FEDERAL TRADE COMMISSION
RECEIVED DOCUMENTS
07 07 2015
578181
SECRETARY

ORIGINAL

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES

)
In the Matter of)
)
LabMD, Inc., a corporation)
Respondent.)
)

PUBLIC

Docket No. 9357

UNOPPOSED MOTION[1]

LabMD's Unopposed Motion to Accord Portions of Exhibits Containing Michael Daugherty's Home Address, as well as Sensitive Personal Information, In Camera Treatment

On June 15, 2015 Judge Chappell extended "a provisional grant . . . to protect [Michael Daugherty's] home address [from] being included in the public record." *In the Matter of LabMD, Inc.*, Transcript Vol. 10, June 15, 2015, at 1482-1483. Pursuant to Rule 3.45(b) and (g), Respondent respectfully requests a final ruling that *in camera* treatment is appropriate for certain exhibits in the Record that contain LabMD, Inc. ("LabMD") owner Michael Daugherty's home address and sensitive personal information.

ARGUMENT

Under Rule 3.45(b), an Administrative Law Judge may order that material be placed *in camera:*

> after finding that its public disclosure will likely result in a clearly defined, serious injury to the person, partnership, or corporation requesting in camera treatment or after finding that the material constitutes sensitive personal information. "Sensitive personal information" shall include, but shall not be limited to, an individual's Social Security number, taxpayer identification number, financial account number, credit card or debit card number, driver's license number, state-issued identification number, passport number, date of birth (other than year), and any sensitive health information identifiable by individual, such as an individual's medical records.

---

[1] Respondent's Counsel contacted Complaint Counsel by email and sent them a draft of this motion. Respondent's counsel anticipates no formal objections from Complaint Counsel, anything to the contrary notwithstanding.

16 C.F.R. § 3.45(b). LabMD requests that portions of exhibits referencing Michael Daugherty's home address, [redacted] be accorded *in camera* treatment. This case has received significant publicity, and Respondent wishes to protect Michael Daugherty's privacy. Michael Daugherty's home address appears in:[2]

- JX 1 – Joint Stipulations of Fact, Law, and Authenticity, attached hereto in relevant part as Exhibit A.
- RX 487, CX 705 – Deposition Transcript of Brandon Bradley, Feb. 14, 2014, attached hereto in relevant part as Exhibit B.
- RX 492, CX 710 – Deposition Transcript of LabMD designee, Mike Daugherty, attached hereto in relevant part as Exhibit C.[3]
- RX 495, CX 713 – Deposition Transcript of Kimberly Gardener, Feb. 14, 2014, attached hereto in relevant part as Exhibit D.
- RX 507, CX 725 – Deposition Transcript of Jeffery Martin, Feb. 6, 2014, attached hereto in relevant part as Exhibit E.
- RX 511, CX 727- Deposition Transcript of Jennifer Parr, Feb. 11, 2014, attached hereto in relevant part as Exhibit F.
- CX 627 – Train Technologies Invoice #1984, Sept. 12, 2005, attached hereto in relevant part as Exhibit G.

---

[2] Michael Daugherty's address also appears in CX 451; however, this document was already accorded permanent in camera treatment by order of the ALJ on May 6, 2014.

[3] The parties submitted a Joint Motion on May 27, 2014 seeking in camera treatment of CX 710, among other exhibits, because it contains sensitive personal information pertaining to a former LabMD employee. By Order also dated May 27, 2014, the ALJ accorded in camera treatment to the "sensitive personal information" contained in CX 710. Out of an abundance of caution, and to the extent that *in camera* treatment does not already apply, Respondent formally requests *in camera* treatment of the portions of CX 710 which contain Michael Daugherty's home address.

- CX 628 – Train Technologies Invoice, #1962, Aug. 30, 2005, attached hereto in relevant part as Exhibit H.

Respondent requests that the above-designated portions of these exhibits containing Michael Daugherty's home address, attached in relevant part hereto as Exhibits A through H, be accorded *in camera* treatment.

Respondent also requests that CX 838, LabMD's 2007 tax return, be accorded *in camera* treatment. This document is attached hereto as Exhibit I, and contains several pieces of Michael Daugherty's sensitive personal information, including his social security number, date of birth, as well as home address.

WHEREFORE, LabMD respectfully requests that the Court grant this motion and issue a final ruling that *in camera* treatment is appropriate for certain exhibits contained in the Record which contain LabMD Inc. owner Michael Daugherty's personal home addresses, as well as sensitive personal information.

Dated: July 7, 2015

Respectfully submitted,

/s/ Patrick J. Massari
Daniel Z. Epstein
Prashant K. Khetan
Patrick J. Massari
Erica L. Marshall
Cause of Action
1919 Pennsylvania Ave., NW, Suite 650
Washington, D.C. 20006
Phone: 202.499.4232
Fax: 202.330.5842
E-mail: patrick.massari@causeofaction.org

/s/ Reed D. Rubinstein
Reed D. Rubinstein
William A. Sherman, II
Sunni Harris
Dinsmore & Shohl, LLP
801 Pennsylvania Ave., NW, Suite 610
Washington, D.C. 20006
Telephone: 202.372.9120
Fax: 202.372.9141
E-mail: reed.rubinstein@dinsmore.com

Counsel for Respondent, LabMD

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of	)	**PUBLIC**
LabMD, Inc., a corporation Respondent.	)	Docket No. 9357

[Proposed Order] Granting Motion for In Camera Treatment of Michael Daugherty's Home Address and Sensitive Personal Information

Upon consideration of the Motion for In Camera Treatment related to Michael Daugherty's Home Address and sensitive personal information, it is hereby

ORDERED, that Exhibits JX 1, RX 487, RX 492, RX 495, RX 507, RX 511, CX 627, CX 628, CX 705, CX 710, CX 713, CX 725, CX 727, and CX 838 are hereby granted *in camera* treatment.

ORDERED:

D. Michael Chappell

Date:

Rule 3.45 Statement

Should the Commission intend to disclose any of the confidential information in the attached document, the following individual should be notified:

Mr. Michael Daugherty
[redacted]

CERTIFICATE OF SERVICE

I hereby certify that on July 7, 2015, I caused to be filed the foregoing document electronically through the Office of the Secretary's FTC E-filing system, which will send an electronic notification of such filing to the Office of the Secretary:

Donald S. Clark, Esq.
Secretary
Federal Trade Commission
600 Pennsylvania Avenue, NW, Rm. H-113
Washington, DC 20580

I also certify that I delivered via electronic mail a copy of the foregoing document to:

The Honorable D. Michael Chappell
Chief Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-110
Washington, DC 20580

I further certify that I delivered via electronic mail a copy of the foregoing document to:

Alain Sheer, Esq.
Laura Riposo VanDruff, Esq.
Megan Cox, Esq.
Ryan Mehm, Esq.
John Krebs, Esq.
Jarad Brown, Esq.
Division of Privacy and Identity Protection
Federal Trade Commission
600 Pennsylvania Ave., NW
Room CC-8232
Washington, DC 20580

Dated: July 7, 2015 By: /s/ Patrick J. Massari

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that the electronic copy sent to the Secretary of the Commission is a true and correct copy of the paper original and that I possess a paper original of the signed document that is available for review by the parties and the adjudicator.

Dated: July 7, 2015 By: /s/ Patrick J. Massari

EXHIBIT A

evidence. *In re Daniel Chapter One*, No. 9329, 2009 FTC LEXIS 157, at *133-35 (Aug. 5, 2009).

6. Complaint Counsel has the burden of proof to prove by a preponderance of the evidence that LabMD's practices are likely to cause substantial injury to consumers which is not reasonably avoidable by consumers themselves and not outweighed by countervailing benefits to consumers or to competition.

7. Complaint Counsel does not seek to enforce HIPAA in this case.

STIPULATIONS OF FACT

1. Since January 2014, LabMD has had its principal place of business at 1250 Parkwood Circle, Unit 2201, Atlanta, GA 30339.

2. Since January 2014, LabMD has maintained at least a portion of its computer network at [redacted].

3. LabMD currently does not have any plans to dissolve as a Georgia corporation.

4. The Personal Information that LabMD maintains on its computer network, which LabMD contends is PHI, includes: names; addresses; dates of birth; gender; telephone numbers; Social Security numbers; health care provider names, addresses, and telephone numbers; test codes, test results, and diagnoses; and health insurance company names and policy numbers.

5. LabMD maintains on its computer network Personal Information, which LabMD contends is PHI, about approximately 100,000 consumers for whom it never performed testing (either directly or by outsourcing to another laboratory).

DRAFT

PUBLIC

EXHIBIT B

In the Matter of:

LabMD, Inc.

February 14, 2014
Brandon Bradley

Condensed Transcript with Word Index

For The Record, Inc.
(301) 870-8025 - www.ftrinc.net - (800) 921-5555

Complaint Counsel = Yellow   Both = Green
LabMD = Blue

CX0705
RX487

and I'll try to rephrase it so that it's a better question.
A. Okay.
Q. You took an oath this morning. Do you understand the nature of the oath?
A. Yes.
Q. It requires you to fully answer each question to the extent that you can. If you're not sure of an answer or don't have a complete answer, then you still must answer to the extent that you can. Do you understand this?
A. Yes.
Q. As you can see, the court reporter is recording all that is said here. Because the reporter can only record our words, please answer each question with a verbal response. Will that be okay?
A. Yes.
Q. It's also important that you wait until I finish the question before you start to answer, and for my part I'll try not to interrupt you with questions while you're answering.
Have you taken or do you intend to take any medication today that would prevent you from answering the questions accurately and honestly?
A. No.

Q. Everything we say will be transcribed and you'll have an opportunity to review the transcript and to clarify any answers.
You understand that unless I specify differently, I'm asking you about the time period when you worked at LabMD?
A. Yes.
Q. I'm going to enter into the record CX322, which is a subpoena you received; Exhibit CX16, which is the protective order that's been issued in this case; and Exhibit CX14, which is the revised scheduling order.
(Exhibits CX322, CX16, and CX14 were marked for identification.)
MS. HARRIS: Alain, pardon me. The witness never received a subpoena.
THE WITNESS: I voluntarily came in because I wanted to get it over with.
MR. SHEER: I did not realize that. All right. Thank you.
MS. HARRIS: I communicated that in an email to your office. I think you were on the email, but --
MR. SHEER: I may well have been. Okay.
Q. (By Mr. Sheer) All right. What did you do to prepare to testify today?

A. I just talked to my counsel a little bit. That's about it.
Q. Did you talk to anyone else?
A. No.
Q. Did you review any documents?
A. Did I -- like what?
Q. I'm asking. Did you review any documents in preparing to testify today?
A. Some documentation they showed me, yes.
Q. What documentation would that be?
A. I would assume the documentation you're going to show me.
Q. I'm asking you though. What documentation were you shown?
A. I don't recall.
Q. When did you work for LabMD?
A. I think it was like May 2010. I started as a temp.
Q. You started as a temp, did you say?
A. Yes.
Q. And how long were you a temp?
A. Three months.
Q. And then you moved on to full-time; is that right?

A. Yes.
Q. When did you leave the company?
A. Let's see. Today's Friday. Last Friday.
Q. Which locations did you work at for LabMD?
A. Powers Ferry location.
Q. Anyplace else?
A. The home office location.
Q. What's the address there?
A. [redacted], I think, Atlanta, Georgia.
Q. Anyplace else?
A. No.
Q. Did you work at the corporate condo?
A. No. I've done work for them at that location, not worked there.
Q. What were your responsibilities at LabMD?
A. I was the IT. I was mainly the computer helpdesk for the customers.
Q. Did you have a job title?
A. That's a good question. If I did, I didn't really know the positional job title. I was just a computer person.
Q. Did your responsibilities change over time?
A. They pretty much remained the same.

server. Those are the big ones.

Q. Was there an email server?

A. Not virtualized.

Q. Was there a backup server?

A. Yes. Veeam, that server too.

Q. Was that virtualized?

A. Yes, sir.

Q. You mentioned that someone had come in who did this virtualization for LabMD and that you followed your work with them.

A. Uh-huh (affirmative).

Q. Who was that?

A. I don't recall his name.

Q. Was it someone who was employed by LabMD, or was it an outside contractor?

A. Outside contractor.

Q. A moment ago you mentioned something, and I'm probably going to misstate it, but it sounded like a Nagios server.

A. Uh-huh (affirmative).

Q. What is that?

A. It's a monitoring server. Basically when the printer needs toner or something like that, it will monitor all the printers and stuff and send you an alert if the toner is running low and stuff like that.

So it just -- it keeps us on top of the problems before they actually happen.

Q. Did it monitor anything else besides printers?

A. Uh-huh (affirmative). It monitored our servers for uptime and different -- you could really configure it to do -- to monitor pretty much anything you wanted it to do.

But mainly we just monitored to make sure the servers were functioning and working, and then I used it a lot to monitor the printers.

Q. Anything else?

A. No.

Q. Did it monitor the desktops?

A. No.

Q. Monitor laptops?

A. No.

Q. When you say it monitored the servers uptime, what does that mean?

A. Uptime may not have been the right word. It just monitors to make sure it's working, it's turned on, and it's functioning. It has a couple of services that whatever the server is doing, and it would just monitor to make sure those services were running. So that way you don't get a call, my stuff doesn't work, and you not know about it.

Q. The second bullet says, "Administer, monitor, and support two production Dell EqualLogic PS4000 ISCSI network type SANs that serve three Dell VMware ESXI host servers."

Are the Dell VMware host servers that are mentioned here the ones of the three that we were talking about a few moments ago?

A. Yes, sir.

Q. And what are the two production Dell EqualLogic?

A. Storage SANs, storage array networks.

Q. What's stored on them?

A. Everything that's in the virtual environment.

Q. Are these simply backup servers?

A. No.

Q. What are they then?

A. They're hard drives. It's like, you know your computer has a hard drive in it, right? So it's basically like that. It's just a centralized storage for everything that's virtualized.

Q. Does that mean that the virtual servers are calling on these storage units when information is required by them?

MS. BURROWS: Objection, vague as to calling.

THE WITNESS: The operating systems are stored on them, so the virtual servers will not function without them.

Q. (By Mr. Sheer) Okay. You've testified that LabMD has closed. And you've also said that you've worked at two locations, the Powers Ferry Road and [redacted] right?

A. Yes, sir.

Q. Did LabMD move? Did LabMD close its Powers Ferry Road offices?

A. Yes.

Q. Where did the computer equipment and network from those offices get moved to?

A. Mike's home office.

Q. Is that the [redacted]?

A. Yes.

Q. Did you participate in that move in any way?

A. Like what do you mean?

MS. BURROWS: Objection, vague.

Q. (By Mr. Sheer) Did you move equipment to 425 Broadland?

A. Not really, no. The movers pretty much did that.

Q. Did you set up equipment at [redacted]?

A. Yes.

Q. What else did you do at [redacted]?

A. I did some networking.

Q. What networking?

A. Wiring the network, the jacks.

Q. Are you talking about physically connecting different pieces of equipment with cords?

A. Yes.

Q. Did you do anything else besides that?

A. I set up the wireless network.

Q. What wireless network?

A. Huh?

Q. What wireless network?

A. For the house.

Q. Is this part of LabMD's network or something separate?

A. Something separate.

Q. Did the wireless network have access to the LabMD equipment at [redacted]?

A. Absolutely not.

Q. What else did you do?

A. That pretty much sums it up. I didn't really work there too long.

Q. How long did you work there?

A. A couple weeks.

Q. Were you supervised while you worked there?

A. Yes.

Q. Who was the supervisor?

A. Jeff Martin.

Q. Is LabMD continuing any of its operations at [redacted]?

MS. BURROWS: Objection, calls for speculation.

THE WITNESS: I really don't know.

Q. (By Mr. Sheer) What servers did you set up at [redacted]?

A. The virtual servers.

Q. Did the virtual network at [redacted] simply duplicate what had been at the Powers Ferry Road address?

MS. BURROWS: Objection, vague.

THE WITNESS: No.

Q. (By Mr. Sheer) How was it different?

A. It's the same thing.

Q. I'm sorry?

A. It's the same thing.

Q. So let me -- tell me if I misunderstood you because it seems like you may have misunderstood my question.

I was asking is the virtualized network that had been set up at Powers Ferry Road simply moved to -[redacted]?

A. The virtualized network?

Q. Let me backtrack. The entire network from LabMD at Powers Ferry Road, was it just moved to the [redacted]?

MS. BURROWS: Objection, vague as to moved.

THE WITNESS: The server equipment for the virtual host, that physical rack was moved.

Q. (By Mr. Sheer) Anything else moved?

A. There's a few desktops. That's about it.

Q. How was the virtual equipment that was moved from Powers Ferry to the [redacted]-- let me backtrack. I'm going to ask it differently.

Was the virtual equipment that had been at Powers Ferry changed in any way when it was moved to [redacted]?

A. Was it changed in any way?

Q. Uh-huh (affirmative).

A. Could you elaborate?

Q. Were any servers that had been operating at Powers Ferry turned off at the [redacted] address?

A. Yes.

Q. Which ones were those?

A. The ones that were used for production for LabMD when it was in business. So, for instance, the Nagios server wasn't turned on. The Mapper server wasn't turned on. There's a couple other ones. I don't recall their specific names. They weren't turned on, but just the -- yeah, that's it.

Q. Was the email server turned on?

A. No.

Q. Was the file server turned on?

A. Yes.

Q. Was the Lytec server turned on?

A. Yes.

Q. Was the LabNet or laboratory information system server turned on?

A. Yes.

Q. Were there any other servers that were turned on at [redacted]?

A. Not to my knowledge.

Q. Were any of the servers that were turned on at [redacted] different from how they had been

Complaint Counsel = Yellow Both = Green
LabMD = Blue

at the Powers Ferry Road?

MS. BURROWS: Objection, vague and ambiguous.

THE WITNESS: Yeah. I really don't know what you mean by different.

Q. (By Mr. Sheer) Well, what I'm trying to understand is whether you simply picked up the rack at Powers Ferry and physically transported it to the [redacted] address. I think that's what you said; is that right?

A. Yes.

Q. Did you remove any of the servers that had been on the rack at Powers Ferry when you moved it over to [redacted]?

A. No.

Q. Is it correct, and I'm asking, I think what you've told me is that you moved the rack intact but that some of the servers that had been operating at the Powers Ferry address were turned off at [redacted]

A. Correct.

Q. That's right?

A. That's right.

Q. And the servers that were running at both locations included the Lytec, the laboratory

information, I think you said the email server, the file server?

A. Right.

Q. Was there anything else?

A. Not to my knowledge, no.

Q. Since you moved the rack over to [redacted] have any of the other servers been turned on that had been turned off?

MS. BURROWS: Objection, calls for speculation.

THE WITNESS: Have any of the other servers been turned on that have been turned off?

Q. (By Mr. Sheer) Let me try and unpack it a bit.

We've talked a bit now about moving the rack from Powers Perry to the [redacted] address; right?

A. Yes.

Q. And we talked about servers that were operating at both addresses; right?

A. Uh-huh (affirmative).

Q. And we've talked about servers that have been turned off in moving from Powers Ferry to [redacted]

A. Uh-huh (affirmative).

Q. And now I'm asking during the time that you worked at [redacted] were any of the servers that initially were turned off turned back on?

A. It's possible, but I don't recall if -- I don't think that they would have been because the only ones -- yeah.

Q. Why do you think they wouldn't have been?

A. We didn't need them.

Q. How do you know that?

A. Because we weren't in business anymore.

Q. Why did you need -- again, I'm talking about LabMD. Why did LabMD need to have the Lytec server turned on at [redacted]?

MS. BURROWS: Objection, calls for speculation.

THE WITNESS: To continue the billing for work that was done when they were still in business.

Q. (By Mr. Sheer) What do you mean?

A. They had to continue issuing billing statements for work that they did up to the day that they closed.

Q. Why did LabMD need to have the laboratory information system running at [redacted]?

A. For results that -- for results they needed if anybody -- if doctors' offices called and requested them.

Q. How do you know that?

A. How do I know that?

Q. Uh-huh (affirmative).

A. I just do. I don't really -- what do you mean how do I know that?

Q. Did someone tell you that?

A. No.

Q. Then how do you know?

A. I don't, I guess.

Q. How many physical workstations are there at the [redacted] address?

A. For LabMD?

Q. Yes, of course, yes.

A. There is -- and -- okay. One, two, three.

Q. There are three physical servers?

A. Uh-huh, three physical workstations.

Q. Three physical workstations. Thank you.

Do they hook up to the virtual network --

A. Yes.

Q. -- at [redacted]?

A. Uh-huh (affirmative).

Q. Did you help set up the network at [redacted]

Complaint Counsel = Yellow Both = Green
LabMD = Blue

[redacted]?

A. I did the physical networking side. I connected it to the cable modem for Internet access.

Q. Anything else?

A. No.

Q. Did you install applications?

A. No.

Q. Did you test the network to see if it was working correctly?

MS. BURROWS: Objection, vague.

THE WITNESS: Could you define working correctly?

Q. (By Mr. Sheer) Well, did you test the network to see -- did you test to see whether the workstation could actually access the servers?

A. Yes.

Q. Did you do anything else to test the network?

A. Yes.

Q. What did you do?

A. I tested to make sure that it was separate from the rest of the network so that it didn't have access because it was -- so that it was physically separated from the rest of the network.

So anything that was on that network could not -- did not have access to anything on -- anywhere else in the home office or the rest of the Internet. It was pretty locked down.

Q. I'm not following what the "it" was in your answer.

A. The network, it.

Q. Break it down into pieces for me. There is the network, the LabMD network, that's been moved to [redacted].

A. Uh-huh (affirmative).

Q. You just testified, I think, that you had locked it down pretty tightly; right?

A. I tested that it was locked down.

Q. Okay.

A. I did not lock it down.

Q. I understand the difference. What did you test to see if it was locked down?

A. I tested that you could not access locally any of the file servers or anything. You could not be on one segment of the network and then still access the server. You had to be physically plugged into that switch to have access to it, so --

Q. Break it down to something a little simpler for me to understand. Are you saying that in order to access the laboratory information system server, the workstation would have to be plugged into that server, physically plugged into it?

A. Yes.

Q. Is the same true for access to the Lytec server?

A. Uh-huh (affirmative). They were both in that private network segment.

Q. What else was in the private network segment?

A. The three workstations.

Q. How was that segment created?

MS. BURROWS: Objection, vague and ambiguous.

THE WITNESS: That would be a Jeff Martin question. I did not create it.

Q. (By Mr. Sheer) Do you know how it was segmented from the rest of the system?

A. Through the -- yes and no. I don't know the best way how to explain it.

Q. Do your best.

MS. BURROWS: Objection, calls for speculation.

THE WITNESS: Okay. You've got the Internet, the modem, right? And then it's got four ports coming out of it. So one of those ports we have going to the network where the LabMD is at.

And all of that is held separate by a firewall put on the end of that port from the cable modem in the home office. And that firewall is what's blocking everything else from having access back to the cable modem in through the rest of the -- to the rest of the world.

Q. (By Mr. Sheer) All right. So tell me if I'm misunderstanding, but I think what you're telling me is that the system that you moved from Powers Ferry to [redacted] is protected by a firewall between the cable modem to the Internet and the network itself?

A. Correct.

Q. Is there anything else besides the firewall?

A. On what level?

Q. You tell me.

MS. BURROWS: Objection, overbroad.

THE WITNESS: I don't understand.

Q. (By Mr. Sheer) You're asking on what level. Is there a different level on which the protection could be provided?

A. There's the cable modem and it has a

firewall built in it too. So it's the firewall for the cable modem, and then it's going into another firewall for the LabMD equipment, and so --

Q. All right. If someone was reaching from the Internet to the cable modem inside [redacted] what could they reach --

MS. BURROWS: Objection, calls for a hypothetical.

MR. SHEER: Are you going to let me finish, or are you just going to interrupt?

MS. BURROWS: Go ahead.

Q. (By Mr. Sheer) What could they reach on the inside of the network at [redacted]?

MS. BURROWS: Objection, calls for a hypothetical.

THE WITNESS: Should not be able to reach anything.

Q. (By Mr. Sheer) Why is that?

A. Because it's firewall.

Q. What is the purpose then of having an Internet connection to that network?

A. Could you repeat the question?

Q. What's the purpose of having an Internet connection to that network if you can't reach anything from the network -- from the Internet in the network?

A. You can still go out, but it's not going to let just anybody in.

Q. Will it let anyone in?

A. No.

Q. Could someone at the corporate condo, for example, reach the Lytec server inside the network?

MS. BURROWS: Objection, calls for a hypothetical.

THE WITNESS: They can use it, access it through LogMeIn, so not physically connect to it.

Q. (By Mr. Sheer) So are you saying that using LogMeIn someone could remotely access the network that's located at [redacted]?

A. Yes.

Q. What could they connect to inside that network?

A. They could connect to their Lytec workstation, which is -- which has access to Lytec for their billing.

Q. Could they connect to anything else?

A. Not to my knowledge, no.

Q. Just to create a picture, a word picture, and tell me if I'm misunderstanding this, but are you saying that LogMeIn reaches the physical workstation

inside the [redacted] address?

MS. BURROWS: Objection, asked and answered.

Q. (By Mr. Sheer) I'm sorry. I didn't hear your answer.

A. It's the virtual workstation.

Q. It's a virtual workstation?

A. Correct.

Q. And that virtual workstation can reach the Lytec server?

A. Yes.

Q. Is it possible to LogMeIn to the other two workstations at 425 -- use LogMeIn to reach the other workstations at [redacted]?

MS. BURROWS: Objection, calls for a hypothetical.

THE WITNESS: I can only say for mine, no. I don't know how the other two are set up.

Q. (By Mr. Sheer) What control prevented reaching the laboratory information server from the workstation you were using?

A. Could you repeat the question?

Q. Yes. What controls were in place that prevented the workstation you were using from reaching the laboratory information server at [redacted]?

A. My workstation from accessing the laboratory control server?

Q. Correct.

A. And you're asking what was put to prevent it from reaching it?

Q. I am.

A. Well, I testified earlier that my computer was on that network, so it did have access to it, but it didn't have the laboratory information system installed on it, so it couldn't access it.

Q. Are you saying that your workstation didn't have the client for the laboratory information system?

A. Yes, correct.

Q. And so the reason that your workstation was not able to reach the laboratory information system server was it just didn't have the software on your workstation to do so?

A. Correct.

MS. HARRIS: Alain, I need to take a short break.

MR. SHEER: Okay. Let's take ten minutes.

(Deposition in recess, 9:47 a.m. to 9:53 a.m.)

Q. (By Mr. Sheer) Back on the record. Just

Complaint Counsel = Yellow Both = Green
LabMD = Blue

before we stopped we had been talking about the reason why remotely logging into your workstation at [redacted] would not provide access to the laboratory information system server.

And what I took from that was that it was because the client for the laboratory information system was not installed on your workstation; right?

A. Right.

Q. Okay. Were there any other controls besides that that would have -- that would have limited where on the network at [redacted] you could go with your workstation?

A. When you say your workstation, do you mean my workstation that I worked on when I was there?

Q. Yes, I do.

A. And the question was: Is there any other controls that would have prevented me from accessing --

Q. Other resources on the network.

A. -- other resources on the network?

Q. Uh-huh (affirmative).

A. I'm not sure I understand the question. Could you repeat the question?

Q. Well, let me try and put it slightly in context or better in context.

What I think you told me was that from your workstation you could reach the Lytec server; right?

A. Uh-huh (affirmative).

Q. You've told us that there were a number of different servers on the network at [redacted]; right?

A. Uh-huh (affirmative).

Q. I'm asking you what other servers on that network you could reach.

A. With the proper credentials, you can access all of them.

Q. What would the proper credentials be?

A. Log-in for vSphere.

Q. What is a vSphere?

A. That is the virtual client that controls that has -- controls all the virtual machines.

Q. All right. Anything else?

A. Nope.

Q. Did you have log-in credentials for vSphere?

A. Yes.

Q. Does that mean that from your workstation you could have used those credentials to reach any of the servers on that network?

A. Yes.

Q. What could you have done had you reached them?

A. I could access -- I could access their -- basically their screen, but I still couldn't do anything to them without other -- without logging into them. It's just like walking up to a computer and seeing that it's locked. You would still have to log into it.

Q. What would you need to be able to log into the other servers?

A. You need -- you would need an account or know the passwords for the account.

Q. Did you have an account from your workstation onto the other servers besides Lytec?

A. Did I have an account for Windows?

Q. You can start there.

A. I had my domain account, so yes.

Q. And what was your domain?

A. Huh?

Q. What was your domain?

A. My domain?

Q. What could you reach using those credentials?

A. I could reach -- I could -- I had access to Lytec and any other PC that was in the domain.

Q. What applications were running on the other PCs in the domain?

A. That's a broad question. Could you be more specific?

Q. Well, I'm just trying to understand what you just told me. You had access to other PCs in the domain.

A. Uh-huh (affirmative).

Q. What were they?

MS. BURROWS: Objection, overbroad.

THE WITNESS: The Lytec server had access to it. That's about it.

Q. (By Mr. Sheer) What controls prevented access to the other servers besides Lytec?

MS. BURROWS: Objection, calls for a hypothetical.

THE WITNESS: The passwords.

Q. (By Mr. Sheer) Anything besides the passwords?

A. You'd have to be a pretty knowledgeable person to even get to the point where it asked for the passwords.

Q. Why is that?

A. Why?

Q. Uh-huh (affirmative).

A. Because not everybody, I don't think, understands how virtual machines work or even know how to begin to access them.

So you would have to gain access to that virtual machine, and if you had no idea what the password was, then you would be stopped right there.

And then if you did gain access to it, then you would still have to know the passwords to get into any of the machines that were running on that virtual machine.

And to even get to that point you would have to have a physical presence inside the building to even have access to that part of that because that machine did not have LogMeIn installed on it.

Q. Now, the machine you're talking about is -- this is the LIS server?

A. I thought we were talking about my workstation.

Q. I thought we were talking about your workstation too. And I thought you had said earlier that you could LogMeIn to that workstation so you could get to it remotely. Did I misunderstand?

A. I think you did because you asked me if LogMeIn had -- you said if LogMeIn had any -- if any of the workstations had LogMeIn on it.

I said I can't speak for those other two, but mine I know did not have LogMeIn on it.

Q. All right. I misheard you. All right. What else from LabMD at [redacted]?

MS. BURROWS: Objection, overbroad.

THE WITNESS: Could you repeat the question?

Q. (By Mr. Sheer) What else from LabMD is at [redacted]?

A. What else from LabMD?

Q. Uh-huh (affirmative).

A. What do you mean by what else?

Q. Are there paper documents from LabMD at [redacted]?

A. I don't know. There are slides.

Q. What kind of slides?

A. Glass sides with -- I think it has something to do with their laboratory part of what they do, stuff that they look at in the microscope. That's really about all I know about them.

Q. How do you know about that?

A. Because they're in a room that our IT equipment was in too.

Q. How many samples are there there?

A. I don't know.

Q. How many boxes of samples?

A. A lot.

Q. More than a hundred?

A. Yes.

Q. How big are the boxes?

A. Individually, they're about like that and about like that. And then they're stacked.

Q. You have to do something better than like that and like that. So give me rough inches.

A. I'd say about two feet, two feet long by about six inches tall. There's several.

Q. And how deep are they?

A. Two feet.

Q. So two feet by two feet by six inches, roughly?

A. No. Two feet by probably about six inches and six inches.

Q. All right. And how many boxes? More than a hundred you said?

MS. BURROWS: Objection, asked and answered.

THE WITNESS: I have no idea, to be honest with you.

Q. (By Mr. Sheer) Do you think more than a hundred?

MS. BURROWS: Objection, calls for speculation.

THE WITNESS: There's definitely more than a hundred slides. I couldn't say if there's more than a hundred boxes or not. I really don't know.

Q. (By Mr. Sheer) How are the boxes stored?

A. Well, the slides, they're stored in the boxes, and the boxes are stored --

Q. Go ahead.

A. -- in that room.

Q. Are the boxes stored on a shelving system?

A. Uh-huh (affirmative).

Q. What's the dimensions of the shelving system they're on?

A. I don't know. Just a metal --

Q. Five feet wide?

A. Just a metal rack probably about six feet long and seven feet tall maybe. And there's several of those racks, and they're all sitting in those racks.

Q. So let's backtrack. There are several of those racks. Does that mean there are three? Four? Two?

A. I don't know the specific amount of racks.

Q. Are each of the racks full of samples, the slide samples?

A. Yes.

Q. Are there any electronic records at [redacted] besides what might be included on the network that we've been talking about?

MS. BURROWS: Objection, vague and ambiguous.

THE WITNESS: Not that I'm aware of. I don't know. I don't know.

Q. (By Mr. Sheer) Any backup drives there?

A. Yes.

Q. What are the backup drives?

A. They are encrypted backups of the virtual -- of the virtual servers.

Q. How are they encrypted?

A. TrueCrypt. They're password protected, and they're also protected with a key.

Q. Are they accessible from your workstation?

A. No.

Q. How are they accessible?

A. Through the server rack. I have a server dedicated just for those backups.

Q. And how is that server accessed?

A. Remotely through my workstation.

Q. Where is the encryption key stored?

A. On that server.

Q. Setting aside the backup that we've just talked about, are there any other hard drives or media on which electronic records are stored at [redacted]?

MS. BURROWS: Objection, overbroad.

THE WITNESS: To my knowledge, no.

Q. (By Mr. Sheer) We've talked a bit about the security measures at [redacted], and I'd like to talk a bit more about the measures in place to prevent unauthorized disclosure of information from the network.

You've told us there's a firewall. Actually, you've told us there's two firewalls, one on the modem and one inside the network from the modem; right?

A. Right.

Q. Is there file integrity monitoring?

A. File integrity monitoring?

Q. Uh-huh (affirmative).

A. What is that?

Q. Is there a way for checking to see if there have been changes in critical files?

MS. BURROWS: Objection, vague and ambiguous.

THE WITNESS: Could you give me an example of a file integrity monitoring? Something that --

Q. (By Mr. Sheer) No. I'm actually asking you whether there's some application or device that is on the network that checks to see whether critical files have been changed.

A. What would do that? What would check that?

Q. I'm just asking you if you have such a thing.

A. I don't really understand. I don't really understand what would be doing that, so I don't think that I know of anything because I don't really understand the --

Q. Okay.

A. -- what would be a file. So you're saying if a file is changed, would we get like an alert or something like that if a file was changed?

Q. That is the idea, yeah.

A. No. I don't even know how you would do something like that.

Q. All right. Is there any kind of intrusion

detection system at [redacted]?

MS. BURROWS: Objection, vague and ambiguous.

THE WITNESS: Like what?

Q. (By Mr. Sheer) Well, I'm asking you. Is there any device or application that is installed there that would detect a possible intrusion?

A. Not to my knowledge.

Q. Is there any intrusion prevention system at [redacted]?

MS. BURROWS: Objection, vague and ambiguous.

THE WITNESS: Not to my knowledge.

Q. (By Mr. Sheer) Is traffic coming into and going out of [redacted], the network at [redacted], being monitored?

MS. BURROWS: Objection, vague and ambiguous.

THE WITNESS: I don't know.

Q. (By Mr. Sheer) Is traffic being logged in and out of the network?

MS. BURROWS: Objection, calls for speculation.

THE WITNESS: Can you repeat the question?

Q. (By Mr. Sheer) Is traffic being logged

Complaint Counsel = Yellow Both = Green
LabMD = Blue

going into and out of the network?
A. For LabMD?
Q. Yes. We're talking about the LabMD network at [redacted]
A. Yes, I would say that that would be true.
Q. How is that being done?
A. Firewall would keep a log, and then if anything was accessed through LogMeIn, it would also be logged through LogMeIn.
Q. Is there a process in place there to review the logs?
A. I wouldn't say that there's a process in place to view the logs.
Q. Is there someone there who will review the logs?
A. Not to my knowledge, no.
Q. Are there user groups that have been assigned at [redacted]?
A. On what?
Q. On the resources on the network.
A. Are there user groups that would be assigned to [redacted]?
Q. Are there user groups that have been assigned to [redacted]
MS. BURROWS: Objection, vague and

ambiguous.
THE WITNESS: I really don't understand what you're asking.
Q. (By Mr. Sheer) Well, are you an administrative user or were you an administrative user at [redacted]
A. Yes.
Q. Were there other administrative users?
A. Jennifer and Jeff.
Q. Anyone else?
A. No.
Q. Were there any users who were assigned to a lesser group, a more restricted group?
MS. BURROWS: Objection, vague and ambiguous.
THE WITNESS: If there was, I don't know about it.
Q. (By Mr. Sheer) Were there any other users besides the three of you?
MS. BURROWS: Objection, calls for speculation.
THE WITNESS: Were there any other users that were -- could you repeat the question?
Q. (By Mr. Sheer) Were there any other users who had -- any other people who had access to the

network at [redacted]
A. No.
Q. If someone were to -- some authorized person were to come to the [redacted]ddress and try to use your workstation, would they be able to?
MS. BURROWS: Objection, calls for a hypothetical.
THE WITNESS: They could turn it on.
Q. (By Mr. Sheer) Could they do anything else?
A. Not unless they knew my password.
Q. Are there any instructions that you left about how someone at the workstation, your old workstation, could access the network?
MS. BURROWS: Objection, vague and ambiguous.
THE WITNESS: Absolutely not.
Q. (By Mr. Sheer) So how would a new user learn how to access the network?
MS. BURROWS: Objection, calls for a hypothetical.
THE WITNESS: They would have to talk to somebody who knew about the network, I guess, right?
Q. (By Mr. Sheer) They'd have to talk to

who?
A. Huh?
Q. Who would they have to talk to?
A. They would have to talk to myself, Jennifer, or Jeff.
Q. And why is that?
A. To learn how to access the network.
Q. We talked earlier about the corporate condo. I wasn't quite clear on what work you did there.
A. Uh-huh (affirmative).
Q. So could you tell me what work you did there?
MS. BURROWS: Objection, asked and answered.
THE WITNESS: I set up two printers and one workstation, and that's it.
Q. (By Mr. Sheer) What could the workstation do?
A. The workstation was a billing workstation from the billing department at LabMD, and that workstation was connected to the two printers. And that workstation was primarily to run billing, the billing statements, continuing the billing process until the course ended.

Q. Understood. In order to do that, would the workstation or the user of the workstation need to have access to Lytec, the Lytec server?

A. Yes.

Q. How did they get access to the Lytec server?

A. LogMeIn.

Q. Walk us through how that works.

A. They would have to log-in to LogMeIn with their account, and that would -- that would open up the -- have you ever used LogMeIn?

Q. No, I haven't.

A. Okay. Well, then you get your list of computers, and they would have been in the billing group, so they would only have a list of billing PCs, and they would just click on that PC and do remote control.

And then it would open up that computer's locked screen, and then they would have to enter in user credentials to get to that part of the screen or to get into Windows.

And then they would have to have credentials to get into Lytec, to get into Lytec, to access any of that.

So they would need LogMeIn access, Windows

access, and then they would need Lytec access.

Q. From the workstation at the corporate condo, what else on the network at [redacted] could be reached besides the Lytec server?

A. I think they have access to the LabNet server too.

Q. The LabNet server is the laboratory information system?

A. Uh-huh (affirmative), not the actual physical server, but the LabNet client, the client on the workstation to access -- to use it for -- to get, I guess, lab records and stuff.

Q. So if I understand you correctly, what I think you're telling us is from a workstation in the corporate condo the user could reach the billing server and the laboratory information system server; is that right?

A. It could access the clients, not physically not access the servers, no. They don't have access to servers at all.

Q. Let's backtrack then. They accessed the clients, and once they accessed the clients for Lytec and the laboratory information system, what could they do?

A. Well, the clients would talk to the

server, and then they could do whatever those clients would allow them to do.

Q. So does that mean that the workstation at the corporate condo could access the Lytec application and through that application reach the Lytec server at [redacted]?

MS. BURROWS: Objection, misstates testimony.

THE WITNESS: The corporate condo would give them LogMeIn access to the virtualized client, which would -- yes, it would give them -- they would be able -- if they had the credentials, they could have access to both those clients; correct.

Q. (By Mr. Sheer) And so let's just kind of deal with one of them at a time.

A. Sure.

Q. Once the remote user in the corporate condo has gotten to the Lytec, the billing server, what could they do there?

A. Lytec stuff.

Q. Could they extract information from the server?

MS. BURROWS: Objection, calls for speculation.

THE WITNESS: Yeah, I would really be speculating what they could do because I really had very little -- played a very little role in the actual Lytec client. So I don't know what they would have full access to or not.

Q. (By Mr. Sheer) All right. Going on to the laboratory information system, a user at the workstation in the corporate condo is able to reach the network at [redacted] and connect to the client for the laboratory information system; right?

A. Uh-huh (affirmative).

Q. What can they do with the laboratory information system once they've done that?

MS. BURROWS: Objection, calls for a hypothetical.

THE WITNESS: Well, they would have access to tests that were performed probably in regards to billing, for billing purposes.

Q. (By Mr. Sheer) Could they print whatever it is they viewed in the laboratory information system?

MS. BURROWS: Objection, calls for speculation.

THE WITNESS: Sure.

Q. (By Mr. Sheer) Where could they print it?

Complaint Counsel = Yellow Both = Green
LabMD = Blue

A. Where could they print it?

Q. Uh-huh (affirmative).

A. They could print it to the printer probably that hooked up to that workstation right there.

Q. That's a printer that's located at the corporate condo?

A. Uh-huh (affirmative).

Q. Could they print Lytec reports to the corporate condo?

A. I think so, yeah.

Q. Are there any other servers on the [redacted] network that could be reached from the workstation at the corporate condo?

A. Not to my knowledge, no.

Q. What else from LabMD is at the corporate condo?

MS. BURROWS: Objection, overbroad and asked and answered.

THE WITNESS: Could you repeat the question?

Q. (By Mr. Sheer) Yeah. We spoke a few minutes ago about other materials from LabMD at [redacted] and you described slide samples.

A. Uh-huh (affirmative).

Q. I'm asking you the same basic question for the corporate condo. And so it is: What other materials from LabMD is at the corporate condo?

A. I know we had some stuff moved there. I really don't know what all is there though. I didn't ask, and they didn't tell me. I was only there briefly for just hooking up that printer and those computers there.

Q. Are there paper documents there in boxes?

MS. BURROWS: Objection, asked and answered.

THE WITNESS: Paper documents in boxes? I don't think so.

Q. (By Mr. Sheer) Are there other computer equipment? Is other computer equipment there?

A. Yes.

Q. What is that?

A. I think that they may have moved some of those workstations down there from like -- workstations that had the hard drives removed. And they physically -- and they were put there, and odd-and-end computer junk, nothing special though.

Q. When you say workstations that had the hard drives removed, what are you referring to?

A. Client, like the billing department and customer service department's computers, those computers had to go somewhere, and that's where they went.

Q. You said the hard drives were removed from those computers?

A. Uh-huh (affirmative).

Q. How do you know that?

A. Because I removed most of them.

Q. Where are the hard drives now?

A. To my knowledge, they're in a secure location that I am not fully aware where they're at, but they put them somewhere supposedly secure to keep them safe from --

Q. Did you see them at [redacted]?

A. I don't remember.

Q. What kind of security measures are in place at the corporate condo for the workstation that can remotely log into the computer network at [redacted]?

MS. BURROWS: Objection, overbroad.

THE WITNESS: It has a Windows user name password requirement to log into it.

Q. (By Mr. Sheer) Anything else?

A. No.

Q. Your answer is no?

A. No, right. Yes. No, yes.

Q. We've talked about using LogMeIn to remotely log into the network at [redacted]. Could the LogMeIn service be used to remotely log into the 425 networks from anywhere or just from the corporate condo?

MS. BURROWS: Objection, overbroad.

THE WITNESS: With the correct credentials, you could log in fr

Q. (By Mr. Sheer) Back to [redacted]. what else -- where in the house is the network located?

A. The lower level, basement.

Q. It's the basement?

A. Uh-huh (affirmative).

Q. What else is in the basement?

A. We already went over this, didn't we?

Q. I don't think we did.

A. You asked what else was in there, and I said the slides.

Q. No. I understand. I'm not asking you the material that came from LabMD that's now in the basement. I'm asking you kind of what else is in the basement.

A. Okay. There is slides, the server racks,

Complaint Counsel = Yellow Both = Green
LabMD = Blue

the three workstations, some tools, like networking tools and stuff like that, some spare computer equipment, and I think there's some chairs down there, a cart, and that's about all I can think of.

Q. Are the utilities down there, the house utilities down there, heating and air conditioning?

A. I don't know.

Q. Anything else down there besides what you've described?

A. I would be speculating. I don't know.

Q. Is it accessible from the outside?

A. The basement?

Q. Yeah.

A. No.

Q. What security measures are in place for the perimeter of the house?

MS. BURROWS: Objection, vague and ambiguous.

THE WITNESS: Security measures? Could you repeat the question?

Q. (By Mr. Sheer) What security measures are there for the perimeter of the house?

A. I'm not aware of any.

MR. SHEER: Can we stop for just five minutes so we can talk briefly?

(Deposition in recess, 10:24 a.m. to 10:34 a.m.)

Q. (By Mr. Sheer) Back on the record. You've told us that you stopped working for LabMD. Do you have any plans to work for the company in the future?

A. If they ask me.

Q. Have they told you that that's likely?

A. No.

Q. Have they told you that's possible?

A. Nope.

Q. Okay. If Mr. Daugherty wanted to sit down at your workstation at [redacted] and log in, could he do it?

MS. BURROWS: Objection, calls for speculation.

THE WITNESS: He could log in under his credentials.

Q. (By Mr. Sheer) What did his credentials allow him to do on that network?

A. I don't know. I wasn't in charge of that. That was something that Jennifer handled was credentials. I know he wasn't a domain administrator.

Q. If he's not a domain administrator, what is he?

A. Regular user.

Q. Regular user?

A. Uh-huh (affirmative).

Q. I asked you earlier whether there were groups that had been set up at [redacted], and what I think you're telling me now is there is a regular user group and it's Mr. Daugherty; is that right?

A. Right. You asked if there's any other users that were going to be logged in, so it was just me, Jennifer, and Jeff, so I guess if Mike wanted to use his old LabMD domain account, he could get in.

Q. That account is still good?

A. I'm going to speculate and say, yes, it's probably still good.

Q. What did that account give him access to at Powers Ferry?

MS. BURROWS: Objection, calls for speculation.

THE WITNESS: He had access to his -- like the administrative upper-level file shares. So it was basically just the file -- special file shares for the administrators.

Q. (By Mr. Sheer) What other file shares did he have access to at Powers Ferry?

A. Mike?

Q. Uh-huh (affirmative).

A. None other than just those ones that they had set up for him.

Q. What were they though?

A. That would probably be a better question to ask somebody else because that was kind of above me. I didn't really participate in setting up any of those file shares.

Q. Well, you said he had the administrative shares; right? He had access to the administrator share?

A. Uh-huh (affirmative).

Q. What other shares were there?

A. Billing and client services each had a share they would share stuff off that they would put their documentation on.

Q. Any other shares besides that?

A. IT department had a share too.

Q. Did Mr. Daugherty have access to that share?

A. No.

Q. With the administrator share, what applications could be reached?

A. With the administrator share, what applications could be reached? That's a file.

And then the normal user would be limited access and control.

Q. (By Mr. Sheer) Did you simply use the default components of each one of those categories, administrator, power user, and normal?

A. Yes.

Q. How many people at LabMD at Powers Ferry had normal user permissions? I think we've talked about this, but I just want to clarify things.

MS. BURROWS: Objection, vague and ambiguous.

THE WITNESS: It was our policy to have all the users be users or -- normal users or power users. And then the managers and IT were allowed to be administrators.

Q. (By Mr. Sheer) The reason why all the normal -- all the regular employees, not managers and not IT employees, were power users was because of the difficulty with making Lytec work; is that right?

MS. BURROWS: Objection.

THE WITNESS: Correct.

Q. (By Mr. Sheer) Is there any other reason?

A. No. If we could made them all normal users and the software would have worked fine, then they would have all been just normal users.

Q. Did the IT department try to resolve the conflict that prevented -- the conflict between a normal user permission and Lytec?

A. There was little that we could do to resolve that.

Q. I didn't hear you.

A. There was not much that we could do to resolve it.

Q. What did you try to do?

A. Tried reinstalling, uninstalling it and reinstalling it a couple different times on a couple different computers, and it only came back to the -- it had to be in the power user group for them to have permission to do it.

Q. Do you know what the technical problem was though?

MS. BURROWS: Objection, misstates testimony.

THE WITNESS: It was a permission that the client needed to utilize to talk to the server or to load up into Windows. I don't know the specific details of why it was like that.

Q. (By Mr. Sheer) All right. Turning now to [redacted] do you have any concerns about the adequacy of the security at that location for the

computer network there?

MS. BURROWS: Objection, calls for expert witness conclusion.

THE WITNESS: No. I'm pretty -- very confident that the security of the network there is very well. I think it's good.

Q. (By Mr. Sheer) What's the basis for that?

A. Because it's separated from the -- like I said earlier, it's separated from the rest of the network inside the house. And it's got the -- and it's behind the same firewall that we used at LabMD for their firewall. And it's on a separate switch, so it's completely separate from it, so --

Q. It's on a separate switch and it's completely separate from what?

A. I mean, like I said earlier, you've got the -- you've got two connections. One is going to the rest of the house where it's all wireless and everything. And the other one is going to just that server. So there's two different switches, one for the house and then another switch for the LabMD stuff.

Q. Turning to the corporate condo, do you have concerns about the security of that computer equipment at the corporate condo?

MS. BURROWS: Objection, calls for expert witness conclusion.

THE WITNESS: No. I think that that equipment is safe there.

Q. (By Mr. Sheer) Are you aware of any instance where there was a violation of any security policy or procedure when you worked at LabMD?

MS. BURROWS: Objection, calls for a legal conclusion.

THE WITNESS: Could you repeat the question?

Q. (By Mr. Sheer) Are you aware of any violation of a security policy or procedure when you worked at LabMD?

A. Security policy or procedure?

MS. BURROWS: Same objection.

THE WITNESS: I can't think of any, no.

Q. (By Mr. Sheer) When you worked for LabMD, did IT employees have discretion to purchase computer equipment and supplies?

MS. BURROWS: Objection, overbroad.

THE WITNESS: No.

Q. (By Mr. Sheer) How did IT employees go about getting -- purchasing computer equipment and supplies?

A. All purchasing went through Mike

Complaint Counsel = Yellow Both = Green
LabMD = Blue

EXHIBIT C

In the Matter of:

LabMD, Inc.

March 4, 2014
Michael Daugherty

Condensed Transcript with Word Index

For The Record, Inc.
(301) 870-8025 - www.ftrinc.net - (800) 921-5555

Complaint Counsel = Yellow Both = Green
LabMD = Blue

CX0710
RX492

25 percent of the nearly one million patients were
patients for whom LabMD did not conduct a test, right?
A. Yeah, approximately, yes.
Q. **And about 25 percent of that 20 or**
25 percent of the nearly one million who LabMD did not
perform a test where some other lab performed a test
for?
A. The 25 percent of the 25 percent?
Q. **Correct.**
A. Yes. Yes, right. Right. Like managed care
stuff and stuff like that.
Q. **Okay.**
A. And that's an ever-changing accuracy desire
from physician's offices that will give you that.
Q. **Where was the information about patients,**
both types of information, the specific diagnoses and
laboratory results and the more general PHI kept on
LabMD's network?
A. In the laboratory information system.
Q. **And where?**
A. And Lytec.
Q. **Anywhere else?**
A. Not that I know of, no.
Q. **Where is it now?**
A. Meaning electronically?

Q. **Yes.**
A. Yes.
Q. **Where is it now?**
A. It's all at the undisclosed location of
[redacted]
Q. **When did LabMD begin winding down?**
A. Begin winding down?
Q. **Let me rephrase my question.**
A. Okay.
Q. **The letter that you sent to physicians says**
stopped accepting specimens around January 15th I
think, all right.
A. Yeah, I think so.
Q. **Yeah. And the request for admissions that**
were served yesterday says January -- December 20th.
A. No, I don't --
Q. **So there's a, basically a month difference**
in there.
A. I think that -- well, go ahead. I'm sorry,
go ahead.
Q. **So I'm trying to understand the discrepancy.**
A. I think it's a definitional discrepancy. We
didn't start winding down until January. I believe
the question where December came from was when I told
an employee.

Q. **I thought it was when specimens were no**
longer being accepted?
A. That would be, specimens were no longer
accepted in January.
Q. **Not earlier than that?**
A. No.
Q. **All right.**
A. No.
Q. **When LabMD began winding down in 200 -- in**
January 2014, how many patients did it have more
general PHI about?
A. I would, I would, I would have to check
that.
MR. SHERMAN: Wait, objection. The question
is not clear to me, but, so I'd object to the form of
the question.
You may answer it if you understand it.
BY MR. SHEER:
Q. **Let me try and state it a different way.**
The Exhibit 501, paragraph 17 that we've been talking
about refers to general PHI for nearly a million
people and that document is dated April 20th --
April 12th, 2010, and it's signed by you on the 12th
of that same month.
A. Are you --

Q. **And so what I'm asking is that was several**
years ago. In the interim LabMD continued in business
and so what I'm asking now is when it began to wind
down in January 2014, how many people did it have more
general PHI about?
MR. SHERMAN: Objection. Are you asking the
question with reference to those individuals for whom
LabMD did not test or are you asking for the entire?
MR. SHEER: The more, if I'm understanding
Exhibit 501 correctly, paragraph 17 is saying the
nearly one million people is the larger universe and
so I'm asking how big, how much bigger is it when,
when January 14th -- January 2014 rolled around.
THE WITNESS: Not, it's -- I don't believe
it's over a million patients and I want to make sure
you're understanding that the more general PHI for a
million patients is, as I would interpret this, is
inclusive of the laboratory result people as well.
BY MR. SHEER:
Q. **That's how I'm interpreting it as well.**
A. Okay. Okay.
Q. **So I'm simply saying look, it's almost four**
years between document CX 501 and the wind-down in
January 2014, the company was in business during that
period of time, presumably it conducted tests, how

Complaint Counsel = Yellow Both = Green
LabMD = Blue

EXHIBIT D

In the Matter of:

LabMD, Inc.

February 14, 2014
Kimberly Gardner

Condensed Transcript with Word Index

For The Record, Inc.
(301) 870-8025 - www.ftrinc.net - (800) 921-5555

Complaint Counsel = Yellow
Both = Green
LabMD = Blue

CX0713
RX495

Q. During your tenure at LabMD, how much time in an average week would you spend dealing with the Destin condos, if you can recall?

MS. HARRIS: Objection, overbroad.

THE WITNESS: It varied due to the seasonality of it. I'd say during a heavy period, maybe four to five hours a week. That's just guessing.

Q. (By Ms. Lassack) What would the heavy periods be?

A. June through Labor Day, a little bit in March when spring breakers would start. And then there would be a break, and then it would pick back up again once school got out.

Q. I believe you also said that you did some work with respect to Mr. Daugherty's current residence; is that correct?

A. Uh-huh (affirmative).

Q. What types of work did you do?

A. He renovated that home, and I would help coordinate people being there to finish up the work that needed to be done, electricians, plumbers, that type of people.

Q. And you say help coordinate, what did you do?

A. Called them and said, when are you going to get there to finish it.

Q. Typical contractor correspondence, huh?

A. And then in October he said that he wanted to be in by the end of the year because he had a loan pending and it needed to close by the end of December. So then it became really full-on.

And then he told me that I had to have the certificate of occupancy before I could leave for vacation because I was going to be gone over the period he would be doing the closing on that loan, which was the 30th or 31st of December. So I had to make sure I had the certificate of occupancy the 20th before I left for the Christmas break.

Q. Because the certificate of occupancy was required to close the loan?

A. Yes, correct.

Q. Did you ever hire contractors for work on Mr. Daugherty's house?

A. No. They were all previously hired.

Q. Did you ever hire contractors for Mr. Daugherty?

A. I think they were all already people that had been there prior that needed to go back and finish up little, you know, loose ends.

Q. The house you described for which you got the certificate of occupancy, where is that house located?

A. In Buckhead on [redacted]

Q. Do you know the address?

A. [redacted]

Q. Did you ever pay LabMD bills?

A. No. Well, take that back. Very rarely if he was out of town and something needed to be sent immediately, he would tell me to get -- well, he would bring me the bills that he wrote, and I would have to send them out.

And then occasionally, very rarely, he would ask me to send a bill out that he didn't write, and I'd have to use one of his checks to write it out and send it, but that was rare.

Q. Do you recall what types of expenses it was for when you had to do it?

A. Lab expenses. Occasionally it would be a personal check of his that, you know, I had to pay somebody that did some work for him or something, but that, again, was very rare.

Q. Sorry. When you said you paid a check on those rare occasions from Mr. Daugherty's personal work, was that from his personal account or a LabMD account?

A. Yes. He gave me some of his personal checks just in case of an emergency. They were in a file in my office.

Q. Did you have any role, other than the check, handling the checks, any role with patients and clients?

A. No.

Q. And did you do any personal work for Mr. Daugherty that we haven't already discussed?

A. Dog sitting.

Q. How often did you dog sit?

A. A lot. Every time he went out of town.

Q. More than once a week?

A. Sometimes, yes. Sometimes it was for weeks on end, yes.

Q. When you dog sat, did you have to stay at his house?

A. No. I stayed at my house because I have a dog myself, and it needed me to be there for it. So I would bring the dogs to my house.

Q. Did your role at LabMD change at all during your tenure?

A. Huh-uh, no.

Q. Did you ever assist with Websense?

speculation, overbroad as to time frame.

THE WITNESS: When I would have to go to his other home where he was living before he moved back into [redacted] he would frequently leave the door unlocked when I was on my way over there to pick up the dogs.

Q. (By Ms. Lassack) About how often would he do that?

A. I'd say 50 percent of the time. And sometimes he'd tell me to leave it unlocked once I left because he -- I don't know why he didn't want it locked, but I didn't relock it. Other times I locked it.

Q. Did he tell you why he wanted you to leave it unlocked?

A. No. He just said, don't bother locking it when you leave.

Q. How often did he tell you that?

A. Maybe ten percent of the time, not often.

Q. Did you ever do any work for Mr. Daugherty at the [redacted] location?

A. Other than the home renovation, being there for inspections, no.

Q. When Mr. Daugherty proposed during your December 15th conversation that you continue working for him out of his home at [redacted] were you planning to do that?

A. Yes, because I didn't have a choice.

Q. Is it fair to say then that was not something you wanted to do?

MS. HARRIS: Objection, mischaracterizes the testimony.

THE WITNESS: It would have been the same job, just a different location.

Q. (By Ms. Lassack) Was that a desirable location for you?

MS. HARRIS: Objection, vague and ambiguous, irrelevant.

THE WITNESS: It was a further drive for me, if that makes a difference.

Q. (By Ms. Lassack) Did that make a difference to you?

A. Well, yeah, because gas is expensive and traffic is terrible in Atlanta.

Q. Are there any other reasons why working from [redacted] would be less desirable than working from Powers Ferry?

A. No.

Q. During your tenure at LabMD, how much -- what percentage of your time did you spend working for Mr. Daugherty personally versus working doing LabMD work?

MS. HARRIS: Objection, irrelevant, overbroad as to time frame.

THE WITNESS: I'd say it varied, but towards the end I was probably working at least 80 percent for Michael and 20 percent for LabMD towards the end once John Boyle left and the lab was not doing well.

Q. (By Ms. Lassack) When you said it varied, the percentage varied, how did it vary? What was the other end of the variance?

A. If something big was going on at the lab that, you know, they needed my help with or whatever, but I never worked in the lab itself. I always worked on the admin side.

Q. So you said near the end you spent about 80 percent of your time doing work for Mr. Daugherty and about 20 percent doing LabMD-related work.

What were those percentages when you started working for LabMD?

A. I'd say it was more 50/50. And at times maybe 60/40.

Q. And is that 60/40, what would be the 60?

A. 60 for LabMD, 40 for Mike. Michael was writing the book, so he was out of town a lot. So there wasn't a lot of personal work at that point.

Q. At what point was that?

A. When he was writing the book.

Q. When was that in terms of the calendar?

A. Again, I'm going to guess and say most of 2000 -- lord, when did he start writing that book? I'm going to say half of 2011 into the early part of 2012. I can't remember exactly when he wrote -- started writing it and went out of town.

Q. And I believe you also said -- made a reference to once John Boyle left and the lab was not doing well. When was the lab not doing well?

A. Once clients started dropping him and we lost our salespeople.

Q. When was that?

A. Late 2012 -- no, 2013.

Q. Do you know why clients started dropping him?

A. Say the second half of 2013.

No. I wasn't privy to that information.

Q. Do you know who at LabMD was privy to that information?

MS. HARRIS: Objection, calls for speculation.

THE WITNESS: No, I don't know.

Q. (By Ms. Lassack) Do you know why LabMD lost salespeople?

MS. HARRIS: Objection --

THE WITNESS: They found other jobs.

Q. (By Ms. Lassack) I'm sorry. I didn't hear you.

A. They found other jobs.

Q. How do you know that?

A. Because they gave their resignation and took other jobs.

MS. LASSACK: Let's go off the record and take a quick break. It's 3:02.

(Deposition in recess, 3:03 p.m. to 3:14 p.m.)

Q. (By Ms. Lassack) We are back on the record at 3:14. Ms. Gardner, I believe you said you'd like to clarify an earlier answer.

A. I forgot to add that one of my duties was to ship out his books to lists that he gave me. I thought of that.

Q. How many copies of his book did you ship out?

A. At least 500, I'd guess.

Q. To whom did you ship them?

MS. HARRIS: Objection, overbroad.

THE WITNESS: Lists that he gave me.

Q. (By Ms. Lassack) Were there certain types of people on the list?

A. It would just be media or whatever. He'd just give me the list, and I'd ship it to whatever name was on the list.

Q. So you -- I believe you said media; is that correct?

A. Media people or PR people.

Q. Any other categories of people you recall from the lists?

A. No.

Q. I believe you testified earlier that you participated in inspections at [redacted] is that correct?

A. Uh-huh (affirmative).

Q. Do you know if [redacted] has any sort of security system?

MS. HARRIS: Objection, vague and ambiguous as to security system.

THE WITNESS: I don't know that.

Q. (By Ms. Lassack) Do you know if it has any alarm system?

A. I don't know.

Q. Do you know anything about the doors at 425 Broadland? I'll give you an example. Like, for instance, is there a lock on the door between the garage and the house?

A. Yes.

Q. Do you know if there's a lock on the door leading to the basement?

A. I don't recall.

Q. Do you know what type of door the front door is?

A. I believe it's like a double door, but I don't even remember. I'm not sure.

Q. Who paid your salary when you worked at LabMD?

A. LabMD.

Q. Did Mr. Daugherty personally pay any portion of your salary?

A. No.

Q. When you began working at LabMD, did you have a personal computer that you used?

A. No.

Q. Did you have a computer that LabMD provided that you used?

A. Yes.

Q. What type of computer was that?

A. I believe it was a Dell desktop.

Q. Do you recall what operating system was on it?

A. I think Windows 7. I'm not sure though.

Q. Do you recall if the operating system changed during your tenure at LabMD?

A. No, I don't believe.

Q. Did your computer change during your tenure at LabMD?

A. No.

Q. When you first started using your computer at LabMD, was there any data on it?

A. Yes.

Q. What types of data?

A. Forms that the previous admins used, correspondence that had been written and saved in files, various charts and old handbooks, employee handbooks, you know, that had been saved, various documents.

Q. Were there any pictures?

A. I believe there were some pictures saved on there as well.

Q. Do you recall what types of pictures?

A. I remember some pictures of his dogs on there. I can't even recall. I think there were some

record at 4:30. Ms. Gardner, earlier you talked about a conversation with Mr. Fusco about the key above Mr. Daugherty's door. And I just want to ask you a couple of questions to try to understand Ms. Harris's claim of attorney/client privilege.

When Mr. Fusco talked to you about the key, did he tell you that he was giving Mr. Daugherty legal advice when he spoke to him?

MS. HARRIS: Objection. I'm going to instruct her not to answer. It's attorney/client privileged.

Q. (By Ms. Lassack) Are you following Ms. Harris's instruction, Ms. Gardner?

A. I don't know what to say because I just -- I don't know what to -- I don't know what I'm supposed to say at this point.

Q. I'm sure that there is no right answer. Neither one of us is your lawyer, and neither one of us can give you legal advice.

A. So say the question again, and I'll tell you yes or no.

Q. I just was asking if you were following Ms. Harris's instruction not to answer my question.

A. She's technically not representing me. So I can say, I guess, what I know, and if it's not

allowed, that's between, I guess, the two of you to delve out. I don't know.

All I -- the way it happened was that Stephen Fusco told me that that key over Mike's door needed to be taken down and that he advised Mike on several occasions to take it down.

MS. HARRIS: And I object, attorney --

THE WITNESS: That's all I know.

MS. HARRIS: And I object. That's attorney/client privileged, and I move that that be stricken from the record.

MS. LASSACK: Okay. Then we're going to reserve the remainder of our time right now. Do you have any questions, Ms. Harris, or would you like to take a break?

MS. HARRIS: No, I'm okay. Thank you.

EXAMINATION

BY MS. HARRIS:

Q. Good afternoon, Ms. Gardner. As you know, my name is Lorinda Harris. I'm an attorney for LabMD, and with me is my colleague Robyn Burrows.

When you were talking earlier about items in the garage at [redacted] **as had been described to you by Jennifer Parr, do you have any personal knowledge as to exactly what those items were in the**

garage?

A. No. I never saw them myself.

Q. Okay. Did Jennifer Parr tell you what those items were in the garage at [redacted]**?**

A. She said that it was a -- basically a mishmash of boxes and everything from Mike's personal items to the lab items were thrown in the garage.

Q. Do you have any personal knowledge as to what those lab items were in the garage?

A. I never saw them.

Q. You also talked about you understood that there were items from the lab that were not packed securely. Do you have any personal knowledge --

A. No.

Q. -- as to what any of those items were that you had been told were not packed securely?

A. No.

Q. Since LabMD materials have been moved from the Powers Ferry address to [redacted]**, have you been inside** [redacted]**?**

A. No.

Q. So you have not seen what state or condition any of the LabMD materials are at 425 Broadland?

A. No.

Q. When you were talking about Mr. Daugherty leaving a door unlocked for you in a home in which he was temporarily residing, do you have any personal knowledge of him leaving a door unlocked for anyone else when he wasn't expecting someone to come to the house?

A. I don't have any personal knowledge of that.

Q. At any time during your tenure at LabMD, did you ever have any patient information on your LabMD hard drive such as patient Social Security numbers, addresses, et cetera?

A. No.

Q. Did you ever email any patient confidential to Mr. Daugherty at his AOL email address?

MS. LASSACK: Objection to form.

THE WITNESS: No.

Q. (By Ms. Harris) During your tenure at LabMD, are you aware of anyone either at LabMD or on behalf of LabMD engaging in the unauthorized disclosure of any confidential patient information?

A. No.

Q. There was no peer-to-peer software on your computer; is that correct?

EXHIBIT E

In the Matter of:

LabMD, Inc.

February 6, 2014
Jeffrey Martin

Condensed Transcript with Word Index

For The Record, Inc.
(301) 870-8025 - www.ftrinc.net - (800) 921-5555

Complaint Counsel = Yellow Both = Green
LabMD = Blue

CX0725
RX507

Q. Do you have any other post-high school education?

A. No.

Q. How about any other training in information technology besides your BS in computer science?

A. No.

Q. Do you have any information technology certifications?

A. No.

Q. Are you currently employed?

A. Yes.

Q. Where are you currently employed?

A. LabMD.

Q. How long have you been employed by LabMD?

A. Since January 25th of 2012.

Q. How did you come to work for LabMD?

A. I had done some consulting work for LabMD, and they made me an offer.

Q. What was that offer for?

A. IT manager position.

Q. What were your duties as IT manager at LabMD?

A. Can you be more specific?

Q. Let's start with did any employees report

to you as IT manager.

A. I had two direct reports to me.

MR. SHERMAN: Wait until she finishes asking the question before you jump in and answer the question. Just take your time.

THE WITNESS: I am sorry.

Q. (By Ms. Lassack) Who were those direct reports?

A. Brandon Bradley and Jennifer Parr.

Q. What was Mr. Bradley's role at LabMD?

A. Desktop support.

Q. When did Mr. Bradley work for LabMD?

A. He began in 2009. I do not know the exact date.

Q. Does Mr. Bradley still work for LabMD?

A. Yes.

Q. Is Mr. Bradley still desktop support at LabMD?

A. Yes.

Q. What are Mr. Bradley's duties as desktop support at LabMD?

A. He was responsible for maintaining printers, setting up desktops, and addressing certain software situations, installing needed software.

Q. When you say certain software situations,

what do you mean by that?

A. Installing like Microsoft Office or installing the proprietary software for the LIS, for the billing system.

Q. When you described Mr. Bradley's role, I believe you used the word was. Has his role changed recently?

A. Currently we are all working on setting up the new environment.

Q. When you say we, what do you mean?

A. Myself, Jennifer Parr, and Brandon Bradley.

Q. When you say the new environment, what do you mean?

A. LabMD has transitioned from the building that we were in to two locations.

Q. What are those two locations?

A. [redacted] and the other one is -- I cannot remember the exact address.

Q. What do you remember about the second address?

A. It is in a condo park.

Q. Where is that condo park?

A. In Atlanta.

Q. Is there a particular neighborhood in

Atlanta?

A. It was down the street from the 2030 Powers Ferry.

Q. That's the prior office location?

A. Prior office location, yes.

Q. Who owns the condo location?

A. I do not know.

Q. Does LabMD have a lease for the condo location?

A. I do not know.

Q. How about the [redacted] address, what kind of building is that?

A. That's a residential address.

Q. Whose address is that?

A. Mike Daugherty.

Q. I just want to understand, I guess, what is being moved to each of those locations, starting with the [redacted] address.

A. At that location is currently the information systems, the servers. And there is a workstation that has been moved into the condo for billing.

Q. The [redacted] address, you said servers are there. Is there anything else that is there?

A. There are a handful of workstations, a number of printers. Is there -- can you give me an idea of what else you might be looking for?

Q. Is there anything else that comes to your mind?

A. No.

Q. Are there any paper records located at the [redacted] address?

A. Yes.

Q. What types of paper records?

A. Legal and other business-related files, employee files, receipts.

Q. When you say legal, what do you mean by that?

A. Documents from previous legal proceedings.

Q. Do you know what other type of business documents are located at the [redacted] address?

A. No.

Q. Do you know what type of information is contained in the documents located at the [redacted] address?

A. What type of -- will you be more specific or rephrase your question, please.

Q. Do you know what types of information about consumers are in the documents at the [redacted]

address?

A. No.

Q. Are there any types of slides or patient specimens located at the [redacted] address?

A. Yes.

Q. What types?

A. There is blocks and slides.

Q. I'm sorry, what is the first thing you said?

A. Block.

Q. What is a block?

A. A block is a tissue sample embedded in paraffin wax.

Q. What are blocks used for?

A. They are sliced and that is what a slide is created from. [redacted]

Q. Approximately how many blocks are located at the [redacted]?

A. I couldn't guess.

Q. Could you guess even a ballpark, like more than a hundred?

A. They are in boxes, and I do not know how many is in each box. No, I cannot render a good guess.

Q. Do you know how many boxes there are?

A. There are two sets of racks with boxes. No, I can't. I don't know how many boxes there are.

Q. Do you have any sense of saying it is more or less than 50 boxes?

A. More.

Q. Do you know if it is more than a hundred boxes?

A. Possibly. I do not know for sure.

Q. And how about the slides, how many slides are located at the [redacted] address?

A. Again, those are in cases and I cannot venture a guess as to how many slides there are.

Q. How many cases are there of slides?

A. Potentially 50.

Q. About how large is a case of slides?

A. Roughly a 14-by-14 square.

Q. Those are inches?

A. Yes.

Q. Are there any other types of LabMD data or equipment located at the [redacted] address we didn't talk about?

A. There are switches, routers, a scanner. Monitor, keyboard, mouse. Other than that, I cannot think of anything else.

Q. Let's start with the servers, where are

the servers located in the [redacted] address?

A. They are in the basement.

Q. How are they secured?

A. The residence is locked and there is a perimeter of cameras.

Q. Are there any firewalls at the [redacted] address?

A. Yes. Router is synonymous with the firewall in my terms.

Q. Who is the manufacturer of the router firewall?

A. Juniper.

Q. When did LabMD obtain the router firewall?

A. 2011, I believe.

Q. How are the servers set up at the [redacted]?

A. Can you be more specific?

Q. Is there an operational LabMD network at the [redacted]?

A. Yes.

Q. How is that network set up?

A. There is one workstation connected to the servers.

Q. Is there anything else connected to the servers?

Complaint Counsel = Yellow Both = Green
LabMD = Blue

A. KVM switch.

Q. Do any outside locations have access to the network?

A. Yes.

Q. What outside locations?

A. The condo.

Q. How does the condo access the network?

A. Through LogMeIn.

Q. How does LogMeIn work?

A. Can you be more specific?

Q. Could you walk me through the process if someone is sitting at the computer at the condo, how they use LogMeIn to access the network.

A. LogMeIn is a third-party service that they log into and it provides a remote connection to a remote computer.

Q. What type of credentials does someone use to log into LogMeIn?

A. A user name and password.

Q. Is that user name and password unique to LogMeIn or would it be the same user name and password for the LabMD network?

A. Unique to LogMeIn.

Q. So after those passwords and login credentials, password and user name credentials are used to log into LogMeIn, what happens next?

A. A connection is created to the remote computer. They are forced to log in again with a different user name and password.

Q. Would this user name and password be the same as one would use if they were physically connected?

A. Correct.

Q. Besides the condo, can any other outside locations connect into the LabMD network at the [redacted] address?

A. Using LogMeIn, yes.

Q. Who could use LogMeIn to access the network at [redacted]?

A. Only people with user name and password.

Q. What user name and password is that?

A. The user name and password specific to the LogMeIn account.

Q. That's a LabMD-specific LogMeIn account?

A. Yes.

Q. Would someone logging in also have to have the LabMD user name and password?

MR. SHERMAN: Wait until she is finished asking the question before you answer.

THE WITNESS: Yes, sir.

Q. (By Ms. Lassack) Can any of LabMD's clients or former clients access the network located at [redacted]?

A. No.

Q. What information is stored on the network at [redacted]?

A. There are two different systems. There is the laboratory information system and the billing system.

Q. Is the laboratory information system set up the same way that it was when LabMD was at the Powers Ferry location?

A. Yes. And that system is not accessible through LogMeIn.

Q. What is accessible through LogMeIn?

A. Only the billing system.

Q. Is the billing system set up the same way as it was at the Powers Ferry location?

A. Yes.

Q. What is the laboratory information system used for currently?

A. Currently it is used when someone requests historical result report.

Q. Who would request a historical log report?

A. A former client.

Q. Will you please walk me through the process of when a former client would request a historical log report, what happens?

A. They send a fax to us. That report is then printed out of the LIS system and faxed back.

Q. Where is the fax sent to?

A. They are remote -- the location?

Q. Sorry. The fax coming in with the request, where does LabMD receive that fax?

A. The condo.

Q. What LabMD employee or employees handle those fax requests?

A. Currently, Kindell Alvarez.

Q. Do you know how to spell that name?

A. K-i-n-d-e-l-l A-l-v-a-r-e-z.

Q. What is Kindell Alvarez's role at LabMD?

A. Currently she is in charge of billing.

Q. How long has Ms. Alvarez worked for LabMD?

A. I do not know.

Q. How many other employees does LabMD have currently?

A. I do not know. I am aware of four.

Q. Who are those four?

A. Jennifer Parr, Brandon Bradley, Kindell Alvarez, and myself.

Complaint Counsel = Yellow Both = Green
LabMD = Blue

Q. When Ms. Alvarez receives a fax for a request for a historical log report, what happens next?

MR. SHERMAN: Objection to the extent it calls for speculation. You may answer the question if you know.

THE WITNESS: She brings the report to [redacted] [redacted] where it is printed out of the local system, then she hand carries the result back and faxes it to the location.

Q. (By Ms. Lassack) So she physically drives from the condo to the Broadland location?

A. Yes.

Q. Who prints the report?

A. Either herself or myself.

Q. Who currently has access to the laboratory information system?

A. Myself, Jennifer Parr, Kindell Alvarez, Brandon Bradley.

Q. Does Mr. Daugherty have access?

A. Yes.

Q. Is there anyone else who has access that we didn't mention?

A. No.

Q. How far is the condo from the [redacted]

[redacted]ddress?

A. Five miles.

Q. About how often does Ms. Alvarez deliver historical log reports?

A. Infrequently. I would say we have done maybe seven.

Q. Seven since when?

A. January 15th.

Q. Where are the paper records located at the [redacted] address?

A. In various locations.

Q. Such as?

A. There is a couple of different rooms that have those records in them.

Q. Are those rooms within the house?

A. Yes.

Q. Are the paper records secured in any way, like in a locked file cabinet?

A. No.

Q. I think you may have already answered this, but do you know what types of consumer information are in the paper records?

A. No.

Q. That is no, you do not know, correct?

A. No, I do not know.

Q. Where are the blocks and slides stored?

A. Also in the basement.

Q. Are they secured in any way?

A. The same ways. The house is locked with the camera perimeter.

Q. No additional security within the house, though.

A. No.

Q. Is any LabMD information stored in the garage of th[redacted] house?

A. Not that I am aware of.

Q. What are your current duties at LabMD?

A. Finalizing the setup of the network at Broadland and the connection issues between there and the condo.

Q. What does that entail?

A. Making sure that the system is stable, backed up and that the connection is secured and stable.

Q. When you say stable, what do you mean?

A. That there are not issues with connectivity when they were attempting to do billing.

Q. When you say secured, what do you mean?

A. That it is behind a firewall and the firewall is set up with the appropriate rule set.

Q. What would that set entail?

A. Blocking anything that isn't absolutely required for communication.

Q. What types of things would be blocked?

A. FTP traffic. File sharing. A myriad of things would be blocked.

Q. What are the essential things that are not blocked?

A. Only http or web traffic and DNS.

May I amend that?

Q. Sure.

A. Http, https, DNS.

Q. Why are each of those items needed? Explain to me how those work.

A. Those items are essential for allowing the LogMeIn access.

Q. When do you expect to be completed with your current tasks?

A. Friday.

Q. That's this coming Friday?

A. This coming Friday, yes.

Q. Will you remain employed at LabMD after these tasks are completed?

A. No.

Q. Why not?

A. Yes.

Q. What were those instances?

A. There was a communication process as well as a data massage process.

Q. What server was that on?

A. MAPPER.

Q. Communications process is the communication with the doctor's office?

A. Yes.

Q. Any other communications processes on that server?

A. No.

Q. Is that the data massage process we discussed earlier?

A. Yes. I need to amend that on the MAPPER, yes, there was additional between -- there was the doctors and there was also the EMR third-party group as we discussed earlier.

Q. The EMR third-party group, that's outgoing communication; is that correct?

A. That is correct.

Q. Can you describe for me the information flow for those outgoing communications.

A. There were two different facts of that. If the practice requested the embedded report, it

would go through the MAPPER process, the HL7 process then be made available for them to come and pick up the reports to deliver to the locations.

If it didn't require the embedded report, then it would go through the MAPPER process and be made available for them to pick up.

Q. When you say the MAPPER process, what do you mean?

A. The process of looking at the data and potentially reformatting it or putting it into a format that they could then read.

Q. So this is a formatting process on the way out.

A. Yes.

Q. Different from what we talked about earlier?

A. Yes. It goes through the same server. But yes, there is logical consideration thought process. There is an inflow to that server and an outflow from that server, moving information in both directions.

Q. On the outbound side, where does the information come from?

A. The LIS system.

Q. After that information on the outbound

side is on MAPPER, where does it go?

A. I mean, it is picked up at that point by the third-party vendors and goes -- after that I do not know.

Q. How is it transmitted to the third-party vendors?

A. They come in and get it via secure FTP.

Q. Is that true both ways, when there is an embedded report and when there is not?

A. Yes.

Q. After that process, does any information remain residing on MAPPER?

A. No.

Q. Besides that, are there any other different examples where different logical processes were run on the same server?

A. Not that I can recall.

Q. Is anything else run on the e-mail server?

A. Yes. E-mail server also hosts websites.

Q. Would you consider those two different logical functions or are they similar logical functions?

A. Two separate logical functions.

Q. Does the e-mail server currently also host web?

A. Currently there is no e-mail server.

Q. What happened to the e-mail server?

A. It was taken off line.

Q. Where is it physically?

A. At [redacted]

Q. Is that with the other servers you described earlier?

A. It is with them, yes.

Q. Back to that paragraph we were on on Page FTC-LABMD-004395 which is Page 2 of CX 313. The last sentence says, During the server setup for the HL7 server, the software version was upgraded to MS 2008 to provide continued security support as Microsoft discontinued support on the previous MS 2000 software version.

Do you know when Microsoft discontinued support on the MS 2000 version?

A. I do not.

Q. Do you know why the software wasn't updated before the time reflected in CX 313?

MR. SHERMAN: Objection to the form of the question. You can answer the question. I think you already have.

Q. (By Ms. Lassack) Did you recommend updating the software on the HL7 server?

Complaint Counsel = Yellow Both = Green
LabMD = Blue

specifically for the billing process.

Q. What does each workstation do?

A. They run the client that is necessary to connect back to the billing server.

Q. Who can access billing information through LogMeIn today?

A. Kindell Alvarez. Wanda Robertson. Myself. And Jennifer Parr.

Q. Can anyone else?

A. Not that I am aware of.

Q. Who is Wanda Robertson?

A. A contractor.

Q. What work does Wanda Robertson do for LabMD?

A. She has been brought in recently to take over billing.

Q. From where does she work?

A. The condo.

Q. Are any network scans scheduled for the network at [redacted] which you described here on CX 700?

A. Not at this time.

Q. Is any information stored on the network at CX 700 encrypted?

A. Can you be more specific?

Q. Are there any measures that LabMD is using to secure the network at CX 700?

A. Other than the electronic and the physical, no.

Q. When you say the electronic, what do you mean?

A. The firewall.

Q. Is any patient information stored on the network depicted at CX 700?

A. Yes.

Q. Is that information stored in encrypted format?

A. No.

Q. Is there any other information on the network at CX 700 that is stored in encrypted format?

A. No.

Q. Do you know who is responsible for network security going forward at LabMD after your departure on Friday?

A. I do not.

Q. One last question for right now. From LabNet, are you able to determine how many patients on which LabMD has performed one or more tests?

A. From within the software, no.

Q. Is there another way you can determine?

A. Using a SQL query, yes.

Q. Have you ever done that?

A. For specific timeframes, yes.

Q. Do you recall which specific timeframes?

A. I do not.

Q. Do you know today how many patients there are on which LabMD has performed one or more tests?

A. I do not.

MS. LASSACK: It is 1:50. I am going to go off the record and use whatever remaining time I have after William uses his time. Whatever time William does not use will then revert to me.

MR. SHERMAN: Well, give us ten, 15 minutes. We will be ready to go.

(Recess from 1:50 p.m. to 2:13 p.m.)

EXAMINATION

BY MR. SHERMAN:

Q. I am ready. Let's go on the record.

Mr. Martin, you were asked quite a few questions this morning and into this afternoon. I want to go back over some of what you were asked and also ask you some other questions.

Where I want to begin is with Managed Data Solutions. Managed Data Solutions.

When was that founded?

A. Early in 2011.

Q. And I understand it was a company that you owned partially with your parents; is that correct?

A. Yes.

Q. And with three other individuals, is that correct?

A. That is correct.

Q. Do all of the owners of MDS participate in providing services to your clients?

A. No.

Q. Were there silent partners in MDS?

A. Yes.

Q. And who were they?

A. Kathy Martin and Nancy Morton.

Q. So who were the individuals who actually went out and provided services to your clients?

A. Myself, Bill Lindsey, and on very rare occasions Neil Martin.

Q. What did your parents do? Did they work in the office?

A. My mother was a silent partner and did not work at all.

Q. Okay.

A. My father was in charge of the administrative side, the billing, the accounts was changed then I still should have found it. But yes, using the other search terms if the name had been changed, the other programs and things would not have found it.

Q. What if the hash value had been changed?

A. Then I would not have found it.

Q. How did you get the hash value to search for it?

A. The file that they -- that Tiversa presented to LabMD was made available to me.

Q. How was it made available to you?

A. It was brought to me on a memory stick.

Q. By whom?

A. John Boyle.

Q. Do you know how Mr. Boyle obtained the file?

A. I do not.

Q. Earlier we spoke, we talked about the e-mail server.

A. Yes.

Q. Did LabMD during your tenure have any policy of purging e-mails from the e-mail server after a certain period of time?

A. No.

Q. Do you know how much data was on the

e-mail server at the time of the move from the Powers Ferry location?

MR. SHERMAN: Objection to the form. You may answer.

THE WITNESS: I do not know off the top of my head.

Q. (By Ms. Lassack) Do you know if LabMD had any policy of purging e-mails from the e-mail server before you became IT manager?

A. I do not know.

Q. During your time as IT manager, was the e-mail server backed up?

A. Yes.

Q. How often?

A. Daily.

Q. What type of media was the server backed up to?

A. External hard drives.

Q. For how long were the backup hard drives maintained?

A. Off the top of my head, I do not know.

Q. Where were those hard drives stored?

A. On site at LabMD.

Q. Do e-mail backup hard drives exist now?

A. Yes.

Q. Where are they located?

A. Broadland.

Q. That's the address you spoke of earlier?

A. Yes.

Q. Do you know how many hard drives of e-mail backup are there?

A. I do not.

Q. Do you know what time period those hard drives would cover?

A. I do not.

Q. Do you have any sense at all of what time period typically would be on one of the e-mail backup hard drives?

A. Again, it was a scenario where we would write multiple generations on a hard drive until it ran out of space. I do not.

Q. How many backup e-mail hard drives were there?

A. I do not know.

Q. I want to turn back to CX 700 which was your diagram of the [redacted] network.

A. Yes.

Q. So there is looks like two workstation boxes in that diagram; is that correct?

A. Those represent workstations. There is

only one workstation on the LIS virtual network. There are multiple workstations, it is not clear but there is an S on workstations.

Q. So starting with the LIS, the bottom of the drawing, there's only one workstation that connected to the LIS.

A. Correct.

Q. Where is that workstation physically located?

A. [redacted]

Q. Now, with respect to the workstations -- plural -- that connect to the billing part of the network, how many of those workstations are there?

A. There are currently three.

Q. Where are those workstations located?

A. [redacted]

Q. All three are in [redacted]

A. Yes.

Q. Earlier when you described that an employee from the condo would connect through LogMeIn, does that employee connect to one of those workstations that are described in the top box on CX 700?

A. No. They connect to virtual workstations.

Q. Are those virtual workstations depicted on

Complaint Counsel = Yellow Both = Green
LabMD = Blue

CX 700?

A. No.

Q. How do those virtual workstations work in connection with this network drawing on CX 700?

A. They are in the same environment as the billing virtual machine. They are on the VMware cluster.

Q. Am I correct in understanding that the LogMeIn connects to the virtual workstations which then connect to the billing server?

A. Yes.

Q. When employees connect in that way from the condo, is there any sort of two-factor authentication used?

A. Aside from the multiple users names?

Q. Yes. Anything like RSA token?

A. No.

Q. What do the physical workstations depicted on CX 700 that are connected to the billing part of the diagram, what are they used for?

A. Currently they are my workstation, Jennifer Parr's workstation, and Brandon Bradley's and they are used for creating documentation and setting up the network, testing the network.

Q. Are LabMD employees able to access the LIS

server from the workstations that are on the top part of the diagram that you just discussed?

A. No, not from those three workstations, we are not.

Q. Am I correct that the only access to the LIS server is through the bottom workstation shown on CX 700?

A. Yes.

Q. I think earlier you testified that the employee who answers the phone and faxes from the condo physically comes to [redacted] to obtain reports from the lab system.

A. Yes.

Q. Does that employee connect to the lab server through the workstation described on the bottom of CX 700?

A. Yes. Or I have made those results available, those reports available through that workstation.

Q. After that employee who works in the condo physically picks up those reports from [redacted], are those reports then taken back to the condo?

A. Yes.

Q. Then they are faxed to the requester?

A. Yes.

Q. What happens to the reports after they are faxed?

A. I do not know.

Q. Draw your attention back to CX 313. CX 313 as we discussed described some network-related work that you did for LabMD; is that correct?

A. It lists certain things that I assisted with. This is not -- I did not do the scope of everything listed, no.

Q. Am I correct in understanding, though, that you replaced the firewall to the Juniper firewall?

A. Yes.

Q. Do you recall how much that project cost?

A. I do not.

Q. What is the expected life of the Juniper firewall?

A. I use five years for all electronic equipment.

Q. Does five years reflect your experience that you have seen of the actual life of the equipment?

A. At the end of five years, it makes sense to replace it with a newer model.

Q. Why is that?

A. Functionality, speed, reliability.

Q. I believe earlier today you testified that part of your role as IT manager was updating operating systems; is that correct?

A. Ensuring that they were updated, yes.

Q. What did that process involve?

A. Checking to make sure that all of the servers had all of the applicable Windows updates.

Q. How often did you do that checking?

A. That checking was done monthly by myself or Jennifer Parr.

Q. Were those server operating systems centrally managed?

A. No.

Q. Did you keep any documentation of the updating process?

A. Of the updating process, no. However, on the scanned documentation, that is one of the items requested, that is checked.

Q. I am sorry, when you say the scanned documentation, are you referring to the quarterly scans that Traincor performs?

A. No. The monthly scans.

Q. I am sorry. What are the monthly scans?

A. Previously I had testified about monthly

Complaint Counsel = Yellow Both = Green
LabMD = Blue

PUBLIC

EXHIBIT F

In the Matter of:

LabMD, Inc.

February 11, 2014
Jennifer Parr

Condensed Transcript with Word Index

For The Record, Inc.
(301) 870-8025 - www.ftrinc.net - (800) 921-5555

Complaint Counsel = Yellow Both = Green
LabMD = Blue

CX0727
RX511

RX511

personnel types of issues?

MS. HARRIS: Objection, overbroad.

THE WITNESS: What do you mean by personnel issues?

Q. (By Ms. Lassack) Were you ever reviewed at LabMD?

MS. HARRIS: Objection, vague.

THE WITNESS: Formally, no.

Q. (By Ms. Lassack) Were you reviewed informally at LabMD?

A. Yes.

Q. By whom?

A. John Boyle, Bob Hyer, Jeff Martin.

Q. Did you ever report to Jeff Martin during your tenure at LabMD?

A. Yes.

Q. When was that?

A. 2012 to 2014. January 2012.

Q. Did any employees report to you during your tenure at LabMD?

A. No.

Q. When you began working at LabMD, who else worked in the IT department?

A. Bob Hyer, Brandon Bradley, Nicole Elliott.

Q. Is there anyone else?

A. I don't think so.

Q. Were there any changes to the LabMD IT staff during your tenure?

A. Yes.

Q. What were those changes?

A. Nicole Elliott left.

Q. When did Ms. Elliott leave?

A. I'm not sure.

Q. Do you recall if it was in 2010?

A. Would have been 2010 or 2011, I believe.

Q. Were there any other changes?

A. Bob Hyer was replaced by Jeff Martin.

Q. Did LabMD use any outside IT contractors during your tenure?

A. Jeff Martin.

Q. Anyone else?

A. ProviDyn.

Q. How do you spell that?

A. P-r-o-v-i-D-y-n.

Q. Thank you. Were there any other outside IT contractors that LabMD used during your tenure?

A. Not that I recall.

Q. What did Nicole Elliott do at LabMD?

A. She created reports.

Q. What types of reports?

A. Created templates so that test results would show up as a document.

Q. Show up where?

A. In the laboratory information system.

Q. Did Ms. Elliott have any other duties?

A. I don't know.

Q. Do you know if anyone else would know besides Ms. Elliott?

MS. HARRIS: Objection, calls for speculation.

THE WITNESS: The IT manager.

Q. (By Ms. Lassack) Is that Mr. Martin?

A. She did not work for Jeff. She worked for Bob Hyer.

Q. What was your salary when you began working at LabMD?

MS. HARRIS: Objection, relevance.

THE WITNESS: 65,000.

Q. (By Ms. Lassack) And what was your salary as of this past Friday when you stopped working full-time at LabMD?

A. 69,000.

Q. When you began working at LabMD, where did you physically work?

A. At the 2030 Powers Ferry Road, Atlanta 30339.

Q. Did you ever work at any other location?

A. [redacted].

Q. Anywhere else?

A. No.

Q. Did you ever access LabMD's network remotely?

A. Can you be more specific?

Q. For instance, did you ever work from home and connect to LabMD's network?

A. Yes.

Q. How did you do that?

A. Through LogMeIn.

Q. What is LogMeIn?

A. It's a remote access application.

Q. Can you walk me through the process of logging into LabMD's network remotely through LogMeIn?

A. Go to a secure website called LogMeIn, you sign in with a password and ID and click on whatever server or computer you have set up.

Q. And then what happens next?

A. Then you log into our domain.

Q. Am I correct in understanding you have to enter in two different log-in credentials?

A. At least two.

Complaint Counsel = Yellow Both = Green
LabMD = Blue

Q. You say at least. Why would there be more?
A. Depending what you're accessing.
Q. Can you give me an example where it would be more than two log-in credentials?
A. If you needed to get to the laboratory information system, that would be a third set, or any other application that required a log-in would require different credentials.
Q. What other applications required separate log-in credentials?
A. Email system, the antivirus console, for me that would primarily be things I would log into.
Q. Would Lytec also involve a separate log-in credential?
A. Yes, it would.
Q. What was LabMD's email system?
MS. HARRIS: Objection, vague.
THE WITNESS: I don't understand the question.
Q. (By Ms. Lassack) I believe earlier you said the email system was one of the things that required a separate log-in; is that correct?
A. Correct.
Q. What was that email system you were referring to?

A. The software that runs it is your question?
Q. I'm wondering what you were referring to when you said email system.
A. I don't understand the question.
Q. I just want to make sure. I believe you said earlier that the email system involved a separate log-in.
A. Yes.
Q. What were you referring to when you said that?
A. Our email program. IceWarp is the application.
Q. So am I correct in understanding that what you were referring to with the separate log-in would be to access the IceWarp program to view your own emails?
A. It could be. It could also be administration of email.
Q. Would the administration of email be done through the same IceWarp program?
A. Yes and no.
Q. What do you mean by that?
A. Yes, it's IceWarp, but you would log in differently.

Q. How would you log in differently?
A. To get access to your email, you would log in with your email ID and password. To get access to the administration application, you would log into the email server and then log into the administration portion of the email program.
Q. Did everyone at LabMD who had an email account have to enter in separate log-in credentials to access their email through the IceWarp program?
A. Yes.
Q. Did part of your role as systems administrator include administration of the email system?
A. Yes.
Q. What did you do with respect to that?
A. Create IDs, shut down IDs, update the application.
Q. Anything else?
A. Primarily that was it.
Q. Did the email system have any sort of automatic purge procedure?
MS. HARRIS: Objection, vague.
THE WITNESS: Could you be more specific?
Q. (By Ms. Lassack) For instance, were emails automatically deleted every, let's say, 30 days, 40 days, something like that?

A. Not by the administration program.
Q. Were emails automatically deleted in some other sort of way?
A. If the user set their email to delete automatically.
Q. Am I correct in understanding that it wasn't done systemwide at LabMD?
MS. HARRIS: Objection to the extent it misstates the testimony, lacks foundation.
THE WITNESS: Can you restate the question?
Q. (By Ms. Lassack) Did LabMD have any systemwide auto delete procedure?
A. No.
Q. Do you know of any users who set up their accounts to automatically delete emails?
A. No.
Q. I believe you said you worked at the location of [redacted] during your tenure at LabMD?
A. Yes.
Q. What is that location?
A. Michael Daugherty's house.
Q. When did you start working at [redacted]

[redacted]?

A. Mid-January.

Q. Why did you start working at [redacted]?

A. With the company closing down, that's where the network was moved.

Q. Were you involved in moving the network to [redacted]?

MS. HARRIS: Objection, vague as to involved.

THE WITNESS: Can you be more specific?

Q. (By Ms. Lassack) Did you have any role in connection with moving the network to [redacted]?

A. Moving, no.

Q. Do you know how the network was moved to 425 Broadland?

A. I was not involved in that.

Q. Do you know who was?

A. Jeff Martin.

Q. Was anyone else?

A. I'm unsure.

Q. Did you do any work with respect to setting up the network at [redacted]?

A. Yes.

Q. What work did you do?

A. I ensured that the servers were working.

Q. Anything else?

A. I tested access.

Q. Anything else?

A. No.

Q. So what servers are working in the network at [redacted]?

A. As of --

MS. HARRIS: Objection, assumes facts and vague as to working, but you can answer.

THE WITNESS: As of Friday, Lytec, LabNet.

Q. (By Ms. Lassack) When you said you ensured that the servers were working, what did you mean by that?

A. They were functioning.

Q. So am I correct in understanding that you ensured that the Lytec and LabNet servers were functioning at [redacted]?

A. Yes.

Q. Did you ensure that any other servers were functioning at [redacted]?

A. Yes.

Q. Which ones?

A. Backup email server, the file server. I believe that's it.

Q. What information was on the backup email server?

A. Archived email.

Q. Do you know what time period was covered by the archived email?

MS. HARRIS: Objection, vague.

THE WITNESS: Not when it started, no.

Q. (By Ms. Lassack) Did it start before your tenure at LabMD?

A. Yes.

Q. Do you know who handled email backup before you joined LabMD?

A. No.

Q. Did you handle email backup during your tenure at LabMD?

MS. HARRIS: Objection, vague as to handle.

THE WITNESS: Can you be more specific?

Q. (By Ms. Lassack) Did you back up the email server at LabMD during your tenure?

A. Yes.

Q. How often did you back it up?

A. Daily.

Q. Does the backup email server contain emails back through your entire tenure at LabMD?

A. Yes.

Q. Do you know how much data is on the email backup server?

A. I'm sorry?

Q. Do you know how much data is on the email backup server?

A. No.

Q. Do you have any ballpark estimate?

MS. HARRIS: Objection, calls for speculation, asked and answered.

THE WITNESS: I would back it up to a two terabyte drive, and there was space left.

Q. (By Ms. Lassack) Do you know what percentage of space was left?

A. No.

Q. I'm sorry. That's no you don't know how much space was left?

A. No.

Q. Are there any other LabMD servers stored at 425 Broadland that are not operational?

A. Yes.

Q. Which servers?

A. The previous servers.

Q. I'm sorry, which servers?

A. All the servers that were in use

Complaint Counsel = Yellow Both = Green
LabMD = Blue

previously.

Q. What are those servers?

A. The old mail server, the servers that would handle the demographics transfers, machines that will handle the -- sorry. I'm trying to go through all this in my head. The results transfers from the other labs. That's all I can think of.

Q. Of those servers that are operational at [redacted] right now, do you know how they're networked?

MS. HARRIS: Objection, assumes facts not in evidence.

THE WITNESS: Not specifically. That was not handled by me.

Q. (By Ms. Lassack) That was handled by Jeff Martin; is that correct?

A. Yes.

Q. What do you know generally about how those servers are networked?

A. LabNet is not accessible unless you're sitting at a PC connected to the server.

Q. Is that a PC physically located at [redacted]?

A. Yes.

Q. What else do you know generally about --

A. Lytec is accessible via LogMeIn.

Q. Are there any other particular locations from which Lytec is accessible through LogMeIn?

A. I'm unsure.

Q. Are there any other locations from which LabMD is currently operating?

MS. HARRIS: Objection, assumes facts, calls for speculation, lacks foundation.

THE WITNESS: Corporate condo.

Q. (By Ms. Lassack) How do you know that LabMD is operating from the corporate condo?

A. I've assisted the person who's doing billing.

Q. Where is the corporate condo located?

A. Off of Powers Ferry Road.

Q. Who is the person working in the corporate condo that you assist?

A. I can't think of her name. Last name is Alvarez.

Q. Is the first name Kendall?

A. Yes. Thank you. God, she'd kill me.

Q. How did you assist Ms. Alvarez?

A. I set her up. I connected her printers.

Q. Did you assist her in any other ways?

A. I helped her with her scanner.

Q. Did you do anything else to assist Ms. Alvarez?

A. I don't think so.

Q. Did you assist Ms. Alvarez from the corporate condo, or were you located off-site?

A. Both.

Q. When did you assist Ms. Alvarez in the corporate condo?

A. I don't have specific dates, between mid-January and Friday.

Q. How many times did you go to the corporate condo?

A. Three, four.

Q. Do you know what the printers at the corporate condo are being used for?

MS. HARRIS: Objection, assumes facts and calls for speculation.

THE WITNESS: Printing reports, I would guess.

Q. (By Ms. Lassack) Do you know what type of reports?

A. Billing reports.

Q. Do you know what the scanner at the corporate condo is being used for?

A. I would assume the same thing.

Q. Is there a fax machine at the corporate condo?

A. I don't know.

Q. Is there any computer hardware located at the corporate condo?

A. Yes.

Q. What types of hardware?

A. There are PCs and monitors.

Q. Anything else?

A. Networking cable.

Q. Are there any servers located at the business condo or the corporate condo?

A. Not in-use servers.

Q. Are there any servers located at the corporate condo that aren't being used?

MS. HARRIS: Objection, asked and answered.

THE WITNESS: Yes.

Q. (By Ms. Lassack) What servers are those?

A. They're mostly parts is what they are, server parts.

Q. What types of parts?

A. Shells.

Q. You said mostly parts. Are there any actual complete servers located at the corporate

condo?

A. No.

Q. Are there any server parts that contain information that are stored at the corporate condo?

A. Not that I'm aware of.

Q. About how many PCs are located at the corporate condo?

A. I don't know.

Q. Do you know if it's more than five?

A. Yes.

Q. Do you know if it's more than ten?

A. I don't know.

Q. Do you know if there are any hard copy LabMD documents stored at the corporate condo?

A. I don't know.

Q. Do you know if there are any patient specimens located at the corporate condo?

A. No.

Q. Besides yourself and Ms. Alvarez, are there any other LabMD employees who have done work at the corporate condo?

MS. HARRIS: Objection, overbroad as to time frame.

THE WITNESS: Yes.

Q. (By Ms. Lassack) Who are those employees?

A. Jeff Martin, Brandon Bradley.

Q. Do you know what work Mr. Martin did at the corporate condo?

A. Not specifically, no.

Q. Do you know generally?

A. I believe he helped move some of the things there.

Q. Do you know which things?

A. No.

Q. Do you know what work Brandon Bradley did at the corporate condo?

A. He set up the PCs.

Q. Are all of the PCs at the corporate condo set up?

A. No.

Q. How many are set up?

A. One.

Q. Is it just one?

A. As far as I know.

Q. Is the corporate condo secured in any way?

MS. HARRIS: Objection, vague and ambiguous as to secured.

THE WITNESS: Can you be more specific?

Q. (By Ms. Lassack) Are there locks on the doors?

A. Require a gate card to get into the complex, and the door is locked.

Q. Is there any type of security system at the corporate condo?

A. I don't know.

Q. Do you have a gate card to enter the complex where the corporate condo is located?

A. No.

Q. How did you enter the complex when you went to the corporate condo?

A. Kendall let me in.

Q. Turning back to --

MS. HARRIS: Actually, if you're going to change topics, can we take a quick break?

MS. LASSACK: That's fine. Let's go off the record at 10:42 and take a break.

(Deposition in recess, 10:42 a.m. to 11:01 a.m.)

Q. (By Ms. Lassack) We are back on the record at 11:01. Ms. Parr, I believe earlier this morning you said that you tested access to the servers that were working at [redacted] is that correct?

A. Correct.

Q. How did you do that?

A. Would log into them.

Q. From where would you log into them?

A. A workstation on the network.

Q. Where was the workstation located?

A. The basement of [redacted]

Q. Did you use the same workstation to test access to each server?

A. Not necessarily.

Q. Did you do anything else to test access to the servers that were operational?

A. Yes.

Q. What did you do?

A. Make sure services were running.

Q. What were those services?

A. A multitude of services that require -- required by a server to run.

Q. Can you give me a couple of examples?

A. Log-in service, TCP/IP, make sure antivirus is working and connected.

I did just think of two other servers on the network that I didn't mention before. Those are the domain controllers. You mentioned for a previous question.

Q. Thank you. So to clarify, you said there are two other --

A. The domain controllers are also on the

Complaint Counsel = Yellow Both = Green
LabMD = Blue

network.

Q. So domain controllers are also --

A. On the network.

Q. -- operational --

A. Yes.

Q. -- and on the network at [redacted]?

A. Yes.

Q. What do domain controllers do?

A. Control access to the domain.

Q. Why are there two of them?

A. One is backup.

Q. When you tested access to the servers, did you test access to applications housed on those servers?

A. Yes.

Q. What applications did you test?

A. Antivirus, malware protection, make sure LabNet was functioning.

Q. Did you test the functionality of Lytec?

A. No.

Q. Did anyone else test the functionality of Lytec?

A. Yes.

Q. Who?

A. Jeff Martin and Kendall Alvarez.

Q. Going forward, who has access to Lytec?

MS. HARRIS: Objection, calls for speculation, vague and ambiguous.

THE WITNESS: Kendall Alvarez.

Q. (By Ms. Lassack) Does anyone else?

A. I don't believe so.

Q. Does Mr. Daugherty have user credentials that would allow him to access Lytec?

A. I don't believe so.

Q. When LabMD was still operating from the Powers Ferry location, did Mr. Daugherty have credentials that allowed him to access Lytec?

A. I don't believe so.

Q. Who has credentials to access the LIS going forward?

MS. HARRIS: Objection, calls for speculation.

THE WITNESS: Jeff Martin, Kendall Alvarez. I believe that's all.

Q. (By Ms. Lassack) Do you know if Mr. Daugherty does?

A. I don't believe so.

Q. Is Kendall Alvarez still employed by LabMD, to your knowledge?

A. I believe so.

Q. Where in the home at [redacted] are the servers that we discussed located?

MS. HARRIS: Objection, asked and answered.

THE WITNESS: In the basement.

Q. (By Ms. Lassack) What other hardware is located at [redacted], if any?

A. Can you be more specific?

Q. For example, are there computers?

A. Yes.

Q. How many?

A. Some are virtual machines, so they're not actual physical machines.

Q. What do the virtual machines do?

A. Some are workstations. Most are servers.

Q. What do the virtual servers do?

A. One is LabNet. One is Lytec. Provide functionality. One is a file server.

Q. What do the virtual workstations do?

A. I'm unsure.

Q. Who would know?

A. Jeff Martin, Brandon Bradley.

Q. When you say that Lytec and LabNet are virtual servers, does that mean they're not physical servers located at [redacted]?

A. It means that they are not physical servers located at Broadland.

Q. When those servers were being used at the Powers Ferry location, were they also virtual servers?

A. Yes.

Q. How many physical servers are located at [redacted]?

A. I'm unsure. Five maybe.

Q. Are any of those physical servers operational?

A. Yes.

Q. Which ones?

A. Two domain controllers and the server that runs the SAN, which is where the virtual machines run. SAN is S-A-N.

Q. What does S-A-N stand for?

A. Storage area network.

Q. Is the backup email server a physical server?

A. No.

Q. Is the backup email server run from the same location as the LabNet and Lytec servers?

A. Can you be more specific?

Q. What type of server is the backup email server?

A. Can you be more specific?

Q. Is it a virtual server?

A. Yes.

Q. Is it connected to any other servers?

A. It is on the network.

Q. What else is on the network?

A. Two domain controllers, virtual machines, four workstations.

Q. When you say virtual machines, does that include the virtual server running LabNet?

A. Yes.

Q. I thought you said earlier that you had to physically connect to LabNet from a workstation?

A. Yes.

Q. Am I misunderstanding your earlier testimony?

MS. HARRIS: Objection, calls for speculation as to your understanding.

MS. LASSACK: Fair enough.

Q. (By Ms. Lassack) Is the virtual server operating LabNet connected to other servers?

A. It is on the network, yes.

Q. How is the network at [redacted] being secured?

MS. HARRIS: Objection, vague and

ambiguous, and to the extent that you've already testified about this, you can answer.

THE WITNESS: There are firewalls. There's domain security.

Q. (By Ms. Lassack) Am I correct that there's antivirus?

A. Uh-huh (affirmative).

MS. HARRIS: Is that yes?

THE WITNESS: Yes. Sorry.

Q. (By Ms. Lassack) Have any network scans been conducted of the network at [redacted]?

A. I'm unsure. Actually, yes, Jeff Martin would have.

Q. How do you know that?

A. Because it's part of making sure it's secure.

Q. Do you know that he actually did it?

A. No.

Q. Do you know of any future plans to conduct network scans on the LabMD network at [redacted]?

MS. HARRIS: Objection, calls for speculation.

THE WITNESS: Not by me, not that I'm aware of.

Q. (By Ms. Lassack) Is any of the

information stored on the network at [redacted] encrypted?

A. I believe so.

Q. What information?

A. I'm unsure. Backups for sure.

Q. You said backups for sure?

A. Yes.

Q. What backups?

A. The network backups.

Q. Where are the network backups stored?

A. I'm unsure.

Q. How do you know the network backups are encrypted?

A. Because I've heard Jeff Martin and Brandon Bradley discuss it.

Q. Besides the network backups, are you aware of any other information on the network at [redacted] that's encrypted?

A. No, but that's covered by Jeff and Brandon.

Q. Earlier you mentioned domain security on the network at [redacted]. What is that?

A. What is domain security?

Q. On that network, what does it entail?

MS. HARRIS: Other than what you've

already testified to.

THE WITNESS: The same as at the other location, ID, password required to log into the domain.

Q. (By Ms. Lassack) Are there any different levels of access to the network at [redacted]?

A. Can you be more specific?

Q. Does anyone who has access with user ID and password to the [redacted] network have the same level of access, or are there different levels?

MS. HARRIS: Objection, assumes facts not in evidence, lacks foundation, mischaracterizes testimony.

THE WITNESS: Yes, access is different.

Q. (By Ms. Lassack) How is it different?

A. IT people have domain administrator access. Kendall Alvarez would have access only to the systems that she requires.

Q. What are those systems?

A. The billing share, the lab share, and Lytec and LabNet.

Q. Does anyone besides IT staff and Kendall Alvarez have access to the network at [redacted]?

MS. HARRIS: Objection, calls for speculation.

THE WITNESS: I don't think so.

Q. (By Ms. Lassack) Does Mr. Daugherty?

A. I don't think so.

Q. Did you set up --

A. Actually, that's not true. Mike Daugherty does have a domain log-in.

Q. Did you set up Mr. Daugherty's domain log-in?

A. Yes.

Q. What does that domain log-in have access to?

A. The executive share, the admin share, the admin executive share -- I'm sorry -- the admin assistant share, legal share. That's all I can recall.

Q. Are there any hard copy LabMD documents stored at [redacted]?

MS. HARRIS: Objection, calls for speculation.

THE WITNESS: Can you ask that question again?

Q. (By Ms. Lassack) Do you know if there are any hard copy LabMD documents stored at [redacted]?

A. Yes.

Q. How do you know that?

A. I've seen boxes.

Q. How many boxes?

A. I'm unsure.

Q. Do you know if it's more than a hundred?

A. Of documents, no.

Q. Of boxes of documents, do you know if it's more than 50?

A. No.

Q. Do you know if it's more than 20?

A. I don't think so.

Q. Do you know if it's more than ten?

A. Yes.

Q. Do you know what types of documents are contained in those boxes?

A. Employee records; that's all I've seen.

Q. Are there other types of boxes stored at [redacted]?

A. Yes.

Q. What's contained in those boxes?

A. Michael Daugherty's personal -- he's moving into -- he's in the process of moving into the house, moving his personal possessions into the house.

Q. Are there any other boxes containing LabMD materials stored at [redacted]?

A. Yes.

Q. What types of LabMD materials are in those boxes?

A. Staplers, scanners, office equipment.

Q. Anything else?

A. Not that I can think of.

Q. Are all LabMD materials at [redacted] stored in the basement of that building?

A. Sorry. Can you ask the question again?

Q. Are all of the LabMD materials that are located at [redacted] are they stored in the basement there?

A. Can you define materials?

Q. Are there any hard copy LabMD documents that are stored anywhere at [redacted] other than the basement?

A. Yes.

Q. What are those?

A. There are some media documents.

Q. When you say media documents, what do you mean?

A. Documentation for people who were working on marketing his book.

Q. Where are those media documents located?

A. In one of the rooms in the house.

Q. Is that room located in the basement?

A. No.

Q. Are those LabMD documents or Mr. Daugherty's personal documents?

MS. HARRIS: Objection, asked and answered.

THE WITNESS: I'm unsure.

Q. (By Ms. Lassack) Are there any other LabMD documents stored at [redacted] somewhere other than the basement?

A. Yes.

Q. What types of documents?

A. I don't know.

Q. Where are those documents stored?

A. In the garage.

Q. Are they stored in boxes?

A. Yes.

Q. Do you know how many boxes there are?

A. No.

Q. Do you know if it's more than 20?

A. No.

Q. Is that no you don't know, or no --

A. I don't know.

Q. Do you know if it's more than ten?

A. No, I don't know.

Q. Are there any patient specimens stored at

Complaint Counsel = Yellow Both = Green
LabMD = Blue

[redacted]?
A. Yes.
Q. Where are they stored?
A. In the basement.
Q. How are they stored?
A. In metal filing cabinets specific to lab specimens.
Q. Do those filing cabinets have locks?
A. No.
Q. How is the basement at [redacted] secured?
MS. HARRIS: Objection, vague.
THE WITNESS: Be more specific.
Q. (By Ms. Lassack) Let's start is there an outside entrance to the basement at [redacted]?
A. No.
Q. Is there a lock on the interior door to the basement at [redacted]?
A. I don't know.
Q. To your knowledge, is there any security system at [redacted]?
A. Can you be more specific?
Q. Like an alarm?
A. I don't know.
Q. Do you know if there are any security

cameras at [redacted]?
A. Yes.
Q. Where are those cameras?
A. I believe they surround the entire house.
Q. Do you know if those cameras are monitored?
MS. HARRIS: Objection, calls for speculation.
THE WITNESS: Can you be more specific?
Q. (By Ms. Lassack) Do you know if there's any service that monitors the footage from those cameras?
MS. HARRIS: Objection, calls for speculation.
THE WITNESS: I don't think I'm getting the question about service.
Q. (By Ms. Lassack) Do you know if there's any security provider that operates the cameras?
A. I don't know.
Q. Do you know if footage from the cameras is viewable anywhere within [redacted]?
A. I know from hearsay only.
Q. What is that hearsay?
A. It's copied to a virtual machine.
Q. How did you hear that it was copied to a

virtual machine?
A. Brandon Bradley and Jeff Martin.
Q. To your knowledge, were there any LabMD documents that weren't moved from the Powers Ferry location to [redacted] or the corporate condo?
A. Yes.
Q. What types of documents were those?
A. I believe documents that had been scanned onto our network.
Q. Any other types of documents?
A. I don't believe so.
Q. Earlier this morning we talked about Trend Micro. What types of devices was Trend Micro installed on during your tenure at LabMD?
A. All servers and computers.
Q. Was it installed on laptop computers?
A. Yes.
Q. Did LabMD provide computers to any of its clients?
A. Yes.
Q. Was Trend Micro installed on those computers?
A. No.
Q. Was there any equipment on the LabMD network that did not have Trend Micro installed on it?

A. Can you be more specific?
Q. Were there any computers on the LabMD network that did not have Trend Micro installed on them?
MS. HARRIS: Objection.
THE WITNESS: Yes.
Q. (By Ms. Lassack) What were those?
A. Two of the lab -- sorry. Searching for a word -- interfaces would not run Trend Micro.
Q. Why not?
A. Not compatible.
Q. What were those two interfaces?
A. I believe LabCorp and Quest. They had other antivirus systems on them, as did the workstations outside of the network.
Q. What antivirus was on the interfaces that didn't have Trend Micro?
A. AVG. And all had malware protection also, additional malware protection.
Q. And what antivirus was on the -- I believe you said there were machines in the physicians' offices?
A. AVG.
Q. Was AVG centrally managed?
A. No. I don't believe that's possible.

A. On our mail server, you would see an automated program of someone attempting to hack into the Window's log-in.

Q. When did you see that?

A. Probably 2010 from my start date to 2012, maybe even 2013. It was an automated process.

Q. What did you do when you saw that process?

A. Not really a whole lot that you can do. You can block IP addresses, but the IP addresses are not valid IP addresses.

Q. Did you tell anyone else at LabMD about it?

A. Yes.

Q. Who did you tell?

A. The IT manager.

Q. Was that Bob Hyer at the time?

A. Bob Hyer and Jeff Martin. It's not an uncommon thing.

Q. Did you make any recommendations to them with respect to the issue?

A. We discussed blocking IP addresses, but the IP addresses would change with each attempt. That's how hackers work.

Q. Did you have any concerns about the adequacy of LabMD's security policies?

A. No.

Q. Did you have any concerns about the adequacy of LabMD's security procedures?

A. No.

Q. Earlier this morning I believe you mentioned that there were some paper documents at the Powers Ferry location of LabMD that were scanned to the network; is that correct?

A. Can you ask me the question again?

Q. Sure. I believe you said earlier this morning that there were some paper documents from the Powers Ferry location of LabMD that were not moved when LabMD --

A. Yes.

Q. And I believe you said that those documents had been scanned to the network?

A. Yes.

Q. Do you know why those documents have been scanned to the network?

A. Because it's more secure.

Q. Do you know what type of documents were scanned?

A. Lab result related and billing related.

Q. Do you know if they were scanned as part of some sort of scanning project?

A. It was an ongoing project.

Q. Do you know when the project began?

A. No.

Q. Do you know how many documents have been scanned?

A. Lots.

Q. Do you know what time period those documents that were scanned covered?

A. No.

Q. Do you know how much data was on the network from those scanned documents?

A. No.

Q. Do you have any sense of how many pages of documents were scanned?

MS. HARRIS: Objection, asked and answered.

THE WITNESS: No.

Q. (By Ms. Lassack) Was it thousands?

A. Yes, definitely.

Q. Earlier this morning I also think you referred to a file server at the [redacted] location; is that correct?

A. Yes.

Q. What does the file server do?

A. Serves files.

Q. What types of files?

A. Any kind of shared documents.

Q. So am I correct in understanding then that the file server is where the network shares that you talked about earlier are housed?

A. Yes.

Q. Is anything else housed on the file server?

A. It also acts as a print server.

Q. Any other functions housed on that server?

A. No.

Q. I also want to clarify something, so I apologize if I'm being repetitive in any way. Earlier this morning you also talked about the shares that Mr. Daugherty had access to --

A. Yes.

Q. -- in [redacted], and I believe those were legal, executive, admin?

A. Admin assistant.

Q. What type of access did Mr. Daugherty have to those shares?

A. He would have had read, write, change, not full. Full would be administrative.

Q. So, sorry, read, write, change?

A. Yes.

Complaint Counsel = Yellow Both = Green
LabMD = Blue

EXHIBIT G

iTrain Technologies, Ltd.
P.O. Box 13833
Atlanta, GA 30324

Invoice

Date	Invoice #
09/12/2005	1984

Bill To

LabMD
c/o Mike Daugherty
[redacted]

PAID

Terms
Due on receipt

Date	Hours/Ite...	Description	Rate	Amount
09/03/2004		Computer Support: 3COM Technical Support Call	50.00	50.00
10/31/2004		Shipping on 3COM routers	8.17	8.17

Make payable to "iTrain Technologies. Ltd" or call 404-876-1929 charge on VISA/MC/AMEX

Total	$58.17
Payments/Credits	$-58.17
Balance Due	$0.00

Thank you for your business. We hope that your service has been satisfactory and that we can be of future assistance.

EXHIBIT H

iTrain Technologies, Ltd.
P.O. Box 13833
Atlanta, GA 30324

Invoice

Date	**Invoice #**
08/30/2005	1962

PAID

Bill To
LabMD c/o Mike Daugherty [redacted]

Terms
Due on receipt

Date	**Hours/Ite...**	**Description**	**Rate**	**Amount**
04/08/2005		Shipping (prior billing/reimbursement) - LabMD/3COM Return of Firewall (from problem testing)	11.22	11.22
08/09/2005	10	Computer Support: Firewall, dying server issues	85.00	850.00
		Bulk Discount and Discount for time waiting for server restarts.	-25.00%	-212.50
08/10/2005	1	Zyxel Zywall 2 Internet Security Appliance (Firewall)	143.73	143.73
		Handling/Service Installation Fee	12.00%	17.25
	2	Computer Support: Prior billing for lost email issues when email data was accidentally deleted	85.00	170.00

Make payable to "iTrain Technologies, Ltd" or call 404-876-1929 charge on VISA/MC/AMEX

Total	$979.70
Payments/Credits	$-979.70
Balance Due	$0.00

Thank you for your business. We hope that your service has been satisfactory and that we can be of future assistance.

EXHIBIT I

FORM 1120S	COMPENSATION OF OFFICERS	STATEMENT 1

NAME OF OFFICER	SOCIAL SECURITY NUMBER	TIME DEVOTED TO BUSINESS	PCT OF STOCK	AMOUNT OF COMPENSATION
[redacted]	[redacted]	100	100.00%	107,692.

TOTAL COMPENSATION OF OFFICERS	107,692.
LESS: COMPENSATION CLAIMED ELSEWHERE	
EMPLOYMENT CREDIT REDUCTION	
TOTAL TO FORM 1120S, PAGE 1, LINE 7	107,692.

FORM 1120S	TAXES AND LICENSES	STATEMENT 2

DESCRIPTION	AMOUNT
TAXES & LICENSES	7,757.
PAYROLL TAXES	160,615.
TOTAL TO FORM 1120S, PAGE 1, LINE 12	168,372.

FORM 1120S	OTHER DEDUCTIONS	STATEMENT 3

DESCRIPTION	AMOUNT
FLOWERS & GIFTS	549.
MISCELLANEOUS EXPENSE	341.
LEGAL & ACCOUNTING	21,634.
AUTOMOBILE EXPENSE	1,344.
INSURANCE	95,025.
BANK CHARGES	1,722.
COMPUTER SUPPORT & SERVICE	5,953.
EDUCATION & TRAINING	4,681.
ELECTRONIC FEES	15,363.
OFFICE EXPENSE	7,731.
LAB FEES	626,496.
TELEPHONE	47,927.
MARKETING EXPENSE	28,497.
PAYROLL FEES	4,312.
TEMPORARY STAFFING	4,278.
SALES EXPENSE	126,680.
TRAVEL	62,652.
DUES & SUBSCRIPTIONS	1,343.
CONTRACT LABOR	54,126.
RECRUITING EXPENSE	5,390.

CONFIDENTIAL

671107

Schedule K-1 (Form 1120S)

2007

Department of the Treasury Internal Revenue Service

For calendar year 2007, or tax year beginning ______ ending ______

☐ Final K-1 ☐ Amended K-1 OMB No. 1545-0130

Shareholder's Share of Income, Deductions, Credits, etc. ▶ See separate instructions.

Part I Information About the Corporation

A Corporation's employer identification number
58-2242593

B Corporation's name, address, city, state, and ZIP code

LABMD, INC.
1117 PERIMETER CENTER WEST, SUITE W-30
ATLANTA, GA 30338

C IRS Center where corporation filed return
OGDEN, UT

Part II Information About the Shareholder

D Shareholder's identifying number
[redacted]

E Shareholder's name, address, city, state and ZIP code
[redacted]

F Shareholder's percentage of stock ownership for tax year 100.000000%

For IRS Use Only

Part III Shareholder's Share of Current Year Income, Deductions, Credits, and Other Items

1 Ordinary business income (loss) 2,919,387.	13 Credits
2 Net rental real estate income (loss)	
3 Other net rental income (loss)	
4 Interest income 33,937.	
5a Ordinary dividends	
5b Qualified dividends	14 Foreign transactions
6 Royalties	
7 Net short-term capital gain (loss)	
8a Net long-term capital gain (loss)	
8b Collectibles (28%) gain (loss)	
8c Unrecaptured sec 1250 gain	
9 Net section 1231 gain (loss)	
10 Other income (loss)	15 Alternative min tax (AMT) items A 5,931.
	B <67.>
11 Section 179 deduction 125,000.	16 Items affecting shareholder basis C* 16,679.
12 Other deductions A 400.	D 2,913,018.
	17 Other information A 33,937.

*See attached statement for additional information.

SHAREHOLDER NUMBER 1

FORM 1120S	COMPENSATION OF OFFICERS			STATEMENT 1
NAME OF OFFICER	SOCIAL SECURITY NUMBER	TIME DEVOTED TO BUSINESS	PCT OF STOCK	AMOUNT OF COMPENSATION
[redacted]	[redacted]	100	100.00%	96,559.
TOTAL COMPENSATION OF OFFICERS				96,559.
LESS: COMPENSATION CLAIMED ELSEWHERE				
EMPLOYMENT CREDIT REDUCTION				
TOTAL TO FORM 1120S, PAGE 1, LINE 7				96,559.

FORM 1120S	TAXES AND LICENSES	STATEMENT 2
DESCRIPTION		AMOUNT
NET WORTH TAXES		750.
PAYROLL TAXES		121,263.
TAXES & LICENSES		16,910.
TOTAL TO FORM 1120S, PAGE 1, LINE 12		138,923.

FORM 1120S	OTHER DEDUCTIONS	STATEMENT 3
DESCRIPTION		AMOUNT
AUTOMOBILE EXPENSE		3,394.
BANK CHARGES		2,778.
COMPUTER SUPPORT & SERVICE		19,187.
CONTRACT LABOR		122,933.
CONVENTION EXPENSE		1,950.
DUES & SUBSCRIPTIONS		5,804.
EDUCATION & TRAINING		5,520.
ELECTRONIC FEES		9,666.
EMPLOYEE RELOCATION EXPENSE		1,000.
INSURANCE		96,329.
LAB FEES		756,577.
LEGAL & ACCOUNTING		128,929.
MEALS AND ENTERTAINMENT		20,762.
MISCELLANEOUS EXPENSE		1,528.
MOVING EXPENSE		12,524.
OFFICE EXPENSE		51,457.
PAYROLL FEES		3,442.
PROFESSIONAL SERVICES		3,602.
RECRUITING EXPENSE		10,227.

CONFIDENTIAL

L71109

Schedule K-1
(Form 1120S)

2009

Department of the Treasury
Internal Revenue Service

For calendar year 2009, or tax year beginning ______
ending ______

☐ Final K-1 ☐ Amended K-1 OMB No. 1545-0130

Shareholder's Share of Income, Deductions, Credits, etc. ► See separate instructions.

Part I Information About the Corporation

A Corporation's employer identification number
58-2242593

B Corporation's name, address, city, state and ZIP code

LABMD, INC.
2030 POWERS FERRY RD, BLDG 500, STE 52
ATLANTA, GA 30339

C IRS Center where corporation filed return
CINCINNATI, OH

Part II Information About the Shareholder

D Shareholder's identifying number
[redacted]

E Shareholder's name, address, city, state and ZIP code

[redacted]

F Shareholder's percentage of stock ownership for tax year 100.000000%

For IRS Use Only

Part III Shareholder's Share of Current Year Income, Deductions, Credits, and Other Items

1	Ordinary business income (loss) 787,022.	13	Credits
2	Net rental real estate inc (loss)		
3	Other net rental income (loss)		
4	Interest income 4,502.		
5a	Ordinary dividends		
5b	Qualified dividends	14	Foreign transactions
6	Royalties		
7	Net short-term capital gain (loss)		
8a	Net long-term capital gain (loss)		
8b	Collectibles (28%) gain (loss)		
8c	Unrecaptured sec 1250 gain		
9	Net section 1231 gain (loss)		
10	Other income (loss)	15	Alternative min tax (AMT) items
		A	<8,354.>
11	Section 179 deduction	16	Items affecting shareholder basis
	53,522.	C*	20,762.
12	Other deductions		
A	1,255.	D	179,369.
		17	Other information
		A	4,502.

*See attached statement for additional information.

911271
12-17-09 JWA For Paperwork Reduction Act Notice, see instructions for Form 1120S.

Schedule K-1 (Form 1120S) 2009

SHAREHOLDER NUMBER 1

CONFIDENTIAL

1

GEORGIA FORM 600S SCHEDULE K-1 EQUIVALENT	**Shareholder's information** For Calendar Year 2009, or Fiscal Year Beginning , and Ending	**2009**

Shareholder's Name, Address, and ZIP Code

[redacted]

Shareholder's Social Security or Employer Identification Number

[redacted]

Corporation's Name, Address, and ZIP Code

LABMD, INC.
2030 POWERS FERRY RD, BLDG 500, STE 520
ATLANTA, GA 30339

Corporation's Identifying Number
58-2242593

Shareholder's Percentage of Stock Ownership 100.000000 %

Total Federal income	791,524.
Total income for Georgia purposes	799,250.

ADDITIONS

State and municipal bond interest (other than Georgia)	
Net income or net profits taxes imposed by taxing jurisdictions other than Georgia	
Expenses attributable to tax exempt income	
Distributions from earnings and profits	
Other additions	
DEPRECIATION ADJUSTMENT	7,726.

SUBTRACTIONS

Interest on obligations of the United States	
Other subtractions	

CREDITS

Georgia business credit	

NONRESIDENT SHAREHOLDERS

Income allocated everywhere	
Business income subject to apportionment	
Apportionment factor	
Net business income apportioned to Georgia	
Net income allocated to Georgia	
Total Georgia income	
Georgia tax withheld	

946411
04-24-09

FORM 1120S COMPENSATION OF OFFICERS STATEMENT 1

NAME OF OFFICER	SOCIAL SECURITY NUMBER	TIME DEVOTED TO BUSINESS	PCT OF STOCK	AMOUNT OF COMPENSATION
[redacted]	[redacted]	100	100.00%	100,252.
TOTAL COMPENSATION OF OFFICERS				100,252.
LESS: COMPENSATION CLAIMED ELSEWHERE				
EMPLOYMENT CREDIT REDUCTION				
TOTAL TO FORM 1120S, PAGE 1, LINE 7				100,252.

FORM 1120S TAXES AND LICENSES STATEMENT 2

DESCRIPTION	AMOUNT
TAXES & LICENSES	11,068.
PAYROLL TAXES	116,672.
TOTAL TO FORM 1120S, PAGE 1, LINE 12	127,740.

FORM 1120S OTHER DEDUCTIONS STATEMENT 3

DESCRIPTION	AMOUNT
FLOWERS & GIFTS	43.
MISCELLANEOUS EXPENSE	695.
LEGAL & ACCOUNTING	40,464.
AUTOMOBILE EXPENSE	356.
INSURANCE	102,878.
BANK CHARGES	1,155.
COMPUTER SUPPORT & SERVICE	11,093.
EDUCATION & TRAINING	12,450.
ELECTRONIC FEES	8,564.
OFFICE EXPENSE	47,842.
LAB FEES	547,839.
TELEPHONE	39,743.
SUPPLIES	9,752.
MARKETING EXPENSE	16,153.
PAYROLL FEES	5,143.
TEMPORARY STAFFING	481.
SALES EXPENSE	62,909.
TRAVEL	52,190.
DUES & SUBSCRIPTIONS	3,702.
CONTRACT LABOR	22,017.

CONFIDENTIAL

671108

Schedule K-1
(Form 1120S)

Department of the Treasury
Internal Revenue Service

2008

For calendar year 2008, or tax
year beginning ______________
ending ______________

☐ Final K-1 ☐ Amended K-1 OMB No. 1545-0130

Shareholder's Share of Income, Deductions, Credits, etc.

▶ See separate instructions.

Part I Information About the Corporation

A Corporation's employer identification number
58-2242593

B Corporation's name, address, city, state, and ZIP code

LABMD, INC.
1117 PERIMETER CENTER WEST, SUITE W-30
ATLANTA, GA 30338

C IRS Center where corporation filed return
CINCINNATI, OH

Part II Information About the Shareholder

D Shareholder's identifying number
[redacted]

E Shareholder's name, address, city, state and ZIP code
[redacted]

F Shareholder's percentage of stock ownership for tax year 100.000000%

For IRS Use Only

Part III Shareholder's Share of Current Year Income, Deductions, Credits, and Other Items

1	Ordinary business income (loss) 736,094.	13	Credits
2	Net rental real estate inc (loss)		
3	Other net rental income (loss)		
4	Interest income 9,377.		
5a	Ordinary dividends		
5b	Qualified dividends	14	Foreign transactions
6	Royalties		
7	Net short-term capital gain (loss)		
8a	Net long-term capital gain (loss)		
8b	Collectibles (28%) gain (loss)		
8c	Unrecaptured sec 1250 gain		
9	Net section 1231 gain (loss)		
10	Other income (loss)	15	Alternative min tax (AMT) items
		A	<2,970.>
11	Section 179 deduction 4,414.	16	Items affecting shareholder basis
		C*	11,980.
12	Other deductions		
A	2,065.	D	776,331.
		17	Other information
		A	9,377.

*See attached statement for additional information.

811271 12-31-08 JWA For Paperwork Reduction Act Notice, see Instructions for Form 1120S.

Schedule K-1 (Form 1120S) 2008

SHAREHOLDER NUMBER 1

CONFIDENTIAL

1

GEORGIA FORM 600S SCHEDULE K-1 EQUIVALENT

Shareholder's information

For Calendar Year 2008, or Fiscal Year

Beginning , and Ending

2008

Shareholder's Name, Address, and ZIP Code

[redacted]

Shareholder's Social Security or Employer Identification Number

[redacted]

Corporation's Name, Address, and ZIP Code

LABMD, INC.
1117 PERIMETER CENTER WEST, SUITE W-306
ATLANTA, GA 30338

Corporation's Identifying Number 58-2242593

Shareholder's Percentage of Stock Ownership 100.000000 %

Total Federal income	745,471.
Total income for Georgia purposes	760,521.

ADDITIONS

State and municipal bond interest (other than Georgia)	
Net income or net profits taxes imposed by taxing jurisdictions other than Georgia	
Expenses attributable to tax exempt income	
Distributions from earnings and profits	
Other additions	
DEPRECIATION ADJUSTMENT	15,050.

SUBTRACTIONS

Interest on obligations of the United States	
Other subtractions	

CREDITS

Georgia business credit	

NONRESIDENT SHAREHOLDERS

Income allocated everywhere	
Business income subject to apportionment	
Apportionment factor	
Net business income apportioned to Georgia	
Net income allocated to Georgia	
Total Georgia income	
Georgia tax withheld	

845411
04 26 08

FORM 1120S	COMPENSATION OF OFFICERS	STATEMENT 1

NAME OF OFFICER	SOCIAL SECURITY NUMBER	TIME DEVOTED TO BUSINESS	PCT OF STOCK	AMOUNT OF COMPENSATION
[redacted]	[redacted]	100	100.00%	100,000.
TOTAL COMPENSATION OF OFFICERS				100,000.
LESS: COMPENSATION CLAIMED ELSEWHERE				
EMPLOYMENT CREDIT REDUCTION				
TOTAL TO FORM 1120S, PAGE 1, LINE 7				100,000.

FORM 1120S	TAXES AND LICENSES	STATEMENT 2

DESCRIPTION	AMOUNT
NET WORTH TAXES	762.
PAYROLL TAXES	122,707.
TAXES & LICENSES	10,622.
TOTAL TO FORM 1120S, PAGE 1, LINE 12	134,091.

FORM 1120S	OTHER DEDUCTIONS	STATEMENT 3

DESCRIPTION	AMOUNT
AUTOMOBILE EXPENSE	1,935.
BANK CHARGES	3,717.
COMPUTER SUPPORT & SERVICE	18,231.
CONSULTING FEES	495,000.
CONTRACT LABOR	91,895.
DUES & SUBSCRIPTIONS	8,009.
EDUCATION & TRAINING	6,129.
ELECTRONIC FEES	23,965.
INSURANCE	103,498.
LAB FEES	1,097,445.
LEGAL & ACCOUNTING	156,397.
MEALS AND ENTERTAINMENT	18,389.
MISCELLANEOUS EXPENSE	3,356.
MOVING EXPENSE	1,208.
OFFICE EXPENSE	75,037.
PAYROLL FEES	3,495.
PROFESSIONAL SERVICES	10,017.
SALES EXPENSE	3,749.
SHIPPING	17,524.

CONFIDENTIAL

671110

Schedule K-1
(Form 1120S)

Department of the Treasury
Internal Revenue Service

2010

For calendar year 2010, or tax
year beginning ______
ending ______

☐ Final K-1 ☐ Amended K-1 OMB No. 1545-0130

Shareholder's Share of Income, Deductions, Credits, etc.

▶ See separate instructions.

Part I Information About the Corporation

A Corporation's employer identification number
58-2242593

B Corporation's name, address, city, state, and ZIP code

LABMD, INC.
2030 POWERS FERRY RD, BLDG 500, STE 52
ATLANTA, GA 30339

C IRS Center where corporation filed return
CINCINNATI, OH

Part II Information About the Shareholder

D Shareholder's identifying number
[redacted]

E Shareholder's name, address, city, state and ZIP code

[redacted]
637 EAST PELHAM ROAD
ATLANTA, GA 30324

F Shareholder's percentage of stock ownership for tax year 100.000000%

For IRS Use Only

Part III Shareholder's Share of Current Year Income, Deductions, Credits, and Other Items

1	Ordinary business income (loss)	407,141.	13	Credits		
2	Net rental real estate inc (loss)					
3	Other net rental income (loss)					
4	Interest income	6,523.				
5a	Ordinary dividends					
5b	Qualified dividends		14	Foreign transactions		
6	Royalties					
7	Net short-term capital gain (loss)					
8a	Net long-term capital gain (loss)					
8b	Collectibles (28%) gain (loss)					
8c	Unrecaptured sec 1250 gain					
9	Net section 1231 gain (loss)					
10	Other income (loss)		15	Alternative min tax (AMT) items	A	<7,167.>
11	Section 179 deduction	84,977.	16	Items affecting shareholder basis	C*	18,889.
12	Other deductions				D	1,480,644.
			17	Other information	A	6,523.

*See attached statement for additional information.

011271
01-24-11 JWA For Paperwork Reduction Act Notice, see Instructions for Form 1120S. Schedule K-1 (Form 1120S) 2010

SHAREHOLDER NUMBER 1

1

CONFIDENTIAL

GEORGIA FORM 600S SCHEDULE K-1 EQUIVALENT	**Shareholder's Information** For Calendar Year 2010, or Fiscal Year Beginning , and Ending	**2010**

Shareholder's Name, Address, and ZIP Code

[redacted]
537 EAST PELHAM ROAD
ATLANTA, GA 30324

Shareholder's Social Security or Employer Identification Number

[redacted]

Corporation's Name, Address, and ZIP Code

LABMD, INC.
2030 POWERS FERRY RD, BLDG 500, STE 520
ATLANTA, GA 30339

Corporation's Identifying Number 58-2242593

Shareholder's Percentage of Stock Ownership 100.000000 %

Total Federal income	413,664.
Total income for Georgia purposes	408,707.

ADDITIONS

State and municipal bond interest (other than Georgia)	
Net income or net profits taxes imposed by taxing jurisdictions other than Georgia	
Expenses attributable to tax exempt income	
Distributions from earnings and profits	
Other additions	

SUBTRACTIONS

Interest on obligations of the United States	
Other subtractions	
DEPRECIATION ADJUSTMENT	4,957.

CREDITS

Georgia business credit	

NONRESIDENT SHAREHOLDERS

Income allocated everywhere	
Business income subject to apportionment	
Apportionment factor	
Net business income apportioned to Georgia	
Net income allocated to Georgia	
Total Georgia income	
Georgia tax withheld	

045411
05-01-10

FORM 1120S COMPENSATION OF OFFICERS STATEMENT 1

NAME OF OFFICER	SOCIAL SECURITY NUMBER	TIME DEVOTED TO BUSINESS	PCT OF STOCK	AMOUNT OF COMPENSATION
[redacted]	[redacted]	100	100.00%	100,000.
TOTAL COMPENSATION OF OFFICERS				100,000.
LESS: COMPENSATION CLAIMED ELSEWHERE				
EMPLOYMENT CREDIT REDUCTION				
TOTAL TO FORM 1120S, PAGE 1, LINE 7				100,000.

FORM 1120S TAXES AND LICENSES STATEMENT 2

DESCRIPTION	AMOUNT
NET WORTH TAXES	762.
PAYROLL TAXES	122,707.
TAXES & LICENSES	10,622.
TOTAL TO FORM 1120S, PAGE 1, LINE 12	134,091.

FORM 1120S OTHER DEDUCTIONS STATEMENT 3

DESCRIPTION	AMOUNT
AUTOMOBILE EXPENSE	1,935.
BANK CHARGES	3,717.
COMPUTER SUPPORT & SERVICE	18,231.
CONSULTING FEES	495,000.
CONTRACT LABOR	91,895.
DUES & SUBSCRIPTIONS	8,009.
EDUCATION & TRAINING	6,129.
ELECTRONIC FEES	23,965.
INSURANCE	103,498.
LAB FEES	1,097,445.
LEGAL & ACCOUNTING	156,397.
MEALS AND ENTERTAINMENT	18,389.
MISCELLANEOUS EXPENSE	3,356.
MOVING EXPENSE	1,208.
OFFICE EXPENSE	75,037.
PAYROLL FEES	3,495.
PROFESSIONAL SERVICES	10,017.
SALES EXPENSE	3,749.
SHIPPING	17,524.

CONFIDENTIAL

671110

Schedule K-1
(Form 1120S)

2010

Department of the Treasury
Internal Revenue Service

For calendar year 2010, or tax year beginning ________ ending ________

☐ Final K-1 ☐ Amended K-1 OMB No. 1545-0130

Shareholder's Share of Income, Deductions, Credits, etc. ▶ See separate instructions.

Part I Information About the Corporation

A Corporation's employer identification number
58-2242593

B Corporation's name, address, city, state, and ZIP code

LABMD, INC.
2030 POWERS FERRY RD, BLDG 500, STE 52
ATLANTA, GA 30339

C IRS Center where corporation filed return
CINCINNATI, OH

Part II Information About the Shareholder

D Shareholder's identifying number
[redacted]

E Shareholder's name, address, city, state and ZIP code

[redacted]
637 EAST PELHAM ROAD
ATLANTA, GA 30324

F Shareholder's percentage of stock ownership for tax year 100.000000%

For IRS Use Only

Part III Shareholder's Share of Current Year Income, Deductions, Credits, and Other Items

1	Ordinary business income (loss) 407,141.	13	Credits
2	Net rental real estate inc (loss)		
3	Other net rental income (loss)		
4	Interest income 6,523.		
5a	Ordinary dividends		
5b	Qualified dividends	14	Foreign transactions
6	Royalties		
7	Net short-term capital gain (loss)		
8a	Net long-term capital gain (loss)		
8b	Collectibles (28%) gain (loss)		
8c	Unrecaptured sec 1250 gain		
9	Net section 1231 gain (loss)		
10	Other income (loss)	15	Alternative min tax (AMT) items
		A	<7,167.>
11	Section 179 deduction 84,977.	16	Items affecting shareholder basis
		C*	18,889.
12	Other deductions	D	1,480,644.
		17	Other information
		A	6,523.

*See attached statement for additional information.

SHAREHOLDER NUMBER 1

CONFIDENTIAL

LABMD, INC. (F/K/A SOUTHERN DIAGNOSTICS 58-2242593

FORM 1120S COMPENSATION OF OFFICERS STATEMENT 1

NAME OF OFFICER	SOCIAL SECURITY NUMBER	TIME DEVOTED TO BUSINESS	PCT OF STOCK	AMOUNT OF COMPENSATION
[redacted]	[redacted]	100	100.00%	355,000.

TOTAL COMPENSATION OF OFFICERS	355,000.
LESS: COMPENSATION CLAIMED ELSEWHERE	
EMPLOYMENT CREDIT REDUCTION	
TOTAL TO FORM 1120S, PAGE 1, LINE 7	355,000.

FORM 1120S TAXES AND LICENSES STATEMENT 2

DESCRIPTION	AMOUNT
TAXES & LICENSES	8,354.
PAYROLL TAXES	151,311.
NET WORTH TAXES	500.
TOTAL TO FORM 1120S, PAGE 1, LINE 12	160,165.

FORM 1120S OTHER DEDUCTIONS STATEMENT 3

DESCRIPTION	AMOUNT
FLOWERS & GIFTS	2,373.
MISCELLANEOUS EXPENSE	15,119.
LEGAL & ACCOUNTING	19,681.
AUTOMOBILE EXPENSE	22,183.
INSURANCE	93,473.
BANK CHARGES	1,699.
COMPUTER SUPPORT & SERVICE	103,209.
EDUCATION & TRAINING	11,066.
ELECTRONIC FEES	5,708.
OFFICE EXPENSE	85,971.
LAB FEES	928,566.
TELEPHONE	41,274.
SUPPLIES	670.
MARKETING EXPENSE	6,255.
PAYROLL FEES	3,788.
TEMPORARY STAFFING	43,759.
SALES EXPENSE	110,989.
TRAVEL	102,652.
UTILITIES	95.

CONFIDENTIAL

671106

Schedule K-1 (Form 1120S)
Department of the Treasury
Internal Revenue Service

2006

For calendar year 2006, or tax year beginning ____________
ending ____________

☐ Final K-1 ☐ Amended K-1 OMB No. 1545-0130

Shareholder's Share of Income, Deductions, Credits, etc.

▶ See separate instructions.

Part I Information About the Corporation

A Corporation's employer identification number
58-2242593

B Corporation's name, address, city, state, and ZIP code
LABMD, INC. (F/K/A SOUTHERN DIAGNOSTIC
& TREATMENT, INC.)
1117 PERIMETER CENTER WEST, SUITE W-30
ATLANTA, GA 30338

C IRS Center where corporation filed return
OGDEN, UT

D ☐ Tax shelter registration number, if any ____________

E ☐ Check if Form 8271 is attached

Part II Information About the Shareholder

F Shareholder's identifying number
[redacted]

G Shareholder's name, address, city, state and ZIP code
[redacted]

H Shareholder's percentage of stock ownership for tax year 100.000000%

For IRS Use Only

Part III Shareholder's Share of Current Year Income, Deductions, Credits, and Other Items

1 Ordinary business income (loss)	1,843,950.	13 Credits		
2 Net rental real estate income (loss)				
3 Other net rental income (loss)				
4 Interest income	16,298.			
5a Ordinary dividends				
5b Qualified dividends		14 Foreign transactions		
6 Royalties				
7 Net short-term capital gain (loss)				
8a Net long-term capital gain (loss)				
8b Collectibles (28%) gain (loss)				
8c Unrecaptured sec 1250 gain				
9 Net section 1231 gain (loss)				
10 Other income (loss)		15 Alternative min tax (AMT) items	A	11,132.
			B	<983.>
11 Section 179 deduction	108,000.	16 Items affecting shareholder basis	C*	21,754.
12 Other deductions A	1,632.		D	1,190,889.
		17 Other information	A	16,298.

*See attached statement for additional information.

611271
12-29-06 JWA For Privacy Act and Paperwork Reduction Act Notice, see Instructions for Form 1120S. Schedule K-1 (Form 1120S) 2006

SHAREHOLDER NUMBER 1

Notice of Electronic Service

I hereby certify that on July 07, 2015, I filed an electronic copy of the foregoing LabMD's Unopposed Motion to Accord Portions of Exhibits Containing Michael Daugherty's Home Address, as well as Sensitive Personal Information, In Camera Treatment, with:

D. Michael Chappell
Chief Administrative Law Judge
600 Pennsylvania Ave., NW
Suite 110
Washington, DC, 20580

Donald Clark
600 Pennsylvania Ave., NW
Suite 172
Washington, DC, 20580

I hereby certify that on July 07, 2015, I served via E-Service an electronic copy of the foregoing LabMD's Unopposed Motion to Accord Portions of Exhibits Containing Michael Daugherty's Home Address, as well as Sensitive Personal Information, In Camera Treatment, upon:

John Krebs
Attorney
Federal Trade Commission
jkrebs@ftc.gov
Complaint

Hallee Morgan
Cause of Action
cmccoyhunter@ftc.gov
Respondent

Jarad Brown
Attorney
Federal Trade Commission
jbrown4@ftc.gov
Complaint

Kent Huntington
Counsel
Cause of Action
cmccoyhunter@ftc.gov
Respondent

Sunni Harris
Esq.
Dinsmore & Shohl LLP
sunni.harris@dinsmore.com
Respondent

Daniel Epstein
Cause of Action
daniel.epstein@causeofaction.org
Respondent

Patrick Massari
Counsel
Cause of Action
patrick.massari@causeofaction.org

Respondent

Prashant Khetan
Senior Counsel
Cause of Action
prashant.khetan@causeofaction.org
Respondent

Alain Sheer
Federal Trade Commission
asheer@ftc.gov
Complaint

Laura Riposo VanDruff
Federal Trade Commission
lvandruff@ftc.gov
Complaint

Megan Cox
Federal Trade Commission
mcox1@ftc.gov
Complaint

Ryan Mehm
Federal Trade Commission
rmehm@ftc.gov
Complaint

Erica Marshall
Counsel
Cause of Action
erica.marshall@causeofaction.org
Respondent

Patrick Massari
Attorney