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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KIMBERLY HULIHEE,

Defendant.

Criminal Case No. _____

I N F O R M A T I O N

Title 18, U.S.C., Sec. 1623 - False
declarations before grand jury or court

The United States Attorney charges:

1. On November 14, 2002, in the Southern District of California, defendant KIMBERLY HULIHEE, while under oath and testifying in a proceeding before a Grand Jury of the United States in the Southern District of California, knowingly did make a false material declaration.
2. At the time and place aforesaid the grand jury was conducting an investigation to determine whether violations of Title 18, United States Code, Sections 1503, 1505, 1512, 1621, 1622, and 1623, among others, had been committed, and to identify the persons who had committed, caused the commission of, and conspired to commit such violations.
3. It was material to said investigation that the grand jury ascertain whether Tommy A. Larsen, the former president of PinnLease USA, Inc. (a wholly-owned subsidiary of PinnFund USA, Inc.), had directed defendant KIMBERLY HULIHEE, among others, to coordinate the March 23, 2001

1 removal and subsequent destruction of business files from the offices of PinnLease, upon PinnFund's
2 takeover by a receiver appointed by the District Judge Marilyn L. Huff in a civil proceeding brought
3 by the Securities and Exchange Commission in the Southern District of California, Civil Case No.
4 01cv0496H.

5 4. At the time and place alleged, defendant KIMBERLY HULIHEE, appearing as a
6 witness under oath at a proceeding before the grand jury, knowingly made the following false
7 declarations, among others, before the grand jury with respect to the aforementioned material matter:

8
9 Q. Now you're aware, ma'am, that we have the ability to subpoena cell
10 phone records?

11 A. Yes.

12 Q. And if we did so and we looked at March 23, 2001, is it your testimony
13 that we will not find calls between you and Tommy Larson [sic] prior to approximately
14 1:00 p.m., when you say you returned to PinnFund?

15 A. You'll find calls because I left messages. I did leave messages.
16 Because I was – I didn't know what to do, basically, so I did leave messages. And I
17 don't know how many times I called, but I did.

18 Q. So there were calls placed, but you left messages only?

19 A. Yes.

20 ***

21 Q. So nobody was able to contact Mr. Larson [sic] that morning; is that
22 correct?

23 A. No. To my knowledge, no.

24 Q. So the first time that Mr. Larson [sic] became aware of what had
25 happened that morning was when you were finally able to get a hold of him much later
26 on that day, correct?

27 A. Yes.

28 ***

29 Q. Did you direct anyone to take any files from PinnLease?

30 A. To my – as far as I can remember, I don't remember asking anybody to
31 take any type of PinnLease files.

32 ***

33 Q. Do you recall overhearing other people telling Mr. Larson [sic] –

34 A. Right --

35 Q. – they had taken PinnLease materials?

36 A. No. I recall hearing everyone talk about various things, but not about
37 taking PinnLease materials.

38 ***

39 Q. And anything that was destroyed by you, or that you told others to
40 destroy, you would characterize as just miscellaneous or ---

41 A. I didn't tell anyone to destroy items.

42 Q. The only destruction that you were responsible for were – was what you
43 personally did; is that what you're saying?

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A. Yes, yes.

Q. And the destruction that you personally did constituted solely of preprinted forms and things of that nature, nothing of any consequence; is that what you're telling us?

A. That's correct.

5. The above-underscored testimony of defendant KIMBERLY HULIHEE was false in material respects, as she then and there well knew, in that the true facts as known to her were as follows: that she had had a conversation with Tommy Larsen on the morning of March 23, 2001, during which Tommy Larsen had directed her to remove business files from PinnLease's offices; that she had thereupon coordinated a concerted effort by several PinnLease employees to remove business files from PinnLease; that she had attended a March 26, 2001 meeting where various persons had briefed Tommy Larsen on the removal of materials from PinnLease; and that she had subsequently destroyed, and directed others to destroy, certain of the materials taken from PinnLease, again at the direction of Tommy Larsen.

All in violation of 18 U.S.C. § 1623.

DATED: December ____, 2002

Respectfully submitted,
CAROL C. LAM
United States Attorney

SANJAY BHANDARI
Assistant U.S. Attorney

KEVIN J. KELLY
Assistant U.S. Attorney