

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
UNITED STATES OF AMERICA

- v. -

PETER ANDREW BRUMBERGS,

Defendant.
----- X

SEALED INFORMATION

26 Cr. ____ (AT)

26 CRIM025

The United States Attorney charges:

COUNT ONE

**(Conspiracy to Commit Wire Fraud Affecting a Financial Institution
and to Commit Bank Fraud)**

1. From at least in or about 2018 up to and including at least in or about 2025, in the Southern District of New York and elsewhere, PETER ANDREW BRUMBERGS, the defendant, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to commit wire fraud, which affected a financial institution, in violation of Title 18, United States Code, Section 1343, and to commit bank fraud, in violation of Title 18, United States Code, Section 1344.

2. It was a part and object of the conspiracy that PETER ANDREW BRUMBERGS, the defendant, and others known and unknown, knowingly having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, which affected a financial institution, in violation of Title 18, United States Code,

Section 1343, to wit, BRUMBERGS, and others, agreed to make and cause to be made a series of false statements to First Brands Group's lenders and financiers regarding its financial condition and the existence, nature, and value of collateral that First Brands pledged or sold to its lenders and financiers.

3. It was further a part and an object of the conspiracy that PETER ANDREW BRUMBERGS, the defendant, and others known and unknown, knowingly would and did execute, and attempt to execute, a scheme and artifice to defraud a financial institution, as that term is defined in Title 18, United States Code, Section 20, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such a financial institution, by means of false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344, to wit, BRUMBERGS, and others, agreed to make and cause to be made a series of false statements to financial institutions regarding its financial condition and the existence, nature, and value of collateral that First Brands pledged to its lenders and financiers.

(Title 18, United States Code, Section 1349.)

COUNT TWO
(Wire Fraud Affecting a Financial Institution)

The United States Attorney further charges:

4. From at least in or about 2020 up to and including at least in or about 2025, in the Southern District of New York and elsewhere, PETER ANDREW BRUMBERGS, the defendant, knowingly having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, transmitted and caused to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds,

for the purpose of executing such scheme and artifice, which affected a financial institution, to wit, BRUMBERGS, and others, engaged in a scheme to make a series of false statements to First Brands' factors regarding the nature, value, and existence of First Brands' accounts receivable to fraudulently obtain money for First Brands from those factors and a financial institution, and caused others to send and receive, emails, telephone calls, videoconferences, and other electronic communications, to and from the Southern District of New York and elsewhere, in furtherance of that scheme.

(Title 18, United States Code, Sections 1343 and 2.)

COUNT THREE

(Wire Fraud Affecting a Financial Institution)

The United States Attorney further charges:

5. From at least in or about 2020 up to and including at least in or about 2025, in the Southern District of New York and elsewhere, PETER ANDREW BRUMBERGS, the defendant, knowingly having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, transmitted and caused to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, which affected a financial institution, to wit, BRUMBERGS, and others, engaged in a scheme to make a series of false statements to First Brands' supply chain financiers regarding the nature, value, and existence of First Brands' accounts payable and false statements about First Brands' financial condition to fraudulently obtain money for First Brands from those supply chain financiers and a financial institution, and sent and received, and caused others to send and receive, emails, telephone calls, videoconferences, and other electronic communications, to and from the Southern District of New York and elsewhere,

in furtherance of that scheme.

(Title 18, United States Code, Sections 1343 and 2.)

COUNT FOUR
(Bank Fraud)

The United States Attorney further charges:

6. From at least in or about 2020 up to and including at least in or about 2025, in the Southern District of New York and elsewhere, PETER ANDREW BRUMBERGS, the defendant, knowingly executed, and attempted to execute, a scheme and artifice to defraud a financial institution, as that term is defined in Title 18, United States Code, Section 20, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such a financial institution, by means of false and fraudulent pretenses, representations, and promises, to wit, BRUMBERGS, and others, engaged in a scheme to make a series of false statements to financial institutions that provided supply chain financing to First Brands regarding the nature, value, and existence of First Brands' accounts payable and false statements about First Brands' financial condition.

(Title 18, United States Code, Sections 1344 and 2.)

COUNT FIVE
(Wire Fraud Affecting a Financial Institution)

7. From at least in or about 2020 up to and including at least in or about 2025, in the Southern District of New York and elsewhere, PETER ANDREW BRUMBERGS, the defendant, knowingly having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, transmitted and caused to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds,

for the purpose of executing such scheme and artifice, which affected a financial institution, to wit, BRUMBERGS, and others, made a series of false statements to lenders regarding First Brands' financial condition to fraudulently obtain money for First Brands from those lenders and financial institutions, and sent and received, and caused others to send and receive, emails, telephone calls, videoconferences, and other electronic communications, to and from the Southern District of New York and elsewhere, in furtherance of that scheme.

(Title 18, United States Code, Sections 1343 and 2.)

COUNT SIX
(Bank Fraud)

The United States Attorney further charges:

8. From at least in or about 2020 up to and including at least in or about 2025, in the Southern District of New York and elsewhere, PETER ANDREW BRUMBERGS, the defendant, knowingly executed, and attempted to execute, a scheme and artifice to defraud a financial institution, as that term is defined in Title 18, United States Code, Section 20, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such a financial institution, by means of false and fraudulent pretenses, representations, and promises, to wit, BRUMBERGS, and others, agreed to make and cause to be made a series of false statements to financial institutions regarding First Brands's financial condition to fraudulently obtain asset-backed financing for First Brands from those financial institutions.

(Title 18, United States Code, Sections 1344 and 2.)

COUNT SEVEN
(Wire Fraud Affecting a Financial Institution)

The United States Attorney further charges:

9. From at least in or about 2020 up to and including at least in or about 2025, in the

Southern District of New York and elsewhere, PETER ANDREW BRUMBERGS, the defendant, knowingly having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, transmitted and caused to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, which affected a financial institution, to wit, BRUMBERGS, and others, engaged in a scheme to make a series of false statements to First Brands' off-sheet lenders regarding First Brands' financial condition and the nature, value, and existence of collateral and property that were the subject of financing agreements, to fraudulently obtain money from the off-sheet lenders, and sent and received, and caused others to send and receive, emails, telephone calls, videoconferences, and other electronic communications, to and from the Southern District of New York and elsewhere, in furtherance of that scheme.

(Title 18, United States Code, Sections 1343 and 2.)

COUNT EIGHT
(Conspiracy to Commit Money Laundering)

The United States Attorney further charges:

10. From at least in or about 2022 up to and including at least in or about 2025, in the Southern District of New York and elsewhere, PETER ANDREW BRUMBERGS, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to commit money laundering, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

11. It was a part and an object of the conspiracy that PETER ANDREW BRUMBERGS, the defendant, and others known and unknown, knowing that the property involved in a financial transaction represented the proceeds of some form of unlawful activity,

would and did conduct and attempt to conduct such a financial transaction, which transaction affected interstate and foreign commerce and involved the use of a financial institution which was engaged in, and the activities of which affected, interstate and foreign commerce, and which in fact involved the proceeds of specified unlawful activity, to wit, BRUMBERGS, and others, agreed to disguise the proceeds of fraudulent representations to the off-sheet lenders of First Brands, including through transactions designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of specified unlawful activity alleged in Count 7, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

(Title 18, United States Code, Section 1956(h).)

FORFEITURE ALLEGATIONS

12. As a result of committing the offenses alleged in Counts One through Seven of this Information, PETER ANDREW BRUMBERGS, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 982(a)(2)(A), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses alleged in Counts One through Seven, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses that the defendant personally obtained.

13. As a result of committing the offense alleged in Count Eight of this Information, PETER ANDREW BRUMBERGS, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any and all property, real and personal, involved in said offense, or any property traceable to such property, including but not limited to a sum of money in United States currency representing the amount of property involved in said offense.

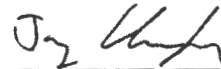
Substitute Assets Provision

14. If any of the above-described forfeitable property, as a result of any act or omission by 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), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property.

(Title 18, United States Code, Sections 981, 982; Title 21, United States Code, Section 853; Title 28, United States Code, Section 2461.)



JAY CLAYTON
United States Attorney