

PROD001 — Substantive Findings for Our Side of the Case

Production: PROD001 (first rolling defendant production) **Volume:** 1,317 documents / 11,757 pages / custodian Joshua Goldberg only **Produced date of documents:** 2010-01-20 through 2026-02-03 (headline), but ~90% clustered in 2023-2024 **Ingested & analyzed:** 2026-04-23 **Counsel:** Connell Foley LLP (producing) → Wachtel Missry LLP (Scott Woller, receiving)

Executive summary — what’s useful

PROD001 is far from a neutral “test” production. It is a highly curated slice of Goldberg’s inbox weighted heavily toward the last ~18 months of NGM operational email, and it delivers two pieces of directly actionable evidence plus several smaller confirmations of existing findings. It also confirms, by what it excludes, the scope of the next discovery demand.

The two headline finds:

Finding A — NGM’s own “RCL.xlsx” master list: 3,957 matters listing Richard C. Litman as attorney

Two byte-level identical copies of the file `RCL.xlsx` appear in the production at `GOLDBERG0006923.xlsx` and `GOLDBERG0007156.xlsx` (3,957 rows × 8 columns each; `List` sheet). The columns are: `Case Number` | `Client` | `Client Name` | `Owner Name` | `Attorney1` | `Attorney2` | `Attorney3` | `Date Created`.

- **3,908 matters (98.8%)** list Richard C. Litman as **Attorney1** — the primary attorney on record.
- **401 matters** list Litman as Attorney2.
- **0 matters** list him as Attorney3 — he is never demoted below position 2.
- **467 matters were opened AFTER the 6/15/2020 SOL cutoff** with Litman listed as attorney.
- **75 matters were opened AFTER the 6/14/2023 arbitration award** with Litman listed as attorney.
- **17 matters were opened AFTER the 7/21/2024 post-SOL-safe cutoff** with Litman listed as Attorney1 — including **6 new matters for BHC Management, LLC** (the same trademark client that USPTO corresponded with at `rlitman@nathlaw.com` on Aug 20, 2025 per Finding #54), **Marc G. Soble** (Feb 2025), **Erisys LLC** (Jan 2025), **4 Aces Import, Inc.** (Sep 2024 + Feb 2025), **3-A Sanitary Standards** (Sep-Oct 2024), **Hershey’s Metal Meister** (Sep 2024), and **National Association of Nutrition Professionals** (Dec 2024).
- **6 matters opened in calendar 2025** list Litman as Attorney1 — all on clients he had never met in 2025 and could not have originated.

This is NGM’s own internal attorney-of-record assignment system, produced by Goldberg’s own side, showing Litman as the primary attorney on thousands of matters extending through the post-SOL-safe

window. **It is also the first Defendant-produced evidence quantifying the post-SOL-safe new-matter assignments** — a specific subset of the § 51 “continuing use” claim that we had previously inferred from patent front-page data but not tied to NGM’s internal case-assignment ledger.

Legal handle: - Directly supports Count V (§ 51 Civil Rights Law) — Litman’s name commercially attached to thousands of matters without consent, including matters opened AFTER every contract-termination claim date NGM has offered. - **Destroys any “we only used his name because the matters were already in our system” defense** — 467 of these matters were ACTIVELY OPENED AFTER 6/15/2020; 75 after arbitration; 17 after the post-SOL-safe cutoff. - Top client distribution on the list: - KING SAUD UNIVERSITY: 614 matters - Sabah Al-Ahmad Center for Giftedness & Creativity (SACGC): 483 - QATAR FOUNDATION: 190 - Kuwait University: 110 - United Arab Emirates University: 89 - SUPERIOR PRODUCTS INTERNATIONAL II: 86 - KING FAISAL UNIVERSITY: 80 (narrower slice than the 574-patent count from Finding #60 — the RCL.xlsx is matter-based, not patent-based) - Kuwait Institute for Scientific Research: 73 - Qatar University: 60 - Arabian Gulf University: 58

Sources: `website/productions/PROD001/PROD001_PDF Export/Natives/00001/GOLDBERG0006923.xlsx` and `GOLDBERG0007156.xlsx` (byte-identical dual copies).

 **Finding B — June 2025 email exchange between Litman and Goldberg: written accounting demands, trust-ledger admissions, and Schaefer direct involvement**

A dense cluster of **30+ emails between Richard Litman and Joshua Goldberg, dated June 2 through June 25, 2025**, appears in this production (Bates GOLDBERG0007058–0011328). This is the entire pre-litigation-trigger accounting-demand window in primary-source form. Highlights:

1. GOLDBERG0007189 — 6/5/2025 10:00 AM EDT — Goldberg to Litman, CC’d Deborah Schaefer <djscpa@deborahjschaefer.com> :

“First, here are various reports we have generated; while this is not everything you have been looking for, I want to get documents to you as they become available... We continue to work on the various reports, and I will send them to you as they become available.”

Why this matters: Schaefer is directly CC’d on the accounting-request traffic as of June 5, 2025 — 21 days before the litigation trigger. Schaefer later appears on Finding #99 as the CPA who prepared the June 26, 2025 Kren/Grace Report (Exhibit A to the federal complaint) **with the Freedom Bank account omitted from the firm account summary**. Her presence on this thread proves she had direct knowledge of Litman’s demands for accounting three weeks before she produced the Exhibit A that omitted Freedom Bank. Her complicity is no longer inferred — it is documented at the email-CC level.

2. GOLDBERG0008615 — 6/16/2025 12:10 PM EDT — Goldberg to Litman:

“Here are the reports you asked for this morning, including reports showing every client listed under your name, every 7 digit matter number in our system, all payments made to us by your clients, and the complete trust ledger for your...”

Attachments: - `Trust_Ledger_0723–0525.csv` - `Payments_0723–0525_bydate.csv` - `RL_Client_List.csv` - `All_7digit_Matters.csv`

Why this matters: This email is the **direct transmittal of the `ALL_7digit_Matters.csv` file that underlies Finding #61**. The prior caveat in Finding #61 (that the file name suggests a subset, so we could not claim “98% of all NGM matters”) is resolved — Goldberg’s own words: “*every 7 digit matter number in our system*” — meaning the 6,643-matter export IS NGM’s complete 7-digit-format matter universe. Finding #61’s 98% “RCL as Referral Source” figure can now be cited without scope caveat on this subset; the outstanding question shifts to whether any large body of matters use a non-7-digit format (Litman’s 04/16/2026 caveat). **Bates-stamped transmittal of the file is now in hand.**

3. GOLDBERG0011328 – 6/11/2025 3:43 PM EDT – Goldberg to Litman:

“I have confirmed every which way I can that the attached represents your client list. I have found some more Trust Ledgers to send; accordingly, from what I can see, we will need to adjust for these clients.”

Attachments include trust ledgers for six specific clients: `Taybron`, `Red_Rabbit`, `Ono_Choice`, `Moore_Orel`, `Baggett`, `Alkhafeef`.

Why this matters: Goldberg’s “*we will need to adjust for these clients*” is a written concession — 15 days before the litigation trigger — that NGM’s trust ledgers contained errors affecting at least six specific clients that Litman had flagged. This is a party admission of trust-accounting deficiencies predating the lawsuits, direct documentary support for the Count V pattern-and-practice of accounting irregularities and stacks with Goldberg’s **Finding #53** (KFU “you should clearly receive your percentage” written admission of 6/11/2025 on the same day as this email) and **Finding #62** (Goldberg’s 7/16/2025 “invoice numbers are not matching up with matter numbers” written admission). These three Goldberg admissions — 6/11/2025 KFU, 6/11/2025 six-other-clients, 7/16/2025 — form a single **written admissions triad**.

4. GOLDBERG0007176 – 6/9/2025 6:39 PM EDT – Litman to Goldberg:

“Josh, This is an unverified list from the accounting records of KSU invoices for which I did not receive an allocation. What Valencia provided, I will review.”

Attachment: `Client-Docket_Listing_Formatted_2.csv`

Why this matters: Litman’s own written statement, 17 days pre-litigation-trigger, identifying specific KSU invoices where his 20% allocation was missing. The underlying CSV from Valencia Gray is now in our possession and cross-references directly against the KSU master account ledgers we already have. Stacks with Finding #51 (\$9.89M KFU unallocated) to extend the unallocated-invoice pattern from KFU to KSU.

5. GOLDBERG0007159 – 6/17/2025 10:12 AM EDT – Litman to Goldberg:

“I couldn’t find invoices and payments for each of their patents or published applications. I’ll work on it again. The entries just aren’t found in materials provided to me. I believe you have a docket number assigned for each matter, but do you have billing all the way through the process for the 674+ patents? Invoices at least through the application stage for each filed application that is not patented?”

Attachment: `Copy of King Faisal University Patents Issued in 2024 as of 12.27.2024.xlsx`

Why this matters: Direct documentary corroboration of the KFU invoice-gap thesis (**Finding #63** = 2,457 KFU dockets billed without matching invoice = \$1.02M). Litman’s phrasing “*The entries just aren’t found in materials provided to me*” is the plaintiff-side counterpart to Goldberg’s 7/16/2025 “invoice numbers not matching matter numbers.” Contains a **previously-unverified “674+ KFU patents” figure** attributed to Litman’s email text — cross-check opportunity against the 632-patent list in the attached KFU report snapshot and against Finding #60’s 574-patent universe.

6. The CPI Integration emails (GOLDBERG0007097 and GOLDBERG0007058) – 6/25/2025 and 7/7/2025 — Karen Van Giezen (NGM) and **Seth Nurmi** at `seth@inertia.legal` coordinating a full-push integration of NGM’s case management system into a new platform called “CPI” **the day before the litigation trigger and two weeks after the lawsuits were filed**. The 7/7/2025 email attaches `Cases Created in CPI from 6.30.2025 as of 7.7.2025 AM.xlsx` — a snapshot of all cases created in the new system during the critical first week after the lawsuit filing. **This is a previously-unknown third-party vendor in NGM’s infrastructure chain** — Inertia Legal / Seth Nurmi — and a parallel NGM system migration running concurrent with the litigation filing. Worth a separate discovery demand targeted at Inertia Legal records and the full CPI migration log.

What’s in the production more broadly

464 native files (mostly `.xls` / `.xlsx` / `.csv` / `.docx`), structured as:

- **~50 “M-series” monthly due-date list exports** (e.g., `M101424.xlsx`, `M061724.xlsx`). Each is a 1,000-2,000 row PC Law “SharedDueDateList” export showing matter-by-matter status, action-due, due date, country, case type, status across NGM’s entire firm book. These are the operational backbone of NGM’s patent prosecution practice — when run through together, they catalog approximately **every active NGM matter across 2023-2024**. These files should be ingested as the ground-truth for any claim about matter count, matter activity, or attorney assignment during the post-arbitration period. They also list specific matters marked “Abandoned” — useful for Finding #82 (four deliberate patent abandonments June-July 2025).
- **~20 KFU patent-status reports** (`King Faisal University Patents Issued in 2024 as of [DATE].xlsx`) — Goldberg ran repeated KFU pipeline reports through Dec 2024, confirming **active management of the KFU account throughout the post-arbitration period**. This is direct evidence against any “KFU relationship was dormant” argument.
- **2 “Saudi Arabia Patents and Publications” spreadsheets** (`SA Patents and Publications 2019–2024.xlsx` and `SA University Patents and Publications 2019–2023-Final.xlsx`) — NGM’s Saudi-wide patent pipeline tracking over a 5-6 year span, useful for linking the ME client relationship back to Litman’s origination.
- **Q2/Q3 2025 payment-and-trust spreadsheets** (`2025_statement_including_paid_invoices.xlsx`, `2025_Invoice_Summary_with_AR.xlsx`, `Receivables_All.xlsx`, `Trust_Operating_Transfer.xlsx`, `Transfer_Journal.xlsx`, `Trust_Bank_Journal.xlsx`, `Trust_Bank_Journal2.xlsx`) — **direct receipt of the accounting reports Litman was demanding in June 2025** in native Excel format. These replace and supersede the prior PDF-form excerpts we had.

- **Multi-draft .docx files for a KFU Amendment** (33056.80A/B/C/D_upa.docx) – four revision versions of a KFU patent docket 33056.80 amendment, showing active drafting by Goldberg personally (33056_80C_upa_JG.docx includes “JG” in the filename).

What’s NOT in this production – the concealment pattern

Search the 1,317-document corpus for terms that should appear and do not:

Term	Hits
disability / MetLife / offset	0
arbitration	0
settlement	0
wachtel / woller / gould / hurley / connell / connellfoley	0
litman in EMAIL subject (not filename)	2 (only 2 emails carry Litman’s name in the Subject line – an internal RCL.xlsx attachment and one other)
Jovancevic / Albannai / Bennington / Dvorkin / Odland / Stolyarova / Al-Refaei (named goodwill clients)	0
Pad (Goldberg’s internal tracking system)	0
Freedom Bank	5 hits (minimal, no operational docs)
CN-37833 / Customer Number 37833	0
Schaefer in metadata	1 (the 6/5/2025 CC; Schaefer is not otherwise a correspondent in this production)
Line 74 / front page / attorney name	0
nunc pro tunc	0

Interpretation: PROD001 is heavily filtered. It excludes: - **All communications with defendants’ own counsel** (Connell Foley – lawfully privileged, but requires a privilege log per Finding #122) - **All communications with plaintiff’s counsel** (Wachtel Missry / Scott Woller – not privileged for defendants; must be produced) - **All disability-offset internal discussions** (Finding #117 \$290K construct, 29-month pattern) - **All arbitration-related or settlement-related communications** - **All references to the five named goodwill clients** (who wrote to NGM about Litman by name – Findings #24, #25, #32, #56, #65, #83) - **All post-7/7/2025 communications** – the production cuts off ~14 days before the lawsuits were filed. **No post-litigation retaliatory-conduct emails, no email elimination correspondence, no Freedom Bank closure authorization, no 2025-2026 CN-37833 discussions.**

Date distribution confirms the scope filter: - 3 docs from 2010; 8 from 2013; 5 from 2014; 3 from 2018; 1 from 2019; 2 from 2020; 1 from 2021; 10 from 2022 - 357 from 2023 - 766 from 2024 - 68 from 2025 (**ZERO from 2026 despite the schema claim of 2026-02-03**) - **0 documents on or after 7/21/2025** (lawsuits filed)

The “2026-02-03” date on the production schema turns out to be a file-`DateCreated` on some Excel spreadsheets (auto-updated on save), not a 2026 communication. The actual **human communications in this production end at 2025-07-07** — right before the lawsuits.

Gaps this production should have filled (but did not) — next discovery ask

Category	What the next production must include
Post-7/21/2025 emails	All Goldberg emails July 21, 2025 through present, including every internal discussion about the lawsuits, Litman’s litigation threats, and Connell Foley engagement
Connell Foley ↔ NGM correspondence	Per Finding #122 — full privilege log required; non-privileged third-party communications (subpoena responses, USPTO correspondence, bank correspondence) must be produced
Connell Foley ↔ Plaintiff correspondence (Gould → Litman, Gould → Woller)	Already on the record via Plaintiff-side receipt (Findings #119, #120), but defendants’ production should include them as outgoing correspondence
Disability-offset internal discussions	All 2020-2023 Goldberg/Meyer/Thompson/bookkeeping emails discussing the \$10K/month offset construct (Finding #117, #118)
Freedom Bank account correspondence	Authorization for the 7/22/2025 “Close Account” wire; Schaefer ↔ Goldberg on omission of account 220001028/220001002 from the Exhibit A firm summary
Named goodwill client correspondence	All Bennington, Albannai, Dvorkin, Odland, Al-Refaei, Stolyarova, Jovancevic files — subpoena to NGM’s internal case management system on these specific client IDs
CN-37833 correspondence	All emails to/from <code>ebc@uspto.gov</code> re: Customer Number 37833; all correspondence re: the May 1, 2025 name change (Finding #107)
“Pad” / RCL-origination internal tracking	All versions of the internal spreadsheets that track Litman-originated matters — RCL.xlsx is one; the full chain of revision history should be produced
CPI Integration (Inertia Legal)	Subpoena Inertia Legal (<code>seth@inertia.legal</code>) for the full NGM CPI migration log — including any records involving Litman’s name on case records rebuilt during the 6/25/2025–7/7/2025 window

Specific new findings to add to `findings.md`

Proposed additions (will go into the next `findings.md` pass):

Finding candidate #127 — RCL.xlsx Master List (3,957 matters)

As detailed above. Bates: `GOLDBERG0006923.xlsx` / `GOLDBERG0007156.xlsx`. 3,908 Attorney1 / 401 Attorney2 / 17 post-SOL-safe matters / 6 new 2025 matters. Includes the BHC Management series that corroborates Finding #54 (USPTO Aug 20, 2025 BHC notice).

Finding candidate #128 — Schaefer CC'd on accounting-request thread June 5, 2025

Bates: `GOLDBERG0007189`. 21 days pre-litigation-trigger. Proves Schaefer's direct knowledge of Litman's accounting demands 3 weeks before she prepared the June 26, 2025 Exhibit A that omitted the Freedom Bank account (Finding #99). Converts Schaefer's complicity from inference to document.

Finding candidate #129 — Goldberg written admission of trust-ledger errors 6/11/2025

Bates: `GOLDBERG0011328`. Six client trust ledgers attached. Quote: *"we will need to adjust for these clients."* Stacks with Finding #53 and Finding #62 as the June 2025 admissions triad.

Finding candidate #130 — Goldberg transmittal email confirming `All_7digit_Matters.csv` scope

Bates: `GOLDBERG0008615`. 6/16/2025 12:10 PM EDT. Goldberg's own words: *"every 7 digit matter number in our system"* — resolves the scope caveat in Finding #61.

Finding candidate #131 — CPI / Inertia Legal new infrastructure vendor

Bates: `GOLDBERG0007097`, `GOLDBERG0007058`. CPI Integration "Full Push" between 6/25/2025 (litigation trigger day minus 1) and 7/7/2025 (lawsuit filing minus 14). Seth Nurmi / Inertia Legal as a new third-party vendor reachable via subpoena.

Finding candidate #132 — 17 post-SOL-safe matters opened with Litman as Attorney1

Sub-cohort of Finding candidate #127. BHC Management (6 matters), Marc Soble, Erisys, 4 Aces Import, 3-A Sanitary, Hershey's Metal Meister, National Association of Nutrition Professionals — all NEW CLIENTS during the retaliation window, all assigned Litman as primary attorney in NGM's case-management system.

Next steps

1. Add the 6 finding candidates to `findings.md` (after a second sanity-read).
 2. Update `findings.md` §122 (Connell Foley stream missing) to note that **this production also lacks Connell Foley correspondence** — adds a data point to the scope-of-suppression argument.
 3. Draft supplemental discovery demands tracking the gap list in § "Gaps this production should have filled (but did not)".
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4. The `RCL.xlsx` 3,957-matter list is a direct MSJ exhibit candidate – consider a 1-page summary chart (matters per year; matters per client; matters per attorney position) as the trial-ready version.
 5. The June 2025 email cluster is a ready-to-use deposition exhibit set – Goldberg’s own words, Litman’s demands in writing, Schaefer’s CC position. Suggest adding to the Goldberg deposition prep binder (Finding #120 cross-reference).
 6. Subpoena Inertia Legal (Seth Nurmi, `seth@inertia.legal`) for the CPI migration log covering the 6/25/2025–7/21/2025 window.
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Prepared: 2026-04-23 by Claude Code (PROD001 substantive review) **For:** Next counsel briefing; feeds into supplemental discovery demands and MSJ exhibit selection.