

**FILED**  
US DISTRICT COURT  
DISTRICT OF NEBRASKA  
NOV 06 2015  
OFFICE OF THE CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GILBERT G. LUNDSTROM,

Defendant.

4:14-CR-3136

VERDICT FORM

COUNT I

Conspiracy to Commit Wire Fraud Affecting a Financial Institution or  
Securities Fraud

Find one of the following:

(Place an 'X' beside at least one of the three statements. While you may select A and B, **do not select both A and C, and do not select B and C**).

- A. We find the defendant guilty beyond a reasonable doubt of conspiracy to commit wire fraud affecting a financial institution, as charged in Instruction #17.
- B. We find the defendant guilty beyond a reasonable doubt of conspiracy to commit securities fraud, as charged in Instruction #17.
- C. We find the defendant not guilty of conspiracy to commit either wire fraud affecting a financial institution or securities fraud, as charged in Instruction #17.

**COUNT II**

Conspiracy to Falsify Bank Entries

Find one of the following:

(Place an 'X' beside one, **but only one**, of the two statements).

- X   A. We find the defendant guilty beyond a reasonable doubt of conspiracy to falsify bank entries, as charged in Instruction #18.
- B. We find the defendant not guilty of conspiracy to falsify bank entries, as charged in Instruction #18.

**COUNT III**

**Wire Fraud Affecting a Financial Institution**

Electronic transmission of a Thrift Financial Report from TierOne in  
Nebraska to various states on or about July 30, 2009

Find one of the following:

(Place an 'X' beside one, **but only one**, of the two statements).

- A. We find the defendant guilty beyond a reasonable doubt of wire fraud affecting a financial institution, as charged in Instruction #11.
- B. We find the defendant not guilty of wire fraud affecting a financial institution, as charged in Instruction #11.

**COUNT IV**

**Wire Fraud Affecting a Financial Institution**

Press release issued from Nebraska to various states through the national press service on or about August 7, 2009

Find one of the following:

(Place an 'X' beside one, **but only one**, of the two statements).

- A. We find the defendant guilty beyond a reasonable doubt of wire fraud affecting a financial institution, as charged in Instruction #11.
- B. We find the defendant not guilty of wire fraud affecting a financial institution, as charged in Instruction #11.

COUNT V

Wire Fraud Affecting a Financial Institution

Press release issued from Nebraska to various states through the national press service on or about September 4, 2009

Find one of the following:

(Place an 'X' beside one, **but only one**, of the two statements).

- \_\_\_\_\_ A. We find the defendant guilty beyond a reasonable doubt of wire fraud affecting a financial institution, as charged in Instruction #11.
- X   B. We find the defendant not guilty of wire fraud affecting a financial institution, as charged in Instruction #11.

**COUNT VI**

**Wire Fraud Affecting a Financial Institution**

Email from the defendant in Nebraska sent to TierOne employees in various states on or about September 4, 2009

Find one of the following:

(Place an 'X' beside one, **but only one**, of the two statements).

- X   A. We find the defendant guilty beyond a reasonable doubt of wire fraud affecting a financial institution, as charged in Instruction #11.
- B. We find the defendant not guilty of wire fraud affecting a financial institution, as charged in Instruction #11.

**COUNT VII**

**Securities Fraud**

SEC Form 10-Q for Second Quarter 2009

Find one of the following:

(Place an 'X' beside one, **but only one**, of the two statements).

- X   A. We find the defendant guilty beyond a reasonable doubt of securities fraud, as charged in Instruction #13.
- B. We find the defendant not guilty of securities fraud, as charged in Instruction #13.



**COUNT VIII**

**Falsifying Bank Entries**

Minutes of a TierOne Board of Directors Meeting, signed by the defendant, on or about May 21, 2009

Find one of the following:

(Place an 'X' beside one, **but only one**, of the two statements).

- A. We find the defendant guilty beyond a reasonable doubt of falsifying bank entries, as charged in Instruction #15.
- B. We find the defendant not guilty of falsifying bank entries, as charged in Instruction #15.

**COUNT IX**

**Falsifying Bank Entries**

Thrift Financial Report submitted to the Office of Thrift Supervision on or about July 30, 2009

Find one of the following:

(Place an 'X' beside one, **but only one**, of the two statements).

- X   A. We find the defendant guilty beyond a reasonable doubt of falsifying bank entries, as charged in Instruction #15.
- B. We find the defendant not guilty of falsifying bank entries, as charged in Instruction #15.

**COUNT X**

**Falsifying Bank Entries**

TierOne report on capital submitted to the Office of Thrift Supervision on or about August 28, 2009

Find one of the following:

(Place an 'X' beside one, **but only one**, of the two statements).

- X   A. We find the defendant guilty beyond a reasonable doubt of falsifying bank entries, as charged in Instruction #15.
- B. We find the defendant not guilty of falsifying bank entries, as charged in Instruction #15.

**COUNT XI**

**Falsifying Bank Entries**

TierOne management response submitted to the Office of Thrift Supervision,  
signed by the defendant, on or about September 2, 2009

Find one of the following:

(Place an 'X' beside one, **but only one**, of the two statements).

- X   A. We find the defendant guilty beyond a reasonable doubt of falsifying bank entries, as charged in Instruction #15.
- B. We find the defendant not guilty of falsifying bank entries, as charged in Instruction #15.

**COUNT XII**

**Falsifying Bank Entries**

TierOne management response submitted to the Office of Thrift Supervision,  
signed by the defendant, on or about October 15, 2009

Find one of the following:

(Place an 'X' beside one, **but only one**, of the two statements).

- X   A. We find the defendant guilty beyond a reasonable doubt of falsifying bank entries, as charged in Instruction #15.
- B. We find the defendant not guilty of falsifying bank entries, as charged in Instruction #15.

**COUNT XIII**

**Falsifying Bank Entries**

TierOne management response submitted to the Office of Thrift Supervision,  
signed by the defendant, on or about December 18, 2009

Find one of the following:

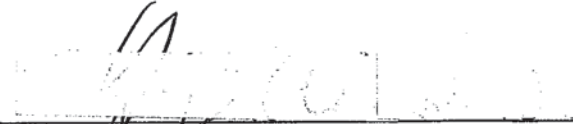
(Place an 'X' beside one, **but only one**, of the two statements).

- X   A. We find the defendant guilty beyond a reasonable doubt of  
falsifying bank entries, as charged in Instruction #15.
- B. We find the defendant not guilty of falsifying bank entries,  
as charged in Instruction #15.

**EXECUTION OF VERDICT FORM**

The foreperson<sup>3</sup> shall sign and date the verdict form, and such signature shall mean that the verdict of the jury was unanimous.

Dated this 6 day of November, 2015.

  
\_\_\_\_\_  
FOREPERSON