

CRIMINAL

Court: United States District Court, Eastern District of New York

Case Title: USA v. Motz

Docket Number: 2:08CR00598

Expert(s): n/a

Mark the Correct Category	Crime Type	LBL2
X	White Collar Crime	CRIM100
	Drugs	CRIM120
	DUI/DWI	CRIM140
	Immigration	CRIM160
	RICO	CRIM180
	Murder	CRIM200
	Burglary	CRIM220
	Robbery	CRIM240
	Illegal Possession of Guns/Firearms	CRIM260
	Miscellaneous	CRIM300

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X	:	
UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	08 Crim. 598 (ADS)
	:	
GEORGE M. MOTZ,	:	
	:	
Defendant.	:	
-----X		

FIRST REQUEST FOR A BILL OF PARTICULARS

Defendant George M. Motz (“Motz”) requests pursuant to Rule 7(f) of the Federal Criminal Code and Rules that the government serve a bill of particulars relating to the above-referenced indictment filed on August 27, 2008 (the “Indictment”) and setting forth the following:

1. Identify: (a) each act or transaction that the government alleges was part of the alleged scheme and artifice to defraud charged in Count One of the Indictment; (b) where each act or transaction occurred; (c) when each act or transaction occurred; and (d) the “persons” and “securities” that the communication, act or transaction was “in connection with.”

2. Identify the persons the government alleges were involved in executing the scheme and artifice to defraud together with Motz as charged in Count One of the Indictment.

3. Identify: (a) each act of alleged document alteration charged in Count Two of the Indictment; (b) where each act occurred; (c) when each act occurred; (d) the persons involved in each

act; and (e) each document that the government alleges was knowingly and intentionally altered, concealed, covered up, falsified, and record containing false entries.

4. Identify: (a) the matter of investigation or administration within the jurisdiction of any department or agency of the United States or case filed under title 11 that was impeded, obstructed or influenced by the document alteration alleged in Count Two of the Indictment; (b) when the matter was impeded, obstructed or influenced; and (c) where the matter was impeded, obstructed or influenced.

5. Identify: (a) each communication, act or transaction which the government alleges was in furtherance of the scheme or artifice to defraud charged in Count One of the Indictment which Motz had from his “office located in Suffolk County with his office in Manhattan via telephone and facsimile” as referenced in ¶ 3 of the Indictment; (b) when the communication, act or transaction occurred; and (c) the “persons” and “securities” that the communication, act or transaction was “in connection with.”

6. State: (a) which trade tickets associated with MFA’s proprietary trading account were allegedly altered by Motz, with others, as referenced in ¶¶ 13 – 16 of the Indictment; (b) when the trade tickets were allegedly altered; (c) the other person(s) who allegedly altered the trade tickets with Motz; and (d) where the alleged alteration occurred; (e) whether (i) the white “top copy” of the trade ticket, (ii) the “middle blue copy” and (iii) the “pink copy maintained by the responsible registered representative” was altered; (f) what was allegedly altered on each trade ticket; and (g) what role the government alleges Motz played in the alleged alteration of the trade tickets.

7. Identify: (a) each act or transaction that was part of the alleged Third Millennium Fund and Investment Fund #1 scheme as referenced in ¶¶ 17 – 22 of the Indictment; (b) where each act or transaction occurred; and (c) when each act or transaction occurred.

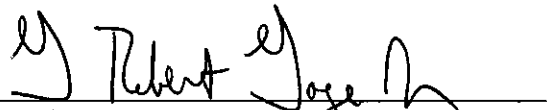
8. State: (a) the MFA representatives who allegedly made a presentation to Investment Fund #1 with Motz in or about November 2002 as referenced in ¶ 18 of the Indictment; (b) who attended the alleged presentation; (c) where the alleged presentation occurred; (d) when the alleged presentation was made; and (e) what was represented.

9. Identify: (a) each alleged instance of Motz “tout[ing], both within and outside MFA, his success in trading MFA’s proprietary account” as referenced in ¶ 18 of the Indictment and state; (b) the date upon which this occurred; (c) where this occurred; (d) who was present; and (e) what was allegedly “touted.”

10. Identify which specific persons were allegedly defrauded in connection with which specific securities registered under section 12 of the Securities Exchange Act as alleged in Count One of the Indictment.

Dated: New York, New York
September 12, 2008

GAGE SPENCER & FLEMING LLP

A handwritten signature in black ink, appearing to read "G. Robert Gage, Jr.", is written over a horizontal line.

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