



TRENT LIVINGSTON

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## BIO – TRENT LIVINGSTON

### President & CEO

Mr. Trent Livingston has provided consulting and expert testimony surrounding structured data, process automation, and complex data analytics throughout his two-decade career in electronic discovery and technology. With his deep and personal understanding of the cost and complexities facing electronic discovery investigations, Mr. Livingston has teamed with industry professionals spanning computer forensics to forensic accountants to innovate the metadata visualization and investigation technology platform ESI Analyst. Currently, as the company's CEO, he works with his team to answer the challenges facing the industry and today's voluminous data-centric investigations by pioneering affordable and effective integrated data visualization, review, and reporting solutions.

Mr. Livingston has been a featured panelist and moderator for The Masters Conference, Legal Tech New York, and Legal Tech West in Los Angeles, and has been published in *Metropolitan Corporate Counsel*, *The Data Security and Privacy Law Journal* and *The New Jersey Law Journal*. He resides in the greater Seattle area of Washington state. Mr. Livingston has also been interviewed by various trade publications and syndicated legal networks, as well as being published in several legal blogs.

Mr. Livingston's programming and development experience spans multiple web technologies, structured data analytics, technical project management, information governance, intellectual property and complex data discovery and analysis. He has testified at both the Federal and State judicial levels surrounding data collection, theft of trade secrets, structured data systems and software development.

Mr. Livingston is also an Adjunct Professor for Golden Gate University teaching complex data discovery. He has held positions as a director with iDiscovery Solutions, principal with LECG, senior consultant for SPI Litigation Direct, and served as an ESI production manager and consultant at Electronic Evidence Discovery (now DTI). Previous to his work in electronic discovery, Mr. Livingston was a software test engineer and developer at Microsoft

## SELECT CONSULTING ENGAGEMENTS

- Lead expert and analyst in a trade secret matter asked to establish a clear methodology surrounding breach and copy of records from a resume portal. Established methodology for identification of records and comparison between both repositories clarifying the exact records copied during each round of access.
- Lead expert asked to opine on the reasonableness of cost associated with the development of a non-profit organization's website. Analysis included website code review and implementation of same in order to evaluate installed website components leveraged and potential costs associated with development of said code.
- Lead data analyst tasked with assessment and review of a Washington county's law enforcement database maintained by the county clerk's office in order to isolate arrests associated with a particular class of warrant issued over a four (4) year period. Developed specialized reports examining arrest records for over 15,000 individuals, cross referencing them with other arrests for non-related warrants.
- Software analyst and lead expert on behalf of a regional hospital asked to opine on implementation of electronic protected health information (EPHI) technological controls of a third-party provider, ensuring redundancy per HIPAA requirements, as well as efficiency to retrieve same via online EHR system.
- Lead source code analyst surrounding evaluation of student loan servicing system, including adequacy and completeness of final computer source code delivery. Responsible for coordination and review of tens of thousands of lines of source code in order to evaluate software issues identified that prevented the compiled code from completing desired loan servicing tasks.
- One of three database architects assigned to map and identify data systems warehousing relevant transactional data in response to an Office of Foreign Assets Control (OFAC) investigation of one of the world's largest online retailers. Worked with a large team of analysts and engineers to review disparate data from over twenty independent business subsidiaries, screening approximately 5 billion transactions to ensure compliance with OFAC regulatory requirements.
- Technical project lead for large AML transactional audit, verifying multiple data transformational systems for a multinational bank to ensure proper AML compliance per the Bank Secrecy Act. Assisted with drafting and delivery of final 160-page FINRA report.
- Project manager and data analyst for the SEC surrounding insider trading investigation of a corporate employee. Combining multiple forms of disparate evidence was able to confirm allegations of confidential financial information access by employee. Led drafting and preparation of expert report and deposition preparation of expert.

- Lead expert providing both forensic and expert analysis in an intellectual property theft matter involving two web companies specializing in web content analytics. Asked to opine surrounding the potential theft of trade secrets and spoliation of data by parties involved.
- Lead database analyst assigned to evaluate and test data queries against disparate data sources in order to assess total pay amounts in a wage and hour litigation, claiming a class of individuals was not paid minimum wage in compliance with state laws.
- Assigned as primary expert by a Fortune 500 company, specializing in international gaming and entertainment, to create litigation readiness plan including management of their RFP process for enterprise risk management software. Assessed current litigation exposure, as well as document archives including paper and digital, email systems, and document retention schedules.
- Lead expert for an onsite data collection for an ITC patent infringement case involving multiple terabytes of non-standard computer and engineering data. Created programmatic data identification tools to classify data for conversion for review in secure onsite data center to facilitate a high-level data security. Deployed server infrastructure and IT workflows to provide preliminary confidential review by corporate leadership and general counsel.

## TESTIFYING EXPERIENCE

- *DHI Group, Inc. F/K/A Dice Holdings, Inc. and Rigzone.Com, Inc., v. David W. Kent, Jr., Single Integrated Operations Portal, Inc. D/B/A Oilpro And Oilpro.Com.* Case No. 4:16-cv-01670. Trial Testimony. Feb 2021.
- *International Congress for Joint Reconstruction, Inc. v. Mark Sacaris, An Individual; Center for Healthcare Education and Research, Inc.* Case No. 37-2017-00004475-CU-BC-CTL. Trial Testimony. Jan 2019.
- *DHI Group, Inc. F/K/A Dice Holdings, Inc. and Rigzone.Com, Inc., v. David W. Kent, Jr., Single Integrated Operations Portal, Inc. D/B/A Oilpro And Oilpro.Com.* Case No. 4:16-cv-01670. Declaration in response to motion to exclude. Nov 2018.
- *Jaclyn Rae Sleater, and Others v. Benton County.* Case No. 4:17-cv-05033-SAB. Trial Testimony. Nov 2018.
- *DHI Group, Inc. F/K/A Dice Holdings, Inc. and Rigzone.Com, Inc., v. David W. Kent, Jr., Single Integrated Operations Portal, Inc. D/B/A Oilpro And Oilpro.Com.* Case No. 4:16-cv-01670. Deposition. Sept 2018.
- *Jaclyn Rae Sleater, and Others v. Benton County.* Case No. 4:17-cv-05033-SAB. Supplemental declaration in response to proposed class list. August 2018.

- *DHI Group, Inc. F/K/A Dice Holdings, Inc. and Rigzone.Com, Inc., v. David W. Kent, Jr., Single Integrated Operations Portal, Inc. D/B/A Oilpro And Oilpro.Com.* Case No. 4:16-cv-01670. Declaration in response to motion to strike. July 2018.
- *Jaclyn Rae Sleater, and Others v. Benton County.* Case No. 4:17-cv-05033-SAB. Declaration surrounding analysis of structured data systems. July 2018.
- *International Congress for Joint Reconstruction, Inc. v. Mark Sacaris, An Individual; Center For Healthcare Education And Research, Inc.* Case No. 37-2017-00004475-CU-BC-CTL. Reply Memorandum Re: Support of Defendant and Cross-Complainant International Congress for Joint Reconstruction, Inc.'s Motion to Compel. July 2018.
- *DHI Group, Inc. F/K/A Dice Holdings, Inc. and Rigzone.Com, Inc., v. David W. Kent, Jr., Single Integrated Operations Portal, Inc. D/B/A Oilpro And Oilpro.Com.* Case No. 4:16-cv-01670. Expert Report rebutting testimony of both retained and non-retained experts. July 2018.
- *International Congress for Joint Reconstruction, Inc.. v. Mark Sacaris, An Individual; Center For Healthcare Education And Research, Inc.* Case No. 37-2017-00004475-CU-BC-CTL. Declaration in support of defendant and cross-complainant International Congress for Joint Reconstruction, Inc.'s motion to compel. June 2018.
- *DHI Group, Inc. F/K/A Dice Holdings, Inc. and Rigzone.Com, Inc., v. David W. Kent, Jr., Single Integrated Operations Portal, Inc. D/B/A Oilpro And Oilpro.Com.* Case No. 4:16-cv-01670. Declaration in support of defendant's motion to compel. June 2018.
- *Seminole Hospital District of Gaines County Texas v. BancTec, Inc.* Cause No. DC-15-14169. Expert report in response to opposing expert's analysis. December 2017.
- *Seminole Hospital District of Gaines County Texas v. BancTec, Inc.* Cause No. DC-15-14169. Deposition. November 2017.
- *Seminole Hospital District of Gaines County Texas v. BancTec, Inc.* Cause No. DC-15-14169. Expert report opining on implementation of technological measures required by HIPAA. September 2017.
- *Seminole Hospital District of Gaines County Texas v. BancTec, Inc.* Cause No. DC-15-14169. Affidavit in support of plaintiff's response to defendant's no-evidence motion for summary judgment. April 2017.
- *Seminole Hospital District of Gaines County Texas v. BancTec, Inc.* Cause No. DC-15-14169. Expert report opining on sufficiency of EHR system and retrieval of medical records from same. April 2017.
- *Higher Education Servicing Corporation and New Mexico Education Assistance Foundation v. Valtech Technologies, Inc.* Case No. DC-13-05947-C. Co-author of expert report opining on completeness of source code. March 2016.

- *Beckett Media LLC v. Check Out My, LLC* - Case No. 14-2-06258-3 SEA. Neutral assigned to review SQL database and provide expert findings surrounding records deletion and validity of data productions. June 2015.
- *BrightEdge Technologies v. Searchmetrics* - Case No. 3:14-cv-01009-WHO. Declaration in support of motion to impose sanctions for failure to comply with court order. April 2015.
- *BrightEdge Technologies v. Searchmetrics* - Case No. 3:14-cv-01009-WHO. Expert declaration surrounding ESI analysis and theft of trade secrets. October 2014.
- *Brightedge Technologies v. Martinez* - Case No. 113CV256794. Expert declaration surrounding analysis of ESI, destruction of data, and unauthorized access to Salesforce. August 2014.
- *Michael Danko v Terry O'Reilly* – Case No. CGC 09-495203. Trial testimony. September 2012.
- *Michael Danko v Terry O'Reilly* – Case No. CGC 09-495203. Supplemental declaration surrounding computerized search metrics. May 2012.
- *Michael Danko v Terry O'Reilly* – Case No. CGC 09-495203. Supplemental declaration surrounding search term responsiveness rates. May 2012.
- *Michael Danko v Terry O'Reilly* – Case No. CGC 09-495203. Declaration regarding reasonableness of search. May 2012.
- *Michael Danko v Terry O'Reilly* – Case No. CGC 09-495203. Deposition surrounding work performed and searches conducted on electronic data and email communications. Sept. 2011.

## SELECT SPEAKING ENGAGEMENTS

- “Playing Sherlock Holmes eDiscovery Style”, Podcast Interview, That Tech Pod. April 2021.
- “Sitting with the C-Suite”, Video Interview, Baker Donelson, Lean Discovery Blog. March 2021.
- “Modern Data Collections - The Reason, The Process and The Analysis” Webinar, Co-Presenter. October 2020.
- “Preservation & Analysis of Smartphone Data for Today’s Connected World” Webinar, Co-Presenter. August 2019.
- “Ethics & Social Media Evidence” Nevada State Bar, Statewide CLE Co-Presenter, May 2019.
- “Emerging Data Sources: Connecting the Dots from Disparate Data”, Panel Moderator, The Masters Conference, 2019.
- “Legal Update on IoT” Panel Moderator, The Masters Conference, Dallas, TX. Feb 2019.

- “The Social Media Takeover” Panelist, The Masters Conference, San Francisco, CA. Sept 2018. Washington, DC. Oct 2018.
- “Defining the Chief Information Governance Officer” CIGO Summit, Chicago 2015
- “General Discussion on Social Media and its Impact on eDiscovery” CLE Presenter, Aug/Oct 2014.
- “Engaging in Electronic Discovery: Starting Off on the Right Foot” CLE Presenter, Sept 2014.
- “The Social Media (R)Evolution: How Social Media Content Impacts eDiscovery Risks and Costs” The Masters Conference, San Francisco, March 2014
- “Social Media eDiscovery: Keeping On and Keeping Up” Interview with Legal Talk Network, Oct 2013.
- “Cloud Computing, is it the Future of ESI?” Legal Tech (Los Angeles), June 2009.

### EDUCATION

- Associate of Applied Science, Information Technology Management, Kaplan University
- Cisco Systems Certified Network Associate, Bellevue Community College

### SELECT PUBLICATIONS

- “River of Data Meets Policy Dam,” Whitepaper, The Masters Conference. 2017.
- “Information Governance – A Corporate Imperative: Library Model Delivers A-to-Z Strategies,” Interview by Metropolitan Corporate Counsel with Neal Lawson, March 2015.
- “Today’s Connected Employee: A License to Steal,” Trading Secrets Law Blog, Seyfarth Shaw, September 2014
- “Preparing for the Zombie Invasion: Demonstrating the ROI of a Litigation Readiness Plan,” Metropolitan Corporate Counsel, April 2014
- “Social Media E-Discovery: Keeping On and Keeping Up,” Legal Talk Network, Podcast Interview, October 2013
- “Benefits of Social Networking Come at a Cost,” Print Matters, Johnson Press of America, Vol. 6. Issue 6. November 2012 (Interview)
- “Geotracking and eDiscovery,” LJM Legal Tech Newsletter, February 2012
- “Mobile Forensics, The Face of Tomorrow's Investigations”, Golden Gate University, School of Accounting Winter/Spring 2011 Newsletter, December 2010
- “Cloud Computing Raises Privacy and Security Issues”, Privacy & Data Security Law Journal, Volume 5, January 2010.

## **SELECT COMPUTER LANGUAGES**

PHP, jQuery, HTML5, CSS3, VB.NET, VBScript, Javascript, Windows Shell, XML, T-SQL, MySQL, MS ADO.NET, C#

## **SELECT TECHNOLOGY PLATFORMS**

LAMP, Amazon AWS (RDS, S3, EC2), MS SQL Server, MySQL / MariaDB, MS Access, MS DOS, Visual Studio, Oracle, Various SVN Repositories and Development Platforms, Website CMS (Drupal 6.xx, 7.xx, 8.xx, WordPress, Joomla), MS Windows, MAC OS X, Apache/Linux, WHM, cPanel