



**Kelly J. "KJ" Kuchta, CPP,  
CFE**

Founder, CEO  
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# Kelly J. "KJ" Kuchta

## Summary of Experience

In 2001, KJ Kuchta, one of the nation's leading experts in information security, fraud detection/analysis and computer forensics, founded Forensics Consulting Solutions (FCS), a complex discovery solutions provider based in Phoenix, Arizona. Mr. Kuchta is an Information Security and Computer Forensics Consultant with nearly 20 years of experience in computer, physical and operational security issues. He supports his clients by providing Forensic Incident Response, Forensic Litigation Support & Cyber Competitive Economic Threat Intelligence (CCETI). He is also working with FCS's Health Care clients to develop a forensic collection and analysis protocol to acquire data from Biomedical devices such as Fetal Heart Monitors, EKG's and similar equipment. Mr. Kuchta has 17 years of experience in the Banking, Insurance and Financial Services Industry. During this time, his responsibilities included managing Fraud Investigations (including computer-related incidents), Physical Security Reviews, Risk Management Operations, and E-Commerce initiatives. He has conducted or managed in excess of 5,000 investigations in his career. K.J. has been credited for introducing many groundbreaking ideas and concepts in the areas of risk management and investigations.

## Professional Development

### Certifications

- Certified Protection Professional (CPP)
- Certified Fraud Examiner (CFE)

### Training

- Computer Security Institute's "Computer Forensics: Investigating Computer Crime" – 2 Days
- Ernst & Young's Basic Computer Forensics Course – 5 Days
- Ernst & Young's Advance Computer Forensics Course – 5 Days
- New Technologies Inc. Computer Forensics Training – 3 Days
- High Technology Crime Investigators Association Workshops; Atlanta, GA – 2010; Lake Tahoe, NV – 2009; Washington, DC – 2004; Atlantic City, NJ - 2002; Long Beach, CA - 2001; Chicago, IL - 2000; San Diego, CA - 1999
- ASIS International's 1st "Communications Boot Camp"
- National Speakers Association "Leveraging Your Expertise" Seminar

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- Georgetown University of Law's Advanced E-Discovery Workshops; Washington, DC – 2 Days
- SquirrelWerkz CCETI boot camp June of 2016

## Education

BS in Criminal Justice from the University of Nebraska – Lincoln  
MBA from University of Phoenix

## Professional Associations & Memberships

- American Society of Industrial Security (ASIS)
  - Vice President, Omaha Chapter - 1992
  - Information Technology Security Council, Chairperson - 2002, 2001 & 2000
  - Information Technology Security Council, Vice-Chairperson - 1999, 1998
  - Information Technology Security Council, Council Member - 1997-- 2012
- Computer Security Institute (CSI)
- International Association of Financial Crimes Investigators (IAFCI)
- High Tech Crime Investigator's Association (HTCIA)
- Association of Certified Fraud Examiners (ACFE)
- ARMA International (ARMA)
- The Sedona Conference
  - Contributor to original Sedona Principles
  - Member eDiscovery RFP+ Vendor Panel 2004 to 2010
- State Bar of Arizona Technology Committee ( 3 year term; 2016 – 2019)
- Saint Thomas More Society

## Speeches and Presentations

- Association of Certified Fraud Examiners Conference - *"Computer Embezzlement"*
- International Association of Financial Crimes Investigators Conference - *"Vendor Evaluations"*
- American Society of Industrial Security Conference - *"Fraud that Bytes!"*
- Arizona Software & Internet Association - *"Control in a Digital World"*
- International Association of Financial Crimes Investigators

Conference - *“Computer Forensics & You”*

- Nebraska Association of Legal Assistants - *“Making Electronic Discovery Work for You”*
- Federation of Insurance & Corporate Counsel - *“Computer Forensics and Electronic Discovery Introduction”* & *“Making Electronic Discovery Work for You”*
- Food Distributors International, Financial Executives Conference - *“Fraud that Bytes!”*
- State of Arizona, 2000 Cyber-Terrorism Domestic Preparedness Training Conference - *“Cyber-Terrorism v Cyber-Crime – It’s Not All in the Name”*
- International Institute of Auditors/Certified Fraud Examiners - *“Incident Response Planning, What’s Your Plan?”*
- International Institute of Auditors - *“Computer Forensics and You”*
- International Association of Financial Crimes Investigators - *“Computer Forensics and You”*
- American Society of Industrial Security - *“Moving Security into the 21st Century”*
- American Society of Industrial Security - *“Intrusion Detection Management”*
- Numerous (in excess of 50) Continuing Legal Educational (CLE) presentations to Law Firms - *“Making Electronic Discovery Work for You”*
- Arizona State Bar - *“E-Discovery Workshop”*
- Houston Bar Association - *“Computer Forensics: The Power of Digital Discovery”*
- Maricopa Bar Association - *“Electronic Discovery & Electronic Evaluation Tools”*
- Santa Barbara Paralegals Association - *“Unlocking the Power of Electronic Discovery”*
- Widener University School of Law - *“Electronic Discovery Consulting: Creating Digital Advantage”*
- El Centro, CA County Bar Association - *“Unlocking the Power of Electronic Discovery”*
- Long Beach Barristers Assoc., Long Beach, CA - *“Unlocking the Power of Electronic Discovery”*
- Butte County Bar Assoc., Chico, CA - *“Unlocking the Power of Electronic Discovery”*
- CLE International, Denver, CO - *“The EDD Process, Identifying and Gathering the Data”*
- Foothills Bar Association, San Diego, CA - *“Ethics, Bias, Technology and the Practice of Law”*
- East San Diego Bar Association, San Diego, CA - *“Unlocking the Power of Electronic Discovery”*

- San Fernando Valley Law Day, Woodland Hills, CA - *"Unlocking the Power of Electronic Discovery"*
- Ventura County Bar Association, Ventura, CA - *"Ethics, Bias, Technology and the Practice of Law"*
- Legal Tech 2004, New York City - *"Developing an Electronic Discovery Action Plan"*
- Glasser Legal Works Series - Electronic Discovery and Records Retention Conference, Panelist - *"Containing Electronic Discovery Costs"*
- Loyola Marymount Law School, Los Angeles, CA - *"Electronic Discovery: Past, Present & Future"*
- Legal Tech, New York City, Keynote Speaker - *"Cost Containment v. Electronic Discovery"*
- Arizona Bar Association, Phoenix, AZ - *"The Changing Face of Litigation: Electronic Discovery and Evidence"*
- Mealey Publications/LexisNexis E-Discovery Conference, Pentagon City (Washington DC) - *"Hard Disk Inspections"*
- Glasser Legal Works, San Francisco, CA - *"Electronic Discovery, Inside and Out"*
- Marcus Evans, Chicago, IL - *"Electronic Discovery: The Cutting-Edge Tool for Litigation Cost and Risk Management"*
- GlasserLegalWorks, Chicago, IL (October 28-29, 2004) - *"7th Annual Electronic Discovery and Records Retention Conference"*
- GlasserLegalWorks, New York, NY (November 8-9, 2004) - *"7th Annual Electronic Discovery and Records Retention Conference"*
- GlasserLegalWorks, San Francisco, CA (December 9-10, 2004) - *"7th Annual Electronic Discovery and Records Retention Conference"*
- American Society for Industrial Security, Orlando, FL (September 13, 2005) *"Profile of a Security Professional in 2010"*
- ASIS International, San Diego, CA (October 17, 2005) *"Profile of a Security Professional in 2010"*
- GlasserLegalWorks, Chicago, IL (October 27-28, 2005) *9th Annual Electronic Discovery & Records Retention Conference "Searching the Electronic Haystack 301: Learn the Newest Approaches to E-Discovery Searching and How to Apply Them"*
- GlasserLegalWorks, E-Disclosure Conference, London, England (November 11, 2005) *"Managing the Proliferation of Data"*
- GlasserLegalWorks, New York, NY (November 17-18, 2005) *9th Annual Electronic Discovery & Records Retention Conference "Searching the Electronic Haystack 301: Learn the Newest Approaches to E-Discovery Searching and How to Apply Them"*
- GlasserLegalWorks, San Francisco, CA (December 8-9, 2005) *9th Annual Electronic Discovery & Records Retention Conference*

*“Searching the Electronic Haystack 301: Learn the Newest Approaches to E-Discovery Searching and How to Apply Them*

- ARMA International (ARMA) - Phoenix, AZ – *“The Natural Bridge Between Records Management and Electronic Discovery”*
- ASIS International Emerging Trends in Security, Las Vegas, NV (March 15, 2006) *“Profile of a Security Professional in 2010”*
- University of Edinburgh Law School - VI Computer Law World
- Conference (Wednesday, September 6, 2006) *“Governance – How the Technical Evolution of Electronic Discovery Will Impact Litigation in the Future”*
- ASIS International 2006, San Diego, CA (September 26 - 27, 2006) *“Profile of a Security Professional in 2010”*
- ARMA International (ARMA) – Phoenix Chapter – *“Developing a Strategic Electronic Discovery Plan”*
- GlasserLegalWorks, New York, NY (October 9-11, 2006) *“The Real Beginning to the Electronic Discovery Process”*
- GlasserLegalWorks, Chicago, IL (November 8-10, 2006) *“The Real Beginning to the Electronic Discovery Process”*
- GlasserLegalWorks, Chicago, IL (December 6-8, 2006) *“The Real Beginning to the Electronic Discovery Process”*
- Fulbright & Jaworski, In-house Attorney Training, Houston, New York and Washington, DC (Four Sessions: Summer and Fall 2006) *“Successful Collection of Electronically Stored Information 2006”*
- World Futurist Society, Minneapolis, MN (July 29-31, 2007) *“Data by the Yottabyte circa 2050”*
- ASIS International, Las Vegas, NV (September 24, 2007) – *53rd Annual Seminar*
- ARMA International, Baltimore, MD (October 5-10, 2007) – *2007 Conference and Exposition*
- Anthem Community Center Program, Anthem, AZ (November 1, 2007) – *Computer Forensics Class*
- Computer Forensics and Electronic Discovery in Arizona, Phoenix, AZ (January 9, 2008) – *The Big Picture – Overview of Computer Forensics*
- American Society of Industrial Security - *“Forensics & E-Discovery”* Orlando, FL 2011
- AZ State Bar Convention 2015 – *“2015 ESI-EED Boot camp CLE Program”*
- AZ State Bar 2016 CLE by the Sea Program (San Diego) – *“How to Avoid Getting Disbarred as a Result of Using Technology - Pitfalls for Lawyers Arising from Technology”* (Ethics) (July 13, 2016)

- East Valley Bar Association – *“Pitfalls for Lawyers Arising from Technology”* ( July 14, 2017)
- AZ Bar Technical Subcommittee eDiscovery Bootcamp -*“Unlocking the Powers of eDiscovery: Computer Forensics”* (May 1, 2017)
- East Valley Bar Association -*“Unlocking the Powers of eDiscovery: Computer Forensics”*. (March 17, 2017)
- Certified InfoSec Conference & 27K Security Summit – *“You Know Were There, But Why? Understanding a Cyber-Event”* (October 9-11, 2017)
- ACFE Arizona Chapter - *“Hackers, Trackers, Crackers, and their Backers – The Upturn Cyber-Crime”* (May 15,2018)

## Articles and White Papers

- Information Security Journal, January/February of 2000 - *“Building a Business Case for Computer Forensics”*
- Information Security Journal, March/April of 2000 - *“Computer Forensics Today”*
- Information Security Journal, May/June of 2000 - *“Privacy Counts”*
- Information Security Journal, 2001 & 2002 – 5-part series on building a computer forensics practice with respect to the following areas: building a forensic laboratory, tools, training, methodology & conducting forensic work
- White Paper - *“Incident Response - The Speed Bumps in the Virtual World”*
- White Paper - *“Discovering a New World: Electromagnetic Media”*
- White Paper - *“Unlocking the Power of Electronic Discovery”*
- Los Angeles Lawyer, July/August 2004 – *“Planning for Successful Electronic Discovery”*
- White Paper – *“A Review of Electronic Discovery Strategies”*
- e-Discovery Law & Strategy, January 2005 – *“Simplifying the e-Discovery Process For Attorneys: Relationships, Involvement, Strategy & More”*
- American Society of Industrial Security – *“Cloud Computing and Software as a Service (SaaS): An Overview for Security Professionals”* 2010
- White Paper – *“The Path to Managed Services in Discovery”* 2012

## Citations

- The Politics of Cyberconflict - By Athina Karatzogianni
- Information Security Management Handbook on CD-ROM, 2006 Edition edited by Micki Krause
- Information Security Management Handbook, Fifth Edition - By

Harold F. Tipton, Micki Krause

- Effective Security Management - By Charles A. Sennewald
- SECURITY Crimes Digital Forensics - Evidence and action force application Wisdom – By Wang Xu, Lin Zhu Xing

## Expert Testimony

- February 11, 2005 – Testified before the American Bar Association Judicial Conference Committee on Rules of Practice and Procedure regarding proposed amendments to the Federal Rules of Practice and Procedure regarding Electronic Discovery concerning Electronic Discovery
- In re Fannie Mae Securities Litigation; Consolidated Civil Action No. 1:04-cv-01639 (RJL); United States District Court for District of Columbia
- Archicon Architecture and Interiors LLC, Plaintiff v. Vince J. Dalke, Defendant. Maricopa County (AZ) Superior Court. Case No.: Case No. CV2014-052020.
- HETRONIC INTERNATIONAL, INC., Plaintiff v. Kimberly Curtis, Defendant. State of Oklahoma – District Court of Oklahoma County Case No. CJ-2014-3073. Two separate times, for hearing & trial.
- Yolanda Denise Smith, Plaintiff v. Joseph Leynard Smith, Defendant. United States District Court, District of Arizona Case #: 2:13-CV-02611-DLR.
- David Berg, et al, Plaintiff v. Weiss & Moy PC, et al, Defendant. Maricopa County (AZ) Superior Court. Case No.: Case No. CV2013-015419.

## Expert Witness – Deposition Testimony

- Firstar Corporation, a Wisconsin Corporation v. Missouri Valley Partners, Inc.; U.S. District Court for the Eastern District of Missouri, No. 4-00CV01492CDP
- In re Fannie Mae Securities Litigation; Consolidated Civil Action No. 1:04-cv-01639 (RJL); United States District Court for District of Columbia

## Expert Witness – Declaration and Affidavit

- Union Bank of California v. Ronald Gershon and CIBC Oppenheimer; Los Angeles Superior Court Case No. BC233810
- United States of America, v. Adam Bros. Farming, Inc.; Iceberg Holdings, L.P.; Richard Adam; Peter Adam; Kieran Adam; and Dominic Adam; United States District Court Central District of California; Case No. CV 00-7409 CAS (RNBx)
- Adam Bros. Farming, Inc., et al. v. County of Santa Barbara, et. al.; Superior Court of the State of California; Case No. 1007452
- Medtronic Sofamor Danek, Inc., v. Gary Karlin Michelson, M.D. and Karlin Technology, Inc.; United States District Court for the Western District of Tennessee Western Division; Civil Action No. 01-2373 MIV
- Micro Photonix Integration Corporation, a Delaware corporation v. Optilab, L.L.C., an Arizona limited liability corporation, v. Henry and Helen Hung, husband and wife; Thomas and Carol Hammond, husband and wife; Tamim and Penny El-Wailly, husband and wife; John and Jane Does 1-10; and XYZ Corporations 1-10; Maricopa County Superior Court Case No. CV 2002-002018
- Assante Asset Management Inc., a Delaware Corporation, and Assante Global Advisors Inc., a Delaware Corporation, v. Philip A. Kenner and Tracy L. Kenner, husband and wife; and John and Jane Does 1-10 and E A-Z, Defendants; Maricopa County Superior Court Case No. CV2003-007440
- Vera Cooney and Eula Mae Allen, as Co-Special Administrators of the Estate of Paul Matlock; Nathaniel and David Nall as Co-Special Administrators of the Estate of Elberdia Nall; Garlene Spatt as Special Administrator of the Estate of Garland Pinnell, Garlene Spatt, as guardian of the person and estate of Pauline Pinnell; Mary Sterling; Josie Hampton; Mary Cladwell; Prudence Poole; Zenie Hyatt, and; Edith “Viola” McKinney on behalf of themselves and all others similarly situated, v. Beverly Enterprises, Inc.; Beverly Health and Rehabilitation Services, Inc., and; Beverly Enterprises – Arkansas, Inc. D/B/A Regional Nursing Center of Bryant; Circuit Court of Saline County, Arkansas, Civil Division 3

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Case No. CV2003-1049-3

- Advanced Micro Devices Inc., a Delaware corporation, and AMD International Sales & Service Ltd., a Delaware Corporation v. Intel Corporation, a Delaware Corporation, and Intel Kabushiki Kaisha, a Japanese Corporation; In the District Court for the District of Delaware; Civil Action No. 05-441
- Central Mortgage Company, Plaintiff v Thomas and Laurie Bilyea, Defendants. Arizona State Court - Maricopa Co., AZ - Phoenix, AZ Case No.: 2:11-bk-29970-DPC
- HETRONIC INTERNATIONAL, INC., Plaintiff v. Kimberly Curtis, Defendant. State of Oklahoma – District Court of Oklahoma County Case No. CJ-2014-3073. Four (4) different declarations.
- PRN MEDICAL SERVICES, LLC d/b/a SYMBIUS MEDICAL, a Delaware Limited Liability Company, Plaintiff v. MICHAEL NEILSON AND JANE DOE NEILSON, husband and wife; JOHN PEARCE AND JANE DOE PEARCE, husband and wife; MARVELYN STUBBS AND JOHN DOE STUBBS, wife and husband; KIMBERLY CHOATE AND JOHN DOE CHOATE, wife and husband; MICHAEL HALEY, an individual, and WILMINGTON MEDICAL SUPPLY, INC., Defendants. United States District Court of Arizona. Case No.: 2:14-cv-01047 (GMS). Three (3) + different declarations.
- United States of America v. Frank Edwin Pate. In The United States District Court for the Eastern District of Texas, Sherman Division; No. 4:14-cr-125-MAC-ALM
- JJB Holdings, LLC, an Arizona limited liability company, v Mark Furtmann and Gina Furtmann, husband and wife; Furtmann Bros., LLC, an Arizona limited liability company; MAF Construction, LLC, an Arizona limited liability company; J&M Framing, LLC, an Arizona limited liability company; JF Framing, LLC, an Arizona limited liability company; MF Management, LLC, an Arizona limited liability company. In the Superior Court of the State of Arizona, In and for the County of Maricopa. Case No. CV2013-011399 (Assigned to the Honorable Joshua D. Rogers)
- Compass Bank, an Alabama corporation, v Jens Lovell, Lisa Lovell, Arizona residents; Flagstar Bank, FSB, a Michigan corporation. United States District Court of Arizona. Case No.: 2:16-cv-00538-BSB

- WOODMAR IV ASSOCIATION, INC., an Arizona non-profit corporation, vs. WATER SUBMETERING SYSTEMS, LLC, an Arizona limited liability company; UTILITY SUBMETERING SYSTEMS, LLC, an Arizona limited liability company. In the Superior Court of the State of Arizona, In and for the County of Maricopa. Case No.: CV2016-090830 (Assigned to the Honorable David Talamante)
- Steven M. Gitt, MD and North Valley Outpatient Surgery, Inc. v. Christi Morgan; In the Superior Court of the State of Arizona, In and for the County of Maricopa. Case No.: CV2015-005480 (Assigned to the Honorable Margaret Mahoney)
- U.S.A. Dawgs, Inc. v. Effervescent, Inc., Holey Soles Holdings, Ltd., Double Diamond Distribution, Ltd; In the United States District Court for the District of Colorado. Case No.: CV-00605-PAB-KMT and CV-02004-PAB-KMT (Assigned to the Honorable Phillip A. Brimmer)
- David Berg, et al, Plaintiff v. Weiss & Moy PC, et al, Defendant. Maricopa County (AZ) Superior Court. Case No.: Case No. CV2013-015419.
- Jnxcel Salon Products, Michael Abruzzise and Lynn Abruzzise, adult individuals, Plaintiff, v. Salon Delgado and Sd Extensions, California Corporations Affidavit of Findings. Case has not yet been filed.

### Expert Witness – Reports

- First Southwest Company, a Texas Corporation, v. Keith Faber, an Arizona resident; U.S. District Court for the District of Arizona, No. CIV 01-0986 PHX ROS and related litigation
- Firststar Corporation, a Wisconsin Corporation, v. Missouri Valley Partners, Inc.; U.S. District Court for the Eastern District of Missouri, No. 4-00CV01492CDP
- Food Services of America, Inc. a Delaware Corporation, Plaintiff VS. Paul Carrington; Elba Rubio; John Doe's I – V; Jane Doe's I – V; Black Corporations I – V; White Partnerships I – V; Limited Liability Companies I – V, Defendants; In The United States District Court, District Of Arizona Case No.: 2:12-CIV-175-PHX-GMS

- RELATED SERVICES, INC. dba JANI-KING OF PHOENIX, an Arizona corporation, Plaintiff, vs. MICHAEL CARDOSO, et al. Defendants. Arizona State Court - Maricopa Co., AZ - Phoenix, AZ Case No.: CV2012-016744
- Yolanda Denise Smith, Plaintiff v. Joseph Leynard Smith, Defendant. UNITED STATES DISTRICT COURT DISTRICT OF ARIZONA CASE #: 2:13-CV-02611-DLR. Two (2) reports.
- HETRONIC INTERNATIONAL, INC., Plaintiff v. Kimberly Curtis, Defendant. State of Oklahoma – District Court of Oklahoma County Case No. CJ-2014-3073.
- Archicon Architecture and Interiors LLC, Plaintiff v. Vince J. Dalke, Defendant. Maricopa County (AZ) Superior Court. Case No.: Case No. CV2014-052020. Three (3) different Reports.
- Aleksander Popovic (individually); Greyside Group Inc.; Greyside Global, LLC; Kenton Associates Resources Corporation, Plaintiffs, v. Christine Spinogatti and John Doe Spinogatti (husband and wife); Bank Of America National Association; Bank Of America Corporation, Defendants. U.S. District Court for the District of Arizona Case No. No. 2:15-cv-00357-JJT (Hon. John J. Tuchi)

### Appointed as a Forensic Neutral

- Ticor v. Reichenberger. Maricopa County (AZ) Superior Court. Case No.: Case No. CV2007-005550.
- EyePartners, Inc. v Kor Media Group, LLC et al; United States District Court, Southern District of Florida; CASE No.: 4:13-cv-10072 King/McAliley
- BROOKFIELD EQUINOX LLC, an Arizona corporation, Plaintiff v. MITCHELL GOODMAN, an individual ; LLOYD BAYLARD, an individual ; PAX TECHNOLOGY Incorporated, a Florida corporation; Black & White Corporations I-X ; and John and Jane Does I-X, Defendants. United States District Court of Arizona. Case No. 15-01082-PHX-DJH