

**VIRGINIA:**

**IN THE CIRCUIT COURT OF FAIRFAX COUNTY**

JOHN C. DEPP, II

Plaintiff,

v.

AMBER LAURA HEARD

Defendant.

Civil Action No.: CL-2019-0002911

**DECLARATION OF BRYAN NEUMEISTER**

- 1. My name is Bryan Neumeister.
- 2. I am a court certified video, audio, and digital photographic forensics and technical expert and the CEO of USAForensic LLC.
- 3. I have extensive experience collecting, analyzing, and producing electronically stored information (“ESI”) in law enforcement and legal proceedings, including approximately 600 cases in the last four years alone. I have over 41 years of audio/video professional experience, and twenty years of experience testifying and consulting for federal and state governments, agencies, prosecutors, defense attorneys, Fortune 500 companies, and individuals in a variety of aspects concerning analysis of photographs, audio and visual recordings, phone and text messages, and other digital data. My CV is attached hereto.

This declaration is based on my personal knowledge, years of experience, training, and education.

4. There are three basic types of computer date stamps: modified date, access date, and creation date (also known collectively as “MAC”).

5. A file’s last modified date refers to the date and time that a file is last saved. Typically, a file is modified or written to when a user opens and then saves a file, regardless of whether any

data is changed or added to the file. For this reason, the last modified date will generally indicate the last date and time that a file was saved.

6. Creation dates do not necessarily reflect when a file was originally created. Rather, creation date stamps indicate when a file came to exist on a particular storage medium, such as a hard drive. Creation dates can thus indicate when a user or computer process created a file or can also reflect the date and time that a file was copied onto a particular storage medium. Where a file has been copied, moved, or downloaded onto a new medium, its "creation date" indicates the later act of file transference, rather than the date the file originally came into existence.

7. For these reasons, just because a certain file of data has a creation or modified date after the original creation date when the file first came into existence, it does not follow that the data has necessarily been manipulated or altered in any way.

8. In my experience, it is very common in litigation for files to have creation or modified dates after the original creation date.

I declare under penalty of perjury that the foregoing is true and correct.

Submitted on this 18th day of January 2022

A handwritten signature in black ink, appearing to read "Bryan Neumeister", with a long horizontal flourish extending to the right.

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Bryan Neumeister