

## **Urgent Legal Matter – Politically Motivated Indictment & DOJ Misconduct**

My name is John Baltadjiev (formerly Engler) and I am reaching out to bring to your attention a **grave injustice** regarding what I firmly believe to be a **politically motivated and fraudulent indictment** orchestrated by Joe Biden's **Department of Corruption (DOJ)** against myself, Alec Dierna and others. We are wrongfully being threatened with **400 or more months in Federal Prison** if we "do not take a plea deal" for alleged "crimes" that took the DOJ over 3 years to manufacture.

I am a **United States Marine Corps Veteran with an honorable discharge**. I have been **married for over 11 years** and am a devoted father to my **two beautiful children, ages 6 and 8**. My family and I have lived our lives with integrity, and this unjust prosecution has caused **immeasurable harm to our well-being**.

The **timing, selective prosecution, and deliberate misrepresentation of facts by the DOJ** out of the Western District of New York raise serious concerns about **misconduct, abuse of power, and civil rights violations within the Department of Justice**. This **Witch Hunt and grave injustice has been going on** since March of 2021.

### **Background of the Fraudulent Indictment by the DOJ**

- I, along with others, were indicted in the **Western District of New York (Case No. 6:24-cr-06045-EAW-MWP)** on allegations that are **factually incorrect and deliberately misrepresented by the DOJ and AUSA** to secure an indictment in mid 2024, with a superseding indictment following.
- **The DOJ intentionally miscategorized routine business documents: order forms and quotes labeled with disclaimers as "invoices" to falsely portray standard business solicitations as fraudulent activity - for many companies that I did not own or operate.**
- Despite **disclaimers stating, "This is a solicitation for the order of goods,..."** the DOJ intentionally misrepresented these documents before many grand juries over the years to manufacture as a story of crime to finally secure indictments.
- **The DOJ's own admission** within the indictment, attaches an **order form with a disclosure**, yet they still attempt to **classify it as an invoice** to mislead the court.
- Over **8,400 tracking numbers proving the delivery of products** have been provided to the DOJ, **further disproving any fraud claim and/or criminal intent**.
- This indictment was **secured through knowingly false and misleading information by the DOJ**, creating many **false narratives over many years to justify prosecution**.

### **DOJ's Political Retaliation & Targeting**

- This indictment was brought **after my wife, business associates, and I visited President Trump in April 2023 at Mar-a-Lago**.

- The DOJ **started another investigation that had already concluded in 2022 with no findings of wrongdoing**. The DOJ issued subpoenas to myself and others, unjustly demanding every business record imaginable, including:
  - **Email addresses, phone numbers, and personal contact details**
  - **Bank account records and financial statements**
  - **Tax returns for every business we have ever been associated with**
  - **Internal communications and transaction history**

These **overbroad and intrusive subpoenas** were issued **without legitimate justification**, serving only to **manufacture crimes, harass, intimidate, and financially cripple** those targeted.

The **DOJ's fishing expedition** into every aspect of our personal and professional lives further demonstrates **their intent to manufacture crimes and politically persecute rather than prosecute**.

- The DOJ subsequently **issued over 6,000 biased subpoenas** and created a **"FalseInvoice@FBI.gov" email** for businesses to reply to the **subpoenas**, specifically targeting businesses connected to me and others. This further proves **intent to frame legal business operations as fraudulent**.
- Selective prosecution is evident, as some **companies and individuals who engaged in the same business practices but did not meet President Trump were omitted from the indictment**.
- After rejecting a **highly unreasonable and unofficial plea deal of "120 months,"** the DOJ retaliated against me by **inflating the charges** to claim an "intended loss" of **\$160 million**—escalating sentencing guidelines to **27-33 years in prison** based on **fabricated figures by the DOJ**.

### **Prosecutorial Misconduct**

- **AUSA Richard A. Resnick knowingly misrepresented order forms as invoices** to mislead the grand jury and secure an indictment based on false premises.
- The **DOJ framed routine business transactions as fraudulent**, despite local law enforcement's own prior assessment that no criminal activity had occurred.
- In **November 2021**, the **government seized bank accounts, vehicles, and other assets without any formal charges**.
- A **coerced property forfeiture followed**, only for the assets to be **returned a year later after no wrongdoing was found**—further proving the **DOJ's misuse of power**.
- This pattern of misconduct is **not prosecution but persecution**, designed to **destroy reputations and financial stability rather than seek justice**.

### **More Civil Rights Violations (December 17-18, 2024)**

- On **December 17, 2024**, based on **sealed and fraudulent DOJ filings by Attorney Trini E. Ross (appointed by Joe Biden), AUSA Richard A. Resnick** and in coercion within the DOJ, **U.S. Marshals arrested me without cause**.

- The **DOJ's false and manufactured allegations to justify revoking my bail**: advising I have two passports, despite no **bail violations**.
- I was **detained at Palm Beach County Jail** under false pretenses.
- On **December 18, 2024**, I was **transported to court in shackles**, where it was **proven in open court that the allegations against myself by the DOJ were false and manufactured by ASUA Richard Resnik to instill fear and pressure me into taking a plea deal**.
- With the intervention of **another U.S. Attorney in West Palm Beach and my legal team**, it was revealed that **DOJ prosecutors had knowingly submitted fraudulent filings to illegally revoke my bail: A very common theme for Attorney Trini E. Ross, AUSA Richard A. Resnick and others within the DOJ in Rochester, NY**.
- Once DOJ's **fraud was exposed**, the DOJ was forced to **dismiss the allegations of bond revocation** and reinstate my pre-trial release.

### **Seeking Motion for Injunctive Relief, Legal & Public Accountability**

I am **seeking a Motion for Injunctive Relief** to:

- **Prevent further malicious prosecution and legal harassment** by the DOJ.
- **Halt any further unjust subpoenas, asset seizures, or retaliatory actions** against myself and others similarly targeted.
- **Protect my constitutional rights and prevent further violations** arising from this politically motivated case.

Additionally, I am currently pursuing a **public records request** to obtain:

- **The origins of the allegations and any communications that led to my indictment.**
- **DOJ and U.S. Marshals Service records** on my unjust arrest and detention.
- **Grand jury transcripts** to determine how false information was presented.
- **Internal DOJ communications regarding my case**, particularly after my 2023 meeting with President Trump.

Given the **clear pattern of political targeting, prosecutorial misconduct, and civil rights violations**, I am seeking **legal guidance and advocacy** from those who understand the **dangers of politically motivated prosecutions**.

I would greatly appreciate any **advice or recommendations** on how to best **challenge this unjust indictment and expose the misconduct behind it**. Please let me know if you would be open to discussing this further or if you can **refer me to organizations specializing in government accountability and wrongful prosecution cases**.

In God We Trust,

John Baltadjiev (formerly Engler)

Phone: (561) 232-4444

Email: [John@DreamForever.com](mailto:John@DreamForever.com)

Withchunt.com

DreamForever.com

**SWATTED BY THE UNITED STATES MARSHALS**

**STANDARD PRACTICE BY THE WESTERN DISTRICT OF NEW YORK DOJ TO KNOWINGLY FALSIFY DOCUMENTS TO THE COURT. I WAS SWATTED BY THE UNITED STATES MARSHALS, PUTTING MY FAMILY AND I IN A POTENTIALLY VERY DANGEROUS SITUATION. WHEN IS ENOUGH, ENOUGH? WHEN WILL TRINI E. ROSS, RICHARD A. RESNICK, AND THE REST OF THE DOJ IN THE WESTERN DISTRICT OF NEW YORK BE HELD ACCOUNTABLE?**

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

FILED UNDER SEAL  
24-CR-06045 EAW-MWP

-v-

JOHN ENGLER,

**WPB Case # 24-mj-8654-RMM**

Defendant.

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**NOTICE OF MOTION AND  
MOTION FOR BAIL REVOCATION AS TO JOHN ENGLER**

PLEASE TAKE NOTICE, that upon the annexed Affidavit of Richard A. Resnick, Assistant United States Attorney, the undersigned hereby moves this Court for an Order revoking the defendant's Release Order pursuant to Title 18, United States Code, Section 3148(b), or for such other relief as may be proper. The government also respectfully requests that this notice of motion and the motion for bail revocation be filed under seal.

DATED: Rochester, New York, December 5, 2024.

TRINI E. ROSS  
United States Attorney  
Western District of New York

BY: s/RICHARD A. RESNICK  
Assistant U.S. Attorney  
United States Attorney's Office  
100 State Street, Suite 500  
Rochester, New York 14614  
(585) 399-3941  
Richard.Resnick@usdoj.gov

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

JOHN ENGLER,

Defendant.

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FILED UNDER SEAL  
24-CR-06045-EAW-MWP

WPB Case # 24-mj-8654-RMM

AFFIDAVIT

STATE OF NEW YORK            )  
COUNTY OF MONROE         ) SS:  
CITY OF ROCHESTER         )

RICHARD A. RESNICK, being duly sworn, deposes and states:

1. I am an Assistant United States Attorney for the Western District of New York and assigned to my office's file concerning this action.

2. On May 4, 2024, the Grand Jury returned a 51-count Superseding Indictment against various defendants. (Docket #34). The Superseding Indictment charged the defendant, John Engler ("Engler"), with all 51 counts.

3. Engler was arraigned on the Superseding Indictment on May 28, 2024, during which time the Court released Engler and ordered conditions of release. (Docket #53). One of the conditions of release, as set forth in Paragraph 8(g) of the Order Setting Conditions of Release dated May 28, 2024 (Docket #55), was the following:

Surrender any passport/passport card to: the Clerk of the Court. Surrender other international travel documents to appropriate authorities (*i.e.* Enhanced Driver's License or NEXUS card).

4. I have been advised by Pretrial Services and the FBI that pursuant to the above condition of release, Engler surrendered a United States passport in the name John Joseph Engler with PPN: A00967XXX, which was issued to Engler on May 24, 2022.

5. On August 13, 2024, the Grand Jury returned a 51-count Second Superseding Indictment against various defendants. (Docket #79). The Second Superseding Indictment charged the defendant, John Engler ("Engler"), again with all 51 counts.

6. Engler was arraigned on the Second Superseding Indictment on August 28, 2024, during which time the Court continued Engler's release under the previous conditions imposed. (Docket #99).

7. I have been advised by the FBI that Engler has a second United States passport in name John Joseph Baltadjiev with PPN: C34732XXX, which was issued to Engler on November 8, 2023. Upon information and belief, Engler was aware of the government's investigation on November 8, 2023, which was approximately 6 months before he was first indicted on May 4, 2024. Notably, two individuals related to this case were indicted on September 18, 2023. Engler, who received the second passport on November 8, 2023, apparently applied for the passport around the time of the September 18, 2023 indictment, since it normally takes approximately six weeks to receive a passport.

8. I have been advised by the Pretrial Services Department that Engler did not surrender to the Clerk of Court or the probation department the passport in the name John Joseph Baltadjiev. Thus, there is clear and convincing evidence that Engler has violated the condition of his release that he surrender any passport in his name.

9. The FBI recently discovered that Engler's wife Elena Baltadjieva was born in Bulgaria, has dual citizenship, and has family in Bulgaria. The FBI also discovered that

Engler has traveled to Bulgaria more than once and has commented about how much cheaper things were in Bulgaria and that he wouldn't mind retiring there someday or owning a second home there.

10. The FBI further advised that Engler's wife and their two young children traveled to Bulgaria in July 2024, and then returned to the United States.

11. Based on the foregoing, Engler now poses as a serious risk of flight.

12. Therefore, pursuant to Title 18, United States Code, Section 3148(b), the government respectfully requests that Engler's Release Order be revoked and attached warrant for his arrest be issued as soon as possible.

13. In addition, the government respectfully requests that this motion be sealed and remain sealed until such time as the arrest warrant is executed.

s/RICHARD A. RESNICK  
Assistant United States Attorney

Subscribed and sworn to before me this  
5th day of December, 2024.

s/JACQUELINE M. MARKIDIS

**JACQUELINE M. MARKIDIS**  
NOTARY PUBLIC, State of New York  
No. 01MA4851780  
Qualified in Monroe County  
Commission Expires February 3, 2026

# TIMELINE

- **November 16, 2021:** FBI arrives at homes and businesses, seizes four cars, Alec's investment account with over \$330,000, and takes about 40 computers, about 100k plus in equipment from many offices, and all documents from all offices.
- **December 16, 2022:** A criminal complaint is filed against Bryan Lantry and a couple of others.
- **February 2022:** A criminal complaint is dropped against Bryan Lantry and a couple of others.
- **January 2023:** Alec gets his two cars and the seized bank account back after being strong-armed by the DOJ and forced to turn over an investment property, which was owned by Alec and myself, to the Federal Government.
- **June 2023:** FBI and DOJ launch a website to seek "possible victims of a crime," listing many companies Alec and I have been associated with. This effort gains zero traction as no crime or "victims" existed.
- **March 2023:** Two cars are released back to me after my attorney spoke to the prosecutor and advised no wrongdoing was found and the Fed's can not hold my cars.
- **April 2023:** We meet President Trump.
- **September 2023:** The feds keep sending off fishing subpoenas to thousands of businesses and people after showing up at our homes and businesses with more subpoenas requesting all bank account info, business records, emails, phone numbers, addresses, contacts, associates, and customer information from every business we have ever been associated with. This includes car dealerships, jewelry stores, landlords, previous mortgage companies, finance companies, accountants, and more. The feds subpoena them for ANY AND ALL records and involvement related to us.
- **October/November 2023:** The DOJ issues subpoenas to over 6,000 businesses, asking them to complete a form "in connection with a criminal investigation of suspected felonies" and claiming they have "been a victim of a crime." Businesses are instructed to submit their answers via email at "FakeInvoice@FBI.gov," claiming they've been victims of scammers sending fake invoices.
- **September 2023:** Bryan is indicted (strategically by the DOJ) based on the DOJ's manufactured charges.
- **April 2024:** FBI presents to a grand jury that a group was sending out invoices for products never ordered or delivered. The DOJ never acknowledges in the grand jury that these were order forms, quotes, and solicitations. The DOJ claims they are invoices and documents disguised as invoices to create mass fraud (JUST LOOK AT THE QUOTES AND FORMS ON THE INDICTMENT!).
- **Charges:** The government charges Alec and I (and "co-conspirators") with \$8,100,000 in losses. Because we have not accepted a plea deal, the government has informed us that we are being charged with \$160,000,000 in "intended" losses. If we take this to trial, the government says we are facing 27-33 years in prison (**400 more more MONTHS**) if found guilty of any of the 51 counts in the indictment.
- **Ongoing Legal Struggles:** Alec and I are backed into a corner, seeing this as a gross misuse of the DOJ system. It took the DOJ over three years to manufacture a crime, moving in very direct and conducting a HUGE witch hunt. Initially, according to the DOJ, the order forms were fine, but the product wasn't being filled. Once they found out the product was filled, they said, "This must be a COVID product scam." When it was found not to be that, they kept going, pulling at straws. "The products must be a scam and not good... Oh, people got the product, liked it, and ordered more???... We're just going to ignore BRADY EVIDENCE (evidence considered favorable to a defendant in an investigation) and file an indictment." To add insult to injury, one prosecutor even told my attorney, "We don't think they committed a crime, but I think we can get enough and go in front of a jury and get a conviction!"
- **November 2024:** President Trump won the election, and my wife and I were there, front row at the convention center.
- **December 2024:** The DOJ submits fraudulent and manufactured paperwork with another riddled story to the court revoking my pre-trial probation, sending the US Marshals after me, incarcerating me, and violating my civil rights.
- Now Alec and I are being told by prosecutors and my attorneys we **FACE MORE THAN 400 MONTHS** in prison if I don't take a plea deal if we get convicted of ANY of the 51 counts at trial.





ONE OF OVER 6,000 subpoenas sent out by the DOJ 2.5 years AFTER the fact shows that when the DOJ couldn't find any real crime in 2021, they went on a witch hunt and fishing expo by framing regular business like a criminal enterprise by trying to manufacture crimes.

U.S. Department of Justice

United States Attorney  
Western District of New York

100 State Street, Suite 500  
Rochester, New York 14614

November 8, 2023

[REDACTED]  
Attn: Records Custodian

Re: Grand Jury Subpoena returnable on December 12, 2023

Dear Sir or Madam:

Attached hereto is a subpoena requiring the production of certain records before a United States Grand Jury sitting in this District on December 12, 2023. Please note that you do **NOT** need to appear in person before the grand jury if the response is emailed or mailed in as directed in the attachment entitled "**COMPLIANCE INSTRUCTIONS FOR SUBPOENA.**"

This subpoena has been issued in connection with a criminal investigation of suspected felonies being conducted by the U.S. Department of Justice and other law enforcement agencies. You are requested not to disclose the existence of this subpoena. Any such disclosure could impede the investigation being conducted and, thereby, interfere with the enforcement of the criminal laws of the United States. Compliance with this non-disclosure request, however, is not mandatory.

**Should you have any questions, please send an email and include your question and contact information to [FalseInvoiceBF@fbi.gov](mailto:FalseInvoiceBF@fbi.gov) with the word "QUESTION" in the subject line and an agent will respond during regular business hours.**

Very truly yours,

TRINI E. ROSS  
United States Attorney  
Western District of New York

*s/ Richard A. Resnick*

RICHARD A. RESNICK  
Assistant United States Attorney

RAR/jmm  
Enclosures

GOV-00032804

UNITED STATES DISTRICT COURT  
for the  
Western District of New York  
SUBPOENA TO TESTIFY BEFORE A GRAND JURY

To: RECORDS CUSTODIAN  
FOR COMPANY IDENTIFIED  
ON COVER LETTER

2021R00282-  
918-2023

Oct 2023 - Roch (Tuesdays)

ATTN:

Via fax:

Via email:

YOU ARE COMMANDED to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: 100 State Street Rochester NY 14614	Date and Time: 12/12/2023 9:30 AM
--------------------------------------------------	-----------------------------------------

You must also bring with you the following documents, electronically stored information, or objects (*blank if not applicable*):

See Attachment

PLEASE PROVIDE REQUESTED DOCUMENTS IN ELECTRONIC FORMAT IF AVAILABLE.  
PLEASE RETURN A COPY OF THIS SUBPOENA WITH ANY DOCUMENT OR RECORDS RESPONSE.

Date: 11/8/2023



CLERK OF COURT

*Mary C. Loewenguth*  
Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the United States attorney, or assistant United States attorney, who requests this subpoena, are:

**TRINI E. ROSS**  
United States Attorney

Richard A. Resnick  
Assistant United States Attorney  
100 State Street  
Rochester NY 14614  
(585) 399-3941  
Richard.Resnick@usdoj.gov

**Fax:** (585) 399-3920

## COMPLIANCE INSTRUCTIONS FOR SUBPOENA

**NOTE: YOU DO NOT NEED TO APPEAR IN PERSON.  
PLEASE FOLLOW INSTRUCTIONS BELOW**

Please provide the following list of items and information which relate to the copy of the attached check your company paid to **North Atlantic Supply Company**:

1. A company copy of the attached check.
2. A copy of the invoice/bill/order from North Atlantic Supply Company the check was issued to pay.
3. Copies of any correspondence that you had with anyone or any company relating to the payment made to North Atlantic Supply Company.
4. Any details relating to any attempts to telephone, email or contact anyone at North Atlantic Supply Company, Simple Pro Solutions or Wholesale Chemical Supplies, regarding your payment or any product you may have received.
5. Copies of any refunds received from North Atlantic Supply Company, Simple Pro Solutions or Wholesale Chemical Supplies pursuant to the North Atlantic Supply Company invoice/bill/order or products received.
6. Detailed description of any shipments, including the cleaning or degreasing products contained in such shipments that were received from North Atlantic Supply Company, Simple Pro Solutions or Wholesale Chemical Supplies.
7. Photographs of all products or items received pursuant to the North Atlantic Supply Company invoice/bill/order and correlating payment, including shipping labels, product labels and any paperwork included with each shipment from North Atlantic Supply Company, Simple Pro Solutions or Wholesale Chemical Supplies.
8. Typed or written responses to each of the 8 questions on the attached questionnaire.
9. Please complete the attached business record certification pursuant to Federal Rules of Evidence 902(11) and 902(13) so that the records may be admitted in court proceedings without the necessity of witness testimony.
10. Please send your response in one of the following two ways:

**RETURN ALL DOCUMENTS AND THE QUESTIONNAIRE ELECTRONICALLY TO:**

**[NASC@fbi.gov](mailto:NASC@fbi.gov)**

**If you are unable to send via email, please mail to:**

**U.S. Postal Inspection Service  
Attn: Inspector Clint Homer  
1200 Main Place Tower  
Buffalo, NY 14202**

**QUESTIONS? Please send an email with your question and contact info to [FalseInvoiceBF@fbi.gov](mailto:FalseInvoiceBF@fbi.gov) with the word "QUESTION" in the subject line and an agent will respond during regular business hours.**

**Please continue to retain any and all product or items received pursuant to the North Atlantic Supply Company invoice/bill/order or the correlating payment, and items received from North Atlantic Supply Company, Simple Pro Solutions or Wholesale Chemical Supplies, including any unused product, empty product containers, boxes that products or items were shipped in, and any paperwork included in any shipments.**

**Such possible products include cases of 4, 1-gallon, white plastic jugs of cleaner/degreaser or 5-gallon pails of cleaner/degreaser.**





## QUESTIONNAIRE - NORTH ATLANTIC SUPPLY COMPANY

It is believed your company may have been misled into mailing a check to North Atlantic Supply Company. North Atlantic Supply Company mailed your company what appeared to be an invoice due for product already ordered and delivered. However, North Atlantic Supply Company is representing that the mailing was clearly a solicitation for business. They are representing that your company voluntarily placed an order with North Atlantic Supply Company for exactly the product and amount they chose, at their listed price and you paid in advance. Your responses to the following questions will assist us in determining if you were a knowing and willing customer, or likely defrauded into paying.

1. Did your company make payment to North Atlantic Supply Company (NASC) because your company wanted to order the specific product listed at the price listed from NASC or because you thought the mailing was an invoice due for the product, already ordered and delivered?

yes, we ordered and paid concentrated cleaner and degreaser for \$584.98 including shipping.

2. Would you have ordered the listed product and quantity at the listed price from NASC if you had known it was only a solicitation for business and NOT an invoice due?

we ordered and paid one time with NASC.

3. Did you receive the exact amount or quantity of cleaner/degreaser you paid for?

we received what we ordered.

4. Did you try to call NASC, Simple Pro Solutions or Wholesale Chemical Supplies to request a refund?

we did not request a refund.

5. If you received a shipment of cleaner/degreaser from NASC, Simple Pro Solutions or Wholesale Chemical Supplies did you immediately recognize it as your NASC order?

we could not tell at this moment it happened in 2021.

6. Is the cleaner/degreaser you received from NASC, Simple Pro Solutions or Wholesale Chemical Supplies needed or of a high enough quality to use in your particular business operation?

we did not complain about the quality of the product.

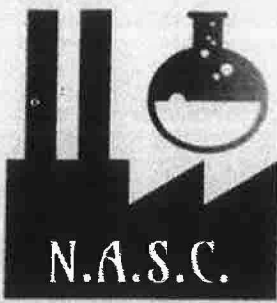
7. Do you believe you were tricked or scammed into making the payment to North Atlantic Supply Company?

we were not tricked to paying NASC.

8. Is there anything else you would like to say about your experience with North Atlantic Supply Company?

none





Norcom01

# North Atlantic Supply Company

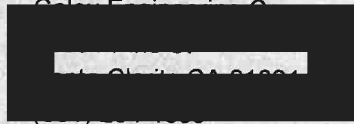
info@NorthAtlanticSupplyCompany.com  
510 Clinton Square Rochester, NY. 14604  
(888) 30-NORTH

877-665 N.A.S.C.

DATE:  
I.D. #

4/2/2021
NA-29396

TO:



ITEMIZED ORDER FORM / QUOTE	QTY	UNIT PRICE	AMOUNT
Concentrated Cleaner and Degreaser	1	\$579.99	\$579.99
Shipping	1	\$54.99	\$54.99
Discount (Code:50OFF2021)	1	(\$50.00)	(\$50.00)
ADD ADDITIONAL ITEMS BELOW THIS LINE			

<b>SUBTOTAL</b>	<b>584.98</b>
<b>TAX</b>	-
<b>TOTAL</b>	<b>\$ 584.98</b>

YOUR BUSINESS IS APPRECIATED

WE DO NOT EXPORT TO CANADA

CHECKS SHOULD BE MAILED TO CORPORATE OFFICE BELOW

GL 690  
4/15 D

Per [Redacted] 690 4/14 D

NorthAtlanticSupplyCompany.com

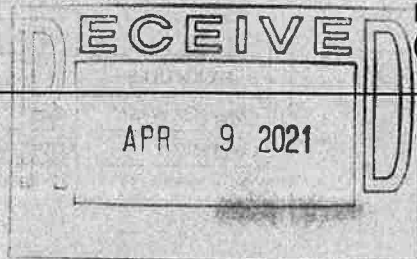
TO: [Redacted]  
[Redacted]  
[Redacted]

MAILING ADDRESS:

North Atlantic Supply Company  
510 Clinton Square  
Rochester, NY. 14604  
(888) 30-NORTH

DATE:  
ID #:  
ENCLOSED TOTAL:

4/2/2021
NA-29396



emailed to see if they take credit card 4/14 D no they do not take a

When the DOJ faced pushback on any over 6,000 subpoenas, their typical response was to reinforce the narrative of wrongdoing, subtly framing witnesses to imply guilt, even though the subpoenas themselves were already biased.

## Re: Case No. 2021R00282-918-2023 - Grand Jury Subpoena - North American Supply Company

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**From:** FalseInvoiceBF <falseinvoicebf@fbi.gov>  
**To:** Dave [REDACTED], NASC <nasc@fbi.gov>  
**Cc:** Debi S [REDACTED]  
**Date:** Thu, 30 Nov 2023 10:07:04 -0500

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Good morning Dave,

Thank you for your email.

As background, North Atlantic (and 10 others) were mass mailing out solicitations disguised as invoice in hopes companies would inadvertently issue payment believing they were paying for product already ordered and received. Usually, a few months after making payment a shipment of "product" would arrive from a company called Simple Pro Solutions with no packing slip or any identifying information to tie it back to North Atlantic. I've enclosed a few photos of what the packaging would look like in the event that helps with recalling this matter.

If that doesn't help then please feel free to disregard the request if the invoice is in storage. There are over 7,000 victims in this matter so we have plenty of invoices already in our possession.

Please let me know if you have any questions.

Thank you,  
Stephen Csapo  
Special Agent  
FBI Rochester

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**From:** Dave [REDACTED]  
**Sent:** Tuesday, November 28, 2023 8:20 PM  
**To:** FalseInvoiceBF <FalseInvoiceBF@fbi.gov>; NASC <NASC@fbi.gov>  
**Cc:** Deb [REDACTED]  
**Subject:** [EXTERNAL EMAIL] - Case No. 2021R00282-918-2023 - Grand Jury Subpoena - North American Supply Company

Good afternoon,

This email is in response to the subpoena Key, LLC received for the matter captioned above.

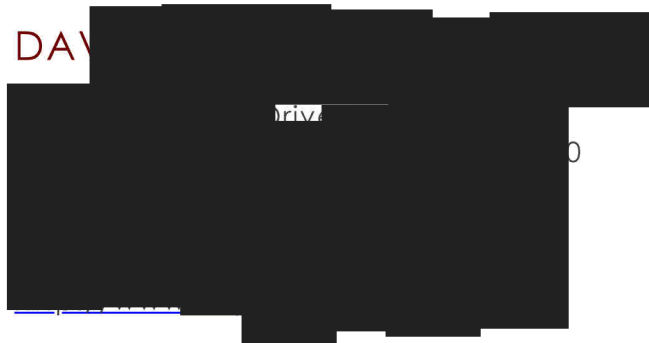
I have talked to our superintendent at our shop about this purchase and he has no recollection of the invoice or how it was handled. We have had several people come and go through that position since early 2021 as well. Is the information is critical to this case, I can get someone to try to dig through storage for an old invoice if it exists, but I know there won't be any correspondence or additional context that we can produce.

Please let me know how to proceed.

Thanks,  
Dave



DAV



Even the Boca Raton Police Department investigated one of the companies in the indictment and found NO WRONGDOING in 2021.

**INCIDENT/INVESTIGATION  
REPORT**

I N C I D E N T D A T A	Agency Name <i>Boca Raton Police Department</i>		Case# <i>2021-011173</i>		
	ORI <i>FL0500200</i>		Date / Time Reported <i>09/24/2021 13:29 Fri</i>		
	Location of Incident <i>150 E PALMETTO PARK RD Apt. 800, Boca Raton FL</i>		Premise Type <i>Commercial Office</i>	Zone/Tract <i>30</i>	Last Known Secure <i>09/24/2021 13:29 Fri</i>
					At Found <i>09/24/2021 13:29 Fri</i>
#1	Crime Incident(s) <i>Suspicious Incident SPI</i>	(Com)	Weapon / Tools		
			Entry	Exit	
			Security		
#2	Crime Incident	( )	Weapon / Tools		
			Entry	Exit	
			Security		
#3	Crime Incident	( )	Weapon / Tools		
			Entry	Exit	
			Security		

V I C T I M	# of Victims <i>0</i>	Type:	Injury:				Domestic: <i>NO</i>					
	<b>V1</b>	Victim/Business Name (Last, First, Middle)			Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status	
					Age							
	Home Address								Home Phone			
	Employer Name/Address							Business Phone		Mobile Phone		

O T H E R S	CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)										
	Type: <i>INDIVIDUAL (NOT A LE OFFICER)</i>					Injury:					
	Code <i>SB</i>	Name (Last, First, Middle) <i>LANTRY, BRYAN PATRICK</i>			Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
					Age						
	Home Address <i>150 E PALMETTO PARK RD - 800 BOCA RATON, FL 33432</i>								Home Phone		

Employer Name/Address <i>Safety Supply, 150 E PALMETTO PARK RD (OWNER)</i>							Business Phone <i>561-597-6331</i>		Mobile Phone		
Type: <i>INDIVIDUAL (NOT A LE OFFICER)</i>					Injury:						
Code <i>CM</i>	Name (Last, First, Middle) <i>LINGERFELT, GINA</i>			Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status	
				Age							
Home Address <i>1 DEBLASIO DRIVE CANONSBURG, PA 15317</i>								Home Phone			
Employer Name/Address <i>Deblasio Beverage (BUDGET)</i>							Business Phone <i>724-255-0480</i>		Mobile Phone		

P R O P E R T Y	L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found ("OJ" = Recovered for Other Jurisdiction)											
	VI #	Code	Status Frm/Tc	OJ	QTY	Property Description	Make/Model	Serial Number				
Officer/ID# <i>MCHUGH, L. D. (2213, A1) (653)</i>												
Invest ID# <i>(0)</i>			Supervisor <i>MAZER, D. B. (2213, A5) (684)</i>									
Status	Complainant Signature				Case Status <i>Report Written</i>			Case Disposition:		Page 1		





## REPORTING OFFICER NARRATIVE

*Boca Raton Police Department*

		OCA 2021-011173
Victim	Offense <i>SUSPICIOUS INCIDENT</i>	Date / Time Reported <i>Fri 09/24/2021 13:29</i>

On 09/24/2021 I was given a suspicious incident to follow up on by Sergeant Wollschlager per Lieutenant Kwitkin. Upon arrival at 150 E Palmetto Park Road, suite 800, in the city of Boca Raton, the county of Palm Beach, I spoke with Bryan Lantry, owner of the company, Safety Supply.

Lantry stated he mailed out a dozen solicitation mailers all over the United States. Lantry stated it is clearly marked on the solicitation that this is not a bill, invoice and no one is obligated to order the items listed on the solicitation mailer.

I then spoke with Gina Lingerfelt, who mailed the Boca Raton Police Department the said mailer, and advised her that I read the mailer and spoke with the owner about the mailer. I explained to Lingerfelt the mailer is for solicitation purposes only and not a invoice to her company. She stated she was thankful for the information.

Nothing further.

Alec Dierna  
(585) 738-8164  
02/26/2025

To Whom It May Concern,

We are writing to expose a grave injustice: One that represents one of the most blatant cases of government overreach and prosecutorial misconduct in recent history. Our experience with the Department of Justice (DOJ) is not just an attack on us personally, but a dangerous precedent for every business owner and law-abiding citizen in America.

For three-in-a-half years, we have endured relentless legal harassment by the DOJ in the Western District of New York under the former U.S. Attorney Trini E. Ross. Throughout this time, our case has been shuffled between multiple prosecutors and judges, with the lead prosecutor, AUSA Richard Resnick, conveniently retiring right after President Trump's return to office. The sudden leadership changes and selective prosecution raise serious concerns about political motivation and legal mismanagement and retaliation against law-abiding citizens and business owners.

In this letter, I will present a small but compelling portion of the Government's Fabricated case against us, along with evidence exposing the corruption within the Justice Department in the Western District of New York, and highlighting numerous contradictions in their claims.

### **Who We Are: Devoted Husbands, Fathers, and Entrepreneurs**

We are **Alec Dierna and John Engler**—devoted husbands, fathers, and hardworking entrepreneurs who believe in **financial independence and the freedom to create a better life**. Our mission has always been to help people **break free from the system, start their own businesses, and achieve success on their own terms**.

We built our company with **integrity and a vision**: that anyone, regardless of background, should have the chance to succeed. We are not criminals. We are **family men who care deeply about those around us**. We have helped friends, supported employees, and provided many great opportunities for people to thrive. Despite our good intentions, we have been **targeted and falsely accused of crimes by the DOJ**. The government wants to paint us as criminals, but the truth is, **we are fighters**. We refuse to back down—not just for ourselves, but for every entrepreneur who has been wrongfully targeted by a system that punishes success. This fight is about more than us. It's about **defending the American Dream** and standing up for the right to work hard, build something great, and provide for our families **without fear of government overreach or retaliation**.

### **The Government's Fabricated Case Against Us**

In 2020, we founded a business that operated using legally compliant mail solicitations, a practice widely used by businesses across the country. Our solicitations were clearly labeled as "Order Forms" and / or "Quotes" with explicit disclaimers stating, "This is a solicitation for the order of goods and not an invoice or a bill. There is no money due." Despite this, the DOJ intentionally misrepresented our forms as "fraudulent invoices" to a grand jury, manufacturing a fraud case out of thin air.

Not once—neither in recorded conversations, text messages, nor emails—did we refer to our forms as invoices. In fact, it has been discovered that in a secretly recorded conversation, we explicitly stated they were marketing solicitations. The government has deliberately and consistently twisted facts to create their own narrative and illusion of fraud.

### **Government Overreach: Seizing Assets Without Cause**

In November of 2021, **30+ FBI agents traveled from Western New York to raid all of our offices**, they **seized over \$100,000 worth of computers, printers, and other equipment**, along with all of our vehicles and some bank accounts. They took everything they could, despite having **no legitimate legal basis** to do so. This was a clear case of **asset forfeiture overreach**, where prosecutors aggressively take property before proving any wrongdoing.

After **realizing there was no actual crime**, the government was forced to **return nearly everything** they had seized including our cars, money, and other assets. However, as part of a **civil agreement, we allowed them to keep a single family home in Jacksonville, FL we purchased as an investment**. This outcome further proves that **they acted prematurely and without justification, only to later walk back their actions when they could not substantiate their claims**.

This is yet another example of **how the government overstepped its authority**, using aggressive forfeiture tactics before any legal wrongdoing had been established—further demonstrating their **pattern of misconduct and reckless prosecution** (*United States v. James Daniel Good Real Property*, 510 U.S. 43 (1993)).

Adding to the contradictions in this DOJ's fabricated case against us, Dylan Costanza (co-defendant) falsely claimed to the DOJ that John and I owned all of the businesses involved in their investigation. Contrary to Dylan Costanza's statements, he was able to forfeit over \$100,000 worth of office equipment. The fact that he could legally surrender this property contradicts his statement and further proves that the government manipulated testimony to fit their narrative.

## **Our Motive and Intent: A Business Built on Entrepreneurship, Not Fraud**

From the very beginning, our goal was to provide people with an **entrepreneurial opportunity**: A chance to build their own businesses, achieve financial independence, and create a sustainable living for themselves and their families. We never set out to deceive or defraud anyone. Instead, we structured our business in a way that we genuinely believed to be legal, transparent, and compliant with all necessary regulations, rules, and laws. We did not own these businesses but we did have a hand in consulting. While some may find our business model **unconventional or difficult to understand**, that does not make it fraudulent. Always being upfront about the nature of offers, and making it explicitly clear to recipients that mailers were **solicitations, not invoices, was done 100 percent of the time**. This belief was reinforced by the fact that we included **clear disclaimers on every form**, stating that there was no obligation to pay and that the correspondence they received was purely a marketing offer, not an invoice.

To further confirm the legality of our operations, a **law enforcement officer in 2021 conducted a full investigation into one of the marketing businesses in question and officially closed the investigation with no further action once it was deemed there was no wrongdoing**. The police officer explicitly advised that the business practices were lawful, and we have documented proof of this police report. If a trained law enforcement professional determined that this business in question was operating within the law, how can the government now claim that we or anyone involved intended to commit fraud? At no point did we believe we were or anyone we were associated with was engaging in illegal activity. Our reliance on the disclaimers and the official police investigation only **strengthens the fact that we lacked any intent to deceive or commit fraud**. The government's attempt to portray us as criminals ignores the reality of our **good-faith belief** in the legality of our business. If anything, this case is a direct attack on the entrepreneurial spirit, punishing individuals who take financial risks to create legitimate businesses and opportunities for others.

## **The Government's Unjust Attempt to Seize Family Homes**

As part of their baseless prosecution, the government is trying to seize both my parents' home and John Engler's home, despite having no legal basis. Without my parents' knowledge, I spent \$45,000 of my own money to remodel their home as a surprise, paying contractors directly. My father has owned this home for over a decade, and he has no involvement in my business. Yet, the government included it in the

indictment, claiming they can take my family's home simply because I made improvements. My parents, and my baby sister all live there—they are a hardworking family just trying to get by, and now are being threatened with losing their home for no reason.

The government is also trying to seize John Engler's fully paid-off home, where his wife and children live. They have lived in this home for years and it was his first home purchase where he has created incredible memories with his family. This isn't about justice; it's about intimidation and destruction.

In *Honeycutt v. United States*, 581 U.S. 443 (2017), the Supreme Court ruled that property cannot be seized unless directly tied to criminal proceeds. In *United States v. Bajakajian*, 524 U.S. 321 (1998), the Court found excessive forfeitures unconstitutional. These homes were lawfully owned and maintained, yet the DOJ is abusing forfeiture laws to punish families. This isn't law enforcement—it's legalized theft.

## The Government's Changing Narrative & Investigation Tactics

Initially, the DOJ alleged that businesses in question were merely cashing checks and not shipping products. However, this claim was blatantly false, as some of the businesses in question operated out of a fully stocked 4,000-square-foot warehouse dedicated to shipping out customer orders. When government agents raided our homes and offices, they deliberately avoided the warehouse—choosing not to step foot in the very facility that would have immediately disproven their allegations.

Once we provided over 8,000 tracking numbers to the DOJ, proving that every order had been fulfilled by these companies, the government abandoned their original claim and shifted their focus, now alleging that companies had "overcharged" customers. This constant moving of goalposts shows that the DOJ was not investigating an actual crime but fabricating charges as they went along.

This pattern of shifting accusations and refusal to acknowledge exculpatory evidence is reminiscent of the Supreme Court's ruling in *United States v. Alvarez*, 567 U.S. 709 (2012), which underscored the dangers of government misrepresentations and the importance of protecting individuals from false narratives. Similarly, in *Berger v. United States*, 295 U.S. 78 (1935), the Court condemned prosecutorial misconduct, warning against tactics where prosecutors assume "the role of an architect of a proceeding that does not comport with standards of justice." By disregarding key exculpatory evidence and changing their theory of the case when one narrative failed, the DOJ demonstrated a clear abuse of power, violating fundamental principles of fairness and due process.

## Inflated Loss Amounts to Force Plea Deals

The DOJ has now charged us with \$161 million in fraud, despite total revenue being just \$8 million for all companies invoiced in the DOJ's fabricated caring documents. They are using a made up "intended loss" calculation rather than actual loss—an aggressive and controversial tactic designed to inflate sentences and pressure defendants into plea deals. Even in cases of actual fraud, the government typically bases sentencing on actual loss. By falsely inflating the alleged loss amount, the DOJ have now threatened us with 27 to 33 years in federal prison—harsher than the sentences for many convicted drug traffickers, murderers, and violent criminals. This is a clear abuse of power meant to coerce us into submission.

## The Legal System's Corrupt Cycle: Attorneys Profiting While the Feds Push for a Plea

For over three-in-a-half years, we have **poured ridiculous amounts of money** into attorneys who have **done nothing to fight for us**. Time and time again, we have brought up **clear and valid arguments** that could expose many flaws in this case, yet our attorneys **ignore them, refuse to push back, and fail to hold the prosecution accountable**. They **never contact the feds, never challenge the misconduct, and instead tell us to 'not poke the bear.'** This passive approach has **only made things worse**. If our attorneys had aggressively fought back **from the start, this case should have resolved it self years**

**ago.** Instead, by doing nothing, the DOJ has been allowed to run rampant, and keep manufacturing crimes as more damaging claims pile on, making it harder and harder to fight back.

It almost feels like a **coordinated effort between the attorneys and the feds—stall us, bleed us dry financially, and eventually force a plea.** The government **wins** by securing a conviction, and the attorneys **win** by collecting massive legal fees without ever going to trial. Meanwhile, we are left **financially ruined and facing decades in prison for a case manufactured by the DOJ. This never should have ever gotten this far.**

Justice should be about **fighting for the truth, not about who has the deepest pockets.** Yet in this system, **the only ones who truly win are the prosecutors and the lawyers—while the defendants are left destroyed.**

## **The FBI's Manufactured Complaints & Coercive Tactics**

The government's desperation to build a case against us is evident in their investigative methods:

- **Fake Complaint Campaign:** The DOJ created a survey website in regards to the businesses in questions, and when that generated no traction the DOJ then issued over 6,000 subpoenas to businesses, essentially forcing them to respond under threat of legal action. This was done after the FBI failed to generate real complaints naturally.
- The DOJ set up an email address, [FalseInvoice@FBI.gov](mailto:FalseInvoice@FBI.gov), where businesses receiving subpoenas were instructed to respond saying they received a fake invoice, not a solicitation. The subpoenas often included language implied that the recipients were victims of a crime. This overreach displayed a bias and unjust presumption that the person receiving the subpoena was the victim, which unfairly influenced their perception of the situation.
- **Illegal Evidence Collection:** An individual snoopied through Alec's home without authorization, taking photographs of personal documents and belongings, which were then passed along to co-defendant Dylan Costanza, who later turned them over to the government. This was not an FBI-directed operation but a blatant invasion of privacy that should never have been admissible as evidence.
- **Coerced Testimonies:** Several witnesses initially provided statements in our favor but reversed their testimony after being threatened with 30+ years in prison. This violates 18 U.S.C. § 242, which prohibits government officials from depriving citizens of their rights under color of law.

## **The Government's False COVID-19 Narrative**

In an egregious attempt to further vilify us and businesses we were associated with, the government falsely claimed that our business was designed to exploit the COVID-19 pandemic, framing the alleged fraud as part of a larger scheme to take advantage of struggling businesses. This claim is demonstrably false and contradicts the actual timeline of our operations.

Our business was founded **years before** COVID-19 even existed, and we have extensive records proving that we were conducting the same lawful marketing practices well before the pandemic. Furthermore, **none** of the products or services we offered had anything to do with COVID-19 relief, emergency funding, or pandemic-related assistance.

Despite having access to our business records, bank statements, and shipping records—**all of which prove our operations long predated COVID-19**—the government still attempted to use the pandemic as a tool to sway public opinion and justify their overreach. This was not about enforcing the law; it was about using fear-mongering to build a case that never should have existed in the first place.

## **The Government's Fraudulent Attempt to Revoke Bail & John Engler's Arrest**

John Engler was unjustly arrested based on a false and unfounded allegation that he possessed a second passport. The government acted without verifying a claim and potentially flat out manufactured

this claim. There was no physical evidence, no passport, no application, and no supporting documentation, yet the DOJ proceeded with the arrest. Despite John having already surrendered his passport as required by his pretrial bail conditions, authorities treated him as a flight risk, detaining him in Palm Beach County Jail under deliberately harsh conditions. This was not about upholding the law; it was a calculated act of intimidation meant to disrupt his legal defense and instill fear.

Once the case went before a judge, the truth became evident: the allegations were baseless, unsupported by any evidence, and the government's claims quickly unraveled. The judge promptly ordered John's release, exposing the prosecution's reckless disregard for due process. This misuse of the legal system mirrors the concerns raised in *Franks v. Delaware*, 438 U.S. 154 (1978), where the Supreme Court held that law enforcement cannot rely on knowingly false or recklessly disregarded information to obtain an arrest or search warrant. Just as in *Franks*, where fabricated evidence undermined the integrity of judicial proceedings, the government's baseless accusations against John demonstrate an abuse of power designed to weaponize the legal process against him. Such tactics erode public trust in the justice system and **highlight the selective and retaliatory nature of this prosecution.**

## **Co-Defendants Pressured into False Testimonies & Unfair Plea Deals**

The government has systematically coerced our co-defendants into pleading guilty under extreme pressure.

- **Kyle Gibson:** Initially provided a statement in our favor but later reversed it after the DOJ threatened him with decades in prison.
- **Bryan Lantry:** Initially cooperated with the government but later regretted his decision after realizing he had been misled and manipulated. The DOJ continues to use his coerced testimony against us.
- **Dylan Costanza:** Taken to Rochester, NY, and pressured into accepting a plea deal. His attorney later admitted that the deal was terrible and unfair. Dylan has since expressed regret, stating he was pressured into signing something he didn't fully understand.
- **Nicholas Scarantino:** Accepted a plea deal while another supplier, Sefa, received only a corporate plea. This inconsistency in prosecution highlights how the government selectively applied pressure to different individuals.
- **Onur Menji:** Originally named in the complaints but later had his charges quietly dropped, yet those closest to the business were still aggressively prosecuted.

Even the attorneys representing our co-defendants have privately admitted they failed their clients by taking the easy way out rather than aggressively fighting these baseless charges. Many now acknowledge that the plea deals were secured through coercion and misinformation.

## **The Government's Use of an Illegally Obtained Recording**

In yet another blatant violation of legal and ethical standards, the government is relying on an illegally recorded conversation as evidence against us. This recording was secretly made by Bryan without our knowledge or consent and later handed over to the prosecution. Under established legal precedent, evidence obtained through illegal means—especially when recorded in violation of consent laws—should be inadmissible in court. Yet, the government is still attempting to use it, despite its clear unlawfulness.

Not only was this recording obtained improperly, but it should actually exonerate us. At no point in the conversation were we aware we were being recorded, meaning there was no attempt to alter our statements or hide anything. In fact, during the recorded discussion, we explicitly referred to the solicitations as *marketing mailers* multiple times, making it clear there was no fraudulent intent. **This directly contradicts the prosecution's narrative and proves that we were conducting legitimate business.**



Under *Lopez v. United States*, 373 U.S. 427 (1963), the Supreme Court acknowledged that secret recordings can raise serious legal concerns, particularly when obtained without proper legal authority. Additionally, courts have ruled in *United States v. White*, 401 U.S. 745 (1971), that while government agents may record conversations under certain circumstances, private individuals who unlawfully record and later turn over evidence do not have the same protections. Given that Bryan was not acting under any official authority and recorded the conversation illegally, this evidence should be excluded.

The fact that the government is willing to use an illegally obtained recording—one that actually disproves their case—shows their desperation and disregard for due process. This is not about justice; it's about manipulating evidence to fit a false narrative.

## Withholding Evidence and Denying Due Process

The government has continuously **withheld critical records** from us, refusing to provide key evidence that could expose their misconduct. Despite making **at least ten formal requests** over the past year for **transcripts from Dylan Costanza's court proceedings**, we have received nothing. This deliberate refusal to provide records we are legally entitled to is a direct violation of **due process** and our right to a fair defense.

Additionally, many of the individuals the government coerced into testifying against us were not just business associates—they were **close friends**. We have **evidence of these same individuals previously stating that they knew our business was legitimate**. Yet, the government has ignored this and instead **pressured them into changing their stories** under threat of excessive prison sentences.

The **DOJ is not playing fair**. They are withholding exculpatory evidence, manipulating witnesses, and obstructing our ability to defend ourselves. This is not a pursuit of justice—it is a calculated effort to secure a conviction by any means necessary, even if it means violating our fundamental and constitutional rights.

## Proof of Corruption: Special Treatment for Coerced Plea Deals

One of the clearest examples of the government's **corruption and manipulation** in this case is what transpired after **Dylan Costanza accepted a plea deal**. While on pretrial release, Dylan was subjected to **random drug testing**, as is standard procedure. However, immediately **after he pled guilty**, his attorney **filed a motion requesting that he be allowed to smoke marijuana—an illegal act under federal law and in the state of Florida**.

What happened next is **damning**. Assistant U.S. Attorney **Richard Resnick, who had been aggressively prosecuting us, suddenly had zero objections** to Dylan's motion. The same prosecutor who pushed for harsh penalties against us had **no pushback when it came to granting a convicted defendant permission to break federal law**. This raises serious concerns about **prosecutorial discretion being used as a tool for coercion**, a violation of due process principles upheld in *Brady v. Maryland*, 373 U.S. 83 (1963), which held that **the government must turn over evidence favorable to the defense**. By selectively offering **preferential treatment to a defendant who accepted a plea deal**, the prosecution demonstrated **intentional bias** in its pursuit of convictions.

Furthermore, the concept of **unconstitutional prosecutorial inducement** was recognized in *Santobello v. New York*, 404 U.S. 257 (1971), where the Supreme Court held that **plea agreements must be made in good faith and without manipulation**. Here, the government's willingness to **allow Dylan to break federal law after securing his cooperation** clearly shows that his plea agreement was **not purely voluntary** but rather **induced by preferential treatment**.

This blatant double standard **exposes the government's willingness to bend the rules** to force guilty pleas. Prosecutors have a legal duty to **pursue justice, not just convictions** (*Berger v. United States*, 295 U.S. 78, 88 (1935)). Yet, in this case, **Resnick's failure to oppose a motion that directly**



**contradicted federal drug policy**—when it benefitted the government’s case—demonstrates **prosecutorial bad faith**.

Thankfully, the **judge denied the motion**, recognizing the **improper nature of the request**. But the fact that the government was willing to **ignore federal drug laws in exchange for a conviction** speaks volumes about their **real motives**. This was never about justice—it was about **pressuring co-defendants into guilty pleas by offering them under-the-table incentives**, a practice that undermines the fairness of our legal system.

This case isn’t about upholding the law. It’s about the **DOJ fabricating a narrative, manipulating witnesses, and violating due process** in order to **secure convictions at any cost**. Such prosecutorial misconduct erodes the integrity of our justice system and highlights the **dangerous precedent of weaponizing plea deals as a coercive tool**, a practice condemned in *United States v. Ruiz*, 536 U.S. 622 (2002), where the Supreme Court acknowledged that **plea agreements must be free from prosecutorial misconduct or coercion**.

### **Trump’s FTC Case vs. Our Criminal Indictment**

Former President Donald Trump’s campaign was investigated by the Federal Trade Commission (FTC) for allegedly misleading supporters with fine-print disclaimers on recurring donations. Instead of pursuing criminal charges, the FTC handled it as a civil matter, leading to a refund process rather than an indictment. **FTC v. AMG Capital Management, LLC, 141 S. Ct. 1341 (2021)** affirmed that the FTC does not have the authority to seek monetary relief without congressional approval, further proving that these types of cases belong in civil courts, not criminal courts.

If Trump’s case—where donors were automatically enrolled in a monthly payment system—was treated as a civil matter, why is our case, which involves legally disclosed order forms, being treated as a criminal offense? The answer is simple: selective prosecution.

### **Political Targeting and the Weaponization of Justice**

It is no coincidence that during **Biden’s regime**, the Department of Justice has aggressively pursued **selective prosecutions** against individuals who oppose the current administration’s policies. Time and time again, we have seen that those who stand against the liberal agenda are subjected to excessive legal scrutiny, fabricated charges, and aggressive prosecutorial misconduct.

We have been **outspoken supporters of President Donald Trump and his policies**, believing in his vision of economic freedom, deregulation, and opportunities for small business owners and entrepreneurs. It has become evident that under the Biden administration, individuals who align with conservative values are disproportionately targeted in politically motivated prosecutions. This is not just a theory—it has been repeatedly demonstrated through the systematic **indictment and harassment** of those who oppose the current administration’s ideology.

Perhaps the clearest example of this came after **our visit to Mar-a-Lago**. At a time when we thought the **case was dying down**, the government suddenly ramped up its efforts against us, **resuming their aggressive tactics** and continuing their prosecutorial overreach. Following our visit, **they reignited their investigation with newfound hostility, issuing an onslaught of subpoenas**—not just to us, but to every **person or business we had ever worked with**, in a clear attempt to intimidate and isolate us.

This case is not about justice; it is about **political retaliation**. The DOJ’s decision to **subpoena every single record from every single individual or business we have ever dealt with—personally or professionally—demonstrates their desperation to manufacture a case against us**. This is the weaponization of law enforcement against those who **do not conform to the radical left’s agenda**.

In today's America, if you dare to support **Donald Trump, capitalism, and free enterprise**, you are labeled a criminal. The government no longer cares about facts or evidence—they care about **punishing political opponents**. We are living proof of how this administration has abandoned fairness and due process in favor of **ideological warfare**, using the legal system as a weapon to silence, bankrupt, and destroy those who stand against them.

### **Conclusion: A Dangerous Precedent for American Businesses**

It has become clear that during President Biden's regime, if you support the opposing side, the first thing they do is discredit you, followed by throwing you in jail. That is exactly what has happened to us. We are fathers, husbands, and business owners with no criminal history. We fully cooperated with the government, fulfilled every order, and never intended to deceive anyone. Yet, we are facing the possibility of life in prison over a business dispute.

We ask for your support, legal guidance, and connections to help us fight back against this manufactured prosecution before it sets a dangerous precedent for business owners across the country.

Sincerely,  
Alec Dierna

***IN THE DISTRICT COURT OF THE UNITED STATES  
For the Western District of New York***

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**OCTOBER 2023 GRAND JURY  
(Impaneled October 11, 2023)**

**THE UNITED STATES OF AMERICA**

**-vs-**

**SUPERSEDING INDICTMENT  
24-CR- 06045-EAW-MWP**

**JOHN ENGLER,**  
*(Counts 1-51)*

**ALEC DIERNA**  
*(Counts 1-51)*

**TOMMY LEE COBURN**  
*(Counts 1, 4-9, 51)*

**KYLE PAUL EDWARD GIBSON**  
*(Counts 1, 10-20, 51)*

**NICHOLAS SCARANTINO**  
*(Count 1)*

**HEATHER DIERNA**  
*(Counts 1, 4, 5, 8, 9)*

**Violations:**

Title 18, United States Code,  
1341, 1349, 1956(h) and 2.  
(51 Counts and 6 Forfeiture  
Allegations)

**SUPERSEDING INDICTMENT**

**The Grand Jury Charges That:**

At all times relevant to this Superseding Indictment:

**INTRODUCTION**

**A. DEFENDANTS AND COCONSPIRATORS**

1. The defendants, JOHN ENGLER (“ENGLER”) and ALEC DIERNA (“ALEC DIERNA”), the architects and ringleaders of the conspiracy and scheme, resided in the Boca Raton area in Florida.

2. The defendants, TOMMY LEE COBURN (“COBURN”) and KYLE PAUL EDWARD GIBSON (“GIBSON”), resided in the Boca Raton, Delray Beach and Pompano Beach areas in Florida.

3. The defendant, NICHOLAS SCARANTINO (“SCARANTINO”), resided in Van Nuys, California.

4. The defendant, HEATHER DIERNA (“HEATHER DIERNA”), resided in the Rochester, New York area.

5. Coconspirators Dylan Paul Costanza, Bryan Lantry, T.H. and S.D. resided in the Fort Lauderdale and Pompano Beach areas in Florida.

**B. ENTITIES**

**Engler Entities**

6. On or about January 28, 2019, ENGLER incorporated Office Outlet U.S.A., LLC (“Office Outlet”) in Florida.

7. On or about June 14, 2019, ENGLER incorporated America’s Best Chemicals, LLC (“America’s Best”) in Florida.

8. On or about February 11, 2021, ENGLER incorporated Engler Holdings LLC in Florida.

**Alec Dierna’s Entities**

9. On or about August 12, 2020, ALEC DIERNA incorporated United Chemicals, LLC (“United Chemicals”) in Florida.

10. On or about February 11, 2021, ALEC DIERNA incorporated Dierna Enterprise LLC in Florida.

**Engler's and Alec Dierna's Entity**

11. On or about April 12, 2021, ENGLER and ALEC DIERNA incorporated Prince Venture Capital LLC in Florida.

**Costanza's Entities**

12. On or about October 20, 2020, Dylan Paul Costanza incorporated Hi-Tech Industrial Company LLC ("Hi- Tech Industrial") in Florida.

13. On or about January 27, 2021, Dylan Paul Costanza incorporated Simple Pro Solutions LLC ("Simple Pro Solutions") in Florida.

14. On or about June 14, 2021, Dylan Paul Costanza incorporated Day Cost Marketing LLC ("Day Cost Marketing) in Florida.

**Coburn's Entities**

15. On or about January 19, 2021, COBURN incorporated North Atlantic Supply Company LLC ("North Atlantic Supply") in New York.

16. On or about June 28, 2021, COBURN incorporated Top Tier Chemicals LLC ("Top Tier Chemicals") in New York.

**Gibson's Entity**

17. On or about February 18, 2021, GIBSON incorporated Nationwide Chemicals LLC ("Nationwide Chemicals") in Florida.

**Scarantino's Entity**

18. On or about June 20, 2021, SCARANTINO incorporated Direct Chemical Solutions LLC ("Direct Chemical") in California.

**T.H.'s Entities**

19. On or about February 26, 2021, T.H. incorporated Easton Chemical Products LLC ("Easton Chemical") in Florida

**Lantry's Entities**

20. On or about May 13, 2021, Bryan Lantry incorporated Safety Supply Center LLC ("Safety Supply") in Florida.

21. On or about September 14, 2021, Bryan Lantry had Union Gloves LLC ("Union Gloves") incorporated in Florida.

22. On or about July 12, 2021, Bryan Lantry incorporated Lantry Enterprise LLC in Florida.

**S.D.'s Entities**

23. On or about August 26, 2021, S.D. incorporated Wholesale Chem Supplies LLC in Florida.

24. On or about August 26, 2021, S.D. incorporated Five Star Warehouse LLC ("Five Star Warehouse") in Florida.

**COUNT 1**  
**(Conspiracy to Commit Mail Fraud)**

**The Grand Jury Further Charges That:**

1. The allegations in the Introduction and Count 51 are incorporated herein by reference.

**THE OBJECT OF THE CONSPIRACY**

2. Between in or about August 2020 and in or about July 2022, in the Western District of New York, and elsewhere, the defendants, JOHN ENGLER, ALEC DIERNA, TOMMY LEE COBURN, KYLE PAUL EDWARD GIBSON, NICHOLAS SCARANTINO and HEATHER DIERNA, did knowingly, willfully, and unlawfully combine, conspire, and agree with others, known and unknown to the Grand Jury, including Dylan Paul Costanza, Bryan Lantry, T.H. and S.D., to devise a scheme and artifice to defraud victim companies throughout the United States, and to obtain money and property from such victim companies by means of false and fraudulent pretenses, representations, and promises, and for the purposes of executing such scheme and artifice to place in any post office and authorized depository for mail matter, matter and things to be sent and delivered by the Postal Service; to deposit, and cause to be deposited, matter and things to be sent and delivered by private and commercial interstate carrier; and to knowingly cause to be delivered by mail and private and commercial interstate carrier according to the direction thereon and at the place at which it was directed to be delivered by the person to whom it was addressed matter and things, in violation of Title 18, United States Code, Section 1341.

3. The object of the conspiracy and scheme was to mass mail documents that appeared to be legitimate invoices to many thousands of primarily large companies throughout the United States (collectively, the “Victim Companies” and individually, a

“Victim Company”) to trick and defraud the Victim Companies into paying the fake and fictitious invoices (“fictitious invoices”) under the mistaken belief that the Victim Companies had previously ordered and received the products listed on the fictitious invoices. The names of the following sham companies identified below (collectively, the “Sham Companies”) were used on the fictitious invoices:

- a. Office Outlet - (John Engler)
- b. America’s Best - (John Engler)
- c. United Chemicals - (Alec Dierna)
- d. Hi-Tech Industrial - (Dylan Costanza)
- e. North Atlantic Supply – (Tommy Coburn)
- f. Top Tier Chemicals - (Tommy Coburn)
- g. Nationwide Chemicals - (Kyle Gibson)
- h. Direct Chemical - (Nicholas Scarantino)
- i. Easton Chemical – (T.H.)
- j. Safety Supply - (Bryan Lantry)
- k. Union Gloves - (Bryan Lantry)

## **OVERVIEW OF CONSPIRACY**

### ***Defendants/Coconspirators Entry in Conspiracy/Scheme***

4. In or about January 2019, ENGLER began mailing fictitious invoices in the name of Office Outlet from Florida to Victim Companies and continued to do so until in or about August 2019.

5. In or about August 2019, ENGLER then began mailing fictitious invoices in the name of America’s Best from Florida to Victim Companies and continued to do so until in or about August 2020.

6. In or about August 2020, ENGLER recruited ALEC DIERNA to participate in his scheme, which began the conspiracy. Fictitious invoices in the name of ALEC



DIERNA's company, United Chemicals, were mailed from Florida to Victim Companies until in or about April 2021.

7. In or about October 2020, Dylan Paul Costanza joined the conspiracy. Fictitious invoices in the name of Dylan Paul Costanza's company, Hi-Tech Chemical, were mailed from Florida to Victim Companies until in or about February 2021.

8. In or about February 2021, GIBSON joined the conspiracy. Fictitious invoices in the name of his company, Nationwide Chemical, were mailed from Florida to Victim Companies until in or about September 2021.

9. In or about January 2021, COBURN and HEATHER DIERNA joined the conspiracy. Fictitious invoices in the names of COBURN's companies, North Atlantic Supply and Top Tier Chemical, were mailed in bulk from Florida to HEATHER DIERNA in the Rochester, New York area until in or about November 2021. HEATHER DIERNA then mailed the individual fictitious invoices from the Rochester, New York area to Victim Companies.

10. In or about February 2021, T.H. joined the conspiracy. Fictitious invoices in the names of his company, Easton Chemicals, were mailed to Victim Companies until in or about May 2021.

11. In or about July 2021, SCARANTINO joined the conspiracy. Fictitious invoices in name of SCARANTINO's company, Direct Chemicals, were mailed in bulk from Florida to SCARANTINO in California until in or about November 2021. SCARANTINO then mailed the individual fictitious invoices from California to Victim Companies.

12. In or about May 2021, Bryan Lantry joined the conspiracy. Fictitious invoices in the names of his companies, Safety Supply and Union Gloves, were mailed to thousands of Victim Companies until in or about November 2021.

13. In or about August 2021, S.D. joined the conspiracy. His companies, Wholesale Chem Supplies LLC and Five Star Warehouse LLC, were used in an attempt to conceal the fraud after Victim Companies paid the fictitious invoices.

### **Large Companies Targeted**

14. The defendants targeted large companies (the Victim Companies) located all over the United States to send fictitious invoices because it was less likely, especially during the COVID-19 pandemic, that such companies' account payable departments would question (a) whether another of the companies' departments had in fact previously ordered and received the products listed on the fictitious invoices, and (b) the relatively small amounts owed on the fictitious invoices. The defendants identified the Victim Companies through the purchase of mailing lists.

### **Design of the Fictitious Invoices**

15. While intending that the fictitious invoices look exactly like legitimate invoices, the defendants placed in hard-to-find places statements, usually on the second page, (a) that the documents were merely "solicitations" to order product, and (b) that there was no obligation to pay the amounts listed on the fictitious invoices. Below are examples from of such documents from each of the Sham Companies:

a. North Atlantic Supply



**North Atlantic Supply Company**

info@NorthAtlanticSupplyCompany.com  
 250 Mill Street Rochester, NY. 14614  
 (888) 30-NORTH

DATE: 3/12/2021  
 I.D. # NA-21011

TO: [Redacted]  
 Sarasota FL 34240  
 (941) 488-7374



100620

ITEMIZED ORDER FORM / QUOTE	QTY	UNIT PRICE	AMOUNT
Concentrated Cleaner and Degreaser	1	\$579.99	\$579.99
Shipping	1	\$58.89	\$58.89
Discount (Code:50OFF2021)	1	(\$50.00)	(\$50.00)
ADD ADDITIONAL ITEMS BELOW THIS LINE			
MARCH SALES TAX			
<b>SUBTOTAL</b>			<b>588.88</b>
<b>TAX</b>			<b>-</b>
<b>TOTAL</b>			<b>\$ 588.88</b>

YOUR BUSINESS IS APPRECIATED  
 WE DO NOT EXPORT TO CANADA  
 CHECKS SHOULD BE MAILED TO CORPORATE OFFICE BELOW

NorthAtlanticSupplyCompany.com

TO: [Redacted]  
 Sarasota FL 34240

**MAILING ADDRESS:**  
**North Atlantic Supply Company**  
 250 Mill Street  
 Rochester, NY. 14614  
 (888) 30-NORTH

DATE: 3/12/2021  
 ID #: NA-21011  
 ENCLOSED TOTAL:

DEGREASERS		
BLAST	CONCENTRATED, HEAVY-DUTY DEGREASER	KE-22
BLAST	HIGH-STRENGTH, CITRUS FOAM DEGREASER	KE-204R
TRU-ROBOLT	SOY-BASED TAR AND ASPHALT REMOVER	KE-76C
CITRA-BOLT	FAST DRY CITRUS ELECTRICAL CLEANER	KE-77D
CITRA-CRYSTALS	CITRUS DEGREASER POWDER	KE-172E
D-SCALE	INHIBITED ACID DETERGENT/CONCRETE CLEANER	FE-114
ECO-ZYM	ECO-FRIENDLY ENZYME DEGREASER	FE-185BEO
BACKPETS	CONCRETE CLEANER - ENZYME POWDER	KE-288R
SAFETY-SOLV	SAFETY SOLVENT ELECTRICAL CLEANER	FE-200A
CITRA-SOLVE	CITRUS ELECTRICAL EQUIPMENT DEGREASER	KE-261R
CHEM-FLOC-10R	FOAMING CLEANER & GRILL CLEANER	FE-101D
PORT-100S	DEGREASER PORTION CONTROL PACKETS	PORT-100C

DISINFECTANTS		
CITRA-SHIELD	CITRUS DISINFECTANT SPRAY	KE-15
SHIELD	DISINFECTANT FOAM CLEANER	FE-20A
SHIELD-Q	LIQUID SPRAY DISINFECTANT	TK
SHIELD-G-CITRUS	DISINFECT CITRUS CONCENTRATE	FE-16AP
SHIELD-G-LEMON	DISINFECT LEMON CONCENTRATE	FE-16AP
SHIELD-Q-FV-B	DISINFECT FINE CONCENTRATE	KE-164Fz
SHIELD-ULTRA	HOSPITAL GRADE DISINFECTANT	KE-17M
DISC-10E	ULTRA DISINFECTANT WIPE	DISC-10E
EL-CAMARON	MILD ACID BOWL CLEANER	EL-CAMARON
PORT-100	PORTION DISINFECTANT PACKETS	PORT-100C
PUNCH-CITRUS	CITRUS DISINFECTANT FOGGER	KE-150T
TUFF-SURF	MILD ACID BOWL CLEANER	TUFF-SURF
WHITE DIAMOND	70% ACID BOWL CLEANER	WHITE DIAMOND
WIPE-DUTY	TABLETS, KILLS C. DIFF.	WIPE-DUTY

DRAIN AND GREASE TRAP		
BIO-ZYME	DISSOLVING ENZYME BLOCKS	KE-398Z
BLAST-OUT	NON-ACID DRAIN OPENER	BLAST-OUT
MASTER-A	ACID URINAL OPENER/DESCALER	KE-1148E
BLITZ	NON-ACID URINAL OPENER	BLITZ
CHISEL	CITRUS GREASE TRAP OPENER	CHISEL
DRAIN-POWER	SULFURIC ACID DRAIN OPENER	DRAIN-POWER
DRAIN-SEAL	URINAL / DRAIN ODOR SEAL	DRAIN-SEAL
DRIZO-B	DRY LIQUID ENZYMES	KE-196B
DRIZO-N-CHEEK	HIGH COUNT LIQUID ENZYMES	KE-185BCH
DRIZO-W-CITRUS	HIGH COUNT LIQUID ENZYMES	KE-196WCT
DRIZO-ZYM	DRAIN / FRUIT FRY ELIMINATOR	DRIZO-ZYM
HYDRO-BEAST	GREASE TRAP DEEP CLEANER/OPENER	FE-1314VD
POWDER-ZYME	POWDERED BACTERIAL ENZYMES	KE-39
RESOLVE-IT	LIQUID ENZYME DRAIN DEODORIZER	RESOLVE-IT

AUTOMATIC DISPENSING SYSTEMS		
PRO-DESK-FIBER-KOZY-1100	DRAIN/GREASE TRAP AUTOMATIC DRIP SYSTEM	PRO-DESK-11
PRO-DESK-FIBER-KOZY-1100-SPR	DRAIN/GREASE TRAP AUTOMATIC DRIP SYSTEM	PRO-DESK-11
PRO-BATTERY-DRAIN-CHEEK	DRAIN/GREASE TRAP AUTOMATIC DRIP SYSTEM	PRO-DESK-11
PRO-DESK-FIBER-KOZY-1100	ADVANCED AUTOMATIC DRIP SYSTEM	PRO-DESK-11

DUMPSTER AND TRASH CHUTE		
AEROSOLS		
BLAST	DUMPSTER CLEANER & DEODORIZER	KE-204T
PUNCH - MIST TEA	TRASH ROOM ODOR FOGGER	KE-105MT
PUNCH - BUG BOMB	INDUSTRIAL INSECT FOGGER	KE-105Z
GRANULES		
DUMPSTER DAISY	ODOR GRANULES & INSECT REPELLENT	DDMPTER-DA
DUMPSTER-E	ODOR GRANULES & INSECT REPELLENT	DDMPTER-E
3FO GRANULES	CHEERY DEODORIZING GRANULES	KE-131
SCENT-BLOCK	HEAVY-DUTY DEODORANT BLOCK	KE-112D
LIQUID SOLUTIONS		
CITRA-CIDE	ALL NATURAL INSECTICIDE LIQUID	KE-106A
ENZO IV - CHERRY	HIGH COUNT LIQUID ENZYMES	KE-185BCH
ENZO IV - CITRUS	HIGH COUNT LIQUID ENZYMES	KE-185BCT
ODOR-OUT II	CONCENTRATED LIQUID DEODORIZER	KE-131
ODOR-OUT III	OIL-BASE LIQUID DEODORIZER	KE-131
SHARPSHOOTER	TRASH CHUTE CLEANER/DEODORIZER	FE-3049D
MISTERS & APPLICATORS		
ULTIMATE MISTER	DUMPSTER/CHUTE AUTO MISTING SYSTEM	AROMA-7
HOSE CONNECT SPRAYER	FOAMING HOSE CONNECT SPRAYER	FOH-100
PUMP SPRAYER1	1 GALLON PUMP SPRAYER	POH-1
PUMP SPRAYER2	3 GALLON PUMP SPRAYER	POH-1
PUMP SPRAYER3	FOAMING PUMP SPRAYER (2 GAL)	POH-2



**North Atlantic Supply Company**  
 250 Mill Street  
 Rochester, NY, 14614  
 (888) 30-NORTH

Visit [NorthAtlanticSupplyCompany.com](http://NorthAtlanticSupplyCompany.com) for more information about our products and services. To place an order please contact your sales representative directly.

North Atlantic Supply Company is proud to offer most products in one, five, fifty, or two hundred and fifty gallon containers. Call (877) 80-NORTH or visit [NorthAtlanticSupplyCompany.com](http://NorthAtlanticSupplyCompany.com) to place an order or request a quote!

STEM CLEANERS, WEED KILLERS, INDUSTRIAL CLEANER, DRAIN OPENERS, DISINFECTANTS, AUTOMOTIVE, ODOR CONTROL, SOLVENT BASED CLEANERS, ALL NATURAL

This is a solicitation for the order of goods or services, or both, and not a bill, invoice, or statement of account due. You are under no obligation to make any payments on account of this offer unless you accept this offer.

We proudly serve the following industries and more:

- Manufacturing
- Food Industry
- Chemicals / Fertilizer
- Pet Food / Animal
- Feed Minerals / Building Materials
- Seed and Grain Pharmaceuticals
- Automotive



North Atlantic Supply Company (888) 30-NORTH  
 250 Mill Street  
 Rochester, NY, 14614 [www.NorthAtlanticSupplyCompany.com](http://www.NorthAtlanticSupplyCompany.com)



***b. Nationwide Chemicals***

**ORDER FORM**

**Nationwide Chemicals**  
 777 S. Flagler Dr. Suite 800 West Tower  
 West Palm Beach, FL 33401  
 (866) 204-3623  
 NationwideChemicals.com

~~18297~~  
 18297

DATE: 3/9/2021  
 SALES ID #: REF-10391

MAIL TO ADDRESS:



Wolf Creek MT 59648

SHIP TO ADDRESS:



Wolf Creek MT 59648  
 (406) [Redacted]

DATE	SALES ID #	SHIP
3/9/2021	REF-10391	Fed Ex

PRODUCT	DESCRIPTION	QUANTITY	UNIT PRICE	QUOTED TOTAL
SHOP CLEAN - 1104	MULTI-PURPOSE CONCENTRATE CLEANER AND DEGREASER: CAR WASH / TRUCK WASH / SHOP WASH	4	129.95	519.80
Freight	Standard Shipping	1	58.59	58.59

**SPECIAL INSTRUCTIONS**

ASK ABOUT OUR CUSTOM BLENDED CLEANING SUPPLIES.

SUBTOTAL \$ 578.39  
 TAX RATE 0.000%  
 TAX \$ -  
 S & H \$ -  
**TOTAL \$ 578.39**

Make all checks payable to  
**Nationwide Chemicals**

***Thank You For Your Business!***

Please include your sales I.D. number # on your check/order or detach the portion below.

Your Company:  
  
 Wolf Creek MT 59648  
 (406) [Redacted]

Remittance:  
 Nationwide Chemicals  
 777 S. Flagler Dr. Suite 800 West Tower  
 West Palm Beach, FL 33401  
 (866) 204-3623

DATE: 3/9/2021  
 SALES ID #: REF-10391

VISIT NATIONWIDECHEMICALS.COM FOR ALL YOUR CLEANING NEEDS!

# NATIONWIDE CHEMICALS

FROM AGRICULTURE TO SHOP, WE HAVE A GREEN SOLUTION THAT IS RIGHT FOR YOU. TO LEARN MORE CALL (866) 204-3623

Dehydrate-IT offers a special blend of tough cleaning agents formulated to remove silt and soil from walls, fixtures, sealed wood, painted surfaces, yet gentle enough to be used as a multi-surface cleaner. It also removes heavy stains. SKU: DehydIT10

Citrus Clean is a non-butyl cleaner, degreaser and deodorant for use with power washer, scrubbers mops buckets, and spray-and-wipe applications. This advanced formula quickly emulsifies soil types such as animal fats and petroleum greases. SKU: CitClean105

Now infused with SenCo's molecular counteracting technology, Day1 Clean cuts through dirt, grime, AND odors! Leaves no streaks, haze, or residues. Low-foam and concentrated. It works best mixed 1:3 ounces per gallon. Apply with an automatic scrubber or mop for terrific results! SKU: Day103

An Environmentally safe cleaner formulated for everything from tough degreasing to mild cleaning, this industrial-strength concentrate holds grease, dirt, grime and soil in suspension for easy removal and rinsing. Industrial Clean is always friendly to earth while getting the job done. SKU: Indust118

Get the Purple EnergyHouse that handles everything from heavy soil to tough stripping jobs. The formula eradicates rust, oil, and grease, yet contains no damaging solvents. Not for use on vinyl-type flooring or where E.P.A. prohibits. SKU: Purple127

This is a solicitation for the order of goods or services, or both, and not a bill, invoice, or statement of account due. You are under no obligation to make any payments on account of this account of this offer unless you accept this offer.

## ALL YOUR PPE NEEDS

**LEVEL 2  
50 COUNT BOX  
\$66<sup>50</sup>**


**NITRILE  
100 COUNT BOX  
\$10<sup>99</sup>**

**SPRAY & PAPER  
32oz BOTTLE ROLL  
\$5<sup>99</sup> \$2<sup>99</sup>**



c. Safety Supply



DATE	6/30/21
LD. NUMBER	725704
	For Questions Call 1 (877) 744-9155 or visit us at safetysupplycenter.com

  
Clarence Center NY 14032

Ship To:  
  
Clarence Center NY 14032

**Itemized Products**

Product Code	Description	Quantity	Units	Rate
G2653830	Disposable Gloves, Latex Free, Powder Free, Polyethylene	500	PK	\$ 385.00
G3433923	Safety Glasses, Clear Full Frame	24	EA	\$ 210.50
G1621192	Vented Bump Cap, Yellow, Pinlock, Bell	12	EA	\$ 450.00
G1292939	U-Block Safety Vest Class 2, Yellow/Gm	10	EA	\$ 385.00
G9735404	Uncorded Ear Plugs, Bell Shape 33dB	200	EA	\$ 215.50
DISCOUNT500	FreeShipping FedEx: FREESHIPOVER500	1	SHIP	\$ 0

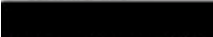
SUBTOTAL \$ 1,763.00  
SHIPPING Free  
TAX -  
TOTAL \$ 1,763.00

SALES PERSON Jason B	REQUISITIONER	SHIPPING VIA United Parcel Service
-------------------------	---------------	---------------------------------------

Safety Supply Center provides unique capabilities and resources that allow us to acquire one of the best reputations for quality and service in the industry. With over 3000 products to offer, we are confident that we are your one-stop-shop for all PPE-related things. Our goal is to make safe and comfortable work environments with our products. It is crucial to be OSHA and safety law compliant; we're here to help. All personal protective equipment can be ordered in bulk and customized to have your company logo on it. For any further questions or to request another quote contact our sales team. This is a solicitation for the order of goods or service, or both, not a bill, invoice, or statement of account due. You are under no obligation to make any payment on account of this offer unless you accept this offer. As an equal opportunity employer, we strive for 100 percent customer satisfaction. Our focus is to leave a positive impact on all aspects of society through our products and team.

1. All products insured upon delivery
2. Orders over \$500 qualify for free shipping
3. Express shipping available upon request & additional quoting

PLEASE MAIL CHECKS TO OUR CORPORATE OFFICE BELOW

Customer Info:  
  
Clarence Center NY 14032

Payment Information:  
Safety Supply Center  
150 E Palmerto Park Rd STE 800  
Boca Raton, FL 33432

Order ID: 725704  
Date: 6/30/21  
Shipping: UPS Standard  
Total: \$1,763.00

AMERICAN OWNED AND OPERATED  
YOUR BUSINESS IS APPRECIATED

FOR MORE REQUEST EMAIL AP@SAFETYSUPPLYCENTER.COM



16. When questioned by any of the Victim Companies or government agencies about the legitimacy of the fictitious invoices, the defendants would falsely claim that the intended purpose of the documents was merely to “solicit” future business from the Victim Companies.

**Victim Companies Tricked into Paying the Fictitious Invoices**

17. As a result of the scheme and conspiracy, from the many thousands of Victim Companies that received fictitious invoices, approximately 5,458 of such Victim Companies were tricked and defrauded into believing that they had received a legitimate invoice for products that they had previously ordered and received from the Sham Companies. Many of such Victim Companies were tricked and defrauded more than once.

18. The approximately 5,458 Victim Companies that were tricked and defrauded into paying the fictitious invoices made a total of 8,613 payments to the Sham Companies. Many of such payments were made by the mailing of checks to the Sham Companies to Florida or Rochester, New York, while in a few cases, the Victim Companies paid the fictitious invoices by electronic payment.

19. Checks from the Victim Companies that were mailed to Rochester, New York were picked up by HEATHER DIERNA and deposited by her into bank accounts in the names of North Atlantic Supply and Top Tier Chemical.

20. The total amount paid by the approximately 5,458 Victim Companies to the Sham Companies was approximately \$8,010,543.50. From this amount, approximately \$4,015,741.03 was transferred to the ringleaders, ENGLER and ALEC DIERNA, or to



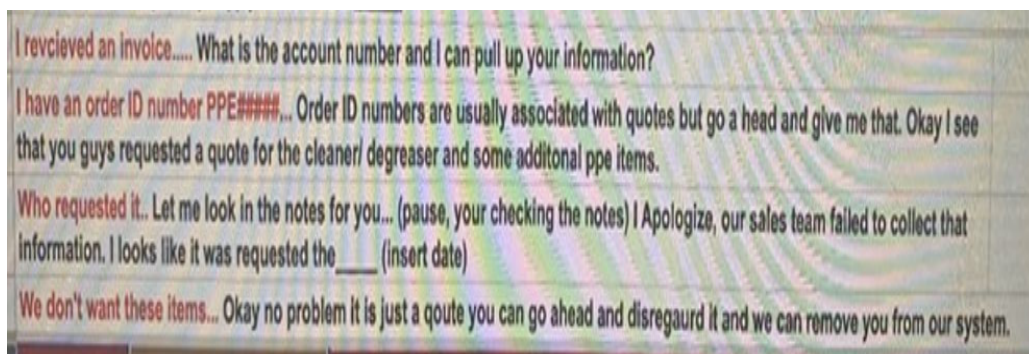
companies owned by them, including, Prince Venture Capital LLC, Engler Holdings LLC, and Dierna Enterprise LLC.

**Victim Companies Not Tricked into Paying The Fictitious Invoices**

21. The defendants set up a call center to handle the thousands of calls and emails that the Sham Companies would receive from Victim Companies who, while not being immediately tricked into paying the fictitious invoices, had questions about why they had received what they believed were invoices (not “solicitations”).

22. At the call center, fictitious employee names from the Sham Companies were used to provide false statements and false explanations to respond to inquiries from Victim Companies or government agencies. For example, Victim Companies who inquired about the fictitious invoices would be told that some unknown employee from the Victim Companies had requested that the Sham Companies provide a quote (or solicitation) for the products, when in fact, the defendants knew that the Victim Companies had never requested a quote.

23. Below is an example of a script used by the defendants or their employees at the call center when the Victim Companies contacted the Sham Companies to inquire about what the Victim Companies believed was an invoice:

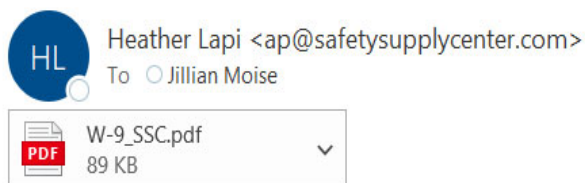


24. As depicted in the first line of the script, the defendants, who were anticipating that the Victim Companies who were not immediately tricked into paying the fictitious invoices would still believe that what they had received was an “invoice”, would not advise the Victim Companies that the document was only a “solicitation”.

25. As depicted later in the script, even though the defendants knew that the Victim Companies had never requested any products or quotes for such products, the defendants and their employees would respond to the question “*Who requested it*” by falsely stating “*Let me look in the notes for you...(pause your checking the notes) I apologize our sales team failed to collect that information*” and it “*looks like it was requested \_\_\_\_ (insert date)*”.

26. When the Victim Companies requested that the Sham Companies provide an IRS Form W-9 before a payment could be made, the defendants did not advise the Victim Companies that the document they received was not an invoice, and the defendants used fictitious employee names when communicating with the Victim Companies and when signing the Form W-9s. For Example, as depicted below, a victim company emailed Safety Supply stating “I received invoice 759776 in the mail. Could you please send me your W9.” In the response by Safety Supply, the victim company was not corrected nor informed that the mailing was a solicitation and not an invoice.

Re: W9 Request and address changed.



Hello,

Your W-9 request has been processed. Please see attached file.

The address has been updated! Thank you!

Have a great day!

Customer Service  
Safety Supply Center  
150 E Palmetto Park Rd #800  
Boca Raton, FL 33432

On Oct 14, 2021, at 2:37 PM, Jillian Moise <[Jillian\\_Moise@nsmech.com](mailto:Jillian_Moise@nsmech.com)> wrote:

Hello,  
I received invoice 759776 in the mail. Could you please send me your W9 so I can put you in our system?  
Also, you have our wrong address on file. Our updated address is:  
72 Jonspin Rd  
Wilmington MA 01887  
Future invoices can also be emailed to: [ap@nsmech.com](mailto:ap@nsmech.com)  
Thanks!

**Shipping Cheap Product to Cover Up the Fraud**

27. After receiving a payment from the Victim Companies who were tricked into paying the fictitious invoices, the defendants attempted to cover up their fraud by having delivered to such Victim Companies inexpensive products worth substantially less than what the Victim Companies had been charged.

28. For most of the Sham Companies, the Victim Companies usually received one box containing four 1-gallon jugs of cheap and inexpensive cleaner/degreaser solution worth approximately \$20 for which they were charged more than \$560.

29. For Safety Supply and Union Gloves, the Victim Companies received cheap and inexpensive personal protection equipment (“PPE”) products. For example, the Victim Companies would receive a 100-pack of disposable gloves worth approximately \$12 for which they charged the Victim Companies \$390.

30. In addition to attempting to cover up their fraud by delivering cheap cleaner/degreaser or PPE products to the Victim Companies, the defendants made it impossible for the Victim Companies to connect and link the delivery of such products to the Victim Companies prior payment of the fictitious invoices, by doing, among other things, the following:

a. The products were not delivered to the Victim Companies until several weeks or months after the Victim Companies had been tricked into paying the fraudulent invoices. For example, one of the Victim Companies made its payment to Hi-Tech Industrial Chemical on or about December 17, 2020, but the company did not receive the cheap cleaner/degreaser products until on or about March 12, 2021.

b. The products when delivered did not include a copy of the document appearing to be a legitimate invoice nor any other shipping document that would have connected the products to the fictitious invoice which the Victim Companies had paid,

c. The products when delivered did not include any information identifying that the products had been purchased from the Sham Companies.

d. Oftentimes, the only paperwork included with the shipment of cleaner/degreaser products was a sheet of paper indicating the contents were a “sample”, which would cause the Victim Companies to believe that what they received was an unsolicited sample of products that they could purchase in the future and which would result in such Victim Companies not connecting the “sample” products to the fictitious invoices which the Victim Companies had been tricked into paying. Below is an example of a Pick Ticket included with a shipment of cleaner/degreaser products received by a Victim Company which indicates the shipment contains merely “sample product”:

Date: 05/18/21 Pick Ticket

**SIMPLE PRO** Order Number 159805 - 304

REF: DE-1831- 2285

Ship To: *Brighton Cabinetry*

**PACKING LIST**

Contact Simple Pro at (877) 871-7628 to get more information regarding this **sample product.**

Ship Via	Required Date
FedEx Ground	

Item Number	Description	U/M	Locator Bin	Quantity
Non-stock				Req. Filled
	SIMPLE PRO S100 - 5 GAL.		<i>6011</i>	<div style="border: 1px solid black; border-radius: 50%; padding: 2px; display: inline-block;">1 PAIL</div> <span style="font-size: 2em; vertical-align: middle;">①</span>

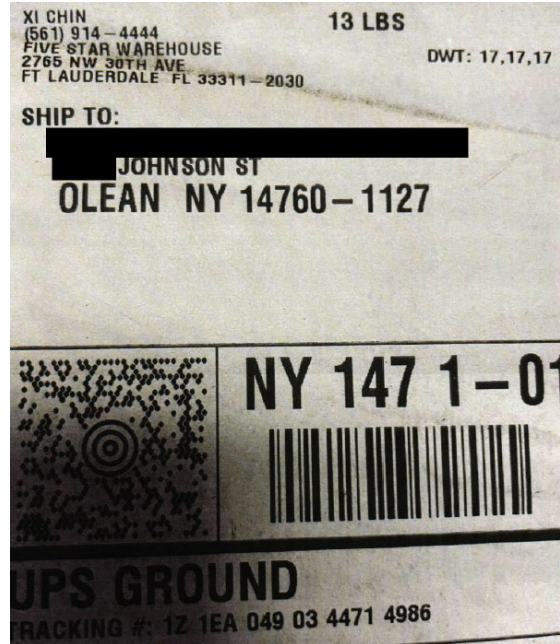
*Sample*

e. The company name on the return address labels when the cleaner/degreaser products were delivered contained the name of companies other than the Sham Companies, that is, either Simple Pro Solutions or Wholesale Chem Supplies. Below are examples of such labels:



f. The PPE products from Safety Supply and Union Gloves when delivered contained fraudulent return address information on the shipping labels that contained (i) a fictitious person’s name, “Xi Chin”, (ii) a different business name, “Five Star Warehouse”, and (iii) made-up phone numbers that belonged to a teenage girl in Florida and a woman in the Rochester, New York area, both of whom received numerous phone calls from various Victim Companies inquiring about the products that the Victim Companies had just received which they believed they had never ordered. Below is an example of such a shipping label with fraudulent return address information:





31. Despite the defendants' contention that the documents they sent to the Victim Companies were not invoices but were merely "solicitations" or "quotes" to find new customers, the defendants, after receiving payments from the Victim Companies, who thus would have responded favorably to the documents if in fact such documents were merely "solicitations" or "quotes", never again attempted to contact the Victim Companies (a) to sell additional products or to develop customer relationships, both of which would have been expected as normal business practices if in fact the Victim Companies had responded favorably to legitimate "solicitations" or "quotes", and (b) because any such contact would have alerted the Victim Companies that they had been previously tricked into paying the fictitious invoices.

**MEANS BY WHICH THE OBJECT OF THE  
CONSPIRACY WAS TO BE ACCOMPLISHED**

The object of the conspiracy was accomplished through the following means and methods:

**Victim Companies Nationwide**

32. Between in or about January 2019, and in or about November 2021, documents that the defendants intended to trick the Victim Companies into believing was a legitimate invoice from the Sham Companies for products that the Victim Companies had previously ordered and received were mailed from Florida and Rochester, New York to many thousands of Victim Companies throughout the United States

33. The Victim Companies that were tricked into paying the fictitious invoices would mail a check to either Florida or Rochester, or in a few cases, make an electric payment.

34. Between in or about the dates set forth below, the approximate number of Victim Companies set forth below (a) received fictitious invoices by mail in the names of the Sham Companies set forth below, and (b) were tricked into making payments to such Sham Companies in the approximate amounts set forth below, by either mailing checks or electronic payments:



<b>SHAM COMPANIES</b>	<b>DATES OF PAYMENT OF FICTITIOUS INVOICES</b>	<b>APPROXIMATE NUMBER OF PAYMENTS BY THE APPROXIMATELY 5,458 VICTIM COMPANIES</b>	<b>TOTAL APPROXIMATE AMOUNT OF PAYMENTS</b>
Office Outlet	01/2019-07/2021	170	\$100,194.90
America's Best	08/2019-09/2020	433	\$254,097.12
United Chemicals	08/2020-04/2021	880	\$524,713.12
Hi-Tech Industrial	11/2020-04/2021	425	\$255,822.78
Nationwide Chemical	02/2021-09/2021	1,145	\$822,583.46
Easton Chemical	04/2021-05/2021	128	\$79,328.86
Direct Chemical	07/2021-11/2021	873	\$861,268.66
North Atlantic Supply	02/2021-09/2021	1,805	\$1,385,442.67
Top Tier Chemicals	07/2021-11/2021	1,265	\$1,257,380.40
Safety Supply	05/2021-04/2022	1,210	\$2,188,462.02
Union Gloves	10/2021-05/2022	279	\$281,249.50
<b><i>TOTAL (approximate)</i></b>		<b><i>8,613</i></b>	<b><i>\$8,010,543.50</i></b>

35. The Victim Companies' payments totaled approximately \$8,010,543.50 were deposited into bank accounts in the names of the Sham Companies. From this amount, approximately \$4,015,741.03 was transferred to bank accounts belonging to ENGLER and ALEC DIERNA, or to their companies, Prince Venture Capital LLC, Engler Holdings LLC, and Dierna Enterprise LLC.

36. After receiving a payment from the Victim Companies, inexpensive cleaner/degreaser or PPE products, worth substantially less than what the Victim Companies had been charged, were delivered and shipped by private commercial carrier to the Victim Companies with no identifying information or documentation connecting such deliveries to the Sham Companies, and with misleading return address information on the shipping labels.

**Victim Companies in Western District of New York**

37. On or about the dates set forth below, the Victim Companies identified below, received by the United States Postal Service to the places set forth below in the Western District of New York, fictitious invoices in the names of the Sham Companies identified below by initials, which caused the Victim Companies to mail checks in the amounts set forth below from the Western District of New York to the Sham Companies on or about the dates set forth below:

VICTIM COMPANY	SHAM COMPANY	DATE INVOICE MAILED	CHECK AMOUNT PAYING INVOICE	PLACES INVOICE MAILED TO	DATE CHECK MAILED FROM WDNY
VC 1	ABC	05/27/2020	\$588.62	Buffalo, NY	6/30/2020
VC 2	NASC	04/02/2021	\$585.78	Henrietta, NY	04/13/2021
VC 3	NASC	04/02/2021	\$585.78	Lakewood, NY	05/10/2021
VC 4	NASC	04/02/2021	\$585.78	Brockport, NY	05/12/2021
VC 5	NWC	04/22/2021	\$588.69	Rochester, NY	05/05/2021
VC 6	NWC	06/10/2021	\$994.66	Avon, NY	07/15/2021
VC 7	NWC	06/10/2021	\$994.66	Tonawanda, NY	07/12/2021
VC 8	NWC	06/24/2021	\$3,970.24	Rochester, NY	07/25/2021
VC 9	NWC	06/03/2021	\$993.76	Niagara Falls, NY	07/15/2021
VC 10	NWC	06/24/2021	\$984.69	Henrietta, NY	08/20/2021
VC 11	SS	06/15/2021	\$1,924.79	Clarence Center, NY	06/22/2021
VC 11	SS	06/30/2021	\$1,763.00	Clarence Center, NY	07/09/2021

VICTIM COMPANY	SHAM COMPANY	DATE INVOICE MAILED	CHECK AMOUNT PAYING INVOICE	PLACES INVOICE MAILED TO	DATE CHECK MAILED FROM WDNY
VC 12	SS	07/14/2021	\$1,877.60	Rochester, NY	07/24/2021
VC 13	SS	07/28/2021	\$1,762.00	West Seneca, NY	08/13/2021
VC 14	SS	08/03/2021	\$1,764.00	Olean, NY	09/02/2021
VC 15	SS	08/03/2021	\$1,764.00	Williamsville, NY	09/08/2021
VC 16	SS	09/01/2021	\$1,778.00	Rochester, NY	09/10/2021
VC 17	SS	09/01/2021	\$1,778.00	LeRoy, NY	10/12/2021
VC 18	SS	09/14/2021	\$1,786.00	Kenmore, NY	11/05/2021
VC 19	SS	09/14/2021	\$1,786.00	Scottsville, NY	11/19/2021
VC 20	SS	09/21/2021	\$1,783.00	Buffalo, NY	10/08/2021
VC 21	SS	09/28/2021	\$1,781.00	Lancaster, NY	09/30/2021
VC 22	SS	10/05/2021	\$1,787.00	Victor, NY	10/18/2021
VC 23	SS	10/12/2021	\$1,789.00	Rochester, NY	11/05/2021
VC 24	SS	10/26/2021	\$ 978.00	Rochester, NY	11/04/2021
VC 25	TTC	08/16/2021	\$993.31	Andover, NY	08/25/2021

38. On or about the dates set forth below, the Victim Companies set forth below, received by the United States Postal Service or private commercial carrier in the town or city set forth below in the Western District of New York, inexpensive cleaner/degreaser or PPE products:

VICTIM COMPANY	DATE PRODUCTS MAILED/SHIPPED TO VICTIM COMPANIES	PLACE PRODUCTS MAILED/SHIPPED TO IN WDNY
VC 3	07/09/2021	Lakewood, NY
VC 4	07/27/2021	Brockport, NY
VC 5	03/01/2022	Henrietta, NY
VC 6	08/13/2021	Avon, NY
VC 7	09/02/2021	Tonawanda, NY
VC 10	10/26/2021	Henrietta, NY
VC 11	08/31/2021	Clarence Center, NY
VC 11	09/01/2021	Clarence Center, NY

<b>VICTIM COMPANY</b>	<b>DATE PRODUCTS MAILED/SHIPPED TO VICTIM COMPANIES</b>	<b>PLACE PRODUCTS MAILED/SHIPPED TO IN WDNY</b>
VC 12	01/12/2022	Rochester, NY
VC 13	08/25/2021	West Seneca, NY
VC 14	10/28/2021	Olean, NY
VC 15	11/11/2021	Williamsville, NY
VC 16	11/09/2021	Rochester, NY
VC 17	12/09/2021	LeRoy, NY
VC 18	01/26/2022	Kenmore, NY
VC 19	12/09/2021	Scottsville, NY
VC 20	01/26/2022	Buffalo, NY
VC 21	01/26/2022	Lancaster, NY
VC 22	12/09/2021	Victor, NY
VC 23	12/15/2021	Rochester, NY
VC 24	12/20/2021	Rochester, NY

**All in violation of Title 18, United States Code, Section 1349.**

**COUNT 2**

**(Mail Fraud)**

***America's Best – Fictitious Invoices Mailed***

**The Grand Jury Further Charges That:**

1. The allegations in the Introduction and in Counts 1 and 51 are incorporated herein by reference.
2. On or about May 27, 2020, in the Western District of New York, and elsewhere, the defendants, **JOHN ENGLER** and **ALEC DIERNA**, did devise, and intend to devise, a scheme and artifice to defraud a Victim Company identified as VC 1, and to obtain money and property from VC 1 by means of false and fraudulent pretenses, representations, and promises.

3. Between in or about February 2021, and in or about November 2021, in the Western District of New York, for the purpose of executing and attempting to execute the scheme and artifice, the defendants knowingly caused to be delivered by mail according to the direction thereon, deposited and caused to be deposited, and placed in an authorized depository for mail, to be sent and delivered by the Postal Service the following matter: a fictitious invoice for \$588.62 in the name of ALEC DIENRA's company, America's best.

**All in violation of Title 18, United States Code, Sections 1341 and 2.**

**COUNT 3**

**(Mail Fraud)**

***America's Best – Victim Company Checks Mailed***

**The Grand Jury Further Charges That:**

1. The allegations in the Introduction and in Counts 1, 2 and 51 are incorporated herein by reference.

2. On or about May 27, 2020, in the Western District of New York, and elsewhere, the defendants, **JOHN ENGLER** and **ALEC DIERNA**, did devise, and intend to devise, a scheme and artifice to defraud a Victim Company identified as VC 1, and to obtain money and property from VC 1 by means of false and fraudulent pretenses, representations, and promises.

3. Between in or about February 2021, and in or about November 2021, in the Western District of New York, for the purpose of executing and attempting to execute the scheme and artifice, the defendants knowingly caused to be delivered by mail according to the direction thereon, and caused to be deposited, and placed in an authorized depository for

mail, to be sent and delivered by the Postal Service, the following matter: a check from the VC 1 in the amount of \$588.62 to ALEC DIERNA's company, America Best.

**All in violation of Title 18, United States Code, Sections 1341 and 2.**

**COUNT 4**

**(Mail Fraud)**

***North Atlantic Supply – Fictitious Invoices Mailed***

**The Grand Jury Further Charges That:**

1. The allegations in the Introduction and in Counts 1 and 51 are incorporated herein by reference.

2. Between in or about February 2021, and in or about November 2021, in the Western District of New York, and elsewhere, the defendants, **JOHN ENGLER, ALEC DIERNA, TOMMY LEE COBURN** and **HEATHER DIERNA**, did devise, and intend to devise, a scheme and artifice to defraud Victim Companies, and to obtain money and property from Victim Companies by means of false and fraudulent pretenses, representations, and promises.

3. Between in or about February 2021, and in or about November 2021, in the Western District of New York, for the purpose of executing and attempting to execute the scheme and artifice, the defendants knowingly caused to be delivered by mail according to the direction thereon, and deposited and caused to be deposited, and placed in an authorized depository for mail, to be sent and delivered by the Postal Service, the following matter: fictitious invoices in the name of COBURN's company, North Atlantic Supply.

**All in violation of Title 18, United States Code, Sections 1341 and 2.**

**COUNT 5**  
**(Mail Fraud)**

***North Atlantic Supply – Victim Checks Mailed***

**The Grand Jury Further Charges That:**

1. The allegations in the Introduction and in Counts 1, 4 and 51 are incorporated herein by reference.

2. Between in or about March 2021, and in or about November 2021, in the Western District of New York, and elsewhere, the defendants, **JOHN ENGLER, ALEC DIERNA, TOMMY LEE COBURN** and **HEATHER DIERNA**, did devise, and intend to devise, a scheme and artifice to defraud the Victim Companies, and to obtain money and property from the Victim Companies by means of false and fraudulent pretenses, representations, and promises.

3. Between in or about March 2021, and in or about November 2021, for the purpose of executing, and attempting to execute, the scheme and artifice, the defendants knowingly caused to be delivered by mail according to the direction thereon, and caused to be deposited, and placed in an authorized depository for mail, to be sent and delivered by the Postal Service, the following matter: checks from the Victim Companies to COBURN's company, North Atlantic Supply.

**All in violation of Title 18, United States Code, Sections 1341 and 2.**

**COUNTS 6 and 7**  
**(Mail Fraud)**

***North Atlantic Supply – Cheap Product Shipped***

**The Grand Jury Further Charges That:**

1. The allegations in the Introduction and in Counts 1, 4, 5 and 51 are incorporated herein by reference.

2. Between in or about October 2020, and in or about January 2022, in the Western District of New York, and elsewhere, the defendants, **JOHN ENGLER, ALEC DIERNA** and **TOMMY LEE COBURN**, did devise, and intend to devise, a scheme and artifice to defraud Victim Companies, and to obtain money and property from Victim Companies by means of false and fraudulent pretenses, representations, and promises.

3. On or about the dates set forth below, for the purpose of executing, and attempting to execute, the scheme and artifice, the defendants placed in any post office and authorized depository mail matter to be sent and delivered by the Postal Service; deposited and caused to be deposited to be sent and delivered by private and commercial interstate carrier; and knowingly caused to be delivered by mail and private and commercial interstate carrier according to the direction thereon the following matter: inexpensive cleaner/degreaser products to Victim Companies who made payment to COBURN's company, North Atlantic Supply:

<b>COUNT</b>	<b>VICTIM COMPANY</b>	<b>DATE PRODUCTS MAILED/SHIPPED TO VICTIM COMPANIES</b>	<b>PLACE PRODUCTS MAILED/SHIPPED TO IN WDNY</b>
6	VC 3	07/09/2021	Lakewood, NY
7	VC 4	07/27/2021	Brockport, NY

**All in violation of Title 18, United States Code, Sections 1341 and 2**



**COUNT 8**  
**(Mail Fraud)**

***Top Tier Chemical – Fictitious Invoices Mailed***

**The Grand Jury Further Charges That:**

1. The allegations in the Introduction and in Counts 1 and 51 are incorporated herein by reference.

2. Between in or about February 2021, and in or about November 2021, in the Western District of New York, and elsewhere, the defendants, **JOHN ENGLER, ALEC DIERNA, TOMMY LEE COBURN** and **HEATHER DIERNA**, did devise, and intend to devise, a scheme and artifice to defraud Victim Companies, and to obtain money and property from Victim Companies by means of false and fraudulent pretenses, representations, and promises.

3. Between in or about February 2021, and in or about November 2021, in the Western District of New York, for the purpose of executing and attempting to execute the scheme and artifice, the defendants knowingly caused to be delivered by mail according to the direction thereon, and deposited and caused to be deposited, and placed in an authorized depository for mail, to be sent and delivered by the Postal Service, the following matter: fictitious invoices in the name of COBURN's company, Top Tier Chemical.

**All in violation of Title 18, United States Code, Sections 1341 and 2.**

**COUNT 9**  
**(Mail Fraud)**

***Top Tier Chemicals - Victim Checks Mailed***

**The Grand Jury Further Charges That:**

1. The allegations in the Introduction and in Counts 1, 8 and 51 are incorporated herein by reference.

2. Between in or about March 2021, and in or about November 2021, in the Western District of New York, and elsewhere, the defendants, **JOHN ENGLER, ALEC DIERNA, TOMMY LEE COBURN** and **HEATHER DIERNA**, did devise, and intend to devise, a scheme and artifice to defraud the Victim Companies, and to obtain money and property from the Victim Companies by means of false and fraudulent pretenses, representations, and promises.

3. Between in or about March 2021, and in or about November 2021, for the purpose of executing, and attempting to execute, the scheme and artifice, the defendants knowingly caused to be delivered by mail according to the direction thereon, and caused to be deposited, and placed in an authorized depository for mail, to be sent and delivered by the Postal Service, the following matter: checks from the Victim Companies to COBURN's company, Top Tier Chemical.

**All in violation of Title 18, United States Code, Sections 1341 and 2.**

**COUNTS 10 through 16**  
**(Mail Fraud)**

***Nationwide Chemicals – Fictitious Invoices and Victim Checks Mailed***

**The Grand Jury Further Charges That:**

1. The allegations in the Introduction and in Counts 1 and 51 are incorporated herein by reference.

2. Between in or about April 2021, and in or about January 2022, in the Western District of New York, and elsewhere, the defendants, **JOHN ENGLER, ALEC DIERNA** and **KYLE PAUL EDWARD GIBSON**, did devise, and intend to devise, a scheme and artifice to defraud Victim Companies, and to obtain money and property from Victim Companies by means of false and fraudulent pretenses, representations, and promises.

3. On or about the dates set forth below, in the Western District of New York, for the purpose of executing and attempting to execute the scheme and artifice, the defendants knowingly caused to be delivered by mail according to the direction thereon, and deposited and caused to be deposited, and placed in an authorized depository for mail, to be sent and delivered by the Postal Service, the following matter: fictitious invoices in the name of GIBSON's company, Nationwide Chemicals, and checks from the Victim Companies to Nationwide Chemicals:

<b>COUNT</b>	<b>VICTIM COMPANY</b>	<b>DATE OF INVOICE</b>	<b>AMOUNT INVOICE / CHECK</b>	<b>TOWN/CITY INVOICE MAILED TO</b>	<b>DATE CHECK MAILED FROM WDNY</b>
10	VC 5	04/22/2021	\$588.69	Rochester, NY	05/05/2021
11	VC 6	06/10/2021	\$994.66	Avon, NY	07/15/2021
12	VC 7	06/10/2021	\$994.66	Tonawanda, NY	07/12/2021

COUNT	VICTIM COMPANY	DATE OF INVOICE	AMOUNT INVOICE/CHECK	TOWN/CITY INVOICE MAILED TO	DATE CHECK MAILED FROM WDNY
13	VC 8	06/24/2021	\$1,985.24	Rochester, NY	07/25/2021
14	VC 8	06/24/2021	\$1,985.24	Rochester, NY	NA
15	VC 9	06/03/2021	\$993.76	Niagara Falls, NY	07/15/2021
16	VC 10	06/24/2021	\$984.69	Henrietta, NY	08/20/2021

**All in violation of Title 18, United States Code, Sections 1341 and 2.**

**COUNTS 17 through 20**  
**(Mail Fraud)**  
*Nationwide Chemicals – Cheap Products Shipped*

**The Grand Jury Further Charges That:**

1. The allegations in the Introduction and in Count 1, Counts 10 through 16, and 51 are incorporated herein by reference.

2. Between in or about October 2020, and in or about March 2022, in the Western District of New York, and elsewhere, the defendant, **JOHN ENGLER, ALEC DIERNA** and **KYLE PAUL EDWARD GIBSON**, did devise, and intend to devise, a scheme and artifice to defraud the Victim Companies, and to obtain money and property from the Victim Companies by means of false and fraudulent pretenses, representations, and promises.

3. On or about the dates set forth below, for the purpose of executing, and attempting to execute, the scheme and artifice, the defendants deposited and caused to be deposited, to be sent and delivered by private and commercial interstate carrier; and knowingly caused to be delivered by mail and private and commercial interstate carrier according to the direction thereon, the following matter: inexpensive cleaner/degreaser

products to Victim Companies who made payment to GIBSON's company, Nationwide Chemical:

COUNT	VICTIM COMPANY	DATE PRODUCTS MAILED/SHIPPED TO VICTIM COMPANIES	PLACE PRODUCTS MAILED/SHIPPED TO IN WDNY
17	VC 5	03/01/2022	Henrietta, NY
18	VC 6	08/13/2021	Avon, NY
19	VC 7	09/02/2021	Tonawanda, NY
20	VC 10	10/26/2021	Henrietta, NY

**All in violation of Title 18, United States Code, Sections 1341 and 2.**

**COUNTS 21 through 35**

**(Mail Fraud)**

***Safety Supply - Fictitious Invoices and Victim Checks Mailed***

**The Grand Jury Further Charges That:**

1. The allegations in the Introduction and in Counts 1 and 51 are incorporated herein by reference.

2. Between in or about May 2021, and in or about July 2022, in the Western District of New York, and elsewhere, the defendants, **JOHN ENGLER** and **ALEC DIERNA**, along with Bryan Lantry, did devise, and intend to devise, a scheme and artifice to defraud the Victim Companies, and to obtain money and property from the Victim Companies by means of false and fraudulent pretenses, representations, and promises.

3. On or about the dates set forth below, in the Western District of New York, for the purpose of executing and attempting to execute the scheme and artifice, the defendants knowingly caused to be delivered by mail according to the direction thereon, and deposited

and caused to be deposited, and placed in an authorized depository for mail, to be sent and delivered by the Postal Service, the following matter: fictitious invoices in the name of Bryan Lantry's company, Safety Supply, and checks from the Victim Companies to Safety Supply:

COUNT	VICTIM COMPANY	DATE INVOICE MAILED AND AMOUNT	TOWN/CITY INVOICE MAILED TO FROM FLORIDA	DATE CHECK MAILED FROM WDNY TO FLORIDA
21	VC 11	06/15/2021 \$1,924.79	Clarence Center, NY	06/22/2021
22	VC 11	06/30/2021 \$1,763.00	Clarence Center, NY	07/09/2021
23	VC 12	07/14/2021 \$1,877.60	Rochester, NY	07/24/2021
24	VC 13	07/28/2021 \$1,762.00	West Seneca, NY	08/13/2021
25	VC 14	08/03/2021 \$1,764.00	Olean, NY	09/02/2021
26	VC 15	08/03/2021 \$1,764.00	Williamsville, NY	09/08/2021
27	VC 16	09/01/2021 \$1,778.00	Rochester, NY	09/10/2021
28	VC 17	09/01/2021 \$1,778.00	LeRoy, NY	10/12/2021
29	VC 18	09/14/2021 \$1,786.00	Kenmore, NY	11/05/2021
30	VC 19	09/14/2021 \$1,786.00	Scottsville, NY	11/19/2021
31	VC 20	09/21/2021 \$1,783.00	Buffalo, NY	10/08/2021
32	VC 21	09/28/2021 \$1,781.00	Lancaster, NY	09/30/2021
33	VC 22	10/05/2021 \$1,787.00	Victor, NY	10/18/2021
34	VC 23	10/12/2021 \$1,789.00	Rochester, NY	11/05/2021
35	VC 24	10/26/2021 \$978.00	Rochester, NY	11/04/2021

**All in violation of Title 18, United States Code, Sections 1341 and 2.**

**COUNTS 36 through 50**  
**(Mail Fraud)**  
*Safety Supply – Cheap Product Shipped*

**The Grand Jury Further Charges That:**

1. The allegations in the Introduction and in Counts 1, 21 through 35, and 51 are incorporated herein by reference.

2. Between in or about May 2021, and in or about July 2022, in the Western District of New York, and elsewhere, the defendants, **JOHN ENGLER** and **ALEC DIERNA**, along with Bryan Lantry, did devise, and intend to devise, a scheme and artifice to defraud the Victim Companies, and to obtain money and property from the Victim Companies by means of false and fraudulent pretenses, representations, and promises.

3. On or about the dates set forth below, the defendants, for the purpose of executing, and attempting to execute, the scheme and artifice, placed in any post office and authorized depository mail matter to be sent and delivered by the Postal Service; deposited and caused to be deposited, to be sent and delivered by private and commercial interstate carrier; and knowingly caused to be delivered by mail and private and commercial interstate carrier according to the direction thereon, the following matter: inexpensive PPE products to Victim Companies who made payment to Bryan Lantry's company, Safety Supply:

<b>COUNT</b>	<b>VICTIM COMPANY</b>	<b>DATE PRODUCTS MAILED/SHIPPED TO VICTIM COMPANIES</b>	<b>PLACE PRODUCTS MAILED/SHIPPED TO IN WDNY</b>
36	VC 11	08/31/2021	Clarence Center, NY
37	VC 11	09/01/2021	Clarence Center, NY
38	VC 12	01/12/2022	Rochester, NY
39	VC 13	08/25/2021	West Seneca, NY



<b>COUNT</b>	<b>VICTIM COMPANY</b>	<b>DATE PRODUCTS MAILED/SHIPPED TO VICTIM COMPANIES</b>	<b>PLACE PRODUCTS MAILED/SHIPPED TO IN WDNY</b>
40	VC 14	10/28/2021	Olean, NY
41	VC 15	11/11/2021	Williamsville, NY
42	VC 16	11/09/2021	Rochester, NY
43	VC 17	12/09/2021	LeRoy, NY
44	VC 18	01/26/2022	Kenmore, NY
45	VC 19	12/09/2021	Scottsville, NY
46	VC 20	01/26/2022	Buffalo, NY
47	VC 21	01/26/2022	Lancaster, NY
48	VC 22	12/09/2021	Victor, NY
49	VC 23	12/15/2021	Rochester, NY
50	VC 24	12/20/2021	Rochester, NY

**All in violation of Title 18, United States Code, Sections 1341 and 2.**

**COUNT 51**  
**(Conspiracy to Engage in Money Laundering)**

**The Grand Jury Further Charges That:**

1. The allegations in the Introduction and Counts 1 through 50 are incorporated herein by reference.

**THE OBJECT OF THE CONSPIRACY**

2. Between in or about October 2020, and in or about January 2022, in the Western District of New York, and elsewhere, the defendants, **JOHN ENGLER, ALEC DIERNA, TOMMY LEE COBURN** and **KYLE PAUL EDWARD GIBSON**, did

knowingly, willfully and unlawfully combine, conspire and agree together and with each other, and with other persons both known and unknown to the Grand Jury:

(a) to knowingly engage in monetary transactions, affecting interstate commerce, in criminally derived property of a value greater than \$10,000, that is, the deposit, withdrawal, transfer and exchange of funds and monetary instruments by, through and to financial institutions engaged in and the activities of which affected interstate and foreign commerce, such property having been derived from specified unlawful activity, that is, mail fraud, in violation of Title 18, United States Code, Section 1341, and knowing that the funds and monetary instruments involved in the transactions constituted, and were derived from, proceeds obtained from a criminal offense, in violation of Title 18, United States Code, Sections 1957 and 2; and

(b) to knowingly conduct financial transactions affecting interstate commerce, that is, the deposit, withdrawal, transfer and exchange of funds and monetary instruments by, through and to financial institutions engaged in and the activities of which affected interstate and foreign commerce, which represented the proceeds of a specified unlawful activity, that is, mail fraud, in violation of Title 18, United States Code, Section 1341, with (i) the intent to promote the carrying on of specified unlawful activity, and (ii) knowing that the transactions were designed in whole or in part to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of specified unlawful activity, and that while conducting such financial transactions knew that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, in violation of Title 18, United States Code, Sections 1956(a)(1)(A)(i), 1956(a)(1)(B)(i) and 2.

**MEANS BY WHICH THE OBJECT OF THE  
CONSPIRACY WAS TO BE ACCOMPLISHED**

The object of the conspiracy was accomplished through the following means and methods:

3. Between in or about the dates set forth below, the approximate number of Victim Companies set forth below (a) received fictitious invoices by mail in the names of the Sham Companies set forth below, and (b) made payments to such Sham Companies in the approximate amounts set forth below, by either mailing and delivering checks or electronic payments, which payments funds were deposited into bank accounts and which represented criminally derived property and proceeds of specified unlawful activity:

<b>SHAM COMPANIES</b>	<b>DATES OF PAYMENT OF FICTITIOUS INVOICES</b>	<b>APPROXIMATE NUMBER OF PAYMENTS BY THE APPROXIMATELY 5,458 VICTIM COMPANIES</b>	<b>TOTAL APPROXIMATE AMOUNT OF PAYMENTS</b>
Office Outlet	01/2019-07/2021	170	\$100,194.90
America's Best	08/2019-09/2020	433	\$254,097.12
United Chemicals	08/2020-04/2021	880	\$524,713.12
Hi-Tech Industrial	11/2020-04/2021	425	\$255,822.78
Nationwide Chemical	02/2021-09/2021	1,145	\$822,583.46
Easton Chemical	04/2021-05/2021	128	\$79,328.86

<b>SHAM COMPANIES</b>	<b>DATES OF PAYMENT OF FICTITIOUS INVOICES</b>	<b>APPROXIMATE NUMBER OF PAYMENTS BY THE APPROXIMATELY 5,458 VICTIM COMPANIES</b>	<b>TOTAL APPROXIMATE AMOUNT OF PAYMENTS</b>
Direct Chemical	07/2021-11/2021	873	\$861,268.66
North Atlantic Supply	02/2021-09/2021	1,805	\$1,385,442.67
Top Tier Chemicals	07/2021-11/2021	1,265	\$1,257,380.40
Safety Supply	05/2021-04/2022	1,210	\$2,188,462.02
Union Gloves	10/2021-05/2022	279	\$281,249.50
<b><i>TOTAL (Approximate)</i></b>		<b><i>8,613</i></b>	<b><i>\$8,010,543.50</i></b>

4. Between in or about November 2020, and in or about November 2021, funds that had been deposited into bank accounts in the names of the Sham Companies, which represented criminally derived property and proceeds of specified unlawful activity, were withdrawn and transferred from such bank accounts in amounts greater than \$10,000.

5. Between in or about November 2020, and in or about November 2021, funds that had been deposited into bank accounts in the names of the Sham Companies, which represented proceeds from specified unlawful activity, were withdrawn to promote the carrying on of mail fraud, and to disguise the nature, the location, the source, the ownership and the control of the proceeds of the mail fraud.

#### **ACTS IN FURTHERANCE OF THE CONSPIRACY**

6. On or about the dates set forth below, the defendants and their coconspirators caused monetary transactions involving criminally derived property with a value greater than

\$10,000, that is, the withdrawal and transfer of funds in the approximate amounts set forth below from bank accounts in the names of the Sham Companies and other entities identified below by initials, to the bank accounts in the name of the defendants and other entities identified by initials:

DATE	COMPANY FUNDS FROM	COMPANY FUNDS TO	AMOUNT
03/17/2021	NASC	SPS	\$ 17,500
03/17/2021	NWC	SPS	\$32,500
03/18/2021	SPS	D.E.	\$25,000
03/18/2021	SPS	E.H.	\$25,000
03/25/2021	NASC	SPS	\$25,000
03/25/2021	NWC	SPS	\$25,000
03/25/2021	SPS	D.E.	\$15,000
03/25/2021	SPS	E.H.	\$15,000
03/25/2021	SPS	Costanza	\$15,000
04/05/2021	NASC	SPS	\$13,000
04/05/2021	NWC	SPS	\$30,000
04/05/2021	SPS	D.E.	\$16,000
04/05/2021	SPS	E.H.	\$16,000
04/09/2021	NASC	SPS	\$25,000
04/09/2021	NWC	SPS	\$25,000
04/09/2021	SPS	D.E.	\$15,000
04/09/2021	SPS	E.H.	\$15,000
04/16/2021	NASC	SPS	\$25,000
04/16/2021	NWC	SPS	\$40,000
04/16/2021	SPS	D.E.	\$22,000

DATE	COMPANY FUNDS FROM	COMPANY FUNDS TO	AMOUNT
04/16/2021	SPS	E.H.	\$22,000
04/16/2021	SPS	Costanza	\$11,000
04/21/2021	NASC	SPS	\$35,000
04/22/2021	NWC	SPS	\$28,500
04/22/2021	SPS	D.E.	\$24,000
04/22/2021	SPS	E.H.	\$22,000
04/22/2021	SPS	Costanza	\$12,000
04/30/2021	NASC	SPS	\$40,000
04/30/2021	NWC	SPS	\$40,000
04/30/2021	SPS	D.E.	\$36,800
04/30/2021	SPS	E.H.	\$36,800
04/30/2021	SPS	Costanza	\$18,400
05/06/2021	NASC	SPS	\$60,000
05/07/2021	NWC	SPS	\$23,000
05/07/2021	SPS	D.E.	\$30,000
05/07/2021	SPS	E.H.	\$30,000
05/07/2021	SPS	Costanza	\$15,000
05/13/2021	NASC	SPS	\$50,000
05/13/2021	NWC	SPS	\$22,000
05/13/2021	SPS	D.E.	\$25,000
05/13/2021	SPS	E.H.	\$25,000
05/13/2021	SPS	Costanza	\$12,500
05/21/2021	NASC	SPS	\$50,000
05/21/2021	NWC	SPS	\$25,000



DATE	COMPANY FUNDS FROM	COMPANY FUNDS TO	AMOUNT
05/21/2021	SPS	D.E.	\$26,280
05/21/2021	SPS	E.H.	\$26,280
05/21/2021	SPS	Costanza	\$13,140
05/26/2021	NASC	SPS	\$55,000
05/26/2021	SPS	PVC	\$47,200
05/26/2021	SPS	Costanza	\$13,500
05/27/2021	NWC	SPS	\$11,500
06/02/2021	NASC	SPS	\$35,000
06/02/2021	SPS	D.E.	\$31,000
06/10/2021	NASC	SPS	\$25,000
06/10/2021	SPS	PVC	\$22,500
06/18/2021	NWC	SPS	\$20,000
06/18/2021	NASC	SPS	\$30,000
06/18/2021	SPS	PVC	\$46,000
06/25/2021	NWC	SPS	\$64,000
06/25/2021	NASC	SPS	\$20,000
06/25/2021	SPS	PVC	\$56,800
06/25/2021	SPS	Costanza	\$14,200
07/02/2021	NASC	SPS	\$20,000
07/02/2021	NASC	SPS	\$20,000
07/02/2021	SPS	PVC	\$46,000
07/09/2021	NASC	SPS	\$20,000

<b>DATE</b>	<b>COMPANY FUNDS FROM</b>	<b>COMPANY FUNDS TO</b>	<b>AMOUNT</b>
07/09/2021	NASC	SPS	\$12,000
07/09/2021	NASC	SPS	\$20,000
07/09/2021	NWC	SPS	\$40,000
07/09/2021	SPS	PVC	\$93,000
07/23/2021	NASC	SPS	\$65,000
07/23/2021	NWC	SPS	\$25,000
07/23/2021	SPS	PVC	\$80,000
07/30/2021	NASC	SPS	\$57,800
07/30/2021	SPS	PVC	\$50,000
08/06/2021	TTC	SPS	\$11,500
08/06/2021	SPS	PVC	\$45,000
08/13/2021	NWC	SPS	\$11,500
08/13/2021	TTC	SPS	\$12,500
08/13/2021	SPS	PVC	\$39,000
08/25/2021	TTC	PVC	\$45,000
08/25/2021	NASC	PVC	\$20,000
09/02/2021	TTC	SPS	\$32,684.85
09/02/2021	SPS	DCM	\$14,000
09/17/2021	TTC	SPS	\$60,280.15
09/17/2021	SPS	PVC	\$33,804
09/17/2021	SPS	DCM	\$12,000
09/24/2021	TTC	SPS	\$21,436.65

DATE	COMPANY FUNDS FROM	COMPANY FUNDS TO	AMOUNT
09/27/2021	SPS	DCM	\$12,000
09/30/2021	SPS	DCM	\$12,000
09/28/2021	TTC	WCS	\$81,224.64
10/04/2021	TTC	SPS	\$17,187.30
10/08/2021	SPS	DCM	\$11,800
10/08/2021	TTC	WCS	\$133,219.71
10/15/2021	TTC	WCS	\$80,250.99
10/22/2021	TTC	WCS	\$73,600.73
10/27/2021	TTC	WCS	\$74,167.84
11/04/2021	TTC	WCS	\$80,255.43
11/05/2021	TTC	Coburn	\$11,000
11/12/2021	TTC	WCS	\$72,361.89
08/27/2021	SS	LE	\$10,700
09/16/2021	SS	LE	\$10,645
09/30/2021	SS	LE	\$11,000
09/30/2021	SS	LE	\$34,000
10/08/2021	SS	LE	\$11,200
10/14/2021	SS	LE	\$40,000
10/26/2021	SS	LE	\$10,800
11/01/2021	SS	LE	\$30,000
10/26/2021	SS	FSW	\$45,000
11/05/2021	SS	FSW	\$100,192.45
11/05/2021	SS	FSW	\$80,326.11

DATE	COMPANY FUNDS FROM	COMPANY FUNDS TO	AMOUNT
11/12/2021	SS	FSW	\$45,215.05
12/10/2021	SS	FSW	\$30,000

7. Between in or about May 2021, and in or about July 2022, for purposes of promoting the carrying on of the specified unlawful activity, that is, mail fraud, the defendants caused financial transactions with proceeds from the mail fraud, that is, the withdrawal of approximately \$196,595.73 from bank accounts belonging to the Sham Companies to pay the United States Postal Service for stamps required to mail out fraudulent documents appearing to be legitimate invoices to the Victim Companies.

8. Between in or about May 2021, and in or about July 2022, for purposes of promoting the carrying on of specified unlawful activity, that is, mail fraud, the defendants caused financial transactions with proceeds from the mail fraud, that is, the withdrawal and transfer of approximately \$239,973.03 from bank accounts belonging to Simple Pro Solutions to pay Federal Express to ship the cheap cleaner/degreaser products to the Victim Companies.

9. Between in or about May 2021, and in or about July 2022, for purposes of promoting the carrying on of specified unlawful activity, caused financial transactions with proceeds of specified unlawful activity, that is, the withdrawal of approximately \$114,070.52 from bank accounts belonging to Safety Supply, Union Gloves, Five Star Warehouse, and Wholesale Chem Supplies LLC to pay United Parcel Service to ship the cheap PPE products to the Victim Companies.

10. Between in or about May 2021, and in or about July 2022, for purposes of disguising the nature, the location, the source, the ownership and the control of the proceeds of the mail fraud, the defendants caused financial transactions with proceeds from the mail fraud, that is, the withdrawal and transfer of approximately \$2,213,709.86 from bank accounts belonging to the Simple Pro Solutions and Wholesale Chem Supplies to bank accounts belonging to belonging to ENGLER and ALEC DIERNA, or to their companies, Prince Venture Capital LLC, Engler Holdings LLC, and Dierna Enterprise LLC.

**All in violation of Title 18, United States Code, Section 1956(h).**

**FIRST FORFEITURE ALLEGATION**  
**(Proceeds Forfeiture)**

**The Grand Jury Alleges That:**

Upon conviction of any and all of the offenses set forth in Counts 1 through 50 of this Superseding Indictment, the defendant, JOHN ENGLER, 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(c), any property, real or personal, constituting, or derived from, proceeds the defendant obtained directly or indirectly, as the result of such violation. The property to be forfeited includes, but is not limited to, the following:

**A. MONETARY SUM**

The approximate sum of \$1,999,000.09 United States currency, which sum of money is equal to the total amount of proceeds obtained as a result of the offenses for which the defendant, JOHN ENGLER, is charged in Counts 1 through 50. In the event that the above

sum is not available, then a money judgment for the same amount will be entered against the defendant.

If any of the property described above, as a result of any act or omission of the defendant:

- i. cannot be located upon the exercise of due diligence;
- ii. has been transferred or sold to, or deposited with, a third person;
- iii. has been placed beyond the jurisdiction of the Court;
- iv. has been substantially diminished in value; or
- v. has been commingled with other property which cannot be divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

**B. REAL PROPERTY**

- i. The Premises and Real Property with all Buildings, Appurtenances, and Improvements, located at 5283 Park Place Circle, Boca Raton, Florida, 33486, that is, all that tract or parcel of land, situated in the City of Boca Raton, County of Palm Beach, and State of Florida, and more particularly described in a certain Deed Recorded in Palm Beach County Clerk's Office Book 31307, Page 94.

**All pursuant to Title 18, United States Code, Section 981(a)(1)(C), Title 28, United States Code, Section 2461(c) and Title 21, United States Code, Section 853(p).**



**SECOND FORFEITURE ALLEGATION**  
**(Proceeds Forfeiture)**

**The Grand Jury Further Alleges That:**

Upon conviction of any and all of the offenses set forth in Counts 1 through 50 of this Superseding Indictment, the defendant, ALEC DIERNA, 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(c), any property, real or personal, constituting, or derived from, proceeds the defendant obtained directly or indirectly, as the result of such violation. The property to be forfeited includes, but is not limited to, the following:

**A. MONETARY SUM**

The approximate sum of \$2,085,761.53 United States currency, which sum of money is equal to the total amount of proceeds obtained as a result of the offenses for which the defendant, ALEC DIERNA, is charged in Counts 1 through 50. In the event that the above sum is not available, then a money judgment for the same amount will be entered against the defendant.

If any of the property described above, as a result of any act or omission of the defendant:

- i. cannot be located upon the exercise of due diligence;
- ii. has been transferred or sold to, or deposited with, a third person;
- iii. has been placed beyond the jurisdiction of the Court;
- iv. has been substantially diminished in value; or
- v. has been commingled with other property which cannot be divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

**B. REAL PROPERTY**

- i. The Premises and Real Property with Buildings, Appurtenances, and Improvements at 5091 County Line Rd, Webster, New York, that is, all that tract or parcel of land, situated in the City of Webster, County of Wayne, State of New York, and More Particularly Described in a Certain Deed Recorded in the Wayne County Clerk's Office with an Instrument Number of R9183729.

**All pursuant to Title 18, United States Code, Section 981(a)(1)(C), Title 28, United States Code, Section 2461(c) and Title 21, United States Code, Section 853(p).**

**THIRD FORFEITURE ALLEGATION**  
**(Proceeds Forfeiture)**

**The Grand Jury Further Alleges That:**

Upon conviction of any and all of the offenses set forth in Counts 1, and 4 through 9 of this Superseding Indictment, the defendant, TOMMY LEE COBURN, 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(c), any property, real or personal, constituting, or derived from, proceeds the defendant obtained directly or indirectly, as the result of such violation. The property to be forfeited includes, but is not limited to, the following:

**MONETARY SUM**

The approximate sum of \$239,646.20 United States currency, which sum of money is equal to the total amount of proceeds obtained as a result of the offenses for which the

defendant, TOMMY LEE COBURN, is charged in Counts 1, 4 through 9. In the event that the above sum is not available, then a money judgment for the same amount will be entered against the defendant.

If any of the property described above, as a result of any act or omission of the defendant:

- i. cannot be located upon the exercise of due diligence;
- ii. has been transferred or sold to, or deposited with, a third person;
- iii. has been placed beyond the jurisdiction of the Court;
- iv. has been substantially diminished in value; or
- v. has been commingled with other property which cannot be divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

**All pursuant to Title 18, United States Code, Section 981(a)(1)(C), Title 28, United States Code, Section 2461(c) and Title 21, United States Code, Section 853(p).**

**FOURTH FORFEITURE ALLEGATION**  
**(Proceeds Forfeiture)**

**The Grand Jury Further Alleges That:**

Upon conviction of any and all of the offenses set forth in Counts 1, and 10 through 20 of this Superseding Indictment, the defendant, KYLE PAUL EDWARD GIBSON, 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(c), any property, real or personal, constituting, or derived from, proceeds the defendant obtained directly or indirectly, as the result of such violation. The property to be forfeited includes, but is not limited to, the following:

**MONETARY SUM**

The approximate sum of \$108,899.20 United States currency, which sum of money is equal to the total amount of proceeds obtained as a result of the offenses for which the defendant, KYLE PAUL EDWARD GIBSON, is charged in Counts 1, and 10 through 20. In the event that the above sum is not available, then a money judgment for the same amount will be entered against the defendant.

If any of the property described above, as a result of any act or omission of the defendant:

- i. cannot be located upon the exercise of due diligence;
- ii. has been transferred or sold to, or deposited with, a third person;
- iii. has been placed beyond the jurisdiction of the Court;
- iv. has been substantially diminished in value; or
- v. has been commingled with other property which cannot be divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

**All pursuant to Title 18, United States Code, Section 981(a)(1)(C), Title 28, United States Code, Section 2461(c) and Title 21, United States Code, Section 853(p).**

**FIFTH FORFEITURE ALLEGATION**

**(Proceeds Forfeiture)**

**The Grand Jury Further Alleges That:**

Upon conviction of the offense set forth in Count 1 of this Superseding Indictment, the defendant, NICHOLAS SCARANTINO, 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(c), any property, real or personal, constituting, or derived from, proceeds the defendant obtained directly or indirectly, as the result of such violation. The property to be forfeited includes, but is not limited to, the following:

**MONETARY SUM**

The approximate sum of \$75,484.00 United States currency, which sum of money is equal to the total amount of proceeds obtained as a result of the offense for which the defendant, NICHOLAS SCARANTINO is charged in Count 1. In the event that the above sum is not available, then a money judgment for the same amount will be entered against the defendant.

If any of the property described above, as a result of any act or omission of the defendant:

- i. cannot be located upon the exercise of due diligence;
- ii. has been transferred or sold to, or deposited with, a third person;
- iii. has been placed beyond the jurisdiction of the Court;
- iv. has been substantially diminished in value; or

- v. has been commingled with other property which cannot be divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

**All pursuant to Title 18, United States Code, Section 981(a)(1)(C), Title 28, United States Code, Section 2461(c) and Title 21, United States Code, Section 853(p).**

**SIXTH FORFEITURE ALLEGATION**  
**(Proceeds Forfeiture)**

**The Grand Jury Further Alleges That:**

Upon conviction of any and all of the offenses set forth in Counts 1, 5, 6, 8 and 9 of this Superseding Indictment, the defendant, HEATHER DIERNA, 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(c), any property, real or personal, constituting, or derived from, proceeds the defendant obtained directly or indirectly, as the result of such violation. The property to be forfeited includes, but is not limited to, the following:

**MONETARY SUM**

The approximate sum of \$43,385.83 United States currency, which sum of money is equal to the total amount of proceeds obtained as a result of the offenses for which the defendant, HEATHER DIERNA, is charged in Counts 1, 5, 6, 8 and 9 In the event that the above sum is not available, then a money judgment for the same amount will be entered against the defendant.



If any of the property described above, as a result of any act or omission of the defendant:

- i. cannot be located upon the exercise of due diligence;
- ii. has been transferred or sold to, or deposited with, a third person;
- iii. has been placed beyond the jurisdiction of the Court;
- iv. has been substantially diminished in value; or
- v. has been commingled with other property which cannot be divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

**All pursuant to Title 18, United States Code, Section 981(a)(1)(C), Title 28, United States Code, Section 2461(c) and Title 21, United States Code, Section 853(p).**

DATED: Rochester, New York, May 14, 2024

TRINI E. ROSS  
United States Attorney

By: s/RICHARD A. RESNICK  
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A TRUE BILL:

s/FOREPERSON