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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

CRIM. NO.: 2:07-cr-20627

Plaintiff,

HON. MARIANNE O. BATTANI

v.

VIOLATIONS:

D-13 GREGG M. S. BERGER,

18 U.S.C. § 1349  
18 U.S.C. § 1348(1)  
18 U.S.C. § 1343  
FORFEITURE SECTIONS

Defendant.

**SUPERSEDING INDICTMENT**

THE GRAND JURY CHARGES:

*General Allegations*

**INTRODUCTION**

At all times relevant to this Indictment:

1. A "pump and dump scheme" involves the manipulation of the price and volume of a particular stock in order to later sell that stock at an artificially inflated price. Generally, the perpetrators of a pump and dump scheme obtain control over a substantial portion of free trading shares of the company. Free trading shares are shares of the stock that the owner can trade without restriction on a national exchange such as the New York Stock Exchange or NASDAQ, or are traded in the "over-the-counter-bulletin-board" (OTCBB) or via "the Pink Sheets." The pump usually involves artificially inflating a company's stock price by engaging in coordinated

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trading of the stock in order to create the appearance of a more active market for the stock. The pump also usually involves disseminating false and misleading promotional materials that fail to disclose material information – unsolicited advertisements touting a particular stock, which are sent to millions of recipients by e-mail blasts (“spam”) or other means. After pumping the stock, the perpetrators dump their shares, meaning they sell large volumes of the shares they own and control to unsuspecting investors. The dumping often occurs soon after the dissemination of the promotional materials touting the particular company. The perpetrators of a pump and dump scheme will often “park” their shares by depositing or transferring them into different accounts, including nominees’ accounts, and then trade the manipulated stock using the different accounts in order to conceal their trading activity.

#### PERSONS AND ENTITIES

2. GREGG M. S. BERGER, defendant herein, (“BERGER”) was a stock broker in New York, New York, employed with the brokerage firm of Gilford Securities, from in or about February 2002 until June 2006.

3. FRANCIS A. (also known as “FRANKIE”) TRIBBLE, (“TRIBBLE”) previously indicted in E. D. Mich. Crim. Number 2:07-CR-20627, was a stock promoter who was experienced in using bulk commercial e-mail, commonly known as “spam,” to carry out stock “pump and dump” schemes.

4. HOW WAI JOHN HUI, (“HUI”) previously indicted in E. D. Mich. Crim. Number 2:07-CR-20627, was a Chinese businessman based in Vancouver, British Columbia and Hong Kong, China and was the Chief Executive Officer of China World Trade Corporation, a Chinese-based company involved in establishing business centers and “CEO clubs” in China,

which was traded under the ticker symbol “CWTD” on the “over-the-counter-bulletin-board” (OTCBB). HUI had relationships with Chinese individuals, including officers of Chinese issuers, who controlled large blocks of shares in several other Chinese companies, including China Digital Media Corporation (“CDGT”), Pingchuan Pharmaceutical, Inc. (“PGCN”), World Wide Biotech and Pharmaceutical Company (“WWBP”) and China Mobility Solutions (“CHMS”). HUI introduced these individuals to BERGER and TRIBBLE for the purpose of promoting these stocks in the pump and dump scheme.

5. ALAN M. RALSKY, (“RALSKY”), previously indicted in E. D. Mich. Crim. Number 2:07-CR-20627, was the head of an organization engaged in the business of promoting products and stock through bulk commercial e-mail, commonly known as “spam.”

6. SCOTT K. BRADLEY, (“BRADLEY”), previously indicted in E. D. Mich. Crim. Number 2:07-CR-20627, was RALSKY’s son-in-law and assisted RALSKY in running their spamming operation.

7. JOHN S. BOWN, (“BOWN”), previously indicted in E. D. Mich. Crim. Number 2:07-CR-20627, worked for RALSKY and BRADLEY as the network systems manager and manager of the servers that were being used by the RALSKY spamming organization. BOWN was also the chief executive officer of GDC Layer One, a company that provided network administration services and software development for the unlawful spam e-mail operation.

8. PETER SEVERA, (“SEVERA”), and JAMES E. BRAGG, (“BRAGG”), both previously indicted in E. D. Mich. Crim. Number 2:07-CR-20627, were contract “mailers” or spammers who sent stock e-mail for the stock pump and dump scheme at the direction of RALSKY, BRADLEY, BOWN and TRIBBLE. SEVERA is believed to be in Russia.

9. M-Wise was an Israel-based communications company, incorporated in the State of Delaware and trading on the OTCBB under the ticker symbol MWIS.

**THE SCHEME TO DEFRAUD**

10. From in or about January 2005 through in or about June 2006, BERGER, working together with previously indicted defendants FRANCIS A. (“FRANKIE”) TRIBBLE, JOHN HOW WAI HUI, ALAN M. RALSKY, SCOTT K. BRADLEY, JOHN S. BOWN, PETER SEVERA and others, used his position as a stock broker to engage in an unlawful scheme to manipulate the stock market pertaining to a number of securities identified in the table below, with the goal of converting large blocks of stock that were thinly traded and of low value into millions of dollars in cash.

Ticker Symbol	Issuer Name
CWTD	China World Trade Corporation
PGCN	Pingchuan Pharmaceutical, Inc.
CDGT	China Digital Media Corporation
WWBP	World Wide Biotech and Pharmaceutical Co.
CHMS	China Mobility Solutions
MWIS	m-Wise

These securities were each of an issuer with a class of securities registered under section 12 of the Securities and Exchange Act of 1934 (15 U.S.C. 78l) and that is required to file reports under section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(d)).

11. In order to carry out the pump and dump scheme, TRIBBLE and HUI arranged for the deposit of large blocks of the issuing companies’ shares into a number of nominee brokerage accounts established with BERGER’s brokerage firm so that they could be sold, or “dumped” on the market. TRIBBLE introduced HUI to defendant BERGER so that BERGER

could arrange for the shares to be deposited into trading accounts at Gilford Securities in the names of various individuals and entities for the purpose of disposing of the stock.

12. In order to create a market for these shares, TRIBBLE engaged in conduct intended to increase the volume of trading in the issuers' stock and recruited the commercial spamming syndicate run by ALAN M. RALSKY, SCOTT K. BRADLEY and others, to orchestrate massive spam e-mail campaigns touting the stocks. At TRIBBLE's direction, BERGER made timed purchases of the shares in order to create the appearance of market interest in the stocks.

13. Once the spam e-mail campaign and coordinated trades directed by TRIBBLE falsely created the impression that there was an active market for the stock, BERGER would then sell those shares at the direction of TRIBBLE, resulting in commission payments to BERGER in the hundreds of thousands of dollars, and trading proceeds in the millions of dollars to HUI, the representatives of the other issuers working with HUI, and the RALSKY spamming group.

14. Independently of HUI and the Chinese issuers, BERGER sought to promote the stock of the Israeli issuer m-Wise (MWIS), and introduced the officers of m-Wise to TRIBBLE for the purpose of executing the same scheme that they were conducting for the Chinese issuers. BERGER arranged for the opening of accounts at Gilford Securities for the deposit of m-Wise shares for this purpose, and later bought and sold those shares as directed by TRIBBLE. BERGER also facilitated the payment of the MWIS stock proceeds to RALSKY's spamming group.

15. The proceeds from the sale of the Chinese stocks were then divided among HOW WAI JOHN HUI, the representatives of the issuing companies, TRIBBLE, the promoter, and the

spamming syndicate of RALSKY and BRADLEY and others. The proceeds from the sale of the m-Wise stock were divided among the principals of m-Wise working with BERGER, TRIBBLE, the promoter, and the spamming syndicate of RALSKY and BRADLEY and others. During the course of this scheme, BERGER caused the sale of approximately 30 million shares of stock, generating approximately \$30 million for the co-conspirators and over \$600,000 in commissions for himself.

16. In order to facilitate the pump and dump scheme, BERGER (a) established brokerage accounts at Gilford Securities to receive the blocks of stock to be traded; (b) arranged for the transfer of the stock to such accounts; (c) executed trades timed at the direction of TRIBBLE rather than at the direction of the account holders; (d) transferred funds from those trades to the account holders' bank accounts; and (e) routinely provided confidential account information including trading amounts, prices, cash balances, and wire transfer information to TRIBBLE, BRADLEY and other persons involve in the scheme who were not entitled to such information, without obtaining the required written authorization of the account holders.

#### COUNT ONE

#### **(18 U.S.C. §§ 1349, 1348(1) and 1343– CONSPIRACY TO COMMIT SECURITIES FRAUD AND WIRE FRAUD)**

D-13 GREGG M.S. BERGER

17. The General Allegations set forth in paragraphs 1 through 16 of this Indictment are re-alleged as if stated fully here.

18. Beginning on or about January 1, 2005, and continuing through at least as late as December 2007, the exact dates being unknown to the Grand Jury, in the Eastern District of Michigan, Southern Division, and elsewhere, defendant GREGG M.S. BERGER, and previously

indicted defendants FRANCIS A. ("FRANKIE") TRIBBLE, HOW WAI JOHN HUI, ALAN M. RALSKY, SCOTT K. BRADLEY, and others known and unknown to the Grand Jury, did knowingly and unlawfully combine, conspire, and agree with one another:

- to execute a scheme to defraud persons in connection with securities of an issuer with a class of securities registered under section 12 of the Securities and Exchange Act of 1934 (15 U.S.C. 78l) and that is required to file reports under section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(d)), in violation of Title 18, United States Code 1348; and,
- having devised and intending to devise a scheme and artifice to defraud, to transmit by means of wire communication in interstate and foreign commerce any writings, signs, signals, pictures and sounds, in violation of Title 18, United States Code, 1343.

#### **OBJECT OF THE CONSPIRACY**

19. The objects of the conspiracy were (a) to convert large blocks of stock which were thinly traded and of low value into millions of dollars in cash for the co-conspirators; (b) to generate large amounts of cash proceeds to pay the spammers and promoters of the stock; and (c) to yield large commissions for defendant GREGG M.S. BERGER from the sale of the stock.

#### **MANNER AND MEANS OF THE CONSPIRACY**

20. The conspiracy was executed through the following manner and means:
- a. Opening brokerage accounts at Gilford Securities for the purpose of depositing the stock to be sold during the pump and dump scheme;
  - b. Concealing the true ownership and control of the stock, in part, by parking the shares in various nominee accounts;

- c. Manipulating the trading volume and share price by coordinating the trading in the shares of the stock;
- d. Promoting the stock through spam e-mails that were false and misleading in that they failed to disclose material information – including that the promoter was being paid from the proceeds of the stock and that the group paying for the promotion intended to sell the shares they beneficially owned while at the same time encouraging the public to buy shares of the manipulated stock – in order to artificially inflate the trading volume and the price of the stock;
- e. Selling, causing others to sell, and receiving profits from the sales of, stock that had been sold during the pump and dump scheme;
- f. Allowing stock promoters access to confidential account information of the account holders for the accounts where the stock was being held and sold in order to allow the promoters to know the amount of money they would be getting from the proceeds of the stock that was sold; and
- g. Transferring proceeds from the sale of the stock to promoters and others involved in the pump and dump scheme.

#### **OVERT ACTS**

21. In furtherance of the conspiracy and to accomplish the objects of the conspiracy, the defendant and one or more of the co-conspirators committed various overt acts, within the Eastern District of Michigan and elsewhere, including but not limited to the following:

#### **Pump and Dump of China World Trade Corporation (CWTD)**



22. Between on or about February 22, 2005, and on or about April 27, 2006, BERGER and TRIBBLE caused shares of CWTD to be traded through Gilford Securities brokerage accounts owned by BERGER and others, in order to artificially inflate the share price of CWTD and create the appearance of an active market for the stock.

23. Between on or about March 20, 2005, and on or about May 22, 2006, BRADLEY, RALSKY, BOWN, SEVERA, and others, caused spam emails promoting CWTD to be sent to millions of recipients.

24. On or about March 21, 2005, BERGER caused a brokerage account in the name of SPLENDID PARTNER HOLDINGS LIMITED to be opened at Gilford Securities for the purpose of trading shares of CWTD in furtherance of the conspiracy.

25. On or about August 8, 2005, BERGER caused a brokerage account in the name of HO FAI LAM to be opened at Gilford Securities for the purpose of trading shares of CWTD and other stocks in furtherance of the conspiracy.

26. Between on or about March 21, 2005, and on or about May 3, 2006, BERGER caused shares of CWTD to be deposited in the SPLENDID PARTNER HOLDINGS LIMITED and HO FAI LAM brokerage accounts at Gilford Securities, as follows:

Date	Account Name	Number of CWTD Shares Deposited
March 21, 2005	Splendid Partner Holdings Limited	300,000
April 20, 2005	Splendid Partner Holdings Limited	82,500
June 9, 2005	Splendid Partner Holdings Limited	90,700
May 3, 2006	Ho Fai Lam	280,000

27. Between on or about May 17, 2005, and on or about May 12, 2006, BERGER and TRIBBLE caused shares of CWTD to be sold through the SPLENDID PARTNER HOLDINGS LIMITED and HO FAI LAM brokerage accounts at Gilford Securities, including, as follows:

Date	Account Name	Transaction	Price Per Share
May 23, 2005	Splendid Partner Holdings Limited	Sold 50,000 shares	\$2.46
May 24, 2005	Splendid Partner Holdings Limited	Sold 59,855 shares	\$2.61
May 25, 2005	Splendid Partner Holdings Limited	Sold 61,000 shares	\$2.78
May 26, 2005	Splendid Partner Holdings Limited	Sold 48,500 shares	\$2.88
May 27, 2005	Splendid Partner Holdings Limited	Sold 85,135 shares	\$3.16
May 31, 2005	Splendid Partner Holdings Limited	Sold 63,000 shares	\$3.22
June 6, 2005	Splendid Partner Holdings Limited	Sold 20,100 shares	\$2.53
June 30, 2005	Splendid Partner Holdings Limited	Sold 66,000 shares	\$2.38
May 10, 2006	Ho Fai Lam	Sold 75,000 shares	\$1.94
May 11, 2006	Ho Fai Lam	Sold 105,000 shares	\$1.84
May 12, 2006	Ho Fai Lam	Sold 100,000 shares	\$1.71

28. Between on or about May 27, 2005, and on or about May 22, 2006, BERGER and other co-conspirators caused money to be wired out of the SPLENDID PARTNER HOLDINGS LIMITED and HO FAI LAM brokerage accounts at Gilford Securities to bank accounts beneficially controlled by HUI and other co-conspirators, and then further caused money to be wired to bank accounts owned and controlled by BRADLEY, RALSKY and SEVERA to pay for the spam email promotion of CWTD as follows:

Date	Wire Transfer	Amount of Wire Transfer
May 27, 2005	Splendid Partner Holdings Limited brokerage account at Gilford Securities, New York, NY, to Splendid Partner Holdings Limited account at Belgian Bank, Hong Kong, China	\$269,412.22
June 6, 2005	Splendid Partner Holdings Limited brokerage account at Gilford Securities, New York, NY, to Splendid Partner Holdings Limited account at Belgian Bank, Hong Kong, China	\$755,181.90
June 10, 2005	Splendid Partner Holdings Limited account at Belgian Bank, Hong Kong, China, to Superior Distributing account at Standard Federal Bank, Troy, MI	\$295,859.00
July 14, 2005	Splendid Partner Holdings Limited account at Belgian Bank, Hong Kong, China, to Superior Distributing account at Standard Federal Bank, Troy, MI	\$13,532.00
May 17, 2006	Ho Fai Lam brokerage account at Gilford Securities, New York, NY, to Ho Fai Lam account at Hong Kong and Shanghai Bank, Hong Kong, China	\$493,316.63
May 22, 2006	Ho Fai Lam account at Hong Kong and Shanghai Bank, Hong Kong, China, to Hansolt Enterprises account at Hellenic Bank, Nicosia, Cyprus	\$208,954.00

Pump and Dump of China Digital Media Corporation (CDGT)

29. Between on or about April 28, 2005, and on or about July 13, 2005, BERGER and TRIBBLE caused shares of CDGT to be traded through Gilford Securities brokerage accounts owned by BERGER and others, in order to artificially inflate the share price of CDGT and create the appearance of an active market for the stock.

30. Between on or about April 28, 2005 and on or about August 3, 2005, BRADLEY, RALSKY, BOWN, SEVERA, and others, caused spam emails promoting CDGT to be sent to millions of recipients.

31. On or about April 29, 2005, BERGER and HUI caused a brokerage account in the name of HOW WAI JOHN HUI to be opened at Gilford Securities for the purpose of trading shares of CDGT in furtherance of the conspiracy.

32. On or about June 9, 2005, BERGER caused a brokerage account in the name of CHI MING CHAN to be opened at Gilford Securities for the purpose of trading shares of CDGT and other stocks in furtherance of the conspiracy.

33. Between on or about May 3, 2005, and on or about June 9, 2005, BERGER caused shares of CDGT to be deposited in the HOW WAI JOHN HUI and CHI MING CHAN brokerage accounts at Gilford Securities, as follows:

Date	Account Name	Number of CDGT Shares Deposited
May 3, 2005	How Wai John Hui	250,000
June 9, 2005	Chi Ming Chan	750,000

34. Between on or about May 17, 2005, and on or about July 25, 2005, BERGER and TRIBBLE caused shares of CDGT to be sold through the HOW WAI JOHN HUI and CHI MING CHAN brokerage accounts at Gilford Securities, including, as follows:

Date	Account Name	Transaction	Price Per Share
May 4, 2005	How Wai John Hui	Sold 5,100 shares	\$5.79
May 5, 2005	How Wai John Hui	Sold 10,600 shares	\$6.57
May 6, 2005	How Wai John Hui	Sold 23,309 shares	\$7.84
May 6, 2005	How Wai John Hui	Sold 6,300 shares	\$8.35
May 11, 2005	How Wai John Hui	Sold 11,260 shares	\$5.67
May 13, 2005	How Wai John Hui	Sold 14,450 shares	\$5.78
July 5, 2005	Chi Ming Chan	Sold 113,665 shares	\$4.41
July 6, 2005	Chi Ming Chan	Sold 194,144 shares	\$5.01

July 13, 2005	Chi Ming Chan	Sold 95,325 shares	\$3.56
July 14, 2005	Chi Ming Chan	Sold 95,000 shares	\$3.77
July 20, 2005	Chi Ming Chan	Sold 47,511 shares	\$3.30

35. Between on or about May 7, 2005, and on or about July 18, 2005, BERGER, BRADLEY and other co-conspirators communicated about brokerage accounts, stock transactions, wire transfers, and other aspects of the ongoing conspiracy, including, as follows:

Date	Communication	Contents of Communication
May 7, 2005	Email from BRADLEY to BRAGG	Discussion of CDGT spam emails sent from zza.net domain and complaints from Ziegler, Ziegler & Associates law firm
July 18, 2005	Email from BRADLEY to BRADLEY	Email includes instant message from BERGER forwarding trading info for July 5-15, 2005, CDGT sales in Chi Ming Chan brokerage account at Gilford Securities

36. Between on or about May 27, 2005, and on or about August 3, 2005, BERGER and other co-conspirators caused money to be wired out of the CHI MING CHAN brokerage account at Gilford Securities to bank accounts beneficially controlled by HUI and other co-conspirators, and then further caused money to be wired to a bank account owned and controlled by BRADLEY and RALSKY to pay for the spam email promotion of CDGT as follows:

Date	Wire Transfer	Amount of Wire Transfer
July 19, 2005	Chi Ming Chan brokerage account at Gilford Securities, New York, NY, to Chi Ming Chan account at Hong Kong and Shanghai Bank, Hong Kong, China	\$2,033,867.84

July 22, 2005	General Business Network Holdings account at Hang Seng Bank, Hong Kong, China, to Superior Distributing account at Standard Federal Bank, Troy, MI	\$788,295.98
July 29, 2005	Chi Ming Chan brokerage account at Gilford Securities, New York, NY, to Chi Ming Chan account at Hong Kong and Shanghai Bank, Hong Kong, China	\$1,659,212.24
August 3, 2005	General Business Network Holdings account at Hang Seng Bank, Hong Kong, China, to Superior Distributing account at Standard Federal Bank, Troy, MI	\$209,617.32

Pump and Dump of Pingchuan Pharmaceutical Inc. (PGCN)

37. Between on or about May 3, 2005, and on or about January 24, 2006, BERGER and TRIBBLE caused shares of PGCN to be traded through Gilford Securities brokerage accounts owned by BERGER and others, in order to artificially inflate the share price of PGCN and create the appearance of an active market for the stock.

38. Between on or about June 10, 2005 and on or about March 30, 2006, BRADLEY, RALSKY, BOWN, and others, caused spam emails promoting PGCN to be sent to millions of recipients.

39. On or about April 29, 2005, BERGER and HUI caused a brokerage account in the name of HOW WAI JOHN HUI to be opened at Gilford Securities for the purpose of trading shares of PGCN and other stocks in furtherance of the conspiracy.

40. On or about June 9, 2005, BERGER caused a brokerage account in the name of CHI MING CHAN to be opened at Gilford Securities for the purpose of trading shares of PGCN and other stocks in furtherance of the conspiracy.

41. Between on or about May 3, 2005, and on or about June 9, 2005, BERGER caused shares of PGCN to be deposited in the HOW WAI JOHN HUI and CHI MING CHAN brokerage accounts at Gilford Securities, as follows:

Date	Account Name	Number of PGCN Shares Deposited
May 3, 2005	How Wai John Hui	250,000
June 9, 2005	Chi Ming Chan	250,000

42. Between on or about June 21, 2005, and on or about February 15, 2006, BERGER and TRIBBLE caused shares of PGCN to be sold through the HOW WAI JOHN HUI and CHI MING CHAN brokerage accounts at Gilford Securities, including, as follows:

Date	Account Name	Transaction	Price Per Share
June 21, 2005	How Wai John Hui	Sold 35,000 shares	\$4.85
June 29, 2005	How Wai John Hui	Sold 115,000 shares	\$3.20
June 30, 2005	How Wai John Hui	Sold 50,000 shares	\$3.25
July 6, 2005	How Wai John Hui	Sold 18,000 shares	\$3.32
July 8, 2005	Chi Ming Chan	Sold 80,000 shares	\$2.84
July 11, 2005	Chi Ming Chan	Sold 50,750 shares	\$3.10
July 12, 2005	Chi Ming Chan	Sold 45,000 shares	\$3.19
February 6, 2006	Chi Ming Chan	Sold 40,500 shares	\$1.19
February 7, 2006	Chi Ming Chan	Sold 116,000 shares	\$1.09
February 8, 2006	Chi Ming Chan	Sold 40,500 shares	\$1.04

43. Between on or about July 18, 2005, and on or about August 15, 2005, BERGER, BRADLEY and other co-conspirators communicated about brokerage accounts, stock transactions, wire transfers, and other aspects of the ongoing conspiracy, including, as follows:

Date	Communication	Contents of Communication
July 18, 2005	Email from BRADLEY to BRADLEY	Email includes instant message from BERGER forwarding trading info for July 8 & 11 PGCN sales in Chi Ming Chan brokerage account at Gilford Securities
August 15, 2005	Instant message traffic between BERGER and BRADLEY	Instant message transcript has discussion between BERGER and BRADLEY about money issues and includes PGCN trading data for July 8 to August 12, 2005

44. Between on or about May 27, 2005, and on or about June 10, 2005, BERGER and other co-conspirators caused money to be wired out of the CHI MING CHAN brokerage account at Gilford Securities to bank accounts beneficially controlled by HUI and other co-conspirators, and then further caused money to be wired to a bank account owned and controlled by BRADLEY and RALSKY to pay for the spam email promotion of PGCN as follows:

Date	Wire Transfer	Amount of Wire Transfer
July 7, 2005	How Wai John Hui brokerage account at Gilford Securities, New York, NY, to How Wai Hui account at Industrial and Commercial Bank of China, Hong Kong, China	\$615,984.87
July 14, 2005	How Wai John Hui brokerage account at Gilford Securities, New York, NY, to How Wai Hui account at Industrial and Commercial Bank of China, Hong Kong, China	\$176,751.54
July 26, 2005	General Business Network Holdings account at Hang Seng Bank, Hong Kong, China, to Superior Distributing account at Standard Federal Bank, Troy, MI	\$65,590.71



July 27, 2005	General Business Network Holdings account at Hang Seng Bank, Hong Kong, China, to Superior Distributing account at Standard Federal Bank, Troy, MI	\$424,963.73
March 30, 2006	General Business Network Holdings account Hang Seng Bank, Hong Kong, China, to Kwong Fat account at Hong Kong and Shanghai Bank Corporation Limited	\$240,566.00

China Mobility Solutions, Inc. (CHMS)

45. Between on or about June 23, 2005, and on or about September 29, 2005, BERGER and TRIBBLE caused shares of CHMS to be traded through Gilford Securities brokerage accounts owned by BERGER and others, in order to artificially inflate the share price of CHMS and create the appearance of an active market for the stock.

46. Between on or about June 17, 2005 and on or about December 12, 2005, BRADLEY, RALSKY, BOWN, TRIBBLE, and others, caused spam emails promoting CHMS to be sent to millions of recipients.

47. On or about June 8, 2005, BERGER caused a brokerage account in the name of JUGGERNAUT CONSULTANTS LIMITED to be opened at Gilford Securities for the purpose of trading shares of CHMS and other stocks in furtherance of the conspiracy.

48. On or about November 2, 2005, BERGER caused a brokerage account in the name of DEREK KWOK KEUNG KANG to be opened at Gilford Securities for the purpose of trading shares of CHMS and other stocks in furtherance of the conspiracy.

49. Between on or about June 9, 2005, and on or about November 17, 2005, BERGER caused shares of CHMS to be deposited in the JUGGERNAUT CONSULTANTS

LIMITED and DEREK KWOK KEUNG KANG brokerage accounts at Gilford Securities, as follows:

Date	Account Name	Number of CHMS Shares Deposited
June 9, 2005	Juggernaut Consultants Limited	500,000
August 15, 2005	Juggernaut Consultants Limited	350,000
August 23, 2005	Juggernaut Consultants Limited	1,330,000
November 17, 2005	Kwok Keung Derek Kang	750,000

50. Between on or about August 22, 2005, and November 29, 2005, BERGER and TRIBBLE caused shares of CHMS to be sold through the JUGGERNAUT CONSULTANTS LIMITED and DEREK KWOK KEUNG KANG brokerage accounts at Gilford Securities, including, as follows:

Date	Account Name	Transaction	Price Per Share
August 22, 2005	Juggernaut Consultants Limited	Sold 340,141 shares	\$0.61
August 23, 2005	Juggernaut Consultants Limited	Sold 322,250 shares	\$0.70
August 24, 2005	Juggernaut Consultants Limited	Sold 272,400 shares	\$0.58
November 17, 2005	Kwok Keung Derek Kang	Sold 131,700 shares	\$0.40
November 21, 2005	Kwok Keung Derek Kang	Sold 300,000 shares	\$0.42
November 22, 2005	Kwok Keung Derek Kang	Sold 140,000 shares	\$0.39
November 29, 2005	Kwok Keung Derek Kang	Sold 118,300 shares	\$0.36

51. Between on or about August 5, 2005, and on or about August 23, 2005, BERGER, BRADLEY, HUI, TRIBBLE and other co-conspirators communicated about brokerage accounts,

stock transactions, wire transfers, and other aspects of the ongoing conspiracy, including, as follows:

Date	Communication	Contents of Communication
August 5, 2005	Email from BRADLEY to HUI and TRIBBLE	Email reports that BERGER has informed BRADLEY that \$50,000 was wired out of the Juggernaut Consultants Limited brokerage account
August 23, 2005	Email from BRADLEY to HUI	Email reports that all the available shares of CHMS have been sold and that TRIBBLE and BERGER are trying to locate additional shares to trade

52. Between on or about September 21, 2005, and on or about December 12, 2005, BERGER and other co-conspirators caused money to be wired out of the JUGGERNAUT CONSULTANTS LIMITED and DEREK KWOK KEUNG KANG brokerage accounts at Gilford Securities to bank accounts beneficially controlled by HUI and other co-conspirators, and then further caused money to be wired to bank accounts owned and controlled by BRADLEY, RALSKY, and TRIBBLE to pay for the spam email promotion of CHMS as follows:

Date	Wire Transfer	Amount of Wire Transfer
September 21, 2005	Juggernaut Consultants Limited brokerage account at Gilford Securities, New York, NY, to Juggernaut Consultants Limited account at Hong Kong and Shanghai Bank, Hong Kong, China	\$580,000.00
December 9, 2005	Derek Kwok Keung Kang brokerage account at Gilford Securities, New York, NY, to Derek Kwok Keung Kang account at Hang Seng Bank, Hong Kong, China	\$292,386.09

December 12, 2005	Derek Kwok Keung Kang account at Hang Seng Bank, Hong Kong, China, to CRI Strategies account at Union Bank of California, San Francisco, CA	\$179,983.00
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World Wide Biotech and Pharmaceutical Company (WWBP)

53. Between on or about August 18, 2005, and on or about November 29, 2005, BERGER and TRIBBLE caused shares of WWBP to be traded through Gilford Securities brokerage accounts controlled by TRIBBLE and others, in order to artificially inflate the share price of WWBP and create the appearance of an active market for the stock.

54. Between on or about August 22, 2005, and on or about December 15, 2005, BRADLEY, RALSKY, BOWN, TRIBBLE, and others, caused spam emails promoting WWBP to be sent to millions of recipients.

55. On or about June 9, 2005, BERGER and HUI caused a brokerage account in the name of CHI MING CHAN to be opened at Gilford Securities for the purpose of trading shares of WWBP and other stocks in furtherance of the conspiracy.

56. On or about August 8, 2005, BERGER caused a brokerage account in the name of HO FAI LAM to be opened at Gilford Securities for the purpose of trading shares of WWBP and other stocks in furtherance of the conspiracy.

57. Between on or about August 10, 2005, and on or about August 12, 2005, BERGER caused shares of WWBP to be deposited in the CHI MING CHAN and HO FAI LAM brokerage accounts at Gilford Securities, as follows:

Date	Account Name	Number of WWBP Shares Deposited
August 10, 2005	Chi Ming Chan	1,000,000
August 12, 2005	Ho Fai Lam	1,000,000

58. Between on or about August 29, 2005, and on or about December 6, 2005, BERGER and TRIBBLE caused shares of WWBP to be sold through the CHI MING CHAN and HO FAI LAM brokerage accounts at Gilford Securities, including, as follows:

Date	Account Name	Transaction	Price Per Share
August 29, 2005	Chi Ming Chan	Sold 73,000 shares	\$3.42
September 6, 2005	Chi Ming Chan	Sold 116,000 shares	\$2.39
September 7, 2005	Chi Ming Chan	Sold 48,000 shares	\$2.33
October 5, 2005	Chi Ming Chan	Sold 143,500 shares	\$2.20
October 5, 2005	Chi Ming Chan	Sold 105,000 shares	\$2.12
October 6, 2005	Chi Ming Chan	Sold 22,250 shares	\$2.03
October 6, 2005	Ho Fai Lam	Sold 22,250 shares	\$2.03
December 6, 2005	Ho Fai Lam	Sold 19,531 shares	\$1.09
December 6, 2005	Chi Ming Chan	Sold 20,000 shares	\$1.09

59. Between on or about October 6, 2005, and on or about December 15, 2005, BERGER and other co-conspirators caused money to be wired out of the CHI MING CHAN and HO FAI LAM brokerage accounts at Gilford Securities to bank accounts beneficially controlled by HUI and other co-conspirators, and then further caused money to be wired to bank accounts owned and controlled by BRADLEY, RALSKY, and TRIBBLE to pay for the spam email promotion of WWBP as follows:

Date	Wire Transfer	Amount of Wire Transfer
October 6, 2005	Chi Ming Chan brokerage account at Gilford Securities, New York, NY, to Chi Ming Chan account at Hong Kong and Shanghai Bank, Hong Kong, China	\$996,632.67
October 12, 2005	General Business Network Holdings account at Hang Seng Bank, Hong Kong, China, to CRI Strategies account at Union Bank of California, San Francisco, CA	\$331,438.39
December 9, 2005	Ho Fai Lam brokerage account at Gilford Securities, New York, NY, to Ho Fai Lam account at Hong Kong and Shanghai Bank, Hong Kong, China	\$975,100.00
December 15, 2005	General Business Network Holdings account at Hang Seng Bank, Hong Kong, China, to CRI Strategies account at Union Bank of California	\$89,163.67

Pump and Dump of m-WISE Company (MWIS)

60. In or about June 2005, BERGER suggested to TRIBBLE and RALSKY that m-WISE, an Israeli communications company trading on the OTCBB as "MWIS," could be promoted and sold in the pump and dump scheme.

61. On or about July 20, 2005, BERGER sent an email from his Gilford email account to TRIBBLE forwarding an email BERGER had received from an officer of m-Wise. The email contained a powerpoint presentation about m-WISE with the message, "fyi."

62. On or about July 22, 2005, BERGER and TRIBBLE caused the account of Catherine Tribble at Gilford Securities to purchase 75,000 shares of MWIS.

63. On or about July 26, 2005 and on about July 29, 2005, BERGER caused brokerage accounts to be opened for MIRETSKY HOLDINGS, LTD., and KT&G COMPANY,

LTD., for the purpose of receiving shares of MWIS to be sold as part of the pump and dump scheme. The beneficial owners of the Bank of Cyprus bank accounts established for these two companies were both officers of m-WISE who were working with BERGER.

64. Between on or about July 27, 2005, and on or about January 1, 2006, BERGER caused shares of MWIS to be deposited in the MIRETSKY HOLDINGS, LTD., and KT&G COMPANY, LTD accounts at Gilford Securities, as follows:

Date	Account Name	Number of CWTD Shares Deposited
July 27, 2005	KT&G Company Limited	55,000
August 11, 2005	KT&G Company Limited	5,000,000
November 3, 2005	KT&G Company Limited	2,502,239
August 19, 2005	Miretsky Holdings, Ltd.	55,000 (from KT&G)
August 29, 2005	Miretsky Holdings, Ltd.	933,014
January 1, 2006	Miretsky Holdings, Ltd.	802,951

65. Between in or about July 2005 and in or about January 2006, TRIBBLE, BRADLEY, RALSKY, BOWN, SEVERA, and others, caused spam e-mails promoting MWIS to be sent to millions of recipients. For example, BRADLEY sent MWIS copy to be mailed by spammers on the following dates:

Date	Communication	Contents of Communication
July 23, 2005	IRC chat dialogue between BRADLEY and SEVERA	BRADLEY sends text of MWIS stock spam for SEVERA to mail. Unix time 1122323204 = 25 July 2005 at 2026 hours

July 26, 2005	E-mail message from BRADLEY to BRAGG	BRADLEY sends e-mail message containing spam email advertisement for MWIS, subject "FW Tues Night"
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66. Between on or about August 4, 2005 and on or about February 8, 2006, BERGER and TRIBBLE caused shares of MWIS to be sold through the MIRETSKY HOLDINGS, LTD., and KT&G COMPANY, LTD. brokerage accounts at Gilford Securities, including as follows:

Date	Account Name	Transaction	Price Per Share
August 4, 2005	KT&G Company Limited	Sold 610,000 shares	\$0.20
August 11, 2005	KT&G Company Limited	Sold 300,000 shares	\$0.17
August 16, 2005	KT&G Company Limited	Sold 220,000 shares	\$0.16
August 25, 2005	KT&G Company Limited	Sold 100,000 shares	\$0.15
September 15, 2005	KT&G Company Limited	Sold 333,000 shares	\$0.19
September 16, 2005	KT&G Company Limited	Sold 274,000 shares	\$0.22
September 21, 2005	KT&G Company Limited	Sold 720,000 shares	\$0.18
September 22, 2005	KT&G Company Limited	Sold 351,700 shares	\$0.18
September 30, 2005	KT&G Company Limited	Sold 385,000 shares	\$0.17
October 3, 2005	KT&G Company Limited	Sold 286,000 shares	\$0.18
October 13, 2005	KT&G Company Limited	Sold 285,750 shares	\$0.21
November 14, 2005	KT&G Company Limited	Sold 268,500 shares	\$0.18
December 13, 2005	KT&G Company Limited	Sold 370,000 shares	\$0.18
December 14, 2005	KT&G Company Limited	Sold 444,350 shares	\$0.17
December 23, 2005	KT&G Company Limited	Sold 430,000 shares	\$0.17
July 27, 2005	Miretsky Holdings, Ltd.	Sold 500,000 shares	\$0.25
July 28, 2005	Miretsky Holdings, Ltd.	Sold 279,014 shares	\$0.20
January 10, 2006	Miretsky Holdings, Ltd.	Sold 352,750 shares	\$0.17



January 17, 2006	Miretsky Holdings, Ltd.	Sold 492,500 shares	\$0.19
January 24, 2006	Miretsky Holdings, Ltd.	Sold 500,000 shares	\$0.20
January 25, 2006	Miretsky Holdings, Ltd.	Sold 591,000 shares	\$0.20
February 8, 2006	Miretsky Holdings, Ltd.	Sold 500,000 shares	\$0.18

67. On or about August 24, 2005, SCOTT BRADLEY sent an e-mail message to BERGER in which he told BERGER to “get the mwis wire out today also and let me know who u want me to send my wire info to.” Thereafter, as alleged below, wire transfers were sent from the KT&G Bank of Cyprus account to BRADLEY, TRIBBLE, and others responsible for the e-mail spamming promotion scheme.

68. Between on or about September 2, 2005 and on or about January 20, 2006, BERGER and other co-conspirators caused money to be wired out of the MIRETSKY HOLDINGS, LTD., and KT&G COMPANY, LTD. brokerage accounts at Gilford Securities to bank accounts beneficially controlled by the officers of MWIS and then further caused money to be wired to bank accounts owned and controlled by BRADLEY, RALSKY, and TRIBBLE and others to pay for the spam email promotion of MWIS as follows:

Date	Wire Transfer	Amount of Wire Transfer
September 2, 2005	KT&G Company, Ltd. brokerage account at Gilford Securities, New York, NY, to KT&G Company, Ltd Account Bank of Cyprus, Nicosia, Cyprus	\$314,488.50
September 7, 2005	KT&G Company, Ltd Account Bank of Cyprus, Cyprus to Superior Distributing Account at Charter One Bank, N.A., Commerce Township, MI	\$261,592

October 6, 2005	KT&G Company, Ltd. brokerage account at Gilford Securities, New York, NY, to KT&G Company, Ltd Account Bank of Cyprus, Nicosia, Cyprus	\$483,285.09
October 11, 2005	KT&G Company, Ltd Account Bank of Cyprus, Cyprus to CRI Strategies Account at Union Bank of California, San Francisco, CA	\$ 241,218.11
December 12, 2005	KT&G Company, Ltd. brokerage account at Gilford Securities, New York, NY, to KT&G Company, Ltd Account Bank of Cyprus, Nicosia, Cyprus	\$96,419.97
December 16, 2005	KT&G Company, Ltd Account Bank of Cyprus, Cyprus to CRI Strategies Account at Union Bank of California, San Francisco, CA	\$48,179
December 27, 2005	KT&G Company, Ltd. brokerage account at Gilford Securities, New York, NY, to KT&G Company, Ltd Account Bank of Cyprus, Nicosia, Cyprus	\$164,073.62
December 30, 2005	KT&G Company, Ltd Account Bank of Cyprus, Nicosia, Cyprus to CRI Strategies Account at Union Bank of California, San Francisco, CA	\$82,037
January 20, 2006	KT&G Company, Ltd Account Bank of Cyprus, Nicosia, Cyprus to CRI Strategies Account at Union Bank of California, San Francisco, CA	\$83,351

69. All in violation of Title 18, United States Code, Sections 1348(1), 1343 and Title 18, United States Code, Section 1349.

## FORFEITURE ALLEGATIONS

### (18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461 - CRIMINAL FORFEITURE)

70. The General Allegations set forth in paragraphs 1 through 16, and paragraphs 18 through 69, of this Indictment are re-alleged as if stated fully herein for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461 .

71. As a result of the violations of Title 18, United States Code, Sections 1343, 1348(1), and 1349, as set forth in Count One of the Indictment, defendant GREGG M. S. BERGER shall forfeit to the United States any property which constitutes, or is derived from, proceeds obtained directly or indirectly, as a result of those violations, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461.

72. Money Judgment: A sum of money equal to the total amount of proceeds obtained as a result of defendant's violations of Title 18, United States Code, Sections 1343, 1348, and 1349 alleged in this Indictment.

73. Substitute Assets: If the property described above as being subject to forfeiture, as a result of any act or omission of the defendant:

- (a) Cannot be located upon the exercise of due diligence;
- (b) Has been transferred or sold to, or deposited with, a third party;
- (c) Has been placed beyond the jurisdiction of the Court;
- (d) Has been substantially diminished in value; or
- (e) Has been commingled with other property that cannot be subdivided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) as incorporated by Title 28, United States Code, Section 2461, to seek to forfeit any other property

of defendant's up to the value of the forfeitable property described above.

THIS IS A TRUE BILL.

s/Grand Jury Foreperson  
GRAND JURY FOREPERSON  
Dated: December \_\_, 2010

BARBARA L. McQUADE  
UNITED STATES ATTORNEY

s/Ross I. MacKenzie  
ROSS I. MacKENZIE  
Assistant United States Attorney  
Chief, Complex Crimes Unit

s/ Terrence Berg  
TERRENCE BERG  
Assistant United States Attorney

s/Thomas Dukes  
THOMAS DUKES  
Trial Attorney  
U.S. Department of Justice  
Computer Crime and Intellectual  
Property Section

Dated: December \_\_, 2010