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U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

FILED

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

February 2009 Grand Jury

CR 09 01149

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
BRIAN THOMAS METTENBRINK, )  
 )  
Defendant. )

Case No. 09-

I N D I C T M E N T

[18 U.S.C. § 371: Conspiracy;  
18 U.S.C. §§ 1030(a)(5)(A)(i),  
(a)(5)(B)(i), (c)(4)(A):  
Transmission of a Code,  
Information, Program, or Command  
to a Protected Computer]

The Grand Jury charges:

INTRODUCTORY ALLEGATIONS

At all times relevant to this Indictment:

CHURCH OF SCIENTOLOGY

1. The Church of Scientology was a worldwide religious organization based on the teachings of L. Ron Hubbard. The Church of Scientology was headquartered in Los Angeles, California, within the Central District of California. The Church of Scientology's main website was www.scientology.org. It maintained other websites, including www.rtc.org, img2.scientology.org, and www.volunteerministers.org. Before January 17, 2008, the servers

1 for the Church of Scientology's websites were located in Los  
2 Angeles, California.

3 ANONYMOUS

4 2. Anonymous was a loosely affiliated group of individuals  
5 whose stated purpose, among others, was to oppose the Church of  
6 Scientology. Members of Anonymous styled themselves after the  
7 character "V" from the movie "V for Vendetta" and, in videos  
8 featuring the group, wore masks designed as a caricature of Guy  
9 Fawkes, just as the character in that movie wore.

10 DDOS ATTACK

11 3. DDOS Attack: A distributed denial of service ("DDOS")  
12 attack was a type of malicious computer activity in which an  
13 attacker caused computers to "flood" a victim computer with large  
14 amounts of data or specified computer commands. A DDOS attack  
15 typically rendered the victim computer unable to handle legitimate  
16 network traffic and legitimate users were denied the services of  
17 the computer. Depending on the type and intensity of the DDOS  
18 attack, the victim computer and its network may have become  
19 completely disabled and required significant repair.

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COUNT ONE

[18 U.S.C. § 371]

OBJECT OF THE CONSPIRACY

4. The Grand Jury hereby repeats and re-alleges paragraphs 1 through 3 of this Indictment as if fully set forth herein.

5. Beginning on or about January 17, 2008, and continuing through on or about January 29, 2008, in Los Angeles County, within the Central District of California, and elsewhere, defendant BRIAN THOMAS METTENBRINK ("defendant METTENBRINK"), together with others known and unknown to the Grand Jury, knowingly combined, conspired, and agreed to transmit a program, information, code, and command, and as a result of such conduct, intentionally cause damage without authorization to a protected computer, in violation of 18 U.S.C. §§ 1030(a)(5)(A)(i), (a)(5)(B)(i), (c)(4)(A).

THE MANNER AND MEANS OF THE CONSPIRACY

6. The object of the conspiracy was carried out, and to be carried out, in substance, as follows:

a. Purported members of Anonymous decided to launch a DDOS attack against the computers of the Church of Scientology.

b. Purported members of Anonymous made the public aware of the intent to launch a DDOS attack against the computers of the Church of Scientology.

c. Defendant METTENBRINK and others launched DDOS attacks against the computers of the Church of Scientology.

OVERT ACTS

7. In furtherance of the conspiracy, and to accomplish the object of the conspiracy, defendant METTENBRINK, and others known and unknown to the grand jury committed various overt acts within

1 the Central District of California and elsewhere, including the  
2 following:

3 Overt Act No. 1: On or about January 17 and 18, 2008, co-  
4 conspirators launched a DDOS attack against the public website for  
5 the Church of Scientology, [www.scientology.org](http://www.scientology.org) (as well as other  
6 websites affiliated with the Church of Scientology, including  
7 [www.rtc.org](http://www.rtc.org), [img2.scientology.org](http://img2.scientology.org), and  
8 [www.volunteerministers.org](http://www.volunteerministers.org)). The attack resulted in the main  
9 website, [www.scientology.org](http://www.scientology.org), being shut down for approximately 24  
10 hours and caused the Church of Scientology to move their servers to  
11 an outside company called 800hosting.

12 Overt Act No. 2: On or about January 19, 2008, co-  
13 conspirators launched another DDOS attack against the public  
14 website for the Church of Scientology, [www.scientology.org](http://www.scientology.org). The  
15 attack caused the Church of Scientology to hire an outside company,  
16 Prolexic, to help respond to the DDOS attacks.

17 Overt Act No. 3: On or about January 21, 2008, co-  
18 conspirators placed a video on [www.youtube.com](http://www.youtube.com) warning the Church  
19 of Scientology that it would be subject to DDOS attacks. The video  
20 purported to have been issued on behalf of Anonymous.

21 Overt Act No. 4: On or before January 24, 2008, defendant  
22 METTENBRINK downloaded a DDOS-related program from an Anonymous-  
23 related message board on [www.4chan.org](http://www.4chan.org).

24 Overt Act No. 5: On or before January 24, 2008, defendant  
25 METTENBRINK loaded the program onto his computer located in his  
26 dormitory room at Iowa State University in Iowa.

27 Overt Act No. 6: On or about January 24, 2008, defendant  
28 METTENBRINK launched a DDOS attack against the public website for

1 the Church of Scientology, www.scientology.org, from his computer  
2 in his dormitory room at Iowa State University.

3 Overt Act No. 7: On or about January 25, 2008, defendant  
4 METTENBRINK launched a DDOS attack against the public website for  
5 the Church of Scientology, www.scientology.org, from his computer  
6 in his dormitory room at Iowa State University.

7 Overt Act No. 8: On or about January 26, 2008, defendant  
8 METTENBRINK launched a DDOS attack against the public website for  
9 the Church of Scientology, www.scientology.org, from his computer  
10 in his dormitory room at Iowa State University.

11 Overt Act No. 9: On or about January 27, 2008, defendant  
12 METTENBRINK launched a DDOS attack against the public website for  
13 the Church of Scientology, www.scientology.org, from his computer  
14 in his dormitory room at Iowa State University.

15 Overt Act No. 10: On or about January 28, 2008, defendant  
16 METTENBRINK launched a DDOS attack against the public website for  
17 the Church of Scientology, www.scientology.org, from his computer  
18 in his dormitory room at Iowa State University.

19 Overt Act No. 11: On or about January 29, 2008, defendant  
20 METTENBRINK launched a DDOS attack against the public website for  
21 the Church of Scientology, www.scientology.org, from his computer  
22 in his dormitory room at Iowa State University.

COUNT TWO

[18 U.S.C. §§ 1030(a)(5)(A)(i), (a)(5)(B)(i), (c)(4)(A)]

8. The Grand Jury hereby repeats and re-alleges paragraphs 1 through 3 and 7 of this Indictment as if fully set forth herein.

9. Beginning on or about January 24, 2008, and continuing through on or about January 29, 2008, in Los Angeles County, within the Central District of California, and elsewhere, defendant BRIAN THOMAS METTENBRINK ("defendant METTENBRINK") knowingly transmitted a program, information, code, and command in interstate and foreign commerce, and, as a result of such conduct, intentionally and without authorization caused damage to a protected computer by impairing the integrity and availability of data, a program, a system, and information on a computer system that was used in interstate and foreign commerce, namely, defendant METTENBRINK launched DDOS attacks from Iowa against the protected computers of the Church of Scientology, which was headquartered in Los Angeles,

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