

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORIGINAL

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UNITED STATES OF AMERICA :

- v. - :

SEALED INDICTMENT

MARYSE LIBURDI, :

a/k/a "Maryse Thomas," :

a/k/a "Maryse Robinson," :

16 Cr. CRIM. 110

Defendant. :

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COUNT ONE

The Grand Jury charges:

The Scheme to Defraud

1. From at least in or about 2010 up to and including in or about January 2015, MARYSE LIBURDI, a/k/a "Maryse Thomas," a/k/a "Maryse Robinson," the defendant, conducted a scheme to defraud individuals into investing millions of dollars in a particular technology company (the "Company"), which was founded and run by LIBURDI. LIBURDI orchestrated this scheme through several means and methods. These included, among others, the following:

a. LIBURDI repeatedly made false statements and materially false omissions to investors about the Company's revenue and the Company's assets, including the balance of a

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THIS DATE FEB 11 2016

BY [Signature]

() Clerk
(-) Deputy

Company bank account located in New York, New York (the "New York Company Account").

b. LIBURDI manipulated Company bank accounts to deceive investors in the Company into believing that the cash balance in the New York Company Account was substantially greater than the true balance. In particular, and among other things, on or about October 24, 2013, the day before a meeting of shareholders of the Company, LIBURDI wrote a check in the amount of \$700,000 from a bank account in Minneapolis, Minnesota in the name of the Company (the "Minnesota Company Account") to the New York Company Account. At the time LIBURDI wrote this check, the Minnesota Company Account had a balance of approximately \$2,091.73. During the shareholder meeting the following day, LIBURDI falsely told the shareholders that the balance of the New York Company Account was approximately \$710,000.

c. On or about June 9, 2014, the day before another meeting of shareholders of the Company, LIBURDI wrote a check in the amount of \$450,000 from the Minnesota Company Account to the New York Company Account. At the time LIBURDI wrote this check, the Minnesota Company Account had a balance of approximately \$639.20. During the shareholder meeting the

following day, LIBURDI falsely stated that the balance of the New York Company Account was approximately \$400,000.

d. Contrary to LIBURDI's promises to the investors that the investor funds would be used to further the business of the Company, LIBURDI converted to her own use hundreds of thousands of dollars of investor funds through, among other things, multiple cash withdrawals, transfers to personal bank accounts controlled by LIBURDI individually and jointly with LIBURDI's then-husband, payment of rent for a three-bedroom Manhattan apartment, expenditures at salons and spas, and purchases at retail clothing, accessories, and cosmetics stores.

2. Through this scheme, MARYSE LIBURDI, a/k/a "Maryse Thomas," a/k/a "Maryse Robinson," the defendant, caused losses to at least four victim-investors totaling more than \$6 million.

Statutory Allegations

3. From at least in or about 2010 up to and including in or about January 2015, in the Southern District of New York and elsewhere, MARYSE LIBURDI, a/k/a "Maryse Thomas," a/k/a "Maryse Robinson," the defendant, wilfully and knowingly, 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 wit, LIBURDI engaged in a scheme to obtain, retain, and convert to her own personal use financial investments in the Company by, among other things, making false representations about the Company's financial condition and manipulating the Company's bank accounts, and in connection therewith and in furtherance thereof, LIBURDI caused wire communications and wire transfers of funds to be sent in interstate commerce.

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

FORFEITURE ALLEGATIONS

4. As a result of committing the wire fraud offense alleged in Count One of this Indictment, MARYSE LIBURDI, a/k/a "Maryse Thomas," a/k/a "Maryse Robinson," 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 property, real or personal, which constitutes or is derived from proceeds traceable to such offense, including, but not limited to at least \$6,000,000 in United States currency, in that such sum in aggregate is

property representing the amount of proceeds obtained by LIBURDI as a result of the offense.

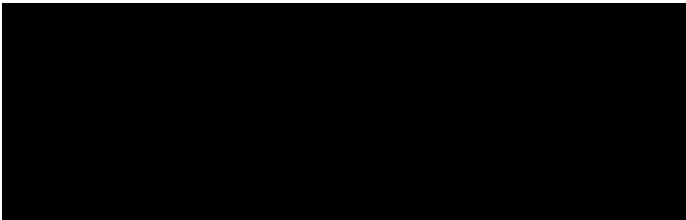
Substitute Asset Provision

5. 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 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 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,
Code, Section 853(p), and
s Code, Section 2461(c).)



Preet Bharara

PREET BHARARA

United States Attorney/pmk

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INDICTMENT

16 Cr. ___ (___)

(Title 18, United States Code,
Sections 1343 & 2)

PREET BHARARA
United States Attorney.

A TRUE BILL

