VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

JOHN C. DEPP, II	:	
Plaintiff and Counterclaim Defendant,	:	
v.	:	
AMBER LAURA HEARD,	:	Civil Action No.: CL-2019-0002911
Defendant and Counterclaim Plaintiff.	:	

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 USA Forensic 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, the Department of Defense, 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.

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

5. As set forth in the Protective Order, "Ms. Heard's designated forensic expert shall perform forensic imaging of the Requested Material on a date agreeable to the parties but no later than November 30, 2021." November 8, 2021 Order, ¶ 4. The forensic imaging of Ms. Heard's devices did not begin until December 13, 2021 and resumed again on January 10, 2022.

6. After the imaging of the devices, Ms. Heard's forensic experts were supposed to extract the relevant data for review and analysis, which included various photographs of Ms. Heard for certain periods of time outlined in Paragraph 6 of the Court's November 8, 2021 Order.

7. I did not receive any data that was extracted from the devices until March 2, 2022.

8. As of the date of this declaration, March 22, 2022, I am still receiving data from the extraction of these devices.

9. One encrypted drive of photos was sent to me without the correct password necessary to access the contents, so the drive needed to be resent. On another occasion, I received the files without the raw photos, and not in the agreed upon format.

10. Further, Mr. Ackert and Mr. Swasy – Ms. Heard's retained experts – used unlicensed and outdated software to image the devices – including Cellebrite and Microsoft Excel. More specifically, they are using an unlicensed 2010 version of Microsoft Office / Excel. Their key software in this case, Cellebrite, is also unlicensed, which means it is outdated and obviously not supported for updates by the manufacturer.

11. We did not discover that they were using unlicensed Cellebrite until February 24, 2022, at which time I declined to approve their work as requested in an email from them.

12. To date, there are approximately 58,623 photographs that I have received.

13. A fair percentage of these photographs are obviously not of Ms. Heard, including photographs of purported property damage, Mr. Depp, and text messages. Per the Court's

November 8, 2021 Order, Mr. Young was supposed to mark as irrelevant any photographs that were not of Ms. Heard. *See* November 8, 2021 Order, ¶ 8.

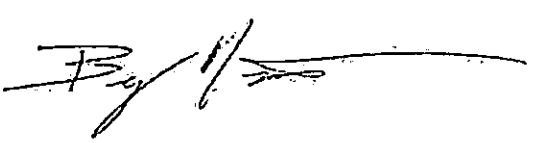
14. Further, the imaging of these devices as I have received them is something that I have never seen before in my professional experience in performing forensic imaging without direct access to the devices or their forensic images. For example, there are 12 images which visually look the same and indicate that they are "a directly photographed image," though the sizes and orientations are different. These "original" photos should all hash with one another (the hash is a digital fingerprint of the photo) but they do not. The answer to these questions *may* be in their extraction, but their software was unlicensed and outdated so it would have to be re-run on current software to be forensically valid.

15. Also, some of the EXIF data has dates of when the photographs were taken which do not make sense. For example, the EXIF data for some photos indicate they were taken in the 1970s or 1980s, even though EXIF data was not invented until 1995. The anomalies in the EXIF data cannot be attributed to unallocated space or default to the normal EPOCH date when there is an EXIF error.

16. Based on the data I have received, made on unlicensed and outdated software, I am not able to opine as to the authenticity of the photos.

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

Executed on this 22nd day of March, 2022.



Bryan Neumeister