

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: OAKLAND

UNITED STATES OF AMERICA,

V.

RAMBLER GALLO

DEFENDANT(S).

FILED

Jun 27 2023

Mark B. Busby
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

INDICTMENT

18 U.S.C. §§ 1030(a)(5)(A) and (c)(4)(B)(i) – Transmission of a Program, Information, Code, and Command to Cause Damage to a Protected Computer;

18 U.S.C. §§ 982(a)(2)(B) and 1030(i) and (j) – Forfeiture Allegation

A true bill.

/s/ Foreperson of the Grand Jury

Foreman

Filed in open court this 27th day of

June, 2023.

Sallie Kim

M. Jack
Clerk

Bail, \$ No Process

Sallie Kim, U.S. Magistrate Judge

1 ISMAIL J. RAMSEY (CABN 189820)
United States Attorney

FILED

Jun 27 2023

Mark B. Busby
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 UNITED STATES OF AMERICA,) CASE NO. 4:23-cr-00195 HSG
12 Plaintiff,)
13 v.) VIOLATIONS:
14 RAMBLER GALLO,) 18 U.S.C. §§ 1030(a)(5)(A) and (c)(4)(B)(i) –
15 Defendant.) Transmission of a Program, Information, Code, and
16) Command to Cause Damage to a Protected Computer;
17) 18 U.S.C. §§ 982(a)(2)(B) and 1030(i) and (j) –
18) Forfeiture Allegation
19)
20) OAKLAND VENUE

19 INDICTMENT

20 The Grand Jury charges:

21 Introductory Allegations

22 At all times relevant to this Indictment:

- 23 1. RAMBLER GALLO was a resident of Tracy, California.
24 2. The Town of Discovery Bay, California provided and maintained the municipal public
25 water (water supply, treatment, and distribution) and wastewater systems (collection, transmission and
26 treatment) for its approximately 15,000 residents, as well as businesses. The water treatment facility
27 was located in Discovery Bay, California, in the Northern District of California, and is referred to herein
28 as “the Facility.”

INDICTMENT

1
2 3. Discovery Bay contracted the operation of the Facility to Company A, a private supplier
3 of water services, with headquarters located in Boston, Massachusetts.

4 4. Company A operated a Supervisory Control and Data Acquisition (SCADA) system,
5 which is the main operating system of the plant that, among other things, monitors and controls the
6 chemical levels of the water across all the Discovery Bay water service facilities. The SCADA system
7 was a control system architecture comprised of computers, networked data communications, and
8 graphical interfaces for high level supervision of machines and processes.

9 5. The supervisory software for the SCADA system was known as “Ignition.” Ignition was
10 server software that acts as the hub for total system integration. Ignition provided automated monitoring
11 of the SCADA system, which protected the entire water treatment system, including water pressure,
12 filtration, and chemical levels.

13 6. The primary SCADA server was located at Plant 2, located in Discovery Bay, California.

14 7. For security reasons, Company A used a private internal network for those systems, such
15 as the SCADA system and Ignition software, that operated the Facility. The private internal network
16 was not directly connected to the internet. The private internal network was accessible from a laptop
17 located in Plant 2, (the “Facility laptop”).

18 8. GALLO was a full-time employee of Company A from July 11, 2016, until December 9,
19 2020, when he resigned his employment. GALLO worked at the Facility and had the title of
20 “Instrumentation and Control Tech.” GALLO’s core responsibilities at the Facility were maintaining all
21 instrumentation and the Programmable Logic Controller (“PLC”) computers used to control electro-
22 mechanical processes, including calibration, equipment upgrades, SCADA and SCADA upgrades,
23 troubleshooting, and PLC improvement. Accordingly, GALLO had full access to the SCADA system.
24 GALLO installed remote-control computer software known as “TeamViewer” on the Facility laptop.
25 TeamViewer allowed a user to remotely access and control computers and other devices. GALLO also
26 installed TeamViewer on his personal computer, which allowed him to gain remote access to Company
27 A’s private internal network, which in turn allowed him to gain remote access to the SCADA system
28 and the Ignition software.

1 COUNT ONE: (18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(B)(i) – Transmission of a Program,
2 Information, Code, and Command to Cause Damage to a Protected Computer)

3 9. Paragraphs 1 through 8 of this Indictment are re-alleged and incorporated as if fully set
4 forth here.

5 10. Beginning on or about January 15, 2021, and continuing through on or about January 16,
6 2021, in the Northern District of California and elsewhere, the defendant,

7 RAMBLER GALLO,

8 knowingly caused the transmission of a program, information, code, and command, and, as a result of
9 such conduct, intentionally caused damage without authorization to a protected computer, to wit, the
10 defendant used TeamViewer from his own private computer to access the Facility laptop, and thereby
11 access the SCADA system, and caused the transmission of a command to uninstall the Ignition software
12 from the Company A private internal network on Company A’s computer server, a computer used in and
13 affecting interstate and foreign commerce and communication, and, by such conduct, caused loss to one
14 or more persons during a one-year period aggregating at least \$5,000 in value, and threatened public
15 health or safety.

16 All in violation of Title 18, United States Code, Sections 1030(a)(5)(A) and (c)(4)(B)(i).

17 FORFEITURE ALLEGATION: (18 U.S.C. §§ 982(a)(2)(B) and 1030(i) and (j))

18 11. The allegations contained in this Indictment are re-alleged and incorporated by reference
19 for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Sections 982(a)(2)(b) and
20 1030(i) and (j).

21 12. Upon conviction for the offense set forth in Count One in violation of Title 18, United
22 States Code, Section 1030(a), set forth in this Indictment, the defendant,

23 RAMBLER GALLO,

24 shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 982(a)(2)(b) and
25 1030(i) and (j), any personal property used or intended to be used to commit or to facilitate the
26 commission of said violation or a conspiracy to violate said provision, and any property, real or
27 personal, which constitutes or is derived from proceeds traceable to the offenses, including, but not
28 limited to, a sum of money equal to the total amount of proceeds defendant obtained or derived, directly

1 or indirectly, from the violation, or the value of the property used to commit or to facilitate the
2 commission of said violation.

3 14. If any of the property described above, as a result of any act or omission of the defendant:

- 4 a. cannot be located upon exercise of due diligence;
- 5 b. has been transferred or sold to, or deposited with, a third party;
- 6 c. has been placed beyond the jurisdiction of the court;
- 7 d. has been substantially diminished in value; or
- 8 e. has been commingled with other property which cannot be divided without
9 difficulty,

10 the United States of America shall be entitled to forfeiture of substitute property of said defendant up to
11 the value of the forfeitable property described above, pursuant to Title 21, United States Code, Section
12 853(p), as incorporated by Title 18, United States Code, Section 1030(i)(2).

13 All pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and 1030, and Federal Rule
14 of Criminal Procedure 32.2.

15
16 DATED: 6/27/23

A TRUE BILL.

/s/ Foreperson

FOREPERSON

17
18
19 ISMAIL J. RAMSEY
20 United States Attorney

21 */s/ Cynthia Frey*

22 _____
23 CYNTHIA FREY
24 Assistant United States Attorney