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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION**

10
11 KEYVAN SAMINI,
12 Plaintiff,

13 v.

14 JOHN DOES 1-10, APPLE INC.,
15 Defendants.

Case No.

COMPLAINT

Trial Date: None Set

16
17 Plaintiff Keyvan Samini (“Plaintiff”) hereby alleges as follows:

18 **PARTIES**

19 1. Plaintiff is, and at all relevant times has been, an individual residing in
20 the County of Orange, State of California which is within this judicial district and
21 within the Southern Division thereof.

22 2. Plaintiff is informed and believes, and based thereon alleges, that
23 Defendants JOHN DOES 1 to 10, inclusive (“John Does”), are the parties who have
24 engaged in the primary wrongdoing alleged in this Complaint, and these fictitiously
25 named defendants are in some manner responsible for the acts and omissions alleged
26 herein and, as a direct and proximate result thereof, have incurred legal responsibility
27 to plaintiff for the relief prayed for herein. The identities of Defendants are currently
28 unknown to Plaintiff, who therefore sues them under fictitious names. Plaintiff will

1 amend his Complaint to specifically name Defendants as they are identified via
2 discovery.

3 3. Plaintiff is informed and believes, and based thereon alleges, that
4 Defendant Apple, Inc. is a corporation, duly organized and existing under the laws of
5 the State of California which has contributed to the harm being suffered by Plaintiff
6 as more fully alleged below.

7 **JURISDICTION AND VENUE**

8 4. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 because this
9 case arises under the laws of the United States pursuant to the Computer Fraud and
10 Abuse Act, 18 U.S.C. § 1030.

11 5. The Court has supplemental jurisdiction over the claims herein arising
12 under the laws of the State of California pursuant to 28 U.S.C. §§ 1338(b) and 1367
13 in that the claims are so related to Plaintiff’s federal claims that they form part of the
14 same case or controversy under Article III of the United States Constitution.

15 6. Plaintiff is informed and believes, and based thereon alleges, that venue
16 is proper in this judicial district, under 28 U.S.C. § 1391(b), in that a substantial part
17 of the events or omissions giving rise to the claim occurred in this district or a
18 substantial part of the property that is the subject of the action is in this district.
19 Further, the Plaintiff lives within this district. Because the identities of John Does are
20 unknown, Plaintiff is unable to make any allegation about their place of residence.
21 Defendant Apple is subject to general jurisdiction in the State of California and
22 regularly does business in this District, including within the Southern Division.

23 **FACTUAL ALLEGATIONS**

24 7. This lawsuit involves what is commonly called “computer hacking”
25 and/or “identity spoofing.”

26 8. Plaintiff is the President, CFO and Acting General Counsel of a company
27 with its principal place of business within the Southern Division of this District,
28 Mobix Labs, Inc. On January 30, 2024, Mobix Labs issues a press release indicating

1 that it “has begun delivering filtered connector parts that are used in the U.S. Navy’s
2 Tomahawk Cruise Missile.”

3 9. Within approximately 3 hours of that press release being issued, control
4 of an email account, which had been utilized by Plaintiff for over 12 years, for both
5 personal and some business communications (ksamini@me.com and its alias
6 ksamini@icloud.com) (“Email Account”) was “hacked” or otherwise stolen by John
7 Does.

8 10. The Email Account at issue in this case is an account as to which only
9 the Plaintiff has a right to access and/or control the information contained within that
10 account.

11 11. Plaintiff is informed and believes that all email accounts with the suffix
12 “me.com” are operated, as a service, by defendant Apple. Plaintiff is further informed
13 and believes that Apple has the technological ability to disable the account, reassign
14 the account to Plaintiff, provide reports about activity within the account and to
15 otherwise exercise technological control of that account.

16 12. Within approximately two hours of learning about John Does
17 unauthorized access to the Email Account, Plaintiff contacted Apple to inform them
18 of the unauthorized access and control which had been perpetrated by John Does
19 against the Email Account. Since that time Plaintiff has contacted Apple on multiple
20 occasions but has been unable to obtain an agreement from Apple to: a) inactivate the
21 account; b) to send him records about what activities have been undertaken within the
22 account; c) to provide him with access to restore his use of the account. Apple advised
23 him that their legal team would handle such inquiries but, as of the time of filing this
24 Complaint, Apple’s legal department has not offered any solution.

25 13. Plaintiff is the person legally entitled to use those accounts, to access the
26 information stored on those accounts, and otherwise to maintain the passwords and
27 other security information utilized to access those Accounts. Plaintiff never gave
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1 Defendants authorization or permission to use or access her personal computer
2 devices or the Accounts.

3 14. On February 5, 2024, Plaintiff was alerted of the unauthorized use of the
4 Email Account for the purpose of disseminating information, contained within the
5 Email Account, to third-parties and/or for the purpose of “phishing” for information
6 from third-parties. In other words, this is not a case where John Does has simply
7 obtained access to private data and communications. Here, John Does are engaged in
8 active misuse of the account for unknown nefarious purposes.

9 15. Plaintiff does not hold any security clearances with the US Government
10 and does not believe that there is any material, within the files of the Email Address,
11 which would contain specifically classified material. However, some of the products
12 of Mobix are subject to restrictions under ITAR (International Traffic in Arms
13 Regulations which controls the export and import of defense-related articles and
14 services on the United States Munitions List). And by having control of the Email
15 Address, John Does have the ability to send email messages using the “authentic”
16 email of Plaintiff which might induce others to take actions which could result in the
17 disclosure of information or which could result in others taking actions to compromise
18 money, trade secrets or other valuable items.

19 16. Plaintiff is informed and believes that by virtue of John Does’
20 unauthorized and unpermitted access to the Email Account, John Does are guilty of
21 fraud, oppression, or malice. Plaintiff is informed and believes that John Does’
22 unauthorized and unpermitted access to the Email Account was done specifically
23 targeting Plaintiff with the intent of injuring him. Plaintiff is further informed and
24 believes that the unauthorized and unpermitted access to his Accounts was done
25 fraudulently, in that John Does knew the Accounts were not theirs and used a method
26 of access that was based on a falsified identity and/or credentials, thus injuring
27 Plaintiff as described throughout this Complaint.

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1 motion or trial. The monetary damages include, but are not limited to, costs expended
2 to attempt to identify the hackers and assess and remediate the damage to Plaintiff's
3 Email Account, to preserve the information contained in the Email Account and to
4 change the usage so as to deter future unauthorized access. As of the date of this
5 Complaint, monetary damages continue to accrue.

6 **SECOND CLAIM FOR RELIEF**

7 **(Violation of California Penal Code § 502 – John Does)**

8 23. Plaintiff incorporates by reference the foregoing paragraphs 1 to 17,
9 inclusive.

10 24. Plaintiff is informed and believes that, as described throughout this
11 Complaint, John Does knowingly accessed and without permission altered and/or
12 otherwise used the Email Account to wrongfully access, control, and/or obtain money,
13 property, or data.

14 25. Plaintiff is informed and believes that John Does knowingly accessed
15 and without permission took, copied, and/or made use of the data from the Email
16 Account, as described throughout this Complaint.

17 26. Plaintiff is informed and believes that John Does knowingly and without
18 permission took, copied, or used data from the Email Account, as described
19 throughout this Complaint.

20 27. Plaintiff is informed and believes that, as described throughout this
21 Complaint, John Does knowingly and without permission disrupted or caused the
22 disruption of email services to Plaintiff, who was the authorized user of the Email
23 Account.

24 28. As a direct result of Defendants knowingly accessing his Email Account
25 without permission, Plaintiff has suffered monetary damages in excess of \$5,000; the
26 exact amount will be shown according to proof at the time of dispositive motion or
27 trial. The monetary damages include, but are not limited to, costs expended to verify
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1 alterations, damages, and deletions with respect to Plaintiff’s Email Account. As of
2 the date of this Complaint, monetary damages continue to accrue.

3 29. Plaintiff has suffered irreparable injury as a result of John Does’ acts,
4 and due to the continuing threat of such injury, Plaintiff has no adequate remedy at
5 law, thus entitling her to injunctive relief under California Penal Code § 502(e)(1).

6 30. Plaintiff is entitled to an award of reasonable attorney’s fees, according
7 to proof, pursuant to California Penal Code § 502(e)(2).

8 31. Under California Penal Code § 502(e)(4), Plaintiff is entitled to an award
9 of punitive damages in his favor and against John Does to punish them for their
10 egregious conduct. The amount of punitive damages should be subject to proof, but
11 Plaintiff alleges any punitive damages award should be no less than three times the
12 amount of actual damages.

13 **THIRD CLAIM FOR RELIEF**

14 **(Invasion of Privacy – John Does)**

15 32. Plaintiff incorporates by reference the foregoing paragraphs 1 to 17,
16 inclusive.

17 33. Plaintiff has, and at all times relevant to this action has had, a reasonable
18 expectation of privacy in his Email Account. Plaintiff’s data is stored in such a
19 manner that it is intended to be accessible only by those who are authorized to use the
20 Email Account, and Apple is responsible to enforce that integrity. The content of the
21 Email Account is not accessible to the public at large. Plaintiff regularly undertook
22 actions, such as using password protection, to maintain the privacy of his Email
23 Account. Much of the data falls within the zones of privacy recognized by California
24 law, including, but not limited to, personal financial, employment, and medical
25 information about Plaintiff.

26 34. John Does intentionally intruded in Plaintiff’s Email Account via their
27 unauthorized access, as described throughout this Complaint.

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1 41. Plaintiff has advised multiple individuals at Apple that control of the
2 Email Account has been “hacked” and misappropriated by John Does. Plaintiff is
3 informed and believes that the legal department at Apple has also been advised of his
4 concerns.

5 42. However, Apple has failed and refused to take any action to suspend
6 access to the Email Account, or to provide logs showing what actions have been
7 undertaken with the Email Account since the time that it was misappropriated, or to
8 return access for the Email Account to Plaintiff.

9 43. As alleged herein, on February 5, 2024, Plaintiff became aware,
10 apparently because John Does intended him to become aware, of the unauthorized use
11 of the Email Account for the purpose of disseminating information, contained within
12 the Email Account, to third-parties and/or for the purpose of “phishing” for
13 information from third-parties. In other words, this is not a case where John Does has
14 simply obtained access to private data and communications. Here, John Does are
15 engaged in active misuse of the account for unknown nefarious purposes.

16 44. Apple has failed and refused to: a) disable the ability to access the Email
17 Account, whether by John Does or Plaintiff, to avoid misuse and harm; b) provide
18 logs and other information about what he been added, deleted, viewed or modified in
19 the Email Account within the week preceding the filing of this Complaint; or,
20 c) undertake an investigation and corrective action to restore access to the Email
21 Account to Plaintiff.

22 45. Plaintiff is not presently aware of the reasons why Apple is refusing to
23 undertake reasonable action for the protection of Plaintiff and the Email Account.
24 However, there is now a actual controversy, between Plaintiff and Apple, regarding
25 the responsibility of Apple to undertake appropriate protective action as set forth
26 above, even though there would be no prejudice to Apple in undertaking such action.

27 46. Because damages will not suffice, such that there is no adequate remedy
28 at law as against Defendants, Plaintiff will therefore seek a TRO and Preliminary

1 Injunction seeking the relief set forth in Paragraph 44, and such other relief as may be
2 just, pending the Court’s ultimate determination that Plaintiff is entitled to have full
3 and complete control of the Email Account.

4 **PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiff, individually, respectfully requests that the Court
6 enter judgment in his favor and against Defendants and award the following relief:

- 7 1. General and special damages according to proof, but in no event less than
8 \$5,000;
- 9 2. Punitive damages in an amount sufficient to punish and deter Defendants
10 from future egregious conduct;
- 11 3. For a preliminary and permanent injunction retraining Defendants and
12 all those acting in concert with them from:
 - 13 i. Accessing Plaintiff’s Email Account;
 - 14 ii. Disclosing or using any personal or confidential information
15 belonging to Plaintiff, including all information obtained from
16 Plaintiff’s Email Account;
- 17 4. For a Declaratory Judgment holding that Plaintiff is entitled to control of
18 the Email Account.
- 19 5. For a TRO and preliminary injunction, against Apple, to disable all
20 access to the Email Account, and to provide logs explaining all changes
21 made to the Email Account or its content between the time when the
22 control of the Email Account was compromised and the time when the
23 account was disabled;
- 24 6. For attorneys’ fees, to the extent allowed by law.
- 25 7. For interest on all sums where properly owed.
- 26 8. For costs of suit incurred herein.
- 27 9. For such other and further relief as the court may deem just.

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Dated: February 6, 2024

BROWER LAW GROUP
A Professional Corporation

By: /s/ by ECF _____
Steven Brower
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Attorneys for Plaintiff