

81,7(' 67\$7(6 ',675,&7 &2857
6287+(51 ',675,&7 2))/25,'\$

&\$6(12 &,9 \$/721\$*\$ 2¶6XOOLYDQ

)('5\$/ 75\$'(&200,66,21

3ODLQWLII
YV

&(1752 1\$785\$/ &25W DO

'HIHQGDQWV DQG

%,2125(,1&

HOLHI 'H5HQGDQW

BBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBB

6(\$/(' 7(0325\$5< 5(675\$,1,1* 25'(5

3ODLQWLII WKH)HGHUDO 7UDGH &RPPLVLRQ ³)7&´
,QMXQFWLRQ DQG 2WKHU (TXLWDEOH 5HOLHI SXUVXDQW W
&RPPLVLRQ \$FW ³)7& \$FW´ 8 6 & †† E DQG E
&ROOHFWLRQ 3UDFWLHV \$FW O³D'Q3\$WKH 7H0H&PDUNHWLQJ
)UDXG DQG \$EXVH 3UHYHQWLRQ \$FW ³7HOHPDUNHWLQJ \$FV
DQG KDV PRYHG SXUVXDQW WR)HGHUDO 5XOH RI &LYLO 3
2UGHU DQG IRU DQ 2UGHU WR 6KRZ &DXVH :K\ D 3UHOLPLC
'HIHQGDQWV &HQWUR 1DWXUDO &RUS 6XPRUH / / & &DU
6XPEUH -HVVLFD \$QJROD DQG SURSRVHG 5HOLHI 'HIHQGD
@

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7KH &RXUW KDYLQJ FRQVLGHUHQWLRQ&RPSODLQHPSP
5HVVUDLQLQJ 2UGHU GHFODUDWLRQV H[KLELWV DQG WK
VXSSRUW WKHUHRI DQG EHLQJ RWKHUZLVH DGYLVHG ILQG
7KLV &RXUW KDV MXULVGLFWLRQ RYHU WKH VXEMHFW P
EHOLHYH WKDW LW ZLOO KDYH MXULVGLFWLRQ RYHU DQ
SURSHU

7KHUH LV JRRG FDXVH WR EHOLHYH 'HIHQGDQWV KDYH
DFWV RU SUDFWLFHV WKDW YLRODWH 6HFWLRQ D R
)'&3\$ 8 6 & †† ± S DQG WKH)7&¶V 7UDGH 5
³7HOHPDUNHWLQJ 6DOHV 5XOH´ ³765´ &) 5 3DUW
OLNHO\ WR SUHYDLO RQ WKH PHULWV RI WKLV DFWL
GHFODUDWLRQV WUDQVFULSWV RI FDOOV ZLWK DQG IU
WKH DGGLWLRQDO GRFXPHQDWLRQ ILOHG E\ WKH)7&
VXFFHVV LQ VKRZLQJ WKDW WKH 'HIHQGDQWV KDYH P
FRQVXPHUV WR EHOLHYH WKDW WKH\ DUH IDFLQJ OHJD
WR SD\ DQ DOOHJHG GHEW 7KURXJK WKH GRFXPHQW
HVVDEOLVKHG D OLNHOLKRRG RI VXFFHVV LQ VKRZLQJ
E\ HQJDJLQJ LQ GHFHSWLYH DQG DEXVLYH FDOO WDFW
UHJDUGLQJ WKH 'R 1RW &DOO 5HJLVWU\

7KHUH LV JRRG FDXVH WR EHOLHYH WKDW LPPHGLDWH
'HIHQGDQWV¶ RQJRLQJ YLRODWRQV RI 6HFWLRQ D R
XQOHVV 'HIHQGDQWV DUH UHVWUDLQHG DQG HQMRLQH

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7KH)7& LV DQ LQGHSHQGHQW DJHQF\ RI WKH 8QLWHG
UHTXLUHG RI DQ\ DJHQF\ RI WKH 8QLWHG 6WDWHV IRU
)HG 5 &LY 3 F

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)RU WKH SXUSRVH RI WKLV 7HPSRUDU\ 5HVWUDLQLQJ 2
VKDOO DSSO\

³\$VVHFW'DQV DQ\ OHJDO RU HTXLWDEOH LQWHUHV LQ
RU LQWHOOFWXDO SURSHUW\ LQFOXGLQJ FKDWWHO J
LQWDQJLEOHV HIIHFWV OHDVHKROGV FRQWUDFWV
VHFXULWLHV LQYHQWRU\ FKHFNV QRWHV DFFRXQWV
GHILQH LQ WKH 8QLIRUP &RPPHUFDO &RGH LQVXUD
LQFOXGLQJ DVVHW SURWHFWLRQ WUXVWV OLVWV RI
DFFRXQWV DVVRFLDWHG ZLWK DQ\ SD\PHQWV SURFHVV
LQFOXGLQJ VXFK UHVHUYH IXQGV KHOG E\ SD\PHQW SU
RWKHU ILQDQFLDO LQVWLWXWLRQV

³\$VVLVWLQJ 2WKHUV' PHDQV SURYLGLQJ VXEVWDQWLDO
WKROORZLQJ JRRGV RU VHUYLFHV WR DQRWKHU HQV
IXQFWLRQV LQFOXGLQJ FKDUJLQJ FRQVXPHUV IRU S
UHVSRQGLQJ WR FRQVXPHU FRPSODLQWV IRUPXOD
IRUPXODWLRQ RU SURYLVLQJ RI DQ\ VDOHV VFULSW F
QDPHV RI RU DVVLVWLQJ LQ WKH JHQHUDWLRQ RI S
SURYLGLQJ PDUNHWLQJ RU ELOOLQJ VHUYLFHV RI DQ\
SD\PHQWV RU DFWLQJ DV DQ RIILFHU RU GLUHFWRU

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³&RUSRUDWH 'HPHQGDQWQGLYLGXDOO\ FROOHFWLYHO

&HQWUR 1DWXUDO &RUS DQG 6XPRUH / / & DQG WKHLU

DVVLJQV

³'HEW &ROOHFWLRQ'

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FRRSHUDWLYH JRYHUQPHQW RU JRYHUQPHQWDO VXEG

FRPELQDWLRQ DFWLQJ DV DQ HQWLW\

³3ODL'QWLRPPLV'RLR'PHDQV WKH)HGHUDO 7UDGH &RPF

³5HFHLYHU\HPSRUDU\ 5HFDQWUWKH WHPSRUDU\ UHFHLY

6HFWLRQI WKLW 2UGHU DQG DQ\ GHSXW\ UHFHLYHUV WK

UHFHLYHU

³5HFHLYHUVKLS 'HIHQ; P°€0 WHPÐS&\$ ÄÄÄÄÄÄÄÄÄÄ' RI WKL

0)5HDSSRLQW@TMZ UVNÍWK@ ÀPU À VI@` LQRLQ

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8SRQ WKH UHTXHVW RI WKH)7& RU WKH 5HFHLYHU SUP
ZLWK FRSLHV RI DOO UHFRUGV RU RWKHU 'RFXPHQWDV
LQFOXGLQJ RULJLQDOV RU FRSLHV RI DFFRXQW DSSOLF
FKHFNV GUDIWV GHSRVLW WLFNHWV WUDQVIHUV WR
DQG ZLUH WUDQVIHU LQVWUXFWLRQV DOO RWKHU GH
WUDQVDFWLRQ UHSRUWV IRUPV DQG DOO ORJV D
ER[HV FRPPHUFLDO PDLO ER[HV DQG VWRUDJH IDFLOLF

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,7 ,6)857+(5 25'(5WKDW HDFK 'HIHQGDQW DQG 5HOLHI 'H
GD\V RI VHUYLFH RI WKLV 2UGHU XSRQ WKHP VKDOO SUHS
DQG WKH 5HFHLYHU

\$ &RPSOHWHG ILQDQFLDO VWDWHPHQWV \$RQW DKKIP HQWV \$
)LQDQFLDO 6WDWHPHQW RI ,QGLYLGXDO 'HIHQGDQW
\$WWDFKPHQWFLDO 6WDWHPHQW RI &RUSRUDWH 'HI
XQGHU ZKLFK WKH\ FRQGXFW EXVLQHVV RU RI ZKLFK W
ZKLFK DQ\ 'HIHQGDQW RU 5HOLHI 'HIHQGDQW LV D WUX
DFFXUDWH DV RI WKH GDWH RI HQWU\ RI WKLV 2UGHU
'HIHQGDQW DQG 5HOLHI 'HIHQGDQW VKDOO LQFOXGH L
UHTXHVWHG LQ WKH VWDWHPHQWV LQFOXGLQJ D IXOO
ORFDWHG LQVLGH RU RXWVLGH RI WKH 8QLWHG 6WDW
'HIHQGDQW RU 5HOLHI 'HIHQGDQW MRLQWO\ VHYHUDO
RU HQWLW\ IRU WKH EHQHILW RI VXFK 'HIHQGDQW RU 5
LQGLUHFV FRQWURO RI VXFK 'HIHQGDQW RU 5HOLHI

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'HIHQGDQW VKDOO DWWDFK WR WKHVH FRPSOHWHG ILC
SURLQFLDO DQG IHGHUDO LQFRPH DQG SURSHUW\ WD
DV FDOOHG IRU E\ WKH LQVWUXFWLRQV WR WKH ILQDQF
% \$ FRPSOHWHG VWDWHPHQW VLJQHGXQGHSHQDOW\

DVVLJQPHQWV RI \$VVHWV ZRUWK RU PRUH VLQFH
WKH DPRXQW WUDQVIHUHG RU DVVLJQHG WKH
WKH GDWH RI WUDQVIHU RU DVVLJQPHQW DQG WKH

'HIHQGDQW RU 5HOLHI 'HIHQGDQW (DFK VWDWHPHQW
HDFK ILQDQFLDO LQVWLWXWLRQ DQG EURNHUDJH ILUP
DFFRXQWV RU VDIH GHSRVLW ER[HV 7KHVH VWDWHPHQW
GRPHVWLF DFFRXQWV DQG

& \$ FRPSOHWHG ,56)RUP DSSWQDFK WQWLNWIRQLR
UHWXUQV IRU WKH SDVW WKUHH \HDUV EH V
IROORZLQJ DGGUHV

-DQLFH / .RSHF
)HGHUDO 7UDGH &RPPLVVLRQ
3HQQV\OYDQLD \$YHGXH 1:
ODLO 6WRS &&
:DVKLQJWRQ '&

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,7 ,6)857+(5 25'(5W'KDW ZLWKLQ ILYH GD\ V IROORZ
2UGHU HDFK 'HIHQGDQW DQG 5HOLHI 'HIHQGDQW VKDOO
\$ 3URLGH WKH &RPPLVVLRQ DQG WKH 5HFHLYHU ZLWK
DQG DFFXUDWH DV RI WKH GDWH RI WKLV 2UGHU RI D
WKH 8QLWHG 6WDWHV ZKLFK D0Gp°@ZKÆ•@QQg6ZKH 8

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VWDWHPHQWV UHFHLSW ERRNV OHGJHUV SHUVRQDO

UHJLVWHUV EDQN VWDWHPHQWV FDOHQGDUV DSSRLQ

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RI DQ\ RI WKH 5HFHLYHUVKLS 'HIHQGDQWV LQFOXGL
PDQDJHPHQW RI RU SDUWLFLSDWLRQ LQ WKH DIIDLUV
% 7DNH H[FOXVLYH FXVWRG\ FRQWURO DQG SRVVHVVLRO
SRVVHVVLRO FXVWRG\ RU XQGHU WKH FRQWURO RI
VLWXDWHG 7KH 5HFHLYHU VKDOO KDYH IXOO SRZHU
UHFHLYH WDNH LQ SRVVHVVLRO KROG DQG PDQDJ
5HFHLYHUVKLS 'HIHQGDQWV DQG RWKHU 3HUVRQV RU H
GLUHFWRQ SRVVHVVLRO FXVWRG\ RU FRQWURO RI
VKDOO DVVXPH FRQWURO RYHU WKH 5HFHLYHUVKLS 'HI
RI PRQH\ QRZ RU KHUHDIWHU GXH RU RZLQJ WR WKH 5
KRZHYHU WKDW WKH 5HFHLYHU VKDOO QRW DWWHPSW
5HFHLYHU EHOLHYHV WKH FRQVXPHU ZDV D YLFWLP RI
YLRODWLRQV RI ODZ DOOHJHG LQ WKH &RPSODLQW LQ
& 7DNH DOO VWHSV QHFHVVDU\ WR VHFUXH DQG WDNH H[
WKH 5HFHLYHUVKLS 'HIHQGDQWV RSHUDWH WKHLU EXV
QRW OLPLWHG WR DQ\ RI WKH IROORZLQJ DV WKH 5
VHUYLQJ WKLV 2UGHU FRPSOHWLQJ D ZULWWHQ
REWDLQLQJ SHUWLQHQW LQIRUPDWLRQ IURP DOO
5HFHLYHUVKLS 'HIHQGDQWV LQFOXGLQJ WKH QDPH K
MRE GHVFULSWLRQ FRPSDQ\ KLVWRU\ SDVVZRUGV RU
DQG DOO DFFUXHG DQG XQSDLG FRPPLVVLRQV DQG FR
DJHQW KRWRJUDSKLQJ DQG YLGHRWDSLQJ DQ\ RU DOO
WKH ORFDWLRQ E\ FKDQJLQJ WKH ORFNV DQG GLVFRQQ

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RI DFFHV V WR WKH FRPSXWHUV LQWHUQHW RU UHFR
UTXLULQJ DQ\ 3HUVRQV SUHVHQW RQ WKH SUHPLVHV DV
SUHPLVHV WR SURYLGH WKH 5HFHLYHU ZLWK SURRI R
VDWLVIDFWLRQ RI WKH 5HFHLYHU WKDW VXFK 3HUVRQ
'RFXPHQWV RU \$VVHWV RI WKH 5HFHLYHUVKLS 'HIHQGD
' /DZ HQIRUFHPHQW SHUVRQQHO LQFOXGLQJ SROLFH R
LPSOHPHQWLQJ WKHVH SURYLVLRQV LQ RUGHU WR NH
UHTXHVWHG E\ WKH 5HFHLYHU WKH 8QLWHG 6WDWHV
QHFHVVDU\ DVVLVWDQFH WR WKH 5HFHLYHU WR LPSOH
QHFHVVDU\ DQG UHVRQDEOH IRUFH WR GR VR
(&RQVHUYH KROG DQG PDQDJH DOO \$VVHWV RI WKH 5
DFWV QHFHVVDU\ RU DGYLVDDEOH WR SUHVHUYH WKH Y
LUUHSDEOH ORVV GDPDJH RU LQMXU\ WR FRQVX
'HIHQGDQWV LQFOXGLQJ GHWHUPLQLQJ WKH DYDLODE
WUDQVIHU ZLWKGUDZDO RU PLVDSSOLFDFWLRQ RI \$VVH
) (QWHU LQWR DQG FDQFHO FRQWUDFWV DQG SXUFKDVH
* 3UHYPHQW WKH LQHTXLWDEOH GLVWULEXWLRQ RI \$VVH
LQWHUHVWV RI FRQVXPHUV DQG FUHGLWRUV ZKR KDYH
'HIHQGDQWV
+ 0DQDJH DQG DGPLQLVWHU WKH EXVLQHVV RI WKH 5HFH
WKLW &RXUW E\ SHUIRUPLQJ DOO LQFLGHQWDOU DFWV V
QHFHVVDU\ ZKLFK LQFOXGHV UHWDLQLQJ KLULQJ RU
FRQWUDFWRUV RU DJHQWV SURYLGHG WKDW WKH 5HF

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SUHVHUYH WKH \$VVHWV RI WKH 5HFHLYHUVKLS 'HIHQG
 DQG DGYLVDEOH WR FDUU\ RXW WKH 5HFHLYHU¶V PDQG
 1 ,VVXH VXESRHQDV WR REWDLQ 'RFXPHQWV DQG UHFRU
 FRQGXFV GLVFRYHU\ LQ WKLV DFWLRQ RQ EHKDOI RI W
 2 2SHQ RQH RU PRUH EDQN DFFRXQWV DV GHVLJQSDWHG G
 'HIHQGDQWV 7KH 5HFHLYHU VKDOO GHSRVLW DOO IXQ
 D GHVLJQSDWHG DFFRXQW DQG VKDOO PDNH DOO SD
 5HFHLYHUVKLS HVWDWH IURP VXFK DQ DFFRXQW 7KH
 DFFRXQW VWDWHPHQWV RQ DOO SDUWLHV
 3 0DLQWDLQ DFFXUDWH UHFRUGV RI DOO UHFHLSWV DQG
 4 &RRSHUDWH ZLWK UHDVQRDEOH UHTXHVWV IRU LQIRUP
 ODZ HQIRUFHPHQW DJHQF\ DQG
 5)LOH WLPHO\ UHSRUWV ZLWK WKH &RXUW DW UHDVQRD
 &RXUW

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 DJHQWV VHUYDQWV HPSOR\HHV DQG DWWRUQH\V DQG
 SDUWLFLSDWLRQ ZLWK DQ\ RI WKHP ZKRVG HFOH\ RW OHFW &D
 ZLWK SRVVHVLRQ FXVWRG\ RU FRQWURO RI SURSHUW\
 'HIHQGDQWV VKDOO XSRQ ERWUH RQ DOK V W 2YLFH RU RWKH
 WKH 5HFHLYHU RI DQG XSRQ UHFHLYLQJ D UHTXHVW IURP
 WR WKH 5HFHLYHU SRVVHVLRQ FXVWRG\ DQG FRQWURO F
 \$ \$OO \$VVHWV RI WKH 5HFHLYHUVKLS 'HIHQGDQWV

% \$OO 'RFXPHQWV RI WKH 5HFHLYHUVKLS 'HIHQGDQWV LO
 DOO ILQDQFLDO DQG DFFRXQWLQJ UHFRUGV EDODQFH
 LQFOXGLQJ PRQWKO\ VWDWHPHQWV FDQFHONG FKHF
 UHJLVWHUV FOLHQW OLVWV WLWOH 'RFXPHQWV DQG
 & \$OO FRPSXWHUV HOHFWURQLF GHYLFHV DQG PDFKLQ
 FRQGXFW WKH EXVLQHVV RI WKH 5HFHLYHUVKLS 'HIHQG
 ' \$OO \$VVHWV DQG 'RFXPHQWV EHORQJLQJ WR RWKHU
 XQGHU WKH GLUHFWRU SRVVHVLRQ FXVWRG\ RU FR
 (\$OO NHV FRGHV XVHU QDPHV DQG SDVVZRUGV QHFHV
 \$VVHWV RU 'RFXPHQWV RI WKH 5HFHLYHUVKLS 'HIHQGD
 SUHPLVHV PHDQV RI FRPPXQLFDWLRQ DFFRXQWV FRP
 ,Q WKH HYHQW WKDW DQ\ 3HUVRQ RU HQWLW\ IDLOV WR
 RWKHUZLVH IDLOV WR FRPSO\ ZLWK DQ\ SURYH\ \$RORHI WK
 \$IILGDYLW RI 1RQ &RPSOLDQFH UHJDUGLQJ WKH IDLOXUH
 DXWKRULJH ZLWKRXW DGGLWLRQDO SURFHVV RU GHPDQG
 HTXLWDEOH ZULWV UHTXHVWHG E\ WKH 5HFHLYHU 7KH ZU
 ODUVKDO RU DQ\ VKHULII RU GHSXW\ VKHULII RI DQ\ FRX
 HQIRUFHPHQW RIILFHU WR VHLJH WKH \$VVHW 'RFXPHQW
 GHOLYHU LW WR WKH 5HFHLYHU

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,7 ,6)857+(5 25'(5 WKDW 'HIHQGDQWV DQG 5HOLHI 'HIHQ
 5HFHLYHU LPPHGLDWHO\ XSRQ UHTXHVW WKH IROORZLQJ

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DUH DXWKRULJHG WR REWDLQ WKH DVVLVWDQFH RI WKH 8
ORFDO ODZ HQIRUFHPHQW RIILFHUV DV WKH\ GHHP QHFH
SHDFHIXOO\ WKH SURYLVLQRV RI WKLV 2UGHU

)XUWKHUPRUH LQ RUGHU WR DOORZ WKH &RPPLVVLRQ
HYLGHQFH UHOHYDQW WR WKLV DFWLRQ DQG WR H[SHG
5HFHLYHU DQG WKHLU DJHQWV DQG DVVLVWDQWV VKDOO
5HFHLYHUVKLS 'HIHQGDQWV DQG WKH UHFRUGV RI WKH 5H
5HFHLYHU DQG WKHLU UHSUHVHQWDWLYHV DJHQWV DQG
IURP WKH 5HFHLYHUVKLS 'HIHQGDQWV¶ DQG 5HOLHI 'HIHQ
LQVSHFWHG LQYHQWRULHG DQG FRSLHG IRU WKH SXUS
FRQQHFWRQ ZLWK WKLV DFWLRQ

)XUWKHUPRUH WKH 5HFHLYHU VKDOO DOORZ WKH 'HI
DFHVV WR WKH SUHPLVHV DQG UHFRUGV RI WKH 5HFHLYH
'HIHQGDQW ZLWKLQ KLV SRVVHVLRQ IRU WKH SXUSRVH RI
WKLV DFWLRQ 7KH 5HFHLYHU VKDOO KDYH WKH GLVFUHWL
FRQGLWLRQV RI VXFK DFFHVV

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WKLVH 2UGR HDFWDOHFDLQVHHWVDORFDUHQWLVH\ VFFFHVVRU
RIILFHU GLUHFWRU HPSOR\HH DJHQW LQGHSHQQGHQW F
VXEVGLDU\ GLYLVLQRV DQG UHSRVVHQDOWHWHWRI DQ\W'HU
WKH GDWH RI HQWU\ RI WKLV 2UGHU DQG SURYLGH WKH
VWDWHPHQW WKDW WKLV SURYLVLQRV RI WKH 2UGHU KDV E

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IRU WKH SURGXFWLRQ RI DQ\ VXFK 'RFXPHQWV WKDW
HOHFWURQLF IRUPDW

& 6HUYLEFH RI GLVFRYHU\ XSRQ D SDUW\ WR WKLV ODZVX
VXIILFLHQW LI PDGH E\ IDFVLPLOH HPDLO RU E\ RYHUG
WDNHQ SXUVXDQW WR WKLV 6HFWLRQ LV LQ DGGLWLF
GLVFRYHU\ VHW IRUWK LQ WKH)HGHUDO 5XOHV RI &LYD
' ,I D 'HIHQGDQW RU 5HOLHI 'HIHQGDQW IDLOV WR DSSH
IDLOV WR FRPSO\ ZLWK D UHTXHVW IRU SURGXFWLRQ
'HIHQGDQW PD\ EH SURKLELWHG IURP LQWURGXFHQJ
&RPPLVVLRQ¶V UHTXHVW IRU D SUHOLPLQDU\ LQMXQFW

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DQ\ SURSHUW\ SURSHUW\ ULJKW 'RFXPHQW RU \$VVHW RI
PD\ EH VXEMHFW WR DQ\ SURYLVLQR RI WKLV 2UGHU SXUV.
&LYLO 3URFHGXUH)RU SXUSRVHV RI WKLV 6HFWLRQ VHU
RIILFH RI DQ\ HQWLW\ VKDOO HIIHFW VHUYLEFH XSRQ WKH
LQFOXGLQJ HQWLWLHV WKDW PD\ EH VXEMHFW WR DQ\ SU
RI WKH)HGHUDO 5XOHV RI &LYLO 3URFHGXUH XSRQ VXFK 3
VHUYLEFH RU RWKHU 5ZLHG 5I WKLV 32UGHU

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DQG VHUYLEFH RI SOHDGLQJV RQ WKH &RPPLVVLRQ VKDOO E

-DQLFH .RSHF
'RWDQ :HLQPDQ
)HGHUDO 7UDGH &RPPLVVLRQ
3HQQV\OYDQLD \$YHQXH 1:
ODLO 6WRS &&
:DVKLQJWRQ '&
.RSHF SKRQH
:HLQPDQ SKRQH
ID[
MNRSHF#IWF JRY
GZHLQPDQ#IWF JRY

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5HOLHI 'HIHQGDQW VKDOO DSSGDU 2FWREHDWKLV &RXUW RC
VKRZ FDXVH LI WKHUH LV DQ\ ZK\ WKH &RXUW VKRXO\ C

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