

1
2
3
4
5
6
7
8
9
10
11
12
13

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,)	
)	
)	Plaintiff,
)	No. 07-1-03275-1 SEA
vs.)	
)	INFORMATION
GERALD LEE EASTMAN,)	
)	
)	Defendant.
)	
)	
)	

COUNT I

I, Daniel T. Satterberg, acting Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse GERALD LEE EASTMAN of the crime of **Computer Trespass in the First Degree**, committed as follows:

That the defendant GERALD LEE EASTMAN in King County, Washington, on or about December 5, 2005, without authorization and intentionally did gain access to a computer system or electronic database of The Boeing Company, and that the access was made with intent to commit another crime, to-wit: theft;

Contrary to RCW 9A.52.110(a) and against the peace and dignity of the State of Washington.

COUNT II

And I, Daniel T. Satterberg, acting Prosecuting Attorney Aforesaid further do accuse GERALD LEE EASTMAN of the crime of **Computer Trespass in the First Degree**, a crime of the same or similar character as another crime charged herein, which crimes were so closely

Norm Maleng, Prosecuting Attorney
Daniel T. Satterberg, Acting Prosecuting Attorney
FRAUD DIVISION
King County Administration Building
500 Fourth Avenue, Room 840
Seattle, WA 98104-2337
(206) 296-9010 FAX (206) 296-9009

1 connected in respect to time, place and occasion that it would be difficult to separate proof of on
2 charge from proof of the other, committed as follows:

3 That the defendant GERALD LEE EASTMAN in King County, Washington, on or about a
4 period of time between July 24, 2005, and July 25, 2005, without authorization and intentionally did
5 gain access to a computer system or electronic database of The Boeing Company, and that the
6 access was made with intent to commit another crime, to-wit: theft;

7 Contrary to RCW 9A.52.110(a) and against the peace and dignity of the State of
8 Washington.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
COUNT III

And I, Daniel T. Satterberg, acting Prosecuting Attorney for King County in the name and
by the authority of the State of Washington, do accuse GERALD LEE EASTMAN of the crime of
Computer Trespass in the First Degree, committed as follows:

That the defendant GERALD LEE EASTMAN in King County, Washington, on or about a
period of time between October 5, 2005, and October 28, 2005, without authorization and
intentionally did gain access to a computer system or electronic database of The Boeing Company,
and that the access was made with intent to commit another crime, to-wit: theft;

Contrary to RCW 9A.52.110(a) and against the peace and dignity of the State of
Washington.

COUNT IV

And I, Daniel T. Satterberg, acting Prosecuting Attorney for King County in the name and
by the authority of the State of Washington, do accuse GERALD LEE EASTMAN of the crime of
Computer Trespass in the First Degree, committed as follows:

That the defendant GERALD LEE EASTMAN in King County, Washington, on or about a
period of time between September 24, 2004, and October 24, 2004, without authorization and
intentionally did gain access to a computer system or electronic database of The Boeing Company,
and that the access was made with intent to commit another crime, to-wit: theft;

Contrary to RCW 9A.52.110(a) and against the peace and dignity of the State of
Washington.

COUNT V

And I, Daniel T. Satterberg, acting Prosecuting Attorney for King County in the name and
by the authority of the State of Washington, do accuse GERALD LEE EASTMAN of the crime of
Computer Trespass in the First Degree, committed as follows:

Norm Maleng, Prosecuting Attorney
Daniel T. Satterberg, Acting Prosecuting Attorney
FRAUD DIVISION
King County Administration Building
500 Fourth Avenue, Room 840
Seattle, WA 98104-2337
(206) 296-9010 FAX (206) 296-9009

1 That the defendant GERALD LEE EASTMAN in King County, Washington, on or about a
2 period of time between November 4, 2005, and November 9, 2005, without authorization and
intentionally did gain access to a computer system or electronic database of The Boeing Company,
and that the access was made with intent to commit another crime, to-wit: theft;

3
4 Contrary to RCW 9A.52.110(a) and against the peace and dignity of the State of
Washington.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
COUNT VI

And I, Daniel T. Satterberg, acting Prosecuting Attorney for King County in the name and
by the authority of the State of Washington, do accuse GERALD LEE EASTMAN of the crime of
Computer Trespass in the First Degree, committed as follows:

That the defendant GERALD LEE EASTMAN in King County, Washington, on or about a
period of time between March 8, 2005, and March 11, 2005, without authorization and intentionally
did gain access to a computer system or electronic database of The Boeing Company, and that the
access was made with intent to commit another crime, to-wit: theft;

Contrary to RCW 9A.52.110(a) and against the peace and dignity of the State of
Washington.

COUNT VII

And I, Daniel T. Satterberg, acting Prosecuting Attorney for King County in the name and
by the authority of the State of Washington, do accuse GERALD LEE EASTMAN of the crime of
Computer Trespass in the First Degree, committed as follows:

That the defendant GERALD LEE EASTMAN in King County, Washington, on or about a
period of time between April 19, 2005, and May 12, 2005, without authorization and intentionally
did gain access to a computer system or electronic database of The Boeing Company, and that the
access was made with intent to commit another crime, to-wit: theft;

Contrary to RCW 9A.52.110(a) and against the peace and dignity of the State of
Washington.

COUNT VIII

And I, Daniel T. Satterberg, acting Prosecuting Attorney for King County in the name and
by the authority of the State of Washington, do accuse GERALD LEE EASTMAN of the crime of
Computer Trespass in the First Degree, committed as follows:

That the defendant GERALD LEE EASTMAN in King County, Washington, on or about a
period of time between October 4, 2005, and October 11, 2005, without authorization and
intentionally did gain access to a computer system or electronic database of The Boeing Company,
and that the access was made with intent to commit another crime, to-wit: theft;

Norm Maleng, Prosecuting Attorney
Daniel T. Satterberg, Acting Prosecuting Attorney
FRAUD DIVISION
King County Administration Building
500 Fourth Avenue, Room 840
Seattle, WA 98104-2337
(206) 296-9010 FAX (206) 296-9009

1
2 Contrary to RCW 9A.52.110(a) and against the peace and dignity of the State of
Washington.

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
COUNT IX

And I, Daniel T. Satterberg, acting Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse GERALD LEE EASTMAN of the crime of **Computer Trespass in the First Degree**, committed as follows:

That the defendant GERALD LEE EASTMAN in King County, Washington, on or about a period of time between August 16, 2005, and October 4, 2005, without authorization and intentionally did gain access to a computer system or electronic database of The Boeing Company, and that the access was made with intent to commit another crime, to-wit: theft;

Contrary to RCW 9A.52.110(a) and against the peace and dignity of the State of Washington.

COUNT X

And I, Daniel T. Satterberg, acting Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse GERALD LEE EASTMAN of the crime of **Computer Trespass in the First Degree**, committed as follows:

That the defendant GERALD LEE EASTMAN in King County, Washington, on or about February 23, 2005, without authorization and intentionally did gain access to a computer system or electronic database of The Boeing Company, and that the access was made with intent to commit another crime, to-wit: theft;

Contrary to RCW 9A.52.110(a) and against the peace and dignity of the State of Washington.

COUNT XI

And I, Daniel T. Satterberg, acting Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse GERALD LEE EASTMAN of the crime of **Computer Trespass in the First Degree**, committed as follows:

That the defendant GERALD LEE EASTMAN in King County, Washington, on or about July 15, 2005, without authorization and intentionally did gain access to a computer system or electronic database of The Boeing Company, and that the access was made with intent to commit another crime, to-wit: theft;

Contrary to RCW 9A.52.110(a) and against the peace and dignity of the State of Washington.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

COUNT XII

And I, Daniel T. Satterberg, acting Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse GERALD LEE EASTMAN of the crime of **Computer Trespass in the First Degree**, committed as follows:

That the defendant GERALD LEE EASTMAN in King County, Washington, on or about a period of time between January 10, 2006, and April 9, 2006, without authorization and intentionally did gain access to a computer system or electronic database of The Boeing Company, and that the access was made with intent to commit another crime, to-wit: theft;

Contrary to RCW 9A.52.110(a) and against the peace and dignity of the State of Washington.

COUNT XIII

And I, Daniel T. Satterberg, acting Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse GERALD LEE EASTMAN of the crime of **Computer Trespass in the First Degree**, committed as follows:

That the defendant GERALD LEE EASTMAN in King County, Washington, on or about a period of time between May 11, 2005, and June 3, 2005, without authorization and intentionally did gain access to a computer system or electronic database of The Boeing Company, and that the access was made with intent to commit another crime, to-wit: theft;

Contrary to RCW 9A.52.110(a) and against the peace and dignity of the State of Washington.

COUNT XIV

And I, Daniel T. Satterberg, acting Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse GERALD LEE EASTMAN of the crime of **Computer Trespass in the First Degree**, committed as follows:

That the defendant GERALD LEE EASTMAN in King County, Washington, on or about a period of time between December 9, 2004, and December 13, 2004, without authorization and intentionally did gain access to a computer system or electronic database of The Boeing Company, and that the access was made with intent to commit another crime, to-wit: theft;

Contrary to RCW 9A.52.110(a) and against the peace and dignity of the State of Washington.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

COUNT XV

And I, Daniel T. Satterberg, acting Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse GERALD LEE EASTMAN of the crime of **Computer Trespass in the First Degree**, committed as follows:

That the defendant GERALD LEE EASTMAN in King County, Washington, on or about December 22, 2005, without authorization and intentionally did gain access to a computer system or electronic database of The Boeing Company, and that the access was made with intent to commit another crime, to-wit: theft;

Contrary to RCW 9A.52.110(a) and against the peace and dignity of the State of Washington.

COUNT XVI

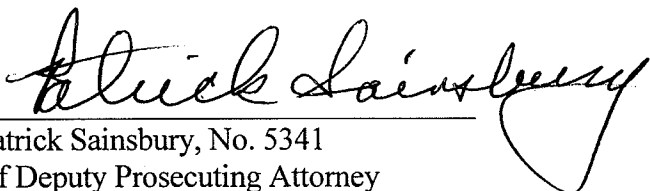
And I, Daniel T. Satterberg, acting Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse GERALD LEE EASTMAN of the crime of **Computer Trespass in the First Degree**, committed as follows:

That the defendant GERALD LEE EASTMAN in King County, Washington, on or about a period of time between March 30, 2006, and March 31, 2006, without authorization and intentionally did gain access to a computer system or electronic database of The Boeing Company, and that the access was made with intent to commit another crime, to-wit: theft;

Contrary to RCW 9A.52.110(a) and against the peace and dignity of the State of Washington.

NORM MALENG
Prosecuting Attorney

DANIEL T. SATTERBERG
Acting Prosecuting Attorney

By: 
C. Patrick Sainsbury, No. 5341
Chief Deputy Prosecuting Attorney
Fraud Division



**CERTIFICATION FOR DETERMINATION
OF PROBABLE CAUSE**

INCIDENT NUMBER 06-194252
UNIT FILE NUMBER

That Nick Bauer is a Detective with the Seattle Police Department and has reviewed the investigation conducted in Seattle Police Department Case Number 06-194252;

There is probable cause to believe that GERALD LEE EASTMAN committed the crime(s) of THEFT, EXTORTION, AND COMPUTER TRESPASS within the City of Seattle, County of King, State of Washington.

This belief is predicated on the following facts and circumstances:

This incident occurred within the City of Seattle, County of King, State of Washington:

On 05-11-06, Anthony Maus of the Boeing Company, contacted me regarding his internal investigation of Gerald Eastman, a Boeing employee. Anthony has participated in an on-going investigation of Eastman for the past several weeks that was initiated after Rick Stephens, the Senior Vice President for Human Resources notified him on April 12, 2006, that an email had been sent to him that was entitled "Leaks to the Seattle Times", and identified Eastman as a Boeing employee who had been downloading highly sensitive for more than two years, and was providing it to The Seattle Times.

cf:les

Anthony Maus further found through forensic monitoring of Eastman's computer activity at Boeing between April 12, 2006, and May 10, 2006, that Eastman has in fact been downloading very substantial amounts of data and information from areas of the company that he has no responsibility or legitimate reason for accessing, and transfers the information to a "thumb drive" that he attaches to his workspace computer, and then takes off of Boeing property after his work shift is completed. Eastman's un-fettered access to Boeing systems was granted to him so that he was able to perform his duties as a Quality Assurance inspector. However there is clearly stated company policy, which limits access to areas of the computer systems that are relevant and necessary to perform the employees work duties. Each employee receives annual training on the company policy, and signs a certification that they have received the training.

As detailed in the search warrant which was served on EASTMAN's home on 05-17-06, the information that he has been downloading from the Boeing computer systems have, according to Boeing officials, the potential to cost the company could reach billions of dollars in lost revenue if the information was disseminated to competitors or other entities who could use the data. Walter Gillette, Vice President of Airplane Development for the Boeing 787 program, gave a written declaration dated May 05, 2006, in which he estimates the potential damage to Boeing if just a portion of the documents that EASTMAN accessed and copied were released to the wrong hands to be in the range of 5 to 15 billion dollars.

Anthony Maus also found that Eastman has Dominic Gates of the Seattle times, and James Wallace of the Seattle P.I. are in his MSN Hotmail account as contacts. There was a May 6, 2006 article in the Times, by Dominic Gates that discusses the "Green" planes that are being developed by Boeing. Dominic Gates inquired to Boeing about the "Green" plane just a few days after the earlier email alerting Boeing to possible leaks to the media was received.

In his declaration, Anthony Maus details his investigation, findings, potential damage to the Boeing Company, and connection to the residence of Eastman, which is where he is likely storing the stolen information. We executed a search warrant at EASTMAN's home, and recovered several items, including computers, storage media, storage devices and other related property, which may contain



**CERTIFICATION FOR DETERMINATION
OF PROBABLE CAUSE**

INCIDENT NUMBER	06-194252
UNIT FILE NUMBER	

evidence of EASTMAN's storage and possessing of proprietary information and documentation that belongs to Boeing.

Based on this information, I placed EASTMAN under arrest at his workplace today. We also recovered a "thumbdrive", which was connected to his work computer terminal via a USB cord that was strewn along the back of the terminal, and then hidden in a drawer in his desk. The computer was downloading data when we found the "thumbdrive". We collected the "thumbdrive" for evidence. I also interviewed EASTMAN at the SPD south precinct for about an hour, during which time he gave me an audio recorded statement. I later booked him into KCJ.

Mr EASTMAN was later released from jail.

Subsequent investigation, review, and analysis of the files contained in the computers and storage devices that we recovered during the service of the search warrant at EASTMAN's home revealed that EASTMAN had in his possession over 320, 000 pages of Boeing related documents, all of which were taken by EASTMAN from Boeing while he was employed as a Quality Assurance Inspector. These documents contain information that is not related to his work responsibilities, and is very sensitive related to Boeing's business operations. The documents represent a very wide range of sensitivity and potential impact to Boeing's operational objectives.

In a post MIRANDA interview, EASTMAN related to Detective Fish and I that he was disgruntled with the Boeing Company because he had brought several issues related to inspection of parts to the company, and to the FAA. He contended that none of his concerns were addressed to his satisfaction by either the company or the FAA, and that he continued to try to get his concerns heard and rectified to his satisfaction. He admitted that he collected data to back up his contention that there were problems with inspection process at Boeing. He also admitted to trying to negotiate leaving Boeing in return for compensation for his leaving the company, and that he might go public with information that he has on the company.

Detectives Greg Suggett and Dave Dunn of the SPD Computer Forensics unit did the collection and analysis of the computers and storage devices and media recovered from EASTMAN's home during the search warrant service. They are both formally trained in the area of computer forensics, computer hardware and software, general criminal investigations, and fraud and forgery. Specifics on their training and experience are detailed in their written statements.

There was an enormous amount of information recovered from EASTMAN's computers and storage devices and media; several hundred thousand documents. This process took several weeks to complete. Review of that information revealed that EASTMAN had corresponded and met with news reporters, and apparently supplied them with proprietary and sensitive information that was not to be disclosed to sources outside Boeing.

There are numerous examples of information that was found to in EASTMAN's personal computers and/or storage media, which appeared in news stories. Stories that were published by the Seattle Times, and the Seattle PI contained sensitive information that we found in corresponding documents on EASTMAN's personal computers and storage media/devices. Tony Maus has detailed the results of his investigation of EASTMAN's activities related to taking massive quantities of Boeing files that do not pertain to his work duties while he was at work at his workstation in a follow up statement. We also found some email correspondence between EASTMAN and Dominic Gates of the Times, and James Wallace of the PI, which indicates his intention to share information that he had on Boeing with them. In his follow up statement, Tony Maus gives several specific examples of news stories



**CERTIFICATION FOR DETERMINATION
OF PROBABLE CAUSE**

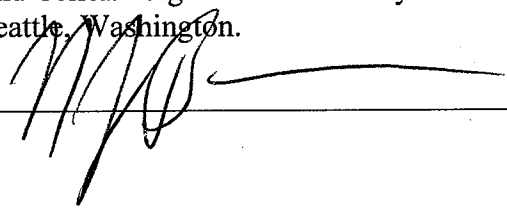
INCIDENT NUMBER 06-194252
UNIT FILE NUMBER

published by Gates and Wallace that contain reference to information that we collected from EASTMAN's computers, which are determined to be highly classified internal Boeing documents, which are not to be disseminated outside of specific Boeing personnel, and which represent a substantial risk of loss of revenue and business strength.

Tony Maus has a detailed account of EASTMAN's activities on his workplace computer terminal, which was monitored for over 30 days prior to our seeking a search warrant. Those activities include daily accessing of sensitive files, and downloading them to a "thumb-drive" storage device, that EASTMAN had plugged into his workplace terminal, and hidden in his desk in a locked drawer under some miscellaneous papers. EASTMAN went to other lengths to conceal his downloading activity, such as hiding his downloading file in a disappearing icon location on the desktop screen. Detective Dunn located Boeing policy relating to rules and regulations concerning use and access of company databases and computers, which indicates that EASTMAN was well aware that his behavior was against policy. None of the information that Detectives Dunn and Suggett recovered from EASTMAN's computers and storage media appear to pertain to the issues that EASTMAN said that he was trying to raise regarding inspection policies.

Detectives Suggett and Dunn also found password cracking software on EASTMAN's computers, along with examples of PFD files that he either cracked or tried to crack with that software. Detective Dunn applied Encase to retrieve files from EASTMAN's computers, and has provided a report of that activity. Detective Dunn provided a statement, which details the results of his file retrieval efforts from EASTMAN's computers, media, and storage devices.

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct to best of my knowledge and belief. Signed and dated by me this 29th day of JUNE, 2007, at Seattle, Washington.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

CAUSE NO. 07-1-03275-1 SEA

PROSECUTING ATTORNEY CASE SUMMARY AND REQUEST FOR BAIL AND/OR
CONDITIONS OF RELEASE

The State hereby incorporates the Certification for Determination of Probable Cause submitted under Seattle Police Department incident number 06-194252 prepared by Detective Nick Bauer.

Gerald Eastman was employed as a precision assembly inspector at Boeing's Propulsion Division in Tukwila from 1987 until 2006. During his employment he complained to management and the FAA that Boeing discouraged inspectors and pressured them to "roller stamp" documents. The FAA determined that his claims were unfounded. In 2002 he wrote a letter to Boeing's general counsel voicing his complaints about Boeing's inspection policies, threatening a lawsuit, and offering to keep quiet in return for a cash settlement. Boeing declined his offer.

A series of articles revealing sensitive internal information about Boeing aircraft design and business plans began to appear in The Seattle Times in 2003. Some of the information in the articles was credited to "internal Boeing documents." On April 12, 2006, Boeing received an anonymous email identifying Eastman as the person leaking the information. Boeing investigators began monitoring Eastman's work computer and discovered that he spent several hours each day "surfing" Boeing's computer network and copying files to an external storage device called a "memory stick" connected to his computer. They were able to view the files Eastman copied and saw that most were marked "Boeing limited" or "Boeing proprietary." They also saw that Eastman removed the memory stick each night and that many of the files on it were gone when he reconnected it the next morning. Eastman had signed a "Boeing Code of Conduct" in which he agreed not to disclose proprietary information.

Seattle Police obtained a search warrant for Eastman's home and seized several computers. Forensic analysis of Eastman's home computers revealed 2,686 documents marked "Boeing limited" and 5,735 documents marked "Boeing proprietary" as well as e-mail messages between Eastman and reporters discussing files Eastman had given them, associated newspaper articles, and meetings. Eastman's home computer also contained a folder called "Boeing Computing Policy" that contained a Boeing memo expressly prohibiting Boeing employees from copying propriety files to external storage devices. Investigators found files on Eastman's home

1
2 computer containing the sensitive information revealed in several of the articles appearing in the
3 Times.

4 Seattle Police Detectives arrested Eastman at his desk while he was at work. They found
5 the memory stick in a locked drawer in his desk. The device was attached to his computer by a
6 cable protruding through a hole in the back of his desk. A reporter's e-mail address was included
7 on Eastman's "favorites" list on his work computer. Eastman gave the detectives a statement
8 claiming that Boeing had criminally interfered with inspectors and that he was a whistle blower.
9 He refused to discuss whether he had contact with any reporters, whether he had made
10 unauthorized copies of any Boeing computer files, or whether he had given any internal Boeing
11 files or documents to anyone.

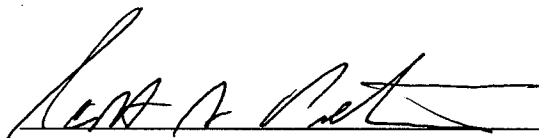
12 All Boeing employees see the following message on their computer screen when they log
13 on: "Welcome authorized users. This system is company property. Unauthorized access or use is
14 prohibited and may be subject to discipline, civil suit, or criminal prosecution. To the extent
15 permitted by law, system use and information may be monitored, recorded and disclosed and
16 using this system constitutes your consent to do so. You also agree to comply with applicable
17 procedures for system use and the protection of sensitive (including export controlled) data. For
18 questions, consult your supervisor." Eastman attended a training session in 2000 called
19 "Protecting information in the new millennium." Training materials include an admonishment to
20 employees that personal use of the Boeing computer system must be appropriate as defined in
21 company policy which states that information belonging to Boeing must remain on company
22 premises unless use at another location has been authorized by management.

23 Although the files Eastman took were not encrypted or password protected, Eastman had
to exploit a weakness in Boeing's computer system to access them. Eastman methodically
searched the Boeing system looking for unprotected file shares and was routinely denied access
to many. Boeing IT personnel who monitored Eastman's computer the month before he was
arrested saved "screen shots" of Eastman's computer screen documenting his search for
unprotected file shares including many "access denied" messages he received and his meticulous
method for recording which of the thousands of Boeing shares he could access.

REOUEST FOR BAIL

The State requests bail in the amount of \$5000. The State further requests that the court
prohibit defendant from revealing any Boeing proprietary or limited files in his possession as a
condition defendant's release from custody.

Signed this 29 day of June, 2007.



Scott A. Peterson, WSBA #17275
Senior Deputy Prosecuting Attorney
Fraud Division