U.S. Department of Justice

United States Attorney
District of New Jersey

970 Broad Street, 7th floor
Newark, New Jersey 07102

973-645-2700

February 4, 2014

William T. Walsh, Clerk
United States District Court
Martin Luther King Jr. Federal Building & Courthouse
50 Walnut Street
Newark, New Jersey 07102

Attention: Andrea Lewis-Walker, Deputy Clerk

Re: United States v. John R. Moritz

Dear Ms. Lewis-Walker:

Please accept this letter as a request that the matter of United States v. John R. Moritz be assigned to a district judge. A copy of the proposed Information and a cover sheet are enclosed.

Thank you.

Very truly yours,

PAUL J. FISHMAN
United States Attorney

By: Aaron Mendelsohn
Assistant United States Attorney

N/A
ARREST DATE

John R. Moritz
DEFENDANT'S NAME

Aaron Mendelsohn (973) 645-2712
AUSA

5589 East Fountain Circle Drive, Mason, OH 45040
DEFENDANT'S ADDRESS

[ ] **Petty** [ ] **Minor** [ ] **Juvenile** [X] **Felony** [ ] **Misdemeanor** [ ] **HIGH RISK**

Was a Summons issued? [X] **No** [ ] **Yes - If "Yes," Date:** N/A
Offense: Wire fraud
U.S.C. citation: 18 U.S.C. § 1343
Where was offense committed? District of New Jersey
Has a complaint previously been filed? [X] **No** [ ] **Yes - If "Yes," Magistrate No.** N/A

BAIL [ ] WAS [X] WAS NOT set by N/A on N/A in the amount of $N/A in the nature of:
[ ] Personal Recog. [ ] Surety Bond [ ] Full Cash (Cash Only)
[ ] Unsecured Bond [ ] Collateral
[ ] 10% Deposit [ ] Third Party Custody

DEFENDANT IS NOT IN CUSTODY and:
[X] has not been arrested, pending the outcome of this proceeding.
[ ] is a FUGITIVE.
[ ] is on bail or release from (show District) N/A

DEFENDANT IS IN CUSTODY at (show Institution) N/A
[ ] on this charge
[ ] on another conviction
[ ] awaiting trial on other [ ] FEDERAL [ ] STATE charges
[ ] Writ of Habeas Corpus appended
[ ] Arrest Warrant requested as detainer

On what date did continuous custody begin on this charge? N/A

If arresting agent & warrant were not Federal, what date was defendant transferred to U.S. custody? N/A

This defendant/proceeding to be transferred pursuant to **F.R.CR.P. 20, 21, 40** from/to which District? N/A

Is this a prosecution:	**MAG/CR. NO. (Circle One)**	**MAG/JUDGE (Circle One)**	**YES**	**NO**
(1) of charge previously dismissed on motion of [ ] U.S. [ ] Defense? Defense?				X
(2) after a mistrial?				X
(3) after appellate action?				X
(4) which supersedes a previous prosecution?				X
(5) related to a pending case?				X

Is any time between arrest and the filing of this information/indictment excludable pursuant to 18 U.S.C. § 3161(h)?
[ ] **No** [ ] **Yes** - If "Yes," indicate below:

N/A
(FROM) **(TO)** **REASONS FOR EXCLUSION** **STATUTORY AUTHORITY**

Estimated time for trial: N/A
Defense Counsel's Name: Lawrence S. Feld, Esq.
Defense Counsel's Address: 260 Madison Avenue, 18th Floor, New York, NY 10016 Tel No. (212) 742-1610
Public Defender [ ] CJA [ ] Retained [X]
Interpreter Required? [x] **No** [ ] **Yes** - If "Yes," which language: N/A

2012R00239/AM

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon.
	:	
v.	:	Criminal No. 14-_____ ( )
	:	
JOHN R. MORITZ	:	18 U.S.C. § 1343

INFORMATION

The defendant having waived in open court prosecution by Indictment, the United States Attorney for the District of New Jersey charges:

Background

1. At various times relevant to this Information:

a. Defendant JOHN R. MORITZ ("MORITZ") was a resident of Clifton, New Jersey and South Elgin, Illinois, and a Senior Vice President of Marketing at The Great Atlantic & Pacific Tea Company, Inc. ("A&P"); and

b. A&P was a United States supermarket and liquor store chain, with headquarters in Montvale, New Jersey.

The Scheme to Defraud

2. From at least as early as in or about December 2010 through in or about December 2011, in the District of New Jersey and elsewhere, defendant

JOHN R. MORITZ

did knowingly and intentionally devise a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises, and for the purpose of executing such scheme and artifice, did transmit and cause to be transmitted by means of wire communications in interstate commerce certain writings, signs, signals, pictures, and sounds, as set forth below.

Object of the Scheme to Defraud

3. The object of the scheme to defraud was for defendant MORITZ to enrich himself by misappropriating thousands of tickets to sporting events, concerts, and shows, purchased by and for the benefit of A&P, and reselling the tickets for his personal benefit.

Methods and Means of the Scheme to Defraud

4. It was part of the scheme to defraud that, from in or about December 2010 through in or about December 2011, defendant MORITZ arranged for A&P to purchase thousands of tickets to sporting events, concerts, and shows. Ostensibly, the tickets were to be used to reward high-performing A&P employees and for other legitimate business purposes. However, instead of using these tickets to reward A&P's employees or for other legitimate purposes, defendant MORITZ resold the vast majority of the tickets to third parties over the internet, without A&P's knowledge or consent, and then retained the proceeds of the ticket sales for his personal benefit.

5. Specifically, during this time period, defendant MORITZ misappropriated more than 7,000 tickets, including tickets to the following sporting events, concerts, and shows:

a. the 2011 Super Bowl;

b. the New York Yankees (including the 2011 playoffs);

c. the New York Knicks;

d. the New York Jets;

e. the New York Giants;

f. the Philadelphia Phillies;

g. the Chicago Bears;

h. Bon Jovi;

i. U2;

j. Lady Gaga;

k. Carrie Underwood;

l. Foo Fighters;

m. Metallica;

n. Spider-Man: Turn off the Dark;

o. Jersey Boys;

p. Beauty and the Beast;

q. Mickey and Minnie's Magical Journey;

r. The Book of Mormon; and

s. VIP tickets to the 2011 Macy's Thanksgiving Day Parade.

6. It was further part of the scheme to defraud that, in order to conceal the scheme, defendant MORITZ directed certain ticket vendors not to issue invoices to A&P for the diverted tickets. Also to conceal the scheme, defendant MORITZ directed certain ticket vendors to (1) issue invoices only in amounts less than $100,000, in order to stay within defendant MORITZ's approval levels as a Senior Vice President, and (2) avoid references to ticket purchases or specific services rendered in invoices.

7. It was further part of the scheme to defraud that, in order to conceal the scheme, defendant MORITZ instructed vendors to (1) send tickets directly to his residence in Clifton, New Jersey, (2) hand-deliver tickets to him, or (3) arrange for him to pick up tickets, instead of having tickets delivered to A&P's headquarters in Montvale, New Jersey.

8. These transactions were arranged via email correspondence and phone calls, which were transmitted in interstate commerce.

9. As a result of the scheme to defraud, defendant MORITZ fraudulently obtained approximately $1,218,192, which he then used to, among other things, make mortgage payments on multiple homes and car payments on multiple cars, and to purchase jewelry, flights, hotel stays, and groceries.

In violation of Title 18, United States Code, Section 1343.

FORFEITURE ALLEGATION

1. The allegations contained in paragraphs 1 and 3 through 10 of this Information are incorporated by reference as though set forth in full herein for the purpose of noticing forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461.

2. The United States hereby gives notice to defendant MORITZ that, upon conviction of the offense charged in this Information, the government will seek forfeiture, in accordance with Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 981(a)(1)(C), of any and all property, real or personal, that constitutes or is derived from proceeds traceable to the violation of Title 18, United States Code, Section 1343, alleged in this Information, including but not limited to a sum of money equal to at least $1,218,192 in United States currency.

3. If by any act or omission of defendant MORITZ, any of the property subject to forfeiture described in paragraph 2 herein:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party,

c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty,

the United States of America will be entitled to forfeiture of substitute property up to the value of

the property described above in paragraph 2, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

PAUL J. FISHMAN
United States Attorney

CASE NUMBER:

United States District Court
District of New Jersey

UNITED STATES OF AMERICA

v.

JOHN R. MORITZ

INFORMATION FOR

18 U.S.C. § 1343

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