

COUNT ONE HUNDRED AND SIX

[18 U.S.C. § 371]

[Conspiracy]

[Defendants PELLICANO and CHRISTENSEN]

A. OBJECTS OF THE CONSPIRACY

1. Beginning on or about March 15, 2002, and continuing until on or about May 16, 2002, in Los Angeles County, within the Central District of California, and elsewhere, defendants ANTHONY PELLICANO and TERRY CHRISTENSEN, and others known and unknown to the Grand Jury, knowingly conspired and agreed with each other to:

a. intentionally intercept, endeavor to intercept, and procure other persons to intercept and endeavor to intercept wire communications, in violation of Title 18, United States Code, Section 2511(1)(a); and

b. intentionally use, and endeavor to use, the contents of wire communications, knowing and having reason to know that the information was obtained through the interception of wire communications, in violation of Title 18, United States Code, Section 2511(1)(d).

B. MEANS BY WHICH THE OBJECTS OF THE CONSPIRACY WERE TO BE ACCOMPLISHED

2. The objects of the conspiracy were to be accomplished, in substance, as follows:

3. Defendant PELLICANO would implement and maintain an illegal wiretap on the telephone of Lisa Bonder Kerkorian, who was engaged in litigation with a client of defendant CHRISTENSEN, an attorney licensed in the State of California.

4. Defendant PELLICANO would listen to Lisa Bonder Kerkorian's intercepted telephone conversations, and would provide the contents of those conversations, including summaries of privileged attorney-client communications between Lisa Bonder Kerkorian and her attorneys, to defendant CHRISTENSEN and others known and unknown to the Grand Jury.

5. Defendant CHRISTENSEN, and others known and unknown to the Grand Jury, would use the information gleaned from the illegal wiretap to secure a tactical advantage in litigation by learning Lisa Bonder Kerkorian's plans, strategies, perceived strengths and weaknesses, settlement position, and other confidential information.

6. Defendant PELLICANO would discuss with defendant CHRISTENSEN how long the illegal wiretap should remain in place and when the illegal wiretap should be brought to an end.

7. Defendant CHRISTENSEN would pay defendant PELLICANO at least \$100,000 for defendant PELLICANO's services in connection with the illegal wiretap.

C. OVERT ACTS

8. On or about each of the following dates, within the Central District of California and elsewhere, in furtherance of the conspiracy and to accomplish the objects of the conspiracy,

defendants PELLICANO and CHRISTENSEN, and others known and unknown to the Grand Jury, committed the following overt acts, among others:

9. On or about March 15, 2002, defendant PELLICANO received a telephone call from an attorney who instructed defendant PELLICANO to contact defendant CHRISTENSEN regarding "going after" Lisa Bonder Kerkorian's attorney, who had referred defendant CHRISTENSEN to the State Bar of California.

10. On or about March 25, 2002, defendant CHRISTENSEN paid \$25,000 to defendant PELLICANO for the purpose of implementing an illegal wiretap to intercept the telephone calls of Lisa Bonder Kerkorian, including calls between her and her attorneys.

11. In or around April and May 2002, defendant PELLICANO used the "Telesleuth" program to intercept telephone communications of Lisa Bonder Kerkorian.

12. On or about April 18, 2002, defendant PELLICANO related to defendant CHRISTENSEN, in order to "help" defendant CHRISTENSEN with a hearing that day, the contents of intercepted telephone calls between Lisa Bonder Kerkorian and her attorneys in which they discussed their reactions to a prior court ruling, their litigation strategies, and their settlement position.

13. On or about April 22, 2002, defendant PELLICANO related to defendant CHRISTENSEN the contents of intercepted telephone calls between Lisa Bonder Kerkorian and her attorneys and warned defendant CHRISTENSEN to "be very careful about this because there is only one way for me to know this."

14. On or about April 22, 2002, defendant PELLICANO told defendant CHRISTENSEN that Lisa Bonder Kerkorian's child "gets on the phone maybe five or six times a week and just cries into the phone."

15. On or about April 26, 2002, defendant CHRISTENSEN asked defendant PELLICANO what he had heard and noted that defendant PELLICANO had been waiting to find out what "to listen about."

16. On or about April 26, 2002, defendant PELLICANO related to defendant CHRISTENSEN the contents of intercepted telephone calls between Lisa Bonder Kerkorian and her attorneys in which they discussed their settlement position.

17. On or about April 27, 2002, defendant CHRISTENSEN asked defendant PELLICANO what Lisa Bonder Kerkorian was discussing with her attorneys.

18. On or about April 27, 2002, defendant PELLICANO related to defendant CHRISTENSEN the contents of intercepted telephone calls between Lisa Bonder Kerkorian and her attorneys in which they discussed their settlement position, including quoting to defendant CHRISTENSEN Lisa Bonder Kerkorian's "exact words."

19. On or about April 27, 2002, defendant PELLICANO related to defendant CHRISTENSEN the contents of an intercepted call between Lisa Bonder Kerkorian and her father, and reminded defendant CHRISTENSEN that "there is no way, except with my unique techniques, that you would know this."

20. On or about April 28, 2002, defendant PELLICANO related to defendant CHRISTENSEN the contents of intercepted telephone calls between Lisa Bonder Kerkorian and her attorneys in which Lisa Bonder Kerkorian discussed the identity of her child's biological father.

21. On or about April 28, 2002, defendant PELLICANO told defendant CHRISTENSEN that he was "hearing both sides, you know, I'm hearing her talk to Kirk [Kerkorian] too. That's not for attribution, I mean for distribution, but I'm hearing both of them, I'm hearing all of it, the whole nine yards."

22. On or about April 29, 2002, defendant PELLICANO related to defendant CHRISTENSEN the contents of intercepted telephone calls between Lisa Bonder Kerkorian and mediator Debra Simon, who was attempting to resolve the litigation between Lisa Bonder Kerkorian and defendant CHRISTENSEN's client.

23. On or about April 29, 2002, defendant CHRISTENSEN discussed with defendant PELLICANO the words that Lisa Bonder Kerkorian had used in a conversation with her attorney.

24. On or about April 29, 2002, defendant PELLICANO assured defendant CHRISTENSEN that "I know everything that's going on, and obviously they don't know I know. Nobody knows except you and me."

25. On or about May 3, 2002, defendant PELLICANO related to defendant CHRISTENSEN the contents of intercepted telephone calls between Lisa Bonder Kerkorian and her attorneys in which they discussed their reactions to a previous court hearing.

26. On or about May 3, 2002, defendant PELLICANO told defendant CHRISTENSEN that he had another 364 intercepted telephone conversations that he had to listen to.

27. On or about May 3, 2002, defendant PELLICANO told defendant CHRISTENSEN about a conversation between Lisa Bonder Kerkorian and her attorney that was "worth its weight in gold."

28. On or about May 8, 2002, defendant PELLICANO related to defendant CHRISTENSEN the contents of intercepted telephone calls between Lisa Bonder Kerkorian and her attorneys in which they discussed their settlement expectations.

29. On or about May 8, 2002, defendant CHRISTENSEN told defendant PELLICANO that he liked what he had learned from defendant PELLICANO and that he was thinking about sending "a little more expense money" to cover the cost of the wiretap.

30. On or about May 9, 2002, defendant PELLICANO related to defendant CHRISTENSEN the contents of intercepted telephone calls between Lisa Bonder Kerkorian and mediator Debra Simon.

31. On or about May 10, 2002, defendant PELLICANO related to defendant CHRISTENSEN the contents of intercepted telephone calls between Lisa Bonder Kerkorian and her attorneys in which they discussed the tax returns of defendant CHRISTENSEN's client.

32. On or about May 10, 2002, defendant PELLICANO told defendant CHRISTENSEN about the "elation" that Lisa Bonder Kerkorian felt after a telephone call with Debra Simon, and

defendant CHRISTENSEN said that he would pass the information on to his client.

33. On or about May 14, 2002, defendant CHRISTENSEN told defendant PELLICANO that it would be "interesting" to know what Lisa Bonder Kerkorian's lawyers would tell her about the court proceedings that day, ordered Pellicano to listen to that day's intercepted conversations, and said that they would decide the next day whether to continue with the wiretap.

34. On or about May 14, 2002, defendant CHRISTENSEN paid \$75,000 to defendant PELLICANO as additional payment for services in connection with the illegal wiretap.

35. On or about May 15, 2002, defendant CHRISTENSEN instructed defendant PELLICANO to "wrap up" the illegal wiretap of Lisa Bonder Kerkorian, and defendant PELLICANO told defendant CHRISTENSEN that it would be "too difficult" and "too dangerous" to reinitiate the wiretap once it was disconnected.

36. On or about May 16, 2002, defendant CHRISTENSEN told defendant PELLICANO that he had been "great," and defendant PELLICANO confirmed that "the switch gets shut."

COUNT ONE HUNDRED AND SEVEN

[18 U.S.C. §§ 2511(1)(a), 2]

[Interception of Wire Communications]

[Defendants PELLICANO and CHRISTENSEN]

37. In or around April and May 2002, in Los Angeles County, within the Central District of California, defendant ANTHONY PELLICANO, aided and abetted by defendant TERRY CHRISTENSEN, intentionally intercepted, endeavored to intercept, and procured another person to intercept and endeavor to intercept, wire communications of Lisa Bonder Kerkorian.