Howard A Sagaser, State Bar No. 072492
Brent C. Woodward, State Bar No. 233549
SAGASER, WATKINS & WIELAND PC
5260 North Palm Avenue, Suite 400
Fresno, California 93704
Telephone: (559) 421-7000
Facsimile: (559) 473-1483
E-Mail: has@sw2law.com
brent@sw2law.com

ATTORNEYS FOR DEFENDANTS, GRANVILLE HOMES, INC. and DARIUS ASSEMI

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

COUNTY OF FRESNO

RYAN TONCHEFF, an individual,

Plaintiff,

v.

GRANVILLE HOMES, INC., a California Corporation, DARIUS ASSEMI, an individual, and DOES 1 through 50, inclusive,

Defendants.

Case No.: 26CU03959

DECLARATION OF BRIAN W. HORTON IN SUPPORT OF EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION; ALTERNATIVELY, FOR ORDER SHORTENING TIME

Date: November 20, 2026
Time: 3:30 p.m.
Dept.: 403

Complaint Filed: June 16, 2026

I, Brian W. Horton, do hereby declare and state:

1. I am an adult male over the age of 18 and a resident of Fresno County.

2. Except where I expressly identify information provided to me, the statements in this Declaration are based on my personal knowledge, my examination of digital evidence, and the findings and opinions arising from that examination. If called as a witness, I could competently testify to those matters.

3. I am the Founder and Managing Director of Breadcrumb Cybersecurity ("Breadcrumb") and have more than 25 years of experience in technology and cybersecurity. I specialize in digital forensics and incident response, including the preservation, recovery, examination, and analysis of digital evidence; reconstruction of timelines and user activity; and

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investigation of unauthorized access, data theft, and deletion of digital information. My work includes correlating evidence from computers, email systems, cloud platforms, and audit logs to determine the sequence and scope of relevant activity and preparing findings for counsel and other investigative stakeholders. I hold multiple professional certifications, including Certified Information Systems Security Professional (CISSP), GIAC Certified Enterprise Defender (GCED), GIAC Penetration Tester (GPEN), GIAC Network Forensic Analyst (GNFA), GIAC Certified Forensic Analyst (GCFA), and GIAC Law of Data Security & Investigations (GLEG).

4. I was informed that Plaintiff Ryan Toncheff ("Toncheff" or "Plaintiff") served as Granville's Chief Financial Officer.

5. I was informed that, as Chief Financial Officer, Toncheff occupied a senior executive position and had access to Granville's confidential financial information, lender relationships, cash flow analyses, debt schedules, financial models, and other sensitive company information.

6. As part of my investigation, I took custody of Toncheff's laptop, documented its chain of custody, and acquired a forensic image in E01 format. I also reviewed digital evidence from Granville's cloud accounts.

7. My forensic examination identified emails sent from Toncheff's Company account to his personal email account, substantial email deletion activity, and missing AI conversation content consistent with deletion, as described below.

8. My examination of Microsoft 365 Unified Audit Log records identified emails sent from Toncheff's Company account to his personal email address, toncheff@outlook.com. The recorded attachment filenames included "Cash and Liquidity Forecast.xlsx," "GVH - Insolvency Analysis .docx," and "GVH Debt Schedule and Financial Analysis.xlsx," indicating that the emails included documents concerning cash flow forecasting, insolvency analysis, and Company debt and finances.

9. Laboratory examination of the E01 forensic image acquired from Toncheff's laptop, as described in paragraph 6, included processing with Magnet forensic software to extract and recover digital evidence. This examination recovered significant portions of Toncheff's prior Claude

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AI conversation history, including the text of his messages, AI responses, timestamps, and conversation identifiers. I examined the recovered exchanges to reconstruct the substance and sequence of those communications.

10. My examination of the Claude conversation records identified discussions involving Granville's financial information and Toncheff's stated intention to move information from the Company's AI account to his personal AI account. In one exchange, Toncheff requested a comprehensive compilation of the conversation and explained that he wanted to gather the information "so I can move it over to my personal AI account and pick up sort of where we leave off."

11. My investigation identified substantial email deletion activity associated with Toncheff's Company account on May 29, 2026, and additional deletion activity in his Company OneDrive account during the surrounding period. I was informed that Toncheff was offered a demotion on May 29, 2026, and that his employment ended on June 10, 2026. My examination also identified extensive missing content in the administrative export of his Claude conversation records, as detailed below.

12. My examination of Microsoft 365 Unified Audit Log records identified deletion activity impacting approximately 4,762 mailbox items in Toncheff's Company email account on May 29, 2026, between 1:52 p.m. and 2:23 p.m. Pacific Daylight Time (UTC−7). Microsoft recorded this activity in approximately 1,046 successful SoftDelete events, each identifying one or more affected mailbox items. These counts are based on the audit records examined and reflect activity occurring within approximately 32 minutes.

13. My examination of conversation records exported through Claude's administrative portal for Ryan Toncheff's user account identified approximately 56 conversations containing approximately 1,796 message records. Of those, approximately 34 conversations containing approximately 1,397 message records—approximately 78% of the message records in the export—had blank conversation names and summaries, blank message text, and empty structured content fields. These counts are based on the exported records examined. Conversation and message

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identifiers, sender information, timestamps, and message relationships remained. This consistent pattern of absent content within retained conversation and message records is consistent with deletion. The deleted material included conversations concerning severance negotiations, Granville Homes' financial condition and financial analyses.

14. The evidence acquired in this investigation is preserved at Breadcrumb's digital forensics laboratory, located at 7647 N Fresno Street, Suite 102, Fresno, California 93720. Breadcrumb maintains documented chain-of-custody records for that evidence.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 29 day of October 2026, in Fresno, California.

Brian W. Horton

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PROOF OF SERVICE
(CODE CIV. PROC. § 1013)

STATE OF CALIFORNIA, COUNTY OF FRESNO

I am employed in the County of Fresno, State of California. I am over the age of 18 years and am not a party to the within action; my business address is 5260 North Palm Avenue, Suite 400, Fresno, California 93704.

On September ___, 2026, I served the following documents described as **DECLARATION OF BRIAN W. HORTON IN SUPPORT OF EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION; ALTERNATIVELY, FOR ORDER SHORTENING TIME** on the interested parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

SEE ATTACHED SERVICE LIST

☐ **BY MAIL:** I deposited such envelope in the mail at Fresno, California. The envelope(s) was mailed with postage thereon fully prepaid. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

☐ **BY OVERNIGHT COURIER:** I sent such document(s) on October 29, 2026, by with postage thereon fully prepaid at Fresno, California.

☐ **BY FAX**: I sent such document by use of facsimile machine telephone number (559) 473-1483. Facsimile cover sheet and confirmation is attached hereto indicating the recipients' facsimile number and time of transmission pursuant to California Rules of Court Rule 2.306. The facsimile machine I used complied with California Rules of Court Rule 2.301(3) and no error was reported by the machine.

☐ **BY PERSONAL SERVICE:** I placed the above document in a sealed envelope. I caused said envelope to be handed to our messenger service to be delivered by hand to the above address(es).

☒ **BY EMAIL:** I sent such document by use of email to the email address(es) above. (CCP § 1010.6) Such document was scanned and emailed to such recipient.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 29, 2026, at Fresno, California.

Nancy T. Heredia

SERVICE LIST

Matthew J. Ruggles
Matthew J. Ruggles
Ruggles Law Firm
7940 California avenue
Fair Oaks, California 95628
E-Mail: mruggles@ruggleslawfirm.com
matthew@ruggleslawfirm.com

Attorneys for Plaintiff,
Ryan Toncheff

SAGASER, WATKINS & WIELAND PC
ATTORNEYS AT LAW
5260 North Palm Avenue, Suite 400
Fresno, California 93704
Telephone: (559) 421-7000