

either use the funds to purchase works of art or that he would sell the artworks that had been provided to him.

(Title 18, United States Code, Section 1343.)

FORFEITURE ALLEGATION

2. As the result of committing the offense alleged in Count One of this Information, EZRA CHOWAIKI, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461, any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offense, including but not limited to \$16,635,370 in United States currency representing the amount of proceeds traceable to the commission of said offense that the defendant obtained, and the following specific property comprising works of art:

- a. Alexander Calder - *Fourteen Black Leaves*;
- b. Giorgio de Chirico - *Ettore e Andromaca*;
- c. Marc Chagall - *Scène de Village*;
- d. Marc Chagall - *Bouquet de Giroflées*;
- e. Piet Mondrian - *Broekzijder Mill in the Evening*;
- f. Cindy Sherman - *Untitled 427*;
- g. Marie-Lourdes da Silva - *Tempête*;
- h. Fernand Léger - *Trois Soldats*;
- i. Pablo Picasso - *Le Guéridon*;
- j. Pablo Picasso - *Le Clown*;

- k. Yves Tanguy - *Je Te Retrouve Objet Trouvé*;
- l. Max Ernst - *Temptation of St. Anthony*;
- m. Roberto Matta - *Black Mirror*;
- n. Marc Chagall - *Bouquet au Verre*;
- o. Takashi Murakami - *Jellyfish Eyes*;
- p. Edgar Degas - *Danseuse en Rose*;
- q. Joan Miró - *Untitled*;
- r. George Bellows - *Portrait of Mrs. Chester Dale*;
- s. Fernand Léger - *Study for La Danse Sao Paulo*;
- t. Larry Rivers - *Queen of Clubs*;
- u. 31 drawings by Alexander Calder;
- v. Tom Wesslemann - *Standing Nude*;
- w. Alexander Calder - *Pink Faced Cat*;
- x. Alexander Calder - *The Pedestrians*; and
- y. Alexander Calder - *The Grind Lady*.

Substitute Assets Provision

3. If any of the above-described forfeitable property, 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 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 divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant, up to the value of the above forfeitable property.

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


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

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

EZRA CHOWAIKI,

Defendant.

INFORMATION

(18 U.S.C. § 1343.)

GEOFFREY S. BERMAN
United States Attorney
