

Sealed

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CIVIL ACTION NO.

MICROSOFT CORPORATION, H2-
PHARMA, LLC, and GATEHOUSE DOCK
CONDOMINIUM ASSOCIATION, INC.,

Plaintiff

v.

DOES 1-7

Defendants

FILED BY _____ D.C.

JAN 07 2026

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - MIAMI

FILED UNDER SEAL

**DECLARATION OF JOSH BLACKWELL IN SUPPORT OF MOTION FOR
TEMPORARY RESTRAINING ORDER AND RELATED RELIEF**

I, Josh Blackwell, declare as follows:

1. I am the Vice President of Commercial Operations at H2-Pharma LLC ("H2"). I make this declaration based upon my personal knowledge, and upon information and belief from my review of documents and evidence collected during investigation into the matters described below.

2. I have been employed by H2 since April 2017. I served as the Director of Pricing and Contracts before obtaining my current role as Vice President. My current duties include managing H2's commercial operations, including helping to manage relationships with H2's suppliers, vendors, and third-party contractors. Prior to joining H2, I worked as the Manager of Pricing and Contracts for Mayne Pharma. Prior to joining Mayne Pharma, I worked for Midlothian Laboratories in operations roles. I hold a Bachelor of Science from Troy University.

3. H2 is a privately held, fast-growing pharmaceutical company focusing on the sales, marketing and distribution of branded and generic Rx and non-Rx products. H2's expertise includes navigating the various sales channels across the U.S., and providing safe, reliable, and cost-efficient medications to customers. H2 engages in strategic partnerships with other pharmaceutical companies through in-licensing of legacy or pre-commercial products, co-funding of joint development projects, and other partnerships designed to help bring medicine to people who need it.

4. H2 is organized under the laws of the State of Florida. H2 has ten employees and is headquartered in Montgomery, Alabama. H2 launched its first product in 2014 and has successfully launched over 50 products through strategic partnerships worldwide. H2's products include chemotherapeutic drugs, seizure medication, asthma medication, children's allergy medication, ulcer medication, antiviral medication, and medicines for treating schizophrenia, bipolar disorder, and depression, among other products.

5. In April 2025, H2 was victimized by a sophisticated email business compromise ("BEC") scheme that resulted in a loss to H2 of several million dollars. The BEC scheme had a devastating impact on H2's financial performance for 2025 and caused an incredible amount of stress for the company and its four-person management team. H2 promptly reported the BEC scheme to law enforcement and has been working with relevant agencies and Microsoft for several months in an effort to understand more about the technical and social engineering aspects of the attack. H2's present understanding is that the BEC scheme was carried out by a group of cybercriminals who have been carrying out BEC, phishing, and other malicious activities at scale by leveraging computing infrastructure and software provided by one or more of the Defendants in this lawsuit.

6. I am the person at H2 most knowledgeable about the BEC scheme and was personally targeted by the attackers. My understanding is that I was specifically targeted because of my role at the company and my long history of dealing with one of H2's most important strategic partners, Cheplapharm Arzneimittel GmbH ("Cheplapharm").

7. Cheplapharm is a global pharmaceutical company headquartered in Germany. Cheplapharm has established a leading and sustainable platform for specialty pharma during the past two decades and invests worldwide in well-established pharmaceutical brands which have been developed and introduced by research-based pharmaceutical companies. According to its website, Cheplapharm has over 780 employees and over 150 products in its portfolio.

8. H2 has been doing business with Cheplapharm since 2016. On July 11th, 2019, H2 announced that it had entered into an agreement with Cheplapharm to be the exclusive U.S. distributor of ETOPOPHOS® (etoposide phosphate) for injection, which is used to treat small cell lung cancer and testicular cancer. This opportunity materialized shortly after Cheplapharm completed its acquisition of ETOPOPHOS® from Bristol-Myers Squibb and arose due to H2's previous successful partnership with Cheplapharm. ETOPOPHOS® was the second branded product that H2 brought to the U.S. market through its partnership with Cheplapharm and was an important event for H2 and patient alike. As explained by H2's President in the press release announcing this partnership: "Continuing the availability of late lifecycle branded products shows our commitment to our patients and customers in keeping important drugs on the market." A true and correct copy of this press release is attached to this declaration as **Exhibit 1**.

9. I understand from my discussions with law enforcement, Microsoft, and H2's IT staff that the BEC scheme that victimized H2 commenced when one or more Defendants gained unauthorized access to H2's email systems. I understand that Defendants trade craft involves sending spear phishing emails containing malicious links that, if clicked by the email recipient,

redirect users to a credential stealing workflow that tricks users into logging into their email account while Defendants are monitoring their login. In this way, Defendants are able to steal authentic credentials that they then use to gain access to the email recipient's email environment. It appears that an H2 employee received such an email from Defendants and was deceived into clicking on a malicious link that gave Defendants unauthorized access to H2's email systems. Defendants then used this unauthorized access to monitor H2 employee emails looking for opportunities to commit financial fraud. Unfortunately, one such opportunity arose in early 2025 as H2 communicated privately with Cheplapharm about changing H2's payment mechanism.

10. In late 2024, H2 began looking for ways to reduce the banking fees associated with its operations and discovered that switching from wire transfer to ACH payment mechanisms could result in substantial savings for the company. In early 2025, I participated in email discussions with one of my longstanding contacts at Cheplapharm about setting up an ACH payment channel with them. In or about April, my longstanding contact went out on maternity leave and introduced me to a new Cheplapharm contact, who took over discussions about the ACH payment channel.

11. On April 14, 2025, I emailed my new contact at Cheplapharm and asked him to send me Chelpapharm's ACH information so that H2 could set up forthcoming payments. I sent this email to the known email address for my contact: marko.schwestka@cheplapharm.com. Mr. Schwestka responded on April 15, 2025 stating that ACH payment was not possible because Cheplapharm lacked a domestic U.S. bank account. Later that day, I emailed a response to Mr. Schwestka advising that H2 has the ability to send international ACH payments. Mr. Schwestka responded shortly thereafter in an April 15 email which stated in part "...I have enquired with lots of people from finance/treasury/controlling internally and none of them where aware of this [international] ACH information." On April 16, however, I received an email from one of the Defendants masquerading as a follow up email from Mr. Schwestka. The April 16 email had the same subject line as the April 15 thread ("CP Bank ACH"), used the same terminology and phrasing as Mr. Schwestka had used in his April 15 email, and appeared to be from the real Mr.

Schwestka. A true and correct print out of the April 16 email thread is attached to this declaration as **Exhibit 2**, and below is a screen capture showing how the email appeared to me when I received it:

From: Marko Schwestka
Sent: Wednesday, April 16, 2025 6:47 AM
To: Josh Blackwell
Cc: Erin Chapman; Nicole Damm Konermann; Nicole Castro
Subject: CP Bank ACH

Hi Josh,

I received a positive response from our finance/treasury/controllers internally. They confirmed ACH information for our US bank account only.

Please find attached the requested CP ACH bank information. Will you prefer this ACH payment method for subsequent due payment?

Kindly have the payment instruction updated and reply to confirm receipt.

Thank you

Best,
Marko

Marko Schwestka
Sales and Alliance Manager – Americas
Mobile: +49 170 8403683
marko.schwestka@cheplapharm.com

CHEPLAPHARM Arzneimittel GmbH
Ziegelhof 24
D-17489 Greifswald
cheplapharm.com

12. Attached to the April 16 email was a document purporting to be instructions for effecting an ACH transfer to an account belonging to Cheplapharm. A true and correct copy of these instructions is attached to this declaration as **Exhibit 3** and below is a screen capture of the document.



CHEPLAPHARM Arzneimittel GmbH

CHEPLAPHARM Arzneimittel GmbH Ziegehof 24 17489 Greifswald

H2 - Pharma, LLC
611 Industrial Park
Bldg Montgomery
36117 USA

CHEPLAPHARM Arzneimittel Bank ACH Instruction

Bank Information

ACH Routing # - 054001725
Bank Name – TD BANK
Bank Address – 2623 Ridge Pike, Trooper, PA 19403
Bank Ph # - (610) 630-6712

Beneficiary Information

Account Name – CHEPLAPHARM Arzneimittel
Account # - 4441757882
Account Address – 212 E Broad Street, Bethlehem, PA 18018

13. Believing that I was communicating with the real Mr. Schwestra, I responded to the April 16 email and set up a test transfer of a small amount of money to the specified account. After several more communications confirming the successful transfer of \$0.44 to the TD Bank account, I initiated transfer of a multimillion dollar payment to the account on April 17, 2025. I approved another multimillion dollar payment to the Account in early May, 2025.

14. Unbeknownst to me and to H2, the April 16 email communications and ACH instructions were sent by one of the Defendants using a homoglyph of the actual @cheplapharm.com email domain. Although the correct email domain appeared in the email signature at the bottom of the April 16 communications, close scrutiny of the sender email domain after H2's discovery of Defendant's fraud revealed that the April 16 emails came from marko.schwestka@cheplapharm.com.

15. On May 20, 2025, I received an email from Mr. Schwestra stating that no recent payments from H2 had been received by Ceplapharm. I responded to Mr. Schwestra referencing the ACH payments made in April and May. Later that evening, at approximately 5:00 local time, I received a call from Jessica Jirash, Ceplapharm's Head of U.S. Sales, America, who told me that there may have been an issue with Mr. Schwestra's Ceplapharm email account. After Ms. Jirash shared this information with me, I concluded the call by discussing the fact that H2 would stop any further payments to Celpapharm pending further investigation. I became concerned after this call with Ms. Jirash and texted the H2 management group about the situation. I then called H2's insurer to report payment fraud under H2's cyber insurance policy.

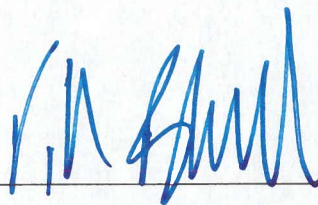
16. On May 21, 2025 I contacted H2's bank regarding the payment fraud. The bank advised me that the payee account had been shut down. Also on May 21, I reported the payment fraud to law enforcement using the United State's Department of Justic's Internet Crime Complaint Center (IC3) portal. On May 22, I received a phone call from the FBI about H2's IC3 report.

17. After discussions with the FBI, I explained to Cheplapharm that H2 had suffered a significant financial loss due to Defendants' fraud. Cheplapharm continued to demand payment of the monies that H2 unknowingly paid to Defendants, leaving H2 in a precarious financial position.

18. H2 was able to recover a small portion of the monies it was defrauded of under a cyber insurance policy. Nevertheless, H2's out of pocket losses due to Defendant's fraud amount to several million dollars in fraudulent ACH transfers, in addition to a substantial amount

of time spent by H2's employees investigating and attempting to remediate Defendant's unauthorized access to H2's email systems.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief. Executed this 6th day of January, 2025 at Miami, Florida.



Josh Blackwell

Exhibit 1



ABOUT

BUSINESS DEVELOPMENT

PRODUCTS

PRESS RELEASES

CONTACT

ETOPOPHOS® Injection Launch

H2-Pharma and CHEPLAPHARM
Announce Launch of ETOPOPHOS®

Injection

H2-Pharma, LLC, a privately held pharmaceutical company, announced on July 11th, 2019, that it has entered into an agreement with CHEPLAPHARM Arzneimittel GmbH to be the exclusive U.S. distributor of ETOPOPHOS® (etoposide phosphate) for injection. This opportunity arose due to its successful partnership with CHEPLAPHARM Arzneimittel GmbH, who has recently completed its acquisition of ETOPOPHOS® from Bristol-Myers Squibb.

ETOPOPHOS®, indicated for the treatment of refractory testicular tumors, in combination with other chemotherapeutic drugs, and small cell lung cancer, in combination with cisplatin, as a first-line treatment, received marketing approval from the U.S. Food and Drug Administration in 1983.

“We have commenced the distribution of ETOPOPHOS®, which represents the second branded product that H2-Pharma has brought to the U.S. market through our partnership with CHEPLAPHARM,” said Brooke Cantey, H2-Pharma’s President. “Continuing the availability of late lifecycle branded products shows our commitment to our patients and customers in keeping important drugs on the market.”

About H2-Pharma, LLC

H2-Pharma, LLC is a privately-held U.S. pharmaceutical company focused on the development, sales, and marketing of branded and generic prescription and OTC products. Since 2014, H2-Pharma has dedicated itself to providing high-quality products with a responsive level of service and continues to prove that it is a company able to adapt in an ever-changing marketplace.

About CHEPLAPHARM Arzneimittel GmbH

CHEPLAPHARM is a pharmaceutical company headquartered in Greifswald, Germany, offering branded and niche products in more than 120 countries worldwide. The family-owned company specializes in selected active substances and indications and focuses on an international Buy and Build Strategy. Working closely with its business partners, CHEPLAPHARM achieves sustainable annual growth rates.

Please refer to www.cheplapharm.com for additional information.

Ready to talk?

CONTACT US

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Exhibit 2

From: Josh Blackwell <jblackwell@h2-pharma.com>

Sent: Wednesday, April 16, 2025 7:56 AM

To: Marko Schwestka <marko.schwestka@cheplapharm.com>

Cc: Erin Chapman <echapman@h2-pharma.com>; Nicole Damm Konermann <nicole.damm@cheplapharm.com>;

Nicole Castro <nicole.castro@cheplapharm.com>

Subject: Re: CP Bank ACH

Thanks Marko - We will get this scheduled to go out.

Yes - Our bank would prefer due to the security measures in place.

Josh Blackwell
H2-Pharma, LLC



From: Marko Schwestka

Sent: Wednesday, April 16, 2025 6:47 AM

To: Josh Blackwell

Cc: Erin Chapman; Nicole Damm Konermann; Nicole Castro

Subject: CP Bank ACH

Hi Josh,

I received a positive response from our finance/treasury/controlling internally. They confirmed ACH information for our US bank account only.

Please find attached the requested CP ACH bank information. Will you prefer this ACH payment method for subsequent due payment?

Kindly have the payment instruction updated and reply to confirm receipt.

Thank you

Best,
Marko

Marko Schwestka

Sales and Alliance Manager – Americas

Mobile: +49 170 8403683

CHEPLAPHARM Arzneimittel GmbH

Ziegelhof 24

D-17489 Greifswald

Upcoming absence(s):

Management:

Edeltraud Lafer _ MEng (CEO)

Dr. Bianca Juha _ MD, MBA (CSO)

Artem Gevorkyan _ MEconn (SVP)

Sebastian Braun _ MBA (CEO)

Dr. Kia Parssanedjad _ MD (CFO)

HRB 5896

Commercial Register

Stralsund

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We process personal data in accordance with the EU General Data Protection Regulation (EU GDPR). Further information can be found on our

1.1 Please consider the environment before printing this email.

From: Marko Schwestka <marko.schwestka@cheplapharm.com>

Sent: Wednesday, April 16, 2025 6:26 AM

To: Josh Blackwell <jblackwell@h2-pharma.com>

Cc: Erin Chapman <echapman@h2-pharma.com>; Nicole Damm Konermann <nicole.damm@cheplapharm.com>; Nicole Castro <nicole.castro@cheplapharm.com>

Subject: Re: CP Bank ACH

That's perfect.

Best,
Marko

Marko Schwestka

Sales and Alliance Manager – Americas

Mobile: +49 170 8403683

CHEPLAPHARM Arzneimittel GmbH

Ziegelhof 24

D-17489 Greifswald

Upcoming absence(s):

Management:

Edeltraud Lafer _ MEng (CFO)

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Please consider the environment before printing this email.

From: Josh Blackwell <jblackwell@h2-pharma.com>

Sent: Wednesday, April 16, 2025 6:04 AM

To: Marko Schwestka <marko.schwestka@cheplapharm.com>

Cc: Erin Chapman <echapman@h2-pharma.com>; Nicole Damm Konermann <nicole.damm@cheplapharm.com>; Nicole Castro <nicole.castro@cheplapharm.com>

Subject: Re: CP Bank ACH

Marko - Just discussed with our Accounting, We are going to send over a small portion of the amount due as a test to confirm connection. Once confirmed, then we will send the remaining amount and continue to use going forward.

Josh Blackwell
H2-Pharma, LLC



Outlook

Re: CP Bank ACH

From Marko Schwestka <marko.schwestka@cheplapharm.com>

Date Fri 4/18/2025 6:58 AM

To Josh Blackwell <jblackwell@h2-pharma.com>

Cc Erin Chapman <echapman@h2-pharma.com>; Nicole Damm Konermann <nicole.damm@cheplapharm.com>;
Nicole Castro <nicole.castro@cheplapharm.com>

 3 attachments (8 KB)

Outlook-H2Pharma_L; Outlook-H2Pharma_L; Outlook-H2Pharma_L;

Hi Josh,

Our finance/treasury team confirm receipt of the ACH payment.

Best,
Marko

Marko Schwestka

Sales and Alliance Manager – Americas

Mobile: +49 170 8403683

CHEPLAPHARM Arzneimittel GmbH
Ziegelhof 24
D-17489 Greifswald

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Please unsubscribe or request deletion before deleting this email.

From: Josh Blackwell <jblackwell@h2-pharma.com>

Sent: Thursday, April 17, 2025 6:16 AM

To: Marko Schwestka <marko.schwestka@cheplapharm.com>

Cc: Erin Chapman <echapman@h2-pharma.com>; Nicole Damm Konermann <nicole.damm@cheplapharm.com>;

Nicole Castro <nicole.castro@cheplapharm.com>

Subject: Re: CP Bank ACH

Thanks Marko - We will initiate the remaining balance.

Josh Blackwell
H2-Pharma, LLC



From: Marko Schwestka
Sent: Thursday, April 17, 2025 7:38 AM
To: Josh Blackwell
Cc: Erin Chapman; Nicole Damm Konermann; Nicole Castro
Subject: Re: CP Bank ACH

Hi Josh,

Our finance/treasury team confirmed receipt of the trial deposit in the amount of **\$0.44**. Kindly proceed with payment.

Best,
Marko

Marko Schwestka

Sales and Alliance Manager – Americas

Mobile: +49 170 8403683

CHEPLAPHARM Arzneimittel GmbH
Ziegelhof 24
D-17489 Greifswald

Upcoming absence(s)

Management:

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Exhibit 3

CHEPLAPHARM Arzneimittel GmbH

CHEPLAPHARM Arzneimittel GmbH Ziegelhof 24 17489 Greifswald

H2 - Pharma, LLC
611 Industrial Park
Blvd Montgomery
36117 USA

CHEPLAPHARM Arzneimittel Bank ACH Instruction

Bank Information

ACH Routing # - 054001725
Bank Name – TD BANK
Bank Address – 2623 Ridge Pike, Trooper, PA 19403
Bank Ph # - (610) 630-6712

Beneficiary Information

Account Name – CHEPLAPHARM Arzneimittel
Account # - 4441757882
Account Address – 212 E Broad Street, Bethlehem, PA 18018