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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

: INDICTMENT

-v.-

13 CRIM 411

JOSEPH LOMBARDO and
CAROLYN KAUFMAN,

Defendants.

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:
:
:
x

COUNT ONE
(Mail Fraud)

The Grand Jury charges:

1. From in or about May 2011, up to and including at least in or about February 2013, in the Southern District of New York and elsewhere, JOSEPH LOMBARDO, the defendant, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, for the purpose of executing such scheme and artifice and attempting so to do, placed in a post office and authorized depository for mail matter, a matter and thing to be sent and delivered by the Postal Service, and deposited and caused to be deposited a matter and thing to be sent and delivered by private and commercial interstate carrier, and took and received therefrom, such matter and thing, and knowingly caused such matter and thing to be delivered by mail and by such carrier according to the direction thereon and at the place at which it was directed to be delivered

JUDGE FURMAN

by the person to whom it was addressed, to wit, LOMBARDO attempted to execute a scheme to defraud the National Basketball Players Association ("NBPA") through the use of a fraudulent contract between the NBPA and Prim Capital Corporation, a company founded and managed by LOMBARDO, and the use of a commercial interstate carrier to send documents, including a contract.

(Title 18, United States Code, Sections 1341, 1349, and 2.)

COUNT TWO
(Wire Fraud)

The Grand Jury further charges:

2. From in or about May 2011, up to and including at least in or about February 2013, in the Southern District of New York and elsewhere, JOSEPH LOMBARDO, the defendant, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, transmitted and caused to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice to defraud, to wit, LOMBARDO attempted to execute a scheme to defraud the NBPA through the use of a fraudulent contract between the NBPA and Prim Capital Corporation, and the use of interstate telephone calls and emails.

(Title 18, United States Code, Sections 1343, 1349, and 2.)

COUNT THREE
(Aggravated Identity Theft)

The Grand Jury further charges:

3. From in or about May 2011, up to and including at least in or about February 2013, in the Southern District of New York and elsewhere, JOSEPH LOMBARDO, the defendant, willfully and knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Section 1028A(c), to wit, LOMBARDO used two names of other persons, Gary Hall and Purvis Short, without lawful authority, during and in relation to the offenses charged in Counts One and Two of this Indictment.

(Title 18, United States Code, Sections 1028A and 2.)

COUNT FOUR
(Conspiracy to Obstruct Justice)

The Grand Jury further charges:

4. From in or about May 2012, up to and including at least in or about February 2013, in the Southern District of New York and elsewhere, JOSEPH LOMBARDO and CAROLYN KAUFMAN, the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Title 18, United States Code, Section 1512(c).

5. It was a part and an object of the conspiracy that JOSEPH LOMBARDO and CAROLYN KAUFMAN, the defendants, and others

known and unknown, would and did corruptly alter, destroy, mutilate, and conceal a record, document, and other object, and attempt to do so, with the intent to impair the object's integrity and availability for use in an official proceeding, in violation of Title 18, United States Code, Section 1512(c)(1).

6. It was further a part and an object of the conspiracy that JOSEPH LOMBARDO and CAROLYN KAUFMAN, the defendants, and others known and unknown, would and did corruptly obstruct, influence, and impede an official proceeding, and attempt to do so, in violation of Title 18, United States Code, Section 1512(c)(2).

OVERT ACTS

7. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. Between in or about May 2012 and in or about January 2013, JOSEPH LOMBARDO, the defendant, caused Prim Capital Corporation to fail to produce a fraudulent contract between the NBPA and Prim Capital Corporation which purported to have been executed in or about March 2011 (the "March 2011 Contract") in response to a subpoena issued on behalf of a grand jury sitting in the Southern District of New York.

b. On or about February 5, 2013, JOSEPH LOMBARDO, the defendant, testified before a grand jury sitting in

the Southern District of New York that the March 2011 Contract was signed in March 2011 by Gary Hall, on behalf of the NBPA, and by Purvis Short, on behalf of the NBPA.

c. On or about February 5, 2013, JOSEPH LOMBARDO, the defendant, testified before a grand jury sitting in the Southern District of New York that LOMBARDO picked up an executed copy of the March 2011 Contract in March 2011 in New York, New York.

d. On or about February 21, 2013, CAROLYN KAUFMAN, the defendant, testified before a grand jury sitting in the Southern District of New York that KAUFMAN had not discussed with JOSEPH LOMBARDO, the defendant, LOMBARDO's prior testimony to the grand jury regarding the March 2011 Contract.

(Title 18, United States Code, Section 371.)

COUNT FIVE
(Obstruction of Justice)

The Grand Jury further charges:

8. From in or about May 2012, up to and including in or about January 2013, in the Southern District of New York and elsewhere, JOSEPH LOMBARDO and CAROLYN KAUFMAN, the defendants, corruptly altered, destroyed, mutilated, and concealed a record, document, and other object, and attempted to do so, with the intent to impair the object's integrity and availability for use in an official proceeding, to wit, LOMBARDO and KAUFMAN concealed the existence of the March 2011 Contract from the United States

Department of Labor and a grand jury sitting in the Southern District of New York.

(Title 18, United States Code, Sections 1512(c)(1) and 2.)

COUNT SIX
(Obstruction of Justice)

The Grand Jury further charges:

9. In or about February 2013, in the Southern District of New York and elsewhere, JOSEPH LOMBARDO and CAROLYN KAUFMAN, the defendants, corruptly obstructed, influenced, and impeded an official proceeding, and attempted to do so, to wit, LOMBARDO and KAUFMAN provided false and misleading testimony regarding the creation, execution, production, and concealment of the March 2011 Contract to a grand jury sitting in the Southern District of New York.

(Title 18, United States Code, Sections 1512(c)(2) and 2.)

FORFEITURE ALLEGATION

10. As a result of committing one or more of the offenses charged in Counts One and Two of this Indictment, JOSEPH LOMBARDO, the defendant, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C), Title 18, United States Code, Section 982(a)(2)(B), and Title 28, United States Code, Section 2461, all property, real and personal, which constitutes or is derived from proceeds obtained directly or indirectly from one or more of the offenses alleged in Counts One and Two of this Indictment.

SUBSTITUTE ASSET PROVISION

11. If any of the above-described forfeitable property, as a result of any act or omission of JOSEPH LOMBARDO, the defendant:

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

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

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,

it is the intent of the United States, pursuant to 18 U.S.C. § 981, 21 U.S.C. § 853(p), and 28 U.S.C. § 2461, to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)



Preet Bharara
PREET BHARARA *BM*
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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SOUTHERN DISTRICT OF NEW YORK

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Defendants.

INDICTMENT

13 Cr.

(18 U.S.C. §§ 1028A, 1341, 1343, 1349,
1512(c), and 2.)

PREET BHARARA

United States Attorney.

A TRUE BILL ✓



5-30-13
MB

Filed indictment. Case
assigned to Judge Turman
for all purposes. - Dis, WWT