

MOCK HEARING – SIMULATION ONLY

HEARING SYNTHESIS NOTE

Record, Arguments, Decision and Evidentiary Lessons

Southbridge Technologies, Inc. v. ApexGrid Infrastructure, Inc

THE CORE QUESTION

When materially conflicting electronic records are presented, what evidentiary weight should be assigned to the disputed records when they are tested against fixed certified references, a stipulated automatic-certification rule, independently reproducible verification, and a complete stipulated user certification history?

EXECUTIVE SUMMARY

This mock hearing is an adversarial evidentiary exercise, not a product demonstration. Two companies dispute whether ApexGrid later added Options C and D to an Order Form after an earlier, certified A+B election. The hearing tests authenticity, integrity, provenance and evidentiary weight by forcing each side to argue from the same stipulated technical record. **(Hearing Protocol; Ex. 12.)**

The exercise assigns no formal judicial burden of proof; the Neutral evaluates the relative persuasiveness of the complete evidentiary record without treating the parties' advocacy assignments as legal burdens. **(Hearing Protocol § XVI.)**

THE RECORD IN ONE MINUTE

- Exhibits 01-03: contract and valid September 24 extension of the Election Period through 5:00 p.m. CDT.
- Exhibits 04-05: certified reference email and Order Form showing Service A + Option B, with Options C/D unselected.
- Exhibits 06-07: disputed later email and Order Form purporting to add Options C/D.
- Exhibits 16 and 18: independent technical verification of the certified reference records; Exhibit 18 also protects the attachment SHA-256 linking Exhibit 04 to Exhibit 05.
- Exhibit 12: foundational stipulation governing the valid extension, automatic outbound-email certification rule, certified-content and attachment-hash relationships, negative-record evidence, and the scope and limitations of Exhibits 13-21.
- Exhibit 21: adds a separate system-record layer: the complete stipulated September 24 user history contains no Exhibit 06 record.

NEUTRAL'S BOTTOM LINE

The Neutral gives substantial weight to Exhibits 04 and 05 and finds that Exhibits 06 and 07 are not sufficiently reliable to establish a later B+C+D election. The Neutral expressly makes no finding that either disputed record was fabricated, identifies no author or alterer, and makes no finding of fraud, knowledge or intent. **(Neutral Decision, §§ I, XVII-XVIII.)**

EVIDENTIARY ARCHITECTURE

The record is strongest when viewed as layered evidence rather than as a single “certified versus uncertified” comparison.

Layer	Key record(s)	What it contributes
Contractual foundation	Exs. 01-03	A later September 24 election was contractually possible; this does not establish that one occurred.
Certified reference election	Exs. 04-05	A+B is fixed in two mutually consistent certified records. Exhibit 05 is stipulated byte-for-byte identical to the PDF attachment whose SHA-256 was recorded with Exhibit 04.
Disputed later election	Exs. 06-07	Exhibit 06 purports to add C/D at 12:44:43 p.m.; Exhibit 07 reflects the same B+C+D position.
Automatic email certification	Ex. 12 ¶ 5	Every outbound email sent from Laura Bennett’s ApexGrid corporate mailbox generated its own separate Certidox record and QR code without separate action by Laura.
Independent technical verification	Exs. 16, 18	Certified content can be reconstructed; payload and manifest hashes can be checked; exact manifest hashes can be tested against DigiStamp RFC 3161 message imprints.
Negative record evidence	Exs. 06, 12, 21	Exhibit 06 has no corresponding certification record or QR of its own; the complete stipulated September 24 user history contains no corresponding Exhibit 06 record.
System-record layer	Ex. 21	Service-side certification-history evidence; not an independent cryptographic bundle, but complete by stipulation for the relevant user/date.
Later conduct	Exs. 08-11	Invoice and subsequent correspondence show reliance and dispute context, not independent authentication of the earlier disputed event.

Why the Certified Reference Is Strong

Exhibit 05 is not merely a PDF bearing a QR code. Exhibit 16 reconstructs the exact certified PDF as document.pdf. Exhibit 18 reconstructs the certified email-content representation associated with Exhibit 04 and records protected attachment metadata. The matching attachment SHA-256 is stipulated to establish byte-for-byte identity between Exhibit 05 and the PDF attachment identified with Exhibit 04. The independent verification path separates the evidentiary proposition from reliance on a Certidox-generated display.

(Ex. 12 ¶¶ 6, 8-9, 14; Exs. 16, 18.)

Important Technical Limits

- DigiStamp timestamps the exact manifest hash, not the reconstructed payload directly.
- DigiStamp does not independently attest to the Certidox certification-event time.
- Exhibit 18 reconstructs document.json, not the native .eml byte-for-byte; the email bundle does not contain attachment bytes as separate payloads.
- Current Certidox status is a separate live service-side value

THE ADVERSARIAL POSITIONS

APEXGRID - Challenge to Exhibits 06 and 07	SOUTHBRIDGE - Defense of Exhibits 06 and 07
• The extension made a later election possible, but possibility is not proof that it occurred. • Exhibits 04 and 05 create a cryptographically linked, independently testable A+B reference state. • Exhibit 06 purports to be another outbound Laura Bennett email, yet lacks the record and QR the stipulated workflow would generate. • Exhibit 21 adds a separate system-record layer: the complete stipulated September 24 user history contains no Exhibit 06 record. • Exhibit 07 is different from Exhibit 05 and lacks the independently verifiable reference chain supporting Exhibit 05. • No finding of fraud or authorship is necessary to conclude that 06/07 are insufficient proof of a later election.	• Exhibits 04 and 05 prove an earlier A+B state, not the impossibility of a later state before 5:00 p.m. • Exhibit 06 is a native .eml with conventional email structure; the record does not stipulate that its headers or DKIM signature are invalid. • Exhibit 21 is adverse evidence, but it is a service-side system record, not an independent cryptographic bundle, and does not by itself establish falsity. • A different SHA-256 proves nonidentity, not falsification; the cause and authorship of the difference remain unresolved. • No rule required every Order Form version to receive separate document certification, so Exhibit 07 cannot be rejected merely because it lacks one. • Authentication and evidentiary weight remain for the Neutral on the complete record.

Where the Arguments Meet

The strongest feature of the hearing is that neither party needs caricature. ApexGrid accepts the real limits of the technical evidence. Southbridge accepts the complete Exhibit 21 history and the absence of an Exhibit 06 certification trace. The dispute is therefore concentrated on inference and evidentiary weight, not on contested descriptions of the system. **(ApexGrid Br. §§ VII, XII-XV; Southbridge Br. §§ III, X-XII.)**

The Critical Evidentiary Distinction

“Standing alone” is not the same as “without probative force.”

The stipulation prevents a categorical rule that uncertified = false. It does not prevent the Neutral from giving substantial weight to the absence when combined with the automatic-certification rule and a complete stipulated certification history.

THE NEUTRAL'S REASONING AND DECISION

1. **Certified reference records:** Substantial weight. Exhibits 04 and 05 are mutually consistent, cryptographically linked, and supported by separate reproducible verification paths.
2. **Byte-for-byte attachment linkage:** Substantial corroborative significance. The matching SHA-256 establishes, by stipulation, that Exhibit 05 is the exact PDF identified by the protected attachment hash associated with Exhibit 04.
3. **Automatic email certification rule:** Substantial significance. It establishes the expected certification trace for an outbound email actually sent from Laura Bennett's ApexGrid mailbox.
4. **Exhibit 06 + Exhibit 21:** Substantial adverse significance. The absence is not considered alone: Exhibit 06 lacks its expected trace, and the complete stipulated September 24 user history contains no corresponding record.
5. **Independent verification / DigiStamp:** Substantial additional weight as to integrity and historical verifiability of the certified references, subject to the stated limits of manifest timestamping and email reconstruction.
6. **Exhibit 07:** Different SHA-256 = nonidentity, not falsification. Lack of separate document certification receives limited negative weight because no rule required every Order Form to be separately certified.
7. **Later conduct:** Contextual and corroborative only. Exhibit 10 is Laura's later certified position; Exhibit 11 shows Southbridge's reliance on 06/07, not their authenticity.
8. **Ultimate weight of 06/07:** Insufficient to establish that Laura Bennett made a subsequent election of Options C and D.

Decision

ApexGrid's challenge is sustained to the extent Exhibits 06 and 07 are offered as proof that Laura Bennett subsequently elected Options C and D.

Exhibits 06 and 07 remain in the evidentiary record, but they are not accorded sufficient weight to establish that later election. The Neutral makes no finding of fabrication, authorship, fraud, knowledge or intent.

Why the Result Is Persuasive

The decision does not say "Certidox wins." It gives Southbridge several points: later election was possible; DKIM is not proven invalid; different hashes do not prove falsification; Exhibit 21 is not a cryptographic bundle; Exhibit 10 does not independently reconstruct 12:44:43 p.m. The result nevertheless turns because those concessions do not bridge the provenance gap in Exhibit 06 when the negative-record evidence is evaluated cumulatively. **(Neutral Decision, §§ VI-XV.)**

WHAT THE HEARING DEMONSTRATES

The hearing's value is evidentiary, not promotional. It illustrates how a dispute changes when one set of electronic records can be compared with fixed reference evidence whose historical content and integrity can later be tested independently.

1. **Appearance is not provenance.** A native .eml can contain familiar headers, threading, MIME structure and DKIM fields while still presenting an unresolved provenance question. The relevant inquiry is not whether the artifact looks authentic, but what its provenance-bearing fields actually establish.
2. **In this record, the certified reference evidence derives substantial probative value from its independent testability.** The strongest feature of that evidence is reproducibility: reconstruct the certified payload, verify the payload-to-manifest linkage, hash the exact manifest, and compare that hash with the RFC 3161 message imprint.
3. **Here, the negative-record evidence derives probative force from its stipulated foundation.** A missing QR or certification record, standing alone, proves little. Its significance increases because the parties stipulate that every qualifying outbound email generated its own certification record and QR code and that the relevant September 24 user certification history is complete.
4. **Different evidence layers answer different questions.** Independent bundles test content integrity and historical verification. Exhibit 21 addresses certification history. User-facing displays show what Certidox presents. None should be conflated with another.
5. **The hearing separates authenticity from fraud.** A record can be insufficiently reliable to prove a transaction without the Neutral identifying a fabricator or finding fraudulent intent. That distinction is central to professional evidentiary analysis.
6. **The result comes from cumulative reasoning.** No single QR code, hash, timestamp, system record, header field or later email decides the case. The persuasive force comes from how the layers fit together.

Five Documents That Orient the Reader

- HEARING PROTOCOL AND ORDER OF PROCEEDINGS - defines scope, advocacy responsibilities and the Neutral's task.
- ISSUES PRESENTED AND PARTY POSITIONS - frames the eight principal evidentiary questions and both sides' strongest arguments.
- EVIDENTIARY CHRONOLOGY - separates message dates, certification-event times and DigiStamp `genTimes` and places the key events in sequence.
- APEXGRID and SOUTHBRIDGE EVIDENTIARY BRIEFS - present genuinely adverse interpretations of the same stipulated record.
- NEUTRAL'S EVIDENTIARY DECISION AND REASONS - resolves evidentiary weight while expressly leaving fabrication, authorship, knowledge and intent undecided.

THE HEARING IN ONE SENTENCE

The dispute is no longer reduced to competing recollections or competing electronic appearances: the contested records can be tested against fixed certified references, reproducible technical evidence and a stipulated certification history, while the ultimate evidentiary inference remains for the Neutral.