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1 UNITED STATES DISTRICT COURT
 2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

S2 17 Cr. 548 (PAC)

5 JOSHUA ADAM SCHULTE,

6 Defendant.

Trial

7 -----x

New York, N.Y.
 February 10, 2020
 9:00 a.m.

9 Before:

10 HON. PAUL A. CROTTY,

District Judge
 and a jury

12 APPEARANCES

13 GEOFFREY S. BERMAN

United States Attorney for the
 Southern District of New York

14 BY: MATTHEW J. LAROCHE

SIDHARDHA KAMARAJU

15 DAVID W. DENTON JR.

16 Assistant United States Attorneys

17 SABRINA P. SHROFF

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Attorneys for Defendant
 -and-

19 DAVID E. PATTON

Federal Defenders of New York, Inc.

20 BY: EDWARD S. ZAS

Assistant Federal Defender

21 Also Present: Colleen Geier

Morgan Hurst, Paralegal Specialists

Achal Fernando-Peiris

23 John Lee, Paralegals

Daniel Hartenstine

24 Matthew Mallery, CISOs, Department of Justice

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1 (In open court; jury not present)

2 THE COURT: Is Mr. Leonis here?

3 MR. LAROCHE: Yes, your Honor.

4 THE COURT: Want to put him on the stand?

5 MR. LAROCHE: Yes, your Honor.

6 MS. SHROFF: Good morning, your Honor.

7 THE COURT: Good morning.

8 How much longer do you have, Mr. Kamaraju?

9 MR. KAMARAJU: I'd estimate maybe around an hour.

10 THE COURT: Okay. Before we bring the jury in, I want
11 to rule on the letter, the correspondence I received this
12 morning. A letter from the government, two letters from the
13 government dated February 9, and one from Mr. Zas and
14 Ms. Shroff on February 9.

15 With respect to the February 9 letter from the Federal
16 Defenders seeking an order of preclusion or a 30-day
17 continuance, that letter application is denied. The government
18 produced 302s over a year ago, a witness list back in August.
19 There's plenty of time to have taken this up. And the
20 addresses of many of the CIA witnesses, Mr. Weber testified
21 that Mr. Schulte visited his home. So I think the addresses
22 are well known to Mr. Schulte. At any rate, the application is
23 denied.

24 With respect to the second letter from the government,
25 about the Hickok network, the applications, as a result the

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1 government respectfully submits, that given the defense's
2 position with respect to 616, all the network documentation
3 should be admitted with the original classification markings.
4 That application is denied.

5 Call the jury.

6 (Continued on next page)

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Leonis - Direct

1 (Jury present)

2 THE COURT: Morning. I hope everyone had a nice
3 weekend. Please be seated.

4 Mr. Leonis, you're still under oath.

5 Mr. Kamaraju.

6 ANTHONY LEONIS,

7 called as a witness by the Government,

8 having been previously sworn, testified as follows:

9 DIRECT EXAMINATION (Continued)

10 BY MR. LAROCHE:

11 Q. Good morning, Mr. Leonis.

12 A. Good morning.

13 Q. If you remember on Friday, we were going over Government
14 Exhibit 1062. Do you remember that?

15 A. Yes.

16 MR. KAMARAJU: Ms. Hurst, can we put that up on the
17 screens, please.

18 Q. Do you see at the bottom, on the cc line, Michael S.?

19 A. Yes.

20 Q. Did you talk about the substance of your e-mail with
21 Michael S. after you sent it?

22 A. Yes.

23 Q. What, if anything, came out of that meeting?

24 A. So, two things happened. One is that he asked that I work
25 and prepare a memo to speak to Josh about the following week.

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Leonis - Direct

1 And there was a lot of back and forth between management,
2 security, and HR on that memo.

3 The second thing that happened was Mike immediately
4 wanted to transition the administrative -- administration of
5 the Atlassian products from Jeremy and Josh and any developers
6 to the ISB branch. He also wanted that additional security
7 protections to be put in place on DevLAN that weekend, and he
8 wanted it to happen before Monday.

9 Q. When you sent this e-mail, was it Friday?

10 A. Yes.

11 Q. Did you end up speaking with the defendant about his
12 restoring his OSB admin privileges?

13 A. Not until Monday.

14 Q. Let's focus on Monday then. Was anyone else at the meeting
15 with the defendant?

16 A. On Monday?

17 Q. Yes, sir.

18 A. Just, I believe it was just HR.

19 Q. When during the day did that meeting occur?

20 A. I think it was in the morning.

21 Q. Could you describe that meeting for jury.

22 A. So, it was, it was supposed -- so, prior to the meeting,
23 the documentation, the memo that we put together was going back
24 and forth between security, management, and HR, just to make
25 sure we got the wording right. A lot of was based on the

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Leonis - Direct

1 e-mail that I had sent.

2 Then Josh was contacted, I forget when that morning,
3 and told to meet myself and -- to meet up with us, and he came
4 in, and it was myself and HR and him, and we showed him the
5 memo, we asked him to read it. There was a change that I think
6 was made to the memo, the original memo. And then he signed,
7 he signed the modified memo.

8 MR. KAMARAJU: Ms. Hurst, can we publish Government
9 Exhibit 1095, please, which is already in evidence. Can we
10 blow it up a little bit.

11 Q. Mr. Leonis, what are we looking at here?

12 A. So this is the memo.

13 Q. Who is it from?

14 A. It's from myself.

15 Q. Who is it to?

16 A. It's to Josh.

17 Q. What's the subject line of the memo?

18 A. "Self-granting previously revoked admin privileges on an
19 agency computer network."

20 Q. Why did you want to give this memo to the defendant?

21 A. Well, it was for two reasons. One is this was all the data
22 that we had collected to that point, and we wanted him to read
23 it, and make sure, you know, that he agreed with it. Or at
24 least that he acknowledged it.

25 And the second was to instruct, it was at the very

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Leonis - Direct

1 bottom there, which is to say that he was not to attempt to
2 restore or provide himself any admin rights to projects for
3 which they've been removed.

4 Q. We'll come back to that last paragraph in a second. But,
5 first, do you see the first paragraph that starts "At the end
6 of March 2016"?

7 A. Yes.

8 Q. Why did you want to include that as part of the memo?

9 A. So, it was, it was to kind of set the stage for how we got
10 to where we were. So, part of the, at the end of 2016, or
11 March 2016, we had talked with the branch OSB about making sure
12 all the projects that they had were properly resourced. So
13 this was just to kind of set the stage for how we got to where
14 we were with OSB libraries.

15 Q. The second paragraph there.

16 A. Yeah.

17 Q. What's that a reference to?

18 A. So that's, that's the reference to Josh's removal as an
19 administrator on the OSB libraries.

20 Q. Then the next paragraph, where it starts "the following
21 information was learned"?

22 A. Yes.

23 Q. Why did you include that in the memo?

24 A. So, the first numbered thing was right out of the e-mail,
25 and that was in discussions with Jeremy and Sean as to how we

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Leonis - Direct

1 got to where we were.

2 Q. I believe you testified before that there was some changes
3 made to the memo during the meeting; is that right?

4 A. Yeah, the second line after talking to Josh was added.

5 Q. Could you just read that line, please.

6 A. "After discussing the issue with Mr. Weber, Mr. Schulte
7 viewed his removal from the OSB libraries as unauthorized."

8 Q. And the third bullet point, what's that a reference to?

9 A. That, that was when we, that was when it was discovered
10 that Josh had reinstituted his admin access to the OSB
11 libraries.

12 Q. Could you go on and look at the paragraph that begins "as a
13 reminder of agency policy, administrative rights are provided
14 to trusted individuals"?

15 A. Yes.

16 Q. What did you mean by that?

17 A. This was right out of the e-mail that I had composed that
18 we talked about previously. And it was referencing agency
19 policy on user account access.

20 Q. Finally, you touched briefly on the last paragraph. But
21 could you read that again, please.

22 A. Sure. "Lastly, effective 0800 on Monday, 18 April, the OSB
23 libraries and any associated computer network exploitation,
24 related code library, development tool, etc. will be
25 administered by the designated AED/OSB personnel until further

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Leonis - Direct

1 notice. Please do not attempt to restore or provide yourself
2 admin, administrative rights to any project and/or system for
3 which they have been removed."

4 Q. What did you mean by that last sentence?

5 A. Essentially, since he had provided, or provided himself
6 admin rights to the OSB libraries, we were basically saying,
7 you know, from that date forward, don't attempt to do it to
8 anything else.

9 Q. Do you see the line that starts "the undersigned has read
10 and understands the above"?

11 A. Yes.

12 Q. Do you see a signature under there?

13 A. Yes.

14 Q. Whose signature is that?

15 A. It's Josh's.

16 Q. How do you know that?

17 A. Well, I remember him signing it.

18 Q. What was the defendant's reaction when you gave him the
19 memo?

20 A. I remember, he wasn't happy, but he was pretty emotionless.
21 It wasn't -- I mean, there wasn't really much emotion as I
22 remember it.

23 Q. About how long was that meeting?

24 A. It wasn't that long. You know, no more than 15 minutes
25 maybe.

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Leonis - Direct

1 MR. KAMARAJU: Can we publish, Ms. Hurst, please,
2 Government Exhibit 1063.

3 Q. What's the date of this e-mail?

4 A. It's --

5 Q. We can blow it up at the top.

6 A. The 18th of April, 2016.

7 Q. What time was it sent?

8 A. It was 12:59.

9 Q. Was this after the meeting you just described?

10 A. Yes.

11 Q. Who sent it?

12 A. Josh sent it.

13 MS. SHROFF: Your Honor, I ask that the record reflect
14 on this document that the sent time is 12:59:27 GMT minus four
15 Eastern Daylight Time.

16 THE COURT: That's what the document says.

17 MR. KAMARAJU: That's what the document says, your
18 Honor.

19 MS. SHROFF: I wanted to note that in light of the
20 testimony as to what time the e-mail was sent.

21 THE COURT: All right.

22 Q. Who sent -- I'm sorry. Who was this e-mail sent to?

23 A. It was sent to me.

24 Q. What's the subject line?

25 A. "ISB infrastructure permissions transfer."

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Leonis - Direct

1 Q. Could we look at the body of the e-mail now. You testified
2 before that Michael S. had wanted certain changes to occur on
3 the system?

4 A. Yes.

5 Q. Was this e-mail after those changes had been put in place?

6 A. Yes.

7 Q. Do you see the first line that says "I verified that all
8 private keys with access have been destroyed/revoked"?

9 A. Yes.

10 Q. What do you understand the defendant to be saying there?

11 MS. SHROFF: Objection.

12 THE COURT: Overruled.

13 A. That he was un -- that any associated keys with managing
14 the Atlassian tool suite were destroyed.

15 Q. Could you read the next sentence of the e-mail, please.

16 A. Sure. "I am curious with how suddenly everything occurred
17 and without notice to me."

18 Q. Did you inform the defendant that his privileges were going
19 to be changed over the weekend?

20 A. No.

21 Q. Why not?

22 A. Because Mike wanted it done immediately, and he wanted it
23 done without anybody knowing, other than the people that were
24 doing it.

25 Q. Were the defendant's privileges the only ones that were

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Leonis - Direct

1 changed that weekend?

2 A. I don't believe so. I think everybody's were.

3 Q. Did you tell, other than the people involved, did you tell
4 anybody that the privileges were going to be changed?

5 A. No.

6 Q. Do you see at the bottom there where he says "we've
7 certainly been moving very slowly to transitioning everybody to
8 ISB"?

9 A. Yes.

10 Q. What do you understand that to be a reference to?

11 A. So there was, my understanding or what I remember was,
12 eventually, there was going to be a push to move everything to
13 ISB so that developers didn't have to do any of the maintenance
14 of the system. And so, I believe that's a reference to that.

15 Q. Was that transition supposed to occur over the weekend?

16 A. It wasn't scheduled that way originally, if that's what you
17 were asking.

18 Q. But is that what ended up happening?

19 A. Yeah, it was transitioned immediately.

20 Q. After that transition, were developers supposed to be
21 administering this part of the system anymore?

22 A. No.

23 MR. KAMARAJU: Ms. Hurst, can we move on to Government
24 Exhibit 1066, please. If we blow up the top.

25 Q. What's the date and time of this e-mail?

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Leonis - Direct

1 A. April 18, 2016, at 3:07 p.m.

2 Q. Who sent it?

3 A. I did.

4 Q. Who did you send it to?

5 A. I sent it to Josh, and I cc'd HR and myself.

6 Q. When you say you cc'd HR, who is the HR?

7 A. Susan.

8 Q. If we go to the bottom of this. Do you see where you write
9 "The following was provided to you in person"?

10 A. Yes.

11 Q. April 18?

12 A. Yes.

13 Q. Scroll to the bottom of the screen, please. What's this?

14 A. This is the memo.

15 Q. During the meeting, had you given the defendant a hard copy
16 of the memo?

17 A. To sign.

18 Q. Why did you e-mail it to him here?

19 A. Well, I mean, it was something he signed, and if I
20 remember, HR took it. And I wanted to make sure he had a copy
21 of it.

22 MR. KAMARAJU: Can we pull up Government Exhibit 1065,
23 please. If we could scroll to the bottom, please. I'm sorry.
24 Let's go back to the first page. Blow up the bottom part of
25 that.

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Leonis - Direct

1 Q. Who sent this e-mail?

2 A. I did.

3 Q. Who did you send it to?

4 A. So I sent it to the entire division first, and then I cc'd
5 ISB.

6 Q. What's the subject line of the e-mail?

7 A. "Update to Atlassian products/admins."

8 Q. When did you send this e-mail?

9 A. Monday, April 18, 2016, at 1:28 p.m.

10 Q. If we can scroll to the next page. Do you see the sentence
11 that begins "after a brief DevLAN audit"?

12 A. Yes.

13 Q. Could you read the rest of that sentence.

14 A. "We realized that we never quite finished transitioning the
15 Atlassian products to SED/ISB for administration, updates,
16 etc."

17 Q. What's that a reference to?

18 A. That's referencing the, well, first, the discussion on
19 Friday with Mike is the brief audit. And then realizing that
20 we hadn't done the transition as we had talked about doing
21 previously.

22 Q. The next sentence, where you write, "Therefore to ensure
23 that everyone in EDG." Do you see that?

24 A. Yup.

25 Q. What were you conveying there?

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Leonis - Direct

1 A. So, this was, this was me telling the AED workforce that,
2 yeah, the Atlassian products were now going to be adminned by
3 ISB.

4 Q. The sentence that starts the next paragraph, "As a result
5 of this change, there are now two people in SED/ISB who will
6 maintain and update the Atlassian suite/repository for EDG."
7 Do you see that?

8 A. Yup.

9 Q. What did that mean?

10 A. So that meant that in ISB there were two system admins that
11 were now responsible for maintaining and being the admins for
12 the Atlassian suite.

13 Q. So, were developers at this point supposed to be
14 maintaining and updating the Atlassian suite?

15 A. You mean adminning the Atlassian suite?

16 Q. Yes, sir.

17 A. No, they weren't admins, but they were obviously
18 maintaining their tools and whatever their respective tools
19 were, they were maintaining those but not adminning.

20 Q. So the system as a whole?

21 A. The system as a whole, correct.

22 Q. Do you see the sentence that said, "I personally realize
23 there will be some growing pains here"?

24 A. Yes.

25 Q. What were you referring to there?

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Leonis - Direct

1 A. So one advantage to having developers maintain the
2 Atlassian suite was, there was a common language. These
3 developers were actually using the system, so when you're
4 talking to another developer, they understand what you're
5 trying to say, right. They understand the lingo.

6 So, now that we removed the administration from the
7 developers and we moved it to these two admins in ISB, the
8 admins at ISB had additional responsibilities in addition to
9 the Atlassian code database. So they were maintaining other
10 networks, there were work user accounts; they were doing a
11 whole other suite of things.

12 So, one thing that was really nice about having
13 developers do was it was a quick e-mail or stopping by
14 somebody's desk, and, hey, can you help me out. And that would
15 happen quickly. If somebody was around, things could get
16 changed quickly.

17 Then going to ISB now, that could mean that, A, you
18 have to wait a little bit or you have to walk across the hall.
19 So, you know, I knew that sometimes developers could be
20 impatient, and I just wanted to kind of alert them that this
21 was going to take a little bit more time, potentially.

22 MR. KAMARAJU: Ms. Hurst, can we scroll up to the top
23 e-mail in the chain.

24 Q. What's the date and time of this e-mail?

25 A. It's same day, 18th of April, and it's 2:21 p.m.

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Leonis - Direct

1 Q. Who sent this e-mail?

2 A. Josh did.

3 Q. Who did he send it to?

4 A. He sent it to ISB and he cc'd me.

5 Q. Do you see where he writes, "Ideally, if at all possible,
6 having support admins sitting in IRC"?

7 A. Yes.

8 Q. What did you understand that to mean?

9 A. So, IRC was a chat. So that way if -- it was a chat on
10 DevLAN. So if an admin was on IRC and somebody had a question,
11 they could immediately contact them via the DevLAN network.

12 MR. KAMARAJU: Ms. Hurst, we can take that one down.
13 Can we show Government Exhibit 1139 just for the parties and
14 the witness and the Court. If we can blow it up just a little
15 bit for everybody. Also get the bottom e-mail.

16 Q. Mr. Leonis, do you recognize this e-mail?

17 A. I do.

18 Q. How do you recognize it?

19 A. So this was an e-mail that Jeremy sent out to the entire
20 EDG group, staff and contractors, regarding maintenance that
21 was going to happen on some of the Atlassian products.

22 Q. Have you seen this e-mail before?

23 A. Yes.

24 MR. KAMARAJU: The government would offer Government
25 Exhibit 1139 into evidence.

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Leonis - Direct

1 THE COURT: Any objection?

2 MS. SHROFF: Your Honor, I actually do have an
3 objection.

4 THE COURT: Okay. It's overruled. It's admitted.
5 1139 is in evidence.

6 (Government's Exhibit 1139 received in evidence)

7 MR. KAMARAJU: If we can blow up the bottom e-mail.

8 Q. This is an e-mail you testified is from Mr. Weber, correct?

9 A. Say it again?

10 Q. This is an e-mail from Mr. Weber?

11 A. Correct.

12 Q. When was it sent?

13 A. It was sent on Wednesday, April 20, at 12:07 p.m.

14 MR. KAMARAJU: Can we pull it up for the jury.

15 Q. Who was it sent to?

16 A. It was sent to the entire EDG staff and contractor group.

17 Q. What is the subject?

18 A. "Scheduled downtime for Bamboo and Confluence."

19 Q. Can you read the first sentence of this e-mail.

20 A. "On Monday, April 25 at 6 a.m., ISB will be migrating
21 Bamboo and Confluence servers to the new hardware and will need
22 to power them down for a limited amount of time."

23 Q. What did you understand that to mean?

24 A. So, this was part of the migration task that ISB was
25 working on.

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Leonis - Direct

1 Q. Could we scroll up to the top e-mail. Who sent this one?

2 A. I did.

3 Q. Who did you send it to?

4 A. I sent it to Jeremy.

5 Q. Did you cc anyone?

6 A. I cc'd Jim.

7 Q. Who is that?

8 A. Jim is one of the people in charge of the ISB folks.

9 Q. Do you see the sentence that begins "Thanks for sending
10 this e-mail but you should probably let ISB send these
11 e-mails"?

12 A. Yes.

13 Q. What did you mean by that?

14 A. So, Jeremy helped out with the weekend migration of the
15 Atlassian admin capabilities. And, my understanding was Jeremy
16 was helping them, ISB, with some of, like, some of the
17 transitions.

18 But, I thought I was pretty clear on Monday that ISB
19 was in charge, and you know, developers weren't supposed to be
20 a part of this, and I know I had that conversation with Jeremy
21 as well. So, when I saw that e-mail from Jeremy, I was rather
22 surprised by it.

23 Q. Do you see the direction at the bottom?

24 A. Yes.

25 Q. "Can you please ask someone in ISB to resend this."

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Leonis - Direct

1 A. Yes.

2 Q. Why did you want someone in ISB to resend the e-mail?

3 A. Because they were supposed to be in charge. And so, if we
4 had transitioned everything to ISB and they were supposed to be
5 in charge, then I shouldn't have any developer, Jeremy,
6 whomever, sending these type of e-mails about how maintenance
7 activities were supposed to be happening on DevLAN.

8 MR. KAMARAJU: Ms. Hurst, can we publish Government
9 Exhibit 1070, please. Before we get to this.

10 Q. You testified that ISB was supposed to be taking over; is
11 that right?

12 A. ISB was supposed to be taking over the admin
13 responsibilities on DevLAN, for the Atlassian tool suite.

14 Q. Can we look at the bottom part of this e-mail.

15 Who sent this e-mail?

16 A. I did.

17 Q. Who did you send it to?

18 A. I sent it to my branch at the time.

19 Q. Remind us, which branch was that?

20 A. That was RDB. I was still the branch chief of RDB.

21 Q. What time did you send it?

22 A. Wednesday, April 20, 2016, at 3 p.m.

23 Q. If we can go up to the top e-mail. What's the date and
24 time of this e-mail?

25 A. It's April 20, 2016, at 5:52 p.m.

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Leonis - Direct

1 Q. Who sent this?

2 A. Josh did.

3 Q. Who did he send it to?

4 A. He sent it to me.

5 Q. Can you summarize what the defendant says in this e-mail.

6 A. That he would like to go to one of the conferences.

7 MR. KAMARAJU: Ms. Hurst, can you please pull up
8 Government Exhibit 1207-27 that's already in evidence. And
9 blow up the header lines and the rows next to the government
10 exhibit sticker.

11 Q. Mr. Leonis, do you see an entry called
12 Confluence_DB-20160303-0625.sql?

13 A. Yes.

14 Q. What's the date accessed listed there?

15 A. April 20, 2016, at 5:42 p.m.

16 Q. About how long was that before the defendant sent you the
17 e-mail about trainings?

18 A. I'm sorry, I don't remember the time.

19 MR. KAMARAJU: Can we pull up Government Exhibit 1070
20 and put it next to it.

21 A. It's about 10 minutes difference.

22 MR. KAMARAJU: Can we take down 27 and pull up
23 Government Exhibit 1207-30. Can we blow up the top few lines
24 including the headers. And can we pull up 1070 next to it
25 again. Let's just take the top. Thank you.

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Leonis - Direct

1 Q. Mr. Leonis, on 1207-30, do you see under the name an entry
2 called Confluence-home-2016.03.03/0625.pglee?

3 A. Yes.

4 Q. What's the date accessed for that entry?

5 A. April 20, 2016, at 5:43 p.m.

6 Q. And about how long is that before the e-mail the defendant
7 sent you about the trainings?

8 A. Almost 10 minutes, nine minutes.

9 MR. KAMARAJU: You can take those down, Ms. Hurst.
10 Can you please publish to the jury Government Exhibit 1071.

11 Q. Mr. Leonis, do you see, could you tell us what the date and
12 time of this e-mail is?

13 A. April it 21, 2016 at 10:55 a.m.

14 Q. Who sent it to you?

15 A. Josh did.

16 Q. Do you see where he says "But I had equipment that was
17 registered under my name for OSB, notably our \$30,000 plus
18 server that I was custodian."

19 A. Yes.

20 Q. What do you understand him to mean there?

21 A. So, in, so in AED, and EDG in general the year before, we
22 went through an audit to try to figure out where all of our
23 equipment was. And each branch had equipment registered to
24 them where the branch chiefs were -- I can't remember if it was
25 the responsible officer or the accountable officer. But

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Leonis - Direct

1 basically, branch chiefs were held accountable for the
2 equipment that was in their branch.

3 So, I guess there was a server that Josh had that he
4 was a custodian for, and what the branches did was, since you
5 as branch chief had a number of people who had equipment, even
6 though the branch chief was accountable for it, what we did was
7 we as branch chiefs said, okay, each person, we want you to
8 keep track of what your equipment was.

9 And then so, with Josh moving from one branch to the
10 other, some equipment went with him, some equipment stayed in
11 the branch, so this is just probably clean up of that.

12 Q. Specifically, do you see where it says "removing me from
13 the CMR and my access"?

14 A. Yeah.

15 Q. What's that?

16 A. CMR -- that's how we were tracking accountable property.

17 MR. KAMARAJU: We can take that down, Ms. Hurst.

18 Thank you.

19 Q. Did there come a time when another issue came up with
20 respect to the defendant's privileges to an OSB project?

21 A. Yes.

22 Q. Can we pull up Government Exhibit 1080, please. We'll blow
23 up at the bottom, the "from" line there. Actually, let's
24 scroll to the next page. Let's start with the e-mail at the
25 bottom here.

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Leonis - Direct

1 Who sent this e-mail?

2 A. Josh did.

3 Q. What's the date and time?

4 A. Thursday, May 26, 2016, at 12:39 p.m.

5 Q. Who did he send it to?

6 A. He sent it to ISB.

7 Q. What's the subject?

8 A. "Stash project Brutal Kangaroo admin access."

9 Q. Do you see where he says, "Could a Stash admin grant me
10 admin privileges for the project Brutal Kangaroo?"

11 A. Yes.

12 Q. What do you understand him to be saying there?

13 A. He was requesting admin privileges to the project Brutal
14 Kangaroo.

15 Q. Does he say why he was requesting the project privileges?

16 A. He said he lost access to the project.

17 Q. You testified before that you had discussed Nader and
18 Shattered Assurance with the defendant, correct?

19 A. Yes.

20 Q. Were those tools he was going to take with him to RDB?

21 MS. SHROFF: Objection to the leading.

22 THE COURT: Yes, Mr. Kamaraju. Don't lead.

23 MR. KAMARAJU: Apologies, your Honor.

24 Q. Which tools had you discussed with the defendant before
25 about taking over?

K2A3SCH1

Leonis - Direct

1 A. There was a thumb drive tool, and Shattered Assurance. And
2 thumb drive tool I believe was Nader.

3 Q. Had you talked about Brutal Kangaroo with the defendant
4 before this?

5 A. So, Brutal Kangaroo, I think Shattered Assurance was a part
6 of that project. It was a subproject underneath Brutal
7 Kangaroo.

8 MR. KAMARAJU: Can we scroll up to the next e-mail.

9 Q. Who sent this e-mail?

10 A. Tim did, from ISB.

11 Q. When did he send it?

12 A. Thursday, May 26, 2016, at 1:15 p.m.

13 Q. Who did he send it to?

14 A. He sent it to Josh.

15 Q. If we can take a look at the body of the e-mail, please.

16 Do you see where he asked "Could you please send me your branch
17 chief's approval for this request?"

18 A. Yes.

19 Q. What do you understand that to mean?

20 A. So, we told ISB that if somebody comes to you, any
21 developer comes to you, after we transferred the Atlassian tool
22 suite to them for administration, if somebody came to you
23 asking for approval to take on or take over or admin a project,
24 a branch chief should also be part of that approval process.

25 Q. Was there a reason why you wanted branch chiefs to be part

K2A3SCH1

Leonis - Direct

1 of that process?

2 A. Yeah, it was just a management concurrence, really. If
3 somebody was going to ISB, they didn't really know one way or
4 another if a request was legit or not.

5 MR. KAMARAJU: Can we scroll up to the top e-mail,
6 please.

7 Q. When was this e-mail sent?

8 A. May 26, 2016, at 2:01 p.m.

9 Q. Who sent it?

10 A. Josh did.

11 Q. Who did he send it to?

12 A. He sent it to me, he sent it to the ISB admin Tim, he sent
13 it to HR, and he sent it to William.

14 Q. Do you see at the top where he says "You can vet it with
15 Anthony"?

16 A. Yes.

17 Q. What did you understand him to be saying there?

18 A. He basically was saying that, you know, talk to Anthony.

19 Q. And the next sentence, could you read that?

20 A. "Also, I saw that the reason my accesses were revoked was
21 because Jeremy Weber went through this project, like many of my
22 other projects on April 4, 2016, and, utilizing his admin
23 privileges, he revoked my access and put Christopher as the
24 admin for the project."

25 Q. What did you understand that to be a reference to?

K2A3SCH1

Leonis - Direct

1 A. So, in early April, we asked OSB to go through and make
2 sure that all their projects were properly resourced. And so,
3 this was part of that activity.

4 Q. Do you see where he writes no -- this is in the third
5 paragraph. Sorry. "No management informed me of revocation of
6 my access to any of projects in Stash. It was only Jeremy who
7 unilaterally made the decision to revoke all my permissions."

8 A. Yes.

9 Q. Was that a unilateral decision by Mr. Weber?

10 A. No.

11 Q. Was Mr. Weber's branch chief involved in that decision?

12 A. Yeah, Sean was involved.

13 Q. Do you see at the bottom where he writes, "Susan, I hate to
14 bring this all back up again but this audit log should
15 vindicate me."

16 A. Yes.

17 Q. What do you understand him to be saying there?

18 A. Since Susan was HR, he was bringing it to Susan's
19 attention, because he wanted her to be aware of it.

20 MR. KAMARAJU: Ms. Hurst, can we show Government
21 Exhibit 1138 just to the witness, the Court, and the parties
22 for now.

23 Q. If you want to take a minute to just look at it.

24 A. Sure.

25 Q. You ever seen this before?

K2A3SCH1

Leonis - Direct

1 A. Yeah, I remember it from the prep sessions.

2 Q. What is it?

3 A. It's an e-mail that I sent.

4 Q. What's the general subject matter of it?

5 A. Responsibility and access privileges for Brutal Kangaroo.

6 MR. KAMARAJU: The government would offer Government
7 Exhibit 1138 into evidence.

8 MS. SHROFF: Your Honor, I am assuming that the Court
9 is going to instruct it's not coming in for its truth. But
10 other than that, we have no objection.

11 THE COURT: All right. 1138 is received in evidence.

12 (Government's Exhibit 1138 received in evidence)

13 Q. Do you see where you write, "Hi Dave, per the direction
14 below, please make the following changes in the Brutal Kangaroo
15 project permissions in Stash."

16 A. Yes.

17 Q. Then there are three bullet points there?

18 A. Yes.

19 Q. Can you summarize what you meant in those three bullet
20 points.

21 A. So, essentially, Karen was providing me direction, and I
22 was basically carrying out that direction of how to establish
23 the -- admin privileges for that project.

24 Q. And so the first bullet says: "Remove Joshua Schulte's
25 admin and write privileges for the project."

K2A3SCH1

Leonis - Direct

1 Do you see that?

2 A. Yes.

3 Q. Why did you instruct Dave to do that?

4 A. Because, at some point before that, Josh's admin and write
5 privileges were reconstituted for that project.

6 Q. Do you see the second bullet? Why did you tell Dave to
7 restore Christopher as the admin?

8 A. Because before that, Chris was the admin on that project.

9 Q. And the third bullet, why did you tell David to restore
10 sg_OSB admin and write privileges for the group?

11 A. That allowed people in OSB to make changes, like write to
12 that project.

13 Q. At the time you sent this e-mail, had OSB's group ability
14 to write privileges been taken away?

15 A. Yeah, I believe so.

16 Q. Brutal Kangaroo at this time was an OSB project?

17 A. It was.

18 Q. Could we scroll down to the bottom of the e-mail, just blow
19 that up from Karen.

20 Who is Karen?

21 A. Karen is the group chief of EDG.

22 Q. See where it said, "I have completed my review and
23 consideration of plans for Brutal Kangaroo going forward"?

24 A. Yes.

25 Q. Do you know why Karen was reviewing Brutal Kangaroo at that

K2A3SCH1

Leonis - Direct

1 time?

2 A. Yes, because Josh's admin privileges to that project were
3 reinstated.

4 Q. Had he been authorized to have his privileges reinstated?

5 A. No.

6 Q. After you sent this e-mail, did you have a conversation
7 with the defendant about his Brutal Kangaroo privileges?

8 A. The bottom e-mail here?

9 Q. No. I'm sorry. After you sent Government Exhibit 1138,
10 the top e-mail, did you ever talk to the defendant about his
11 privileges?

12 A. I don't really remember a conversation with him after the
13 e-mail.

14 Q. Could we publish Government Exhibit 1085. Let's just blow
15 up the top.

16 What's the date of this e-mail?

17 A. June 21, 2016, at 12:05 p.m.

18 Q. Who sent it?

19 A. I did.

20 Q. And who did you send it to?

21 A. I sent it to Karen, the group chief; Duane, who was the
22 acting branch chief; and Susan, HR; and cc'd myself.

23 Q. What's the subject?

24 A. "My discussion yesterday."

25 Q. If we can blow that up a little bit. Do you see the first

K2A3SCH1

Leonis - Direct

1 line that says "yesterday approximately at 4 p.m."?

2 A. Yes.

3 Q. Was this e-mail in reference to a discussion you had with
4 the defendant?

5 A. Yeah.

6 Q. Why did you send an e-mail about your discussion with the
7 defendant to Karen, Duane and Susan?

8 A. At that point in time, we were advised by HR to document
9 our conversations with Josh. So, that's what I was doing.

10 Q. If we could scroll to the next page. Do you see the
11 paragraph that starts "second"?

12 A. Yes.

13 Q. "During this part of the conversation." Why did you
14 include that in this e-mail?

15 A. So, again, I don't really remember this conversation. So I
16 was recording, I was recording everything that I probably was
17 being told or heard during the conversation.

18 Q. Do you see in the paragraph you write, "He wasn't going to
19 just allow it to happen and he would fight back. These two
20 words caught me a little off guard, and I feel they are worth
21 mentioning."

22 A. Yes.

23 Q. Why did you think those words were worth mentioning?

24 A. So, those kind of words are very -- especially to a
25 manager, because at this point I was actually the deputy

K2A3SCH1

Leonis - Direct

1 division chief of the division. That's why Duane was the
2 acting branch chief. So, somebody using those words with me,
3 that's not something that people say.

4 MR. KAMARAJU: Ms. Hurst, can we pull up Government
5 Exhibit 1062, again, the first page. Can we blow up the part
6 from Mr. Leonis just at the bottom there.

7 Q. What's the subject line of this e-mail?

8 A. "EDG/AED security concern."

9 Q. Was this the e-mail you sent about the defendant's OSB
10 privileges issue?

11 A. Yeah.

12 MR. KAMARAJU: Your Honor, Government Exhibit 1033 is
13 a stipulation between the parties.

14 THE COURT: Are you going to read it?

15 MR. KAMARAJU: I'm going to offer the stipulation into
16 evidence and then pull it up for the jurors as well.

17 THE COURT: All right.

18 MR. KAMARAJU: So if we can go to the last paragraph.
19 It says it is further stipulated and agreed that this
20 stipulation, as Government Exhibit 3003, Government Exhibits
21 1603, 1608 through 1615, 1601, 1401 through 1404, 1605, 1405,
22 1616 through 1621, 821 and 822, and all Government Exhibits
23 contained on 1601, 1401 through 1404, 1605, 1405, 821 and 822,
24 may be received in evidence as Government Exhibits at trial.

25 Your Honor, the government would offer Government

K2A3SCH1

Leonis - Direct

1 Exhibit 3003 at this time.

2 THE COURT: It's received in evidence.

3 (Government's Exhibit 3003 received in evidence)

4 MR. KAMARAJU: Can we pull it up for everybody. And
5 just go to the first page.

6 So, it starts: It is hereby stipulated and agreed by
7 and among the United States of America, by Geoffrey S. Berman,
8 United States Attorney for the Southern District of New York,
9 David W. Denton, Jr., Sidhardha Kamaraju, and Matthew Laroche,
10 Assistant United States Attorneys, of counsel, and Joshua Adam
11 Schulte, the defendant, by and with the consent of his counsel,
12 Sabrina Shroff, Esq., Edward Zas, Esq., and James Branden,
13 Esq., that:

14 1. If called as a witness, a special agent, Agent-1,
15 with the Federal Bureau of Investigation (FBI) with knowledge
16 of the matter would testify that on or about March 14 and 15,
17 2017, Agent-1 was present at 200 East 39th Street, Apartment
18 8C, New York, New York 10016 (the apartment) to execute a
19 search warrant (the search warrant). While present at the
20 apartment, Agent-1 recovered: (i) a computer that was used by
21 the defendant containing four hard drives and that was logged
22 into evidence as SC01 (the home computer); (ii) a thumb drive
23 that bears the marking ufcu.org and that is marked as
24 Government Exhibit 1603 (the thumb drive; (iii) a rack
25 containing two servers, the first server of which contained

K2A3SCH1

Leonis - Direct

1 five hard drives, and the second server of which also contained
2 five hard drives, and that was logged into evidence as SC48
3 (the rack servers (iv), six 1 terabyte hard drives that are
4 marked as Government Exhibits 1608 through 1613, respectively,
5 one 640 gigabyte hard drive that is marked as Government
6 Exhibit 1614, and one 160 gigabyte hard drive that is marked as
7 Government Exhibit 1615.

8 2. Government Exhibit 1601 is a compact disc
9 containing Government Exhibits 1601-1 through 1601-26, which
10 are true and accurate copies of the photographs of the home
11 computer; Government Exhibits 1401, 1402, and 1403 are compact
12 discs containing Government Exhibits 1401-1 through 1401-16,
13 1402-1 through 1402-10, and 1403-1 through 1403-7, which are
14 true and accurate copies of forensic files and data recovered
15 from the home computer; Government Exhibit 1404 is a compact
16 disc containing Government Exhibit 1404-1 through 1404-15,
17 which are true and accurate copies of forensic files and data
18 recovered from the thumb drive; Government Exhibit 1605 is a
19 compact disc containing Government Exhibit 1605-1 through
20 1605-53, which are true and accurate copies of photographs of
21 the rack servers; Government Exhibit 1405 is a compact disc
22 containing Government Exhibits 1405-1 through 1405-12, which
23 are true and accurate copies of portions of in Internet Relay
24 Chats recovered from the rack servers.

25 3. If called as a witness, a special agent, Agent-2,

K2A3SCH1

Leonis - Direct

1 with the FBI with knowledge of the matter would testify that on
2 or about March 14 and 15, 2017, Agent-1 was present at the
3 apartment to execute the search warrant. While Agent-2 was
4 present in the apartment, Agent-2 recovered (i) hard copies of
5 Government Exhibits 1616 through 1619 from a headboard in the
6 defendant's bedroom; (ii) pieces of shredded paper from a
7 shredder that are contained in a bag marked as Government
8 Exhibit 1620. Government Exhibit 1621 is a reconstruction of
9 some of the pieces of shredded paper recovered from the
10 apartment.

11 4. If called to testify, an officer with the Federal
12 Bureau of Prisons would testify that on or about October 5,
13 2018, Officer-1 recovered a Samsung cell phone with IMEI number
14 357073084445432 (the Samsung phone) from Unit 7-South within
15 the Metropolitan Correctional Center, 150 Park Row, New York,
16 New York 10007. Government Exhibit 821 is a compact disc
17 containing true and accurate copies and accurate copies of
18 forensic files and data recovered from the Samsung phone.
19 Government Exhibit 822 is a compact disc containing true and
20 accurate copies of messages sent and received using the
21 messages application Signal on the Samsung phone.

22 Then we previously read the last paragraph. It's
23 signed by both places on January 31, 2020.

24 Your Honor, at this point the government would like to
25 offer Government Exhibit 1601, 1601-1 through 1601-26, 1401,

K2A3SCH1

Leonis - Direct

1 1402, 1403, 1401-1 through 1401-16, 1402-1 through 1402-10,
2 1403-1 through 1403-7, 1404, 1404-1 through 1404-15, 1605,
3 1605-1 through 1605-53, 1405, 1405-1 through 1405-12, 1616
4 through 1621, 821 and 822 into evidence.

5 THE COURT: They're received in evidence.

6 (Government's Exhibit 1601, 1601-1 through 1601-26,
7 1401, 1402 received in evidence)

8 (Government's Exhibit 1403, 1401-1 through 1401-16
9 received in evidence)

10 (Government's Exhibit 1402-1 through 1402-10, 1403-1
11 through 1403-7 received in evidence)

12 (Government's Exhibit 1404, 1404-1 through 1404-15
13 received in evidence)

14 (Government's Exhibit 1605, 1605-1 through 1605-53
15 received in evidence)

16 (Government's Exhibit 1405, 1405-1 through 1405-12
17 received in evidence)

18 (Government's Exhibit 1616 through 1621, 821, 822
19 received in evidence)

20 MR. KAMARAJU: Ms. Hurst, can we please publish
21 Government Exhibit 1616.

22 Q. Mr. Leonis, have you ever seen this e-mail before?

23 A. I have.

24 Q. When did you first see it?

25 A. I saw it after Josh left.

K2A3SCH1

Leonis - Direct

1 Q. Were you ever asked to do anything with respect to this
2 e-mail?

3 A. Yeah, I was actually, I was asked to review the e-mail and
4 see if there was any classified material in it.

5 Q. What's the e-mail currently designated as?

6 A. Unclassified.

7 Q. Who designated it as that?

8 A. Josh did.

9 Q. Did you determine if there was any classified information
10 in the e-mail?

11 A. I did.

12 Q. Was there?

13 A. Yes.

14 Q. Could you point it out to us, please?

15 A. Sure. So if you go to the third paragraph, starting with
16 the sentence "this." So, this is in reference to the -- to our
17 infrastructure. I'll read it.

18 Q. Please.

19 A. "This left it open and easy for anyone to gain access and
20 delete our entire EDG source code repository or even easily
21 download and upload it in its entirety to the internet through
22 the FIN network, since both were unmanaged and gave developers
23 full administrator privileges and the ability to use removable
24 media."

25 Q. Can we scroll back out, please.

K2A3SCH1

Leonis - Direct

1 MS. SHROFF: In light of the rule of completeness,
2 could the witness read the next line.

3 THE COURT: Mr. Kamaraju, would you read next line,
4 please.

5 MR. KAMARAJU: Certainly.

6 Q. Mr. Leonis, could you read the next line please?

7 A. "Luckily nothing happened, but it still illustrates a lack
8 of security and pure ineptitude of Karen."

9 Q. Please scroll back out and go to the top.

10 When was this e-mail sent?

11 A. Thursday, November 10, 2016, at 9:12 a.m.

12 Q. Do you see the subject line?

13 A. Yes.

14 Q. What's the subject line?

15 A. "Report to House Intelligence Committee."

16 Q. Do you know what the House Intelligence Committee is?

17 A. Yes.

18 Q. What is it?

19 A. So that's the House of Representatives committee,
20 intelligence committee.

21 Q. Do you know what it does, generally?

22 A. They provide oversight for the intelligence community.

23 Q. What's the "to" line there?

24 A. Report-fraud mailbox.

25 Q. Can we go to the body of the e-mail, the first section

K2A3SCH1

Leonis - Direct

1 there. Do you see where it says OIG?

2 A. Yes.

3 Q. Do you know what OIG is?

4 A. It is the Office of Inspector General.

5 Q. What's that?

6 A. So that's the internal office at the agency that reviews
7 things like fraud, waste, and abuse.

8 Q. Do you see where the defendant writes, "As my last day at
9 the agency"?

10 A. Yes.

11 Q. Did you defendant leave the CIA in November of 2016?

12 A. November 2016, yes.

13 Q. If we can go to the third paragraph, please. Do you see
14 the sentence that starts, "For two full years, I reported
15 through my management chain these security concerns."

16 That's about a little less than halfway down?

17 A. Yes, I see that.

18 Q. When you assumed the role of acting deputy division chief
19 and acting division chief, did you become part of the
20 defendant's management chain?

21 A. I did.

22 Q. So approximately how much time elapsed between when you
23 assumed those roles and this e-mail?

24 A. Seven, eight months.

25 MR. KAMARAJU: Can we put up Government Exhibit 1061

K2A3SCH1

Leonis - Direct

1 and go to the fourth page alongside this.

2 Q. Do you remember Government Exhibit 1061?

3 A. Yeah.

4 Q. And do you see the date there?

5 A. Yup.

6 Q. When the defendant sent you this e-mail, were you in his
7 management chain?

8 A. Yeah, I was the acting.

9 Q. Did you receive this e-mail?

10 A. Yes, I did.

11 Q. In this e-mail, did the defendant raise any security
12 concerns with DevLAN?

13 A. I don't believe so.

14 MR. KAMARAJU: We can take down Government Exhibit
15 1061 and can we pull up Government Exhibit 1046, please. Can
16 we blow up the second e-mail on the page there.

17 Q. Who sent this e-mail?

18 A. Josh did.

19 Q. Who did he send it to?

20 A. Myself and a number of people cc'd.

21 Q. When the defendant sent you this e-mail, were you in his
22 management chain?

23 A. I just started.

24 Q. Was this e-mail sent directly to you?

25 A. It was sent to me.

K2A3SCH1

Leonis - Direct

1 Q. In this e-mail, did the defendant raise any security
2 concerns with DevLAN?

3 A. No.

4 MR. KAMARAJU: We can pull down Government Exhibit
5 1046. If we can put back 1616, please.

6 Q. It starts off "Specifically Karen ignored my complaints."

7 Do you see that?

8 A. Yes.

9 Q. Could you read that sentence.

10 A. "Specifically, Karen ignored my complaints that our
11 development network and product solution were incredibly
12 vulnerable."

13 Q. Remind us who Karen is?

14 A. Karen is the group chief of EDG.

15 Q. Was she one of the people you notified about the
16 defendant's issues with OSB libraries?

17 A. Yes.

18 Q. Could you read the next three sentences, please.

19 A. Starting with "since"?

20 Q. Yes, sir.

21 A. "Since the inception of our Atlassian product replacement
22 of TeamForge, I have acted as a de facto system administrator
23 for the network despite no official job title or training
24 because the contractors hired to do this job were incompetent.
25 They could not handle the position, so myself and others had to

K2A3SCH1

Leonis - Direct

1 take it upon ourselves to manage these complex systems. I
2 first reported this issue when the main person supporting this
3 system went overseas to Foreign Office West and left me in
4 charge simply because I had previous system administrator
5 experience."

6 Q. Could we pull up Government Exhibit 1095 alongside it,
7 please.

8 Could you just remind us what Government Exhibit 1095
9 is?

10 A. This was the memo that I gave to Josh regarding OSB
11 libraries.

12 Q. At the time you gave the defendant this memo, was he a
13 developer?

14 A. He was a developer.

15 Q. Was he in ISB?

16 A. He was not in ISB.

17 Q. What was purpose of the meeting that you gave him this
18 memo?

19 A. Primarily to go over what had happened with the OSB
20 libraries, and then to state that he was no longer supposed to
21 try to obtain administrator rights to projects.

22 Q. Could you just read the subject line of the memo again.

23 A. "Self-granting previously revoked admin privileges on an
24 agency computer network."

25 Q. During this meeting, did the defendant ever raise a concern

K2A3SCH1

Leonis - Direct

1 about developers having admin privileges to the Atlassian
2 suite?

3 A. I know he was concerned about Jeremy. But, other than
4 that, no.

5 Q. Did he ever raise any security concerns about the fact that
6 developers were acting as admins?

7 A. Not that I remember.

8 MR. KAMARAJU: Could we go back to 1061. Sorry. My
9 apologies, 1616. Sorry.

10 Q. Do you see a little over halfway down it says "we were
11 still mainly developers"?

12 A. Yes.

13 Q. Could you read the rest of that sentence.

14 A. "So we largely just relied on trust."

15 Q. Could you read the next sentence, please.

16 A. "This left it open and easy for anyone to gain access and
17 delete our entire EDG source code repository or even easily
18 download and upload it in its entirety to the internet through
19 the FIN network since both were unmanaged and gave developers
20 full administrator privileges and ability to use removable
21 media."

22 Q. Prior to the date of this e-mail, did the defendant ever
23 raise a concern with you that your entire source code
24 repository could be downloaded or uploaded to the Internet?

25 A. Not that I remember.

K2A3SCH1

Leonis - Direct

1 Q. Move to the next page. Do you see the paragraph that says
2 "I was told by Sean"?

3 A. Yes.

4 Q. Could you just read that sentence.

5 A. "I was told by Sean that Karen was furious with my report
6 because I jumped my chain of command and it made her look bad
7 to the front office."

8 Q. Do you understand what he means when he says "my report"?

9 A. I believe this is in reference to the TMU report.

10 Q. Was that in connection to the dispute with Amol?

11 A. Yes.

12 Q. Did you ever meet with --

13 MS. SHROFF: Again, could the witness just read the
14 next line.

15 Q. Mr. Leonis, could you read the next line, please.

16 A. Sure. "Never once did Karen reach out to me or attempt to
17 assist me during this situation."

18 MS. SHROFF: Thank you.

19 Q. Did you ever meet with Karen about the Amol situation?

20 A. Yes.

21 Q. During that meeting, did she appear furious with the
22 defendant's allegation?

23 A. No.

24 Q. Do you see the next paragraph that begins "on the
25 defensive"?

K2A3SCH1

Leonis - Direct

1 A. Yes.

2 Q. Do you see -- it's I think third sentence down, "Up to this
3 point, Karen has still never talked to me directly or
4 communicated in any way since the the Amol incident"?

5 A. Yes.

6 Q. Can we pull up Government Exhibit 89, please. Using
7 Government Exhibit 89 could you tell us how many different
8 layers of management were between the defendant at this time
9 and Karen?

10 A. So, when he was in either OSB or RDB, so, when he was in
11 OSB there was a branch chief named Sean. When he was in RDB,
12 during the time I was acting, I was the branch chief. And I
13 also had an acting branch chief by the name of Duane. Then, at
14 the division level, when I was acting it was me, I was both
15 acting, but, before that, you had a chief and a deputy chief
16 there and subsequently later. And then at the group level, you
17 had a group chief which was Karen, and then a deputy which was
18 Mike.

19 Q. Do you see the next sentence he writes, "Instead, she sent
20 the division chief Anthony Leonis to issue me the warning"?

21 A. Yes.

22 Q. Was it typical for you as a division chief to be dealing
23 with developer access issues?

24 A. No.

25 Q. Was there something special about this situation?

K2A3SCH1

Leonis - Direct

1 A. Yes.

2 Q. What was that?

3 A. So, at the time of the memo of warning, that was the second
4 time that Josh had obtained administrative privileges to a
5 project where it was removed.

6 Q. Could we go to the last sentence of the e-mail, please.
7 Could we just read that.

8 A. What do you want me to read again?

9 Q. The last sentence of this paragraph.

10 A. Okay. "Even though I had been in my position slightly
11 longer than the average time for promotion and contributed to
12 far greater success than most of the individuals promoted, I
13 was considered in the bottom 50 percent of my grade and was not
14 promoted."

15 Q. In 2015 and 2016, were you involved in promotion decisions?

16 A. I was involved in some of them, yeah.

17 Q. Are you aware of anything suggesting that the defendant was
18 improperly not promoted?

19 A. No.

20 MR. KAMARAJU: Take this down.

21 Q. After the defendant left the CIA, did you ever learn that
22 any of the cyber tools that you talked about had been
23 compromised?

24 A. Yes.

25 Q. Could you explain to the jury how you learned that.

K2A3SCH1

Leonis - Direct

1 A. Yeah. So, on March 7 of 2017, I was actually -- myself and
2 the new division chief and then one of the branch chiefs were
3 going to go to a work offsite, and I was kind of excited about
4 it because I got to drive. They usually drove.

5 MS. SHROFF: Objection.

6 THE COURT: Overruled.

7 A. I didn't usually get to drive. So I had to go pick up the
8 division chief first. So I drove to his house, pulled up into
9 his driveway, and he had been waiting for me. And so as he was
10 coming out of the garage with his suitcase, I received a phone
11 call. And on the other end it was Mike. And Mike had said you
12 need to come into the office right now. And there was some
13 other things he said, I just don't remember them. But it
14 was -- he sounded very serious.

15 So, my boss got in the car and he said, you know, are
16 you ready to go. And I said, well, Mike just called, and he
17 said we have to go to the office. And he said okay.

18 So we drove straight to the office, and went up to the
19 CCI front office. And as you walk in, there's a conference
20 room with glass doors, and there are a lot of people in that
21 conference room looking over stuff on a table. And so we kind
22 of walked up, and people didn't look very happy. And that's
23 when we learned that a number of the tools or information about
24 the tools was published on WikiLeaks.

25 Q. Did you ever look at any of the information that was posted

K2A3SCH1

Leonis - Direct

1 on WikiLeaks?

2 A. On WikiLeaks? No.

3 Q. Did you ever review it in any other way?

4 A. Yeah, so we weren't allowed to look on WikiLeaks. A lot of
5 the materials were being printed and brought into the office.
6 So, I looked at some of them. I wasn't really involved with
7 the actual investigation itself. But, from time to time, I
8 would be asked about certain things.

9 Q. Was there any information that you recognized from EDG in
10 what you looked at?

11 A. Yes.

12 MR. KAMARAJU: Can we pull up Government Exhibit 13,
13 please, which is already in evidence. Just can we scroll
14 through the pages. Go back to the front page.

15 Q. Do you see where it says "Brutal Kangaroo program Drifting
16 Deadline v1.2 user guide"?

17 A. Yes.

18 Q. During your work at EDG, did you become familiar with the
19 user guides for CIA cyber tools?

20 A. Yeah.

21 MR. KAMARAJU: Can we look at Government Exhibit 14.
22 Just scroll through that. Go back to the front page, please.

23 Q. Is this another user guide?

24 A. It's another user guide.

25 MR. KAMARAJU: Can we look at Government Exhibit 16-1,

K2A3SCH1

Leonis - Direct

1 please. Go to the front page, please.

2 Q. Do you see at the top where it says "Tool Delivery Review"?

3 A. Yes.

4 Q. During your work at EDG, did you become familiar with tool
5 delivery documentation for CIA cyber tools?

6 A. Yes.

7 Q. Generally speaking, what's a tool delivery review?

8 A. So, before EDG delivers a tool to operations, there was an
9 engineering review board at one point. Later the process
10 changed a little bit. But, at that point in time, there were
11 tool delivery view presentations where a developer would go and
12 they would present what the tool they had built was, and what
13 requirements it was for, etc., etc.

14 Q. Prior to your testimony today, have you ever publicly
15 discussed the kind of information found in user guides for CIA
16 cyber tools?

17 A. No.

18 Q. Have you ever publicly discussed the kind of information
19 found in tool documentation?

20 A. No.

21 Q. Why not?

22 A. It was, for one, it was very sensitive. But two, talking
23 about it publicly could inform people that these tools were
24 being used to collect intelligence about our capabilities, and
25 we didn't want people to know what our capabilities were so

K2A3SCH1

Leonis - Direct

1 that they could defend against them.

2 Q. When you joined the CIA, are you required to make any
3 non-disclosure commitments to the agency?

4 A. Yes.

5 Q. You know what a secrecy agreement is?

6 A. I do.

7 Q. What is it?

8 A. It's something that you sign, basically saying that you
9 agree not to disclose things that you are given access to.

10 MR. KAMARAJU: Could we publish Government Exhibit
11 405, page nine, it's already in evidence. Just blow up the top
12 there.

13 Q. What is this?

14 A. This is a secrecy agreement.

15 Q. Do you see a name written after "I" on the first paragraph?

16 A. Yes.

17 Q. Whose name is there?

18 A. Josh's.

19 MR. KAMARAJU: Can we go to the next page, Ms. Hurst.
20 Can we blow up paragraph 18. Why don't we blow it up all the
21 way through the signatures, thank you.

22 Q. Could you read paragraph 18.

23 A. Sure. "I make this agreement in good faith and with no
24 purpose of evasion."

25 Q. Is there a signature listed there?

K2A3SCH1

Leonis - Direct

1 A. Yes.

2 Q. Whose signature is that?

3 A. Josh's.

4 Q. Is there a date?

5 A. January 3, 2012.

6 MR. KAMARAJU: If we can go back to the prior page,
7 please. Can we blow up paragraph two.

8 Q. Could you read the first sentence of paragraph two --
9 actually, could you just read the paragraph.

10 A. Sure. "I understand that in the course of my employment or
11 other service with the Central Intelligence Agency, I may be
12 given access to information or material that is classified or
13 is in the process of classification determination in accordance
14 with the standards set forth in Executive Order 12958 as
15 amended or superseded or other applicable executive order, that
16 if disclosed in an unauthorized manner would jeopardize
17 intelligence activities of the United States government. I
18 accept that by being granted access to such information or
19 material I will be placed in a position of special confidence
20 and trust and will become obligated to protect the information
21 and/or material from unauthorized disclosure."

22 MR. KAMARAJU: Ms. Hurst, can we go to page 11. Just
23 blow up the top there.

24 Q. What's this?

25 A. This is another non-disclosure agreement.

K2A3SCH1

Leonis - Direct

1 Q. Can you read the title there.

2 A. "Sensitive compartmented information non-disclosure
3 agreement."

4 Q. Do you know what sensitive compartmented information is?

5 A. Yes.

6 Q. Generally speaking, what is it?

7 A. It's material that is protected for special access
8 purposes.

9 Q. Do you see a name written here at the top?

10 A. Yes.

11 Q. What name is written there?

12 A. Joshua Adam Schulte.

13 Q. Could we go to the next page. Blow up the bottom there.

14 Do you see a signature at the top there?

15 A. Yes.

16 Q. Whose signature is that?

17 A. Josh's signature.

18 Q. What's the date?

19 A. January 3, 2012.

20 Q. Now, could we go back to the prior page. Blow up paragraph
21 three, please.

22 Mr. Leonis, could you read the first sentence of the
23 third numbered paragraph.

24 A. Sure. "I have been advised that the unauthorized
25 disclosure, unauthorized retention, or negligent handling of

K2A3SCH1

Leonis - Direct

1 SCI by me could cause irreparable injury to the United States
2 or be used to advantage by a foreign nation."

3 MR. KAMARAJU: Your Honor, no further questions at
4 this time.

5 THE COURT: We'll take our morning recess before we
6 resume cross. It will be a short break.

7 (Jury excused)

8 (Continued on next page)

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K2A3SCH1

1 THE COURT: You can step down.

2 THE WITNESS: Thank you.

3 THE COURT: Who is going to be doing the cross?

4 Ms. Shroff.

5 MS. SHROFF: Yes, your Honor.

6 THE COURT: All right. Now this morning, did anybody
7 want to raise some other problems that they're having?

8 MR. LAROCHE: Not the government, your Honor.

9 MS. SHROFF: Your Honor, we have a continuing
10 objection, but I just, I didn't make it while the jury was in
11 the box about the legend still appearing, secret, top secret.
12 We've objected to that before. I understand the Court's
13 various rulings on it. But the exhibits, I think it was
14 Exhibit 13 still bears the legend. And we have a continuing
15 objection to that. That's one issue.

16 I think we're going to ask the Court for a limiting
17 instruction on the last set of documents shown to the jury,
18 which is the signatures that Mr. Schulte signed on the warnings
19 that the CIA gives in terms of receiving and keeping classified
20 information. He's not accused of breaching such an agreement,
21 and I think Mr. Zas is going to help me out here and draft a
22 limiting instruction for the Court.

23 THE COURT: All right.

24 MS. SHROFF: And I think that the last issue that we
25 raised, we raised with Mr. Gonzalez, and hopefully we don't

K2A3SCH1

1 need to raise it on the record.

2 THE COURT: Okay. See you in 15 minutes.

3 MS. SHROFF: Thank you, your Honor.

4 (Recess)

5 (In the open court; jury not present)

6 THE COURT: Is there a problem?

7 MS. SHROFF: We do have a problem, your Honor. May I
8 just ask the Court or I can remind the Court about Government
9 Exhibit 1616, the document marked as Government Exhibit 1616
10 which is the Hickok general users guide.

11 THE COURT: Yes.

12 MS. SHROFF: I think the Court ruled on it.

13 THE COURT: Yes.

14 MS. SHROFF: But apparently the government and I still
15 seem to not be on the same page and I apologize about that. We
16 assumed or we thought the Court's ruling was that we could show
17 the document into evidence in the way that the CIA first
18 produced it to us or produced it within the CIA, which was as
19 simply unclassified/FOUO and then also show the fact that the
20 CIA reclassified it years later --

21 THE COURT: In August of 2019.

22 MS. SHROFF: Right about there, your Honor. And I
23 thought that the Court had ruled I could show both versions to
24 the witness.

25 THE COURT: I didn't rule on both versions because I

K2A3SCH1

1 don't think I was asked to rule on both versions. I said you
2 could introduce the document the way it was prior to
3 August 2019.

4 MS. SHROFF: Right. And the fact it was reproduced to
5 us in a different way. That the whole point of it is it goes
6 to show that the CIA willy-nilly reclassified a document a year
7 and a half later. More than a year and a half later, because
8 the original document is marked August 2 --

9 THE COURT: I didn't, I'm pretty sure I didn't rule on
10 that --

11 MS. SHROFF: I thought --

12 THE COURT: What I had ruled on was that you could
13 introduce the document in the form that it was initially
14 produced by or generated by the CIA.

15 MS. SHROFF: Well, your Honor --

16 THE COURT: Then thereafter produced to you.

17 MS. SHROFF: So it is produced to us, it was produced
18 to us in discovery, and the way it was produced to us was the
19 classification was changed with no notice to us that the
20 classification was changed. And that goes not just to
21 Mr. Schulte's state of mind, but it also goes to the fact that
22 this witness testified that these classifications are so
23 important and so crucial that never a slip would be made.

24 We're entitled to show that they left a document, a
25 user guide, especially since Mr. Kamaraju has introduced two

K2A3SCH1

1 user guides, I'm entitled to show that the user guide in fact
2 was left unclassified from August of 2014 until June 27 of
3 2019, when there was litigation in this case, that the CIA then
4 reclassified the document, and the FBI, receiving a
5 reclassified document, then produced it to us, with zero
6 notice. It goes to the state of mind --

7 THE COURT: Mr. Kamaraju, what do you say?

8 MR. KAMARAJU: First of all, I think she's
9 mischaracterized Mr. Leonis's testimony.

10 MS. SHROFF: They can bring that out on redirect if
11 they want.

12 MR. KAMARAJU: He did not testify there was never a
13 slip to be made with classification.

14 Secondly, I believe what the Court ruled on originally
15 was that the document should be produced in the original form
16 by which it was produced from the CIA.

17 THE COURT: Correct.

18 MR. KAMARAJU: So Ms. Shroff could make arguments
19 about the fact that Hickok had been identified in an
20 unclassified document.

21 This other sort of secondary purpose is nothing but a
22 sideshow to suggest all of a sudden now -- what she wants to
23 argue is that the CIA's discovery process should be introduced
24 before the jury. There's no relevance to that. If she wants
25 to make an argument about the unclassified marking on the

K2A3SCH1

1 document, she can. The Court's already ruled on it. This
2 separate issue has nothing do with the relevance.

3 First of all, the defendant didn't see the reproduced
4 version until much later, until discovery in this case. This
5 has nothing do with his intent. The CIA is not on trial here.

6 So what Ms. Shroff is trying to do is trying to inject
7 an issue about the CIA's motives in this case, which has
8 nothing to do with the issues here.

9 MS. SHROFF: The CIA's sloppiness is at issue. How
10 CIA ran its systems is also at issue.

11 THE COURT: I'll adhere to the ruling I made about
12 1616. You are free to introduce the document and use the
13 document to demonstrate that as it was originally produced, it
14 was not classified. It was not classified until sometime in
15 August of 2019.

16 MS. SHROFF: Right.

17 THE COURT: That's it.

18 MS. SHROFF: But I can elicit from him it was
19 reclassified in 2019?

20 THE COURT: Yes.

21 MS. SHROFF: You just don't want me to show him the
22 reclassified document. I think the reclassified document is
23 proper evidence in this trial. It is not a sideshow as
24 Mr. Kamaraju calls it.

25 THE COURT: That raises another question. I thought

K2A3SCH1

1 we had agreed that the only classifications that were going to
2 be used at trial were classifications that Mr. Schulte had
3 applied to the document.

4 MS. SHROFF: That's what the government adhered to.
5 We objected and we were overruled. What's good for them, is
6 good for us.

7 THE COURT: What about that?

8 MR. KAMARAJU: The only documents that have
9 classification markings on them currently are the documents
10 that the defendant received or generated himself, so the
11 e-mails. The documents that are physically from the leak
12 itself, which were just downloaded straight from there. And
13 1616, which Ms. Shroff asked for the classification marking to
14 be left on. I believe your Honor had ruled she could have the
15 unclassified marking.

16 That's the only classification markings we are aware
17 of.

18 MS. SHROFF: How is that appropriate? So what if they
19 are the only ones he is aware of. That's a user guide, this is
20 a user guide.

21 THE COURT: I thought there were documents we received
22 this morning or we discussed this morning that had the
23 classification.

24 MS. SHROFF: Exactly. For Brutal Kangaroo you put it
25 in with the classification. What's wrong with this one?

K2A3SCH1

1 MR. KAMARAJU: First of all, Ms. Shroff is getting the
2 classification marking on this document.

3 MS. SHROFF: No, she's not.

4 MR. KAMARAJU: Excuse me. Can I finish?

5 MS. SHROFF: Sure.

6 MR. KAMARAJU: Those documents were the documents from
7 the leak that we introduced on a witness from Tuesday, your
8 Honor. There was no objection at that time to those documents
9 having a classification marking on them. They're literally
10 just the product of what was downloaded from the Internet.
11 We've taken off all the other classification markings, except
12 for the communications involving the defendant. And now we've
13 left this one on because this was what we understood the Court
14 had ruled specifically on 1616.

15 We raised a separate issue this morning on the other
16 network documentation, which it was our understanding of your
17 Honor's ruling there is not going to be classification markings
18 on those either.

19 Ms. Shroff is saying that's a user guide, so I should
20 have the classification marking. This is a user guide. She's
21 got it.

22 MS. SHROFF: No, I don't got it. I think that
23 mischaracterizes the --

24 THE COURT: We're going to end this because we have a
25 jury that's waiting. Use 1616 in accordance with my order.

K2A3SCH1

1 And you can also bring out that the document was reclassified
2 in August of 2019.

3 Bring in the jury, David.

4 MS. SHROFF: We have a continuing objection, I just
5 want to make sure it's clear.

6 THE COURT: We're bringing in the jury now.

7 MS. SHROFF: That's fine, your Honor.

8 MR. KAMARAJU: Your Honor, should we get the witness?

9 THE COURT: Yes.

10 (Continued on next page)

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K2A3SCH1

Leonis - Cross

1 (Jury present)

2 THE COURT: All right, Ms. Shroff.

3 MS. SHROFF: Thank you, your Honor.

4 CROSS-EXAMINATION

5 BY MS. SHROFF:

6 Q. Good morning, Mr. Leonis. Is that the correct way to
7 pronounce your name?

8 A. Sure. Yeah.

9 Q. Mr. Leonis, in 2016, early 2016, you testified on direct
10 that you had more than one job position, correct?

11 A. That's correct.

12 Q. Right. And could you just tell me very briefly what three
13 hats you were wearing?

14 A. So I was the acting division chief, the acting deputy
15 division chief, and then the branch chief of RDB.

16 Q. And what is the branch that you were supervising?

17 A. RDB.

18 Q. And there came a time when you were told Mr. Schulte was
19 going to RDB, correct?

20 A. That's correct.

21 Q. Before Mr. Schulte got to RDB, all you knew is that he and
22 another person named Amol had had a dispute, correct?

23 A. I don't know. I'm assuming so.

24 Q. Well, let's not assume. Do you remember being told that or
25 do you not remember being told that?

K2A3SCH1

Leonis - Cross

1 A. I don't know what he knew. I know what I knew.

2 Q. No, no, I meant what did you know?

3 A. Oh, what did I know?

4 Q. Yes, I'm sorry.

5 A. I knew that, yeah, there was a disagreement between him and
6 Amol.

7 Q. You knew he was being moved to your unit, correct?

8 A. He was being moved to RDB, correct.

9 Q. When he was coming to RDB, shortly thereafter, you were
10 told that there was an issue with OSB libraries, correct?

11 A. Yes.

12 Q. And by the way, when you were told that he was, Mr. Schulte
13 was coming to RDB, were you aware at all of any EEO complaints
14 filed one way or another?

15 A. No, I was not.

16 Q. You were not told, were you, that Mr. Schulte had filed an
17 EEO complaint?

18 A. No.

19 Q. Did you know that he had in fact filed an EEO complaint
20 against Amol?

21 A. I don't remember that, no.

22 Q. Were you ever told that Amol had retaliated or in turn
23 later filed an EEO complaint against Mr. Schulte?

24 A. I don't remember specifically, but I may have known that he
25 was going to file an EEO complaint.

K2A3SCH1

Leonis - Cross

1 Q. By "he" you mean Amol?

2 A. Amol, yeah.

3 Q. Did you learn at some point that Amol's EEO complaint was
4 not substantiated?

5 A. I was not aware of the EEO complaints, their resolution.

6 Q. So you did not know that there was no finding of harassment
7 by Mr. Schulte of Mr. Amol?

8 A. I don't remember that, ma'am.

9 Q. You don't remember whether or not Mr. Amol's complaint of
10 harassment against Mr. Schulte was substantiated, correct?

11 A. I don't remember that, no.

12 Q. You were going to be, were you not, Mr. Schulte's direct
13 supervisor?

14 A. For a period of time.

15 Q. You mean before you got promoted up?

16 A. That's correct.

17 Q. It's fair to say that when he was in OSB, he was supervised
18 by Sean, correct?

19 A. That's correct.

20 Q. You've testified on direct that you thought Sean was a nice
21 guy. You remember throwing that in into your testimony?

22 A. Yeah, Sean was an excellent, excellent person.

23 Q. Right. You'd agree with me as management, would you not,
24 that you could be an excellent person and a terrible manager?

25 A. Yeah, that is true.

K2A3SCH1

Leonis - Cross

1 Q. When you used to go talk to Sean, as you described, you had
2 seen Mr. Schulte sitting in a cubicle. You've testified about
3 that, remember?

4 A. Yes, yes, I do.

5 Q. And he sat in a cubicle about next to Amol, correct?

6 A. Yeah, I believe they were catty corner.

7 Q. Right. And also catty corner was somebody named Mr. Weber,
8 correct?

9 A. Yeah, he sat next to him.

10 Q. So they're all sitting in the same cubicle, correct?

11 A. The same general area; yes, ma'am.

12 Q. Mr. Weber doesn't have an office, correct?

13 A. No.

14 Q. He's not part of management, correct?

15 A. He was not at that time.

16 Q. I'm only interested in that time.

17 A. Hmm-hmm.

18 Q. He was not part of management, correct?

19 A. No.

20 Q. So, it was him, Amol, Mr. Schulte, and how many other
21 developers in that little cubicle area; do you know?

22 A. So there was another desk next to Josh's, and then there
23 was a row of people behind them.

24 Q. Okay. And at the time that you were starting to at least
25 for a period of time be Mr. Schulte's immediate supervisor, you

K2A3SCH1

Leonis - Cross

1 had no knowledge, did you, of any relationship or the type of
2 relationship Mr. Schulte had with Mr. Weber. Is that fair to
3 say?

4 A. Yeah, I wasn't aware of it.

5 Q. And you had no idea whether Mr. Weber and Mr. Schulte still
6 got along, correct?

7 A. I mean, they appeared to be, to get along when I was there.

8 Q. Right. But that's -- you weren't sitting on the same floor
9 at that time, right?

10 A. That's correct.

11 Q. So, you had no idea if Mr. Weber and Mr. Schulte were still
12 getting along, right?

13 A. Yeah, only what I saw, ma'am.

14 Q. Only what you saw. And you'd see them like, what,
15 30 seconds as you're walking in, walking out, and you say hi
16 and move along, right?

17 A. Yeah, or a little longer at times, but not much longer.

18 Q. Okay. Is it fair to say, sir, that before you started
19 being copied on the e-mails about the OSB libraries, you had no
20 idea what was going on between Mr. Weber and Mr. Schulte,
21 correct?

22 A. That's correct.

23 Q. You had no idea if Mr. Weber was all frustrated with
24 Mr. Schulte because Mr. Schulte was not the type of admin
25 Mr. Weber wanted him to be, correct?

K2A3SCH1

Leonis - Cross

1 A. I wasn't aware of it.

2 Q. So, you had no idea that Mr. Weber was annoyed with
3 Mr. Schulte for not following what the CIA calls the pull
4 method on the OSB libraries, correct?

5 A. I have no idea, ma'am.

6 Q. Is it fair to say, sir, that when this OSB library issue
7 first came on your horizon, because you have a lot going on at
8 that time, right?

9 A. That's correct.

10 Q. The first e-mail you get is from Mr. Weber, right?

11 A. That was right.

12 Q. Now, before I get to the OSB libraries itself. Let me talk
13 to you a little bit about what you testified on direct, and I
14 think generally you called it trust. Correct?

15 A. That's correct.

16 Q. Right. And on direct you testified that it is very
17 important for people who work together at the CIA or anyplace
18 else to be able to trust each other, right?

19 A. That's correct.

20 Q. And it's important for a company to trust its employees,
21 correct?

22 A. That's correct.

23 Q. And it's fair to say, right, you want the employee to trust
24 the company, right?

25 A. Sure, yeah.

K2A3SCH1

Leonis - Cross

1 Q. And you want management to trust the people it supervises,
2 right?

3 A. You do.

4 Q. And you want the person who is being supervised to feel
5 that management can also be trusted, right?

6 A. That's correct.

7 (Continued on next page)

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K2aWsch2

Leonis - Cross

1 BY MS. SHROFF:

2 Q. And at times, right, it's fair to say that you don't simply
3 trust; you trust and you verify?

4 A. That's correct, ma'am. Trust and verify.

5 Q. I'm told by Mr. Zas, who is educating me. But that's
6 something you did, right?

7 A. Yeah, I tried to, ma'am.

8 Q. When you first got an email regarding the OSB libraries,
9 right, the emails started with Mr. Weber? Correct?

10 A. Yes.

11 Q. And when you received --

12 MS. SHROFF: That's not it.

13 Q. When you first received the email, Mr. Weber was asking or
14 trying to inform you about something that happened with the OSB
15 libraries, right?

16 A. That's correct, ma'am.

17 Q. And when Mr. Weber emailed you, is it fair to say, sir,
18 that Mr. Schulte was not on that email chain?

19 A. He was not on the -- that email chain.

20 Q. And is it fair to say, sir, that --

21 MS. SHROFF: I think this is the one. See if what's
22 pulled up is after it.

23 Yes, 1062, but I just want to make sure we have the
24 right page. Right?

25 Q. So it's the email chain of April 14 at 4:40 p.m., correct?

K2aWsch2

Leonis - Cross

1 A. The one I'm looking at? Yeah.

2 Q. It's exhibit 1062.

3 A. Yes.

4 Q. Is that right?

5 A. Yes.

6 MS. SHROFF: OK. Does the jury have it?

7 The jury has it.

8 1062, please. That's not it. You have to scroll
9 down. Still down. Still down.

10 Q. On the first email chain that Mr. Weber sends to you, he
11 does not copy Mr. Schulte, correct?

12 A. So, the email that's shown was sent to Josh initially, but
13 that's a copy of the original email that was sent to Josh. The
14 one above this is the one I think you're talking about, ma'am,
15 right?

16 Q. I'm talking about the one that Mr. Weber sends to you.

17 A. Yes, this one.

18 Q. That one, right?

19 A. That one, sure.

20 Q. 4:40 p.m.?

21 A. Yes.

22 Q. Right?

23 A. Yes, that's correct.

24 Q. And that's sent to you from Jeremy Weber, correct?

25 A. Yup.

K2aWsch2

Leonis - Cross

1 Q. The one who sits in the cubicle next to Mr. Schulte,
2 correct?

3 A. Correct.

4 Q. And it's sent to you, Sean and Richard, correct?

5 A. That's correct.

6 Q. And is it fair to say you are management?

7 A. Yes.

8 Q. Fair to say Sean is management?

9 A. Yes.

10 Q. And it's fair to say Richard is management, correct?

11 A. Richard was going to be the acting branch chief, correct.

12 Q. Acting branch chief for?

13 A. OSB.

14 Q. Right. So all management, correct?

15 A. Yes.

16 Q. And is it fair to say that Mr. Weber and Mr. Schulte are
17 both developers? Correct?

18 A. They were.

19 Q. Right.

20 A. Yes.

21 Q. And neither Mr. Schulte nor, of course, Mr. Weber are
22 management, right?

23 A. That's correct.

24 Q. Right. So somebody's escalating this issue to you,
25 correct?

K2aWsch2

Leonis - Cross

1 A. Yes, ma'am.

2 Q. And when you get this email, you have no idea whether or
3 not Mr. Weber has gone and removed Mr. Schulte's access,
4 correct?

5 A. I was not aware of the whole situation with the OSB
6 libraries at that time.

7 Q. Right. So when you got this email, you don't know, for
8 example, whether Mr. Weber just went and removed his access,
9 correct?

10 A. That's correct.

11 Q. You don't know if Mr. Weber talked to Sean before removing
12 Mr. Schulte's access, correct?

13 A. That's right.

14 Q. You don't know anything at all; you just know that this
15 developer is escalating something to you for your intervention,
16 correct?

17 A. Yeah, that's right.

18 Q. And you replied to him, correct?

19 A. I replied to everyone on the email.

20 Q. OK. Fair enough.

21 On April 14, you do not in any way ask Mr. Schulte what's
22 going on, correct?

23 A. No, I do not.

24 Q. You do not say I'm going to have this employee coming under
25 my management, my supervision, you know, I'm going to ask him

K2aWsch2

Leonis - Cross

1 what happened?

2 A. No, I did not.

3 Q. So you're getting one side of the story from Mr. Weber,
4 right?

5 A. Yes.

6 Q. You could have gotten one side of the story from
7 Mr. Schulte, correct?

8 A. I could have.

9 Q. You didn't, right?

10 A. I did not, no.

11 Q. OK. Now, when you reply to this email chain, right --

12 A. Uh-huh.

13 Q. -- you ask Mr. Weber follow-up questions, correct?

14 A. I did.

15 Q. And you did not ask Mr. Schulte if any part of this
16 recitation, just this first email, was correct?

17 A. No.

18 Q. The very first one, the 4:40 one.

19 A. That's right. Not at that time.

20 Q. Right. You never asked Mr. Schulte, right?

21 A. No.

22 Q. And you didn't say to Mr. Weber, You are admin, correct?
23 Mr. Weber had admin access, right, to the OSB libraries?

24 A. He did.

25 Q. At that time did you know that?

K2aWsch2

Leonis - Cross

1 A. Yes.

2 Q. And you also knew Mr. Schulte was an admin administrator,
3 correct?

4 A. That's correct.

5 Q. For the OSB libraries?

6 A. Uh-huh.

7 Q. And a third guy?

8 A. Yes.

9 Q. And what's his name?

10 A. Patrick.

11 Q. I'm sorry?

12 A. Patrick.

13 Q. So you have three admin administrators, right, for the OSB
14 libraries?

15 A. Uh-huh.

16 Q. You never say to them, OK, all three of you come to my
17 office; sit down, we're going to work this out, correct?

18 A. Well, Patrick couldn't because he wasn't in the area.

19 Q. OK.

20 A. So the only two that I was aware of was Josh and Jeremy.

21 Q. OK. So you don't have both of them come up and tell you
22 what's going on and see if you can resolve it between the two,
23 correct?

24 A. I did not choose to do that, ma'am.

25 Q. Right. And OSB's head did not choose to do that either,

K2aWsch2

Leonis - Cross

1 correct?

2 A. I don't believe so.

3 Q. Again, I just want to make sure I'm very clear about this.
4 You do not know, when you get that email, if anyone authorized
5 Mr. Weber to take away Mr. Schulte's access on the OSB
6 libraries, correct?

7 A. I -- that was the first I heard of the whole issue.

8 Q. Fair enough.

9 Now, let me ask you this question. You have been in your
10 job as deputy division chief at this time for about two weeks;
11 you have a lot going on, is that fair?

12 A. Yeah, I was acting at that point, ma'am.

13 Q. OK. It was equally plausible for any admin administrator
14 to take away another admin administrator's access; is that
15 fair?

16 Let me try it this way. Mr. Weber took away his access,
17 correct?

18 A. To that project, correct.

19 Q. Right, to that project. OSB libraries. That's all we're
20 talking about right now, right?

21 A. Right.

22 Q. Mr. Schulte could have taken away Mr. Weber's access,
23 correct?

24 A. That is correct.

25 Q. Right. Each one of them could do to the other what one did

K2aWsch2

Leonis - Cross

1 to the first, correct?

2 A. Yes, theoretically.

3 Q. And that's because both were admin administrators, right?

4 A. That's right.

5 Q. Equal level, correct?

6 A. Correct.

7 Q. No one is above the other, correct?

8 A. That's correct.

9 Q. So would it not make sense for an admin administrator to
10 ask somebody else to say I'm going to remove you as admin
11 administrator?

12 A. It was my understanding that --

13 Q. No, no, not your understanding. I'm just asking you if
14 that makes sense, because they're both equals. Right?

15 A. So you're asking is it that the admin asks somebody else?

16 Q. If Mr. Schulte's going to bump Mr. Weber and they're both
17 on the same level --

18 A. Right.

19 Q. -- wouldn't it be better for Mr. Schulte to just come to
20 you and say, Hey, I'd like to bump him, with your permission?

21 A. Yeah, he could come to me and ask that question.

22 Q. In fact, he should, right?

23 A. Not necessarily.

24 Q. No?

25 A. Well, so, OSB's operators were being -- that's an OSB-level

K2aWsch2

Leonis - Cross

1 project --

2 Q. Right.

3 A. -- and as the division chief, that's not something that I
4 generally was involved with deciding.

5 Q. Fair enough. But Mr. Weber wasn't OSB chief either, right?

6 A. No, he was not.

7 Q. And he wasn't in management either, correct?

8 A. He was not.

9 Q. OK. Now, is it fair to say that at the same time that this
10 issue is going on about access to OSB libraries, there is some
11 talk, is there not, about OSB libraries being elevated to a
12 division level?

13 A. That's correct.

14 Q. Is that correct?

15 A. Yes, ma'am.

16 Q. So the thought is that these libraries are helping
17 developers, let's make it division-wide so more people can use
18 the library, correct?

19 A. That's right.

20 Q. And let me just ask you this. Is it standard operating
21 procedure at the CIA for one admin administrator to take away
22 access from another admin administrator if that admin
23 administrator is moving to a different group?

24 THE COURT: Do you understand the question?

25 THE WITNESS: Not really.

K2aWsch2

Leonis - Cross

1 THE COURT: OK. Try again, Ms. Shroff.

2 BY MS. SHROFF:

3 Q. So, say somebody's leaving OSB and going to RDB.

4 A. OK, yeah.

5 Q. Right?

6 A. Uh-huh.

7 Q. You testified now that even though OSB was going to go to
8 AED level, for now it's still OSB level, correct?

9 A. That's right, ma'am.

10 Q. And Mr. Schulte is moving to RDB, correct?

11 A. Right.

12 Q. Is it standard operating procedure for Mr. Weber to remove
13 somebody's access without telling them simply because they're
14 moving to a new group?

15 A. Um, so --

16 Q. I'm just asking you if you know the CIA's standard
17 operating procedure.

18 First of all, let me back up. Does the CIA have a standard
19 operating procedure, or is it *ad hoc*?

20 A. I'm not aware of what the operating procedure on this
21 matter is, ma'am. I'm trying to understand your question. So,
22 if --

23 Q. OK. Do you know what a standard operating procedure is?

24 A. Yes, ma'am.

25 Q. What's that?

K2aWsch2

Leonis - Cross

1 A. It's the rules that everybody follows.

2 Q. Right. Is there a rule that if somebody moves from one
3 branch to another branch the system administrator can knock off
4 your access without telling you? Is that standard operating
5 procedure? Is that how the CIA behaves towards its employees?

6 A. So, this was a mission system in AED -- or in EDG, so the
7 procedures associated with it were EDG-focused, if that makes
8 sense.

9 Q. No, it doesn't make sense to me. My question is do you
10 know if there's a standard operating procedure, or you just
11 don't know? It's OK if you don't know.

12 A. I don't know. I'm sorry.

13 Q. Now, let me ask you something. If an admin administrator
14 were to tell you that they unilaterally removed someone's
15 access, would you be concerned about that?

16 A. If they just generally did it without talking to anybody?

17 Q. Right. If they did it without talking to management and
18 just did it because a person is moving to another group.

19 A. Yes, in that case, if management wasn't involved.

20 Q. OK. It would concern you, right?

21 A. It would.

22 Q. Even if management later backed that decision, it would
23 still concern you, correct?

24 A. Um, not necessarily.

25 Q. Really?

K2aWsch2

Leonis - Cross

1 A. Well, in this specific case --

2 Q. No, no. I'm just asking you generally.

3 A. If a admin removed accesses without talking to management,
4 I would want to know why.

5 Q. Right, but I'm not just talking about accesses. I'm
6 talking about an admin removing another admin's access. That's
7 two equals doing it to each other. I'm not talking about a
8 project leader removing somebody's access to somebody who's
9 working for them for the project. Don't you think that would
10 concern you more?

11 Is that in keeping with the CIA's ethos?

12 A. So, I'm having trouble with your example, ma'am, and the
13 reason why is since it's related to project administration, not
14 system administration, it's a little bit -- it's a little bit
15 different. I'm just trying to understand your, your -- your
16 scenario.

17 Q. Have you ever heard of something called Project Whiz?

18 A. No.

19 Q. Do you know Project Whiz was for a project in OSB that
20 moved to RDB? Do you know?

21 A. No.

22 Q. When Mr. Schulte came to work for you within RDB, did you
23 sit down and say to him, Hey, what are all the different
24 projects that you worked on?

25 A. We talked about some of the projects he worked on.

K2aWsch2

Leonis - Cross

1 Q. Right. Did you talk to him about Project Whiz?

2 A. I don't remember, ma'am.

3 Q. Did he tell you that he worked on that project in OSB but
4 he had been left with administrative access to Project Whiz?

5 A. Again, I don't remember, ma'am. I'm sorry.

6 Q. Did you ever talk to Mr. Weber about the fact that Mr.
7 Weber had unilaterally yanked his access on OSB libraries but
8 left his access on Project Whiz?

9 A. Not specifically, ma'am, no.

10 Q. Had you learned that Mr. Weber did such a thing, would you
11 have thought it *ad hoc*?

12 A. Say again?

13 Q. You want me to say it again?

14 A. Yes, please.

15 Q. Sure. Had you learned that Mr. Weber removed Mr. Schulte's
16 admin access on OSB libraries but left him on with admin access
17 to Project Whiz, would you have thought Mr. Weber's behavior *ad*
18 *hoc*?

19 A. Not necessarily, no.

20 Q. Why?

21 A. Because we instructed the branch to figure out -- OSB --
22 what projects they were, they were working on and to properly
23 resource them, so if there were projects that Josh was taking
24 with him, that -- that was fine. Those were projects that
25 weren't going to be maintained by OSB. So if, if Jeremy

K2aWsch2

Leonis - Cross

1 said -- you know, removed some of those accesses per Sean's
2 direction, that, that would be consistent with what we asked.

3 Q. Right, but you added that phrase "per Sean's direction."
4 I'm asking you without Sean's direction, would you have thought
5 it *ad hoc*?

6 A. I probably would have wanted to understand it better.

7 Q. That means you thought it *ad hoc*, right? I mean if
8 something makes sense, why would you want to understand it
9 better?

10 A. I would just want to understand the rationale.

11 Q. Fair enough. So sitting here today, Mr. Weber escalated to
12 you OSB libraries but not Project Whiz, correct?

13 A. Yeah. I don't know what Project Whiz is.

14 Q. Right. And as far as you know, when Mr. Schulte came to
15 RDB, he only came with two projects, according to what
16 Mr. Weber had constantly been emailing you, correct?

17 A. It was according to what Sean and myself and others had
18 talked about.

19 Q. But Sean only comes in later. Mr. Weber's first contact
20 with you is without anyone's directive; just him, correct?

21 A. So, the projects that Josh took with him to RDB were
22 decided before -- before that email.

23 Q. Right. And which two projects were those, according to
24 you?

25 A. It was Shattered Assurance, and it was a thumb-drive tool,

K2aWsch2

Leonis - Cross

1 I think it was called Nader. Nader.

2 Q. Right. Sitting here today, if you learned that he was
3 still working on Project Whiz, which was an OSB project, would
4 that surprise you?

5 A. I -- maybe. I -- it's possible. Developers had a number
6 of extra projects that they were doing from a research
7 standpoint. I could see that.

8 Q. Right. So it's not really true, right, that once you leave
9 the branch and the project is still an OSB project, it's
10 standard operating procedure to cut the admin out, correct?

11 A. So --

12 Q. It's OK. I'll let it go.

13 Now, just staying with the OSB libraries still, OK?

14 A. Sure. OK.

15 Q. After the first email from Mr. Weber, right --

16 A. Uh-huh.

17 Q. -- you respond back and you ask for more question and
18 answers from him, correct?

19 A. That's correct.

20 Q. And sitting here today, you still -- is it fair to say you
21 still do not know if Mr. Sean ever told Mr. Weber to take off
22 admin access from Mr. Schulte?

23 A. Not particularly.

24 Q. OK. Now, do you know a person named ?

25 A. I'm not sure.

K2aWsch2

Leonis - Cross

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9 the branch and the project is still an OSB project, it's
10 standard operating procedure to cut the admin out, correct?

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13 Now, just staying with the OSB libraries still, OK?

14 A. Sure. OK.

15 Q. After the first email from Mr. Weber, right --

16 A. Uh-huh.

17 Q. -- you respond back and you ask for more question and
18 answers from him, correct?

19 A. That's correct.

20 Q. And sitting here today, you still -- is it fair to say you
21 still do not know if Mr. Sean ever told Mr. Weber to take off
22 admin access from Mr. Schulte?

23 A. Not particularly.

24 Q. OK. Now, do you know a person named ?

25 A. I'm not sure.

K2aWsch2

Leonis - Cross

1 Q. Do you know him to be another developer?

2 A. I know several other developers.

3 Q. Now, just taking a look at the 7/29 email, correct --

4 A. Yes.

5 Q. -- and that's the email that you respond with, correct?

6 A. Yes.

7 Q. And in that email, you ask a whole slew of questions of --
8 you're really asking them of Mr. Weber, correct?

9 A. Yes, I'm asking --

10 Q. Right.

11 A. -- them to Mr. Weber.

12 Q. Right. And after Mr. Weber is replying to you, he is
13 copying two other people on that same email chain; everybody's
14 still on that loop, correct?

15 A. The same people here, I believe, were.

16 Q. Right.

17 A. Yes.

18 Q. And then there comes a time when you learn, do you not,
19 that Mr. Weber says that one of the reasons he does not have
20 Mr. -- does not want Mr. Schulte to continue having privileges
21 to the OSB library is because he did not follow the pull
22 method, correct?

23 A. It was something about how they pulled data from it, yeah.
24 I don't recognize it as a pull method, but --

25 Q. OK. And throughout this email chain, Mr. Weber never tells

K2aWsch2

Leonis - Cross

1 you, does he --

2 MS. SHROFF: Bless you.

3 Q. -- that because it was standard operating procedure is why
4 he took away Mr. Schulte's admin access, correct?

5 A. I don't -- I don't recall it that way, no.

6 Q. Well, take a look. I mean I'm sure you've reviewed this
7 email chain with Mr. Kamaraju when you prepared for testimony
8 here, right?

9 A. I've read this email many, many times.

10 Q. Right. How many times with him?

11 A. I don't remember.

12 Q. 10, 12, 15? How many times?

13 A. I don't remember, ma'am.

14 Q. More than that?

15 A. I've been reading this email since I wrote it.

16 Q. I'm sorry about that.

17 A. Yes, ma'am.

18 Q. OK. Now, do you know how many people had admin access to
19 the OSB libraries?

20 A. No, I do not.

21 Q. Do you know a person named Frank?

22 A. I do.

23 Q. And did Frank have admin access to the OSB libraries?

24 A. I think he did.

25 Q. He did, right?

K2aWsch2

Leonis - Cross

1 A. I believe he did.

2 Q. OK. So let me ask you this. If, on a given day,
3 Mr. Schulte went in and removed Frank's admin access, you would
4 be perturbed, would you not?

5 A. I would want -- I would want the branch chief of OSB to
6 deal with it first.

7 Q. Right. And if Frank just happened to be coming to your
8 division, you would then be perturbed, right?

9 A. I would first send him back to OSB, but there would be a
10 conversation about it.

11 Q. Because there's a chain of command?

12 A. There's a chain of command.

13 Q. And the chain of command is the person, their supervisor,
14 correct?

15 A. That's correct.

16 Q. And then escalated to their supervisor?

17 A. That's correct.

18 Q. Correct?

19 A. Uh-huh.

20 Q. Now, there came a time, is it fair to say, that you spoke
21 to Mr. Schulte about his privileges on OSB libraries being
22 taken away, correct?

23 A. That's correct.

24 Q. Was there anyone else in the meeting with you when you
25 talked to Mr. Schulte?

K2aWsch2

Leonis - Cross

- 1 A. HR was.
- 2 Q. Are you sure?
- 3 A. I'm pretty confident.
- 4 Q. Why are you pretty confident?
- 5 A. That's, that's what I remember.
- 6 Q. OK. Do you know who from HR?
- 7 A. I think it was Susan.
- 8 Q. You think it was Susan?
- 9 A. Uh-huh.
- 10 Q. Did you take any notes, by the way, of the meeting with
- 11 Mr. Schulte?
- 12 A. No.
- 13 Q. Did HR take any notes?
- 14 A. Other than the memo we had.
- 15 Q. So you brought in -- you testified on direct that by this
- 16 point you're concerned, correct?
- 17 A. Yes, ma'am.
- 18 Q. And you bring him in because you think access is such a big
- 19 issue for you, correct?
- 20 A. Yes, ma'am.
- 21 Q. HR is there according to you, correct?
- 22 A. Yes, ma'am.
- 23 Q. And you take no notes of that meeting, correct?
- 24 A. No, ma'am.
- 25 Q. OK.

K2aWsch2

Leonis - Cross

1 A. Other than the memo.

2 Q. No, no. I know you wrote a memo. You had the memo ready,
3 right?

4 A. We had the memo.

5 Q. Right. But you took no notes about how Mr. Schulte reacted
6 in that meeting, correct?

7 A. No, ma'am.

8 Q. HR didn't take any notes, correct?

9 A. I don't know. I don't believe so.

10 Q. OK. And this was, what, in 2016, right?

11 A. I think so.

12 Q. About four years ago?

13 A. Uh-huh.

14 Q. Do you remember Mr. Schulte saying that he had been wronged
15 by the way Mr. Weber, who was not management, had reviewed his
16 access -- removed his access?

17 A. I don't remember that.

18 Q. Do you remember him saying that he felt he was being
19 punished unfairly because he had a fight with a person that
20 Mr. Weber liked?

21 A. No, I don't remember that.

22 Q. Do you remember him saying that nobody had told him that
23 his access to OSB libraries had, in fact, been taken away?

24 A. No, ma'am.

25 Q. Do you recall Mr. Schulte telling you that he tried to log

K2aWsch2

Leonis - Cross

1 in to OSB libraries, discovered he couldn't, and it was he who
2 went to talk to Mr. Weber about it?

3 A. No, ma'am.

4 Q. Did he tell you that he asked Mr. Weber why he thought he,
5 meaning Mr. Weber, had the authority to remove the access?

6 A. I honestly don't remember much of the conversation, ma'am.

7 Q. And do you think that if Mr. Schulte had told Mr. Weber, as
8 you put it, and you read it in the email chain, right, you
9 might as well give me access back because I'm going to get it
10 back eventually, is it fair to say that you could read those
11 words and think what Mr. Schulte was saying is I am going to go
12 to somebody in authority and they're going to see my point of
13 view so I'm going to get it back anyway?

14 A. I didn't read it that way, ma'am.

15 Q. You didn't read it that way. I understand that. You're
16 management. I understand. My question is could one read it
17 that way?

18 A. I don't know. Maybe.

19 Q. You don't know, right? I mean Weber's not his boss, right?

20 A. No, he's not.

21 Q. Right. So if Mr. Zas says something to me I could say to
22 him, Hey, listen, I'm going to go to boss man and I'm going to
23 get it back anyway, right?

24 THE COURT: Is that a question?

25 MS. SHROFF: Yes.

K2aWsch2

Leonis - Cross

1 THE COURT: I thought it was an observation. You and
2 Mr. Zas are not on trial.

3 MS. SHROFF: OK.

4 Q. It could be construed that way, right?

5 A. Maybe.

6 Q. OK. Did there come a time when you were sitting with the
7 memo of warning?

8 MS. SHROFF: If somebody could pull it up, please.

9 Q. Did you review --

10 MS. SHROFF: Can you go to the first paragraph.

11 Q. Did you review this first paragraph with him?

12 A. He read it, ma'am.

13 Q. When you say he read it, you just watched him read it; is
14 that what you're saying?

15 A. Yes, ma'am.

16 Q. OK. And did he ask you any questions about it?

17 A. I don't remember, ma'am.

18 Q. How about in the second paragraph?

19 A. I believe he read it too, and I don't remember. I don't
20 remember the conversation.

21 Q. You don't remember any conversation about this memo of
22 warning, correct?

23 A. The only thing I remember is that there was a change made
24 to it, which was the second bullet, below.

25 MS. SHROFF: OK. Well, let's look at the second

K2aWsch2

Leonis - Cross

1 bullet.

2 Q. Could you read that for me?

3 A. Sure. "After discussing the issue with Mr. Weber, Mr.
4 Schulte viewed his removal from the OSB libraries as
5 unauthorized."

6 Q. OK. Did he tell you why he thought it was unauthorized?

7 A. I don't remember the conversation ma'am. I'm sorry.

8 Q. But this was such a big deal for you. You said on direct
9 this set off a flag, right?

10 A. This was a big deal, yes.

11 Q. Right. It was a big deal, and you took no notes so that
12 you could remember what was said, correct?

13 A. No.

14 Q. You didn't have HR take any notes, correct?

15 A. No.

16 Q. In fact, you don't even have a document that tells you for
17 sure that HR was there, correct?

18 A. Um --

19 MS. SHROFF: Let's look at the bottom of this
20 document, the signature part.

21 Q. Right? There's nobody witnessing this document? Is there
22 a witness?

23 A. Nobody signed it in addition to him, no.

24 Q. No initials, correct?

25 A. No.

K2aWsch2

Leonis - Cross

1 MS. SHROFF: OK. Let's go back to No. 2.

2 Q. It is a statement by an employee telling you that he did
3 not think his removal from the OSB libraries was authorized,
4 right?

5 A. That's correct.

6 Q. You don't remember asking him, Hey, Josh, why do you think
7 it wasn't authorized?

8 A. Yeah, ma'am. I'm sorry. I don't remember the
9 conversation.

10 MS. SHROFF: OK. Could you scroll down after
11 paragraph 3.

12 Q. You see the bottom?

13 A. Yes, ma'am.

14 Q. Right?

15 A. Uh-huh.

16 Q. This is the one-page sheet that you give Mr. Schulte,
17 correct?

18 A. Yes.

19 Q. And he signs it in your presence, is that correct?

20 A. Uh-huh.

21 Q. And then he leaves, correct?

22 A. Yes.

23 Q. He does not express --

24 MS. SHROFF: You can take that down.

25 Q. -- any anger toward you, correct?

K2aWsch2

Leonis - Cross

1 A. I don't -- I don't remember him doing that, no.

2 Q. OK. And as far as you know, this signing of this sheet of
3 paper would not even be in your memory but for the many times
4 you've reviewed it with Mr. Kamaraju, correct?

5 A. Well, I -- no. I remember the event.

6 Q. Correct. But apart from the event, the one event where he
7 sits and signs it, there's nothing that sticks out in your
8 mind, right?

9 A. I remember him leaving, and then it was just me and HR, and
10 that was -- we sat there for a second. And that's all I
11 remember about it.

12 Q. Right. You sat there for a second and, according to you,
13 HR left?

14 A. I believe so, yeah.

15 Q. HR didn't say anything like, Wow, that was tough? Nothing
16 like that that you remember, right?

17 A. I don't remember the conversation. I just remember feeling
18 like it was -- it was --

19 Q. But that's your feeling. I'm talking about his feelings,
20 Mr. Schulte's feelings.

21 A. No, I don't remember.

22 Q. By the way, when he asked you to make changes to point No.
23 2, did you make -- how did you make the changes?

24 A. I think we -- we had a computer open at that point in time.
25 We edited it in real time.

K2aWsch2

Leonis - Cross

1 Q. OK. So you pulled the document up?

2 A. Uh-huh.

3 Q. Right?

4 A. Uh-huh.

5 Q. And then you made the changes, typed them in?

6 A. Yup.

7 Q. What did point 2 say before you made the changes? Do you
8 remember?

9 A. I think there were only -- I think it was one and three,
10 and two was added.

11 Q. That's what you remember?

12 A. That's what I remember.

13 Q. If you thought No. 2 was incorrect, you wouldn't have added
14 it in, right?

15 A. I felt that if that was his -- that he felt that way, I
16 thought it was OK to put it in there.

17 MS. SHROFF: Can you pull it back up.

18 Q. You see you say after discussing the issue with Mr. Weber,
19 Mr. Schulte viewed his removal from OSB libraries as
20 unauthorized, correct?

21 A. Yes.

22 Q. You did not add a line saying management disagrees with his
23 view, correct?

24 A. I'm sorry?

25 Q. You didn't add any lines saying you disagreed with that

K2aWsch2

Leonis - Cross

1 view, correct?

2 A. No.

3 MS. SHROFF: OK. You can take that down.

4 Q. Now, there came a time when Mr. Schulte was working under
5 your supervision in RDB, correct?

6 A. That's correct.

7 Q. And at that time, and I think you testified to this on
8 direct, that you had somebody named Duane working with him, is
9 that right?

10 A. Yes, ma'am.

11 Q. And you thought it would be good to pair Mr. Schulte with
12 Duane, correct?

13 A. That's right, ma'am.

14 Q. And you started Mr. Schulte off on some RDB projects,
15 correct?

16 A. I think we had him working on those two projects we talked
17 about before and whatever Duane thought was a good project to
18 work on.

19 Q. OK. And do you recall that you personally had a meeting
20 with Mr. Schulte even though the meeting was scheduled to be
21 with Duane and Duane wasn't in the office?

22 A. I don't remember that, ma'am. I'm sorry.

23 Q. OK. Do you recall that Mr. Schulte was supposed to start
24 work on an RDB project?

25 A. I don't remember the project, ma'am. I'm sorry.

K2aWsch2

Leonis - Cross

1 Q. OK. Sitting here today, you have no recollection of
2 discussing a with him, do you?

3 A. I think --

4 Q. This is sometime around June. June, early June.

5 A. That's possible, ma'am.

6 Q. And you recall somebody, I think, in COG wanted a
7 correct?

8 A. Yeah, that's possible. Sure.

9 Q. And you and Duane both thought he would be the right person
10 to work on it, correct?

11 A. Yeah, I think we were trying to get him integrated into
12 RDB's work flow.

13 Q. OK. But you still thought it would be a good project for
14 them to work on together?

15 A. Yeah, it's possible, ma'am. Yes.

16 Q. And do you recall having a meeting in June of 2016, June
17 21, to be precise?

18 A. I don't remember that.

19 Q. You don't remember that?

20 A. No.

21 Q. You don't remember sitting down with Mr. Schulte to discuss
22 his workload and his new projects?

23 A. Not specifically.

24 Q. Not specifically. OK. Do you recall talking to him, ever,
25 about the new projects at RDB?

K2aWsch2

Leonis - Cross

1 A. I talked -- I've talked to him a number of times, but I
2 don't remember any specific meeting.

3 Q. When you talked to him about the new projects at RDB, did
4 he ever refuse to do any of the RDB projects to you?

5 A. Not that I remember.

6 Q. Right. Do you recall if he worked with Duane on the
7 project?

8 A. I think Duane was supposed to be working with him, yes.

9 Q. OK. But you don't remember if Duane and he ever met,
10 correct?

11 A. If he ever met with Duane?

12 Q. Right.

13 A. They were sitting catty-corner from one another, so --

14 Q. I meant about the project.

15 A. Not in particular, no.

16 Q. Do you remember getting any feedback from Duane about
17 Mr. Schulte's willingness to work on the project?

18 A. No.

19 Q. Do you remember getting any feedback about his
20 recalcitrance to work on the project?

21 A. No.

22 Q. So he was just basically just one of those employees within
23 RDB moving along, correct?

24 A. Yeah, I asked Duane to base -- because Duane was serving as
25 acting, I asked Duane to manage the relationship.

K2aWsch2

Leonis - Cross

1 Q. OK.

2 A. So I left it to Duane.

3 Q. Right. And you trusted Duane would tell you if there was a
4 problem, right?

5 A. Yes, ma'am.

6 Q. And he never told you there was a problem?

7 A. Never told me there was a problem.

8 Q. Now, you have testified, have you not, that, and I think
9 you were shown the user guide for Brutal Kangaroo, correct?

10 A. Yes, ma'am.

11 MS. SHROFF: Could we pull that up.

12 Q. You see that document that's exhibit 13 in evidence?

13 A. Yes, ma'am.

14 Q. Had you seen that document before this litigation?

15 A. No.

16 Q. No, right?

17 A. Not particularly, no.

18 Q. Right. It's an OSB project; you know nothing about it,
19 right?

20 A. Well, not know -- I mean I know about it, but I hadn't seen
21 the user guide.

22 Q. OK. When you say you know, what do you know about it?

23 A. It was a thumb-drive tool, as far as I knew, and it had a
24 number of components to it.

25 Q. OK. So it's a thumb-drive tool.

K2aWsch2

Leonis - Cross

1 A. Uh-huh.

2 Q. And it had a number of components to it, correct?

3 A. Yes, ma'am.

4 Q. Sitting here today --

5 MS. SHROFF: You can take that down.

6 Q. Sitting here today, you don't know what components there
7 were to Brutal Kangaroo, correct?

8 A. So, Drifting Deadlines was one. I believe there was

9 Shattered Assurance was one, and there were some
10 other things.

11 Q. And did you have any idea if one could work on the
12 subcomponent without having full access to Brutal Kangaroo?

13 A. So, I asked that question, ma'am.

14 Q. No, no. Not whether you asked. I'm just asking if you
15 knew.

16 A. It was my understanding that you needed access to the
17 project, based on talking to Josh and others.

18 Q. And you asked about that because that's one of the projects
19 that he brought with him to your group?

20 A. The part, the piece of Brutal Kangaroo, correct.

21 Q. OK. That piece of Brutal Kangaroo is what you just said,
22 right?

23 A. Yes.

24 Q. OK. When you talked to Josh about working on a piece of
25 Brutal Kangaroo, he told you, did he not, that you could not

K2aWsch2

Leonis - Cross

1 work on the piece without having Brutal Kangaroo?

2 A. That was one of the things he said, yes.

3 Q. OK. And between you and him, who's the developer?

4 A. He is.

5 Q. Between you and him, who's the coder?

6 A. He is.

7 Q. Between him and you, who knows Brutal Kangaroo better?

8 A. He is.

9 Q. Who knows Shattered Assurance better?

10 A. He does.

11 Q. who knows it better?

12 A. He does.

13 Q. Drifting Deadline, who knows it better?

14 A. He does.

15 Q. And you're management, correct?

16 A. That's correct.

17 Q. Right. So he tells you something about the various
18 components, right?

19 A. Uh-huh.

20 Q. -- and either you believe him or you don't, right?

21 A. That's correct.

22 Q. And if you want to check what he's saying about that, you
23 go to another developer, right?

24 A. That's right, ma'am.

25 Q. OK. And when he told you he thought he had Brutal

K2aWsch2

Leonis - Cross

1 Kangaroo, you did not say to him, You're completely wrong,
2 correct? You didn't correct him, right?

3 A. I'm sorry. Say that one more time.

4 Q. Sure. When he said to you, in June 2016, that it was his
5 understanding that he was still working on Brutal Kangaroo, you
6 did not say to him, You are wrong, correct?

7 A. I don't remember that conversation particularly.

8 Q. Right. Do you recall saying to him something to the effect
9 of I'll look into it?

10 A. I -- no, ma'am, I don't remember that.

11 Q. By the way, was it CIA policy that when you're talking to
12 somebody you take notes?

13 A. Not necessarily, no.

14 Q. OK. Now, Mr. Kamaraju asked you on direct about the
15 document that we saw, exhibit 13, right?

16 A. Yes, I believe so.

17 Q. And you testified that you'd never discussed that document
18 in public before, correct?

19 A. No.

20 Q. And do you remember the date on that document, by the way?

21 A. I don't.

22 Q. OK. And do you know for how long the CIA had been working
23 on Brutal Kangaroo?

24 A. No, ma'am.

25 Q. Do you know how many tools had come out of Brutal Kangaroo?

K2aWsch2

Leonis - Cross

1 A. No, ma'am.

2 Q. Do you know how many tools were successfully used from
3 Brutal Kangaroo?

4 A. No, ma'am.

5 Q. Do you know how many times a foreign government had
6 discovered that the United States was using this tool?

7 A. No, ma'am.

8 Q. Do you know how many times that tool was compromised?

9 A. No, ma'am.

10 Q. Do you even know if that tool was used?

11 A. Yes, I believe it was.

12 Q. You believe it was?

13 A. Uh-huh.

14 Q. When?

15 A. I don't know.

16 Q. You don't remember?

17 A. No, ma'am.

18 Q. You just simply believe it was used, but you don't remember
19 when?

20 A. No. I think that tool, like Drifting Deadlines,
21 specifically was used.

22 Q. I'm not talking about Drifting Deadline. I'm talking about
23 Brutal Kangaroo.

24 A. Drifting Deadline is a part of Brutal Kangaroo, ma'am.

25 Q. So they're both tandem, hand in hand?

K2aWsch2

Leonis - Cross

1 A. Um --

2 Q. Sure? Yes? No?

3 A. I don't know how to answer your question, ma'am. I'm
4 sorry.

5 Q. OK. Sitting here today, you have no idea if the CIA
6 abandoned Brutal Kangaroo, correct?

7 A. No, ma'am.

8 Q. In fact, if a tool is discovered by a foreign government as
9 being a CIA tool, it is abandoned, correct?

10 A. Not sure how to answer your question, ma'am.

11 Q. OK. Well, let's take a hypothetical. Say France discovers
12 that you -- not you, the CIA has used Brutal Kangaroo or a
13 thumb-drive tool to infiltrate their system, correct?

14 A. OK.

15 Q. And say that the United States knows that France knows that
16 this is being done to them, correct?

17 A. OK.

18 Q. The CIA is going to discontinue use of that tool, correct?

19 A. Not necessarily, ma'am.

20 Q. They're going to continue using the tool?

21 A. So, I want to answer your question. I'm just trying to --
22 I believe it's sensitive, so I'm just trying to answer your
23 question in a way that -- just because a tool is found does not
24 mean it's not something that doesn't get used.

25 Q. Just because a tool is found and attributed to the CIA is

K2aWsch2

Leonis - Cross

1 my question. If a tool is found attributed to the CIA, is it
2 your testimony that the CIA would continue to use that tool,
3 engage in malware infestation of a foreign government?

4 A. I don't know, ma'am. I'm sorry.

5 Q. OK. Let me show you what is marked as Government Exhibit
6 616. OK? Let me just show you the front page of the actual
7 guide.

8 MS. SHROFF: May I? I'm sorry. I'm already halfway
9 there.

10 Oh, wait. Wait.

11 Q. Do you see it on your screen?

12 A. I do, ma'am.

13 MS. SHROFF: That's the wrong version.

14 Q. Do you recognize that name?

15 A. No, ma'am, I don't.

16 Q. You don't recognize it?

17 A. No.

18 Q. How about the insignia; do you recognize the insignia?

19 A. It's off the screen, but --

20 THE COURT: It's gone off the screen.

21 MS. SHROFF: I think he's trying to fix it.

22 THE COURT: You were right the first time. Give it to
23 him.

24 MS. SHROFF: Sorry about that.

25 THE WITNESS: You're fine.

K2aWsch2

Leonis - Cross

1 BY MS. SHROFF:

2 Q. Do you recognize that insignia?

3 A. Yes, ma'am.

4 Q. Does that look to be like a CIA user guide to you?

5 A. Yes, ma'am.

6 Q. What is the point of that user guide?

7 A. It's to inform operators on how the tool actually works.

8 MS. SHROFF: OK. Can somebody pull it up? I'm sorry.

9 Q. It's dated August 2, 2014, correct?

10 A. Yes, ma'am.

11 Q. And this is a Hickok general user guide, correct?

12 A. Yes, ma'am.

13 Q. OK. And it's kind of like that Brutal Kangaroo user guide
14 you saw, correct?

15 A. Yes, ma'am.

16 Q. OK. And it's classified as unclassified on the top,
17 correct?

18 A. FOUO, ma'am, yes.

19 Q. Well, I don't know. I'm just asking you, first, about the
20 classification, not the distribution. Let's stick with the
21 classification. What is it classified as?

22 A. Unclassified, ma'am.

23 Q. That's the classification portion, correct?

24 A. That's correct.

25 Q. And the FOUO is where it's to be disseminated, correct?

K2aWsch2

Leonis - Cross

1 A. Yes.

2 MS. SHROFF: Let's just stick with the unclassified
3 part. Could we see page 2 of the document, 3, 4. OK.

4 Q. Now, it is giving you information here about Hickok,
5 correct?

6 A. Yes, ma'am.

7 MS. SHROFF: OK. Can we see the next page.

8 Q. All of these paragraphs you see where they're marked
9 U/FOUO?

10 A. Yes.

11 Q. That means the document's marked unclassified, right?

12 A. Yes.

13 MS. SHROFF: Next page.

14 Q. Now, sitting here today, do you know who classified this
15 document as unclassified?

16 A. No, ma'am, I do not.

17 Q. OK. And do you by any chance know if this document was
18 subsequently marked as classified or secret?

19 A. I didn't --

20 Q. Sitting here today?

21 A. No, I do not.

22 Q. You don't know at all?

23 A. I don't know.

24 Q. Do you know that there came a time when the FBI started
25 working with the CIA on this case? Correct?

K2aWsch2

Leonis - Cross

1 A. Yes, ma'am.

2 Q. And you know that because you were contacted by the FBI,
3 correct?

4 A. That's correct, ma'am.

5 Q. And people who worked under you were contacted by the FBI,
6 correct?

7 A. Yes, ma'am.

8 Q. And people who worked in OSB were contacted by the FBI,
9 right?

10 A. A number of people were, correct.

11 Q. And a number of people sat and talked to the FBI, correct?

12 A. That's correct, ma'am.

13 Q. Is it fair to say that you never sat down and talked with
14 anyone from the Schulte defense team? Correct?

15 A. No, ma'am.

16 Q. Never talked to me, correct?

17 A. No, ma'am.

18 Q. Mr. Zas?

19 A. No.

20 Q. Mr. Branden?

21 A. No.

22 Q. OK. And you met with Mr. Kamaraju, correct?

23 A. I did, ma'am.

24 Q. And Mr. Laroche and Mr. Denton, correct?

25 A. I met with a few people.

K2aWsch2

Leonis - Cross

1 Q. Right. And of course, Mr. Donaldson over there, who is the
2 case agent, correct?

3 A. Yes, ma'am.

4 Q. And you met with many of the FBI personnel that were also
5 working on this with you, correct? FBI agents, correct?

6 A. I met with a lot of people, ma'am.

7 Q. FBI experts, correct?

8 A. I met with a lot of people, ma'am.

9 Q. Did anyone tell you at all that this document, this user
10 guide, was years later reclassified from unclassified to
11 classified?

12 A. No, ma'am.

13 Q. Did anyone ever tell you that all of a sudden, on June 27,
14 2019, the CIA decided to change the classification on this
15 document?

16 A. No, ma'am.

17 Q. No one told you?

18 A. No.

19 Q. Not the government?

20 A. Not --

21 Q. Not the FBI?

22 A. I'm not familiar with the document, so --

23 Q. OK. That's not what I asked you. I simply asked you if
24 anyone told you that.

25 A. No, ma'am.

K2aWsch2

Leonis - Cross

1 Q. OK. Would it surprise you to know that this document
2 remained unclassified from 2014 to 2019, until this criminal
3 case started?

4 A. Would it surprise me? No.

5 MS. SHROFF: You can take that down.

6 THE WITNESS: Do you need this back, ma'am?

7 MS. SHROFF: No, it's OK. You can keep it.

8 Q. Now let me just go back again to the June 21 meeting that
9 you had with Mr. Schulte. OK?

10 A. OK.

11 Q. You testified on cross that you didn't quite recall the
12 meeting, correct?

13 A. Yeah. I don't recall the meeting.

14 Q. OK. Let me see if I can hand you a piece of paper that
15 might refresh your recollection. OK?

16 A. OK.

17 MS. SHROFF: It's 3506-525.

18 Q. Does that refresh your recollection?

19 A. No, ma'am. I've seen this in the prep sessions, and I
20 don't remember the meeting.

21 Q. OK. I'm sorry. I didn't hear you at all.

22 A. I --

23 THE COURT: He's seen it in the prep sessions and he
24 doesn't recall it.

25 Q. You don't -- that does not help you remember your June 21

K2aWsch2

Leonis - Cross

1 meeting with Mr. Schulte?

2 A. No, ma'am.

3 Q. OK. Now, you testified that you were shown this document
4 during your prep session, is that correct?

5 A. That's correct.

6 Q. You testified yesterday on direct, right, that you were
7 taken aback by some of the things Mr. Schulte said to you
8 because you were management, right?

9 THE COURT: Not yesterday.

10 MS. SHROFF: I'm sorry. This morning. I apologize.

11 A. There were some things that I, that I remember that were
12 strong, strongly worded.

13 Q. And when he said, one of the things you mentioned was that
14 he said he would fight back if his access was taken, correct?

15 A. I, I believe I was reading it, ma'am.

16 Q. Wasn't there a way for a CIA employee to seek redress and
17 fight back if they thought they were being treated improperly?

18 A. "Fight back" isn't the word I would use, but there are
19 methods that allow employees to address situations of concern.

20 Q. OK. Well, you know, who knows what words people pick in
21 heat or when they're sad, but there are legitimate ways within
22 the system to argue a point, correct?

23 A. That is correct.

24 Q. And he told you that he was going to do that, correct, in
25 this June 21 meeting?

K2aWsch2

Leonis - Cross

1 A. Per what I read, yes, ma'am.

2 Q. I'm sorry?

3 A. Per what I read, yes, ma'am.

4 Q. Per what you read. He told you that, right?

5 A. Yes, ma'am.

6 Q. OK. And he told you that he wanted to go one step above to
7 see if he could get his access back, right?

8 A. I don't remember, ma'am.

9 Q. You don't remember?

10 A. No, ma'am.

11 Q. And it is still your testimony, after looking at this
12 document, that you do not remember at the end of the meeting
13 telling him that you would look into it, correct?

14 A. Yeah. I don't remember the meeting, ma'am.

15 Q. Now, in August of 2016, Mr. Schulte was still working in
16 your branch, correct?

17 A. Well, at that point I was the deputy division chief, so
18 technically it wasn't my branch at that point in time.

19 THE COURT: August of 2015, you said.

20 MS. SHROFF: I said August.

21 THE COURT: 2015?

22 MS. SHROFF: 2016, your Honor.

23 THE COURT: I thought you said 2015. It's 2016.

24 MS. SHROFF: I thought I said 2016. I could be wrong.

25 A. In August 2015, he was in OSB, but --

K2aWsch2

Leonis - Cross

1 Q. '16, '16.

2 A. -- in August 2016, I was the deputy division chief. There
3 was an acting, acting chief of the division -- of the branch at
4 that time.

5 Q. And who was that?

6 A. It was either -- so, it was either Duane, and then at some
7 point Liz joined the team as the branch chief. I don't
8 remember when exactly that was.

9 Q. Now, could you tell me what a PAR is?

10 A. A PAR is a performance report.

11 Q. And what does the acronym stand for?

12 A. I think it's performance appraisal report, ma'am.

13 Q. And who writes the PAR?

14 A. The supervisor.

15 Q. The supervisor writes the PAR?

16 A. Uh-huh.

17 Q. And once the PAR is written, what happens?

18 A. It goes to a reviewer, and then it goes back to the
19 employee for them to review it.

20 Q. OK. So who is the reviewer of the PAR?

21 A. It could be somebody that was in the chain of management or
22 somebody that knows what the person did.

23 Q. And before Mr. Schulte came to RDB, did you review any of
24 his PARs from before?

25 A. No, ma'am.

K2aWsch2

Leonis - Cross

1 Q. You did not look at his level of performance before he came
2 to you?

3 A. No. Not in this case, no.

4 Q. And once he came within your branch, did you fill out any
5 PARs for him?

6 A. I did not.

7 Q. Did you become aware at any point of a PAR that was filled
8 out for Mr. Schulte that Mr. Schulte challenged?

9 A. Yes, I did, ma'am.

10 Q. Can you tell us why it is that you became aware of that
11 PAR?

12 A. I think Sean -- Sean was the -- was the writer of that PAR,
13 and he had spoken to me about it in general.

14 Q. Just in general?

15 A. Uh-huh.

16 Q. And in general, did Sean tell you that Mr. Schulte had
17 taken issue with what PAR he had received from Sean?

18 A. I believe so.

19 Q. And did he also tell you that Sean had, after reviewing the
20 comments from Mr. Schulte, changed Mr. Schulte's PAR?

21 A. I believe so.

22 Q. And the change that Sean made on Mr. Schulte's PAR was the
23 change that Mr. Schulte requested, correct?

24 A. I don't specifically remember the changes. I just know it
25 went back and forth a little bit.

K2aWsch2

Leonis - Cross

1 Q. You don't remember if the -- well, let me ask you this
2 question. If Mr. Schulte was requesting the change to the PAR,
3 were you aware that Mr. Schulte thought Sean had improperly
4 given him a low assessment?

5 A. I was aware that, from Sean that there were concerns that
6 Mr. -- that Josh expressed --

7 Q. Right.

8 A. -- about how it was written.

9 Q. Right. And Josh thought that Sean had retaliated against
10 him, correct?

11 A. I don't remember that, ma'am.

12 Q. You don't remember Sean -- Mr. Schulte complaining that
13 Sean had retaliated against him, given him a low PAR, even
14 though he was awarded the McCombs award during the same time
15 period?

16 What is that award, by the way?

17 A. It's a technical award for projects that are used to
18 collect intelligence.

19 Q. How many people get the award?

20 A. There are multiple given a year. Usually they're given to
21 teams. Depends on the team size.

22 Q. OK. So did your friend Sean tell you that Mr. Schulte had
23 complained about his PAR?

24 A. Yes, I remember -- I remember Sean talking about it.

25 Q. Do you recall Sean telling you that he had to change the

K2aWsch2

Leonis - Cross

1 PAR from marginal to successful because he had improperly
2 marked his work as marginal?

3 A. I remember that Sean made some changes. I don't remember
4 particularly what they were.

5 Q. OK. And do you recall -- let me take that back. Let me
6 rephrase the question.

7 When an employee such as Mr. Schulte is unhappy with a PAR,
8 there is a review process within the CIA, correct?

9 A. There are, yes.

10 Q. And what is that review process?

11 A. You can -- I can't think of the word, but you can elevate
12 it so that somebody else looks at it.

13 Q. Is it fair to say that that process is called the employee
14 seeking a rebuttal?

15 A. "Rebuttal," that's correct. That's the word.

16 Q. Thank you.

17 And do you recall Mr. Schulte seeking a rebuttal?

18 A. Not particularly, ma'am.

19 Q. Do you recall being told that Mr. Schulte was seeking a
20 rebuttal and you contacting HR?

21 A. I don't remember much of that process. I know he was not
22 happy about it.

23 MS. SHROFF: Could I just have a minute, your Honor?

24 Q. Do you know somebody named Mr. who worked in HR?

25 A. Mister who?

K2aWsch2

Leonis - Cross

1 Q. I think his name is

2 A. Uh --

3 Q. Let me rephrase it. Do you recall yourself contacting
4 someone in HR worried -- I'll take back worried. Do you recall
5 emailing somebody in HR about the fact that Mr. Schulte wanted
6 to file for a rebuttal of his PAR?

7 A. I don't remember, ma'am.

8 Q. Do you remember getting an email back from a person saying
9 that it was an employee's choice to seek a rebuttal?

10 A. Yeah. I don't remember.

11 Q. You agree, do you not, that when Mr. Schulte fought back
12 with a rebuttal, HR said that that was within his right to do
13 so, correct?

14 A. It is within every employee's right to rebut their PAR,
15 correct.

16 Q. And from knowing Mr. Schulte during this time period, you
17 knew, did you not, that Mr. Schulte felt that he was being
18 targeted because he had made a report to TMU? Correct?

19 A. I know he felt that he was being unfairly treated.

20 Q. Right. And he felt he was unfairly treated by Sean,
21 correct?

22 A. I believe there were multiple people he felt that way
23 about, ma'am.

24 Q. Right. And he also felt improperly treated by Karen,
25 correct?

K2aWsch2

Leonis - Cross

1 A. Yes, ma'am.

2 Q. Now, you talked on direct today about how many layers above
3 you was Karen, correct?

4 A. Yes, ma'am.

5 Q. Is it fair to say, though, that as many layers as she was
6 above Mr. Schulte, she was the same number of layers above
7 Mr. Weber?

8 A. Yes, ma'am.

9 Q. Do you know of any direct email chain between Mr. Weber and
10 Karen?

11 A. No, ma'am.

12 Q. Do you know if Karen and Mr. Weber talked about
13 Mr. Schulte?

14 A. Not -- I'm not sure. It wouldn't surprise me.

15 Q. It wouldn't surprise you?

16 A. No. Josh could talk to her as, just like Jeremy did.

17 Q. But I thought on direct you said she was so far removed.
18 Didn't Mr. Kamaraju pull up that chart for you --

19 MS. SHROFF: Would somebody please pull it back up.

20 Q. -- the CIA chart and demonstrated to the jury that she was
21 so many tiers above him?

22 A. She was. But she walked around a lot. She talked to
23 people.

24 Q. Really?

25 A. Uh-huh.

K2aWsch2

Leonis - Cross

1 Q. Did you ever know of Mr. Schulte repeatedly complaining
2 that she refused to speak to him?

3 A. No, ma'am.

4 Q. Did he not tell you? He came to talk to you often, right?

5 A. He came to talk to me.

6 Q. Right. And you talked to him, right?

7 A. I did.

8 Q. You listened to him, correct?

9 A. Yes.

10 Q. Right. And most of the time he was complaining to you, he
11 didn't seem angry, right? You don't remember him sounding
12 angry?

13 A. No, he wasn't angry most of the time.

14 Q. OK. In fact, sitting here today and on direct testimony,
15 in all the times you told us you met with these prosecutors,
16 you never once mentioned that fact that Josh was angry,
17 correct?

18 A. That's correct.

19 MS. SHROFF: OK. You can take that down.

20 Q. By the way, Mr. Leonis, I just want to ask you one more
21 question about the PAR.

22 A. Sure.

23 Q. Before he went through the rebuttal process, do you recall
24 if Mr. Schulte sent an email on which you were copied where he
25 said before filing of the rebuttal he wanted some guidance? Do

K2aWsch2

Leonis - Cross

1 you recall that email?

2 A. No, ma'am. I'm sorry.

3 MS. SHROFF: Your Honor, was the Court planning to
4 have a noon break, or should I keep going?

5 THE COURT: You should keep going. You should go to
6 1:00.

7 MS. SHROFF: I'm sorry?

8 THE COURT: We go to 1:00.

9 (Continued on next page)

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K2A3SCH3

Leonis - Cross

1 Q. Mr. Leonis, in April of 2016 --

2 A. Yes, ma'am.

3 Q. April 13 of 2016, around that time period.

4 A. Okay.

5 Q. Do you recall having a conversation with Mr. Schulte
6 about -- I don't know what this acronym stands for -- WAR,
7 W-A-R?

8 A. Not in specific, but I would imagine it was, because he
9 joined RDB and that was something that we, we asked everybody
10 to submit a weekly activities report. That's what the acronym
11 stands for. So that people could basically say here's what I
12 worked on each week, and it was a weekly activity.

13 Q. He sent you a weekly activity report, right?

14 A. I believe so.

15 Q. In his weekly activity report, he talked to you about the
16 work he was doing on Drifting Deadline, correct?

17 A. Whatever tool he was working on, ma'am.

18 Q. So you don't remember?

19 A. I don't remember many of the WAR reports.

20 Q. Do you recall him e-mailing you and telling you that he was
21 working on Drifting Deadline and then specifically telling you
22 what he was doing on it?

23 A. That's possible, ma'am.

24 Q. Then he told you the work he was doing on Vortex, correct?

25 A. I mean, that's possible, ma'am.

K2A3SCH3

Leonis - Cross

1 Q. Well, let me see if I can help you remember. Let's see if
2 this refreshes your recollection.

3 A. Thank you.

4 Q. Sure.

5 (Pause)

6 THE COURT: Do you have a question?

7 MS. SHROFF: Yes, your Honor.

8 THE COURT: Mr. Leonis is ready.

9 Q. Does it refresh your recollection that he sent you his
10 weekly activity report?

11 A. This is the format that we asked for, yes.

12 Q. And he was new to RDB, and he's telling you what he's up
13 to, right?

14 A. Yes.

15 Q. And while he's telling you what he's up to, you replied
16 back to him, correct, after he tells you?

17 A. In this case, I did.

18 Q. Right. And you tell him, you're breaking him into RDB,
19 right? Telling him what format to use?

20 A. Yes, ma'am.

21 Q. And you're explaining to him how RDB is somewhat different
22 than OSB?

23 A. Yeah.

24 Q. He takes the suggestions you give him, correct?

25 A. I believe so.

K2A3SCH3

Leonis - Cross

1 Q. Okay. And nothing in April 2016 about Mr. Schulte sticks
2 out in your mind?

3 A. April, all of April?

4 Q. I'm talking about in terms of the WARs you were receiving
5 from him. Nothing sticks out in your mind?

6 A. In terms of the WAR reports?

7 Q. Right.

8 A. Not to my recollection.

9 Q. You can just leave that there.

10 You testified, right, on direct today about how you
11 became aware of a time when, according to your testimony,
12 Mr. Schulte had regained access to Brutal Kangaroo, correct?

13 A. That's correct.

14 Q. And you testified about an e-mail chain where I think Tim
15 was asking Mr. Schulte to provide him with admin, correct?

16 A. Yes, ma'am.

17 Q. By the way, what does ISB stand for?

18 A. I think it's infrastructure support branch.

19 Q. And infrastructure support branch is actually the branch
20 that is supposed to always have been in charge of systems,
21 correct?

22 A. For the group, yeah.

23 Q. Right. And, according to you, should always have been in
24 charge of it, correct?

25 A. Ideally, yes.

K2A3SCH3

Leonis - Cross

1 Q. Developers should develop, according to you, right?

2 A. Yes.

3 Q. And the systems should be maintained by ISB, correct?

4 A. Yes, ma'am.

5 Q. And the only reason that ISB was not maintaining these
6 systems is because ISB was short staffed?

7 A. They were short staffed, ma'am.

8 Q. For how many years were they short staffed, by the way?

9 A. I don't know.

10 Q. You don't know?

11 A. Yeah.

12 Q. So you have no idea for how long OSB was maintaining the
13 system?

14 A. No.

15 Q. You testified about this e-mail, right, I have pulled it up
16 for you?

17 A. Yes, ma'am.

18 Q. Could a Stash -- let me start that again. This e-mail is
19 from Mr. Schulte, correct?

20 A. Yes, ma'am.

21 Q. And it is sent to ISB, correct?

22 A. That is correct.

23 Q. And by this time, it is ISB's job to do what Mr. Schulte's
24 asking him to do, correct?

25 A. That's correct.

K2A3SCH3

Leonis - Cross

1 Q. So he's not sending it to somebody that he's not supposed
2 to send it to, correct?

3 A. That's correct.

4 Q. Any person seeking this access would send the e-mail to
5 ISB, correct?

6 A. They should, yes.

7 Q. And he says "Could a Stash admin grant me admin privileges
8 for the project Brutal Kangaroo. I seem to have lost access to
9 this project." Correct?

10 A. Yes.

11 Q. And this is May 26, 2016, correct?

12 A. Correct.

13 Q. And how many people are getting this e-mail all told; can
14 you guess?

15 A. The members of that branch.

16 Q. Okay. So what is this DDI_CCI_EDG_?

17 A. So that's a group list. So it's being sent to all the
18 members of that branch.

19 Q. So how many people is that?

20 A. I don't know.

21 Q. 10, 12, 14, 15?

22 A. We'll say on the order of 10.

23 Q. What?

24 A. 10ish maybe, maybe a little more.

25 Q. And Mr. Kamaraju here reviewed the reply with you, right?

K2A3SCH3

Leonis - Cross

1 "Hi Josh, could you please send me your branch chief's approval
2 for this request," correct?

3 A. Yes, ma'am.

4 Q. Do you by any chance know if somebody e-mailed him access
5 before -- let me finish the question.

6 A. Okay.

7 Q. -- before Tim replied?

8 A. No.

9 Q. Do you know if anybody else from ISB got this e-mail and
10 sent Mr. Schulte access?

11 A. No. I don't know.

12 Q. Would it surprise you if they did?

13 A. There were more than one -- there were two guys that were
14 in that branch that had the ability to grant admin on projects.
15 So, Tim's one. The other was Dave.

16 Q. Okay. So sitting here today, you have no idea if Dave sent
17 him an e-mail and said "completed"?

18 A. I know that Dave did give Josh access, I just don't know
19 when it was sent, ma'am.

20 Q. You didn't review that e-mail chain with Mr. Kamaraju when
21 you were testifying here today?

22 A. No, ma'am.

23 Q. Okay. Let's see if we can pull it up. Take a look.
24 That's Government Exhibit 1079.

25 A. Okay.

K2A3SCH3

Leonis - Cross

1 Q. Same e-mail from Schulte?

2 A. Yes.

3 Q. And can we put the Tim document to the right. You see
4 that?

5 A. Yes, ma'am.

6 Q. So, one person is asking him for branch approval, that's to
7 your left?

8 A. Yup.

9 Q. Correct?

10 A. Hmm-hmm.

11 Q. On the right side, somebody's giving him the access and
12 says "completed," correct?

13 A. That's correct.

14 Q. Is it fair to say that Tim and Dave are basically on the
15 same level?

16 A. They were both, they were both admins.

17 Q. They were both admins.

18 A. That's right. Those were the two people designated as
19 admins.

20 Q. Kind of like how both Mr. Weber and Mr. Schulte were admins
21 on OSB libraries, correct?

22 A. Yes, similar.

23 Q. Mr. Leonis, there came a time, and you testified to this
24 again, when Mr. Schulte was given a letter of warning, correct?

25 A. Yes.

K2A3SCH3

Leonis - Cross

1 MS. SHROFF: Could somebody pull it up? Can we have
2 page two on the right. Is that possible or no?

3 Q. Let's take a look at page one, okay?

4 A. Sure.

5 Q. The third paragraph.

6 A. It's not on the screen.

7 THE COURT: You have the second page on the screen.
8 What page do you want?

9 MS. SHROFF: Page one.

10 Q. Let's look at paragraph three.

11 A. Okay.

12 Q. By the way, did you draft this document?

13 A. No, ma'am.

14 Q. Who drafted it?

15 A. Karen did.

16 Q. Karen did?

17 A. Yes, ma'am.

18 Q. Do you know how many people Karen talked to before she
19 drafted this document?

20 A. She talked to a few people.

21 Q. Do you know who?

22 A. I know she talked to me.

23 Q. She talked to you? Who else?

24 A. I don't know who else she talked to.

25 Q. Okay. "On May 26, 2016, you requested by e-mail that

K2A3SCH3

Leonis - Cross

1 EDG/SED/ISB restore your admin privileges to the EDG/AED/OSB
2 project Brutal Kangaroo." Right?

3 A. Yup.

4 Q. "EDG/SED/ISB contractor responded by e-mail requesting
5 confirmation of branch chief approval," right?

6 A. Yup.

7 Q. How did you know that?

8 A. How did I know that?

9 Q. Yes.

10 A. Because I was on the cc of -- cc of an e-mail chain.

11 Q. Were you not on a cc of the e-mail chain that said
12 "completed"?

13 A. No, ma'am.

14 Q. You were not. Dave did not copy you on it?

15 A. I don't remember that e-mail, ma'am.

16 Q. You don't remember it at all, right?

17 A. No.

18 Q. When you looked at it now, did you see you were copied on
19 it?

20 We'll come back to it.

21 You didn't put that into the letter of warning,
22 correct?

23 A. I didn't write the letter of warning, ma'am.

24 Q. Did you read this paragraph?

25 A. I don't remember reading it, no.

K2A3SCH3

Leonis - Cross

1 Q. Would it be fair to say, sir, that giving somebody a letter
2 of warning is a fairly serious matter?

3 A. It is.

4 Q. You want to be careful you have your facts right?

5 A. You do.

6 Q. You want to be sure that you're not saying something that's
7 inaccurate?

8 A. Yes, ma'am.

9 Q. Certainly Karen wouldn't want that, right?

10 A. I believe so.

11 Q. And the next line reads "The DC/EDG/AED and your acting
12 branch chief were both out of the office on this day so there
13 was not an immediate response to the request."

14 You didn't write this line?

15 A. No, ma'am.

16 Q. You don't know what they were talking about there?

17 A. I think what she's referencing is that e-mail chain, I
18 probably didn't respond right away because I was out of the
19 office.

20 Q. Okay. "The ISB team member did not implement a privilege
21 change at this point." Is that accurate?

22 A. Per the other e-mail you showed me, I would say no.

23 Q. That's a CIA e-mail, right?

24 A. Yes, ma'am.

25 Q. "On the same day, you subsequently repeated the request for

K2A3SCH3

Leonis - Cross

1 admin privileges to Brutal Kangaroo, this time in person to a
2 different ISB team member, and the change was made." Correct?
3 That's what it says?

4 A. So, the e-mail that you showed me said that it was sent to
5 the entire branch. And --

6 Q. Let's just break this down.

7 A. Okay.

8 Q. Is it accurate that on the same day, Mr. Schulte
9 subsequently repeated the request for admin privileges to
10 Brutal Kangaroo?

11 A. I'm sorry, say it again?

12 Q. Sure. Is it accurate, the phrase, or the sentence, on the
13 same day, you, meaning Mr. Schulte, subsequently repeated the
14 request for admin privileges to Brutal Kangaroo.

15 A. It does not appear to be.

16 Q. It's not accurate, right?

17 A. No.

18 Q. In fact, it's completely inaccurate, right?

19 A. It appears to be inaccurate; yes, ma'am.

20 Q. So it is certainly inaccurate that he did it in person to a
21 different ISB team member, correct?

22 A. I don't know, ma'am.

23 Q. And the change was made, the change was made by Dave
24 correct?

25 A. It was made by Dave.

K2A3SCH3

Leonis - Cross

1 Q. And it was made on e-mail, correct?

2 A. Per what you showed me.

3 Q. And you testified that it is important to trust but verify,
4 right?

5 A. Yes, ma'am.

6 Q. Nobody verified anything in paragraph three before they put
7 it in a letter of warning and gave it to him, correct?

8 A. I can't speak to that.

9 Q. Okay. Were you present for the letter of warning meeting?

10 A. No, I don't believe I was.

11 Q. Okay. Now, you see the change that is made there in
12 handwriting?

13 A. Yes.

14 Q. "Simultaneously, a different ISB team member made the
15 requested access change." Correct?

16 A. Yes.

17 Q. Do you know who wrote that in?

18 A. I don't.

19 Q. Do you know if Mr. Schulte wrote it in?

20 A. I do not.

21 Q. Karen wrote it in?

22 A. I don't.

23 Q. HR wrote it in?

24 A. I wasn't there, ma'am.

25 Q. Nobody knows who wrote it in, right?

K2A3SCH3

Leonis - Cross

1 A. I wasn't there. I can't speak to it.

2 Q. Fair enough. Now let's look at page two of two. Let's
3 look at that next paragraph. You see where there is paragraph
4 number four, if we could just --

5 A. Yes, ma'am.

6 Q. You see that bracket in the parentheses?

7 A. Yes.

8 Q. Then there's like that little asterisk thingy?

9 A. Yes, ma'am.

10 Q. There is an asterisk thingy at the bottom?

11 A. Yes, ma'am.

12 Q. It says "Indicates that Mr. Schulte believe these
13 statements are incorrect," correct?

14 A. Yes.

15 Q. Then the next paragraph, there is again an asterisk over
16 there, correct?

17 A. In paragraph six?

18 Q. Right. And the asterisk again goes back down to the same
19 thing. Right?

20 A. Yes, I believe so.

21 Q. And Mr. Schulte said this when he was given this letter of
22 warning by Karen, correct?

23 A. I wasn't there, ma'am.

24 Q. Do you recognize that's Karen's signature?

25 A. Yes.

K2A3SCH3

Leonis - Cross

1 Q. Mr. Schulte refused to sign that letter, right?

2 A. Again, I wasn't there, but he didn't sign it.

3 Q. Do you see a signature by Mr. Schulte there?

4 A. No, ma'am.

5 Q. And this was in June of 2016, right?

6 A. That's correct.

7 Q. Now, do you, sitting here today, know if anybody ever went
8 back and checked to make sure that Mr. Schulte's recitation of
9 the facts were accurate?

10 A. I don't know.

11 Q. You don't know?

12 A. No.

13 Q. You don't know if Karen did that, correct?

14 A. No, ma'am.

15 Q. And you don't know if anybody else did that?

16 A. No, ma'am.

17 Q. Do you by any chance sitting here today remember
18 Mr. Schulte doing that?

19 A. Not offhand, ma'am.

20 THE COURT: Would this be a convenient place to break,
21 Ms. Shroff?

22 MS. SHROFF: Sure.

23 THE COURT: We'll take our luncheon break a little
24 sooner and we'll resume at 1 o'clock. Thank you.

25 (Recess)

K2A3SCH3

Leonis - Cross

AFTERNOON SESSION

1 p.m.

(In open court; jury not present)

MS. SHROFF: Your Honor, we need one minute because there needs to be a substitution on an exhibit that the government is making.

THE COURT: Where is Mr. Leonis?

MR. DONALDSON: He's here, are you ready?

THE COURT: How much longer is it going to be?

MR. KAMARAJU: I think we may have it, your Honor.

MS. SHROFF: Your Honor, may we approach the witness for a minute?

THE COURT: Yes. What's the problem with the document?

MS. SHROFF: Your Honor, the document is classified. And we need a name substitution to make it unclassified.

MR. KAMARAJU: Just applying the name substitution to make it unclassified. It's on its way up now, your Honor.

THE COURT: Okay.

MS. SHROFF: Your Honor, it's okay. I can start and go slowly so I don't hold up anyone, and I think Ms. Hurst will be well on her way by then. I'm sure she'll come up.

THE COURT: All right. Let's start then.

(Continued on next page)

K2A3SCH3

Leonis - Cross

1 (Jury present)

2 THE COURT: All right, Ms. Shroff.

3 MS. SHROFF: Thank you, your Honor.

4 BY MS. SHROFF:

5 Q. Mr. Leonis, before the lunch break we were talking about
6 the letter of warning, correct?

7 A. Yes.

8 Q. I think this is where I left off, I asked you whether
9 anyone did any follow through to see if -- you can pull up that
10 information line -- what Mr. Schulte had said was accurate,
11 correct?

12 A. I believe so.

13 Q. And is it fair to say, sir, that although no one in
14 management followed up, that Mr. Schulte followed up, correct?

15 A. I don't remember, ma'am.

16 Q. Okay. Let me show you, and I think we can mark it as a
17 defense exhibit. Let me show you an e-mail that's dated
18 June 22, 2016. Okay?

19 A. Sure.

20 Q. Do you recognize that e-mail?

21 A. I don't remember it, ma'am.

22 Q. You may not remember it, but do you recognize it? Is it an
23 e-mail that you would normally get in your course of work?

24 A. It appears to have been sent to me.

25 MS. SHROFF: Your Honor, we ask that the document be

K2A3SCH3

Leonis - Cross

1 admitted as Defense Exhibit D.

2 MR. KAMARAJU: No objection.

3 THE COURT: What's the exhibit?

4 MS. SHROFF: D as in David.

5 THE COURT: D is admitted.

6 (Defendant's Exhibit D received in evidence)

7 MS. SHROFF: If we can just publish it to the jury.

8 Q. Is it fair to say it is an e-mail dated June 22, 2016?

9 A. Yes, ma'am.

10 Q. It's sent, is it not, from Mr. Schulte, correct?

11 A. The one in the middle is, ma'am.

12 Q. It's eventually makes its way to you in the e-mail chain,
13 correct?

14 A. Yes, Mike forwarded it to me.

15 Q. Okay. And Mike forwards it to you on June 26, 2016; is
16 that correct?

17 A. June 22, 2016.

18 Q. I'm sorry. I apologize.

19 A. No worries.

20 Q. June 22, 2016?

21 A. Yes, ma'am.

22 Q. Could you read, if you could scroll down, if you could read
23 for the jury what it is that you are being told by Mr. Schulte.

24 A. You want me to read what Karen and Mike were being told?

25 Q. Yes.

K2A3SCH3

Leonis - Cross

1 A. Okay. Josh sent an e-mail to Karen and Mike and cc'd Susan
2 from HR. And it says that he sent a request to ISB, and Dave
3 responded to that request saying he completed the action. And
4 then Tim responded after that saying that he requested branch
5 chief approval.

6 Q. So, he is saying to you, he's telling management here,
7 "Here is proof that I didn't 'deliberately' talk to a separate
8 ISB member after initially being refused access to the BK
9 tool." Correct?

10 A. Yes, that's what it says.

11 Q. That's the first line?

12 A. Hmm-hmm.

13 Q. Then he says, "I," meaning Mr. Schulte, "sent ISB the
14 request on May 26 at 12:39 p.m. Dave promptly responded at
15 1:04 p.m. saying he had completed the action. And then Tim
16 responded at 1:15 p.m. requested branch chief approval, at
17 which point I had already been given access to BK." Correct?

18 A. Yes, that's what it says.

19 Q. And then this e-mail chain you're not on it, correct?

20 A. Not on that e-mail, no.

21 Q. If you could just scroll up, somebody sent this e-mail to
22 you, right?

23 A. Yes.

24 Q. And who is this?

25 A. That's the deputy chief, Mike.

K2A3SCH3

Leonis - Cross

1 Q. And he says what to you?

2 A. He said, "Hmm this does indicate what he is saying is
3 true."

4 Q. And the "he" in there is Mr. Schulte, right?

5 A. That's correct.

6 Q. Now you got this e-mail, right?

7 A. Yes, it looks like I did.

8 Q. After you got this e-mail, did you talk to Mr. Schulte
9 about it at all that you remember sitting here today?

10 A. No, ma'am, I don't remember.

11 MS. SHROFF: You can take that down. Thank you so
12 much, Ms. Hurst. I appreciate it.

13 Q. Now, in March and April, actually in April, you send around
14 an e-mail, do you not, to everyone in your group saying that
15 there are conferences coming up and anybody who wants to go
16 should let you know, correct?

17 A. Yeah, I believe I sent one to the branch.

18 Q. And Mr. Schulte replied to it, correct?

19 A. Yeah.

20 Q. Do you recall his reply?

21 A. It was shown to me in the prep sessions.

22 Q. And let's see if we can publish Government Exhibit 1070,
23 please. So this is a response from him, right?

24 A. Yes.

25 Q. If you're interested in attending a conference, you say let

K2A3SCH3

Leonis - Cross

1 me know by close of business, correct?

2 A. Yup.

3 Q. And replies saying he went last year, he got a lot out of
4 the conference, "Most likely I won't be selected again, but I'd
5 still like to go," correct?

6 A. Yes, ma'am.

7 Q. Normal response?

8 A. That's correct.

9 Q. Then he says, "Also, I'm looking for some training for the
10 year but haven't found really much I'd be interested in. Is
11 there a particular class that people in RDB have really liked
12 or recommend?" Correct?

13 A. Yes, that's what it says.

14 Q. And of course, you replied to him, right?

15 A. I don't -- I don't remember, but I imagine I did.

16 MS. SHROFF: You can take that down. If I could just
17 have 1071, please.

18 Q. You talked about this e-mail in your direct today, correct?

19 A. Yes.

20 Q. And in this e-mail, Mr. Schulte's telling you about some
21 server that he has somewhere, correct?

22 A. Yes, ma'am.

23 Q. And this is also a normal run-of-the-mill e-mail that you
24 would get from an employee in your branch, correct?

25 A. Yeah, if somebody's moving equipment around, this is

K2A3SCH3

Leonis - Cross

1 normal.

2 Q. Okay. And you didn't make anything of this, correct?

3 A. No, ma'am.

4 Q. Thank you.

5 MS. SHROFF: You can take that down.

6 Q. There came a point when Mr. Schulte decided that he was
7 going to leave the CIA, correct?

8 A. Yes, ma'am.

9 Q. And that was somewhere around -- he left in November, but
10 he starts to give notice somewhere in October. Am I correct,
11 September, October?

12 A. Somewhere around that time period.

13 Q. And he gives notice and says that he's going to be leaving
14 for the private sector, correct?

15 A. I believe so.

16 Q. At that time, do you recall how much money Mr. Schulte is
17 making at the CIA?

18 A. No, ma'am.

19 Q. Do you remember if he was G12, 13, 14; do you know?

20 A. I think he was a 12.

21 Q. A 12. How much does a 12 make?

22 A. I don't know, ma'am.

23 Q. Would you guess less than 150,000?

24 A. Yes, less than 150,000.

25 THE COURT: Less than 100,000?

K2A3SCH3

Leonis - Cross

1 THE WITNESS: Say it again?

2 THE COURT: Less than 100,000?

3 THE WITNESS: She said 150.

4 THE COURT: I'm asking you, less than 100,000?

5 THE WITNESS: For some grades.

6 THE COURT: GS 12?

7 THE WITNESS: GS 12, yes.

8 THE COURT: Would be less than 100,000?

9 THE WITNESS: I think so.

10 Q. Somewhere around late October, he tells CIA that he would
11 like to start what is called the checkout process, correct?

12 A. I'm sorry?

13 Q. Mr. Schulte gives notice somewhere in late October,
14 correct?

15 A. Yes.

16 Q. And the CIA has a routine of people leaving, correct?

17 A. That's correct.

18 Q. They have a procedure in place, and you go down that
19 procedure, correct?

20 A. That's correct.

21 Q. You fill out the forms?

22 A. That's correct.

23 Q. People sign off on the forms?

24 A. Yes, ma'am.

25 Q. And you move right along and you're escorted out?

K2A3SCH3

Leonis - Cross

1 A. Yes, ma'am.

2 Q. That's what he does. He tells them on October 27 that he's
3 leaving?

4 A. Yes.

5 Q. He says, listen, I'd like to start the closeout process?

6 A. Yes, ma'am.

7 Q. That's normal?

8 A. That's correct.

9 Q. And he asks whether or not there are procedures in place
10 that he should be following, correct?

11 A. I believe so, ma'am.

12 Q. Okay. And he also asks you or whoever it is about his
13 access to DevLAN and FIN, correct?

14 A. I don't remember, ma'am.

15 Q. Okay. And what is FIN, by the way?

16 A. It's an unclassified network.

17 Q. Right. So there is an unclassified network to which an
18 employee had access and a classified network?

19 A. Yes.

20 Q. And internet?

21 A. FIN is an internet facing network.

22 Q. And do you sitting here today know whether or not his
23 access was left open until his last day which was November 10?

24 A. I don't remember, ma'am.

25 Q. Do you remember if Mr. Schulte provided to you or anyone

K2A3SCH3

Leonis - Cross

1 else at the CIA his résumé for publication to the publication
2 review board?

3 A. I think he sent it to the PRB.

4 Q. He sent it to the PRB, right?

5 A. I believe so.

6 Q. That's the rule, you send it to the PRB so they can look it
7 over?

8 A. That's correct.

9 Q. After that, you are allowed to release it, correct?

10 A. I believe so.

11 Q. Okay. Before Mr. Schulte left, but close to the time
12 Mr. Schulte left, are you aware that he took a polygraph exam?

13 A. I believe he was undergoing security reinvestigation at
14 that time.

15 Q. Right. And what is that, security reinvestigation?

16 A. That's like a background check and then it has a poly
17 element to it.

18 Q. And it's an arduous process, right?

19 A. Yes, it is. Every employee goes through it. It is an
20 arduous process.

21 Q. You have to fill out some FS 96, 86?

22 A. 86.

23 Q. 50, 60 pages long?

24 A. It can be very long.

25 Q. Right. And you go through that so that you can maintain

K2A3SCH3

Leonis - Cross

1 your clearance, correct?

2 A. That's correct.

3 Q. He had no reason to maintain his clearance, because he was
4 leaving the CIA in November, correct? You knew he was going to
5 Bloomberg, right?

6 A. I believe that process was started some time before. I
7 don't know when it started, ma'am.

8 Q. Okay. Well, he was leaving in November, right?

9 A. He was leaving in November.

10 Q. And is it fair to say the poly is voluntary?

11 A. It's not voluntary.

12 Q. Well, it's voluntary. You can say no, right?

13 A. You can say no, that's correct.

14 Q. Right. So it's voluntary?

15 A. If you want to maintain your access, you have to take it.

16 Q. Right. But if you don't want to maintain your access, if
17 you are going to go start at Bloomberg, you can say no, right?

18 A. I guess you could say no, yes.

19 Q. He didn't say no, though, right? He set up for the poly?

20 A. I don't know, ma'am.

21 Q. You don't know?

22 A. No.

23 Q. Now, were you aware of Mr. Schulte's last day at the CIA?

24 A. I was aware of it, yes.

25 Q. Right. It was November 10?

K2A3SCH3

Leonis - Cross

1 A. It was November 10.

2 Q. His access out of the CIA was normal, routine, correct?

3 A. I don't believe -- I don't know. I wasn't part of the
4 checkout process. But --

5 Q. You were not part of the checkout process?

6 A. No.

7 Q. Is it fair to say that there is a very standard checkout
8 process?

9 A. There is a standard checkout process.

10 Q. And people at the CIA have an interest in making sure that
11 the checkout process is complied with, correct?

12 A. Yes.

13 Q. And the CIA can in fact ensure compliance, correct? And
14 they know how, right?

15 A. I believe so.

16 Q. After Mr. Schulte left, did you ask Mr. Weber to take a
17 look at Mr. Schulte's computers?

18 A. No, I don't believe I did.

19 Q. Did you ask Mr. Weber to take a look at any of
20 Mr. Schulte's files?

21 A. I don't remember, ma'am.

22 Q. You don't remember, right?

23 A. No.

24 Q. When did you become aware, sir, of this e-mail to OIG which
25 the government introduced as 1616?

K2A3SCH3

Leonis - Cross

1 A. I think it was some time the following week. Could have
2 been that day, but I thought it was some time the following
3 week.

4 Q. Say it again?

5 A. I think it was the following week.

6 Q. Following week?

7 A. Yeah, it could have been that day but I don't remember it
8 being that day. I think it was the following week.

9 Q. Okay. And you read it, right?

10 A. I did.

11 Q. And after, you told Mr. Kamaraju on your direct testimony
12 that you never recalled Mr. Schulte expressing any concern
13 about DevLAN security, correct?

14 A. I don't recall that, no.

15 Q. Okay. You recall reading this e-mail?

16 A. I do.

17 Q. He mentions his concerns about the DevLAN security,
18 correct?

19 A. In that e-mail, he said that he had concerns.

20 Q. Right. Did you do anything after reading that e-mail about
21 the concerns?

22 A. I was with management at that point in time, and they were
23 very aware of the e-mail.

24 Q. That wasn't my question. I move to strike.

25 My question to you, sir, was did you do anything with

K2A3SCH3

Leonis - Cross

1 this e-mail.

2 A. I did not. Other than review it for security.

3 Q. So you had an employee leaving, and he's telling you about
4 security concerns, about the weakness of the CIA's most beloved
5 LAN, right.

6 Is it a LAN, by the way, or is it a WAN, DevLAN?

7 A. I believe it has connections outside of just the CIA
8 office.

9 Q. Thank you. So, this e-mail raises concerns, right?

10 A. Hmm-hmm.

11 Q. You don't remember following up and checking out to see if
12 Mr. Schulte's concerns are valid, correct?

13 A. I don't remember that, no.

14 Q. You were in management when he left, correct?

15 A. I was.

16 Q. And you had authority to say to someone, take a look at
17 what this guy is saying and see if he's right, correct?

18 A. Everybody -- a lot of people in EDG management saw that
19 e-mail.

20 Q. Right. No, no, I understand for sure. And every one of
21 them I can ask the same question, but today it's your turn.

22 So you had the authority to do that, right?

23 A. To?

24 Q. Forward this to someone in security and say, hey, take a
25 look. What's he talking about?

K2A3SCH3

Leonis - Cross

1 A. Yes, security had that e-mail as well.

2 Q. Do you know what a home directory is, sir?

3 A. Yes.

4 Q. Okay. What's a home directory?

5 A. It's a directory that you're provided that you can store
6 your own files in.

7 Q. Okay. And do you by any chance know who has access to
8 someone's home directory?

9 A. Typically it's you.

10 Q. Who else?

11 A. I guess the admins can look into it. But that's about it.

12 Q. How about a colleague? Can a colleague look into your home
13 directory? Not yours, not in management, but I'm talking about
14 an employee.

15 A. I don't know.

16 Q. Do you know if home directories are locked?

17 A. I don't know.

18 Q. Would it surprise you, sir, if an employee at the CIA put
19 the Stash backup file in their home directory?

20 A. That would be unusual.

21 Q. It would be a grave security risk; would it not?

22 A. It would be very unusual, yes.

23 Q. I didn't ask you if it would be unusual. I asked you if it
24 would be a grave security risk.

25 A. It shouldn't be there, that's correct.

K2A3SCH3

Leonis - Cross

1 Q. Would it be a grave security risk?

2 A. It would be a risk, yes.

3 Q. What is Stash?

4 A. I believe that's the code repository.

5 Q. The code repository?

6 A. Yes, ma'am.

7 Q. Is it important at the CIA?

8 A. The DevLAN one was, yes.

9 Q. So, if an employee kept the DevLAN Stash code repository in
10 their home directory, that would simply be a risk --

11 A. No, that's a problem, ma'am.

12 Q. Right. It would concern you, right?

13 A. It would concern me, yes.

14 Q. Especially if that was an unencrypted backup kept in the
15 home directory, correct?

16 A. Yes, ma'am.

17 Q. Without a password, correct?

18 A. Yeah, that would concern me.

19 Q. How concerned would you be if you learned that one of your
20 employees saved the Stash backup on a hard drive?

21 A. It depends the purpose.

22 Q. Regardless of the purpose. What would one -- let me ask
23 that again.

24 Regardless of the purpose, would it concern you if the
25 employee could not remember where that hard drive was?

K2A3SCH3

Leonis - Cross

1 A. That would concern me.

2 Q. Would it concern you if that employee could not remember if
3 he deleted the information from the hard drive?

4 A. Yes, that would concern me.

5 Q. Would it concern you that an employee backed something up
6 on a hard drive and had no idea if he deleted it, or where that
7 hard drive was?

8 A. Yes, that would concern me.

9 Q. Did you ever learn that Dave . did both those things, sir?

10 A. No, ma'am.

11 Q. You were never told that Dave . did both those things?

12 A. I don't believe so, ma'am.

13 Q. When you say you don't believe so, you don't believe you
14 were told, correct?

15 A. I don't believe I was told, ma'am.

16 Q. What is remote access?

17 A. It's the ability to remotely access another computer.

18 Q. You could remote access DevLAN, could you not?

19 A. I'm not sure.

20 Q. You're not sure?

21 A. No, ma'am.

22 Q. Now, you testified about Mr. Weber, correct?

23 A. Yes, ma'am.

24 Q. Did there come a time when Mr. Weber decided he wanted to
25 apply for Sean's job?

K2A3SCH3

Leonis - Cross

1 A. I believe so.

2 Q. You talked him out of it, correct?

3 A. I did.

4 Q. You talked him out of it because you thought he didn't have
5 a well-rounded experience of other branches, correct?

6 A. It was that, and I didn't think it was a good idea for him
7 to rise up and manage the same branch.

8 Q. Okay. Mr. Leonis, sitting here today, is it fair to say
9 that for a whole year at least, the CIA was unaware that any of
10 its information had been taken, correct?

11 A. We were unaware that that information had been taken.

12 Q. Exactly how long was the CIA unaware of that fact?

13 A. From whenever -- I don't know. I mean, I know the time
14 period was approximately March, so I guess it's about a year.

15 (Continued on next page)

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K2aWsch4

Leonis - Cross

1 BY MS. SHROFF:

2 Q. Did you participate in the efforts after learning of the
3 information being on WikiLeaks?

4 A. Not really, ma'am. I was largely kept out of it.

5 Q. You testified on direct, did you not, that you were given a
6 stack of papers that you looked at? Correct?

7 A. Immediately, that day, yes.

8 Q. Right. And those papers came from WikiLeaks, correct?

9 A. I believe so, yes.

10 Q. Right. So CIA didn't want you to go on the WikiLeaks
11 website, but they had no problem with you reading what was on
12 WikiLeaks?

13 A. In places where the information was stored. I mean, there
14 were conference rooms where they had it. It was kind of
15 controlled.

16 Q. Do you know anything about internet access at a Starbucks?

17 A. Uh, yes.

18 Q. Do you think that anybody else at Starbucks also has the
19 same access as the person sitting next to them at Starbucks?

20 A. Do people -- is your question do people, two people at
21 Starbucks have the same access to the internet?

22 Q. Right.

23 A. I believe so.

24 Q. You wouldn't want somebody reading a WikiLeaks report in a
25 Starbucks, would you?

K2aWsch4

Leonis - Redirect

1 A. Uh, I prefer not, no.

2 Q. Sitting here today, sir, would you agree with me that
3 DevLAN was not a secure network?

4 A. It wasn't as secure as it should have been. It had a
5 limited number of people that could log into it, limited number
6 of users, but ultimately, those users had a lot of control, so
7 it wasn't as secure as it should have been.

8 Q. There was no log-in activity check, correct?

9 A. I don't -- I don't know. I don't think so.

10 Q. Nobody monitored NetFlow, correct?

11 A. I don't believe so.

12 Q. People shared passwords, correct?

13 A. I don't know.

14 Q. People could remote log-in, correct?

15 A. Again, I don't know.

16 MS. SHROFF: I have nothing further, your Honor.

17 THE COURT: Mr. Kamaraju.

18 MR. KAMARAJU: Yes, just a few questions, your Honor.

19 Thank you.

20 First, can we pull up Government Exhibit 1616, please.

21 REDIRECT EXAMINATION

22 BY MR. KAMARAJU:

23 Q. Now, Mr. Leonis, do you remember Ms. Shroff asked you a
24 couple of questions about this exhibit?

25 A. Yes, sir.

K2aWsch4

Leonis - Redirect

1 Q. Do you remember she asked you whether after you reviewed
2 this email you took any steps to address the security concerns
3 raised in here?

4 A. Yes.

5 Q. The security concerns raised in here, do those relate to
6 developers administering the system?

7 A. Uh, yes, some of it is.

8 Q. OK. Let's take a look at the paragraph that starts
9 "specifically."

10 A. OK.

11 Q. All right. Do you see where, in the second sentence, he
12 says, "I have acted as a *de facto* system administrator for the
13 network"?

14 A. Yes.

15 Q. By November 2016, were DevLAN developers acting as *de facto*
16 administrators for the DevLAN network?

17 A. No.

18 Q. OK. So had this concern already been addressed by the time
19 you saw this email?

20 A. Yes, sir.

21 Q. OK. And what led to this concern being addressed?

22 A. It was the April 16 incident where the OSB libraries --
23 Josh had gotten admin control over that library.

24 Q. OK. Let's talk a little bit about that incident. Do you
25 remember Ms. Shroff asked you some questions about trust but

K2aWsch4

Leonis - Redirect

1 verify?

2 A. Yes, sir.

3 MR. KAMARAJU: If we could pull up Government Exhibit
4 1062, please. And could we scroll down. A little more. A
5 little more. To the end.

6 Q. Now, in April of 2016, did you trust Mr. Weber?

7 A. I trusted him.

8 Q. Did you nonetheless verify the information he provided to
9 you?

10 A. Yes.

11 Q. What did you do to verify it?

12 A. I went to his branch chief.

13 Q. OK. Who was that?

14 A. That was Sean.

15 Q. OK. Do you remember Ms. Shroff asked you questions about
16 whether Sean had approved Mr. Weber in taking away the
17 defendant's administrative privileges?

18 A. Yes.

19 Q. Did you ever talk to Sean about that?

20 A. I did.

21 Q. What did Sean say?

22 A. Sean said that he directed that.

23 MR. KAMARAJU: Could we scroll up a little bit. A
24 little bit further. OK.

25 Q. Do you see an email here from Sean?

K2aWsch4

Leonis - Redirect

1 A. Yes.

2 Q. What's that email?

3 A. That's the email Sean sent back to me that I asked him to
4 send to me.

5 Q. Did Sean say anything about Mr. Weber acting in an
6 unauthorized manner?

7 A. No, he did not.

8 MR. KAMARAJU: Could we pull up Government Exhibit
9 1095, please. And could we blow up the middle section with the
10 three bullet points there.

11 Q. Do you remember Ms. Shroff asked you some questions about
12 Mr. Schulte viewing his removal as unauthorized?

13 A. Yes.

14 Q. Now, if a developer thought that their access had been
15 removed in an unauthorized manner, was the proper course for
16 them to just give it back to themselves?

17 A. Oh, no, absolutely not.

18 Q. What should they have done?

19 A. They should have went to the admins or another admin or to
20 their branch chief and bring it up.

21 Q. And if they were told no by the branch chief or the admins
22 or management, should they have then restored their privileges?

23 A. No, absolutely not.

24 Q. Now, do you remember you testified -- Ms. Shroff asked you
25 about legitimate methods for CIA employees to voice grievances,

K2aWsch4

Leonis - Redirect

1 correct?

2 A. Yes.

3 Q. Is restoring privileges on your own one of those legitimate
4 means?

5 A. Oh, no.

6 Q. Ms. Shroff also asked you about the fact that management,
7 you didn't add a line here that says management disagreed with
8 Mr. Schulte's statement. Do you remember that?

9 A. I do.

10 Q. Did management disagree with Mr. Schulte's characterization
11 of the action as unauthorized?

12 A. I personally didn't agree with him.

13 Q. OK. Now, was there any direction provided by management
14 with respect to the defendant's actions?

15 A. Yes.

16 Q. What actions were instructed?

17 A. Well, at the bottom of this, it says that Mr. Schulte was
18 not to reinstate his administrative privileges from that date
19 forward on any project from which it was revoked.

20 Q. And what, if anything, was done to the system after this?

21 A. It was hardened, sir.

22 Q. Now, do you remember Ms. Shroff asked you a series of
23 questions about what you didn't remember about this memo?

24 Correct?

25 A. Correct.

K2aWsch4

Leonis - Redirect

1 Q. She asked you a bunch of questions about what you didn't
2 remember about the meeting, right?

3 A. That's right.

4 Q. I believe you testified on direct that this memo was
5 principally based on the email that you sent that's Government
6 Exhibit 1062. Do you remember that?

7 A. Yes.

8 Q. Do you remember that email?

9 A. I do.

10 Q. Why do you remember that email?

11 A. That -- that email took a long time to write.

12 Q. Why's that?

13 A. So, I was trying to explain it to people that didn't
14 understand. They really -- so, I was sending this email to HR
15 and security, and they're not developers. They're not
16 necessarily highly technical people, so I spent a lot of time
17 trying to write it to make sure that they understood
18 specifically what I was trying to say, and I -- I've reread
19 that email so many times over the last couple of years, it's
20 just -- I -- I've seen that email so many times. I've reread
21 it so many times.

22 Q. Why have you read it so many times?

23 A. Well, because of the WikiLeaks thing and all the stuff that
24 came afterwards.

25 Q. Now, Ms. Shroff asked you questions about whether you ever

K2aWsch4

Leonis - Redirect

1 heard from Mr. Schulte before issuing this memo. Do you
2 remember that?

3 A. I do.

4 Q. Now, I believe you testified that bullet point 2 here was
5 added in response to Mr. Schulte's comments. Is that right?

6 A. Yeah, it's part of the meeting.

7 Q. So was the meeting the opportunity for Mr. Schulte to voice
8 his side?

9 A. Yes.

10 Q. OK. Now, did anything Mr. Schulte say during that meeting
11 convince you that that he acted correctly in reinstituting his
12 administrative privileges?

13 A. Uh, I don't remember the conversation, but afterwards, no.

14 Q. Now, Ms. Shroff asked you several questions about
15 Government Exhibits 1079 and 1080.

16 MR. KAMARAJU: Could we bring those up.

17 Q. Do you remember her asking you about the fact that one
18 admin had provided Mr. Schulte admin privileges to Brutal
19 Kangaroo?

20 MS. SHROFF: Your Honor, actually, I didn't ask any
21 questions about 1080.

22 THE COURT: If that's an objection, it's overruled.
23 Go ahead.

24 Q. Do you remember seeing Government Exhibit 1079 during
25 cross-examination?

K2aWsch4

Leonis - Redirect

1 A. Yes.

2 Q. OK. Are you, in fact, cc'd at the top there?

3 A. No, I'm not.

4 Q. Now, she asked you several questions about the letter of
5 warning. Do you remember that?

6 A. Yes.

7 Q. And did the letter of warning come about as a result of
8 actions the defendant took with respect to Brutal Kangaroo?

9 A. Yes.

10 Q. Now, the defendant got his access back to Brutal Kangaroo
11 through this, right?

12 A. Yeah, through these emails.

13 Q. Do you know what he did with it?

14 A. He used it to remove all --

15 MS. SHROFF: Objection.

16 THE COURT: Overruled.

17 MS. SHROFF: He has no personal knowledge, your Honor.

18 THE COURT: Overruled.

19 MS. SHROFF: Your Honor, the government --

20 THE COURT: Overruled.

21 A. So, he used it to remove the folks from OSB.

22 MR. KAMARAJU: Can we pull up Government Exhibit 1094,
23 which is the letter of warning.

24 Q. Do you remember Ms. Shroff asked you several questions
25 about this?

K2aWsch4

Leonis - Redirect

1 A. Yes.

2 MR. KAMARAJU: Could we turn to page 2.

3 Q. Do you see the numbered paragraph 4?

4 A. Yes.

5 Q. Could you read paragraph 4, please?

6 A. "Once you obtain Brutal Kangaroo administrative privileges,
7 the audit logs show that on 26 May 2016 you revoked the
8 administrative privileges of the EDG/AED/OSB officer assigned
9 responsibility for Brutal Kangaroo. Subsequently, on 8 June
10 2016 you revoked write privileges for Brutal Kangaroo from the
11 entire EDG/AED/OSB team. As a result, the branch responsible
12 for Brutal Kangaroo no longer could write new code to the
13 project." These access violations -- I'm sorry. "These
14 actions violated the policy stated and instructions given in
15 the memorandum you signed on 18 April 2016 referenced above."

16 Q. Now, do you remember Ms. Shroff asked you several questions
17 about Mr. Weber revoking Mr. Schulte's administrative
18 privileges on OSB libraries?

19 A. Yes.

20 Q. Do you remember she asked you questions about whether it
21 was proper to do that without notifying Mr. Schulte first?

22 A. Yes.

23 Q. OK. In this instance, Mr. Schulte revoked the
24 administrative privileges of the OSB officer?

25 A. Yes.

K2aWsch4

Leonis - Redirect

1 Q. OK. Did he change the privileges related to the OSB team
2 in total?

3 A. Yes.

4 Q. Do you see where you say you violated the policy stated and
5 instructions given in the memorandum you signed on 18 April
6 2016?

7 A. Yes.

8 Q. What memo was that?

9 A. That was the memo that I -- that he read that I wrote.

10 Q. Do you remember Ms. Shroff asked you a number of questions
11 about how important it was to get the information right in this
12 letter of warning?

13 A. Yes.

14 MR. KAMARAJU: Could we go back to the last page.
15 Thanks.

16 Q. Do you see the language crossed out there?

17 A. Yes.

18 Q. Do you understand what it means that it's crossed out?

19 A. Yes.

20 Q. What does it mean?

21 A. It means that it's not part of the memo anymore.

22 Q. Do you see the handwritten language there?

23 A. Yes.

24 Q. When you've seen this letter of warning, has it always
25 included that language?

K2aWsch4

Leonis - Redirect

1 A. Yes.

2 Q. What does the handwritten note mean?

3 A. Well, the handwritten note is basically what was put in for
4 the stuff that was crossed out.

5 Q. OK. So is the letter modified to address the error that
6 the defendant mentioned?

7 A. Yes.

8 Q. Do you remember you were asked a series of questions about
9 a dispute that the defendant had with Sean about his PAR in
10 August 2016?

11 A. Yes.

12 Q. Did Sean ever tell you why he initially rated the defendant
13 poorly?

14 A. I don't really remember that part of the conversation.

15 Q. OK. Did Sean ever tell you why he changed his -- changed
16 it back?

17 A. No, I can't remember that.

18 Q. OK. So you don't have any recollection really about that
19 conversation, right?

20 A. I do -- I had conversations with Sean about the PAR. I
21 just -- I can't recall what they were.

22 MR. KAMARAJU: All right. Could we pull up Government
23 Exhibit 1062, please.

24 Q. At the bottom here, the subject line of your email is EDG
25 and AED's security concern, right?

K2aWsch4

Leonis - Redirect

1 A. Correct.

2 Q. And this email got kicked off by the email that Mr. Weber
3 sent you first, right?

4 A. That's correct.

5 Q. Mr. Weber was a developer, right?

6 A. He was a developer.

7 Q. Did you want developers to raise security concerns with
8 management?

9 A. I did.

10 Q. Why's that?

11 A. Well, because if there were security concerns, then we
12 could address them. I wanted to do that.

13 Q. Do you remember anyone, any developer, ever raising a
14 security concern that data from DevLAN could be stolen or
15 posted online?

16 A. No, I don't remember that.

17 Q. What would you have done if a developer had come and said
18 that to you?

19 A. We would have went to the ISB guys or, you know, management
20 and tried to figure out what to do.

21 Q. Would you have tried to fix it?

22 A. Yeah.

23 MR. KAMARAJU: Could I just have one moment, your
24 Honor?

25 THE COURT: Yes.

K2aWsch4

David - Direct

1 MR. KAMARAJU: Nothing further, your Honor.

2 THE COURT: Thank you, Mr. Leonis. You're excused.

3 MS. SHROFF: Your Honor, I'm assuming you're not going
4 to allow a recross, right?

5 THE COURT: Yes. My standard practice is direct,
6 cross, redirect.

7 MS. SHROFF: OK. Thank you, your Honor.

8 THE COURT: You're excused.

9 THE WITNESS: Thank you, sir.

10 (Witness excused)

11 THE COURT: Call your next witness.

12 MR. DENTON: The government calls David.

13 DAVID,

14 called as a witness by the government,

15 having been duly sworn, testified as follows:

16 THE COURT: Please sit down and make yourself
17 comfortable.

18 THE WITNESS: OK.

19 THE COURT: Get closer to the microphone, please.

20 THE WITNESS: Yes, sir.

21 THE COURT: All right. Mr. Denton.

22 MR. DENTON: Thank you, your Honor.

23 DIRECT EXAMINATION

24 BY MR. DENTON:

25 Q. Good afternoon, sir.

K2aWsch4

David - Direct

1 A. Good afternoon.

2 Q. Are you currently employed?

3 A. Yes, I am.

4 Q. What entity do you work for?

5 A. I work for the CIA as a contractor.

6 Q. How long have you worked as a contractor for the CIA?

7 A. Over 20 years.

8 Q. During your career at the CIA, have you worked in any
9 particular field or specialty?

10 A. Primarily information technology.

11 Q. Starting at the beginning, could you just briefly describe
12 some of the positions you've held during your career at the
13 CIA?

14 A. Yes. I started off as a telephone installer. I moved up
15 to installing networks, LANs, WANs. I've done project
16 management as well as doing systems administrator,
17 administration, systems engineering.

18 Q. I'd like to ask you to focus on the spring of 2016. Were
19 you working at the CIA then?

20 A. Yes, I was.

21 Q. And what was your particular position in the spring of
22 2016?

23 A. I was systems engineer for the Engineering Development
24 Group.

25 Q. Were you assigned to a particular branch?

K2aWsch4

David - Direct

1 A. Yes. System -- information -- excuse me. Infrastructure
2 Support Branch.

3 Q. Was the Infrastructure Support Branch ever known by any
4 other names?

5 A. A lot of the other names: Infrastructure Branch;
6 Management Support Branch; Mission Support Branch.

7 Q. Was it sometimes known as just ISB?

8 A. Yes.

9 Q. What were your duties and responsibilities generally as a
10 system engineer in ISB in 2016?

11 A. My responsibilities were administering the network,
12 creating new user accounts, performing system upgrades, network
13 changes to meet with developers' needs and -- for their work.

14 Q. Were you responsible for any particular networks?

15 A. I was responsible for three networks. DevLAN and two
16 unclassified networks.

17 Q. Let's start with DevLAN?

18 MR. DENTON: Ms. Hurst, if you could put up Government
19 Exhibit 125, please.

20 Q. Sir, does this fairly and accurately depict the general
21 structure of DevLAN in 2016?

22 A. Yes.

23 Q. I want to focus just for a moment down on the kind of
24 bottom middle, where it says the Altabackup backup files. Do
25 you see that?

K2aWsch4

David - Direct

1 A. I do.

2 Q. What was stored in the Altabackup backup files?

3 A. This was a folder location for the Atlassian applications
4 to back up their software settings and data.

5 Q. Was it just some of the software settings and data or all
6 of it?

7 A. It was all of it.

8 Q. Did anyone who used DevLAN have access to the Altabackups?

9 A. No.

10 Q. In the spring of 2016, did particular people have access to
11 those backups of all of Atlassian?

12 A. Yes.

13 Q. Now, sir, I'd like to ask you to look around the courtroom
14 and tell me if you see anyone who had access to the backups of
15 all the Atlassian products in the spring of 2016.

16 A. I do.

17 Q. Can you describe where that person is sitting, something
18 they're wearing?

19 A. Person's sitting in the second row, is bald and has a
20 beard. Can't see much else.

21 MR. DENTON: Your Honor, would the record reflect that
22 the witness has identified the defendant?

23 THE COURT: Yes.

24 Q. And do you know that person's name?

25 A. Yes. Josh Schulte.

K2aWsch4

David - Direct

1 Q. We're going to talk more about the defendant in a minute,
2 but I want to ask you some general questions about DevLAN
3 first.

4 A. OK.

5 Q. Did you create DevLAN?

6 A. I did not.

7 Q. Generally speaking, what were your duties and
8 responsibilities with respect to DevLAN?

9 A. My duties and responsibilities were administering the
10 network, making changes to the network, building servers,
11 bringing up new services.

12 Q. Were you responsible for deciding what kind of user
13 monitoring would be in place on DevLAN?

14 A. No.

15 Q. Were you responsible for deciding how access to DevLAN
16 would be controlled?

17 A. No.

18 Q. Are you familiar with the term "system administrator"?

19 A. Yes.

20 Q. What is a system administrator?

21 A. A system administrator is a person who typically
22 administers user accounts, software running on servers, server,
23 system services on servers, things of that nature.

24 Q. How is a system administrator different from just a regular
25 user?

K2aWsch4

David - Direct

1 A. The differences between a system administrator and a
2 regular user, system administrators have what are called
3 super-user powers. They're able to create, do their unlimited
4 role on the network as opposed to users, which do not have a
5 lot of authority on the network.

6 Q. Do both hardware and software have administrators?

7 A. Yes.

8 Q. I want to talk, first, about some of the physical hardware
9 that made up DevLAN. Looking at the diagram here, 1251, what
10 was the principal hardware that made up DevLAN?

11 A. The principal hardware that made up DevLAN was, most all
12 the data was located on a NetApp file server. There was Stash
13 servers, which were physical servers, a physical server, and
14 there was an ESXi server that was used for development purposes
15 as well as other servers. There was a Hickok network, and
16 DevLAN users' workstations and various other servers.

17 Q. Just kind of going around the diagram, was ISB responsible
18 for administering the NetApp file server?

19 A. Yes.

20 Q. Was ISB responsible for the Hickok server?

21 A. Yes.

22 Q. Was ISB responsible for the Stash server?

23 A. Partially.

24 Q. And what about the ESXi server; was ISB responsible for
25 that?

K2aWsch4

David - Direct

1 A. We were not.

2 Q. Who was responsible for that server?

3 A. That server belonged to the OSB branch. It was a
4 development, a research-and-test server that was able to run
5 various different types of virtual machines to build out
6 different types of environments for them to test their tools
7 that they were developing.

8 Q. When you say ISB was only partially responsible for the
9 Stash server, what do you mean?

10 A. The Stash server resided in our service space in 9E79. At
11 that time, there were a -- I believe there's one or two
12 individuals in our group that helped administer the physical
13 server, the Linux server, as well as other developers that had
14 the ability to log on to that server as well via the network.

15 Q. You say at that time. At some point in 2016, did the
16 administration of DevLAN in general change?

17 A. Yes.

18 Q. We'll come back to that in a bit. I just want to talk
19 about general structure for a moment.

20 See the box down in the corner for DevLAN users?

21 A. Yes.

22 Q. Bottom left, I think it is.

23 A. Yes.

24 Q. How did DevLAN users access DevLAN?

25 A. DevLAN users accessed DevLAN via a workstation at their

K2aWsch4

David - Direct

1 desk. It could have been Linux, Windows, whatever their
2 personal preference was.

3 Q. Was that workstation connected to any other networks?

4 A. No.

5 Q. In addition to having a dedicated computer to access
6 DevLAN, did DevLAN users need any sort of credentials to get on
7 the network?

8 A. Yes, they needed a username and a password.

9 Q. So if someone did not have a username and password somehow
10 connected to the network, would they be able to access, for
11 example, Confluence?

12 A. No.

13 Q. Why not?

14 A. Confluence was controlled by a service called Crowd that
15 ran on the Stash server at that time that connected to the
16 Windows Active Directory domain controller that did all of the
17 authentication for the Atlassian products.

18 Q. I think you said before that not everyone had access to the
19 Altabackup backup files. Is that right?

20 A. That is correct.

21 Q. So if someone who did not have a DevLAN user account that
22 managed to connect to DevLAN, would they be able to access the
23 Altabackup files?

24 A. No.

25 Q. Now, you mentioned your server room. What building is that

K2aWsch4

David - Direct

1 in?

2 A. That was in CCI office.

3 Q. Were there any other locations besides the CCI office where
4 someone could access DevLAN?

5 A. There were two other locations. One was in Foreign Office
6 West and one was in Foreign Office East.

7 Q. Were Foreign Office East and Foreign Office West connected
8 to DevLAN through the internet?

9 A. They were not.

10 Q. How were they connected to DevLAN?

11 A. They were connected through agency wide area networking
12 channels, using type 1 encryption from embassy back to CCI
13 spaces.

14 Q. Did that connection work well?

15 A. No.

16 Q. What do you mean?

17 A. It was slow. There were a lot of problems primarily with
18 CCI East location with the distance that the IP traffic had to
19 trance -- traverse. Because of the delays, called latency, the
20 CCI IP did not work well and would slow down to the point that
21 it almost did not work.

22 Q. How do you know that?

23 A. I troubleshot many times with some of the developers that
24 are working overseas.

25 Q. And were you actually successfully able to troubleshoot it?

K2aWsch4

David - Direct

1 A. Not much.

2 Q. Now, I think you mentioned that DevLAN users' DevLAN
3 computers were not connected to any other network. Is that
4 right?

5 A. That is correct.

6 Q. Did users have a separate computer to connect to the
7 internet?

8 A. Yes.

9 Q. Were those computers connected to a different network?

10 A. Yes.

11 Q. What kind of monitoring was in place on that network for
12 accessing the internet?

13 A. On the internet network we had multiple pieces in place.
14 We had a website server which proxied all user traffic and
15 monitored it for -- to make sure they were going to appropriate
16 websites. We made had intrusion-detection systems in place
17 that monitored the traffic in real time looking for malware,
18 bots, other things like that that users may be sending out
19 or -- and bringing into the network. In addition, we had other
20 firewall products as well.

21 Q. And did those computers that the users had get internet
22 through a cable of some kind?

23 A. Yes.

24 Q. If a user were to unplug the cable from the back of their
25 internet computer and plug it into their DevLAN box, would they

K2aWsch4

David - Direct

1 be able to access the internet through that DevLAN box?

2 A. They probably would be able to. However, we would see
3 that.

4 Q. What do you mean when you say we would see that?

5 A. Websense would catch the workstation names and things, and
6 we would see that on the monitoring that we had.

7 Q. Would a DevLAN computer connecting to the internet be a
8 notable event?

9 A. Yes.

10 Q. Now, you talked about some of the screening that was in
11 place on the internet network. Was some of that screening for
12 malware?

13 A. Yes.

14 Q. Was there any sort of screening in place on DevLAN for
15 malware?

16 A. No.

17 Q. Why not?

18 A. DevLAN was a development network for the explicit purpose
19 of building malware, nation state tools to be used on the
20 internet. Mal -- antivirus, such as McAfee, Norton, things
21 like that, would merely get in the way of the developers' use
22 creating their tools and would cause them time delays and other
23 problems.

24 Q. Now, sir, are you familiar with the term "auditing user
25 activity on a network"?

K2aWsch4

David - Direct

1 A. Yes.

2 Q. What does it mean to audit user activity on the network?

3 A. Auditing user activity is moving or looking at user
4 activity as far as what they do on networks, on domains. It
5 depends on the level of user auditing that you're doing.

6 Q. Are there particular types of files that keep track of user
7 activity?

8 A. Yes. Logs.

9 MR. DENTON: Ms. Hurst, if we could pull up Government
10 Exhibit 1203-38, which is a forensic file from the defendant's
11 DevLAN computer.

12 Q. Sir, before we talk about the content of this, what type of
13 information are we looking at in Government Exhibit 1203-38?

14 A. We're looking at a directory listing of a directory on an
15 ESXi server.

16 Q. And again, putting aside the content, just what type of
17 file is Government Exhibit 1203-38?

18 A. This is a log file.

19 Q. Is this the sort of file that you could use to audit user
20 activity on a system?

21 A. Yes.

22 MR. DENTON: Now, Ms. Hurst, if we could go down to
23 sort of the bottom third of the page and blow up the, I think,
24 seven or so lines that end in dot-log.

25 Q. Sir, do you see there's a list of six files that end in

K2aWsch4

David - Direct

1 dot-log?

2 A. Yes.

3 Q. What types of files are those?

4 A. These are VMware logs. These logs are basically the
5 interaction that the user has with a virtual machine or what
6 the system is doing at the time that log was created.

7 Q. What do you mean when you say logs of what a person is
8 doing with a virtual machine?

9 A. So, it's how they're potentially manipulating the virtual
10 machine: if they're creating snapshots; if they're adding new
11 hardware to the virtual machine; adding memory; adding virtual
12 processors; things of that nature.

13 Q. And that type of information would be recorded in these
14 dot-log files?

15 A. Yes.

16 Q. Is that the kind of information that you would use to audit
17 user activity on virtual machines on DevLAN?

18 A. Yes.

19 MR. DENTON: We're going to come back to this a little
20 bit later.

21 Ms. Hurst, if you could take that down now and go back
22 to 1251, please. Thank you.

23 Q. Sir, let's go to the other side and talk a little bit about
24 the box that's labeled Hickok.

25 A. Yes.

K2aWsch4

David - Direct

1 Q. What is Hickok?

2 A. Hickok was a basic bridge network between EDG's DevLAN
3 network and COG's network. Its express purpose was for the
4 delivery of finished tools for COGs to use in the field.

5 Q. And then down at the bottom there, what is Jira?

6 A. Jira is one of the Atlassian products that is used
7 primarily for creating trouble tickets. It's a help desk-type
8 application, so the thought of Jira being placed in Hickok was
9 that the COG users who were actually using the tools that EDG
10 was producing would be able to write bug reports or create
11 problem tickets, trouble tickets that EDG developers could use.

12 Q. In practice, did Jira get much use?

13 A. No.

14 Q. Why not?

15 A. My understanding was COG did not like it.

16 Q. Now, just looking at some of the arrows here, from the COG
17 network, was it possible for someone from COG to access DevLAN
18 through Hickok?

19 A. No.

20 Q. Why not?

21 A. There was a firewall, if you look above the Hickok box,
22 that controlled access into Hickok. Basically, the firewall
23 was -- created a type of DMZ, if you will, that allowed
24 specific network traffic from the COG network into Hickok but
25 would not allow that traffic to traverse over to EDG's DevLAN,

K2aWsch4

David - Direct

1 and vice versa with EDG's side, which limited IP traffic into
2 Hickok but would not allow it to go past Hickok.

3 MR. DENTON: Let's take a look at that in a little
4 more detail.

5 Ms. Hurst, could you bring up page 4 of Government
6 Exhibit 601, please. And could we blow up just the picture at
7 the top and that paragraph right below it.

8 Q. Starting at the top left, do you see the box that says,
9 "filter all incoming and outgoing traffic"?

10 A. Yes.

11 Q. On the top left there?

12 A. Yes.

13 Q. And there's a bunch of acronyms in that box?

14 A. Yes. Filter all incoming and outgoing traffic. Filter
15 means basically block, so it's the traffic which rides on
16 specific ports, HTTPS, which everybody everyone is familiar
17 with, your web browser with the little green lock. LDAP, which
18 is lightweight directory access protocol, which is used for
19 authentication to the domain controller that was sitting inside
20 Hickok; and SMTP, which is mail traffic. And SSH, was just a
21 secure socket, which is a secure con -- remote console session.
22 Q. And then is the box on the other side for the firewall for
23 the COG network basically the same thing?
24 A. Yes.
25 Q. Is any other traffic allowed on the Hickok network?

K2aWsch4

David - Direct

1 A. No other traffic was logged, and if something else came
2 across, it was logged.

3 MR. DENTON: Ms. Hurst, if we could zoom out and then
4 zoom in on the bottom half of this page, please. And I want to
5 focus on the sentence in the middle of this paragraph, or I
6 guess it's two sentences.

7 Q. Sir, do you see where it says, "Whenever request for
8 sensitive data is made, the Hickok machine will authenticate
9 the user using the appropriate network's SLDAP server?" Do you
10 see that?

11 A. Yes, I do.

12 Q. What does that mean?

13 A. What that means is as users requested -- when they needed
14 to log in to Hickok, for example, if an EDG person was going to
15 be depositing, removing a new tool down to COG, they would log
16 in to the Hickok server, which was Windows domain controller,
17 and they would make a network connection to that Windows share
18 that was on that domain controller and basically copy that tool
19 up to the domain controller. The request for sensitive made is
20 the challenge that the Windows domain controller will request a
21 user name and password to connect to its network services.

22 MR. DENTON: We can take this down for a moment,
23 Ms. Hurst. Thank you.

24 Q. Was Hickok a classified network?

25 A. Yes.

K2aWsch4

David - Direct

1 Q. What level was it classified as?

2 A. My recollection was TSSCI.

3 Q. And what does TSSCI mean?

4 A. Top secret specialized compartmented information.

5 Q. Is there a particular way to mark that a computer is
6 classified?

7 A. Yes. We marked all our computers. It was a color-coded
8 system. Yellow would be SCI or TSSCI. Orange would be top
9 secret. Red would be secret, and yellow -- I don't remember
10 what the color -- confidential.

11 Q. Is the fact that Hickok exists classified?

12 A. Yes.

13 Q. Is the fact that Hickok was an intermediary network that
14 connected COG and EDG classified?

15 A. Yes.

16 Q. Is that something that you would ever discuss with anyone
17 outside the CIA?

18 A. No.

19 Q. Why not?

20 A. It's a need to know. There's no need for anybody, except
21 for the people who needed the system, to know that it was in
22 place. Or the fact that we were bridging two networks, similar
23 classification with different organization, did not need to be
24 advertised or talked about. It was a special-use case.

25 Q. What could happen if someone outside the CIA learned that

K2aWsch4

David - Direct

1 kind of information about Hickok?

2 MS. SHROFF: Objection.

3 THE COURT: Overruled.

4 A. If someone found out about that, it could be used for other
5 folks to subvert a system, to move information between networks
6 that does not need to get moved. It's protecting the two
7 networks.

8 Q. Other than testifying here today, have you ever discussed
9 anything about Hickok with anyone who did not have a security
10 clearance and a need to know?

11 A. No.

12 MR. DENTON: Ms. Hurst, could we put Government
13 Exhibit 1251 back up, please.

14 Q. I want to focus for a moment, sir, on the NetApp file
15 server, kind of in the middle at the bottom of the page. Do
16 you see that?

17 A. Yes.

18 Q. Let's start on the left, with home directories. What are
19 the home directories?

20 A. Home directories were a secure space on the network. It's
21 a network file location for users to store their files.
22 Those -- that file share was backed up to two different
23 devices, NetApps, on the network daily, protecting users' data.

24 Q. Did all DevLAN users have a home directory?

25 A. Yes.

K2aWsch4

David - Direct

1 Q. Did you have a home directory?

2 A. I did.

3 Q. Who could access your home directory?

4 A. Only I could access my home directory.

5 Q. What stopped other users from accessing your home
6 directory?

7 A. Access control lists through Windows Active Directory.

8 Q. Who sets those access control lists?

9 A. I did.

10 Q. As a general matter, was it up to individual users to
11 decide who could access their home directories?

12 A. Yes.

13 MR. DENTON: Let's go over to the right and go back to
14 the Altabackups for a moment.

15 Q. How were the actual backup files in the Altabackups
16 created?

17 A. They're created by the Atlassian products themselves and
18 saved to the Altabackup through network connections to each
19 server to Altabackup.

20 Q. How often were those backups created?

21 A. They were created daily.

22 Q. Are you familiar with the term "mounting"?

23 A. Yes.

24 Q. What does mounting mean?

25 A. Mounting is referring to a network resource for Linux

K2aWsch4

David - Direct

1 called NFS, network file system. It is used for Linux servers
2 to connect to, similar to home directories on Windows for file
3 sharing, things like that nature.

4 Q. And were the Altabackups in the NFS system?

5 A. Yes.

6 Q. Were the Altabackups mounted anywhere?

7 A. They were mounted to the Atlassian servers.

8 Q. When you say they were mounted to the servers, did anyone
9 who had access to the Atlassian product have access to the
10 mount points for the backups?

11 A. Yes.

12 Q. What about people who logged in to the Atlassian products
13 through the web service?

14 A. No.

15 Q. So if you could just explain that in reverse, what did you
16 have to have access to in order to have access to the mount
17 points?

18 A. So, the mount points are a Linux feature. You needed to
19 log in to the actual operating system, the Linux operating
20 system, in order to see those, to make those connections and to
21 view those actual mount points within the terminal connections
22 in the Linux servers.

23 Q. Are you aware of anywhere that those Altabackups were
24 mounted other than within the Atlassian product servers?

25 A. No.

K2aWsch4

David - Direct

1 MR. DENTON: I want to talk for a moment about how
2 mount points are created.

3 Ms. Hurst, could we pull up Government Exhibit 1202-8,
4 which is another forensic file from the defendant's DevLAN
5 computer, and if we could blow up the text at the top there.
6 We can do the whole text section, please. Thank you.

7 Q. I want to start closer to the bottom here. Do you see
8 where it says, "message NFS mounts 10.3.1.70:/Altabackup
9 failed"?

10 A. Yes.

11 Q. What does that mean?

12 A. That's a, basically an access deny from the mount point --
13 the mount was requested, was denied by the NFS server.

14 Q. So here, what is the NFS server that we're talking about?

15 A. The NFS server is the Atlassian -- or, excuse me. The NFS
16 mount point was on the NetApp file server.

17 Q. And do you see the next sentence that says, "check that the
18 export exists and that the client is permitted to mount it"?

19 A. Yes.

20 Q. What does that mean?

21 A. So, what that means, within NFS, you have to define which
22 IP addresses or hosts are allowed to connect to it. It's
23 called -- it's part of what is called the export policy.

24 Q. Now, if we go up from that about ten lines or so, do you
25 see the line that starts "key VOB VMFS NFS mount error perm

K2aWsch4

David - Direct

1 denied"?

2 A. Can you reread that for me -- oh, I see it now, yes.

3 Q. Do you see that line?

4 A. I do.

5 Q. If you'd do me a favor, can you try and see if you could
6 just circle that on your screen there.

7 At the end there, where it says perm denied, what does that
8 mean?

9 A. Permission denied.

10 Q. And I think you started to describe this before, but how
11 are permissions controlled on an NFS-shared directory like the
12 Altabackups?

13 A. Unlike Windows, NFS permissions are controlled by IP
14 address. Individual -- you can control them by individual IP
15 addresses, specific machines, or you can define networks. It's
16 pretty flexible how you can do it within the NetApp.

17 Q. So based on what we're looking at here in Government
18 Exhibit 1202-8, what does that tell you about sort of this
19 particular machine and its permissions to access the
20 Altabackups?

21 A. It did not have access. It was not allowed to connect.

22 Q. Just to be clear, did you set the permissions on the
23 Altabackups?

24 A. I did not.

25 Q. Do you know exactly what the permissions were?

K2aWsch4

David - Direct

1 A. I do not.

2 MR. DENTON: Ms. Hurst, if we could go back to 1251
3 for a second.

4 Q. Again, just focusing on the NetApp file server down at the
5 bottom, we've got on sort of the left of the middle, the home
6 directories and the Altabackups. Do you see that?

7 A. Yes.

8 Q. Was it possible for a DevLAN user to get from their home
9 directory to the Altabackups?

10 A. No.

11 Q. Why not?

12 A. They're two different IP addresses on the network. They're
13 two different protocols or different file systems, so if you
14 were to look at let's just say your Windows computer, for
15 example, and you opened up file explorer, you could only see
16 your home directory from the network connection. Windows does
17 not understand how to use NFS and could not make a connection
18 to it.

19 MR. DENTON: We can take that down, please. Thank
20 you.

21 Q. Sir, when you were a system engineer in ISB, what days of
22 the week did you typically work?

23 A. I worked Monday through Friday.

24 Q. Was there ever a time when you were asked to come into work
25 on a Saturday?

K2aWsch4

David - Direct

1 A. Yes.

2 Q. Do you remember that day?

3 A. I do.

4 Q. Was it notable?

5 A. Very.

6 Q. What were you asked to do at the time you came into work on
7 a Saturday?

8 A. We were asked to change administrative control of all
9 software and hardware services for all the Atlassian products.

10 Q. Who asked you to do that?

11 A. Anthony and Jeremy.

12 Q. Did you have an understanding of why you were being asked
13 to change all the controls on the Atlassian products?

14 A. Not specifically, but we were told there were some problems
15 with some developers.

16 Q. Were you told any developers in particular?

17 A. Yes.

18 Q. Who?

19 A. Josh Schulte.

20 Q. Did you, in fact, change the administrative permissions to
21 Atlassian that day?

22 A. Yes.

23 Q. We're going to walk through that in a little detail in a
24 minute, but just generally speaking, what did you have to do to
25 change the administrative permissions on Atlassian?

K2aWsch4

David - Direct

1 A. It was basically a three-phase approach. Our first task
2 was to change the SSH keys on the operating system side of each
3 of the Atlassian servers, creating new SSH keys and deleting
4 old ones to -- this is the ability to connect in via SSH to
5 remote, run a remote console on each of the servers.

6 Our next phase was to change the Active Directory, excuse
7 me, users that had administrative control over the software
8 application side of Atlassian.

9 And finally, our last step was to go and change the local
10 administrator passwords of the Atlassian products from the
11 initial default users that were set up when you set up
12 Atlassian for the first time.

13 Q. Now, who had administrative control of Atlassian at this
14 time?

15 A. Prior to us changing or after us changing?

16 Q. Prior to you changing anything.

17 A. Prior to us changing was Josh Schulte, Jeremy and Patrick.

18 Q. Now, was Patrick working at the CCI office at this time?

19 A. No.

20 Q. Where was he working?

21 A. He was overseas. I don't even recall which office he was
22 in.

23 Q. When you went to make these administrative changes, were
24 you alone?

25 A. No.

K2aWsch4

David - Direct

1 Q. Who else was with you?

2 A. Tim and Jeremy.

3 Q. Who's Tim?

4 A. Tim was my colleague in ISB who was another system --
5 systems engineer.

6 Q. And why was Jeremy with you?

7 A. Jeremy had all the institutional knowledge on how Atlassian
8 was set up. He had the greatest familiarity with the product
9 and how to make these changes.

10 Q. I want to walk through this process step by step. First,
11 did you take any precautions in case there were problems with
12 the changes you were making?

13 A. Yes. We made backups of all the Atlassian,
14 Atlassian-affected products.

15 Q. What kind of backups did you make?

16 A. So, for Stash, which was a physical server, it was running
17 to the Atlassian applications. One was Stash. One was Crowd.
18 Crowd did not need to be backed up or changed. It was -- did
19 not need to be backed up. It was connected. Its sole purpose
20 was just a connection to act as directory for authentication.

21 Stash was an application running on a physical server, so
22 we created a backup of the file direct -- file, the primary
23 directory, which held all Stash's settings and, I believe, code
24 as well as the database that was used for the configuration of
25 Stash.

K2aWsch4

David - Direct

1 MR. DENTON: Ms. Hurst, if we could go to Government
2 Exhibit 1207-85.

3 Q. Do you recognize what we're looking at here?

4 A. Yes. We're looking at my home directory.

5 Q. And do you see the two folders labeled Stash and Stash
6 BKU=4-16-16?

7 A. Yes.

8 Q. Do you recognize those?

9 A. I do.

10 Q. What does the 4-16-16 indicate?

11 A. 4-16-16 is the date which he we took the backups.

12 Q. Is that also the day you made the administrative changes?

13 A. Yes. This would be the backup we made prior to making any
14 of those administrative changes.

15 MR. DENTON: Ms. Hurst, could we bring up, if it's
16 possible, at the same time Government Exhibits 1207-86 and
17 1207-87. Can we just blow up the text portions of those pages,
18 please.

19 Q. Sir, what are we looking at here in 1207-86 and 1207-87?

20 A. Right now we're looking at the backup folders on my
21 personal home directory. One is, on the left, is the Stash DB,
22 which is the database, a backup of the actual Stash database.
23 And the one on the right is a copy of the Stash home directory,
24 which is a compressed directory of a whole bunch of directories
25 and files. It's compressed into one file for ease of

K2aWsch4

David - Direct

1 management.

2 Q. Why did you store these files in your home directory?

3 A. They're sensitive, and we did not want them to be anywhere
4 where anyone else could get them.

5 Q. Who did have access to them in your home directory?

6 A. Only me.

7 Q. What prevented someone else from accessing them in your
8 home directory?

9 A. Windows Active Directory permissions.

10 Q. Did you save a copy of Stash anyplace else?

11 A. I believe we made an off-line copy onto a hard drive.

12 Q. Why did you do that?

13 A. That was at the request of Jeremy for archival purposes
14 just in case something happened to the system.

15 Q. Where did you keep that hard drive?

16 A. I kept that in a safe for a while at my desk, and then I
17 think it was locked in my desk cabinet after I got rid of the
18 safe.

19 Q. Is your office secured in any way?

20 A. Yes. It was one of the smaller offices within the CCI
21 office. We only had about six people in the office.

22 Q. Other than Stash, did you do anything to make backups of
23 other parts of the Atlassian products that day?

24 A. Yes. The other parts of the Atlassian suite were running
25 on OSB's ESXi server as virtual servers.

K2aWsch4

David - Direct

1 Q. And what do you do to make a backup of a virtual server?

2 A. The way we make copies is we shut down the actual virtual
3 server and make what is called a snapshot, which is a picture
4 of that virtual machine as it stands at that moment.

5 MR. DENTON: Ms. Hurst, could we bring up Government
6 Exhibit 1207-92, please, and if we could blow up the ten or so
7 lines in the middle that start with snapshot 1.

8 Q. Now, sir, do you see, I think it's the fifth line -- sorry,
9 fourth line down that says "snapshot1:displayName = BKUP
10 4-16-2016"?

11 A. I do.

12 Q. Do you recognize that?

13 A. I do.

14 Q. What is that?

15 A. That is the backup that I made of the Confluence server
16 prior to us changing administrative controls.

17 Q. What is stored in a snapshot?

18 A. The snapshot is everything how that system was at that date
19 and time prior to making any changes to it, so it is a -- just
20 as a snapshot seems, it is a picture. It's everything about
21 that server, how it's running. It is the actual server at that
22 date and time.

23 Q. Now, you said that part of what you were being asked to do
24 that day was change administrative permissions. Are
25 administrative permissions something that is stored in a

K2aWsch4

David - Direct

1 snapshot?

2 A. Yes.

3 Q. What about passwords?

4 A. Yes.

5 Q. Are they stored in a snapshot?

6 A. Yes, they are.

7 Q. What about SSH keys; are they stored in a snapshot?

8 A. Yes.

9 Q. In the snapshot you took labeled "BKUP 4-16-2016," who had
10 administrative access to Confluence?

11 A. The previous Atlassian administrators.

12 Q. And who was that?

13 A. That was Josh Schulte, Jeremy and Patrick.

14 Q. How do you use a snapshot?

15 A. How I use a snapshot in my duties as a system
16 administrator, network administrator, is we use snapshots prior
17 to making major changes to systems: patches, upgrades, other
18 types of network changes that may cause a server to go down and
19 be unable to come back up. A snapshot will reverse all those
20 changes instantaneously, and your server will be reverted back
21 to its original state prior to you making any changes.

22 Q. In system engineering, is it a big deal to use a snapshot?

23 A. Yes.

24 Q. Why?

25 A. We use it for backups, and it is -- the only time we revert

K2aWsch4

David - Direct

1 to that snapshot if there is a problem.

2 Q. After you took the precautions that you've described on
3 April 16, 2016 --

4 MS. SHROFF: Objection to Mr. Denton testifying.

5 MR. DENTON: He just described it, your Honor.

6 THE COURT: He was just repeating what the witness
7 said.

8 MS. SHROFF: Exactly.

9 THE COURT: OK. Go ahead, Mr. Denton.

10 BY MR. DENTON:

11 Q. After doing the things you just described, did you make
12 changes to the administrative controls for Atlassian?

13 A. Yes.

14 Q. What did you do first?

15 A. First thing we did was to change the SSH key that you log
16 in to that server with. The next thing that we did was --

17 Q. Let me stop you there for a second. What is an SSH key?

18 A. SSH key is a certificate basically that is generated by the
19 system that you use to log in to that system with
20 administrative control.

21 Q. And what does SSH stand for?

22 A. Secure socket -- I forget what the H means, but --

23 Q. Generally speaking, at a pretty basic level, how does it
24 work?

25 A. Basically like a command prompt on your Windows computer.

K2aWsch4

David - Direct

1 You will log in across a network to a system, a Linux system,
2 using SSH to perform administrative functions.

3 Q. How do you go about actually changing SSH keys?

4 A. You generate an SSH key either on this -- typically, we
5 generate it on the Stash server, and then you log in to each of
6 the other Atlassian servers, and you tell that server you're
7 going to log -- this is the new administrative key that's going
8 to be used for log-in.

9 Q. After you generated new key, did you do anything to get rid
10 of the old keys?

11 A. We deleted them.

12 Q. Were the keys that you deleted stored in the snapshot BKUP
13 4-16-2016 that we looked at a moment ago?

14 A. Yes.

15 Q. Now, you said earlier, I think, that Jeremy Weber was with
16 you. Is that right?

17 A. That is correct.

18 Q. Was he there with you when you changed the SSH keys?

19 A. He was in the room, but not in front of the terminal.

20 Q. Explain what you mean.

21 A. He walked away from Tim, who was generating the keys at the
22 time -- he walked away while we were generating the keys. Not
23 that you could remember the key, like they took up most of the
24 computer screen. The SS key -- SSH keys, excuse me, were
25 protected and only put in one place that only Tim and I could

K2aWsch4

David - Direct

1 get to.

2 Q. So after you changed the SSH keys, what did you do next?

3 A. The next thing we did was log in to Active Directory. We
4 created a new Atlassian admins group, which we put Tim's --
5 Tim's username and my username into that new group. We then
6 removed -- we checked that we could log in with administrative
7 credentials in the Atlassian suite. Upon doing that we removed
8 the other three admins.

9 Q. Was the defendant one of the people you removed?

10 A. Yes.

11 Q. Were those administrative permissions stored within the
12 snapshot that's on the screen?

13 A. No. They were stored in Active Directory.

14 Q. Were the old permissions stored in the snapshot that's on
15 the screen?

16 A. The old local administrators were.

17 Q. I think you said there was a three-step process?

18 A. Yes.

19 Q. What was the last step?

20 A. The last step was when you install Atlassian, any of their
21 applications, you have to set up a local administrator. We set
22 up our local administrators' specific names as, for example,
23 Confluence admin, Stash admin, Bamboo admin. These are local
24 admins that have separate usernames -- or separate passwords,
25 not tied to the Windows Active Directory domain, that allowed

K2aWsch4

David - Direct

1 you to log in to each of the individual boxes with
2 administrator credentials -- applications. Excuse me.

3 Q. Other than doing that, was there anything else that you did
4 that day?

5 A. No. That was it.

6 MR. DENTON: Ms. Hurst, if we could go back to 1251
7 for a second, please.

8 Q. I just want to make sure I understand here and kind of go
9 around the corner. Starting in the top left, what changes did
10 you make to Confluence on April 16, 2016?

11 A. We changed the SSH keys, the local administrator password
12 and the domain pass -- the domain users that have
13 administrative credentials to get on to the server.

14 Q. What about for Bamboo?

15 A. The same thing.

16 Q. Stash?

17 A. Same thing.

18 Q. Crowd?

19 A. Yeah, same thing.

20 Q. And Jira?

21 A. Same thing.

22 Q. Did you make any changes to the Hickok server that day?

23 A. No.

24 Q. Why not?

25 A. It was an existing Windows Active Directory. There were

K2aWsch4

David - Direct

1 already defined domain admins. I think there were two or
2 three. I don't remember specifically. I was one of them, and
3 there was already controls. Everyone else on the Hickok server
4 itself were regular users.

5 Q. What about the Stash server; did you make any changes to
6 the Stash server that day?

7 A. The only Stash -- the only changes we made to the Stash
8 servers were to change the SSH keys that logged in to it.

9 Q. Did you make any changes to the OSB ESXi server that day?

10 A. We did not.

11 Q. Why not?

12 A. That was not our server. There was a development resource
13 for the OSB branch. It contained a number of other virtual
14 machines on it they used for their testing and development of
15 code.

16 Q. Did you control who had administrative access to the OSB
17 ESXi server?

18 A. I did not.

19 Q. Let's move forward and talk a little bit about the next few
20 days for a moment, sir.

21 MR. DENTON: Ms. Hurst, could we bring up Government
22 Exhibit 1064, and if we could just zoom in on the sent to and
23 from information for a moment.

24 Q. Sir, who sent this email?

25 A. Anthony.

K2aWsch4

David - Direct

1 Q. And who did he send it to?

2 A. He sent it to everybody in the AED division and to our
3 group, ISB.

4 Q. Did you receive this email?

5 A. I did.

6 Q. When was this email sent?

7 A. This email was sent April 18.

8 Q. Of what year?

9 A. Of 2016.

10 Q. When was that in relation to when you made the
11 administrative changes to the Atlassian products?

12 A. This was two days after we made the changes on a Saturday.
13 This was a Monday.

14 Q. What was the subject line of this email?

15 A. Update to Atlassian products/admins.

16 MR. DENTON: If we could zoom out, Ms. Hurst, please,
17 and blow up, I think it's the second full paragraph.

18 Q. I want to ask you about the last full sentence on this page
19 that starts: "Therefore, to ensure that everyone in EDG was
20 not affected while this transition was being made, SED/ISB
21 personnel transferred all system admin responsibilities across
22 all Atlassian products to SED/ISB." Do you see that?

23 A. I do.

24 Q. What do you understand that to be referring to?

25 A. That is recapping everything we did on Saturday with

K2aWsch4

David - Direct

1 changing all the administrative controls from the previous
2 developer administrators of Atlassian to Tim and myself -- and
3 I were the named new admins for Atlassian.

4 Q. Down below where it says "removing local admin rights from
5 all local AED branch system admins," was that also part of what
6 you did on Saturday?

7 A. Yes, that was Active Directory piece of it.

8 Q. And again, who were the local AED branch system admins that
9 you removed?

10 A. That would be Joel Schulte. That would be Jeremy and
11 Patrick.

12 Q. Now, you said that Jeremy was with you that Saturday. Is
13 that right?

14 A. Correct.

15 Q. Did you tell the defendant before removing his
16 administrative privileges?

17 A. No.

18 Q. Why not?

19 A. That was at the request of Anthony, that we needed to do
20 this quickly so there wouldn't be any problems.

21 Q. What do you mean by so there wouldn't be any problems?

22 A. People going into the system and making back doors, other
23 accounts that we may not have identified to log in to the
24 system to make changes.

25 (Continued on next page)

K2A3SCH5

David - Direct

1 MR. DENTON: If we can zoom out, Ms. Hurst, please,
2 and just look at the next paragraph.

3 Q. I'm sorry, I think you may have said this before. Where it
4 starts out, "As a result of this change there are now two
5 people in SED/ISB who will maintain and update the Atlassian
6 suite," do you see that?

7 A. Yes, I do.

8 Q. Who were those two people?

9 A. That was Tim and myself.

10 Q. As of April 18, 2016, did the defendant have any
11 administrative role with respect to Atlassian at all?

12 A. No.

13 Q. Then, down at the bottom here, sorry. If we can just blow
14 that paragraph up again. Thank you.

15 Do you see the -- I guess it is the second sentence
16 from the end, it says, "As a result, if you have problems or
17 concerns, please chat with the folks in SED/ISB."

18 A. Yes.

19 Q. During the week that follows you making these
20 administrative changes to Atlassian, did anyone contact you
21 with problems or concerns about how the system was functioning?

22 A. No. I think we had maybe a few calls or a few items that
23 people needed to change on their individual projects within
24 Atlassian. Typical stuff, administrative stuff, nothing like I
25 can't do my work or anything like that. I remember it being

K2A3SCH5

David - Direct

1 pretty uneventful.

2 Q. Were you aware of any malfunctions in the Atlassian
3 products in the weeks that followed?

4 A. No.

5 MR. DENTON: Ms. Hurst, if we can then go to Exhibit
6 1069 please. Let's blow up the part at the top.

7 Q. When was this e-mail sent?

8 A. This was sent Wednesday, April 20, 2016.

9 Q. Again, when was that in relation to you making changes to
10 remove administrative access from people in Atlassian?

11 A. This was the Wednesday following the Saturday we made the
12 changes.

13 Q. Who sent this e-mail?

14 A. Robert, who was our branch chief of ISB.

15 Q. Who did he send it to?

16 A. He sent this to everyone in the EDG group, and cc'd our
17 branch, ISB.

18 Q. So did you receive this e-mail?

19 A. I did.

20 Q. What's the subject of it?

21 A. "Atlassian suite maintenance, Monday the 25th of April
22 between 6 a.m. and 10 a.m."

23 MR. DENTON: If we can zoom out and take a look at the
24 actual text here.

25 Q. Can you read the first line of the e-mail.

K2A3SCH5

David - Direct

1 A. "On Monday, April 25, from 6 a.m. to 10 a.m. hours, the
2 Atlassian suite, in particular the Bamboo and Confluence
3 servers, will be unavailable due to maintenance."

4 Q. Sorry. Could you keep going, read the next one.

5 A. "SED/ISB will be transferring the data to the new
6 servers/hardware to bring DevLAN Atlassian suite under SED/ISB
7 configuration management in accordance with EDG best
8 practices."

9 Q. What does that mean?

10 A. We were bringing the virtual servers from the OSB ESXi
11 server, which we did not control, over to the ISB controlled
12 ESXi server.

13 Q. Was that something you were involved in?

14 A. Yes.

15 Q. Was it important for ISB to control the hardware that the
16 Atlassian products were running on?

17 A. Yes.

18 Q. Why?

19 A. Even if you did not have access to the virtual server, you
20 can still manipulate that virtual server. You can copy it, you
21 can revert it back to snapshots if they're available. You
22 don't physically or virtually have control of that server.

23 Q. Did you ultimately move the Bamboo and Confluence servers
24 described here on to hardware controlled by ISB?

25 A. Yes.

K2A3SCH5

David - Direct

1 Q. When did you do that?

2 A. We did that, as the e-mail stated, which was the 25th of
3 April.

4 MR. DENTON: If we can zoom out for a moment,
5 Ms. Hurst.

6 Q. What time was this e-mail sent?

7 A. This e-mail was sent on April 20, at 3:58 p.m.

8 Q. I want to focus on that day and the next couple hours for a
9 little bit.

10 Sir, when you leave work for day, how do you get out
11 of the CCI office building?

12 A. I badge out through a turnstile in the first floor to go to
13 the parking lot.

14 MR. DENTON: Ms. Hurst, if we can bring up Government
15 Exhibit 113, please. And if we can zoom in on last two or
16 three lines down at the bottom there.

17 Q. So, let's start with the second line from the bottom. What
18 date and time is this record from?

19 A. This record is from 4/20/2016 at 4:46.

20 Q. You see right in the middle of the page where says CCI
21 office 9E79?

22 A. Yes, that was our office. Excuse me. That is our server
23 room.

24 Q. Did you also have an office?

25 A. Yes.

K2A3SCH5

David - Direct

1 Q. Where was that located?

2 A. It was 9E78, directly across the hall.

3 Q. What was the layout of your office like?

4 A. It was a pretty small office. It only had -- I think six,
5 six or seven people sitting in there at the time. And right
6 next to it we had a decent sized area for storage.

7 Q. Focusing on what's here at 9E79. Was your server room what
8 is known as a vault?

9 A. Yes.

10 Q. What does that mean?

11 A. Vault is individually alarmed and access controlled.

12 Q. Where it says here first to the left of that, close, and
13 then to the right, system arm/disarm command accepted.

14 What does that indicate?

15 A. That indicates that I alarmed the server room.

16 Q. Are there particular circumstances when you are supposed to
17 alarm a vault?

18 A. Yes, when you leave for the day and there is no one else
19 there. Our server room, our server room did not have any desks
20 or anything in it. So, it was our policy to, any time we
21 needed to go in the server room to unalarm, go in and do our
22 work, and then when we left, we would alarm it and spin the
23 combination lock off.

24 Q. You said when there was no one else in there; is that
25 right?

K2A3SCH5

David - Direct

1 A. That is correct.

2 Q. Was that true for your office as well?

3 A. Yes.

4 Q. How would you know if there was anybody else in there?

5 A. You would ask. I mean, it was pretty easy to tell. It was
6 only about six or seven of us sitting in there.

7 Q. Were you supposed to lock a vault if anybody else was
8 inside?

9 A. No.

10 Q. So, then let's go down and look at the entry below that.
11 For April 20, 2016, 16:52, do you see that?

12 A. Yes.

13 Q. Where it says exit CCI office spindle?

14 A. Yes.

15 Q. What does that indicate?

16 A. The spindle represents the turnstile that we walked through
17 after we badge out. This turnstile will release the lock and
18 we can walk through and then it locks behind us.

19 Q. So what time did you leave the CCI office on April 20,
20 2016?

21 A. 4:52 p.m.

22 Q. Was that typical for you?

23 A. That was typical for me.

24 Q. As a general matter, was there a typical time around which
25 people tended to leave the office?

K2A3SCH5

David - Direct

1 A. Yes.

2 MS. SHROFF: Objection.

3 THE COURT: Overruled.

4 A. Yes.

5 Q. About when was that?

6 A. We had people that stayed typically 5, maybe 6 o'clock.

7 Q. So, staying on April 20, sir, I'd like to show you what's
8 in evidence as Government Exhibit 1203-25. This is a forensic
9 file recovered from the defendant's DevLAN work station. And
10 before we zoom in on this, do you recognize what type of
11 information we're looking at here?

12 A. Yes, we're looking at a -- a log file from an ESXi server.

13 Q. How do you recognize it?

14 A. I recognize this by some of the nomenclature used in it.
15 VMX, snapshot, work, some of the other files such as V
16 automation. These are all typical verbiage used with
17 associated with ESXi.

18 Q. Just starting at the very top here. You see where it
19 starts 2016-04-20T?

20 A. Yes.

21 Q. What does that first set of numbers indicate?

22 A. The 2016-04-20T is the date and the time is 21:30. And the
23 Z at the end of it is zulu, which is Greenwich Mean Time.

24 Q. Roughly what is the difference between Greenwich Mean Time
25 and Eastern time?

K2A3SCH5

David - Direct

1 A. Depending on the time of year, it's four or five hours
2 minus.

3 MR. DENTON: So, Ms. Hurst, if we can then zoom in on
4 the part that's highlighted in black.

5 Q. And sir, can I ask you to take a look at the first line
6 that ends in "initiated lazy snapshot BKUP:3.

7 A. Yes.

8 Q. What does that indicate?

9 A. That's creating a snapshot of a virtual machine.

10 Q. Are you able to tell what virtual machine?

11 A. Yes. Two lines down it indicates that it's the Confluence
12 virtual machine.

13 Q. Did you make any snapshots of Confluence on April 20, 2016?

14 A. No.

15 Q. Did the defendant have any administrative responsibilities
16 for Confluence on April 20, 2016?

17 A. No.

18 Q. We can move on from there. Sir, I'd like to show you
19 what's in evidence as Government Exhibit 1202-18. This is
20 another forensic file from the defendant's DevLAN work station.
21 Again, before we zoom in, do you recognize what type of
22 information we're looking at here?

23 A. Yes, this is another VMR log.

24 Q. How do you recognize it?

25 A. By the words used in the logging. So things like VMX and

K2A3SCH5

David - Direct

1 virtual machine summary, quick stats. Some of the other ones
2 are a little blurry.

3 Q. So starting with the top line that's highlighted in black.
4 You see where it says 2016-4-20, 35:37?

5 A. Yes.

6 Q. There's no Z at the end of that. What does that indicate
7 to you?

8 A. That it's Eastern Standard Time or local time.

9 Q. So what time is this first entry here?

10 A. This is at 5:35 p.m.

11 Q. What does that entry say, sir?

12 A. "Confirm current state of the virtual machine will be lost
13 unless it has been saved in a snapshot. Revert to snapshot
14 BKUP 4-16-2016.

15 Q. I think you explained a little bit about this, but what
16 does it mean to revert to snapshot?

17 A. It means to go back in time, in this case, to April 16,
18 2016, and bring that virtual machine up as it was that day.

19 Q. Right before that, it says "Current state of the virtual
20 machine will be lost unless it has been saved in a snapshot."
21 Do you see that?

22 A. Yes.

23 Q. Had the current state of the virtual machine been saved in
24 a snapshot?

25 A. Not that I was aware of.

K2A3SCH5

David - Direct

1 Q. What does the rest of the file highlighted in black here
2 show, if you can just summarize?

3 A. So, these are just referring to all the stages that it goes
4 through to revert the snapshot. You see it references the
5 actual ESXi server specifically, osb.devlan.net. As we work
6 our way through, it's pulling some statistics, it's doing some
7 of the things. Towards the bottom it finishes its revert.

8 Q. Was the reversion to snapshot BK 4-16-2016 successful?

9 A. Yes.

10 Q. What time did that reversion complete?

11 A. Several seconds later. 17:35:41.

12 Q. Is that 5:35 p.m.?

13 A. That's 5:35 p.m. About three seconds later.

14 Q. After this reversion was completed at 5:35 p.m., who had
15 administrative control in Atlassian?

16 A. Josh Schulte, Jeremy, and Patrick.

17 Q. Next, sir, I'd like to show you Government Exhibit 1207-27.
18 This is a forensic file from the NetApp. Again, before we zoom
19 in, do you recognize what we're looking at here?

20 A. Yes, we're looking at Confluence database backups from
21 Altabackup.

22 Q. Just in terms of the kind of information that we're looking
23 at, can you explain what the different column headers indicate?

24 A. Sure. We'll work a little backwards on this. The date
25 created is actually when that file was actually created. The

K2A3SCH5

David - Direct

1 date accessed represents the last time someone touched the
2 file, viewed the file, did something with the file potentially.
3 And the date modified was the last time that there were
4 actually changes to that file.

5 MR. DENTON: So Ms. Hurst, if it's possible, I think
6 you've done this before. Can we do the headers at the top and
7 then the files along with the government exhibit sticker.
8 That's perfect, thank you.

9 Q. Sir, do you see a file there that was created on March 3,
10 2016?

11 A. Yes.

12 Q. When was that file last accessed?

13 A. April 20, 2016 at 5:42 p.m.

14 Q. Is that after the reversion to BKUP 4-16-2016 that we were
15 just looking at?

16 A. Yes, it is.

17 Q. About how long after?

18 A. Seven minutes.

19 Q. If we can just zoom out for a moment. Just take another
20 look at it. Just looking at the information on this page, the
21 date modified, date accessed, date created, is there anything
22 that stands out to you about that particular file by comparison
23 to the others on this page?

24 A. All the previous backups except for the March 3, there's
25 been no changes to any of the files. They were created,

K2A3SCH5

David - Direct

1 accessed and date modified all in the same day. Except for
2 March 3, which had a date access of 4/20/2016.

3 MR. DENTON: So then, Ms. Hurst, if we can go to
4 Government Exhibit 1207-30, please, another file from the
5 NetApp. I think here we can just blow up the top five or six
6 lines, that would be perfect. Thank you.

7 Q. Again, sir, do you recognize what we are looking at here?

8 A. Yes, we're looking at the home directory of the Confluence
9 server. The compressed backup file of it.

10 Q. Again, do you see a file that was created on March 3, 2016?

11 A. I do.

12 Q. Which file is that?

13 A. That is the 20160303-0625.TGZ that was modified on March 3,
14 2016, at 6:29 a.m. It say winRAR file. It is 2.5 megs, and it
15 was last accessed on April 20, 2016 at 5:43 p.m.

16 Q. Again, is that after the reversion to BKUP 4-16-2016 that
17 we were just looking at?

18 A. Yes.

19 Q. About how long after?

20 A. About eight minutes from the original reversion.

21 Q. I think you started to say something about this before.
22 But what kinds of things would change the date accessed for a
23 file?

24 A. Things. Copying -- copying, changing, changing the file
25 size, adding to it, things like that. But usually, you'll have

K2A3SCH5

David - Direct

1 a date modified if file size changed. So it typically would be
2 a copy process.

3 Q. Sir, did you access the March 3 back up of Confluence at
4 any time on April 20, 2016?

5 A. I did not.

6 Q. Were you in the CCI office at 5:43 p.m. on April 20, 2016?

7 A. I was not.

8 Q. What about the database file that we were looking at
9 before. Did you access that file at any time on April 20,
10 2016?

11 A. No.

12 MR. DENTON: Your Honor, I'm happy to keep going.
13 This is also a good breaking point if you wanted to stop there.

14 THE COURT: How much longer do you have, Mr. Denton?

15 MR. DENTON: Probably another half hour, 40 minutes.

16 THE COURT: Okay. We're going to break now for the
17 day. Remember the instructions. Don't talk about the case,
18 don't read anything in the newspapers, keep your minds open.
19 See you tomorrow morning at 9 o'clock. Thank you very much.

20 (Jury excused)

21 THE COURT: You can step out.

22 THE WITNESS: Thank you.

23 THE COURT: Please be seated. Anything you want to
24 take up?

25 MR. DENTON: Not from the government, your Honor.

K2A3SCH5

David - Direct

1 THE COURT: You know, he inadvertently gave his last
2 name.

3 MR. DENTON: I think we'll work with Mr. Hartenstine,
4 your Honor.

5 THE COURT: Ms. Shroff, do you have anything?

6 MS. SHROFF: No, your Honor. You have a good
7 afternoon.

8 THE COURT: Same to you.

9 (Adjourned until February 11, 2020, at 9 a.m.)
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