



Falsely Accused: A software company is accused of destroying their client's data

The Situation

Our client was a software company accused of selling faulty software. The software package purchased by the plaintiff was designed for use in a specific retail industry. According to the plaintiff's complaint, the defendant's software destroyed the data stored by the plaintiff, causing the business to sustain significant losses. The plaintiff refused to settle with the defendant but insisted that the case go to trial.



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We are a leading provider of computer forensics and e-discovery services for businesses and law firms nationwide. We don't take chances with your data when litigation is a possibility, and proper handling is critical.

The Challenge, Part I: Identify Data Storage

The software package purchased by the plaintiff had a built-in storage feature that created a copy of all the data stored by the software package. Most notably, the software package used separate database software to store and backup the data. Backing up data is a best practice that helps prevent loss of data and was allegedly practiced by the plaintiff.

The Solution

ArcherHall analyzed the contents of the hard drives in order to determine the cause of the data loss. Our investigators examined the database logs and discovered that a Microsoft patch was the cause of the data corruption. Based on this analysis, ArcherHall concluded that the type of error reported would not have been caused by the defendant's software package.

The Challenge, Part II: Identify Cause of Lost Data

The plaintiff claimed that all data related to the software had been backed up. Upon further investigation, our experts revealed that the plaintiff had not installed any other backup software on the computer. The data corruption was not due to the defendant's software. Furthermore, the plaintiff failed to safeguard against loss by backing up the data.

The Solution

An ArcherHall expert witness was questioned by the defense attorney in anticipation of testifying in court. The expert witness was well versed in industry standard computer backup practices. Importantly, the standard practice significantly exceeded the backup processes used by the plaintiff.

The Outcome

After hearing about the discovery and credentials of the ArcherHall expert witness, the plaintiff agreed to settle the case out of court. ArcherHall successfully defended our client because of the ability to preserve and analyze data which proved the defendant was not at fault.