

AO 257 (Rev. 6/78)

**FILED**  
DEC - 2 2014  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**

BY:  COMPLAINT  INFORMATION  INDICTMENT  
 SUPERSEDING

**OFFENSE CHARGED**

Count One: 15 U.S.C. §1 - Bid Rigging  Petty  
Count Two: 18 U.S.C. §1349 - Conspiracy to Commit Mail Fraud  Minor  
 Misdemeanor  
 Felony

PENALTY: Maximum Terms for Count 1: (1) 10 years prison; (2) fine of \$1 million; (3) 3 years supervised release; (4) \$100 special assessment; and (5) Restitution. Maximum Terms for Count 2: (1) 30 years prison; (2) fine of \$1 million; (3) 5 years supervised release; (4) \$100 special assessment; and (5) Restitution

Name of District Court, and/or Judge/Magistrate Location  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

**DEFENDANT - U.S.**

GARRY WAN

DISTRICT COURT NUMBER

CR14-00604

**JD**

**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a re prosecution of charges previously dismissed which were dismissed on motion of:

U.S. ATTORNEY  DEFENSE

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person Furnishing Information on this form E. Kate Patchen, Dept. of Justice

U.S. Attorney  Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

**DEFENDANT**

**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1)  If not detained give date any prior summons was served on above charges
- 2)  Is a Fugitive
- 3)  Is on Bail or Release from (show District)

**IS IN CUSTODY**

- 4)  On this charge
- 5)  On another conviction }  Federal  State
- 6)  Awaiting trial on other charges  
If answer to (6) is "Yes", show name of institution

Has detainer been filed?  Yes  No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

This report amends AO 257 previously submitted

**ADDITIONAL INFORMATION OR COMMENTS**

**PROCESS:**

SUMMONS  NO PROCESS\*  WARRANT

Bail Amount: \_\_\_\_\_

If Summons, complete following:

Arraignment  Initial Appearance

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: \_\_\_\_\_ Before Judge: \_\_\_\_\_

Comments:

PENALTY SHEET

Individual: **Garry Wan**

15 U.S.C. § 1 – Bid Rigging (Count 1)

Maximum Penalties:

1. A term of imprisonment of 10 years
2. A fine of \$1 million, or two times the gross gain or loss, whichever is greater
3. A period of supervised release of not more than 3 years
4. \$100 special assessment per count (\$100)
5. Restitution

18 U.S.C. § 1349 – Conspiracy to Commit Mail Fraud (Count 2)

Maximum Penalties:

1. A term of imprisonment of 30 years
2. A fine of \$1 million
3. A period of supervised release of not more than 5 years
4. \$100 special assessment per count (\$100)
5. Restitution

FILED

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RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 OAKLAND DIVISION

15 ) Criminal No.

CR14-00604

16 ) UNITED STATES OF AMERICA

) INFORMATION

17 ) v.

) VIOLATIONS: 15 U.S.C. § 1 –

) Bid Rigging (Count One);

) 18 U.S.C. § 1349 – Conspiracy to

) Commit Mail Fraud (Count Two)

18 ) GARRY WAN,

19 ) Defendant.

20 The United States of America, acting through its attorneys, charges:

21 GARRY WAN,

22 the defendant herein, as follows:

23 BACKGROUND

24 1. At all times relevant to this Information, when California homeowners defaulted  
25 on their mortgages, mortgage holders could institute foreclosure proceedings and sell the  
26 properties through non-judicial public real estate foreclosure auctions (“public auctions”). These  
27 public auctions were governed by California Civil Code, Section 2924, *et seq.* Typically, a  
28 trustee was appointed to oversee the public auctions. These public auctions usually took place at

1 or near the courthouse of the county in which the properties were located. The auctioneer, acting  
2 on behalf of the trustee, sold the property to the bidder offering the highest purchase price.  
3 Proceeds from the sale were then used to pay the mortgage holders, other holders of debt secured  
4 by the property, and, in some cases, the defaulting homeowner (collectively, “beneficiaries”).

5 COUNT ONE: 15 U.S.C. § 1 – Bid Rigging

6 THE COMBINATION AND CONSPIRACY

7 2. Beginning as early as May 2008 and continuing until in or about January 2011,  
8 the defendant, GARRY WAN, and co-conspirators entered into and engaged in a combination  
9 and conspiracy to suppress and restrain competition by rigging bids to obtain selected properties  
10 offered at public auctions in Alameda County in the Northern District of California, in  
11 unreasonable restraint of interstate trade and commerce, in violation of the Sherman Act, Title  
12 15, United States Code, Section 1.

13 3. The charged combination and conspiracy consisted of a continuing agreement,  
14 understanding, and concert of action among the defendant and his co-conspirators to suppress  
15 competition by agreeing to refrain from or stop bidding against each other to purchase selected  
16 properties at public auctions in Alameda County at non-competitive prices.

17 4. For the purpose of forming and carrying out the charged combination and  
18 conspiracy, the defendant and his co-conspirators did those things that they combined and  
19 conspired to do, including, among other things:

20 a. agreeing not to compete to purchase selected properties at public auctions  
21 in Alameda County;

22 b. designating which conspirator would win the selected properties at the  
23 public auctions for the group of conspirators; and

24 c. refraining from or stopping bidding for the selected properties at the  
25 public auctions.

26 //

27 //

28 //

1 5. Various entities and individuals not made defendants in this Count participated as  
2 co-conspirators in the offense charged and performed acts and made statements in furtherance  
3 thereof.

4 TRADE AND COMMERCE

5 6. During the period covered by this Information, the business activities of the  
6 defendant and his co-conspirators that are the subject of this Information were within the flow of,  
7 and substantially affected, interstate trade and commerce. For example, beneficiaries located in  
8 states other than California received proceeds from the public auctions that were subject to the  
9 bid-rigging conspiracy.

10 JURISDICTION AND VENUE

11 7. The combination and conspiracy charged in this Information was carried out, in  
12 part, in the Northern District of California, within the five years preceding the filing of this  
13 Information.

14 ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

15 COUNT TWO: 18 U.S.C. § 1349 – Conspiracy to Commit Mail Fraud

16 THE CONSPIRACY

17 8. Beginning as early as May 2008 and continuing until in or about January 2011 in  
18 Alameda County in the Northern District of California, the defendant, GARRY WAN, and his  
19 co-conspirators did willfully and knowingly combine, conspire, and agree with each other to  
20 violate Title 18, United States Code, Section 1341, namely, to knowingly devise and intend to  
21 devise and participate in a scheme and artifice to defraud beneficiaries, and to obtain money and  
22 property from beneficiaries by means of materially false and fraudulent pretenses,  
23 representations, and promises.

24 9. The objects of the conspiracy were to fraudulently acquire title to selected  
25 properties sold at public auctions in Alameda County, to make and receive payoffs, and to divert  
26 money to conspirators that would have gone to the beneficiaries.

27 //

28 //

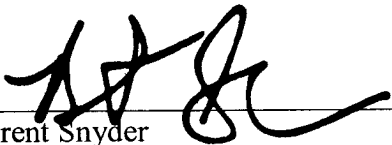


12. For the purpose of executing the scheme and artifice to defraud and attempting to do so, the defendant and his co-conspirators knowingly used and caused to be used the United States Postal Service and private or commercial interstate carriers. For example, trustees used the United States mail and private or commercial interstate carriers to transmit the Trustee's Deeds Upon Sale and other title documents to participants in the conspiracy. These mailings were foreseeable to the defendant in the ordinary course of business.

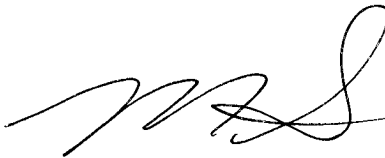
JURISDICTION AND VENUE

13. The combination, conspiracy, and agreement to violate Title 18, United States Code, Section 1341 charged in this Information was carried out, in part, in the Northern District of California, within the five years preceding the filing of this Information.

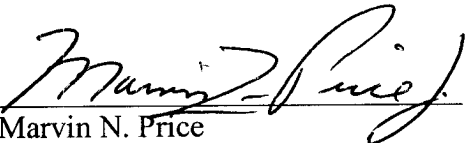
ALL IN VIOLATION OF TITLE 18, UNITED STATES CODE, SECTION 1349.



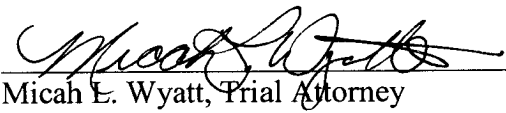
Brent Snyder  
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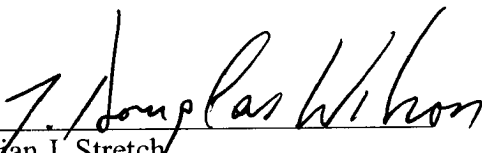
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Acting Under Authority Conferred  
by 28 U.S.C. § 515