

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

Case Type: Civil - Other

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Mark Lanterman and Computer Forensic  
Services, Inc.,

Court File No. \_\_\_\_\_

Plaintiffs,

**COMPLAINT**

v.

**JURY TRIAL DEMANDED**

Scott Stillman, Stillman Cyber Forensic  
Investigations, LLC, and the Minnesota  
Department of Human Services,

Defendants.

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For their Complaint against Defendants Scott Stillman (“Stillman”), Stillman Cyber Forensic Investigations, LLC, and the Minnesota Department of Human Services (“DHS”), Plaintiffs Mark Lanterman (“Lanterman”) and Computer Forensic Services, Inc. (“CFS”), state and allege as follows:

**INTRODUCTION**

1. This lawsuit’s purpose is to stop Stillman’s smear campaign against Plaintiffs. Lanterman and Stillman run competing computer forensic services companies. Over the last several years, Lanterman has been informed of defamatory statements made by Stillman, some using Stillman’s State of Minnesota email address and imprimatur of his state employment. Plaintiffs, through a Minnesota Data Practices Act Request, have obtained some of Stillman’s emails showing his defamation of Plaintiffs. Through this

lawsuit, Plaintiffs seek compensation for the damages already suffered and to conduct discovery to determine the full extent of the defamatory statements made by Stillman.

### **PARTIES**

2. Lanterman is a resident of Hennepin County.
3. CFS is a business corporation organized under and pursuant to the laws of Minnesota. Its principal place of business is located in Hennepin County, Minnesota.
4. On information and belief, Stillman is a resident of Hennepin County.
5. Stillman Cyber Forensic Investigations, LLC is a Minnesota-registered limited liability company with its registered office address and principal executive office address at 21897 S Diamond Lake Rd N #130, Rogers, MN 55374.
6. The Minnesota Department of Human Services is a Minnesota state agency located at 444 Lafayette Rd, St Paul, MN 55155.

### **JURISDICTION & VENUE**

7. Jurisdiction is proper in this District pursuant to Minn. Stat. § 484.01, subd. 1(1) and § 543.19.
8. Venue is proper in this District pursuant to Minn. Stat. § 542.09 because, among other things, the causes of action arose in this District and the parties reside in this District.

### **JURY TRIAL DEMAND**

9. Plaintiffs demand a jury trial for all claims so triable.

### **FACTS**

**Lanterman and CFS are recognized experts in their field.**

10. Lanterman is the founder and current Chief Technology Officer of CFS.

11. Before his work at CFS, Lanterman was a police detective and an investigator with the U.S. Secret Service Electronic Crimes Taskforce.

12. Lanterman has worked in the field of security and forensic investigations for 28 years and has testified in over 2,000 cases.

13. In business since 1998, CFS provides elite electronic forensic analysis, litigation support, and advisory and consultation services to law enforcement agencies, law firms, and corporations.

14. In connection with Lanterman's current and former employment, he has supervised or participated in hundreds of search warrant executions for digitally stored (computerized) records and evidence. He is certified by the United States Department of Homeland Security as a "Seized Computer Evidence Recovery Specialist," as well as certified in computer forensics by the National White Collar Crime Center. Lanterman presents over forty CLE classes annually, and has conducted the in-service training for the North Dakota Supreme Court and the Nebraska Supreme Court. Additionally, he is an adjunct faculty member of computer science at the University of Minnesota's Technological Leadership Institute and is currently teaching in the Master of Science Security Technologies (MSST) program. Lanterman is also an adjunct instructor at the Mitchell Hamline Law School and the National Judicial College in Reno, NV. Lanterman appeared on the cover of the April 2016 edition of Compliance & Ethics magazine, published by the Society of Corporate Compliance and Ethics. Lanterman is

scheduled to deliver the keynote address to the 2016 Minnesota Government IT Symposium this December.

15. The Honorable Chief U.S. District Judge Michael Davis, the Honorable Chief U.S. Bankruptcy Judge Gregory Kishel and the Honorable U.S. District Magistrate Judge Tony Leung have previously appointed Lanterman as a neutral computer forensic expert. Additionally, CFS is the exclusive contracted computer forensic firm for the Hennepin County Sheriff's Office in Minnesota.

16. Stillman runs a competing computer forensic services company called Stillman Cyber Forensic Investigations, LLC, with an address of 21897 S Diamond Lake Rd., Suite 130, Rogers, MN 55374.

17. The address of 21897 S Diamond Lake Rd., Suite 130, Rogers, MN 55374 is a UPS mailbox store.

18. Stillman Cyber Forensic Investigations is a Minnesota-registered limited liability company.

**Stillman sends defamatory emails about Lanterman and CFS from his State of Minnesota email account.**

19. Apart from his private computer forensics business, Stillman is also a Minnesota state employee and has worked for the Minnesota Department of Health and Human Services ("DHS") since 2007.

20. Currently, Stillman serves as the Digital Forensics Lab Supervisor for DHS.

21. Because he is a State of Minnesota employee, Stillman has a State of Minnesota email address, [scott.a.stillman@state.mn.us](mailto:scott.a.stillman@state.mn.us).

22. Stillman has used his State of Minnesota email address to send email related to his outside, privately-owned business, Stillman Cyber Forensic Investigations.

23. Stillman has used his State of Minnesota email address to receive email related to his outside, privately-owned business, Stillman Cyber Forensic Investigations.

24. Stillman has embarked on a campaign to tarnish Lanterman and CFS's reputation in the computer-forensic community.

25. Lanterman can only recall one occasion he and Stillman have met in person. This meeting occurred when Lanterman and Stillman were opposing experts on a case, acting as competitors.

**Stillman makes false statements defaming and disparaging Lanterman and CFS.**

26. The High Technology Crime Investigator's Association is an international professional organization which has a strong membership within the computer forensics community.

27. Using his Minnesota state email account, Stillman sent several emails disparaging CFS and its employees.

28. These emails often contained false statements aimed at sullyng Lanterman, CFS, and its employees' good names.

29. For example, the email string with the subject line "Sure whats up" [sic] spanning between January 7 and 8, 2015 is inaccurate and purposefully disparaging. A true and correct copy of that email string is attached hereto as Exhibit 1.

30. In Exhibit 1, Stillman, making use of his Minnesota State email address, falsely claimed that Lanterman was removed from the Minnesota Chapter of the HTCIA for surreptitiously remaining a member in violation of the organization's bylaws. Lanterman has not been a member of the HTCIA since approximately 2001. He was not removed by the leadership of the Minnesota Chapter of the HTCIA, but rather, elected to not renew his membership. Stillman alleged that Lanterman, having been approached and shown evidence of misconduct, was removed from membership. This is entirely false. Lanterman was never shown any evidence of misconduct nor was his membership ever revoked for any reason. Notably, Stillman claims this confrontation occurred in 2010, whereas Lanterman allowed his HTCIA membership to lapse in 2001. Stillman's email is constructed around a timeline of misinformation and jumbled dates.

31. Second, Stillman falsely claimed in this email that CFS's contract with the county sheriff's office was "nullified" as a result of improper conduct.

32. As of the date of this complaint, CFS's contract with the Hennepin County Sheriff's Office is active. It has never been cancelled, suspended, or nullified.

33. Third, in the same email, Stillman claimed that Bill Michael, an employee of CFS, lied on an application for a board membership position and conspired with former chapter leadership to remain a member in violation of the organization's bylaws.

34. This statement regarding Bill Michael is untrue.

35. Fourth, Stillman alluded to the fact that a large local company relinquished its support of HTCIA and stopped sponsoring events as a result of CFS employees' membership. This is untrue and unfounded. Rather, it is commonly known that a large

retailer stopped allowing HTCIA to utilize their facilities in an effort to improve its security posture following a large data breach.

36. This email also suggests that Brian Hill, another employee of CFS and a former president of the Minnesota chapter of the HTCIA, conspired with Bill Michael to allow him to remain a member in spite of alleged membership violations. It is also stated that Hill's decision to allow CFS participation in the HTCIA stemmed from his personal friendship with Michael. This is untrue and unfounded.

**Stillman interferes with CFS's expected contracts.**

37. From late 2013 to early 2014, CFS participated in a request for proposal to contract with a large state organization. After the process, CFS was provided with notice of award. The notice, sent by an official of the state organization, congratulated Lanterman and CFS for winning the RFP bid.

38. On April 14, 2014, Stillman sent an email to a colleague working at the state organization that awarded CFS the contract. This email inquired about the "rumors" concerning the organization contracting with Lanterman and CFS.

39. The employee of the organization awarding the contract said that there was no truth to the rumors.

40. On April 15, 2014, Lanterman received a phone call from a representative of the state organization to discuss "anonymous complaints" about the award of the contract. The representative of the state organization eventually admitted that Stillman

was the only individual to express reservations about the state organization's contract with CFS.

41. Unfortunately for Lanterman and CFS, on May 5, 2014, a different officer of the undisclosed state agency sent a letter to Lanterman and CFS. In this letter, the officer notified Lanterman and CFS of a decision to cancel the contract.

42. After the contract was already cancelled, Stillman sent additional communications to the employee from the organization regarding CFS and Lanterman on at least one occasion.

43. Stillman was and is not affiliated with the state organization that sought to contract with CFS. As such, Stillman had no authority within the organization to advise its contracting practices. Thus, Stillman used his clout as a state employee to divert business away from Lanterman and CFS.

**FIRST CLAIM FOR RELIEF**  
**Defamation Per Se**  
**(Against All Defendants)**

44. Plaintiffs restate and reallege all of the preceding paragraphs of this Complaint, together with all paragraphs in the Second and Third Claims for relief below, as though set forth in full at this place.

45. False, defamatory statements published by Stillman include the following:
- a. statements claiming that Lanterman was removed from the Minnesota Chapter of the HTCIA for surreptitiously remaining a member in violation of the organization's bylaws;



- b. statements that CFS's contract with the county sheriff's office was "nullified" as a result of improper conduct;
  - c. statements that CFS employee Bill Michael lied on an application for a board membership position;
  - d. statements that CFS employee Bill Michael conspired with former chapter leadership to remain a member in violation of the organization's bylaws;
  - e. statements that a large Minnesota-based company had withdrawn its support of the Minnesota chapter of the HTCIA because of CFS employees' participation in the HTCIA; and
  - f. statements that CFS employee Bill Michael presented himself as a law enforcement officer to members of the HTCIA.
46. These statements have been published to third parties, including an international computer forensic organization, state government agencies, and law enforcement departments that may have hired Plaintiffs to provide expert services.
47. These statements are false.
48. These statements were made with actual malice, as Stillman made the statements to disparage Lanterman and to prevent others from using him as an expert.
49. Stillman made these statements within the scope of his employment with both Stillman Cyber Forensic Investigations, LLC, and the Minnesota Department of Human Services, as he sent emails from his DHS email account during the course of his work as a forensic investigator in the scope of employment. *Stuempges v. Parke, Davis & Co.*, 297 N.W.2d 252, 257 (Minn. 1980).

50. Additionally, Stillman was aided in accomplishing the defamation and other torts described herein by the existence of the agency relationship with DHS and Stillman Cyber Forensic Investigations, LLC. *See* Restatement (Second) Agency § 219(2)(d).

51. Stillman knew, or should have known, that this information was incorrect. Stillman made no apparent effort to gather and disseminate accurate information, in spite of his assertions that he wanted nothing but full-disclosure and complete information to be made available to HTCIA members. Stillman attempted to present himself as a disinterested association member whose inquiries and incessant stream of citations stem solely from a desire to better the HTCIA and keep its members well-informed, especially in regard to esoteric bylaws. However, his targeted attacks are deceptive in that they fail to disclose his personal interest in seeing CFS' membership revoked. Stillman is consistently ambiguous and evasive when it comes to addressing his vested interest as a commercial computer forensic competitor. The only apparent purpose of the email was to smear the good names of CFS and its employees in the community.

52. Lanterman has suffered actual damages as a result of these statements.

**SECOND CLAIM FOR RELIEF**  
**Tortious Interference with Prospective Business Relations**  
**(Against All Defendants)**

53. Plaintiffs restate and reallege all of the preceding paragraphs of this Complaint, together with all paragraphs in the Third Claim for relief below, as though set forth in full at this place.

54. By making statements disparaging Lanterman and CFS's credibility, Stillman intended to prevent Lanterman and CFS's potential clients from using Lanterman as an expert.

55. Lanterman and CFS had a reasonable expectation of obtaining contracts with clients other than Stillman to serve as a forensic expert.

56. Stillman knows of Lanterman's contracts and expectations of business from clients for whom they compete.

57. Stillman intentionally interfered with Lanterman and CFS's reasonable expectation of receiving contracts, and that interference was intentionally tortious.

58. In the absence of Stillman's defamatory statements, it is reasonably probable that Lanterman and CFS would have realized contracts with clients.

59. Stillman made these statements within the scope of his employment with both Stillman Cyber Forensic Investigations, LLC, and the DHS, as he sent emails from his DHS email account during the course of his work as a forensic investigator in the scope of employment. *Stuempges v. Parke, Davis & Co.*, 297 N.W.2d 252, 257 (Minn. 1980). Stillman's use of his state of Minnesota email address added an air of legitimacy to his otherwise unsubstantiated or entirely false claims. Stillman used his state of Minnesota resources in an effort to personally benefit and strengthen his competitive stance commercially.

60. As a result of this interference, CFS and Lanterman have sustained damages in an amount in excess of \$50,000.

**THIRD CLAIM FOR RELIEF**  
**Injunctive Relief**  
**(Against Defendant Stillman)**

61. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.

62. Plaintiffs are entitled to injunctive relief to ensure that Stillman ceases publishing or otherwise disseminating any defamatory statements about Plaintiffs.

63. Without injunctive relief, Plaintiffs will suffer irreparable harm for which they have no adequate remedy at law.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiffs demand judgment as follows:

1. Enter judgment against Defendants in an amount to be determined at trial;
2. Enter an order prohibiting Defendants from further publishing or disseminating defamatory statements concerning Plaintiffs;
3. Enjoining Defendants from further publishing defamatory statements regarding Plaintiffs; and
4. Granting such other and further relief as the Court deems just and equitable.

Dated: July 20, 2016

**ROBINS KAPLAN LLP**

By: /s/Cassandra B. Merrick

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