



We get it.SM

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Forensic Investigation

Husband hides \$300,000 sale of oil and gas rights.

Digital Forensics Team Uncovers “Smoking Gun” eMail and Violation of Court’s Preservation Order

When a bit-x-bit client agreed to a division of marital assets and deeded to her husband all right, title and interest in a 162-acre piece of property, he had not disclosed a potential marital asset: oil and gas rights associated with the property. Just 16 days after the Court entered a decree including the Marriage Property Settlement Agreement, the now ex-husband sold these rights for more than \$300,000.

Suspecting that her ex-husband had begun negotiating this sale prior to executing the agreement, bit-x-bit’s client filed a lawsuit to recover her share. Her counsel also obtained an order from the Court directing the ex-husband to preserve all electronically stored information (ESI) contained on his home computer and to turn the computer over to bit-x-bit for examination.

bit-x-bit prepared a protocol for the forensic examination of the computer and began an investigation. Unearthed evidence revealed that, just 10 days after the Court had ordered the husband to preserve all ESI on his computer, he installed a wiping program that permanently removed ESI from his computer, including websites he had visited, emails, documents and important metadata.

However, his evidence destruction activities failed to destroy all of the potentially relevant ESI and, as counsel had suspected, evidence confirmed that the husband had begun negotiating the sale of the oil and gas rights prior to execution of the Marriage Property Settlement Agreement. The electronic evidence included visits to Pennsylvania oil and gas websites, a copy of the deleted email between the husband and the purchaser, and evidence that the husband accessed an agreement of sale document that was no longer on his computer.

Recovery of the “smoking gun” email and evidence of his destruction of the ESI after the Court’s preservation order forced a settlement of the case, resulting in our clients’ receiving her share of the proceeds of the sale, plus reimbursement of her attorney’s fees and bit-x-bit’s expert fees from her ex-husband.