

**IN THE FRANKLIN COUNTY COURT OF COMMON PLEAS, OHIO  
CIVIL DIVISION**

<p><b>LVNV FUNDING, LLC PLAINTIFF,</b></p> <p style="text-align: center;"><b>v.</b></p> <p><b>ERIC WISEMAN DEFENDANT.</b></p>	<p><b>CASE NUMBER 24CV000841</b></p> <p><b>JUDGE JULIE LYNCH MAGISTRATE HUNT</b></p> <p><b>NOTICE OF FILING SECOND SUPPLEMENTAL JOINT EXPERT REPORT AND AFFIDAVIT OF BRIAN SULLIVAN AND SAM HAN, PH.D.</b></p>
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**NOTICE OF FILING  
SECOND SUPPLEMENTAL JOINT EXPERT REPORT**

COMES NOW Defendant, Eric Wiseman (hereinafter, "Defendant" or "Wiseman"), and hereby files Defendant's Notice of Filing Second Supplemental Joint Expert Report And Affidavit of Brian Sullivan and Sam Han, Ph.D. , thereby providing notice to this Honorable Court and all Parties to this action that the following was filed and made of record in the above-captioned matter:

Please take notice that attached hereto is the Second Supplemental Joint Expert Report And Affidavit of Brian Sullivan and Sam Han, Ph.D.

[SIGNATURE TO FOLLOW]

Respectfully submitted on 2025-February-28.

/s/ Andrew Barnes  
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Attorney for Defendant

**IN THE FRANKLIN COUNTY COURT OF COMMON PLEAS, OHIO  
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<p><b>LVNV FUNDING, LLC PLAINTIFF,</b></p> <p style="text-align: center;"><b>v.</b></p> <p><b>ERIC WISEMAN DEFENDANT.</b></p>	<p><b>CASE NUMBER 24CV000841</b></p> <p><b>CERTIFICATE OF FILING AND SERVICE</b></p>
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**CERTIFICATE OF FILING AND SERVICE**

The undersigned counsel certifies that the above-attached document was filed using this Honorable Court's Case Management / Electronic Case Filing ("CM/ECF") system on the date set forth herein, which will serve electronically a Notice of Electronic Filing ("NEF") on all counsel of record in this matter, all of whom have consented to accepting the NEF as electronic service through the Court's CM/ECF.

[SIGNATURE TO FOLLOW]

Respectfully submitted on 2025-February-28.

/s/ Andrew Barnes  
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 Attorney for Defendant

**IN THE FRANKLIN COUNTY COURT OF COMMON PLEAS, OHIO  
CIVIL DIVISION**

<b>LVNV FUNDING, LLC PLAINTIFF, v. ERIC WISEMAN DEFENDANT.</b>	<b>CASE NUMBER 24CV000841  SECOND SUPPLEMENTAL JOINT EXPERT REPORT AND AFFIDAVIT OF BRIAN SULLIVAN AND SAM HAN, PH.D.</b>
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**SECOND SUPPLEMENTAL JOINT EXPERT REPORT AND AFFIDAVIT  
OF BRIAN SULLIVAN AND SAM HAN, PH.D.**

We, Brian Sullivan and Sam Han (hereinafter, "Experts"), declare as follows:

***Background and Foundational Statements***

**252.** Both of us are over the age of eighteen years and are competent to make all of the statements in this Second Supplemental Joint Expert Report and Affidavit of Brian Sullivan and Sam Han, Ph.D. (hereafter, "Expert Report," "Report," or "Affidavit").

**253.** This Affidavit supplements both: (a) the Joint Expert Report of Brian Sullivan and Sam Han, Ph.D. (hereinafter, "Original Report"), which was filed with the Honorable Court on 2024-August-26 (which ended with ¶ 200); and (b) the Supplemental Joint Expert Report and Affidavit of Brian Sullivan and Sam Han (hereinafter, "1st Supplemental Report"), which was filed with the Honorable Court on 2024-December-18 (which ended with ¶ 251).

**254.** Consequently, this Affidavit begins at ¶ 252 to reduce the possibility of confusion.

**255.** We voluntarily give the statements in this Affidavit in support of Defendant Eric Wiseman (hereafter, "Wiseman") in the above-captioned proceeding.

**256.** All statements made herein come from personal knowledge unless stated otherwise or clearly apparent by context.

**257.** Matters of opinion expressed in this Affidavit are opinions formed based upon our own experiences and knowledge.

**258.** We declare under penalty of perjury under the laws of the United States of America that, to the best of our knowledge and belief, the statements that are contained in this Affidavit are true and correct.

**259.** We have been retained as expert witnesses by Counsel for Wiseman (Mr. Andrew Barnes, hereinafter, "Barnes").

**260.** To be clear, although both of us are attorneys, neither of us represent Wiseman as legal counsel, and neither of us have made an appearance as legal counsel, thereby limiting our roles as only expert witnesses for purposes of this case.

**261.** If there are any statements on which we disagree, those statements are clearly identified and the reasons for disagreement are clearly stated herein.

**262.** We incorporate by reference the Original Report and the 1st Supplemental Report, stand by our statements in the Original Report and the 1st Supplemental Report, and through this Affidavit verify under oath the statements in the Original Report and the 1st Supplemental Report.

***Context: Magistrate's Discovery Conference on 2025-January-23 and File Inspection***

**263.** On 2025-January-23, both Sullivan and Han (hereinafter, collectively, "Experts") were present during a video conference with the Court (hereinafter, "Conference"), along with Barnes and lead counsel for Plaintiff, Mr. Boyd Gentry (hereinafter, "Gentry").

**264.** During that Conference, we recall the Court instructing us to provide detailed instructions to permit Plaintiff to record by video the inspection of original electronic files, with original metadata intact, or alternatively travel to South Carolina to inspect the file directly on

Plaintiff's system.

**265.** Originally, the Court ordered the inspection by 2025-February-14 (Friday), at which point it was noted that 2025-February-14 was Valentine's Day and, also, Gentry's birthday, thereby resulting in the deadline being moved to Monday, 2025-February-17.

**266.** Complying with the Court's Order, on 2025-January-23 (and immediately after the Conference), we provided detailed written instructions (hereinafter, "Instructions") for recording by video: **(a)** the inspection of the original electronic files, including the original metadata; and **(b)** printing of the electronic files to paper (to determine whether or not the paper copy that was filed with the Court accurately reflected the electronic copy that was allegedly the original that was being inspected).

**267.** A true and accurate copy of the Instructions is attached hereto as **Exh. A**.

**268.** The Instructions provided step-by-step procedures for inspecting: **(a)** the "Date modified" metadata field of the electronic file; **(b)** the "Content created" metadata field; and **(c)** the "Date created" metadata field.

**269.** The Instructions further provided step-by-step procedures for printing the file to demonstrate that the paper copy on LVNV50 through LVNV64 accurately reflected the electronic file.

**270.** The video recording was necessary to demonstrate that: **(a)** the specifically requested metadata was indeed from the electronic file that was being inspected; and **(b)** the paper printout that was filed with the Court was indeed from the original electronic file.

**271.** Despite the detailed Instructions, Plaintiff never provided to Defendant the requested video recording of the original metadata.

**272.** On 2025-February-17 (the agreed-upon date on which compliance was required),

Barnes sent to Gentry an email message requesting details about complying with the Court's Order.

**273.** Rather than following the agreed-upon (and Court-ordered) procedure, Gentry proposed an alternative to "review and inspect the file as it currently exists, in its original form, on LVNV's computer. It has the original metadata intact because we are not moving it to a new drive as you had suggested."

**274.** That alternative proposal was sent by email, which was provided to us and is attached hereto as **Exh. B**.

**275.** Barnes objected to the alternative proposal, but in the spirit of cooperation agreed to the alternative proposal, reserving all rights to conduct "an in-person inspection of the data on LVNV's servers in South Carolina, as previously requested" [**Exh. B**].

**276.** The inspection of the electronic document (according to Gentry's alternative proposal) was scheduled for 2:30pm on 2025-February-21 (hereinafter, "Inspection Day").

**277.** Gentry further certified, on 2025-February-18, that Defendant will be "able to inspect the electronic file, in its original form, on LVNV's computer via remote access to that file" [**Exh. B**, emphasis supplied].

**278.** On 2025-February-19, Barnes requested confirmation that the Experts would be able to utilize remote access to the electronic file.

**279.** In response, Gentry noted on 2025-February-19: "We will make a direct connection to the file so that we can open the file without moving it. You will see that the file still has the original metadata." [**Exh. B**, emphasis supplied].

**280.** At no time prior to the Inspection Day were any details provided to us on what precisely would be the protocol for making the "direct connection to the file" (other than

clarifying that it would not be through the native remote access tool from Microsoft®).

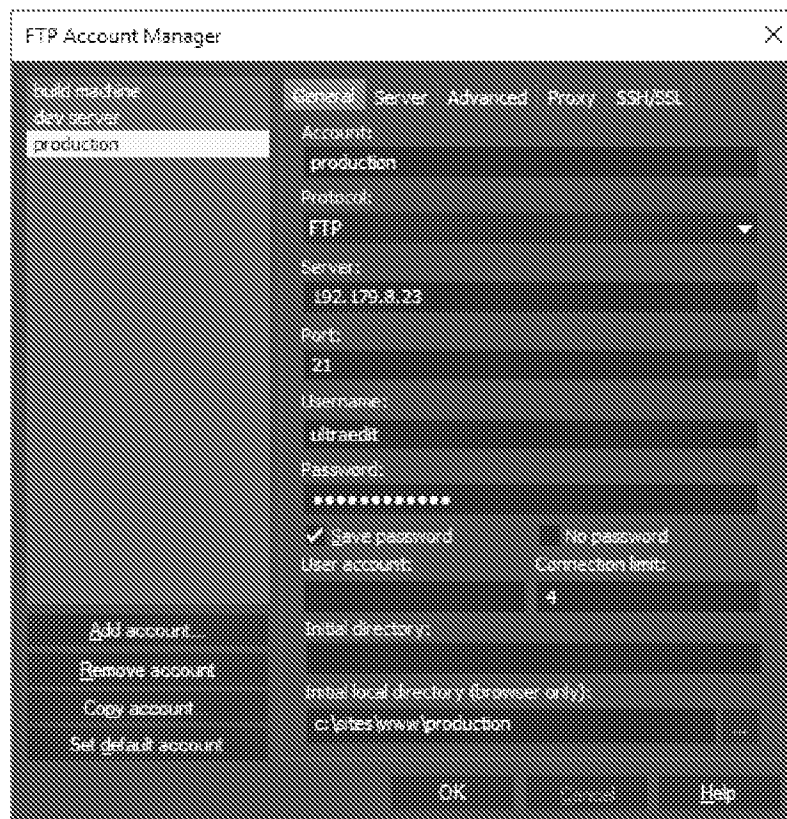
***The Computer Program Used by Gentry to Display the Alleged Original Electronic File***

**281.** The first time that we became aware of the remote access protocol was on the Inspection Day, after the Inspection had started.

**282.** The Windows® program used by Gentry to display the alleged original electronic file was UltraEdit.

**283.** Information relating to UltraEdit is found at: <https://www.ultraedit.com/>

**284.** According to UltraEdit's instructions for File Transfer Protocol (FTP) connections, which is available at [https://wiki.ultraedit.com/FTP\\_Accounts](https://wiki.ultraedit.com/FTP_Accounts), remote access to a file requires an Internet Protocol (IP) address, as shown here (with 192.179.8.23 being the IP address):



**285.** According to UltraEdit's instructions for FTP connections, which is available at [https://wiki.ultraedit.com/Open\\_from\\_FTP](https://wiki.ultraedit.com/Open_from_FTP), the mechanism of "Open from FTP" requires a file to be transferred from a remote location (e.g., a sever located remotely) to a local computer (e.g., Gentry's laptop computer).

**286.** UltraEdit explains the procedure as follows (with bold text in original, underlines added): "Double-clicking a file in the file list will immediately open it in UltraEdit. You can also select the file in the file list first, then click the **Open** button to open it. If you know the full path of the file you wish to open, you can type it directly into the **Open text field** and press **Enter** or click **Open** to open it. As the file is downloaded, transfer progress is shown at the bottom of the FTP Open dialog."

**287.** Stated differently, the file is actually downloaded over the Internet (from a location that has an IP address) before it can be displayed in UltraEdit, meaning that any file that is opened for review by UltraEdit is a local file (after it is transferred from its remote location).

**288.** Based on our experience, training, and education, we know that FTP (including secure FTP (SFTP)) can transfer files from any remote location that has been set up for FTP and, thus, it is important to know the IP address or the Uniform Resource Locator (URL, which resolves to an IP address) to determine the origin of any electronic file.

**289.** In other words, without actually seeing where a remote file resides (e.g., by IP address or by URL), one cannot determine the origin of a file that has been transferred by FTP for review on a local machine (e.g., a laptop computer).

***The Actual Inspection Procedure That Occurred on 2025-February-21 and LVNV's Statements During the Inspection Procedure***

**290.** The chronology of what occurred on Inspection Day is as follows.

**291.** Gentry arrived at the office of Defendant's counsel at approximately 2:15pm (Eastern).

**292.** At the beginning of the Inspection, Sullivan started an audio recording, noting the start time as being 2:22pm.<sup>1</sup>

**293.** A true and correct copy of the transcription of the audio recording (with minute-and-second time markers noted for the audio file) is attached hereto as **Exh. C**.

**294.** Present at the Inspection were Gentry (for LVNV), Barnes (for Wiseman), Sullivan (expert for electronic files), and Han (expert for electronic files).<sup>2</sup>

**295.** We made clear that we were acting as experts for the electronic file that was about to be inspected (not as attorneys for Wiseman).<sup>3</sup>

**296.** The Inspection was to be conducted on Gentry's computer.<sup>4</sup>

**297.** At the beginning of the Inspection, Han made clear that the important metadata for the file were: (a) the created on date; (b) the modified date; and (c) the **content created** date (which is different from the file creation date).<sup>5</sup>

**298.** When we were eventually permitted to view Gentry's computer screen, the alleged original electronic file had already been opened and displayed.<sup>6</sup>

**299.** In other words, we were never permitted to view the location from which the electronic file was being accessed.

**300.** Although UltraEdit does not appear to permit viewing of a remote file without

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<sup>1</sup> Audio Recording, time marker 00:00 through 24:34 (total 24 minutes and 34 seconds). See, **Exh. C**.

<sup>2</sup> Audio Recording, time marker 00:10-00:24.

<sup>3</sup> Audio Recording, time marker 00:04-00:52.

<sup>4</sup> Audio Recording, time marker 04:04-04:54.

<sup>5</sup> Audio Recording, time marker 02:23-03:00 (emphasis supplied).

<sup>6</sup> Audio Recording, time marker 03:54-04:54.

first transferring the file locally, Gentry stated that "this file is not here. But the screen views it."<sup>7</sup>

**301.** Gentry also noted that clicking on the "file properties" would display the metadata.<sup>8</sup>

**302.** Even though Gentry stated that the file was not on his local computer, the metadata included "Owner: LOOBWG2024\boydg" (which clearly showed "boydg" as part of the "File properties").<sup>9</sup>

**303.** When asked how the file was accessed and what protocol was used for accessing the file, Gentry noted that it was a secure connection to the client's computer using SFTP (Secure File Transfer Protocol).<sup>10</sup>

**304.** To confirm that the file was actually being displayed directly from LVNV's remote computer (and not some other location), Han requested Gentry to close the file and re-open the file remotely, step-by-step, to demonstrate the remote accessing and remote opening of the electronic file.<sup>11</sup>

**305.** Gentry declined to do so, raising concerns "that requires me [Gentry] to enter the information to access my client's system. And I'm not going to show you that."<sup>12</sup>

**306.** We made clear that that we had no interest in seeing the information to access LVNV's system and assured Gentry that "we will not look at that portion" but would be "outside

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<sup>7</sup> Audio Recording, time marker 04:04-04:54.

<sup>8</sup> Audio Recording, time marker 04:04-04:54.

<sup>9</sup> Plaintiff's Status Report Regarding Inspection of Electronic File, filed 2025-Feb-23 (hereinafter, "Plaintiff's Status Report"), at p. 2.

<sup>10</sup> Audio Recording, time marker 04:54-05:04.

<sup>11</sup> Audio Recording, time marker 05:38-07:05.

<sup>12</sup> Audio Recording, time marker 07:17-07:26.

of the view of your [Gentry's] screen itself"<sup>13</sup> (thereby protecting any sensitive information).

**307.** Han indicated that signing out and signing back in to the local machine was necessary because, without that demonstration, the FTP connection went "to a server somewhere that has a file. We just don't know where that server connection went to."<sup>14</sup>

**308.** Despite Han's explanation for why the demonstration was necessary, Gentry refused.

**309.** Han then noted that "even without knowing the confidential login code that you're going to, it should at least have an IP address that you access"<sup>15</sup> (the IP address being a public-facing address and, therefore, having no sensitive or confidential information).

**310.** Even though UltraEdit's own operating manual recites that UltraEdit requires an IP address for remote access, Gentry stated: "You don't understand FTP and how it works. It does not use an IP address to access it."<sup>16</sup>

**311.** Furthermore, even though UltraEdit's own operating manual recites that a remote file that is opened locally is transferred to the local machine first before it can be accessed by UltraEdit, Gentry insisted: "you're looking at it [the electronic file] remotely so that I did not download it."<sup>17</sup>

**312.** Because of the "concerns about where these documents are coming from," Barnes stated: "we're asking you, as we instructed in our instructions, to show us where these documents came from."<sup>18</sup>

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<sup>13</sup> Audio Recording, time marker 07:26-07:50.

<sup>14</sup> Audio Recording, time marker 07:51-08:17.

<sup>15</sup> Audio Recording, time marker 08:32-08:43.

<sup>16</sup> Audio Recording, time marker 08:43-09:13.

<sup>17</sup> Audio Recording, time marker 08:43-09:13.

<sup>18</sup> Audio Recording, time marker 09:16-09:35.

**313.** Rather than simply demonstrating the remote access (step-by-step), which would have taken mere minutes, Gentry refused and insisted that "you can look at this file."<sup>19</sup>

**314.** Barnes reiterated his objection to how the file was presented for review.<sup>20</sup>

**315.** Han reiterated the problematic aspects of the Inspection to be "the integrity of the file itself and whether it had been doctored."<sup>21</sup>

**316.** Gentry maintained his refusal to access the file remotely (a process that was never demonstrated to the Experts before or during the Inspection) and insisted: "I displayed for you the file property showing all the metadata that shows."<sup>22</sup>

**317.** In other words, Gentry insisted that the file properties showed all of the metadata.

**318.** However, what was not shown in the metadata was "Content created" (which is a crucial piece of metadata for purposes of demonstrating correct dates associated with a file (and, thus, was requested by the Experts in both the step-by-step instructions [**Exh. A**] and identified at the beginning of the Inspection).

**319.** Han voiced his concerns and indicated a desire "to get to the bottom of exactly what that file is, where that file resides, who owns that file, and whatnot."<sup>23</sup>

**320.** Han further noted that "one of the things that the file metadata showed was that the owner of the file was 'boydg.' And the problem that I have is, if this is LVNV's file and it was created by LVNV . . . the bank should have been the original creator of, and it's residing on a server that is on LVNV's system remotely and the file is owned by LVNV, then we don't

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<sup>19</sup> Audio Recording, time marker 09:35-09:49 (emphasis supplied).

<sup>20</sup> Audio Recording, time marker 10:06-10:22.

<sup>21</sup> Audio Recording, time marker 12:17-12:41.

<sup>22</sup> Audio Recording, time marker 13:50-14:21 (emphasis supplied).

<sup>23</sup> Audio Recording, time marker 14:38-15:11.

understand why the owner of the file is listed as 'boydg' in the metadata."<sup>24</sup>

**321.** Contradicting his original position that "File Properties" showed "all the metadata," Gentry insisted that "Owner is not the metadata in the file" and, contrary to what "owner . . . boydg" in the metadata means, Gentry insisted that "when you're saying owner, that doesn't mean that I own it."<sup>25</sup>

**322.** After some disagreement between Gentry and Han, Gentry insisted that the file for the Inspection was "the file without metadata changing."<sup>26</sup>

**323.** In other words, even according to Gentry's own representations, the unchanged metadata as it resides on LVNV's system showed the owner to be "boydg."

**324.** Han also noted that "[w]e haven't been able to reconcile the discrepancy between that electronic document and the paper printout."<sup>27</sup>

**325.** Gentry appeared to acknowledge the discrepancy, namely, that unlike the electronic file that was being inspected "the paper printout has a column that gives the file name and the paper printout has a column that gives the line numbers."<sup>28</sup>

**326.** To demonstrate with certainty that the printout (submitted to the Court as being an accurate representation of the alleged electronic document) was not the same as the document that was being inspected, Barnes expressly requested Gentry to print out the document to paper.<sup>29</sup>

**327.** Gentry refused to print the electronic file, either to paper or to a PDF file.<sup>30</sup>

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<sup>24</sup> Audio Recording, time marker 14:38-15:36.

<sup>25</sup> Audio Recording, time marker 15:36-16:16.

<sup>26</sup> Audio Recording, time marker 17:01-17:45 (emphasis supplied).

<sup>27</sup> Audio Recording, time marker 18:45-18:52.

<sup>28</sup> Audio Recording, time marker 18:52-19:00.

<sup>29</sup> Audio Recording, time marker 19:38-20:41.

<sup>30</sup> Audio Recording, time marker 19:38-20:41.

**328.** Barnes requested to see the metadata again, but Gentry refused.<sup>31</sup>

**329.** To demonstrate the unreasonableness of Gentry's refusal, Han noted that "[i]t'll take three minutes and you're refusing to do it."<sup>32</sup>

**330.** To highlight once again the unreasonableness of Gentry's refusal, and the potential dispute that could be avoided if Gentry simply obliged, Han emphasized "what I don't understand is if it'll take three minutes to show Mr. Barnes again, then why are we opening up this door to a potential conflict that'll take hours, if not days, if three minutes will resolve this."<sup>33</sup>

**331.** Ultimately, Gentry's answer for not expending three minutes to avoid a lengthy future conflict was "I don't want to log into it again and go back to it. I don't."<sup>34</sup>

**332.** As a final attempt to review the actual file on LVNV's servers, Barnes requested "are you going to provide us any dates that we can go down to South Carolina and review it in person, which I asked multiple times?"<sup>35</sup>

**333.** Gentry refused.<sup>36</sup>

**334.** At the end of the Inspection, rather than expending three minutes, Gentry noted "I'm confident that we'll never get it resolved outside of a court resolving it. I'm confident."<sup>37</sup>

### ***Post-Inspection Filing by LVNV***

**335.** On 2025-February-23, Gentry (on behalf of LVNV) filed Plaintiff's Status Report Regarding Inspection of Electronic File (hereinafter, "Plaintiff's Status Report"), a copy of which

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<sup>31</sup> Audio Recording, time marker 21:15-21:31.

<sup>32</sup> Audio Recording, time marker 21:31-21:35.

<sup>33</sup> Audio Recording, time marker 21:58-22:11.

<sup>34</sup> Audio Recording, time marker 22:19-22:22.

<sup>35</sup> Audio Recording, time marker 23:32-23:40.

<sup>36</sup> Audio Recording, time marker 23:40-24:05.

<sup>37</sup> Audio Recording, time marker 24:16-24:25.

was provided to us.

**336.** It is our understanding that the audio recording of the Inspection was provided to Gentry before the filing of Plaintiff's Status Report.

**337.** Insofar as Gentry was present at the Inspection, and insofar as Gentry had a copy of the actual audio recording from the Inspection, it is our understanding that Gentry's statements to this Honorable Court in Plaintiff's Status Report were knowing and intentional.

**338.** Despite having a copy of the recording: **(a)** Gentry misrepresented to the Court that he "brought a computer to the office of Plaintiff's counsel"<sup>38</sup> when the Inspection occurred at the office of Defendant's counsel; **(b)** Gentry misrepresented to the Court that Han "requested to know the login information used by Plaintiff's counsel to access Plaintiff's computers to view the file"<sup>39</sup> when no such request was ever made (with Han specifically indicating that everyone other than Gentry would be beyond the view of Gentry's computer screen); **(c)** Gentry misrepresented to the Court that Defendant "did not want a further review of the actual contents of the 'csv' file without knowing the login information used to access Plaintiff's computer system"<sup>40</sup> when there was never a request to know Gentry's login information.

***Summary of the Inspection and Falsity of Statements During and After the Inspection***

**339.** Our observations during and after the inspection, are provided below.

**340.** First, Gentry's representation to this Court that Han "requested to know the login information used by Plaintiff's counsel to access Plaintiff's computers to view the file" is demonstrably false. The audio recording clearly demonstrates that neither Barnes nor the

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<sup>38</sup> Plaintiff's Status Report, p. 1.

<sup>39</sup> Plaintiff's Status Report, pp. 1-2.

<sup>40</sup> Plaintiff's Status Report, p. 2.

Experts requested any sensitive login information (only the public-facing IP address from which the file was allegedly being accessed). Indeed, Han clearly indicated that everyone other than Gentry would be "outside of the view of your [Gentry's] screen itself."

**341.** Second, Gentry's representation to this Court that Defendant "did not want a further review of the actual contents of the 'csv' file without knowing the login information used to access Plaintiff's computer system" is demonstrably false. The audio recording clearly demonstrates that we never requested the login information; we only requested the location from which the alleged electronic file was being accessed (namely, an IP address).

**342.** Third, Gentry's representation to the Court during the hearing on 2025-January-23 (namely, that LVNV would record by video the remote inspection and provide that video recording) was false. On the same day as the hearing, we provided a step-by-step and meticulously detailed procedure for properly demonstrating the origins of LVNV's electronic file. Rather than complying with the agreed-upon video-recording procedures (which the Court suggested that Defendant provide to LVNV), Gentry insisted on an alternative procedure (which was never approved by the Court and proved to be deficient (as noted herein)).

**343.** Fourth, Gentry's representation (prior to the Inspection) that we would be able to inspect the file "on LVNV's computer" was false. The inspected file was already pre-loaded and displayed on Gentry's computer when the Inspection began (with no evidence that Gentry's computer was connected to any network at all, no evidence that Gentry's computer had accessed the alleged electronic file remotely from LVNV's computer, and with ample evidence that the inspected file resided locally on Gentry's laptop computer).

**344.** Fifth, Gentry's representations during the Inspection that "this file is not on here" (meaning, locally on Gentry's laptop computer) was false. UltraEdit's own documentation shows

that a remotely located file can only be opened after it has been transferred by FTP to a local machine. Thus, only a locally stored file (on Gentry's device) was reviewed at the Inspection.

**345.** Sixth, Gentry stated that FTP does not use an IP address to remotely access a file. Gentry's statement about the IP address is demonstrably false. Even UltraEdit's own documentation shows that an IP address is required for remote FTP access.

**346.** Seventh, Gentry stated that "Owner" is not part of the metadata for the file. Gentry's statement about the "Owner" metadata is demonstrably false. Gentry himself states that the "File properties" are the metadata for the file. Those "File properties" include "Owner" (which is certainly metadata). Simply stated, "File properties" means the properties of the file, which includes "Owner."

**347.** Eighth, Gentry's representation that "you're looking at it [the file] remotely so that I did not download it" (with reference to the electronic file) is demonstrably false. UltraEdit's user manual expressly states that the file is transferred locally before it can be opened.

**348.** Ninth, "Owner: LOOBWG2024\boydg" cannot be reconciled with Gentry's representation that the inspected file was the original electronic file with the metadata intact being remotely viewed directly on LVNV's computer (not locally on Gentry's computer). Specifically, "boydg" appears to represent Gentry. Therefore, if the file truly existed on LVNV's computer without any modification to the "File properties," and if the Inspection truly accessed the file remotely without the file being transferred locally, then there should be an explanation of why the remotely stored file on LVNV's computer would display the "Owner" metadata as "boydg." LVNV has never provided a reasonable explanation for why "boydg" would be the "Owner" of the file as it exists on LVNV's remotely located computer.

**349.** Tenth, no reasonable explanation has been provided for why Gentry would not

simply sign out and sign in to demonstrate that the alleged file was actually being accessed remotely. The only explanations provided by Gentry were: **(a)** "the entire screen was already captured" (which never explains how that captured screen was accessed in the first place, thereby casting doubts on the origins of the file); and **(b)** "I don't want to log into it again and go back to it" (which was never originally done in the presence of Defendant's counsel or experts).

**350.** Eleventh, no reasonable explanation has been provided for why Gentry would not simply expend three (3) minutes (or less) to re-access the alleged electronic file to avoid hours (if not days) of potential disputes about the alleged electronic file.

**351.** Twelfth, even though the "Content created" metadata was identified with particularity (in both the step-by-step instructions for recording the metadata by video [**Exh. A**] and at the beginning of the Inspection), the "Content created" metadata was never shown to us during the Inspection.

**352.** Thirteenth, even though neither Sullivan nor Han represent Wiseman as attorneys (only as experts), and even though neither Sullivan nor Han have made an appearance as attorneys for Wiseman, Gentry insists on mis-designating Sullivan and Han as "Defendant's attorneys" in filings to this Court (e.g., "Defendants three attorneys (Barnes, Han, and Sullivan)" [Plaintiff's Status Report at p. 1] and "Defendant's attorneys (Barnes, Sullivan, and Han)" [*id.* at p. 2]).

### ***Concluding Remarks***

**353.** The doubts that could have been resolved by simply following the agreed-upon procedures that were suggested by the Court (namely, video recording the requested information) were never resolved because LVNV refused to comply with the agreed-upon procedures (insisting instead on a deficient alternative procedure, as noted above).

**354.** Nothing that the Experts reviewed at the Inspection demonstrated that a remote file was being reviewed directly from LVNV's remote computer.

**355.** The metadata that was shown (and filed with the Court by LVNV in Plaintiff's Status Report) show inconsistencies that have never been explained, such as "Owner" being "boydg" (even though the file was allegedly created by a bank (not Gentry), the file was allegedly owned by LVNV (not Gentry), and the file was being directly viewed on LVNV's remote computer (not locally on Gentry's laptop computer)).

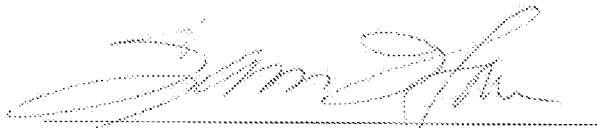
**356.** We can explain these and other possible inconsistencies more clearly in person, should we be provided an opportunity to do so.

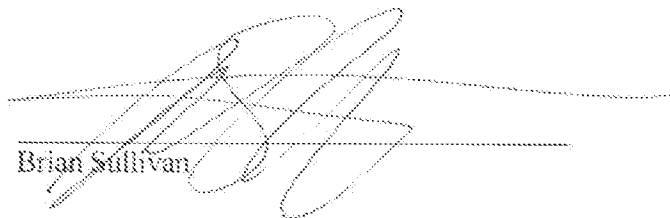
**357.** We reserve the right to supplement this Affidavit, should additional statements or documents be provided by LVNV.

**FURTHER AFFIANT SAYETH NAUGHT.**

[SIGNATURE TO FOLLOW]

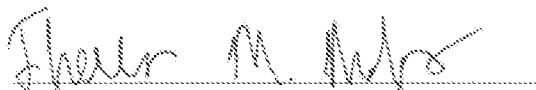
Executed on February 28, 2025 in Dayton, Ohio.

  
Sam Han

  
Brian Sullivan

STATE OF OHIO,            ||  
MONTGOMERY COUNTY    ||       SS:

Sworn to and subscribed in my presence this 28 day of February, 2025.

  
Notary Public

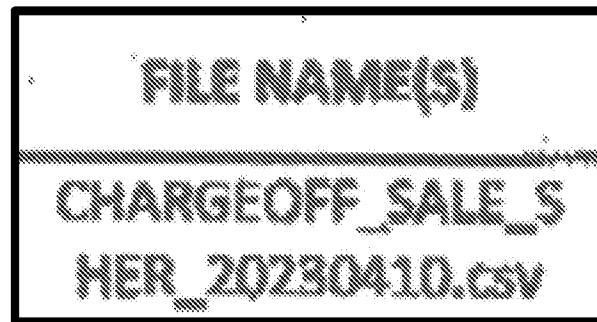


THERESE MARIE MOHR  
Notary Public  
State of Ohio  
My Comm. Expires  
December 29, 2029

## EXHIBIT A

**IMPORTANT INITIAL CONDITIONS:**

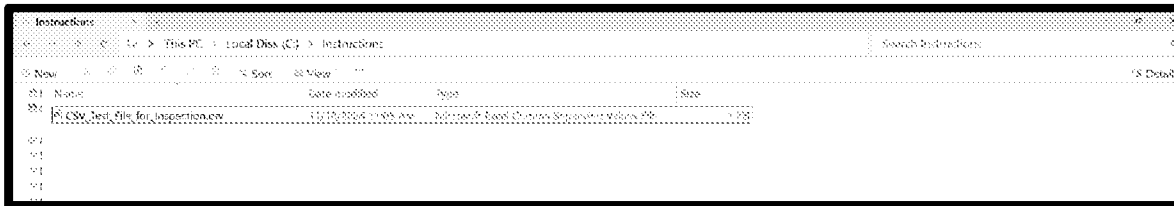
- (a) READ ALL OF THESE INSTRUCTIONS COMPLETELY BEFORE BEGINNING SO THAT THE DATA CAN BE PRESERVED CORRECTLY.
- (a) Please be sure to record by video **the entire process from beginning to end without stopping or pausing the video** so that the video demonstrates continuity in gathering the metadata.
- (b) Please be sure to record in **1080p or better** (so that fine print and smaller details are legible and clearly shown). A 1080p resolution should be readily available, as this has been the standard for many mobile devices since 2013.
- (c) Please be sure that the computer on which the file is reviewed (and for which the video is recorded) is the computer on which the following **original ".csv" file was stored with all of the metadata intact on that particular computer:**



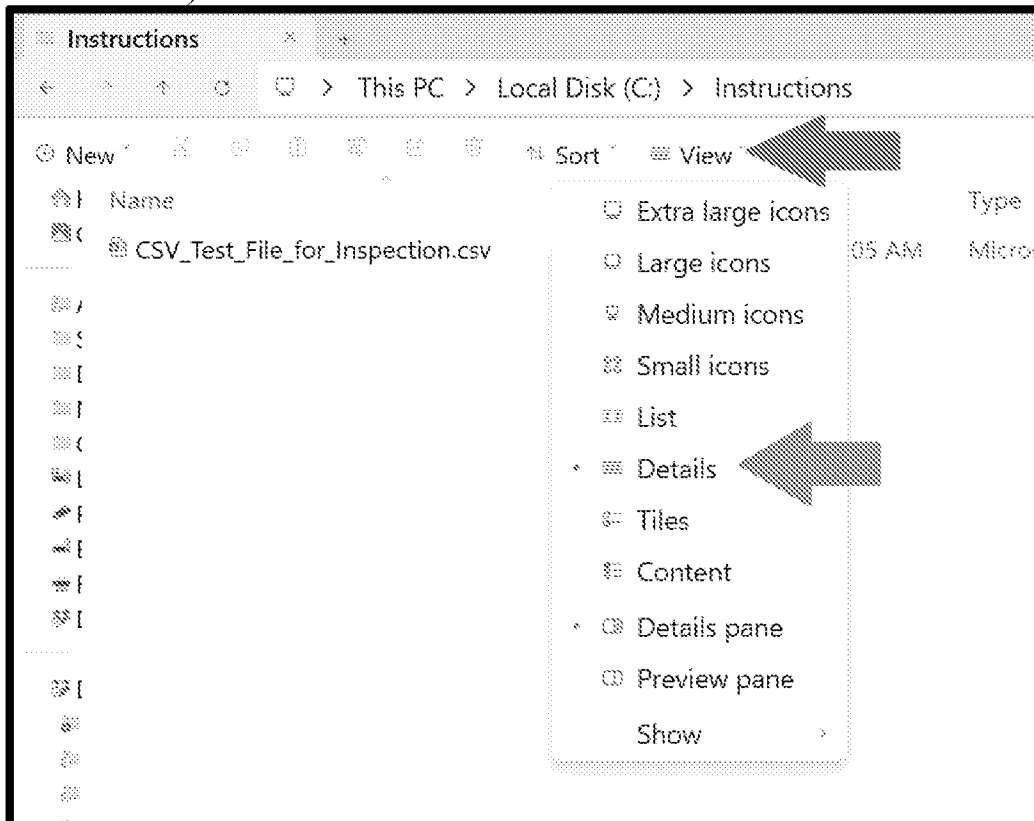
(from Bates Number LVNV68).

1. Aim video camera at computer monitor and bring to focus the entire screen.
2. Start recording video and **do not pause or stop the video until all of these instructions are completed.**
3. DO NOT PAUSE OR STOP THE VIDEO: Open the folder that has the file "CHARGEOFF\_SALE\_SHER\_20230410.csv"

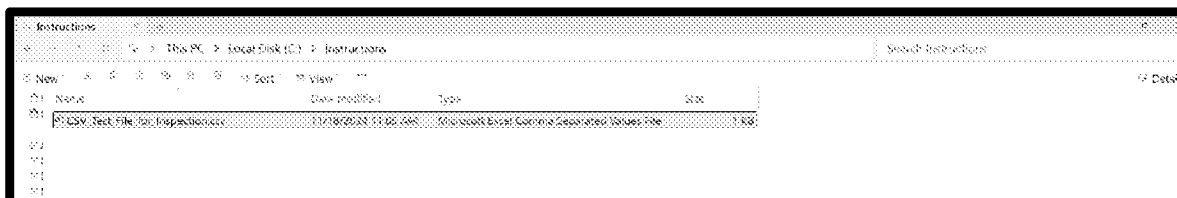
4. DO NOT PAUSE OR STOP THE VIDEO: Your folder should look similar to this on the screen:



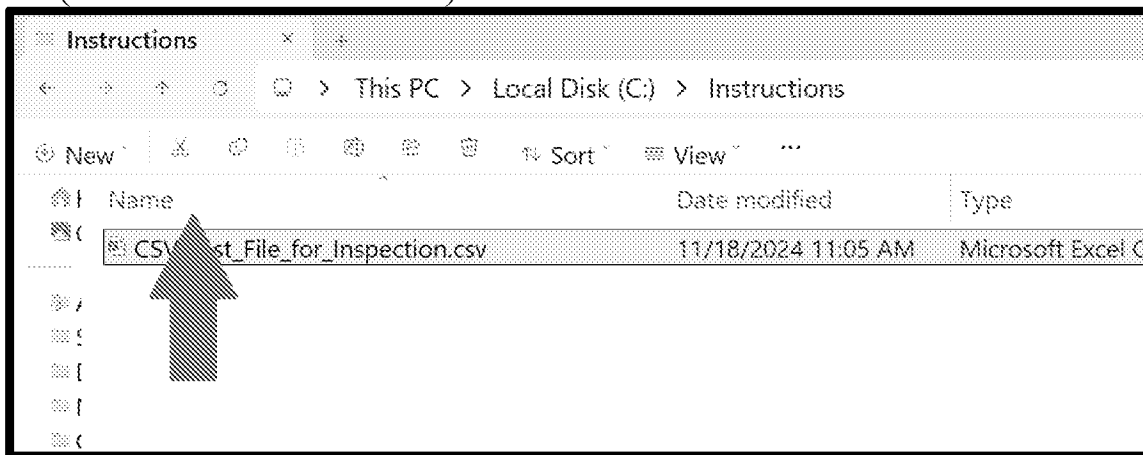
5. DO NOT PAUSE OR STOP THE VIDEO: At the top, select "View" (shown with red arrow) and select "Details" (shown with blue arrow):



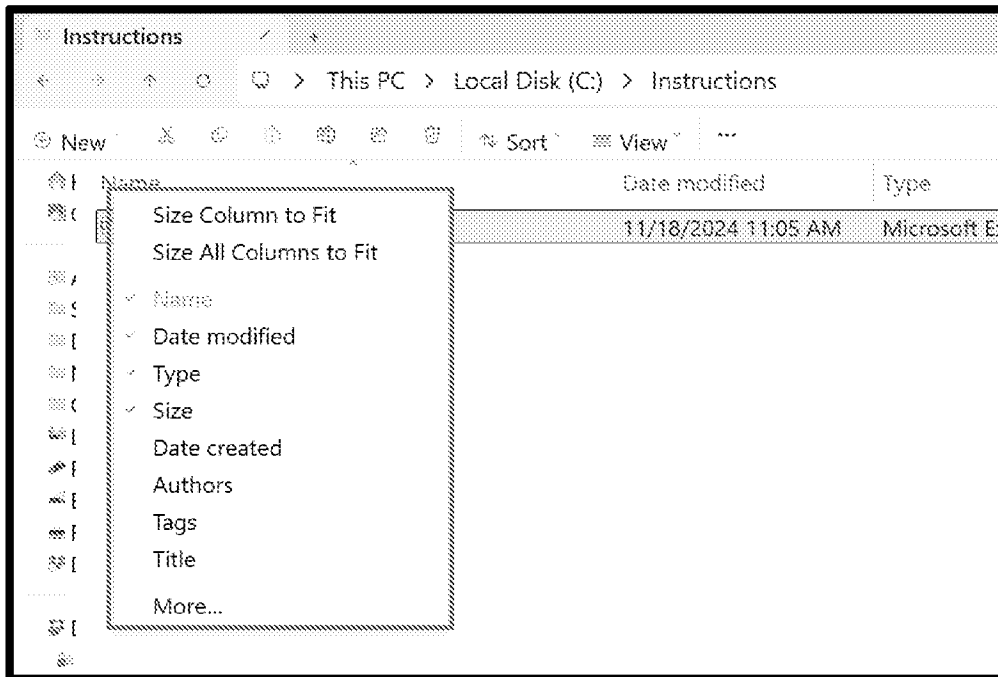
6. DO NOT PAUSE OR STOP THE VIDEO: Your screen should look like this:



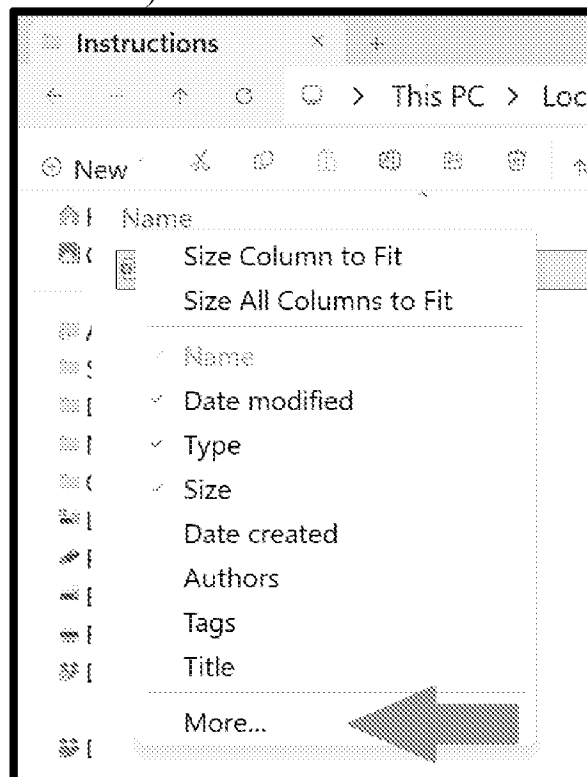
7. DO NOT PAUSE OR STOP THE VIDEO: If "Date modified" is completely and legibly shown (including date and time), then zoom in with the camera so that the "Date modified" is shown clearly and legibly on the video.
8. DO NOT PAUSE OR STOP THE VIDEO: If "Date modified" is only partially shown, then expand the "Date modified" field so that both date and time are shown completely and clearly.
9. DO NOT PAUSE OR STOP THE VIDEO: Zoom in with the camera so that the "Date modified" appears clearly and legibly on the video.
10. DO NOT PAUSE OR STOP THE VIDEO: Right click on "Name" (shown with red arrow):



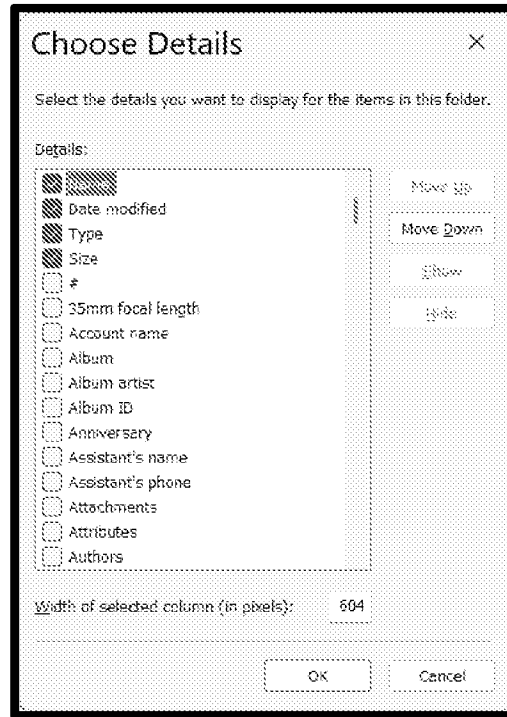
11. DO NOT PAUSE OR STOP THE VIDEO: After right-clicking "Name," the screen should show a selection menu that looks like what is shown in the red box:



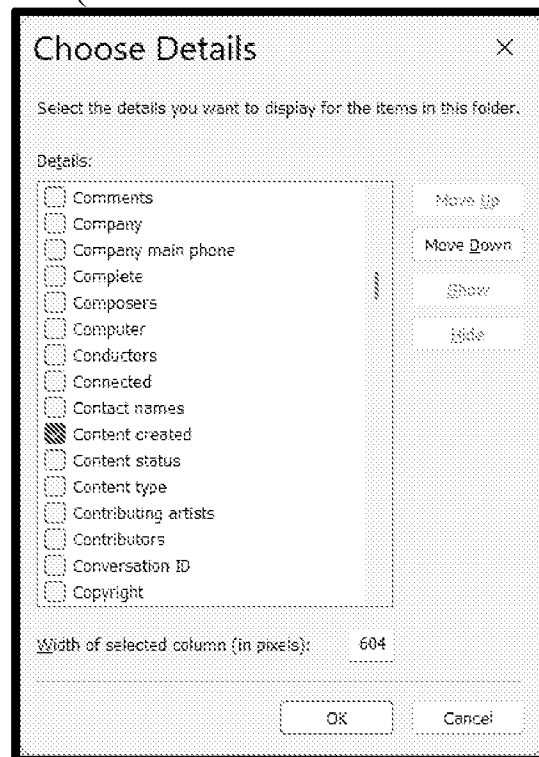
12. DO NOT PAUSE OR STOP THE VIDEO: Select "More..." (shown in blue arrow):



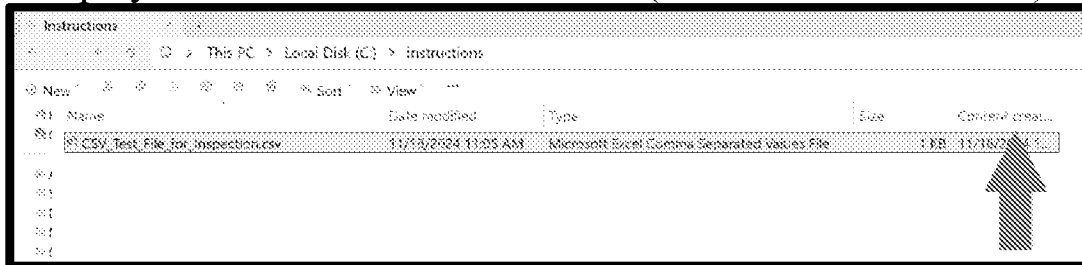
13. DO NOT PAUSE OR STOP THE VIDEO: Selecting "More..." should bring up a menu that looks like this:



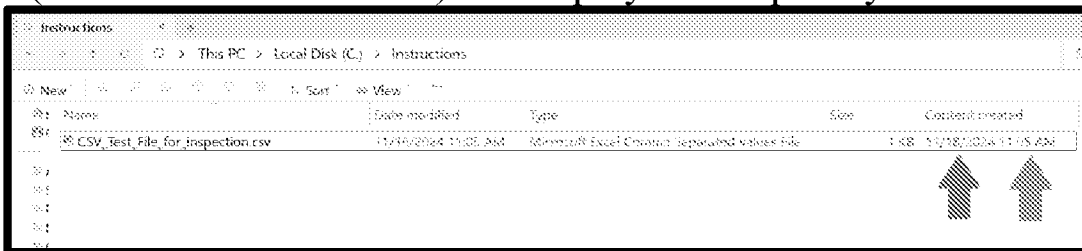
14. DO NOT PAUSE OR STOP THE VIDEO: Scroll down the list to "Content created" (shown here with box checked):



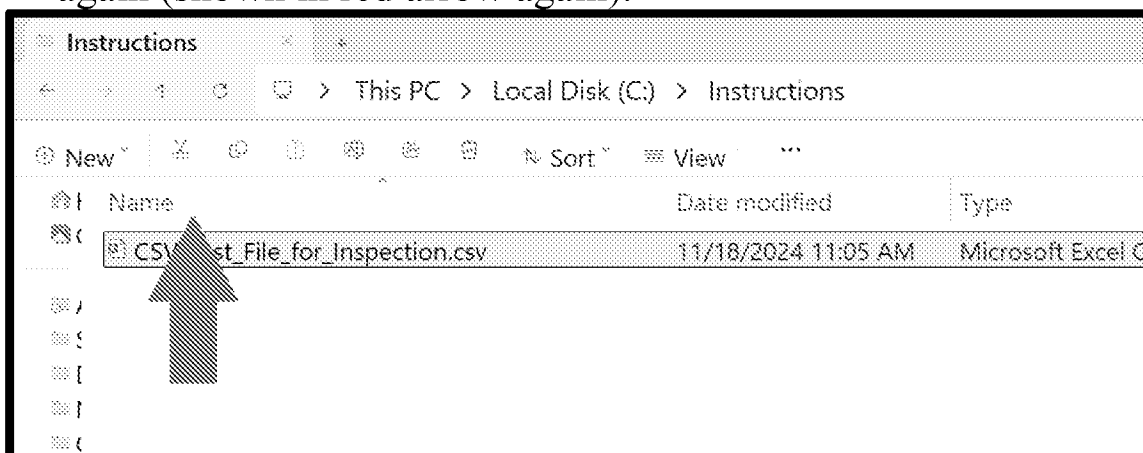
15. DO NOT PAUSE OR STOP THE VIDEO: Select "Content created" (so that the box is checked as shown above) and then select the "OK" button.
16. DO NOT PAUSE OR STOP THE VIDEO: The screen should then display a "Content created" column (shown with red arrow):



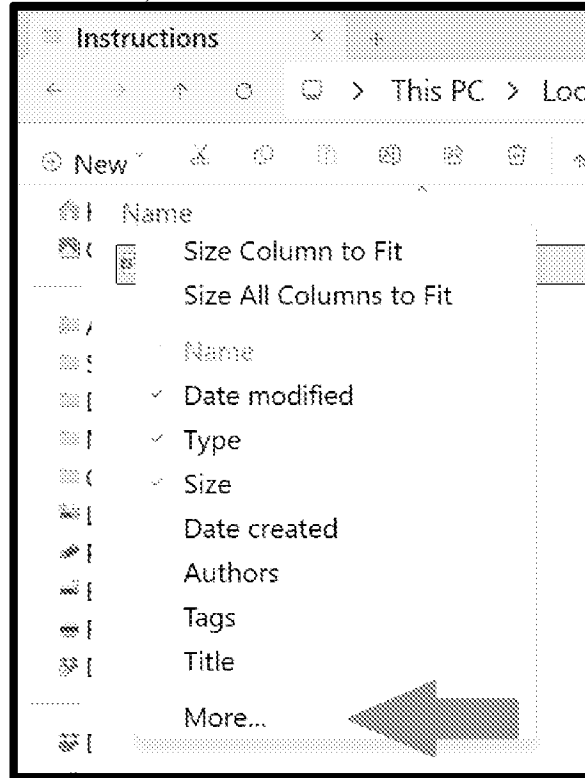
17. DO NOT PAUSE OR STOP THE VIDEO: Expand the "Content created" column so that both date (shown with red arrow) and time (shown with blue arrow) are displayed completely:



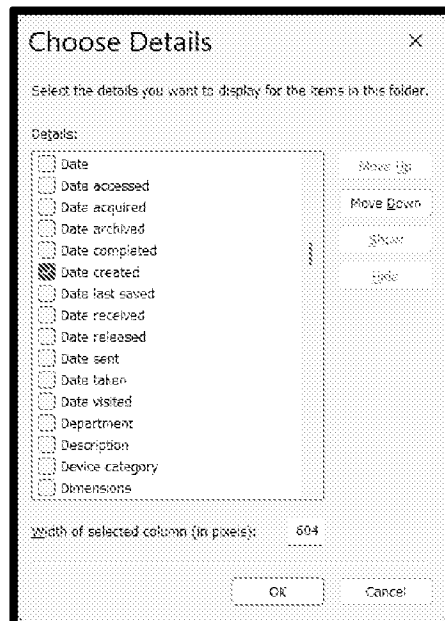
18. DO NOT PAUSE OR STOP THE VIDEO: Zoom in with the camera so that the date and time for "Content created" are clearly shown and recorded on video.
19. DO NOT PAUSE OR STOP THE VIDEO: Right click on "Name" again (shown in red arrow again):



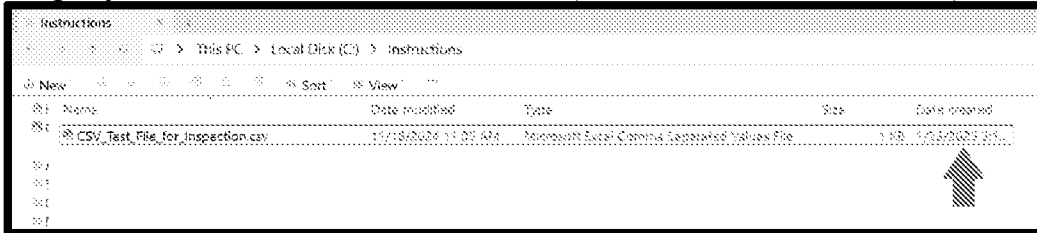
20. DO NOT PAUSE OR STOP THE VIDEO: After right-clicking "Name," un-check the "Content created" box.
21. DO NOT PAUSE OR STOP THE VIDEO: Select "More..." (shown in blue arrow):



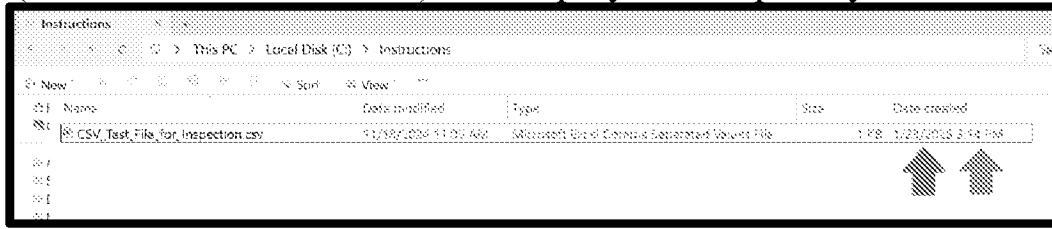
22. DO NOT PAUSE OR STOP THE VIDEO: Scroll down the list to "Date created" (shown here with the box checked):



23. DO NOT PAUSE OR STOP THE VIDEO: Select "Date created" (so that the box is checked as shown here) and then select the "OK" button.
24. DO NOT PAUSE OR STOP THE VIDEO: The screen should then display a "Date created" column (shown with red arrow):



25. DO NOT PAUSE OR STOP THE VIDEO: Expand the "Date created" column so that both date (shown with red arrow) and time (shown with blue arrow) are displayed completely:



26. DO NOT PAUSE OR STOP THE VIDEO: Zoom in with the camera so that the "Date created" appears clearly and legibly on the video.
27. DO NOT PAUSE OR STOP THE VIDEO: Open the file "CHARGEOFF\_SALE\_SHER\_20230410.csv" using the program that LVNV uses during its normal and ordinary course of business.
28. DO NOT PAUSE OR STOP THE VIDEO: Print the file "CHARGEOFF\_SALE\_SHER\_20230410.csv" so that the printout looks exactly like LVNV50 through LVNV64, showing **on video** all of the steps from the opened file to the paper printout without stopping or pausing the video.
29. DO NOT PAUSE OR STOP THE VIDEO: Show **on video** the paper printout that corresponds to LVNV50 through LVNV64.
30. DO NOT PAUSE OR STOP THE VIDEO: Close the file "CHARGEOFF\_SALE\_SHER\_20230410.csv"

31. DO NOT PAUSE OR STOP THE VIDEO: Save "CHARGEOFF\_SALE\_SHER\_20230410.csv" to a **read-only** memory (ROM) medium (e.g., DVD-R) so that all of the metadata shown in the video is preserved on that ROM medium. TO BE CLEAR, DO **NOT** WRITE TO A **READ-WRITE** (RW) MEDIUM.
32. STOP THE VIDEO RECORDING.
33. Save the video recording (preserving the recording date).
34. Send **both** the ROM medium and the video recording to LVNV's counsel for production or inspection by Defendant's counsel and Defendant's experts.
35. Send the paper printout to LVNV's counsel (exactly as it printed from the program that LVNV used in the video recording).

NOTE: This entire process (not including printing) should take less than an hour. Defendant's experts have stepped through this process using a test file and were able to complete the inspection of "Date modified," "Content created," and "Date created" in less than five (5) minutes.

0H202 - 081

 Outlook

EXHIBIT B

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**RE: LVNV v. Wiseman-inspection of file**

---

**From** Boyd Gentry <bgency@boydgentrylaw.com>**Date** Wed 2/19/2025 9:15 PM**To** Barnes Law <barnes@abarneslaw.com>; Courtney Cornelius <courtney@abarneslaw.com>; ohio@stengerlaw.com <ohio@stengerlaw.com>

Mr. Barnes – I think you misunderstand the method by which we will connect to the file. We will not be using Microsoft Windows remote desktop. We will instead make a direct connection to the file so that we can open the file without moving it. You will see that the file still has the original metadata.

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Dayton, OH 45431  
Tel. 937.839.2881  
Fax 937.806.4089  
Mobile 937.974.5527  
[bgency@boydgentrylaw.com](mailto:bgency@boydgentrylaw.com)

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**From:** Barnes Law <barnes@abarneslaw.com>**Sent:** Wednesday, February 19, 2025 5:40 PM**To:** Boyd Gentry <bgency@boydgentrylaw.com>; Courtney Cornelius <courtney@abarneslaw.com>; ohio@stengerlaw.com; fdcpaohio@gmail.com**Subject:** Re: LVNV v. Wiseman-inspection of file

Boyd,

In preparation for our inspection tomorrow, please be prepared and capable to complete all steps as previously outlined in our instructions that were sent on January 23, 2025.

*Andrew R Barnes, Esq.*

0H202 - 082

***\*Licensed to practice in Ohio, and registered Patent Attorney***



BARNES LAW

A BARNES LAW

90 Rhoads Center Dr

Centerville, Ohio 45458

513.494.6616 Cell

---

**From:** Barnes Law <barnes@abarneslaw.com>

**Sent:** Wednesday, February 19, 2025 12:51 PM

**To:** Boyd Gentry <bgentrv@boydgentrylaw.com>; Courtney Cornelius <courtnev@abarneslaw.com>;  
ohio@stengerlaw.com <ohio@stengerlaw.com>; fdcpaohio@gmail.com <fdcpaohio@gmail.com>

**Subject:** Re: LVNV v. Wiseman-inspection of file

Boyd,

Thursday, 2/20/25 at 2:15pm works. Please ensure you are familiar with remote access and how to utilize remote access, prior to our inspection.

Below is a link to Microsoft's' Remote access "guide"

<https://support.microsoft.com/en-us/windows/solve-pc-problems-remotely-with-remote-assistance-cf384ff4-6269-d86e-bcfe-92d72ed55922>

*Andrew R Barnes, Esq.*

***\*Licensed to practice in Ohio, and registered Patent Attorney***



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Centerville, Ohio 45458

513.494.6616 Cell

---

**From:** Boyd Gentry <[bgentry@boydgentrylaw.com](mailto:bgentry@boydgentrylaw.com)>  
**Sent:** Wednesday, February 19, 2025 7:17 AM  
**To:** Barnes Law <[barnes@abarneslaw.com](mailto:barnes@abarneslaw.com)>; Courtney Cornelius <[courtney@abarneslaw.com](mailto:courtney@abarneslaw.com)>;  
[ohio@stengerlaw.com](mailto:ohio@stengerlaw.com) <[ohio@stengerlaw.com](mailto:ohio@stengerlaw.com)>  
**Subject:** Re: LVNV v. Wiseman-inspection of file

Andrew - I can come to your office tomorrow (Thursday) between noon and 3pm, and Friday between noon and 2pm.

Boyd W. Gentry  
Law Office of Boyd W. Gentry LLC  
4031 Colonel Glenn Highway  
First Floor  
Dayton, Ohio 45431  
Tel. 937.839.2881  
Mobile 937.974.5527

---

**From:** Barnes Law <[barnes@abarneslaw.com](mailto:barnes@abarneslaw.com)>  
**Sent:** Tuesday, February 18, 2025 2:21:24 PM  
**To:** Boyd Gentry <[bgentry@boydgentrylaw.com](mailto:bgentry@boydgentrylaw.com)>; Courtney Cornelius <[courtney@abarneslaw.com](mailto:courtney@abarneslaw.com)>;  
[ohio@stengerlaw.com](mailto:ohio@stengerlaw.com) <[ohio@stengerlaw.com](mailto:ohio@stengerlaw.com)>  
**Subject:** Re: LVNV v. Wiseman-inspection of file

Boyd,

Please provide all of your available dates and times this week and I will coordinate with our experts.

What availability do you have for tomorrow and overmorrow?

*Andrew R Barnes, Esq.*

***\*Licensed to practice in Ohio, and registered Patent Attorney***

0H202



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---

**From:** Boyd Gentry <[bgentry@boydgentrylaw.com](mailto:bgentry@boydgentrylaw.com)>

**Sent:** Tuesday, February 18, 2025 11:21 AM

**To:** Barnes Law <[barnes@abarneslaw.com](mailto:barnes@abarneslaw.com)>; Courtney Cornelius <[courtney@abarneslaw.com](mailto:courtney@abarneslaw.com)>;  
[ohio@stengerlaw.com](mailto:ohio@stengerlaw.com) <[ohio@stengerlaw.com](mailto:ohio@stengerlaw.com)>

**Subject:** RE: LVNV v. Wiseman-inspection of file

Andrew – As I wrote earlier, you will be able to inspect the electronic file, in its original form, on LVNV's computer via remote access to that file. We will use my notebook computer to gain access and you will be able to see the metadata and the account data.

However, Friday afternoon is not available for me as I already have another commitment at that time. Do you have time earlier this week?

Boyd W. Gentry

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Mobile 937.974.5527

[bgentry@boydgentrylaw.com](mailto:bgentry@boydgentrylaw.com)

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**From:** Barnes Law <[barnes@abarneslaw.com](mailto:barnes@abarneslaw.com)>

**Sent:** Tuesday, February 18, 2025 10:26 AM

0H202 - O85

To: Boyd Gentry <[bgentry@boydgentrylaw.com](mailto:bgentry@boydgentrylaw.com)>; Courtney Cornelius <[courtney@abarneslaw.com](mailto:courtney@abarneslaw.com)>;  
[ohio@stengerlaw.com](mailto:ohio@stengerlaw.com)

Subject: Re: LVNV v. Wiseman-inspection of file

Mr. Gentry,

Your proposed review does not satisfy the agreement reached by both parties on January 23, 2025.

Additionally, you have failed to confirm the parameters of the inspection as requested. Specifically, you have not clarified whether the review will take place through true remote desktop access to LVNV's server, allowing direct examination of the original file in its native environment.

Nevertheless, the Defendant will proceed with a document review without waiving any objections or rights related to LVNV's ongoing failure to provide the required video or to confirm the necessary inspection conditions.

This review will take place on **Friday, February 21, 2025, at 2:30 PM in person at 90 Rhoads Center Dr, Centerville, Ohio 45458.**

Furthermore, LVNV has failed to provide any available dates for an in-person inspection of the data on LVNV's servers in South Carolina, as previously requested. Please provide a list of available dates immediately so that this inspection can be coordinated with our experts and scheduled.

*Andrew R Barnes, Esq.*

***\*Licensed to practice in Ohio, and registered Patent Attorney***



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---

0H202 - O86

**From:** Boyd Gentry <[bgentry@boydgentrylaw.com](mailto:bgentry@boydgentrylaw.com)>

**Sent:** Monday, February 17, 2025 7:06 PM

**To:** Barnes Law <[barnes@abarneslaw.com](mailto:barnes@abarneslaw.com)>; Courtney Cornelius <[courtney@abarneslaw.com](mailto:courtney@abarneslaw.com)>;  
[ohio@stengerlaw.com](mailto:ohio@stengerlaw.com) <[ohio@stengerlaw.com](mailto:ohio@stengerlaw.com)>

**Subject:** Re: LVNV v. Wiseman-inspection of file

Andrew - As I stated earlier, we can review and inspect the file as it currently exists, in its original form, on LVNV's computer. It has the original metadata intact because we are not moving it to a new drive as you had suggested. We can conduct the review at your office, using my computer, or we can conduct the review remotely via Zoom.

Boyd W. Gentry

Law Office of Boyd W. Gentry LLC

4031 Colonel Glenn Highway

First Floor

Dayton, Ohio 45431

Tel. 937.839.2881

Mobile 937.974.5527

---

**From:** Barnes Law <[barnes@abarneslaw.com](mailto:barnes@abarneslaw.com)>

**Sent:** Monday, February 17, 2025 6:29:37 PM

**To:** Boyd Gentry <[bgentry@boydgentrylaw.com](mailto:bgentry@boydgentrylaw.com)>; Courtney Cornelius <[courtney@abarneslaw.com](mailto:courtney@abarneslaw.com)>;  
[fdcpaohio@gmail.com](mailto:fdcpaohio@gmail.com) <[fdcpaohio@gmail.com](mailto:fdcpaohio@gmail.com)>; [ohio@stengerlaw.com](mailto:ohio@stengerlaw.com) <[ohio@stengerlaw.com](mailto:ohio@stengerlaw.com)>

**Subject:** Re: LVNV v. Wiseman-inspection of file

Mr. Gentry,

To clarify, is LVNV offering remote inspection on an LVNV-owned computer (e.g., a server) to inspect the original CSV file as it exists on LVNV's servers? Is LVNV offering inspection of the original CSV file, along with its metadata intact and unaltered in its natural state as described in LVNV76, "Receivable File dated April 10, 2023," transferred on "April 14, 2023" ("Transfer")?

For further clarification, please confirm whether the remote access being offered is through a full-access remote connection program or a limited Zoom screen-share session.

Please clarify whether the inspection allows Defendant's experts remote direct access to LVNV's server where the file is stored, enabling a thorough review of the CSV file's metadata in its native environment.

Additionally, please confirm that the inspection will be of an LVNV-owned device, allowing for the review and inspection of the CSV file exactly as it existed on the date and time of its transfer to LVNV, on a LVNV server. This is essential to ensure that the original metadata is intact and unaltered.

Alternatively, a video that complies with the specific instructions provided on January 23, 2025, would be acceptable.

Lastly, please provide several available dates for an in-person inspection of the data on LVNV's servers in South Carolina.

0H202 - 087

*Andrew R Barnes, Esq.*

***\*Licensed to practice in Ohio, and registered Patent Attorney***



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---

**From:** Boyd Gentry <[bgentry@boydgentrylaw.com](mailto:bgentry@boydgentrylaw.com)>

**Sent:** Monday, February 17, 2025 4:49 PM

**To:** Barnes Law <[barnes@abarneslaw.com](mailto:barnes@abarneslaw.com)>; Courtney Cornelius <[courtney@abarneslaw.com](mailto:courtney@abarneslaw.com)>;  
[fdcpaohio@gmail.com](mailto:fdcpaohio@gmail.com) <[fdcpaohio@gmail.com](mailto:fdcpaohio@gmail.com)>; [ohio@stengerlaw.com](mailto:ohio@stengerlaw.com) <[ohio@stengerlaw.com](mailto:ohio@stengerlaw.com)>

**Subject:** Re: LVNV v. Wiseman-inspection of file

Mr. Barnes,

Your requested method of moving the file to another drive does not preserve the metadata. It appears that attorneys Han and Sullivan do not know how meta data works when moving a file. I am not sure that you understand that we are offering for you to inspect the csv as it exists on my client's computer. You will be able to view the file as it exists on my client's computer, so there is no video to show someone copying it from my client's computer.

If you want to conduct the inspection of the file as It exists in my client's computer, please provide your dates and times.

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---

**From:** Barnes Law <[barnes@abarneslaw.com](mailto:barnes@abarneslaw.com)>

**Sent:** Monday, February 17, 2025 4:15:40 PM

**To:** Boyd Gentry <[bgentry@boydgentrylaw.com](mailto:bgentry@boydgentrylaw.com)>; Courtney Cornelius <[courtney@abarneslaw.com](mailto:courtney@abarneslaw.com)>;

0H202 - O88

[fdcpaohio@gmail.com](mailto:fdcpaohio@gmail.com) <[fdcpaohio@gmail.com](mailto:fdcpaohio@gmail.com)>; [fdcpaohio@gmail.com](mailto:fdcpaohio@gmail.com) <[fdcpaohio@gmail.com](mailto:fdcpaohio@gmail.com)>;  
[ohio@stengerlaw.com](mailto:ohio@stengerlaw.com) <[ohio@stengerlaw.com](mailto:ohio@stengerlaw.com)>

**Subject:** Re: LVNV v. Wiseman-inspection of file

Boyd,

Your email states "I can show you the csv file as I offered last month." This is not in alignment with the agreement reached by the parties during the January 23, 2025 conference with the Court.

During the January 23, 2025, you directly offered that your client "LVNV" could provide a video to verify the veracity of the CSV file. Both parties agreed that a video would be provided. The Court stated that the Defendant would provide LVNV with instruction of what would need to be on the video of the file. The Court instructed LVNV to have the video provided to the Defendants on January 17, 2024. Both parties agreed before the Court.

Pursuant to this agreement, and in reliance on LVNV's promise, the Defendant's Experts provided detailed forensic video instructions, outlining the steps required to verify the authenticity and metadata of the file. These instructions were transmitted to you on January 23, 2025, to your designated email address, [bgentry@boydgentrylaw.com](mailto:bgentry@boydgentrylaw.com).

On February 10, 2025, and February 13, 2025, I requested confirmation of scheduling for the video production on February 17, 2025. As of February 17, 2025—the deadline set by the Court—no video or proper forensic documentation has been produced.

Despite follow-ups on February 10, 2025, and February 13, 2025, requesting confirmation of compliance and scheduling for the video production, no response was received, nor was any compliant video provided as agreed.

You are now offering the same CSV file that was initially presented on January 3, 2025. If this is indeed the same file, then the concerns remain unresolved. The issues previously raised with the Court such as metadata inconsistencies and failure to adhere to proper forensic preservation standards remain.

Please confirm immediately whether LVNV intends to comply with the January 23, 2025 agreement and provide the forensic video and documentation, as specified in the provided instructions.

If LVNV intends to produce the same file as before, please state explicitly whether this is the same file from January 3, 2025. If it is not the same file, please explain what has changed.

*Andrew R Barnes, Esq.*

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0H202 - 089  
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**From:** Boyd Gentry <[bgentry@boydgentrylaw.com](mailto:bgentry@boydgentrylaw.com)>

**Sent:** Monday, February 17, 2025 2:38 PM

**To:** Barnes Law <[barnes@abarneslaw.com](mailto:barnes@abarneslaw.com)>

**Subject:** RE: LVNV v. Wiseman-inspection of file

Andrew – In an effort to demonstrate that my client has nothing to hide, and there was no change to Mr. Wiseman’s account information, I can show you the csv file as I offered last month. As stated before, I can bring it to your office, or you could view the file and its “metadata” properties remotely. **If today is not available for you, please give me a few dates and times on which you would like to inspect/view the file and let me know the method (in-person at your office or remote via Zoom).** As you know, a “csv” file is just a text file with commas separating the data. That is precisely what you and the other attorneys (Han and Sullivan) inspected at my office last year – the text file with commas separating the data. The file extension “txt” did not change any data in the file.

You will see, once again, that none of the account data (balance, debtor name, account number, etc.) was changed. LVNV did not “fabricate” the account evidence and somehow magically guess the account data (balance, debtor name, account number, etc.). Mr. Wiseman confirmed all of the account information in his deposition, and he does not dispute that he took out the loan and did not make his payments. I look forward to your reply.

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0H202 – 090

**From:** Boyd Gentry  
**Sent:** Friday, January 3, 2025 1:00 PM  
**To:** Barnes Law <[barnes@abarneslaw.com](mailto:barnes@abarneslaw.com)>  
**Subject:** RE: LVNV v. Wiseman

Andrew – If you want to inspect the “csv” saved file, I can bring it to your office. **Please give me a few dates and times on which you would like me to do that.** As you know, a “csv” file is just a text file with commas separating the data. That is precisely what you and the other attorneys (Han and Sullivan) inspected at my office last month – the text file with commas separating the data. The file extension “txt” did not change any data in the file. Nonetheless, to demonstrate that it is the same data whether it is a “csv” file or a “txt” file, I can bring the “csv” file to you for your inspection and review.

You will see, once again, that none of the account data (balance, debtor name, account number, etc.) was changed. LVNV did not “fabricate” the account evidence and somehow magically guess the account data (balance, debtor name, account number, etc.). Mr. Wiseman confirmed all of the account information in his deposition, and he does not dispute that he took out the loan and did not make his payments. I look forward to your reply.

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**From:** Barnes Law <[barnes@abarneslaw.com](mailto:barnes@abarneslaw.com)>  
**Sent:** Thursday, January 2, 2025 5:12 PM  
**To:** Boyd Gentry <[bgentry@boydgentrylaw.com](mailto:bgentry@boydgentrylaw.com)>; [fdcaohio@gmail.com](mailto:fdcaohio@gmail.com); Courtney Cornelius <[courtney@abarneslaw.com](mailto:courtney@abarneslaw.com)>  
**Subject:** Re: LVNV v. Wiseman \_ MFE

Boyd,

Just seeing this now.

Please not my response:

Boyd,

0H202 - 091

The Defendant does not oppose your request for an extension. However, we note the following:

1. Plaintiff has had notice of Defendant's Motion for Sanctions since **December 18, 2024**, which has allowed ample time to prepare a response.
2. The Court's original Discovery Order was issued on **December 2, 2024**, and Plaintiff has been aware of its requirements since that date.
3. During the conference held on **December 11, 2024**, the Magistrate explicitly advised Plaintiff that if the Discovery Order was not satisfied by its terms, Defendant should inform the Court through a Motion for Sanctions. The Plaintiff had clear directives. Despite this clear directive, compliance remains unresolved.
4. Additionally, I have received communications on other matters from you on **December 30, 2024** ( which included a lengthy Motion) and on **December 31, 2024**, indicating your active engagement during the holiday period.

*Andrew R Barnes, Esq.*

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**From:** Boyd Gentry <[bgentry@boydgentrylaw.com](mailto:bgentry@boydgentrylaw.com)>

**Sent:** Thursday, January 2, 2025 4:47 PM

**To:** Barnes Law <[barnes@abarneslaw.com](mailto:barnes@abarneslaw.com)>

**Subject:** RE: LVNV v. Wiseman \_ MFE

Andrew – Please see attached. I did not receive a response to my email or my voicemail requesting an extension, so I filed a motion indicating as much. I hope you are OK since I have not heard from you on my last few emails.

Boyd W. Gentry

## Voice 250220\_142201 - Copy.mp3

- 00:00 Han: We started recording, the time right now is, I don't know what the time is.
- 00:03 Sullivan: 02:22. On Thursday.
- 00:04 Han: February 20th. Thursday, February 20th. In the room with us is Mr. Andrew Barnes who represents Mr. Wiseman, Mr. Boyd Gentry that's representing LVNV, Mr. Brian Sullivan and Sam Han, who are the experts for the electronic file that we're about to inspect. And I believe that this inspection is being done at the consent of all parties unless I'm mistaken. At any point I'm also going to say that if as we go through this there is something that we say or I say or Mr. Sullivan says that Mr. Gentry that you think is mischaracterizing of what we're actually doing then we welcome you to jump in and correct the record so that we have everything that's accurately reflected in the audio recording if that's okay with you.
- 00:52 BG: Sure. I understand we've got an audio recording going on. What device is recording it?
- 00:56 Sullivan: This one.
- 00:57 BG: A phone?
- 00:58 Sullivan: Yeah.
- 00:58 BG: Whose phone, is it?
- 00:59 Sullivan: Mine. Well, Mr. Sullivan's.
- 00:59 BG: Thank you. Mr. Sullivan's phone is recording this, making an audio file, I consented to the recording. This is Boyd Gentry. To clarify, my client LVNV Funding LLC does not consent to this inspection. We were directed by the magistrate judge as an attempt to resolve what she viewed as a discovery dispute to allow an inspection of an electronic file and that's what we are doing. So, it's not by consent, it's by the direction of the magistrate judge and we're honoring the request of the magistrate judge that we allow this inspection. And I will not attempt to correct every incorrect thing that you say, Mr. Han, or anyone else says and so my silence should not be viewed as acquiescence. So, you can say whatever you want to say in this recording, Mr. Han. That's fine. I understand you're an attorney and You know that attorneys have rules of ethics. So, I trust that you'll behave in accordance with the rules of ethics. I don't normally record other attorneys that I talk with, but I understand you're trying to make a recording today, the audio of this, just to make it easier so you can have something to refer back to. To make notes from later, right?
- 2:16 Han: That's correct.
- 2:17 BG: And you're not trying to use this recording to say this is admissible evidence of what

a file contained or didn't contain, right?

2:23 Han: We hope not to get into any of the contents of the file itself, but we're going to record, preserve on the record the metadata information that we get. So, for example, the created-on date was this, the modified date was this, the content created date was this, so that we have the information of what the metadata would say, because I believe that we're not going to be able to get any screen captures on your computer of the metadata that we inspect itself. Is that correct? We weren't sure as to what the procedure was going to be today. We thought we were going to actually go through the procedure that we had sent to you.

3:00 BG: Right, you had proposed a procedure that somebody did that was, I think, unnecessary.

BG: So, we've got a much simpler way of just opening the file from the computer that it sits on. And so that's all we're going to do today, is we're going to look at it and you can see whatever is revealed from looking at that, because I think that's what the magistrate judge wanted us to do, is to allow that file to be inspected.

3:26 AB: And just for the record, I'd like to make a statement that we met on January 23rd with the magistrate, and we agreed all by parties that there would be a video of the recording. The parties have been, since Mr. Gentry has made adjustments to that, we have not waived any of our arguments on that. We have just consented to see what he has provided. And so any other arguments on that is an off topic and off subject

3:54 BG: Yeah, I don't want to argue I just want to do what the magistrate asked us to do. So here we are. What I can show you on the screen here is the

4:04 Sullivan: Metadata

4:04 BG: The file as it exists. This is not on this PC that is here. I've got my Windows PC with me, but this file is not on here. But the screen views it. If you want to see the metadata, I'll click on File Properties, and it shows what it shows. It shows a date created of April 10th, 2023, at 1:40 and 10 seconds PM. The date modified; the date accessed are all identical to the date created. April 10th, 2023, 1:40 PM, 10 seconds PM. You can see the name of the file, charge off underscore sale underscore sure underscore 2023- 0410. csv. I think that's the file you're looking for, right?

4:54 AB: How did you access that, Boyd?

4:57 BG: Through a secure connection to my client's computer.

5:00 Sullivan: What protocol?

5:01 BG: It would be SFTP.

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5:04 Sullivan: Okay.

5:08 BG: So, what you're looking at right now is that file and the file properties that display from that file. That is the file you were looking for, right? That's the file name you're looking for.

Before we go any further, that's the file name, right, I mean, yeah,

5:29 Han: Yeah, hold on a second.

5:38 Han: All right, so when you say that you're remote accessing, this is Sam Han speaking, by the way, and so, Mr. Gentry, when you say that you're accessing this file for secure FTP to get to the file itself,

6:00 Han: Which program have you used to get to this file properties window that you're looking at right now? I'm wondering if you could just shut down everything and then step-by-step walk us through as to what we're seeing and where we're looking.

6:14 BG: Sure, the Windows program is called UltraEdit. It's an easy program that allows remote secure access to a file on another computer and allows you to view it if it's in a format that it can view, and it can view this file. It's a text, comma, separated value file, as you know, and it does allow you to view that. You can see the date created, the date modified, the date accessed. You can see how many characters are in it, the size of it, all the metadata about it, and the actual text of it is on the screen behind what you asked to see as the file properties.

6:53 BG: And so, we can go through Mr. Wiseman's line, character by character, as I know you'd like to do, and you'll see that it's the same characters.

7:05 Han: Yeah, I think you've jumped one step ahead of us, though, if you wouldn't mind doing us a favor and closing off the windows that are currently on the computer so that we can actually see the step-by-step access to how you got to where you were.

7:17 BG: No, I'm not going to do that in front of you because that requires me to enter the information to access my client's system. And I'm not going to show you that.

7:26 Han: How about we get to the point where you have to access by entering the client information, and then we will not look at that portion.

7:33 BG: No. No, I'm not going to go through it again

7:35 Han: because the reason...

7:37 BG: because if you have to step out while I enter the information to log into my client's computer, and then I say, come back in the room, then why would I do that?

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7:50 Han: We wouldn't step out of the room. We'd just be outside of the view of your screen itself.

BG: Right. Why do that?

Han: Because right now you've opened up an FTP connection, a file transfer protocol connection, to a server somewhere that has a file. We just don't know where that server connection went to. You're telling us that it's in South Carolina on your client's computer, and we just want to make sure that that is where the FTP server has been directed to.

8:17 BG: I can represent to you that the FTP server is under the control of Resurgent Capital Services, which controls the information and data for this account on behalf of LVNV funding.

8:32 Han: Okay, and it's because it's an FTP server and an FTP login that you had, even without knowing the confidential login code that you're going to, it should at least have an IP address that you access through, right?

8:43 BG: That's incorrect. It does not. You don't understand FTP and how it works. It does not use an IP address to access it. If you would like to inspect the file, I've brought the file and you're looking at it remotely so that I did not download it. I did not change anything about it. If I download it like we had done in the past, the first time I met in my office it necessarily changes that created date, modified date, because it's creating.

9:13 Sullivan: Yeah, we know. We told you that.

9:16 AB: So what we're saying, Mr. Gentry, is that you gave us a cause and reason to have concerns about where these documents are coming from, so we're asking you, as we instructed in our instructions, to show us where these documents came from.

AB: I appreciate you telling me your representations, but that doesn't help us, Mr. Gentry, and unfortunately our...

9:35 BG: If you don't want to go forward, that's fine. If you want to look at the file, you can look at this file. If you don't, Mr. Sullivan's indicating he wants to look at the file. I brought it. Why waste time? Just look at it.

9:49 BG: Please don't look at my password. Don't look at my password.

9:53 AB: Let us know when you're ready.

9:54 BG: Yeah, go ahead. Here it is. Do you want to see the actual text beyond the metadata?

10:05 Sullivan: No.

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10:06 AB: For the record of the recording, we'll review the file, but we still object that this is the way it was supposed to be presented or shown to us, but we'll review

10:22 Sullivan: May I take a picture of that?

10:27 BG: Um, I'll send you a screenshot.

10:28 Sullivan: Yeah, sure.

10:53 BG: There's a screenshot.

Sullivan: It doesn't have the information I wanted.

BG: Try again, I thought I grabbed it.

11:13 BG: There, I took a screenshot of what you want shown, the file properties, the file name of what you're looking at. I'll send you that screenshot I'll send it, I'll tell you what, I'll send it to Andrew.

11:30 BG: Cool.

11:39 BG: So there, you've got that. Do you want to see the particular line of Wiseman?

11:45 Han: We remember the contents of it, because we've actually taken, and if you're telling us that this file is exactly the same as the text file that we viewed and line by line went through the substance of it, then we don't need to do that whole thing over again.

12:00 BG: I couldn't find a character difference when I did it.

12:04 Han: Right.

12:05 BG: But you're happy to look at it character for character for Mr. Wiseman's line.

12:10 Han: Okay, But you're also telling us that.

12:11 BG: You're saying no thanks.

12:14 Sullivan: We trust you,

12:17 Han: At least, At least with reference, At least with reference when it comes to the contents of the are identical to the previous file. And it's not so much the contents themselves that are problematic on our end for the electronic files. It's the integrity of the file itself and whether it had been doctored. Because if, and then that's one of the reasons we wanted to look at the metadata and the underlying data. And again, you're telling me.

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12:41 BG: So, are we done then?

12:41 Han: Not necessarily.

12:42 BG: You see this is the metadata. I got a screenshot. I'll send it to Andrew.

12:47 Han: Not necessarily, Mr. Gentry. And the reason for that is because you've informed me that I have a misunderstanding of how FTP works. And I could swear that you need an IP address to get to an FTP server, because that's how the internet works.

12:59 BG: I don't want to debate these things with you. The magistrate judge said, make that file available in its original format with the metadata intact. This is as it exists. I don't know what else to tell you.

13:12 Han: Understood, and you said that the owner of the particular file is LVNV is the named owner on this file, right?

13:20 BG: What do you mean the named owner on this file. I don't, I don't want to be interviewed. Here's the file that you're supposed to access. You're supposed to inspect. This is it. I'm not going to interpret who the file owner is. I don't know what that means. I'm not under oath here to be examined in a deposition. This is the file. Look at it.

13:40 AB: Do my experts have the ability to review the file without you running your computer? Let them touch the computer? You can sit right here?

13:48 BG: No.

13:49 AB: That way you don't have to navigate it.

13:50 BG: No. But if you'd like me to search for something like we've done before right in the file, happy to do that. I displayed for you the file property showing all the metadata that shows. I'm happy to do that. I've already done that. I took a screenshot I'll send it to Andrew. It shows what we're accessing. It is the file. I don't know what more to tell you. It's that simple.

14:21 BG: I'm most offended that no one is gonna take a donut.

14:29 AB: Could be poisoned. Just joking, just joking.

14:31 BG: No, I'm just a regular human guy and I thought I'd bring donuts try to lighten the mood a little bit.

14:38 Han: Yeah, the concern I have from what we've seen so far on the screen, and again, without getting into the details of it, and it's not my intent to sit here and interrogate Mr. Gentry,

it's just that I want to get to the bottom of exactly what that file is, where that file resides, who owns that file and whatnot. But one of the things that the file metadata showed was that the owner of the file was Boyd G. And the problem that I have is if this is LVNV's file and it was created by LVNV, it was originally created by the bank, right?

15:11 BG: That's my understanding.

15:13 Han: And it's my understanding too. If it's an original file that was transferring accounts from a bank to LVNV, the bank should have been the original creator of the file, and if it's residing on a server that is on LVNV's system remotely and the file is owned by LVNV, then we don't understand why the owner of the file is listed as Boyd G in the metadata.

15:36 BG: Because that's what UltraEdit shows, right? If it's a Windows PC owned by Boyd Gentry, the metadata is not owner, right? Owner is not the metadata in the file. Right, when you're saying owner, that doesn't mean that I own it.

I don't own that file. I'm accessing it on their server so that I don't download it on my file. It's that simple. I download it, it changes the date to create it the day I download it.

16:16 Han: I completely understand. And our position is that if it's a true remote access of something that resides on somebody else's file, meaning that right now, because the way that, if I understand and you understand correctly how this is working is that we have a window that's open and literally the window is nothing more than our virtually sitting at the system in front of LVNV. It's just that we happen to be hundreds of miles away. So what we would see if we were sitting in front of LVNV's computer in South Carolina should be exactly the same as what we're seeing here.

And if we had used a remote desktop login, that's what we would have seen on the other side.

16:54 BG: You would see the same file.

16:58 Han: With the same metadata.

17:01 BG: The metadata from the file, sure. But when you use UltraEdit whatever program you're going to use, it will explain who is using UltraEdit to access it. Right, I'm using UltraEdit to access it. I'm not hiding anything from you. You can make what you want of it. I did what the magistrate told me to do. This is exactly what she wanted, which was produce the file without metadata changing. I've done that. You have said you don't want to go through it character by character to see if anything changed in the characters. That's fine. I think we're done.

17:45 Han: Well, there was one additional part to the, I don't know if we actually have these instructions that we spent hours literally detailing how we wanted the video to be recorded to be I think this was sent to you at one time, right? On the same day that we had the meeting with the magistrate.

0H202 - 099

18:00 BG: I'm here because magistrate said to bring a file that you can inspect with the metadata intact. I've done that. I've given you access to it. I don't want to discuss the hours that you spend into creating something.

18:14 Han: Because the one discrepancy that we have not been able to explain was, and that's one of the reasons we asked for the printout from that file to paper so that we see that whatever file it is that we're seeing with all the metadata intact is the same as the printout that's on file with the court for this case.

Han: Do you know which one it is? The schedule two or schedule A or whatever it is in the file.

18:44 BG: Go ahead.

18:45 Han: We haven't been able to reconcile the discrepancy between that electronic document and the paper printout.

18:52 BG: Oh, you mean because the paper printout has a column that gives the file name and the paper printout has a column that gives line numbers.

19:00 Han: Yeah, true.

19:01 BG: And so, you see that in the paper printout and so you say that must have been manufactured, fabricated because that's not in the bank's record in each line repeating the file name. And so when they print it out and say, we printed this from this file name, it's fabricated and it's untrustworthy. I understand your argument. I disagree with it and I think it's a fallacious, silly argument.

BG: You've been advancing it for years in hundreds of cases maybe. You can make all the arguments you want. I've brought the If you want to see it, you can see it.

19:38 : AB: Can you print that file the way that LVNV would print it for us?

19:45 BG: It's possible, of course, to print it.

AB Can you print that for us?

BG: You're asking me, will I print it today?

AB: Sure.

19:54 BG: No, I'm not printing a file with, I don't know, thousands of people's name.

19:59 AB: Can you print it to PDF so we can see it exactly the way it's in the court?

0H202 - P1

20:04 BG: Of course I could.

20:06 AB: Will you do that?

20:07 BG: No. Couldn't you print it that way? I mean, of course you could, but I'm not going to print it. I'm not arguing with any more. I brought the file. Do you want to look at it more?

BG: Hearing nothing, I appreciate your gentleman's time. I will pack up and leave because you don't actually want to see more of the file. That's fine.

20:41 Han: Since we're still recording this, you are correct. And the reason that I don't think I need to see the rest of the file is because there are still discrepancies on the metadata itself that we cannot reconcile. And that hasn't been explained to us. And we-

20:59 BG: And that's because when I open it or see it, it says owner Boyd G. But why aren't we narrowing it down? Isn't it crazy? Now you see it's got that April 10th date that you thought it surely wouldn't have. But look at that.

21:15 AB: Well, can you pull it back up and show me the metadata again?

21:18 BG: I'm gonna email it to you. I think that screenshot-

21:20 AB: No, I'd like to see the metadata pulled up now, please.

21:24 BG: No, we already did it. We already did it.

BG: We already did it. I screenshotted it. I'm gonna email it to you as the conclusion of this.

21:31 Han: It'll take three minutes and you're refusing to do it. That's my takeaway only.

21:35 BG: I already did it. We took a screenshot of it and you'll have it. Mr. Sullivan indicated what he wanted in the screenshot. That's all I know of. I did it.

21:45 Sullivan: I don't recall saying that's the only thing I wanted.

21:48 BG: No, but you said that's what you wanted in the first screenshot that I took. You said, oh, it clipped off the top. And I said, oh, you're right. You wanted that top line. So, I put it in there. It was the entire screen. I'll send that to you.

21:58 Han: You know what I don't understand is if it'll take three minutes to show Mr. Barnes again, then why are we opening up this door to a potential conflict that'll take hours, if not days, if three minutes will resolve his.

22:11 BG: Because the entire screen was captured already.

0H202 - P2

22:15 AB: Okay, so you're refusing to show it to us again.

22:19 BG: I don't want to log into it again and go back to it. I don't.

22:22 AB: That's all I'm asking is you're refusing to produce that again.

22:25 BG: No, I'm going to email it to you.

22:26 AB: That's not what I'm asking. I'm saying I would like to see the file of the metadata right now. You're refusing to show them.

22:33 BG: You want to see the thing that I already put on the screen and screen capture. You want me to open it up and show you again.

22:39 AB: That's what I asked.

22:40 BG: I'm going to send it to you. I don't want to go through the hassle of logging in again just to show you what's already screen capture that I said I would share with you of what we looked at today. I recorded it with the screen capture. I'll send it right to you, Mr. Barnes.

22:56 AB: Well, if you're objecting to do that, have a good day.

23:03 BG: Take care, Mr. Sullivan, Mr. Han.

23:08 AB: When are you available with the court. Because I would like to call them either now or Friday. So.

23:18 BG: Friday, we have two calls, I think

23:22 AB: No, but I'll just email the court and we'll figure out the date.

23:24 BG: Yeah, I'm sure after our two calls on Friday, I'm sure I can make time for another call.

23:32 AB: And are you going to provide us any dates that we can go down to South Carolina and review it in person, which I asked multiple times?

23:40 BG: No, because we have done what the magistrate judge asked us to do. She proposed that as an alternative. If it wasn't possible to see it here with the April 2023 metadata, it is possible to see it.

I have shown it with the April 2023 metadata. It is what it is.

24:05 AB: All right, have a good day, Boyd

24:06 BG: Take care, gentlemen. So ends my consent for recording.

24:10 Han: Understood. And again, I'm sorry that we couldn't get the thing resolved today, but we do appreciate you coming here to show us the data.

24:16 BG: Well, thank you. I appreciate your hospitality. I'm confident that we'll never get it resolved outside of a court resolving it. I'm confident. Thank you.

24:25 Han: You're welcome to take the dunkin donuts.

24:27 BG: No, that's my gift to you. Take care. Thank you.