

**AFFIDAVIT OF MICHAEL W. TUNICK IN SUPPORT OF  
AN APPLICATION FOR A COMPLAINT**

I, Michael W. Tunick, state:

***INTRODUCTION AND AGENT BACKGROUND***

1. I am a Special Agent with the Federal Bureau of Investigation, and have been so employed since 2012. I am currently assigned to the Cyber Crimes Squad of the Boston Field Office of the FBI. As a member of this squad, my responsibilities include investigating criminal offenses including computer intrusions, wire fraud, and conspiracy. Through my training and experience, obtained both prior to and while being employed with the FBI, I am knowledgeable about computer systems, computer networks, networking hardware and software, network security, telecommunication systems, and the means by which individuals use computers, software applications and information networks to commit cyber offenses. During my tenure as a Special Agent, I have participated in the execution of numerous search warrants involving computer equipment, documents, and electronically stored information. Before joining the FBI, I worked in the area of information technology, and computer and network security.

2. Since April 2014, I have been investigating attacks against the computer networks of a large Massachusetts Hospital (the “Massachusetts Hospital” or “Hospital”) and a Massachusetts residential treatment center (the “Massachusetts Treatment Center”).

3. I submit this affidavit in support of an application for a complaint charging Martin Gottesfeld with conspiracy (18 U.S.C. § 371) to intentionally cause damage to protected computers (18 U.S.C. §§ 1030(a)(5)(A) and 1030(c)(4)(B)).

4. The facts in this affidavit come from my personal observations and review of records, my training and experience, and information obtained from other agents and witnesses.

### **“PATIENT A” AND THE NETWORK ATTACKS**

5. In early 2014, the press began to report about the case of a teenage girl (“Patient A”) who was receiving medical treatment in Massachusetts. As was reported at the time in the press, a Massachusetts state court judge had placed Patient A in the custody of the Massachusetts Department of Children and Families because of concerns that her parents were interfering with her treatment.

6. The issue of Patient A’s custody and medical care became a national media story, with religious and political organizations and others asserting that the case was an example of government interference with parental rights.

7. News stories reported that Patient A had been treated at the Massachusetts Hospital, whose doctors continued to oversee her care even after she was transferred, in January 2014, to the Massachusetts Treatment Center.

8. On March 25, 2014, the computer network at the Massachusetts Treatment Center was hit with a Distributed Denial of Service (“DDOS”) attack. DDOS attacks direct an enormous amount of network traffic at the target computer server, with the intent to overwhelm that server and disrupt online services. Successful DDOS attacks can take a website or network offline for the duration of the attack, which can range from an hour to days or even weeks.

9. The attack against the Massachusetts Treatment Center lasted for more than a week, crippled the Treatment Center’s website during that time, and caused it to spend more than \$18,000 on response and mitigation efforts.

10. On March 23, 2014, a video was posted on YouTube calling, in the name of the hacking organization Anonymous, for action against the Massachusetts Hospital in response to its treatment of Patient A. The video, which was narrated by a computer-generated voice, stated

that Anonymous “will punish all those held accountable and will not relent until [Patient A] is free.”

11. The YouTube video also stated: “To [The Massachusetts Hospital] – why do you employ people that clearly do not put patients first? We demand that you terminate [physician] from her employment or you too shall feel the full unbridled wrath of Anonymous. Test us and you shall fail.” The physician named in the video had been identified in press reports as being involved in the Patient A matter.

12. The YouTube video directed viewers to a posting on the website pastebin.com that contained the information about the Massachusetts Hospital’s server necessary to initiate a DDOS attack against that server.

13. On April 19, 2014, the Massachusetts Hospital reported a DDOS attack against the server identified in the pastebin.com posting. The DDOS attack, which directed hostile traffic at the Hospital’s network for at least seven days, disrupted that network and took the Hospital’s website out of service. The attack also disrupted the Hospital’s day-to-day operations as well as the research being done at the Hospital. The Hospital had to re-allocate its resources in a significant way to ensure that patient care was not affected during this period

14. In addition to the DDOS attack, hackers attempted to intrude into the Hospital’s network, using malicious e-mail and other means. These attempts were not successful.

15. In an effort to ensure the attack did not compromise patient information, the Hospital decided to shut down the portions of its network that communicated with the internet and its e-mail servers. This effort successfully prevented the attackers from accessing any patient records or other internal Hospital information.

16. This shutdown of the Hospital's website, external internet portal, and e-mail servers, however, impacted the entire Hospital community and particularly the ability of physicians outside of the Hospital to obtain medical records and of patients to communicate with physicians. It also disrupted an important fundraising period for the Hospital by disabling the Hospital's fundraising portal.

17. Responding to, and mitigating, the damage from this DDOS attack cost the Massachusetts Hospital more than \$300,000.

### **THE CONNECTION TO GOTTESFELD**

18. I have reviewed Massachusetts Hospital's webserver logs from the time of the DDOS attack. These logs showed hundreds of IP addresses flooding the network with malicious traffic. The IP addresses sending this malicious traffic resolve to geographically dispersed locations. I know that this is consistent with a sophisticated DDOS attack where the perpetrators are masking their physical location.

19. Records for the account that posted the Youtube video calling for the attack on the Hospital show this account is owned and managed by Martin S. Gottesfeld. Those records also show the IP address that was used to post the video on March 23, 2014 and log in to the account on April 1, 2014.

20. Records for RCN, the cable company that controls that IP address, list Martin S. Gottesfeld as the customer assigned to that IP address from at least March 23 to April 1, 2014. RCN records show that Gottesfeld receives his internet service at an address in Somerville, Massachusetts, which is also listed as his residence in Registry of Motor Vehicle records.

21. Based on this and other information, I obtained a search warrant for Gottesfeld's apartment on September 29, 2014.

22. When the FBI executed this search warrant, on October 1, 2014, Gottesfeld agreed to be interviewed. During that interview, Gottesfeld admitted to operating the YouTube account that posted the video calling for the attack on the Massachusetts Hospital and to being the one who posted the video. But he denied participating in any DDOS attacks.

23. During the course of my investigation, I identified a friend of Gottesfeld's, whom I will refer to as Witness 1. I interviewed Witness 1, who told me that he had worked with Gottesfeld on social media projects related to treatment centers that treat children and teenagers like Patient A, although Witness 1 told me that he had no role in the campaign involving Patient A.

24. Witness 1 said that, approximately a week after having read a newspaper article about the DDOS attack against the Massachusetts Hospital, Gottesfeld told him that he (Gottesfeld) had taken down the Hospital's website.<sup>1</sup>

25. Pursuant to the search warrant, I reviewed the computers that Gottesfeld acknowledged were his when I interviewed him at the time of the search. Portions of these computers are encrypted, and I have not yet been able to review them. Other portions are not.

26. I found, in an unencrypted portion of one of Gottesfeld's computers, a series of Twitter direct messages, from March 23, 2014. The messages are between Gottesfeld, using the account "stoplogariver" (which Gottesfeld admitted in the interview was his) and someone using the account "DigitaGhost." One of the message exchanges was:

- Mar 23, 2014 12:49 AM EST @Digitaghost: I was also thinking of attacking one target to show them we are not fucking around. . . .

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<sup>1</sup> The first time Witness 1 described this conversation with Gottesfeld, he said that it took place during a car ride with Gottesfeld. The second time Witness 1 described it, he said that Gottesfeld discussed the Hospital DDOS attack twice – once during a car ride and once standing outside Gottesfeld's house.

- Mar 23, 2014 12:51 AM EST @Digitaghost: It would require some thought on who #Target first anyway. Vuln scans blah blah blah.
- Mar 23, 2014 12:51 AM EST @Stoploganriver: k, let me run it by the family reps first. I suggest [the Massachusetts Treatment Center].

27. In a later message, DigiGhst confirmed the Treatment Center's location with Gottesfeld:

- Mar 23, 2014 12:58 AM EST @Digitaghost: This fucking site looks like one of your brainwashing schools.
- Mar 23, 2014 12:59 AM EST @Stoploganriver: It is basically one of those schools, from what we can tell. That's how I was able to bring in #ShutLoganRiver
- Mar 23, 2014 12:59 AM EST @Stoploganriver: that put this in our official purview. . . .
- Mar 23, 2014 1:00 AM EST @Digitaghost: "[city], MA right?"

28. In another exchange that day, Digitaghost told Gottesfeld that he would be able to successfully attack the Treatment Center's servers:

- Mar 23, 2014 1:02 AM EST @Digitaghost: Apache servers left unlatched. Lolololololololol. Fucking #OpSony all over again.
- Mar 23, 2014 1:03 AM EST @Digitaghost: Unpatched\*
- Mar 23, 2014 1:04 AM EST @Digitaghost: We can tear that shit up.

29. Two days later, on March 25, 2014, the press reported that the state court judge had granted permanent custody over Patient A to the Massachusetts Department of Children and Families.

30. That day, a Twitter account "@AnonMercurial2" issued a series of public Twitter messages, which included the hashtag #Anonymous, calling for attacks on the Treatment Center's website.

31. Twitter records show that the "@AnonMercurial2" account was created by someone using e-mail account digitaldruid@riseup.net. My review of Gottesfeld's computers

identified internet history logs showing that Gottesfeld created the digitaldruid@riseup.net e-mail address.

### **GOTTESFELD'S FLIGHT**

32. Gottesfeld has been aware of this investigation since the FBI searched his house in October 2014.

33. Last week, I learned that the Somerville Police Department had conducted a wellness check at Gottesfeld's apartment after receiving calls from his employer and from relatives concerned about his whereabouts. According to those calls, he had not been to work, nor had he or his wife had any contact with family members in several weeks, all without explanation. The Somerville Police found nobody home at his house.

34. I also went by his house last Friday but it appeared that there was nobody home and no car was in the driveway.

35. Today, I received a call from an FBI agent in the Bahamas, telling me that Gottesfeld and his wife were on a Disney Cruise Lines ship in the Bahamas. The agent told me that Gottesfeld and his wife were not passengers on the ship but rather had been picked up in a sailboat, not far from Cuba. The sailboat had run into trouble and Gottesfeld and his wife had placed a distress call, to which the cruise ship responded. They had some luggage with them, along with three laptop computers.

36. The cruise ship is scheduled to return to Miami tomorrow morning, February 17, 2016.

### **THE STATUTES**

37. The conspiracy statute makes it a crime for: "two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency

thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy.” 18 U.S.C. § 371.


38. The computer fraud and abuse act makes it a crime to: “knowingly causes the transmission of a program, information, code, or command, and as a result of such conduct, intentionally cause[] damage without authorization, to a protected computer.” 18 U.S.C. § 1030(a)(5)(A).

39. The statute defines a “protected computer” to include one used in or affecting interstate or foreign commerce or communication 18 U.S.C.A. § 1030(e). The statute defines “damage” as “any impairment to the integrity or availability of data, a program, a system, or information.” 18 U.S.C. § 1030(e)(8). Here, the DDOS attacks impaired the availability of the victims’ computer systems by taking them off-line at times. The § 1030 violation becomes a felony if (among other things) it causes the potential modification or impairment of the medical examination, diagnosis, treatment, or care of one or more individuals. § 1030(c)(4)(B).


### CONCLUSION

40. Based on the information described above, I have probable cause to believe that Martin Gottesfeld committed the crime of conspiracy, in violation of 18 U.S.C. § 371.

Sworn to under the pains and penalties of perjury,

  
Michael W. Tunick  
Special Agent, FBI

Subscribed and sworn to before me on February 16, 2016.

  
Hon. David H. Hennessy  
United States Magistrate Judge

