

Case Study

legal



Ricoh's Forensic Expertise Foils a Departing Executive's Attempt to Misappropriate Company Information

Armed with testimony in court by Ricoh's forensic expert concerning the scientific methodology employed and the extensive forensic evidence of misappropriation, the plaintiff company was able to negotiate a substantial settlement in its favor against the defendant former employee and his new employer.

ABOUT THE CUSTOMER

The customer is a major manufacturing company in the energy industry.

CHALLENGE

A key senior executive left the manufacturing company, announcing his intention to go to work for a competitor. However, the former executive did not return his company laptop until three days following his departure, raising concerns that he may have misappropriated confidential and proprietary information belonging to the organization. The company also had reason to believe that the former executive's new employer had participated in a plan to obtain the confidential and sensitive information. With time of the essence to successfully protect this information, the company turned to the experts at Ricoh Forensics to perform a forensic analysis of the laptop to see whether any evidence of misappropriation existed.

Holding the distinction of being the first private computer forensics lab accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board, Ricoh Forensics has a host of forensic experts and licensed private investigators with more than 60 years combined industry experience. Ricoh's numerous testifying experts have testified in multiple countries and jurisdictions including federal, international and local courts. Ricoh Forensics offers corporate counsel and law firms a full suite of capabilities for the identification, collection, verification, logging and analysis of electronically stored information (ESI).

CHALLENGE

- Prevent a company's former senior executive from misappropriating confidential and proprietary company information

SOLUTION

- A detailed forensic analysis that documented the former employee's misappropriation of sensitive company data and spoliation of evidence

RESULTS

- The preservation of the company's confidential information and a substantial settlement in its favor

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SOLUTION

As part of the investigation, Ricoh's forensic expert acquired a forensic image of the laptop and quickly performed a focused analysis. The analysis showed that on the evening of the former executive's departure from the company, he had performed Internet searches using the phrase "data destruction." Following this he purchased and downloaded software specifically designed to securely erase ESI from a computer by overwriting it; rendering the ESI unrecoverable. The analysis also found evidence that subsequent to the software purchase, a new external hard drive was connected to the laptop and backup copies of all of the computer's files were placed on the external drive.

The forensic evidence further revealed that after making the backup, the former employee deleted numerous files from the computer, including confidential and proprietary company information, such as customer lists, blueprints and other schematics related to the company's facilities. Subsequently, the former employee ran the software to overwrite the deleted ESI in an attempt to render it unrecoverable. He then returned the laptop to the company.

After learning the results of this initial analysis, the company asked Ricoh's forensic expert to perform additional analysis on the laptop and attempt to recover any of the deleted and overwritten ESI. Examining hidden content stored as part of the laptop's operating system backup files, Ricoh's expert was able to locate and recover hidden versions of all of the ESI that the former employee believed he had deleted and overwritten.

RESULTS

Armed with testimony in court by Ricoh's forensic expert concerning the scientific methodology employed and the extensive forensic evidence of misappropriation, the plaintiff company was able to negotiate a substantial settlement in its favor against the defendant former employee and his new employer.

The testimony by Ricoh's expert detailed scientific and defensible processes and demonstrated to the court that the former employee had intentionally engaged in spoliation of evidence. An order was entered against the former employee, the terms of which included barring him from using any of the confidential and proprietary information he had attempted to misappropriate.

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