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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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1 MELINDA HAAG (CABN 132612)
2 United States Attorney

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN FRANCISCO DIVISION

CR 11 0625 CRB

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 BASSAM YACOUB SALMAN
16 a/k/a Bassam Jacob Salman,

17 Defendant.

No.

VIOLATIONS: 18 U.S.C. § 371 -
Conspiracy; 15 U.S.C. §§ 78j(b)
and 78ff, 17 C.F.R. §§ 240.10b-5,
240.10b5-1 and 240.10b5-2, and 18.
U.S.C. §2 - Securities Fraud; and
18 U.S.C. §§ 981(a)(1)(C), 21 U.S.C. §
853(p), and 28 U.S.C. § 2461 - Forfeiture.

SAN FRANCISCO VENUE

18 INDICTMENT

19 The Grand Jury charges:

20 Introductory Allegations

21 At all times relevant to this indictment:

22 1. Citigroup Global Markets Inc., a wholly owned subsidiary of Citigroup Inc.
23 (collectively "Citigroup"), operated as an investment bank located in New York, New York. A
24 significant portion of Citigroup's business was devoted to advising corporations on various
25 financings and business related transactions.

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28 INDICTMENT

1 The Citigroup Inside Information

2 9. Citigroup provided financial and investment banking services and advice to
3 Citigroup clients in connection with the confidential transactions described below (the "Citigroup
4 Inside Information"):

5 a. Bone Care International, Inc.: In or about April 2005, Citigroup advised Bone
6 Care International, Inc. on a sale to Genzyme Corporation. On or about May 4, 2005, there was a
7 public announcement relating to this transaction.

8 b. Andrx Corporation: In or about January 2006, Citigroup advised a company
9 known to the Grand Jury on a potential acquisition involving Andrx Corporation. On or about
10 March 13, 2006, there was a public announcement relating to Andrx Corporation.

11 c. United Surgical Partners International, Inc.: From in or about late 2006 to
12 early 2007, Citigroup advised Welsh, Carson, Anderson & Stowe on a buyout involving United
13 Surgical Partners International, Inc. (also known as USPI). On or about January 8, 2007, there
14 was a public announcement relating to this transaction.

15 d. Biosite Incorporated: In or about March 2007, Citigroup advised Beckman
16 Coulter, Inc. about financing relating to an acquisition involving Biosite Incorporated. On or
17 about March 25, 2007, there was a public announcement relating to this transaction.

18 10. As a result of his employment at Citigroup, Maher Kara had access to material,
19 non-public information relating to the Citigroup Inside Information. Maher Kara also had access
20 to material, non-public information relating to other confidential transactions in which Citigroup
21 was involved.

22 The Insider Trading Scheme

23 11. From in or about 2004 through in or about 2007, Maher Kara, Michael Kara,
24 BASSAM YACOUB SALMAN, and others participated in a scheme to defraud by executing
25 securities transactions based on material, non-public information relating to the Citigroup Inside
26 Information. Maher Kara regularly and repeatedly called or communicated with Michael Kara

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28 INDICTMENT

1 and provided him with material, non-public information relating to the Citigroup Inside
2 Information and other material, non-public and confidential information.

3 12. Using the Citigroup Inside Information, Michael Kara and BASSAM YACOUB
4 SALMAN executed, or caused others to execute, multiple securities transactions in various
5 brokerage accounts based on the Citigroup Inside Information. Maher Kara, Michael Kara, and
6 BASSAM YACOUB SALMAN each benefitted from his participation and the participation of
7 others in this insider trading scheme.

8 13. Between 2004 and 2007, BASSAM YACOUB SALMAN and others generated
9 profits in excess of \$1.1 million as a result of this insider trading scheme.

10 COUNT ONE: (18 U.S.C. § 371 - Conspiracy to Commit Securities Fraud)

11 14. Paragraphs 1 through 13 are realleged as if fully set forth here.

12 15. From in or about 2004 through in or about 2007, in the Northern District of
13 California and elsewhere, the defendant,

14 BASSAM YACOUB SALMAN,

15 and others, did unlawfully, willfully, and knowingly, conspire and agree and with one another to
16 commit an offense against the United States, to wit, securities fraud, in violation of Title 18,
17 United States Code, Section 371, and Title 15, United States Code, Section 78j(b) and 78ff, and
18 Title 17, Code of Federal Regulations, Sections 240.10b-5, 240.10b5-1 and 240.10b5-2.

19 The Means and Methods of the Insider Trading Conspiracy

20 16. Among the means and methods by which BASSAM YACOUB SALMAN and
21 others carried out this insider trading conspiracy were the following:

22 a. Maher Kara misappropriated the Citigroup Inside Information in violation of
23 (i) the fiduciary and other duties of trust and confidence that Maher Kara owed to Citigroup and
24 Citigroup's clients; (ii) the expectations of confidentiality of Citigroup's clients; and (iii)
25 Citigroup's policies and procedures relating to the use and safekeeping of confidential and
26 material, non-public information.

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28 INDICTMENT

1 b. Maher Kara, in breach of his duty of confidentiality to Citigroup and
2 Citigroup's clients, disclosed the Citigroup Inside Information that Maher Kara had
3 misappropriated from Citigroup and Citigroup's clients to Michael Kara, with the understanding
4 that Michael Kara would use the Citigroup Inside Information to purchase and sell securities, and
5 Maher Kara thereby received and caused others to receive substantial illegal profits.

6 c. Michael Kara, while in possession of the Citigroup Inside Information that he
7 knew had been misappropriated by Maher Kara in breach of the duty owed by Maher Kara and
8 Citigroup to keep such information confidential, purchased and sold securities based on such
9 information and caused others to purchase and sell securities based on such information and
10 thereby received and caused others to receive substantial illegal profits.

11 d. Michael Kara disclosed some or all of the Citigroup Inside Information that
12 Maher Kara had misappropriated from Citigroup and Citigroup's clients to BASSAM YACOUB
13 SALMAN and others, with the understanding that BASSAM YACOUB SALMAN and others
14 would use, or cause others to use, the Citigroup Inside Information to purchase and sell
15 securities, and Michael Kara thereby received and caused others to receive a benefit including
16 substantial illegal profits.

17 e. BASSAM YACOUB SALMAN disclosed some or all of the Citigroup Inside
18 Information that Maher Kara had misappropriated from Citigroup and Citigroup's clients to KIB,
19 with the understanding that KIB would use, or cause others to use, the Citigroup Inside
20 Information to purchase and sell securities, and BASSAM YACOUB SALMAN thereby received
21 and caused others to receive a benefit including substantial illegal profits.

22 f. BASSAM YACOUB SALMAN used or caused KIB to use the Comerica
23 Securities brokerage account in the name of KIB to conceal the purchase and sale of securities
24 using the Citigroup Inside Information.

25 Overt Acts in furtherance of the Insider Trading Conspiracy

26 17. In furtherance of the conspiracy and to effect the illegal object thereof,
27 Maher Kara, Michael Kara, and BASSAM YACOUB SALMAN, committed and caused others
28

INDICTMENT

1 to commit the following overt acts, among others, in the Northern District of California and
2 elsewhere:

3 a. On or about April 28, 2005, Michael Kara telephoned BASSAM
4 YACOUB SALMAN.

5 b. On or about May 2, 2005, BASSAM YACOUB SALMAN caused the
6 purchase of approximately 300 securities in Bone Care International, Inc. in Comerica Securities
7 Account 0RJ-610917.

8 c. On or about May 3, 2005, BASSAM YACOUB SALMAN caused the
9 purchase of approximately 300 securities in Bone Care International, Inc. in Comerica Securities
10 Account 0RJ-610917.

11 d. On or about February 24, 2006, BASSAM YACOUB SALMAN caused
12 the purchase of approximately 99 securities in Andrx Corporation in Comerica Securities
13 Account 0RJ-610917.

14 e. On or about February 24, 2006, BASSAM YACOUB SALMAN caused
15 the purchase of approximately 144 securities in Andrx Corporation in Comerica Securities
16 Account 0RJ-610917.

17 f. On or about March 9, 2006, BASSAM YACOUB SALMAN caused the
18 purchase of approximately 130 securities in Andrx Corporation in Comerica Securities Account
19 0RJ-610917.

20 g. On or about March 9, 2006, BASSAM YACOUB SALMAN caused the
21 purchase of approximately 140 securities in Andrx Corporation in Comerica Securities Account
22 0RJ-610917.

23 h. On or about August 9, 2006, BASSAM YACOUB SALMAN caused the
24 purchase of approximately 35 securities in United Surgical Partners International, Inc. in
25 Comerica Securities Account 0RJ-610917.

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28 INDICTMENT

1 i. On or about August 11, 2006, BASSAM YACOUB SALMAN caused the
2 purchase of approximately 48 securities in United Surgical Partners International, Inc. in
3 Comerica Securities Account 0RJ-610917.

4 j. On or about September 7, 2006, BASSAM YACOUB SALMAN caused
5 the purchase of approximately 35 securities in United Surgical Partners International, Inc. in
6 Comerica Securities Account 0RJ-610917.

7 k. On or about November 7, 2006, BASSAM YACOUB SALMAN caused
8 the purchase of approximately 49 securities in United Surgical Partners International, Inc. in
9 Comerica Securities Account 0RJ-610917.

10 l. On or about December 12, 2006, BASSAM YACOUB SALMAN caused
11 the purchase of approximately 99 securities in United Surgical Partners International, Inc. in
12 Comerica Securities Account 0RJ-610917.

13 m. On or about March 22, 2007, Michael Kara telephoned BASSAM
14 YACOUB SALMAN.

15 n. On or about March 23, 2007, BASSAM YACOUB SALMAN caused the
16 purchase of approximately 15 securities in Biosite Incorporated in Comerica Securities Account
17 0RJ-610917.

18 o. On or about March 23, 2007, BASSAM YACOUB SALMAN caused the
19 purchase of approximately 20 securities in Biosite Incorporated in Comerica Securities Account
20 0RJ-610917.

21 All in violation of Title 18, United States Code, Section 371.

22 COUNTS TWO THROUGH FIVE: (15 U.S.C. §§ 78j(b) and 78ff; 17 C.F.R. §§ 240.10b-5 and
23 240.10b5-2; 18 U.S.C. § 2 - Securities Fraud - Aiding and Abetting)

24 18. Paragraphs 1 through 17 are realleged as if fully set forth here.

25 19. On or about the dates set forth below, in the Northern District of California and
26 elsewhere, the defendant,

27 BASSAM YACOUB SALMAN,

28 INDICTMENT

1 did willfully, directly and indirectly, by use of the means and instrumentalities of interstate
 2 commerce, the mails and the facilities of national securities exchanges, in connection with the
 3 purchase and sale of securities, use and employ manipulative and deceptive devices and
 4 contrivances, and aided and abetted others in using and employing manipulative and deceptive
 5 devices and contrivances, in violation of Title 15, United States Code, Section 78j(b) and 78ff,
 6 and Title 17, Code of Federal Regulations, Sections 240.10b-5, 240.10b5-1 and 240.10b5-2, and
 7 Title 18, United States Code, Section 2, by (a) employing devices, schemes and artifices to
 8 defraud; (b) making untrue statements of material facts and omitting to state material facts
 9 necessary in order to make the statements made, in the light of the circumstances under which
 10 they were made, not misleading; and (c) engaging in acts, practices and courses of business
 11 which operated and would operate as a fraud and deceit upon persons, to wit, BASSAM
 12 YACOUB SALMAN executed or caused others to execute the securities transactions listed
 13 below based on material, non-public information and confidential information Michael Kara and
 14 BASSAM YACOUB SALMAN obtained from Maher Kara:

COUNT	TRADE DATE	SECURITY	ACCOUNT	TRADE
TWO	November 7, 2006	United Surgical Partners International, Inc.	Comerica Securities ORJ-610917	purchased 58 securities
THREE	December 15, 2006	United Surgical Partners International, Inc.	Comerica Securities ORJ-610917	purchased 6,200 securities
FOUR	March 23, 2007	Biosite Incorporated	Comerica Securities ORJ-610917	purchased 37 securities
FIVE	March 23, 2007	Biosite Incorporated	Comerica Securities ORJ-610917	purchased 22 securities

25 All in violation of Title 15, United States Code, Section 78j(b) and 78ff; Title 17, Code of
 26 Federal Regulations, Sections 240.10b-5, 240.10b5-1 and 240.10b5-2; and Title 18, United
 27 States Code, Sections 2 and 371.

28 INDICTMENT

1 FORFEITURE ALLEGATION: (18 U.S.C. § 981(a)(1)(C); 21 U.S.C. § 853(p); and 28 U.S.C. §
2 2461)

3 20. Paragraphs 1 through 19 are realleged as if fully set forth here and by this reference
4 fully incorporated herein for the purpose of alleging forfeiture pursuant to the provisions of Title
5 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461.

6 21. Upon a conviction of any of the offenses alleged in Counts One through Five, the
7 defendant,

8 BASSAM YACOUB SALMAN,

9 shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C)
10 and Title 28, United States Code, Section 2461, all right, title and interest in property, real and
11 personal, involved in said violations as alleged in Counts One through Five of this Indictment,
12 including but not limited to the following property: a sum of not less than \$1.1 million,
13 representing the amount of proceeds obtained as a result of the offenses alleged in Counts One
14 through Five.

15 22. If any of the above-described forfeitable property, as a result of any act or omission
16 of the defendant:

- 17 a. cannot be located upon the exercise of due diligence;
18 b. has been transferred or sold to, or deposited with, a third party;
19 c. has been placed beyond the jurisdiction of the Court;
20 d. has been substantially diminished in value; or
21 e. has been commingled with other property which cannot be divided without
22 difficulty;

23 any and all interest defendant has in any other property, up to the value of the property described
24 in paragraph 23 above, shall be forfeited to the United States, pursuant to Title 21, United States
25 Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

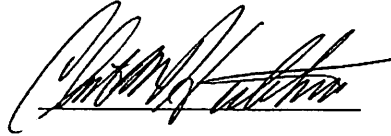
26 All in violation of Title 15, United States Code, Section 78j(b) and 78ff; Title 17, Code of
27 Federal Regulations, Sections 240.10b-5, 240.10b5-1 and 240.10b5-2; Title 18, United States

28 INDICTMENT

1 Code, Sections 2, 371 and 981(a)(1)(C); Title 21, United States Code, Section 853(p); and Title
2 28, United States Code, Section 2461.

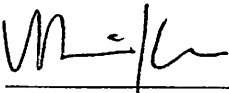
3 DATED: September 1, 2011

4 A TRUE BILL

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8 FOREPERSON

9
10 MELINDA HAAG
United States Attorney

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12 _____

13 MIRANDA KANE
Chief, Criminal Division

14 Approved as to form:

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16 _____

17 ADAM A. REEVES
18 Assistant United States Attorney

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28 INDICTMENT