

FOR IMMEDIATE RELEASE
Tuesday, December 13, 2007 00:01

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Private Info in Public Documents Puts Millions at Risk Whistleblower's Social Security Number published on Internet means World Wide Woes.

A North Carolina court has ordered a whistleblower's personal identity, including Social Security number, be removed from multiple websites, however the international nature of the web poses unique obstacles. Luranell "Nell" Burch, PhD, a staff scientist at the National Institute of Health (NIH), is accused of publishing private information from public records at a Panama website through a Thailand intermediary. When connected to the web, it can be seen from anywhere.

Within weeks of notifying authorities of what he believed to be bankruptcy fraud, Glenn Hagele, of Sacramento Calif., learned that archived government documents with his private identity information were being published on the Internet.

"I was shocked, dumfounded really," says Hagele, who is founder of the Council for Refractive Surgery Quality Assurance (<http://www.USAEyes.org>), a nonprofit Lasik patient advocacy. "My name, date of birth, driver's license number, bank account numbers, credit card numbers, samples of my signature, and worst of all, my Social Security number, were on the Internet for anyone to see."

According to a lawsuit filed in North Carolina Superior Court, Hagele's identity was published by Dr. Burch, who was sharing her Durham home with Brent Hanson at the time he was targeted for the bankruptcy the fraud investigation. Hagele believes the publication is retaliation for notifying authorities.

The North Carolina Attorney General sent multiple letters to Dr. Burch demanding that Hagele's personal information be removed. The lawsuit alleges that rather than removing Hagele's identity, Dr. Burch made his information available through other websites. The suit further asserts Dr. Burch used computer systems of her employer, the National Institute of Environmental Health Sciences, a division of the NIH, to manage the websites.

"The proverbial smoking gun," says Hagele, "is found in emails sent to a domain registrar in Thailand that originate from Dr. Burch's computer at the NIH. A registrar handles management of a website's Internet address. Hagele says he was not surprised.

“Months ago the NIH was notified of what appeared to be inappropriate use of Dr. Burch’s NIH computer,” says Hagele. “Apparently they did not take the steps necessary to stop her from using NIH computers to keep my Social Security number published.”

Hagele’s identity information was culled from government documents filed in the early 1990s, including a child support notification, a tax lien, and a personal bankruptcy. “The documents may at first seem embarrassing, but all tax and support issues were fully resolved years ago and the bankruptcy of over a decade ago was an undesired necessity to save the family home,” says Hagele. “Private information on otherwise public documents is still private information and should not be published by someone with a grudge.”

“This is really not so much an issue of whether or not Dr. Burch can gain access to public documents, but whether or not it is appropriate to publicize private information once it was in her possession,” says Raleigh attorney Jon Sasser, who is representing Hagele.

That question was recently decided by the North Carolina legislature, which clarified relevant law making it unlawful to “knowingly broadcast or publish to the public” private identity information including a Social Security number. The law became effective December 1, 2007.

“Malicious publication of identity is exactly why the law was strengthened,” says attorney Sasser. “There is a tremendous difference between legitimate access to public documents and publicizing someone’s Social Security number.”

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NORTH CAROLINA
WAKE COUNTY

2001 DEC 10 PM 3:20

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO.: 07 CIV 19854

GLENN HAGELE,)
)
Plaintiff,)
)
v.)
)
LAURANELL BURCH, aka NELL BURCH,)
)
)
Defendant.)

COMPLAINT

Plaintiff Glenn Hagele (“Hagele”), for his complaint against Defendant Luranell Burch (“Burch”), alleges as follows:

SUMMARY AND NATURE OF ACTION

1. This is a lawsuit for the malicious publication of a citizen’s most vulnerable personal identification information. In a deliberate attempt to harm Mr. Hagele, a patient advocate whom Ms. Burch has publicly disparaged as a “scam artist” and a “con man,” Defendant Luranell Burch has knowingly broadcast and published Mr. Hagele’s social security number, driver’s license number, bank account numbers, credit card numbers, and samples of his signature, at multiple locations on the Internet. Ms. Burch has, while sometimes using the secure Internet resources of her Federal government employer, attempted to conceal her acts through the use of multiple identities, falsified information, and international collaborators. Mr. Hagele brings this private right of action, expressly authorized under N.C. General Statutes §§ 75-66(e) and 1-539.2C, to recover statutory damages of \$500 to \$5000 for each of Ms. Burch’s at least ninety (90) violations of North Carolina law.

PARTIES

2. Plaintiff Glenn Hagele is a citizen and resident of Sacramento, California. He serves as the Executive Director of the Council for Refractive Surgery Quality Assurance (USAeyes), an advocacy group for LASIK surgery patients.

3. Defendant Laurant Burch is a citizen and resident of Durham, North Carolina. Ms. Burch is a research scientist for the National Institute of Environmental and Health Sciences ("NIEHS"), at the NIEHS facility in the Research Triangle Park, North Carolina.

JURISDICTION AND VENUE

4. This Court has a basis for jurisdiction pursuant to N.C. Gen. Stat. §§ 1-75.3, -75.4. Ms. Burch lives and works in North Carolina.

5. In addition, Ms. Burch has taken actions in North Carolina to post Mr. Hagele's personal information on the Internet, in violation of North Carolina law.

6. Upon information and belief, Ms. Burch has used her federal government Internet access account at NIEHS to direct the activities of a certain website containing Mr. Burch's personal information.

7. Mr. Hagele's personal information can be accessed by Internet users in Wake County, North Carolina.

8. Venue is proper in Wake County under N.C. Gen. Stat. §§ 1-79, 1-80, 1-82, and 1-539.2C(c).

BACKGROUND

Ms. Burch's Longstanding Animosity Toward Mr. Hagele

9. Upon information and belief, Ms. Burch underwent LASIK surgery at the Duke Eye Center on or about March 31, 2004. According to Ms. Burch, the outcome of that surgery was less than desirable.

10. Mr. Hagele is not a LASIK surgeon, did not participate in the performance of her surgery, did not recommend that Ms. Burch consult the Duke Eye Center, and did not suggest that Ms. Burch undergo LASIK surgery. The nonprofit Lasik patient advocacy organization founded by Mr. Hagele is not affiliated with Duke Eye Center or Duke Eye Center doctors. In sum, prior to her LASIK surgery, Mr. Hagele had never heard of Ms. Burch, or her plans to undergo LASIK surgery at the Duke Eye Center.

11. Notwithstanding Mr. Hagele's utter lack of involvement in her medical care, Ms. Burch has launched a vendetta against him. The apparent basis of Ms. Burch's animosity is her belief that Mr. Hagele is a shill for the LASIK profession.

Ms. Burch's Disparagement of Mr. Hagele

12. Over the last several years, Ms. Burch has engaged in a pattern of disparaging Mr. Hagele. Using multiple aliases, Ms. Burch has called him, at various times, a "deadbeat dad, a tax evader, a bankrupt loser (all public record) and a con man," "the LASIK industry's hitman," a "scam artist," and a "fake patient advocate." She has accused Mr. Hagele of "attacking an injured female LASIK patient," "call[ing] two injured female patients whores," and "stat[ing] in an email that he would cause [a patient's] demise."

13. Ms. Burch's primary attacks upon Mr. Hagele have taken place through the Internet. She has created websites, and posted statements about Mr. Hagele in chatrooms and on public forums. Ms. Burch has sent emails that disparage Mr. Hagele to financial supporters of USAEyes, Mr. Hagele's primary source of income.

14. To disguise the fact that her attacks upon Mr. Hagele are emanating from a single source, Ms. Burch often conceals her identity through an alias. Ms. Burch's Internet identities have included "Jamie Goodspeed," "Eye," "SoutheastEyeCare," "TrulyTelling," "Truly," "Clara

Locks,” “Bill,” “Scientist,” “Tabby,” “R Brown,” “Terri,” “Adam,” “Speed Racer,” and “Wizard.”

MS. BURCH’S REVELATION OF MR. HAGELE’S PERSONAL INFORMATION

Ms. Burch’s Revelation of Mr. Hagele’s Personal Information Through Website A

15. Among the websites Ms. Burch has participated in operating is Website A.¹

16. The domain for Website A is registered in the International Corporation for Assigned Names and Numbers (ICANN) WhoIs domain name registry to “Lauranell Burch, 11 Wickersham, Durham, NC.”

17. In the Spring of 2007, Website A contained a framed hyperlink system that inserted multiple Hypertext Markup Language (html) and Portable Document Format (pdf) documents within Website A.

18. Upon information and belief, the documents inserted into Website A were physically located on web host computers in the nation of Panama.

19. Website A showed a hyperlink referring to Mr. Hagele’s previous “Chapter 7 Bankruptcy in the amount of \$431,313.” Clicking on this link would insert a pdf document into Website A from the Panamanian web host without taking the Internet user from Website A. The document could be viewed, copied, or printed from Website A. On the first page of this pdf (of a 1994 Bankruptcy Court record) was Mr. Hagele’s social security number. Subsequent pages of the pdf contained thirteen listings of Mr. Hagele’s credit card numbers, as well as numerous listings of other numbers or information that can be used to access his financial resources.

¹ To prevent further dissemination of Plaintiff’s personal information, this Complaint will not identify by name the offending websites. A key to these websites’ identification, as well as their full names, is set forth in the accompanying Affidavit of Sarah Kaufman, to be filed under seal.

20. On the same page as the previous hyperlink, Website A contained a hyperlink referring to “tax liens” filed against Glenn Hagele by the IRS and State of California. Clicking on this link would insert a pdf document into Website A for viewing, copying, and printing. On the first page of this pdf (of a 1989 California tax lien) was Mr. Hagele’s social security number. The next page of this pdf contained Mr. Hagele’s driver’s license number.

21. On the same page as the previous hyperlinks, Website A contained a hyperlink referring to Mr. Hagele’s allegedly “unpaid child support.” Clicking on this link would insert a pdf document into Website A for viewing, copying, and printing. On the first page of this pdf (of a January 26, 1993 letter) was Mr. Hagele’s social security number.

22. On April 25, 2007, May 16, 2007, and June 8, 2007, the North Carolina Attorney General’s Office wrote Ms. Burch cease and desist letters. The Attorney General contended that Website A was violating N.C. Gen. Stat. § 75-62 by “intentionally communicat[ing] or otherwise mak[ing] available to the general public an individual's social security number.”

23. Shortly after the North Carolina Attorney General’s Office cease and desist letters, Ms. Burch altered Website A to no longer insert the documents with Mr. Hagele’s personal private identity into Website A. However, hyperlinks to Website B were added to Website A at this time.

**Ms. Burch’s Revelation of Mr. Hagele’s Personal Information
Through Website B**

24. Ms. Burch has participated in the creation, ownership, and management of Website B.

25. Upon information and belief, Ms. Burch attempted to conceal her participation in the creation, ownership, and management of the Website B with falsified ICANN WhoIs registration information.

26. Upon information and belief, the Website B domain was operated out of the nation of Panama.

27. Upon information and belief, the Website B domain was registered out of the nation of Thailand.

28. Upon information and belief, Ms. Burch attempted to circumvent laws of the State of North Carolina and of the United States through the use of a domain name registrar in the nation of Thailand and a website host in the nation of Panama.

29. Upon information and belief, Ms. Burch has directed the operations of Website B through her access to the government computer systems at NIEHS.

30. With regard to Mr. Hagele, the pertinent pages of Website B appeared identical to the corresponding pages of Website A. Clicking on the hyperlink referring to Mr. Hagele's previous personal "Chapter 7 Bankruptcy in the amount of \$431,313" revealed the same pdf of the 1994 Bankruptcy Court record. The hyperlink referring to "tax liens filed against Glenn Hagele" provided the pdf of the 1989 California tax lien. The hyperlink referring to Mr. Hagele's allegedly "unpaid child support." took users to the pdf of the January 26, 1993 letter.

31. At all relevant times the same documents inserted into Website A were also available through Website B.

32. The documents with Mr. Hagele's personal private information remained publicly available at Website B until approximately November 13, 2007.

**Ms. Burch's Revelation of Mr. Hagele's Personal Information
Through Website C**

33. On or about November 15, 2007, Ms. Burch participated in the creation Website C.

34. Upon information and belief, the Website C domain is operated out of the nation of Panama.

35. Upon information and belief, Website C is exactly the same website that was located at Website B.

36. Upon information and belief, Ms. Burch has directed the operations of Website C through her access to the government server at NIEHS.

37. With regard to Mr. Hagele, the pertinent page of Website C appears identical to the corresponding page of Website A and Website B. Clicking on the hyperlink referring to Mr. Hagele's previous personal "Chapter 7 Bankruptcy in the amount of \$431,313" takes one to the pdf of the 1994 Bankruptcy Court record. The hyperlink referring to "tax liens filed against Glenn Hagele" takes one to the pdf of the 1989 California tax lien. The hyperlink referring to Mr. Hagele's allegedly "unpaid child support." takes one to the pdf of the January 26, 1993 letter.

38. Upon information and belief, all of these pdfs with Mr. Hagele's personal and private information were maintained at the same Panamanian web host computers, accessible through the domain Website B until November 13, 2007 and then accessible through Website C until 11:59pm November 30, 2007 Eastern Daylight Savings time.

**Ms. Burch's Continuing Revelation of Mr. Hagele's Personal Information
After December 1, 2007**

39. The enactment of N.C. Gen. Stat. § 75-66 (which took effect on December 1, 2007) makes clear that Ms. Burch's actions (even as an individual) to publicize Mr. Hagele's personal information violate North Carolina law. The amendment of N.C. Gen. Stat. § 1-539.2C (also taking effect on December 1, 2007) confirms that Mr. Hagele has an express right of action to sue for the publication of his personal information.

40. By registered priority letter dated December 1, 2007, Mr. Hagele attempted to give Ms. Burch notice of his objection to the publication of his personal information. According to the US Postal Service, delivery was attempted at approximately 2:14pm on Monday, December 3, 2007. Ms. Burch has not yet accepted delivery of this registered letter.

41. By U.S. Mail dated December 1, 2007, Mr. Hagele further attempted to give Ms. Burch notice of his objection to the publication of his personal information. Mr. Hagele has no reason to believe this letter was not delivered.

42. Through the North Carolina Attorney General's letters of April 25, 2007, May 16, 2007, and June 8, 2007, Ms. Burch has received additional actual notice that Mr. Hagele objects to her publication of his personal information.

43. Ms. Burch's comments to the *News & Observer*, as reflected in a May 7, 2007 story entitled "Personal Info Goes Public," further reveal that she has actual notice that Mr. Hagele objects to her publication of his personal information.

44. At approximately 11:59pm Eastern Daylight Savings time of November 30, 2007, Ms. Burch took steps to simulate compliance with N.C. Gen. Stat. § 75-66 and N.C. Gen. Stat. § 75-62. Hyperlinks to the pdf documents with Mr. Hagele's personal private information were redirected to identical documents published at Website D.

45. According to ICANN WhoIs registry, Website D is owned by Brent Hanson, who until recently resided in Ms. Burch's Durham residence. The WhoIs information for Website A lists a Washington state post office address for Mr. Hanson, however WhoIs also lists Mr. Hanson's Durham telephone number of 919-323-6090.

46. The pdf documents on Website D, and accessible through Website C, have been altered. Ten listings of Mr. Hagele's social security number on the pdfs, as well as three listings

of his driver's license number, are now seemingly obscured by xxxs and yellow highlighting. However, this obscuring can be easily circumvented through the use of fundamental features of the pdfs' format, *Adobe Acrobat*.

47. The other personal information of Mr. Hagele, at least 27 such listings, remains visible on Website D, and accessible through Website C. In total, 40 listings of Mr. Hagele's personal information are currently so broadcast and published.

FIRST CLAIM FOR RELIEF

Express Private Right of Action for Violation of N.C. Gen. Stat. § 75-66

48. Mr. Hagele hereby repeats and realleges paragraphs 1-47 of this Complaint as if fully set forth herein.

49. Ms. Burch has published Mr. Hagele's "personal information" as defined in N.C. Gen. Stat. § 75-66(c) on the Internet on and after December 1, 2007. She has revealed his first and last names, together with, among other things, his social security number (§ 75-66(c)(1)), tax identification number (§ 75-66(c)(1)), driver's license number (§ 75-66(c)(2)), bank account numbers (§ 75-66(c)(3) and (4)), credit card numbers (§ 75-66(c)(5)), digital signatures (§ 75-66(c)(8)), and "other numbers or information that can be used to access a person's financial resources" (§ 75-66(c)(9)).

50. Website C currently reveals 40 separate broadcasts and publications of Mr. Hagele's personal information. Each published number (whether a social security number, driver's license number, etc.) constitutes a separate violation of N.C. Gen. Stat. § 75-66.

51. Pursuant to N.C. Gen. Stat. §1-539.2C(a), Mr. Hagele is entitled to recover up to five thousand dollars (\$5,000), but no less than five hundred dollars (\$500.00) for each violation of G.S. 75-66.

52. Ms. Burch has publicized Mr. Hagele's public information every day since December 1, 2007. Each such day constitutes a separate unlawful act under N.C. Gen. Stat. §1-539.2C(a).

53. Pursuant to N.C. Gen. Stat. §1-539.2C(a), Mr. Hagele is entitled to recover up to five thousand dollars (\$5,000), but no less than five hundred dollars (\$500.00) for each unlawful act of Ms. Burch.

54. Mr. Hagele has suffered damages as a result of Ms. Burch's violations of N.C. Gen. Stat. § 75-66.

55. Pursuant to N.C. Gen. Stat. §1-539.2C(a), Mr. Hagele is entitled to recover three times his actual damages caused by Ms. Burch's violations of N.C. Gen. Stat. § 75-66.

56. Pursuant to N.C. Gen. Stat. §1-539.2C(a), Mr. Hagele is entitled to injunctive relief enjoining any further violations by Ms. Burch of N.C. Gen. Stat. § 75-66.

57. Pursuant to N.C. Gen. Stat. §1-539.2C(a), Mr. Hagele is entitled to his attorneys' fees incurred in investigating and prosecuting this action.

SECOND CLAIM FOR RELIEF

Unfair and Deceptive Trade Practices Violation of N.C. Gen. Stat. § 75-1.1

58. Mr. Hagele hereby repeats and realleges paragraphs 1-57 of this Complaint as if fully set forth herein.

59. Mr. Burch's operation of Website A, Website B, Website C, and Website D constitutes a "business," as defined by N.C. Gen. Stat. § 75-62.

60. Through Website A, Website B, Website C, and Website D, Ms. Burch has made Mr. Hagele's social security number available to the public in violation of N.C. Gen. Stat. § 75-62.

61. Prior to April 25, 2007, Website A contained ten separate publications or broadcasts of Mr. Hagele's social security number.

62. Prior to November 13, 2007, Website B contained ten separate publications or broadcasts of Mr. Hagele's social security number.

63. From November 15, 2007 through November 30, 2007, Website C contained ten separate publications or broadcasts of Mr. Hagele's social security number.

64. Since December 1, 2007, Website C directs users to ten separate publications or broadcasts of Mr. Hagele's social security number, in a form viewable with fundamental features of the *Adobe Acrobat*.

65. Since December 1, 2007, Website D has contained ten separate publications or broadcasts of Mr. Hagele's social security number, in a form viewable with fundamental features of the *Adobe Acrobat*.

66. Pursuant to N.C. Gen. Stat. § 75-62(d), Ms. Burch's conduct constitutes an express violation of N.C. Gen. Stat. § 75-1.1.

67. As alleged herein, the acts of Ms. Burch were unfair and deceptive. They had the capacity to deceive, and actually deceived, Mr. Hagele and the public.

68. Ms. Burch willfully engaged in unfair and deceptive acts.

69. Ms. Burch's acts, as alleged herein, were in or affecting commerce.

70. Mr. Hagele was damaged by Ms. Burch's acts in an amount in excess of \$10,000.

71. Mr. Hagele is entitled to recover for the damages caused by Ms. Burch's unfair and deceptive actions, trebled pursuant to N.C. Gen. Stat. § 75-16.

72. Ms. Burch has unwarrantedly refused to fully resolve the matter which constitutes the basis of this suit.

73. Mr. Hagele is entitled to recover his reasonable attorneys' fees based on Ms. Burch's willful actions and its unwarranted refusal to resolve the matter.

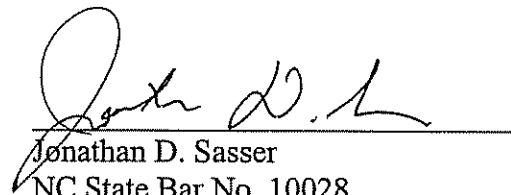
REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that this Court:

- (A) Render judgment in favor of Mr. Hagele in an amount to be proven at trial, plus interest, costs and expenses, including attorneys' fees;
- (B) Grant Plaintiff a trial by jury;
- (C) Award to Mr. Hagele treble damages pursuant to N.C. Gen. Stat. § 1-539.2C(a) and/or N.C. Gen. Stat. § 75-16;
- (D) Award to Mr. Hagele costs and reasonable attorneys' fees pursuant to N.C. Gen. Stat. § 1-539.2C(a) and/or N.C. Gen. Stat. § 75-16; and
- (E) Award to Mr. Hagele such other and further relief as the Court deems just, proper or equitable.

Respectfully submitted this the 10th day of December, 2007.

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STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
NO. 07 CVS 19854

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GLENN HAGELE,)
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Plaintiff,)
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v.)
)
LAURANELL BURCH, aka NELL BURCH,)
)
Defendant.)
)
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AFFIDAVIT OF GLENN HAGELE

Glenn Hagele, being first duly sworn upon oath, deposes and says:

1. I am the Executive Director of the Council for Refractive Surgery Quality Assurance (USAeyes), an advocacy group for LASIK surgery patients. I live in Sacramento, California. This affidavit is based on my personal knowledge except where otherwise indicated. I am over the age of eighteen and am competent to testify thereto.

2. Defendant Luranell Burch is a citizen and resident of Durham, North Carolina. I understand that Ms. Burch is a research scientist for the National Institute of Environmental and Health Sciences ("NIEHS"), at the NIEHS facility in the Research Triangle Park, North Carolina. An NIEHS public employee directory listing Ms. Burch is attached as Exhibit A. Ms. Burch's email in this official directory is "burchl@niehs.nih.gov."

3. Ms. Burch has stated in public Internet forums that on or about March 31, 2004 she underwent LASIK surgery at the Duke Eye Center. She has stated that she was not satisfied with that surgery. I am not a LASIK surgeon or any other type of physician, did not participate in the performance of her surgery, did not recommend that Ms. Burch

consult the Duke Eye Center, and did not suggest that she undergo LASIK surgery. The nonprofit LASIK patient advocacy organization I founded is not affiliated with Duke Eye Center or Duke Eye Center doctors. In sum, prior to her LASIK surgery, I had never heard of Ms. Burch, or her plans to undergo LASIK surgery at the Duke Eye Center.

4. Nonetheless, Ms. Burch has launched a vendetta against me. She apparently believes I am a “shill” for the LASIK profession.

5. Using multiple aliases, Ms. Burch has called me, at various times, a “deadbeat dad, a tax evader, a bankrupt loser (all public record) and a con man,” “the LASIK industry's hitman,” a “scam artist,” and a “fake patient advocate.” She has accused me of “attacking an injured female LASIK patient,” and much more.

6. One of Ms. Burch’s associates, Brent Hanson (who until recently shared her Durham home), has participated in her campaign of disparagement. Mr. Hanson’s efforts have escalated since April 2006, when I reported him for what I believe to be bankruptcy fraud. Mr. Hanson is not a party to this lawsuit, because I already have a civil action pending against him in California Superior Court, Sacramento County, for defamation and invasion of privacy.

7. One of the primary methods through which Ms. Burch has sought to harm me is by publishing my personal private identity information on the Internet. She has created websites and posted statements about me in chatrooms and on public forums. Ms. Burch has sent emails that disparage me to financial supporters of USAEyes, my primary source of income.

8. To disguise the fact that her attacks are emanating from a single source, Ms. Burch often conceals her identity through multiple aliases. Through Internet forensic

analysis and other methods I am informed and believe that Ms. Burch's Internet identities include, but are not limited to, "Jamie Goodspeed," "Eye," "SoutheastEyeCare," "TrulyTelling," "Truly," "Clara Locks," "Bill," "Scientist," "Tabby," "R Brown," "Terri," "Adam," "Speed Racer," "Eye Pain," "Wizard", and many others.

MS. BURCH'S REVELATION OF MY PRIVATE IDENTITY INFORMATION

Ms. Burch's Revelation of My Private Identity Information Through Website A

9. Among the websites Ms. Burch has participated in operating is Website A.¹ The domain name Website A is registered in the International Corporation for Assigned Names and Numbers (ICANN) WhoIs domain name registry to "Lauranell Burch, 11 Wickersham, Durham, NC."

10. Website A has in the past generated revenue by selling advertising appearing on its pages through Google AdSense.

11. In the Spring of 2007, Website A contained a framed hyperlink system that inserted multiple Hypertext Markup Language (html) and Portable Document Format (pdf) documents within Website A.

12. Upon information and belief, the documents inserted into Website A were physically located on web host computers in the nation of Panama, which Ms. Burch controls.

13. Website A showed a hyperlink referring to my 1994 "Chapter 7 Bankruptcy in the amount of \$431,313." Clicking on this link would insert a pdf

¹ To prevent further dissemination of Plaintiff's personal information, documents filed with the Court will not identify by name the offending websites. A key to these websites' identification, as well as their full names, is set forth in the Affidavit of Sarah Kaufman, to be filed under seal with the Complaint.

document into Website A from the Panamanian web host without taking the Internet user from Website A. The document could be viewed, copied, or printed from Website A. On the first page of this pdf (of my 1994 Bankruptcy Court record) was my social security number. Subsequent pages of the pdf contained thirteen listings of my credit card numbers, as well as numerous listings of other numbers or information that can be used to access my financial resources.

14. On the same page as the previous hyperlink, Website A contained a hyperlink referring to “tax liens” filed against me by the IRS and State of California. Clicking on this link would insert a pdf document into Website A for viewing, copying, and printing. On the first page of this pdf (of a 1989 California tax lien) was my social security number. The next page of this pdf contained my driver’s license number.

15. On the same page as the previous hyperlinks, Website A contained a hyperlink referring to my allegedly “unpaid child support.” Clicking on this link would insert a pdf document into Website A for viewing, copying, and printing. On the first page of this pdf (of a January 26, 1993 letter) was my social security number.

16. After review of the facts set forth in paragraphs 9 through 15 herein, on April 25, 2007, May 16, 2007, and June 8, 2007, the North Carolina Attorney General’s Office wrote Ms. Burch cease and desist letters. Copies of these letters are attached hereto as Exhibits B, C, and D, respectively. The Attorney General contended that Ms. Burch was violating N.C. Gen. Stat. § 75-62 through Website A by “intentionally communicat[ing] or otherwise mak[ing] available to the general public an individual’s social security number.” It is my understanding that Ms. Burch never responded to the Attorney General’s letters.

17. Shortly after the North Carolina Attorney General's Office cease and desist letters, Ms. Burch altered Website A to no longer insert the documents with my personal private identity into Website A. However, hyperlinks relating to me by name and directed to a Website B were added to Website A at this time.

**Ms. Burch's Revelation of My Personal Information
Through Website B**

18. Ms. Burch has participated in the creation, ownership, and management of Website B.

19. Upon information and belief, Ms. Burch attempted to conceal her participation in the creation, ownership, and management of Website B. Upon information and belief, the Website B domain was registered in the nation of Thailand, and operated out of the nation of Panama. Upon information and belief, Ms. Burch attempted to circumvent laws of the State of North Carolina and of the United States through the use of a domain name registrar in the nation of Thailand and a website host in the nation of Panama. Upon information and belief, Ms. Burch filed false Website B registration information to the ICANN WhoIs directory, hiding her true ownership of the domain and associated website.

20. My investigation has revealed that Ms. Burch has on occasion directed the operations of Website B through her access to the government computer systems at NIEHS. Through voluntary cooperation, the Thai registrar has provided me with the header information from multiple emails sent by the purported owner(s) of Website B that include instructions for management of the domain and registration renewal. Tracing the unique Internet Protocol (IP) address of one of the emails reveals it originated at a secure password-protected server at the NIEHS assigned to Ms. Burch. A copy of this e-

mail header is attached hereto as Exhibit E. This email header shows that the originating unique Internet Protocol (IP) address is "157.98.80.143." A query of the ICANN WhoIs directory report, attached as Exhibit F, reveals that this IP address is assigned to the NIEHS resolved host server "med-pulm-burch1.niehs.nih.gov." This private secured server corresponds to the email account of Ms. Burch, "burch1@niehs.nih.gov," as shown in Exhibit A. On information and belief, this account is used exclusively by Ms. Burch.

21. With regard to me, the pertinent pages of Website B appeared identical to the corresponding pages of Website A. Clicking on the hyperlink referring to my previous personal "Chapter 7 Bankruptcy in the amount of \$431,313" revealed the same pdf of the 1994 Bankruptcy Court record. The hyperlink referring to "tax liens filed against Glenn Hagele" provided the pdf of the 1989 California tax lien. The hyperlink referring to my allegedly "unpaid child support." took users to the pdf of the January 26, 1993 letter.

22. At all relevant times the same documents with my private identity information inserted into Website A were also available through Website B.

23. The documents with my private identity information remained publicly available at Website B until approximately November 13, 2007 when, upon information and belief, registration for the domain Website B was not renewed in a timely fashion.

Ms. Burch's Revelation of My Private Identity Information Through Website C

24. On or about November 15, 2007, Ms. Burch participated in the creation of Website C. The actual name of Website C is the same as Website B, but with the word "the" added at the beginning.

25. Upon information and belief, the website published at the Website C domain is operated out of the nation of Panama. Website C appears to be exactly the same website that was located at Website B.

26. With regard to me, the pertinent page of Website C appears identical to the corresponding page of Website A and Website B. Clicking on the hyperlink referring to my previous personal "Chapter 7 Bankruptcy in the amount of \$431,313" takes one to the pdf of the 1994 Bankruptcy Court record. The hyperlink referring to "tax liens filed against Glenn Hagele" takes one to the pdf of the 1989 California tax lien. The hyperlink referring to my allegedly "unpaid child support." takes one to the pdf of the January 26, 1993 letter.

27. Upon information and belief, all of these pdfs with my personal and private information were maintained at the same Panamanian web host computers, accessible through the domain Website B until November 13, 2007 and then accessible through Website C until 11:59pm November 30, 2007 Eastern Daylight Savings time.

**Ms. Burch's Continuing Revelation of My Personal Information
After December 1, 2007**

28. In April of 2007, I came to Raleigh, North Carolina, to meet with representatives of the North Carolina Attorney General and members of the North Carolina General Assembly regarding Ms. Burch's actions. My efforts led to the issuance of the three Attorney General cease and desist letters referred to in paragraph 16 above. In addition, as a partial result of my efforts, the General Assembly enacted N.C. Gen. Stat. § 75-66, and amended N.C. Gen. Stat. § 1-539.2C. The specific purpose of the relevant changes to N.C. Statutes was to clarify and strengthen existing law to prevent the

actions Ms. Burch had taken against me; publishing personal private information. It is my understanding that these changes are sometimes referred to as the “Burch Clause.”

29. The enactment of N.C. Gen. Stat. § 75-66 makes clear that Ms. Burch’s actions, as an individual or as a business, to publicize my personal information violate North Carolina law. The amendment of N.C. Gen. Stat. § 1-539.2C (also taking effect on December 1, 2007) confirms that I have an express right of action to sue for the publication of my personal information.

30. By registered priority letter dated December 1, 2007, I attempted to give Ms. Burch notice of my objection to the publication of my personal information. According to the US Postal Service, delivery was attempted at approximately 2:14pm on Monday, December 3, 2007. Ms. Burch has not yet accepted delivery of this registered letter.

31. By first class U.S. Mail dated December 1, 2007, I further attempted to give Ms. Burch notice of my objection to the publication of my personal information. I have no reason to believe this letter was not delivered.

32. Through the North Carolina Attorney General’s letters of April 25, 2007, May 16, 2007, and June 8, 2007, Ms. Burch has received additional actual notice that I object to her publication of my personal information.

33. Ms. Burch’s comments to the *News & Observer*, as reflected in a May 7, 2007 story entitled “Personal Info Goes Public,” further reveal that she has actual notice that I object to her publication of my personal information.

34. At approximately 11:59 pm Eastern Daylight Savings time on November 30, 2007, Ms. Burch took steps to simulate compliance with N.C. Gen. Stat. § 75-66 and

N.C. Gen. Stat. § 75-62. Hyperlinks to the pdf documents with my personal private information were redirected to identical documents published at Website D.

35. According to ICANN WhoIs registry, Website D is owned by Brent Hanson, who until recently resided in Ms. Burch's Durham residence. The WhoIs information for Website D lists a Washington state post office address for Mr. Hanson. However, WhoIs also lists Mr. Hanson's North Carolina telephone number.

36. The pdf documents on Website D, and accessible through Website C, were altered effective 11:59 pm Eastern Daylight Savings time on November 30, 2007. Ten listings of my social security number on the pdfs, as well as three listings of my driver's license number, are now seemingly obscured by xxxs and yellow highlighting. However, this obscuring can be easily circumvented through the use of fundamental features of *Adobe Acrobat*, the software required to view the file.

37. My other personal information, at least 27 such listings, remains visible on Website D, and accessible through Website A and Website C. In total, 40 listings of my personal information are currently so broadcast and published.

38. With regard to me, the pertinent pages of Website D appear identical to the corresponding pages of Website A, Website B, and Website C. Clicking on the hyperlink referring to my previous personal "Chapter 7 Bankruptcy in the amount of \$431,313" revealed the same pdf of the 1994 Bankruptcy Court record. The hyperlink referring to "tax liens filed against Glenn Hagele" provided the pdf of the 1989 California tax lien. The hyperlink referring to my allegedly "unpaid child support." took users to the pdf of the January 26, 1993 letter.

39. Multiple hyperlinks on Website A direct Internet users to Website C and Website D where my personal private identity information is published.

Ms. Burch's Presentation of Misleading Facts in a Bad Light

40. The fact that tax liens and liens for child support once existed in my financial history is indisputable. However, Ms. Burch has deliberately and maliciously ignored more recent facts – specifically the withdrawal of both such charges – in order to present me in a bad light.

41. With regard to the support issues, the family law court of Sacramento California and I were victims of criminal fraud. Due to this fraud, the child support allocated for me to pay was inappropriately inflated. After the conviction of the perpetrator and full exposure of the fraud and its consequence, the District Attorney of Sacramento County California recalculated the proper amount of child support. The District Attorney determined that I was, and had always been, paying my child support in full. The related lien was withdrawn, as its execution was based upon fraudulent information. On May 13, 2005 – before Ms. Burch began describing me as a “deadbeat dad” – the principal attorney for child support services entered a stipulated statement that I owed “ZERO DOLLARS” child support (original emphasis) with the Sacramento County Superior Court. This document, which clearly states all child support is paid, was available from same sources as the child support lien documents Ms. Burch chose to publish. I have emailed Ms. Burch and sent her by first class U.S. Mail a copy of this document, but her “deadbeat dad” assertions remain on websites she controls.

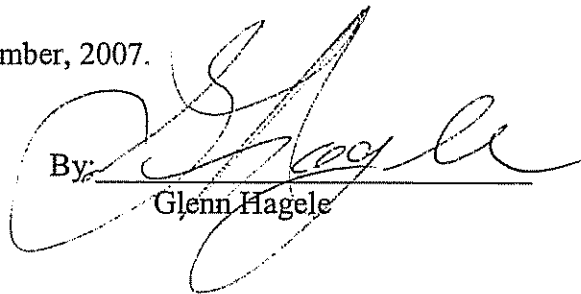
42. With regard to the tax liens, the Internal Revenue Service (IRS) misapplied credits and payments for my personal income tax. After more than ten years

battling with the IRS, I was granted a detailed accounting review of all the facts, payments, and credits. That review determined that not only had I paid all taxes in a timely manner, but that I should receive several thousand dollars in refunds. All tax liens that were issued based upon the misapplication of my taxes were immediately satisfied – long before Ms. Burch began calling me a “tax evader.” All appropriate notification was available at the same source where Ms. Burch obtained copies of the liens. Nevertheless, although she knows the truth, Ms. Burch has continued to malign me about the former tax liens.

43. My personal bankruptcy, filed over 15 years ago, is a fact of my financial history. However, it was necessary to save the family home. I am not proud of it, but I have rebuilt my credit and still live in that home today.

44. Although my bankruptcy, tax liens, and the child support lien have been expunged from my credit history for years, Ms. Burch continues to publish them every day on websites she controls.

This the 10th day of December, 2007.

By: 
Glenn Hagele

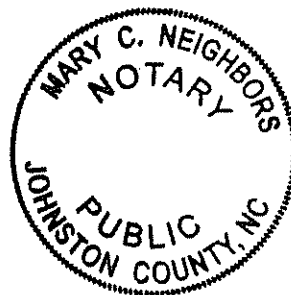
Sworn to and subscribed before me
this 10th day of December, 2007.


Notary Public Signature

MARY C. NEIGHBORS
Notary Public Name

My Commission Expires:

6-28-12





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Dr. Luranell H. (Nell) Burch

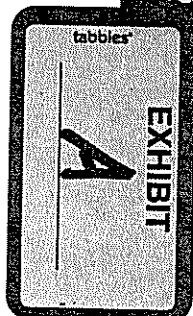
Classification	Employee
Job Title	STAFF SCIENTIST
Organization	Division of Intramural Research Environmental Biology Program Laboratory of Molecular Genetics (DIR EBP LMG)
Primary E-Mail	burchl@niehs.nih.gov
Telephone	(919) 541-4411
Fax	
Postal Address	P.O. BOX 12233 BUILDING 101, ROOM C204A RESEARCH TRIANGLE PARK, NC 27709

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111 T.W. Alexander Drive, Research Triangle Park, NC USA 27709



3 May 2007





State of North Carolina

Department of Justice
9001 Mail Service Center
Raleigh, NC 27699-9001

CONSUMER PROTECTION
Toll Free In NC
(877) 566-7226
Outside of NC
(919) 716-6000
Fax: (919) 716-6050

April 25, 2007

Ms. Laurantell Harrison Bunch
11 Wickerhsham Drive
Durham, NC 27713

RE: File No. 0704406, Glenn Hagele
8543 Everglade Drive, Sacramento, CA 95826

Dear Ms Bunch:

The Consumer Protection Division has received the attached request for assistance regarding your website, [REDACTED]. As you will see in his complaint, Mr Hagele is alleging that your website has published his personal and financial information, including his social security number.

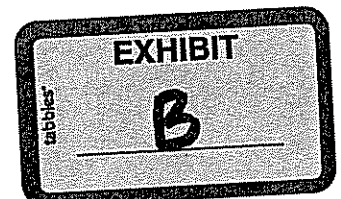
The Office of the Attorney General works hard to prevent identity theft, and we helped pass legislation making it a violation to "intentionally communicate or otherwise make available to the general public an individual's social security number." Please see N.C.G.S. § 75-62, which is enclosed. This office has concerns that your website is making Mr. Hagele's social security number publicly available and requests that it be removed from your website. If you wish to publish public records, you can redact the personal and financial information before republishing this information on your website.

Please provide a written confirmation that you have removed and redacted this information from public viewing on your website within the next ten (10) business days. Please refer to the above file number in all future correspondence. Thank you for your cooperation.

Very truly yours,

Nicole McConn
Consumer Protection Specialist
CONSUMER PROTECTION DIVISION

Enclosure
cc Glenn Hagele





State of North Carolina

**ROY COOPER
ATTORNEY GENERAL**

Department of Justice
9001 Mail Service Center
Raleigh, NC 27699-9001

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Toll Free In NC
(877) 566-7226
Outside of NC
(919) 716-6000
Fax: (919) 716-6050

May 16, 2007

Lauranell Harrison Burch
11 Wickersham Drive
Durham, NC 27713

RE: File No. 0704406
Glenn Hagele
8543 Everglade Drive
Sacramento, CA 95826

Dear Sir:

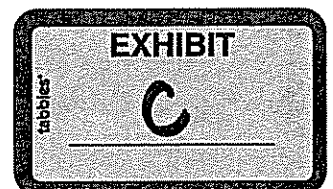
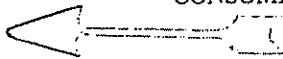
Our office wrote you recently regarding the above referenced file. To date, we have received no response from your company. We must request that you respond to our office in writing immediately as to your position on the matter. In your response, please refer to File Number 0704406.

If you have any questions, please contact us.

Very truly yours,

Nicole McConn
Consumer Protection Specialist
CONSUMER PROTECTION SECTION

cc: Glenn Hagele





State of North Carolina

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ATTORNEY GENERAL

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Raleigh, NC 27699-9001

CONSUMER PROTECTION
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Outside of NC
(919) 716-6000
Fax: (919) 716-6050

June 8, 2007

Lauranell Harrison Burch
11 Wickersham Drive
Durham, NC 27713

RE: File No. 0704406
Glenn Hagele
8543 Everglade Drive
Sacramento, CA 95826

Dear Sir:

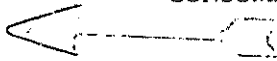
This office has written you twice regarding Mr Glenn Hagele 's complaint and requested a response as to your position within ten days To date, we have received no response. I assumed you would prefer an informal inquiry to a more involved investigation of your company.

Please inform this office by referring to File Number 0704406 as to the disposition of this matter

Very truly yours,

Nicole McConn
Consumer Protection Specialist
CONSUMER PROTECTION SECTION

cc: Glenn Hagele



Routing header information for an email to Thailand domain name registrar Alpina1 for the purpose of management of the LasikFlap.com Internet domain. Email originated from the National Institute of Health secure computer server for Lauranell "Nell" Burch, PhD and processed through the LasikFlap@Yahoo.com email service.

Date:

Tue, 13 Nov 2007 07:43:56 -0800 (PST)

To:

"palma@alpina1.net" <palma@alpina1.net>

X-Account-Key:

account2

X-UIDL:

4180004f000540b0

X-Mozilla-Status:

0011

X-Mozilla-Status2:

00000000

Return-Path:

<postmaster@privacy.ch>

X-Spam-Checker-Version:

SpamAssassin 3.1.7 (2006-10-05) on sam.hitrust.net

X-Spam-Status:

No, score=-2.1 required=5.5 tests=BAYES_00,HTML_40_50,HTML_MESSAGE
autolearn=ham version=3.1.7

Received:

from sam.hitrust.net (localhost [127.0.0.1]) by sam.hitrust.net (8.13.1/8.13.1) with
ESMTP id IADFi0Va014386 for <john@hitrust.net>; Tue, 13 Nov 2007 16:44:00 +0100

Received:

(from root@localhost) by sam.hitrust.net (8.13.1/8.13.1/Submit) id IADFi0pa015480 for
john@hitrust.net; Tue, 13 Nov 2007 16:44:00 +0100

Received:

from web35801.mail.mud.yahoo.com (web35801.mail.mud.yahoo.com
[66.163.179.170]) by sam.hitrust.net (8.13.1/8.13.1) with SMTP id IADFhVA1011132 for
<palma@alpina1.net>; Tue, 13 Nov 2007 16:43:58 +0100

Received:

(qmail 76570 invoked by uid 60001); 13 Nov 2007 15:43:56 -0000

DomainKey-Signature:

a=rsa-sha1; q=dns; c=noFWS; s=s1024; d=yahoo.com; h=X-YMail-

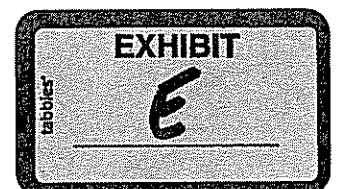
OSG:Received:Date:From:Subject:To:In-Reply-To:MIME-Version:Content-

Type:Content-Transfer-Encoding:Message-ID;

b=rUCZTasRbZPXzAUmEbAB2r9+QF1euwDteXXOJPgJHoySrteJnMJsXvux3iRfPmm

SEWFfojbW0N2Z89BGwBSnP3Itzn2UEjH0iIL7n8ovcSIV3iG5Zi20Duz450WXEcNEf

Rx6t80fFyDYIH4mqL3z9UFoDeMxruhXjKJAKn0pR+Q=;



X-YMail-OSG:

L.mIQJwVM1mwYeK9gUJv_uD4XLupkIrUaNYSdAsbwlkYzJ4RwkBEc7ky.HBEZ9H
7Up42CFVOSTPQWIKo1HUILUiA9w--

Received:

from [157.98.80.143] by web35801.mail.mud.yahoo.com via HTTP; Tue, 13 Nov 2007
07:43:56 PST

In-Reply-To:

<200711131453.IADertog009554@sam.hitrust.net>

MIME-Version:

1.0

Content-Type:

multipart/alternative; boundary="0-2003394869-1194968636=:76357"

Content-Transfer-Encoding:

8bit

sender's IP: 157.98.80.143



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Power Tools: Reverse IP Domain History Mark Alert Name Server Spy Domain Typo Hosting History Registrant Search new XML API

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DomainTools Blog: Happy "Scott Day" Day - Posted 3 hours ago - 1 comments

Next

IP Information for 157.98.80.143

IP Location: United States Rockville National Institute Of Environmental Health Sciences

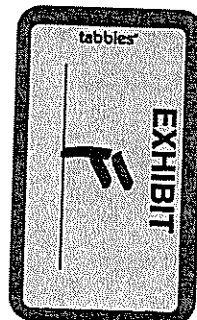
Resolve Host: med-pulm-burch1.niehs.nih.gov

IP Address: 157.98.80.143 [WRPDT]

Blacklist Status: Clear

Whois Record

OrgName: National Institute of Environmental Health Sciences
OrgID: NIEHS
Address: 111 Alexander Drive
City: Research Triangle Park
StateProv: NC
PostalCode:
Country: US
NetRange: 157.98.0.0 - 157.98.255.255
CIDR: 157.98.0.0/16
NetName: NIEHS
NetHandle: NET-157-98-0-0-1
Parent: NET-157-0-0-0-0
NetType: Direct Assignment
NameServer: NS.NIEHS.NIH.GOV



NameServer: NS.NIH.GOV

Comment:

RegDate: 1991-12-19

Updated: 2000-08-14


RTechHandle: CT1893-ARIN

RTechName: Tate, Charlie

RTechPhone: +1-919-541-4935

RTechEmail: tate@niehs.nih.gov



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