

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**SECOND SUPERSEDING INDICTMENT FOR BANK FRAUD,  
MAIL FRAUD, INTERSTATE TRANSPORTATION OF STOLEN  
FUNDS, MONEY LAUNDERING, INCOME TAX EVASION,  
FILING FALSE INCOME TAX RETURNS, OBSTRUCTION OF  
JUSTICE, UNLAWFUL COMPUTER INTRUSION, UNLAWFUL  
ACCESS TO STORED COMMUNICATIONS AND FORFEITURE**

**UNITED STATES OF AMERICA**

**\* CRIMINAL NO.: 07-103**

**v.**

**\* SECTION: "L" (5)**

**JAMES G. PERDIGAO  
a/k/a Jamie Perdigao**

**\* VIOLATION: 18 U.S.C. § 1341  
18 U.S.C. § 1344  
\* 18 U.S.C. § 2314  
18 U.S.C. § 1957  
\* 26 U.S.C. § 7201  
26 U.S.C. § 7206(1)  
\* 18 U.S.C. § 1503(a)  
18 U.S.C. § 1030(a)(2)(c)  
\* 18 U.S.C. § 2701(a)(1)**

\* \* \*

The Grand Jury charges that:

**COUNT 1**

**BANK FRAUD**

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

1. **JAMES G. PERDIGAO, a/k/a Jamie Perdigao**, defendant herein (hereinafter referred to as **PERDIGAO**) was an attorney employed by a New Orleans, Louisiana law firm, Adams and Reese, LLP.

2. Adams and Reese, LLP (hereinafter referred to Adams & Reese), is a law firm with its principal office located in New Orleans, Louisiana wherein **PERDIGAO** was employed as an attorney from on or about May 1987 to on or about October 2004. At all pertinent times of **PERDIGAO**'s employment with Adams & Reese, he was bound by their partnership agreement which in part provided that no partner may engage in the practice of law except that of the partnership (Adams & Reese). Accordingly, **PERDIGAO** could not engage in the representation and practice of law outside of his employment with Adams & Reese. Furthermore, all client payments submitted pursuant to billing invoices by all attorneys employed by Adams & Reese were the property of Adams & Reese and were only to be deposited in an Adams & Reese operating bank account. Beginning at a time unknown but as early as 1991 and continuing until October 2004, **PERDIGAO** stole millions of dollars in the form of checks and other funds belonging to Adams & Reese.

3. Pinnacle Entertainment, Inc. (hereinafter referred to as Pinnacle) is a publicly traded Delaware Corporation with its headquarters located in Las Vegas, Nevada. Pinnacle owns and operates casinos throughout the United States, including Louisiana. Pinnacle is a corporate parent of Louisiana-1 Gaming, a partnership domiciled in Louisiana with its principal place of business in Harvey, Louisiana. Louisiana-1 Gaming operated the Riverboat Casino called Boomtown Casino (hereinafter referred to as Boomtown). Pinnacle employed Adams & Reese to provide legal services. One of the Adams & Reese lawyers who performed legal services for Pinnacle and its companies was **PERDIGAO**.

4. Bank One (now Chase Bank) was a financial institution located in New Orleans, Louisiana, (Eastern District of Louisiana) and elsewhere, the deposits of which were insured by the

Federal Deposit Insurance Corporation. The defendant, **PERDIGAO**, had ownership, dominion and control over numerous bank accounts at Bank One.

5. Harrah's Operating Company, Inc. (hereinafter referred to as Harrah's), is a gaming company that owns and operates casinos throughout the United States including Louisiana. Harrah's acquired Horseshoe Entertainment which operated a casino in Shreveport, Louisiana. Harrah's was expecting a tax refund check in July 2004 from the Caddo Parish Sheriff's Office as a result of Harrah's acquisition of Horseshoe Entertainment.

6. Whitney Bank was a financial institution located in New Orleans, Louisiana, the deposits of which were insured by the Federal Deposit Insurance Corporation.

7. Earned Income Tax Credit (EITC) is a refundable federal income tax credit for low-income individuals and families. The defendant, **PERDIGAO**, fraudulently qualified himself for the Earned Income Tax Credit (EITC) for his personal federal income tax return for the tax year 2003.

**B. SCHEME TO DEFRAUD - STOLEN ADAMS & REESE CHECKS:**

Beginning at a time unknown but as early as 1991 and continuing through on or about October 2004, in the Eastern District of Louisiana and elsewhere, the defendant, **PERDIGAO**, did knowingly and willfully devise and intend to devise a scheme and artifice to defraud Bank One (now Chase Bank) by knowingly depositing stolen checks and funds belonging to Adams & Reese into his bank accounts at Bank One.

It was part of the scheme to defraud Bank One that from on or about the beginning of November 2003 through the end of August 2004, **PERDIGAO** stole approximately 2.2 million dollars in checks belonging to Adams & Reese. The defendant, **PERDIGAO**, accomplished this

fraud by misrepresenting his authority to Bank One and fraudulently endorsing checks that were payable to Adams & Reese. The defendant, **PERDIGAO**, deposited these stolen checks from Adams & Reese into his Bank One accounts.

**C. THE EXECUTION:**

On or about November 7, 2003, the defendant, **PERDIGAO**, did knowingly execute and attempt to execute a scheme and artifice to defraud as set forth above in that he falsely endorsed and deposited a stolen check payable to Adams & Reese, identified as check number 69616 in the amount of \$29,246.33 from Boomtown (payor) into his Bank One account, thereby exposing Bank One to risk of civil liability and financial loss by making those funds available for withdrawal.

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

**COUNTS 2 -11**

**BANK FRAUD - STOLEN ADAMS & REESE CHECKS**

1. The allegations contained in parts A and B of Count 1 are hereby re-alleged and incorporated by reference.

2. On or about the dates listed below in the Eastern District of Louisiana and elsewhere, the defendant, **PERDIGAO**, did knowingly execute and attempt to execute the scheme and artifice to defraud, as set forth in part B of Count 1, caused the stolen checks listed below belonging to Adams & Reese to be deposited into his Bank One accounts, thereby making those funds available for withdrawal and exposing Bank One to risk of civil liability and financial loss:

<b>Count</b>	<b>Date of Deposit</b>	<b>Check Number/Payor</b>	<b>Amount</b>
2	12/12/2003	#70228 - Boomtown	\$47,518.64
3	12/12/2003	#190 - Pinnacle	\$70,057.80

<b>Count</b>	<b>Date of Deposit</b>	<b>Check Number/Payor</b>	<b>Amount</b>
4	12/24/2003	#1230597686 - Zurich American Insurance Co.	\$47,355.00
5	02/20/2004	#710 - Pinnacle	\$58,535.84
6	04/30/2004	#1194 - Pinnacle	\$49,651.53
7	05/27/2004	#1704 - Pinnacle	\$87,416.53
8	06/30/2004	#74285 - Boomtown	\$53,337.69
9	06/30/2004	#1875 - Pinnacle	\$42,874.51
10	08/24/2004	#14120547 - New Hampshire Insurance Co.	\$30,328.00
11	08/31/2004	#75631 - Boomtown	\$57,872.86

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

**COUNT 12**

**BANK FRAUD - STOLEN HARRAH'S CHECK**

**A. The allegations contained in part A of Count 1 are hereby re-alleged and incorporated by reference.**

**B. SCHEME TO DEFRAUD:**

Beginning on or about July 30, 2004 and continuing through on or about August 24, 2004, in the Eastern District of Louisiana and elsewhere, the defendant, **PERDIGAO**, did knowingly and willfully devise and intend to devise a scheme and artifice to defraud Bank One by knowingly depositing a stolen check belonging to Harrah's into his Bank One account.

**C. THE EXECUTION:**

On or about August 24, 2004, the defendant, **PERDIGAO**, did knowingly execute and attempt to execute a scheme and artifice to defraud in that he falsely endorsed and deposited a stolen check identified as check number 027721 in the amount of \$485,492.49 from the Caddo Parish

Sheriff's Office (payor) payable to Horseshoe Entertainment into the defendant's Bank One account thereby exposing Bank One to risk of civil liability and financial loss by making those funds available for withdrawal.

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

**COUNTS 13 - 30**

**MAIL FRAUD - FALSE BILLING INVOICES SCHEME**

1. The allegations contained in part A of Count 1 are hereby re-alleged and incorporated by reference.

2. Beginning at a time unknown but as early as 1993 and continuing through on or about October 2004, the defendant, **PERDIGAO**, devised and intended to devise a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, to wit: by creating false and fictitious legal billing invoices from his employer Adams & Reese in order to obtain approximately \$7 million dollars from Pinnacle and Boomtown.

**A. THE MAILINGS:**

On or about the dates listed below in the Eastern District of Louisiana and elsewhere, the defendant, **PERDIGAO**, for the purpose of executing and attempting to execute the scheme and artifice to defraud did knowingly cause to be delivered and received by the entities listed below through the mail:

<b>Count</b>	<b>Date of Mailing/Receipt of Mailing</b>	<b>Addressee</b>	<b>Amount of Invoice</b>
13	08/17/2004	Boomtown Harvey, LA	\$ 994.20
14	08/17/2004	Boomtown Harvey, LA	\$ 2,979.43
15	08/17/2004	Boomtown Harvey, LA	\$ 1,386.22
16	08/17/2004	Boomtown Harvey, LA	\$ 5,110.56
17	08/17/2004	Boomtown Harvey, LA	\$ 5,256.68
18	08/17/2004	Boomtown Harvey, LA	\$ 5,191.29
19	08/17/2004	Boomtown Harvey, LA	\$ 5,306.02
20	08/19/2004	Boomtown Harvey, LA	\$15,184.12
21	03/07/2003	Pinnacle Las Vegas, NV	\$15,626.43
22	03/28/2003	Pinnacle Las Vegas, NV	\$ 5,978.34
23	03/28/2003	Pinnacle Las Vegas, NV	\$ 4,206.61
24	05/27/2003	Pinnacle Las Vegas, NV	\$15,989.68
25	05/27/2003	Pinnacle Las Vegas, NV	\$16,400.46
26	11/30/2003	Pinnacle Las Vegas, NV	\$15,231.51
27	03/29/2004	Pinnacle Las Vegas, NV	\$11,084.74

<b>Count</b>	<b>Date of Mailing/Receipt of Mailing</b>	<b>Addressee</b>	<b>Amount of Invoice</b>
28	05/03/2004	Pinnacle Las Vegas, NV	\$ 5,437.66
29	05/19/2004	Pinnacle Las Vegas, NV	\$ 5,699.08
30	07/29/2004	Pinnacle Las Vegas, NV	\$ 6,680.57

All in violation of Title 18, United States Code, Sections 1341 and 2.

**COUNTS 31-40**

**INTERSTATE TRANSPORTATION OF STOLEN FUNDS**

1. The allegations contained in part A of Count 1 are hereby re-alleged and incorporated by reference.

2. Beginning at a time unknown but as early as 1991 and continuing through on or about October 2004, in the Eastern District of Louisiana and elsewhere, the defendant, **PERDIGAO**, did knowingly and willfully devise and intend to devise a scheme and artifice to defraud Adams and Reese by means of false and fraudulent pretenses for the purpose of obtaining money and property from Adams and Reese in that **PERDIGAO** fraudulently accessed an Adams and Reese bank account and thereby exceeded his authorized access by making unauthorized withdrawals from the Adams and Reese bank account and then transferring and converting these unauthorized withdrawals to other bank accounts controlled by **PERDIGAO** totaling approximately \$23 million dollars.

3. On or about the dates listed below in the Eastern District of Louisiana and elsewhere, the defendant, **PERDIGAO**, willfully and knowingly transported and caused to be transported in interstate commerce, between the State of Louisiana and the State of New York, monies and



securities with the value of \$5,000.00 or more, that is, wire transfers in the amounts listed below, drawn on bank accounts controlled by the defendant, listed below, that the defendant well knew to be stolen and taken by fraud.

<b>Count</b>	<b>Date</b>	<b>Bank Account Number</b>	<b>Amount</b>
31	10/06/2004	Bank One 110133900	\$ 685,000.00
32	10/07/2004	Whitney 10008006855	\$ 3,145,000.00
33	10/07/2004	Bank One 110139410	\$ 630,000.00
34	10/08/2004	Bank One 110133560	\$ 1,130,000.00
35	10/08/2004	Bank One 110139712	\$ 3,455,000.00
36	10/08/2004	Bank One 110082419	\$ 585,000.00
37	10/08/2004	Bank One 110212959	\$ 185,000.00
38	10/12/2004	Bank One 110133579	\$ 2,670,000.00
39	10/12/2004	Bank One 110360303	\$ 3,070,000.00
40	10/12/2004	Bank One 110359321	\$ 3,650,000.00

All in violation of Title 18, United States Code, Sections 2314 and 2.

**COUNTS 41-50**

**MONEY LAUNDERING**

1. The allegations contained in part A of Count 1 are hereby re-alleged and incorporated by reference.

2. On or about the dates listed below in the Eastern District of Louisiana and elsewhere, the defendant, **PERDIGAO**, did knowingly engage in a monetary transaction, by, through and to a financial institution affecting interstate and foreign commerce in criminally derived property with a value of greater than \$10,000.00, that is the defendant, **PERDIGAO**, did deposit and cause to be

deposited into the Credit Suisse Bank located in Zurich, Switzerland through several wire transfers, from the Bank of New York, as indicated below, knowing that such property and funds, having been derived from a specified unlawful activity, that is the interstate transportation of money in the amount of approximately \$19,205,000.00 that was stolen, converted, embezzled and taken by fraud.

<b>Count</b>	<b>Date</b>	<b>Amount</b>
41	10/06/2004	\$ 685,000.00
42	10/07/2004	\$ 3,145,000.00
43	10/07/2004	\$ 630,000.00
44	10/08/2004	\$ 1,130,000.00
45	10/08/2004	\$ 3,455,000.00
46	10/08/2004	\$ 585,000.00
47	10/08/2004	\$ 185,000.00
48	10/12/2004	\$ 2,670,000.00
49	10/12/2004	\$ 3,070,000.00
50	10/12/2004	\$ 3,650,000.00

All in violation of Title 18, United States Code, Section 1957 and 2.

**COUNTS 51-54**

**INCOME TAX EVASION - (CALENDAR YEARS 2000-2003)**

1. The allegations contained in part A of Count 1 are hereby re-alleged and incorporated by reference.

2. That on or about the dates listed below in the Eastern District of Louisiana, the defendant, **PERDIGAO**, a resident of New Orleans, Louisiana, did willfully attempt to evade and defeat a large part of the income tax due and owing by him to the United States of America for the

calendar years in the amounts listed below, by concealing and attempting to conceal from the Internal Revenue Service the nature and extent of his income by intentionally not including on his personal tax returns, millions of dollars that he was stealing from Adams & Reese and others and then depositing those funds in bank accounts controlled by **PERDIGAO**.

Additionally, **PERDIGAO** intentionally prepared and created fraudulent partnership tax returns. These fraudulent partnership tax returns generated losses that **PERDIGAO** used to eliminate his personal income tax liability for the years listed below. Further by concealing his income and entering fraudulent losses, **PERDIGAO** qualified himself for the earned income tax credit (EITC). EITC is a refundable federal income tax credit for low-income individuals and families.

<b>Count</b>	<b>Tax Calendar Year</b>	<b>Tax Due and Owing</b>	<b>Unreported Income</b>
51	2000	\$ 916,056.00	\$2,079,296.00
52	2001	\$ 949,007.00	\$2,120,957.00
53	2002	\$ 869,571.00	\$1,986,058.00
54	2003	\$1,650,176.00	\$4,412,178.00

All in violation of Title 26, United States Code, Section 7201.

**COUNT 55**

**FILING FALSE TAX RETURN - (CALENDAR YEAR 2004)**

1. The allegations contained in part A of Count 1 are hereby re-alleged and incorporated by reference.

2. On or about the 22nd day of June, 2005, in the Eastern District of Louisiana and elsewhere, the defendant, **PERDIGAO**, a resident of New Orleans, Louisiana, did willfully make

and subscribe a 2004 United States Individual Income Tax Return, Form 1040, which was verified by a written declaration that it was made under the penalties of perjury and was filed with the Internal Revenue Service, which said 2004 United States Individual Income Tax Return, Form 1040, he did not believe to be true and correct as to every material matter as to the following:

a. **PERDIGAO's** 2004 United States Individual Income Tax Return, Form 1040, did not report approximately \$2,207,739.08 income.

b. The defendant, **PERDIGAO**, intentionally prepared and created fraudulent partnership tax returns. These fraudulent partnership tax returns generated losses in the amount of approximately \$94,500.00 that **PERDIGAO** used to eliminate his personal income tax liability on his 2004 United States Individual Income Tax Return.

Whereas **PERDIGAO** then and there well knew and believed that he did not report substantial income that was taxable and used fraudulent losses on his 2004 United States Individual Income Tax Return, Form 1040.

All in violation of Title 26, United States Code, Section 7206(1).

#### **COUNTS 56-59**

#### **MAIL FRAUD - FILING FALSE LOUISIANA STATE INCOME TAX RETURNS**

1. The allegations contained in part A of Count 1 are hereby re-alleged and incorporated by reference.

2. From on or about April 12, 2002 through on or about June 5, 2005, in the Eastern District of Louisiana and elsewhere, the defendant, **PERDIGAO**, devised and intended to devise a scheme and artifice to defraud and to obtain money and property from the Louisiana Department of Revenue, State of Louisiana, by filing false and fraudulent Louisiana Resident Individual State

Income Tax Returns. The defendant, **PERDIGAO**, intentionally entered and made false entries onto his reporting forms which concealed his true income thereby effectively eliminating his Louisiana State personal income tax liability resulting in a loss of thousands of dollars of tax revenue to the Louisiana Department of Revenue, State of Louisiana.

3. On or about the dates listed below in the Eastern District of Louisiana, and elsewhere, the defendant, **PERDIGAO**, for the purpose of executing and attempting to execute the scheme and artifice to defraud did cause to be delivered and received from the mail his Louisiana Resident Individual Income State Tax Returns addressed to the Louisiana Department of Revenue, Baton Rouge, Louisiana for the tax years listed below.

<b>Count</b>	<b>Date</b>	<b>Tax Calendar Year</b>
56	4/12/2002	2001
57	4/13/2003	2002
58	4/14/2004	2003
59	6/15/2005	2004

All in violation of Title 18, United States Code, Sections 1341 and 2.

**OBSTRUCTION OF JUSTICE AND COMPUTER INTRUSION SECTION**

**COUNT 60**

**OBSTRUCTION OF JUSTICE**

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

1. On or about September 3, 2004, **PERDIGAO** tendered his resignation from the law firm of Adams & Reese.

2. On or about September 3, 2004, system administrators (individuals responsible for firm's computer system) at Adams & Reese removed **PERDIGAO**'s user name and password from Adams & Reese's list of authorized users who were permitted to access the law firm's computer network.

3. Since 2004, Adams & Reese has operated offices in New Orleans, LA; Baton Rouge, LA; Jackson, MS; Mobile, AL; Birmingham, AL; Houston, TX; and Washington, D.C.

4. Adams & Reese maintains a computer server at each office location.

5. Certain authorized employees of Adams & Reese are permitted to remotely access (from home or another location) the law firm's computer network also referred to as the Virtual Private Network (VPN) through a traditional dial-up method or via Internet access.

6. As used in this section, computer refers to the computer network, VPN, servers, and/or computer system used and operated by Adams & Reese.

7. When a user accesses the VPN of Adams & Reese, the user then has the ability to access Interwoven, the firm's document management system; Webview, the interface to the firm's accounting and billing software; and Outlook, the firm's electronic mail (E-mail) system.

8. From the date **PERDIGAO** left his employment at Adams & Reese, to on or about October 15, 2008, **PERDIGAO** accessed, without authorization, the computer network of Adams & Reese on approximately four-hundred (400) occasions.

9. On or about December 26, 2007, the home of an Adams & Reese attorney was burglarized and two computers were stolen including one work laptop computer belonging to Adams & Reese. Subsequently, **PERDIGAO** requested the Court to issue a subpoena to Adams & Reese for files belonging to this particular Adams & Reese attorney whose laptop was stolen in the home burglary.

10. On or about a date unknown, but after February 1, 2007, and before the date of this Second Superseding Indictment, an individual stole handwritten notes regarding the **PERDIGAO** matter from at least two attorneys' files at the law firm of Adams & Reese. A file found on a computer belonging to **PERDIGAO** seized pursuant to a search warrant executed October 15, 2008, revealed a computer file containing a reproduction of one of the attorney's stolen notes.

11. On or about May 27, 2008, **PERDIGAO** filed a seventy-three page civil complaint against the law firm Adams & Reese.

12. On September 25, 2008, **PERDIGAO** requested the issuance of a subpoena for numerous records and documents from Adams & Reese pursuant to Rule 17(c) of the Federal Rules of Criminal Procedure. Many of the documents sought by **PERDIGAO**'s pending subpoena request were found by the FBI on **PERDIGAO**'s laptop computer that was seized pursuant to a federal search warrant on October 15, 2008.

13. On or about October 13, 2008, Adams & Reese contacted federal law enforcement authorities to report that someone, who they believed to be **PERDIGAO**, had accessed their computer network (VPN) without authorization or permission.

**B. OBSTRUCTION OF JUSTICE**

Beginning at a time unknown, until on or about October 15, 2008, in the Eastern District of Louisiana and elsewhere, defendant **PERDIGAO**, did corruptly endeavor to influence, obstruct, and impede, the due administration of justice in the pre-trial and trial proceedings in *United States v. James G. Perdigao*, Criminal Docket No. 07-103 “L”, in the U. S. District Court for the Eastern District of Louisiana, by repeatedly hacking into the computer network of Adams & Reese, a victim, and thereby obtaining correspondence and notes between the U. S. Attorney’s Office and Adams & Reese as well as a copy of a federal grand jury subpoena issued to Adams & Reese.

All in violation of Title 18, United States Code, Section 1503(a).

**COUNT 61**

**UNLAWFUL COMPUTER INTRUSION**

1. The allegations contained in part A of Count 60 are hereby re-alleged and incorporated by reference.

2. Beginning on or about September 3, 2004, until on or about October 15, 2008, in the Eastern District of Louisiana and elsewhere, defendant **PERDIGAO**, intentionally accessed a computer, without authorization, and thereby obtained information from a protected computer, to wit: the computer network of the law firm of Adams & Reese, and defendant committed this offense in furtherance of the federal crime of Obstruction of Justice, in violation of Title 18, United States Code, Section 1503(a).

All in violation of Title 18, United States Code, Sections 1030(a)(2)(c) and (c)(2)(B)(ii).



**COUNT 62**

**UNLAWFUL COMPUTER INTRUSION**

1. The allegations contained in part A of Count 60 are hereby re-alleged and incorporated by reference.

2. Beginning on or about September 3, 2004, until on or about October 15, 2008, in the Eastern District of Louisiana and elsewhere, defendant **PERDIGAO**, intentionally accessed a computer, without authorization, and thereby obtained information from a protected computer, to wit: the computer network of the law firm of Adams & Reese, and the value of the information obtained exceeded \$5,000.00.

All in violation of Title 18, United States Code, Sections 1030(a)(2)(c) and (c)(2)(B)(iii).

**COUNT 63**

**UNLAWFUL ACCESS TO STORED COMMUNICATIONS**

1. The allegations contained in part A of Count 60 are hereby re-alleged and incorporated by reference.

2. Beginning at a time unknown, until on or about October 15, 2008, in the Eastern District of Louisiana and elsewhere, defendant **PERDIGAO**, intentionally accessed, without authorization, a facility through which an electronic communication service is provided and thereby obtained, altered, and prevented authorized access to a wire or electronic communication while in electronic storage, and defendant committed this offense in furtherance of the federal crime of Obstruction of Justice, in violation of Title 18, United States Code, Section 1503(a).

All in violation of Title 18, United States Code, Section 2701(a)(1) and (b)(1)(A).

## NOTICE OF BANK FRAUD FORFEITURE

1. The allegations contained in Counts 1 through 12 of this superseding indictment are hereby re-alleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Sections 1344 and 982(a)(2).

2. As a result of the offenses alleged in Counts 1 through 12, the defendant, **PERDIGAO**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 1344 and 982(a)(2) any property which constitutes or is derived from proceeds obtained directly or indirectly, as a result of violations of Title 18, United States Code, Section 1344, including but not limited to:

approximately \$2,700,000.00 in United States currency and all interests and proceeds traceable thereto in that such sum in aggregate is property which was involved in the aforesaid offenses or is traceable such property.

3. If any of the property subject to forfeiture pursuant to Paragraph 2 of this notice of forfeiture, as a result of any act or omission of the defendant:

- a. Cannot be located upon exercise of due diligence,
- b. Has been transferred or sold 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 can not be subdivided without difficulty, it is the intent of the United States, pursuant to Title 21, 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 2, 1344 and 982(a)(2).

## NOTICE OF MAIL FRAUD FORFEITURE

1. The allegations contained in Counts 13 through 30 and 56 through 59 of this superseding indictment are hereby re-alleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Sections 1341 and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c) and Title 21, United States Code, Section 853.

2. As a result of the offenses alleged in Counts 13 through 30 and 56 through 59, the defendant, **PERDIGAO**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 1341 and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c) and Title 21, United States Code, Section 853, any and all property, real or personal, which constitutes or is derived from proceeds traceable to violations of Title 18, United States Code, Section 1341, including but not limited to:

approximately \$7,000,000.00 in United States currency and all interests and proceeds traceable thereto in that such sum in aggregate is property which was involved in the aforesaid offenses or is traceable such property.

3. If any of the property subject to forfeiture pursuant to Paragraph 2 of this notice of forfeiture, as a result of any act or omission of the defendant:

- a. Cannot be located upon exercise of due diligence;
- b. Has been transferred or sold 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 can not be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, 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 1341 and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c), and Title 21, United States Code, Section 853.

**NOTICE OF MONEY LAUNDERING FORFEITURE**

1. The allegations contained in Counts 41 through 50 of this superseding indictment are hereby re-alleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Sections 982.

2. As a result of the offenses alleged in Counts 41 through 50, the defendant, **PERDIGAO**, shall forfeit to the United States all property real or personal involved in the aforesaid offenses and all property traceable to such property including but not limited to the following property which was involved in the said violations of Title 18, United States Code, Section 1957, or is traceable such property, that is:

approximately \$19,205,000.00 in United States currency and all interests and proceeds traceable thereto in that such sum in aggregate is property which was involved in the aforesaid offenses or is traceable such property.

3. If any of the property subject to forfeiture pursuant to Paragraph 2 of this notice of forfeiture, as a result of any act or omission of the defendant:

- a. Cannot be located upon exercise of due diligence,
- b. Has been transferred or sold 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 can not be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 982 (b)(1), 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 1957 and 982.

**NOTICE OF INTERSTATE TRANSPORTATION OF STOLEN PROPERTY**

**FORFEITURE**

1. The allegations contained in Counts 31 through 40 of this superseding indictment are hereby re-alleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Sections 2314 and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c) and Title 21, United States Code, Section 853.

2. As a result of the offenses alleged in Counts 31 through 40, the defendant, **PERDIGAO**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 2314 and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c) and Title 21, United States Code, Section 853, any and all property, real or personal, which constitutes or is derived from proceeds traceable to violations of Title 18, United States Code, Section 2314, including but not limited to:

approximately \$23,000,000.00 in United States currency and all interests and proceeds traceable thereto in that such sum in aggregate is property which was involved in the aforesaid offenses or is traceable such property.

3. If any of the property subject to forfeiture pursuant to Paragraph 2 of this notice of forfeiture, as a result of any act or omission of the defendant:

- a. Cannot be located upon exercise of due diligence,
- b. Has been transferred or sold 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 can not be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, 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 2314 and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c), and Title 21, United States Code, Section 853.

A TRUE BILL:

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FOREPERSON

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JIM LETTEN (8517)  
UNITED STATES ATTORNEY

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JAN MASELLI MANN (9020)  
First Assistant United States Attorney

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JAMES R. MANN (20513)  
Assistant United States Attorney

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SALVADOR PERRICONE (10515)  
Assistant United States Attorney

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BRIAN M. KLEBBA  
Assistant United States Attorney

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LOAN "MIMI" NGUYEN (23612)  
Assistant United States Attorney

New Orleans, Louisiana  
October 29, 2008