

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 7th day of

January, 2015
Clerk

[Signature]

[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

WILLIAM M. 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:

Save

Print

Clear Form

SEALED BY ORDER
OF THE COURT

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

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

EJD
PSG
CR 15 00013

UNITED STATES OF AMERICA,

v.

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

Defendants.

CASE NO.

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

INDICTMENT

The Grand Jury charges:

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

The Defendants

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

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

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.

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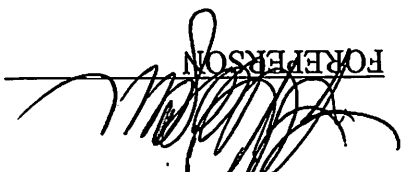
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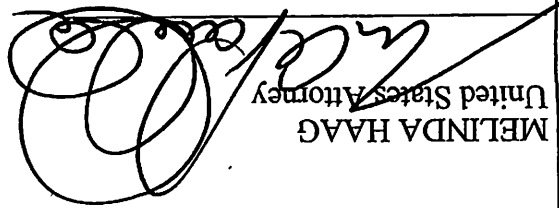
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All in violation of Title 18, United States Code, Sections 2511(1)(a), (4)(a), and 2.

DATED:

A TRUE BILL

FOREPERSON

MELINDA HAAG
United States Attorney


MATTHEW A. PARELLA
Chief, Computer Hacking/Intellectual Property Unit

(Approved as to form: AUSA PARELLA)