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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CATHOLIC HEALTH INITIATIVES, a)
nonprofit health system,)
)
Plaintiff,)
)
v.)
JOHN DOE, an unknown individual,)
)
Defendant.)
_____)

Case No.)
COMPLAINT FOR VIOLATION OF)
THE WIRETAP ACT)

1. On March 25, 2014, an unknown individual (“John Doe”), obtained administrative rights to CHI-EAST.org, an Internet domain name used by Catholic Health Initiatives (“CHI”), and improperly and unlawfully used rights obtained as the registrant of CHI-EAST.org to gain control over other CHI domain names, including catholicheath.net.

2. CHI uses catholicheath.net email addresses for doctors and staff of its healthcare facilities in Western Washington and across the United States.

3. Defendant Doe used his improperly-acquired control over the catholichealth.net domain name to cause all emails and email attachments regularly sent to CHI doctors and staff by patients, laboratories, and other third parties to be redirected to a Hotmail email account that Defendant Doe controlled and possibly to other of Defendant Doe’s email accounts.

4. Working with Network Solutions, LLC, CHI regained control of the catholichealth.net domain name and, after several days, email traffic was again properly routed to CHI recipients.

1 5. CHI seeks to recover damages from Defendant Doe for intentionally
2 intercepting emails sent to CHI and seeks an injunction ordering Defendant Doe to
3 refrain from improperly and unlawfully causing emails sent to CHI to be sent to any other
4 person or entity.

5 I. The Parties

6 6. CHI operates hospitals and other health care facilities in 17 states,
7 including nine health care facilities in Washington: Franciscan Medical Group in
8 Tacoma, Harrison Medical Center in Bremerton, Highline Medical Center in Burien,
9 Regional Hospital for Respiratory and Complex Care in Tukwila, St. Anthony Hospital in
10 Gig Harbor, St. Clare Hospital in Lakewood, St. Elizabeth Hospital in Enumclaw, St.
11 Francis Hospital in Federal Way, and St. Joseph Medical Center in Tacoma.

12 7. CHI has its primary administrative offices in Englewood, Colorado.

13 8. Defendant John Doe is an unknown individual who improperly and
14 unlawfully obtained control over CHI's catholichealth.net domain name and used that
15 control to intentionally intercept emails sent to CHI doctors and staff. CHI will amend its
16 Complaint to substitute the Defendant's actual name for "John Doe" when CHI learns the
17 Defendant's actual name.

18 II. Jurisdiction and Venue

19 9. By intentionally intercepting emails and email attachments in transit that
20 were sent to CHI doctors and staff, Defendant Doe violated the Wiretap Act ("WTA"),
21 18 U.S.C. § 2511. CHI may pursue its claims against Defendant Doe pursuant to 18
22 U.S.C. § 2520.

23 10. Defendant Doe caused and will cause CHI damages to regain control of
24 the catholichealth.net domain name and other CHI domain names, to conduct a forensic
25 investigation regarding how Defendant Doe intentionally intercepted CHI emails, and
26 potentially to notify patients of the unauthorized acquisition of their protected health
27 information, if the intercepted emails contained such information. Pursuant to 18 U.S.C.
28 § 2520, CHI also seeks punitive damages, its reasonable attorneys' fees and litigation

1 costs, and, in the alternative to CHI's actual damages, any profits Defendant Doe made
2 by violating the WTA if such profits exceed CHI's actual damages.

3 11. The court has jurisdiction regarding CHI's claims pursuant to 18 U.S.C. §
4 1331. Venue is proper in this District because a substantial part of the events giving rise
5 to CHI's claims occurred in this District when Defendant Doe used one or more
6 Microsoft Hotmail or Outlook.com email accounts as part of his scheme to intentionally
7 intercept emails intended for CHI doctors and staff.

8 **III. Defendant Doe Violated the Wiretap Act**

9 12. CHI incorporates the allegations in paragraphs 1-11 in this paragraph.

10 13. [Redacted]

11 14. [Redacted]

12 15. [Redacted]

13 16. [Redacted]

14 17. [Redacted]

15 18. [Redacted]

16 19. [Redacted]

17 20. [Redacted]

18 21. According to IP address geolocation services such as iplocation.net, each
19 of the IP addresses used by Defendant Doe described in paragraphs 14, 16, and 20 are
20 associated with computers or mobile devices located in Pakistan.

21 22. Doctors and staff who used catholichealth.net email addresses generally
22 receive numerous emails and email attachments from other doctors, health care
23 employees, laboratory employees, and patients.

24 23. Beginning March 25, 2014 and continuing through March 30, 2014, CHI
25 doctors and staff who used catholichealth.net email addresses received either no emails or
26 many fewer than the normal number of emails.

27 24. Email deliveries to catholichealth.net email addresses began returning to
28 normal levels after Network Solutions assisted CHI to ensure that DNS servers and Mail

1 Exchange (MX) records were properly configured and email servers properly routed
2 emails to users of the catholichealth.net email addresses.

3 25. Based on the number of catholichealth.net emails CHI doctors and staff
4 typically receive and the number of catholichealth.net emails CHI doctors and staff
5 received from March 25-30, 2014, CHI security staff believe that a significant number of
6 CHI emails were intercepted and redirected during that time period.

7 26. Because Defendant Doe redirected emails for
8 sheiladevine@catholichealth.net to a Hotmail email address, CHI security staff believe
9 that Defendant Doe intercepted and redirected CHI emails sent to catholichealth.net
10 emails addresses to one or more Hotmail or Outlook.com email accounts. CHI security
11 staff contacted email administrators at Microsoft and requested information regarding
12 emails received through Hotmail and Outlook.com email accounts. Microsoft
13 administrators responded that they could not provide the requested information without a
14 subpoena, court order, or other legally enforceable request.

15 27. Defendant Doe intercepted and redirected emails sent to doctors and other
16 staff at catholichealth.net email address during March 25-30, 2014 to one or more
17 Hotmail and Outlook.com accounts controlled by Defendant Doe.

18 28. On information and belief, Defendant Doe viewed information in emails
19 and email attachments that were sent to CHI doctors and staff from March 25-30, 2014
20 after Defendant Doe intentionally intercepted the emails and redirected them to one or
21 more email accounts he controlled.

22 29. By intentionally intercepting, redirecting, and viewing emails and
23 attachments that were sent to CHI doctors and staff from March 25-30, Defendant Doe
24 violated the WTA and caused CHI damages in an amount that will be proven at trial.

25 **IV. Relief Requested**

26 CHI asks the Court to enter judgment

27 30. Awarding CHI damages in the amount proven at trial for Defendant Doe's
28 violation of the WTA;

1 31. Alternatively, awarding CHI damages in the amount of Defendant Doe’s
2 profits from his violation of the WTA if Defendant Doe profits exceed CHI’s damages;

3 32. Awarding CHI punitive damages;

4 33. Entering a preliminary and permanent injunction prohibiting Defendant
5 Doe or anyone working with him from intentionally diverting emails sent to CHI doctors
6 and staff and viewing the contents of emails and email attachments;

7 34. Awarding CHI the attorneys’ fees and litigation costs that CHI reasonably
8 incurs in this action; and

9 35. Awarding such additional relief that the Court deems just and equitable.

10
11 Dated: May 8, 2014

BAKER & HOSTETLER LLP

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13 By:

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