

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

UNITED STATES OF AMERICA : INFORMATION
- v. - : 15 Cr. ____
EMANUEL COHEN, :
Defendant. :

- - - - - x

COUNT ONE
(Conspiracy to Commit Bank Fraud)

The United States Attorney charges:

1. From at least in or about December 2012, up to and including in or about March 2014, in the Southern District of New York and elsewhere, EMANUEL COHEN, the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit bank fraud in violation of Title 18, United States Code, Section 1344, to wit, COHEN participated in a scheme to defraud a bank with its principal U.S. location in New York, New York ("the "Bank") by making, and willfully causing to be made, materially false and misleading statements about the financial condition of a company of which he was chief executive officer (the "Company") in order for the Company to fraudulently obtain financing from the Bank to which it would not otherwise have been entitled.

2. It was a part and an object of the conspiracy that EMANUEL COHEN, the defendant, and others known and unknown, knowingly would and did execute a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344.

(Title 18, United States Code, Section 1349.)

COUNT TWO
(Bank Fraud)

The United States Attorney further charges:

3. From at least in or about December 2012, up to and including in or about March 2014, in the Southern District of New York and elsewhere, EMANUEL COHEN, the defendant, knowingly did execute a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations and promises, to wit, COHEN participated in a

scheme to defraud the Bank by making, and willfully causing to be made, materially false and misleading statements about the Company's financial condition in order for the Company to fraudulently obtain financing from the Bank to which it would not otherwise have been entitled.

(Title 18, United States Code, Sections 1344 and 2.)

FORFEITURE ALLEGATION AS TO COUNTS ONE AND TWO

4. As the result of committing the offenses charged in Counts One and Two of this Information, EMANUEL COHEN, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the charged offenses, including but not limited to at least approximately \$4,888,460.35 in United States currency representing the amount of proceeds obtained as a result of the offenses charged in Counts One and Two of this Information.

Substitute Asset Provision

5. If any of the above-described forfeitable property, as a result of any act or omission of EMANUEL COHEN, the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;


c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of EMANUEL COHEN, the defendant, up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981; Title 28, United States Code, Section 2461; and Title 21, United States Code, Section 853(p).)



PREET BHARARA
United States Attorney /pmk

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(18 U.S.C. §§ 1349, 1344 and 2.)

PREET BHARARA
United States Attorney.
