

Bizarre harassment of Natick couple by eBay was 'clearly criminal,' company admitted

But a newly released document in the case shows that the company sought to avoid further charges.

By [Aaron Pressman](#) Globe Staff, Updated March 17, 2022, 1 hour ago



Ina and David Steiner of Natick were stalked by eBay employees. JONATHAN WIGGS/GLOBE STAFF

Federal prosecutors investigating the bizarre harassment and stalking of a Natick couple by eBay employees received an unusual briefing in the case last year, according to a document released on Wednesday.

In a newly disclosed 34-page PowerPoint presentation, lawyers for eBay admitted that actions by its employees – which included [threatening Ina and David Steiner](#), sending the couple live spiders and a bloody pig mask, and following them around town – were “clearly criminal.”

But they told lawyers in the U.S. Attorney’s Office in Boston that the government should not charge eBay itself with criminal misconduct.

“In the end, we hope to persuade you that, eBay – the company – acted in a manner that the government would want other companies to model and that a decision not to take enforcement action against eBay is in the interests of justice, the victims, and the public,” the presentation stated.

Under Justice Department guidelines, prosecutors are to consider a number of factors in deciding whether to charge a corporation, including the degree of cooperation with law enforcement, prior history of wrongdoing, and actions taken to prevent future problems.

The March 2021 meeting took place after federal prosecutors had already [charged](#) seven former eBay employees with criminal cyberstalking and witness tampering, and five of them had pleaded guilty. The company has not been charged.

In an e-mailed statement, eBay said the presentation had been made “in connection with eBay’s cooperation with the government’s investigation and the government’s consideration of the 2019 events. As a procedural matter, it is being provided to the U.S. District Court of Massachusetts in connection with pending criminal proceedings against two former eBay employees.”

The Steiners [sued](#) eBay and its former employees last year, saying they had been terrorized by the harassment. The couple’s lawyer, Rosemary Scapicchio, on Thursday criticized prosecutors for meeting with eBay, given her long experience representing individual criminal defendants in Boston. “The black and brown people that I represent don’t get the opportunity to lobby the government to not indict them,” she said. “I don’t know why the government is entertaining these kinds of sit down meetings with billion dollar corporations...The disparity is staggering.”

The US Attorney’s Office did not immediately respond to a request for comment.

Judge Patti Saris, overseeing the [criminal trial of eBay’s two former employees](#) who have not pleaded guilty, earlier this month ordered the company to disclose the 2021 presentation by March 16.

The two former employees, facing 15 criminal charges, are James Baugh, eBay’s former senior director of safety and security, and David Harville, former director of global resiliency. Baugh directed the campaign against the Steiners and then orchestrated a coverup, according to the criminal complaint filed by prosecutors in June, 2020. Harville and the other five people charged in the case worked for Baugh.

Baugh “hand-picked people he thought he could control from different teams within the unit,” eBay said in its 2021 presentation. “He deliberately excluded and concealed his plans from managers who would stop him.”

Lawyers for Baugh and Harville did not immediately respond to a request for comment.

The 2021 presentation also shed new light on the actions of eBay’s former top executives during and after the harassment campaign against the Steiners.

Former chief executive Devin Wenig, whose complaints about coverage of the company in the couple’s online newsletter prompted the harassment, cooperated with eBay’s investigation of the matter and did not delete evidence, according to the presentation. “Wenig’s tone was improper and unacceptable,” the document stated. “But we did not find evidence that he directed or knew that criminal acts would occur.”

Wenig was allowed to resign in September 2019 with \$57 million in severance. He has not been charged in the case and has denied he knew anything about the harassment.

Martin Weinberg, his attorney, reiterated that in a statement to the Globe Thursday. “As eBay’s internal investigation found and filings in the Massachusetts case confirm, Devin Wenig had nothing whatsoever to do with this incident, not a single person has ever said he did, and it is unfair and misleading to pull a single text completely out of context and talk of something as subjective as a person’s ‘tone’ when legal filings document that Devin was ‘shocked’ when he became aware of what had occurred in Natick,” Weinberg said. “Devin was and is mortified by what occurred.”

The 2021 presentation also stated that Steve Wymer, Wenig’s deputy and former senior vice president and head of

communications at eBay, not only encouraged action against the Steiners, as previously known, but also withheld knowledge he had about the harassment from investigators and deleted texts and phone records related to the case.

“Wymer’s tone was much worse [than Wenig’s]. Inexcusable from any employee,” the presentation stated. “We did not find evidence he actually directed or knew that criminal acts would follow. But his words were extremely reckless and irresponsible.”

In one text message included in the criminal case, Wymer told Baugh of Ina Steiner: ““I want her DONE. She is a biased troll who needs to get BURNED DOWN.”

During the company’s investigation, Wymer hid those messages “from everyone – general counsel; chief of litigation; and apparently even Wenig,” the presentation said.

Wymer was fired for cause, according to the document. He has not been charged and is currently president and chief executive of the Boys and Girls Club of Silicon Valley.

Wymer’s lawyer did not respond immediately to a request for comment.

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