

David Kalat

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Mr. Kalat is an information scientist and a testifying expert in electronic evidence, digital forensics, data analytics, and information security. He is a licensed private detective, and the author of numerous publications on the history of information technologies. He leads the Chicago digital forensics lab for BRG's Global Investigations + Strategic Intelligence practice group.

EDUCATION

- M.L.I.S University of Illinois at Urbana-Champaign, 2011
- B.A. University of Michigan, 1992, *James B. Angell Scholar*

EMPLOYMENT

- Director, Global Investigations + Strategic Intelligence, Berkeley Research Group (BRG), 2015–present
- Director, Disputes and Investigations, Duff & Phelps, 2011-2015
- President, All Day Entertainment, 1997-2008
- Operations Manager, DC Post/Interface Media Group, 1996-1997

PROFESSIONAL CERTIFICATIONS

- Licensed Private Detective (License No. 115.002487), State of Illinois (Sept. 12, 2015 – present)
- Licensed Private Detective (License No. 52430601), State of Texas (July 31, 2018 – present)
- Certified Fraud Examiner (CFE), Association of Certified Fraud Examiners (License No. 621469) (Oct. 28, 2013 – present)
- Certified Computer Examiner (CCE), International Society of Forensic Computer Examiners (ISFCE) (License No. 1666) (Sept. 14, 2014 – present)
- Certified Information Systems Security Professional (CISSP), International Information System Security Certification Consortium (ISC)2 (License No. 593527) (Feb. 2, 2017 – present)
- Certified Telecommunications Analyst (CTA), Telecommunications Certification Organization (March 26, 2019 – present)

PROFESSIONAL AFFILIATIONS

- Board of Directors, Association of Certified Fraud Examiners, Greater Chicago Chapter (2016 - 2017; 2020 – 2022)
- Member, Association of Certified Fraud Examiners Advisory Council (2022-present)
- Member, Sedona Conference (June 2018 - present)
- Who's Who Legal: Consulting Experts - Digital Forensics/Data (2019, 2020, 2021, 2022, 2023)
- Lexology Client Choice Award – Data Expert in USA (2022)

TESTIMONIAL EXPERIENCE

Indeck Power Equipment Company v. Wilson and Caldaia Controls, 2019 L 011717 (Cook Cnty. Cir. Ct., 2019)

Submitted expert report regarding forensic examination of electronic data sources, on behalf of plaintiff in case alleging theft of trade secrets.

Linhart v. John Hancock Life Insurance Co., No. 2:20cv02117 (C.D. Calif., 2020)

On behalf of plaintiff in putative class action, provided expert report and deposition testimony regarding use of investigative due diligence and public records for identification of putative class members.

ONEX Inc. v. Plibrico Company LLC No. 1:23cv00186 (W.D. Penn., 2023)

On behalf of defendant in alleged theft of trade secret dispute, provided declaration on forensic examination of electronic data sources.

Hinkel and Noon v. Universal Credit Services No. 2:22cv01902 (D. Penn., 2022)

On behalf of defendant in putative FCRA class action, provided expert report regarding the ability to identify putative class members.

Poe v. Northwestern Mutual Life Insurance Co., No. 8:21cv2065 (C.D. Calif., 2021)

On behalf of plaintiff in putative class action, provided expert report regarding use of investigative due diligence and public records for identification of putative class members.

Davis v. Capital One N.A., No. 1:22cv00903 (E.D. Va., 2022)

On behalf of defendant in putative TCPA class action, provided expert report and deposition testimony regarding data records pertaining to identification of putative class members.

Roche Cyrulnik Freedman LLP v. Cyrulnik., No. 1:21cv1746 (S.D. N.Y., 2021)

On behalf of plaintiff in Breach of Fiduciary Duty dispute, provided expert analysis of manipulated “deep fake” videos.

Evox Productions v. AOL Inc., No. 2:20cv02907 (C.D. Calif., 2020)

On behalf of defendant in alleged copyright dispute, provided expert report and deposition testimony regarding data records pertaining to identification of images that could have been viewed during subject time period.

U.S. Department of Labor v. Packers Sanitation Services Inc., No. 4:22cv3246 (D. Nebraska, 2022)

On behalf of defendant in investigation by the U.S. Department of Labor, provided a declaration regarding forensic examination of electronic data sources to investigate allegations of evidence spoliation.

Rowan v. Brock Pierce, No. 3:20cv01648 (D. Puerto Rico, 2020)

On behalf of defendant in putative TCPA class action, provided declaration, expert reports, and deposition testimony regarding data records pertaining to identification of putative class members.

Calhoun v FLRish, No. 3:19cv8212 (N.D. Calif., 2019)

On behalf of defendant in putative TCPA class action, provided expert report regarding data records from third-party communications vendors pertaining to identification of putative class members.

Dumas v. Paradise Exteriors, No. 9:22cv80356 (S.D. Fla., 2022)

On behalf of defendant in putative TCPA class action, provided declaration and rebuttal regarding the ability to reliably identify putative class members from the available records.

Young v. Certegy Payment Solutions and Complete Payment Recovery Services No. 1:21cv11037 (D. Mass., 2021)

On behalf of defendant in putative FCRA class action, provided expert report regarding the ability to identify discrete data sets related to Plaintiff's proposed class definitions.

AEG Holdco, LLC v Vazquez et al., No. 2:21cv05290 (C.D. Calif., 2022)

Provided expert report regarding forensic examination of various electronic data sources on behalf of plaintiff regarding alleged theft of trade secrets.

Rowan v. United Enrollment Services and Adroit Health Group, No. 9:22cv80235 (S.D. Fla., 2022)

On behalf of defendant in putative TCPA class action, provided expert report on the database records systems used by defendants to manage and track customer communications.

Cole v. Sierra Pacific Mortgage Co., No. 3:18cv01692 (N.D. Calif., 2018)

On behalf of defendant in putative TCPA class action, provided expert report on the technical capacity and functionality of the communication platform allegedly used by the Defendant's third-party vendor. The Court ruled in Defendant's favor on summary judgment and dismissed plaintiff's claims.

Hovanky and Jackson v. RealPage, Inc., No. 3:20cv586 (E.D. Va., 2020)

Provided expert report on public records-based investigations into criminal records and database design analysis on behalf of a defendant in a putative class action seeking claims under the FCRA.

Petruss Media Group v. Advantage Sales & Marketing LLC, AAA Case 1-19-0002-7532 (A.A.A., 2019)

On behalf of Respondent and Counter-Claimant in a post-acquisition dispute, provided trial testimony on the accuracy, reliability, and functionality of a database of consumer contact information intended for use in digital marketing.

Rogers v BNSF Railway Company, No. 1:19cv03083 (N.D. Ill., 2019)

On behalf of defendants in putative class action alleging violations of Illinois' Biometric Information Privacy Act, provided written and deposition testimony on potential scope of affected class of truck drivers, and the information security protocols used to protect personal information pertaining to drivers.

PSSI Holdings LLC v. Calhoun, No. 5:21cv0080 (E.D. Tex., 2021)

Provided written report and testimony at hearing regarding forensic examination of various electronic data sources on behalf of plaintiff in alleged Computer Fraud and Abuse Act violation.

Tichy, et al. v. Hyatt Corporation, et al., No. 1:18cv01959 (N.D. Ill., 2018)

On behalf of defendants in putative class action alleging violations of Sherman Act's anti-trust prohibitions, provided testimony on deficiencies in plaintiffs' preservation of electronic search and browsing records.

Abante Rooter and Plumbing, Inc. v. Total Merchant Services, LLC, No. 3:19cv05711 (N.D. Calif., 2019)

On behalf of defendant in putative TCPA class action, provided expert report on the technical capacity and functionality of the communication platform used by the Defendant.

Signode Industrial Group LLC v. Rutzky, No. 2021CH00314 (Cook Cnty. Cir. Ct., 2021)

Provided written testimony regarding forensic examination of various electronic data sources on behalf of plaintiff in alleged theft of trade secrets dispute.

Brown v. RP On-Site, LLC, No. 1:20cv448 (E.D. Va., 2020)

Provided expert report on public records-based investigations into criminal records and sex offender records on behalf of a defendant in a putative class action seeking claims under the FCRA.

State of Georgia v. Kathryn Schrader, No. 19-B-03161-5 (Gwinnett Cnty. Sup. Ct., GA, 2019)

Testified at criminal jury trial on behalf of defendant Kathryn Schrader, a state court judge accused of felony computer trespass.

Moskowitz v. American Savings Bank, FSB, No. 1:17-cv-00299 (D. Hawaii, 2017)

On behalf of defendant in putative TCPA class action, provided expert report pertaining to forensic analysis of text message communications involving the plaintiff.

Schaffer and Fabricant v. First Choice Payment Solutions, d/b/a Sekure Merchant Solutions, No. 8:18cv1981 (C.D. Calif., 2018)

On behalf of defendant in putative TCPA class action, provided expert report on the technical capacity and functionality of the communication platform used by the Defendant and the plaintiff's proposed methodology for class member identification.

Laramar Group, LLC v. Steven Boyack, Arbitration Before JAMS, Ref. No. 1340015694 (JAMS, Chicago, Ill., 2017)

Provided written testimony regarding forensic examination of various electronic data sources on behalf of defendant in alleged theft of trade secrets dispute.

Trustwave Holdings, Inc. v. GoSecure, Inc., et al., No. 1:19cv05455 (N.D. Ill., 2019)

Provided written testimony regarding forensic examination of various electronic data sources on behalf of plaintiff in alleged theft of trade secrets dispute.

Bunnett & Co., Inc. and Energy Feeds Int'l, LLC v. J.D. Heiskell Holdings, LLC, et al., No. 3:17cv01475 (N.D. Calif, 2017)

Provided written reports and testimony before magistrate judge regarding forensic examination of various electronic data sources on behalf of plaintiff in dispute alleging breach of fiduciary duty.

West Loop Chiropractic & Sports Injury Center v. North American Bancard, No. 1:16cv05856 (N.D. Illinois)

On behalf of defendant in putative TCPA class action, provided expert report and deposition testimony regarding analysis of fax logs.

Gonzalez v. TCR Sports Broadcasting Holding, LLP, No. 1:18cv20048 (S.D. Fla.)

On behalf of defendant in putative TCPA class action, provided declaration on use of data analytics to determine class membership.

Revitch v. Citibank, No. 3:17cv06907 (N.D. Calif., 2017)

On behalf of defendant in putative TCPA class action, provided expert report and deposition testimony regarding analysis of dialing technology used by defendant.

Flowers v. Twilio, Inc., No: RG16804363 (Sup. Ct. Cal.)

On behalf of defendant in putative class action under California Invasion of Privacy Act, provided declaration on use of data analytics to determine class membership.

Berman v. Freedom Financial Network, LLC, No. 4:18cv01060 (N.D. Calif., 2018)

On behalf of defendant in putative TCPA class action, provided expert report regarding analysis of lead generation data.

Marcheco v. Jo-Ann Stores, LLC, 1:18cv20564 (S.D. Fla., 2018)

On behalf of defendant in putative TCPA class action, provided expert report and deposition testimony regarding analysis of dialing technology used by defendant.

In the Matter of Tokenlot, LLC, Lenny Kugel, and Eli L. Lewitt, Securities and Exchange Commission Administrative Proceeding File No. 3-18739 (2018)

On behalf of defendant in SEC administrative proceeding, provided written report regarding destruction of cryptocurrency tokens.

Kolodziej v. Justice Park District, et al., 2014 L 775 (Cook Cnty. Cir. Ct., 2014)

Testified at jury trial regarding analysis of surveillance video, on behalf of defendant in alleged wrongful death.

Indeck Energy Services v. DePodesta, et al., 14 CH 602 (Lake Cnty. Cir. Ct., 2014)

Submitted affidavits and written report regarding forensic examination of electronic data sources, on behalf of plaintiff in case alleging theft of trade secrets.

Braver et al. v. NorthStar Alarm Services, LLC, 5:17cv00383 (W.D. Okla., 2017)

On behalf of defendant in putative TCPA class action, provided written report, deposition testimony, and testimony at class certification hearing regarding use of data analytics to determine class membership.

C.J. Drilling, Inc. v. Welsh, No. 17 CH 001095 (Kane Cnty. Cir. Ct., 2017)

Submitted written report on behalf of plaintiff regarding forensic examination of electronic data sources in case alleging theft of trade secrets.

Western Union v. Kula, 1:17cv00280 (N.D. Ill., 2017)

Served as neutral in dispute alleging theft of trade secrets; forensic examination of electronic data sources.

Segerdahl Corp. v. Ferruzza, et al., 1:17cv03015 (N.D. Ill., 2017)

Provided written reports and deposition testimony as both expert witness and 30(b)6 witness regarding forensic examination of electronic data sources, on behalf of plaintiff in case involving alleged theft of trade secrets.

L&W Supply Corp. v. Banks et al., CV16-00816 (Washoe Cnty. Dist. Ct., 2016)

Submitted written report on behalf of plaintiff regarding forensic examination of electronic data sources in case alleging theft of trade secrets.

Bunnet & Co., Inc. and Energy Feeds International, LLC v. Dores, 1:15cv1104 (W.D. Texas, 2016); also In Re: Frank Miranda Dores and Mary Anne Souza Dores, No. 16-10169-B-13 (Bankr. E.D. Calif.)

Provided written reports and testimony at bankruptcy hearing regarding forensic examination of various electronic data sources on behalf of plaintiff in dispute alleging breach of fiduciary duty.

Pro Sapiens LLC v. Indeck Power Equipment Co., 14L5730 (Cook Cnty. Cir. Ct., 2015)

Provided written reports, deposition testimony, and testimony at hearing regarding forensic examination of various electronic data sources on behalf of plaintiff in dispute alleging data spoliation.

Geophysical Service Inc. v. Anadarko Petroleum Corp. et al., 1201-15228 (Ct. of Queen's Bench of Alberta, 2014)

On behalf of multiple defendants, provided deposition testimony regarding public records investigation into plaintiff's ability to satisfy a judgment.

PUBLICATIONS

Note: Since 2018, I have contributed a monthly series for LegalTech News called "Nervous System," which approaches issues of data privacy and cyber security from the context of history. Individual installments of this series are itemized below, and all are collected centrally at

<https://www.thinkbrg.com/insights/publications/kalat-legaltech-news-nervous-system/>

Day One: The Origin Story of Computer Forensics, Pratt's Privacy & Cybersecurity Law Report (LexisNexis A.S. Pratt) Vol. 1 No. 1 (August/September 2015)

The Trouble With Mobile Forensics, ThinkBRGTech.com (October 15, 2015)

Anti-Forensics Gets An Upgrade: The Hidden Traps In Today's Latest Technology, ThinkBRGTech.com (June 27, 2016)

Dyn and Dash, SC Media (December 19, 2016)

Understanding the Challenges of Strong Encryption, Law360 (April 10 & 11, 2017)

Outrunning the Lion: Advice for Fighting on the Front Lines of Today's Data Breach Attacks, (Legal Tech News, December 20, 2017)

Fighting on Today's Front Lines, (InfoSecurity Magazine, Jan. 3, 2018)

Nervous System: The Story of the First White Hat Hacker (Legal Tech News, February 5, 2018)

Nervous System: Evaluating TCPA Liability in the Actual Wild West (Legal Tech News, March 1, 2018)

Confronting BIPA Liability in the Blink of an Eye (ThinkBRG Global I Blog, March 8, 2018)

Nervous System: The Boy Who Could Talk to Computers (Legal Tech News, April 5, 2018)

Nervous System: Just the Fax, Ma'am (Legal Tech News, May 3, 2018)

Nervous System: The Small Start of Big Data (Legal Tech News, June 4, 2018)

Nervous System: The AIDS Trojan Makes You WannaCry (Legal Tech News, July 9, 2018)

Nervous System: The Glamour Girl's Secret Privacy Weapon (Legal Tech News, August 6, 2018)

Nervous System: The Tech Revolution is Earlier Than You Think (Legal Tech News, September 4, 2018)

How to Recognize Different Types of Dialers From Quite a Long Way Away (The Consumer Finance Law Quarterly Report, Volume 72, No. 2 (2018))

Nervous System: What Hollywood Has Taught the U.S. Government About Cybersecurity (Legal Tech News, October 12, 2018)

Nervous System: Taking Biometrics at Face Value (Legal Tech News, November 2, 2018)

- The Digital Detective: The History of Passwords and the Case of the First Theft* (ThinkSet Issue 6, November 4, 2018)
- Nervous System: The Computer That Taught HAL to Sing* (Legal Tech News, December 3, 2018)
- Nervous System: The Day Grace Hopper Literally Debugged a Program* (Legal Tech News, January 7, 2019)
- Nervous System: The Dawn of Spam* (Legal Tech News, February 4, 2019)
- Nervous System: Big Brother, the Ghost in LBJ's Computer* (Legal Tech News, March 5, 2019)
- The Digital Detective: The Evolution of Intellectual Property Rights: From Punch Cards to Pixels* (ThinkSet Issue 7, March 7, 2019)
- Nervous System: The First Social Network* (Legal Tech News, April 2, 2019)
- Nervous System: Think Cryptocurrency is New? You've Forgotten the '80s* (Legal Tech News, May 7, 2019)
- The Digital Detective: Why Use Encryption? Because Business Needs A Free Flow Of Ideas* (ThinkSet, May 16, 2019)
- You Can't Change Your Fingerprints, But Do You Need To? The Evolution of Biometric- and Password-Based Authentication Security*, Pratt's Privacy & Cybersecurity Law Report (LexisNexis A.S. Pratt) (Part I - May 28, 2019; Part II – September 4, 2019)
- Nervous System: The Great Fixer of Information Coding Errors* (LegalTech News, June 4, 2019)
- Nervous System: The Day the NSA Took Down the Military* (LegalTech News, July 3, 2019)
- Nervous System: The First Modern Presidential Campaign* (LegalTech News, Aug. 5, 2019)
- Nervous System: Clipping the Wings of the Clipper Chip* (LegalTech News, Sept. 3, 2019)
- The Digital Detective: The Case of the Tasteless T-Shirts That Created the Internet As We Know It* (ThinkSet, Sept. 5, 2019)
- Nervous System: How Legal Tech Helped Catch the BTK Killer* (LegalTech News, Oct. 7, 2019)
- Nervous System: Passwords Became More Secure By Adding a Pinch of Salt* (LegalTech News, Nov. 5, 2019)
- Nervous System: Claude Shannon's Magic Mouse and the Beginnings of Artificial Intelligence*, (LegalTech News, Dec. 10, 2019)
- The Digital Detective: They Came to Rob Star Wars* (ThinkSet, Jan. 9, 2020)
- Nervous System: The Countess of Lovelace, the First Computer Programmer* (LegalTech News, Jan. 10, 2020)
- Nervous System: Alan Turning's Gin Memory* (LegalTech News, Feb. 10, 2020)
- Nervous System: UNIVAC Predicts the Next President* (LegalTech News, March 3, 2020)
- Nervous System: How Punch Cards Brought Us to Our Census* (LegalTech News, April 1, 2020)
- The Seven Layer Cake of Information Security: A Technical Guide for the Non-Technical Reader* Pratt's Privacy & Cybersecurity Law Report (LexisNexis A.S. Pratt) (Vol. 6, No. 3, April 2020)
- Nervous System: The Triumphs of a Lazy Programmer* (LegalTech News, May 5, 2020)
- Nervous System: Teaching Machines to See Faces* (LegalTech News, June 5, 2020)
- Nervous System: The Unexpected History of VoIP* (Legaltech News, July 7, 2020)
- Nervous System: The Police Beat Algorithm and Automated Criminal Justice Information Systems* (LegalTech News, Aug. 4, 2020)

- Demystifying Blockchain and Cryptocurrencies* (The Journal of Robotics, Artificial Intelligence & Law, Vol. 3, No. 6, Nov.-Dec. 2020)
- Nervous System: The Inventor, the Barbershop Quartet, and the Origin of the Email Attachment* (LegalTech News, Sept. 1, 2020)
- Nervous System: The Sleepy History of the Buffer Overflow Attack* (LegalTech News, Oct. 7, 2020)
- Nervous System: Before the Battle Over 5G There Was the Battle Over 3G* (LegalTech News, Nov. 9, 2020)
- Nervous System: The First Major Data Breach, 1984* (LegalTech News, Dec. 8, 2020)
- Nervous System: Dialing for Dollars* (LegalTech News, Jan. 8, 2021)
- Nervous System: How ‘The 414s’ Hacking for Video Game High Scores Led to Federal Cyber Law* (LegalTech News, Feb. 8, 2021)
- Dispossessed, Beyond Custody, and Out of Control: Where the Stored Communications Act and the Federal Rules of Civil Procedure Meet Modern Communications Technology* Pratt’s Privacy & Cybersecurity Law Report (LexisNexis A.S. Pratt) (Vol. 7, No. 2, February 2021)
- Nervous System: Computer Crime and Punishment* (LegalTech News, March 2, 2021)
- Nervous System: Oliver North and the Origin Story of Legal Technology* (LegalTech News, April 6, 2021)
- The Digital Detective: Why Computers Aren’t Patented* (ThinkSet, April 26, 2021)
- Nervous System: Audrey, the Dragon, and the History of Voice Recognition Technology* (LegalTech News, May 5, 2021)
- Nervous System: The CPU ARM Race Had Its Start in the ‘80s* (LegalTech News, June 7, 2021)
- Nervous System: SafeBack in the Day* (LegalTech News, July 6, 2021)
- Nervous System: Florida Man, Joe Biden, and the Federal Computer Crimes Act* (LegalTech News, August 4, 2021)
- Nervous System: Dumpster Diving for Fraud and Profit* (LegalTech News, September 1, 2021)
- Nervous System: Engineering the Next Generation of Computer Users with the Alto* (LegalTech News, Oct. 4, 2021)
- Nervous System: Rethinking Voice Recognition at the Canada Border* (LegalTech News, Nov. 2, 2021)
- Nervous System: The Computer Virus That Wasn’t* (LegalTech News, Nov. 30, 2021)
- Nervous System: The Computer Crime of the Century* (LegalTech News, Jan. 6, 2022)
- Nervous System: Knowing Your Place in the World* (LegalTech News, Feb. 1, 2022)
- Nervous System: Presenting Our Next Witness, the iPhone* (LegalTech News, March 2, 2022)
- Nervous System: The Entropy of Wordle* (LegalTech News, April 4, 2022)
- Nervous System: From a Cry in the Dark to the Forensic Voiceprint* (LegalTech News, May 4, 2022)
- Nervous System: Cybernetics and the Birth of Computer Ethics* (LegalTech News, June 8, 2022)
- Nervous System: How Lossless Compression Makes Information Skinnier* (LegalTech News, July 7, 2022)
- Nervous System: How to Have a Secure Conversation With a Stranger* (LegalTech News, August 2, 2022)
- Nervous System: How Trolls Built Big Tech* (LegalTech News, Sept. 19, 2022)
- Nervous System: The Bakery Computer* (LegalTech News, Oct. 4, 2022)
- Nervous System: The Strange Case of the Forged Email, the Carphone, and the Woman Who Lost Her Job* (LegalTech News, Nov. 3, 2022)
- Nervous System: From Gibberish to Unicode* (LegalTech News, Dec. 6, 2022)

Nervous System: The Great Emoji War (LegalTech News, Jan. 4, 2023)

Nervous System: Formulae for Success (LegalTech News, Feb. 2, 2023)

Nervous System: Laws of Thought (LegalTech News, March 2, 2023)

Nervous System: The April Fools' Prank That Changed the World (LegalTech News, April 3, 2023)

Nervous System: How Computers Saved Wall Street (LegalTech News, May 3, 2023)

Nervous System: When Mobile Telephones Had Steering Wheels (LegalTech News, June 5, 2023)

Nervous System: How to Stuff Cellular Phone Calls in Digital Bubble Wrap (LegalTech News, July 5, 2023)

Nervous System: The Tale of the Tape (LegalTech News, August 3, 2023)