

RECEIVED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

FEB 18 2021

JAMES N. HATTEN, Clerk
By:  Deputy Clerk

UNITED STATES DEPARTMENT OF THE TREASURY

(Plaintiff),

v.

SEIZED FEDERAL SECURITIES

(Defendants).

Case No.

~~1:21-CV-0717~~

_____ /

COMPLAINT FOR FORFEITURE IN REM

Counsel
United States Department of Justice
Civil Division
950 Pennsylvania Ave., NW
Washington, DC 20530

NOW COMES the United States Department of the Treasury, Plaintiff herein, by and through FEDERAL TRUSTEE Duane L. Berry pursuant to Department of Treasury (IRS) code 26 U.S.C § 6903 and the United States Attorney General pursuant to 28 U.S.C. § 516, in a civil cause of forfeiture, and respectfully states the following:

INTRODUCTION

1. This is a civil action in rem pursuant to 18 U.S.C. § 981(a)(1)(A) and (C). Procedures for this action are mandated by Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions and, to the extent applicable, 18 U.S.C. §§ 981, 983, and 984, and the Federal Rules of Civil Procedure.

2. This action seeks the forfeiture of all right, title, and interest in the above captioned property because the property constitutes or is derived from wire fraud in violation of 18 U.S.C. § 1343, major fraud against the United States in violation of 18 U.S.C. § 1031, and financial monetary transactions of tax instruments and money laundering conspiracy in violation of 18 U.S.C. §§ 1957 and 1956(h). As set forth more fully below, the conspirators identified herein, through fraud and false pretenses, obtained the property and or engaged in numerous transactions concerning fraud relating to tax instruments, monetary transactions, and money laundering.

3. This Court has jurisdiction over this action commenced by the United States under 28 U.S.C. § 1345 and over this action for forfeiture under 28 U.S.C. § 1355(a). The Court has in rem jurisdiction over the defendant property under 28 U.S.C. § 1355(b).

4. This Court has venue pursuant to 28 U.S.C. §§ 1355 and 1395, as defendant property was found in this district.

5. The defendant is all present and future interest in the following property (hereafter collectively, "Seized Federal Securities"): (SEE EXHIBIT A)

6. The Seized Federal Securities, pursuant to the National Security Act (50 U.S.C. 3162(a)(1)) and other means, are currently being held in part by the Plaintiff, its FEDERAL TRUSTEE, and or the United States Marshals Service. (SEE EXHIBIT B)

7. Pursuant to Supplemental Rule G(2)(f), facts in support of a reasonable belief that the Government will be able to meet its burden of proof at trial as follows and have been verified by the attached FEDERAL TRUSTEE'S complaint with the Treasury Inspector General for Tax Administration (TIGTA). (SEE EXHIBIT C)

SUMMARY OF THE FRAUD

8. On 12/02/2019, FEDERAL TRUSTEE Duane L. Berry, and "Whistleblower" against then President Donald J. Trump, moved the 2nd Circuit Court of Appeals in an "Emergency Motion to Intervene" in the Presidents tax fraud investigation case which involved the United States House of Representatives as Intervenors and several media outlets as Movants. See Trump v. Deutsche Bank et al. (SEE EXHIBIT D)

9. Pending the action...millions of un-redacted classified tax returns and other sensitive financial data, bank records and accounts of banking and tax transactions of several million americans, federal government agencies, including but not limited to the United States Department of Defense, United States Department of State, and the (Plaintiff) United States Department of the Treasury were unlawfully obtained by the media outlets, President Trump, who is now facing criminal impeachment hearings in the Senate, and several other conspirators. (SEE EXHIBIT E)

10. After repeated attempts to informally retrieve the Seized Federal Securities from the conspirators by the FEDERAL TRUSTEE, the Plaintiff, by and through its FEDERAL TRUSTEE and its powers appointed to him by Congress pursuant 26 U.S.C § 6903 employed the National Security Act, and other means, to retrieve the Seized Federal Securities.

11. The leak of the Seized Federal Securities has been a direct breach of the national security of the United States in which several trillion dollars of monetary transactions are potentially being exposed and compromised by the conspirators and other foreign entities, including the 'dark web' and Russian operatives.

12. The leak is also in direct violation of the Gramm-Leach-Bliley Act, in which financial institutions are not permitted to disclose nonpublic information of a customer to a third party without the consent of the customer. See 15 U.S.C. § 6802 (a)(b). Nonpublic personal information includes personally identifiable financial account information, including names and street addresses, where those details are disclosed in a manner that indicates the associated names are clients of a financial institution See 16 C.F.R. § 313.3(n)(1)(i), (3)(ii). All of which have been factors in this leak.

13. Furthermore, "tax returns are generally afforded special protection from public disclosure", See e.g. Solomon v. Siemens Indus., Inc., 8 f. Supp. 3D 261, 285-86(E.D.N.Y. 2014) and any unlawful possession of tax returns for specific individuals or government security agencies would jeopardize the national security of the United States.

CONCLUSION

14. By virtue of the foregoing, ALL right, title, and interest in the Seized Federal Securities held in the United States at the time of the commission of the unlawful acts giving rise to forfeiture has now become forfeitable to the United States.

WHEREFORE, the Plaintiff respectfully prays the Court that:

- A. Due notice be given to all known conspirators to appear and show cause why the forfeiture should not be decreed;
- B. Judgment be entered declaring the Seized Federal Securities be forfeited to the United States for disposition according to law;and
- C. The Plaintiff be granted such other and further relief as this Court may deem just and proper, together with the costs and disbursements of this action, including but not limited to the expenses of maintenance and protection of the Seized Federal Securities.

Dated: January 29, 2021

Respectfully submitted,

UNITED STATES DEPARTMENT OF THE TREASURY

by and through

FEDERAL TRUSTEE DUANE L. BERRY

EXHIBIT A

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 19-10377

United States Court of Appeals
Fifth Circuit

FILED
December 30, 2019

Lyle W. Cayce
Clerk

THE INCLUSIVE COMMUNITIES PROJECT, INCORPORATED,

Plaintiff-Appellant,

versus

**DEPARTMENT OF TREASURY;
OFFICE OF THE COMPTROLLER OF THE CURRENCY,**

Defendants-Appellees.

WARRANT FOR ARREST IN REM

TO: THE UNITED STATES MARSHAL AND ANY AUTHORIZED PERSON

WHEREAS, in a matter concerning the National Security of the United States in the above captioned action, the undersigned FEDERAL TRUSTEE, on behalf of the United States Department of the Treasury, has issued a warrant for arrest in rem regarding the recovery and investigation of classified tax records, documents, and banking information pursuant to the National Security Act.

[See 50 U.S.C. § 3162(a)(1)]

WHEREAS, the undersigned FEDERAL TRUSTEE is authorized to issue this warrant and no further court action is required.

[See 50 U.S.C. § 3162(a)(3)(A) and 26 U.S.C. § 6903]



DUANE L. BERRY
FEDERAL TRUSTEE

REQUESTED PROPERTY

1. Federal Security # [REDACTED] 6098149 (apprx. 44.5 lbs.)

Custodian: CNN
1 CNN Center
Atlanta, GA 30303

2. Federal Security # [REDACTED] 6161270 (apprx. 44.6 lbs.)

Custodian: USA Today
535 Madison Ave.
54th Street
New York, NY 10022

3. Federal Security # [REDACTED] 3375564 (apprx. 44.8 lbs.)

Custodian: Washington Post
1150 15th Street NW
Washington, DC 20071

4. Federal Security # [REDACTED] 3398922 (apprx. 44.8 lbs.)

Custodian: New York Times
620 8th Ave.
New York, NY 10018

5. Federal Security # [REDACTED] 3407541 (apprx. 44.8 lbs.)

Custodian: Wall Street Journal
1211 6th Ave.
New York, NY 10036

WHEREAS, pursuant to the NATIONAL SECURITY ACT, the Custodian served this warrant shall not disclose to any person that the property requested and seized have been obtained with the exception of "those persons to whom disclosure is necessary in order to comply with the request;" (See 18 USC § 3511)

* THE NON-DISCLOSURE REQUIREMENT SHALL BE SUBJECT TO COURT REVIEW

FedEx Ground
780236098149 44.5 lbs. (S) 44.34
Declared Value 100
Recipient Address:

CNN CENTER
1 CNN Center
ATLANTA, GA 30303
4048272688

Scheduled Delivery Date is 2 business days

Pricing option:
STANDARD RATE

Package Information:
Your Packaging
18 x 13 x 13

FedEx Ground
780236161270 44.5 lbs. (S) 44.34
Declared Value 100
Recipient Address:

USA Today
535 Madison Ave
54th Street
New York, NY 10022
0000000000

Scheduled Delivery Date is 2 business days

Pricing option:
STANDARD RATE

Package Information:
Your Packaging
18 x 13 x 13

Shipment subtotal: \$143.11

Total Due: \$143.11

(S) CreditCard: \$143.11
*****7791

FedEx Ground
776523375564 44.8 lbs. (S) 44.34
Declared Value 100

Recipient Address:
attn martin baron
washington post headquarters
1150 15 st nw
Washington, DC 20071
4444444444

Scheduled Delivery Date is 2 business days

Pricing option:
STANDARD RATE

Package Information:
Your Packaging
19 x 13 x 13

FedEx Ground
776523398922 44.8 lbs. (S) 44.34
Declared Value 100

Recipient Address:
dean p baquet
new york times headquarters
620 8th ave
New York, NY 10018
4444444444

Scheduled Delivery Date is 2 business days

Pricing option:
STANDARD RATE

Package Information:
Your Packaging
19 x 13 x 13

FedEx Ground
776523407541 44.8 lbs. (S) 44.34
Declared Value 100

Recipient Address:
matt murray
wall street journal
1211 6th ave
New York, NY 10036
4444444444

Case 4:20-cv-00173-O Document 1 Filed 02/24/20 Page 30 of 65 PageID 30

Form 05-46 (Rev 2-2001) Department of the Treasury Internal Revenue Service		Line No STD-8005	Batch No 89014	Order No 68071135	SUBTYPE - M MAIL
Station	Quantity	Title/Catalog Number		Message	
1 E 182 W	1	20000300 64288W		*02 SOME ITEMS ARE BACKORDERED AND WILL BE SENT WHEN AVAILABLE PLEASE NOT REORDER.	
8005 001 04	10	20181000 10231X			
8005 001 05	1	20181000 20479P			
8005 004 02	5	20171200 16055N			
8005 004 03	1	20171200 62736F			
8005 010 05	5	20180000 14425J			
8005 010 06	1	20180000 27982J			
8005 011 05	5	20180000 144000			
8005 011 06	1	20180000 27976F			
8005 014 02	4	20180000 14412G			
8005 014 04	1	20180000 27991U			

INTERNAL REVENUE SERVICE
1201 N. MITSUBISHI MTWY
BLOOMINGTON IL 61705 - 6613

Official Business
Penalty for Private Use, \$300

UPS MI MAIL
Zone US



1212054420200P

DUANE L BERRY
FEDERAL TRUSTEE
38742 BRAMHAM ST
CLINTON TWP MI 48038 - 3101

5-5

EXHIBIT B

UNRECORDED - U.S. District Court/United-CA/MECF - U.S. District Court/United

Case 2:15-cr-20743-DML-MKM ECF No. 165 filed 04/28/15

Buy form? Get most forms & publications faster. Download from www.irs.gov/form9

5/25/19, 9:09 AM

Form **8822-B**
 (Rev. February 2018)
 Department of the Treasury
 Internal Revenue Service

Change of Address or Responsible Party — Business

▶ Please type or print.
 ▶ See instructions on back. ▶ Do not attach this form to your return.
 ▶ Go to www.irs.gov/Form8822B for the latest information.

OMB No. 1545-1163

Before you begin: If you are also changing your home address, use Form 8822 to report that change.

If you are a tax-exempt organization (see instructions), check here

Check all boxes this change affects:

- 1 Employment, excise, income, and other business returns (Forms 720, 940, 941, 990, 1041, 1065, 1120, etc.)
- 2 Employee plan returns (Forms 5500, 5500-EZ, etc.)
- 3 Business location

4a Business name UNITED STATES DEPARTMENT OF THE TREASURY	4b Employer identification number 47-146 [REDACTED]
---	---

5 Old mailing address (no., street, room or suite no., city or town, state, and ZIP code). If a P.O. box, see instructions. If foreign address, also complete spaces below, see instructions.
 1500 PENNSYLVANIA AVE NW, WASHINGTON DC 20220

Foreign country name	Foreign province/county	Foreign postal code
----------------------	-------------------------	---------------------

6 New mailing address (no., street, room or suite no., city or town, state, and ZIP code). If a P.O. box, see instructions. If foreign address, also complete spaces below, see instructions.
 N/A

Foreign country name	Foreign province/county	Foreign postal code
----------------------	-------------------------	---------------------

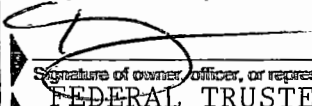
7 New business location (no., street, room or suite no., city or town, state, and ZIP code). If a foreign address, also complete spaces below, see instructions.
 N/A

Foreign country name	Foreign province/county	Foreign postal code
----------------------	-------------------------	---------------------

8 New responsible party's name
 DUANE L. BERRY

9 New responsible party's SSN, TIN, or EIN
 373-92- [REDACTED]

10 Signature
 Daytime telephone number of person to contact (optional) ▶

Sign Here  Signature of owner, officer, or representative FEDERAL TRUSTEE [26 U.S.C. § 6903] Title	4-15-2019 Date
--	-------------------

Where To File	
IF your old business address was in ...	THEN use this address ...
Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin	Internal Revenue Service Cincinnati, OH 45999-0023
Alabama, Alaska, Arizona, Arkansas, California, Colorado, Hawaii, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, any place outside the United States	Internal Revenue Service Ogden, UT 84201-0023

EXHIBIT C

Form 3949 A (2-2007)	Department of the Treasury – Internal Revenue Service Information Referral <i>(See instructions on reverse)</i>	OMB # 1545-1960
1. Taxpayer Name DONALD J. TRUMP		2. Business Name CONSOVOY MCCARTHY PLLC
a. Street Address 140 E. 45th St., 17th flr		a. Street Address 10 Post Office Square
b. City/State/ZIP New York, NY 10017		b. City/State/ZIP Boston, MA 02109
c. Social Security Number (SSN)		c. Employer Identification Number
d. Occupation PRESIDENT (USA)		d. Principal Bus Activity REAL ESTATE
e. Date of Birth		
3. Marital Status <input checked="" type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Head of Household <input type="checkbox"/> Divorced <input type="checkbox"/> Separated		3a. Name of Spouse MELANIA TRUMP
4. Alleged Violation of Income Tax Law (Check all that apply).		
<input type="checkbox"/> False Exemption <input type="checkbox"/> Unsubstantiated Income <input checked="" type="checkbox"/> Unreported Income <input type="checkbox"/> Failure to Withhold Tax <input type="checkbox"/> False Deductions <input type="checkbox"/> Kickback <input type="checkbox"/> Narcotics Income <input type="checkbox"/> Wagering/Gambling <input type="checkbox"/> Multiple Filing <input type="checkbox"/> False/Altered Documents <input checked="" type="checkbox"/> Public/Political Corruption <input type="checkbox"/> Earned Income Credit <input checked="" type="checkbox"/> Organized Crime <input checked="" type="checkbox"/> Failure to Pay Tax <input type="checkbox"/> Failure to File Return <input checked="" type="checkbox"/> Other (Describe below)		
5. Unreported Income and Tax Years (Fill in Tax Years and dollar amount(s), if known, e.g., TY2005 \$10,000)		
TY _____ \$ _____ TY _____ \$ _____ TY _____ \$ _____ TY _____ \$ _____ TY _____ \$ _____ TY _____ \$ _____		
a. Comments (Briefly describe the facts of the alleged violation - Who/What/Where/When/How. Attach another sheet, if needed).		
<p style="text-align: center;">"Major Fraud Against the United States" concerning CLASSIFIED TAX RECORDS. (SEE ATTACHMENT)</p>		
b. Are books/records available? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
c. Do you consider the taxpayer dangerous? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
d. Banks, Financial Institutions used by the taxpayer:		
Name: DEUTSCHE BANK AG Address: 2001 K St., NW City/State/ZIP: Washington, DC 20006		Name: AKIN GUMP STRAUSS HAUER & FELD Address: 1 Bryant Park City/State/ZIP: New York, NY 10036
e. Please describe how you learned and/or obtained the information in this report (Attach another sheet, if needed):		
<p>(SEE ATTACHMENT)</p>		
6. Your Name: DUANE L. BERRY (FEDERAL TRUSTEE)		
a. Address: 38742 Bramham St.		
b. City/State/ZIP: Clinton Twp., MI 48038		
c. Telephone Number (Please include the Area Code):		
For Mailing Address, see Instructions		
For Paperwork Reduction Act, see Instructions		

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 26th day of August, two thousand and nineteen,

BEFORE: Jon O. Newman,
Peter W. Hall,
Debra Ann Livingston,
Circuit Judges.

Donald J. Trump, Donald J. Trump, Jr., Eric Trump,
Ivanka Trump, Donald J. Trump Revocable Trust, Trump
Organization, Inc., Trump Organization LLC, DJT
Holdings LLC, DJT Holdings Managing Member LLC,
Trump Acquisition LLC, Trump Acquisition, Corp.,

ORDER
Docket No. 19-1540

Plaintiffs - Appellants,

v.

Deutsche Bank AG, Capital One Financial Corporation,

Defendants - Appellees,

Committee on Financial Services of the United States
House of Representatives, Permanent Select Committee
on Intelligence of the United States House of
Representatives,

Intervenor Defendants - Appellees.

Superseding all previous instructions from the Clerk of the Court, it is hereby ORDERED that the Defendants–Appellees Deutsche Bank AG and Capital One Financial Corporation each inform the Court by letter, filed by 4 p.m. Tuesday, August 27, 2019, whether it has in its possession any tax returns of any of the individuals or entities named or referred to (directly or indirectly) in paragraph 1 of the subpoenas the bank has received from the Intervenor Committees. If either bank is unable to answer this inquiry for any reason, the bank shall set forth in detail the grounds for declining to answer the Court’s inquiry. If either bank represents in good faith that all or any part of its response to this Order is entitled to confidentiality, it shall set forth the basis for such belief in its response; in that event, redactions may be made in the version of the response filed and served on the Intervenor–Committees, and an unredacted version of the response shall be filed under seal with the Court and need not be served on the Intervenor–Committees.

19-1540 Donald J. Trump v. Deutsche Bank AG

Donald J. Trump, Donald J. Trump, Jr., Eric Trump, Ivanka Trump, Donald J. Trump Revocable Trust, Trump Organization, Inc., Trump Organization LLC, DJT Holdings LLC, DJT Holdings Managing Member LLC, Trump Acquisition LLC, Trump Acquisition, Corp.,

Plaintiffs – Appellants,

v.

Deutsche Bank AG, Capital One Financial Corporation,

Defendants – Appellees,

Committee on Financial Services of the United States House of Representatives, Permanent Select Committee on Intelligence of the United States House of Representatives,

Intervenor Defendants – Appellees.

19-1540 Donald J. Trump v. Deutsche Bank AG

Cable News Network, Inc.
Movant

Jacquelyn Schell, Esq., -
[COR LD NTC Attorney]
(see above)

The New York Times Company
Movant

Jacquelyn Schell, Esq., -
[COR LD NTC Attorney]
(see above)

POLITICO LLC
Movant

Jacquelyn Schell, Esq., -
[COR LD NTC Attorney]
(see above)

WP Co. LLC, d/b/a the Washington Post
Movant

Jacquelyn Schell, Esq., -
[COR LD NTC Attorney]
(see above)

Dow Jones & Company, Inc.
Movant

Jacquelyn Schell, Esq., -
[COR LD NTC Attorney]
(see above)

Reuters News & Media Inc.
Movant

Jacquelyn Schell, Esq., -
[COR LD NTC Attorney]
(see above)

Duane L. Berry,
Movant

Duane L. Berry, -
[NTC Pro Se]

Fort Worth
P.O. Box 15330
Fort Worth, TX 76119

Duane L. Berry, -
[NTC Pro Se]
38742 Bramham Street
Clinton Township, MI 48038

EXHIBIT E

Page: 1 Document 1 Filed 02/24/20 Page 26 of 65 PageID 26

IRPTRN56090660932015000000

*(TY2015)

PAGE 0115 OF 0174

DOCUMENT TYPE: 1099-A

PAYEE ENTITY DATA:

BANK OF AMERICA

100 N TRYON ST

CHARLOTTE

STATE: NC ZIP: 28255-0000

ACQUISITION DATE: N/A

PERSONAL LIABILITY (BELOW):

BOX CHKD - PERSONALLY LIABLE

ACCOUNT NUMBER:

PAYER ENTITY DATA:

US DEPARTMENT OF TREASURY

1500 PENNSYLVANIA AVE NW

WASHINGTON

DC 20220

ITEM DESCRIPTION: N/A

PRPTY FMV.....\$393,348+

DEBT OUT.....\$505,977+

TAXPAYER COPY
