

1 GREGORY ALEXANDER
2 PMB 54
3 11014 19th Avenue, SE
4 Everett, WA 98208

5 In Pro Per

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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN FRANCISCO DIVISION
10

11 UNITED STATES OF AMERICA CHESS
12 FEDERATION, an Illinois non-for profit
13 corporation, RANDALL D. HOUGH, an
14 individual,

15 Plaintiffs,

16 vs.

17 SUSAN POLGAR, an individual, GREGORY
18 ALEXANDER, an individual, and DOES 1-10,
19 inclusive,

20 Defendants.

Case No. 3:08-cv-05126-MHP

**DEFENDANT GREGORY
ALEXANDER'S REPLY TO USCF'S
OPPOSITION TO MOTION TO DISMISS**

Date: January 26, 2009

Time: 2:00 p.m.

Courtroom: 15

21 **INTRODUCTION**

22 For the past two years, I have done volunteer work as a moderator for chess discussion
23 websites hosted by the United States Chess Federation (USCF). I have had the great misfortune of
24 working directly with the USCF leadership – Bill Goichberg and his cronies. I have observed
25 them engage in corrupt insider dealings, deceptive and fraudulent practices, and politically inspired
26 witch hunts. Ironically, I have been the victim, not the perpetrator, of systematic and illegal
27 hacking by USCF computer system administrators Hal Bogner and Brian Mottorshead.

1 assigned to me. The USCF has submitted various pieces of evidence listing IP addresses, but none
2 of the IP address evidence is supported by my ISP. So they fail to prove who used them and when.

3 Fourth, the USCF recently filed yet another lawsuit raising largely the same allegations and
4 issues in Illinois. After a series of lawsuits in New York, Texas, and California, the USCF now
5 files yet another related suit in Illinois. (Alexander Decl., Exhibit E): If the USCF maintains that
6 the California court has jurisdiction over these issues, then it is hypocritical for the USCF to file a
7 substantially related suit in Illinois, which should have been filed either in Texas or California.
8 Thus, the USCF has waived its right to argue that the California court has jurisdiction.

9 **A. In his recent affidavit, Mr. Kronenberger tampered with evidence, and has**
10 **intentionally deceived the court.**

11 Plaintiff's entire argument hinges on the allegation that I used anonymizer to cover my
12 tracks while hacking into Hough's email. But the evidence shows exactly the opposite.

13 (Opposition at 5, lines 1-12; FAC ¶ 13; Kronenberger Decl. at Exs. E and G.)

14 Exhibit G has been electronically doctored by Kronenberger to
15 Intentionally conceal crucial exculpatory evidence and to mislead the court. Exhibit G contains
16 two large black boxes that obscure language hidden beneath. Mr. Kronenberger forgot to flatten
17 the file, and anyone who uses Adobe Acrobat Professional can remove the black box which he
18 wanted to hide from the court, and read what is underneath.

19 The court will be able to verify my findings with the assistance of a Court Technology
20 support person with access to Adobe Acrobat Professional. I will attach screen shots to convey
21 this point. The court can also order Anonymyzer to submit the original Exhibits, E and G to the
22 court, so that the court can verify the hidden communication.

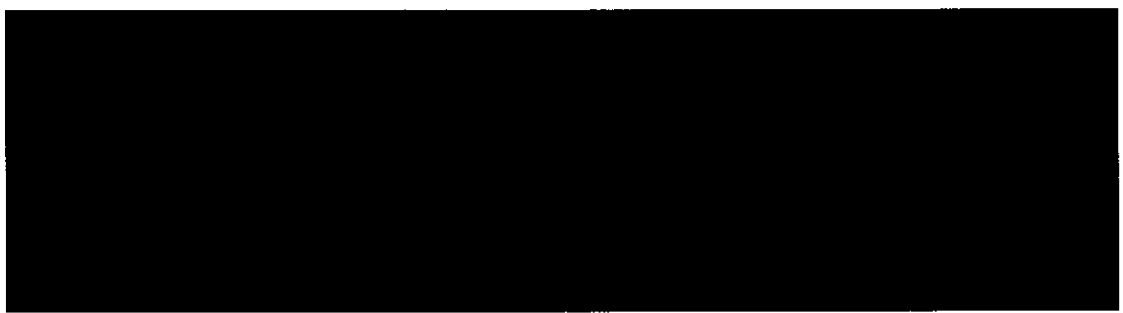
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1. Hover your mouse over the black box. You will see the watermark initials 'kkronenb', indicating that Kronenberger drew the black boxes to hide the underlying data.

August 19, 2008

Re: Case No. CGC-08-476777



2. Click on the upper black box to highlight it. The cursor will turn into an 'x' shape.
3. After the black box is highlighted, you can delete it by clicking the delete key. Here is what Kronenberger was trying to conceal.

Aug-19-2008 05:25 PM Kronenberger Burgoy 4159551158
Aug 19 2008 3:08 PM Case 3:08-cv-05126-MHP Document 20-2 Filed 01/12/2009 Page 28 of 49

August 19, 2008

Re: Case No. CGC-08-476777

Mr Karl S. Kronenberger:

After diligently searching our records, I am unable to find anything concerning the requested ip addresses. I have included the requested information concerning the individuals in question.

Name: Susan Polgar

Not a registered user.

Name: Gregory Alexander

Username: gregoryalexander

Contact Emails: gregory@tatiana.net

1 The evidence submitted by Kronenberger shows that the custodian of records at
2 Anonymizer was unable to find any records showing that Susan Polgar or Gregory Alexander, or
3 any of the IP addresses associated with them, were used to access Randy Hough's email account.
4 This is what the custodian actually states:

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6 *"After diligently searching our records, I am unable to find anything
concerning the requested IP addresses."*

7 Kronenberger has clearly violated FRCP Rule 11 (b). He has submitted evidence which he
8 intentionally doctored, has submitted it to the court with the intention of defrauding the court, and
9 has misrepresented the nature and contents of the evidence.

10 **B. The evidence concerning IP's lacks date and time stamps verified by the user's**
11 **ISP, so the IP addresses cannot be identified as belonging to any particular**
user.

12 I don't 'own' a static IP. I temporarily lease dynamic IP addresses using Dynamic Host
13 Configuration Protocol (DHCP). Here is an explanation of a dynamic IP address found on Linfo:

14 *"Dynamic IP addresses are assigned by the dynamic host*
15 *configuration protocol (DHCP), which is one of the key protocols*
16 *in the TCP/IP protocol suite. Dynamic IP addresses contrast with*
17 *static IP addresses, which are assigned manually and semi-*
18 *permanently to a device, account or user. With dynamic*
addressing, a computer, account, etc. will typically have a different
IP address every time it connects to the network. In some systems,
the device's IP address can change even while it is still connected
to the network."

19 To identify a user that has a leased IP address, the exact time of the transmission must be
20 identified so that the ISP can match these details with the subscription details of the user at that
21 time. To complicate the issue, even with a valid date and time stamp that is verifiable by the ISP,
22 there are various methods that will allow a user to spoof IP addresses belonging to another user.

23 In all of the 'evidence' provided by the Plaintiffs, not once did any ISP verify that the IP
24 was leased to my computer, let alone leased to my computer on a certain date and time. There are
25 potentially a half of a million people that could have used the same IP in the North Seattle region.

26 Furthermore, in Mr. Rosenfeld's affidavit, when he wrote that I stated that 'I owned an IP',
27 he is quite mistaken. I am a web-developer, and I fully understand IP related technologies. I did
28 not say I 'owned' an IP as I use a dynamic IP address allocated through DHCP.

1 **C. On September 15 of 2007, Mottorshead, a volunteer USCF Administrator**
 2 **appointed by Goichberg, hacked into my private messaging accounts.**

3 On the evening of September 15th, 2007, I had a heated and public exchange of posts in the
 4 USCF Forums, in which I criticized many of the new website flaws. After Mottorshead and I
 5 countered with argumentative posts for an hour or so, I suddenly found myself logged out of the
 6 site. The next morning, I was astonished to find out that Mottorshead admitted logging me out,
 7 and then accessed my private messages. After complaining about this privacy violation, I was
 8 threatened with a lawsuit. Here are a few comments taken from Alexander Decl., Exhibit A:

9 From: Brian Mottorshead
 10 Sent: Sunday, September 16, 2007 4:59 AM
 11 *"Gregory reported two problems in the forum regarding his*
 12 *account, and was making a big fuss. I sent him a PM stating that I*
 13 *was going to substitute my password for his temporarily and log in*
 14 *as him in order to work on the problem. Squeaky wheel getting the*
 15 *grease."*

16 From: Brian Mottorshead
 17 Sent: Sunday, September 16, 2007 1:14 PM
 18 *"I have access to every PM in the entire database along with*
 19 *everything else. I could have read every PM you have at any time*
 20 *in the last two and a half months without telling you or anybody*
 21 *else. The same goes for every other PM of every other user in the*
 22 *forums..."*

23 From: Brian Mottorshead
 24 Sent: Sunday, September 16, 2007 3:52 PM
 25 *"... I did not ask Gregory for permission to log into his account...*
 26 *This was a notice, not a request for permission, sent as a courtesy*
 27 *in order to avoid any more inconvenience to him than necessary...*
 28 *However, if there is any further public suggestion or implication*
 that my conduct was in any way improper, unethical, or
 unprofessional, or there is any other aspersion cast on my
 professional reputation, then this will become a matter involving
 lawyers, and, potentially, courts."

29 From: Hal Bogner
 30 Sent: Wednesday, September 19, 2007 10:50 AM
 31 *"I demand that you [Gregory Alexander] immediately cease and*
 32 *desist from posting or sending by email or otherwise expressing*
 33 *any and all derogatory remarks concerning myself...*
 34 *Any further references to allegations you wish to make towards me*
 35 *will be answered by attorneys, and any harm to the reputations of*
 36 *myself, partners, colleagues, associates, and/or fellow volunteers*
 37 *may become the subject of a lawsuit..."*

1 **D. On September 25 2007, Mottorshead compromises the confidentiality of all of**
 2 **the USCF users, and deliberately breached his Non-Disclosure Agreement.**

3 It should also be noted that just days after hacking into my private messaging accounts,
 4 Mottorshead performed an exhaustive search using the confidential IP addresses stored in the
 5 USCF database to determine the potential browsing habits of Goichberg's political enemies.
 6 Mottorshead also turned on the display the confidential IP addresses for every member and every
 7 post in the last several years so that his friends could assist him to develop his report. This caused
 8 a huge uproar in the forum, however, Mottorshead kept the addresses displayed until his reports on
 9 his political enemies were compiled, then he clearly broke his NDA by releasing it to his friends,
 10 to the public via the web, and then he and his friends took the report to the New York Times.

11 http://www.nytimes.com/2007/10/08/nyregion/08chess.html?_r=1

12 Due to the use of IP addresses in hacking, and the ability for other users to determine other
 13 users' potential browsing habits, courts in the US state that IP addresses are confidential. For
 14 example, the Supreme Court in New Jersey holds that "*citizens have a reasonable expectation of*
 15 *privacy*" and "*they have reason to expect that their actions are confidential*".

16 <http://www.state.nj.us/infobank/circular/eom21.shtml>

17 What Goichberg authorized, and what Mottorshead did was plain wrong—they both sought
 18 out to determine and report the confidential browsing habits of their enemies, in particular, Paul
 19 Truong. When Mottorshead turned on the display of the IP addresses on the USCF website in
 20 order to have his friends help generate the report, they compromised the confidentiality of each of
 21 the thousands of USCF forum users. As of 1/10/2009, there are four thousand, one hundred and
 22 eighty five USCF Forum members. Without any notice, in order to ease Messrs Goichberg and
 23 Mottorsheads political investigation, all users had their IP addresses displayed.

24 Here are some relevant quotes that he posted in the USCF Forums on September 25
 25 (Alexander Decl., Exhibit B):

26 *"by Brian Mottershead on Tue Sep 25, 2007 7:48 pm #70957*
 27 *I've enabled a feature in the forums for IP addresses of posters to*
 28 *be displayed. This is intended as a measure to help identify cases*
 where people have cross-posted anonymously from this forum to
 various other forums... If you observe any inappropriate cross-
 posting from this forum in other forums, please make a note of the

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IP addresses involved and bring it to the attention of a Site Admin person, such as a moderator, administrator, or FOC member. Brian Mottershead”

*“Wed Sep 26, 2007 12:44 am #71033
Brian Mottershead wrote: Actually, I spoke to Bill Hall before I switched on the IP addresses. Goichberg has also been involved in discussions. The discussion was not about my switching on the IP addresses; I decided to do that on my own after speaking to Hall. The information I had prior to doing that was already quite persuasive, and both Hall and Goichberg are quite eager to have the FRG/FSS character out of the USCF. Hall encouraged me to develop more information to strengthen the case, and to file an Ethics complaint. I am encouraged by this...”*

‘Develop more information’!? Messrs Goichberg, Hall, and Kronenberger have been ‘developing’ information from 2007 and this practice continues today in order to eliminate Goichbergs enemies.

Mottershead’s actions clearly violated his signed NDA (Alexander Decl., Exhibit F):, as well as many other clauses in the USCF privacy policy. However, Mottershead publicly stated on many occasions that he had the full authorization of Mr. Hall and Goichberg. Without notifying the rest of the Board, Goichberg and Hall directed Mottershead to generate the report on the potential browsing habits of their political enemies, and send it to the USCF Ethics committee. Far from being chastised from the Executive Board Majority, they, along with their friends, hailed Mr. Mottershead as hero for his efforts to save the USCF.

E. Hal Bogner, the website contractor for over the last two years, was also directed by Bill Goichberg to hack into private discussion areas and to disclose their conversations for political means.

From at least April 2007, Hal Bogner, the web-developer of the USCF, accessed private discussion areas that were set up for the moderators and the Forum Oversight volunteers. I was a Forum Oversight and Moderator committee member during this time. It was an incredibility stressful situation as neither I, nor any of my fellow volunteers were notified that Bogner was logging in and snooping on us for political means. For months and months, Hal Bogner would reveal all of the volunteer’s private conversations, especially if it could be politically used against Susan Polgar or Paul Truong.

1 After Bogner bragged that he revealed one of our private details to another moderator, we
2 found out the source of the leak, and we pressed Bogner to state if he was authorized to snoop on
3 us. Several months after he started snooping on us, on May 20th Bogner finally responded with a
4 direct answer (Alexander Decl., Exhibit C):

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6 *"I was working for Mr. Hall and had his full knowledge and*
7 *authorization when I accessed the FOC and moderators areas of*
8 *this forum. It is unfortunate in the extreme that Mr. Hall ever*
9 *needed to have such work performed for him by a consultant, but it*
10 *was necessitated by the situation created by the FOC's secrecy,*
11 *poor process, and callous disregard for the greater interests of*
12 *USCF. Again, all of this would be easily confirmed by others if*
13 *afforded access to the complete records as I was."*

14 Bill Goichberg and Bill Hall (the USCF Executive Director who works in tandem with
15 Goichberg) repeatedly ignored our pleas when we repeatedly asked who was logging in to our
16 private messaging areas, yet, we were ignored. We kept on asking Messrs Goichberg and Hall for
17 months. We did not hear a response until the issue was pushed by a volunteer and in front of Mr.
18 Hall in the May Executive Board meeting. Here was Bill Hall's oral answer during the meeting:

19 *"What I think that we need to have is a preservation of the*
20 *historical records of the debate, so that I, or another official as a*
21 *designate for the Board, or the federation, can review that when*
22 *there is questions or debates over the issues. Umm, so, but, I think*
23 *that it is germane for the committee itself to treat it, and, and*
24 *conduct themselves in such a fashion as to think that they are*
25 *going to be made public. Uh, and in so doing, I think it would,*
26 *improve the process uh, greatly... Eh, uh, so, regardless, it is a*
27 *good lesson for us all to conduct ourselves in a fashionable*
28 *manner, eh, as though.. eh, someone was watching over our*
shoulder to see their reaction."

-- Official audio transcript of Bill Hall in the May 20th Executive Board meeting.

While the moderators and FOC volunteers finally found out that Hall Bogner was snooping on all
of us and publicly disclosing our private conversations, and we had a nervous answer from Bill
Hall that he assigned Bogner to 'watch over our back'; to this day, we never found out how
Bogner officially accessed the private forum areas. Here is a relevant question from Mike Nolan,
another USCF Systems Administrator (Alexander Decl, Exhibit E):

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*"Nolan on Thu May 31, 2007 2:47 pm #50672
Until I sent Gregory an updated password for moderator5" ... [I
was moderator5]..., the password was a random string that I doubt
was easily guessable.*

*I think it is incumbent upon Hal Bogner to explain exactly
what kind of access he had (and whether he still has it), if not to us
then to Bill Hall."*

<http://main.uschess.org/forums/viewtopic.php?f=5&t=3271&p=50673#p50672>

Nearly two years later, Messrs Goichberg, Bogner, or Hall has given any official response.

F. In response to the allegations that I posted illegal information to a blog.

Since I am a web author and have programmed blogs myself, I am constantly asked about features of various free blog sites. In order to respond to the queries, I have in the past created temporary blog sites that were not intended for permanent use, but for temporary testing purposes only.

I have not posted anything that I knew was illegally obtained.

Signed under penalty of perjury of California law at Everett, Washington.

Dated: January 12, 2009

By: /s/ Gregory Alexander
GREGORY ALEXANDER
IN PRO SE