

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X
:
UNITED STATES OF AMERICA : INFORMATION
:
- v. - : 15 Cr. ____
:
MARCELLO TREBITSCH, :
a/k/a "Yair Trebitsch," :
:
Defendant. :
:
- - - - - X

COUNT ONE

(Securities Fraud)

The United States Attorney charges:

The Scheme to Defraud

1. From at least in or about 2007 through in or about 2014, MARCELLO TREBITSCH, a/k/a "Yair Trebitsch," the defendant, solicited more than \$8 million in funds from at least four investors based upon, among other things, his false and misleading statements that TREBITSCH would produce double-digit returns for his investors. To execute the scheme, TREBITSCH used an investment fund he created called Allese Capital ("Allese"). At various times throughout the scheme, TREBITSCH told the investors that he, through Allese, would (a) create and perfect public shell companies to sell to private companies; (b) execute specific trades at the direction of an investor; and (c) purchase and sell stocks on a daily basis, with little or no

funds remaining invested in the market at the end of each trading day.

2. In truth and in fact, and as MARCELLO TREBITSCH, a/k/a "Yair Trebitsch," the defendant, well knew, these representations were false. Notwithstanding his statements to the contrary, TREBITSCH (a) failed to perfect or sell the public shell companies; (b) did not execute the specific trades as directed by the particular investor; and (c) invested only a portion of the investor funds in securities. Instead, TREBITSCH principally used the investors' money for his own personal benefit and the benefit of others, including by using investor funds to meet the periodic redemption requests of other investors.

3. With respect to that portion of investor funds which he did invest in securities, MARCELLO TREBITSCH, a/k/a "Yair Trebitsch," the defendant, suffered net trading losses, which he did not disclose to the investors.

4. In addition, as part of his effort to mislead investors and to perpetuate the scheme, MARCELLO TREBITSCH, a/k/a "Yair Trebitsch," the defendant, created false and misleading documents that he sent to the investors, including e-mails, phony account statements, and fabricated federal tax forms, all of which purported to show consistent positive returns on the investors' money, which, in fact, had been used

or lost by TREBITSCH.

Statutory Allegation

5. From at least in or about 2007 through in or about 2014, MARCELLO TREBITSCH, a/k/a "Yair Trebitsch," the defendant, willfully and knowingly, directly and indirectly, by the use of the means and instrumentalities of interstate commerce, the mails, and the facilities of national securities exchanges, used and employed, in connection with the purchase and sale of securities, manipulative and deceptive devices and contrivances, in violation of Title 17, Code of Federal Regulations, Section 240.10b-5, by (a) employing devices, schemes, and artifices to defraud, (b) making untrue statements of material fact and omitting to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, and (c) engaging in acts, practices, and courses of business which operated and would operate as a fraud and deceit upon investors, to wit, TREBITSCH solicited more than \$8 million from investors based on false and misleading representations that he would use the money to invest on their behalf when, in fact, TREBITSCH used only a portion of the investors' money to invest as promised and used the remainder for his own personal benefit and the benefit of others, including to repay other investors.

(Title 15, United States Code, Sections 78j(b) and 78ff;
Title 17, Code of Federal Regulations, Section 240.10b-5;
Title 18, United States Code, Section 2.)

FORFEITURE ALLEGATION

6. As a result of committing the offense alleged in Count One of this Information, MARCELLO TREBITSCH, a/k/a "Yair Trebitsch," the defendant, shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(c) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense.

Substitute Assets Provision

7. If any of the above-described forfeitable property, 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 which cannot be divided without difficulty,

it is the intent of the United States, pursuant to Title 21,

United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described above.

(Title 18, United States Code, Section 981;
Title 28, United States Code, Section 2461.)

PREET BHARARA
United States Attorney

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Defendant.

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(15 U.S.C. §§ 78j(b) and 78ff;
17 C.F.R. § 240.10b-5;
18 U.S.C. §§ 2 and 981;
and 28 U.S.C. § 2461.)

PREET BHARARA

United States Attorney.
