

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

ANTHONY VIGGIANO, and
STEPHEN FORLANO, Jr.,

Defendants.

SEALED INDICTMENT

23 Cr.

23 CRIM 497

Overview of the Insider Trading Schemes

1. From at least in or about July 2021 through in or about May 2023, ANTHONY VIGGIANO and STEPHEN FORLANO, Jr., the defendants, along with others, engaged in insider trading by trading based on material, non-public information (“MNPI”) that VIGGIANO misappropriated while employed at two different, leading global financial institutions located in New York, New York, specifically an investment management firm (“Firm-1”) and an investment bank (“Firm-2,” and together with Firm-1, the “Firms”). While working at the Firms, VIGGIANO received confidential internal communications that contained detailed information about non-public potential strategic partnerships involving Firm-1 and acquisitions involving Firm-2. In violation of the duties that he owed to each of the Firms, VIGGIANO tipped FORLANO, Jr., and another individual, Christopher Salamone, with the names of potential counterparties for Firm-1’s strategic partnerships, and, later, information that VIGGIANO learned during his employment at Firm-2 about companies that were potential acquisition targets. FORLANO and Salamone then each used that MNPI to purchase shares in companies and to trade call options, including short-dated, out-of-the-money call options. VIGGIANO and Salamone agreed to split the profits from their illegal trading, which yielded total illegal profits of over approximately \$300,000. FORLANO further provided this MNPI to friends and family, including an individual referred to

below as “CC-1,” who used the MNPI to purchase shares and to trade call options, including short-dated, out-of-the-money call options. FORLANO himself illegally profited at least approximately \$100,000 from the scheme.

Background

2. At all times relevant to this Indictment, Firm-1 was a leading global financial institution that delivered a range of financial services, including investment management expertise. Firm-1 was headquartered in New York, New York. Between in or about April 2021 and in or about October 2021, ANTHONY VIGGIANO, the defendant, worked as an analyst in Firm-1’s New York, New York office. During that time, Firm-1’s compliance training instructed employees, among other things, not to “[d]iscuss / disseminate information about deals / projects you or any other [Firm-1] employee may currently be working on.” Firm-1 provided specific training on MNPI, which stated, among other things, “trading based on MNPI is unlawful and may result in civil and criminal charges with serious penalties.” In bold letters, the training stated, **“You cannot trade, recommend or disclose MNPI to others who might trade on the information.”** The Firm-1 employee handbook also provided that confidential information is a “valuable asset of [Firm-1]” and that there is a Firm-1 policy against insider trading.

3. At all times relevant to this Indictment, Firm-2 was a leading global financial institution that delivered a range of financial services in the investment banking, securities, and investment management industries. Firm-2 was headquartered in New York, New York. Between in or about February 2022 and in or about May 2023, ANTHONY VIGGIANO, the defendant, worked at Firm-2 in New York, New York, as an associate in the asset management department. During that time, Firm-2, provided annual compliance trainings, including regarding Firm-2’s policies and procedures prohibiting insider trading. For example, Firm-2’s policies prohibited

employees from “Trading by Personal Accounts in any Financial Instrument or company where the [employee] has knowledge that the Financial Instrument is under consideration for purchase or sale for any [client portfolio].” Moreover, Firm-2’s policy had a specific prohibition on insider trading:

Material non-public information is information that has not yet become public and could have an impact on the price of an issuer’s securities. As a part of our commitments to our clients and the integrity of the firm, we do not share, intentionally or not, material non-public information with anyone who does not have a need to know such information (for example, in order to provide client service or satisfy a regulatory request or legal obligation). We also do not buy or sell securities when in possession of material non-public information.

Firm-2’s prohibition on personal trading further stressed that, “[t]he main objectives are to monitor and mitigate appearance or actual conflicts of interest and to avoid, where possible, misuse of confidential or material non-public information (MNPI) when carrying out personal trading activities.” Finally, Firm-2’s policy made clear that employees have a fiduciary duty to safeguard confidential information: “[Firm-2] has a duty to act in good faith in the best interest of [client accounts] . . . to keep [account] information confidential to the fullest extent possible under applicable laws and regulations.”

4. At all times relevant to this Indictment, the following companies were publicly traded:

a. American International Group (“AIG”) is a multinational finance and insurance corporation based in New York. AIG’s common stock traded under the symbol “AIG” on the New York Stock Exchange (“NYSE”) in New York, New York.

b. Harmony Biosciences Holdings Inc. (“Harmony”) is a pharmaceutical company based in Pennsylvania. Harmony’s common stock traded under the symbol “HRMY”

on the National Association of Securities Dealers Automated Quotations (“Nasdaq”) stock exchange in New York, New York.

c. CDK Global, Inc. (“CDK”) is a data and technology company based in Illinois. Prior to being acquired by Brookfield Business Partners (“Brookfield”), as discussed below, CDK’s common stock traded under the symbol “CDK” on the Nasdaq.

d. Computer Services, Inc. (“Computer Services”) is a financial technology provider based in Kentucky. Computer Services’s common stock was traded over-the-counter under the symbol “CSVI.”

e. ChannelAdvisor Corp. (“ChannelAdvisor”) is an e-commerce company based in North Carolina. Prior to being acquired by CommerceHub, as discussed below, ChannelAdvisor’s common stock traded under the symbol “ECOM” on the NYSE.

f. Maxar Technologies (“Maxar”) is a space technology company based in Colorado. Prior to being acquired by Advent International (“Advent”), as discussed below, Maxar’s common stock traded under the symbol “MAXR” on the NYSE.

g. Atlas Technical Consultants, Inc. (“Atlas”) is an engineering and consulting company based in Texas. Prior to being acquired by GI Partners (“GI Partners”), Atlas’s common stock traded under the symbol “ATCX” on the Nasdaq.

h. Syneos Health Inc. (“Syneos”) is a contract research and commercial services company based in North Carolina. Syneos’s common stock trades under the symbol “SYNH” on the Nasdaq.

VIGGIANO and FORLANO Engaged in Insider Trading

5. Between approximately July 2021 and approximately May 2023, ANTHONY VIGGIANO and STEPHEN FORLANO, Jr., the defendants, who had been close friends since attending college together, agreed to and did commit insider trading together. During that period, VIGGIANO tipped FORLANO with MNPI regarding strategic financial partnerships involving Firm-1 and potential acquisitions involving Firm-2. VIGGIANO passed the MNPI to FORLANO at different times over encrypted messaging applications and a video game console's communication platform. FORLANO then used that information to place trades in his brokerage accounts, sometimes through the purchase of call options that would become profitable if the price of the relevant target company increased, and by tipping his family and friends so they could trade on the MNPI.

6. On or about July 14, 2021, AIG and Firm-1 announced that Firm-1 was acquiring an equity stake in AIG's Life & Retirement business for \$2.2 billion. Prior to that announcement, ANTHONY VIGGIANO, the defendant, having learned about the acquisition through his work at Firm-1, provided MNPI about the acquisition to STEPHEN FORLANO Jr., the defendant. FORLANO, in turn, provided MNPI about the acquisition to CC-1 so that CC-1 could place trades in AIG stock, which would become profitable after the public announcement of the acquisition. CC-1 did not buy any AIG stock, but, after the announcement, FORLANO texted CC-1 that, "I didnt wanna leave a trail but rigatoni literally works for [Firm-1]." "Rigatoni" was a reference to VIGGIANO, who was known to FORLANO and CC-1 by that nickname. CC-1 and FORLANO then agreed, in substance and in part, that they would text the word "mallard" whenever FORLANO was tipped with MNPI by VIGGIANO. FORLANO texted CC-1, "next one i got you'll be the first to know."

7. On or about July 27, 2021, ANTHONY VIGGIANO, the defendant, received an email on his Firm-1 email account alerting him to an investment that Firm-1 was working on involving Harmony. Specifically, the email alerted VIGGIANO that the investment project had a due date of August 2, 2021. VIGGIANO tipped that information to STEPHEN FORLANO, Jr., the defendant, and on or about July 27, 2021, FORLANO texted CC-1 and encouraged him to buy Harmony stock by August 2, 2021. FORLANO also texted CC-1 that CC-1 was free to “spread it around it just shouldnt[sic] be coming from me lmfao.” FORLANO then texted CC-1, “a catalyst is coming next week.” Following these messages, FORLANO and CC-1 started a group text chain with a number of other people in which they both encouraged the participants to buy Harmony stock. In one such text, FORLANO texted the group, “im only gunna say this 1 time . . . harmony biosciences buy. . . before next week . . . u didnt hear from me.” FORLANO and CC-1 themselves each purchased Harmony stock on or before August 9, 2021. On or about August 10, 2021, Harmony announced a strategic financing collaboration with Firm-1.

8. ANTHONY VIGGIANO, the defendant, left his employment at Firm-1 in or about October 2021, and he began working at Firm-2 in or about February 2022. After VIGGIANO started working at Firm-2, he continued tipping STEPHEN FORLANO, Jr., the defendant, with MNPI that VIGGIANO obtained through his employer.

9. On or about August 8, 2022, ANTHONY VIGGIANO, the defendant, received a message at his Firm-2 email account alerting him to a potential acquisition of ChannelAdvisor by CommerceHub, and provided this information to STEPHEN FORLANO, Jr., the defendant. FORLANO then sent CC-1 disappearing messages on Instagram and told CC-1 to speak with him over a video game console’s audio chat. Using this video game counsel audio chat, FORLANO told CC-1, in substance and in part, that ChannelAdvisor was going to be acquired and the price

at which the acquisition was likely to occur. FORLANO shared similar information with his then-roommate (“CC-2”). FORLANO, CC-1, and CC-2 each purchased Channel Advisor stock before September 2, 2022. At the end of the trading day on Friday, September 2, 2022, ChannelAdvisor’s shares were trading at \$14.70.

10. On or about Tuesday, September 6, 2022, the first trading day of the week, ChannelAdvisor and CommerceHub publicly announced that they had entered into an agreement for CommerceHub to acquire ChannelAdvisor. After the announcement, STEPHEN FORLANO, Jr., the defendant, sold ChannelAdvisor options and profited approximately \$60,000. CC-1 profited approximately \$14,000 from selling options and \$8,000 from selling shares. CC-2 sold many of his ChannelAdvisor options contracts and stock for a profit of approximately \$5,000.

11. On or about November 15, 2022, ANTHONY VIGGIANO, the defendant, received an email on his Firm-2 email account alerting him that Firm-2 would provide preferred equity support for “Advent’s take-private of Maxar Technologies.” That same day, VIGGIANO sent a text message to STEPHEN FORLANO, Jr., the defendant, which contained a screenshot with the word “Maxar” circled in red. Following a later call between VIGGIANO and FORLANO on or about November 19, 2022, FORLANO shared information about the impending acquisition of Maxar with his father (“CC-3”), his uncle (“CC-4”), and a friend (“CC-5”). Between on or about November 28, 2022 and on or about December 15, 2022, FORLANO, CC-3, CC-4, and CC-5 purchased shares and/or short dated call options in Maxar. At the end of the trading day on December 15, 2022, Maxar’s shares were trading at \$23.10. On or about December 16, 2022, Maxar and Advent International publicly announced an agreement for Advent International to acquire Maxar for \$53 per share. FORLANO profited approximately \$50,00 from his Maxar trades.

VIGGIANO and Salamone Engaged in Insider Trading

12. Beginning at least as early as in or about August 2021, ANTHONY VIGGIANO, the defendant, used MNPI in his possession to cause Salamone, a friend of VIGGIANO from childhood who lived in New York, to place trades that VIGGIANO expected would be profitable. As set forth above, VIGGIANO, as a result of his employment with Firm-1, had access to MNPI regarding a strategic financing collaboration with Firm-1, which was publicly announced on August 10, 2021. Prior to that announcement, and based on that MNPI, VIGGIANO prompted Salamone to purchase shares of Harmony, which Salamone did.

13. Following his change of employment from Firm-1 to Firm-2, ANTHONY VIGGIANO, the defendant, used MNPI in his possession as a result of his employment at Firm-2 to cause Salamone to place trades that VIGGIANO expected would be profitable. Specifically, on or about March 29, 2022, VIGGIANO received an email on his Firm-2 email account explaining that Firm-2 had an opportunity to support Brookfield's bid to acquire CDK. VIGGIANO used this information to tip Salamone, and, on or about April 4, 2022, Salamone purchased approximately 40 shares of CDK based on the MNPI provided by VIGGIANO. On or about April 7, 2022, Brookfield Business Partners publicly announced that it had entered into an agreement to acquire CDK Global. On or about April 8, 2022, Salamone sold shares of CDK, profiting approximately \$206.40.

14. On or about August 9, 2022, ANTHONY VIGGIANO, the defendant, received an email that explained Firm-2's involvement in support of Centerbridge's acquisition of Computer Services. VIGGIANO used this information to tip Salamone and, on or about August 19, 2022, Salamone purchased 135 shares of Computer Services for \$37.75 per share. On or about Monday, August 22, 2022, Computer Services issued a press release announcing a definitive agreement for

Centerbridge and Bridgeport Partners to acquire Computer Services for \$58 per share. On or about August 22, 2022, Salamone sold shares of Computer Services and profited approximately \$2,530.66.

15. Following Salamone's trades in CDK and Computer Services, ANTHONY VIGGIANO, the defendant, explained to Salamone that VIGGIANO was not allowed to personally trade because VIGGIANO worked at Firm-2. VIGGIANO and Salamone agreed to trade securities together and to split the profits. VIGGIANO provided Salamone with approximately \$10,000 in cash to put into Salamone's brokerage account, which Salamone matched with his own funds.

16. On or about August 8, 2022, ANTHONY VIGGIANO, the defendant, received a message at his Firm-2 email account alerting him to a potential acquisition of ChannelAdvisor by CommerceHub. VIGGIANO told Salamone, in substance and in part, to go all in on ChannelAdvisor. From on or about August 31, 2022 through on or about September 2, 2022, Salamone purchased shares in ChannelAdvisor. At the end of the trading day on or about Friday, September 2, 2022, ChannelAdvisor's shares were trading at \$14.70. On or about Tuesday, September 6, 2022, the first trading day of the week, ChannelAdvisor and CommerceHub publicly announced that they had entered into an agreement for CommerceHub to acquire ChannelAdvisor for \$23.10 per share. After the announcement, Salamone sold his shares of ChannelAdvisor and profited approximately \$12,000.

17. Following the ChannelAdvisor trade, ANTHONY VIGGIANO, the defendant, instructed Salamone to apply for options trading on Salamone's brokerage account. As described above, on November 15, 2022, ANTHONY VIGGIANO, the defendant, received an email on his Firm-2 email account alerting him that Firm-2 would provide preferred equity support for "Advent's take-private of Maxar Technologies." VIGGIANO tipped this information to Salamone

and on or about December 8, 2022, Salamone purchased options trades in Maxar. On or about December 15, 2022, VIGGIANO and Salamone then met in person and VIGGIANO personally placed options trades in Maxar on Salamone's account using Salamone's phone. While making these trades, VIGGIANO informed Salamone, in substance and in part, that VIGGIANO was purchasing stock in other companies besides Maxar as a "smokescreen" in case someone asked Salamone or VIGGIANO about the trades in Maxar.

18. At the end of the trading day on December 15, 2022, Maxar's shares were trading at \$23.10. On or about December 16, 2022, Maxar and Advent International publicly announced an agreement for Advent International to acquire Maxar for \$53 per share. After the announcement, Salamone sold his options in Maxar. Salamone profited approximately \$280,000. ANTHONY VIGGIANO, the defendant, informed Salamone, in substance and in part, that VIGGIANO knew that the Maxar announcement was coming because everyone in VIGGIANO's office was trying to get the deal done by the end of the year.

19. Following the announcement of the Maxar acquisition, Salamone provided ANTHONY VIGGIANO, the defendant, with approximately \$35,000 in cash pursuant to their agreement. VIGGIANO and Salamone then attempted to set up a trading company in Dubai so that they could defer paying taxes on the profits from their insider trading scheme.

20. On or about January 20, 2023, ANTHONY VIGGIANO, the defendant, received an email at his Firm-2 email address alerting him that Firm-2 was providing financing to take Atlas private, and subsequently tipped Salamone regarding the purchase of Atlas stock. On or about January 24, 25, and 27, 2023, Salamone purchased approximately 3,500 shares of Atlas stock. On or about January 31, 2023, it was announced that GI Partners was going to acquire Atlas. On or about January 31, 2023, Salamone sold shares of Atlas and profited approximately \$22,993.

21. On or about February 18, 2023, ANTHONY VIGGIANO, the defendant, received an email at his Firm-2 email account alerting him that Firm-2 was working on financing to support a take private of Syneous. VIGGIANO tipped this information to Salamone, and, on or about February 24, 2023, Salamone purchased call options for Syneous that expired on or about March 17, 2023 based on the MNPI provided by VIGGIANO. However, the Syneous acquisition was not publicly announced until on or about May 10, 2023, and as a result the call options purchased by Salamone expired worthless.

22. Agents from the Federal Bureau of Investigation interviewed ANTHONY VIGGIANO, the defendant, and Salamone in or about June 2023. After those interviews, VIGGIANO made the following statements to Salamone that, unbeknownst to VIGGIANO, was recorded by Salamone:

VIGGIANO: You have both the people here who executed trades, fucking, you have all that. What you're missing is the fucking dots. Right? They have – they have me at [Firm-2] having access to this information, and the over here is . . . trading that loosely connects to me. It doesn't take a brain surgeon. So, what – what's more valuable? If I were to flip, or if Steve [Forlano Jr.] flipped. If Steve flipped, it's a he-said, she-said bullshit. Because if – it was right now. If I flip, this whole thing's done, this case is closed, and they're like, yeah.

Salamone: You have shit where you're giving fucking information to fucking Steve [Forlano Jr.]?

VIGGIANO: Nah. Nah. Because similar to you . . . signal, or like XBOX 360 chat, there's no tracing that. Good luck ever finding that. So, I mean, at worst – we're talking worst-case scenario, maybe I said something in . . . like the very first one. But that's the worst case.

COUNT ONE

(Conspiracy to Commit Securities Fraud – Viggiano-Forlano Conspiracy)

The Grand Jury charges:

23. The allegations contained in paragraphs 1 through 22 of this Indictment are hereby repeated, realleged, and incorporated by reference, as if fully set forth herein.

24. From at least in or about July 2021 up to and including at least in or about May 2023, in the Southern District of New York and elsewhere, ANTHONY VIGGIANO and STEPHEN FORLANO, Jr., the defendants, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, (i) securities fraud, in violation of Title 15, United States Code, Sections 78j(b) and 78ff, and Title 17, Code of Federal Regulations, Section 240.10b-5; and (ii) securities fraud, in violation of Title 18, United States Code, Section 1348.

25. It was a part and object of the conspiracy that ANTHONY VIGGIANO and STEPHEN FORLANO, Jr., the defendants, and others known and unknown, willfully and knowingly, directly and indirectly, by use of a means and instrumentality of interstate commerce and of the mails, and a facility of a national securities exchange, would and did use and employ, in connection with the purchase and sale of a security, a manipulative and deceptive device and contrivance, in violation of Title 17, Code of Federal Regulations, Section 240.10b-5, by (a) employing a device, scheme, and artifice to defraud; (b) making an untrue statement of a material fact and omitting to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; and (c) engaging in an act, practice, and course of business which operated and would operate as a fraud and deceit upon a person, in violation of Title 15, United States Code, Sections 78j(b) and 78ff.

26. It was further a part and object of the conspiracy that ANTHONY VIGGIANO and STEPHEN FORLANO, Jr., the defendants, and others known and unknown, would and did knowingly execute, and attempt to execute, a scheme and artifice to (a) defraud a person in connection with a security of an issuer with a class of securities registered under Section 12 of the Securities Exchange Act of 1934 and that was required to file reports under Section 15(d) of the Securities Exchange Act of 1934, and (b) obtain, by means of false and fraudulent pretenses, representations, and promises, money and property in connection with the purchase and sale of a security of an issuer with a class of securities registered under Section 12 of the Securities Exchange Act of 1934 and that was required to file reports under Section 15(d) of the Securities Exchange Act of 1934, in violation of Title 18, United States Code, Section 1348.

Overt Acts

27. In furtherance of the conspiracy and to effect its illegal objects, ANTHONY VIGGIANO and STEPHEN FORLANO, Jr., the defendants, committed and caused to be committed the following overt acts, among others, in the Southern District of New York and elsewhere:

- a. On or about August 9, 2021, FORLANO bought shares of Harmony stock.
- b. On or about August 10, 2021, FORLANO sold shares of Harmony stock.
- c. Between on or about August 31, 2022 and on or about September 2, 2022, FORLANO bought shares and / or call options in ChannelAdvisor stock.
- d. On or about November 15, 2022, VIGGIANO sent FORLANO a text message with the word “Maxar” circled in red.
- e. Between on or about November 28, 2022 and on or about December 14,

2022, FORLANO purchased shares and options in Maxar stock.

(Title 18, United States Code, Section 371.)

COUNT TWO

(Conspiracy to Commit Securities Fraud – Viggiano/Salamone Conspiracy)

The Grand Jury further charges:

28. The allegations contained in paragraphs 1 through 22 of this Indictment are hereby repeated, realleged, and incorporated by reference, as if fully set forth herein.

29. From at least in or about November 2022 up to and including at least in or about May 2023, in the Southern District of New York and elsewhere, ANTHONY VIGGIANO, the defendant, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, (i) securities fraud, in violation of Title 15, United States Code, Sections 78j(b) and 78ff, and Title 17, Code of Federal Regulations, Section 240.10b-5; and (ii) securities fraud, in violation of Title 18, United States Code, Section 1348.

30. It was a part and object of the conspiracy that ANTHONY VIGGIANO, the defendant, and others known and unknown, willfully and knowingly, directly and indirectly, by use of a means and instrumentality of interstate commerce and of the mails, and a facility of a national securities exchange, would and did use and employ, in connection with the purchase and sale of a security, a manipulative and deceptive device and contrivance, in violation of Title 17, Code of Federal Regulations, Section 240.10b-5, by (a) employing a device, scheme, and artifice to defraud; (b) making an untrue statement of a material fact and omitting to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; and (c) engaging in an act, practice, and course of business which operated and would operate as a fraud and deceit upon a person, in violation of Title 15, United

States Code, Section 78j(b) and 78ff.

31. It was further a part and object of the conspiracy that ANTHONY VIGGIANO, the defendant, and others known and unknown, would and did knowingly execute, and attempt to execute, a scheme and artifice to (a) defraud a person in connection with a security of an issuer with a class of securities registered under Section 12 of the Securities Exchange Act of 1934 and that was required to file reports under Section 15(d) of the Securities Exchange Act of 1934, and (b) obtain, by means of false and fraudulent pretenses, representations, and promises, money and property in connection with the purchase and sale of a security of an issuer with a class of securities registered under Section 12 of the Securities Exchange Act of 1934 and that was required to file reports under Section 15(d) of the Securities Exchange Act of 1934, in violation of Title 18, United States Code, Section 1348.

Overt Acts

32. In furtherance of the conspiracy and to effect its illegal objects, ANTHONY VIGGIANO, the defendant, committed and caused to be committed the following overt acts, among others, in the Southern District of New York and elsewhere:

a. Between on or about December 8, 2022 and on or about December 15, 2022, Salamone purchased call options in Maxar stock based on information he received from VIGGIANO.

b. On or about December 15, 2022, VIGGIANO purchased options in Maxar stock in Salamone's account using Salamone's phone.

c. On or about January 24, 25, and 27, 2023, Salamone purchased shares in Atlas stock based on information he received from VIGGIANO.

d. On or about February 24, 2023, Salamone purchased call options in

Syneous stock based on information he received from VIGGIANO.

(Title 18, United States Code, Section 371.)

COUNTS THREE THROUGH FIVE
(Securities Fraud – Viggiano and Forlano)

The Grand Jury further charges:

33. The allegations contained in paragraphs 1 through 22 of this Indictment are hereby repeated, realleged, and incorporated by reference, as if fully set forth herein.

34. On or about the dates set forth below, in the Southern District of New York and elsewhere, ANTHONY VIGGIANO and STEPHEN FORLANO, Jr., the defendants, willfully and knowingly, directly and indirectly, by the use of a means and instrumentality of interstate commerce and of the mails, and a facility of a national securities exchange, used and employed, in connection with the purchase and sale of a security, a manipulative and deceptive device and contrivance, in violation of Title 17, Code of Federal Regulations, Section 240.10b-5, by (a) employing a device, scheme, and artifice to defraud; (b) making an untrue statement of a material fact and omitting to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; and (c) engaging in an act, practice, and course of business which operated and would operate as a fraud and deceit upon a person, to wit, in violation of the duties of trust and confidence that he owed to his employers, VIGGIANO misappropriated material, non-public information from his employers and provided it to FORLANO with the understanding that FORLANO would use that information to engage in securities trades, and FORLANO, knowing of VIGGIANO's breach of duty, used that material non-public information to execute and cause and assist others to execute the securities transactions listed below on or about the dates listed below:

Count	Trade Date(s)	Transactions
3	August 9, 2021	Purchase of 435 shares of Harmony stock by FORLANO
4	August 31- September 2, 2022	Purchase of 250 shares 122 option contracts in Channel Advisor by FORLANO
5	November 28- December 14, 2022	Purchase of approximately 44 call option contracts in Maxar stock by FORLANO

(Title 15, United States Code, Sections 78j(b) & 78ff;
Title 17, Code of Federal Regulations, Section 240.10b-5; and
Title 18, United States Code, Section 2.)

COUNTS SIX THROUGH ELEVEN
(Securities Fraud – Viggiano)

The Grand Jury further charges:

35. The allegations contained in paragraphs 1 through 22 of this Indictment are hereby repeated, realleged, and incorporated by reference, as if fully set forth herein.

36. On or about the dates set forth below, in the Southern District of New York and elsewhere, ANTHONY VIGGIANO, the defendant, willfully and knowingly, directly and indirectly, by the use of a means and instrumentality of interstate commerce and of the mails, and a facility of a national securities exchange, used and employed, in connection with the purchase and sale of a security, a manipulative and deceptive device and contrivance, in violation of Title 17, Code of Federal Regulations, Section 240.10b-5, by (a) employing a device, scheme, and artifice to defraud; (b) making an untrue statement of a material fact and omitting to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; and (c) engaging in an act, practice, and course of business which operated and would operate as a fraud and deceit upon a person, to wit, in violation of the duties of trust and confidence that he owed to his employers, VIGGIANO misappropriated material non-public information from his employers and provided it to Salamone with the understanding that

Salamone would use that information to engage in securities trades, and, on the basis of that material non-public information, caused and assisted others to execute the securities transactions listed below on or about the dates listed below:

Count	Trade Date(s)	Transactions
6	April 4, 2022	Purchase of 40 shares of CDK Global by Christopher Salamone
7	August 19, 2022	Purchase of 135 shares of Computer Services by Salamone
8	August 31-September 2, 2022	Purchase of 1,700 shares in ChannelAdvisor by Salamone
9	November 28-December 15, 2022	Purchase of 200 call options in Maxar stock by Salamone
10	January 24-January 27, 2023	Purchase of 3,500 shares of Atlas stock by Salamone
11	February 23, 2023	Purchase of 60 call options in Syneous stock by Salamone

(Title 15, United States Code, Sections 78j(b) & 78ff; Title 17, Code of Federal Regulations, Section 240.10b-5; and Title 18, United States Code, Section 2.)

FORFEITURE ALLEGATIONS

37. As a result of committing the offenses alleged in Counts One through Eleven of this Indictment, ANTHONY VIGGIANO, the defendant, shall forfeit, and as a result of committing the offenses alleged in Counts One, Three, Four, and Five of this Indictment, STEPHEN FORLANO, Jr., the defendant, 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 and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

Substitute Assets Provision

38. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

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



1 22 Sept. 2023

Handwritten signature of Damian Williams in black ink.

DAMIAN WILLIAMS
United States Attorney