

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT SUPERSEDING

OFFENSE CHARGED

see attachment

FILED

NOV - 1 2017

PENALTY: see attachment

SUSAN Y. SOONG CLERK, U.S. DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

- Petty
 Minor
 Misdemeanor
 Felony

CR

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

JEFFREY WERTKIN

DISTRICT COURT NUMBER

17 557 MMC

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

DOJ/Inspector General and Federal Bureau of Investigation

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:

U.S. ATTORNEY DEFENSE

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form BRIAN J. STRETCH

U.S. Attorney Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) Robin L. Harris

DEFENDANT

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding. 1) If not detained give date any prior summons was served on above charges

2) Is a Fugitive

3) Is on Bail or Release from (show District)

NDCA

IS IN CUSTODY

4) On this charge

5) On another conviction Federal State

6) Awaiting trial on other charges If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No If "Yes" give date filed

DATE OF ARREST Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY Month/Day/Year

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount:

If Summons, complete following:

Arraignment Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: Before Judge:

Comments:

Attachment to Penalty Sheet
United States v. Jeffrey Wertkin

Offenses Charged

Counts One and Two	18 U.S.C. § 1505 – Obstruction of Justice
Count Three	18 U.S.C. § 2314 – Interstate Transportation of Stolen Goods

Penalties

Count One	5 years imprisonment; \$250,000 fine; \$100 special assessment; 3 years supervised released
Count Two	5 years imprisonment; \$250,000 fine; \$100 special assessment; 3 years supervised released
Count Three	10 years imprisonment; \$250,000 fine; \$100 special assessment; 3 years supervised released

1 BRIAN J. STRETCH (CABN 163973)
2 United States Attorney

3 **FILED**

4 NOV - 1 2017

5 SUSAN Y. SOONG
6 CLERK, U.S. DISTRICT COURT
7 NORTHERN DISTRICT OF CALIFORNIA



8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 **CR 17 557 MMC**

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 JEFFREY WERTKIN,

16 Defendant.

) No.

) VIOLATIONS: 18 U.S.C. § 1505 – Obstruction of
) Justice; 18 U.S.C. § 2314 – Interstate Transportation
) of Stolen Goods

) SAN FRANCISCO VENUE

17
18 INFORMATION

19 The United States Attorney charges:

20 INTRODUCTORY ALLEGATIONS

21 At all times relevant to this Information, with all dates being approximate and all date ranges
22 both approximate and inclusive:

- 23 1. The defendant, JEFFREY WERTKIN, was an attorney who resided in Washington, D.C.
- 24 2. A qui tam complaint is a civil lawsuit filed by an individual or individuals known as
- 25 “relators.” Qui tam lawsuits are filed under seal with the court pursuant to 31 U.S.C. § 3730(b)(2) and
- 26 remain sealed until the court lifts the sealing order. Federal statute requires relators who file a qui tam
- 27 lawsuit to serve a copy of the lawsuit on the United States Attorney General.

28 3. During the period October 24, 2010 through April 12, 2016, WERTKIN worked in
INFORMATION

1 Washington D.C. as a trial attorney for the Civil Division of the United States Department of Justice
2 (DOJ). WERTKIN worked in the Civil Fraud section of DOJ.

3 4. Qui tam lawsuits served on the Attorney General are, thereafter, assigned by the Chief of
4 the Fraud Section of DOJ to individual trial attorneys who work in the Civil Fraud section.

5 5. On or about January 20, 2016, a civil qui tam complaint was filed under seal pursuant to
6 31 U.S.C. § 3730(b)(2) in the United States District Court in the Northern District of California (lawsuit
7 #1), which lawsuit was assigned to a magistrate judge sitting in the San Francisco courthouse of the
8 Northern District of California. Lawsuit #1 was served on the United States Attorney General. Lawsuit
9 #1 was not assigned to WERTKIN.

10 6. On February 23, 2016, a civil qui tam complaint was filed under seal pursuant to 31
11 U.S.C. § 3730(b)(2) in the United States District Court in the Northern District of California (lawsuit
12 #2), which lawsuit was assigned to a magistrate judge sitting in the San Francisco courthouse of the
13 Northern District of California. Lawsuit #2 was served on the United States Attorney General. Lawsuit
14 #2 was not assigned to WERTKIN.

15 7. At all times relevant to this Information, lawsuit #1 and lawsuit #2 remained under seal
16 by order of the United States District Court.

17 THE SCHEME TO OBSTRUCT JUSTICE AND TRANSPORT STOLEN PROPERTY

18 8. On or before April 12, 2016, WERTKIN removed copies of lawsuits #1 and #2, along
19 with other qui tam complaints, from the Fraud Section of the DOJ without permission and for his own
20 personal use.

21 9. On or about November 30, 2016, WERTKIN contacted a high-level employee (employee
22 #1) of a company headquartered in the Northern District of California (company #1) and referenced a
23 sealed complaint filed in the Northern District of California against the employee's company (lawsuit
24 #1). WERTKIN offered to mail employee #1 the first page of the sealed complaint and further offered
25 to provide the entire complaint in exchange for a "consulting fee."

26 10. On or about November 30, 2016, WERTKIN mailed employee #1 at company #1's
27 address in the Northern District of California an envelope containing a redacted copy of the face sheet of
28 lawsuit #1.

INFORMATION

1 11. Between November 30, 2016 and January 31, 2017, WERTKIN offered to provide
2 employee #1 a complete copy of lawsuit #1 if company #1 paid WERTKIN \$310,000.

3 12. On or about January 23, 2017, WERTKIN contacted an employee (employee #2) of a
4 company headquartered in Oregon (company #2) and referenced a sealed complaint filed against
5 company #2 (lawsuit #2). WERTKIN offered to mail a redacted copy of the face sheet of lawsuit #2 to
6 an individual designated by employee #2 and to provide the entire complaint in exchange for a fee.

7 13. On or after January 23, 2017, and before January 27, 2017, WERTKIN mailed a redacted
8 copy of the face sheet of lawsuit #2 to an individual who worked at company #2.

9 14. On January 30, 2017, WERTKIN travelled from Ronald Reagan National Airport in
10 Arlington, Virginia, to San Francisco International Airport, in the Northern District of California.
11 WERTKIN brought a copy of lawsuit #1 with him from Arlington, Virginia to the Northern District of
12 California.

13 15. On January 31, 2017, WERTKIN provided a complete copy of lawsuit #1 to an
14 individual WERTKIN understood worked for company #1 and whom WERTKIN believed was going to
15 pay him \$310,000 in exchange for a copy of lawsuit #1.

16
17 COUNT ONE: (18 U.S.C. § 1505 – Obstruction of Justice)

18 16. Paragraphs 1 through 15 of this Information are re-alleged and incorporated as if fully
19 set forth here.

20 17. Beginning on or about November 30, 2016 and continuing through on or about January
21 31, 2017, in the Northern District of California and elsewhere, the defendant,

22 JEFFREY WERTKIN,

23 did knowingly, willfully, and corruptly endeavor to influence, obstruct, and impede the due
24 administration of the law under which a pending proceeding was being had before a department or
25 agency of the United States by converting to his own use lawsuit #1 and, thereafter, attempting to sell a
26 copy of lawsuit #1 to one of the defendants named in lawsuit #1, all in an effort to influence and obstruct
27 and impede the United States District Court's sealing order in lawsuit #1.

28 All in violation of Title 18, United States Code, Section 1505.

INFORMATION

1 COUNT TWO: (18 U.S.C. § 1505 – Obstruction of Justice)

2 18. Paragraphs 1 through 15 of this Information are re-alleged and incorporated as if fully
3 set forth here.

4 19. On or about January 23, 2017, and continuing through on or about January 27, 2017, in
5 the Northern District of California and elsewhere, the defendant,

6 JEFFREY WERTKIN,

7 did knowingly, willfully, and corruptly endeavor to influence, obstruct, and impede the due
8 administration of the law under which a pending proceeding was being had before a department or
9 agency of the United States by converting to his own use lawsuit #2 and, thereafter, attempting to sell a
10 copy of lawsuit #2 to one of the defendants named in lawsuit #2, all in an effort to influence and obstruct
11 and impede the United States District Court’s sealing order in lawsuit #2.

12 All in violation of Title 18, United States Code, Section 1505.

13
14 COUNT THREE: (18 U.S.C. § 2314 – Interstate Transportation of Stolen Goods)

15 20. Paragraphs 1 through 15 of this Information are re-alleged and incorporated as if fully
16 set forth here.

17 21. On or about January 30, 2017, and continuing through on or about January 31, 2017, in
18 the Northern District of California and elsewhere, the defendant,

19 JEFFREY WERTKIN,

20 did knowingly transport, transmit, and transfer in interstate commerce goods, wares, and merchandise
21 having a value of more than \$5000, to wit, lawsuit #1, knowing lawsuit #1 to have been stolen,

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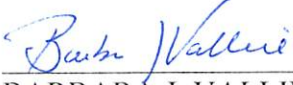
INFORMATION

1 converted, and taken by fraud.

2 All in violation of Title 18, United States Code, Section 2314.

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4 DATED: *October 30, 2017*

BRIAN J. STRETCH
United States Attorney

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7 _____
8 BARBARA J. VALLIERE
9 Chief, Criminal Division

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(Approved as to form:  )
AUSAs HARRIS and FRENTZEN