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13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 OAKLAND DIVISION

16 UNITED STATES OF AMERICA

17 v.

18 WAYNE LIPPMAN,  
19 Defendant.

20 ) Criminal No. CR15-00245  
21 )  
22 ) INFORMATION  
23 )  
24 ) VIOLATIONS: 15 U.S.C. § 1 -  
25 ) Bid Rigging (Two Counts)  
26 )  
27 )  
28 )

21 The United States of America, acting through its attorneys, charges:

22 WAYNE LIPPMAN,

23 the defendant herein, as follows:

24 BACKGROUND

25 1. At all times relevant to this Information, when California homeowners defaulted  
26 on their mortgages, mortgage holders could institute foreclosure proceedings and sell the  
27 properties through non-judicial public real estate foreclosure auctions ("public auctions"). These  
28

INFORMATION - WAYNE LIPPMAN - 1

ORIGINAL  
FILED

MAY - 4 2015

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

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1 public auctions were governed by California Civil Code, Section 2924, *et seq.* Typically, a  
2 trustee was appointed to oversee the public auctions. These public auctions usually took place at  
3 or near the courthouse of the county in which the properties were located. The auctioneer, acting  
4 on behalf of the trustee, sold the property to the bidder offering the highest purchase price.  
5 Proceeds from the sale were then used to pay the mortgage holders, other holders of debt secured  
6 by the property, and, in some cases, the defaulting homeowner (collectively, “beneficiaries”).

7 COUNT ONE: 15 U.S.C. § 1 – Bid Rigging (Alameda County)

8 THE COMBINATION AND CONSPIRACY

9 2. Beginning as early as March 2009 and continuing until in or about January 2011,  
10 the defendant, WAYNE LIPPMAN, and co-conspirators entered into and engaged in a  
11 combination and conspiracy to suppress and restrain competition by rigging bids to obtain  
12 selected properties offered at public auctions in Alameda County in the Northern District of  
13 California, in unreasonable restraint of interstate trade and commerce, in violation of the  
14 Sherman Act, Title 15, United States Code, Section 1.

15 3. The charged combination and conspiracy consisted of a continuing agreement,  
16 understanding, and concert of action among the defendant and his co-conspirators to suppress  
17 competition by agreeing to refrain from or stop bidding against each other to purchase selected  
18 properties at public auctions in Alameda County at non-competitive prices.

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

22 a. agreeing not to compete to purchase selected properties at public auctions  
23 in Alameda County;

24 b. designating which conspirator would win the selected properties at the  
25 public auctions for the group of conspirators;

26 c. refraining from or stopping bidding for the selected properties at the  
27 public auctions;

28 //

1 d. purchasing selected properties at public auctions at artificially suppressed  
2 prices;

3 e. negotiating, making, and receiving payoffs for agreeing not to compete  
4 with co-conspirators; and

5 f. holding second, private auctions, known as “rounds,” to determine the  
6 payoff amounts and the conspirators who would be awarded the selected properties.

7 5. Various entities and individuals not made defendants in this Court participated as  
8 co-conspirators in the offense charged and performed acts and made statements in furtherance  
9 thereof.

#### 10 TRADE AND COMMERCE

11 6. During the period covered by this Information, the business activities of the  
12 defendant and his co-conspirators that are the subject of this Information were within the flow of,  
13 and substantially affected, interstate trade and commerce. For example, beneficiaries located in  
14 states other than California received proceeds from the public auctions that were subject to the  
15 bid-rigging conspiracy.

#### 16 JURISDICTION AND VENUE

17 7. The combination and conspiracy charged in this Information was carried out, in  
18 part, in the Northern District of California, within the five years preceding the filing of this  
19 Information.

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

21 COUNT TWO: 15 U.S.C. § 1 – Bid Rigging (Contra Costa County)

#### 22 THE COMBINATION AND CONSPIRACY

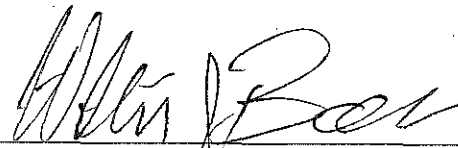
23 8. Beginning as early as August 2008 and continuing until in or about January 2011,  
24 the defendant, WAYNE LIPPMAN, and co-conspirators entered into and engaged in a  
25 combination and conspiracy to suppress and restrain competition by rigging bids to obtain  
26 selected properties offered at public auctions in Contra Costa County in the Northern District of  
27 California, in unreasonable restraint of interstate trade and commerce, in violation of the  
28 Sherman Act, Title 15, United States Code, Section 1.





JURISDICTION AND VENUE

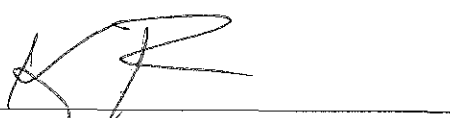
13. The combination and conspiracy charged in this Information was carried out, in part, in the Northern District of California, within the five years preceding the filing of this Information.

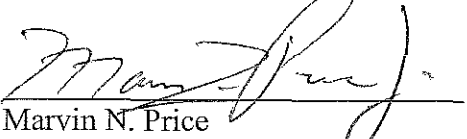
ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.


  
William J. Baer  
Assistant Attorney General

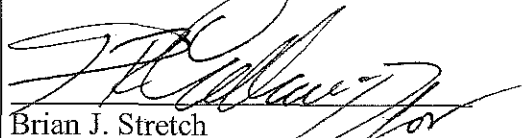
  
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by 28 U.S.C. § 515