

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT INDIANA**

MALIBU MEDIA, LLC,	)	
	)	
Plaintiff,	)	Civil Case No. <u>1:13-cv-00205-WTL-MJD</u>
	)	
v.	)	
	)	
KELLEY TASHIRO, and	)	
N. CHARLES TASHIRO	)	
	)	
Defendant.	)	
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**DECLARATION OF PATRICK PAIGE**

**I, PATRICK PAIGE, DO HEREBY DECLARE:**

1. I am over the age of eighteen (18) and otherwise competent to make this declaration. The facts stated in this declaration are based upon my personal knowledge.
2. I have reviewed the declaration of the Defendants' purported expert, Delvan Neville.
3. It cannot be said with 100% certainty that Malibu Media's movies were never on the spoiled drive.
4. It is not true that every single file deleted on the night of December 22, 2013 was recoverable.
5. There were over 1,500 files deleted that night that were overwritten by other files.
6. Those 1,500 files are unrecoverable.
7. Although the file names can be seen, there is no way to tell what the files actually contained.
8. On June 25, 2014 I received a package from Q-Discovery in Indiana.

9. The package contained a hard drive with a forensic image of a Western Digital MyBook External 500 GB Hard Drive (the “Western Digital Drive”).

10. My investigation of the Western Digital Hard Drive revealed extensive evidence of BitTorrent use as well as numerous pirated software, movies, and music.

11. The Western Digital Hard Drive was last used on December 22, 2013 although two (2) files show a last access date of 6/6/2014 – which seems to indicate that the drive was plugged into a computer on that date but no files were accessed.

12. Although it was used the night before, the Western Digital Hard Drive was not turned over to Q-Discovery for forensic imaging on December 23, 2013 with the other four (4) hard drives.

**FURTHER DECLARANT SAYETH NAUGHT.**

**DECLARATION**

**PURSUANT TO 28 U.S.C. § 1746**, I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on this 23<sup>rd</sup> day of July, 2014.

By: \_\_\_\_\_  
**PATRICK PAIGE**