

CURRICULUM VITAE

Eric M. Friedberg

Seasoned executive and Board member with over 40 years of public and private sector experience in law, cyber-crime response, IT security, privacy, forensics, and e-discovery. His expertise is sought by Boards, audit committees, law firms, and the courts.

PROFESSIONAL EXPERIENCE

ERIC FRIEDBERG CONSULTING, LLC (d/b/a NEXT TIER CYBERSECURITY®)

New York, NY

Founder and President, January 2023 to Present

Advise Boards of Directors, Audit Committees, and C-Suites on cyber maturity and roadmap. Conduct cyber security assessments against industry and regulatory standards. Conduct cyber incident post-mortems.

STROZ FRIEDBERG, LLC, an Aon Company

New York, NY

Co-President and Co-Founder, January 2001 to December 2022

Closely handled and supervised numerous high-profile assignments in all of the firm's areas of expertise. Representative matters include the Cambridge Analytica data privacy matter; the *Waymo v. Uber* autonomous driving IP matter; the Google Street View WiFi-sniffing privacy matter; the Neiman Marcus and J.P. Morgan Chase data breaches; the forensics in the Chevron Lago Agrio judicial corruption matter; the *AMD v. Intel* antitrust matter, which involved claims and counterclaims of digital spoliation; the Delta First Bag Fee Antitrust litigation, which involved claims of digital spoliation; and a suit against Mark Zuckerberg seeking half of his Facebook shares based on an electronically-forged document. Gave sworn testimony in depositions, affidavits and hearings as an expert in the areas of e-discovery expert, digital forensics, and incident response.

Over 22 years led the growth of Stroz Friedberg into a \$130m, 550-person consulting and technical service firm with offices in nine U.S. and four foreign cities prior to the sale of the company to Aon plc. Directed Stroz Friedberg's M&A work in identifying, acquiring, and integrating Docuity, Inc. (an electronic discovery processing and hosting company), Data Genetics International, L.P. (a U.K. digital forensics firm), and Billiter L.P. (a U.K./Hong Kong investigations and intelligence firm). Negotiated and structured private equity investments by Green Capital Partners in 2007 and New Mountain Capital in 2010.

Managed numerous digital forensic assignments for major law firms, corporations, and government agencies in criminal, civil, regulatory, and internal corporate matters, including cases involving document preservation; alleged spoliation, e-forgery and backdating; bad leavers and bad arrivers; computer-enabled espionage and theft of trade secrets; data integrity; data analytics and illicit images. Managed numerous privacy-related investigations

and look backs, including involving data mapping, data leakage and data misuse (scraping, over-collection, over-retention, over-sharing, and violation of API/developer platform rules). National leader in responding to all forms of computer crime and abuse, including Advanced Persistent Threat; PII/PHI breaches; ransomware attacks and other cyber-extortion; denial of service attacks; theft of IP; and data leakage by state-sponsored agents, organized crime groups, hacktivists, and insiders. National expert in cybercrime governance. Helped companies, Boards of Directors and Audit Committees improve cyber governance structures and programs, establish cyber security roadmaps, and assess cyber maturity under various security standards. Conducted post-breach look back investigations for lessons learned and to identify remediation actions.

National leader in electronic discovery. Author of book chapters and scholarly articles on eDiscovery strategy and technology. Managed electronic discovery projects in civil and regulatory proceedings, requiring the preservation, processing, and production of electronic data from computers, cellphones, PDAs, backup tapes, enterprise databases, and removable media.

CROSSPOINT CAPITAL PARTNERS, LP

Menlo Park, CA

Operating Advisor, December 2021 to December 2022

Advisor on cyber threat landscape and corresponding technology solutions.

UNITED STATES ATTORNEY'S OFFICE, E.D.N.Y.

Senior Litigation Counsel, November 1999 to December 2000

Computer and Telecommunications Coordinator, December 1997 to December 2000

Chief, Narcotics Unit, December 1994 to November 1997

Deputy Chief, Narcotics Unit, January 1993 to November 1994

Line Assistant, April 1989 to December 1992

Investigated and prosecuted cases involving computer hacks, denial of service attacks, Internet-related trade secret theft, criminal trademark and copyright infringement, computer hardware and software counterfeiting, telecommunications billing fraud, and illegal electronic surveillance. Investigated telecommunications fraud case using one of the first government e-mail wiretaps.

Investigated, litigated, and handled appeals of complex cases involving narcotics trafficking, money laundering, drug-related violence, racketeering, securities fraud, and public corruption. Numerous trials, ranging from one to eight weeks in length.

Participated in the establishment of narcotics, money laundering and cybercrime enforcement policy, built relationships with client agencies, and supervised up to 15 Assistant U.S. Attorneys.

Received 1994 Department of Justice Award for Superior Performance for investigation and prosecution of six accomplices in Cali Cartel-ordered assassination of Manuel de Dios Unanue, the former editor-in-chief of El Diario.

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

New York, NY

Associate Attorney April 1989 to 1989

Participated in all phases of intellectual property, takeover, general commercial, and product liability litigation, including two jury trials and several preliminary injunction hearings.

EDUCATION

BROOKLYN LAW SCHOOL

Magna Cum Laude, J.D., 1983

BRANDEIS UNIVERSITY

Cum Laude, B.A. Philosophy, 1978

PUBLICATIONS

- September 2022: "11th Hour Cyber Breaches in M&A Deals," an article on LinkedIn.
- August 2022: Authored "More Regulatory Saber-Rattling Re: Ransomware Payments," an article on LinkedIn.
- May 2021: Authored "Ransomware Task Forces Get Into Gear," an article on LinkedIn.
- January 2021: Authored "10 Critical Steps to Prevent & Detect Ransomware Activity," a whitepaper on aon.com.
- May 2020: Authored "Top Ten: Cyber Governance for Boards of Directors," a whitepaper on aon.com.
- May 2016: Authored "Connected Cars: Strategies For Reducing The Ever-Expanding Risk," an article on darkreading.com.
- March 2014: Authored "Don't Rush Companies to Disclose Security Breaches", an opinion piece on CNBC.com.
- March 2008: Authored New Electronic Discovery Teams, Roles & Functions, a white paper published by The Sedona Conference.
- October 2006: Co-authored "Lost Back-up Tapes, Stolen Laptops and Other Tales of Data Breach Woe," an article published in Computer and Internet Lawyer.
- September 2005: Co-authored "Electronic Discovery Technology," Chapter Nine in Adam Cohen and David Lender's' treatise Electronic Discovery: Law and Practice.
- July 2005: Co-authored "To Recycle or Not to Recycle, That Is The Hot Backup Tape Question," a whitepaper published in the Practising Law Institute's' Fifth Annual Municipal Law Institute course materials.
- May 2004: Co-authored "Your Company's Computer System," Chapter One in the book E-Discovery: A Guide for Corporate Counsel, published by Sills Cummis Epstein & Gross P.C.
- January 2004: Authored "To Cache a Thief: How Litigants and Lawyers Tamper with Electronic Evidence and Why They Get Caught," an article published in The American Lawyer magazine.
- November 2003: Co-authored "21st Century Forensics: Searching for the 'Smoking Gun' 'n Computer Hard Drives," an article published in The Prosecutor, the monthly publication of the National District Attorneys Association.

LECTURES AND PRESENTATIONS

- June 2024: Presented "Cybersecurity Developments in Health Care", a panel discussion at the Practising Law Institute.
- May 2024: Presented "Enhancing Cyber Defenses and Maturity to Combat Top Healthcare Threats" at the HealthTrust Executive Advisory Summit.
- October 2023: Presented "Protecting Your Company: Ethical Obligations and Other Considerations for Managing Cybersecurity Risk," a panel discussion during Simson Thatcher & Barlett's 2023 Corporate Counsel Leadership Conference.
- October 2023: Presented "Cybersecurity 2023: Managing Cybersecurity Incidents," a panel discussion at the Practising Law Institute's 23rd Annual Institute on Privacy and Cybersecurity.
- February 2023: Presented Keynote Address at the Cybersecurity Leaders' Roundtable hosted by Cambridge Forum.
- November 2021: Presented "The Evolution of the Cyber Threat Environment and Effective Responses to It" at The Future of Global Data Protected hosting by Ropes & Gray LLP.
- September 2021: Presented "Assuring Technical Privacy Compliance: The Best Defense is a Good Defense" at the Privacy + Security Forum.
- May 2021: Presented "Keeping Up With the Latest Cybersecurity Challenges" at the Practising Law Institute's 22nd Annual Institute on Privacy and Cybersecurity.
- May 2021: Presented "The SolarWinds Aftermath and Securing Private Networks Against Top Adversaries" at the Privacy + Security Forum.
- March 2021: Presented "Beyond SolarWinds: How Boards and Management Can Effectively Address Unending Cyberthreats" at the ESG Center of The Conference Board.
- December 2020: Presented "Interactive Cyber Incident Response Simulation" at the Boston Bar Association's Virtual Privacy & Cybersecurity Conference.
- November 2020: Presented "360 Degrees of a Ransomware Attack: Decision Points in Defense, Response and Mitigation" hosted by WSJ Cybersecurity Pro.
- October 2020: Presented "Data Audits and Unscrambling the Digital Eggs" at the Privacy + Security Forum.
- September 2020: Presented "State of the Threat Landscape" hosted by WSJ Cybersecurity Pro.
- May 2020: Presented "What's a Board to Do?: Advising Boards of Directors on Privacy and Security" and "Advanced Topics in Cyber Incident Response and Preparedness" at the Privacy + Security Forum.
- March 2020: Presented at the Critical Infrastructure Association of America's OWASP Virtual Meeting (in conjunction with Morgan Stanley).
- February 2020: Presented "Lisa Sotto and Eric Friedberg: Cybersecurity: How Concerned Should We Be?," a podcast for NSL Doubletalk.
- October 2019: Presented "Corporate Law Meets Data Law: Advanced Problems in Due Diligence for Privacy and Security Advisors" at the Privacy + Security Forum
- September 2019: Presented "The Cyber Threat Landscape" at The Practising Law Institute's Cybersecurity 2019: Managing Cybersecurity Incidents.
- August 2019: Presented "Preserving Election Security Integrity," a panel at the Global Cities Conference III by the Global Cyber Alliance.
- May 2019: Presented "Cybersecurity Attacks: A Survival Guide" at The Practising Law Institute's 20th Annual Institute on Privacy and Data Security Law.
- October 2018: Presented "Navigating Incident Response in a Rapidly Changing World" at the Privacy + Security Forum.

- September 2018: Presented "The Cyber Threat Landscape" at The Practising Law Institute's Cybersecurity 2018: Managing Cybersecurity.
- December 2017: Presented "Building Organizational Resiliency to Deal With Data Breaches" at ALM Media's cyberSecure 2017.
- May 2016: Spoke at The Boston Bar Association's inaugural Privacy Conference.
- November 2016: Spoke at "Around the Table: Behind the Headlines of Evolving Cyberthreats," a roundtable discussion hosted by Latham & Watkins LLP.
- November 2016: Presented "Cyber Risk Oversight and the Board" at The Conference Board's Governance Center's Annual Members Meeting.
- June 2016: Presented "Confidential Information and Law Firm Cybersecurity – Ethical Standard of Care for Clients" at the 2016 Bench & Bar Conference.
- 2016: Presented "Securing the Connected Car: Privacy, Security and Self-Regulation" at Global Privacy Summit 2016.
- October 2014: Presented "Strengthening Corporate Security" at a Cybersecurity Summit hosted by The Washington Post.
- June 2014: Presented "Cyber Incident Response: Defend, Protect, and Insure Security" at the JLT Global Digital Risks & Technology Forum.
- May 2014: Presented "Tabletop Security Incident Response Exercise" jointly with Proskauer Rose, LLP at the Executive Edge Conference.
- February 2014: Presented "Recovering and Preserving E-Data" to Baker Hostetler.
- October 2013: Participated in a panel discussion entitled "Cyber Security – Arming Your Firm Against the Rising Risk of Cyber Threats" at the MFAOutlook conference.
- September 2013: Participated in a panel discussion entitled "Cyberespionage and Data Theft: The Do's and Don'ts for In-house Counsel" at the Ropes & Gray NY CLE Ethics Series.
- September 2013: Presented the honorary guest speaker address at the District Attorney of the County of New York's Cybercrime and Identity Theft Bureau's Fall Conference entitled "Intellection Property Rights Enforcement in the Digital Age".
- May 2013: Participated in a panel discussion entitled "Cyber Resilience and IT Risks" at the Conference Board's 2013 Global Risk Conference.
- March 2013: Presented "What You Need to Know About Protecting Trade Secrets in the Digital Age" jointly with Proskauer Rose LLP at Brooklyn Law School's Trade Secrets Institute.
- March 2013: Participated in a panel discussion entitled "Cybercrime" at the ABA White Collar Crime Conference.
- January 2013: Presented "Cybersecurity Briefing: Managing Advanced Persistent Threats and Attacks" jointly with Latham & Watkins LLP.
- August 2012: Presented to Brooklyn Law School incoming class at the 2012 Convocation Ceremony.
- April 2012: Participated in a panel discussion entitled "Too Big to Secure, Solo: Banks and Sharing the Burden of Security" as part of Bloomberg's Cybersecurity Conference.
- March 2012: Presented "Developments and Trends in E-Data: What to Look for When Employees Leave" jointly with Skadden, Arps, Slate, Meagher & Flom LLP.
- March 2012: Participated in an IPM-sponsored panel discussion entitled "Anatomy of a Breach" outlining RSA's 2011 state-sponsored attack, lessons learned, and security best practices.
- February 2012: Participated in a panel discussion entitled "Computer Crime" at the ABA White Collar Crime Conference.

- March 2011, Presented "The State of Cybercrime" at the CSO Executive Seminar Series on Cyber Security event in D.C.
- July 2010: Led Information Systems Security Association (ISSA) industry webinar entitled "Social Networking Forensics".
- January 2009: Presented a lecture entitled "New Electronic Discovery Teams, Roles, & Functions" at the Association of the Bar of the City of New York.
- 2008: Participated in a panel discussion entitled "Digital Forensics: From Investigation to the Courtroom" at the Cyberlaw: Expanding the Horizons Conference, hosted by the American Bar Association in Washington, DC.
- June 2008: Participated in a panel discussion entitled "Data Breach Investigation and Response" at the Practical Privacy Series, hosted by the International Association of Privacy Professionals (IAPP).
- May 2008: Led a panel discussion entitled "Barbarians at the Cybergate" at the New York CIO Executive Summit.
- May 2008: Participated in a panel discussion entitled "Forensics, an Executive Overview" at the CISO Executive Forum, hosted by the Information Systems Security Association (ISSA).
- April 2008: Participated in a panel discussion entitled "E-Discovery in Insurance" at the Electronic Discovery Seminar, hosted by DRI.
- March 2008: Participated as a Faculty Member for the Sedona Conference Institute event in San Diego, California, entitled "Second Annual Program on Getting Ahead of the e-Discovery Curve: Strategies to Reduce Costs and Meet Judicial Expectations" and as a panel member for presentations entitled "New Roles and New Teams to Meet ESI Production Obligations/ Expectations" and "Effective Preparation by Requesting Party for Rule 26 (f) Conferences."
- January 2008: Led a panel discussion entitled "Electronic Discovery: Technology, Strategy & Emerging Standards" at the Association of the Bar of the City of New York.
- November 2007: Participated in a panel discussion entitled "Preservation: From Legal Holds to Preservation Methodologies" at the Advance E-Discovery Technology Workshop at Georgetown University Law Center.
- September 2007: Led a panel discussion entitled "Cyber-crime: The Insider Threat" for the New York Chapter of the Association of Corporate Counsel of America (ACCA).
- June 5, 2007: Delivered a lecture on "The Challenges Confronting the Digital Forensics Community" to The National Academies' Committee on Identifying the Needs of the Forensic Sciences Community.
- June 2007: Participated in a panel discussion for The Association of Corporate Counsel of America (ACCA) 2007 Ethics Marathon at Pfizer Corp.
- June 2007: Participated in a panel discussion entitled "Computer Forensics and Auditing" for the ABA.
- March 29, 2007: Participated as a Faculty Member for the Sedona Conference Institute event in Memphis, Tennessee, entitled "Getting Ahead of the e-Discovery Curve: Strategies for Companies & Their Counsel to Reduce Costs and Meet Judicial Expectations" and as a panel member for a presentation entitled "Changing Corporate Culture: Creating & Managing New Relationships to Effectively Respond to Discovery & Investigations."
- February 21, 2007: Led a panel discussion entitled "Compliance: Using Computer Forensics to Ensure Process/Protocol" for the members of the Greater New York Chapter of the ACCA.
- December 6, 2006: Participated in a panel discussion entitled "Fundamentals of e-Discovery" for the New York State Bar Association.

- December 5, 2006: Participated in a panel discussion entitled "Identity Theft: Understanding the New Laws and Ways to Protect Your Clients and Yourself from Becoming a Victim" at the Association of the Bar of the City of New York.
- November 29, 2006: Participated in a webinar entitled "Proskauer on Privacy: The Government and Privacy."
- November 10, 2006: Participated in a panel discussion entitled "Forensics in e-Discovery" at Georgetown University Law Center.
- November 6, 2006: Delivered a lecture entitled "Data Breach Notification: Technology, Strategy, and Law" to the members of the ACCA of Greater N.Y.
- March 16, 2006: Delivered a lecture entitled "Computer Forensics: Technology, Strategy and Law" to the Communications and Media Law Committee of the New York City Bar Association.
- February 2, 2006: Delivered a lecture entitled "Computer Forensics: Technology, Strategy and Law" at Brooklyn Law School.
- March 16, 2005: Delivered a lecture entitled "Computer Forensics: Technology, Strategy and Law" to the Communications and Media Law Committee of the New York City Bar Association.
- October 27, 2005: Participated in a panel discussion on "Electronic Discovery in Litigation and What It Means for the European Company" at the Fall 2005 meeting for the International Section of the American Bar Association.
- July 27, 2005: Gave a presentation on "Electronic Discovery" for the Practicing Law Institute's Fifth Annual Municipal Law Institute.
- April 6, 2005: Participated in a panel presentation with Hon. Shira A. Scheindlin, U.S. District Judge, Southern District of New York; Hon. Ira Warshawsky, Supreme Court Judge, Nassau County; and David J. Lender, Esq., Weil Gotshal & Manges LLP, on "E-Discovery: The Basics and Beyond" at the New York State Judicial Institute.
- February 23, 2005: Delivered a lecture entitled "Computer Forensics in Support of Litigation" to the Association of the Bar of the City of New York.
- January 12, 2005: Gave a presentation entitled "Handling Child Pornography Discovered During a Forensic Examination" at the Quarterly Meeting for the New York Electronic Crimes Task Force (NYECTF) of the U.S. Secret Service and John Jay College of Criminal Justice.
- October 1, 2004: Delivered a lecture entitled "To Cache a Thief: E-Evidence Tampering," which addressed using computer forensics to determine whether electronic documents were tampered with or are authentic, at the Association of Legal Administrators Region 5 Educational Conference.

RECENT PRESS APPEARANCES

- May 2022: Quoted in "Third-Party Cyber Risk Management Printer," an article by WSJ Cybersecurity Pro.
- April 2022: Quoted in "Cyberattacks Top List of Audit Committee Concerns, an article by Agenda Week, an FT publication.
- May 2021: Quoted in "Key Questions for Boards to Vet Ransomware Playbooks," an article by Agenda, an FT publication.
- May 2021: Quoted in "To Pay or Not to Pay: Boards Debate Ransomware Strategies," an article by Agenda, an FT Publication.

- May 2021: Quoted in "Ransomware Boom Forces More Companies to Cut Deals With Criminals," an article by WSJ Cybersecurity Pro.
- May 2021: Quoted in "Ransomware Rise Means Greater Regulatory, Legal Risk for Victims," an article by Bloomberg Law.
- May 2021: Quoted in "Cyber Criminals Up Their Game," an article by The Wall Street Journal.
- February 2021: Quoted in "The negotiators taking on the ransomware hackers," an article by the Financial Times.
- December 2020: Quoted in "Cybersecurity Hackers' Monthslong Head Start Hamstrings Probe of U.S. Breach," article on Bloomberg.com.
- December 2020: Quoted in "Biggest Healthcare Security Threats, Ransomware Trends into 2021," an article by Health IT Security.
- November 2020: Quoted in "Show Me the Data: How to Conduct Audits for Data Minimization," an article by Cybersecurity Law Report.
- August 2020: Interviewed by Infosecurity Magazine.
- August 2020: Quoted in "Ransomware Negotiators Gain Prominence as Attacks Increase," an article by WSK Cybersecurity Pro.
- August 2020: Interviewed for "Balancing Budget Pressure in a Time of Budget Cuts," a video on ZDNet.com.
- April 2020: Quoted in "Fintech Company Survived Ransomware Attack Without Paying Ransom," an article on Bloomberg.com.
- March 2020: Quoted in "Infrastructure Report: Hospital Technology Faces Coronavirus Strain," an article by WSJ Cybersecurity Pro.
- March 2020: Quoted in "Private Equity Is a Tantalizing Target for Ransomware Hackers," an article on Bloomberg.com.
- February 2018: Quoted in "Uber and Waymo trial gets ubertechnical, but no smoking gun," an article on Cnet.com.
- September 2017: Quoted in "Internal Security Industry Spotlight: Entertainment Sector," an article by IT Security Central.
- January 2017: Interviewed for "How to protect your data, your vehicles, and your people against automotive cyber threats?," an article on CSOonline.com.
- May 2016: Interviewed for "Car hackers could harpoon stock prices by exposing vulnerabilities," an article on Vox.com.
- January 2016: Quoted in "Five Online Security Don'ts for Your Protection," an article on Foxbusiness.com
- December 2015: Quoted in "THE TECH BET, The safest ways to pay this shopping season: Expert," an article on CBC.com.
- January 2014: Quoted in "Senior managers fumble security much more often than rank and file," an article on CSOonline.com.
- January 2014: Quoted in "Some pioneers of digital spying have misgivings," an article on Yahoo.com.
- November 2013: Quoted in "CISOs: The CFOs of IT." an article on CFO.com.
- October 2012: Quoted in "Alleged Russian agent, 10 others indicted in Brooklyn," an article on Abc7chicago.com.
- January 2012: Interviewed for "'Hactivism' and the C-Suite," an article on CNBC.com.
- February 2002: Quoted in "Web sites seen as terrorist aids," an article on Computerworld.com.

TESTIMONY AND EXPERT APPOINTMENTS

- Provided testimony regarding a due diligence investigation in *Waymo LLC v. Uber Technologies, Inc.*, 3:17-cv-00939-WHA (N.D. Cal.).
- Provided testimony in *In Re American Int'l Group, Inc. Sec. Litigation*, 04 Civ. 8141 (S.D.N.Y.). Served as AIG's 30(b)(6) witness in securities class action lawsuit. Responded to plaintiffs' allegations of inadequate data preservation and search methodologies.
- Provided testimony in *In Re Delta/Airtran Baggage Fee Antitrust Litigation*, Civ. Act. File No. 1:09-md-2089-TCB (N.D. Ga.). Testified as expert in electronic discovery and digital forensics regarding the excessive adverse inspection fees charged by plaintiffs' expert and to respond to the expert's substantive allegations of data destruction and spoliation.
- Court-appointed e-discovery and digital forensics consultant to the Special Master in *Advanced Micro Devices v. Intel Corp.*, No. 05-441-JJF (D. Del.).
- Court-appointed third-party electronic discovery and digital forensics expert in *Four Seasons Hotels v. Consorcio Barr*, No. 01-4572-CIV (S.D. Fla.).
- Court-appointed third-party electronic discovery and digital forensics expert in and *Harvest Court v. Nanopierce*, No. 602281-01 (N.Y. Sup. Ct.).

PROFESSIONAL AND CIVIC AFFILIATIONS

- Former Member, New York State Cyber Security Advisory Board
- Former Member, International Association of Privacy Professionals
- Former Member, President's Advisory Council, Brooklyn Law School
- Former Member, The Sedona Conference Working Group on Electronic Discovery
- Former Member, E-Discovery Subcommittee of the New York State Bar Association's Commercial and Federal Litigation Section
- Former Member, Information Technology Law Committee of the New York City Bar Associatio