

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA           \*           CRIMINAL NO. 15-202  
  
  \*           SECTION: "I"  
  
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BOUBACAR DIALLO                     \*  
  
  \*           \*           \*

FACTUAL BASIS

Should this matter proceed to trial, both the Government and the defendant, **BOUBACAR DIALLO** (hereinafter "Defendant" or "**DIALLO**") do hereby stipulate and agree that the following facts set forth a sufficient factual basis for the crimes to which the defendant is pleading guilty. Specifically, **DIALLO** has agreed to plead guilty as charged to the Bill of Information charging him with trafficking in counterfeit goods, in violation of Title 18, United States Code, Section 2320(a)(1). The Government and the defendant further stipulate that the Government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the Bill of Information now pending against the defendant:

A Special Agent with the United States Department of Homeland Security – Homeland Security Investigations ("HSI") would testify that on or about September 14, 2010, Special Agent

Michael Manning encountered **DIALLO** selling counterfeit merchandise and verbally informed **DIALLO** of the possible state, local, and federal criminal penalties for doing so.

Representatives of Polo, Nike, and Michael Kors would testify that on numerous occasions, including in September 2010 and January 2015, **DIALLO** had received “cease and desist” letters from companies, including Polo, Nike, and Michael Kors, based on his role in selling counterfeit merchandise bearing the brands, trademarks, and symbols of those companies.

Special Agents with HSI and investigators with the Louisiana Department of Justice / Office of the Attorney General Investigation Division (LA DOJ) would testify that on or about March 12, 2015, investigators with the LA DOJ, acting on information that **DIALLO** was involved in the purchase and subsequent sale of large quantities of counterfeit merchandise, met **DIALLO** at his residence in Metairie, Louisiana. Law enforcement officials observed numerous cardboard boxes full of counterfeit merchandise.

HSI agents and LA DOJ investigators would further testify that, after identifying themselves and confirming that the items were counterfeit, they spoke personally with **DIALLO** on or about March 12, 2015. **DIALLO** admitted that he knew the items he was selling were counterfeit and that he had purchased them from individuals in Atlanta, Georgia and New York City, New York. **DIALLO** also admitted to renting storage units to hide and store the counterfeit merchandise. Finally, **DIALLO** confirmed that he sold and intended to sell the counterfeit items in his possession, including those listed below, with knowledge that the items were counterfeit.

HSI agents would further testify that on or about March 12, 2015, HSI agents determined that **DIALLO** was attempting to traffic in the following items, among others, which HSI agents verified as counterfeit: 111 pairs of “True Religion” blue jeans; 166 “Michael Kors” purses; 67

“Michael Kors” pocketbooks; 87 “Michael Kors” watches; 6 pair of “Nike” tennis shoes; 9 pair of “Polo” pants; 8 pair of “Polo” shirts; and 693 counterfeit Michael Kors labels.

Documentary evidence and testimony from representatives of the above-named companies would establish that the collective fair market value of all the above-described items and was approximately \$158,049.00. The aforementioned items were seized because they bore counterfeits of trademarks that were registered with the United States Patent and Trademark Office and are recorded with Customs and Border Protection.

HSI agents would further testify that **DIALLO** admitted that he intentionally trafficked in these counterfeit goods in that he purchased the above-listed items for the purpose of selling to the public with full knowledge that they were counterfeit. Defendant further admits that he knowingly used and caused to be used counterfeit marks on and in connection with such goods and services, including marks which were in use and registered on the principal register of the United States Patent and Trademark Office on the “True Religion” blue jeans; “Michael Kors” purses; “Michael Kors” pocketbooks; “Michael Kors” watches; “Nike” tennis shoes; “Polo” pants; and “Polo” shirts.

Defendant further admits that the use of the counterfeit marks on the seized items was likely to cause confusion, to cause mistake, and to deceive the public into believing that the items were genuine True Religion, Michael Kors, Nike, and Polo merchandise.

Experts in trademarks and counterfeit goods would testify that the items seized from **DIALLO** are indeed counterfeit and produced without authorization from the trademark holders and in violation of Federal criminal law.

The above facts come from an investigation conducted by agents from LA DOJ and HSI, documents from the United States Patent and Trade Office, evidence and testimony obtained in the course of the investigation by LA DOJ and HSI, and voluntary statements made by the defendant, **BOUBACAR DIALLO**, to agents from HSI.

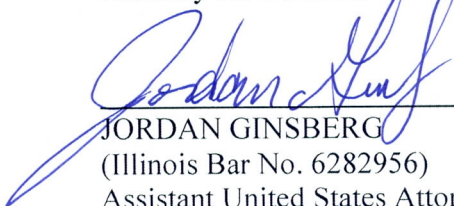
**APPROVED AND ACCEPTED:**

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BOUBACAR DIALLO Date  
Defendant

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MARTIN E. REGAN, JR., ESQ. Date  
(Louisiana Bar No. \_\_\_\_\_)  
Attorney for Defendant Diallo



JORDAN GINSBERG Date  
(Illinois Bar No. 6282956)  
Assistant United States Attorney

10-29-15