

2. Executive 1 was eBay's Chief Executive Officer.
3. Executive 2, who joined eBay in February 2019, was the Company's Chief Communications Officer.
4. Executive 3 was eBay's Senior Vice President for Global Operations.
5. Jim Baugh ("Baugh") was eBay's Senior Director of Safety & Security—an eBay division responsible for, in general terms, the physical security and reputation of eBay's employees and facilities worldwide. Baugh reported to Executive 3.
6. David Harville ("Harville"), who reported to Baugh, was eBay's Director of Global Resiliency, a unit focused on ensuring that eBay could continue to operate after business disruptions, such as security threats, political unrest, or natural disasters.
7. Stephanie Popp ("Popp") was eBay's Senior Manager of Global Intelligence and served as Baugh's de facto chief of staff. Before May 2019, Popp managed eBay's Global Intelligence Center ("GIC"), an intelligence and analytics group within the GSR that supported eBay's security operations.
8. Stephanie Stockwell ("Stockwell") was an intelligence analyst in the GIC who became its manager in mid-2019, when eBay promoted Popp.
9. Veronica Zea ("Zea") was an eBay contractor who worked as an intelligence analyst in the GIC.
10. Brian Gilbert ("Gilbert") and Philip Cooke ("Cooke") were retired Santa Clara, California police captains. Each worked at eBay and had responsibilities for, among other things, safety and security at eBay facilities, executive protection, and special events security.

EcommerceBytes

11. Ina and David Steiner were a married couple living in Natick, Massachusetts. The Steiners co-founded EcommerceBytes, a website that since 1999 had reported on ecommerce companies, including eBay. Ina Steiner was the editor and reporter for EcommerceBytes; David Steiner served as its publisher.

Events Preceding the Harassment and Intimidation Campaign

12. By the spring of 2019, EcommerceBytes' reporting was a source of frustration at eBay. Executive 2 suggested at various times that he wanted to "eff with" Ina Steiner or "blow her site up," and Executive 1 said, regarding the *Wall Street Journal*, "F[***] them. The journal is next on the list after I[n]a."

Fidomaster

13. By the spring of 2019, an anonymous internet user known variously as "Fidomaster", "Dan Davis", and "unsuckebay" (hereinafter "Fidomaster") had also become a source of frustration to Executive 1, Executive 2, Baugh, and others at eBay.

14. At Executive 2's direction, Baugh caused the GIC to prepare a report concerning Fidomaster. The March 2019 report concluded that Fidomaster was an "anonymous twitter user that posts negative content about eBay and its senior leadership." It also asserted that "Fidomaster" communicated with Ina Steiner about issues pertaining to eBay, noting "Steiner and eCommerceBytes are known for publishing negative content about eBay and its executives."

15. In approximately April or May 2019, Baugh met with GIC employees and told them the GIC would be writing an anonymous, handwritten, and threatening letter to Ina Steiner, to get her to stop publishing articles critical of eBay. The letter was never sent.

Walker's West

16. On or about May 21, 2019, EcommerceBytes published an article entitled, "*Did You Know eBay Built a Lavish NYC Pub-Style Lounge?*" The article reported that Executive 1 had commissioned the construction of a pub—Walker's West—on eBay's corporate campus, modelling it after a New York City bar. The article contained links to a contractor's website, which featured pictures of the project and a description of the pub.

17. Baugh alerted Executive 3 to the article by email that night, with the subject "Fwd: Ina Steiner – Walker's West."

18. Within hours, Executive 2 contacted a public relations consultant about the Walker's West article. Executive 2 wrote: "I'm just no longer accepting 'ignore' as a broader strategy and want to fight back. Look forward to talking ASAP to get your assessment of how to do that most [e]ffectively."

19. Thereafter, eBay communications employees sent information to the consultant about the Steiners, including their buying-selling history on eBay and the perspectives of eBay employees who knew them.

20. On or about May 31, 2019, Executive 2 and Executive 3 exchanged messages regarding Ina Steiner and EcommerceBytes. In relevant part:

- a. Executive 2 described an EcommerceBytes article discussing Executive 1's presentation to shareholders during eBay's 2019 annual meeting as "[s]hockingly reasonable";
- b. Executive 3 referred to Ina Steiner as a "cow";
- c. Executive 2 responded, "Her day is coming..."

- d. Executive 3 stated, “I can’t wait. // Jim Baugh came to me with some thoughts and I told him to stand down and leave it alone.”
- e. Executive 2 responded, “You are being too kind... tell him to be my advisor on this issue // Some times you just need to make an example out of someone. Justice // We are too nice. She needs to be crushed”
- f. Executive 3 responded, “I told [Baugh] I would raise to you and you would let him know if you want him to proceed – but knew you were working on something and didn’t want to step into that.”
- g. Executive 2 responded with a “thumbs up” emoji.

21. On or about June 6, 2019, Baugh tasked the GIC with tracking all of Ina Steiner’s and EcommerceBytes’ articles and social media posts concerning eBay.

22. On or about June 7, 2019, beneath the letters “FYSA” [For Your Situational Awareness], Executive 2 forwarded to Baugh the emails about the Steiners that eBay had shared with the public relations consultant.

23. On or about June 7, 2019, at Baugh’s direction, Gilbert (the retired police captain) traveled to the Boston area to surveil the Steiners.

24. On or about June 8, 2019, Baugh called the Steiners’ home in the middle of the night and hung up without speaking to them.

25. On or about June 8, 2019, Gilbert went to the Steiners’ home in Natick and scrawled the name “Fidomaster” on their fence.

26. On or about June 17, 2019, the consultant proposed steps to reduce the Steiners’ and EcommerceBytes’ impact on eBay. The consultant recommended that eBay either (1) create or promote company-friendly content that would drive EcommerceBytes’ posts lower in search

engine results; or (2) terminate the Steiners' eBay accounts for violations of the company's Terms of Use. Neither proposal was adopted.

27. On or about June 25, 2019, Executive 2 messaged two eBay communications employees about an EcommerceBytes article comparing eBay and another ecommerce company. After observing that he could not "complain about [Ina Steiner] pointing out fair bumps in our road", Executive 2 stated: "Love it when a secret, we can't speak it out loud plan comes together... ☹️", and added, "We always reserve the right to go 0-60 and get crazy on her ass, but this is a huge adjustment the last month. Ever since the Walker's post... 😊".

The Harassment and Intimidation Campaign

28. On or about August 1, 2019, the *New York Times* reported that eBay had accused Amazon in a lawsuit of unlawfully poaching eBay sellers to Amazon's online marketplace.

29. That day, at approximately 1:46 p.m. (EDT), Ina Steiner posted an article on EcommerceBytes under the headline, "eBay RICO Lawsuit Meant to Curb Seller Exodus to Amazon?" She wrote: "[Executive] 1 has been unable to stop a decline in market sales, but trying to dissuade sellers from turning to Amazon (and trying to get Amazon to stop recruiting sellers) may not be the best tactic."

30. At approximately 2:19 p.m. (EDT), Executive 1 texted Executive 2: "Ina is out with a hot piece on the litigation. If we are ever going to take her down..now is the time."

31. Executive 2 responded at approximately 2:36 p.m. (EDT): "On it."

32. As set forth below, a series of text messages followed between Executive 2 and Baugh, beginning with Executive 2's passing along of Executive 1's suggestion that "we ... take her down":

1:12 ✓ [Redacted]
Ina is out with a hot piece on the litigation.
If we are ever going to take her down, now is the time.
Copy it
Hatred is a sin. I am very sinful.
Let me ask you this. Do we need her entire site shut down?
I'm not fucking around with here anymore
Amen.
I want her DONE
said to burn her to the ground correct?
She is biased troll who needs to get BURNED DOWN

33. Executive 2 and Baugh’s August 1, 2019 conversation continued by text, with Baugh committing to put in motion a “plan B” and Executive 2 committing to “embrace managing any bad fall out.”

1:12 ✓ [Redacted]
She is biased troll who needs to get BURNED DOWN
Copy that
I have a plan B
I will put it in motion
Will take 2 weeks
I'll embrace managing any bad fall out. We need to STOP her.

34. Baugh continued, stating falsely that Fidomaster—whom he referred to as the “unsuck idiot”—was David Steiner “or [an]other close associate” of Ina Steiner’s:

Regarding the unsuck idiot, I have further reason to believe he is either her husband or other close associate. I've been communicating with him every day. I told him I have an incriminating video that he needs to see. He bit on it hook line and sinker.

I want to leave it at a hotel concierge for him. If I can get him to pick it up, his ass is mine.

35. Baugh concluded the August 1 exchange with Executive 2 as follows:

Confidential obviously

Rest assured, I will handle Ina

Delivered

36. On or about August 6, 2019, an eBay seller contacted Executive 1 to complain about @unsuckebay, one of the Twitter accounts controlled by Fidomaster. The seller's complaint led Executive 2, Executive 1, Baugh, and eBay's general counsel to communicate about eBay's unsuccessful efforts to have the Twitter account shut down.

37. Executive 2's email concluded: "I am utterly vexed by this! This twitter account [Fidomaster] dominates our social narrative with his CONSTANT obsession with trolling us. It's more than annoying, it's very damaging."

38. The email noted that Fidomaster and "the eCom[m]ercebytes gal"—a reference to Ina Steiner—were "infatuated with eBay" and "have seemingly dedicated their lives to erroneously trashing us as a way to build their own brand—or even build a business." It continued, "This issue gives me ulcers, harms employee moral, and trickles into everything about our brand. I

genuinely believe these people are acting out of malice and ANYTHING we can do to solve it should be explored. Somewhere, at some point, someone chose to let this slide. It has grown to a point that is absolutely unacceptable. It's the 'blind eye toward graffiti that turns into mayhem' syndrome and I'm sick about it. Whatever. It. Takes."

39. On or about August 7, 2019, at 4:59 p.m. (PDT), Baugh asked Executive 2 by message, "If I can neutralize Ina's website in two weeks or less, does that work for you?" Within minutes, Executive 2 responded: "I want to see ashes. As long as it takes. Whatever it takes."

40. After receiving Executive 2's text messages and emails about the Steiners, EcommerceBytes, and Fidomaster, Baugh shared them with, among others, Harville, Gilbert, Cooke, Popp, Stockwell, and Zea.

41. Beginning on or about August 5, 2019 and continuing through at least September 6, 2019, Baugh, Harville, Gilbert, Cooke, Popp, Stockwell, and Zea (together "the Individual Defendants") worked together to harass and intimidate the Steiners, and to place them under surveillance with the intent to harass and intimidate them, through repeated and hostile Twitter messages, deliveries of unwanted—and in some instances disturbing—items to the Steiners' home, and travel to Massachusetts to conduct physical surveillance. The Individual Defendants' conduct caused, attempted to cause, and would reasonably have been expected to cause substantial emotional distress to the Steiners.

42. The purposes of the harassment campaign were, among other things, to distract the Steiners from publishing EcommerceBytes, to alter the website's coverage of eBay, and to gather information that the Individual Defendants could use to discredit the Steiners and EcommerceBytes.

43. The Individual Defendants took steps to conceal their harassment campaign from eBay investigators and state and federal authorities, by, among other things, using non-eBay electronic communications platforms, billing expenses related to the campaign to an outside contractor, monitoring law enforcement communications, forging records, lying to investigators, and destroying evidence.

44. Among the manner and means by which Individual Defendants carried out the harassment campaign were the following:

- a. Creating Twitter accounts in false names that featured ominous profile photos.
- b. Using these Twitter accounts to send threatening private direct messages (“DMs”) to Ina Steiner about her, David Steiner, and EcommerceBytes.
- c. Publicly posting the Steiners’ home address on Twitter, while suggesting in threatening messages that eBay sellers who were angry about EcommerceBytes’ coverage were going to visit the Steiners’ home.
- d. Ordering unwanted and scary items and services to the Steiners’ home, and ordering items intended to embarrass the Steiners to their neighbors’ addresses.
- e. Posting online advertisements for fictitious events at the Steiners’ home, including sexual encounters, to encourage strangers to visit them there.
- f. Traveling to Natick to install a GPS device on the Steiners’ car, and to surveil the Steiners in their home and in their community.
- g. Monitoring law enforcement communications to avoid detection.
- h. Establishing false cover stories for the surveillance trip, including that the coconspirators were investigating the Steiners for threatening Executive 1.
- i. Continuing surveillance, even after the Steiners had detected it, with the purpose of intimidating them.
- j. Disguising their roles in the conspiracy by harassing and intimidating the Steiners using prepaid cell phones and laptops, VPN services, overseas email accounts, and prepaid debit cards purchased with cash.

- k. Offering the Steiners assistance with the very harassment they were committing, to earn the Steiners' good will ("the White Knight Strategy").
- l. Making false and misleading statements to NPD personnel who were investigating the threatening communications, harassing deliveries, and surveillance of the Steiners.
- m. Communicating by WhatsApp regarding how to harass the Steiners and how to respond to the NPD investigation.
- n. Creating a "dossier" of their own threats to the Steiners, which they planned to show to the NPD as proof that Zea and Harville were in Massachusetts investigating the harassment of the Steiners (purportedly by third parties).
- o. Exchanging ideas about how best to thwart the NPD investigation, including creating false suspects, continuing the harassing deliveries, fabricating cover stories, and intervening with any San Jose area police that the NPD contacted to further its investigation.
- p. Lying to eBay investigators who were responding to NPD requests for eBay's assistance.
- q. Exchanging ideas about how best to thwart eBay's internal investigation.
- r. Deleting the contents of computers, cell phones, and social media accounts that evidenced the harassment and intimidation campaign and the defendants' and their coconspirators' efforts to obstruct the NPD investigation.

Actions in Furtherance of the Harassment and Intimidation Campaign

45. From on or about August 5, 2019 through at least September 6, 2019, the Individual Defendants took the following steps, among others, as part of the harassment and intimidation campaign:

- a. On or about August 6, 2019, Baugh, Gilbert, Cooke, and Popp met at eBay headquarters to plan the White Knight Strategy.
- b. On or about August 6, 2019, Baugh, Popp, Stockwell, Zea, and other members of the GIC met at eBay headquarters to plan the delivery to the Steiners' home of unwanted and disturbing items to distract the Steiners from publishing the

Newsletter.

- c. On or about August 6, 2019, Stockwell purchased a laptop computer at a Best Buy store in San Jose, California for use in the harassment and intimidation campaign.
- d. On or about August 6, 2019, Popp created a Twitter account in the name of “@Tui_Elei” that used a picture of a skeleton mask as a profile picture.
- e. On or about August 7, 2019, Popp sent the following DMs from the @Tui_Elei Twitter account to Ina Steiner’s Twitter account:
 - “[Ina Steiner’s First Name]...whats your problem w/ebay? You know that’s how we pay rent.”
 - “HELLO!!!!!!!”
- f. On or about August 8, 2019, Zea and a GIC analyst purchased prepaid debit cards with cash at a Santa Clara, California supermarket for use in ordering harassing deliveries to be sent to Victims 1 and 2.
- g. On or about August 9, 2019, Popp sent the following DMs from the @Tui_Elei Twitter account to Ina Steiner’s Twitter account:
 - “WTF...whats it goin to take for u to answer me??”
 - “I guess im goin to have to get ur attention another way bitch...”
 - “U don’t have the balls to talk to me?? Stop hiding behind ur computer screen u fuckin cunt!!!”
- h. On or about August 9, 2019, Stockwell used an anonymous email account to order live spiders and fly larvae for delivery to the Steiners’ home.
- i. On or about August 9, 2019, one or more of the Individual Defendants ordered a subscription for pornographic magazines in the name of David Steiner to be sent to the Steiners’ neighbors.
- j. On or about August 9, 2019, one or more of the Individual Defendants attempted to order a pig fetus for delivery to the Steiners’ home.
- k. On or about August 10, 2019, one or more of the Individual Defendants ordered a Halloween Pig Mask for delivery to the Steiners’ home.

- l. On or about August 10, 2019, Popp sent the following DM from the @Tui_Elei Twitter account to Ina Steiner's Twitter account:
 - "DO I HAVE UR ATTENTION NOW????"
- m. On or about August 10, 2019, Popp sent the following DMs from the @Tui_Elei Twitter account to Ina Steiner's Twitter account:
 - "Ur fat fuck pussy husband [David Steiner's first name] needs to put u in line cunt."
 - "after he takes the plugs out of his asshole...fuckin pussies!!!"
- n. On or about August 11, 2019, Baugh directed Harville to travel with him to Boston for an "op" targeting Ina Steiner and her website (*i.e.*, EcommerceBytes).
- o. On or about August 11, 2019, Baugh sent Harville the following text message: "I won't send the bosses texts, but I've been ordered to find and destroy." Harville replied, "Copy. Totally black[.] I'm deleting this now."
- p. On or about August 12, 2019, Baugh sent Popp, Stockwell, Zea, and other GIC analysts the following WhatsApp message: "Starting now through Tuesday night double our effort on everything. Spam, house deliveries, etc. I don't want anything delivered on Thursday, so the cutoff should be Wednesday night – wake them up with a limo driver or something and then everything goes cold Thursday morning. ... Take down all Craigslist posts late Wednesday night. Stop spam late Wednesday night, etc."
- q. On or about August 12, 2019, one or more of the Individual Defendants sent a book titled "Grief Diaries: Surviving Loss of a Spouse" to the Steiners' home.
- r. On or about August 12, 2019, Popp used the @Tui_Elei Twitter account to post publicly to Ina Steiner's Twitter account: "[Ina Steiner]...wats ur problem with ebay??"
- s. On or about August 12, 2019, Popp used the @Tui_Elei Twitter account to post publicly to Ina Steiner's Twitter account: "many familys including mine make money 2 pay 4 food cloths and rent by selling on ebay...UR stupid idkiot comments r pushin buyers away from ebay and hurtin familys!!! STOP IT NOW!!!"

- t. On or about August 13, 2019, one or more of the Individual Defendants used a prepaid debit card to order a funeral wreath for delivery to the Steiners' home.
- u. On or about August 14, 2019, one or more of the Individual Defendants ordered live cockroaches for delivery to the Steiners' home.
- v. On or about August 14, 2019, Popp used the @Tui_Elei Twitter account to post a public message to Ina Steiner's Twitter account: "[First name of Ina Steiner] wen u hurt our bizness u hurt our familiys...Ppl will do ANYTHING 2 protect family!!!!"
- w. On or about August 14, 2019, Baugh, Harville, Zea, Gilbert, and Popp met to discuss a trip to Natick, Massachusetts to install a GPS tracking device on the Steiners' car and to surveil the Steiners. At the meeting, Baugh instructed Zea to stop harassing deliveries that would interfere with the surveillance operation.
- x. On or about August 14, 2019, Zea attempted to register herself and Harville for a software development conference in Boston as false cover for the surveillance trip.
- y. On or about August 15, 2019, Harville used his eBay-issued phone to visit a website that could be used to monitor the "Natick Police and Fire Live Audio Feed."
- z. On or about August 15, 2019, Baugh, Harville, and Zea flew from California to Boston, Massachusetts.
- aa. On or about August 15, 2019, Stockwell sent a text message to Harville providing the license plate numbers for the Steiners' cars.
- bb. On or about August 15, 2019, Baugh, Harville, and Zea drove to the Steiners' home in Natick and attempted unsuccessfully to install a GPS tracking device on the Steiners' car, which was locked in the Steiners' garage.
- cc. On or about August 15, 2019, Baugh, Harville, Popp, and Zea dialed in to a conference line to communicate during the surveillance operation and to monitor the NPD dispatch.
- dd. On or about August 15, 2019, Baugh directed Stockwell by WhatsApp message to prepare an eBay "Person of Interest" report ("POI Report") that listed the Steiners as eBay's top POIs. Baugh wrote, "In the narrative I need you to write that they have made direct threats to ebay, [eBay's CEO], and our employees (make it up)."

- ee. On or about August 16, 2019, Harville purchased tools at a Boston hardware store for the purpose of breaking into the Steiners' locked garage.
- ff. On or about August 16, 2019, Baugh, Harville, and Zea returned to Natick in a rented Dodge Caravan to surveil the Steiners, and drove past their home repeatedly.
- gg. On or about August 16, 2019, Harville dialed in to the surveillance team's conference line.
- hh. On or about August 16, 2019, Baugh, Harville, and Zea followed David Steiner as he drove around Natick.
- ii. On or about August 16, 2019, believing that David Steiner had spotted the surveillance, Baugh returned the Dodge Caravan to the rental car agency.
- jj. On or about August 16, 2019, after the failed surveillance, Baugh directed that harassing deliveries to the Steiners resume.
- kk. On or about August 17, 2019, at 3:08 a.m. (EDT), Stockwell researched Boston-area 24-hour drain repair services on the internet for the purpose of sending a repairman to the Steiners' home in the middle of the night.
- ll. On or about August 17, 2019, one or more of the Individual Defendants ordered pizza to be delivered to the Steiners' home at 4:30 a.m., for payment upon delivery.
- mm. On or about August 17, 2019, Harville returned to California, and Popp traveled to Boston to replace him on the surveillance team.
- nn. On or about August 18, 2019, Popp replied to a public tweet on Ina Steiner's Twitter account using the @Tui_Elei account and stated: "Dis ur address???" The message was followed by information about Ina Steiner, accurately stating her name, age, address, and telephone number.
- oo. On or about August 18, 2019, Popp sent the following DM from the @Tui_Elei Twitter account to Ina Steiner's Twitter account: "U get my gifts cunt!!??"
- pp. On or about August 18, 2019, one or more of the Individual Defendants posted an advertisement on Craigslist claiming to be a married couple seeking a sexual partner or partners, and providing the Steiners' home address.

- qq. On or about August 18, 2019, Baugh, Popp, and Zea followed David Steiner as he drove in Natick.
- rr. On or about August 20, 2019, Baugh sent a text message to Popp, Gilbert, and Cooke that the Individual Defendants had “burned” two surveillance cars and that either the Steiners or the NPD were “seeing ghosts right now.”
- ss. On or about August 20, 2019, Baugh forwarded to Gilbert the POI Report falsely indicating that the Steiners were security threats to eBay. In a WhatsApp message to Gilbert, Cooke, and Popp, Baugh stated: “Just sent poi doc with [the Steiners] included. I had GIC send this to me last week in case we got stopped..that way would at least have something to show to PD.”
- tt. On or about August 20, 2019, after Twitter suspended the @Tui_Elei account for posting the Steiners’ home address, Popp created a new Twitter account, @Elei_Tui, for use in harassing the Steiners.
- uu. On or about August 20, 2019, Popp also created two other Twitter accounts, including one that used the name of a prominent eBay seller.
- vv. On or about August 21, 2019, Zea and Baugh made false statements to an NPD detective who came to the surveillance team’s hotel to investigate Zea and Harville’s connection to the cyberstalking campaign.
- ww. On or about August 21, 2019, at approximately 9:36 a.m. (EDT), Baugh sent the following text message to Popp, Gilbert, and Cooke: “Natick detective is in lobby looking for [Zea]. I’ve taken her away from hotel headed to airport...Detective called her cell. I answered just now as her husband and played dumb.”
- xx. On or about August 21, 2019, at approximately 9:39 a.m. (EDT), Gilbert proposed to Baugh, Cooke, and Popp bringing “dossiers” on the Steiners to the NPD: “Definitely want to make them look crazy.”
- yy. On or about August 21, 2019, between approximately 10:30 a.m. and 12:00 p.m. (EDT), Popp sent more threatening tweets to and about Ina Steiner and the Newsletter (“the Concerning Tweets”). Popp used the three Twitter accounts that she had created the night before to have a public “conversation” on Twitter, asking over one account what Ina Steiner’s address was, and responding from the other “guest I hav to pay Ina a visit.”

- zz. On or about August 21, 2019, minutes after writing the Concerning Tweets, Popp forwarded images of the Concerning Tweets to Baugh and Gilbert, writing falsely that Ina Steiner was “really bringing out some angry Twitter users.”
- aaa. On or about August 21, 2019, at approximately 12:34 p.m. (EDT), Baugh forwarded the Concerning Tweets to Harville.
- bbb. On or about August 21, 2019, at approximately 2:30 p.m. (EDT), executing the White Knight Strategy, Gilbert called the Steiners, identified himself as an eBay employee, and offered eBay’s assistance.
- ccc. After the call, Gilbert messaged Baugh, Popp, and Cooke that the Steiners were “totally rattled.”
- ddd. Thereafter, still on August 21, 2019, Gilbert spoke, text messaged, and emailed with an NPD detective who was handling the investigation into the harassment of the Steiners. Gilbert falsely claimed not to know Zea or Harville and falsely stated that he had to travel to Toronto and New York but would instead attempt to come to Boston to meet with the NPD.
- eee. On or about August 21, 2019, after learning that the NPD was investigating the use of a prepaid debit card to purchase pizzas for delivery to the Steiners, Baugh and Popp directed Stockwell to prepare a list of eBay “Persons of Interest” in the San Francisco Bay Area that could be used (as part of Gilbert’s “dossier”) to deflect attention from Zea.
- fff. On or about August 21, 2019, Stockwell created the document that Baugh requested—“Bay Area POIs_August 2019.docx”—and emailed it to Popp and Baugh, who forwarded it to Gilbert for use in the NPD meeting.
- ggg. On or about August 22, 2019, Gilbert and another eBay employee met with three NPD officers at the NPD. During the meeting, Gilbert falsely stated that:
- Zea and Harville had come to Boston to attend a conference;
 - Popp was Zea’s supervisor; and
 - Popp had assigned Zea to a Person of Interest investigation regarding the Steiners, and that Zea had driven to Natick “on her own.”
- hhh. On or about August 22, 2019, after the NPD meeting, Popp used one of the new Twitter accounts to post “@[Newsletter] 20 yrs of lies n distroin familys... dunt b

proud of dat u wurthless BITCH!!! i wil distroy ur family n bizness 2... C how u like it... \n\n@Elei_Tui wen r we goin 2 visit her in natik???"

- iii. On or about August 23, 2019, Harville falsely told eBay investigators that he had traveled to Boston to attend a conference, he had not been in Natick, and he had not had any interaction with the Steiners or the NPD.
- jjj. On or about August 23, 2019, Baugh falsely told eBay investigators his team was not responsible for harassing messages or deliveries and that his team had been in Natick to investigate threats to the Steiners.
- kkk. On August 23, 2019, at 5:15 p.m. (PDT), Baugh messaged Executive 2 as follows:

Hi [Executive 2] – this is Jim Baugh’s personal cell. My team ran an Op on our friend in Boston. Nothing illegal occurred and we were actually intending to team up with her and get her on our side in a positive manner. However, small town police got a couple of rental car plates and tracked it back to my people and the hotel the were staying at. They sent a note to ebay investigations GAP team who then passed it to legal and they are conducting an internal investigation on us. We are cooperating, but I know they realize something is off. We will continue to cooperate, but not sure how much longer we can keep this up. If there is any way to get some top cover that would be great. If not, I just wanted you to have a heads up because they are aware that multiple members of the ELT are not a fan of that website to include [REDACTED] and his wife. Again, no crime was committed and local police don’t have a case. I don’t want our legal team to give them one. Let me know if you want to discuss this weekend.
- lll. On or about August 26, 2019, Harville falsely told eBay investigators that he didn’t know whether Zea had gone to Natick and that he had not worked on a matter involving the Steiners.
- mmm. On or after August 26, 2019, Baugh, Harville, Popp, Zea, Gilbert, and others deleted and attempted to delete data from their mobile phones that evidenced the conspiracy, including WhatsApp messages.
- nnn. On or about August 27, 2019, Harville falsely told eBay investigators that he had attended a conference in Boston with Zea.
- ooo. On or about August 28, 2019, Baugh falsely told eBay investigators that his team was not responsible for the deliveries or harassing communications.

- ppp. On or about August 30, 2019, Baugh directed an eBay employee to retrieve computers from the GIC and to bring them to his house.
- qqq. On or about August 30, 2019, after receiving an email from an eBay investigator directing him to preserve relevant information and to turn in his eBay-issued cell phone, Harville messaged Baugh, Gilbert, and Popp, “Want me to wipe it.”
- rrr. On or about August 30, 2019, Harville turned in his eBay-issued cell phone from which significant data related to his trip to Natick had been deleted.
- sss. On or about September 6, 2019, Popp posted five new Tweets to one of the Twitter accounts that the Individual Defendants had used to harass the Steiners, to suggest that those responsible for harassing the Steiners were still at large.

Executive 2’s Receipt of Information Regarding the Harassment and Intimidation Campaign

46. On or about August 20, 2019, an NPD detective emailed eBay to request assistance with the NPD’s investigation into the harassment of the Steiners.

47. On or about August 21, 2019, at approximately 2:49 p.m. (PDT), an eBay communications employee forwarded to Executive 2, who was traveling overseas, an email containing the NPD request, underneath an “exploding head” emoji.

48. At approximately 3:05 p.m. (PDT), Executive 2 responded, “Please do not do anything until I can check a few things...I don’t want us to engage. Who specifically did the local police contact first at eBay.”

49. On or about August 22, 2019, eBay’s General Counsel emailed Executive 2, Executive 3, and another eBay executive, informing them that the Steiners had contacted the NPD about being harassed, and that eBay would be beginning an internal investigation immediately (“the GC Email”). The GC Email enclosed a copy of a second NPD request to eBay for assistance in the investigation that identified Harville and Zea’s possible involvement in the harassment.

50. On or about August 23, 2019, at approximately 5:15 p.m. (PDT), Baugh messaged Executive 2 as follows:

Hi [Executive 2] – this is Jim Baugh’s personal cell. My team ran an Op on our friend in Boston. Nothing illegal occurred and we were actually intending to team up with her and get her on our side in a positive manner. However, small town police got a couple of rental car plates and tracked it back to my people and the hotel the were staying at. They sent a note to ebay investigations GAP team who then passed it to legal and they are conducting an internal investigation on us. We are cooperating, but I know they realize something is off. We will continue to cooperate, but not sure how much longer we can keep this up. If there is any way to get some top cover that would be great. If not, I just wanted you to have a heads up because they are aware that multiple members of the ELT are not a fan of that website to include [REDACTED] and his wife. Again, no crime was committed and local police don’t have a case. I don’t want our legal team to give them one. Let me know if you want to discuss this weekend.

51. On or about August 23, 2019, at approximately 5:24 p.m. (PDT), Executive 2 and Baugh spoke by phone for approximately 10 minutes.

52. On or about August 27, 2019 and August 28, 2019, eBay investigators interviewed Executive 2 regarding the harassment and intimidation of the Steiners.

53. On or about August 30, 2019, eBay investigators obtained forensic copies of Executive 2’s eBay-issued and personal cell phones. Executive 2’s phones did not contain the message from Baugh described in paragraph 50 above or the other August 2019 messages between Baugh and Executive 2 regarding Ina Steiner and EcommerceBytes, indicating that those messages had, at some point, been deleted.

COUNTS ONE AND TWO
Stalking Through Interstate Travel
(18 U.S.C. § 2261A(1)(B))

The United States Attorney further charges:

54. The United States Attorney re-alleges and incorporates by reference paragraphs 1 through 53 of this Information.

55. From on or about August 15, 2019 through on or about August 23, 2019, in the District of Massachusetts and elsewhere, the defendant,

eBay Inc.,

did travel in interstate commerce with the intent to harass, intimidate, and place under surveillance with intent to harass and intimidate another person, and in the course of, and as a result of, such travel engaged in conduct that caused, attempted to cause, and would be reasonably expected to cause substantial emotional distress to the persons described below:

COUNT	VICTIM
1	Ina Steiner
2	David Steiner

All in violation of 18 U.S.C. § 2261A(1)(B).

COUNTS THREE AND FOUR
Stalking Through Facilities of Interstate Commerce
(18 U.S.C. § 2261A(2)(B))

The United States Attorney further charges:

56. The United States Attorney re-alleges and incorporates by reference paragraphs 1 through 53 of this Information.

57. From on or about August 5, 2019 through August 23, 2019, in the District of Massachusetts and elsewhere, the defendant,

eBay Inc.,

did, with the intent to harass, intimidate, and place under surveillance with the intent to harass and intimidate another person, use the mail, an interactive computer service, electronic communication service, electronic communications system of interstate commerce, and other facilities of interstate commerce to engage in a course of conduct that caused, attempted to cause, and would be reasonably expected to cause substantial emotional distress to the persons described below:

COUNT	VICTIM
3	Ina Steiner
4	David Steiner

All in violation of 18 U.S.C. § 2261A(2)(B).

COUNT FIVE
Witness Tampering
(18 U.S.C. § 1512(b)(3) and 2)

The United States Attorney further charges:

58. The United States Attorney re-alleges and incorporates by reference paragraphs 1 through 53 of this Information.

59. From on or about August 20, 2019 through on or about August 30, 2019, in the District of Massachusetts and elsewhere, the defendant,

eBay Inc.,

did knowingly engage in misleading conduct toward the persons described below, with intent to hinder, delay, and prevent the communication to a law enforcement officer of the United States of information relating to the commission and possible commission of a Federal offense, that is, the harassment and intimidation campaign charged in this Information.

COUNT	OBJECT OF MISLEADING CONDUCT
5	NPD Detective

All in violation of 18 U.S.C. § 1512(b)(3).

COUNT SIX

**Destruction, Alteration and Falsification of Records in a Federal Investigation
(18 U.S.C. § 1519)**

The United States Attorney further charges:

60. The United States Attorney re-alleges and incorporates by reference paragraphs 1 through 53 of this Information.

61. On or about the dates set forth below, in the District of Massachusetts, the defendant,

eBay Inc.,

did knowingly alter, destroy, conceal and falsify the records, documents, and tangible objects below with the intent to impede, obstruct, and influence the investigation and proper administration of a matter within the jurisdiction of any department and agency of the United States, that is, the harassment and intimidation campaign charged in this Information.

COUNT	DATE	Record Destroyed or Falsified
6	August 21, 2019	Bay Area POIs_August 2019.docx

All in violation of 18 U.S.C. § 1519.

JOSHUA S. LEVY
ACTING UNITED STATES ATTORNEY

SETH KOSTO

Digitally signed by SETH
KOSTO
Date: 2024.01.11 11:22:23
-05'00'

SETH B. KOSTO
ASSISTANT UNITED STATES ATTORNEY
DISTRICT OF MASSACHUSETTS
January 11, 2024

JS 45 (5/97) - (Revised U.S.D.C. MA 9/20/2023)

Criminal Case Cover Sheet

U.S. District Court - District of Massachusetts

Place of Offense: D. Mass. Category No. II Investigating Agency FBI

City Natick

Related Case Information: 2024 JAN 11 AM 11:59

County Middlesex

Superseding Ind./ Inf. Case No.

Same Defendant New Defendant

Magistrate Judge Case Number

Search Warrant Case Number

R 20/R 40 from District of

Defendant Information:

Is this case related to an existing criminal action pursuant to Rule 40.1(h)? If yes, case number 20-CR-10263-PBS [X] Yes [] No

Defendant Name eBay Inc.

Juvenile: [] Yes [X] No

Is this person an attorney and/or a member of any state/federal bar: [] Yes [X] No

Alias Name:

Address: 2025 Hamilton Avenue San Jose, California 95125

Birth date (Yr only): N/A SSN (last 4#): N/A Sex: N/A Race N/A Nationality: N/A

Defense Counsel if known: Jack Pirozzolo, Esq. Address: 60 State Street, 36th Floor

Bar Number: Boston, MA 02109

U.S. Attorney Information

AUSA: Seth B. Kosto Bar Number if applicable:

Interpreter: [] Yes [X] No List language and/or dialect:

Victims: [X] Yes [] No If yes, are there multiple crime victims under 18 USC§3771(d)(2) [] Yes [X] No

Matter to be SEALED: [] Yes [X] No

[] Warrant Requested [X] Regular Process [] In Custody

Location Status: N/A

Arrest Date: N/A

[] Already in Federal Custody as of N/A in

[] Already in State Custody at N/A [] Serving Sentence [] Awaiting Trial

[] On Pretrial Release: Ordered by: N/A on

Charging Document: [] Complaint [X] Information [] Indictment

Total # of Counts: [] Petty [] Misdemeanor [X] Felony 6

Continue on Page 2 for Entry of U.S.C. Citations

[X] I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

SETH KOSTO

Digitally signed by SETH KOSTO Date: 2024.01.09 10:48:11 -05'00'

Date: 1/11/2024

Signature of AUSA:

JS 45 (5/97) (Revised U.S.D.C. MA 9/20/2023) Page 2 of 2 or Reverse

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant eBay Inc.

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	18 U.S.C. § 2261A(1)(B)	Stalking through Interstate Travel	1, 2
Set 2	18 U.S.C. § 2261A(2)(B)	Stalking through Electronic Communications Services	3, 4
Set 3	18 U.S.C. § 1512(b)(3)	Witness Tampering	5
Set 4	18 U.S.C. § 1519	Destruction or Alteration of Records	6
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION:

The Information is filed with a Deferred Prosecution Agreement between the government and the defendant.