

SEALED BY ORDER  
OF THE COURT

# United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN JOSE

CR 15 00013

UNITED STATES OF AMERICA,

v.

Filed  
JAN 07 2015  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE  
EJD

PSG

NATHAN MOSER, PETER SIRAGUSA, aka Bobby Russo, TRENT WILLIAMS, CARLO PACILEO, and SUMIT GUPTA aka Sumit Vishnoi

DEFENDANT(S).

## INDICTMENT

VIOLATIONS: 18 U.S.C. § 1030(b) -Conspiracy; 18 U.S.C. §§ 1030(a)(2)(C), (c)(2) (B)(i)-Accessing a Protected Computer and Obtaining Information; 18 U.S.C. § 2511 (1)(a)-Interception of Electronic Communications; 18 U.S.C. § 2-Aiding and Abetting

A true bill

*[Signature]*  
Foreman

Filed in open court this 7<sup>th</sup> day of

January, 2015  
Clerk

*[Signature]*

Bail, \$ NO bail arrest warrant.

United States District Court  
Northern District of California

SEALED BY ORDER  
OF THE COURT

CRIMINAL COVER SHEET

Filed

JAN 07 2015

MICHAEL W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

**Instructions:** Effective January 3, 2012, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

Case Name:

USA v. Nathan Moser, Peter Siragusa aka Bobby Russo

Case Number:

CR 15 00013

Total Number of Defendants:

1  2-7  8 or more

Is This Case Under Seal?

Yes  No

EJD  
PSG

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes  No

Venue (Per Crim. L.R. 18-1):

SF  OAK  SJ  EUR  MON

Is any defendant charged with a death-penalty-eligible crime?

Yes  No

Assigned AUSA (Lead Attorney):

Matthew A. Parrella

Is this a RICO Act gang case?

Yes  No

Date Submitted:

January 7, 2015

Comments:

[Empty box for comments]

Save

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Clear Form

SEALED BY ORDER  
OF THE COURT

1 MELINDA HAAG (CABN 132612)  
United States Attorney

Filed

JAN 07 2015

RICHARD W. WIERING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

EJD  
PSG

11 UNITED STATES OF AMERICA,

CASE NO.

CR 15 00013

12 v.

13 NATHAN MOSER,  
14 PETER SIRAGUSA,  
aka "Bobby Russo,"  
15 TRENT WILLIAMS,  
CARLO PACILEO, and  
16 SUMIT GUPTA,  
aka "Sumit Vishnoi,"

) VIOLATIONS: 18 U.S.C. § 1030(b) — Conspiracy;  
) 18 U.S.C. §§ 1030(a)(2)(C), (c)(2)(B)(i) — Accessing  
) a Protected Computer and Obtaining Information; 18  
) U.S.C. § 2511(1)(a) — Interception of Electronic  
) Communications; 18 U.S.C. § 2 — Aiding and  
) Abetting

) SAN JOSE VENUE

17 Defendants.

18  
19 INDICTMENT  
20

21 The Grand Jury charges:

22 At all times relevant to this indictment, unless otherwise stated, with all dates given being both  
23 approximate and inclusive:

24 The Defendants

25 1. NATHAN MOSER, of Menlo Park, California, was a private investigator and  
26 owner of Moser and Associates in Menlo Park, California.

27 2. PETER SIRAGUSA, aka "Bobby Russo," of Novato, California, was a private  
28

1 investigator and owner of Siragusa Investigations in Novato, California. Although MOSER and  
2 SIRAGUSA operated separate business entities, they often assisted in each other's investigations.

3 3. CARLO PACILEO, of El Segundo, California, was the director of security for  
4 ViSalus, a network marketing company based in Los Angeles, California, with offices in Troy,  
5 Michigan.

6 4. TRENT WILLIAMS, of Martinez, California, was a computer hacker employed by  
7 MOSER and SIRAGUSA to access the e-mail accounts, Skype accounts, and protected computers of  
8 individuals without authorization.

9 5. SUMIT GUPTA, aka "Sumit Vishnoi," of Jabalapur, India, was a computer hacker employed  
10 by MOSER and SIRAGUSA to access the e-mail accounts, Skype accounts, and protected computers of  
11 individuals without authorization.

12 The Victims

13 6. K.J.D. and F.N. were co-founders of Ocean Avenue, a network marketing company based in  
14 South Jordan, Utah. Ocean Avenue was a competitor of ViSalus and had hired several former ViSalus  
15 employees. As a result, Visalus initiated a civil lawsuit against Ocean Avenue employees. ViSalus hired  
16 MOSER to investigate Ocean Avenue. MOSER enlisted SIRAGUSA to assist with that investigation.

17 7. K.T. was chief marketing officer at Ocean Avenue and a former employee of ViSalus.

18 8. J.C. was employed by Silvaco, Inc., a privately-owned provider of electronic  
19 design automation software, and process and device simulation software, based in Santa Clara,  
20 California. Silvaco was co-founded by I.P., who had a child out of wedlock with J.C. After I.P.'s death,  
21 J.C. sued I.P.'s estate and Silvaco for child support and employment benefits. I.P.'s widow, K.P., hired  
22 SIRAGUSA to investigate J.C. SIRAGUSA enlisted MOSER to assist with that investigation.

23 COUNT ONE: (18 U.S.C. § 1030(b) — Conspiracy to Commit an Offense Under 18 U.S.C. § 1030(a))

24 9. Paragraphs 1 through 8 are realleged and incorporated as if fully set forth here.

25 10. Beginning at a time unknown to the Grand Jury, but no later than April 2012, and  
26 continuing at least to June 2013, in the Northern District of California and elsewhere, the defendants,

27 //

28 //

1 NATHAN MOSER,  
2 PETER SIRAGUSA,  
3 aka "Bobby Russo,"  
4 TRENT WILLIAMS,  
5 CARLO PACILEO, and  
6 SUMIT GUPTA,  
7 aka "Sumit Vishnoi,"

8 did knowingly conspire and agree with each other and other persons known and unknown to the  
9 Grand Jury to commit an offense under 18 U.S.C. § 1030(a)(2)(C), that is, to access, without  
10 authorization and for purposes of commercial advantage and private financial gain, the e-mail accounts,  
11 Skype accounts, and protected computers of the victims.

12 Manner and Means of the Conspiracy

13 11. The object of the conspiracy was to obtain information that would assist the clients of  
14 MOSER and SIRAGUSA, including CARLO PACILEO and K.P., in the clients' civil lawsuits.  
15 MOSER and SIRAGUSA hired TRENT WILLIAMS and SUMIT GUPTA, among others, to hack into  
16 the victims' e-mail accounts, Skype accounts, and protected computers.

17 12. It was part of the conspiracy that, in addition to accessing e-mail accounts, Skype  
18 accounts, and protected computers without authorization, the defendants installed and used a  
19 keylogger—a tool that intercepts and logs the particular keys struck on a keyboard in a covert manner so  
20 that the person using the keyboard is unaware that his or her actions are being monitored—to obtain  
21 information that would assist in the civil lawsuits of MOSER and SIRAGUSA's clients.

22 13. It was further part of the conspiracy that MOSER, SIRAGUSA, and WILLIAMS set up  
23 the e-mail account, krowten.a.lortnoc@gmail.com, to which they all had access, to communicate with  
24 one another. MOSER and WILLIAMS communicated by writing draft e-mails in the account, which  
25 could be deleted after the message was read. SIRAGUSA typically communicated with WILLIAMS by  
26 sending e-mails from SIRAGUSA's alias account, bobbyrusso1973@gmail.com. MOSER typically  
27 communicated with GUPTA by sending e-mails from natemoserpi@gmail.com to  
28 vishsumit@gmail.com.

All in violation of Title 18, United States Code, Sections 1030(b) and 1030(c)(2)(B)(i).

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1 COUNTS TWO THROUGH EIGHT: (18 U.S.C. § 1030(a)(2)(C), (c)(2)(B)(i) — Accessing a  
2 Protected Computer and Obtaining Information; 18 U.S.C. § 2 — Aiding and Abetting)

3 14. The factual allegations in paragraphs 1 through 13 are realleged and incorporated as if  
4 fully set forth here.

5 15. On the dates set forth below, in the Northern District of California and elsewhere, the  
6 defendants,

7 NATHAN MOSER,  
8 PETER SIRAGUSA,  
9 aka "Bobby Russo,"  
10 TRENT WILLIAMS,  
11 CARLO PACILEO, and  
12 SUMIT GUPTA,  
13 aka "Sumit Vishnoi,"

14 acting for the purposes of commercial advantage and private financial gain, did intentionally access a  
15 protected computer without authorization and exceed authorized access, and thereby obtain information  
16 from a protected computer, as set forth in each of Counts Two through Eight:

Count	Date	Account/Computer Type	Account/Computer Holder
2	02/23/2013	E-mail	K.J.D.
3	03/18/2013	Skype	K.J.D. and F.N.
4	04/06/2013	E-mail	K.T.
5	04/07/2013	E-mail	K.T.
6	04/09/2013	E-mail	J.C.
7	04/17/2013	E-mail	J.C.
8	06/14/13 to 06/18/13	Sony Desktop Computer	J.C.

23 All in violation of Title 18, United States Code, Sections 1030(a)(2)(C), (c)(2)(B)(i) and 2.

24 COUNT NINE: (18 U.S.C. § 2511(1)(a), 4(a) — Interception of Electronic Communications; 18 U.S.C.  
25 § 2 — Aiding and Abetting)

26 16. The factual allegations contained in Paragraphs 1 through 13 are realleged and  
27 incorporated as if fully set forth here.

1 17. On April 26, 2013, in the Northern District of California and elsewhere, the defendants,

2 NATHAN MOSER,  
3 PETER SIRAGUSA,  
4 aka "Bobby Russo,"  
5 TRENT WILLIAMS,  
6 CARLO PACILEO, and  
7 SUMIT GUPTA,  
8 aka "Sumit Vishnoi,"

9 did intentionally intercept, endeavor to intercept, procure another person to intercept, and procure  
10 another person to endeavor to intercept, an electronic communication, that is, they attempted to install a  
11 keylogger on K.J.D.'s computer without authorization.

12 All in violation of Title 18, United States Code, Sections 2511(1)(a), (4)(a), and 2.

13 COUNT TEN: (18 U.S.C. § 2511(1)(a), 4(a) — Interception of Electronic Communications; 18 U.S.C.  
14 § 2 — Aiding and Abetting)

15 18. The factual allegations contained in Paragraphs 1 through 13 are realleged and  
16 incorporated as if fully set forth here.

17 19. Beginning no later than May 2013, and continuing until June 18, 2013, in the Northern  
18 District of California and elsewhere, the defendants,

19 NATHAN MOSER,  
20 PETER SIRAGUSA,  
21 aka "Bobby Russo,"  
22 TRENT WILLIAMS,  
23 CARLO PACILEO, and  
24 SUMIT GUPTA,  
25 aka "Sumit Vishnoi,"

26 did intentionally intercept, endeavor to intercept, procure another person to intercept, and procure  
27 another person to endeavor to intercept, an electronic communication, that is, they installed a keylogger  
28 on J.C.'s Sony Desktop Computer without authorization.

29 //

30 //

31 //

32 //

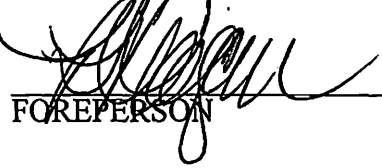
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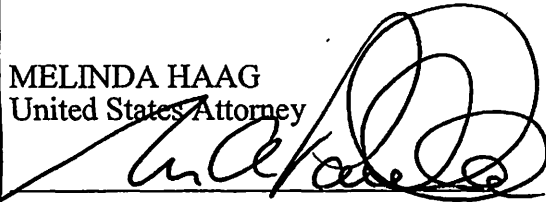
1 All in violation of Title 18, United States Code, Sections 2511(1)(a), (4)(a), and 2.

2  
3 DATED:

A TRUE BILL

4  
5   
FOREPERSON

6 MELINDA HAAG  
United States Attorney

7 

8  
9 MATTHEW A. PARRELLA  
Chief, Computer Hacking/Intellectual Property Unit

10 (Approved as to form: )  
AUSA PARRELLA