

1 E. KATE PATCHEN
Chief, San Francisco Office
2 KELSEY C. LINNETT
JENNIFER HANE
3 ARSHIA NAJAFI
Trial Attorneys
4 U.S. Department of Justice
Antitrust Division
5 450 Golden Gate Avenue, Room 10-0101
San Francisco, California 94102-3478
6 Telephone: (415) 934-5300

FILED
OCT 19 2017
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY DEPUTY CLERK

7
8
9 IN THE UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA

11 2:17 - CR - 0189 TLN

12 UNITED STATES OF AMERICA,
13 Plaintiff,
14 v.
15 YAMA MARIFAT,
16 Defendant.

Criminal No.:
Violation: 15 U.S.C. § 1
Filed:

17
18
19 INDICTMENT

20 The Grand Jury charges that:

21 I.

22 DESCRIPTION OF THE OFFENSE

23 1. Yama Marifat is hereby indicted and made a defendant on the charge contained in this
24 Indictment.

25 2. Beginning in or about April 2009 and continuing until in or about October 2009, the
26 exact dates being unknown to the Grand Jury, the defendant and co-conspirators knowingly entered into
27 and engaged in a combination and conspiracy to suppress and eliminate competition by rigging bids to
28 //

1 obtain selected properties offered at non-judicial public real estate foreclosure auctions ("public
2 auctions") in San Joaquin County in the Eastern District of California. The combination and conspiracy
3 engaged in by the defendant and co-conspirators was in unreasonable restraint of interstate trade and
4 commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

5 3. The charged combination and conspiracy consisted of a continuing agreement,
6 understanding, and concert of action among the defendant and co-conspirators, the substantial terms of
7 which were to refrain from bidding against each other to purchase selected properties at public auctions
8 in San Joaquin County.

9 II.

10 MEANS AND METHODS OF THE CONSPIRACY

11 4. For the purpose of forming and carrying out the charged combination and conspiracy, the
12 defendant and co-conspirators did those things that they combined and conspired to do, including,
13 among other things:

- 14 (a) agreed not to compete to purchase selected properties at public auctions in San
15 Joaquin County;
- 16 (b) designated which conspirator would bid for the selected properties at the public
17 auctions;
- 18 (c) refrained from or stopped bidding for the selected properties at the public
19 auctions;
- 20 (d) purchased selected properties at public auctions at artificially suppressed prices;
- 21 (e) made payoffs to and received payoffs from one another in return for refraining
22 from bidding at the public auctions; and
- 23 (f) held second, private auctions to determine the payoff amounts and who among the
24 conspirators would be awarded the selected properties that were obtained at the
25 public auctions.

26 //

27 //

28 //

III.

BACKGROUND

5. At all times relevant to this Indictment, when California homeowners defaulted on their mortgages, mortgage holders could institute foreclosure proceedings and sell the properties through public auctions. These public auctions were governed by California Civil Code Section 2924, et seq. Typically, a trustee was appointed to oversee the public auctions. These public auctions usually took place at or near the county courthouse of the county in which the properties were located. The auctioneer, acting on behalf of the trustee, sold the property to the bidder offering the highest purchase price. Proceeds from the sale were then used to pay the mortgage holders and other holders of debt secured by the property (collectively, "beneficiaries").

IV.

DEFENDANT AND CO-CONSPIRATORS

6. During the period covered by this Indictment, Yama Marifat purchased real estate at public auctions in San Joaquin County.

7. Various individuals and entities, not made defendants in this Indictment, participated as co-conspirators in the offense charged herein and performed acts and made statements in furtherance thereof.

V.

TRADE AND COMMERCE

8. During the period covered by this Indictment, the business activities of the defendant and his co-conspirators that are the subject of this Indictment were within the flow of, and substantially affected, interstate trade and commerce. For example, during the period covered by this Indictment:

- (a) substantial proceeds from the sale of properties purchased by the conspirators pursuant to the bid-rigging conspiracy were transmitted from the auctions in California to certain trustees located in other states;

//

//

//

- 1 (b) substantial proceeds from the sale of properties purchased by the conspirators
2 pursuant to the bid-rigging conspiracy were transmitted from trustees located in
3 one state to certain beneficiaries located in other states; and
4 (c) beneficiaries included companies that operated in interstate commerce.

5 VI.

6 JURISDICTION

7 9. The combination and conspiracy charged in this Indictment were carried out within the
8 five years preceding the filing on January 28, 2011, of an Information against the defendant charging the
9 same violation of 15 U.S.C. § 1 (bid rigging). This Indictment is returned within six calendar months of
10 dismissal on July 24, 2017, of the previously-filed Information, as provided by 18 U.S.C. § 3288.

11 //

12 //

13 //

14 //

15 //

16 //

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

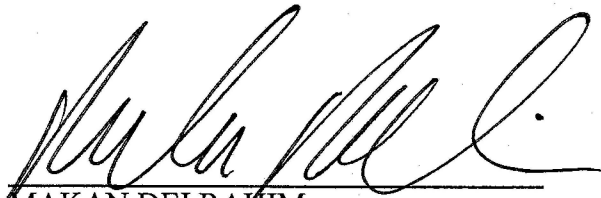
Dated:

A TRUE BILL

10/19/17

/s/ Signature on file w/AUSA

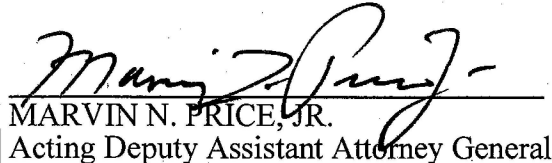
FOREPERSON



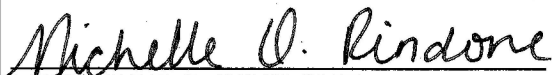
MAKAN DELRAHIM
Assistant Attorney General



E. KATE PATCHEN
Chief, San Francisco Office

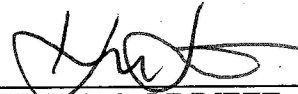


MARVIN N. PRICE, JR.
Acting Deputy Assistant Attorney General



MICHELLE O. RINDONE
Acting Director of Criminal Enforcement

Antitrust Division
U.S. Department of Justice



KELSEY C. LINNETT
JENNIFER HANE
ARSHIA NAJAFI
Attorneys, Antitrust Division
U.S. Department of Justice
San Francisco Office
450 Golden Gate Avenue, Room 10-0101
San Francisco, California 94102-3478
Telephone: (415) 934-5300



PHILLIP A. TALBERT
United States Attorney for the
Eastern District of California

No. 2:17 - CR - 0189 TLN

UNITED STATES DISTRICT COURT

Eastern District of California

Criminal Division

THE UNITED STATES OF AMERICA

vs.

YAMA MARIFAT

INDICTMENT

VIOLATION: 15 U.S.C. § 1 – Bid Rigging

A true bill,

/s/ Signature on file w/AUSA

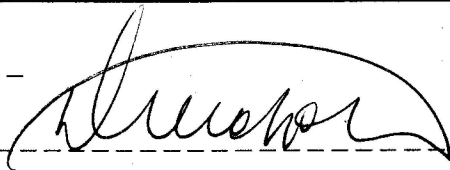
Foreman.

Filed in open court this 15 day

of OCTOBER, A.D. 20 17

Clerk.

Bail, \$ -----



*Notice to appear
Detention/Bail to
be determined at
initial appearance*

United States v. Yama Marifat
Penalties for Indictment

COUNT 1:

VIOLATION: 15 U.S.C. § 1 – Big Rigging

PENALTIES: A term of imprisonment of 10 years;
A fine of \$1 million, or two times the gross gain or loss, whichever
is greater,
Supervised release of not more than 3 years

SPECIAL ASSESSMENT: \$100