

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff

v.

**JOSEPH S. FORTE and
JOSEPH FORTE, L.P.,**

Defendants.

Civil Action No.

COMPLAINT

Plaintiff Securities and Exchange Commission (the "Commission") alleges as follows:

SUMMARY

1. From at least February 1995 to the present, defendant Joseph S. Forte ("Forte") has been operating a Ponzi scheme in which he fraudulently obtained approximately \$50 million from roughly 80 investors through the sale of securities in the form of limited partnership interests in defendant Joseph Forte, L.P. ("Forte LP").

2. Forte told investors that he would invest the limited partnership funds in a securities futures trading account in the name of Forte LP that would trade in futures contracts, including S&P 500 stock index futures. Forte continually lost money on the limited trading that he did, sustaining trading losses of approximately \$3.3 million between 1998 and 2008. From the inception of the scheme, the defendants lied to investors about the returns on the trading, reporting to investors annual returns ranging from 18.52% to almost 38%.

3. In addition to misrepresenting to investors that Forte was a successful trader, that he was making large profits with their funds, and grossly inflating Forte LP's account balance, the defendants misrepresented the use of investor funds. Despite Forte's promises to investors, a significant portion of investor funds was never invested as promised. Forte has admitted that he took at least \$10 to \$12 million in so-called fees for his personal use, and used approximately \$15 to \$20 million of investor funds to repay other investors.

4. In order to conceal the trading losses and misappropriation of investor funds, the defendants issued or caused to be issued false account statements and other reports to investors which, among other things, reflected profitable returns from trading. His most recent reports to investors, as of September 30, 2008, claimed that investor funds totaled more than \$154 million. In fact, Forte LP's trading account contained less than \$150,000 at that time.

5. In late December 2008, Forte admitted to federal authorities that he had been conducting the scheme described in this Complaint, and that he does not have funds to repay investors.

6. As a result of the conduct described in this Complaint, defendants Forte and Forte LP have violated, and unless restrained and enjoined will continue to violate, Section 17(a) of the Securities Act of 1933 ("Securities Act") [15 U.S.C. § 77q(a)], Section 10(b) of the Securities Exchange Act of 1934 ("Exchange Act") [15 U.S.C. § 78j(b)], and Rule 10b-5 [17 C.F.R. § 240.10b5], thereunder.

JURISDICTION AND VENUE

7. The Commission brings this action pursuant to Section 20(b) of the Securities Act [15 U.S.C. § 77t(b)], and Sections 21(d) and (e) of the Exchange Act [15 U.S.C. §§ 78u(d) and (e)],

to enjoin such acts, transactions, practices, and courses of business; obtain disgorgement and civil penalties; and for other appropriate relief.

8. This Court has jurisdiction over this action pursuant to Section 22(a) of the Securities Act [15 U.S.C. § 77v(a)], and Sections 21(d) and 27 of the Exchange Act [15 U.S.C. §§ 78u(e) and 78aa].

9. Certain of the acts, transactions, practices, and courses of business constituting the violations alleged herein occurred within the Eastern District of Pennsylvania and elsewhere, and were effected, directly or indirectly, by making use of the means and instruments of transportation and communication in interstate commerce, or the means and instrumentalities of interstate commerce, or the mails, or the facilities of a national securities exchange.

DEFENDANTS

10. **Joseph S. Forte**, age 53, is a resident of Broomall, Pennsylvania. Forte has never been registered with the Commission in any capacity. Since its inception, Forte has been the general partner of Forte LP, and controls its day to day operations.

11. **Joseph Forte, L.P.** is a limited partnership established by Forte in or about 1995. Its principal place of business is at Forte's home in Broomall, Pennsylvania. Forte LP has never been registered with the Commission in any capacity.

FACTS

12. At all times relevant to the facts alleged in this Complaint, defendant Forte LP was controlled by, and acted by and through, defendant Forte.

13. In early 1995, Forte formed Forte LP with the assistance of an accountant whom he had known for many years. Forte claimed to have a system for profitable trading in S&P 500 futures contracts. Beginning with three investors, and at least \$200,000, Forte began to trade in the

futures market in an account with MF Global, Inc., a broker-dealer registered with the Commission (the “trading account”).

14. At all relevant times, Forte was the general partner of Forte LP and, according to the Limited Partnership agreement provided to investors, Forte had sole and exclusive control of the partnership. The agreement provided that the purpose of the limited partnership was to invest in “SECURITIES FUTURES.” The agreement also provided that the limited partners could not have any role in the management or operation of the partnership. Forte was to receive a management fee of one-half percent ($\frac{1}{2}\%$) of the capital of the partnership on a quarterly basis, as well as an incentive fee based upon a sliding scale measured by the performance of the partnership.

15. Over time, the defendants obtained funds from as many as 80 investors, including at least one charitable foundation. Each investor executed a Limited Partnership agreement, joining the investment as a new limited partner. According to Forte, over time investors invested up to \$50 million in Forte LP.

16. At the end of each quarter and calendar year, the defendants issued or caused to be issued statements to each investor, computing the value of their respective holdings, the income of the partnership, the fees charged and expenses paid, income earned, as well as the annualized return on capital in Forte LP. All of this information was false, and created by Forte as part of the scheme.

17. In fact, Forte has admitted that he misrepresented and falsified Forte LP’s trading performance from the very first quarter. He arbitrarily selected the percentage of gains that Forte LP would report to investors. Among other things, he admitted that Forte LP obtained many investors from 2000 to 2002, because he was claiming to be generating gains up to 30% despite a declining stock market. These gains were fictitious, deliberately created by him to maintain the

illusion that he had mastered trading in the futures market, and to keep the scheme running and attract new investors.

18. Despite the impressive and consistent returns he reported to investors in quarterly and other statements, Forte consistently lost money in the trading account. For the period from 1995 through September 30, 2008, the defendants reported to investors annual returns ranging from 18.52% to as high as 37.96%. However, from January 1998 through October 2008, the Forte LP trading account had net trading losses of approximately \$3.3 million. During this period, Forte's trading was profitable in only one year, 2002, when he realized a profit of \$21,823.

19. In addition to falsifying Forte LP's trading performance, the defendants also misrepresented Forte LP's use of investor funds. Forte told investors that their investments would be used solely for trading in futures contracts. In fact, it appears that much of the money raised was used for other purposes. For approximately five years, between October 2002 and February 2007, no funds were deposited into the trading account, and from October 2004 through July 2007, Forte conducted minimal trading in the account.

20. Investors generally made their investments in the limited partnership by writing a check to Forte LP, which Forte then deposited in a bank account in the name of the limited partnership. Forte then wired funds to the Forte LP trading account at MF Global. However, Forte admitted that he did not send all of the investor funds to the MF Global account.

21. Although he claimed that he raised approximately \$50 million from investors for the purpose of trading in the Forte LP account at MF Global, between January 1998 and October 31, 2008, Forte deposited only \$25.8 million in the MF Global trading account and during that same time period he withdrew \$23.1 million. Significantly, in a statement provided to investors, the

defendants falsely reported capital contributions of \$33,781,372 for the nine months ending September 30, 2008 alone.

22. Forte admitted that he would frequently take cash out of Forte LP's bank account to meet redemption requests of investors. He estimated that he used approximately \$15 to \$20 million of investor funds to repay other investors.

23. In addition, at times throughout the relevant period, Forte used investor funds to pay himself both a management fee and an incentive fee based on the fictitious performance numbers reported to investors. According to the statements provided to investors, he charged fees of \$28.7 million between March 1995 and September 2008. He admits to receiving at least \$10 to \$12 million in fees.

24. As of the end of September 2008, the defendants misrepresented to investors that Forte LP's portfolio was worth over \$150 million. In fact, Forte LP's trading account at that time had a balance of only \$146,814. Although Forte ceased trading in the Forte LP account around October 2008, he continued to solicit investors.

25. Many of the investors considered themselves close friends of Forte and Forte repeatedly assured them that their investments were safe. They kept their funds with Forte and invested additional monies because of the false statements they received from the defendants reflecting impressive trading profits and growth of their account balances. Other individuals became investors with Forte because of the consistently high reported returns.

26. In 2008, the scheme began to unravel. By September 2008, Forte LP's trading account was virtually depleted, and the defendants could not meet redemption requests. Undaunted, Forte continued the fraudulent activity, soliciting money from two close friends, and then using their funds to pay other investors.

27. Finally, when the defendants could no longer obtain investments at a rate sufficient to honor redemption requests, Forte confessed to the fraud to federal authorities.

CLAIM FOR RELIEF

**Violations of Section 17(a) of the Securities Act,
Section 10(b) of the Exchange Act and Rule 10b-5 thereunder**

28. The Commission realleges and incorporates by reference each and every allegation in paragraphs 1 through 27, inclusive, as if the same were fully set forth herein.

29. From at least February 1995 through the present, as a result of the conduct alleged herein, defendants Forte and Forte LP, knowingly or recklessly, in connection with the offer, purchase, or sale of securities, directly or indirectly, by the use of the means or instruments of transportation or communication in interstate commerce, or the means or instrumentalities of interstate commerce, or the mails, or the facilities of a national securities exchange:

- (a) employed devices, schemes or artifices to defraud;
- (b) obtained money or property by means of, or made, untrue statements of material fact, or omitted to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or
- (c) engaged in acts, transactions, practices, or courses of business that operated as a fraud or deceit upon offerees, purchasers, and prospective purchasers of securities.

30. By engaging in the foregoing conduct, defendants Forte and Forte LP have violated, and unless restrained and enjoined will continue to violate, Section 17(a) of the Securities Act [15 U.S.C. § 77q(a)], Section 10(b) of the Exchange Act [15 U.S.C. § 78j(b)], and Rule 10b-5 [17 C.F.R. § 240.10b-5], thereunder.

WHEREFORE, the Commission respectfully requests that this Court enter a final judgment:

I.

Permanently restraining and enjoining defendants Forte and Forte LP from violating Section 17(a) of the Securities Act [15 U.S.C. § 77q(a)], Section 10(b) of the Exchange Act [15 U.S.C. § 78j(b)], and Rule 10b-5 [17 C.F.R. § 240.10b5], thereunder.

II.

Ordering defendants Forte and Forte LP to disgorge any and all ill-gotten gains, together with prejudgment interest, derived from the activities set forth in this Complaint.

III.

Ordering defendants Forte and Forte LP to pay civil penalties pursuant to Section 20(d) of the Securities Act [15 U.S.C. § 77t(d)] and Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)].

IV.

Granting such other and further relief as the Court may deem just and appropriate.

Respectfully submitted,

s/ Catherine E. Pappas

Daniel M. Hawke

Elaine C. Greenberg

David S. Horowitz

Catherine E. Pappas (PA #56544)

Deborah E. Siegel

Jennifer F. Miller

Attorneys for Plaintiff:

SECURITIES AND EXCHANGE COMMISSION

Philadelphia Regional Office

701 Market Street, Suite 2000

Philadelphia, PA 19106

Telephone: (215) 597-3100

Facsimile: (215) 597-2740

Dated: January 7, 2009

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

U.S. Securities and Exchange Commission

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Catherine E. Pappas, Esq., (215) 597-3100
U.S. SEC, 701 Market St., Suite 2000, Phila., PA 19106

DEFENDANTS

Joseph S. Forte and Joseph Forte, L.P.

County of Residence of First Listed Defendant Delaware

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | |
|---|---|---|---|
| Citizen of This State | PTF <input type="checkbox"/> 1 DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | PTF <input type="checkbox"/> 4 DEF <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input checked="" type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. § 78j(b), 17 C.F.R. § 240.10b-5, and 15 U.S.C. § 77q(a)

Brief description of cause:
violation of federal securities laws**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND:

☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

01/07/2009

SIGNATURE OF ATTORNEY OF RECORD

Catherine E. Pappas

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

APPENDIX I

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Securities and Exchange	:	CIVIL ACTION
Commission	:	
	:	
v.	:	
Joseph S. Forte and	:	
Joseph Forte, L.P.	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. §2241 through §2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) See Motion filed simultaneously with Complaint. (X)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

01/07/2009

Date

Catherine E. Pappas

Attorney-at-law

Plaintiff

Attorney for

(215) 597-3100

Telephone

(215) 597-2740

FAX Number

Pappasc@sec.gov

E-Mail Address

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 701 Market St., Suite 2000, Philadelphia, PA 19106

Address of Defendant: 225 Fawnhill Road, Broomall, PA 19008

Place of Accident, Incident or Transaction: Eastern District of Pennsylvania
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities? Yes ☐ No ☒
RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☒ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

(Check appropriate Category)

I, Catherine E. Pappas, counsel of record do hereby certify:

- ☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☒ Relief other than monetary damages is sought;

DATE: 01/07/2009

Catherine E. Pappas
Attorney-at-Law

PA56544

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 01/07/2009

Catherine E. Pappas
Attorney-at-Law

PA56544

Attorney I.D.#