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Attorneys for Defendants

8 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
9 **IN AND FOR THE COUNTY OF MARICOPA**

10 USAMA ABUJBARAH,

11 Plaintiff,

12 v.

13 TOWN OF CAVE CREEK; VINCENT
FRANCIA; ADAM TRENK; MIKE DURKIN;
14 REG MONACHINO; CHARLIE SPITZER;
ERNIE BUNCH and THOMAS McGUIRE,

15 Defendants.

No. CV 2013-011198

**DECLARATION OF BRIAN
POORE**

(Honorable Douglas Gerlach)

16 I, Brian Poore, under oath, state as follows:

17 1. I am over 18 years of age and have personal knowledge of the facts set forth
18 herein.

19 2. I am presently employed by the Town of Cave Creek, Arizona (the "Town") as
20 its IT Coordinator. My duties include maintenance, troubleshooting, and updating of the
21 Town's computers and information systems. I have been employed by the Town since
22 June 9, 2014. Prior to my employment by the Town, I was employed by Phoenix
23 Computer Specialists ("PCS"), which performed routine and other requested maintenance,
24 troubleshooting, and updating of the Town's computers and information systems, pursuant
25 to a contract with the Town. From 2005 to June 2014, including during the time frame
26

1 pertinent to the events discussed below, I was the Account Manager/Primary point of
2 contact assigned by PCS to the Town.

3 3. I am a Microsoft Certified Professional, with CompTIA A+ and Network+
4 certifications. Formerly I was an HP and IBM authorized warranty repair technician with
5 numerous device specific certifications. I have 13 years' experience in installing,
6 maintaining and designing computer systems and networks.

7 4. As the Account Manager assigned by PCS to the Town, I made weekly site visits
8 to the Town's offices to perform any required maintenance, updates, and upgrades on the
9 Town's computers and information systems, and to perform any additional tasks assigned
10 by the then Town Manager, Usama Abujbarah.


11 5. On Wednesday, June 12, 2013, I made my scheduled weekly site visit to the
12 Town and completed the scheduled tasks and those additional tasks I was directed to
13 perform by Mr. Abujbarah. Attached hereto as Exhibit "1" is a true and correct copy of the
14 Service Ticket for the work I performed on Wednesday, June 12, 2013.

15 6. As reflected in the Service Ticket, on June 12, 2013, I prepared the Town
16 computer used by Mr. Abujbarah, for use by an interim Town Manager, saved certain data
17 stored on that computer to a CD, deleted the data files pertaining to Mr. Abujbarah's
18 employee profile from that computer (which was standard practice when an employee left
19 the Town), and deleted Mr. Abujbarah's email account. The programs on that computer
20 were left intact and the computer was ready for use by any other employee of the Town.
21 All of that work was carried out at the specific direction of Mr. Abujbarah. At his request,
22 I gave him the CD containing the data saved from the hard drive on his computer. I did not
23 make any copies of that disk.

24 7. Upon the deletion of Mr. Abujbarah's email account, any existing emails in that
25 account would have been automatically archived to a Town server. However, unless such
26 emails were specifically retrieved and saved within 30 days of the deletion of the email

1 account, the Town would be unable to access those email communications. Mr. Abujbarah
2 did not authorize or direct me to take any actions to preserve the email communications
3 from his Town computer.

4 8. I have recently examined the Town's servers and determined that the emails from
5 and to Mr. Abujbarah's email account were automatically deleted and can no longer be
6 retrieved. Had I been instructed by Mr. Abujbarah to save or permanently archive the
7 emails in that account, I would have been able to do so prior to the expiration of the 30-day
8 period following the deletion of the email account.

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10 _____
11 Brian Poore

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