

# United States District Court

WESTERN DISTRICT OF WASHINGTON

FILED  
MAY 23 2007  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

## APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

In the Matter of the Search of the property located at and in a residential apartment located at 1200 Western Avenue, Apartment 17E Seattle, Washington 98101 and in computers and/or other electronic storage devices located therein

CASE NUMBER: MT07-254

I, U.S. FBI Special Agent Kenneth A. Schmutz, being duly sworn depose and say:

I am a(n) Special Agent with the Federal Bureau of Investigation (FBI), and have reason to believe that ( ) on the person of or (XX-) on the property known as (name, description and/or location)

1200 Western Avenue, Apartment 17E, Seattle, Washington 98101, and is more fully described in Attachment A, attached hereto and incorporated herein.

in the Western District of Washington, there is now concealed a certain person or property, namely: (describe the person or property to be seized)

See Attachment B and Affidavit of Special Agent Kenneth A. Schmutz, attached hereto and incorporated herein.

which is (state one or more basis for search and seizure set forth under Rule 41(b) of the Federal Rules of Criminal Procedure)

Evidence, fruits and instrumentalities of criminal activity consisting of aggravated ID theft; fraud in electronic mail; mail fraud; wire fraud; and money laundering.

concerning a violation of Title 18 United States Code, Section(s) 1028(A), 1037 (a)(2) and (a)(3), 1341, 1343 and 1956. The facts to support a finding of Probable Cause are as follows:

See Affidavit of Special Agent Kenneth A. Schmutz

Continued on the attached sheet and made a part hereof.

( ) Yes ( ) No

Kenneth A. Schmutz  
Signature of Affiant  
KENNETH A. SCHMUTZ

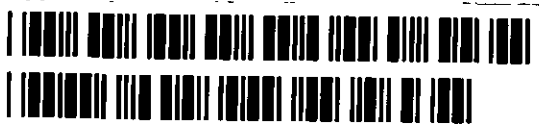
Sworn to before me, and subscribed in my presence:

May 23, 2007 at \_\_\_\_\_  
Date

Seattle, Washington  
City and State

MARY A. THEILER, United States Magistrate Judge  
Name and Title of Judicial Officer

Mary A. Theiler  
Signature of Judicial Officer



## ATTACHMENT A

The premises to be searched is located at 1200 Western Avenue, #17E, Seattle, Washington, 98101. The premises is an apartment in the southwest building of Harbor Steps Apartments. The apartment is on the seventeenth floor which is the top floor of the building. The front door of the apartment is the first door on the left in the hallway when you exit the elevator. The apartment door faces west towards Puget Sound. The apartment designation "17E" is clearly displayed on the door.

**ATTACHMENT B - ITEMS TO BE SEIZED**

The items to be seized are the following items that constitute evidence, fruits and/or instrumentalities of criminal activity, consisting of Aggravated Identity Theft, in violation of Title 18, United States Code, Section 1028A, Fraud in Connection with Electronic Mail, in violation of Title 18, United States Code, Sections 1037(a)(2) and (3), and (b)(1)(A), Mail Fraud, in violation of Title 18, United States Code, Section 1341, Wire Fraud, in violation of Title 18, United States Code, Section 1343, and Money Laundering, in violation of Title 18, United States Code, Section 1956(a)(1), from January 1, 1999, through the present.

The following records, documents, files or materials, in whatever form, including handmade or mechanical form (such as printed, written, handwritten or typed); photocopies or other photographic form; and electrical, electronic and magnetic form (which may be contained in, or present on computers, hard drives, tapes, cassettes, hard disks, floppy disks, diskettes, compact discs, CD-ROMs, DVDs, optical discs, Zip cartridges, printer buffers, smart cards, thumb drives, electronic notebooks, cellular telephones, PDAs or any other storage medium):

1. Any and all records pertaining to business, financial, and other transactions conducted by or through Newport Internet Marketing Corporation, Newport Corp., "NIM," NPR Corporation, or Broadcast Email Services, and/or by or through any other business entities owned, operated and/or controlled by Robert A. Soloway; financial records to include, but not limited to: financial institution account records including statements, loan files, correspondence, check registers, canceled checks, carbon copies of written checks, check stubs, blank checks, deposit slips, deposit receipts, ATM receipts, retained copies of deposit items, domestic and international wire transfers in and out of the accounts, cashier's checks, money orders, other methods of payment and other financial instruments.
2. Any and all records pertaining to business and financial transactions of Robert A. Soloway, financial records to include, but not limited to: financial institution account records including statements, loan files, correspondence, check registers, canceled checks, carbon copies of written checks, check stubs, blank checks, deposit slips, deposit receipts, ATM receipts, retained copies of deposit items, domestic and international wire transfers in and out of the accounts, cashier's checks, money orders, other methods of payment and other financial instruments.
3. Any and all correspondence referencing, pertaining or relating in any way to Newport Internet Marketing Corporation, Newport Corp., "NIM," NPR Corporation, or Broadcast Email Services, and/or to other business entities owned, operated and/or controlled by Robert A. Soloway.
4. Any and all contracts, agreements, invoices, bills, receipts, rental documents, leases, business proposals, correspondence or other evidence reflecting relationships and/or transactions between Newport Internet Marketing Corporation, Newport Corp., "NIM," NPR Corporation, or Broadcast Email Services, and/or Robert Soloway with any other businesses, vendors, ISPs, server hosting companies, or domain name registrars.

**ATTACHMENT B – ITEMS TO BE SEIZED**

6. Files, documents, messages or records of any kind containing names, telephone numbers, addresses, e-mail names and addresses, contact information and other information pertaining to the identity of, or transactions with, customers of Newport Internet Marketing Corporation, Newport Corp., "NIM," NPR Corporation, or Broadcast Email Services, and/or Robert Soloway.
7. Appointment books, calendars, and/or work schedules for Newport Internet Marketing Corporation, Newport Corp., "NIM," NPR Corporation, or Broadcast Email Services, and/or Robert Soloway.
8. Receipt books, ledgers, journals, balance sheets, statements, summaries, schedules and other documentation pertaining to revenue, income and compensation and other financial consideration or benefit received by or for Newport Internet Marketing Corporation, Newport Corp., "NIM," NPR Corporation, or Broadcast Email Services, and/or Robert Soloway.
9. Records relating to, or any correspondence between Newport Internet Marketing Corporation, Newport Corp., "NIM," NPR Corporation, or Broadcast Email Services, and/or Robert Soloway and any accountants, financial advisors, bookkeepers, or tax return preparers, and any documents relating to the preparation of tax returns, including worksheets or original returns.
10. Records pertaining to assets and liabilities of Newport Internet Marketing Corporation, Newport Corp., "NIM," NPR Corporation, or Broadcast Email Services, and/or Robert Soloway.
11. Records relating to the expenditure of, or the purchase, sale or transfer of assets, securities, bonds, precious metals or any other investment by or on behalf of Newport Internet Marketing Corporation, Newport Corp., "NIM," NPR Corporation, or Broadcast Email Services, and/or Robert Soloway.
12. Records relating to credit card purchases and applications for credit, including credit history reports, financial statements, employment history and references by or on behalf of Newport Internet Marketing Corporation, Newport Corp., "NIM," NPR Corporation, or Broadcast Email Services, and/or Robert Soloway.
13. Records pertaining to the acquisition, investment, equity and disposition of real and personal property and other assets for, or for the benefit of Newport Internet Marketing Corporation, Newport Corp., "NIM," NPR Corporation, or Broadcast Email Services, and/or Robert Soloway.
14. Records pertaining to shipments, packages and parcels sent and received by and/or

**ATTACHMENT B – ITEMS TO BE SEIZED**

from Newport Internet Marketing Corporation, Newport Corp., "NIM," NPR Corporation, or Broadcast Email Services, and/or Robert Soloway.

15. Bookkeeping records including trial balances, ledgers, journals, subsidiary ledgers and journals, disbursement records, payroll records, tax data preparation sheets, records, work papers, schedules, statements, forms, summaries, organizers, planners, correspondence, notices and notes for Newport Internet Marketing Corporation, Newport Corp., "NIM," NPR Corporation, or Broadcast Email Services, and/or Robert Soloway.

16. Business cards.

17. Telephone records.

18. Records relating to the rental, lease or purchase of storage units, lockers or safe deposit boxes, including contracts, payment receipts, keys, access records and entry access codes.

19. Any computer equipment and storage device capable of being used to commit or further the offenses listed above.

In order to search for data that is capable of being read or interpreted by a computer system and/or their components, law enforcement personnel will need to search and seize the following items:

- A. Any computer equipment and storage device capable of being used to commit, further, or store evidence of the offenses listed above;
- B. Any computer equipment used to facilitate the transmission, creation, display, encoding or storage of data, including word processing equipment, modems, docking stations, monitors, printers, plotters, encryption devices and optical scanners;
- C. Any magnetic, electronic or optical storage device capable of storing data, such as floppy disks, hard disks, tapes, CD-ROMs, CD-R, CD-RWs, DVDs, optical disks, printer or memory buffers, smart cards, PC cards, memory calculators, electronic dialers, electronic notebooks, and personal digital assistants;
- D. Any documentation, operating logs and reference manuals regarding the operation of the computer equipment, storage devices or software;
- E. Any applications, utility programs, compilers, interpreters, and other software used to facilitate direct or indirect communication with the computer hardware,

**ATTACHMENT B – ITEMS TO BE SEIZED**

storage devices, or data to be searched;

- F. Any physical keys, encryption devices, dongles and similar physical items that are necessary to gain access to the computer equipment, storage devices or data; and
- G. Any passwords, password files, test keys, encryption codes or other information necessary to access the computer equipment, storage devices or data.

THE SEIZURE OF COMPUTER SYSTEMS AND/OR THEIR COMPONENTS AS SET FORTH HEREIN IS SPECIFICALLY AUTHORIZED BY THIS SEARCH WARRANT, NOT ONLY TO THE EXTENT THAT SUCH COMPUTER SYSTEMS CONSTITUTE INSTRUMENTALITIES OF THE CRIMINAL ACTIVITY DESCRIBED ABOVE, BUT ALSO FOR THE PURPOSE OF CONDUCTING OFF-SITE EXAMINATIONS OF THEIR CONTENTS FOR EVIDENCE, INSTRUMENTALITIES, OR FRUITS OF THE AFOREMENTIONED CRIMES.