.98
Status	Succeed
Country	USA - Connecticut
Network Name	SOUTHRIDGETECHNOLOGY
Owner Name	SOUTHRIDGE TECHNOLOGY
From IP	173.9.87.96
To IP	173.9.87.111
CIDR	173.9.87.96/28
Allocated	Yes
Contact Name	Comcast Business Communications, LLC
Address	1 Unavailable Street RIDGEFIELD
Postal Code	06877
Email	CNIPEO-IP-registration@comcast.com
Abuse Email	abuse@comcast.net
Phone	+1-888-565-4329
Fax	
Whois Source	ARIN
Host Name	
Resolved Name	173-9-87-98-NewEngland.hfc.comcastbusiness.net

Order	3
IP Address	92.242.140.21
Status	Succeed
Country	United Kingdom
Network Name	BAREFRUIT-ERRORHANDLING
Owner Name	BAREFRUIT-US-ANYCAST-A

From IP	92.242.140.0
To IP	92.242.140.255
CIDR	92.242.140.0/24
Allocated	Yes
Contact Name	Paul Redpath
Address	Forsyth House Cromac Square Belfast BT2 8LA
Postal Code	
Email	paul@catalyst2.com
Abuse Email	abuse@catalyst2.com
Phone	+44 800 107 7979
Fax	+44 845 280 4993
Whois Source	RIPE NCC
Host Name	sands.smarsh.com
Resolved Name	unallocated.barefruit.co.uk

Order	4
IP Address	216.17.3.158
Status	Succeed
Country	USA - Minnesota
Network Name	USI-NETBLK-3-0
Owner Name	Usinternet Corp
From IP	216.17.3.0
To IP	216.17.3.255
CIDR	216.17.3.0/24
Allocated	Yes

Contact Name	
Address	12450 Wayzata Blvd. Suite 121 Minnetonka
Postal Code	55305
Email	hostmaster@usinternet.com
Abuse Email	hostmaster@usinternet.com
Phone	+1-952-253-3200
Fax	
Whois Source	ARIN ^e
Host Name	mail030.158.3.17.216.mfka.securence.com ^e
Resolved Name	maild811039e.staticasp.securence.com

Order	5
IP Address	64.18.30 ^e
Status	Succeed
Country	USA - California
Network Name	POSTINI-ARIN-ASSIGNMENT
Owner Name	Postini, Inc.
From IP	64.18.0.0
To IP	64.18.15.255
CIDR	64.18.0.0/20
Allocated	Yes
Contact Name	Postini, Inc.
Address	1600 Amphitheatre Parkway ^e Mountain View ^e
Postal Code	94043
Email	postini-arin-contact@google.com ^e
Abuse Email	postini-arin-abuse@google.com

Phone	+1-855-466-4638
Fax	
Whois Source	ARIN
Host Name	
Resolved Name	exprod8og115.obsntp.com
Order	6
IP Address	63.251.87.238
Status	Succeed
Country	USA - Maryland
Network Name	PNAP-WDC-NASD-RM-03
Owner Name	National Association of Securities Dealers, Inc.
From IP	63.251.86.0
To IP	63.251.87.255
CIDR	63.251.86.0/23
Allocated	Yes
Contact Name	Internap Network Services Corporation
Address	9509 Key West Avenue Rockville
Postal Code	20850
Email	noc@internap.com
Abuse Email	abuse@internap.com
Phone	+1-206-256-9500
Fax	
Whois Source	ARIN
Host Name	
Resolved Name	

Order	7
IP Address	64.18.7.12
Status	Succeed
Country	USA - California
Network Name	POSTINI-ARIN-ASSIGNMENT
Owner Name	Postini, Inc.
From IP	64.18.0.0
To IP	64.18.15.255
CIDR	64.18.0.0/20
Allocated	Yes
Contact Name	Postini, Inc.
Address	1600 Amphitheatre Parkway Mountain View
Postal Code	94043
Email	postini-arin-contact@google.com
Abuse Email	postini-arin-abuse@google.com
Phone	+1-855-466-4638
Fax	
Whois Source	ARIN
Host Name	
Resolved Name	

Order	8
IP Address	65.199.32.26
Status	Succeed
Country	USA - Pennsylvania
Network Name	UU-65-199-32-D8

Owner Name	ALTERNET PERFORMANCE
From IP	65.199.32.0
To IP	65.199.32.255
CIDR	65.199.32.0/24
Allocated	Yes
Contact Name	
Address	5010 RITTER RD STE 119 MECHANICSBURG
Postal Code	17055-4828
Email	[REDACTED]@verizon.com
Abuse Email	[REDACTED]@verizonbusiness.com
Phone	+1-800-900-0241
Fax	
Whois Source	ARIN
Host Name	postini.com
Resolved Name	26.32.199.65.philadelphia.google-ggc.verizon.com
Order	9
IP Address	150.123.241.111
Status	Succeed
Country	USA - Maryland
Network Name	NASDNET
Owner Name	Financial Industry Regulatory Authority, Inc.
From IP	150.123.0.0
To IP	150.123.255.255
CIDR	150.123.0.0/16
Allocated	Yes

Contact Name	Financial Industry Regulatory Authority, Inc.
Address	Network Engineering 9513 Key West Avenue Rockville
Postal Code	20850
Email	dn-administration@finra.org
Abuse Email	dn-administration@finra.org
Phone	+1-240-386-5900
Fax	
Whois Source	ARIN
Host Name	
Resolved Name	
Order	10
IP Address	150.123.241.203
Status	Succeed
Country	USA - Maryland
Network Name	NASDNET
Owner Name	Financial Industry Regulatory Authority, Inc.
From IP	150.123.0.0
To IP	150.123.255.255
CIDR	150.123.0.0/16
Allocated	Yes
Contact Name	Financial Industry Regulatory Authority, Inc.
Address	Network Engineering 9513 Key West Avenue Rockville
Postal Code	20850
Email	dn-administration@finra.org

Abuse Email	dn-administration@finra.org
Phone	+1-240-386-5900
Fax	
Whois Source	ARIN
Host Name	
Resolved Name	
Order	11
IP Address	198.202.241.222
Status	Succeed
Country	USA - Maryland
Network Name	NETBLK-NASDNET
Owner Name	Financial Industry Regulatory Authority, Inc.
From IP	198.202.240.0
To IP	198.202.241.255
CIDR	198.202.240.0/23
Allocated	Yes
Contact Name	Financial Industry Regulatory Authority, Inc.
Address	Network Engineering 9513 Key West Avenue Rockville
Postal Code	20850
Email	dn-administration@finra.org
Abuse Email	dn-administration@finra.org
Phone	+1-240-386-5900
Fax	
Whois Source	ARIN
Host Name	finra.org

Resolved Name	
----------------------	--

Attachment 4

Email Header	Order #	ARIN and IPNetInfo	
204.11.209.101	1	204.11.209.101	noc@redanvil.net
Unmatched	2	69.25.72.21	noc@internap.com
204.109.39.77	3	204.109.39.77	lpenny@firstsw.com
Unmatched	4	92.242.140.21	paul@catalyst2.com
204.109.32.235	5	204.109.32.235	lpenny@firstsw.com
8.2.234.1	6	8.2.234.1	ipaddressing@level3.com
Unmatched	7	fe80::f431:badb:d56b:d298	Not Allocated
Unmatched	8	204.109.41.15	lpenny@firstsw.com
Unmatched	9	185.53.179.6	abuse@teaminternet.de

Received: from mta50.mke.securrence.com ([204.11.209.101]) by mail.southridgetech.com with Microsoft SMTPSVC(6.0.3790.3959);

Fri, 14 May 2010 10:10:26 -0400

Received: from twdal001.firstsw.com (204.109.39.77)

by mta50.mke.securrence.com (Securrence);

Fri, 14 May 2010 09:10:23 -0500 (CDT)

X-WSS-ID: 0L2EY14-05-6S8-02

X-M-MSG:

Received: from ESDAL003.fsc.int (unknown [204.109.32.235]) by twdal001.firstsw.com (Tumbleweed

MailGate 3.7.2) with ESMTP id 10614CE41FE for <lking@southridgegroup.com>; Fri, 14 May 2010

09:10:15 -0500 (CDT)

Received: from DALEXHC01.fsc.int ([10.1.100.20]) by ESDAL003.fsc.int with Microsoft SMTPSVC(6.0.3790.3959); Fri, 14 May 2010 09:10:20 -0500

Received: from DALEXHC02.fsc.int (10.1.100.21) by DALEXHC01.fsc.int (10.1.100.20) with Microsoft

SMTP Server (TLS) id 8.2.234.1; Fri, 14 May 2010 09:10:20 -0500

Received: from DALEXMB01.fsc.int ([fe80::f431:badb:d56b:d298]) by DALEXHC02.fsc.int (::1) with

mapi; Fri, 14 May 2010 09:10:20 -0500

From: "Fred K. Schneider" <Fred.Schneider@firstsw.com>

To: "lking" <lking@southridgegroup.com>

Date: Fri, 14 May 2010 09:08:04 -0500

Subject: RE: *VCON* ID : 681904AM0 *Trade Ticket* As of Date:

Thread-Topic: *VCON* ID : 681904AM0 *Trade Ticket* As of Date:

Thread-Index: AcrzbbmynQoJ3iEZTM2Vu6sBJbm4iQAABJhjAAeZmQAABntUA==

Message-ID:

<A0DF3B5E6538B844A1335F7CDEAD997C0355C0CA6E@DALEXMB01.fsc.int>

References: <4BED575400285316008729C6_0_693765@p057>

<457FA59618FFBB4A86BB89A49FAC5ADDAB3D0E@ESDAL003.fsc.int>

In-Reply-To: <457FA59618FFBB4A86BB89A49FAC5ADDAB3D0E@ESDAL003.fsc.int>

Accept-Language: en-US

Content-Language: en-US

X-MS-Has-Attach:

X-MS-TNEF-Correlator:

acceptlanguage: en-US

Content-Type: multipart/alternative;

boundary=_000_A0DF3B5E6538B844A1335F7CDEAD997C0355C0CA6EDALEXMB01fsci_

MIME-Version: 1.0

X-OriginalArrivalTime: 14 May 2010 14:10:20.0826 (UTC)
FILETIME=[3026F7A0:01CAF36F]

X-Secure-ID: 1273846223133-050-01672465

X-Secure-Country-Code: US - UNITED STATES

X-Secure-RFC2821-MAIL-FROM: fred.schneider@firstsw.com

X-Secure-RFC2821-RCPT-TO: lking@southridgegroup.com

X-Secure-REMOTE-HOST: twdal001.firstsw.com.

X-Secure-REMOTE-ADDR: 204.109.39.77

X-Secure-pp1t: 7

X-Secure-trat: 25

X-Secure-omc: 0

X-Secure-tsist: 181

X-Secure-urt: 259

X-Secure-art: 0

X-Secure-drt: 294

X-Secure-USIAS2-Class: Unknown

X-Secure-USIAS2-RefID:

str=0001.0A020207.4BED59D1.0017:SCFSTAT1016460,ss=1,pt=X-NDR-

001_60781,fgs=0

X-Secure-Info:

d181;0dfs0;80orl0;108opt0;0trp0;108whl0;0mec0;104bll0;8fcc0;100pp10;4pp20;0srb2;2us1116;
95spa0;

76avs44;96vxr20;84clrn108;1aop0;169com122;40vrc0;104phc0;108all0;108rcv0;4rsp0;104dds0;
4domspl

t0;108vac0;4dogp0;104med0;108fsqd0;8fsdd5;99dod0;104cld0;108lrd0;4dlv0;dmqq0;s2451;t26
32

Return-Path: fred.schneider@firstsw.com

IP Addresses Report

Created by using IPNetInfo

Order	1
IP Address	204.11.209.101
Status	Succeed
Country	USA - Minnesota
Network Name	REDANVIL-ASSIGN-USINTERNET-BLOCK-01
Owner Name	US Internet
From IP	204.11.209.64
To IP	204.11.209.127
CIDR	204.11.209.64/26
Allocated	Yes
Contact Name	
Address	12450 Wayzata Blvd. Suite 121 Minnetonka
Postal Code	55305

Email	noc@redanvil.net
Abuse Email	support@redanvil.net
Phone	+1-414-476-0757
Fax	
Whois Source	ARIN
Host Name	mta50.mke.securrence.com
Resolved Name	mailcc0bd165.static.mke.securrence.com

Order	2
IP Address	69.25.72.21
Status	Succeed
Country	USA - Massachusetts
Network Name	INAP-BSN-GROUPSPARK-47861
Owner Name	Group Spark, Inc
From IP	69.25.72.0
To IP	69.25.72.255
CIDR	69.25.72.0/24
Allocated	Yes

Contact Name	
Address	76 Blanchard Rd Suite 201 Burlington
Postal Code	01803
Email	<u>noc@internap.com</u>
Abuse Email	<u>abuse@internap.com</u>
Phone	+1-206-256-9500
Fax	
Whois Source	ARIN
Host Name	<u>mail.southridge.com</u>
Resolved Name	

Order	3
IP Address	204.109.39.77
Status	Succeed
Country	USA - Texas
Network Name	FSW
Owner Name	First Southwest Company
From IP	204.109.32.0

To IP	204.109.51.255
CIDR	204.109.48.0/22, 204.109.32.0/20
Allocated	Yes
Contact Name	First Southwest Company
Address	325 N. St. Paul Suite 800 Dallas
Postal Code	75201
Email	lpenny@firstsw.com
Abuse Email	lpenny@firstsw.com
Phone	+1-214-953-4177
Fax	
Whois Source	ARIN
Host Name	
Resolved Name	

Order	4
IP Address	92.242.140.21
Status	Succeed
Country	United Kingdom

Network Name	BAREFRUIT-ERRORHANDLING
Owner Name	BAREFRUIT-US-ANYCAST-A
From IP	92.242.140.0
To IP	92.242.140.255
CIDR	92.242.140.0/24
Allocated	Yes
Contact Name	Paul Redpath
Address	Forsyth House Cromac Square Belfast BT2 8LA
Postal Code	
Email	<u>paul@catalyst2.com</u>
Abuse Email	<u>abuse@catalyst2.com</u>
Phone	+44 800 107 7979
Fax	+44 845 280 4993
Whois Source	RIPE NCC
Host Name	ESDAL003.fsc.int
Resolved Name	unallocated.barefruit.co.uk

Order	5
IP Address	204.109.32.235
Status	Succeed
Country	USA - Texas
Network Name	FSW
Owner Name	First Southwest Company
From IP	204.109.32.0
To IP	204.109.51.255
CIDR	204.109.32.0/20, 204.109.48.0/22
Allocated	Yes
Contact Name	First Southwest Company
Address	325 N. St. Paul Suite 800 Dallas
Postal Code	75201
Email	ipenney@firstsw.com
Abuse Email	ipenney@firstsw.com
Phone	+1-214-953-4177
Fax	

Whois Source	ARIN
Host Name	
Resolved Name	

Order	6
IP Address	8.2.234.1
Status	Succeed
Country	USA - Colorado
Network Name	LVLT-ORG-8-8
Owner Name	Level 3 Communications, Inc.
From IP	8.0.0.0
To IP	8.255.255.255
CIDR	8.0.0.0/8
Allocated	Yes
Contact Name	Level 3 Communications, Inc.
Address	1025 Eldorado Blvd. Broomfield
Postal Code	80021
Email	ipaddressing@level3.com

Abuse Email	abuse@level3.com
Phone	+1-877-453-8353
Fax	
Whois Source	ARIN
Host Name	
Resolved Name	
Order	7
IP Address	fe80::f431:badb:d56b:d298
Status	Succeed
Country	
Network Name	
Owner Name	
From IP	
To IP	
CIDR	
Allocated	No
Contact Name	

Address	
Postal Code	
Email	
Abuse Email	
Phone	
Fax	
Whois Source	ARIN
Host Name	
Resolved Name	

Order	8
IP Address	204.109.41.15
Status	Succeed
Country	USA - Texas
Network Name	FSW
Owner Name	First Southwest Company
From IP	204.109.32.0
To IP	204.109.51.255

CIDR	204.109.48.0/22, 204.109.32.0/20
Allocated	Yes
Contact Name	First Southwest Company
Address	325 N. St. Paul Suite 800 Dallas
Postal Code	75201
Email	lpennney@firstsw.com
Abuse Email	lpennney@firstsw.com
Phone	+1-214-953-4177
Fax	
Whois Source	ARIN
Host Name	firstsw.com
Resolved Name	firstsw.com

Order	9
IP Address	185.53.179.6
Status	Succeed
Country	Germany
Network Name	DE-TEAMINTERNET-20140411

Owner Name	Team Internet AG
From IP	185.53.176.0
To IP	185.53.179.255
CIDR	185.53.176.0/22
Allocated	Yes
Contact Name	Network Operations Team
Address	Team Internet AG Network Operations
Postal Code	
Email	abuse@teaminternet.de
Abuse Email	abuse@teaminternet.de
Phone	
Fax	
Whois Source	RIPE NCC
Host Name	southridgegroup.com
Resolved Name	

Attachment 5

Email Header	Order #	ARIN, RIPE NCC and IPNetInfo	
Unmatched	1	69.25.72.21	Failed
66.253.40.35	2	66.253.40.35	Failed
Unmatched	3	92.242.140.21	paul@catalyst2.com
204.11.209.108	4	204.11.209.108	Failed
167.206.4.200	5	167.206.4.200	Failed
192.168.15.50	N/A	Unknown	Unknown
69.10.70.2	6	69.10.70.2	Failed
Unmatched	7	185.53.179.6	abuse@teaminternet.de

Received: from mail.southridgetech.com ([66.253.40.35]) by sands.smarsh.com (Merak 8.9.1) with ESMTP id IBZ39029 for emailarchive@greenfieldcapitalarchive.com;
Tue, 01 Dec 2009 0:24:29 -0500

Received: from mta57.mke.securrence.com ([204.11.209.108]) by mail.southridgetech.com with Microsoft SMTPSVC(6.0.3790.3959);
Tue, 1 Dec 2009 10:24:29 -0500

Received: from mta5.srv.hcvlny.cv.net (167.206.4.200) by mta57.mke.securrence.com (Securrence);
Tue, 1 Dec 2009 09:24:26 -0600 (CST)

Received: from [192.168.15.50] ([69.10.70.2]) by mta5.srv.hcvlny.cv.net (Sun Java System Messaging Server 6.2-8.04 (built Feb 28 2007)) with ESMTPA id <0KTZ00MT0C4MU560@mta5.srv.hcvlny.cv.net> for lking@southridgegroup.com;
Tue, 01 Dec 2009 10:24:25 -0500 (EST)

Date: Tue, 01 Dec 2009 10:24:22 -0500

From: Bill Schloth <wschloth@southridgegroup.com>

Subject: Re: Compliance direction from Pam Rockley

In-reply-to: <4B1533760009A25601191D8B_0_418508@n281>

To: "TODD COWLE, ULTIMATE TIER ADVISO" <tcowle2@bloomberg.net>

Cc: Pamela Rockley <PRockley@compliancedirectives.com>, lking@southridgegroup.com

Message-id: <21B90986-BCF3-40D0-B1A9-EC136BB8AB9E@southridgegroup.com>

MIME-version: 1.0

X-Mailer: Apple Mail (2.935.3)c

Content-type: multipart/alternative;c

boundary="Boundary_(ID_90XVoTzX8tpzd3ajOGArAw)"c

References: <4B1533760009A25601191D8B_0_418508@n281>c

X-Securrence-ID: 1259681065923-057-1120028c

X-Securrence-Country-Code: US; UNITED STATESc

X-Securrence-RFC2821-MAIL-FROM: wschloth@southridgegroup.comc

X-Securrence-RFC2821-RCPT-TO: lking@southridgegroup.comc

X-Securrence-REMOTE-HOST: mta5.srv.hcvlny.cv.netc

X-Securrence-REMOTE-ADDR: 167.206.4.200c

X-Secure-Orig-To-Header: To: "TODD COWLE, ULTIMATE TIER ADVISO"

<tcowle2@bloomberg.net>

X-Secure-pp1t: 1

X-Secure-trat: 12

X-Secure-omc: 0

X-Secure-tsist: 75

X-Secure-urt: 222

X-Secure-art: 0

X-Secure-drt: 238

X-Secure-USIAS2-Class: Unknown

X-Secure-USIAS2-RefID:

str=0001.0A020201.4B15352B.0125:SCFSTAT5903554,ss=1,fgs=0

X-Secure-Info: d76;

0dfs0;32orl0;72opt0;104trp0;

44whl0;60mec0;34bll0;

70fcc0;64pp10;40pp20;

5srb1;86us1116;100spa0;

28avs40;56vxr11;77clm104;

32aop0;36com86;58vrc0;

100phc0;32all0;68rdc0;

24rsp0;88dds0;73vac0;

11dogp0;12med0;76fsqd0;

36fsdd0;16cld0;84lrd0;

104domsplt0;20ddr0;dmqq0;

s1922;t1998

Return-Path: wschloth@southridgegroup.com

X-OriginalArrivalTime: 01 Dec 2009 15:24:29.0121 (UTC)

FILETIME=[5FCBEB10:01CA729A]

ckx-imap-uid: 384205

ckx-imap-isUid: YES

ckx-imap-seen: NO

ckx-imap-answered: NO

ckx-imap-deleted: NO

ckx-imap-flagged: NO

ckx-imap-draft: NO

IP Addresses Report

Created by using IPNetInfo

Order	1
IP Address	69.25.72.21
Status	Failed
Country	
Network Name	
Owner Name	
From IP	
To IP	
CIDR	
Allocated	Yes
Contact Name	
Address	
Postal Code	
Email	
Abuse Email	
Phone	
Fax	
Whois Source	
Host Name	<u>mail.southridgetech.com</u>
Resolved Name	
Order	2
IP Address	66.253.40.35

Status	Failed
Country	
Network Name	
Owner Name	
From IP	
To IP	
CIDR	
Allocated	Yes
Contact Name	
Address	
Postal Code	
Email	
Abuse Email	
Phone	
Fax	
Whois Source	
Host Name	
Resolved Name	mail.southridgetech.com

Order	3
IP Address	92.242.140.21
Status	Success
Country	United Kingdom
Network Name	BAREFRUIT-ERRORHANDLING
Owner Name	BAREFRUIT-US-ANYCAST-A
From IP	92.242.140.0
To IP	92.242.140.255

CIDR	92.242.140.0/24
Allocated	Yes
Contact Name	Paul Redpath
Address	Forsyth House Cromac Square Belfast BT2 8LA
Postal Code	
Email	paul@catalyst2.com
Abuse Email	abuse@catalyst2.com
Phone	+44 800 107 7979
Fax	+44 845 280 4993
Whois Source	RIPE NCC
Host Name	sands.smarsh.com
Resolved Name	unallocated.barefruit.co.uk

Order	4
IP Address	204.11.209.108
Status	Failed
Country	
Network Name	
Owner Name	
From IP	
To IP	
CIDR	
Allocated	Yes
Contact Name	
Address	

Postal Code	
Email	
Abuse Email	
Phone	
Fax	
Whois Source	
Host Name	mta57.mke.securence.com
Resolved Name	mailcc0bd16c.static.mke.securence.com

Order	5
IP Address	167.206.4.200
Status	Failed
Country	
Network Name	
Owner Name	
From IP	
To IP	
CIDR	
Allocated	Yes
Contact Name	
Address	
Postal Code	
Email	
Abuse Email	
Phone	
Fax	
Whois Source	

Host Name	
Resolved Name	mta5.srv.hcviny.cv.net

Order	6
IP Address	69.10.70.2
Status	Failed
Country	
Network Name	
Owner Name	
From IP	
To IP	
CIDR	
Allocated	Yes
Contact Name	
Address	
Postal Code	
Email	
Abuse Email	
Phone	
Fax	
Whois Source	
Host Name	
Resolved Name	

Order	7
IP Address	185.53.179.6
Status	Succeed
Country	Germany

Network Name	DE-TEAMINTERNET-20140411
Owner Name	Team Internet AG
From IP	185.53.176.0
To IP	185.53.179.255
CIDR	185.53.176.0/22
Allocated	Yes
Contact Name	Network Operations Team
Address	Team Internet AG Network Operations
Postal Code	
Email	abuse@teaminternet.de
Abuse Email	abuse@teaminternet.de
Phone	
Fax	
Whois Source	RIPE NCC
Host Name	southridgegroup.com
Resolved Name	

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA**

THADDEUS J. NORTH, et al)	
)	
Plaintiffs,)	
)	
v.)	Civil No. 15-CV-00494 (RMC)
)	
SMARSH, INC., et al)	
)	
Defendants.)	
)	

**DECLARATION OF FRANK HUBER IN SUPPORT OF PLAINTIFFS NORTH'S
AND POMPEO'S MOTION FOR DISCOVERY ORDER**

1.0 I declare under penalty of perjury that the following statements are true to the best of my knowledge, information and belief.

2. My name is Frank Huber. I am over the age of twenty-one (21) years and I am competent and qualified to make this Declaration.

3.0 I am an expert witness retained by Thaddeus J. North and Mark Pompeo to examine the electronic stored information ("ESI") used in two (2) disciplinary proceedings before the Financial Industry Regulatory Authority ("FINRA") and the present federal court proceedings.

4.0 The purpose of this Declaration is to support a discovery request and address any remaining concerns regarding the sequence of the spoliative actions and the roles of FINRA and Smarsh employees in creating, spoliating and altering emails for the purpose of FINRA prosecutions involving Messrs. North and Pompeo.

5. There is no evidence that Southridge Technology GRP, LLC ("SRT") allowed Smarsh or any other entity to attach to SRT equipment for the purpose of journaling or archiving while SRT provided services to Southridge Investment Group

LLC ("SIG") or Ocean Cross Capital Markets LLC ("OCC") while using SRT equipment at the SIG and OCC office locations.

6.o The Declaration of Joseph Garzi, President and founder of SRT datedo November 25, 2015 confirms that there is no evidence that Smarsh connected to the SRT server equipment used for sending and receiving Email for SIG and OCC.

7.o None of the IP addresses in any of the transportation headers ofo Emails produced by Department of Enforcement ("Enforcement") in the FINRA administrative proceedings resolves to Smarsh, Inc. as shown in my Supplement Declaration dated August 17th, 2015. In that Declaration, the court approved software tool IPNetInfo was used to perform queries upon the American Registry of Internet Numbers ("ARIN").

8.o Even though SRT set up journaling for SIG Email according too instructions provided by Smarsh, none of the Email headers contain a journaling stamp that resolves to Smarsh. *In particular, neither sands.smarsh.com nor popmail01.smarsh.com resolves to Smarsh.*

9.o The location of the sands.smarsh.com and popmail01.smarsh.como referenced in the Email headers of the Email delivered to Mr. North and the failure of the resolution to Smarsh lead me to conclude that references to Smarsh were inserted into the headers after the Email was redirected to and intercepted by FINRA or one of its agents in real time for spoliation.

10.o In addition to the multiple copies of Emails in different formats showingo different anomalies indicating batch spoliation using scripts, schema and other conversion software tools, individualized spoliation to the Email occurred at the personal

computers of FINRA employees. This fact is confirmed by the presence of AES-256 encryption tags in Emails originating from Enforcement employees and throughout the headers of the Emails in Enforcement's production. As previously noted AES-256 encryption was not available commercially until after March 2012; it is not approved for archival purposes. In particular, the printed Email exhibits attached to New Orleans Investigator Leslie "Boo" Jackson's Declaration dated February 25, 2014 for use in the SIG proceeding bear Ms. Jackson's name indicating that it was printed from her computer.

11.e Reports allegedly created by Smarsh to reflect compliance actions of Mr. North (the "Smarsh Reports") in the two (2) disciplinary actions illustrate another type of spoliation that could only have been committed by FINRA agents. According to testimony from two (2) Smarsh employees, the Smarsh Reports reflect Email review frequency and patterns and were derived from the archive of Emails, allegedly created and maintained by Smarsh. This archive is where Mr. North was directed for log-on in order to query and review Email.

12.e I can say with certainty that the Smarsh Reports were created on Y2K non-compliant federal government computers by FINRA employees and that a false archive of SIG and OCC Emails was created and stored on Y2K non-compliant federal government server equipment controlled or operated by FINRA. I reach these conclusions for the following reasons.

a.e Smarsh was founded in 2001 according to www.smarsh.com. It would be unlawful for Smarsh to use Y2K noncompliant equipment for archival purposes. On the other hand, based on my years of contracting experience

with the federal government, it is a known practice for decommissioned noncompliant government servers to remain available to federal agencies for storage.

- b. Investigator McKennedy from the FINRA Boston District stated that one of the Smarsh Reports needed to be fixed for a Leap Year issue, known to have existed only on computers built and placed in service before the year 2000. The fact of being able to fix the Smarsh Reports leads to the conclusion that the reports were created on Y2K non-compliant government resources controlled or operated by FINRA.
- c. The Smarsh Reports were derived from the same storage servers where the SIG and OCC Emails were allegedly archived and which storage servers are Y2K non-compliant. It is known in computing that Y2K *non-compliant* computers and servers disable any active scripts embedded in Email sent and received from Y2K *compliant* systems. An active script of this nature, for example, would allow a spinning globe within a company logo. Active scripts in post-Y2K archived Emails should remain active when archived on Y2K compliant systems. The active scripts within all Emails delivered to Mr. North from Enforcement are disabled. The fact that the active scripts within the Email received from FINRA are disabled is another form of alteration or spoliation leading to the conclusion that the Email was not archived by Smarsh but stored and processed on Y2K non-compliant federal government server(s) controlled or operated by FINRA.

13. Another set of facts converge to confirm that Smarsh did not attach to archive at the SRT server used by SIG and only added Smarsh-looking header "tags" to make it appear that Smarsh archived the SIG and OCC Email.

- a. According to SRT, Smarsh did not connect to any SRT server(s) but instead instructed SRT to journal SIG Email to addresses provided by Smarsh.
- b. There is no evidence that Smarsh connected to the Web.com server for archiving OCC Email; Smarsh witness Jimmy Douglas did not know that Web.com provided the email servers and service for OCC. Therefore, Smarsh could not have archived OCC email.
- c. All of the Email produced to Mr. North contains headers with either a "sands.smarsh.com" or "popmail01.smarsh.com" tag. The IPNet Infoe tools used for validating and resolving IP addresses does not resolve the Smarsh-like references in the headers to any location, meaning the **sands.smarsh.com** and **popmail01.smarsh.com** tags are false.
- d. In a sampling of emails, the IP address identified as **mail.southridgetech.com** resolves to two (2) different locations: 25 Broad Street, New York, New York and 76 Blanchard Street, Burlington, MA. Neither of the above addresses are SRT office or facility locations. Upon investigation I determined that 25 Broad Street, New York is a building of condominium residences owned by the NASD.

14. I endeavored to find copies of the eighteen (18) Email exhibits attached to the Jackson Declaration in the Emails delivered by third party brokerage firms to FINRA

in response to 8210 letter requests issued February 18, 2014 in the Southridge proceeding and also the Email exhibits used in the OCC OTRs. According to the administrative records, the firms responding to the 8210 letters, delivered discs of Email directly to FINRA. I am able to conclude there are no copies of the eighteen (18) Email exhibits attached to the Jackson Declaration that correspond to the Email files delivered by third party firms to FINRA in response to the 8210 letters.

15.e The brokerage firms responding the 8210 letters dated February 18, 2014e have a duty to archive according to SEC rules in non-erasable non-rewritable format, therefore, the copies delivered to FINRA in response to the 8210 requests should have been in archival format. I believe that my conclusions respecting FINRA's lead role in spoliating and Smarsh playing a subordinate role in spoliating and redirecting all of the SIG and OCC Email can be confirmed by obtaining a copy of the archival Emails responsive to the February 18, 2014 8210 requests directly from the responding firms. In the interest of expediency, I believe that Emails provided by Citigroup, Raymond James, and B.C. Ziegler are most relevant, because the firms permitted their registered representatives to provide statements attached to the Jackson Declaration and used in administrative pleadings.

16.e Attached are three (3) sets of representative Emails selected from the Jackson Declaration. Each Email was between a representative registered at both SIG and OCC named LK and one of three (3) Bloomberg subscribers Alana Zimmerman, Billy Stowasser and Aubrey Hurse; all examples in the Enforcement files have false transportation or P2 headers. The headers are known to be false, because XML, the language of Bloomberg messaging, does not create P2 headers.

17. The first page of each of the three (3) attached exhibits is the humane readable printed form of the Bloomberg email as found in the Bloomberg vault of LK. The second page is the copy of the exhibit as attached to the Jackson Declaration. The third page is from the Enforcement database. The fourth page is the false header page associated with each Email as it is found on the Enforcement production discs. The last page(s) of the Exhibit shows the resolution of the IP addresses in "false" headers associated with the Emails. Each page of each one of the three (3) exhibits is provided with an added document footer identifying the same sequence listed here and the source of the exhibit.

18.e In each case, the content differences between the page one and page three of the printed copies of the Emails illustrate the anomalies described in my Declaration and Supplement Declaration, such as time, added language, formatting, font and other differences. There should be no page four for any of the Exhibits, because all were Bloomberg to Bloomberg messages and XML does not have headers. However, when page four is resolved using the IPNetInfo tool, none of the header IP addresses resolve to Smarsh indicating that they were all redirected.

19.e There are two (2) sources of data, which will demonstrate with greater clarity the primary spoliators and requisite degree of spoliation with respect to the Email at issue. The first source is the alleged archive that Smarsh collected for the SIG and Ocean Cross firms. The second source(s) are duplicate copies of the discs provided by the three (3) above identified brokerage houses to FINRA in their responses to the 8210 requests.

Respectfully submitted this 28th day of November 2015.

Frank Huber
Frank Huber

STATE OF MARYLAND)
COUNTY OF Baltimore City) ss.

The foregoing Declaration was acknowledged, sworn, and executed before me a Notary Public in and for the State of Maryland on November 28, 2015 by Frank Huber.

Shannon D. Boswell
Notary Public
My commission expires: 05/19/2017

[Seal & Registration Number]



From: ALANA ZIMMERMAN <AZIMMERMAN11@Bloomberg.net>
Sent: Monday, March 01, 2010 12:44 PM
Subject: todd i will care on the portland elec deal hearing 5.0's @ 100

todd i will care on the portland elec deal hearing 5.0's @ 100 can you please put me in for 3mm paying you 75 cents
thank you!

Huber EXHIBIT 1

Jackson, Leslie (Boo)

From: azimmerman11@bloomberg.net on behalf of ALANA ZIMMERMAN, ZIEGLER SECURITIES
[azimmerman11@bloomberg.net]
Sent: Monday, March 01, 2010 11:44 AM
To: mmizell@southridgegroup.com
Subject: todd i will care on the portland elec deal hearing 5.0's @ 100

todd i will care on the portland elec deal hearing 5.0's @ 100 can you please put me in for
3mm paying you 75 cents thank yo

From: azimmerman11@bloomberg.net on behalf of ALANA ZIMMERMAN, ZIEGLER
SECURITIES <azimmerman11@bloomberg.net>
Sent: Monday, March 01, 2010 12:44 PM
To: mmizell@southridgegroup.com
Subject: todd i will care on the portland elec deal hearing 5.0's @ 100

todd i will care on the portland elec deal hearing 5.0's @ 100 can you please put me in for 3mm paying you 75 cents
thank yo

Received: from mail.southridgetech.com ([66.253.40.35]) by sands.smarsh.com (Merak 8.9.1) with ESMTP id JUS26640 for <emailarchive@greenfieldcapitalarchive.com>;

Mon, 01 Mar 2010 12:43:40 -0500

Received: from mta11.mtka.securrence.com ([216.17.3.235]) by mail.southridgetech.com with Microsoft SMTPSVC(6.0.3790.3959);

Mon, 1 Mar 2010 12:43:39 -0500

Received: from mgnj5.bloomberg.net. (69.191.244.23) by mta11.mtka.securrence.com (Securrence);

Mon, 1 Mar 2010 12:43:36 -0600 (CST)

X-BB-Reception-Complete: 01 Mar 2010 12:43:36 -0500e

X-IP-Listener: Outgoing Maile

Date: 01 Mar 2010 12:43:36 -0500

X-IP-MID: 424770183e

Received: from p057.bloomberg.com (HELO p057) ([172.17.163.13]) by mgnj5.bloomberg.net with SMTP;

01 Mar 2010 12:43:36 -0500

X-BLP-INETSVC: version=BLP_APP_S_INETSVC_1.0.1;e

host=mgnj5:25; conid=56

X-BOP: <lking12@bloomberg.net>e

Sender: azimmerman11@bloomberg.net

X-BLP-HEADER: autocopye

From: "ALANA ZIMMERMAN, ZIEGLER SECURITIES" <azimmerman11@bloomberg.net>

To: mmizell@southridgegroup.com

MIME-Version: 1.0

Message-Id: <4B8BFCC80026F290008734B3_0_814981@p057>

X-BLP-GUID:4B8BFCC80026F290008734B30001e

Subject: todd i will care on the portland elec deal hearing 5.0's @ 100

Content-Type: text/plain;

charset=UTF-8

Content-ID: <ID_4B8BFCC80026F290008734B3_0_900925@p057>

Content-Disposition: inline

Content-Transfer-Encoding: base64

X-Secure-ID: 1267465416267-011-2742006e

X-Secure-Country-Code: US - UNITED STATESe

X-Secure-TLS-SUITE-INCOMING: SSL_RSA_WITH_RC4_128_SHAE

X-Secure-RFC2821-MAIL-FROM: lking12@bloomberg.nete

X-Secure-RFC2821-RCPT-TO: mmizell@southridgegroup.come

X-Secure-REMOTE-HOST: mgnj5.bloomberg.net.e

X-Secure-REMOTE-ADDR: 69.191.244.23e

X-Secure-Orig-To-Header: To: mmizell@southridgegroup.come

X-Secure-pp1t: 1e

X-Secure-trat: 0e

X-Secure-omc: 0e

X-Secure-tsist: 113e

X-Secure-urt: 444e

X-Secure-art: 1e

X-Secure-drt: 445e

X-Secure-USIAS2-Class: Unknowne

X-Secure-USIAS2-RefID: str=0001.0A020202.4B8BFCCA.0034:SCFMA1361592,ss=1,fgs=0e

X-Secure-Info: d114;e

0dfs0;92orl0;104opt0;

24trp0;80whl0;0mec0;4blf0;

96fcc0;4pp10;4pp20;20srb0;

113us183;24spa0;0avs40;
64vvr7;97clm104;28aop0;
195com63;26vrc0;104phc0;
0all0;104rdc0;100rsp0;
4dds0;104vac0;4dogp0;
100med0;100fsqd0;4fsdd0;
100cid0;8lrd0;100domspl0;
4ddr1;dmqq0;s1986;t2100

Return-Path: lking12@bloomberg.net

X-OriginalArrivalTime: 01 Mar 2010 17:43:39.0246 (UTC) FILETIME=[BA0960E0:01CAB966]

ckx-imap-uid: 433706

ckx-imap-isUid: YES

ckx-imap-seen: NO

ckx-imap-answered: NO

ckx-imap-deleted: NO

ckx-imap-flagged: NO

ckx-imap-draft: NO

1	69.25.72.21	Succeed	USA - Massachusetts	INAP-BSN-G&OUPSPARK-47861 Group		
	Spark, Inc	69.25.72.0	69.25.72.255	69.25.72.0/24	Yes	76 Blanchard Rd, Suite
	201, Burlington 01803	noc@internap.com	abuse@internap.com	+1-206-256-9500		
	ARIN	mail.southridgetech.com				
2	66.253.40.35	Succeed	USA - New York	SPEK-435847-0 Southridge Technology Group		
	66.253.40.32	66.253.40.63	66.253.40.32/27	Yes		25 Broadway, New York
	10004	ipadmin@globalcapacity.com	abuse@globalcapacity.com	+1-720-670-1099e		
	ARIN	mail.southridgetech.com				
3	216.17.3.235	Succeed	USA - Minnesota	USI-NETBLK-3-0 Usinternet Corp		
	216.17.3.0	216.17.3.255	216.17.3.0/24	Yes	US Internet Corp	12450 Wayzata
	Blvd. Suite 121, Minnetonka	55305	hostmaster@usinternet.com	hostmaster@usinternet.com		
	+1-952-545-0302e	ARIN	mta11.mtka.securrence.com			
	maild81103eb.staticensp.securrence.com					
4	69.191.244.23	Succeed	USA - New York	BLOOMBERG-NET-2		Bloomberg Financial
	Market 69.184.0.0	69.191.255.255	69.184.0.0/13	Yes	Bloomberg Financial Market	731
	Lexington Avenue, New York	10022	internic-technical@bloomberg.com	internic-		
	admin@bloomberg.com	+1-212-318-2000e	ARIN	mgnj5.bloomberg.net		
5	69.191.244.207	Succeed	USA - New York	BLOOMBERG-NET-2		Bloomberg Financial
	Market 69.184.0.0	69.191.255.255	69.184.0.0/13	Yes	Bloomberg Financial Market	731
	Lexington Avenue, New York	10022	internic-technical@bloomberg.com	internic-		
	admin@bloomberg.com	+1-212-318-2000e	ARIN	mgnj5.bloomberg.net		
	mgnj5.bloomberg.net					
6	69.191.242.69	Succeed	USA - New York	BLOOMBERG-NET-2		Bloomberg Financial
	Market 69.184.0.0	69.191.255.255	69.184.0.0/13	Yes	Bloomberg Financial Market	731
	Lexington Avenue, New York	10022	internic-technical@bloomberg.com	internic-		
	admin@bloomberg.com	+1-212-318-2000e	ARIN	bloomberg.net		
7	204.11.56.48	Succeed	Virgin Islands (British)	CONFLUENCE-NETWORKS-TX3		
	Confluence Networks Inc	204.11.56.0	204.11.57.255	204.11.56.0/23	Yes	
	Confluence Networks Inc	3rd Floor, Omar Hodge Building, Wickhams, Cay I, P.O. Box 362,				
	Road Town	VG1110	ipadmin@confluence-networks.com	abuse@confluence-networks.com		
	+1-917-386-6118e	ARIN	southridgetech.com			

From: BILLY STOWASSER <WSTOW@Bloomberg.net>
Sent: Monday, March 8, 2010 4:22 PM
Subject: MEAG will ticket tomorrow

MEAG will ticket tomorrow

Reply:

THANKS.. I ASKED TODD FOR THE HEDGE RATIO ?? DO YOU HAVE THAT ??

Jackson, Leslie (Boo)

From: watow@blomberg.net on behalf of BILLY STOWASSER, RAYMOND JAMES & ASSO
[watow@blomberg.net]
Sent: Monday, March 08, 2010 3:22 PM
To: mmizol@southridgegroup.com
Subject: MEAG will ticket tomorrow

MEAG will ticket tomorrow

Reply:

THANKS.. I ASKED TODD FOR THE HEDGE RATIO ?? DO YOU HAVE THAT ??

From: wstow@bloomberg.net on behalf of BILLY STOWASSER, RAYMOND JAMES & ASSO
<wstow@bloomberg.net>
Sent: Monday, March 08, 2010 4:22 PM
To: mmizell@southridgegroup.com
Subject: MEAG will ticket tomorrow

MEAG will ticket tomorrow

Reply:

THANKS.. I ASKED TODD FOR THE HEDGE RATIO ?? DO YOU HAVE THAT ??

Received: from mail.southridgetech.com ([66.253.40.35]) by sands.smarsh.com (Merak 8.9.1) with ESMTP id QYE76520 for <emailarchive@greenfieldcapitalarchive.com>;

Mon, 08 Mar 2010 16:22:20 -0500

Received: from mta11.mtka.securrence.com ([216.17.3.235]) by mail.southridgetech.com with Microsoft SMTPSVC(6.0.3790.3959);

Mon, 8 Mar 2010 16:22:19 -0500

Received: from mgnj2.bloomberg.net. (69.191.244.20) by mta11.mtka.securrence.com (Securrence);

Mon, 8 Mar 2010 15:22:33 -0600 (CST)

X-BB-Reception-Complete: 08 Mar 2010 16:22:16 -0500e

X-IP-Listener: Outgoing Maile

Date: 08 Mar 2010 16:22:16 -0500

X-IP-MID: 444974218e

Received: from p171.bloomberg.com (HELO p171) ([172.17.161.22]) by mgnj2.bloomberg.net with SMTP;

08 Mar 2010 16:22:16 -0500

X-BLP-INETSVC: version=BLP_APP_S_INETSVC_1.0.1;e

host=mgnj2:25; conid=13

X-BOP: <lking12@bloomberg.net>e

Sender: wstow@bloomberg.net

X-BLP-HEADER: autocopye

From: "BILLY STOWASSER, RAYMOND JAMES & ASSO" <wstow@bloomberg.net>

To: mmizell@southridgegroup.com

MIME-Version: 1.0

Message-Id: <4B956A880019C18000AB2E5B_0_987884@p171>

X-BLP-GUID: 4B956A880019C18000AB2E5B0001e

Subject: MEAG will ticket tomorrow

Content-Type: text/plain;

charset=UTF-8

Content-ID: <ID_4B956A880019C18000AB2E5B_0_1012066@p171>

Content-Disposition: inline

Content-Transfer-Encoding: base64

X-Secure-ID: 1268083353058-011-3476430e

X-Secure-Country-Code: US - UNITED STATESe

X-Secure-TLS-SUITE-INCOMING: SSL_RSA_WITH_RC4_128_SHAe

X-Secure-RFC2821-MAIL-FROM: lking12@bloomberg.nete

X-Secure-RFC2821-RCPT-TO: mmizell@southridgegroup.come

X-Secure-REMOTE-HOST: mgnj2.bloomberg.net.e

X-Secure-REMOTE-ADDR: 69.191.244.20e

X-Secure-Orig-To-Header: To: mmizell@southridgegroup.come

X-Secure-pp1t: 0e

X-Secure-trat: 1e

X-Secure-omc: 0e

X-Secure-tsist: 77e

X-Secure-urt: 398e

X-Secure-art: 0e

X-Secure-drt: 400e

X-Secure-USIAS2-Class: Unknowne

X-Secure-USIAS2-RefID: str=0001.0A02020A.4B956A8A.022F:SCFMA1361592,ss=1,fgs=0e

X-Secure-Info: d78;e

0dfs0;3orl0;99opt1;0trp0;

48whl0;15mec1;91bl1;

88fcc0;68pp10;8pp20;31srb1;

12us152;48spa0;4avs40;
80vvr8;64clm108;100aop0;
64com65;15vrc0;88phc0;
84all0;101rdc0;7rsp0;
32dds0;76vac0;12dogp0;
16med0;72fsqd0;68fsdd0;
36cld0;4lrd0;56domsplt0;
52ddr0;dmqq0;s1757;t1835

Return-Path: lking12@bloomberg.net

X-OriginalArrivalTime: 08 Mar 2010 21:22:19.0708 (UTC) FILETIME=[6F553FC0:01CABF05]

ckx-imap-uid: 438681

ckx-imap-isUid: YES

ckx-imap-seen: NO

ckx-imap-answered: NO

ckx-imap-deleted: NO

ckx-imap-flagged: NO

ckx-imap-draft: NO

1 69.25.72.21 Succeed USA - Massachusetts INAP-B&N-GROUPSPARK-47861 Group
Spark, Inc 69.25.72.0 69.25.72.255 69.25.72.0/24 Yes 76 Blanchard Rd, Suite
201, Burlington 01803 noc@internap.com abuse@internap.com +1-206-256-9500
ARIN mail.southridgetech.com

2 66.253.40.35 Succeed USA - New York SPEK-435847-0 Southridge Technology Group
66.253.40.32 66.253.40.63 66.253.40.32/27 Yes 25 Broadway, New York
10004 ipadmin@globalcapacity.com abuse@globalcapacity.com +1-720-670-1099e
ARIN mail.southridgetech.com

3 216.17.3.235 Succeed USA - Minnesota USI-NETBLK-3-0 Usinternet Corp
216.17.3.0 216.17.3.255 216.17.3.0/24 Yes US Internet Corp 12450 Wayzata
Blvd. Suite 121, Minnetonka 55305 hostmaster@usinternet.com hostmaster@usinternet.com
+1-952-545-0302e ARIN mta11.mtka.securence.com
maild81103eb.statie.msp.securence.com

4 69.191.244.20 Succeed USA - New York BLOOMBERG-NET-2 Bloomberg Financial
Market 69.184.0.0 69.191.255.255 69.184.0.0/13 Yes Bloomberg Financial Market 731
Lexington Avenue, New York 10022 internic-technical@bloomberg.com internic-
admin@bloomberg.com +1-212-318-2000e ARIN mgnj2.bloomberg.net

5 204.179.240.192 Succeed USA - New York UU-204-179-240 BLOOMBERG LP
204.179.240.0 204.179.240.255 204.179.240.0/24 Yes MCI Communications
Services, Inc. d/b/a Verizon Business 560 WASHINGTON ST, NEW YORK 10014
stephen.r.middleton@verizon.com abuse-mail@verizonbusiness.com +1-800-900-
0241 ARIN bloomberg.net

6 204.11.56.48 Succeed Virgin Islands (British) CONFLUENCE-NETWORKS-TX3
Confluence Networks Inc 204.11.56.0 204.11.57.255 204.11.56.0/23 Yes
Confluence Networks Inc 3rd Floor, Omar Hodge Building, Wickhams, Cay I, P.O. Box 362,
Road Town VG1110ipadmin@confluence-networks.com abuse@confluence-networks.com
+1-917-386-6118e ARIN southridgegroup.com

From: LESLIE KING <LKING12@Bloomberg.net>
Sent: Tuesday, August 17, 2010 2:14 PM
Subject: *TRADE TICKET*TRDR:AUBREY HURSE>CITIGROUP GLOBAL MARKE * 8/17/10

*TRADE TICKET*TRDR:AUBREY HURSE>CITIGROUP GLOBAL MARKE * 8/17/10
SELLS 3000 (M) SCOMED 5 09/01/39 810472GB0 DTD: 8/26/10
SETTLEMENT on 8/26/10 FCPNDT: 3/ 1/110
PRICE 99.2410000 or YIELD 5.0500 (to 9/ 1/39 @ 100.0000)0
After Concession [0.0000 pts]: Price 99.241000 / Yield 5.05000
NOTES: ULTIMATE TIER ADVISORS TOE 2PM EASTERN {810472GB Muni DES<GO>}0
* SCOTTS DALEO *
*** PRINCIPAL:0 \$ 2,977,230.00 ***
*** CONCESSION:0 0.00 ***
*** PRINCIPAL NET CONCESSION: 2,977,230.00 ***
*** ACCRUED (0 days): 0.00 ***
*** TOTAL: \$ 2,977,230.00 ***

Huber EXHIBIT 3

Jackson, Leslie (Boo)

From: LESLIE KING, KING ASSET MANAGEMEN [king12@bloomberg.net]
Sent: Tuesday, August 17, 2010 1:14 PM
To: king@outridgegroup.com
Subject: *TRADE TICKET*TRDR:AUBREY HURSE>CITIGROUP GLOBAL MARKE * 8/17/10

--- Original Sender: AUBREY HURSE, CITIGROUP GLOBAL MAR ---

*TRADE TICKET*TRDR:AUBREY HURSE>CITIGROUP GLOBAL MARKE * 8/17/10
SELLS 3000 (M) SCOMED 5 09/01/39 810472680 DTD: 8/26/10
SETTLEMENT on 8/26/10 FCPMDT: 3/ 1/11
PRICE 99.241000 or YIELD 5.0500 (to 9/ 1/39 @ 100.0000)
After Concession [0.0000 pts]: Price 99.241000 / Yield 5.0500
NOTES: ULTIMATE TIER ADVISORS TOE 2PM EASTERN

{81047268 Muni DES<GO>}
* SCOTTSDALE *

*** PRINCIPAL:	\$	2,977,230.00	***
*** CONCESSION:		0.00	***
*** PRINCIPAL NET CONCESSION:		2,977,230.00	***
*** ACCRUED (0 days):		0.00	***
*** TOTAL:	\$	2,977,230.00	***

From: LESLIE KING, KING ASSET MANAGEMEN <lking12@bloomberg.net>
Sent: Tuesday, August 17, 2010 1:14 PM
To: lking@southridgegroup.com
Subject: *TRADE TICKET*TRDR:AUBREY HURSE>CITIGROUP GLOBAL MARKE * 8/17/100

— Original Sender: AUBREY HURSE, CITIGROUP GLOBAL MAR —

*TRADE TICKET*TRDR:AUBREY HURSE>CITIGROUP GLOBAL MARKE * 8/17/10

SELLS 3000 (M) SCOMED 5 09/01/39 810472GB0 DTD: 8/26/10

SETTLEMENT on 8/26/10 FCPNDT: 3/1/11

PRICE 99.2410000 or YIELD 5.0500 (to 9/1/39 @ 100.0000)

After Concession [0.0000 pts]: Price 99.241000 / Yield 5.0500

NOTES: ULTIMATE TIER ADVISORS TOE 2PM EASTERN

{810472GB Muni DES<GO>}

* SCOTTSDALE *

*** PRINCIPAL:	\$	2,977,230.00	***
*** CONCESSION:		0.00	***
*** PRINCIPAL NET CONCESSION:		2,977,230.00	***
*** ACCRUED (0 days):		0.00	***
*** TOTAL:	\$	2,977,230.00	***

Received: from mail.southridgetech.com ([66.253.40.35]) by sands.smarsh.com (Merak 8.9.1) with ESMTP id ZAE36453 for <emailarchive@greenfieldcapitalarchive.com>;

Tue, 17 Aug 2010 14:13:53 -0400

Received: from mail009.236.3.17.216.mtka.securrence.com ([216.17.3.236]) by mail.southridgetech.com with Microsoft SMTPSVC(6.0.3790.3959);

Tue, 17 Aug 2010 14:13:51 -0400

Received: from mgny5.bloomberg.net. (69.191.192.13) by mta9.mtka.securrence.com (Securrence);

Tue, 17 Aug 2010 13:13:48 -0500 (CDT)

X-BB-Reception-Complete: 17 Aug 2010 14:13:48 -04000

X-IP-Listener: Outgoing Mail0

Date: 17 Aug 2010 14:13:48 -0400

X-IP-MID: 5779077990

Received: from n281.bloomberg.com (HELO n281) ([172.17.135.19]) by mgny5.bloomberg.net with SMTP;

17 Aug 2010 14:13:48 -0400

X-BLP-INETSVC: version=BLP_APP_S_INETSVC_1.0.1;0

host=mgny5:25; conid=3

From: "LESLIE KING, KING ASSET MANAGEMEN" <lking12@bloomberg.net>

To: lking@southridgegroup.com

MIME-Version: 1.0

Message-Id: <4C6AD15C000372C001192AB2_0_803015@n281>

X-BLP-GUID: 4C6AD15C000372C001192AB200000

Subject: *TRADE TICKET*TRDR:AUBREY HURSE>CITIGROUP GLOBAL MARKE * 8/17/10

Content-Type: text/plain;

charset=UTF-8

Content-ID: <ID_4C6AD15C000372C001192AB2_0_858276@n281>

Content-Disposition: inline

Content-Transfer-Encoding: base64

X-Securence-ID: 1282068828386-009-03119494e

X-Securence-Country-Code: US - UNITED STATESe

X-Securence-TLS-SUITE-INCOMING: SSL_RSA_WITH_RC4_128_SHAe

X-Securence-REMOTE-HOST: mgny5.bloomberg.net.e

X-Securence-REMOTE-ADDR: 69.191.192.13e

X-Securence-RFC2821-MAIL-FROM: lking12@bloomberg.nete

X-Securence-RFC2821-RCPT-TO: lking@southridgegroup.come

X-Securence-pp1t: 0e

X-Securence-trat: 2e

X-Securence-omc: 0e

X-Securence-tsist: 66e

X-Securence-urt: 294e

X-Securence-art: 0e

X-Securence-drt: 296e

X-Securence-USIAS2-Class: Unknowne

X-Securence-USIAS2-RefID: str=0001.0A020203.4C6AD15D.031B:SCFSTAT4115814,ss=1,fgs=0e

X-Securence-Info: d66;e

0dfs0;66orl0;44opt0;56trp0;

41whl0;3mec0;94bll0;101fcc0;

10pp10;88pp20;7srb0;31us175;

92spa0;40avs42;8vxr0;

4clm100;24aop0;70com68;

29vrc0;97phc0;0all0;99rcv0;

4rsp0;2dds0;2domspl0;

71vac0;27dogp0;3med0;

96fsqd0;78fsdd2;94dod0;

45cld1;54lrd0;37dlv0;

dmqq0;s1614;t1680

Return-Path: lking12@bloomberg.net

X-OriginalArrivalTime: 17 Aug 2010 18:13:51.0081 (UTC) FILETIME=[F1C93590:01CB3E37]

ckx-imap-uid: 512230

ckx-imap-isUid: YES

ckx-imap-seen: NO

ckx-imap-answered: NO

ckx-imap-deleted: NO

ckx-imap-flagged: NO

ckx-imap-draft: NO

1 69.25.72.21 Succeed USAe Massachusetts INAP-BSN-GROUPSPARK-47861 Group
Spark, Inc 69.25.72.0 69.25.72.255 69.25.72.0/24 Yes 76 Blanchard Rd, Suite
201, Burlington 01803 noc@internap.com abuse@internap.com +1-206-256-9500 |
ARIN mail.southridgetech.com

2 66.253.40.35 Succeed USA - New York SPEK-435847-0 Southridge Technology Group
66.253.40.32 66.253.40.63 66.253.40.32/27 Yes 25 Broadway, New York
10004 ipadmin@globalcapacity.com abuse@globalcapacity.com +1-720-670-1099e
ARIN mail.southridgetech.com

3 216.17.3.236 Succeed USA - Minnesota USI-NETBLK-3-0 Usinternet Corp
216.17.3.0 216.17.3.255 216.17.3.0/24 Yes US Internet Corp 12450 Wayzata
Blvd. Suite 121, Minnetonka 55305 hostmaster@usinternet.com hostmaster@usinternet.com
+1-952-545-0302e ARIN mail009.236.3.17.216.mtka.securrence.com
maild81103ec.static.msp.securrence.com

4 69.191.192.13 Succeed USA - New York BLOOMBERG-NET-2 Bloomberg Financial
Market 69.184.0.0 69.191.255.255 69.184.0.0/13 Yes Bloomberg Financial Market 731
Lexington Avenue, New York 10022 internic-technical@bloomberg.com internic-
admin@bloomberg.com +1-212-318-2000 ARIN mgny5.bloomberg.net

5 69.191.192.143 Succeed USAe New York BLOOMBERG-NET-2 Bloomberg Financial
Market 69.184.0.0 69.191.255.255 69.184.0.0/13 Yes Bloomberg Financial Market 731
Lexington Avenue, New York 10022 internic-technical@bloomberg.com internic-
admin@bloomberg.com +1-212-318-2000 ARIN mgny5.bloomberg.net
mgny5.bloomberg.net

6 204.11.56.48 Succeed Virgin Islands (British) CONFLUENCE-NETWORKS-TX3
Confluence Networks Inc 204.11.56.0 204.11.57.255 204.11.56.0/23 Yes
Confluence Networks Inc 3rd Floor, Omar Hodge Building, Wickhams, Cay I, P.O. Box 362,
Road Town VG1110 ipadmin@confluence-networks.com abuse@confluence-networks.com
+1-917-386-6118e ARIN southridgegroup.com

7 69.191.242.69 Succeed USA - New York BLOOMBERG-NET-2 Bloomberg Financial
Market 69.184.0.0 69.191.255.255 69.184.0.0/13 Yes Bloomberg Financial Market 731
Lexington Avenue, New York 10022 internic-technical@bloomberg.com internic-
admin@bloomberg.com +1-212-318-2000 ARIN bloomberg.net

**DECLARATION OF FRANK HUBER
IN SUPPORT OF MOTION TO AMEND COMPLAINT**

1. I declare under penalty of perjury that the following statements are true to the best of my knowledge, information and belief.

2.e My name is Frank Huber. I am over the age of twenty-one (21) years and I am competent and qualified to make this Declaration.

3.e I was retained by Thaddeus J. North and Mark Pompeo to examine the electronically stored information (“ESI”) used in two (2) disciplinary proceedings before the Financial Industry Regulatory Authority (“FINRA”) and based on my experience and training in XML, computer programming and scripting and computer network security, to present my findings respecting the ESI. For the purpose of this and my prior declarations, I examined the production files from Smarsh and FINRA in the two (2) disciplinary proceedings, LK’s Bloomberg vault archive, and emails obtained directly from Southridge Technology Grp, LLCe and Issue Direct (“ISDR”), a company with which Mr. Pompeo corresponded in 2010 and 2011.e

4.e The purpose of this Declaration is to support a filing of an amended complaint in Federal District Court case 15-cv-00494, regarding the sequence of spoliative actions and the roles of FINRA and Smarsh employees in creating, spoliating and altering emails for the purpose of FINRA prosecutions involving Messrs. North and Pompeo.

5. **Summary of Assertions.** This declaration will provide evidence that emails were redirected to FINRA who then altered and spoliated the emails after the redirection and in coordination with Smarsh. Smarsh was under contract with Southridge Investment Group, LLC (“Southridge”) and Ocean Cross Capital Markets, LLC (“Ocean Cross”) to provide email archiving services. Smarsh representative Jimmy Douglas testified that Smarsh hosted the email server for Southridge and that Smarsh archived the emails from point of the Southridge

Investment Group server that Smarsh hosted. The declaration of Smarsh General Counsel Bonnie Page stated that Smarsh provided the archiving services through a journaling process by providing IP addresses to Southridge Technology Grp LLC (“SRT”) to insert into the rules of the exchange server that SRT hosted and managed. These IP addresses contain a CIDR Range Value. Journaling of emails does not satisfy the regulatory compliance requirements for archiving emails and journaling does not satisfy Smarsh’s contractual responsibility to provide archiving services. Based on the existence of false positives in the emails produced to Messrs. North and Pompeo, I conclude that neither archiving nor journaling services were provided by Smarsh. This declaration tells the story of “how they did it”, i.e. how both Smarsh and FINRA acted together in a coordinated way to redirect emails while leaving a trail of false positives and other indicators in the human readable form and metadata of the emails. I also conclude that FINRA and only FINRA was responsible for the alteration and spoliation of emails used by FINRA’s Department of Enforcement (“DOE”) and that Smarsh facilitated FINRA’s role.

6. **Archiving vs. Journaling.** Archiving is different from journaling primarily because archiving stores indelible copies of emails on a separate computer system from the computer system that sends and receives the emails. Journaling, on the other hand, stores copies of the emails on the same computer system where the emails are received and from which they are sent. The difference in the definitions of archiving vs. journaling is found on page 11 of Message Archiving Microsoft Exchange Journaling Configuration Guide For Exchange Server 2000 and 2003:

Microsoft Exchange Server journaling lets you record a copy of, or *journal*, all email communications in your organization and send them to a dedicated mailbox on an Exchange Server. The process of *journaling*, therefore, is different than *archiving*. Journaling is simply a means of recording your users’ messages. Archiving, on the other hand, is a means of storing those copies in a separate environment for the purposes of regulatory compliance, data retention, or server maintenance.

Another reference from <http://www.itworld.com/article/2780188/storage/microsoft-exchange-journaling-vs--archiving.html> follows:

Journaling and email archiving within Exchange Server are 2 distinct animals. Based on predetermined corporate policy selection criteria, archiving removes old messages from the Exchange Server. Then the archiving software places the messages in a secure permanent repository. Journaling places a copy of target email messages into a designated mailbox by the practice of forwarding. This mailbox usually remains on the same Exchange server as all the other staff email boxes.

To clarify Smarsh's role, I read the testimony of Jimmy Douglas who appeared at FINRA's request on November 25, 2014 with reference to Ocean Cross. Mr. Douglas made the following statements:

. . journaling was configured on our own servers because we were hosting their e-mail.

We did not go on-site. Configurations to the mail server, including journaling, were done in our own environment.

"We did not go on-site. However, I'm hesitant to even say the word "remotely" because journaling was configured on our own servers because we were hosting their e-mail."

Later, in contradiction to Mr. Douglas, Smarsh General Counsel, Bonnie Page, provided the following in a Declaration:

In order to archive email messages from an email system (or "email client"), like Microsoft Outlook, the user of the email client must configure the server upon which the email client is hosted to copy messages to journaling address. The journaling address translates to an IP address. The IP address is associated with an archive server to which the messages will be sent to be archived. When Southridge Investment Group, LLC ("Southridge") and Ocean Cross Capital Markets, LLC ("Ocean Cross") set up individual user accounts to be archived, Southridge and Ocean Cross configured the servers which hosted their email client to send copies to the journal address provided by Smarsh with the Smarsh archive server sands.smarsh.com as well as other locations provided by Smarsh technical support.

Declaration of Bonnie Page dated September 3, 2015 ¶ 4 (the first ¶ 4).

Because the above statements by Smarsh representatives are in direct contradiction with industry standards for email archiving and are inconsistent among themselves, and because no email or message presented by DOE or Smarsh contain evidence of a *forwarding* process, I

conclude that instructions provided by Smarsh facilitated FINRA's receiving the emails in lieu of proper archiving. I further conclude that FINRA took a lead role in the alteration and spoliation of emails used by FINRA against Messrs. North and Pompeo.

7. **False Positives.** The evidence of emails with false positive headers leads to only one conclusion, and that is that Smarsh did not and could not have provided either archiving or journaling services for either Southridge or Ocean Cross employees. False positives cannot exist in emails that are properly archived because an archived email is captured before the user email client can create a false positive. In other words, in a system where archiving of emails is compliant with applicable regulations regarding ESI, it would not be possible for an email to contain a false internet header containing email addresses or IP addresses that were not contained in the original email.

My conclusion that Smarsh did not and could not have provided either archiving or journaling services comes from two (2) sources: the difference in the number of emails produced by Smarsh and FINRA to Messrs. North and Pompeo as compared to the numbers of emails known to exist between July 1, 2009 and December 31, 2012 and the pervasiveness of false positives. In this case, there should have been over two hundred fifty thousand (250,000) emails and other electronic communications, while Smarsh and FINRA produced less than one hundred thousand (100,000) in the two (2) proceedings. In the emails produced by FINRA to Messrs. North and Pompeo, tens of thousands of false positives exist. *See* Declaration of Frank Huber dated June 9, 2015 ("Huber Declaration 1"), Supplement Declaration of Frank Huber dated August 11, 2015 ("Huber Supplement"), and Declaration of Frank Huber dated November 28, 2015 ("Huber Declaration 3").

False positives exist in the email headers of the one hundred one (101) emails I received

from ISDR, in that the email P2 headers reflect four (4) different geographical locations for the same IP address; the presence of four (4) distinct geographical locations in a set of emails for one (1) email domain name and IP address is not possible for a public IP address, but rather demonstrates redirection of the emails to a "Private Collaborative Network," where the emails were moved around for alteration and spoliation and where one (1) email domain name and IP address can be changed or identified with multiple geographical locations within the network through the use of CIDR Range Values.

I examined the emails received from ISDR and paid particular attention to how the IP addresses in the P2 headers of the email resolve and other identifying information in the headers. The key difference between the resolves of the email headers of the ISDR emails, which were not archived by Smarsh, and the resolves of the FINRA DOE production emails attached to the Huber Supplement is that there is an AES 256 encryption tag present in the FINRA DOE production emails, which does not exist in any of the ISDR email headers. The AES 256 encryption tag, which is present in the FINRA DOE production emails is also the FINRA signature stamp of FINRA having tampered with the email. FINRA is one of a select few entities that are licensed to use AES 256 encryption and the only entity that is involved in the emails in this case that uses AES 256 encryption. The ISDR email is clear evidence of FINRA's lead in and direct involvement in the alteration and spoliation of the production emails. The evidence of AES 256 encryption leads me to conclude that FINRA and only FINRA was responsible for spoliating the emails at issue and that Smarsh's role was to facilitate delivering the email to FINRA to complete its role in their collaborative enterprise.

As another point respecting false positives in the emails, I examined the eighteen (18) exhibits attached to a Declaration provided by FINRA examiner Leslie ("BOO") Jackson

("Jackson Declaration"). The Jackson Declaration exhibits include fourteen (14) emails containing the words "On the Behalf of" in the email sender line and a recipient to which the email was not initially directed, which are false positives that occur when Microsoft Outlook recognizes that an email has crossed many recipients' mailboxes. But in the world of compliance archiving, however, at the point of sending or receiving by the email server, false positives cannot occur. The presence of tens of thousands of false positives of this nature in the DOE production files, leads me to the conclusion that the emails selected as the Jackson Declaration exhibits were intentionally spoliated to insinuate actions that never occurred.

8. **Redirecting Email with Rules.** The false positives observed were created by the act of redirecting emails. Redirecting emails is facilitated by setting a user's email administrative options within the email users' individual accounts or within the email server or both. These options are called "rules" which define where emails are to be redirected. The redirection rules are usually set up to store emails to file folders. Rules also support the redirection of emails to other email addresses, however, such rules are applied under strict security guidelines.

The definition for redirection rules from the Microsoft Outlook Help file follows:

If you are using an Exchange 2010 account, you cannot use rules to forward messages to e-mail addresses outside your organization. This setting helps prevent internal corporate information from being disclosed. This setting can only be changed by an Exchange administrator."

At the web site for TechNet Magazine, <https://technet.microsoft.com/en-us/magazine/dd547068.aspx>, is a set of instructions for redirecting emails by setting rules on the Exchange Management Console.

At the web site Lucrazon, <http://www.lucrazon.com/how-to-redirect-incoming-outlook-emails-rules>, is a set of instructions for redirecting emails by setting rules within an individual

email user account.

The DOE production files contain instructions from Smarsh to Southridge and Ocean Cross employees for setting redirection rules within their user accounts. I have learned that Smarsh also provided similar rules to Southridge Tech for setting redirection rules at the firms' email server. Unknown to the employees of Southridge and Ocean Cross, these rules resulted in the emails being redirected to FINRA. My conclusion is that Smarsh facilitated the redirection to FINRA for the purpose of spoliating and altering the emails.

9. **Redirecting Email with IP Address and CIDR Range Values.** The massive numbers of false positives in the production files from DOE were caused by redirecting the Southridge and Ocean Cross emails onto a "Private Collaborative Network". This redirection of emails was facilitated by the setup and configuration of local internal IP addresses and CIDR Range Values. Smarsh provided instructions to LK, Thaddeus North, Mark Pompeo, and other individual users at Southridge and Ocean Cross and also to Southridge Tech employee Tom McCay on how to configure their email accounts with specific *internal IP addresses* and CIDR Range Values. Because these instructions provided by Smarsh to configure and setup the email accounts resulted in the emails being redirected to IP addresses with CIDR Range Values for a Private Collaborative Network accessible to FINRA (*see* discussion regarding AES 256 encryption tags), I conclude that FINRA and only FINRA was responsible for spoliating and altering the Southridge and Ocean Cross emails and Smarsh willingly facilitated FINRA's role.

10. **Private Collaborative Network.** Smarsh technical support sent detailed instructions to LK on October 20, 2009 on how to assign IP addresses with a specific kind of range for the IP addresses known as CIDR. CIDR stands for **Classless Inter-Domain Routing**. CIDR Range Values support infrastructures for the sort of Private Collaborative Network to

which the Southridge and Ocean Cross emails were redirected and that is revealed by the instructions given with IP addresses and CIDR Range Values and the IP addresses in the P2 headers. Beginning in 2009, IP addresses with the CIDR Range Values redirected emails from the Southridge Tech server servicing the Southridge firm, and also from the individuals users devices set up with the IP address with the CIDR Range Values, primarily to three (3) addresses: two (2) in New York City, New York – 25 Broad Street and 25 Broadway – and one (1) address at 76 Blanchard Avenue, Burlington, Massachusetts, none of which locations are owned, leased, or operated by the Southridge email host Southridge Tech.

11. Wikipedia defines the two (2) word phrase “collaborative network” as follows:

A collaborative network is a network consisting of a variety of entities (e.g. organizations and people) that are largely autonomous, geographically distributed, and **heterogeneous in terms of their operating environment, culture, social capital** and goals, but that collaborates to better achieve common or compatible goals, and whose interactions are supported by computer networks.

The falsified P2 headers that caused the false positives I discussed previously are evidence of the redirection to a collaborative network. The use of the CIDR setup instructions provided by Smarsh clearly shows that Messrs. North’s and Pompeo’s and the Southridge and Ocean Cross employees’ emails were intentionally redirected into a collaborative network that routed their emails directly to FINRA or its agents.

The detailed instructions provided by Smarsh are one of the strongest and clearest pieces of evidence of intentional and unlawful redirection under the guise of archiving. The four (4) IP addresses contained in the instructions Smarsh provided in 2009 and their respective owner names and addresses are provided below. The IP addresses themselves, i.e., the numbers, signify a classless inter-domain network or private network. Note that none of the following IP addresses are identified as belonging to Smarsh.

74.85.246.0/24
Silver Star Telecom, LLC
16420 SE McGillivray Ste 103-233
Vancouver, WA 98683

64.34.12.0/24
Peer 1 Network (USA) Inc.
75 Broad Street, 2nd Floor
New York, NY 10004

70.98.99.128/25
Integra Telecom
18110 SE 34th St. Building One Suite 100
Vancouver, WA 98683

12.180.54.128/25
Silver Star Telecom, LLC
16420 SE McGillivray Ste 103-233
Vancouver, WA 98683

In the production files, the above IP addresses with CIDR Range Values correspond to the instructions provided by Smarsh to configure and setup the email accounts which resulted in the emails being redirected to multiple IP Addresses that all report in the header as “mail.southridgetech.com”, which is impossible on a *public* network for two (2) primary reasons. First, on a public network only one (1) website or domain can use its distinctive name; this name is secured by registering the domain name with ARIN, the American Registry for Internet Numbers. Second, a domain name can only have one (1) IP address for allowing the public to access the website. A Private Collaborative Network allows for a multiple-matched name setup. Because Smarsh provided the instructions to Southridge Tech and Southridge and Ocean Cross employees with the several IP addresses and CIDR Range Values, I conclude that Smarsh set-up and controlled the Private Collaborative Network, and in that way facilitated FINRA’s role in spoliating and altering emails to reflect actions that FINRA employees would know to raise “red flags”.

12. **Spoliating.** Once the emails were redirected to the Private Collaborative Network, they were under FINRA’s control and discretion to be spoliated and falsified. Due to the AES 256 encryption tags showing FINRA’s involvement in falsifying and spoliating the Southridge and Ocean Cross files, and FINRA DOE’s use of falsified evidence, I can only conclude that the technology available was used for fraudulent purposes in false disciplinary actions against

Messrs. North and Pompeo and to exact fines and penalties from its members. The spoliated emails were made available in legal proceedings and presented as though they were retrieved from an “archive”. In addition, for Mr. North, the emails were presented on a web-site that appeared to be hosted by Smarsh with the look and feel of a legitimate platform for compliance officers to review. Because the emails were not archived but were redirected to a Private Collaborative Network where they were spoliated and altered, it would not have been possible for the email to be organized in a secure platform for compliance actions after the spoliative actions. For this reason, I conclude that FINRA and only FINRA was responsible for the spoliation and alteration of emails at issue and Smarsh helped facilitate FINRA’s role.

13. **Smarsh’s Loss of Bloomberg Data in Migration.** I can state without any doubt that in the world of archiving and migration of files for archiving purposes it is impossible to lose the files that Smarsh controlled by the act of migration. Instead, I conclude that one would have to intentionally delete the files for the intent of destroying the evidence in order to lose the files permanently.

14. **Overall Spoliative Processes.** The fact that DOE and Smarsh produced email evidence that “supposedly” was received by multiple “mail.southridgetech.com” servers located at different geographical locations, none of which are the actual physical location of Southridge Tech’s server is an impossibility on a public network. Combining this factor with the proof of emails from Smarsh Support, giving instructions to individual users at Southridge and Ocean Cross that redirected the emails to a private network, and the fact that only FINRA would know what is truly offensive to SEC and FINRA rules and procedures, leads me to only one possible conclusion: Smarsh and FINRA, with premeditation, designed a Private Collaborative Network solely for allowing FINRA to spoliative emails to support false charges with false evidence that the

two (2) parties produced together for the purpose of exacting monetary fines from FINRA members.

15. Summary and Conclusions.

Archiving is simply the process of storing emails in their complete and original form to a system outside the source system of the emails for later retrieval and review. Journaling is different from archiving since it is only a record of the emails that can be saved within the same system where the emails are sent and received. Archiving, on the other hand, requires that the emails be stored as indelible ESI in a storage area external to the system where emails are sent and received. Smarsh, therefore misrepresented that it provided archiving services when it claimed that it provided archiving services through journaling.

The evidence of false positives, leads me to conclude that Smarsh provided neither archiving nor journaling. False positives cannot exist when emails are properly archived. In other words, in a system where the archiving of emails is compliant with applicable regulations regarding ESI, it would not be possible for an email to contain a false internet header containing email addresses or IP addresses that were not contained in the original email. The fact that there are many false positives found in the emails produced by FINRA DOE and also false positives in emails from a third party source (not produced by FINRA) that points to redirection, leads me to conclude that FINRA and Smarsh worked in concert over an extended period. Their enterprise redirected emails rather than archiving or journaling emails; the redirection to a Private Collaborative Network allowed FINRA and Smarsh to spoliage and alter the emails in real time.

The false positives created by redirecting the emails to a Private Collaborative Network, used rules, which defined where emails were to be redirected. While rules often send emails to

file folders, rules also support redirection of emails to other email recipients, but only through a system administrator's authority.

Smarsh provided explicit instructions to Southridge Tech personnel detailing the setup and configuration of IP addresses with CIDR Range Values for a Private Collaborative Network. These setup instructions redirected emails through that Private Collaborative Network directly to FINRA as evidenced by the false positives in the email headers and the presence of AES 256 encryption tags that were available only to FINRA. These encryption tags do not appear, for example, on emails produced from ISDR, or from other sources outside of the FINRA DOE discs. The explicit and detailed instructions from Smarsh for IP address setups and the missing AES 256 encryption tags on non-FINRA produced emails constitute two (2) of the clearest pieces of evidence that FINRA and Smarsh collaborated in an effort to have emails redirected for spoliation and alteration.

Based on the evidence and reasons provided in this declaration, I conclude that FINRA was the primary spoliator of the emails in this case and Smarsh facilitated FINRA's role, by setting up the Private Collaborative Network and redirecting the Southridge and Ocean Cross emails to that network.

Further sayeth not Declarant.

Frank Huber 12/22/15
Frank Huber

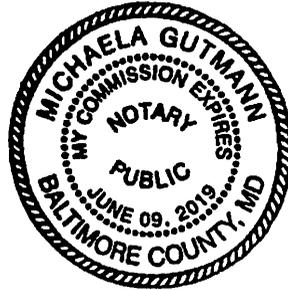
State of Maryland)

County of Baltimore)

On this 22 day of December 2015, Frank Huber, having presented proper identification did upon his oath execute the foregoing Declaration before me a Notary Public in and for the State of Maryland.

My commission Expires: June 09, 2019

[Signature]
Notary Public [Seal]



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FINANCIAL INDUSTRY REGULATORY AUTHORITY (FINRA)
OFFICE OF HEARING OFFICERS
DISCIPLINARY PROCEEDING
NO. 2010025087302

-----x

DEPARTMENT OF ENFORCEMENT,
Complainant,

v.

THADDEUS J. NORTH
(CRD No. 2100909),

Respondent.

-----x

One World Financial Center
200 Liberty Street
New York, New York 10281

April 13, 2015
9:20 a.m.

B E F O R E:

DAVID R. SONNENBERG, ESQ, Hearing Officer
FINRA OFFICE OF HEARING OFFICERS
1735 K Street, NW, 2nd Floor
Washington, D.C. 20006

BARDEA C. HUPPERT, Panelist

JOHN CAFFREY, Panelist

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A P P E A R A N C E S:

For the Department of Enforcement:

**SARAH B. BELTER, ESQ.,
Senior Regional Counsel**

**MARK J. FERNANDEZ, ESQ.,
Senior Regional Counsel**

**LESLIE JACKSON,
Examiner**

**JESSICA HOPPER,
Vice President (Observer)
(P.M. Session)**

For Respondent:

**CONSTANCE J. MILLER, ESQ.
2010 Corporate Ridge Drive, Suite 700
McLean, Virginia 22012**

For the Witness Robert Sherman and Smarsh:

**BONNIE PAGE, ESQ.,
General Counsel**

ALSO PRESENT:

THADDEUS J. NORTH

Sherman - Direct

1
2 Q Is that the database you were
3 referencing earlier in testimony, the database
4 where SMC user search activity is recorded?

5 A Yes. It's a similar environment.

6 Q What do you mean by "environment"?

7 A I mean it's a database. I don't know
8 if it's the exact, same database, but it's not
9 stored in an individual file per se. It's stored
10 in an information database.

11 Q Is that database you're referring to,
12 is that the actual -- is that the same repository
13 of the actual originally received messages?

14 A No.

15 Q Mr. Sherman, are you aware of a report
16 on Mr. North's SMC activity while he was at
17 Southridge, are you aware of such a report having
18 been provided to FINRA by Smarsh prior to the
19 reports we've covered here today?

20 A Yes.

21 Q What could you tell us about that
22 report?

23 A I don't know much about the report
24 specifically, but I do know the information was
25 communicated by at the time legal counsel Ellen

1 Sherman - Direct

2 Klem containing information about review
3 activity.

4 Q Review activity on SMC?

5 A Yes.

6 Q And do you know whether that report
7 pertained to review activity of e-mails or
8 Bloomborgs?

9 A My understanding is that the -- it was
10 a report for e-mail and there was a communication
11 regarding the Bloomberg.

12 Q What communication are you referring
13 to?

14 A Ellen communicated that we did not run
15 the reports for Bloomberg because we found that
16 there was no review activity for Bloomberg.

17 Q What do you mean, "no review activity
18 for Bloomberg"? What do you mean by that?

19 A When she requested to have the review
20 activity searched for the Bloomberg archives,
21 they were unable to find any activity, any
22 records, activity reports, for any review.

23 Q Who is "she" that you're referring to?

24 A Sorry. Ellen Klem.

25 Q And who is the "they" who you referred

1 Sherman - Direct

2 to as having run the reports?

3 A It would have been somebody in DB or
4 debt support. I believe that it was Chris
5 Manzano, but I'm not certain.

6 Q Do you recall who requested the
7 report?

8 A I believe it was FINRA, but I do not
9 recall a specific individual.

10 Q Do you recall roughly the date that
11 that report was provided to FINRA?

12 A Roughly, it was I believe early 2012.

13 Q Okay. I want to follow up with you on
14 something you said regarding information about
15 review activity or lack thereof by Mr. North over
16 Bloomberg communications.

17 If I asked you today to run a report
18 showing search activity, if any, by Mr. North on
19 SMC in relation to Bloomberg communication, could
20 you do that?

21 A No.

22 Q Why not?

23 A In early 2014 we migrated the
24 Bloomberg database. And when we did that
25 migration, we did not bring over information for

1 Sherman - Direct

2 any clients that had not been a client of ours
3 for a certain amount of time.

4 The SIG account was one of those, and
5 so their information was not brought into -- was
6 not brought over for migration.

7 Q So is that information no longer
8 accessible to Smarsh?

9 A Correct. The review information is no
10 longer accessible.

11 Q Was the information accessible, to
12 your knowledge, prior to the date of migration?

13 A Yes.

14 Q To your knowledge, would that
15 information have been accessible in early 2012?

16 A Yes, I can see no reason why it
17 wouldn't be.

18 MR. FERNANDEZ: May I have one second,
19 sir.

20 THE HEARING OFFICER: Certainly.

21 Q Mr. Sherman, could you turn to CX 11
22 and 12.

23 A Yes. One moment. Okay. I have it.

24 Q What do these two reports reflect?

25 A These reports reflect -- these are run

Sherman - Cross

CROSS-EXAMINATION

BY MS. MILLER:

Q Can you hear me, Mr. Sherman?

A I can.

Q Okay. I just have one question for you.

I just wanted to confirm, did you compile the data that went into the Exhibits CX 11 through CX 17 yourself?

A No.

MS. MILLER: Thank you. That's all I have.

THE HEARING OFFICER: Now, the panelists, Mr. Sherman, may have questions. I'll begin with Ms. Huppert.

MS. HUPPERT: I just have maybe two.

Mr. Sherman, can you hear me?

THE WITNESS: I can.

MS. HUPPERT: Okay. You had indicated that the Bloomberg chat information and the Bloomberg message information had not been migrated to your upgraded version.

So my question is, for these two exhibits how was that information re-ingested?

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Sherman

THE WITNESS: The request was made for the Bloomberg information for the messages --

MS. HUPPERT: Yes.

THE WITNESS: -- and so we had to re-ingest the source Bloomberg, not from the archive but as was provided to us, which fortunately we still had. And because we ingested that into a fresh environment, I guess you would say, there was no associated review data with it.

MS. HUPPERT: And could I ask, kind of a clarifying question for me. The only way one would know if a message has been reviewed is if it had been extracted from the original files, whether they're e-mail or either of the Bloomberg systems, and then pulled out in a special file and named by the reviewing user; is that correct?

THE WITNESS: I'm not sure I follow. That doesn't sound correct.

MS. HUPPERT: In order for someone to review information or review e-mails or chat messages or Bloomberg messages, do they have to request a special report periodically and have it stored in this report file, this database that

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Sherman

Smarsh maintains for their users?

THE WITNESS: No, they do not.

MS. HUPPERT: So they could just review files, review e-mails randomly without creating a file separately?

THE WITNESS: Once the message is archived into the system, and if they have access to that message, they could review it.

MS. HUPPERT: How does Smarsh track that then?

THE WITNESS: Because whenever they review it, we record the fact that it was reviewed.

MS. HUPPERT: And that could be the original message without a special report being run to store in your Smarsh database?

THE WITNESS: Once it's been ingested into the archives and they look at it, then yes, they don't have to request that we record they're reviewing. Once they look at it, we record that.

MS. HUPPERT: Okay.

MR. FERNANDEZ: If I may, I think I understand maybe your confusion. I might be able to address that with some questions.

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C E R T I F I C A T E

STATE OF NEW YORK)

: ss.:

COUNTY OF NEW YORK)

I, COLETTE CANTONI, a Registered
Merit Reporter and Notary Public of the State of
New York, do hereby certify:

That the within is a true and
accurate transcript of the proceedings taken
before the FINANCIAL INDUSTRY REGULATORY
AUTHORITY (FINRA) on the 13th day of April 2015.

I further certify that I am not
related to any of the parties to this action by
blood or marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 27th day of April 2015.



COLETTE CANTONI

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**THADDEUS J. NORTH and
MARK P. POMPEO,**

Plaintiffs,

Case No. 15-cv-494 (RMC)

v.

**SMARSH, INC. and FINANCIAL
INDUSTRY REGULATORY
AUTHORITY,**

Defendants.

**DECLARATION OF BONNIE PAGE
IN SUPPORT OF SMARSH INC.'S OPPOSITION TO PLAINTIFFS' MOTION
FOR ORDER PERMITTING SUR-RESPONSE AND SUR-REPLY**

1. I am employed by Smarsh, Inc. ("Smarsh") as the General Counsel. As part of my job duties, I am required to be familiar with the matters discussed in this Declaration. I am over the age of twenty-one and I am competent to make this Declaration. The facts set forth herein are based on my personal knowledge. If called upon to do so, I could and would testify to the matters stated below.

2. The Supplement [SIC] Declaration of Frank Huber submitted by Plaintiffs contains inaccurate information and numerous errors and does not support the Plaintiffs' allegation that Smarsh spoliated data.

3. Nowhere in Huber's Supplement [SIC] Declaration does he present any facts establishing that the content of any email was false. For example, no facts are set forth in the declaration comparing the content of any alleged false email with the content of any allegedly true email.

4. Despite the fact that the process of archiving Outlook email messages is entirely irrelevant to whether or not Thaddeus North reviewed Bloomberg messages, the Huber Declaration fundamentally misconstrues the process of archiving email. In order to archive email messages from an email system (or “email client”), like Microsoft Outlook, the user of the email client must configure the server upon which the email client is hosted to copy messages to journaling address. The journaling address translates to an IP address. The IP address is associated with an archive server to which the messages will be sent to be archived. When Southridge Investment Group, LLC (“Southridge”) and Ocean Cross Capital Markets, LLC (“Ocean Cross”) set up individual user accounts to be archived, Southridge and Ocean Cross configured the servers which hosted their email client to send copies to the journal address associated with the Smarsh archive server sands.smarsh.com. In July 2014, Smarsh decommissioned the server drives associated with sands.smarsh.com according to standard maintenance and technical operations procedures and migrated any current customers to an alternative server (with a different IP address).

4. Huber’s declaration is based on an examination of only the “internet transportation headers,” i.e., IP addresses. Huber asserts that because he cannot find certain IP addresses for emails in ARIN (American Registry for Internet Numbers) then the emails are not real or valid emails. This is Huber’s basis for concluding that FINRA and/or a third party related to FINRA “falsified” the emails. The theory makes no sense and is inaccurate.

5. For example, Huber claims ARIN does not “resolve” sands.smarsh.com. Huber concludes that since sands.smarsh.com is not “resolved,” the emails provided to FINRA must be fakes. However, as previously stated, Huber could not “resolve” the sands.smarsh.com IP address because Smarsh decommissioned the servers associated with the sands.smarsh.com

address in July 2014. Huber has no basis to support his claim that the Smarsh emails are false. The claim, based on his IP address location theory, is completely meritless.

6.e Huber also asserts the emails are false because of purported email processing e issues with the “scanning, capture, and archive flow,” and refers to a chart he made illustrating the purported issues. Ex. 2, Huber Supplement [SIC] Dec. However, the chart is inaccurate and contains numerous errors.

7.e For example, Huber asserts that Toba Capital, the majority owner of Smarsh, is e part of the alleged faulty processing flow depicted in Exhibit 2. However, it is impossible for Toba Capital to be part of the Southridge processing flow during the relevant time period of July 1, 2009 through August 30, 2012 (Complaint, ¶ 5) or the Ocean Cross processing flow during the relevant period of August 11, 2011 through July 30, 2013 because Toba Capital did not acquire any interest in Smarsh until July 31, 2013, after the relevant time period.

8.e Huber asserts that Mr. North and Mark Pompeo each used their own Outlook e account to send emails. ¶ 7, Huber Supplement [SIC] Dec. However, Smarsh support records indicate that Smarsh archived messages for Mr. North from the occamp.com domain and the domain southridgegroup.com. Each of these domains was archived on behalf of Ocean Cross and Southridge respectively. Smarsh support records indicate that Smarsh also archived messages for Mr. Pompeo from the domain occamp.com. If Mr. North or Mr. Pompeo were to have sent e messages from their personal Outlook email client, in order for Smarsh to archive those messages Mr. North’s and Mr. Pompeo’s server would have to have been configured to copy messages to a Smarsh journaling address.

9.e Huber claims Smarsh “scans and captures” emails. ¶ 4, Ex. 2, Huber Supplement e [SIC] Dec. However, as stated above, that is not how Smarsh captures emails for archiving.

Smarsh does not scan any messages. The server must be configured to send copies of messages to a journaling address.

10. Huber states that “if [Smarsh] were properly capturing and archiving emails, they would have had to be connected to the ST email server for [Southridge] emails and to the Web.com online email server for [Ocean Cross].” ¶ 4, Huber Supplement [SIC] Dec. However, this is not true. As stated above, and as Smarsh established in the underlying FINRA proceedings, Smarsh captured emails as they were sent because the email servers were configured to send a copy to sands.smarsh.com as well as the recipient. The process described by Huber as the proper process (also illustrated in Exhibit 1) is neither correct nor necessary for proper archiving.

11. Huber’s statement that FINRA archived messages (¶ 4) is incorrect, as FINRA does not archive messages.

12. Huber’s claim that messages flowed through overseas servers is also incorrect. Huber states that messages flowed through the U.K. because an IP address he located with ARIN is associated with BF, “Barefruit Error-Handling,” a network name in the United Kingdom. Huber ties this address to emails purportedly sent during the relevant time period, and claims they could not have been valid Smarsh emails because the IP address is associated with BF. However, as stated above, the servers associated with the sands.smarsh.com IP address were utilized until they were decommissioned in July 2014. Presumably, BF at some point after became associated with the IP address as claimed by Huber. That association could not have occurred during the relevant period, making Huber’s claim that overseas servers were used in the relevant time period without merit.

13. Given the numerous flaws, inaccuracies, and errors in Huber's theory that the emails were falsified due to "transportation headers" and a faulty "email processing" flow, the Huber Supplement [SIC] Declaration does not support or establish that Smarsh spoliated any emails.

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

Executed on: September 3, 2015

By *s/ Bonnie Page*
Bonnie Page

From: Smarsh Support <Support@smarsh.com>
Sent: Tuesday, October 25, 2011 3:16 PM
Subject: Planned IMProxy Maintenance 10/27/2011

Dear Valued Client,

A network upgrade has been planned to roll out this week for users of our IMProxy instant message capturing platform. This upgrade will take place after market close Thursday evening, October 27th approximately 9PM EST (6PM PST). There will be minimal downtime during the upgrade and connectivity testing will begin shortly after to prevent any downtime the following morning.

Users that will not be affected: Users that enter improxy.smarsh.com into their software clients, i.e. AIM, Yahoo, MSN, Googletalk. If your users utilize this method, no changes will need to be made.

Users that will be affected: Clients that have a DNS route on the firewall level pointing forcing IM traffic to a specific IP range would need to be updated. Clients that are also utilizing strict firewall routes will need to ensure that our latest IP ranges are set to allow traffic to the following IP ranges:

199.47.168.0/22
12.180.54.128/25
74.85.246.0/24
64.34.12.0/24

Once you are able to make the changes necessary and would like to stop receiving these messages please reply letting us know.

We will continue to send follow-up notifications for additional reminders as we approach the upgrade date. Please let us know if you have any additional questions. Thank you.

.....
Smarsh Support Staff | 1-866-SMARSH-1



75 Broad Street | New York, NY 10004
1-866-SMARSH-1 | 971-998-9967 (fax) | www.smarsh.com



Immediate customer support:
1-866-SMARSH-1 (option 2)
or email support@smarsh.com

Smarsh Ranked No. 1 in Overall Customer Satisfaction
.....

Mark P. Pompeo ("Mr. Pompeo") was a registered representative at Southridge and Ocean Cross.

5. Neither Southridge nor Ocean Cross had its own network server or email server equipment; SRT placed a SRT email server in a communications closet in the Southridge office; the only function served by the email server was to direct email to the employees of Southridge. SRT hosted the email server and email backup services for Southridge until mid-September 2011.

6. In late October 2014 Joseph Marshall Hosea contacted SRT on behalf of Messrs. North and Pompeo and their attorney, Constance J. Miller, respecting any email related to Southridge or Ocean Cross employee communications between July 2009 and December 2013.

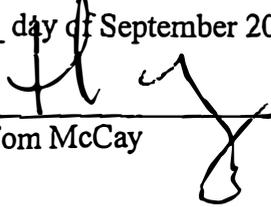
7. After a complete examination of SRT's back up files of four (4) Southridge and Ocean Cross employees, SRT determined that the set consisted of seven thousand thirty-eight (7,038) emails that passed through the SRT email server between July 2009 and December 2013; the majority of the email intended for Southridge employees and a limited number intended for Ocean Cross employees.

8. On October 28, 2014 Mr. Hosea presented himself at SRT offices to obtain a copy of the emails residing on the SRT backup server, at which time I delivered to Mr. Hosea a disc containing files for four (4) employees of Southridge and Ocean Cross including Messrs. North and Pompeo.

9. SRT also examined its equipment and determined that Smarsh did not connect to any server equipment owned or operated by SRT.

10. SRT did not allow any other entity to attach to SRT equipment at any time since providing services to Southridge or any firm using SRT equipment at the Southridge and Ocean Cross office location.

Respectfully submitted this 4 day of September 2015.



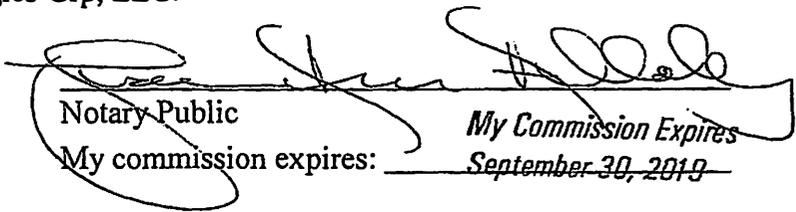
Tom McCay

STATE OF CONNECTICUT

COUNTY OF Fairfield

)
) ss. Brookfield
)

The foregoing Declaration was acknowledged, sworn, and executed before me a Notary Public in and for the State of Connecticut on 9/4, 2015 by Tom McCay of Southridge Technologies Grp, LLC.



Notary Public

My commission expires:

My Commission Expires

September 30, 2019

[Seal & Registration Number]

1 FINANCIAL INDUSTRY REGULATORY AUTHORITY (FINRA)
2 DEPARTMENT OF ENFORCEMENT

3 -----x

4 In the Matter of:

5 OCEAN CROSS CAPITAL MARKETS, LLC Matter Number:
6 2012030275

7 Testimony of:

8 WILLIAM SCHLOTH

9 -----x

10 99 High Street, Suite 900
11 Boston, MA 02110

12 April 23, 2012
13 9:15 a.m.

14 A P P E A R A N C E S:

15 For the Department of Enforcement:

16 SOPHIA YIM, Examiner
17 PAUL TABERNER, ESQ., Senior Regional Counsel
18 JAMES MCKENNEDY, Associate Examiner
19 JOHN MCCANN, Principal Examiner
20 Boston District Office
21 99 High Street, Suite 900
22 Boston, MA 02110
23 617.532.3502
24 sophia.yim@finra.org
25 paul.taberner@finra.org

1 Q What is your educational background from high
2 school to present, including dates and degrees?

3 A From high school? High school, 1981, excuse me,
4 1976 I went to Albertus Magnus High School. 1981,
5 I went to Fairfield University in Connecticut.
6 Graduated there with a BS in accounting, 1985.
7 Then -- just my education you want, right?

8 Q Right.

9 A Between the period 1997 and 2002, I was part-time
10 MBA program at New York University and graduated
11 with an MBA in finance in 2002.

12 Q Are there any other degrees?

13 A I'm a certified public accountant, that's a
14 degree.

15 Q When did you get this professional designation?

16 A 1993.

17 Q Do you have any other degrees or professional
18 designations?

19 A No, just securities licenses.

20 Q Okay. What email address do you currently use?

21 A WSchloth, S C H L O T H, @occapm.com.

22 Q Where is it hosted?

23 A Hosted with web.com.

24 Q Are there any other email addresses you currently
25 use?

- iPACT Home
- Training Center
- Support Center
- Site Management
- Billing Center
 - ▷ Hosting Account Info
 - ▷ Billing Account Info
 - ▷ Invoice Manager
 - ▷ Open Invoices
 - ▷ Print Multiple Invoices
 - ▷ Default Payment Method
 - ▷ Payment Method (Wallet Setup)
 - ▷ Renewal Dates
 - ▷ Credit Requests
 - ▷ Cancellations
 - ▷ Contact Billing
 - ▷ View Credit History
- Feedback

[Printer Friendly](#)

Setup: [Payment Methods](#)

Billing:

[OPEN INVOICES](#)

[INVOICE HISTORY](#)

<p>Today's Date: 11/25/2014</p> <p>William Schloth [REDACTED], CT</p>	<p>Account Name: William Schloth</p> <p>Domain: occapm.com</p> <p>Invoice: 17444512</p> <p>Billing Date: 10/20/2011</p> <p>Due Date: 10/20/2011</p>
----------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------

INVOICE

LINE ITEMS Print Invoice				
Description	Quantity	Proration	Rate	Total
Webmail Plan 5GB	1	1	\$4.95	\$4.95
				\$4.95

CREDITS	
Type	Amount
Service Credit(s)	\$0.00
Credit Memo(s)	\$0.00
Total Credits:	\$0.00

PAYMENTS			
Date	Full Payment Amount	Applied To Invoice	Type
10/20/2011	\$4.95	17444512	Credit Card



FinTech Group
William Schloth

PAID

Invoice

Account Name:	William Schloth
Billing Date:	10/20/2011 4:00:27 AM
Invoice Number:	17444512
Due Date:	10/20/2011 12:00:00 AM
Domain Name:	occapm.com

BALANCE SUMMARY		
Subtotal	Credits	Total Amount Due
\$4.95	\$0.00	\$4.95

Account Summary					
Description	Due Date	Qty	Units	Rate	Total
Webmail Plan 5GB	10/20/2011 12:00:00 AM	1.0000	Monthly	\$4.95	\$4.95



FinTech Group
William Schloth

PAID

Invoice

Account Name:	William Schloth
Billing Date:	11/17/2011 3:24:41 AM
Invoice Number:	17546302
Due Date:	11/17/2011 12:00:00 AM
Domain Name:	occapm.com

BALANCE SUMMARY		
Subtotal	Credits	Total Amount Due
\$4.95	\$0.00	\$4.95

Account Summary					
Description	Due Date	Qty	Units	Rate	Total
Webmail Plan 5GB	11/17/2011 12:00:00 AM	1.0000	Monthly	\$4.95	\$4.95



FinTech Group
William Schloth

PAID

Invoice

Account Name:	William Schloth
Billing Date:	12/17/2011 2:34:23 AM
Invoice Number:	17653527
Due Date:	12/17/2011 12:00:00 AM
Domain Name:	occapm.com

BALANCE SUMMARY		
Subtotal	Credits	Total Amount Due
\$4.95	\$0.00	\$4.95

Account Summary						
Description	Due Date	Qty	Units	Rate	Total	
Webmail Plan 5GB	12/17/2011 12:00:00 AM	1.0000	Monthly	\$4.95	\$4.95	



FinTech Group
William Schloth

PAID

Invoice

Account Name:	William Schloth
Billing Date:	1/17/2012 3:59:15 AM
Invoice Number:	17765382
Due Date:	1/17/2012 12:00:00 AM
Domain Name:	occapm.com

BALANCE SUMMARY		
Subtotal	Credits	Total Amount Due
\$4.95	\$0.00	\$4.95

Account Summary						
Description	Due Date	Qty	Units	Rate	Total	
Webmail Plan 5GB	1/17/2012 12:00:00 AM	1.0000	Monthly	\$4.95	\$4.95	



FinTech Group
William Schloth

PAID

Invoice

Account Name:	William Schloth
Billing Date:	2/17/2012 2:30:43 AM
Invoice Number:	17876836
Due Date:	2/17/2012 12:00:00 AM
Domain Name:	occapm.com

BALANCE SUMMARY		
Subtotal	Credits	Total Amount Due
\$4.95	\$0.00	\$4.95

Account Summary					
Description	Due Date	Qty	Units	Rate	Total
Webmail Plan 5GB	2/17/2012 12:00:00 AM	1.0000	Monthly	\$4.95	\$4.95



FinTech Group
William Schloth

PAID

Invoice

Account Name:	William Schloth
Billing Date:	3/17/2012 3:19:34 AM
Invoice Number:	17982579
Due Date:	3/17/2012 12:00:00 AM
Domain Name:	occapm.com

BALANCE SUMMARY		
Subtotal	Credits	Total Amount Due
\$4.95	\$0.00	\$4.95

Account Summary					
Description	Due Date	Qty	Units	Rate	Total

Webmail Plan 5GB	3/17/2012 12:00:00 AM	1.0000	Monthly	\$4.95	\$4.95
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FinTech Group
William Schloth

PAID

Invoice

Account Name:	William Schloth
Billing Date:	4/15/2012 8:01:07 AM
Invoice Number:	18085253
Due Date:	4/15/2012 8:01:07 AM
Domain Name:	occapm.com

BALANCE SUMMARY		
Subtotal	Credits	Total Amount Due
\$37.00	\$0.00	\$37.00

Account Summary					
Description	Due Date	Qty	Units	Rate	Total
Domain Renewal 1 year	4/15/2012 8:01:07 AM	1.0000	OneTime	\$37.00	\$37.00



FinTech Group
William Schloth

PAID

Invoice

Account Name:	William Schloth
Billing Date:	4/17/2012 3:20:59 AM
Invoice Number:	18091648
Due Date:	4/17/2012 12:00:00 AM
Domain Name:	occapm.com

BALANCE SUMMARY		
Subtotal	Credits	Total Amount Due
\$4.95	\$0.00	\$4.95