



Testimony for the House Committee on Oversight and Government Reform

Good Morning Committee Members,

My name is David Roesler and I have been the Executive Director of Open Door Clinic of Greater Elgin for the past 15 years.

I am appearing today in response to an invitation to testify on behalf of Open Door regarding its involvement with the FTC and a company called Tiversa.

Between September 2008 and March 2013, Open Door was involved in a class action lawsuit due to a file that was found on the internet that contained names, some with social security numbers and some with addresses and birthdates.

Open Door is a small not-for-profit AIDS Service Organization, approximately 30 employees, providing medical and support care for people living with HIV/AIDS in the far western suburbs of Chicago Illinois.

In July 2008 a company called Tiversa contacted Open Door and said that they had access to a confidential document obtained from a P2P network on the Internet. Communications with Tiversa included a contract for services. The suggested fees for the contract were for \$475/hr.

We contacted our IT Service Provider who researched our network and found no evidence of any P2P networks at that time.

In September 2009, Tiversa contacted Open Door again to report that documents were still available on P2P software.

Open Door's IT Service Provider, once again, reviewed its network to confirm that there was no evidence of P2P software.

Nov 2009 clients began calling their case workers reporting that they were receiving phone calls from lawyers asking them to join a class action lawsuit due to their information released by open door.

At Open Door's November Board Meeting, one board member, also a client, brought in a letter from an out of state law firm asking them to join a class action lawsuit.

January 2010, we received a letter from the FTC. The letter indicated that they had found a file on a P2P Network with a different title than that revealed by Tiversa.

Also in January 2010, Open Door was successful in getting an engagement letter with a law firm to provide pro bono services and began to review our responsibilities of compliance.

Open Door and its IT provider once again reviewed our network and each workstation to confirm that there was no P2P software at that time.

February 2010, a class action lawsuit was filed in Kane County Illinois against Open Door.

Sensational newspaper headlines and numerous media outlets began calling and showing up at the clinic.

March 7, 2013 Open Door's Settlement agreement was approved by court order, dismissing the class action.

Open Door and its insurers agreed to these motions. Open Door denied and continues to deny any legal responsibility for the disclosure, had the case been tried we would've expected to prevail but because of the uncertainties and expense of litigation Open Door and its insurers agreed to terminate this litigation under these terms.