

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKUNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Plaintiff,

v.

DANIEL RIVAS,
JAMES MOODHE,
ROBERTO RODRIGUEZ,
RODOLFO SABLON,
JHONATAN ZOQUIER,
MICHAEL SIVA, and
JEFFREY ROGIERS,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 9/23/19

1:17-cv-06192-VM

FINAL JUDGMENT AS TO
DEFENDANT MICHAEL SIVA

The Securities and Exchange Commission having filed a Complaint, and Defendant Michael Siva having entered a general appearance; consented to the Court's jurisdiction over Defendant and the subject matter of this action; consented to entry of this Final Judgment; waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection with the purchase or sale of any security:

- (a) to employ any device, scheme, or artifice to defraud;

- (b) to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or
- (c) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive actual notice of this Final Judgment by personal service or otherwise: (a) Defendant's officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or participation with Defendant or with anyone described in (a).

II.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is permanently restrained and enjoined from violating Section 14(e) of the Exchange Act [15 U.S.C. § 78n(e)] and Rule 14e-3 [17 C.F.R. § 240.14e-3] promulgated thereunder, in connection with any tender offer or request or invitation for tenders, from engaging in any fraudulent, deceptive, or manipulative act or practice, by:

- (a) purchasing or selling or causing to be purchased or sold the securities sought or to be sought in such tender offer, securities convertible into or exchangeable for any such securities or any option or right to obtain or dispose of any of the foregoing securities while in possession of material information relating to such tender offer that Defendant knows or has reason to know is nonpublic and knows or has reason to know has been acquired directly or indirectly from the offering person; the issuer of the securities sought or to be sought by such tender offer; or any

officer, director, partner, employee or other person acting on behalf of the offering person or such issuer, unless within a reasonable time prior to any such purchase or sale such information and its source are publicly disclosed by press release or otherwise; or

(b) communicating material, nonpublic information relating to a tender offer, which Defendant knows or has reason to know is nonpublic and knows or has reason to know has been acquired directly or indirectly from the offering person; the issuer of the securities sought or to be sought by such tender offer; or any officer, director, partner, employee, advisor, or other person acting on behalf of the offering person of such issuer, to any person under circumstances in which it is reasonably foreseeable that such communication is likely to result in the purchase or sale of securities in the manner described in subparagraph (a) above, except that this paragraph shall not apply to a communication made in good faith

- (i) to the officers, directors, partners or employees of the offering person, to its advisors or to other persons, involved in the planning, financing, preparation or execution of such tender offer;
- (ii) to the issuer whose securities are sought or to be sought by such tender offer, to its officers, directors, partners, employees or advisors or to other persons involved in the planning, financing, preparation or execution of the activities of the issuer with respect to such tender offer; or
- (iii) to any person pursuant to a requirement of any statute or rule or regulation promulgated thereunder.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive actual notice of this Final Judgment by personal service or otherwise: (a) Defendant's officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or participation with Defendant or with anyone described in (a).

III.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable for disgorgement of \$35,000, but that this amount shall be deemed satisfied by the order of forfeiture entered against Defendant in *United States v. Michael Siva et al.*, 17-cr-00503-AJN (S.D.N.Y. Feb. 22, 2019) (Dkt. 147), which ordered forfeiture of \$35,000.

IV.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent is incorporated herein with the same force and effect as if fully set forth herein, and that Defendant shall comply with all of the undertakings and agreements set forth therein.

V.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, for purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11 U.S.C. §523, the allegations in the complaint are true and admitted by Defendant, and further, any debt for disgorgement, prejudgment interest, civil penalty or other amounts due by Defendant under this Final Judgment or any other judgment, order, consent order, decree or settlement agreement entered in connection with this proceeding, is a debt for the violation by Defendant of the federal securities laws or any regulation or order issued under such laws, as set forth in Section 523(a)(19) of the Bankruptcy Code, 11 U.S.C. §523(a)(19).

VI.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

VII.

There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith and without further notice.

Dated: 23 September 2019



Victor Marrero
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Plaintiff,

v.

DANIEL RIVAS,
JAMES MOODHE,
ROBERTO RODRIGUEZ,
RODOLFO SABLON,
JHONATAN ZOQUIER,
MICHAEL SIVA, and
JEFFREY ROGIERS,

1:17-cv-06192-VM

Defendants.

CONSENT OF DEFENDANT MICHAEL SIVA

1. Defendant Michael Siva (“Defendant”) acknowledges having been served with the complaint in this action, enters a general appearance, and admits the Court’s jurisdiction over Defendant and over the subject matter of this action.

2. Defendant has pleaded guilty to criminal conduct relating to certain matters alleged in the complaint in this action. Specifically, in *United States v. Michael Siva et al.*, 17-cr-00503-AJN (S.D.N.Y.), Defendant pleaded guilty to violating 18 U.S.C. § 371 (Conspiracy to Commit Securities Fraud and Fraud in Connection With a Tender Offer). In connection with that plea, Defendant admitted the facts set out in the transcript of his plea allocution that is attached as Exhibit A to this Consent. This Consent shall remain in full force and effect regardless of the existence or outcome of any further proceedings in *United States v. Michael Siva et al.*.

3. Defendant hereby consents to the entry of the Final Judgment in the form attached hereto (the “Final Judgment”) and incorporated by reference herein, which, among other things:

(a) permanently restrains and enjoins Defendant from violations of Sections

10(b) and 14(e) of the Exchange Act [15 U.S.C. §§ 78j(b), 78n(e)] and
Rules 10b-5 and 14e-3 thereunder [17 C.F.R. §§ 240.10b-5, 14e-3]; and
(b) orders Defendant liable for disgorgement in the amount of \$35,000, but
finds that this amount shall be deemed satisfied by the order of forfeiture
entered against Defendant in *United States v. Michael Siva et al.*, 17-cr-
00503-AJN (S.D.N.Y. Feb. 22, 2019) (Dkt. 147), which ordered forfeiture
of \$35,000.

4. Defendant waives the entry of findings of fact and conclusions of law pursuant to
Rule 52 of the Federal Rules of Civil Procedure.

5. Defendant waives the right, if any, to a jury trial and to appeal from the entry of
the Judgment.

6. Defendant enters into this Consent voluntarily and represents that no threats,
offers, promises, or inducements of any kind have been made by the Commission or any
member, officer, employee, agent, or representative of the Commission to induce Defendant to
enter into this Consent.

7. Defendant agrees that this Consent shall be incorporated into the Final Judgment
with the same force and effect as if fully set forth therein.

8. Defendant will not oppose the enforcement of the Final Judgment on the ground,
if any exists, that it fails to comply with Rule 65(d) of the Federal Rules of Civil Procedure, and
hereby waives any objection based thereon.

9. Defendant waives service of the Final Judgment and agrees that entry of the Final
Judgment by the Court and filing with the Clerk of the Court will constitute notice to Defendant
of its terms and conditions. Defendant further agrees to provide counsel for the Commission,

within thirty days after the Final Judgment is filed with the Clerk of the Court, with an affidavit or declaration stating that Defendant has received and read a copy of the Final Judgment.

10. Consistent with 17 C.F.R. 202.5(f), this Consent resolves only the claims asserted against Defendant in this civil proceeding. Defendant acknowledges that no promise or representation has been made by the Commission or any member, officer, employee, agent, or representative of the Commission with regard to any criminal liability that may have arisen or may arise from the facts underlying this action or immunity from any such criminal liability. Defendant waives any claim of Double Jeopardy based upon the settlement of this proceeding, including the imposition of any remedy or civil penalty herein. Defendant further acknowledges that the Court's entry of a permanent injunction may have collateral consequences under federal or state law and the rules and regulations of self-regulatory organizations, licensing boards, and other regulatory organizations. Such collateral consequences include, but are not limited to, a statutory disqualification with respect to membership or participation in, or association with a member of, a self-regulatory organization. This statutory disqualification has consequences that are separate from any sanction imposed in an administrative proceeding. In addition, in any disciplinary proceeding before the Commission based on the entry of the injunction in this action, Defendant understands that he shall not be permitted to contest the factual allegations of the complaint in this action.

11. Defendant understands and agrees to comply with the terms of 17 C.F.R. § 202.5(e), which provides in part that it is the Commission's policy "not to permit a defendant or respondent to consent to a judgment or order that imposes a sanction while denying the allegations in the complaint or order for proceedings." As part of Defendant's agreement to comply with the terms of Section 202.5(e), Defendant acknowledges the guilty plea for related

conduct described in paragraph 2 above, and: (i) will not take any action or make or permit to be made any public statement denying, directly or indirectly, any allegation in the complaint or creating the impression that the complaint is without factual basis; (ii) will not make or permit to be made any public statement to the effect that Defendant does not admit the allegations of the complaint, or that this Consent contains no admission of the allegations; (iii) upon the filing of this Consent, Defendant hereby withdraws any papers filed in this action to the extent that they deny any allegation in the complaint; and (iv) stipulates for purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11 U.S.C. § 523, that the allegations in the complaint are true, and further, that any debt for disgorgement, prejudgment interest, civil penalty or other amounts due by Defendant under the Final Judgment or any other judgment, order, consent order, decree or settlement agreement entered in connection with this proceeding, is a debt for the violation by Defendant of the federal securities laws or any regulation or order issued under such laws, as set forth in Section 523(a)(19) of the Bankruptcy Code, 11 U.S.C. § 523(a)(19). If Defendant breaches this agreement, the Commission may petition the Court to vacate the Final Judgment and restore this action to its active docket. Nothing in this paragraph affects Defendant's: (i) testimonial obligations; or (ii) right to take legal or factual positions in litigation or other legal proceedings in which the Commission is not a party.

12. Defendant hereby waives any rights under the Equal Access to Justice Act, the Small Business Regulatory Enforcement Fairness Act of 1996, or any other provision of law to seek from the United States, or any agency, or any official of the United States acting in his or her official capacity, directly or indirectly, reimbursement of attorney's fees or other fees, expenses, or costs expended by Defendant to defend against this action. For these purposes, Defendant agrees that Defendant is not the prevailing party in this action since the parties have

reached a good faith settlement.

13. Defendant agrees that the Commission may present the Final Judgment to the Court for signature and entry without further notice.

14. Defendant agrees that this Court shall retain jurisdiction over this matter for the purpose of enforcing the terms of the Final Judgment.

Dated: 7/10/19

Michael Siva
Michael Siva

Approved as to form:

PLL
Paul L. Shechtman, Esq.
Attorney for Defendant

EXHIBIT A

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
-----x

3 UNITED STATES OF AMERICA, New York, N.Y.

4 v. 17 Cr. 503 (AJN)

5 MICHAEL SIVA,

6 Defendant.

7 -----x

8 October 18, 2018
9 12:05 a.m.

10 Before:

11 HON. ALISON J. NATHAN,

12 District Judge

13

14

15 APPEARANCES

16 GEOFFREY S. BERMAN
17 United States Attorney for the
Southern District of New York
18 BY: ANDREA M. GRISWOLD
Assistant United States Attorney

19 BRACEWELL, LLP
20 Attorneys for Defendant
BY: PAUL L. SHECHTMAN

21

22

23 ALSO PRESENT:

24 Special Agent Fatima Haque, FBI

25

SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

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1 (Case called)

2 THE COURT: I will take appearances from counsel,
3 starting with the government.

4 MS. GRISWOLD: Good afternoon, your Honor. Andrea
5 Griswold for the government. I am here with Special Agent
6 Fatima Haque for the F.B.I.

7 THE COURT: Good afternoon, Ms. Griswold, and
8 Agent Haque.

9 And on behalf of the defendant.

10 MR. SHECHTMAN: Good afternoon, your Honor. Paul
11 Shechtman for Mr. Siva, who is present.

12 THE COURT: Good afternoon, Mr. Shechtman, and good
13 afternoon, Mr. Siva.

14 Mr. Shechtman, I have been informed that Mr. Siva
15 wishes to plead guilty to Count One of the indictment 17 Cr.
16 503. Is that correct?

17 MR. SHECHTMAN: That's correct, your Honor.

18 THE COURT: You may be seated.

19 Mr. Siva, before I accept your guilty plea, sir, I'm
20 going to ask you certain questions so that I can establish to
21 my satisfaction that you wish to plead guilty because you are
22 guilty and not for some other reason, and also to establish
23 that you know what you will be giving up by pleading guilty.
24 If at any point you don't understand one of my questions, or
25 you want time to consult with your lawyer at any time or for

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1 any reason, you let me know, and I will give you as much time
2 as you need, okay?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: Because I will ask you questions today,
5 Mr. Siva, I am going to place you under oath. I will ask you
6 to please rise and raise your right hand.

7 Do you swear or affirm that the answers you will
8 provide in court shall be the truth, the whole truth, and
9 nothing but the truth?

10 THE DEFENDANT: I do, your Honor.

11 THE COURT: Thank you.

12 Mr. Siva, you may be seated.

13 Sir, you are now under oath, which means if you answer
14 any of my questions falsely, you may be prosecuted for the
15 separate crime of perjury.

16 Do you understand that?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: What is your full name?

19 THE DEFENDANT: Michael Harvey Siva.

20 THE COURT: And how old are you?

21 THE DEFENDANT: 56.

22 THE COURT: How far did you go in school?

23 THE DEFENDANT: College graduate.

24 THE COURT: Have you ever been treated for any type of
25 mental illness?

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1 THE DEFENDANT: No, your Honor.

2 THE COURT: Are you now or have you recently been
3 under the care of a doctor?

4 THE DEFENDANT: No, your Honor.

5 THE COURT: How about a psychiatrist?

6 THE DEFENDANT: No, your Honor. _

7 THE COURT: Have you ever been treated for any type of
8 addiction, including drug or alcohol addiction?

9 THE DEFENDANT: No, your Honor.

10 THE COURT: Have you taken any drugs, medicine, pills,
11 or alcoholic beverages in the past two days?

12 THE DEFENDANT: Two Tylenol yesterday.

13 THE COURT: Your mind is clear today?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: You understand what's happening here
16 today?

17 THE DEFENDANT: I do, your Honor.

18 THE COURT: Does either counsel have any doubt as to
19 Mr. Siva's competence to plead at this time?

20 MS. GRISWOLD: No, your Honor.

21 MR. SHECHTMAN: No, your Honor.

22 THE COURT: On the basis of Mr. Siva's responses to my
23 questions, my observations of his demeanor here in court, and
24 the representations of counsel, I do find that he is fully
25 competent to enter an informed plea of guilty at this time.

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1 Mr. Siva, I do want to confirm that you received a
2 copy of the indictment in this case, the document that contains
3 the charges against you. Did you receive that, sir?

4 THE DEFENDANT: Yes, I did, your Honor.

5 THE COURT: Have you had enough of a chance to discuss
6 with your lawyer the charge to which you intend to plead guilty
7 and any possible defenses to that charge?

8 THE DEFENDANT: I have, your Honor.

9 THE COURT: And has your lawyer explained to you the
10 consequences of entering a plea of guilty?

11 THE DEFENDANT: He has, your Honor.

12 THE COURT: And are you satisfied with your lawyer's
13 representation of you?

14 THE DEFENDANT: I am, your Honor.

15 THE COURT: All right. Mr. Siva, I am now going to
16 explain certain constitutional rights that you have. These are
17 rights that you will be giving up if you enter a guilty plea.
18 So, again, please listen carefully to everything that I am
19 about to say, and if there is anything that you didn't
20 understand, you let me know, and either I or your lawyer will
21 explain the matter more fully.

22 Under the Constitution and laws of the United States,
23 you have a right to plead not guilty to the charges in the
24 indictment.

25 Do you understand that?

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1 THE DEFENDANT: I do, your Honor.

2 THE COURT: If you did plead not guilty, you would be
3 entitled to a speedy and public trial by a jury on the charges
4 contained in this indictment.

5 Do you understand that?

6 THE DEFENDANT: I do.

7 THE COURT: At a trial, you would be presumed to be
8 innocent and the government would be required to prove you
9 guilty by competent evidence beyond a reasonable doubt before
10 you could be found guilty.

11 Do you understand that?

12 THE DEFENDANT: I do.

13 THE COURT: A jury of 12 people would have to agree
14 unanimously that you were guilty, and you would not have to
15 prove that you were innocent if you were to go to trial.

16 Do you understand that?

17 THE DEFENDANT: I do, your Honor.

18 THE COURT: At that trial and at every stage of your
19 case, you would be entitled to be represented by a lawyer. If
20 you couldn't afford a lawyer, one would be appointed at public
21 expense, that is, free of cost to you, to represent you.

22 Do you understand that?

23 THE DEFENDANT: I do.

24 THE COURT: During a trial, the witnesses for the
25 government would have to come to court and testify in your

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1 presence, and your lawyer could cross-examine the witnesses for
2 the government, object to evidence offered by the government,
3 and offer evidence on your own behalf if you so desired. You
4 would have the right to have subpoenas issued or other process
5 used to compel witnesses to testify in your defense.

6 Do you understand that?

7 THE DEFENDANT: I do.

8 THE COURT: At a trial, although you would have the
9 right to testify if you chose to do so, you would also have the
10 right not to testify. If you decided not to testify, no one,
11 including the jury, could draw any inference or suggestion of
12 guilt from the fact that you did not testify.

13 Do you understand that?

14 THE DEFENDANT: I do.

15 THE COURT: If you were convicted at a trial, you
16 would have the right to appeal that verdict.

17 Do you understand that?

18 THE DEFENDANT: Yes, I do.

19 THE COURT: So even now, as you are here entering this
20 plea, you do have the right to change your mind, plead not
21 guilty, and go to trial on the charges contained in this
22 indictment.

23 Do you understand that?

24 THE DEFENDANT: Yes, I do.

25 THE COURT: If you plead guilty and if I accept your

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1 plea, you will give up your right to a trial and the other
2 rights I have just discussed, other than the right to a lawyer,
3 which you have regardless of whether or not you plead guilty.
4 But if you plead guilty, there will be no trial, and I will
5 enter a judgment of guilty, and then at a later date, I will
6 sentence you on the basis of your plea, after I have considered
7 a presentence report and whatever submissions I get from your
8 lawyer and from the government.

9 Do you understand that?

10 THE DEFENDANT: I do, your Honor.

11 THE COURT: If you plead guilty, there will be no
12 trial and no appeal with respect to whether you did or did not
13 commit this crime.

14 Do you understand that?

15 THE DEFENDANT: I do.

16 THE COURT: If you plead guilty, you will also have to
17 give up your right not to incriminate yourself, because I will
18 ask you questions today about what you did in order to satisfy
19 myself that you are guilty as charged, and you will have to
20 admit and acknowledge your guilt.

21 Do you understand that?

22 THE DEFENDANT: I do, your Honor.

23 THE COURT: Mr. Siva, are you willing to give up your
24 right to a trial and the other rights I have just discussed
25 with you?

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1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: I want to turn to the charge in Count One
3 to which you are intending to plead guilty. You are charged in
4 Count One with participating in a conspiracy to commit
5 securities fraud in connection with a tender offer from at
6 least in or about January 2015 through in or about April 2017,
7 in violation of Title 18, United States Code § 371. Do you
8 understand that is the charge in Count One?

9 THE DEFENDANT: I do.

10 THE COURT: Ms. Griswold, I will ask the government to
11 please state the elements of the offense in question.

12 MS. GRISWOLD: Yes, your Honor.

13 The offense in question, Count One, has two elements:

14 First, that the defendant agreed with at least one
15 other person to commit the defined objects;

16 Second, at least one overt act was taken by the
17 defendant or a coconspirator to further the conspiracy.

18 In addition, the government would have to prove venue,
19 that at least one overt act in furtherance of the conspiracy
20 took place in the Southern District of New York.

21 If I could place the elements of the objects on the
22 record, your Honor?

23 THE COURT: You may.

24 MS. GRISWOLD: The first object, securities fraud, has
25 five elements: First, a defendant or a coconspirator received

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1 material nonpublic information, that is, information that he
2 knew was not publicly available and would be important to a
3 reasonable investor; second, the information was disclosed or
4 used in breach of a duty to keep the information confidential
5 and disclosed or used for personal benefit; third, the
6 defendant knew the information was disclosed or used in breach
7 of a duty and for personal benefit; fourth, the defendant or a
8 coconspirator traded based upon the material nonpublic
9 information received; and, fifth, at least one act in
10 furtherance of the scheme took place in the Southern District
11 of New York.

12 The second object of the conspiracy charged in Count
13 One is tender offer fraud. Tender offer fraud has five
14 elements, including venue: The first element is that after
15 substantial steps had been taken to commence a tender offer,
16 second, the defendant or a coconspirator received material
17 nonpublic information relating to that deal, third, either
18 directly or indirectly from someone the defendant knew to be
19 associated with either the offer or the target issuer; fourth,
20 the defendant or a coconspirator knowingly and willfully traded
21 on that information in advance of the tender offer's public
22 announcement; and fifth, and finally, again, that at least one
23 act in furtherance of the scheme occurred in the Southern
24 District of New York.

25 THE COURT: All right. Thank you.

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1 Mr. Siva, did you hear the government outline the
2 elements of the crime charged in Count One of the indictment?

3 THE DEFENDANT: Yes.

4 THE COURT: You understand, if you were to go to
5 trial, the government would have to prove those elements beyond
6 a reasonable doubt?

7 Do you understand that?

8 THE DEFENDANT: I understand.

9 THE COURT: I am going to talk to you now about the
10 maximum possible penalties you face for this crime. The
11 maximum means the most that could possibly be imposed. It
12 doesn't mean that is what you necessarily will receive, but you
13 have to understand that, by pleading guilty, you are exposing
14 yourself to the possibility of receiving any combination of
15 punishments up to the maximum that I am about to describe.

16 Do you understand that?

17 THE DEFENDANT: I do, your Honor.

18 THE COURT: So, first, I'm going to talk to you about
19 the maximum possible restrictions on your liberty.

20 The maximum term of imprisonment for Count One is five
21 years, which could be followed by up to three years of
22 supervised release.

23 Do you understand that?

24 THE DEFENDANT: I do, your Honor.

25 THE COURT: To pause for a moment on that term,

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1 "supervised release," that means if you are sent to prison,
2 upon release from prison, you would be subject to supervision
3 by the probation department. There would be rules of
4 supervised release that you would have to follow. If you
5 violate those rules, you can be returned to prison without a
6 jury trial to serve additional time with no credit for time you
7 served in prison as a result of your sentence and no credit for
8 any time spent on post-release supervision.

9 Do you understand that?

10 THE DEFENDANT: I do.

11 THE COURT: You should understand there is no parole
12 in the federal system, and that if you are sentenced to prison,
13 you will not be released early on parole.

14 Do you understand that?

15 THE DEFENDANT: I do, your Honor.

16 THE COURT: In addition to these restrictions on your
17 liberty, the maximum possible punishment also includes certain
18 financial penalties:

19 The maximum allowable fine is \$250,000, or twice the
20 gross gain derived from the offense or twice the gross loss to
21 persons other than yourself, whichever a greater.

22 In addition, I can order restitution to any person or
23 entity injured as a result of your criminal conduct.

24 I can also order you to forfeit all property derived
25 from the offense or used to facilitate the offense.

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1 Finally, I must order a mandatory special assessment
2 of \$100.

3 Do you understand that what I have just described are
4 the maximum possible financial penalties you face for this
5 crime?

6 THE DEFENDANT: I do.

7 THE COURT: Mr. Siva, are you a United States citizen?

8 THE DEFENDANT: I am.

9 THE COURT: Do you understand that as a result of your
10 guilty plea, you may lose certain valuable civil rights to the
11 extent that you have them now or could otherwise obtain them
12 now, such as, the right to vote, the right to hold public
13 office, the right to serve on a jury, and the right to possess
14 any kind of firearm?

15 Do you understand that?

16 THE DEFENDANT: I do.

17 THE COURT: Are you serving any other sentence, either
18 state or federal, or being prosecuted in state court for any
19 crime?

20 THE DEFENDANT: No, I'm not.

21 THE COURT: I do want to make sure that you
22 understand, if your lawyer or anyone else has attempted to
23 predict what your sentence will be, that prediction could be
24 wrong. No one -- not your lawyer, not the government's lawyer,
25 no one -- can give you any assurance of what your sentence will

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14

1 be, since I'm going to decide your sentence and I'm not going
2 to do that now. I am going to wait until I receive a
3 presentence report that will be prepared by the probation
4 department. I will do my own independent calculation of the
5 sentencing guideline range. I will consider it and any
6 possible departures from it, and I will determine what a
7 reasonable sentence is for you based on the sentencing factors
8 that are contained in a statute called 18 U.S.C. § 3553(a).

9 Do you understand that?

10 THE DEFENDANT: I do, your Honor.

11 THE COURT: You have discussed these issues with your
12 attorney, correct?

13 THE DEFENDANT: I have.

14 THE COURT: So even if your sentence is different from
15 what your lawyer or anyone else has told you it might be, and
16 even if it is different from what you expect or what's
17 contained in your written plea agreement that you have entered
18 into with the government, you will still be bound by your
19 guilty plea and will not be allowed to withdraw your plea of
20 guilty.

21 Do you understand that?

22 THE DEFENDANT: I do.

23 THE COURT: I want to turn now to the plea agreement.
24 I understand that there is a written plea agreement entered
25 into between you and your lawyer and the lawyer for the

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15

1 government. Is that correct?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: I have the original of the agreement in
4 front of me. It is dated October 1, 2018. It appears to be
5 six pages long. I will ask my deputy to mark it as Court
6 Exhibit 1 and please place the original in front of Mr. Siya.

7 Ms. Griswold, when we are finished discussing the
8 agreement, I will ask the government to maintain the original
9 in its records, please.

10 MS. GRISWOLD: Yes, your Honor.

11 THE COURT: Thank you.

12 Do you have the original agreement in front of you,
13 Mr. Siva?

14 THE DEFENDANT: I do, your Honor.

15 THE COURT: On the front page is it dated October 1,
16 2018?

17 THE DEFENDANT: Yes.

18 THE COURT: And is it six pages long?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: And on the last page, the sixth page, is
21 that your signature?

22 THE DEFENDANT: It is, your Honor.

23 THE COURT: You signed that today?

24 THE DEFENDANT: I signed it October 9, 2018.

25 THE COURT: Okay. And did you sign it in the presence

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16

1 of your attorney?

2 THE DEFENDANT: I did, your Honor.

3 THE COURT: And before you signed it, did you read it?

4 THE DEFENDANT: I did, your Honor.

5 THE COURT: Did you discuss it with your lawyer before
6 you signed it?

7 THE DEFENDANT: I did.

8 THE COURT: You believe you fully understood it before
9 you signed it?

10 THE DEFENDANT: I do.

11 THE COURT: One of the features of your agreement with
12 the government is that you have agreed on a guideline range
13 that applies in this case, something called the stipulated
14 guideline range.

15 Do you understand that?

16 THE DEFENDANT: Yes, your Honor.

17 THE COURT: In your agreement with the government, the
18 stipulated guideline range is 46 to 57 months' imprisonment.

19 Do you see that?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: It is important to understand that
22 agreement as to the guideline calculation is binding on you, it
23 is binding on the government, but it is not binding on me. As
24 I said a moment ago, I do have my own obligation to determine
25 the correct guideline range and what the appropriate sentence

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1 is in your case. I'm not saying I will come up with a range
2 different from the one that you agreed to with the government,
3 but if I do, I will not let you withdraw your plea, even if the
4 range I determine is higher than the one that you agreed to
5 with the government.

6 Do you understand that?

7 THE DEFENDANT: I do, your Honor.

8 THE COURT: In your plea agreement, you have waived
9 your right to appeal or otherwise challenge any sentence that
10 is 57 months or below. In other words, if I were to sentence
11 to you 57 months or anything less than 57 months, you would
12 have no right to appeal or otherwise try to challenge that
13 sentence.

14 Do you understand that?

15 THE DEFENDANT: I do, your Honor.

16 THE COURT: Counsel, are there any other aspects of
17 the plea agreement that you would like highlighted at this
18 time?

19 MS. GRISWOLD: No, your Honor.

20 MR. SHECHTMAN: I don't think so either, your Honor.
21 No, your Honor.

22 THE COURT: The one question I had for counsel,
23 paragraph 2, the last sentence, it says that "the court must
24 order restitution as specified below." I don't see language in
25 the agreement that estimates a calculation of restitution.

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1 MS. GRISWOLD: Yes, your Honor. There is no amount in
2 here. This is our standard agreement. Typically in insider
3 trading cases, restitution is not applied unless there is some
4 sort of cost for the investigation. We don't typically seek
5 restitution relating to the amount of gains because the nature
6 of the victim is undefinable. At this point in time, I do not
7 expect that the government will be seeking restitution at
8 sentencing in this case, which is why there is no amount in
9 here, although I do see the language that you are pointing to.

10 THE COURT: So I suppose it should just read, what,
11 the court must order restitution as appropriate under the law
12 or the like?

13 MS. GRISWOLD: Yes, your Honor.

14 MR. SHECHTMAN: Yes, your Honor.

15 THE COURT: I think this is standard language that I
16 see when there is a restitution amount contained.

17 MS. GRISWOLD: Fair enough, your Honor, and I think
18 for our insider cases perhaps it should be tweaked, so I think
19 you are correct.

20 THE COURT: You will take that back?

21 MS. GRISWOLD: I will take that back, yes.

22 THE COURT: Thank you.

23 Mr. Shechtman, any concerns with that language.

24 MR. SHECHTMAN: None, your Honor, and Ms. Griswold and
25 I have talked about it before.

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1 THE COURT: All right. I don't have information in
2 front of me at this point to come to any conclusion on
3 restitution. I have indicated, Mr. Siva, as I said a moment
4 ago, that, as part of the maximum possible financial penalties
5 you face, if it is appropriate, I can order restitution to any
6 person or entity injured as a result of your criminal conduct.

7 Do you understand that?

8 THE DEFENDANT: I do, your Honor.

9 THE COURT: Thank you.

10 Then let me just ask, Mr. Siva, does the written plea
11 agreement that we have been discussing constitute your complete
12 and total understanding of the entire agreement between you and
13 the government?

14 THE DEFENDANT: It does, your Honor.

15 THE COURT: Other than what's written in this
16 agreement, has anyone made any promise or offered you any
17 inducement to plead guilty or to sign the agreement?

18 THE DEFENDANT: No, your Honor.

19 THE COURT: Has anyone threatened you or forced you to
20 plead guilty or to sign the plea agreement?

21 THE DEFENDANT: No, your Honor.

22 THE COURT: Is has anyone made a promise to you as to
23 what your sentence will be?

24 THE DEFENDANT: No, your Honor.

25 THE COURT: All right. Thank you.

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20

1 Mr. Shechtman, if you can hand the original of the
2 agreement to Ms. Griswold, please.

3 MR. SHECHTMAN: Yes, your Honor.

4 THE COURT: Thank you. Thank you, Mr. Shechtman.

5 Mr. Siva, what I am going to ask you to do now is to
6 please tell me in your own words what you did that makes you
7 believe that you are guilty of the crime charged in Count One.

8 THE DEFENDANT: In 2015 and 2016, I worked as a broker
9 and a financial advisor at a brokerage firm. During that time,
10 James Moody gave me material nonpublic information about
11 potential mergers and acquisition transactions, including
12 tender offers. I had known Moody for some time, and in 2016 he
13 became my client. I used the information Moody gave me to
14 recommend and purchase stocks for my clients. At first, I did
15 not appreciate that Moody had an inside source; but by early
16 2016, as the number of deals that he tipped me on increased, it
17 became apparent that he wasn't just hearing rumors or doing
18 research, that he was receiving inside information regularly
19 from someone.

20 I made very little money myself from trading on
21 Moody's tips, about \$8,000, plus modest commissions. But my
22 clients profited from the trading.

23 I know that I violated the law and could not be more
24 shamed or remorseful, your Honor.

25 THE COURT: All right. Thank you, Mr. Siva.

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1 Ms. Griswold, does the government have a proffer with
2 respect to venue.

3 MS. GRISWOLD: Yes, I do, your Honor. The government
4 would proffer that the inside information in this case
5 originated from a source at Bank of America who was working in
6 New York, an individual named Daniel Rivas who provided that
7 information as part of the conspiracy charged in Count One to
8 Mr. Moody who, in turn, provided it to Mr. Siva. In addition,
9 several of the stocks that were traded on in connection with
10 the Count One conspiracy, including just to give an example,
11 St. Jude, were traded on the New York Stock Exchange.

12 THE COURT: Mr. Shechtman, any objection to the venue
13 proffer?

14 MR. SHECHTMAN: None at all, your Honor. Mr. Siva was
15 not in New York for most of this, but those overt acts took
16 place in this district.

17 THE COURT: All right. Mr. Siva, you have no basis to
18 disagree with what Ms. Griswold said or Mr. Shechtman?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: You agree with that. You agree with what
21 was indicated?

22 THE DEFENDANT: Yes.

23 THE COURT: All right. Thank you.

24 Ms. Griswold, any questions you would like me to ask
25 Mr. Siva?

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22

1 MS. GRISWOLD: Just one. I believe he noted that he
2 came to -- it became apparent to him that he was receiving
3 inside information, "he" being Mr. Moody, regularly from
4 someone. I would ask the court to inquire if Mr. Siva, during
5 the conspiracy, came to believe that that someone was a
6 corporate insider with access to inside information.

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: That's accurate? I think you did say an
9 inside source, Mr. Siva, but you have indicated that it is
10 accurate that you came to appreciate that Mr. Moody was
11 receiving information regularly from someone who was a
12 corporate insider with access to inside information?

13 THE DEFENDANT: That's correct, your Honor.

14 THE COURT: All right. Thank you.

15 Ms. Griswold, anything further?

16 MS. GRISWOLD: No other questions.

17 I would just note for the record that the total gain
18 in clients of Mr. Siva, including Mr. Moody, exceeded \$2
19 million between 2015 and 2017.

20 THE COURT: Is that an issue in dispute at all?

21 MR. SHECHTMAN: It is not did in dispute, your Honor.
22 This is the unusual case where the gain number is large and the
23 personal benefit is quite small.

24 MS. GRISWOLD: We don't dispute that, your Honor.

25 THE COURT: I might dispute whether it is unusual.

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1 MR. SHECHTMAN: You may know better than I.

2 THE COURT: All right. Mr. Siva, no basis to disagree
3 with the gain figure the government has indicated?

4 THE DEFENDANT: No, your Honor.

5 THE COURT: I will note, Mr. Siva, when you told me
6 what you did, that you appeared to read from a prepared
7 statement, and I am grateful to you and counsel for preparing
8 that in advance. I do want to make sure that you understood
9 everything that you read to me, sir.

10 THE DEFENDANT: I do, your Honor.

11 THE COURT: And you adopt those words fully as your
12 own?

13 THE DEFENDANT: I do.

14 THE COURT: Mr. Shechtman, do you know of any valid
15 defense that would likely prevail at trial or any reason why
16 your client should not be permitted to plead guilty?

17 MR. SHECHTMAN: No, your Honor, none at all.

18 THE COURT: And you agree there is a sufficient
19 factual predicate for the plea?

20 MR. SHECHTMAN: I do.

21 THE COURT: Ms. Griswold, I will ask the government to
22 make a proffer to the court as to what the evidence would show
23 if we were to go to trial and what it would consist of and what
24 it would show with respect to Mr. Siva.

25 MS. GRISWOLD: Yes, your Honor. It would show that

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1 the defendant, Mr. Siva, executed trades on his brokerage
2 client accounts based on material nonpublic information that
3 originated with a corporate insider, a head of both mergers and
4 acquisition transactions and tender offers. How we would show
5 it is through the testimony of both Mr. Rivas, who is the
6 corporate insider at Bank of America who has pled guilty
7 pursuant to a cooperation agreement. We would also offer the
8 testimony of Mr. Moody, who was a client of Mr. Siva's, who has
9 also pled guilty pursuant to a cooperation agreement. We would
10 also offer, among other things, trading records and telephone
11 toll records, as well as law enforcement agent testimony about
12 the investigation and recordings that were made by Mr. Moody
13 while he was cooperating with the government that include
14 conversations between Mr. Moody and Mr. Siva that are relevant
15 to the charged conspiracy.

16 THE COURT: All right. Thank you.

17 In a moment, I will ask Mr. Siva for his formal entry
18 of plea. Before I do so, let me just give counsel one final
19 opportunity, do you know of any reason that I should not accept
20 the defendant's plea of guilty? Ms. Griswold.

21 MS. GRISWOLD: No, your Honor.

22 MR. SHECHTMAN: No, your Honor.

23 THE COURT: Mr. Siva, based on everything that we have
24 discussed today, I will ask for your formal entry of plea with
25 respect to Count One of the indictment 17 Cr. 503. How do you

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25

1 plead? Guilty or not guilty.

2 THE DEFENDANT: Guilty, your Honor.

3 THE COURT: Mr. Siva, because you acknowledge that you
4 are in fact guilty as charged in the indictment, because I am
5 satisfied that you know of your rights, including the right to
6 go to trial, and that you are aware of the consequences of your
7 plea, including the sentence which may be imposed, and because
8 I find that you are knowingly and voluntarily pleading guilty,
9 I accept your guilty plea and enter a judgment of guilty on
10 Count One of the indictment.

11 I do order the preparation of a presentence report.

12 Mr. Siva, the probation department will want to interview you
13 in connection with the presentence report that it will prepare.

14 Mr. Shechtman, does defense counsel wish to be present
15 for any interview in connection with that report?

16 MR. SHECHTMAN: I do, your Honor.

17 THE COURT: I order probation conduct no interview
18 unless defense counsel is present.

19 Mr. Siva, if you do choose to speak to the probation
20 department, please make sure that anything that you say is
21 truthful and accurate. I will read the report carefully, and
22 it is important to me in deciding what sentence to impose.

23 You and your counsel have a right to examine the
24 report and comment on it at the time of sentencing, so I do
25 urge you to read it and discuss it with your lawyer before

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1 sentencing. If there are any mistakes in it, point them out to
2 your attorney so that he can bring them to my attention before
3 sentencing.

4 Counsel, I propose Friday, February 11, 2019, at 11
5 a.m. for sentencing.

6 Ms. Griswold?

7 MS. GRISWOLD: That's fine for the government.

8 THE COURT: Mr. Shechtman?

9 MR. SHECHTMAN: That's fine, Judge.

10 THE COURT: Sentencing is set for that date and time.

11 I direct the government to provide the probation
12 officer with its factual statement within seven days; and,
13 Mr. Shechtman, please do arrange for Mr. Siva to be interviewed
14 by the probation department within the next two weeks.

15 I will refer counsel to my individual rules and
16 practices for criminal cases available on the court's Web site
17 which contain some rules regarding sentencing submissions. In
18 accordance with those rules, the defense submission is due one
19 week prior to sentencing, and the government's submission is
20 due three days prior to sentencing.

21 Does everybody agree that all of the conditions of
22 bail that have been in place remain, no change requests?

23 MS. GRISWOLD: No change request from the government.

24 MR. SHECHTMAN: None, your Honor.

25 THE COURT: Mr. Siva, I want to make sure understand

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1 that all of the conditions upon which you were released up to
2 now continue to apply, and of course a violation of any of
3 those conditions can have a serious consequence for you at the
4 time of sentencing.

5 You must be in the courtroom for sentencing at the
6 time and date that I have set unless you hear of any change
7 from Mr. Shechtman. If you were to fail to do so, you could be
8 guilty of a separate crime, bail jumping, and subject to a fine
9 and/or prison term in addition to whatever sentence you may
10 receive for the crime to which you have just pled guilty.

11 Do you understand, sir?

12 THE DEFENDANT: I do.

13 THE COURT: Counsel, is there anything else I can
14 address at this time?

15 MS. GRISWOLD: No, your Honor. Thank you.

16 MR. SHECHTMAN: No, your Honor.

17 THE COURT: Okay. I will see everyone in February.
18 We are adjourned.

19 ooo
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**United States District Court
Southern District of New York**

Ruby J. Krajick
Clerk of Court

Dear Litigant:

Enclosed is a copy of the judgment entered in your case. If you disagree with a judgment or final order of the district court, you may appeal to the United States Court of Appeals for the Second Circuit. To start this process, file a "Notice of Appeal" with this Court's Pro Se Intake Unit.

You must file your notice of appeal in this Court within 30 days after the judgment or order that you wish to appeal is entered on the Court's docket, or, if the United States or its officer or agency is a party, within 60 days after entry of the judgment or order. If you are unable to file your notice of appeal within the required time, you may make a motion for extension of time, but you must do so within 60 days from the date of entry of the judgment, or within 90 days if the United States or its officer or agency is a party, and you must show excusable neglect or good cause for your inability to file the notice of appeal by the deadline.

Please note that the notice of appeal is a *one-page* document containing your name, a description of the final order or judgment (or part thereof) being appealed, and the name of the court to which the appeal is taken (the Second Circuit) – *it does not* include your reasons or grounds for the appeal. Once your appeal is processed by the district court, your notice of appeal will be sent to the Court of Appeals and a Court of Appeals docket number will be assigned to your case. At that point, all further questions regarding your appeal must be directed to that court.

The filing fee for a notice of appeal is \$505 payable in cash, by bank check, certified check, or money order, to "Clerk of Court, S.D.N.Y." *No personal checks are accepted.* If you are unable to pay the \$505 filing fee, complete the "Motion to Proceed *in Forma Pauperis* on Appeal" form and submit it with your notice of appeal to the Pro Se Intake Unit. If the district court denies your motion to proceed *in forma pauperis* on appeal, or has certified under 28 U.S.C. § 1915(a)(3) that an appeal would not be taken in good faith, you may file a motion in the Court of Appeals for leave to appeal *in forma pauperis*, but you must do so within 30 days after service of the district court order that stated that you could not proceed *in forma pauperis* on appeal.

For additional issues regarding the time for filing a notice of appeal, see Federal Rule of Appellate Procedure 4(a). There are many other steps to beginning and proceeding with your appeal, but they are governed by the rules of the Second Circuit Court of Appeals and the Federal Rules of Appellate Procedure. For more information, visit the Second Circuit Court of Appeals website at <http://www.ca2.uscourts.gov/>.

THE DANIEL PATRICK MOYNIHAN
UNITED STATES COURTHOUSE
500 PEARL STREET
NEW YORK, NY 10007-1312

THE CHARLES L. BRIEANT, JR.
UNITED STATES COURTHOUSE
300 QUARROPAS STREET
WHITE PLAINS, NY 10601-4150

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

(List the full name(s) of the plaintiff(s)/petitioner(s).)

CV () ()

-against-

NOTICE OF APPEAL

(List the full name(s) of the defendant(s)/respondent(s).)

Notice is hereby given that the following parties: _____

(list the names of all parties who are filing an appeal)

in the above-named case appeal to the United States Court of Appeals for the Second Circuit

from the judgment order entered on:

(date that judgment or order was entered on docket)

that:

(If the appeal is from an order, provide a brief description above of the decision in the order.)

Dated

Signature *

Name (Last, First, MI)

Address

City

State

Zip Code

Telephone Number

E-mail Address (if available)

* Each party filing the appeal must date and sign the Notice of Appeal and provide his or her mailing address and telephone number, EXCEPT that a signer of a pro se notice of appeal may sign for his or her spouse and minor children if they are parties to the case. Fed. R. App. P. 3(c)(2). Attach additional sheets of paper as necessary.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

(List the full name(s) of the plaintiff(s)/petitioner(s).)

-against-

CV () ()

**MOTION FOR EXTENSION
OF TIME TO FILE NOTICE
OF APPEAL**

(List the full name(s) of the defendant(s)/respondent(s).)

I move under Rule 4(a)(5) of the Federal Rules of Appellate Procedure for an extension of time to file a notice of appeal in this action. I would like to appeal the judgment entered in this action on _____ but did not file a notice of appeal within the required date time period because:

(Explain here the excusable neglect or good cause that led to your failure to file a timely notice of appeal.)

Dated:

Signature

Name (Last, First, MI)

Address

City

State

Zip Code

Telephone Number

E-mail Address (if available)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

(List the full name(s) of the plaintiff(s)/petitioner(s).)

-against-

CV () ()

**MOTION FOR LEAVE TO
PROCEED IN FORMA
PAUPERIS ON APPEAL**

(List the full name(s) of the defendant(s)/respondent(s).)

I move under Federal Rule of Appellate Procedure 24(a)(1) for leave to proceed *in forma pauperis* on appeal. This motion is supported by the attached affidavit.

Dated

Signature

Name (Last, First, MI)

Address

City

State

Zip Code

Telephone Number

E-mail Address (if available)

Application to Appeal In Forma Pauperis

v. _____

Appeal No. _____

District Court or Agency No. _____

<p>Affidavit in Support of Motion</p> <p>I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)</p> <p>Signed: _____</p>	<p>Instructions</p> <p>Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.</p> <p>Date: _____</p>
---	---

My issues on appeal are: (required):

1. *For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.*

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	<u>Spouse</u>	You	<u>Spouse</u>
Employment	\$	\$	\$	\$
Self-employment	\$	\$	\$	\$
Income from real property (such as rental income)	\$	\$	\$	\$

Interest and dividends	\$	\$	\$	\$
Gifts	\$	\$	\$	\$
Alimony	\$	\$	\$	\$
Child support	\$	\$	\$	\$
Retirement (such as social security, pensions, annuities, insurance)	\$	\$	\$	\$
Disability (such as social security, insurance payments)	\$	\$	\$	\$
Unemployment payments	\$	\$	\$	\$
Public-assistance (such as welfare)	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$
Total monthly income:	\$	\$	\$	\$

2. *List your employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)*

Employer	Address	Dates of employment	Gross monthly pay
			\$
			\$
			\$

3. *List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)*

Employer	Address	Dates of employment	Gross monthly pay
			\$
			\$
			\$

4. *How much cash do you and your spouse have? \$_____*

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
		\$	\$
		\$	\$
		\$	\$

If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. *List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.*

Home	Other real estate	Motor vehicle #1
(Value) \$	(Value) \$	(Value) \$
		Make and year:
		Model:
		Registration #:

Motor vehicle #2	Other assets	Other assets
(Value) \$	(Value) \$	(Value) \$
Make and year:		
Model:		
Registration #:		

6. *State every person, business, or organization owing you or your spouse money, and the amount owed.*

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
	\$	\$
	\$	\$
	\$	\$
	\$	\$

7. *State the persons who rely on you or your spouse for support.*

Name [or, if a minor (i.e., underage), initials only]	Relationship	Age

8. *Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.*

	You	Your Spouse
Rent or home-mortgage payment (including lot rented for mobile home)	\$	\$
Are real estate taxes included? [] Yes [] No		
Is property insurance included? [] Yes [] No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$	\$
Home maintenance (repairs and upkeep)	\$	\$
Food	\$	\$
Clothing	\$	\$
Laundry and dry-cleaning	\$	\$
Medical and dental expenses	\$	\$

Transportation (not including motor vehicle payments)	\$	\$
Recreation, entertainment, newspapers, magazines, etc.	\$	\$
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's:	\$	\$
Life:	\$	\$
Health:	\$	\$
Motor vehicle:	\$	\$
Other:	\$	\$
Taxes (not deducted from wages or included in mortgage payments) (specify):	\$	\$
Installment payments		
Motor Vehicle:	\$	\$
Credit card (name):	\$	\$
Department store (name):	\$	\$
Other:	\$	\$
Alimony, maintenance, and support paid to others	\$	\$
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$	\$
Other (specify):	\$	\$
Total monthly expenses:	\$	\$

9. *Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?*

Yes No If yes, describe on an attached sheet.

10. *Have you spent — or will you be spending —any money for expenses or attorney fees in connection with this lawsuit? [] Yes [] No*

If yes, how much? \$ _____

11. *Provide any other information that will help explain why you cannot pay the docket fees for your appeal.*

12. *Identify the city and state of your legal residence.*

City _____ State _____

Your daytime phone number: _____

Your age: _____ Your years of schooling: _____

Last four digits of your social-security number: _____