



Monthly

# Bulletin

## Environmental Crimes Section

May 2021

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"The crew members of the *Zao Galaxy* dumped oily bilge water into the ocean and then tried to cover up the environmental damage by submitting bogus paperwork to the United States Coast Guard," said Acting U.S. Attorney Stephanie Hinds. "As First Assistant Engineer of an ocean-going commercial tankship, Gilbert Dela Cruz was charged with ensuring the crew would follow the rules, not try to circumvent them. This verdict will serve as a reminder that there are stiff penalties for those who try to violate federal and international rules designed to protect our precious natural resources from polluters." [From [press release](#) following trial in *U.S. v. Gilbert Fajardo Dela Cruz*. See [inside](#) for more details on this case.]

District of Alaska	<a href="#"><u>United States v. Robert J. Albaugh</u></a>	Subsistence Hunting Fraud/Lacey Act
Central District of California	<a href="#"><u>United States v. Klean Waters, Inc., et al.</u></a> <a href="#"><u>United States v. Jordan Gerbich</u></a>	Wastewater Discharges/CWA, Conspiracy Elephant Seal Killing/MMPA
Eastern District of California	<a href="#"><u>United States v. Genaro L. Merino et al.</u></a>	Marijuana Cultivation/Depredation, Drugs
Northern District of California	<a href="#"><u>United States v. Gilbert Fajardo Dela Cruz</u></a>	Vessel/APPS, Obstruction, Witness Tampering
Southern District of California	<a href="#"><u>United States v. Jesus Mauricio Reyes et al.</u></a> <a href="#"><u>United States v. Jose Manuel Romero Torres</u></a> <a href="#"><u>United States v. Mark Lee Morgan</u></a> <a href="#"><u>United States v. Jesus Montano Espinoza</u></a> <a href="#"><u>United States v. Jose Guadalupe Mancillas Ponce</u></a> <a href="#"><u>United States v. Saul Flores-Banuelos</u></a> <a href="#"><u>United States v. Perla Moreno-Gomez</u></a>	Pesticide Smuggling/Conspiracy, Smuggling
Middle District of Georgia	<a href="#"><u>United States v. Ashtyn Rance</u></a> <a href="#"><u>United States v. Jason Carter et al.</u></a>	Reptile Trafficking/Lacey Act, Felon-in-Possession Dog Fighting/Conspiracy, Animal Welfare Act, Drugs
Northern District of Iowa	<a href="#"><u>United States v. Jay E. Niday et al.</u></a>	Municipal Employee/CWA, Conspiracy
Eastern District of Louisiana	<a href="#"><u>United States v. Great Lakes Dredge &amp; Dock Company, LLC</u></a>	Ruptured Pipeline/CWA
District of Maryland	<a href="#"><u>United States v. Marek Majtan</u></a>	Misbranded Pesticide Sales/FIFRA
Eastern District of Michigan	<a href="#"><u>United States v. Emanuele Palma, et al.</u></a>	Vehicle Emissions Fraud/CAA, Conspiracy, False Statement

District/Circuit	Case Name	Case Type/Statutes
District of New Mexico	<a href="#">United States v. Ruth Grande Olguin</a>	Bird Part Sales/MBTA
Eastern District of New York	<a href="#">United States v. Christopher Winkler et al.</a>	Fisheries Fraud/Conspiracy, Fraud, Obstruction
Northern District of New York	<a href="#">United States v. Stephanie Laskin, et al.</a>	Asbestos Abatement/CAA
Western District of New York	<a href="#">United States v. Christopher Casacci</a> <a href="#">United States v. Algoma Central Corporation</a>	Wild Cat Trafficking/ Animal Welfare Act, Lacey Act Vessel/CWA
Western District of North Carolina	<a href="#">United States v. Jeffrey G. Brookshire</a>	Lead Waste Disposal/RCRA
Southern District of Ohio	<a href="#">United States v. Michael T. Merisola</a>	Mounted Leopard Sale/ESA
Western District of Oklahoma	<a href="#">United States v. Dakota Brennan Gray</a>	Oil Discharge/CWA
District of Oregon	<a href="#">United States v. Agnes Yu</a>	Wildlife Sales/Lacey Act
Western District of Texas	<a href="#">United States v. Jorge A. Gutierrez et al.</a>	Wildlife Trafficking/Conspiracy, Smuggling
Southern District of Texas	<a href="#">United States v. John Fansler et al.</a>	Chemical Storage/RCRA
Eastern District of Virginia	<a href="#">United States v. Odell S. Anderson, Sr.</a> <a href="#">United States v. Emmanuel A. Powe</a> <a href="#">United States v. Carlos L. Harvey</a> <a href="#">United States v. Chester Moody</a> <a href="#">United States v. Vener Dailisan</a>	Dog Fighting/ Animal Welfare Act, Conspiracy  Vessel/False Statement
Southern District of West Virginia	<a href="#">United States v. Christopher Hall</a>	Municipal Employee/CWA
Western District of Wisconsin	<a href="#">United States v. Chang Xiong</a>	Wildlife Trafficking/Lacey Act

## Trials

***United States v. Gilbert Fajardo Dela Cruz***, No. 4:19-CR-00559 (N.D. Calif.), ECS Senior Trial Attorney Ken Nelson, AUSA Katie Lloyd-Lovett, SAUSA Andrew Briggs, and ECS Paralegal John Jones.

On April 19, 2021, a jury convicted First Assistant Engineer Gilbert Fajardo Dela Cruz on all counts: Act to Prevent Pollution from Ships (APPS), obstruction, and witness tampering (33 U.S.C. § 1908(a); 18 U.S.C. §§ 1505, 1512). Sentencing is scheduled for June 25, 2021.

Dela Cruz worked on board the *M/T Zao Galaxy*, a ship operated by Unix Line PTE, Ltd., a Singapore-based shipping company. On January 21, 2019,



*Illegal bypass hookup in M/T Zao Galaxy engine room*

the ship set sail from the Philippines, heading toward Richmond, California, carrying a cargo of palm oil. On February 11, 2019, the vessel arrived in Richmond, where it underwent a U.S. Coast Guard inspection and examination. Examiners discovered that during the voyage, Dela Cruz directed crewmembers to discharge oily bilge water overboard, using a configuration of drums, flexible pipes, and flanges to bypass the vessel's Oil Water Separator [*depicted above.*] The crew failed to record those discharges in the ship's Oil Record Book presented to the Coast Guard during the inspection. Dela Cruz also directed a lower-level crewmember to withhold information from inspectors.

The court sentenced Unix in March 2020, to pay a \$1.65 million fine, complete a four-year term of probation, and implement an environmental compliance plan. The company pleaded guilty to violating APPS.

The United States Coast Guard conducted the investigation.

## Indictments/Informations

### ***United States v. Great Lakes Dredge & Dock Company, LLC, No. 2:21-CR-00056 (E.D. La.), AUSA Nicholas Moses.***

On April 22, 2021, prosecutors charged Great Lakes Dredge & Dock Company, LLC (Great Lakes), with violating the Clean Water Act (CWA) in connection with an oil spill in 2016 (33 U.S.C. § 1319(c)(1)(A), 1321(b)(3)). Trial is scheduled for July 12, 2021.

On September 5, 2016, James Tassin, a Great Lakes employee, negligently discharged 6,000 gallons of oil into Bay Long near the Chenier Ronquille barrier island, east of Grand Isle. The spill took place after Tassin's supervisors instructed him to perform unauthorized digging with a marsh buggy near a pipeline, without alerting authorities or the pipeline company. After digging for multiple days, Tassin removed the mud cover from the top of the underwater pipeline before eventually striking it, causing it to rupture. Tassin pleaded guilty to violating the CWA, and is scheduled for sentencing on June 22, 2021.

The U.S. Environmental Protection Agency Criminal Investigation Division, the Department of Transportation Office of Inspector General, and the Department of Commerce Office of Inspector General conducted the investigation.

### ***United States v. Christopher Winkler et al., No. 2:21-CR-00217 (E.D.N.Y.), ECS Trial Attorney Christopher Hale and ECS Paralegal Samantha Goins.***

On April 21, 2021, a court unsealed the indictment of one fisherman, a wholesale fish dealer, and two of its managers for conspiracy to commit mail and wire fraud and obstruction in connection with a scheme to illegally overharvest fluke and black sea bass.

Prosecutors charged Christopher Winkler, Bryan Gosman, Asa Gosman, and Bob Gosman Co., Inc., with one count of conspiracy to commit mail and wire fraud as well as to obstruct the National Ocean and Atmospheric Administration's (NOAA) federal fisheries regulating efforts. Each defendant is charged with obstruction, and Winkler and the corporate defendant face substantive fraud charges (18 U.S.C. §§ 371, 1341, 1343, 1503, 1512(c)(1), 1519).

Between May 2014 and July 2016, Winkler, as captain of the *New Age*, went on approximately 70 fishing trips where he caught fluke or black sea bass in excess of applicable quotas. This fish was then sold to a now-defunct company/unindicted co-conspirator in the New Fulton Fish Market in the Bronx. Both Asa Gosman and Bryan Gosman had an ownership interest in the defunct company. After the Bronx company failed, Winkler sold a smaller quantity of his illegal catch directly to Bob Gosman Co. Inc., a Montauk fish dealer managed by Asa Gosman and Bryan Gosman. The overages of fish included at least 74,000 pounds of fluke, with the overall over-quota fish (of all species) valued at approximately \$250,000 wholesale.

Federal law requires a fishing captain to accurately report his catch on a form known as a Fishing Vessel Trip Report (FVTR), which is mailed to NOAA. The first company that buys fish directly from a fishing vessel (the fish dealer) must complete and submit a dealer report to NOAA. NOAA utilizes this information to set policies designed to ensure a

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## Indictments/Informations

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sustainable fishery. The defendants falsified documents to conceal the amount of fish taken in excess of quotas. Through their employees, they also obstructed the investigation by withholding documents sought by a federal grand jury.

Initiated as part of Operation One-Way Chandelier, this case is part of a multi-year, ongoing investigation by the National Oceanic and Atmospheric Administration into fisheries fraud on Long Island.

***United States v. Emanuele Palma, et al., No. 2:19-CR-20626 (E.D. Mich.), ECS Senior Trial Attorney Todd Gleason, AUSAs John K. Neal and Timothy J. Wyse, Criminal Division Prin. Asst. Chief Henry P. Van Dyck, Trial Attorneys Kyle W. Maurer and Jason M. Covert, and ECS Paralegal Maria Wallace.***

On April 20, 2021, a court unsealed an indictment charging two Italian nationals, along with a previously charged co-conspirator, for their roles in a conspiracy to defraud U.S. regulators and customers. Prosecutors charged the defendants with making false and misleading statements about the emissions controls and fuel efficiency of more than 100,000 diesel vehicles sold in the United States by FCA US LLC.

Sergio Pasini, and Gianluca Sabbioni, two senior diesel managers at Fiat Chrysler Automobiles Italy S.p.A. (FCA Italy) (a wholly owned subsidiary of Stellantis N.V.), along with Emanuele Palma, were responsible for developing and calibrating the 3.0-liter diesel engine used in certain FCA diesel vehicles. Their responsibilities included calibrating several software features in the vehicles' emissions control systems to meet emissions standards for nitrogen oxides (NOx), a family of poisonous gases that are formed when diesel fuels are burned at high temperatures, while also achieving best-in-class fuel efficiency targets set by FCA US LLC.

Palma, Pasini, Sabbioni, and other co-conspirators calibrated the emissions control functions to produce lower NOx emissions under conditions when the subject vehicles underwent testing on the federal test procedures or driving "cycles," and higher NOx emissions under conditions when the subject vehicles would be driven in the real world. Palma, Pasini, Sabbioni, and their co-conspirators referred to the manner in which they manipulated one method of emissions control as "cycle beating." By calibrating the emissions control functions on the subject vehicles to produce lower NOx emissions while the vehicles were on the driving "cycle," and higher NOx emissions when the vehicles were off the driving "cycle," or "off cycle," the three defendants purposely misled FCA's regulators by making it appear vehicles produced less than the actual NOx emissions. Palma, Pasini, and Sabbioni also made and caused others to make false and misleading representations to FCA's regulators about the emissions control functions of the subject vehicles in order to ensure that FCA obtained regulatory approval to sell vehicles in the United States.

Palma, Pasini, and Sabbioni employed "cycle beating" to achieve best-in-class fuel efficiency and make the subject vehicles more attractive to FCA's potential customers, i.e., by increasing fuel economy and reducing the frequency of a required emissions control

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## Indictments/ Informations

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system service interval. The defendants understood their “cycle beating” calibration would harm consumers who purchased the vehicle, leading them to acknowledge that “there will always be the unlucky customer who will have the misfortune of using our loser calibration].”

Prosecutors charged Pasini and Sabbioni with one count of conspiracy to defraud the United States and to violate the Clean Air Act (CAA), one count of conspiracy to commit wire fraud, and six counts of violating the CAA. Palma is charged with one count of conspiracy to defraud the United States and to violate the CAA, one count of conspiracy to commit wire fraud, six counts of violating the CAA, and two counts of making false statements to federal investigators (18 U.S.C. §§ 371, 1001, 1349; 42 U.S.C. § 7413(c)(2)(A)).

The Federal Bureau of Investigation and the U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.

***United States v. Klean Waters, Inc., et al., No. 8:21-CR-00060 (C.D. Calif.), AUSA Rosalind Wang.***

On April 15, 2021, prosecutors charged a wastewater treatment facility and its former owner with conspiring to discharge untreated industrial wastes into the publically owned treatment works (POTW) (18 U.S.C. § 371; 33 U.S.C. § 1319 (c)(2)(A)). Trial is scheduled to begin on June 29, 2021.

Between 2012 and 2015, Tim Miller and Klean Waters, Inc., discharged untreated wastewater that contained pollutants, including firefighting foam and a variety of metals. Additionally, they failed to perform self-monitoring and prepare accurate reports, made false statements regarding the discharges, tampered with monitoring devices, and prevented inspectors from reviewing company documents or collecting samples from the facility

The Federal Bureau of Investigation and the U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.

***United States v. Odell S. Anderson, Sr., et al., Nos. 3:21-CR-00023–00025 (E.D. Va.), ECS Trial Attorney Shennie Patel, AUSA Olivia L. Norman, and ECS Paralegals Samatha Goins and John Jones.***

On April 2, 2021, prosecutors charged Odell S. Anderson, Sr., Emmanuel A. Powe, Sr., Chester A. Moody, Jr., and Carlos L. Harvey with a federal dog fighting conspiracy for their roles in an inter-state dog fighting network across the District of Columbia, Maryland, Virginia, and New Jersey (7 U.S.C. § 2156; 18 U.S.C. §§ 49 and 371). The government also charged Anderson with taking a minor to a dog fight (7 U.S.C. § 2156(a)(2)(B)). [See *Plea Section for update on Moody and Harvey.*]

Beginning in 2013 through July 2018, the defendants and others participated in animal fighting ventures, involving training, transporting, breeding, and dog fighting setups, including at least one specific “two-card” dog fighting event in April 2016. Authorities

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## Indictments/Informations

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executed multiple search warrants leading them to discover the conspiracy.

This case is part of Operation Grand Champion. The U.S. Department of Agriculture Office of the Inspector General conducted the investigation, with assistance from the Federal Bureau of Investigation.

***United States v. Ashtyn Rance*, No. 7:21-CR-00005 (M.D. Ga.), ECS Trial Attorney Ryan Connors, AUSA Sonja Profit, and ECS Paralegal Chloe Harris.**

On April 1, 2021, a court unsealed an indictment, charging Ashtyn Rance with four Lacey Act violations and one count of felon-in-possession of firearms (16 U.S.C. §§ 3372 (a)(2), (d)(2), 3373(d)(1), (d)(3)(A)(ii); 18 U.S.C. §§ 922(g)(1) and 924(a)(2)).

In 2018, Rance possessed eastern box turtles, spotted turtles, and Gaboon vipers in violation of Georgia law. He falsely labeled packages containing the reptiles and shipped them to Florida. Gaboon vipers are venomous and potentially fatal to humans. Authorities executed a search warrant at his Valdosta residence and recovered two firearms.

This case is part of Operation Middleman, a U.S. Fish and Wildlife Service investigation into the intermediaries who facilitate wildlife trafficking between the United States and China. The U.S. Fish and Wildlife Service; the Georgia Department of Natural Resources; and the Bureau of Alcohol, Tobacco, Firearms, and Explosives conducted the investigation.



## Guilty Pleas

***United States v. Jorge A. Gutierrez et al.*, 3:20-CR-00920 (W.D. Tex.), ECS Trial Attorneys Gary Donner and Mary Dee Carraway, and ECS Paralegal John Taylor.**

On April 29, 2021, Jorge A. Gutierrez pleaded guilty to conspiracy and to smuggling wildlife for his role in a wildlife trafficking ring involving the smuggling of protected wildlife from Mexico to the United States (18 U.S.C. §§ 371, 554). Sentencing is scheduled for July 22, 2021.

Between April 2015 and February 2020, Gutierrez and others acted as middlemen in a trafficking ring that smuggled hundreds of species of wildlife from Mexico into the United States. Suppliers based in Mexico sold protected species of reptiles, amphibians, and birds to customers based in the United States. Gutierrez retrieved animals from the airport in Juarez, Mexico, and either transported the wildlife across the border to ship to U.S. customers, or transported the animals to a pre-arranged meeting place in Juarez to another middleman who then smuggled them into the United States. As a middleman, he charged a “crossing-fee,” based on the number and size of animals he transported, many of which are protected by the Convention on International Trade in Endangered Species (CITES).

On September 2016, Gutierrez retrieved a Central American river turtle, a CITES-protected species, from the Juarez airport. He took the turtle to another middleman at a pre-arranged location in Juarez, who then smuggled it across the border into the United States via an El Paso, Texas, border crossing. Authorities valued the turtle at \$1,650.

The U.S. Fish and Wildlife Service apprehended Gutierrez as part of Operation Bale Out, an ongoing effort to detect, deter, and prosecute those engaged in the illegal trafficking in protected species. Gutierrez and co-conspirators illegally transported wildlife valued in excess of \$3.5 million.

***United States v. Jesus Mauricio Reyes et al.*, No. 20-CR-02711 (S.D. Calif.), ECS Trial Attorney Stephen DaPonte and AUSA Melanie Pierson.**

On April 29, 2021, Jesus Mauricio Reyes pleaded guilty to conspiracy for his role in smuggling illegal pesticides from Mexico into the United States (18 U.S.C. § 371). Sentencing is scheduled for July 22, 2021.

Authorities apprehended Reyes and co-defendant Mariaelisa Macias in July 2020 as they attempted to bring Furadan, Biomec, Biozyme, and Etoxozole into the country. Macias is scheduled for sentencing on June 14, 2021, after pleading guilty to conspiracy.

Those involved in clandestine marijuana grows use illegal pesticides to cultivate unregulated marijuana on both public and private land in the United States.

The U.S. Environmental Protection Agency Criminal Investigation Division and Homeland Security Investigations conducted the investigation.

## Guilty Pleas

***United States v. Chester A. Moody, Jr., and Carlos L. Harvey, Nos. 3:21-CR-00023-00024, (E.D. Va.), ECS Trial Attorney Shennie Patel, AUSA Olivia L. Norman, and ECS Paralegal John Jones.***

On April 28, 2021, Chester A. Moody and Carlos L. Harvey each pleaded guilty to a one-count conspiracy to violate the Animal Welfare Act. Sentencing for Moody is scheduled for August 27, 2021, and sentencing for Harvey is scheduled for September 1, 2021.

Prosecutors charged Moody and Harvey, along with Odell S. Anderson, Sr., and Emmanuel A. Powe, Sr., with a federal dog fighting conspiracy for their roles in an inter-state dog fighting network across the District of Columbia, Maryland, Virginia, and New Jersey (7 U.S.C. § 2156; 18 U.S.C. §§ 49 and 371). The government also charged Anderson with taking a minor to a dog fight (7 U.S.C. § 2156(a)(2)(B)).

Beginning in 2013 through July 2018, the defendants and others participated in animal fighting ventures, involving training, transporting, breeding, and dog fighting setups, including at least one specific "two-card" dog fighting event in April 2016. Authorities executed multiple search warrants leading them to discover the conspiracy.

This case is part of Operation Grand Champion. The U.S. Department of Agriculture Office of the Inspector General conducted the investigation, with assistance from the Federal Bureau of Investigation.

***United States v. Christopher Casacci, No. 20-CR-00005 (W.D.N.Y.), ECS Trial Attorney Patrick Duggan, AUSA Aaron Mango, and ECS Paralegal Jillian Grubb.***

On April 27, 2021, Christopher Casacci pleaded guilty to violating the Lacey Act and the Animal Welfare Act (AWA) for trafficking African wild cats in the exotic pet trade (16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(1)(B); 7 U.S.C. §§ 2134, 2149(e)).

Between November 2017 and June 2018, Casacci imported and sold caracals and servals. Caracals, also known as the "desert lynx," are wild cats native to Africa, and grow to approximately 45 pounds. Servals, also wild cats native to Africa, grow to approximately 40 pounds. Both species are protected by the Convention on International Trade in Endangered Species.



*Serval kitten*

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## Guilty Pleas

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Casacci, doing business as “Exotic Cubs.com,” illegally sold these cats as pets. He disguised his commercial activity by falsely declaring the animals as domesticated breeds, such as savannah cats and Bengal cats, on shipping records. Casacci also failed to obtain proper licensing necessary for lawfully selling animals, under the AWA.

The U.S. Fish and Wildlife Service and the New York State Department of Environmental Conservation conducted the investigation.

***United States v. Jason Carter et al.*, No. 5:21-CR-00003 (M.D. Ga.), ECS Trial Attorney Banu Rangarajan, AUSA William Keyes, and ECS Law Clerks Amanda Backer and Nate Borelli.**

On April 26 and April 27, 2021, Jason Carter and Bryanna Holmes, respectively, pleaded guilty to drug charges for their roles in this multi-defendant dog fighting conspiracy (23 U.S.C. § 843(b)). Shaquille Bentley and Rodrick Walton previously pleaded guilty to similar charges.

Prosecutors variously charged the following 11 people with Animal Welfare Act, conspiracy, and drug violations: Jarvis Lockett, Derrick Owens, Christopher Raines, Armard Davis, Vernon Vegas, Lekey Davis, Kathy Ann Whitfield, Carter, Holmes, Walton, and Bentley.

Between May 2019 and February 2020, Lockett, Owens, Raines, Davis, and Walton participated in a conspiracy to sponsor and exhibit dogs in a dog fight, and possess, train, transport and deliver dogs to use for fights. They attended a number of dog fights during this period and supplied many of the dogs themselves.

Lockett, Owens, Raines, Davis, Carter, Bentley, Holmes, Vegas, Davis, and Whitfield further conspired to possess cocaine base and cocaine, with the intent to distribute. Prosecutors charged Lockett, Davis, Holmes, and Walton with additional drug violations.

The Drug Enforcement Administration and the U.S. Department of Agriculture Office of the Inspector General conducted the investigation, with assistance from the U.S. Marshals Service and local law enforcement agencies.

***United States v. Christopher Hall*, No. 2:21-CR-00048 (S.D.W.V.), AUSA Eric Goes and SAUSA Perry McDaniel.**

On April 26, 2021, Christopher Hall pleaded guilty to violating the Clean Water Act for submitting a false sludge management report to the West Virginia Department of Environmental Protection (WVDEP) (33 U.S.C. § 1319(c)(4)). Hall is scheduled for sentencing on July 22, 2021.

Hall worked as the manager of the Publicly Owned Treatment Works (POTW) for the Town of Matewan, West Virginia, between February 2017 and October 2018. Hall possessed certification as a sewage plant operator, but his certification expired in 2015. Hall’s responsibilities required him to monitor the amount of sludge collected and

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## Guilty Pleas

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transported to a landfill for disposal each month, and to report this information to the WVDEP. The WVDEP relied upon the sludge management reports to determine that the POTW functioned properly. The reports also ensured that workers did not discharge sludge into a waterway or dump it an unapproved landfill.

Between July 2017 and October 2018, Hall submitted ten reports to the WVDEP stating sludge had been collected and transported to a landfill, when in fact, none left the facility during this period of time.

Hall pleaded guilty to filing a false report in August 2018. The other nine false reports may be considered by the court during sentencing as relevant conduct. The ten reports represent a total of 55 tons of sludge.

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation, with assistance from the Federal Bureau of Investigation, the WVDEP, and the Town of Matewan.

### ***United States v. Jose Manuel Romero Torres, No. 20-CR-03383 (S.D. Calif.), ECS Trial Attorney Stephen DaPonte and AUSA Melanie Pierson.***

On April 26, 2021, Jose Manuel Romero Torres pleaded guilty to failing to submit a notice as required by the Toxic Substances Control Act (TSCA) (15 U.S.C. §§ 2614(3), 2615 (b)(1)). Sentencing is scheduled for August 2, 2021.

Authorities apprehended Torres in October 2020 as he entered the United States from Mexico with the following pesticides in the trunk of his car: four bottles of “Metrifos 600,” four bottles of “Rayo 50 EC,” four bottles of “Kanemite,” and one bottle of “Surfing-Ad.” Surfing-Ad contains a TSCA-regulated substance, thus requiring certification at the time of importation.

Torres told the inspectors that he was bringing the pesticides to a friend who cultivated marijuana in Bakersfield, California.

The U.S. Environmental Protection Agency Criminal Investigation Division and Homeland Security Investigations conducted the investigation

### ***United States v. John Fansler et al., Nos. 4:20-CR-00449, 00450 (S.D. Tex.), AUSA Steven Schammel and SAUSA Kristina Gonzalez.***

On April 26, 2021, HP Gas Products, LLC. (HP Gas) facility owner and operator, John Fansler, pleaded guilty to violating the Resource Conservation and Recovery Act for storing hazardous wastes without a permit (42 U.S.C. § 6928(d)(2)(A)). Sentencing is scheduled for July 26, 2021.

Fansler and Michael Anaker owned and operated HP Gas, an industrial gas producing company. Between 2009 and 2010, the company manufactured and shipped chemicals, including hydrogen cyanide and cyanogen chloride. Employees stored hazardous waste generated from the production of these chemicals on site in drums and barrels, without a permit.

Following an explosion at the facility in February 2018, local officials discovered a

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## Guilty Pleas

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number of rusted gas cylinders, one of which exploded leaking an unknown poisonous gas. Investigators inventoried close to 1,200 containers, many severely degraded and leaking. The U.S. Environmental Protection Agency cleaned up the site at a cost of approximately \$4.4 million. Anaker is scheduled for trial to begin on August 16, 2021.

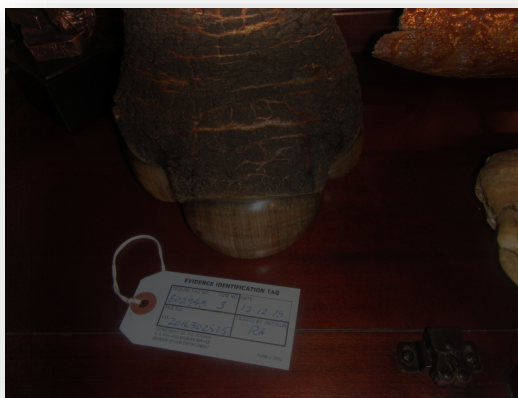
The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.

### ***United States v. Chang Xiong, No. 3:20-CR-00138 (W.D. Wisc.), AUSA Daniel Graber.***

On April 22, 2021, Chang Xiong pleaded guilty to violating the Lacey Act for illegally purchasing endangered rhinoceros feet in July 2016, September 2017, and December 2018 (16 U.S.C. §§ 3372(a)(1), 3373(d)(1)(B)). Sentencing is scheduled for July 2, 2021.

In May 2016, the U.S. Fish and Wildlife Service (FWS) enlisted a wildlife dealer in the United Kingdom as a confidential informant (CI). The CI received an email from Chang asking to purchase a rhinoceros foot. The CI informed Xiang it was illegal to ship one from the United Kingdom to the United States, but he could arrange for a contact (an undercover FWS agent) in the United States to assist. The agent ultimately arranged to meet Xiong in a Home Depot parking lot in July 2016 with the rhino foot (after exchanging multiple communications with the defendant concerning the illegality of this transaction). Xiong paid \$1,100 for the foot in July 2016. Xiong arranged to purchase another foot in September 2017 for \$1,100, and purchased two feet for \$1,600 in December 2018.

The U.S. Fish and Wildlife Service conducted the investigation.



*Rhinoceros foot*

### ***United States v. Mark Lee Morgan, No. 3:20-CR-00495 (S.D. Calif.), ECS Trial Attorney Stephen DaPonte and AUSA Melanie Pierson.***

On April 21, 2021, Mark Lee Morgan pleaded guilty to smuggling (18 U.S.C. § 545). Sentencing is scheduled for July 26, 2021.

Authorities apprehended Morgan in November 2020, as he crossed the border from Mexico with undeclared pesticide (thirty-four containers of dichlorvos). This pesticide is restricted in the United States and Morgan planned to sell it at his store in Compton, California.

Those involved in clandestine marijuana grows use illegal pesticides to cultivate unregulated marijuana on both public and private land in the United States.

The U.S. Environmental Protection Agency Criminal Investigation Division and Homeland Security Investigations conducted the investigation.



## Guilty Pleas

### ***United States v. Jeffrey G. Brookshire*, No. 1:21-CR-00017 (W.D.N.C.), AUSA Steven Kaufman.**

On April 9, 2021, Jeffrey G. Brookshire pleaded guilty to violating the Resource Conservation and Recovery Act for illegally storing and disposing of hazardous waste without a permit (42 U.S.C. § 6928(d)(2)(A)).

Brookshire worked as the Director of the Transylvania County Landfill between 2005 until his retirement in July 2017. In April and June 2016, Brookshire accepted firing range air filters that contained lead for disposal at the landfill, without a permit to do so.

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.

### ***United States v. Stephanie Laskin, et al.*, (N.D.N.Y.), ECS Senior Trial Attorney Todd Gleason, ECS Trial Attorney Gary Donner, and ECS Paralegal Chloe Harris.**

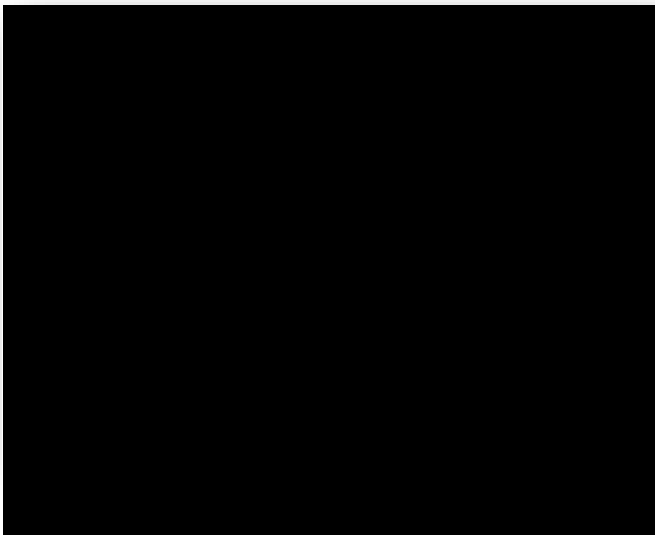
On April 8, 2021, Stephanie Laskin pleaded guilty to conspiring to violate the Clean Air Act (CAA) (18 U.S.C. § 371). Co-defendant Gunay Yakup recently pleaded guilty to similar charges.

Between May and August 2016, Laskin participated in a large demolition project, involving numerous buildings located on a 258-acre industrial property. The buildings contained substantial amounts of regulated asbestos-containing material (RACM).

During the project, Yakup and Laskin (who possessed specialized asbestos abatement supervisor training) violated multiple National Emissions Standards for Hazardous Air, Occupational Safety and Health, and local environmental standards including: failing to operate functioning decontamination units; conducting asbestos removal operations without access to sufficient water; failing to provide handlers with adequate personal protective equipment; failing to wet RACM; dropping RACM from substantial heights causing visible emissions when the material hit the floor; and bagging up dry RACM for disposal and spraying water into the bag to mislead inspectors.

Another co-defendant repeatedly pressed Laskin, Yakup, and other abatement workers to accelerate their pace of work despite knowing that the New York State Department of Labor already issued notices of violation.

The U.S. Environmental Protection Agency Criminal Investigation Division and the New York Departments of Labor and Environmental Conservation conducted the investigation.



## Guilty Pleas

***United States v. Genaro L. Merino et al.*, No. 2:19-CR-00149 (E.D. Calif.), AUSA Michael W. Redding.**

On April 7, 2021, Genaro L. Merino pleaded guilty to conspiring to manufacture marijuana and depredation of public land and natural resources (21 U.S.C. §§ 841, 846; 18 U.S.C. § 1361). Merino is scheduled for sentencing on July 8, 2021. Manuel S. Cardenas entered a similar plea and is set for sentencing on June 10, 2021.

Merino and Cardenas participated in an illegal marijuana grow between April and August 2019. Investigators located approximately 1,900 plants at two grow sites in the Shasta-Trinity National Forest near the town of Helena.

The U.S. Forest Service, the California Department of Fish and Wildlife, and the Trinity County Sheriff's Office conducted the investigation.

***United States v. Jesus Montano Espinoza*, No. 3:20-CR-02842 (S.D. Calif.), ECS Trial Attorney Stephen DaPonte and AUSA Melanie Pierson.**

On April 7, 2021, Jesus Montano Espinoza pleaded guilty to conspiring to violate the Federal Insecticide Fungicide and Rodenticide Act (18 U.S.C. § 371). Sentencing is scheduled for July 7, 2021.

Authorities apprehended Espinoza in August 2020, as he attempted to enter the United States from Mexico with three bottles of undeclared Mexican pesticides: a one-liter bottle of "Metaldane 600," a one-liter bottle of "Qufuran," and a one-liter bottle of "Lucaphos."

Those involved in clandestine marijuana grows use illegal pesticides to cultivate unregulated marijuana on both public and private land in the United States.

The U.S. Environmental Protection Agency Criminal Investigation Division and Homeland Security Investigations conducted the investigation.

***United States v. Jose Guadalupe Mancillas Ponce*, No. 3:20-CR-02845 (S.D. Calif.), ECS Trial Attorney Stephen DaPonte and AUSA Melanie Pierson.**

On April 2, 2021, Jose Guadalupe Mancillas Ponce pleaded guilty to conspiring to violate the Federal Insecticide Fungicide and Rodenticide Act (18 U.S.C. § 371). Sentencing is scheduled for June 16, 2021.

Authorities apprehended Ponce in September 2020, attempting to smuggle 41 one-liter bottles of illegal Mexican pesticides, including one bottle of Qufuran, ten bottles of Metaldane, 23 bottles of Biozyme, and seven bottles of Lorsban.

Those involved in clandestine marijuana grows use illegal pesticides to cultivate unregulated marijuana on both public and private land in the United States.

The U.S. Environmental Protection Agency Criminal Investigation Division and Homeland Security Investigations conducted the investigation.

## Sentencings

***United States v. Robert J. Albaugh*, No. 4:20-CR-00012 (D. Alaska), AUSA Ryan Tansey.**

On April 28, 2021, a court sentenced Robert J. Albaugh to 30 months' probation and banned him from any hunting related activities during that period. Albaugh also will pay a \$5,000 fine. Albaugh previously pleaded guilty to violating the Lacey Act and for making a false application for a federal Subsistence Hunt Permit (16 U.S.C. §§ 3372(a)(1), 3373(d)(2); 43 U.S.C. § 1733(a)).

Between 2002 and 2018, Albaugh and his wife received a total of 63 Federal Subsistence Hunt permits. They took 23 caribou and a moose using those permits, falsely claiming rural resident status, and taking unfair advantage of subsistence programs in rural Alaska.

The Federal Subsistence Management Program (FSMP) supports rural Alaskans who hunt and fish for subsistence. The program allows participants to use public lands and waters while maintaining healthy populations of fish and wildlife. Subsistence fishing and hunting provide a large share of the food consumed in rural Alaska. Alaska's indigenous inhabitants rely heavily upon the traditional harvest of wild foods; more and more rural non-Native Alaskans rely upon it as well.

The Bureau of Land Management Office of Law Enforcement and Security conducted the investigation, with assistance from Alaska Wildlife Troopers.

***United States v. Saul Flores-Banuelos*, No. 3:20-CR-02179 (S.D. Calif.), ECS Trial Attorney Stephen DaPonte and AUSA Melanie Pierson.**

On April 27, 2021, a court sentenced Saul Flores-Banuelos to two months' incarceration, followed by two years' supervised release, and \$1,200 in restitution. Flores-Banuelos pleaded guilty to smuggling for entering the United States with undeclared pesticide (18 U.S.C § 545).

Authorities apprehended Banuelos in April 2020, when he attempted to drive over the border from Mexico with eight one-liter bottles of "Qufuran," four bottles of alcohol, and four kilograms of various medications.

Those involved in clandestine marijuana grows use illegal pesticides to cultivate unregulated marijuana on both public and private land in the United States.

The U.S. Environmental Protection Agency Criminal Investigation Division and Homeland Security Investigations conducted the investigation.

## Sentencings

***United States v. Vener Dailisan*, No. 2:20-CR-00105 (E.D. Va.), ECS Senior Trial Attorney Kenneth Nelson, AUSA Joseph Kosky, and ECS Paralegal Chloe Harris.**

On April 21, 2021, a court sentenced Vener Dailisan to pay a \$3,000 fine and complete a two-year term of probation. Dailisan previously pleaded guilty to one count of making a false statement (18 U.S.C. §1001.)

Dailisan served as the Chief Engineer on the *M/V Protefs*. The Coast Guard inspected the ship on June 10, 2020, in Newport News, Virginia. Prior to the inspection, four engineering crewmembers provided a letter and photographs to the inspectors regarding illegal discharges of bilge water and oily mixtures from the vessel. Coast Guard officers asked Dailisan whether he maintained a Sounding Log on the vessel and he stated “no.” A few weeks prior in New Orleans, Louisiana, they asked him the same question where he also denied having a Sounding Log. However, during the inspection in Newport News, he was confronted more directly and eventually confessed to having a Sounding Log

The U.S. Coast Guard conducted the investigation.

***United States v. Michael T. Merisola*, No. 2:20-CR-00160 (S.D. Ohio), ECS Trial Attorney Adam Cullman and AUSA Mike Marous.**

On April 16, 2021, a court sentenced Michael T. Merisola to pay a \$7,500 fine, pay \$4,000 in restitution, complete a one-year term of probation, and perform 80 hours’ community service. Merisola pleaded guilty to violating the Endangered Species Act for illegally selling a mounted leopard in November 2019 (16 U.S.C. §§ 1538(a)(1)(F), 1540(b)(1)).

Merisola operates a vintage furniture store in Buffalo, New York. In August 2019, Merisola posted a photograph on his Instagram feed of items for sale, including a mounted leopard. In October 2019, an undercover agent contacted Merisola, who agreed to sell the leopard for \$4,200.

Later in October, the agent traveled from Ohio to Buffalo, New York, and gave Merisola \$1,500 as a down payment on the leopard. Merisola also offered to sell an elephant footstool for \$1,200. After the agent paid the remaining balance on the leopard and the elephant foot, Merisola arranged to ship them to Ohio.

The U.S. Fish and Wildlife Service conducted the investigation.

## Sentencings

### ***United States v. Algoma Central Corporation, No. 1:20-mj-00198 (W.D.N.Y.), ECS Trial Attorney Patrick Duggan and AUSA Aaron Mango.***

On April 14, 2021, a court sentenced Algoma Central Corporation to pay a \$500,000 fine and complete a three-year term of probation, to include implementing an environmental compliance plan. The company pleaded guilty to negligently violating the Clean Water Act (33 U.S.C. §§ 1311(a), 1319(c)(1)(A)).

This Canadian-based shipping company operates cargo vessels in the Great Lakes. The oily-water separator on the newly-built *M/V Algoma Strongfield* failed during delivery from China. As a result, the delivery crew stored oily bilge waste in the vessel's washwater tank. Upon the vessel's arrival in North America, no one informed Algoma employees that this tank held oily bilge waste.

On June 6, 2017, an Algoma employee emptied the washwater tank into Lake Ontario, discharging close to 12,000 gallons of oily waste into U.S. waters.

The U.S. Coast Guard Investigative Service conducted the investigation.

### ***United States v. Agnes Yu, No. 3:21-CR-00095 (D. Ore.), AUSA Ryan Bounds.***

On April 12, 2021, a court sentenced Agnes Yu to pay a \$5,000 fine and complete a three-year term of probation, after pleading guilty to violating the Lacey Act for selling pangolin scales (16 U.S.C. §§ 3372(a), 3373(d)(2)).

Yu and her husband operated Wing Ming Herbs, a store selling Chinese homeopathic remedies and other merchandise. In December 2003, U.S. Customs and Border Protection personnel screened Yu and her husband at the U.S.-Canadian border. Inspectors recovered 10 dried sea snakes and 49 dried big-toothed sea snakes. Following this event, the Yus received a letter from the U.S. Fish and Wildlife Service informing them of the federal regulations (including the Convention on International Trade in Endangered Species (CITES)) that govern the import and export of wildlife into and out of the United States. Despite this knowledge, Yu continued to engage in numerous illegal wildlife sales over a number of years.

In November 2017, an undercover Postal Inspector went to Wing Ming and spoke with Yu in Chinese. The inspector covertly recorded and videotaped the meeting. During the course of their transaction, Yu sold the inspector thirty grams of pangolin scales for approximately \$165. All species of pangolins are CITES-protected. On various dates in 2017 and 2018, Yu repeatedly exported American ginseng to customers in China in 2017 and 2018, without a valid CITES certificate.



*Dried sea horses*

*(Continued on page 19)*



## Sentencings

(Continued from page 18)

In July 2018, an undercover U.S. Fish and Wildlife Service agent visited the defendant's store and purchased giant sea horses and scalloped hammerhead shark fins. Shortly thereafter, law enforcement executed a search of the store, seizing additional endangered wildlife including ground Asian elephant ivory, red deer gall bladders, and giant devil ray. Yu agreed to abandon all the wildlife seized, which included thousands of additional wildlife items.

The U.S. Fish and Wildlife Service Office of Law Enforcement conducted the investigation with assistance from the U.S. Postal Inspection Service, the National Oceanic and Atmospheric Administration, the U.S. Department of Agriculture, Plant Protection

### ***United States v. Jordan Gerbich*, No. 2:20-CR-00368 (C.D. Calif.), AUSA Heather Gorman.**

On April 12, 2021, a court sentenced Jordan Gerbich for fatally shooting a northern elephant seal. Gerbich will serve three months' incarceration, followed by a one-year term of supervised release to include three months' home detention. Gerbich also will pay a \$1,000 fine and perform 120 hours of community service.

On September 28, 2019, Gerbich drove to an elephant seal viewing area adjacent to the Piedras Blancas Marine Reserve and Monterey Bay National Marine Sanctuary. Gerbich brought a .45-caliber pistol to shoot and kill a northern elephant seal as the animal rested on the beach in the Piedras Blancas rookery. The next day, tourists discovered the animal on the beach with a bullet hole in its head. Gerbich pleaded guilty to violating the Marine Mammal Protection Act (16 U.S.C. §§ 1372(a)(2)(A), 1375(b)).

The National Oceanic and Atmospheric Administration conducted the investigation, with assistance from the California Department of Fish and Wildlife.

### ***United States v. Marek Majtan*, No. 1:20-mj-02186 (D. Md.), AUSA Sean Delaney.**

On April 9, 2021, court sentenced Marek Majtan to six months' home confinement, and \$4,800 in restitution, after pleading guilty to violating the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. §§ 136j(a)(1)(E), 136l(b)(1)(B)).

Majtan owned a business called Capital Cleaning Solutions (CCS). CCS marketed products on its website that claimed to be "EPA-registered disinfectants" and "CDC-registered disinfectants" effective against COVID-19. In May 2020, investigators determined that Majtan fraudulently sold unregistered and misbranded pesticides.

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.

## Sentencings

### ***United States v. Dakota Brennan Gray*, No. 5:20-mj-00508 (W.D. Okla.), AUSA Charles W. Brown.**

On April 7, 2021, a court sentenced Dakota Brennan Gray to complete a three-year term of probation for negligently violating the Clean Water Act (33 U.S.C. §§ 1321(b)(3), 1319(c)(1)(A)).

On May 14, 2017, Gray opened the valves on a tank battery that contained approximately 129 barrels of crude oil. He discharged the oil onto the ground and most of it eventually spilled into Cottonwood Creek, a tributary that flows approximately 22 miles from its headwaters to the Cimarron River. The Cimarron flows to the Arkansas River, the Mississippi River, and ultimately the Gulf of Mexico.

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.

### ***United States v. Ruth Grande Olguin*, No.1:20-CR-001428 (D.N.M.), AUSA Novaline Wilson.**

On April 6, 2021, a court sentenced Ruth Grande Olguin to complete a one-year term of probation and pay \$2,000 in restitution to the North American Wetlands Conservation Fund.

On several occasions between April and November 2019, Olguin illegally possessed feathers and other parts from protected birds, including the crested caracara and sharp-shinned hawk. Olguin pleaded guilty to violating the Migratory Bird Treaty Act (16.U.S.C §§ 703and 707(a)). She also will forfeit feathers and parts from bald eagles, American kestrels, and red-tailed hawks, among other species.

The U.S. Fish and Wildlife Service conducted the investigation with assistance from the New Mexico Department of Game and Fish.



*Wildlife items seized from Olguin*

### ***United States v. Perla Moreno-Gomez*, No. 3:20-CR-02910 (S.D. Calif.), ECS Trial Attorney Stephen DaPonte and AUSA Melanie Pierson.**

On April 5, 2021, a court sentenced Perla Moreno-Gomez to complete a three-year term of probation and pay \$500 in restitution.

Authorities apprehended Moreno-Gomez in September 2020, attempting to smuggle three 950-milliliter bottles of "Malathion 1000," into the United States from Mexico. She pleaded guilty to conspiring to violate the Federal Insecticide, Fungicide and Rodenticide Act (18 U.S.C. § 371.)

Those involved in clandestine marijuana grows use illegal pesticides to cultivate unregulated marijuana on both public and private land in the United States. The U.S. Environmental Protection Agency Criminal Investigation Division and Homeland Security Investigations conducted the investigation.

## Sentencings

### ***United States v. Jay E. Niday et al.*, Nos. 5:20-CR-004081, 5:19-CR-04001 (N.D. Iowa), AUSAs Timothy Vavricek and Matthew Cole.**

On April 1, 2021, a court sentenced Jay E. Niday, a former Sioux City Wastewater Treatment Plant (WWTP) superintendent, to three months' incarceration, followed by two years' supervised release. Niday also will pay a \$6,000 fine. Niday pleaded guilty to conspiracy and to violating the Clean Water Act for tampering with a monitoring device (18 U.S.C. § 371; 33 U.S.C. § 1319(c)(4)).

Between 2011 and June 2015, Niday worked as a superintendent at the WWTP. The WWTP serves a three-state region and dozens of industries, including a number of agricultural and industrial users. The plant discharges its effluent into the Missouri River, a haven for wildlife and a popular recreational destination.

Authorities required the WWTP to adhere to effluent limits defined within its National Pollution Discharge Elimination System (NPDES) permit, which specified fecal coliform and E. coli limits, as well as total residual chlorine (TRC). During this period, Niday and others knowingly withheld from the Iowa Department of Natural Resources serious problems with the WWTP's new treatment process, known as "the MLE process." They knew that the WWTP did not function properly and could not consistently disinfect the millions of gallons of wastewater discharged daily into the river.

In March 2013, the City contracted with an engineering firm to prepare a "draft master plan" to address the disinfection problem. The engineers concluded that the WWTP's treatment process could not adequately disinfect the plant's influent due to significantly high toxicity coming from industrial users' effluent. Instead of following the recommendations in the draft master plan, Niday instructed the engineering firm not to finalize the report.

Niday and his shift supervisor, Patrick Schwarte, then directed employees to add high levels of chlorine to the plant's wastewater on days they sampled for E. coli. This fraudulent procedure ensured that the plant's effluent always appeared to meet its permitted limits for fecal coliform and E. coli. In fact, the WWTP never reported any exceedances of its permit limits for bacteria or TRC after July 2012.

A court sentenced Schwarte in November 2020 to pay a \$5,000 fine and complete a two-year term of probation, to include two months' home confinement. He pleaded guilty to similar charges.

The U.S. Environmental Protection Agency Criminal Investigation Division, the U.S. Environmental Protection Agency Office of Inspector General, and the Federal Bureau of Investigation conducted the investigation.

<b>Position</b>	<b>Name</b>	<b>Phone</b>
Chief	Deborah Harris	
Deputy Chief	Joseph Poux	
Assistant Chief	Thomas Ballantine	
Assistant Chief	Wayne Hettenbach	
Assistant Chief	Lana Pettus	
Assistant Chief	Jennifer Whitfield	
Senior Litigation Counsel	Howard P. Stewart	
Senior Litigation Counsel	Richard Udell	
Senior Counsel for Wildlife	Elinor Colbourn	
Senior Counsel	Kris Dighe	
Senior Trial Attorney	Christopher Costantini	
Senior Trial Attorney	Daniel Dooher	
Senior Trial Attorney	Todd Gleason	
Senior Trial Attorney	Jeremy Korzenik	
Senior Trial Attorney	Ken Nelson	
Trial Attorney	Cassandra Barnum	
Trial Attorney	Mary Dee Carraway	
Trial Attorney	Ryan Connors	
Trial Attorney	Adam Cullman	
Trial Attorney	Stephen DaPonte	
Trial Attorney	Gary Donner	
Trial Attorney	Patrick Duggan	
Trial Attorney	Ethan Eddy	
Trial Attorney	Matthew Evans	
Trial Attorney	Stephen Foster	
Trial Attorney	Christopher Hale	
Trial Attorney	Joel LaBissonniere	
Trial Attorney	Samuel (Charlie) Lord	
Trial Attorney	Shennie Patel	
Trial Attorney	Erica Pencak	
Trial Attorney	Richard Powers	
Trial Attorney	Banu Rangarajan	
Trial Attorney	Leigh Rende	
Trial Attorney	Lauren Steele	