

Exhibit C

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PREET BHARARA
United States Attorney for the
Southern District of New York

By: MICHAEL D. LOCKARD
Assistant United States Attorney
(212) 637-2193

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X
UNITED STATES OF AMERICA :

- v. - :

SEALED AFFIDAVIT
IN SUPPORT OF SEIZURE
WARRANTS PURSUANT TO
18 U.S.C. §§ 981, 984 &
1955

(1) ALL FUNDS ON DEPOSIT AT CITY :
NATIONAL BANK IN ACCOUNT NUMBER :
370117950, HELD IN THE NAME OF G.I. :
HOLDINGS, AND ALL PROPERTY :
TRACEABLE THERETO; :

(2) ALL FUNDS ON DEPOSIT AT WELLS :
FARGO BANK IN ACCOUNT NUMBER :
5383346862, HELD IN THE NAME OF :
G.I. HOLDINGS, AND ALL PROPERTY :
TRACEABLE THERETO; :

(3) ALL FUNDS ON DEPOSIT AT :
CITIBANK, N.A., IN ACCOUNT NUMBERS :
203023239 AND 203118542, HELD IN :
THE NAME OF G.I. HOLDINGS, AND ALL :
PROPERTY TRACEABLE THERETO; :

(4) ALL FUNDS ON DEPOSIT AT SERVICE :
1ST BANK OF NEVADA IN ACCOUNT :
NUMBER 2020003792, HELD IN THE NAME :
OF G.I. HOLDINGS, AND ALL PROPERTY :
TRACEABLE THERETO; AND :

(5) ALL FUNDS ON DEPOSIT AT NEVADA :
COMMERCE BANK IN ACCOUNT NUMBERS :
0021002712 AND 0021002795, HELD IN :
THE NAME OF G.I. HOLDINGS, AND ALL :
PROPERTY TRACEABLE THERETO; :

Defendants-in-rem. :

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STATE OF NEW YORK)
COUNTY OF NEW YORK) ss:
SOUTHERN DISTRICT OF NEW YORK)

REBECCA E. VASSILAKOS, being duly sworn, deposes and says:

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been so employed since December 2007. I am assigned to a squad that investigates organized criminal activity, including financial institution fraud and money laundering. I am familiar with the facts and circumstances set forth below from my personal participation in the investigation, my review of bank records and other documents, and my conversations with civilian witnesses and other law enforcement officers. Where the actions, statements, and conversations of others are recounted herein, they are recounted in substance and in part, unless otherwise indicated. Because this affidavit is for the limited purpose of establishing probable cause for a seizure warrant, it does not set forth every fact learned in the course of this investigation.

2. This affidavit is submitted in support of the Government's application for the issuance of warrants to seize and forfeit the following:

- a. ALL FUNDS ON DEPOSIT AT CITY NATIONAL BANK IN ACCOUNT NUMBER 370117950, HELD IN THE NAME OF G.I. HOLDINGS, AND ALL PROPERTY TRACEABLE THERETO (the "City National G.I. Holdings Account");

- b. ALL FUNDS ON DEPOSIT AT WELLS FARGO BANK IN ACCOUNT NUMBER 5383346862, HELD IN THE NAME OF G.I. HOLDINGS, AND ALL PROPERTY TRACEABLE THERETO (the "Wells Fargo G.I. Holdings Account");
- c. ALL FUNDS ON DEPOSIT AT CITIBANK, N.A., IN ACCOUNT NUMBERS 203023239 AND 203118542, HELD IN THE NAME OF G.I. HOLDINGS, AND ALL PROPERTY TRACEABLE THERETO (the "Citibank G.I. Holdings Accounts");
- d. ALL FUNDS ON DEPOSIT AT SERVICE 1ST BANK OF NEVADA IN ACCOUNT NUMBER 2020003792, HELD IN THE NAME OF G.I. HOLDINGS, AND ALL PROPERTY TRACEABLE THERETO (the "Service 1st G.I. Holdings Account"); and
- e. ALL FUNDS ON DEPOSIT AT NEVADA COMMERCE BANK IN ACCOUNT NUMBERS 0021002712 AND 0021002795, HELD IN THE NAME OF G.I. HOLDINGS, AND ALL PROPERTY TRACEABLE THERETO (the "Nevada Commerce G.I. Holdings Accounts" and, together with the City National G.I. Holdings Account, the Wells Fargo G.I. Holdings Account, the Citibank G.I. Holdings Accounts, and the Service 1st G.I. Holdings Account, the "Defendant Accounts").

3. As set forth below, there is probable cause to believe that the Defendant Accounts contain property involved in actual or attempted money laundering transactions, or property traceable to such property, in violation of 18 U.S.C. § 1956(a). As such, the contents of the Defendant Accounts are subject to forfeiture to the United States pursuant to 18 U.S.C. §§ 981(a)(1)(A) and 984.

4. In addition, there is probable cause to believe that the Defendant Accounts contain property that constitutes or is derived from proceeds traceable to the operation of an illegal

gambling business, in violation of 18 U.S.C. § 1955, and the illegal transmission of gambling information, in violation of 18 U.S.C. § 1084, and property used in the operation of an illegal gambling business and commission of the gambling offense. As such, the contents of the Defendant Accounts are subject to forfeiture to the United States pursuant to 18 U.S.C. §§ 981(a)(1)(C), 984, and 1955(d).

BACKGROUND

5. For approximately three years FBI agents have been investigating illegal internet gambling businesses which, although typically based offshore, predominantly serve players based in the United States. These gambling businesses offer "real money" casino games, poker, and sports betting to United States players, in violation of multiple federal criminal statutes including but not limited to 18 U.S.C. § 1084 (making it unlawful to use a wire in connection with placing a bet or wager), § 1955 (making it illegal to operate an illegal gambling business) and §§ 1956 and 1957 (money laundering). Although these gambling businesses are based offshore, the vast majority of their customers are in the United States. Consequently, these internet gambling businesses necessarily rely on the United States financial system to move funds between the offshore accounts of the gambling businesses and the United States bank accounts of their customers. And because the internet gambling

is illegal in the United States, the gambling companies must, in most instances, deceive United States financial institutions about the nature of their accounts in the United States and the purposes of their financial transactions.

6. Internet gambling businesses based offshore use the United States financial system to transfer payments to United States customers who have "won" more money than they "lost" while gambling online. One method that internet gambling businesses use to transfer funds to United States customers is to transfer large amounts of money from offshore accounts into a United States bank account and then mail payout checks from this account to the United States bank account to their United States customers.

7. As discussed more fully below, in approximately June of 2009, G.I. Holdings began processing large volumes of deposits for "GREEN2YOURGREEN" through a number of bank accounts opened with different financial institutions in the Las Vegas area. In June and July 2009, G.I. Holdings was depositing hundreds of thousands of checks that G.I. Holdings printed, with G.I. Holdings as the payee and individuals as the payors. These checks generally were in the range of approximately \$15 to \$600, and generally were processed in batches of thousands of checks. The various G.I. Holdings typically suffered from high chargeback

rates as thousands or tens of thousands of payors disputed the payments.

8. These hundreds of thousands of pre-printed checks deposited into the G.I. Holdings accounts had "GREEN2YOURGREEN" in their memo lines; sometimes "GREEN2YOURGREEN" appeared by itself, but more often it appeared with a phone number and with the symbol "PS," "FT," or "UB." Based on my investigation, I believe that "PS," "FT," and "UB" stand, respectively, for "PokerStars," "FullTilt Poker," and "Ultimate Bet," three of the largest online gambling operations in the world. Later, some of the Green2YourGreen checks replaced the codes "PS," "FT," and "UB" with "1" (or "one"), "2" (or "two") and "3" (or "three").

9. G.I. Holdings typically represented to the banks where it opened accounts that it was a payment processing company for various clients. G.I. Holdings represented to its banks that Green2YourGreen was a "multi-tiered" marketing firm that sold green or eco-friendly products.

THE DEFENDANT ACCOUNTS CONTAIN
PROCEEDS OF ILLEGAL GAMBLING

10. As set forth below, there is probable cause to believe that the Defendant Accounts were providing payment services for online gambling companies in 2009. The Defendant Accounts in the name of G.I. Holdings contain large volumes of deposits from pre-printed checks bearing the notation "GREEN2YOURGREEN," which, as discussed below, appears to be a

code G.I. Holdings used to indicate funds deposited by online gamblers to their online gambling accounts.

The City National G.I. Holdings Account

11. I have reviewed documents relating to the City National G.I. Holdings Account obtained from City National Bank, and I have spoken with another FBI special agent ("Agent-1") about Agent-1's discussions with employees of City National Bank concerning the City National G.I. Holdings Account, including employees responsible for investigations and employees responsible for account servicing. From that review of documents and discussion, I learned in substance and in part the following:

- a. The City National G.I. Holdings Account was originally opened at a City National Bank branch in Las Vegas, Nevada, on or about June 16, 2009. G.I. Holdings told City National Bank that the account would be used to process payments for infomercials.
- b. There has been an unusual volume of chargebacks or returned items to the City National G.I. Holdings Account. The account was funded with two opening deposits of approximately \$100 and \$46,000 and an additional deposit of approximately \$37,000 on or about June 22, 2009. On or about June 24, 2009, there were more than 40 chargebacks to the

account. There have been additional deposits to the account, generally ranging from \$15,000 to \$55,000 per deposit, and a large number of additional returns ranging from approximately \$15 to \$600.

- c. The chargebacks relate to pre-printed checks with individual payors. The memo lines on these pre-printed checks read "GREEN2YOURGREEN," followed by the code "PS," "FT," "UB," or no code, and then includes a telephone number. The telephone number on "GREEN2YOURGREEN" checks matches that on the "GREEN2YOURGREEN FT" checks. Based on my training and experience and my participation in this investigation, I understand these codes to stand for "PokerStars," "FullTilt Poker," and "UltimateBet," which are three of the largest internet gambling businesses.
- d. On or about July 8, 2009, City National Bank placed a restraint on the City National G.I. Holdings Account. No withdrawals or charges have been allowed except for chargebacks.

12. In or about mid-July, the balance on the City National G.I. Holdings Account was slightly over \$3 million. I have reviewed most of the checks deposited into the City National

G.I. Holdings Account, and all of the checks I have reviewed were Green2YourGreen checks.

13. I have spoken to another FBI Agent who has spoken on several occasions in 2009 to a cooperating witness (the "CW") who has previously provided reliable and corroborated information in connection with this investigation.¹ I have also reviewed bank records provided by the CW. In or about July 2009, the CW deposited \$60 into an account at fulltiltpoker.com. The next day a cancelled check posted to the CW's bank account. The cancelled check was a pre-printed check written to G.I. Holdings in the amount of \$60, and the memo line read "GREEN2YOURGREEN FT 1-866-885-8132." The back of the check was stamped "FOR DEPOSIT ONLY" by G.I. Holdings at the City National G.I. Holdings Account.

14. After City National Bank froze the City National G.I. Holdings Account and Wells Fargo placed a restraint on the Wells Fargo G.I. Holdings Account (discussed below), the CW received an email from FullTilt Poker concerning a delay in processing another deposit the CW had made to the CW's account. FullTilt Poker's email attributed the delay to "an issue with one of our 3rd party processors," and stated that "the automatic email which you received from cashier@fulltiltpoker.com shortly

¹ The CW previously pled guilty to a gambling and money laundering-related offenses in the United States District Court for the Southern District pursuant to a cooperation agreement.

after the deposit contained an incorrect descriptor of
'Green2Green 866-885-8132'."

The Wells Fargo G.I. Holdings Account

15. I have reviewed documents relating to the Wells Fargo G.I. Holdings Account obtained from Wells Fargo Bank, and I have spoken with an employee of Wells Fargo Bank concerning the Wells Fargo G.I. Holdings Account. From that review of documents and discussion, I learned in substance and in part the following:

- a. The Wells Fargo G.I. Holdings Account was opened January 6, 2009, in the name G.I. Holdings LLC. The account had a relatively low balance and little activity until approximately May 7, 2009, when deposits of thousands of dollars started being made to the account through ATMs. On June 12, 2009, there was a deposit of approximately \$126,000 made at a branch. Since then, a number of other deposits of tens or hundreds of thousands of dollars have been made to the account, along with ATM deposits of thousands of dollars.
- b. The large deposits made to the Wells Fargo G.I. Holdings Account consisted of bundles of smaller checks from individual payors, ranging from approximately \$25 to approximately \$600. The checks consist of pre-printed drafts from

individual payors. The memo lines on many of these pre-printed checks read "GREEN2YOURGREEN," followed by the code "PS," "FT," "UB," or no code, and then a telephone number. The number on some of the Green2YourGreen checks deposited into the Wells Fargo G.I. Holdings Account matches the telephone number on "GREEN2YOURGREEN" and "GREEN2YOURGREEN FT" checks deposited into the City National G.I. Holdings Account.

- c. After Wells Fargo Bank froze the City National G.I. Holdings Account, a bank employee ("Bank Employee-1") met with Steven Lyman and Nate Brodhead, two principals of G.I. Holdings. Lyman and Brodhead told Bank Employee-1 in substance and in part that G.I. Holdings had recently begun processing payments for a company called "Green2YourGreen," which Lyman and Brodhead described as a "multi-tiered marketing" firm located in England.
- d. Bank Employee-1 also saw that G.I. Holdings had check printing operations in key-coded rooms inside the G.I. Holdings offices.
- e. Bank Employee-1 later searched the Internet for Green2YourGreen and found a website at

www.green2yourgreen.com, which purported to market environmentally conscious consumer products. Bank Employee-1 called the phone number listed on the website. During his discussion with the representative who answered the phone, the Green2YourGreen representative asked Bank Employee-1 about PokerStars, even though Bank Employee-1 had not mentioned PokerStars or online gambling.

f. Wells Fargo Bank placed a restraint on the Wells Fargo G.I. Holdings Account on or about July 10, 2009. From my review of Wells Fargo records, it appears that no new transactions were initiated in the account, other than chargebacks, after June 25, 2009. After the account was restrained, G.I. Holdings provided Wells Fargo Bank with a breakdown of the deposits to the account, showing that from May 29, 2009, through June 26, 2009, approximately \$1,824,365 in Green2YourGreen checks were deposited into the Wells Fargo G.I. Holdings Account, out of \$2,171,191 in total deposits.²

² The G.I. Holdings breakdown indicates that Green2YourGreen checks were first deposited during this time period on June 18, 2009. From my review of Wells Fargo records, I understand that Green2YourGreen checks were deposited at least as early as June 12, 2009. Moreover, based on my review of Wells

16. In or about June 2009, the CW deposited \$101 and \$100 on separate occasions into an account at fulltiltpoker.com, and deposited \$25 and \$100 into an account at pokerstars.com on two other occasions. Following each deposit, a cancelled check posted to his bank account. The cancelled checks were pre-printed checks written to G.I. Holdings in the same amounts as the online deposits. The memo lines of the checks relating to the fulltiltpoker.com account read "GREEN2YOURGREEN 866 885 8132." The memo lines of the checks relating to the pokerstars.com account read "GREEN2YOURGREEN PS 866 885 8132" and "GREEN2YOURGREEN PS 1-866-935-9046." The backs of the checks were stamped "FOR DEPOSIT ONLY" by G.I. Holdings at the Wells Fargo G.I. Holdings Account.

The Citibank G.I. Holdings Accounts

17. I have spoken with employees of Citibank concerning the Citibank G.I. Holdings Accounts. From that review of documents and discussion, I learned in substance and in part the following:

- a. G.I. Holdings opened an account with Citibank in Las Vegas, Nevada in or about November

Fargo records relating to the account from May 29, 2009, through June 26, 2009, approximately \$2,317,530.20 was deposited into the Wells Fargo G.I. Holdings Account in total, not the \$2,171,191 reported by G.I. Holdings. The G.I. Holdings breakdown, accordingly, appears to understate the amount of Green2YourGreen activity.

2008. G.I. Holdings represented to Citibank that it was a payment processing company for sales and marketing clients.

- b. In or about June 2009, G.I. Holdings told Citibank that it was taking on a new client, Green2YourGreen. G.I. Holdings provided Citibank with marketing material and a website indicating that Green2YourGreen marketed green products. G.I. Holdings further told Citibank that it was splitting its banking relationships for the Green2YourGreen account among multiple banks in Las Vegas because of the volume of payment processing G.I. Holdings would do for Green2YourGreen.
- c. Citibank initially required G.I. Holdings to limit the number of transactions it processed for Green2YourGreen and to set up a reserve account for potential chargebacks. Quickly, G.I. Holdings was depositing up to 10,000 Green2YourGreen checks daily into the 203023239 account. G.I. Holdings transferred funds from the 203023239 account into the

203118542 account to establish the reserve required by Citibank.

- d. The Green2YourGreen checks were pre-printed by G.I. Holdings, and had memo lines reading "GREEN2YOURGREEN" followed by "1-866-885-8132," "UB 1-866-967-8510," "FT 1-866-885-8132," or "PS 1-866-935-9345." In or about August 2009, the memo lines for Green2YourGreen checks were altered to read "GREEN2YOURGREEN" followed by "one 1-866-458-1024," "two 1-866-456-8801," or "three 1-866-496-4078."
- e. G.I. Holdings wired funds from the Citibank G.I. Holdings Account number 203023239 to overseas accounts, including to Estonia, Cyprus, India, Latvia, Australia, Malta, and the Philippines.
- f. In late July, Citibank was contacted by a law enforcement officer in Ohio regarding the G.I. Holdings account. The law enforcement officer told Citibank that, in the course of an embezzlement investigation, law enforcement had discovered that the target of the investigation participated in online

gambling, and inquired whether G.I. Holdings processed online gambling payments. Citibank asked G.I. Holdings representatives whether the Green2YourGreen checks were for online gambling. G.I. Holdings denied that the funds related to online gambling.

- g. On or about August 7, 2009, Citibank blocked the Citibank G.I. Holdings Accounts and all linked accounts while it investigated whether G.I. Holdings was involved in processing payments for online gambling.

18. In or about June 2009, the CW deposited \$100, \$50, and \$50 on separate occasions into an account at fulltiltpoker.com. Following each deposit, a cancelled check posted to his bank account. The cancelled checks were pre-printed checks written to G.I. Holdings in the same amounts as the online deposits, and the memo lines read "GREEN2YOURGREEN" followed by a ten-digit phone number. The backs of the checks were printed with "Citibank, N.A." and the Citibank G.I. Holdings Account numbered 203023239.

The Service 1st G.I. Holdings Account

19. I have spoken with employees of Service 1st Bank of Nevada concerning the Service 1st G.I. Holdings Account. From

that review of documents and discussion, I learned in substance and in part the following:

- a. G.I. Holdings opened the Service 1st G.I. Holdings Account on or about June 15, 2009. G.I. Holdings represented to Service 1st Bank of Nevada that G.I. Holdings was a payment processing company.
- b. G.I. Holdings began depositing approximately 1,600 to 2,000 checks daily into the Service 1st G.I. Holdings Account. There were also a high number of chargebacks to the account, as many as 100 per day at times.
- c. Based on a review of a sampling of the checks by Service 1st Bank of Nevada personnel, it appears that all of the deposited checks bore "GREEN2YOURGREEN" in the memo line, along with a phone number.
- d. G.I. Holdings transferred funds from the Service 1st G.I. Holdings Account to the Citibank G.I. Holdings Account numbered 20302329 on several occasions by check and by wire. G.I. Holdings also wired funds from the Service 1st G.I. Holdings Account to an

account held by a Tortola, BVI company at a Swiss bank.

- e. On or about July 31, 2009, Service 1st Bank of Nevada stopped allowing deposits to the Service 1st G.I. Holdings Account because the volume of deposits was too great for Service 1st Bank of Nevada to process.

The Nevada Commerce G.I. Holdings Accounts

20. I have spoken with employees of Nevada Commerce Bank concerning the Nevada Commerce G.I. Holdings Accounts. From that review of documents and discussion, I learned in substance and in part the following:

- a. G.I. Holdings opened Nevada Commerce G.I. Holdings Account number 0021002712 on or about June 12, 2009. G.I. Holdings represented to Nevada Commerce Bank that the account would be a master bank account for various corporations, including an entity called "Altcharge." According to G.I. Holdings, Altcharge processed online check payments for various clients on behalf of G.I. Holdings. The biggest Altcharge client was Green2YourGreen. G.I. Holdings described

Green2YourGreen as a multi-level marketing company for green produces.

- b. All or substantially all of the deposits into Nevada Commerce G.I. Holdings Account number 0021002712 were checks written to G.I. Holdings, generally between approximately \$25 and \$150, with a memo line reading "GREEN2YOURGREEN 1 866-855-8132," "GREEN2YOURGREEN 2 866-935-9046," "GREEN2YOURGREEN 3 866-967-8510," or variations. Other checks bore the symbols "PS," "FT," or "UB" instead of the numbers "1," "2," or "3."
- c. Nevada Commerce processed thousands of transactions for the Nevada Commerce G.I. Holdings 0021002712 account daily. On or about July 2, 2009, G.I. Holdings asked Nevada Commerce Bank if it could increase the volume of Green2YourGreen checks because another bank, Wells Fargo, had stopped accepting the deposits. Nevada Commerce Bank agreed and G.I. Holdings brought approximately 70,000 checks to be deposited. Nevada Commerce Bank did not have the

personnel to process the volume of Green2YourGreen checks deposited into the Nevada Commerce G.I. Holdings Account within the bank's ordinary time frame for processing deposits.

- d. G.I. Holdings established a reserve account, numbered 0021002795, for potential chargebacks to the 0021002712 account. Nevada Commerce ultimately received approximately 13,000 chargebacks to the G.I. Holdings account.
- e. Nevada Commerce Bank representatives asked G.I. Holdings whether the Green2YourGreen checks were related to online gambling. G.I. Holdings denied that the checks related to online gambling.
- f. In or about mid-July, Nevada Commerce Bank stopped accepting deposits into the Nevada Commerce G.I. Holdings Accounts because the processing demands of servicing the account were too great for the bank.

STATUTORY AUTHORITY

21. The statutory provisions pursuant to which the contents of the Defendant Accounts are subject to seizure and forfeiture are described below.

22. Title 18, United States Code, Section 981(a)(1)(A) subjects to forfeiture "[a]ny property, real or personal, involved in a transaction or attempted transaction in violation of . . . section 1956 . . . of this title, or any property traceable to such property."

23. Title 18, United States Code, Section 1956 provides, in pertinent part, that

(a)(2) Whoever transports, transmits, or transfers, or attempts to transport, transmit, or transfer a monetary instrument or funds from a place in the United States to or through a place outside the United States or to a place in the United States from or through a place outside the United States--

(A) with the intent to promote the carrying on of specified unlawful activity

shall be guilty of a crime.

24. Title 18, United States Code, Section 1956(c)(7)(A) provides that the term "specified unlawful activity" includes "any act or activity constituting an offense listed in section 1961(1) of this title". Included among the enumerated offenses in 18 U.S.C. § 1961(1) is 18 U.S.C. § 1955, which prohibits the operating of illegal gambling businesses, 18

U.S.C. § 1084, and racketeering activity, which includes any act or threat involving gambling, which is chargeable under State law and punishable by imprisonment for more than one year.

25. Furthermore, 18 U.S.C. § 981(a)(1)(C) subjects to forfeiture:

Any property, real or personal, which constitutes or is derived from proceeds traceable to . . . any offense constituting 'specific unlawful activity' (as defined in section 1956(c)(7) of this title), or a conspiracy to commit such offense.

26. Again, as noted in paragraph 25, supra, 18 U.S.C. § 1956(c)(7)(A) provides that the term "specified unlawful activity" includes "any act or activity constituting an offense listed in section 1961(1) of this title," and § 1961(1) includes 18 U.S.C. §§ 1955 and 1084 among the enumerated offenses.

27. In addition, 18 U.S.C. § 1955 has its own forfeiture provision. Specifically, § 1955(d) provides that "[a]ny property, including money, used in violation of the provisions of this section may be seized and forfeited to the United States."

28. Furthermore, 18 U.S.C. § 984 provides, in relevant part, that:

(a) (1) In any forfeiture action in rem in which the subject property is . . . funds deposited in an account in a financial institution . . .

(A) it shall not be necessary for the Government to identify the specific

property involved in the offense that is the basis for the forfeiture; and

(B) it shall not be a defense that the property involved in such an offense has been removed and replaced by identical property.

(2) Except as provided in subsection (b), any identical property found in the same place or account as the property involved in the offense that is the basis for the forfeiture shall be subject to forfeiture under this section.

(b) No action pursuant to this section to forfeit property not traceable directly to the offense that is the basis for the forfeiture may be commenced more than 1 year from the date of the offense.

29. Section 981(b)(1) of Title 18, United States Code, provides that any property subject to forfeiture to the United States under 18 U.S.C. § 981(a) may be seized by the Attorney General. Section 981(b)(2) provides that such a seizure may be made "pursuant to a warrant obtained in the same manner as provided for a search warrant under the Federal Rules of Criminal Procedure."

30. In addition, Section 981(b)(3) provides that, notwithstanding the provisions of Federal Rule of Criminal Procedure 41(a), a seizure warrant may be issued pursuant to Section 981(b) by a judicial officer in any district in which a forfeiture action against the property may be filed under Title 28, United States Code, Section 1355(b). Under Section

1355(b)(1)(A), a forfeiture action or proceeding may be brought in the district in which any of the acts or omissions giving rise to the forfeiture occurred.

31. Were this affidavit to be made public at this time, it would interfere with an ongoing criminal investigation into certain individuals engaged in the criminal business of online gambling and money laundering. Making the affidavit public also would interfere with the ability of law enforcement officers to locate and seize the proceeds of criminal online gambling businesses.

32. Should the court issue a seizure warrant on the basis of this affidavit, making that warrant publicly available before it is executed could interfere with the ability of law enforcement officers to seize the Defendant Accounts before funds in the Defendant Accounts are dissipated.

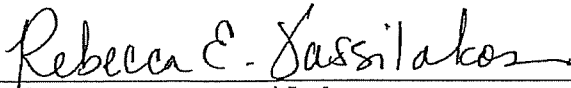
CONCLUSION

33. For the foregoing reasons, I submit that there is probable cause to believe that the funds on deposit in the Defendant Accounts are (a) monies involved in a money laundering transaction or attempted money laundering transaction, in violation of 18 U.S.C. § 1956(a)(2)(A); and (b) the proceeds of illegal internet gambling and property involved in illegal internet gambling, in violation of 18 U.S.C. § 1955. Accordingly, the Defendant Accounts are subject to forfeiture to

the United States of America pursuant to 18 U.S.C.

§§ 981(a)(1)(A) and (C) and 1955, and I respectfully request that the Court issue a seizure warrant for the funds on deposit in the Defendant Accounts, as described in paragraph 2, supra.

34. I also respectfully request that this Affidavit be sealed until further order of the Court and any warrant issued based on this Affidavit be sealed until it is executed, so as not to jeopardize the investigation of this matter.



Rebecca E. Vassilakos
Special Agent
Federal Bureau of Investigation

Sworn to before me this **AUG 25 2009**
day of August, 2009:



HONORABLE RONALD L. ELLIS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK

This Affidavit must remain under seal until further Order of the Court and the accompanying Seizure Warrant must remain under seal until it is executed.

AUG 25 2009

SO ORDERED



HONORABLE RONALD L. ELLIS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK