

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

	:	CRIMINAL NO. _____
UNITED STATES OF AMERICA	:	DATE FILED: _____
v.	:	VIOLATIONS
	:	18 U.S.C. § 371 (conspiracy - 1 count)
DAMIAN GASDASKA	:	18 U.S.C. § 1343 (wire fraud - 6 counts)
	:	18 U.S.C. § 1344 (bank fraud - 7 counts)
	:	18 U.S.C. § 1028A (aggravated identity theft - 1 count)
	:	18 U.S.C. § 2 (aiding and abetting)
	:	Notice of forfeiture
	:	

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. Defendant DAMIAN GASDASKA resided in Phillipsburg, New Jersey.
2. Randall McMahon, charged elsewhere, resided in Easton, Pennsylvania.
3. John Cordero, charged elsewhere, resided in Breinigsville, Pennsylvania.
4. B.J. resided in Reading, Pennsylvania.
5. J.R. resided in Lindenwood, New Jersey.
6. R.F., charged elsewhere, resided in Deerfield Beach, Florida.
7. Ally Bank (“Ally”) was a financial institution, the deposits of which were

insured by the Federal Deposit Insurance Corporation, Certificate No. 57803.

8. TD Auto Finance LLC (“TD Auto”), a subsidiary of TD Bank, was a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation, Certificate No. 18409.

9. National Penn Bank (“National Penn”) was a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation, Certificate No. 7414.

10. People First Federal Credit Union (“People First”) was a financial institution, the deposits of which were insured by the National Credit Union Administration, Charter No. 6885.

11. PNC Bank (“PNC”) was a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation, Certificate No. 6384.

12. Susquehanna Bank (“Susquehanna”) was a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation, Certificate No. 7579.

13. First Commonwealth Federal Credit Union (“First Commonwealth”) was a financial institution, the deposits of which were insured by the National Credit Union Administration, Charter No. 12765.

14. Capital One Bank (“Capital One”) was a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation, Certificate No. 33954.

15. From in or about 2011 to in or about January 2013, in the Eastern District of Pennsylvania, and elsewhere, defendant

DAMIAN GASDASKA

conspired and agreed, with Randall McMahon, John Cordero, B.J., J.R., R.F., and others known and unknown to the Grand Jury, to commit offenses against the United States, that is, defendant GASDASKA intentionally devised a scheme to defraud, and to obtain money and property by means of false and fraudulent pretenses, representations, and promises, and knowingly executed, and attempted to execute, a scheme to defraud various financial institutions, including Ally, TD Auto, National Penn, People First, PNC, Susquehanna, First Commonwealth, and Capital One, the deposits of which were insured by the Federal Deposit Insurance Corporation and the National Credit Union Administration, and to obtain monies owned by and under the care, custody, and control of these financial institutions by means of false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Sections 1343 and 1344.

MANNER AND MEANS

It was part of the scheme that:

16. Defendant DAMIAN GASDASKA obtained and used personal identifying information to create false identities, which he then utilized in various ways, such as applying for credit cards and purchasing or renting vehicles. While defendant GASDASKA fabricated some of this personal identifying information, much of the personal identifying information that defendant GASDASKA obtained related to actual individuals. For instance, defendant GASDASKA obtained some personal identifying information from old court records.

17. Defendant DAMIAN GASDASKA took steps to create favorable credit profiles for these false identities, and to improve the individuals' credit profiles. These steps included obtaining reports on the individuals, requesting the modification of information in the reports, and engaging in transactions in the names of the false identities to improve their credit profiles.

18. In his effort to create false identities for subsequent use, defendant DAMIAN GASDASKA also prepared or obtained numerous false documents to assist his fraud. For instance, defendant GASDASKA prepared or obtained false driver's licenses, social security cards, college identifications, insurance cards, employment records, and bills and invoices.

19. Defendant DAMIAN GASDASKA used the false identities and these false documents to apply for credit cards in the names of the false identities. Defendant GASDASKA often designated other false identities as authorized users of the credit cards.

20. When the credit card companies approved the fraudulent applications and issued the credit cards, defendant DAMIAN GASDASKA provided some of the fraudulent credit cards to his co-conspirators and kept some for himself.

21. Defendant DAMIAN GASDASKA and his co-conspirators used the fraudulent credit cards to purchase various items, intending not to pay the credit card bills. For example, they often used the credit cards to purchase small, expensive electronic equipment that could be readily resold.

22. After the co-conspirators made their purchases, they often provided the purchased items to defendant GASDASKA, who then sold them and paid the co-conspirators for their illegal services.

23. Defendant DAMIAN GASDASKA and his co-conspirators also used the false identities to enter fraudulent telephone contracts. The fraudulent transactions often enabled defendant GASDASKA and his co-conspirators to obtain telephones at far below market price, and then to sell them for a profit.

24. Defendant DAMIAN GASDASKA took photographs of himself and his co-conspirators to create false identifications that they used. Defendant GASDASKA also used photographs of individuals who appeared similar to himself and his co-conspirators to create the false identifications.

25. Defendant DAMIAN GASDASKA and his co-conspirators sometimes used the false identifications and fraudulent credit cards to rent vehicles using the false information.

26. Defendant DAMIAN GASDASKA and his co-conspirators also used the false identities to apply for car loans and leases from banks and credit unions.

27. Defendant DAMIAN GASDASKA and his co-conspirators then used the false identifications and the fraudulent loans to purchase vehicles from various car dealerships.

28. During the conspiracy, defendant DAMIAN GASDASKA used Post Offices boxes in the name of the false identities to receive mail for various purposes, such as in connection with credit card applications.

29. Defendant DAMIAN GASDASKA also used computers at public libraries to further the conspiracy.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its objects, defendant DAMIAN GASDASKA and his co-conspirators committed the following overt acts, among others, in the Eastern District of Pennsylvania and elsewhere:

1. On or about June 30, 2011, defendant DAMIAN GASDASKA and John Cordero used false personal identifying information in the name of I.N. to apply for credit to lease or purchase a vehicle.
2. On or about July 5, 2011, John Cordero went to Star Buick GMC in Easton, Pennsylvania and used a false identification in the name of I.N.R. to lease a 2011 Buick Lacrosse from Ally.
3. On or about March 3, 2012, defendant DAMIAN GASDASKA caused false personal identifying information, a false identification, a false social security card, a false earnings statement, and a false electrical bill—all in the name of M.M.—to be used to obtain a fraudulent car loan of approximately \$24,389 from TD Auto and to purchase a 2006 BMW from 21st Century Auto Group Inc.
4. In or about June 2012, defendant DAMIAN GASDASKA obtained a false identification in the name of D.D.R. and provided it to John Cordero.
5. On or about June 25, 2012, John Cordero used false personal identifying information in the name of D.D.R. to apply for a fraudulent car lease of an Acura.
6. On or about June 26, 2012, John Cordero went to Lehigh Valley Acura in Emmaus, Pennsylvania and used false personal identifying information and a false identification in the name of D.D.R. to obtain a fraudulent car loan in the amount of approximately \$32,688

from National Penn and to purchase a 2012 Acura.

7. On or about July 8, 2012, defendant DAMIAN GASDASKA and Randall McMahon caused wire communications between Enterprise Rent-A-Car in Easton, Pennsylvania and Bank of America in Denver, Colorado to charge a credit card in the name of C.R. in order to rent a vehicle.

8. On or about August 8, 2012, defendant DAMIAN GASDASKA, Randall McMahon, and B.J. caused wire communications between a Target store in Newark, Delaware and Capital One in the State of Georgia to make fraudulent credit card charges.

9. On or about August 8, 2012, defendant DAMIAN GASDASKA, Randall McMahon, and B.J. caused wire communications between Joe's Crab Shack in Wilmington, Delaware and Capital One in the State of Georgia to make fraudulent credit card charges.

10. In or about August 2012, defendant DAMIAN GASDASKA obtained a false identification in the name of J.O. and provided it to B.J.

11. On or about August 24, 2012, B.J. and defendant DAMIAN GASDASKA went to Rothrock Motor Sales in Allentown, Pennsylvania and used false personal identifying information and a false identification—all in the name of J.O.—to purchase a vehicle.

12. On or about August 31, 2012, B.J. and defendant DAMIAN GASDASKA returned to Rothrock Motor Sales in Allentown, Pennsylvania and used false personal identifying information, a false identification, and a fraudulent car loan in the amount of approximately \$23,068 from People First—all in the name of J.O.—to purchase a 2007 BMW.

13. On or about September 7, 2012, defendant DAMIAN GASDASKA and Randall McMahon used false personal identifying information in the name of M.M. to obtain a

fraudulent car loan in the amount of approximately \$21,850 from PNC.

14. On or about September 7, 2012, Randall McMahon went to Executive Auto Gallery Inc. in Walnutport, Pennsylvania and used a false identification in the name of M.M. and the fraudulent car loan to purchase a 2009 Lexus.

15. On or about September 25, 2012, defendant DAMIAN GASDASKA and J.R. used a false identification and false personal identifying information in the name of W.M. to obtain a fraudulent car loan in the amount of approximately \$41,186.91 from Susquehanna.

16. On or about September 25, 2012, J.R. went to Star Buick/GMC Cadillac in Quakertown, Pennsylvania and used the false identification in the name of W.M. and a fraudulent car loan to purchase a 2010 GMC Yukon.

17. On or about November 20, 2012, defendant DAMIAN GASDASKA used false personal identifying information in the name of E.F. to obtain a fraudulent car loan in the amount of approximately \$21,589 from PNC.

18. On or about December 4, 2012, defendant DAMIAN GASDASKA and at least one co-conspirator went to Executive Auto Gallery Inc. in Walnutport, Pennsylvania and used a false identification in the name of E.F. and a fraudulent car loan to purchase a 2008 Mercedes.

19. On or about November 29, 2012, defendant DAMIAN GASDASKA and Randall McMahon went to Thrifty Car Sales in Coopersburg, Pennsylvania and used a false identification, false personal identifying information, and a false earnings statement—all in the name of M.L.—to obtain a fraudulent car loan in the amount of approximately \$27,795 from First Commonwealth and to purchase a 2009 Infinity.

20. In or about late November or early December 2012, defendant DAMIAN GASDASKA and a co-conspirator used false personal identifying information in the name of M.L. in an attempt to obtain a fraudulent car loan in the amount of approximately \$16,954 from Capital One.

21. In or about December 2012, defendant DAMIAN GASDASKA and a co-conspirator went to Star Buick/GMC Cadillac in Quakertown, Pennsylvania and used false identification, false personal identifying information, and a false earnings statement—in the names of M.L. and F.R.S.—to attempt to purchase a 2006 Cadillac.

22. On or about December 10, 2012, defendant DAMIAN GASDASKA went to Kelly Mitsubishi in Emmaus, Pennsylvania and used a false identification, false personal identifying information, and false earnings statements—all in the name of F.R.S.—in an attempt to obtain a fraudulent car loan in the amount of approximately \$16,950 from First Commonwealth and other banks and to purchase a 2009 Honda.

23. On or about December 10, 2012, defendant DAMIAN GASDASKA used false personal identifying information in the name of F.R. to obtain a fraudulent car loan in the amount of approximately \$16,849 from PNC.

24. On or about December 11, 2012, defendant DAMIAN GASDASKA and one or more of his co-conspirators went to Executive Auto Gallery Inc. in Walnutport, Pennsylvania and used a false identification in the name of F.R.S. and a fraudulent car loan to purchase a 2009 Jeep Commander.

25. On or about January 12, 2013, after defendant DAMIAN GASDASKA was arrested and charged by local law enforcement authorities in connection with this fraudulent

conduct, he signed or caused to be signed a Pentagon Federal Credit Union signature card in the name of A.F.

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

COUNTS TWO THROUGH SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

At all times material to this indictment:

1. Paragraphs 1 through 6, 16 through 25, 28, and 29 and Overt Acts 7 through 9 and 25 of Count One are incorporated here.

2. From in or about 2011 to in or about January 2013, defendant

DAMIAN GASDASKA

and others known and unknown to the Grand Jury, devised and intended to devise a scheme to defraud various vendors and credit card companies, and to obtain money and property by means of false and fraudulent pretenses, representations, and promises.

3. On or about each of the dates set forth below, in the Eastern District of Pennsylvania and elsewhere, defendant

DAMIAN GASDASKA,

for the purpose of executing the scheme described above, and attempting to do so, and aiding and abetting its execution, caused to be transmitted by means of wire communication in interstate commerce the signals and sounds described below for each count, each transmission constituting a separate count:

COUNT	DATE	DESCRIPTION
TWO	4/18/12	Wire communications between an Apple store in Whitehall, Pennsylvania and Pentagon Federal Credit Union in State of Nebraska to charge a credit card in the name of B.D.C., C.R., or B.L.
THREE	7/8/12	Wire communications between Enterprise Rent-A-Car in Easton, Pennsylvania and Bank of America in Denver, Colorado to charge a credit card in the name of C.R.

FOUR	8/8/12	Wire communications between a Walmart store in Reading, Pennsylvania and Capital One in the State of Georgia to charge a credit card in the name of L.C.M.C., R.F., B.J., C.R., or B.L.
FIVE	12/9/12	Wire communications between a Neiman Marcus store in Pottstown, Pennsylvania and Citibank in Ohio or Texas to charge a credit card in the name of W.M.
SIX	12/18/12	Wire communications between a Coach store in Limerick Township, Pennsylvania and Citibank in Ohio or Texas to charge a credit card in the name of W.M.
SEVEN	12/25/12	Wire communications between a Walgreens store in Easton, Pennsylvania and Citibank in Ohio or Texas to charge a credit card in the name of W.M.

All in violation of Title 18, United States Code, Sections 1343, 1349, and 2.

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

At all times relevant to this indictment:

1. Paragraphs 1 through 14, 16 through 18, 24, 26 through 29 and Overt Acts 1 and 2 of Count One are incorporated here.

2. From in or about June 2011 through in or about July 2011, in the Eastern District of Pennsylvania, and elsewhere, defendant

DAMIAN GASDASKA

knowingly executed, and attempted to execute, and aided and abetted the execution of, a scheme to defraud Ally, and to obtain monies owned by and under the care, custody, and control of Ally by means of false and fraudulent pretenses, representations, and promises.

THE SCHEME

3. Defendant DAMIAN GASDASKA created and used a false identity in the name of I.N. and I.N.R.

4. On or about June 30, 2011, defendant DAMIAN GASDASKA and John Cordero used false personal identifying information in the name of I.N. to apply for credit to lease or purchase a vehicle.

5. On or about July 5, 2011, John Cordero went to Star Buick GMC in Easton, Pennsylvania and used a false identification in the name of I.N.R. to lease a 2011 Buick Lacrosse from Ally.

In violation of Title 18, United States Code, Sections 1344 and 2.

COUNT NINE

THE GRAND JURY FURTHER CHARGES THAT:

At all times relevant to this indictment:

1. Paragraphs 1 through 14, 16 through 18, 24, 26 through 29 and Overt Acts 4 through 6 of Count One are incorporated here.

2. From in or about June 2012 through in or about July 2012, in the Eastern District of Pennsylvania, and elsewhere, defendant

DAMIAN GASDASKA

knowingly executed, and attempted to execute, and aided and abetted the execution of, a scheme to defraud National Penn, and to obtain monies owned by and under the care, custody, and control of National Penn by means of false and fraudulent pretenses, representations, and promises.

THE SCHEME

3. Defendant DAMIAN GASDASKA created and used a false identity in the name of D.D.R.

4. In or about June 2012, defendant DAMIAN GASDASKA obtained a false identification in the name of D.D.R. and provided it to John Cordero.

5. On or about June 25, 2012, John Cordero used false personal identifying information in the name of D.D.R. to apply for a fraudulent car lease of an Acura.

6. On or about June 26, 2012, John Cordero went to Lehigh Valley Acura in Emmaus, Pennsylvania and used false personal identifying information and a false identification in the name of D.D.R. to obtain a fraudulent car loan in the amount of approximately \$32,688

from National Penn and to purchase a 2012 Acura.

In violation of Title 18, United States Code, Sections 1344 and 2.

COUNT TEN

THE GRAND JURY FURTHER CHARGES THAT:

At all times relevant to this indictment:

1. Paragraphs 1 through 14, 16 through 18, 24, 26 through 29 and Overt Acts 10 through 12 of Count One are incorporated here.

2. In or about August 2012, in the Eastern District of Pennsylvania, and elsewhere, defendant

DAMIAN GASDASKA

knowingly executed, and attempted to execute, and aided and abetted the execution of, a scheme to defraud People First, and to obtain monies owned by and under the care, custody, and control of People First by means of false and fraudulent pretenses, representations, and promises.

THE SCHEME

3. Defendant DAMIAN GASDASKA created and used a false identity in the name of B.J.

4. In or about August 2012, defendant DAMIAN GASDASKA obtained a false identification in the name of J.O. and provided it to B.J.

5. On or about August 24, 2012, defendant DAMIAN GASDASKA and B.J. went to Rothrock Motor Sales in Allentown, Pennsylvania and used false personal identifying information and a false identification—all in the name of J.O.—to purchase a vehicle.

6. On or about August 31, 2012, defendant DAMIAN GASDASKA and B.J. returned to Rothrock Motor Sales in Allentown, Pennsylvania and used false personal identifying information, a false identification, and a fraudulent car loan in the amount of approximately

\$23,068 from People First—all in the name of J.O.—to purchase a 2007 BMW.

In violation of Title 18, United States Code, Sections 1344 and 2.

COUNT ELEVEN

THE GRAND JURY FURTHER CHARGES THAT:

At all times relevant to this indictment:

1. Paragraphs 1 through 14, 16 through 18, 24, 26 through 29 and Overt Acts 13, 14, 17, 18, 22, and 23 of Count One are incorporated here.

2. From in or about September 2012 through in or about December 2012, in the Eastern District of Pennsylvania, and elsewhere, defendant

DAMIAN GASDASKA

knowingly executed, and attempted to execute, and aided and abetted the execution of, a scheme to defraud PNC, and to obtain monies owned by and under the care, custody, and control of PNC by means of false and fraudulent pretenses, representations, and promises.

THE SCHEME

3. Defendant DAMIAN GASDASKA created and used false identities in the names of M.M., E.F., F.R., and F.R.S.

4. On or about September 7, 2012, defendant DAMIAN GASDASKA and Randall McMahon used false personal identifying information in the name of M.M. to obtain a fraudulent car loan in the amount of approximately \$21,850 from PNC.

5. On or about September 7, 2012, Randall McMahon went to Executive Auto Gallery Inc. in Walnutport, Pennsylvania and used a false identification in the name of M.M. and the fraudulent car loan to purchase a 2009 Lexus.

6. On or about November 20, 2012, defendant DAMIAN GASDASKA used false personal identifying information in the name of E.F. to obtain a fraudulent car loan in the amount of approximately \$21,589 from PNC.

7. On or about December 4, 2012, defendant DAMIAN GASDASKA and at least one co-conspirator went to Executive Auto Gallery Inc. in Walnutport, Pennsylvania and used a false identification in the name of E.F. and a fraudulent car loan to purchase a 2008 Mercedes.

8. On or about December 10, 2012, defendant DAMIAN GASDASKA used false personal identifying information in the name of F.R. to obtain a fraudulent car loan in the amount of approximately \$16,849 from PNC.

9. On or about December 11, 2012, defendant DAMIAN GASDASKA and one or more of his co-conspirators went to Executive Auto Gallery Inc. in Walnutport, Pennsylvania and used a false identification in the name of F.R.S. and a fraudulent car loan to purchase a 2009 Jeep Commander.

In violation of Title 18, United States Code, Sections 1344 and 2.

COUNT TWELVE

THE GRAND JURY FURTHER CHARGES THAT:

At all times relevant to this indictment:

1. Paragraphs 1 through 14, 16 through 18, 24, 26 through 29 and Overt Acts 15 and 16 of Count One are incorporated here.

2. In or about September 2012, in the Eastern District of Pennsylvania, and elsewhere, defendant

DAMIAN GASDASKA

knowingly executed, and attempted to execute, and aided and abetted the execution of, a scheme to defraud Susquehanna, and to obtain monies owned by and under the care, custody, and control of Susquehanna by means of false and fraudulent pretenses, representations, and promises.

THE SCHEME

3. Defendant DAMIAN GASDASKA created and used a false identity in the name of W.M.

4. On or about September 25, 2012, defendant DAMIAN GASDASKA and J.R. used a false identification and false personal identifying information in the name of W.M. to obtain a fraudulent car loan in the amount of approximately \$41,186.91 from Susquehanna.

5. On or about September 25, 2012, J.R. went to Star Buick/GMC Cadillac in Quakertown, Pennsylvania and used the false identification in the name of W.M. and a fraudulent car loan to purchase a 2010 GMC Yukon.

In violation of Title 18, United States Code, Sections 1344 and 2.

COUNT THIRTEEN

THE GRAND JURY FURTHER CHARGES THAT:

At all times relevant to this indictment:

1. Paragraphs 1 through 14, 16 through 18, 24, 26 through 29 and Overt Acts 19 and 22 of Count One are incorporated here.

2. From in or about November and December 2012, in the Eastern District of Pennsylvania, and elsewhere, defendant

DAMIAN GASDASKA

knowingly executed, and attempted to execute, and aided and abetted the execution of, a scheme to defraud First Commonwealth, and to obtain monies owned by and under the care, custody, and control of First Commonwealth by means of false and fraudulent pretenses, representations, and promises.

THE SCHEME

3. Defendant DAMIAN GASDASKA created and used false identities in the names of M.L. and F.R.S.

4. On or about November 29, 2012, defendant DAMIAN GASDASKA and Randall McMahon went to Thrifty Car Sales in Coopersburg, Pennsylvania and used a false identification, false personal identifying information, and a false earnings statement—all in the name of M.L.—to obtain a fraudulent car loan in the amount of approximately \$27,795 from First Commonwealth and to purchase a 2009 Infinity.

5. On or about December 10, 2012, defendant DAMIAN GASDASKA went to Kelly Mitsubishi in Emmaus, Pennsylvania and used a false identification, false personal

identifying information, and false earnings statements—all in the name of F.R.S.—in an attempt to obtain a fraudulent car loan in the amount of approximately \$16,950 from First Commonwealth and other banks and to purchase a 2009 Honda.

In violation of Title 18, United States Code, Sections 1344 and 2.

COUNT FOURTEEN

THE GRAND JURY FURTHER CHARGES THAT:

At all times relevant to this indictment:

1. Paragraphs 1 through 14, 16 through 18, 24, 26 through 29 and Overt Acts 20 and 21 of Count One are incorporated here.

2. From in or about November and December 2012, in the Eastern District of Pennsylvania, and elsewhere, defendant

DAMIAN GASDASKA

knowingly executed, and attempted to execute, and aided and abetted the execution of, a scheme to defraud Capital One, and to obtain monies owned by and under the care, custody, and control of Capital One by means of false and fraudulent pretenses, representations, and promises.

THE SCHEME

3. Defendant DAMIAN GASDASKA created and used false identities in the name of M.L. and F.R.S.

4. In or about late November or early December 2012, defendant DAMIAN GASDASKA and a co-conspirator used false personal identifying information in the name of M.L. in an attempt to obtain a fraudulent car loan in the amount of approximately \$16,954 from Capital One.

5. In or about December 2012, defendant DAMIAN GASDASKA and a co-conspirator went to Star Buick/GMC Cadillac in Quakertown, Pennsylvania and used false identification, false personal identifying information, and a false earnings statement—in the names of M.L. and F.R.S.—to attempt to purchase a 2006 Cadillac.

In violation of Title 18, United States Code, Sections 1344 and 2.

COUNT FIFTEEN

THE GRAND JURY FURTHER CHARGES THAT:

At all times relevant to this indictment:

1. Paragraphs 1, 4, 10, 16, 17, 18, 24, 26, 27, and 29 and Overt Act 19 of Count One are incorporated here.

2. On or about November 29, 2012, in Coopersburg, in the Eastern District of Pennsylvania, and elsewhere, defendant

DAMIAN GASDASKA

knowingly and without lawful authority used a means of identification of another person, that is, the name, social security number, and date of birth of M.L., during and in relation to a bank fraud.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(5) and 2.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

At all times relevant to this indictment:

1. As a result of the violations of Title 18, United States Code, Sections 371, 1343, and 1344, set forth in this indictment, defendant

DAMIAN GASDASKA

shall forfeit to the United States of America any property that constitutes, or is derived from, proceeds traceable to the commission of such offenses, including, but not limited to, the sum of \$400,000.

2. If any of the property 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 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 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 982(b), both incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Sections 981(a)(1)(C) and 982(a)(2).

A TRUE BILL:

GRAND JURY FOREPERSON

**ZANE DAVID MEMEGER
UNITED STATES ATTORNEY**