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U.S. DISTRICT COURT  
EASTERN DISTRICT OF LA. gk

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

**FELONY**

**BILL OF INFORMATION FOR CONSPIRACY  
TO COMMIT MAIL FRAUD AND NOTICE OF FORFEITURE**

18-74

UNITED STATES OF AMERICA

\*

CRIMINAL NO.

v.

\*

SECTION: **SECT. B MAG. 2**

DON MANUEL ZEMO, JR.

\*

VIOLATIONS: 18 U.S.C. § 371  
18 U.S.C. § 1341

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The United States Attorney charges that:

**COUNT 1**

**A. AT ALL TIMES MATERIAL HEREIN:**

1. The defendant, **DON MANUEL ZEMO, JR. ("ZEMO")**, was a United States citizen, residing in River Ridge, Louisiana, within the Eastern District of Louisiana.

2. Unindicted co-conspirator R.Z. was a United States citizen, residing in River Ridge, Louisiana, within the Eastern District of Louisiana.

X Fee USA \_\_\_\_\_  
\_\_\_\_ Process \_\_\_\_\_  
X Dktd \_\_\_\_\_  
\_\_\_\_ CtRmDep \_\_\_\_\_  
\_\_\_\_ Doc. No. \_\_\_\_\_

3. Company A was a privately owned and operated company headquartered in New Orleans, Louisiana, within the Eastern District of Louisiana, that provided portside services as a terminal operator and stevedore. Company A operated at multiple locations throughout the Gulf Coast, including at the Port of New Orleans. Among the services Company A provided were various warehouse operations and management logistics, as well as the transloading of bulk cargo from sea-going vessels onto rail. This process included securing, lashing, and unlashng cargo. Company A owned and operated numerous pieces of specialized equipment to provide the services described above, including a crane, shore cranes, floating cranes, forklifts, and other types of stevedoring and port equipment. Company A employed approximately 50 full-time employees and between 100 and 150 casual labor dockworkers.

4. Company A leased, maintained, and exclusively operated a terminal at the Port of New Orleans to perform stevedoring work. Only Company A's employees and, occasionally, third-party subcontractors chosen by Company A, worked at the terminal.

5. On or about January 4, 1999, Company A hired **ZEMO**. In about January 2003, and continuing through about July 16, 2015, **ZEMO** served as the General Manager of Port Operations for Company A. In that capacity, **ZEMO** oversaw and managed Company A's day-to-day operations at Company A's terminal at the Port of New Orleans. **ZEMO** was responsible for all financial documentation, personnel decisions, job scheduling, and implementation of Company A's policies at Company A's Port of New Orleans terminal. **ZEMO** was also responsible for facilitating the billing of Company A's customers. As such, **ZEMO** was responsible for preparing bids and quotes for services on behalf of Company A and transmitting that information to prospective customers.

6. In about August 2009, R.Z. and L.N. formed U.S. Gulf Trade, LLC (“USGT”) with the Louisiana Secretary of State. On or about September 2010, L.N. was removed as a member of USGT and R.Z. became the sole member and registered agent of USGT and its registered address was in River Ridge, Louisiana, within the Eastern District of Louisiana.

7. On or about November 2010, R.Z. opened a financial account in the name of USGT, bearing Account No. XXXXX5776 at JPMorgan Chase Bank, N.A (“Chase”). R.Z. had sole signature authority on Chase Account No. XXXXX5776.

**B. THE CONSPIRACY:**

Beginning at a time unknown, and continuing to on or about July 16, 2015, in the Eastern District of Louisiana and elsewhere, the defendant, **DON MANUEL ZEMO, JR.**, and others known and unknown to the United States Attorney did knowingly and willfully combine, conspire, and agree:

8. To devise a scheme and artifice to defraud and to obtain money by means of false and fraudulent pretenses, representations, and promises, in that **ZEMO** and others known and unknown to the United States Attorney did knowingly direct Company A customers to make checks payable to USGT, to be delivered by mail or commercial carrier, according to the directions thereon, for work performed by Company A without the knowledge or authorization of Company A, in violation of Title 18, United States Code, Section 1341.

**C. PURPOSE OF THE CONSPIRACY:**

9. The purpose of the conspiracy was for **ZEMO** to divert funds intended for Company A to his benefit and the benefit of USGT, a company with which he and his co-conspirator were affiliated, without the knowledge or authorization of Company A.

**D. MANNER AND MEANS OF THE CONSPIRACY:**

10. During the course and in furtherance of the conspiracy, in addition to other acts, the defendant:

- a) represented to prospective customers of Company A that USGT was a separate entity from Company A;
- b) failed to disclose his relationship with R.Z. and USGT to Company A's customers;
- c) represented to Company A's customers that USGT, and not Company A, had provided certain services and material to the customer when, in fact, Company A's equipment, employees, and material were used to provide the services; and
- d) directed customers to transmit payments to USGT, not Company A, for the services rendered and material provided, without Company A's knowledge or authorization.

**E. OVERT ACTS IN FURTHERANCE OF THE CONSPIRACY:**

In furtherance of the conspiracy and to achieve the objects thereof, the defendant, **DON MANUEL ZEMO, JR.**, and others known and unknown to the United States Attorney, committed and caused to be committed the following overt acts, among others, in the Eastern District of Louisiana and elsewhere:

11. Beginning at a time unknown, but not later than January 29, 2012, and continuing to on or about July 7, 2015, on not fewer than eighty (80) occasions, **ZEMO** and others known and unknown to the United States Attorney diverted funds totaling not less than approximately \$1,033,639.54, that were intended for Company A to bank accounts under the custody and control

of **ZEMO** and his co-conspirator. Each time **ZEMO** caused one of the unauthorized transactions to occur, the U.S. Postal Service, another interstate mail carrier, or an electronic wire traveling interstate was used to transport the payment to USGT. Specifically, on or about May 22, 2015, **ZEMO** and R.Z. caused a customer of Company A to issue a payment to USGT in the form of a check in the amount of \$49,498.49, when such funds should have been made payable to, and actually transmitted to, Company A. This check was delivered to USGT via U.S. Postal Service or another interstate mail carrier from Houston, Texas, to River Ridge, Louisiana.

All in violation of Title 18, United States Code, Section 371.

**NOTICE OF FRAUD FORFEITURE**

1. The allegations contained in Count 1 of this Bill of Information are hereby realleged and incorporated by reference for the purpose of alleging forfeitures to the United States of America pursuant to the provisions of Title 18, United States Code, Sections 371, 1341, and 981(a)(1)(C), made applicable through Title 26, United States Code, Section 2461(c).

2. As a result of the offenses alleged in Count 1, defendant **DON MANUEL ZEMO, JR.**, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offense as a result of the violations of Title 18, United States Code, Sections 371 and 1341.

3. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant:

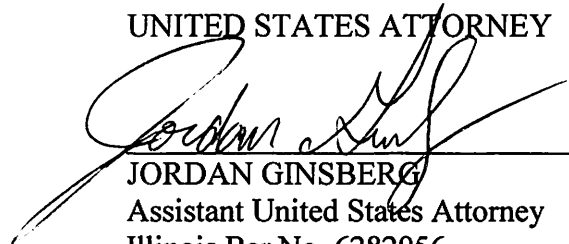
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred, sold to, or deposited with, a third person;

- 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 Title 18, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property;

All in violation of Title 18, United States Code, Sections 371, 1341, and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c).

DUANE A. EVANS  
UNITED STATES ATTORNEY



JORDAN GINSBERG  
Assistant United States Attorney  
Illinois Bar No. 6282956

New Orleans, Louisiana  
April 11, 2018

No. \_\_\_\_\_

**United States District Court**

FOR THE

EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

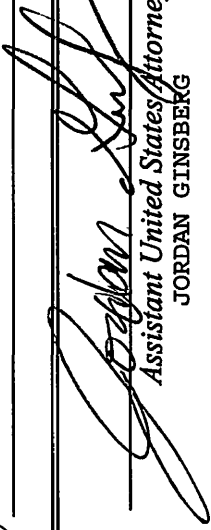
vs.

DON MANUEL ZEMO, JR.

**BILL OF INFORMATION  
FOR CONSPIRACY TO COMMIT  
MAIL FRAUD AND NOTICE OF FORFEITURE**

Violation(s):  
18 U.S.C. § 371  
18 U.S.C. § 1341

Filed \_\_\_\_\_, 20 18  
\_\_\_\_\_, Clerk.

By \_\_\_\_\_, Deputy  
  
Assistant United States Attorney  
JORDAN GINSBERG