Presented to the Court by the foreman of the Grand Jury in open Court, in the presence of the Grand Jury and FILED in the U.S. DISTRICT COURT at Seattle, Washington.

October 14 20 26

By _____ Joshua C. Lewis Deputy

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA, Plaintiff, v. BRIAN VINH PHAM, and ROMAR ARAGON NOTO, Defendants.	NO. CR26-198 JCC **INDICTMENT**

The Grand Jury charges that:

COUNT 1

(Conspiracy to Commit Interstate Transportation of Stolen Property)

1. Beginning no later than about April 1, 2023, through at least about February 5, 2026, in King County, in the Western District of Washington and elsewhere, Defendants BRIAN VINH PHAM and ROMAR ARAGON NOTO, along with others known and unknown, did knowingly and willfully conspire, combine, confederate, and agree to commit offenses against the United States, to wit: Interstate Transportation of Stolen Property, in violation of Title 18, United States Code 2314.

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A. Overview

2. Defendants orchestrated a sophisticated scheme to obtain retail goods without paying for them. They then sold and distributed the stolen goods to individuals, other resellers, and wholesalers nationwide. The defendants attempted to steal more than $9.7 million worth of goods from at least four retailers and successfully obtained more than $5.6 million worth of stolen products. The defendants collected more than $3 million in proceeds by selling and shipping the stolen goods to consumers through online marketplaces, including individuals in the Western District of Washington; and by selling stolen goods to other third-party sellers and wholesalers who then resold the products.

3. One of Defendants' primary targets was Retailer 1, which manufactures and sells popular insulated stainless steel tumblers direct to consumers through its website. Defendants stole Retailer 1's products in two ways: first, by obtaining fraudulent refunds for products they pretended to return, but in fact, did not return; and second, by exploiting a temporary glitch on Retailer 1's website that Defendants knew enabled Defendants to order goods without paying for them. In total, the defendants, along with others known and unknown, attempted to steal over 150,000 tumblers, valued at over $6.5 million, and successfully obtained over 56,000 tumblers valued at over $2.4 million.

4. The defendants also exploited the return processes and obtained fraudulent refunds from other online retailers, including Retailer 2, Retailer 3, and Retailer 4, to fraudulently obtain more than $3.2 million worth of products without cost.

B. Object of the Conspiracy

5. The object of the conspiracy was for Defendants BRIAN VINH PHAM and ROMAR ARAGON NOTO, along with others known and unknown, to steal retail goods and convert the goods to proceeds by selling them through online marketplaces, other third-party sellers, and to wholesalers.

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C. Manner and Means

The following conduct was part of the conspiracy:

6. Defendants, and others known and unknown, used a web of aliases, Discord and Telegram communications, limited liability companies, bank accounts, warehouses, storage units, and online marketplaces to operate a sophisticated retail theft ring. Defendants recruited over a dozen known and unknown co-conspirators to participate in the scheme to steal goods from online retailers, and Defendants converted the goods to profit—or fenced—by selling the items on online marketplaces or to other third-party sellers. Between about August 1, 2023 and September 12, 2024, Defendants and co-conspirators known and unknown to the Grand Jury, shipped stolen goods worth more than $24,000, from outside Washington State to the Western District of Washington.

i. Business Entities

7. To create the appearance of legitimacy, NOTO, PHAM, and Co-Conspirator 1 created a web of corporate entities. NOTO established Notoco Enterprise, LLC; PHAM established Phamily Distribution, LLC; and Co-Conspirator 1 established Unique Mega, LLC, *inter alia*, to sell goods stolen from retailers. Notoco Enterprise, Phamily Distribution, and Unique Mega were third-party sellers on Amazon Marketplace, which was one of the conspiracy's primary distribution channels for the stolen goods.

8. PHAM, NOTO, and Co-Conspirator 1 formalized their joint enterprise through PBR Wholesale, LLC, which was registered in Texas on about August 14, 2023. PBR Wholesale centralized and pooled Notoco Enterprise, Phamily Distribution, and Unique Mega inventory, other assets, expenditures, and operations. PBR operated as a "cashout" group. Cashout groups are intermediaries who buy high-demand retail items, often in bulk, for cash, and make a profit when they resell the goods. PBR Wholesale held criminal proceeds that were redistributed to promote the conspiracy and pay

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themselves and co-conspirators. Co-Conspirator 1 exited the conspiracy and company within a year of formation.

ii. Discord

9. Defendants and their co-conspirators primarily used Discord, an internet communication platform, to plan, discuss, and execute the details of their scheme. In addition to direct messages with each other and other co-conspirators, Defendants used various channels on Discord servers, including "brianfnf," "bfnf 2.0," "NotoCo Wholesale," and "PBR WHOLESALE" to communicate.

10. PHAM and many of the defendants' co-conspirators were members of the private "money-talks" channel on the "brianfnf" server associated with PHAM, and this was where the bulk of the coordinating communications with other co-conspirators occurred. Defendants also used various channels on Discord to sell stolen goods and purchase fake shipping labels.

iii. Retail Return Fraud

11. Defendants and their co-conspirators primarily defrauded online retailers—including Retailer 1, Retailer 2, Retailer 3, and Retailer 4—by exploiting return policies and processes to obtain fraudulent refunds. As a co-conspirator summed up on the Discord money-talks channel, "[W]e buy shit, get refunds for it, keep the shit, sell it."

12. Generally, Defendants targeted online retailers whose practice was to refund purchases when return shipping labels were scanned and before the retailer received and inspected the return packages. Defendants knew that these retailers would refund their payments before the retailers discovered the products had not actually been returned. Defendants referred to this process as "ROS" or "Refund on Scan."

13. Defendants and their co-conspirators ordered products from ROS retailers. Next, they contacted the retailer and initiated a return, which caused the retailer

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to send return shipping labels to the defendants and their co-conspirators. Defendants and their co-conspirators then ensured that the return package appeared to be in transit to the retailer. In some instances, Defendants and their co-conspirators attached the return labels to envelopes or boxes that did not contain the products, and the retailer would receive the shipment without the refunded product. Other times, Defendants and their co-conspirators created a modified label that had the true tracking number for the return package but a different destination address, so the retailer would never receive the return package. In every instance they received a return shipping label, Defendants and their co-conspirators did not return the refunded item.

14. Defendants and their co-conspirators would then either sell the refunded items on online marketplaces or to wholesalers or other cashout groups.

15. Defendants provided each other and other co-conspirators "cook lists" which identified specific retailers and items that were being refunded and reselling particularly well on online marketplaces or with other cashout operations. Some "cook lists" included the retail price of each item, along with a cashout price, which was what the Defendants paid their co-conspirators for the stolen items that they then resold on their online marketplaces, to other cashout groups, or to wholesalers.

16. For example, a "cook list" dated April 24, 2023, included a link to an expander tool sold by Retailer 2 for approximately $650. The "cashout" price for the item was $285. From about April 12, 2023 until September 18, 2023, Defendants and their co-conspirators obtained over $124,000 in refunds from Retailer 2 for approximately 236 expander tools that they did not actually return. Instead, Defendants and Co-Conspirator 1 sold the tools on their online marketplaces for approximately $96,000.

17. Similarly, from about July 26, 2023, until May 18, 2024, Defendants and their co-conspirators obtained over $162,000 in refunds from Retailer 2 for

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approximately 353 electric tankless water heaters that they did not actually return. Instead, Defendants and Co-Conspirator 1 sold 297 of the same model water heaters on their online marketplaces for more than $181,000.

18. To obfuscate their identities and avoid triggering retailers' internal fraud monitoring systems, Defendants and their co-conspirators utilized hundreds of anonymized email addresses (e.g., using Apple's "Hide My Email" feature) and dozens of email addresses generated by custom domain names, such as goodchefsmail.com and ruolli.com. Defendants also varied their forms of payment and billing addresses to evade detection by retailers' monitoring systems. For example, NOTO made slight modifications to the street address of his home, such as "9408 [Street] Ave," "9408 1/2 [Street] Street," and "9408 #2 [Street] Rd." These and other similar tactics allowed Defendants and their co-conspirators to submit thousands of orders to retailers for goods they stole.

19. Defendants, together and with others known and unknown, used Return Fraud to steal over 1,000 stainless steel tumblers valued at over $53,000 from Retailer 1.

20. For Retailer 2, Defendants, together and with others known and unknown, stole over 2,800 home improvement products through about 585 orders valued at more than $1.4 million.

21. For Retailer 3, Defendants, together and with others known and unknown, stole over 15,000 pieces of clothing through 853 orders valued at over $1 million. Defendants primarily sold these items in bulk at below retail prices to other resellers.

22. For Retailer 4, Defendants, together and with others known and unknown, placed over 900 orders to obtain clothing valued at over $767,000.

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iv. Retailer 1 Glitch

23. In about May 2023, Defendants discovered that Retailer 1's website had a glitch that caused some canceled orders to be fulfilled even though no payment had been made for those orders (Glitch Orders). Defendants discovered that, if Defendants submitted an order for a large quantity of insulated mugs—typically 20 or more—Retailer 1 would automatically cancel the order before processing the payment because Retailer 1's system flagged these orders as potential unauthorized resellers or otherwise fraudulent. Cancelled orders should not have been sent to fulfillment. However, Defendants discovered that Glitch Orders were erroneously routed to fulfillment for processing, and the mugs would be delivered.

24. Although Retailer 1's internal safeguards prevented a large portion of attempted Glitch Orders from being fulfilled, Defendants learned that some orders evaded detection and were shipped without payment. Retailer 1 has multiple warehouses, including one in Renton, Washington, that shipped Glitch Orders.

25. Defendants and their co-conspirators used their private Discord channel and messages to discuss and coordinate placing orders to exploit the glitch by submitting a high volume of bulk orders. Defendants and their co-conspirators submitted the vast majority of their orders over a three-day period between January 24 and 27, 2024.

26. In total, Defendants, together and with their known and unknown co-conspirators, placed over 7,000 orders, seeking to obtain nearly 150,000 insulated stainless steel tumblers valued at approximately $6.5 million. PHAM personally submitted more than 1,168 bulk orders for mugs valued at over $1.1 million, and NOTO personally submitted more than 680 bulk orders for mugs valued at over $522,000. Ultimately, Defendants and their co-conspirators placed over 2,700 Glitch Orders that were fulfilled, causing the shipment of over 55,000 insulated stainless steel tumblers, worth approximately $2.4 million, without payment.

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27. Defendants and their co-conspirators routed many of their high-volume orders to warehouses in Texas and California that PHAM and NOTO leased. PHAM directed co-conspirators to use a version of their true name on the shipping address so that he could track who was responsible for which portion of the inventory. Defendants purchased the items from each buyer by "cashing out," or converting the stolen goods to payment after they received the items. The "cashout" payments were made via payment platforms like Zelle and Venmo and, in some instances, large amounts of cash in excess of $10,000. Defendants, and others known and unknown to the Grand Jury, then sold the stolen tumblers on Amazon Marketplace, wholesalers, or to other cashout operations and converted the stolen goods to proceeds for themselves.

28. In order to maximize the conspiracy's exploitation of the glitch on Retailer 1's website, PHAM instructed co-conspirators not to disclose the existence of the glitch to anyone.

29. Defendants transferred a portion of their inventory to Amazon warehouses so that some of their orders were processed through the Fulfillment by Amazon program.

30. Between about August 2, 2023 and September 18, 2024, Defendants and Co-Conspirator 1 sold over 21,700 of Retailer 1's stainless steel mugs to consumers across the nation through their Amazon Marketplaces for approximately $975,000.

D. Overt Acts

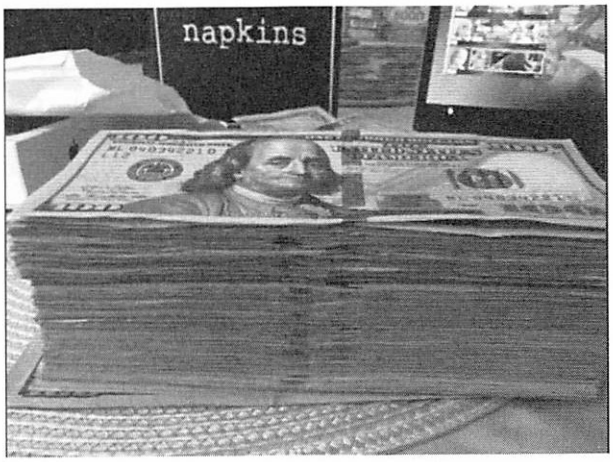
31. In furtherance of the conspiracy and to effect the objects of the conspiracy, the following overt acts, among others, were committed in the Western District of Washington and elsewhere:

a. On about August 1, 2023, PHAM used Retailer 2's customer service chat function to obtain a refund of approximately $4,600.63 for 10 tankless water heaters

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without returning the heaters. Instead, PHAM applied the return shipping label to a flat padded envelope, and the return was paid when the carrier scanned the label.

b. On about October 19, 2023, Defendants paid Co-Conspirator 2 more than $26,000 in cash as part of his "cashout" proceeds for stolen goods. On Discord, Co-Conspirator 2 narrated the exchange with the photo below photo: "Went to pick up 36k[.] Came back with 26[.]"



c. On about December 31, 2023, using PHAM's Amazon Marketplace for Phamily Distribution, Defendants sold a stolen expander tool for approximately $399.99 and caused the item to be shipped from California to Blaine, Washington.

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d. On about January 24, 2024, on the "money-talks" Discord channel, PHAM provided the Texas warehouse address and instructions for "drop-shipping" Retailer 1 Glitch Orders directly to PBR so that they could be sold for profit:

notbrianp#0: 2024-01-24 20:55:50 UTC	7406 MANSFIELD HWY STE 102 KENNEDALE, TX 76060 Use your name and last initial if you want to drop ship Rose Quartz 1.0 ONLY 🔥 🔥 Fog 🔥 Cream 🔥 Orchid 🔥 Dune Soft Matte 🔥 Stormy Sea Soft Matte 🔥 Shale Soft Matte 🔥 Nightfall Gloss Deco 🔥 Cream Gloss Deco 🔥 Eucalyptus 🔥 Pool 🔥 Black Jade Charcoal Citron Iris Flint Rose Quartz Glow 30 or 40 oz

e. On about January 24, 2024, following PHAM's instructions, Co-Conspirator 3 placed at least 58 orders to obtain 1,140 stainless steel tumblers from Retailer 1. Although the orders were immediately canceled by Retailer 1's system, 29 Glitch Orders were fulfilled, and 580 tumblers worth $26,100 were shipped to PBR's Texas warehouse. Twenty-four of the orders were shipped from Renton, Washington to Texas.

f. On about March 20, 2024, using PHAM's Amazon Marketplace for Phamily Distribution, Defendants sold a 40-ounce stainless steel tumbler stolen from Retailer 1 for approximately $47.99 and shipped the item from Texas to Seattle, Washington.

g. On about April 23, 2024, using NOTO's Amazon Marketplace for Notoco Enterprise, Defendants sold a 30-ounce stainless steel tumbler stolen from Retailer 1 for approximately $35.00 and caused the item to be shipped from California to Auburn, Washington.

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h. On about June 23, 2024, using NOTO's Amazon Marketplace for NotoCo Enterprise, Defendants sold two stolen instant hot water dispenser tanks for approximately $600 and caused the items to be shipped from Utah to Gig Harbor, Washington.

i. On about March 4, 2025, NOTO sent an invoice for the sale of approximately 624 Retailer 1 stainless steel tumblers and 185 Retailer 2 tools to a wholesaler for approximately $38,795. On about March 5, 2025, PBR received a wire for $38,795 from the wholesaler.

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

COUNTS 2–3

(Money Laundering)

32. The allegations set forth in Paragraphs 1 through 31 of this Indictment are re-alleged and incorporated as if fully set forth herein.

33. On or about the dates set forth below, in the Western District of Washington, and elsewhere, Defendants BRIAN VINH PHAM and ROMAR ARAGON NOTO, did knowingly engage and attempt to engage in the following monetary transactions by through or to a financial institution, affecting interstate or foreign commerce, in criminally-derived property of a value greater than $10,000, that is, the withdrawal, deposit, and transfer of funds, such property having been derived from a specified unlawful activity, that is, conspiracy to commit interstate transportation of stolen goods:

Count	Date	Monetary Transaction
2	December 26, 2023	$22,261.45 wire transfer from PBR Wholesale LLC JPMorgan Chase account -6899 to a Metro City Bank account

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Count	Date	Monetary Transaction
3	January 16, 2024	$22,261.45 wire transfer from PBR Wholesale LLC JPMorgan Chase account -6899 to a Metro City Bank account

All in violation of Title 18, United States Codes, Sections 1957 and 2.

FORFEITURE ALLEGATION

34. The allegations contained in Counts 1 through 3 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture.

35. Upon conviction of any of the offenses alleged in Count 1, Defendants BRIAN VINH PHAM and ROMAR ARAGON NOTO shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), by way of Title 28, United States Code, Section 2461(c), any property that constitutes or is traceable to proceeds of the offense. This property includes, but is not limited to, a sum of money reflecting the proceeds the defendant obtained from the offense.

36. Upon conviction of either of the offenses alleged in Counts 2 and 3, Defendants BRIAN VINH PHAM and ROMAR ARAGON NOTO shall forfeit to the United States any property involved in the offense. All such property is forfeitable pursuant to Title 18, United States Code, Section 982(a)(1). This property includes, but is not limited to, a sum of money reflecting the proceeds the defendant obtained from the offense.

Substitute Assets. 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,

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

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

A TRUE BILL:

DATED: 10-14-2026

Signature of Foreperson redacted pursuant to the policy of the Judicial Conference of the United States.

FOREPERSON

For

SARAH Y. VOGEL
Criminal Chief Assistant United States Attorney

For

SETH WILKINSON
Assistant United States Attorney

CINDY CHANG
Assistant United States Attorney

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Defendant Status Sheet
(Prepare ONE for EACH defendant)

Defendant Status	Defendant Name: Brian Vinh Pham Is there already a charging document filed for this defendant for this case in this district? ☐ Yes ☒ No If yes: Select Charging Doc Type If yes, please enter the cause number below: CR Enter CR Cause Number here. or MJ Enter MJ Cause Number here. Has the Defendant had an initial appearance in this case in this district? ☐ Yes ☒ No
Defendant Location	☐ At the FDC under the cause number indicated above. ☐ At the FDC under a different cause number: Enter different cause number here. ☐ In custody under this cause number in another District: Enter other District here. ☐ In custody (different cause number) in another District: Enter other info here. ☐ In local custody: Enter local jurisdiction here. ☐ In the community on supervision under cause number: Enter cause number here. ☒ At large. ☐ Other: Click or tap here to enter text.
Release	☐ Continue Conditions of release ☐ Continue Detention ☒ Not set; temporary detention; detention hearing scheduled for: Click or tap to enter a date.
Arraignment	☒ Warrant to Issue (MUST provide *Defendant Arrest Warrant*). ☐ Summons to be issued for: Click or tap to enter a date. ☐ Defendant Address: Click or tap here to enter text. ☐ Letter to defense counsel for appearance on: Click or tap to enter a date. ☐ Defense Counsel name and address: Click or tap here to enter text.
Trial	Estimated trial length (days): 5

Defendant Status Sheet
(Prepare ONE for EACH defendant)

Defendant Status	Defendant Name: Romar Aragon Noto Is there already a charging document filed for this defendant for this case in this district? ☐ Yes ☒ No If yes: Select Charging Doc Type If yes, please enter the cause number below: CR Enter CR Cause Number here. or MJ Enter MJ Cause Number here. Has the Defendant had an initial appearance in this case in this district? ☐ Yes ☒ No
Defendant Location	☐ At the FDC under the cause number indicated above. ☐ At the FDC under a different cause number: Enter different cause number here. ☐ In custody under this cause number in another District: Enter other District here. ☐ In custody (different cause number) in another District: Enter other info here. ☐ In local custody: Enter local jurisdiction here. ☐ In the community on supervision under cause number: Enter cause number here. ☒ At large. ☐ Other: Click or tap here to enter text.
Release	☐ Continue Conditions of release ☐ Continue Detention ☒ Not set; temporary detention; detention hearing scheduled for: Click or tap to enter a date.
Arraignment	☒ Warrant to Issue (MUST provide *Defendant Arrest Warrant*). ☐ Summons to be issued for: Click or tap to enter a date. ☐ Defendant Address: Click or tap here to enter text. ☐ Letter to defense counsel for appearance on: Click or tap to enter a date. ☐ Defense Counsel name and address: Click or tap here to enter text.
Trial	Estimated trial length (days): 5