

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No.

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. \$22,500.00 SEIZED FROM BANK OF AMERICA ACCOUNT NO. 435030281972
HELD IN THE NAME OF GALAXY METALS INC. AT BANK OF AMERICA,
WILMINGTON, DE,

Defendant.

VERIFIED COMPLAINT FOR FORFEITURE *IN REM*

COMES NOW the United States of America (the “United States”), by and through United States Attorney Peter McNeilly and Assistant United States Attorney Zachary Phillips, and pursuant to 18 U.S.C. § 981(a)(1)(C), 18 U.S.C. § 981(b) and Rule G(2) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, states as follows:

JURISDICTION AND VENUE

1. This Court has subject matter and in rem jurisdiction pursuant to 28 U.S.C. § 1355(b), which provides that a forfeiture action may be brought in the district in which any of the acts or omissions giving rise to the forfeiture occurred. As set forth below, some of the acts giving rise to the forfeiture occurred in the District of Colorado.

2. This Court has venue pursuant to 28 U.S.C. § 1395(a) and (c), which provides that civil forfeiture proceeding may be prosecuted in the district where it

accrues and in any district into which the property has been brought. As set forth below, the forfeiture proceeding accrues in the District of Colorado as some of the acts giving rise to the forfeiture occurred in the District of Colorado.

DEFENDANT ASSET

3. Defendant assets are more fully described as \$22,500.00 seized on July 16, 2025, during the execution of a federal seizure warrant from Bank of America, Account No. 435030281972 (“defendant Bank of America Account No. 1972”) held in the name of Galaxy Metals Inc. at Bank of America, Wilmington, DE. Defendant asset is in the possession of the United States Marshals Service, Seized Asset Deposit Fund Account, located in New York, NY.

FACTUAL BASIS FOR FORFEITURE

4. Except as otherwise noted, all of the following facts and information have been discovered through my own investigation and observations, and the observations and investigations of fellow law enforcement officers as reported to me.

BACKGROUND

5. Since September 2012, the FBI has spearheaded an undercover operation called “Operation Purloined Wire,” which has targeted an international network of actors, co-conspirators, and money mules engaged in a sophisticated email phishing, computer intrusion, and social engineering scheme targeting a variety of businesses and individuals across the United States. The scheme is commonly called, “Business Email Compromise (BEC),” where a victim company is targeted, via email by a BEC actor. In a typical BEC scam, an employee of the victim company is sent an

email by the BEC actor posing as a vendor and directs the victim company employee to wire money or modify the banking information to a specified account for the purported reason to pay an alleged invoice or service contract.

6. On approximately March 21, 2025, the FBI received a complaint from Charles Schwab alleging that they were the victim of a Business Email Compromise Fraud (BEC).

7. A Charles Schwab Financial Crimes Risk Management Employee stated that an account holder at Charles Schwab was notified by his Charles Schwab Financial Advisor that a wire transfer he had initiated to an investment firm had been compromised.

8. The client, K.G., had received an email from his Financial Advisor that the original email address had changed and to send the wire to the new email address. Upon further examination, the new email address had one letter that had been changed from the original email address.

Facilitating Wells Fargo Bank account number 1301510614

9. A financial investigation showed that on approximately October 15, 2024, business checking account #1301510614 was opened through the Wells Fargo Bank phone bank in the name of Eastgate Holding LLC with Thomas Podany (Podany) listed as the sole assignor on the account. According to bank records, Podany has been a Wells Fargo Bank customer since 2024, is listed as a 67-year-old male, and resides in Decatur, Georgia. The nature of his business was specified as professional accounting services.

10. Open-source research by the Denver Division of the Federal Bureau of Investigation show that Podany has been deceased since August 23, 2024, and has been the victim of identity theft.

11. On approximately February 5, 2025, a wire transfer for \$445,000.00 was debited from a Charles Schwab account that originated from a Charles Schwab customer, K.G., Charles Schwab bank account number 95354515 and credited to Podany's business account, Wells Fargo Bank account number 1301510614. The intended beneficiary of the wire was Eastgate Holdings LLC, an investment firm.

12. That same day, February 5, 2025, the majority of the funds were depleted from that same Charles Schwab customer account, K.G., via several wire transfers, including a transfer of \$22,500.00 to Bank of America account number 435030281972 to beneficiary Galaxy Metals Inc.

13. A financial review showed that Bank of America account 435030281972 in the name of Galaxy Metals had an account balance of \$22,500.00.

14. Bank of America Fraud Investigators froze the account due to the fraudulent activity related to the BEC. This was due to the fact the balance in Bank of America account 435030281972 is comprised of the funds transferred from the fraudulent activity in Wells Fargo Bank account 1301510614 in the name of Eastgate Holding LLC.

15. On July 16, 2025, the United States seized \$22,500.00 from Bank of America, Account No. 435030281972 ("defendant Bank of America Account No. 1972") held in the name of Galaxy Metals Inc. at Bank of America, Wilmington, DE.

CONCLUSION

16. In light of the above, evidence indicates that the \$22,500.00 transferred to Bank of America account 435030281972 in the name of Galaxy Metals Inc. constitute fraud proceeds that were originally transferred to Wells Fargo bank account number 1301510614 in the name of Eastgate Holding, also traceable to violations of constitutes or is derived from proceeds traceable to one or more violations of Fraud by wire, radio, or television and/or Conspiracy to commit wire fraud.

**VERIFICATION OF ERIC DISS, SPECIAL AGENT, FEDERAL BUREAU OF
INVESTIGATION**

I, Eric Diss, hereby state and aver under the pains and penalties of perjury that I have read the foregoing Factual Basis for Forfeiture and that the facts and information contained therein are true to the best of my knowledge.

s/ Eric Diss

Eric Diss
FBI-Special Agent

FIRST CLAIM FOR RELIEF

17. The Plaintiff repeats and incorporates by reference each of the paragraphs above.

18. By the foregoing and other acts, \$22,500.00 seized from Bank of America account no. 435030281972 in the name of Galaxy Metals Inc. which represent the fraudulent proceeds that were originally transferred to Wells Fargo bank account number 1301510614 in the name of Eastgate Holding, constitutes or was derived from proceeds traceable to violations of wire fraud in violation of 18 U.S.C. § 1343 and/or fraud attempt or conspiracy in violation of 18 U.S.C. § 1349 and is, therefore, forfeitable pursuant to 18 U.S.C. § 981(a)(1)(C), 18 U.S.C. § 981(b), and 18 U.S.C. § 984.

SECOND CLAIM FOR RELIEF

19. The Plaintiff repeats and incorporates by reference each of the paragraphs above.

20. By the foregoing acts, Funds up to \$22,500.00 seized from Bank of America account no. 435030281972 in the name of Galaxy Metals Inc. which represent the fraudulent proceeds that were originally transferred to Wells Fargo bank account number 1301510614 in the name of Eastgate Holding, constitutes or was derived from proceeds traceable to violations of money fraud in violations of money laundering in violation of 18 U.S.C. § 1956, and therefore, is forfeitable to the United States pursuant to 18 U.S.C. § 981(a)(1)(A) and 18 U.S.C. § 981(b).

WHEREFORE, the United States prays for entry of a final order of forfeiture for

the defendant asset in favor of the United States, that the United States be authorized to dispose of the defendant asset in accordance with law, and that the Court enter a finding of probable cause for the seizure of the defendant asset and issue a Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465.

DATED this 17 day of December, 2025.

Respectfully submitted,

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United States Attorney

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