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F. #2018R01064

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★ OCT 17 2019 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

LONG ISLAND OFFICE

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UNITED STATES OF AMERICA

S U P E R S E D I N G  
I N D I C T M E N T

- against -

MICHAEL COHN,

Defendant.

Cr. No. 19-097 (S-1) (JFB)  
(T. 18, U.S.C., §§ 981(a)(1)(C),  
982(a)(2), 982(b)(1), 1030(a)(2)(B),  
1030(c)(2)(B)(i), 1030(i)(1), 1030(i)(2),  
1512(c)(2), 1905, 2 and 3551 et seq.;  
T. 21, U.S.C., § 853(p); T. 28, U.S.C.,  
§ 2461(c))

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THE GRAND JURY CHARGES:

COUNT ONE  
(Obstruction of Justice)

1. In or about and between August 2018 and February 2019, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MICHAEL COHN, together with others, did knowingly, intentionally and corruptly obstruct and impede, and attempt to obstruct and impede, an official proceeding, to wit: an investigation conducted by the United States Securities and Exchange Commission ("SEC").

(Title 18, United States Code, Sections 1512(c)(2), 2 and 3551 et seq.)

COUNT TWO  
(Obtaining Information from a Government Computer)

2. In or about and between September 2018 and October 2018, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the

defendant MICHAEL COHN did knowingly and intentionally access, and attempt to access, one or more computers without authorization and exceed authorized access, and thereby did obtain information from a department and agency of the United States, to wit: the SEC, for purposes of commercial advantage and private financial gain.

(Title 18, United States Code, Sections 1030(a)(2)(B), 1030(c)(2)(B)(i) and 3551 et seq.)

### COUNT THREE

#### (Unauthorized Disclosure of Confidential Information)

3. In or about and between September 2018 and October 2018, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MICHAEL COHN, being an employee of the SEC, did knowingly and intentionally publish, divulge, disclose and make known information coming to him in the course of his employment and official duties, which information concerned and related to the processes and operations of the SEC, to wit: information regarding an investigation conducted by the SEC's Division of Enforcement, in a manner and to an extent not authorized by law.

(Title 18, United States Code, Sections 1905 and 3551 et seq.)

### CRIMINAL FORFEITURE ALLEGATION AS TO COUNT ONE

4. The United States hereby gives notice to the defendant that, upon his conviction of the offense charged in Count One, the government will seek forfeiture in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which require any person convicted of such offense to forfeit

any property, real or personal, constituting, or derived from, proceeds obtained directly or indirectly as a result of such offense.

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 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), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 981(a)(1)(C); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

#### CRIMINAL FORFEITURE ALLEGATION AS TO COUNT TWO

6. The United States hereby gives notice to the defendant that, upon his conviction of the offense charged in Count Two, the government will seek forfeiture in accordance with Title 18, United States Code, Sections 982(a)(2) and 1030(i)(1), which require any person convicted of such offense to forfeit any property constituting, or derived from, proceeds obtained directly or indirectly as a result of such offense, and such person's interest in any personal property that was used or intended to be used to commit or to facilitate the commission of such offense.

7. 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), as incorporated by Title 18, United States Code, Sections 982(b)(1) and 1030(i)(2), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 982(a)(2), 982(b)(1), 1030(i)(1) and 1030(i)(2); Title 21, United States Code, Section 853(p))

A TRUE BILL

FOREPERSON

  
RICHARD P. DONOGHUE  
UNITED STATES ATTORNEY  
EASTERN DISTRICT OF NEW YORK

No. \_\_\_\_\_

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**UNITED STATES DISTRICT COURT**

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

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THE UNITED STATES OF AMERICA

vs.

MICHAEL COHN,

Defendant.

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**SUPERSEDING INDICTMENT**

(T. 18, U.S.C., §§ 981(a)(1)(C), 982(a)(2), 982(b)(1), 1030(a)(2)(B),  
1030(c)(2)(B)(i), 1030(i)(1), 1030(i)(2), 1512(c)(2), 1905, 2 and 3551  
et seq.; T. 21, U.S.C., § 853(p); T. 28, U.S.C., § 2461(c))

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*A true bill.*

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F. \_\_\_\_\_son

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*Filed in open court this* \_\_\_\_\_ *day,*

*of* \_\_\_\_\_ *A.D. 20* \_\_\_\_\_

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*Bail, \$* \_\_\_\_\_

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**Artie McConnell, Assistant U.S. Attorney (631) 715-7825**

<https://www.classlawgroup.com/gpb-capital-lawsuit/>