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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES SECURITIES AND  
EXCHANGE COMMISSION,  
  
Plaintiff,  
  
v.  
  
DANIEL RIVAS,  
JAMES MOODHE,  
ROBERTO RODRIGUEZ,  
RODOLFO SABLON,  
JHONATAN ZOQUIER,  
MICHAEL SIVA, and  
JEFFREY ROGIERS,  
  
Defendants.

1:17-cv-06192-VM

FINAL JUDGMENT AS TO  
DEFENDANT JHONATAN ZOQUIER

The Securities and Exchange Commission having filed a Complaint, and Defendant Jhonatan Zoquier having entered a general appearance; consented to the Court's jurisdiction over Defendant and the subject matter of this action; consented to entry of this Final Judgment; waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection with the purchase or sale of any security:

- (a) to employ any device, scheme, or artifice to defraud;

- (b) to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or
- (c) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive actual notice of this Final Judgment by personal service or otherwise: (a) Defendant's officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or participation with Defendant or with anyone described in (a).

II.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is permanently restrained and enjoined from violating Section 14(e) of the Exchange Act [15 U.S.C. § 78n(e)] and Rule 14e-3 [17 C.F.R. § 240.14e-3] promulgated thereunder, in connection with any tender offer or request or invitation for tenders, from engaging in any fraudulent, deceptive, or manipulative act or practice, by:

- (a) purchasing or selling or causing to be purchased or sold the securities sought or to be sought in such tender offer, securities convertible into or exchangeable for any such securities or any option or right to obtain or dispose of any of the foregoing securities while in possession of material information relating to such tender offer that Defendant knows or has reason to know is nonpublic and knows or has reason to know has been acquired directly or indirectly from the offering person; the issuer of the securities sought or to be sought by such tender offer; or any

officer, director, partner, employee or other person acting on behalf of the offering person or such issuer, unless within a reasonable time prior to any such purchase or sale such information and its source are publicly disclosed by press release or otherwise; or

- (b) communicating material, nonpublic information relating to a tender offer, which Defendant knows or has reason to know is nonpublic and knows or has reason to know has been acquired directly or indirectly from the offering person; the issuer of the securities sought or to be sought by such tender offer; or any officer, director, partner, employee, advisor, or other person acting on behalf of the offering person of such issuer, to any person under circumstances in which it is reasonably foreseeable that such communication is likely to result in the purchase or sale of securities in the manner described in subparagraph (a) above, except that this paragraph shall not apply to a communication made in good faith
- (i) to the officers, directors, partners or employees of the offering person, to its advisors or to other persons, involved in the planning, financing, preparation or execution of such tender offer;
  - (ii) to the issuer whose securities are sought or to be sought by such tender offer, to its officers, directors, partners, employees or advisors or to other persons involved in the planning, financing, preparation or execution of the activities of the issuer with respect to such tender offer; or
  - (iii) to any person pursuant to a requirement of any statute or rule or regulation promulgated thereunder.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive actual notice of this Final Judgment by personal service or otherwise: (a) Defendant's officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or participation with Defendant or with anyone described in (a).

III.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable for disgorgement of \$31,259, but that this amount shall be deemed satisfied by the order of forfeiture entered against Defendant in *United States v. Michael Siva et al.*, 17-cr-00503-AJN (S.D.N.Y. Mar. 7, 2019) (Dkt. 152), which ordered forfeiture of \$31,259.

IV.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent is incorporated herein with the same force and effect as if fully set forth herein, and that Defendant shall comply with all of the undertakings and agreements set forth therein.

V.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, for purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11 U.S.C. §523, the allegations in the complaint are true and admitted by Defendant, and further, any debt for disgorgement, prejudgment interest, civil penalty or other amounts due by Defendant under this Final Judgment or any other judgment, order, consent order, decree or settlement agreement entered in connection with this proceeding, is a debt for the violation by Defendant of the federal securities laws or any regulation or order issued under such laws, as set forth in Section 523(a)(19) of the Bankruptcy Code, 11 U.S.C. §523(a)(19).

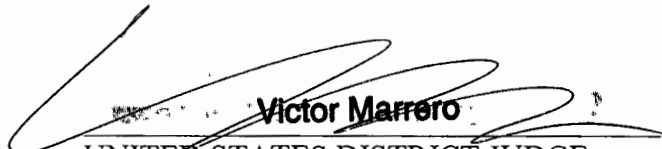
VI.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

VII.

There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith and without further notice.

Dated: 23 September 2019

  
Victor Marrero  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES SECURITIES AND  
EXCHANGE COMMISSION,

Plaintiff,

v.

DANIEL RIVAS,  
JAMES MOODHE,  
ROBERTO RODRIGUEZ,  
RODOLFO SABLON,  
JHONATAN ZOQUIER,  
MICHAEL SIVA, and  
JEFFREY ROGIERS,

Defendants.

1:17-cv-06192-VM

**CONSENT OF DEFENDANT JHONATAN ZOQUIER**

1. Defendant Jhonatan Zoquier (“Defendant”) acknowledges having been served with the complaint in this action, enters a general appearance, and admits the Court’s jurisdiction over Defendant and over the subject matter of this action.

2. Defendant has pleaded guilty to criminal conduct relating to certain matters alleged in the complaint in this action. Specifically, in *United States v. Michael Siva et al.*, 17-cr-00503-AJN (S.D.N.Y.), Defendant pleaded guilty to violating 18 U.S.C. § 371 (Conspiracy to Commit Securities Fraud and Fraud in Connection With a Tender Offer). In connection with that plea, Defendant admitted the facts set out in the transcript of his plea allocution that is attached as Exhibit A to this Consent. This Consent shall remain in full force and effect regardless of the existence or outcome of any further proceedings in *United States v. Michael Siva et al.*

3. Defendant hereby consents to the entry of the Final Judgment in the form attached hereto (the “Final Judgment”) and incorporated by reference herein, which, among other things:

(a) permanently restrains and enjoins Defendant from violations of Sections

10(b) and 14(e) of the Exchange Act [15 U.S.C. §§ 78j(b), 78n(e)] and Rules 10b-5 and 14e-3 thereunder [17 C.F.R. §§ 240.10b-5, 14e-3]; and

(b) orders Defendant liable for disgorgement in the amount of \$31,259 but finds that that this amount shall be deemed satisfied by the order of forfeiture entered against Defendant in *United States v. Michael Siva et al.*, 17-cr-00503-AJN (S.D.N.Y. Mar. 7, 2019) (Dkt. 152), which ordered forfeiture of \$31,259.

4. Defendant waives the entry of findings of fact and conclusions of law pursuant to Rule 52 of the Federal Rules of Civil Procedure.

5. Defendant waives the right, if any, to a jury trial and to appeal from the entry of the Judgment.

6. Defendant enters into this Consent voluntarily and represents that no threats, offers, promises, or inducements of any kind have been made by the Commission or any member, officer, employee, agent, or representative of the Commission to induce Defendant to enter into this Consent.

7. Defendant agrees that this Consent shall be incorporated into the Final Judgment with the same force and effect as if fully set forth therein.

8. Defendant will not oppose the enforcement of the Final Judgment on the ground, if any exists, that it fails to comply with Rule 65(d) of the Federal Rules of Civil Procedure, and hereby waives any objection based thereon.

9. Defendant waives service of the Final Judgment and agrees that entry of the Final Judgment by the Court and filing with the Clerk of the Court will constitute notice to Defendant of its terms and conditions. Defendant further agrees to provide counsel for the Commission,

within thirty days after the Final Judgment is filed with the Clerk of the Court, with an affidavit or declaration stating that Defendant has received and read a copy of the Final Judgment.

10. Consistent with 17 C.F.R. 202.5(f), this Consent resolves only the claims asserted against Defendant in this civil proceeding. Defendant acknowledges that no promise or representation has been made by the Commission or any member, officer, employee, agent, or representative of the Commission with regard to any criminal liability that may have arisen or may arise from the facts underlying this action or immunity from any such criminal liability. Defendant waives any claim of Double Jeopardy based upon the settlement of this proceeding, including the imposition of any remedy or civil penalty herein. Defendant further acknowledges that the Court's entry of a permanent injunction may have collateral consequences under federal or state law and the rules and regulations of self-regulatory organizations, licensing boards, and other regulatory organizations. Such collateral consequences include, but are not limited to, a statutory disqualification with respect to membership or participation in, or association with a member of, a self-regulatory organization. This statutory disqualification has consequences that are separate from any sanction imposed in an administrative proceeding. In addition, in any disciplinary proceeding before the Commission based on the entry of the injunction in this action, Defendant understands that he shall not be permitted to contest the factual allegations of the complaint in this action.

11. Defendant understands and agrees to comply with the terms of 17 C.F.R. § 202.5(e), which provides in part that it is the Commission's policy "not to permit a defendant or respondent to consent to a judgment or order that imposes a sanction while denying the allegations in the complaint or order for proceedings." As part of Defendant's agreement to comply with the terms of Section 202.5(e), Defendant acknowledges the guilty plea for related



conduct described in paragraph 2 above, and: (i) will not take any action or make or permit to be made any public statement denying, directly or indirectly, any allegation in the complaint or creating the impression that the complaint is without factual basis; (ii) will not make or permit to be made any public statement to the effect that Defendant does not admit the allegations of the complaint, or that this Consent contains no admission of the allegations; (iii) upon the filing of this Consent, Defendant hereby withdraws any papers filed in this action to the extent that they deny any allegation in the complaint; and (iv) stipulates for purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11 U.S.C. § 523, that the allegations in the complaint are true, and further, that any debt for disgorgement, prejudgment interest, civil penalty or other amounts due by Defendant under the Final Judgment or any other judgment, order, consent order, decree or settlement agreement entered in connection with this proceeding, is a debt for the violation by Defendant of the federal securities laws or any regulation or order issued under such laws, as set forth in Section 523(a)(19) of the Bankruptcy Code, 11 U.S.C. § 523(a)(19). If Defendant breaches this agreement, the Commission may petition the Court to vacate the Final Judgment and restore this action to its active docket. Nothing in this paragraph affects Defendant's: (i) testimonial obligations; or (ii) right to take legal or factual positions in litigation or other legal proceedings in which the Commission is not a party.

12. Defendant hereby waives any rights under the Equal Access to Justice Act, the Small Business Regulatory Enforcement Fairness Act of 1996, or any other provision of law to seek from the United States, or any agency, or any official of the United States acting in his or her official capacity, directly or indirectly, reimbursement of attorney's fees or other fees, expenses, or costs expended by Defendant to defend against this action. For these purposes, Defendant agrees that Defendant is not the prevailing party in this action since the parties have

reached a good faith settlement.

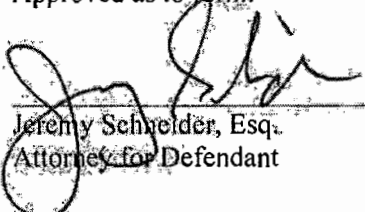
13. Defendant agrees that the Commission may present the Final Judgment to the Court for signature and entry without further notice.

14. Defendant agrees that this Court shall retain jurisdiction over this matter for the purpose of enforcing the terms of the Final Judgment.

Dated: 6/13/19

  
\_\_\_\_\_  
Jhonatan Zoquier

Approved as to form:

  
\_\_\_\_\_  
Jeremy Schweider, Esq.  
Attorney for Defendant

# EXHIBIT A

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
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UNITED STATES OF AMERICA,

v.

17 Cr. 503 (AJN)

JHONATAN ZOQUIER,

Defendant.

Plea

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New York, N.Y.  
August 6, 2018  
10:54 a.m.

Before:

HON. KATHARINE H. PARKER,

Magistrate Judge

APPEARANCES

GEOFFREY S. BERMAN  
United States Attorney for the  
Southern District of New York  
BY: ANDREA M. GRISWOLD  
Assistant United States Attorney

ROTHMAN, SCHNEIDER, SOLOWAY & STERN, LLP  
Attorneys for Defendant  
BY: JEREMY SCHNEIDER, ESQ.

ALSO PRESENT: JONATHAN POLONITZA, Special Agent, FBI

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1 (Case called)

2 MS. GRISWOLD: Good morning, your Honor. Andrea  
3 Griswold for the government. I'm joined by Special Agent  
4 Jonathan Polonitza with the FBI.

5 THE COURT: Good morning.

6 MR. SCHNEIDER: Good morning, your Honor. Jeremy  
7 Schneider for Jhonatan Zoquier, who's seated right here.

8 THE COURT: Good morning. Good morning.

9 THE DEFENDANT: Good morning.

10 THE COURT: All right. We're here for a plea  
11 allocution in the matter of U.S. v. Zoquier. I'm Judge Parker,  
12 and I understand that you wish to plead guilty to Count 39 of  
13 the indictment, which charges you with conspiracy to commit  
14 securities fraud and fraud in connection with a tender offer  
15 from in or about March 2016 through April 2017, is that right?

16 THE DEFENDANT: That's correct.

17 THE COURT: Before we get started, I'm going to ask  
18 the courtroom deputy to place you under oath.

19 (Defendant sworn)

20 THE COURT: You may be seated.

21 Mr. Zoquier, you've now been placed under oath, so  
22 this means that any statements you make here may be used  
23 against you by the government in a prosecution for perjury or  
24 for making false statements. Do you understand that?

25 THE DEFENDANT: Yes, ma'am.

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1 THE COURT: I have before me a Consent to Proceed  
2 Before a United States Magistrate Judge on a Felony Plea  
3 Allocution that you have signed, dated today. And what this  
4 form says is that you know you have the right to have your plea  
5 taken by a United States district judge but that you're  
6 agreeing to have your plea taken by a United States magistrate  
7 judge. As a magistrate judge, I have the authority to take  
8 your plea, with your consent, and you're still entitled to all  
9 the same rights and protections as if you were before a  
10 district judge, and you will be sentenced by a district judge  
11 if the court accepts your plea.

12 Before you signed this form, did your lawyer explain  
13 it to you?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: And did you sign it voluntarily?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Do you still wish to proceed with your  
18 plea before a US magistrate judge?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: Your consent is accepted.

21 I'd like to explain a little bit more about the  
22 proceeding today. I'm going to ask you various questions, and  
23 some are personal in nature and others are about the crime to  
24 which you have indicated you wish to plead guilty. I'm also  
25 going to review various rights that you have and will be giving

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1 up by pleading guilty. The purpose of these questions is to  
2 make sure that you understand your rights and to make sure that  
3 you're voluntarily pleading guilty of your own free will and  
4 because you are in fact guilty of the crime to which you are  
5 pleading guilty. Do you understand?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: What is your full name?

8 THE DEFENDANT: Jhonatan Zoquier.

9 THE COURT: How old are you?

10 THE DEFENDANT: Thirty-four years old.

11 THE COURT: Are you a US citizen?

12 THE DEFENDANT: Yes.

13 THE COURT: The reason I ask that question is because  
14 pleading guilty can have serious immigration consequences.

15 How far did you go in school?

16 THE DEFENDANT: Finished college, bachelor's degree.

17 THE COURT: Are you currently or have you recently  
18 been under the care of a doctor or a mental health  
19 professional?

20 THE DEFENDANT: No, ma'am.

21 THE COURT: Do you have any condition that affects  
22 your ability to see or to hear?

23 THE DEFENDANT: No, ma'am.

24 THE COURT: Do you have any condition that affects  
25 your ability to make judgments or decisions on your own behalf?

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1 THE DEFENDANT: No, ma'am.

2 THE COURT: Have you ever been treated or hospitalized  
3 for mental illness?

4 THE DEFENDANT: No.

5 THE COURT: Have you ever been treated or hospitalized  
6 for alcoholism or drug addiction?

7 THE DEFENDANT: No.

8 THE COURT: As you sit here today, are you under the  
9 influence of any mind-altering drug or alcohol?

10 THE DEFENDANT: No, ma'am.

11 THE COURT: And how are you feeling physically today?

12 THE DEFENDANT: I feel okay.

13 THE COURT: Is your mind clear today?

14 THE DEFENDANT: Yes.

15 THE COURT: Do you understand what's happening in this  
16 proceeding?

17 THE DEFENDANT: I do.

18 THE COURT: Does either counsel have any objections to  
19 Mr. Zoquier's competence to plead at this time?

20 MS. GRISWOLD: No, your Honor.

21 MR. SCHNEIDER: No.

22 THE COURT: I'm now going to explain certain  
23 constitutional rights that you have. These are rights you'll  
24 be giving up if you enter a plea of guilty. So please listen  
25 carefully to what I'm about to say. If you don't understand



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1 anything, stop me and I can explain further or your lawyer can  
2 explain, okay?

3 Under the Constitution and laws of the United States,  
4 you have a right to plead not guilty to the charges contained  
5 in the indictment. Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: If you plead not guilty, you'd be entitled  
8 to a speedy and public trial by a jury of the charges against  
9 you. At the trial, you'd be presumed innocent and the  
10 government would be required to prove that you were guilty  
11 beyond a reasonable doubt before you could be found guilty.  
12 Also, you could not be convicted unless a jury of 12 people  
13 agreed unanimously that you are guilty beyond a reasonable  
14 doubt. Do you understand all of this?

15 THE DEFENDANT: Yes, I do.

16 THE COURT: If you decided to go to trial, at the  
17 trial, and at every stage of your case, you'd have the right to  
18 be represented by an attorney, and if you could not afford one,  
19 an attorney would be appointed to represent you at the  
20 government's expense. Even if you retain private defense  
21 counsel, if you ran out of money, a lawyer would be appointed  
22 to continue to represent you. You would be entitled to a  
23 lawyer all the way through trial and not just for a guilty  
24 plea, so your decision to plead guilty should not depend on  
25 whether you can afford to hire a lawyer. Do you understand?

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1 THE DEFENDANT: I understand.

2 THE COURT: During a trial, the witnesses for the  
3 prosecution would have to come to court and testify in your  
4 presence, where you could see and hear them, and your lawyer  
5 could cross-examine the witnesses. If you wanted, your lawyer  
6 could offer evidence on your behalf. You'd also be able to use  
7 the Court's power to compel witnesses to come to court to  
8 testify in your defense even if they did not want to come. Do  
9 you understand?

10 THE DEFENDANT: Yes, I do.

11 THE COURT: At a trial, you'd have the right to  
12 testify in your own defense if you wanted to, but you'd also  
13 have the right not to testify. And if you chose not to  
14 testify, that could not be used against you in any way. No  
15 inference or suggestion of guilt would be permitted from the  
16 fact that you did not testify. Do you understand?

17 THE DEFENDANT: Yes.

18 THE COURT: If you were convicted at trial, you'd have  
19 the right to appeal that verdict to a higher court. Do you  
20 understand?

21 THE DEFENDANT: Yes.

22 THE COURT: And as I said before, you have the right  
23 to plead not guilty. So even right now, as you sit here today  
24 for purposes of entering a guilty plea, if at any time you  
25 change your mind, you can do so and persist in a not guilty

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1 plea and go to trial. But if you do plead guilty and your plea  
2 is accepted, you will give up the right to a jury trial and all  
3 the other rights that go with it that I've just described. Do  
4 you understand?

5 THE DEFENDANT: Yes, I do.

6 THE COURT: Finally, if you do plead guilty, you're  
7 also giving up the right not to incriminate yourself, and I'm  
8 going to ask you questions about what you did in order to  
9 satisfy myself that you are actually guilty. By pleading  
10 guilty, you'll be admitting to your factual as well as legal  
11 guilt. Do you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: I'm now going to review the charges  
14 against you and the consequences of pleading guilty to them.

15 So the indictment against you contains a number of  
16 counts, but the government has agreed to accept your plea with  
17 respect to Count 39 of the indictment, and Count 39 charges you  
18 with conspiracy to commit securities fraud and fraud in  
19 connection with a tender offer from March 2016 through April  
20 2017, in violation of Title 18 of the United States Code  
21 Section 371. And I'd like to ask the government to state the  
22 elements of this crime.

23 MS. GRISWOLD: Of course, your Honor.

24 Count 39 has three elements:

25 First, that the defendant agreed with at least one

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1 other person to commit defined objects;

2 Second, that at least one overt act was taken by the  
3 defendant or a co-conspirator to further the conspiracy; and

4 Third, that at least one overt act in furtherance of  
5 the conspiracy took place in the Southern District of New York.

6 I'll set forth on the record the two objects of the  
7 conspiracy.

8 The first object is securities fraud. That has five  
9 elements:

10 First, that the defendant or a co-conspirator received  
11 material nonpublic information -- that is, information he knew  
12 was not publicly available and would be important to a  
13 reasonable investor;

14 Second, the information was disclosed or used in  
15 breach of a duty to keep the information confidential, and  
16 disclosed or used for a personal benefit;

17 Third, that the defendant knew the information was  
18 disclosed or used in breach of a duty and for personal benefit;

19 Fourth, that the defendant or a co-conspirator traded  
20 based on the material nonpublic information received; and

21 Fifth, at least one act in furtherance of the scheme  
22 took place in the Southern District of New York.

23 The second object of the conspiracy charged in Count  
24 39 is tender offer fraud. This also has five elements:

25 First, after substantial steps have been taken to

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1 commence a tender offer;

2 Second, the defendant or a co-conspirator received  
3 material nonpublic information relating to that tender offer  
4 deal;

5 Third, that either directly or indirectly, from  
6 someone the defendant knew to be associated with either the  
7 offer or the target issuer;

8 Fourth, that the defendant or a co-conspirator  
9 knowingly and wilfully traded on that information in advance of  
10 the tender offer's public announcement; and

11 Finally, that at least one act in furtherance of the  
12 scheme occurred in the Southern District of New York.

13 THE COURT: Thank you, Ms. Griswold.

14 All right. Mr. Zoquier, the elements, which is rather  
15 long for this particular crime, are things that the government  
16 would have to prove beyond a reasonable doubt if you were to go  
17 to trial and in order for you to be convicted.

18 I'm now going to tell you the maximum possible penalty  
19 for this crime. The maximum means the most that could possibly  
20 be imposed, it does not mean that is what you necessarily would  
21 receive, but by pleading guilty you are exposing yourself to  
22 the possibility of receiving any combination of punishments up  
23 to the maximum I'm about to describe.

24 The maximum term of imprisonment for this offense is  
25 five years. This could be followed by three years of

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1 supervised release. Supervised release means that after you  
2 are released from prison, you may be subject to supervision by  
3 the probation department. If you're placed on supervised  
4 release and thereafter violate any condition of that supervised  
5 release, the district judge can revoke the term of supervised  
6 release and return you to prison without giving you any credit  
7 for time previously served on postrelease supervision.

8 In addition to these restrictions on your liberty, the  
9 maximum possible punishment for this crime includes a fine of  
10 up to \$250,000, twice the gross pecuniary gain derived from the  
11 offense, or twice the gross pecuniary loss to persons other  
12 than yourself, whichever is greatest.

13 The court is also required to impose a mandatory  
14 special assessment, or fine, of \$100.

15 The court has authority to require you to pay  
16 restitution to any victims of the crime in an amount that the  
17 Court decides is required to compensate them on their injuries,  
18 and by pleading guilty, you'll be admitting to the forfeiture  
19 allegations with respect to Count 39 of the indictment and  
20 agree to forfeit any and all monetary proceeds you obtained  
21 from the crime to which you plead guilty as well as any  
22 property used or intended to be used in connection with that  
23 crime. And forfeiture of this money and properties is in  
24 addition to any fine, restitution, cost of imprisonment, or  
25 other penalty the court may impose upon you. Do you

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1 understand?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: Also, a guilty plea may result in a loss  
4 of certain valuable civil rights, to the extent you have them  
5 today or could obtain them in the future. And these include  
6 the right to vote, the right to hold public office, the right  
7 to serve on a jury, and the right to possess any kind of  
8 firearm. Do you understand?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: Do you understand the charges against you  
11 and the consequences of pleading guilty?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: Have you had enough time to talk with your  
14 lawyer about the charges against you and about how you wish to  
15 plead, as well as the consequences of your plea?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: And are you satisfied with your lawyer's  
18 representation of you?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: Do you still want to continue with your  
21 plea at this point?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: I've been provided with a written plea  
24 agreement. I have the original here that bears your signature  
25 as of today. Is this in fact your signature?

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1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: And did you read the plea agreement and  
3 talk about it with your lawyer before you signed it?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Did your lawyer explain all of its terms  
6 and conditions to you?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: In the plea agreement you and the  
9 government have reached an agreement regarding how your  
10 sentence would be calculated under a part of our law known as  
11 the Sentencing Guidelines. And that agreement is that the  
12 appropriate guideline range is from 12 to 18 months of  
13 imprisonment and a fine range of \$5,500 to \$55,000.

14 Under the plea agreement, neither you nor the  
15 government is allowed to argue to the sentencing judge for a  
16 sentencing range calculation that is different from the one in  
17 the plea agreement. Both parties are also agreeing not to seek  
18 any upward or downward departure from the Sentencing Guidelines  
19 range except that either party may seek a sentence outside the  
20 guideline range based upon the factors to be considered under  
21 Section 3553(a) of Title 18 of the United States Code.

22 Do you understand that the government has reserved the  
23 right to seek an adjustment to the guidelines range if it  
24 learns new information about your criminal history or if you  
25 fail to clearly demonstrate acceptance of responsibility or if



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1 it's determined that you've engaged in conduct unknown to the  
2 government that constitutes obstruction of justice, or if you  
3 commit another crime? Do you understand all of that?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Do you understand that neither the  
6 probation department nor the Court is bound by the plea  
7 agreement that you've reached with the U.S. Attorney's Office  
8 and that Judge Nathan, the sentencing judge, is free to do and  
9 in fact obliged to do her own calculation of the appropriate  
10 sentencing range in your case, which may result in a range that  
11 differs from the one in the agreement? Do you understand all  
12 of that?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: So Judge Nathan has the discretion to give  
15 a prison sentence below or above the range set forth in the  
16 plea agreement or that she independently calculates is the  
17 appropriate range in your case, anywhere up to the maximum  
18 sentence I told you about earlier. You understand that?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: In determining the appropriate sentence,  
21 the Court will consider the Sentencing Guidelines, possible  
22 departures under those guidelines, and other sentencing factors  
23 set forth in Title 18 of the United States Code Section  
24 3553(a). In addition, the Court will consider a presentence  
25 report prepared by the probation department, and before your

1 sentence, both you and the government will have an opportunity  
2 to review that report and challenge any facts in it.

3           Ultimately, Judge Nathan will determine your sentence  
4 based on all of the factors I've just explained, and that  
5 sentence may be more severe than you expect, but you will not  
6 be able to withdraw your guilty plea at that point. Do you  
7 understand?

8           THE DEFENDANT: Yes, ma'am.

9           THE COURT: And do you understand that under the terms  
10 of the plea agreement, so long as Judge Nathan sentences you to  
11 a prison term of no longer than 18 months, you're giving up  
12 your right to challenge your sentence, whether by direct  
13 appeal, writ of habeas corpus, or otherwise?

14           THE DEFENDANT: Yes, ma'am.

15           THE COURT: Do you understand that you're also giving  
16 up your right to challenge any term of supervised release  
17 imposed by the Court up to the three-year maximum I told you  
18 about earlier, whether by direct appeal, habeas corpus, or  
19 otherwise?

20           THE DEFENDANT: Yes, ma'am.

21           THE COURT: The plea agreement also says that you  
22 cannot appeal any fine of \$55,000 or less or any other order of  
23 restitution or forfeiture, whether by direct appeal, writ of  
24 habeas corpus, or otherwise. Do you understand?

25           THE DEFENDANT: Yes, ma'am.

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1 THE COURT: Now under the plea agreement, the US  
2 attorney is agreeing that it won't prosecute you further  
3 criminally except for criminal tax violations for your  
4 participation in the crime charged in Count 39. But your  
5 conduct can be considered and be the basis for a sentencing  
6 enhancement if you are prosecuted for another crime in the  
7 future. Do you understand?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: At the time of sentencing the government  
10 will move to dismiss all of the other open counts against you,  
11 and in return, you're agreeing with respect to any and all of  
12 the dismissed charges that you're not a prevailing party within  
13 the meaning of the Hyde Amendment and will not file any claim  
14 under that law to seek attorney's fees for bringing the  
15 dismissed charges against you. Do you understand?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Now, Ms. Griswold, in the plea agreement  
18 it says that Mr. Zoquier cannot withdraw his plea even if he  
19 later learns that the government withheld certain material that  
20 might have been helpful to him at trial. Has the government  
21 withheld any such material?

22 MS. GRISWOLD: No, your Honor.

23 THE COURT: Mr. Zoquier, do you understand that under  
24 the terms of the plea agreement, even if you later learn that  
25 the government withheld from your counsel certain information

1 that might have been helpful to you in defending yourself at  
2 trial, you will not be able to complain about that and withdraw  
3 your guilty plea on that basis? Do you understand that?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Do you understand that if you're not a  
6 citizen of the United States, your guilty plea and conviction  
7 will presumptively result in your mandatory deportation and  
8 removal from the United States and that you have no right to  
9 withdraw your plea by virtue of any adverse immigration  
10 consequence?

11 THE DEFENDANT: I understand.

12 THE COURT: Do you understand that you cannot appeal  
13 any adverse immigration order or otherwise challenge any such  
14 order collaterally or through writ of habeas corpus?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: Now the plea agreement does not bind any  
17 prosecution office other than the U.S. Attorney's Office for  
18 the Southern District of New York. Do you understand that?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: Also, this plea agreement says, and you're  
21 agreeing, that it takes the place of any prior understandings  
22 you may have had with the government.

23 It also says that if, following your plea of guilty,  
24 your guilty plea is vacated for any reason, the government is  
25 not time barred and can reinstitute charges against you. Do

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1 you understand that?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: Before I go on, does either counsel have  
4 anything else they'd like me to review with Mr. Zoquier about  
5 the plea agreement?

6 MS. GRISWOLD: I may have missed it, your Honor, but I  
7 believe the plea agreement indicates that the defendant will  
8 admit the forfeiture allegation in the indictment.

9 THE COURT: Yes, I believe that I did say that, but  
10 just to make sure, Mr. Zoquier, did you understand me when I  
11 said earlier that you are admitting to the forfeiture  
12 allegation with respect to Count 39 of the indictment?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: Okay. Aside from what's in the plea  
15 agreement, have any promises been made to you to influence you  
16 to plead guilty?

17 THE DEFENDANT: No, ma'am.

18 THE COURT: Have any threats been made to you to make  
19 you plead guilty?

20 THE DEFENDANT: No, ma'am.

21 THE COURT: Have any promises been made to you  
22 concerning the actual sentence you'll receive?

23 THE DEFENDANT: No, ma'am.

24 THE COURT: Now that you've been advised of the  
25 charges against you, the possible penalties you face, and the

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1 rights that you're giving up, do you still wish to plead guilty  
2 to Count 39 of the indictment?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: Is your plea voluntary and made of your  
5 own free will?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: With respect to Count 39, how do you  
8 plead, guilty or not guilty?

9 THE DEFENDANT: Guilty.

10 THE COURT: Are you pleading guilty because you in  
11 fact committed the offenses to which you're pleading guilty?

12 THE DEFENDANT: Yes.

13 THE COURT: Tell me in your own words what you did  
14 that makes you guilty of this crime.

15 THE DEFENDANT: Okay. From in or about March 2016  
16 through in or about April 2017, in the Southern District of New  
17 York and elsewhere, I along with others knowingly -- knowingly  
18 conspired and agreed with each other to commit securities fraud  
19 and fraud in connection with a tender offer in that I received  
20 nonpublic inside information from a co-conspirator, and based  
21 upon that nonpublic information, on or about March 24, 2017,  
22 using means and instrumentalities of interstate commerce, I  
23 placed an order of 120 shares of St. Jude stock. Additionally,  
24 using these instrumentalities of interstate commerce, I passed  
25 nonpublic information to other co-conspirators who I have

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1 reason to believe used that information for -- used that  
2 nonpublic information to order certain shares of stock. I knew  
3 that what -- I knew at the time what I was doing was illegal.

4 THE COURT: Did you know at the time that you received  
5 information about the stock and the tender offer that the  
6 information was nonpublic?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: And did you know at that time that because  
9 it was nonpublic, you were not supposed to trade on that  
10 information?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: Were your gains from this unlawful trading  
13 between 95 and \$150,000?

14 MR. SCHNEIDER: Your Honor --

15 MS. GRISWOLD: It's a conspiracy count, your Honor, so  
16 I would ask that the inquiry would be whether the gains of the  
17 conspiracy were within that range rather than him personally.

18 THE COURT: Fine.

19 Mr. Zoquier, do you know if the gains from the  
20 conspiracy were between 95 and \$150,000?

21 THE DEFENDANT: Is that for myself?

22 THE COURT: That's with respect to everybody involved  
23 in the conspiracy who may have gained from the illegal trading.

24 THE DEFENDANT: It had to be more.

25 THE COURT: Okay. So within that amount.

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1 MR. SCHNEIDER: I'm sorry. It's a little confusing,  
2 your Honor. I'm sorry. The entire conspiracy involved way  
3 more than that. The conspiracy he's pleading to regarding the  
4 information he received and possibly, he has reason to believe,  
5 the information he gave to others, that total, he's been led to  
6 believe, was between 95 and 150, but he didn't know that  
7 personally at the time he gave the information, but he now is  
8 accepting that, based on what he's been told, that that  
9 information of what he received and the information he passed  
10 on is encompassed in that 95 to \$150,000.

11 THE COURT: All right. So do you agree with what your  
12 lawyer has just said, Mr. Zoquier?

13 THE DEFENDANT: Yes, that's what it is.

14 THE COURT: And are you challenging venue in this  
15 district? I assume there's no challenge to venue in this  
16 district.

17 MR. SCHNEIDER: That's correct. We're not challenging  
18 venue.

19 THE COURT: Okay. Did you know at the time that you  
20 did these acts that what you were doing was wrong and against  
21 the law?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: Does the government believe that there's a  
24 sufficient factual predicate for a plea?

25 MS. GRISWOLD: Your Honor, I would ask that the Court



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1 ask one follow-up question with respect to the nature of the  
2 relationship between the defendant and the individual, the  
3 corporate insider who provided the information, and that  
4 question would be whether they were close friends and the  
5 defendant understood that at least in part, the information was  
6 being given to him because of that friendship.

7 THE COURT: All right. Mr. Zoquier, what was the  
8 nature of your relationship with the individual who gave you  
9 the inside information?

10 THE DEFENDANT: That was my -- my closest friend who  
11 lived -- for 19 years.

12 THE COURT: All right. And was it your understanding  
13 that he knew that the information that he was providing to you  
14 was inside information, nonpublic information?

15 THE DEFENDANT: It was inside information, yes, I  
16 knew.

17 THE COURT: And did you and he have an agreement that  
18 you would be able to trade on that information for a profit?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: Any further questions?

21 MS. GRISWOLD: No. I think there's a sufficient  
22 factual basis.

23 With respect to the loss amount, if I could just make  
24 one clarification. I believe defense counsel said that the  
25 defendant has come to understand that the conspiracy had

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1 profits between 95,000 and 150,000. I believe that there's a  
2 stipulation in the plea agreement that that's the amount that  
3 conspiracy earned and that I would ask the Court to inquire  
4 whether it was foreseeable to the defendant that himself and  
5 the individuals with whom he shared this information would be  
6 able to profit to that extent.

7 THE COURT: All right. Mr. Zoquier, the government's  
8 just pointed to a provision in the plea agreement where you're  
9 stipulating, you're agreeing that yourself and individuals that  
10 you gave information to, this nonpublic information to, could  
11 profit in the range of 95 to \$150,000. Do you agree with that  
12 statement and is that something that you are voluntarily  
13 agreeing to at this time?

14 THE DEFENDANT: Can I --

15 THE COURT: Yes. Do you want to take a moment to talk  
16 with your lawyer?

17 (Defendant conferring with his counsel)

18 THE DEFENDANT: Yes, that's foreseeable, yes.

19 THE COURT: Okay.

20 THE DEFENDANT: I just wanted to make sure.

21 THE COURT: Okay. Mr. Schneider, do you believe that  
22 there's a sufficient factual predicate for a plea?

23 MR. SCHNEIDER: Yes.

24 THE COURT: Are there any additional questions you'd  
25 like me to ask your client?

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1 MR. SCHNEIDER: No.

2 THE COURT: And do you know of any reasons why your  
3 client should not be permitted to plead guilty, such as any  
4 defenses that would prevail at trial?

5 MR. SCHNEIDER: Well, we've discussed the possible  
6 defenses and we believe it's in his best interests that he  
7 should plead guilty, yes.

8 THE COURT: Okay. Thank you.

9 Ms. Griswold, would the government like to make a  
10 proffer of what it would show at trial.

11 MS. GRISWOLD: Very briefly, your Honor.

12 At trial, the government would call the corporate  
13 insider who would testify about the fact that he breached his  
14 duty to an investment bank and he had access to information  
15 about nonpublic M&A deals and tender offers, that he provided  
16 that information to the defendant expecting that he would trade  
17 on it so that the defendant could make a profit, and that also  
18 that that investment bank had a -- his office was in the  
19 Southern District of New York.

20 THE COURT: Okay. Thank you.

21 Mr. Zoquier, on the basis of your responses to my  
22 questions and my observations of your demeanor, I find that you  
23 are competent to enter into a guilty plea. I'm satisfied that  
24 you understand your rights, including your right to go to  
25 trial, and that you're aware of the consequences of your plea,

1 including the sentence that may be imposed, and that you are  
2 voluntarily pleading guilty and that you've admitted that you  
3 are guilty as charged with conspiracy to commit securities  
4 fraud and tender offer fraud, as charged in Count 39 of the  
5 indictment. So for these reasons I'll recommend that Judge  
6 Nathan accept your plea.

7 Will the government please order a transcript of this  
8 proceeding and submit it to Judge Nathan.

9 MS. GRISWOLD: Yes, your Honor.

10 THE COURT: And has Judge Nathan set a sentencing  
11 date?

12 MS. GRISWOLD: She has not.

13 THE COURT: All right. So I will set a control date.  
14 How's November 1st for a control date?

15 MS. GRISWOLD: Works for the government.

16 MR. SCHNEIDER: That's fine, your Honor.

17 THE COURT: Okay. November 1st.

18 I'm also going to direct that a presentence report be  
19 prepared. And Ms. Griswold, can you deliver a case summary to  
20 the probation department?

21 MS. GRISWOLD: Yes, your Honor.

22 THE COURT: All right. And Mr. Schneider, can you  
23 meet with your client and probation in the near future as well?

24 MR. SCHNEIDER: Absolutely.

25 THE COURT: Great.

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Is there anything further from the government at this time?

MS. GRISWOLD: No. Thank you.

THE COURT: Anything further from defendant?

MR. SCHNEIDER: No, your Honor. Thank you.

THE COURT: All right. Thank you.

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**United States District Court  
Southern District of New York**

Ruby J. Krajick  
*Clerk of Court*

Dear Litigant:

Enclosed is a copy of the judgment entered in your case. If you disagree with a judgment or final order of the district court, you may appeal to the United States Court of Appeals for the Second Circuit. To start this process, file a "Notice of Appeal" with this Court's Pro Se Intake Unit.

You must file your notice of appeal in this Court within 30 days after the judgment or order that you wish to appeal is entered on the Court's docket, or, if the United States or its officer or agency is a party, within 60 days after entry of the judgment or order. If you are unable to file your notice of appeal within the required time, you may make a motion for extension of time, but you must do so within 60 days from the date of entry of the judgment, or within 90 days if the United States or its officer or agency is a party, and you must show excusable neglect or good cause for your inability to file the notice of appeal by the deadline.

Please note that the notice of appeal is a *one-page* document containing your name, a description of the final order or judgment (or part thereof) being appealed, and the name of the court to which the appeal is taken (the Second Circuit) – *it does not* include your reasons or grounds for the appeal. Once your appeal is processed by the district court, your notice of appeal will be sent to the Court of Appeals and a Court of Appeals docket number will be assigned to your case. At that point, all further questions regarding your appeal must be directed to that court.

The filing fee for a notice of appeal is \$505 payable in cash, by bank check, certified check, or money order, to "Clerk of Court, S.D.N.Y." *No personal checks are accepted.* If you are unable to pay the \$505 filing fee, complete the "Motion to Proceed *in Forma Pauperis* on Appeal" form and submit it with your notice of appeal to the Pro Se Intake Unit. If the district court denies your motion to proceed *in forma pauperis* on appeal, or has certified under 28 U.S.C. § 1915(a)(3) that an appeal would not be taken in good faith, you may file a motion in the Court of Appeals for leave to appeal *in forma pauperis*, but you must do so within 30 days after service of the district court order that stated that you could not proceed *in forma pauperis* on appeal.

For additional issues regarding the time for filing a notice of appeal, see Federal Rule of Appellate Procedure 4(a). There are many other steps to beginning and proceeding with your appeal, but they are governed by the rules of the Second Circuit Court of Appeals and the Federal Rules of Appellate Procedure. For more information, visit the Second Circuit Court of Appeals website at <http://www.ca2.uscourts.gov/>.

**THE DANIEL PATRICK MOYNIHAN  
UNITED STATES COURTHOUSE  
500 PEARL STREET  
NEW YORK, NY 10007-1312**

**THE CHARLES L. BRIEANT, JR.  
UNITED STATES COURTHOUSE  
300 QUARROPAS STREET  
WHITE PLAINS, NY 10601-4150**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

\_\_\_\_\_  
\_\_\_\_\_  
(List the full name(s) of the plaintiff(s)/petitioner(s).)

\_\_\_\_ CV \_\_\_\_\_ ( ) ( )

-against-

**NOTICE OF APPEAL**

\_\_\_\_\_  
\_\_\_\_\_  
(List the full name(s) of the defendant(s)/respondent(s).)

Notice is hereby given that the following parties: \_\_\_\_\_

\_\_\_\_\_  
(list the names of all parties who are filing an appeal)

in the above-named case appeal to the United States Court of Appeals for the Second Circuit

from the  judgment  order entered on: \_\_\_\_\_  
(date that judgment or order was entered on docket)

that:  
\_\_\_\_\_

\_\_\_\_\_  
(If the appeal is from an order, provide a brief description above of the decision in the order.)

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Signature\*

\_\_\_\_\_  
Name (Last, First, MI)

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
E-mail Address (if available)

\* Each party filing the appeal must date and sign the Notice of Appeal and provide his or her mailing address and telephone number, EXCEPT that a signer of a pro se notice of appeal may sign for his or her spouse and minor children if they are parties to the case. Fed. R. App. P. 3(c)(2). Attach additional sheets of paper as necessary.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

\_\_\_\_\_  
\_\_\_\_\_  
(List the full name(s) of the plaintiff(s)/petitioner(s).)

\_\_\_\_ CV \_\_\_\_\_ ( ) ( )

-against-

**MOTION FOR EXTENSION  
OF TIME TO FILE NOTICE  
OF APPEAL**

\_\_\_\_\_  
\_\_\_\_\_  
(List the full name(s) of the defendant(s)/respondent(s).)

I move under Rule 4(a)(5) of the Federal Rules of Appellate Procedure for an extension of time to file a notice of appeal in this action. I would like to appeal the judgment entered in this action on \_\_\_\_\_ but did not file a notice of appeal within the required \_\_\_\_\_ date time period because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Explain here the excusable neglect or good cause that led to your failure to file a timely notice of appeal.)

\_\_\_\_\_  
Dated:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (Last, First, MI)

\_\_\_\_\_  
Address City State Zip Code

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
E-mail Address (if available)



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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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(List the full name(s) of the plaintiff(s)/petitioner(s).)

\_\_\_\_CV\_\_\_\_ ( ) ( )

-against-

**MOTION FOR LEAVE TO  
PROCEED IN FORMA  
PAUPERIS ON APPEAL**

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(List the full name(s) of the defendant(s)/respondent(s).)

I move under Federal Rule of Appellate Procedure 24(a)(1) for leave to proceed *in forma pauperis* on appeal. This motion is supported by the attached affidavit.

---

Dated

---

Signature

---

Name (Last, First, MI)

---

Address

City

State

Zip Code

---

Telephone Number

---

E-mail Address (if available)

## Application to Appeal In Forma Pauperis

\_\_\_\_\_ v. \_\_\_\_\_ Appeal No. \_\_\_\_\_  
 District Court or Agency No. \_\_\_\_\_

<p><b>Affidavit in Support of Motion</b></p> <p>I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)</p> <p>Signed: _____</p>	<p><b>Instructions</b></p> <p>Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.</p> <p>Date: _____</p>
---	---

My issues on appeal are: (required):

1. *For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.*

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	<u>Spouse</u>	You	<u>Spouse</u>
Employment	\$	\$	\$	\$
Self-employment	\$	\$	\$	\$
Income from real property (such as rental income)	\$	\$	\$	\$

Interest and dividends	\$	\$	\$	\$
Gifts	\$	\$	\$	\$
Alimony	\$	\$	\$	\$
Child support	\$	\$	\$	\$
Retirement (such as social security, pensions, annuities, insurance)	\$	\$	\$	\$
Disability (such as social security, insurance payments)	\$	\$	\$	\$
Unemployment payments	\$	\$	\$	\$
Public-assistance (such as welfare)	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$
<b>Total monthly income:</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>

2. *List your employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)*

<b>Employer</b>	<b>Address</b>	<b>Dates of employment</b>	<b>Gross monthly pay</b>
			\$
			\$
			\$

3. *List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)*

<b>Employer</b>	<b>Address</b>	<b>Dates of employment</b>	<b>Gross monthly pay</b>
			\$
			\$
			\$

4. How much cash do you and your spouse have? \$ \_\_\_\_\_

*Below, state any money you or your spouse have in bank accounts or in any other financial institution.*

<b>Financial Institution</b>	<b>Type of Account</b>	<b>Amount you have</b>	<b>Amount your spouse has</b>
		\$	\$
		\$	\$
		\$	\$

*If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.*

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

<b>Home</b>	<b>Other real estate</b>	<b>Motor vehicle #1</b>
(Value) \$	(Value) \$	(Value) \$
		Make and year:
		Model:
		Registration #:

<b>Motor vehicle #2</b>	<b>Other assets</b>	<b>Other assets</b>
(Value) \$	(Value) \$	(Value) \$
Make and year:		
Model:		
Registration #:		

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
	\$	\$
	\$	\$
	\$	\$
	\$	\$

7. State the persons who rely on you or your spouse for support.

Name [or, if a minor (i.e., underage), initials only]	Relationship	Age

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Your Spouse
Rent or home-mortgage payment (including lot rented for mobile home) Are real estate taxes included? [ ] Yes [ ] No Is property insurance included? [ ] Yes [ ] No	\$	\$
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$	\$
Home maintenance (repairs and upkeep)	\$	\$
Food	\$	\$
Clothing	\$	\$
Laundry and dry-cleaning	\$	\$
Medical and dental expenses	\$	\$

Transportation (not including motor vehicle payments)	\$	\$
Recreation, entertainment, newspapers, magazines, etc.	\$	\$
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's:	\$	\$
Life:	\$	\$
Health:	\$	\$
Motor vehicle:	\$	\$
Other:	\$	\$
Taxes (not deducted from wages or included in mortgage payments) (specify):	\$	\$
Installment payments		
Motor Vehicle:	\$	\$
Credit card (name):	\$	\$
Department store (name):	\$	\$
Other:	\$	\$
Alimony, maintenance, and support paid to others	\$	\$
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$	\$
Other (specify):	\$	\$
<b>Total monthly expenses:</b>	<b>\$</b>	<b>\$</b>

9. *Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?*

Yes       No      If yes, describe on an attached sheet.

10. *Have you spent — or will you be spending — any money for expenses or attorney fees in connection with this lawsuit?*  Yes  No

*If yes, how much?* \$ \_\_\_\_\_

11. *Provide any other information that will help explain why you cannot pay the docket fees for your appeal.*

12. *Identify the city and state of your legal residence.*

City \_\_\_\_\_ State \_\_\_\_\_

Your daytime phone number: \_\_\_\_\_

Your age: \_\_\_\_\_ Your years of schooling: \_\_\_\_\_

Last four digits of your social-security number: \_\_\_\_\_