

FILED

NOV 19 2019

AT 8:30 4:11 P.M.
WILLIAM T. WALSH
CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	HON.
	:	
v.	:	Criminal No. 19- 836 (KSH)
	:	
DAVID MANNO	:	18 U.S.C. §§ 1343 & 2

INDICTMENT

The Grand Jury in and for the District of New Jersey, sitting at Newark, charges:

Background

1. At times relevant to this Indictment:

a. Defendant DAVID MANNO (“MANNO”) was a resident of Louisiana.

b. The “Victim Company” was a publicly-traded healthcare company with its headquarters in New Jersey. The Victim Company offered a web-based portal (the “Health Portal”) through which patients could, among other things, access their medical and health information, schedule laboratory testing, track their healthcare provider information, maintain medical records, and pay for services. The Health Portal was secured, and patients were able to log into the portal by using a unique username and password. Patients could then send a specific request to the Health Portal to obtain one of their medical records, including laboratory reports. The laboratory reports contained,

among other information, patients' names, other identifiers, and personal medical information.

The Scheme to Defraud

2. From in or about November 2016 through in or about December 2016, in Bergen County, in the District of New Jersey, and elsewhere, the defendant,

DAVID MANNO,

did knowingly and intentionally devise and intend to devise a scheme and artifice to defraud the Victim Company and to obtain money and property, namely laboratory reports for patients of the Victim Company, by means of materially false and fraudulent pretenses, representations, and promises, which scheme and artifice was in substance as set forth below.

Goal of the Scheme

3. The goal of the scheme to defraud was for defendant MANNO to obtain the Victim Company's patients' laboratory reports and to conceal his unauthorized access of such data and the Victim Company's computer network.

Manner and Means

4. It was part of the scheme and artifice to defraud that defendant MANNO accessed the Health Portal.

5. It was further part of the scheme and artifice to defraud that defendant MANNO sent requests to the Health Portal containing modifications in the parameters of the Universal Resource Locator, the text that one enters into an internet browser to go to a specific website. These modifications caused the Health Portal to send lab reports belonging to patients of the Victim Company —information MANNO should not have been able to access – to MANNO.

6. It was further part of the scheme and artifice to defraud that defendant MANNO attempted to hide his identity. Among other things, defendant MANNO: (a) attempted to hide that he was using his account with the Victim Company to make some of the requests; and (b) created a second account for the Health Portal with the Victim Company in a false name.

7. It was further part of the scheme and artifice to defraud that defendant MANNO sent more than 150,000 modified requests to the Health Portal, and, as a result, caused the Health Portal to send defendant MANNO more than 60,000 laboratory reports for more than 30,000 patients of the Victim Company.

8. On or about December 8, 2016, for the purpose of executing and attempting to execute the aforesaid scheme and artifice to defraud, in Bergen County, in the District of New Jersey, and elsewhere, the defendant,

DAVID MANNO,

knowingly transmitted and caused to be transmitted by means of wire communications in interstate and foreign commerce, certain writings, signs, signals, pictures, and sounds, namely, a telephone call from inside of New Jersey to outside of New Jersey.

In violation of Title 18, United States Code, Section 1343 and Section 2.

FORFEITURE ALLEGATION

1. The allegations contained in this Indictment are incorporated by reference as though set forth in full herein for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c).

2. Upon conviction of the offense charged in this Indictment, the government will seek forfeiture from defendant MANNO, in accordance with Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 981(a)(1)(C), of any and all property, real or personal, that constitutes or is derived from proceeds traceable to the violations of Title 18, United States Code, Section 1343.

3. If by any act or omission of defendant MANNO any of the property subject to forfeiture herein:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of defendant MANNO up to the value of the property described in this forfeiture allegation.

A TRUE BILL

FOREPERSON

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Craig Carpenito
CRAIG CARPENITO
United States Attorney

CASE NUMBER: 19-CR-836(KSH)

**United States District Court
District of New Jersey**

UNITED STATES OF AMERICA

v.

DAVID MANNO

INDICTMENT FOR

18 U.S.C. §§ 1343 & 2

A True Bill

Forèperson

CRAIG CARPENITO

*UNITED STATES ATTORNEY
NEWARK, NEW JERSEY*

ANDREW KOGAN
ASSISTANT U.S. ATTORNEY
NEWARK, NEW JERSEY
973.645.2871