

IN DISTRICT COURT, COUNTY OF CASS, STATE OF NORTH DAKOTA

Sierra Corporate Design, Inc., Plaintiff, v. David Ritz and Ed Falk, Defendants.	File No. 09-05-C-01660 AFFIDAVIT OF JAMES ROEDER
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STATE OF NORTH DAKOTA)
)ss.
COUNTY OF CASS)

After being duly sworn and under oath, James Roeder, states as follows:

1. I work for Sierra Corporate Design, Inc. ("Sierra") and I am in charge of computer security for Sierra.

2. Before this suit was started, I was aware of unauthorized entries into Sierra's server from late February 2005. I also became aware that information about those servers was posted on a website believed to be operated by David Ritz, located at http://dritz.mako.ath.cx/20050227_zilla_queries.txt (the Ritz Site). After this law suit was started, that site was taken down temporarily. However, I recently discovered that Sierra's servers were again accessed on June 29, July 8, 11 and 14, 2005. As of July 15, 2005, I saw that the Ritz Site was again active and contained further information about Sierra's computer systems. On July 18, 2005, the same day Sierra's lawyer notified Ritz's lawyer that the Ritz Site was again active, the site was taken down just as Ritz's lawyer had represented would happen. Exhibit A. It is therefore obvious that Ritz controls the Ritz Site, can communicate with his attorney, and is physically able to control the site now, regardless of his health condition. Since

Ritz controls the site, he also possesses Sierra's network diagrams even though he has never been given authorization.

3. Based upon the address from which the June and July access occurred, these incursions into Sierra's systems appear to have been the result of "hacking." Somehow, Sierra's security was penetrated for those incursions even though we closed the access points through which Ritz was believed to have accessed Sierra's servers back in February 2005.

4. The July publication of information on the Ritz Site about Sierra detailed the efforts made to penetrate Sierra's security and the results of those efforts. This further educates persons who read the materials on the Ritz Site about what information has been gathered, and what efforts to break through security have failed. All of this information increases Sierra's risk of further hacking.

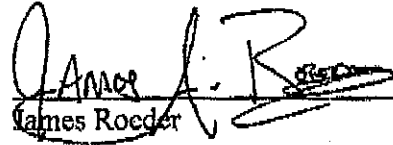
5. Until Sierra is provided with the IP addresses used by Ritz, we cannot determine for certain that Ritz is the person who accessed Sierra's server in late June and July of this year. This will also require that an additional image be taken of Ritz's hard drives in order to determine whether he accessed the server himself, did it through a proxy, or otherwise had involvement in the June/July break-ins.

6. In the event that Ritz was not the person who recently intruded into Sierra's servers, it seems likely that the person who did do it must have relied upon the information published on the Ritz Site. We have no way of knowing who those persons are, but we might be able to identify them by looking at the images of Ritz's computer already made, or the new ones Sierra seeks to identify. Ritz may have had email communications with those unknown persons.

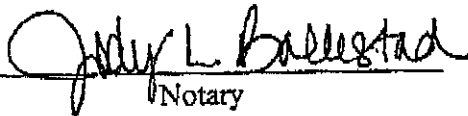
7. The most recent incursions into Sierra's server are of even greater concern than the original accessing by Ritz because of the means apparently employed to gain access to the

server. If, as it appears, Ritz or someone else has used the information published on the Ritz Site to devise a way to hack into Sierra's systems, Sierra is now extremely vulnerable to an attack on its servers and network which could result in a shut down of the company's operations..

FURTHER YOUR AFFIANT SAYETH NOT.


James Roeder

Subscribed and sworn to before me this
21st day of July, 2005.


Notary

1022452.1

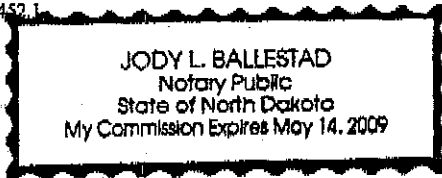


EXHIBIT A

Harristhal, Christopher J.

From: Michael Huitink [MHuitink@gklaw.com]
Sent: Monday, July 18, 2005 3:53 PM
To: Harristhal, Christopher J.
Cc: mwinkis@VogelLaw.com
Subject: Ritz

Chris, -

I have not had the time or opportunity to investigate what, exactly, is posted on Mr. Ritz's website, nor am I prepared to concede in any way that it is improper.

However, to avoid unnecessary litigation expenses, the information (whatever it is) is being taken down. If, for some reason, you do not believe it is down, please contact me immediately.

This should resolve any issues relating to any TRO motion. If you do not believe this is correct, please call me.

Mike

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