

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

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CRIMINAL NO: 11-275

v.

*

SECTION: "B"

NATASHA WELLS

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FACTUAL BASIS

Should this matter have gone to trial, the government would have proven beyond a reasonable doubt, through the introduction of competent testimony and admissible tangible exhibits, the following facts to support the allegations charged by the government in the one-count Bill of Information now pending against the defendant, Natasha wells ("Wells").

On April 20, 2010, an explosion and fire occurred on the Deepwater Horizon, an oil rig in the Gulf of Mexico where British Petroleum (BP) had been drilling a well. As a result of the fire, explosion and release of oil from the Deepwater Horizon oil rig in the Gulf of Mexico on or about April 20/21, 2010, the National Pollution Fund Center (NPFC) of the U.S. Coast Guard issued a letter of designation to BP Exploration designating them as a Responsible Party under the Oil Pollution Act (OPA) and advising them of the requirements under OPA to advertise for and receive claims as a result of the incident. BP Exploration accepted this designation acknowledging the

requirement to advertise for and receive claims in writing on or about May 3, 2010.

Subsequently, the NPFC was notified that starting on August 23, 2010, the Gulf Coast Claims Facility (GCCF) would begin receiving and processing all claims by individuals and businesses impacted by the Deepwater Horizon Spill.

In or about June 2010, BP established the GCCF for the purpose of administering, processing and settling certain claims of individuals and businesses for costs, damages, and other losses incurred as a result of the Deepwater Horizon incident. The GCCF was administered by a fund administrator responsible for decisions relating to the administration, processing, and payment of claims by the GCCF. On or about August 23, 2010, the GCCF began receiving and processing such claims due to the Deepwater Horizon incident.

On August 6, 2010, BP established the Deepwater Horizon Oil Spill Trust, an irrevocable common law trust, to receive and to distribute funds that BP Exploration promised to provide for the payment of certain types of claims, costs, and expenses, including, but not limited to, those resolved by the GCCF.

To seek payment from the GCCF for damages incurred as a result of the oil spill, an individual or business is required to complete a GCCF Claim Form. The individual or business may submit the form through the internet, by visiting the GCCF website, in person at a GCCF Claims Site Office, by fax, or by mail through the United States Postal Service addressed to the GCCF Claims Facility in Dublin, Ohio. As part of the claim application, the individual or business seeking payment for damages must elect to receive payment by wire transfer directly into the claimant's bank account (or account of their counsel) or by check.

A representative from the GCCF would introduce a claim form in the name of Natasha Wells with the address of 3120 Toledano Street, New Orleans, LA 70125. This claim form was received

on or about September 25, 2010 by the GCCF. In the claim form, Wells indicated that she sought an emergency advance payment due to lost earnings or profits in the amount of \$2,600. Furthermore, Wells claimed that she was a line cook at Danny's Seafood before April 20, 2010, earning \$500 a week. The files of the GCCF would demonstrate that Wells submitted copies of her IRS Form 1040 (tax returns) for the years 2008 and 2009 and two Earnings Statements from Danny's Seafood, Inc., one for the period beginning March 26, 2010 and ending April 8, 2010, and the other for the period beginning August 13, 2010 and ending August 26, 2010. These tax returns and Earning Statements were fraudulent documents submitted by Wells.

As a result of these representations and documentation, the GCCF determined that Wells was entitled to a payment which was sent to her at 3120 Toledano, New Orleans, Louisiana, on or about November 19, 2010 in the amount of \$2,600. This check was received by Natasha Wells on or about November 20, 2010.

A number of individuals from the GCCF will testify and identify recordings of themselves and a person who identified herself as Natasha Wells requesting the status of her claim on numerous occasions.

An agent of the GCCF will testify that on or about December 29, 2010, it received instructions from the GCCF to send a check for payment of a Deepwater Horizon claim in the name of Natasha Wells, 3120 Toledano, New Orleans, Louisiana in the amount of \$5,000. A check was issued and drawn on the Whitney National Bank bearing check number 00183482, dated December 29, 2010 and placed into an envelope. This envelope was picked up by FedEx Express, an interstate common carrier, at 105 Maxess Road, Melville, New York 11747, and it was addressed to Natasha Wells, 3120 Toledano, New Orleans, Louisiana 70125.

FedEx Express will state that it is an interstate common carrier that delivers packages and

envelopes throughout the United States. A representative of FedEx Express would testify it picked up an envelope detailed above and delivered it to Natasha Wells at 3120 Toledano, New Orleans, Louisiana on December 30, 2010.

Records of Whitney National Bank will show said Check No. 00183482 was paid to Natasha Wells on or about December 31, 2010, as a result of her endorsement on the back of the check.

A Special Agent for the United States Secret Service will testify that he interviewed Wells, who admitted that she submitted a claim to the GCCF for lost earnings or profits, and she positively identified letters that she had prepared regarding her claim and sent to GCCF. Furthermore, records from the Internal Revenue Service (IRS) would show that Wells did not file an income tax return for the 2009 tax year, and the 2008 income tax return that Wells had submitted to the GCCF did not match the 2008 income tax return that the IRS had on file for Wells.

The government would prove that the amount of restitution for the purposes of this offense is approximately \$7,600.

NATASHA WELLS
Defendant

Date

C. GARY WAINWRIGHT (19858)
Attorney for Defendant

Date

LOAN "MIMI" NGUYEN (23612)
Assistant United States Attorney

Date