



**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA : Hon. Madeline Cox Arleo
: :
v. : Criminal No. 20- 1023 (MCA)
: :
TIM STIGAL : 18 U.S.C. § 1028A
: 18 U.S.C. § 1029
: 18 U.S.C. § 1030
: 18 U.S.C. § 1343
: 18 U.S.C. § 1349
: 18 U.S.C. § 2

INDICTMENT

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

COUNT 1
(Wire Fraud Conspiracy)

BACKGROUND AND ENTITIES

1. At all times relevant to this Indictment:
 - a. Defendant TIM STIGAL resided outside of the United States.
 - b. “Track Data” was information, including financial account numbers, encoded within the magnetic strip on the back of a payment card which is read by an electronic reader.
 - c. “Personal Data” was records of personal information, including names, dates of birth, social security numbers, email addresses, telephone numbers, and other data, for multiple individuals.
 - d. Corporate Victim #1 was a corporation headquartered in the State of Pennsylvania that maintained databases containing Personal Data.

e. Corporate Victim #2 was a corporation headquartered in the State of Virginia that maintained databases containing Personal Data.

f. Corporate Victim #3 was a corporation headquartered in the State of California that maintained databases containing Personal Data.

2. From at least as early as in or about April 2014 through on or about June 6, 2015, in Morris County, in the District of New Jersey and elsewhere, defendant

TIM STIGAL

did knowingly and intentionally conspire and agree with others to devise a scheme and artifice to defraud Corporate Victim #1 and to obtain money and property from Corporate Victim #1 by means of materially false and fraudulent pretenses, representations, and promises, and for the purpose of executing such scheme and artifice, to transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce certain writings, signs, signals, pictures and sounds in furtherance of such scheme and artifice, to wit, communications relating to stolen Personal Data for customers of Corporate Victim #1 and the transmission of ransom payments demanded by the defendant upon threats to impair the confidentiality of stolen Personal Data for customers of Corporate Victim #1, in violation of Title 18, United States Code, Section 1343.

In violation of Title 18, United States Code, Sections 1349 and 2.

COUNTS 2 THROUGH 6
(Wire Fraud)

1. The allegations contained in Paragraph 1 of Count One of this Indictment are re-alleged and incorporated as though fully set forth in these Counts.

2. From at least as early as in or about April 2014 through in or about June 2015, in Morris County, in the District of New Jersey and elsewhere, defendant

TIM STIGAL

did knowingly and intentionally devise and intend to devise a scheme and artifice to defraud Corporate Victim #1 and to obtain money and property from Corporate Victim #1 by means of materially false and fraudulent pretenses, representations, and promises.

3. On or about the dates set forth below, in Morris County, in the District of New Jersey, and elsewhere, for the purpose of executing and attempting to execute this scheme and artifice, the defendant did knowingly and intentionally transmit and cause to be transmitted, and attempted to transmit and cause to be transmitted, by means of wire communications in interstate and foreign commerce the following writings, signs, signals, pictures, and sounds, to wit, the transmission of ransom payments demanded by the defendant upon threats to impair the confidentiality of stolen Personal Data for customers of Corporate Victim #1, each transmission constituting a separate count of this Indictment as follows:

Count	Date (On or About)
2	December 17, 2014
3	January 20, 2015
4	February 20, 2015
5	March 30, 2015
6	April 23, 2015

All in violation of Title 18, United States Code, Sections 1343 and 2.

COUNT 7
(Wire Fraud Conspiracy)

1. The allegations contained in Paragraph 1 of Count One of this Indictment are re-alleged and incorporated as though fully set forth in this Count.

2. From at least as early as in or about October 2015 through on or about December 17, 2015, in Morris County, in the District of New Jersey and elsewhere, defendant

TIM STIGAL

did knowingly and intentionally conspire and agree with others to devise a scheme and artifice to defraud Corporate Victim #2 and to obtain money and property from Corporate Victim #2 by means of materially false and fraudulent pretenses, representations, and promises, and for the purpose of executing such scheme and artifice, to transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce certain writings, signs, signals, pictures and sounds in furtherance of such scheme and artifice, to wit, communications relating to stolen Personal Data for customers of Corporate Victim #2, in violation of Title 18, United States Code, Section 1343.

In violation of Title 18, United States Code, Sections 1349 and 2.

COUNT 8
(Wire Fraud)

1. The allegations contained in Paragraph 1 of Count One of this Indictment are re-alleged and incorporated as though fully set forth in this Count.

2. From at least as early as in or about October 2015 through on or about December 17, 2015, in Morris County, in the District of New Jersey and elsewhere, defendant

TIM STIGAL

did knowingly and intentionally devise and intend to devise a scheme and artifice to defraud Corporate Victim #2 and to obtain money and property from Corporate Victim #2 by means of materially false and fraudulent pretenses, representations, and promises.

3. On or about December 17, 2015, in Morris County, in the District of New Jersey, and elsewhere, for the purpose of executing and attempting to execute this scheme and artifice, the defendant did knowingly and intentionally transmit and cause to be transmitted, and attempted to transmit and cause to be transmitted, by means of wire communications in interstate and foreign commerce certain writings, signs, signals, pictures, and sounds, to wit, a communication relating to stolen Personal Data for customers of Corporate Victim #2.

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

COUNT 9
(Wire Fraud Conspiracy)

1. The allegations contained in Paragraph 1 of Count One of this Indictment are re-alleged and incorporated as though fully set forth in this Count.

2. From at least in or about December 2015 through on or about March 31, 2016, in Morris County, in the District of New Jersey and elsewhere, defendant

TIM STIGAL

did knowingly and intentionally conspire and agree with others to devise a scheme and artifice to defraud Corporate Victim #3 and to obtain money and property from Corporate Victim #3 by means of materially false and fraudulent pretenses, representations, and promises, and for the purpose of executing such scheme and artifice, to transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce certain writings, signs, signals, pictures and sounds in furtherance of such scheme and artifice, to wit, communications relating to stolen Personal Data for customers of Corporate Victim #3, in violation of Title 18, United States Code, Section 1343.

In violation of Title 18, United States Code, Sections 1349 and 2.

COUNTS 10 THROUGH 11
(Wire Fraud)

1. The allegations contained in Paragraph 1 of Count One of this Indictment are re-alleged and incorporated as though fully set forth in this Count.

2. From at least in or about December 2015 through on or about March 31, 2016, in Morris County, in the District of New Jersey and elsewhere, defendant

TIM STIGAL

did knowingly and intentionally devise and intend to devise a scheme and artifice to defraud Corporate Victim #3 and to obtain money and property from Corporate Victim #3 by means of materially false and fraudulent pretenses, representations, and promises.

3. On or about the dates set forth below, in Morris County, in the District of New Jersey, and elsewhere, for the purpose of executing and attempting to execute this scheme and artifice, the defendant did knowingly and intentionally transmit and cause to be transmitted, and attempted to transmit and cause to be transmitted, by means of wire communications in interstate and foreign commerce the following writings, signs, signals, pictures, and sounds, to wit, communications relating to stolen Personal Data for customers of Corporate Victim #3, each transmission constituting a separate count of this Indictment as follows:

Count	Date (On or About)
10	February 24, 2016
11	March 31, 2016

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

COUNT 12
(Computer Fraud - Threatening to Impair the Confidentiality of Information)

1. The allegations contained in Paragraph 1 of Count One of this Indictment are re-alleged and incorporated as though fully set forth in this Count.

2. From at least on or about June 26, 2014, through on or about June 6, 2015, in Morris County, in the District of New Jersey and elsewhere, defendant

TIM STIGAL,

knowingly and with intent to extort from a person money and thing of value, transmitted and attempted to transmit in interstate and foreign commerce communications containing threats to impair the confidentiality of information obtained from a protected computer without authorization, to wit, demands to impair the confidentiality of stolen Personal Data for customers of Corporate Victim #1

In violation of Title 18, United States Code, Sections 1030(a)(7), (b), and (c)(4)(B), and 2.

COUNT 13
(Wire Fraud Conspiracy)

1. The allegations contained in Paragraph 1 of Count One of this Indictment are re-alleged and incorporated as though fully set forth in these Counts.

2. From at least as early as in or about June 2013 through in or about March 2015, in Morris County, in the District of New Jersey and elsewhere, defendant

TIM STIGAL

did knowingly and intentionally conspire and agree with others to devise a scheme and artifice to defraud individuals and financial institutions by obtaining and trafficking in stolen Track Data and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, affecting a financial institution, and for the purpose of executing such scheme and artifice, to transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce certain writings, signs, signals, pictures and sounds in furtherance of such scheme and artifice, to wit, internet communications containing stolen Track Data, in violation of Title 18, United States Code, Section 1343.

In violation of Title 18, United States Code, Sections 1349 and 2.

COUNTS 14 THROUGH 17
(Wire Fraud)

3. The allegations contained in Paragraph 1 of Count One of this Indictment are re-alleged and incorporated as though fully set forth in these Counts.

4. From at least as early as in or about June 2013 through in or about March 2015, in Morris County, in the District of New Jersey and elsewhere, defendant

TIM STIGAL

did knowingly and intentionally devise and intend to devise a scheme and artifice to defraud individuals and financial institutions by obtaining and trafficking in stolen Track Data and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, affecting a financial institution.

5. On or about the dates set forth below, in Morris County, in the District of New Jersey, and elsewhere, for the purpose of executing and attempting to execute this scheme and artifice, the defendant did knowingly and intentionally transmit and cause to be transmitted, and attempted to transmit and cause to be transmitted, by means of wire communications in interstate and foreign commerce the following writings, signs, signals, pictures, and sounds, to wit, internet communications containing stolen Track Data, each transmission constituting a separate count of this Indictment as follows:

Count	Date (On or About)
14	December 19, 2014
15	December 24, 2014
16	March 30, 2015
17	March 31, 2015

All in violation of Title 18, United States Code, Sections 1343 and 2.

COUNTS 18 THROUGH 20
(Access Device Fraud)

1. The allegations contained in Paragraph 1 of Count One of this Indictment are re-alleged and incorporated as though fully set forth in these Counts.

2. During the periods set forth in the below table as to each Count, in Morris County, in the District of New Jersey and elsewhere, defendant

TIM STIGAL,

knowingly and with intent to defraud, trafficked in and attempted to traffic in unauthorized access devices, to wit, stolen data, and by such conduct, obtained and attempted to obtain \$1,000 or more during the periods in the below table, said trafficking and attempted trafficking in and affecting interstate and foreign commerce, each period constituting a separate count of this Indictment as follows:

Count	Period (On or About)	Description
18	December 19, 2014, through March 31, 2015	Stolen Track Data
19	December 17, 2015	Stolen Personal Data for customers of Corporate Victim #2
20	February 24, 2016, through March 31, 2016	Stolen Personal Data for customers of Corporate Victim #3

In violation of Title 18, United States Code, Sections 1029(a)(2), (b), and (c)(1)(a)(i), and 2.

COUNTS 21 THROUGH 23
(Aggravated Identity Theft)

1. The allegations contained in Paragraph 1 of Count One of this Indictment are re-alleged and incorporated as though fully set forth in these Counts.

2. On or about the dates set forth in the below table as to each Count, in Morris County, in the District of New Jersey and elsewhere, defendant

TIM STIGAL

did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), namely, the felony violations charged in Counts 19 and 20 of this Indictment, knowing that the means of identification belonged to another actual person, each transfer, possession, and use constituting a separate count of this Indictment as follows:

Count	Date (On or About)	Description
21	December 17, 2015	Means of identification of a customer of Corporate Victim #2
22	February 24, 2016	Means of identification of a customer of Corporate Victim #3
23	March 31, 2016	Means of identification of a customer of Corporate Victim #3

In violation of Title 18, United States Code, Sections 1028A(a)(1) and 2.

**FORFEITURE ALLEGATION AS TO COUNTS ONE THROUGH ELEVEN AND
COUNTS THIRTEEN THROUGH SEVENTEEN**

1. As the result of committing the offenses constituting specified unlawful activity as defined in 18 U.S.C. § 1956(c)(7), as alleged in Counts One through Eleven and Counts Thirteen through Seventeen of this Indictment, defendant TIM STIGAL shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the said wire fraud and wire fraud conspiracy offenses, and all property traceable thereto.

FORFEITURE ALLEGATION AS TO COUNT TWELVE

2. As a result of committing the offenses charged in Count Twelve of this Indictment, defendant TIM STIGAL, shall forfeit to the United States

- a. pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and 1030(i), any property, real or personal, constituting, or derived from, proceeds obtained directly or indirectly as a result of the offenses charged in Count Seventeen of this Indictment; and
- b. pursuant to Title 18, United States Code, Section 1030(i), all right, title, and interest in any personal property that was used or intended to be used to commit or to facilitate the commission of the offenses charged in Count Seventeen of this Indictment.

**FORFEITURE ALLEGATION AS TO COUNTS EIGHTEEN
THROUGH TWENTY**

3. As a result of committing the offenses in violation of 18 U.S.C. § 1029 alleged in Counts Eighteen through Twenty of this Indictment, defendant Tim Stigal shall forfeit to the United States:

- a. pursuant to 18 U.S.C. § 982(a)(2)(B), any property constituting, or derived from, proceeds obtained directly or indirectly, as a

result of such offenses; and

- b. pursuant to 18 U.S.C. § 1029(c)(1)(C), any personal property that was used or intended to be used to commit or to facilitate the commission of the offenses charged in Counts Eighteen through Twenty of this Indictment.

SUBSTITUTE ASSETS PROVISION
(Applicable to All Forfeiture Allegations)

4. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- 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 divided without difficulty;

the United States shall be entitled, pursuant to 21 U.S.C. § 853(p) (as incorporated by 28 U.S.C. § 2461(c), and 18 U.S.C. § 982(b)), to forfeiture of any other property of the defendant up to the value of the above-described forfeitable property.

A TRUE BILL

FOREPERSON


CRAIG CARPENITO
United States Attorney

BRIAN C. RABBITT
Acting Assistant Attorney General

CASE NUMBER: 20-1023 (MCA)

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

UNITED STATES OF AMERICA

v.

TIM STIGAL

INDICTMENT FOR

18 U.S.C. § 1028A

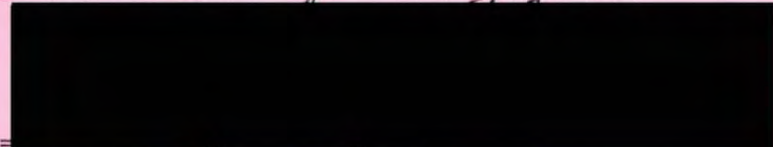
18 U.S.C. § 1029

18 U.S.C. § 1030

18 U.S.C. § 1343

18 U.S.C. § 1349

18 U.S.C. § 2



CRAIG CARPENITO
UNITED STATES ATTORNEY
NEWARK, NEW JERSEY

ANTHONY P. TORNTORE
ASSISTANT U.S. ATTORNEY
WILLIAM A. HALL
ASSISTANT DEPUTY CHIEF, CCIPS
ADRIENNE ROSE
SENIOR COUNSEL, CCIPS
