

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

<p>Sierra Corporate Design, Inc.,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>David Ritz and Ed Falk,</p> <p style="text-align: right;">Defendants.</p>	<p>File No. 09-05-C-01660</p> <p>AFFIDAVIT OF LESA KRAFT IN SUPPORT OF MOTION FOR DAMAGES AGAINST DEFENDANT FALK</p>
---	---

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF CASS)

After being duly sworn and under oath, Lesa Kraft, states as follows:

1. I am the president of Sierra Corporate Design, Inc. ("Sierra").
2. In the course of identifying the incursions into Sierra's servers in April 2005, various Sierra personnel including the Network Administrator, News Master, Security Officer, and DNS Administrator had to set aside their regular duties in order to diagnose how the servers were accessed, evaluate any damage done to them, and close the means of access through which the incursions occurred. Employee hours in April and May of 2005 that were devoted to identifying, addressing and correcting the unauthorized access to Sierra's computers, cost Sierra \$7,750.
3. Sierra also had to hire a consultant from The NetWork Center, Inc. in order to complete these remedial measures. The NetWork Center, Inc. was paid for those services rendered in the following amounts:
 - 4/18/05 = \$312.50
 - 5/25/05 = \$125.00

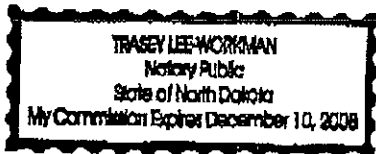
- 7/22/05 - \$625.00

See the attached Exhibit A.

4. In conjunction with this litigation, Sierra has also employed a computer forensics expert, John DeLozier, who has taken images of Ritz's hard drives twice. His fees and expenses have been in excess of \$26,937.52. Copies of his invoices are attached as Exhibit B. Mr. DeLozier is in the process of taking images of Mr. Falk's hard drives but we have not yet been invoiced for those services.

5. After several attempts to serve the Summons and Amended Complaint on Ed Falk, we hired a private investigator to get him served. Attached hereto as Exhibit C is a copy of the invoice in the amount of \$1,000 from TransWest Investigations.

FURTHER YOUR AFFIANT SAYETH NOT.



Lesa Kraft

 Lesa Kraft

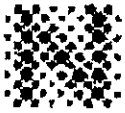
Subscribed and sworn to before me this
 3rd day of November, 2005.

Tracey Lee Workman

 Notary

1038484.1

EXHIBIT A



NetWork Center, Inc.

3487 South University Drive

Fargo ND 58104

(701) 235-0940

Page: 1
Invoice: INV0932557
Service Ticket:

**NETWORK
CENTER**

Bill To:

Sierra Corporate Design

Ship To:

Sierra Corporate Design

Notes:

Discuss dns security and colocation security (RICH N- Apr 15 2005 9:04AM)

Customer ID	Salesperson ID	Purchase Order No.	Shipping Method	Invoice Date	Payment Terms	Unit Price	Ext. Price
10989	PAKNELL			4/18/2005	Net 15 days	\$125.00	\$312.50
	Shipped Item Number	Description					
	2.50 1-LABORSTD	RICH N - Cat I - Onsite Maintenance					

Subtotal	\$312.50
Misc	\$0.00
Trade Discount	\$0.00
Tax	\$0.00
Shipping & Handling	\$0.00
Total	\$312.50

RECEIVED COMMUNITY FIRST

Network Center

4/20/2005

10/04

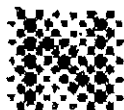
312.50

LLP/PA

MP-ONBOX

1000 Community First INV0932687

312.50



NetWork Center, Inc.
3487 South University Drive

Fargo ND 58104
(701) 235-0940

Page: 1
Invoice: INV0933795
Service Ticket:

**NETWORK
CENTER**

Bill To:

Ship To:

Sierra Corporate Design

Notes:

Review intrusion and discuss evidence handling. (DAN R- May 20 2005 2:47PM)

Customer ID	Salesperson ID	Purchase Order No.	Shipping Method	Invoice Date	Payment Terms	Unit Price	Ext. Price
10389	PARNELL		DELIVERY-SERVIC	3/24/2003	Net 15 days	\$125.00	\$125.00
	Shipped Item Number	Description					
	1.00 1-LABORSTD	DAN R - Cat I - Onsite Maintenance					

Subtotal	\$125.00
Misc	\$0.00
Trade Discount	\$0.00
Tax	\$0.00
Shipping & Handling	\$0.00
Total	\$125.00

SIERRA CORPORATE DESIGN

Network Center

15861

5/25/2005

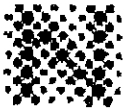
125.00

1000 Community First INV0933798

125.00

LARKIN HOFFMAN

510318 (1104) 513723



**NETWORK
CENTER**

NetWork Center, Inc.
3487 South University Drive
Fargo ND 58104
(701) 235-0940 Ext. 0000

Invoice: INV0936000
7/26/2005

Bill To:

Ship To:

Sierra Corporate Design

Notes:

Images drives for pending litigation. (DAN R- Jul 22 2005 8:01AM)

Customer ID	Salesperson ID	Purchase Order No.	Shipping Method	Payment Terms
10389	PARNELL		DELIVERY-SERVIC	Net 15 days
Shipped	Item Number	Description	Unit Price	Ext. Price
5.00	1-LABORSTD	DAN R - Cat 1 - Onsite Maintenance	\$125.00	\$625.00

Subtotal	\$625.00
Misc	\$0.00
Trade Discount	\$0.00
Tax	\$0.00
Shipping & Handling	\$0.00
Total	\$625.00

SIERRA CORPORATE DESIGN
Network Center

1000 Community First INV0938000

PRINTING EQUIPMENT SERVICES 24-500-2000-0004 www.printingequipment.com

PAYMENT
RECORD

4/27/2005

16031

625.00

625.00

EXHIBIT B

10:24 AM
11/03/05

Sierra Corporate Design, Inc.
Vendor QuickReport
January 1 through November 3, 2005

NPLY Security	Check			
	<u>Date</u>	<u>Num</u>	<u>Memo</u>	<u>Amount</u>
	04/19/2005	15824	Inv# 29	-2,500.00
	06/28/2005	15936	Inv# 29	-4,716.82
	08/22/2005	16107	Inv# 33	-4,470.70
	09/28/2005	16213	INV# 34	-10,000.00
	10/17/2005	18010	Inv# 36	-5,250.00
			Total	-26,937.52

Nply Security

2810 Trinity Mills
#209/317
Carrollton, TX 75006

Invoice

Date	Invoice #
8/11/2005	33

Bill To
Sierra Design Jerry Raynolds 4614 Amber Valley Parkway Fargo, ND 58104 USA

Description	Amount
Forensic Acquisition of Data	2,500.00
Travel and Expenses for Milwaukee	1,978.70
Total \$4,478.70	

SIERRA CORPORATE DESIGN

NPLY Security

Jerry's legal fees

8/28/2005

4,716.82

1000 Community First inv# 29

4,716.82

LMP12 MP CHECK

818212 (1104) 513723

Description	Amount
Forensic Acquisition of Data	4,250.00
Consulting prior to acquisition	500.00
Travel and Expenses for Milwaukee	2,466.82
<i>Please pay within 60!</i>	
It's been a pleasure working with you!	Total 57,216.82

MILWAUKEE DOWNTOWN
300 W. MICHIGAN ST
MILWAUKEE WI 53203
414-291-4122

MILWAUKEE DOWNTOWN Courtyard Staff

JOHN/MR DELOZIER
2132 CANNES DR
CARROLLTON TX 75006-2923

314 REGA
GENR
1
159.00

LUCENT

20Jun05 05:41p 21Jun05 GF-91186

20Jun05	RB314	ROOM CHARGE	159.00	
20Jun05	RT314	ROOM TAX	23.21	
21Jun05	AX314	AMERICAN EXPRESS		182.21-

* Your AMERICAN EXPRESS card on file *				
* will be charged \$ 182.21 *				

** BALANCE ** .00

Marriott Rewards Club Member: Retain this receipt for your records.

** ** * * *

Courtyard Milwaukee Downtown-Now offering Free High Speed Internet



MILWAUKEE DOWNTOWN
300 W. MICHIGAN ST
MILWAUKEE WI 53203
414-291-4122

GUEST FOLIO

Thank you for selecting Courtyard by Marriott. We trust that your experience with us has included warm and gracious service, and the type of accommodations expected.

We look forward to serving you again on future trips. For additional reservations, call our toll-free reservation number, (800) 321 2211.

MILWAUKEE DOWNTOWN Courtyard Staff

GUEST NAME: JOHN/MR. DELOZIER
2132 CANNES DR
CARROLLTON TX 75066-3923
LUCEAT
ROOM: 218 REGG
ROOM TYPE: ONCR
NO. OF GUESTS: 1
RATE: 159.00
CHECK
ARRIVE: 21Jun05 TIME: 03:31 DEPART: 22Jun05 TIME: 10:00 FOLIO: GR-91871

21Jun05	TE9852	LCL PH276	.75
21Jun05	FJ218	Market Beverage	1.89
21Jun05	T9218	Sales Tax	.11
21Jun05	FJ218	Market Beverage	1.89
21Jun05	T9218	Sales Tax	.11
21Jun05	FU218	Market Sundries	1.79
21Jun05	T9218	Sales Tax	.10
21Jun05	CM218	Outside Restaurant	35.30
21Jun05	RB218	ROOM CHARGE	159.00
21Jun05	RT218	ROOM TAX	23.21
22Jun05	AX218	AMERICAN EXPRESS	224.15-

* Your AMERICAN EXPRESS card on file *
* will be charged \$ 224.15 *

** BALANCE ** .00

Retain this receipt for your records

** ** ** ** **

Courtyard Milwaukee Downtown-Now offering Free High Speed Internet

GUEST SIGNATURE _____

COURTYARD RESERVATIONS (800) 321 2211



MILWAUKEE DOWNTOWN
300 W. MICHIGAN ST
MILWAUKEE WI 53203
414-291-4122

GUEST FOLIO

Thank you for selecting Courtyard by Marriott. We trust that your experience with us has included warm and gracious service, and the type of accommodations expected.

We look forward to serving you again on future trips. For additional reservations, call our toll-free reservation number: (800) 321 2211.

MILWAUKEE DOWNTOWN Courtyard staff

ROOM NO.	530	REGA
ROOM TYPE	GENR	
NO. OF GUESTS	1	
DATE	159.00	
CLASS		
DATE	22Jun05	03Jun05
DATE		22Jun05
FOLIO		GF-91698

22Jun05	MV0012	MOVIE	12.66
22Jun05	TE0068	LCL PH278	.75
22Jun05	PJ530	Market Beverage	1.65
22Jun05	T9530	Sales Tax	.10
22Jun05	PJ530	Market Beverage	1.65
22Jun05	T9530	Sales Tax	.10
22Jun05	PJ530	Market Sundries	1.49
22Jun05	T9530	Sales Tax	.09
22Jun05	PJ530	Market Sundries	1.49
22Jun05	T9530	Sales Tax	.09
22Jun05	CM530	Outside Restaurant	34.83
22Jun05	RB530	ROOM CHARGE	159.00
22Jun05	RT530	ROOM TAX	23.21
23Jun05	AX530	AMERICAN EXPRESS	237.11-

 * Your AMERICAN EXPRESS card on file *
 * will be charged \$ 237.11 *

** BALANCE ** .00

Marriott Rewards Club Member: Retain this receipt for your records.

** ** ** ** **

Courtyard Milwaukee Downtown-Now offering Free High Speed Internet

GUEST SIGNATURE _____

COURTYARD RESERVATIONS (800) 321 2211

Potbelly Sandwich Works
 A First Class Dive
 275 Wisconsin Ave
 Milwaukee, WI
 Phone (414) 228-0014

Host: Ian
 Order 376
 08/20/2005
 6:30 PM

Ice Tea (2 @1.49)	2.98
A Wreck	3.79
Dream Bar	1.29
Sub Total	8.06
Tax	0.47
Dine in Total	8.53
Amex	8.53
Auth: 685364	

Thanks for your business.
 We really appreciate it!
 Visit our Website @
www.potbelly.com

--- Check Closed ---

NEWS CONNECTION
 HOPKINS INTERNATIONAL AIRPORT
 CLEVELAND, OHIO

8258 Katherine

 TRN 4928 JUN20'05 10:54AM

015486162459	
1 VASA 25OZ WATER	1.89
034000002276	
1 REESE'S PIECES W/	1.19
Subtotal	3.18
Tax	0.16
Amt Paid	3.34
Cash	4.00
Change Due	0.66

Invoice

Nply Security

2810 Trinity Mills
#209/317
Carrollton, TX 75006

Date	Invoice #
10/5/2005	36

Bill To
Slerza Design Lesa Craft 4614 Amber Valley Parkway Fargo, ND 58104 USA

Description	Amount
Forensic investigation - e-mails, notable programs, unallocated report	\$250.00
<i>DK</i>	
It's been a pleasure working with you!	Total \$5,250.00

SIERRA CORPORATE DESIGN

NPLY Security

1000 Community First INV# 34

INCLUDE BUSINESS FINESSE 1-800-555-0004 www.businessfinesse.com

PAGE 03

1:11111111111111111111

17012372240

10:37

11/03/2025 5202/01/11

PAYMENT RECORD

9/28/2005

10,000.00

16213

10,000.00

Invoice

Nply Security

2810 Trinity Mills
#209/317
Carrollton, TX 75006

Date	Invoice #
9/17/2005	34

Bill To
Sierra Design Jerry Reynolds 4614 Amber Valley Parkway Fargo, ND 58104 USA

Description	Amount
Forensic Investigation / Discovery C:\powerbook ImageZ	5,000.00
Data prep. (signature analysis, hash analysis, image compression)	5,000.00
<i>Please pay</i>	
Thank you for your business.	Total 10,000.00



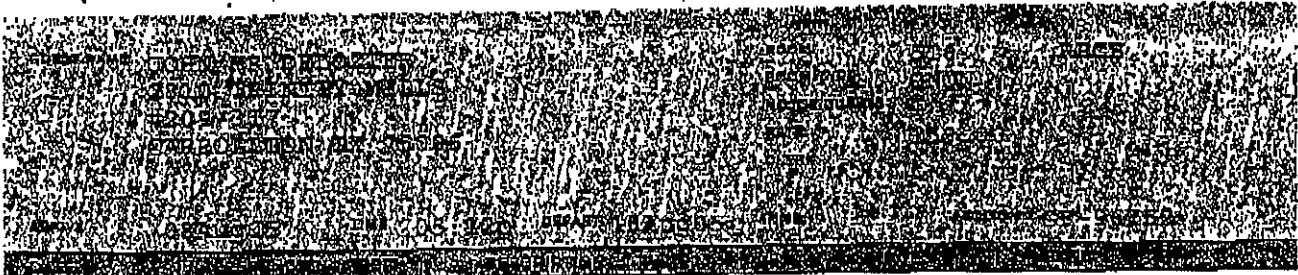
MILWAUKEE DOWNTOWN
300 W. MICHIGAN ST
MILWAUKEE WI 53203
414-291-4122

GUEST FOLIO

Thank you for selecting Courtyard by Marriott. We trust that your experience with us has included warm and gracious service, and the type of accommodations expected.

We look forward to serving you again on future trips. For additional reservations, call our toll-free reservation number, (800) 321 2211.

MILWAUKEE DOWNTOWN Courtyard Staff



08Aug05	MV0013	MOVIE	13.72	
08Aug05	RB516	ROOM CHARGE	159.00	
08Aug05	RT516	ROOM TAX	23.21	
08Aug05	TE0609	LCL PH289	.75	
08Aug05	CM516	Outside Restaurant	26.18	
09Aug05	MV0043	MOVIE	13.72	
09Aug05	TE0902	LCL PH289	.75	
09Aug05	CM516	Outside Restaurant	23.56	
09Aug05	RB516	ROOM CHARGE	159.00	
09Aug05	RT516	ROOM TAX	23.21	
10Aug05	AX516	AMERICAN EXPRESS		443.10-

* Your AMERICAN EXPRESS card on file *
* will be charged \$ 443.10 *

** BALANCE ** .00

Marriott Rewards Club Member: XXXX6861. Retain this receipt for your records.

** ** ** ** **

Courtyard Milwaukee Downtown-Now offering Free High Speed Internet

GUEST SIGNATURE _____

COURTYARD RESERVATIONS (800) 321 2211

Cardmember Account Number
3727 18 55 21004
5483 DAL 218

Expiration Date
07-09

Service Refundment
AIRPORT
780

Cardmember Signature
[Signature]

Merchant Name
516295

Cardmember Copy

		24	75
		5	25
		30	00

Dollars Cents

BURGER KING #8533
 HOPKINS INT'L AIRPORT
 CLEVELAND, OHIO

6425 Chris

5089 AUG08'05 11:44AM

1 8 PC CHIX TENDER 2.00
 1 LGE SODA 1.88
 XXXXXXXXXXXX1004 XX/XX
 AHX AB '97* 4.23

Subtotal 4.08
 Tax 0.15
 Amt Paid 4.23

DATE _____
 FROM _____
 TO _____
 FARE 4.00 TIME _____ GAS NO. _____
 SIGNATURE (X) _____

Trip ID 218125
 Amer. Can Express
 Business Card #
 3727 18 55 21004
 Mr. John Delozier

PURCHASER SIGN HERE

X

Customer acknowledges receipt of goods and/or services in the amount of the Total shown herein and agrees to pay the same at the time of the Cardmember's payment with this receipt.

Cup's #7457 219256

3727 18 55 21004

07/09

PURCHASER SIGN HERE

X

Customer acknowledges receipt of goods and/or services in the amount of the Total shown herein and agrees to pay the same at the time of the Cardmember's payment with this receipt.

DATE	07/09/09	CLERK	
AUTHORIZATION NO.	10600703	SERV	
REFERENCE NO.	17:17 Pm		

5463791		
QTY.	DESCRIPTION	AMOUNT
		4.23
TAX		
SALES SLIP	TIP	
	MISC.	
TOTAL		4.23

DATE	8/10/05	CLERK	
AUTHORIZATION NO.		SERV	
REFERENCE NO.			

5199441		
QTY.	DESCRIPTION	AMOUNT
		3.3
TAX		
SALES SLIP	TIP	
	MISC.	
TOTAL		3.3

RETAIN FOR YOUR RECORDS

CUSTOMER COPY

RETAIN FOR YOUR RECORDS

CUSTOMER COPY

THANK YOU FOR CHOOSING FYE'S ELECTRONICS
SEE BACK FOR RETURN POLICY.
YOUR BEST BUYS ARE ALWAYS AT FYE'S!

NOV 01 15:50:23 2005

NEW YORK 3

Continental Airlines

eTicket Itinerary and Receipt

Continental Airlines

DELOZIER/JOHNIMR

178664

Ticket Number
0062188421453

Frequent Flyer
(DL) 2028712856

DELOZIER/JOHNIMR

Confirmation Number: 3HT2TV

Fare: 848.29

Tax: 78.01

Per Person: 726.30

Method of Payment: American Express XXXXXXXXXXXXXXX

eTicket Total: 726.30

Issue Date: 8/6/2005

Fare Rules: Additional charges may apply for changes in addition to any fare rules listed. This ticket shall expire one year from date of issue.



Store #: 37
Age: 19 Vol 12, Dallas
2408 Market Place Blvd.
Irving, TX 75038
PHN: (214) 242-4900 FAX: (214) 242-4910



INVOICE #: 2282438

INVENTORY: 17415125884

XXXXXXXXXXXXXXXXXXXX VISA

CNC/JCHN/DELOZIER,

SALE: \$477.15 144780 21038470

057504 KOT-LO1180 130 4 2 108.90

KOT-LO1180 13003 RETAIL 01 T

LETRA DHA/133 HARD DRIVE

RETAIL KIT: 7230 4PM; 3M

TYR MAKTOR MARRAITY

Cart: B427CON

B42ACOM

B4284YAH

B42835H

251861 Dexam 2002 Sin 1 2 0.88

Dexam 2002 Sin 1 1 0.88

Dexam 2002 Sin 1 1 0.88

camp park qty 24

Selling and Receiving

SUBTOTAL 440.88

SALES TAX @ 6.25% 38.30

TOTAL DUE 477.15

WITHOUT FRY'S PERFORMANCE SERVICE CONTRACT,
IN OR OUT OF WARRANTY SERVICE IS
AVAILABLE FROM THE MANUFACTURER ONLY.
SEE A SALES ASSOCIATE FOR DETAILS.

Signature

VISA XXXXXXXXXXXXXXX7820 477.15

TOTAL TENDER 477.15

ITEM COUNT 3

INVT: 2282438

DATE: AUG 01 15:50:23 2005

THANK YOU FOR CHOOSING FRY'S ELECTRONICS
SEE BACK FOR RETURN POLICY.
YOUR BEST BUYS ARE ALWAYS AT FRY'S!

EXHIBIT C



59328

8/18/2005

95-3848842

LARKIN, HOFFMAN, DALEY & LINDGREN LTD.
 7900 XERXES AVE #1500
 MINNEAPLOIS, MN 55431-1184
 Attention: SHERRI K. BALLINTINE

Our File No.: 081705-28-130

Your File No. SIERRA CORPORATE DESIGN

FALK, ED	HRS	10.5	\$95.00	\$997.50
	MLG	87	\$0.85	\$73.95
	DSC	1	(\$71.45)	(\$71.45)

TERMS: Due and payable upon presentation. A delinquent charge of 1 1/2% per month, will be charged on all past due accounts.

Invoice Total	\$1,000.00
Total Paid	\$1,000.00
Total Due	\$0.00

PLEASE USE INVOICE NUMBER TO IDENTIFY REMITANCE.

LF - LISTING FEES	SPC - SPECIAL	MLN - MULTI-NAME
LOC - LOCATE	D - DEED	BGI - BACKGROUND INVE
VER - VERIFY PROVIDED I	CC - COPY COST	N/C - NO CHARGE
RP - REAL PROPERTY	EXP - EXPENSES	VEH - VEHICLES
-	EMP - EMPLOYMENT	OFR - Out-of-State Financial
RR - RECORD RESEARC	ID - IDENTIFICATION	SRV - SURVEILLANCE
LD - LONG DISTANCE C	WF - WITNESS FEE	FLO - FINANCIAL LOCATE
SP - SERVICE OF PROC	MST - MULTI-STATE	INT - INTEREST
RSH - RUSH	DSC - DISCOUNT	W/O - WRITEOFF
MLG - MILEAGE	FRI - FINANCIAL REPORT	
HRS - HOURS	FRB - FINANCIAL REPORT	
AFF - AFFIDAVIT	STA - STOCK ACCOUNT	