

ACP Hacked Documents

Forensic computer specialists are limited to the last 45 days of computer activity on any given computer. David Cheley was illegally accessing the Near North system for eight months. Cheley used four different desktop computers and one laptop computer during that time. From Near North system records, it is proven that Cheley used his laptop for more than 80% of the time that he was illegally accessing the Near North system. However, Near North was not given access to Cheley's laptop and only given access to three of the four desktops that Cheley used. As a result, Near North was only able to forensically recover a very small percentage of the total number of illegally-obtained documents that were stolen from Near North.

From a severely limited sample, Near North can prove that 106 Attorney-Client Privilege (ACP) documents were stolen from Near North. Recognizing that from August 2001 until late April, 2002, Cheley was accessing the Near North system nearly every single day, and Near North only had access to 45 days of computer activity for 3 of the 5 computers, it is significant that Near North can prove that 106 ACP documents were stolen. Clearly, many more than 106 Attorney-Client Privilege documents were taken from Near North. See attached report of hacked Attorney-Client Privilege documents.

Attorney Client Privilege Hacked Documents

Thursday, November 01, 2001

Date	Time	From	To	Description
11/1/2001	11:39 AM	David Cheley	Near North Email System	ACP, Bachrach Litigation
11/1/2001	11:40 AM	David Cheley	Near North Email System	ACP, Tim Gallagher BOR health care opportunity involving Homer Ryan
11/1/2001	11:42 AM	David Cheley	Near North Email System	ACP, Bob Lohr conversation with Marsh employee

Friday, November 02, 2001

Date	Time	From	To	Description
11/2/2001	1:40 PM	David Cheley	Near North Email System	ACP, Complaint against Lori Shaw
11/2/2001	1:40 PM	David Cheley	Near North Email System	ACP, Dave O'Gara, Sherri Stanton re: Andrew Canning
11/2/2001	1:40 PM	David Cheley	Near North Email System	ACP, Dave O'Gara, Sherri Stanton additional info re: Andrew Canning
11/2/2001	1:41 PM	David Cheley	Near North Email System	ACP, Attached Lori Shaw complaint
11/2/2001	1:41 PM	David Cheley	Near North Email System	ACP, "Due Dilligence" memo from Sherri Stanton, reporting compliance

Tuesday, November 06, 2001

Date	Time	From	To	Description
11/6/2001	9:19 AM	David Cheley	Near North Email System	ACP, 10/29/2001, Matt Walsh Jupiter Solicitation
11/6/2001	9:21 AM	David Cheley	Near North Email System	ACP, Bachrach BOR Business

Thursday, February 19, 2004

ATTORNEY-CLIENT PRIVILEGED WORK PRODUCT

Monday, November 12, 2001

Date	Time	From	To	Description
11/12/2001	12:33 PM	David Cheley	Near North Email System	ACP, Stuart Korshak, Bachrach litigation, Subject: Stan Stevens/AON
11/12/2001	12:33 PM	David Cheley	Near North Email System	ACP, Sherri Stanton, AIG Transaction, partnership agreements incl. MS investments
11/12/2001	12:34 PM	David Cheley	Near North Email System	ACP, Terms for AIG transaction, "Significant Subsidiaries"
11/12/2001	12:35 PM	David Cheley	Near North Email System	ACP, term sheets, lawyer communications
11/12/2001	12:35 PM	David Cheley	Near North Email System	ACP, MS to Lipton, RE: Bartholomay
11/12/2001	12:37 PM	David Cheley	Near North Email System	ACP, Kim Auchstetter, Matt/Dana, Sony
11/12/2001	12:38 PM	David Cheley	Near North Email System	ACP, MS to Sherri Stanton; Subject: AON Litigation Strategy; Tim Gallagher/Pepsi case

Wednesday, November 14, 2001

Date	Time	From	To	Description
11/14/2001	1:38 PM	David Cheley	Near North Email System	ACP, Sherri Stanton to MS, Partnership agreements
11/14/2001	1:39 PM	David Cheley	Near North Email System	ACP, NNNNG Officer's Certificate
11/14/2001	1:39 PM	David Cheley	Near North Email System	ACP, Second Draft NNNNG Schedules (includes Sherri's comments)
11/14/2001	1:41 PM	David Cheley	Near North Email System	ACP, MS to Stuart Korshak, Bachrach damages
11/14/2001	1:41 PM	David Cheley	Near North Email System	ACP, MS to Hales and Lipton, AIG Strategic Issues and Documentation

Monday, November 19, 2001

Date	Time	From	To	Description
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Thursday, February 19, 2004

ATTORNEY-CLIENT PRIVILEGED WORK PRODUCT

11/19/2001	2:28 PM	David Cheley	Near North Email System	ACP, Drafts of AIG documents, Subsidiary Guaranty, Pledge Agreement, Security Agreement
11/19/2001	2:28 PM	David Cheley	Near North Email System	ACP, Disability attachment
11/19/2001	2:30 PM	David Cheley	Near North Email System	ACP, changing signatories for Kaercher and THB
11/19/2001	2:31 PM	David Cheley	Near North Email System	ACP, clean blacklined copy of AIG/FFIC Loan Agreement
11/19/2001	2:31 PM	David Cheley	Near North Email System	ACP, Loan Collateral Documents
11/19/2001	2:33 PM	David Cheley	Near North Email System	ACP, Subject: Unfair Competition, CA Insurance, Department of Regulation and Vigorous Pursuit of Filing Complaint
11/19/2001	2:36 PM	David Cheley	Near North Email System	ACP, MS to Sherri Stanton, Nevada Title
11/19/2001	2:38 PM	David Cheley	Near North Email System	ACP, California Employment Department Complaints

Wednesday, November 28, 2001

Date	Time	From	To	Description
11/28/2001	5:55 PM	David Cheley	Near North Email System	ACP, Bachrach litigation, Subject: House
11/28/2001	5:58 PM	David Cheley	Near North Email System	ACP, Grodsky, Bachrach subpoenas
11/28/2001	6:02 PM	David Cheley	Near North Email System	ACP, Bachrach contempt motion
11/28/2001	6:04 PM	David Cheley	Near North Email System	ACP, Stanton, Brinson, Crain's article and Assante
11/28/2001	6:05 PM	David Cheley	Near North Email System	ACP, 11/19/2001, MS To Sherri Stanton;cc. Rakowski, dnovoselsky; Gallagher called Laurence Marx
11/28/2001	6:05 PM	David Cheley	Near North Email System	ACP, 11/19/2001 Tim Gallagher call to Laurence Marx (NAR account)
11/28/2001	6:05 PM	David Cheley	Near North Email System	ACP, 11/12/2001, AON Litigation Strategy; Tim Gallagher/Pepsi case

Thursday, February 19, 2004

ATTORNEY-CLIENT PRIVILEGED WORK PRODUCT

11/28/2001	6:05 PM	David Cheley	Near North Email System	ACP, 10/1/2001, Sheila Kelly to Sherri Stanton, MS; Subject: AON; (Confidential File) Jim Carey from McGladrey Pullen and Abrix solicitation by Tim Gallagher
11/28/2001	6:08 PM	David Cheley	Near North Email System	ACP, 11/19/2001 clean draft Loan documents
11/28/2001	6:08 PM	David Cheley	Near North Email System	ACP, 11/19/2001, AIG Loan documents "opinions"
11/28/2001	6:12 PM	David Cheley	Near North Email System	ACP, 11/12/2001, AON Litigation Strategy; Tim Gallagher/Pepsi case
11/28/2001	6:12 PM	David Cheley	Near North Email System	ACP, 8/9/2001, NN August Litigation Report

Thursday, November 29, 2001

Date	Time	From	To	Description
11/29/2001	12:49 PM	David Cheley	Near North Email System	ACP, Sherri response to MS RE: Department of Insurance Conversation
11/29/2001	12:50 PM	David Cheley	Near North Email System	ACP, Stuart Korshak, Bachrach update
11/29/2001	12:50 PM	David Cheley	Near North Email System	ACP, Bachrach litigation, subpoena USI employees
11/29/2001	12:51 PM	David Cheley	Near North Email System	ACP, MS to Sherri Stanton, Department of Insurance Conversation

Friday, December 28, 2001

Date	Time	From	To	Description
12/28/2001	9:52 AM	David Cheley	Near North Email System	ACP, Stanton to Clint Francis and MS; Collateral assignments
12/28/2001	2:14 PM	David Cheley	Near North Email System	ACP, MS to Stanton, Rakowski, Novoselsky; Jupiter/Ross affidavit, complaint to DOJ, Bachrach, etc.

Thursday, February 07, 2002

Date	Time	From	To	Description
2/7/2002	2:41 PM	David Cheley	Near North Email System	ACP, Stanton to Mackey, Francis, Harney, MS; re: Las Vegas

Date	Time	From	To	Description
2/14/2002	8:54 AM	David Cheley	Near North Email System	ACP, MS, Fred Foreman, Clint Francis; Shareholder consent rights
2/14/2002	8:55 AM	David Cheley	Near North Email System	ACP, Lipton's comments on lender's proposed term sheet
2/14/2002	8:57 AM	David Cheley	Near North Email System	ACP, MS to Stanton, resignation from IFG board
2/14/2002	8:57 AM	David Cheley	Near North Email System	ACP, MS to Stuart Shulruff, "Make sure Harvey is kept in the loop"

Date	Time	From	To	Description
3/4/2002	1:46 PM	David Cheley	Near North Email System	ACP, Fred Foreman, NN Board, scanned document attachment
3/4/2002	1:47 PM	David Cheley	Near North Email System	ACP, MS to Harvey Silets, re: civil litigation
3/4/2002	1:49 PM	David Cheley	Near North Email System	ACP, MS to Stanton, Thomas Kelly letter
3/4/2002	1:54 PM	David Cheley	Near North Email System	ACP, MS to Stanton, Confidential File, Dana and Diane Brinson
3/4/2002	1:54 PM	David Cheley	Near North Email System	ACP, 2/28/2002, MS to Novoselsky, Rakowski, Confidential File, Dana and Diane Brinson
3/4/2002	1:54 PM	David Cheley	Near North Email System	ACP, 2/25/02 MS to Stanton, Rakowski, Novoselsky; Lori Shaw/Christie Mattul

*Prior
events*

3/4/2002	1:55 PM	David Cheley	Near North Email System
3/4/2002	1:55 PM	David Cheley	Near North Email System
3/4/2002	5:21 PM	David Cheley	Near North Email System
3/4/2002	5:23 PM	David Cheley	Near North Email System

ACP, 2/25/02 MS to MS, Confidential File, Dana and Diane Brinson

ACP, 2/18/02 also hacked 3/11/02 MS to Harvey Silets, Tim Gallagher VIP list, Bill Redinger solicitation from Ealy

ACP, Stuart Shulruff to MS; Segal Family employment contracts

ACP, _segal2.txt file, contains Shulruff memo, similar file that is found inside the ZIP files sent to Horsmen

Wednesday, March 06, 2002			
3/6/2002	8:37 AM	David Cheley	Near North Email System
3/6/2002	5:37 PM	David Cheley	Near North Email System

ACP, Stephen Mick to MS; Bachrach litigation settlement strategy

ACP, John Krol (from KMZ) to MS and Stuart Shulruff; AIG and PFIC stock transfer

Thursday, March 07, 2002			
3/7/2002	3:15 PM	David Cheley	Near North Email System
3/7/2002	3:16 PM	David Cheley	Near North Email System

ACP, MS forwards to Novoselsky the memo sent to Silets back on 3/4/2002; re: civil litigation

ACP, MS to Stanton, Bartholomay, Harney; Subject: Leinheiser Risk Resources

Friday, March 08, 2002			
3/8/2002	10:39 AM	David Cheley	Near North Email System

ACP, David Schaffer to MS and Kitty Kurth; relates conversation with Steve Rhodes of Chicago Magazine

David Schaffer

3/8/2002	11:16 AM	David Cheley	Near North Email System	ACP, 3/4/02 Robin Segal to Joy Segal; forwarded Howard Pearl email about scheduling time to meet
3/8/2002	11:17 AM	David Cheley	Near North Email System	ACP, 3/5/2002, Stuart Shulruff to Joy Segal and Jon Segal; Segal Properties I Family LLC
3/8/2002	11:25 AM	David Cheley	Near North Email System	ACP, MS to Harvey Silets, Sherri Stanton, Clint Francis, John Harney; Subject: Hales Contact
3/8/2002	11:26 AM	David Cheley	Near North Email System	ACP, 2/1/02 MS to Silets, Stanton, Francis, Harney; Hales Contact
Monday, March 11, 2002				

Date	Time	From	To	Description
3/11/2002	9:56 AM	David Cheley	Near North Email System	ACP, Sherri Stanton to MS, Subject: Complaint against AON, contains Zack Stamp's letter to DOI on behalf of NN
Tuesday, March 12, 2002				

Date	Time	From	To	Description
3/12/2002	9:58 AM	David Cheley	Near North Email System	ACP, MS to Sherri Stanton, "Do you have another copy of the AIG CFO requirement?"
3/12/2002	9:58 AM	David Cheley	Near North Email System	ACP, MS to Sherri Stanton; send Tom McNichols' settlement agreement to Gill Soffer
3/12/2002	9:59 AM	David Cheley	Near North Email System	ACP, MS to Sherri Stanton and PR individuals, Subject: Privileged & Confidential Communication; State of Illinois Unfair Competition Complaint
Wednesday, March 13, 2002				

Date	Time	From	To	Description
3/13/2002	4:31 PM	David Cheley	Near North Email System	ACP, Clint Francis to MS, New Cap Proposal attachment

3/13/2002	5:20 PM	David Cheley	Near North Email System	ACP, 2/20/02 Sherri Stanton to Carol Newman (FFIC), MS, Robin Segal; Re: Near North Board; IFG
3/13/2002	5:21 PM	David Cheley	Near North Email System	ACP, 2/19/2002 email Stuart Shulruff to MS; Subject: employment arrangement; restriction on Segal salaries
3/13/2002	5:22 PM	David Cheley	Near North Email System	ACP, 2/9/2002 email Dick Lipton to MS; Subject: Segal/Company Agreement; Segal resignation and election of new board members
3/13/2002	5:24 PM	David Cheley	Near North Email System	ACP, 2/15/2002 email Larry Kloc to FFIC, AIG, MS; Subject: Monthly Financial Statements
3/13/2002	5:25 PM	David Cheley	Near North Email System	ACP, 2/14/2002 email Stuart Shulruff to MS; Subject: Re: PJ Clarkes
3/13/2002	5:26 PM	David Cheley	Near North Email System	ACP, 2/14/2002 email Mickey Brazeal to MS; Subject: CONFIDENTIAL. WRITTEN AT DIRECTION OF COUNSEL; contains attachments
3/13/2002	5:51 PM	David Cheley	Near North Email System	ACP, 2/20/2002 email Stuart Shulruff to MS, Stanton, Lipton; Subject: Consent; summary of documents needed to be signed

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Monday, March 25, 2002

Date	Time	From	To	Description
3/25/2002	6:52 PM	David Cheley	Near North Email System	ACP, Karen GrUCA to Sherri Stanton, forwards Torneden email and asks for advice
3/25/2002	6:57 PM	David Cheley	Near North Email System	ACP, Stuart Korshak to Harvey Silets, MS, Sherri Stanton; Bachrach settlement agreement
3/25/2002	6:57 PM	David Cheley	Near North Email System	ACP, Sherri Stanton's response to MS, Fred Foreman, Sandy Takiff; Subject: Re: Near North Plan
3/25/2002	6:58 PM	David Cheley	Near North Email System	ACP, Sherri Stanton to MS, Fred Foreman, Takiff, Mr. B; Near North Plan

3/25/2002	6:59 PM	David Cheley	Near North Email System	ACP, Sherri Stanton to Stuart Korshak, MS, Harvey Sliets; proposed Bachrach settlement agreement
3/25/2002	7:01 PM	David Cheley	Near North Email System	ACP, MS to Sherri Stanton, John Harney, Subject: Confidential File, Beth Mineau
3/25/2002	7:01 PM	David Cheley	Near North Email System	ACP, MS to Harvey Sliets and Gil Soffer; requesting status of FBI seized documents, home computers, Joy's checkbooks
3/25/2002	7:01 PM	David Cheley	Near North Email System	ACP, MS to Sherri Stanton, Fred Foreman, Sandy Takiff, Subject: Near North Plan
Friday, April 19, 2002				

Date	Time	From	To	Description
4/19/2002	11:54 AM	David Cheley	Near North Email System	ACP, MS to Harvey Sliets, Subject: Personal & Confidential, Attorney Client Privileged; re: PFTA; mentions Matt, Dana, Tim
4/19/2002	11:55 AM	David Cheley	Near North Email System	ACP, MS to Sherri Stanton, Forwards over David Grossman's contact information
4/19/2002	11:55 AM	David Cheley	Near North Email System	ACP, MS to Gil Soffer; requesting immediate return of seized MS life insurance binder, home computers, checkbooks, W2 petty cash reconciliations, etc.
4/19/2002	4:11 PM	David Cheley	Near North Email System	ACP, MS to Sherri Stanton, Subject: ATTORNEY PRIVILEGED; Dana Berry, Matt Walsh, Tim Gallagher
Monday, April 22, 2002				

Date	Time	From	To	Description
4/22/2002	7:59 AM	David Cheley	Near North Email System	ACP, Sherri Stanton to John Harney, William Bartholomay, Mike Mackey, Jon Segal; Subject: Kanwetz Update

4/22/2002	1:35 PM	David Cheley	Near North Email System
4/22/2002	1:36 PM	David Cheley	Near North Email System
4/22/2002	1:37 PM	David Cheley	Near North Email System
4/22/2002	1:37 PM	David Cheley	Near North Email System
4/22/2002	1:37 PM	David Cheley	Near North Email System

ACP, Sherri Stanton to Roger Torneden, Diane Brinson, MS; Bachrach litigation

ACP, MS to Cindie Jamison; Kaercher Agreement -- Allen Kaercher

ACP, MS to Gil Soffer; Subject: Two prior employees that have been called with helpful information and potential specific information as to our key issues.

ACP, MS to Harvey Silets; Subject: Two prior employees that have been called with helpful information and potential specific information as to our key issues.

ACP, MS to Robin Segal, Harvey Silets; MS statement

Spent
Walter
Mulhern

Tuesday, April 23, 2002			
4/23/2002	10:27 AM	David Cheley	Near North Email System
Wednesday, April 24, 2002			

ACP, Stuart Korshak to MS; Canadian investor and board member

Date	Time	From	To	Description
4/24/2002	10:18 AM	David Cheley	Near North Email System	ACP, Diane Brinson to MS, Sherri Stanton; Grace called looking fo r letter
4/24/2002	10:18 AM	David Cheley	Near North Email System	ACP, Sherri Stanton to John Harney, MS; Subject: DOI Response; contains fax Zack Stamp received from IL DOI
4/24/2002	10:19 AM	David Cheley	Near North Email System	ACP, MS to Harvey Silets; Subject: Michael Stevens Inquiry