

No.

CR 04 20159 JW

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

FILED
SEP 8 2004

THE UNITED STATES OF AMERICA

vs.

LADI M. TULANER,
SHERON WALLACE,
PETER C. CALDERONE,
F. ANTHONY KENDLE.

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

INDICTMENT

COUNT ONE: 18 U.S.C. § 371 Conspiracy

COUNTS TWO THROUGH SEVEN: 18 U.S.C. Sections 2, 1341, and 1343 - Mail Fraud and Wire Fraud, and Aiding and Abetting

A true bill.

[Signature]
Foreperson

Filed in open court this 8 day of Sept
A.D. 2004

[Signature]
Patricia V. Inman

United States Magistrate Judge

Bail. \$ Summons for Sharon Wallace & F. Anthony Kendle
no process as to others P17

1 Fremont, California.

2 4. Platinum sputtering targets were platinum disks used to manufacture
3 semiconductor chips.

4 COUNT ONE: (18 U.S.C. § 371 – Conspiracy)

5 5. The allegations in paragraphs 1-4 are realleged and incorporated herein as if set
6 forth in full.

7 6. On or about and between dates unknown to the Grand Jury, but beginning no later
8 than on or about July 20, 2004, and ending on or about August 26, 2004, in the Northern District
9 of California and elsewhere, the defendants

10 LADI M. TULANER,
11 SHERON WALLACE,
12 PETER C. CALDERONE, and
F. ANTHONY KENDLE,

13 did conspire with each other and others unknown to the Grand Jury to commit mail fraud and
14 wire fraud, in violation of Title 18, United States Code, Sections 1341 and 1343.

15 7. In furtherance of the conspiracy and to attain the objects thereof, the following
16 overt acts, among others, were committed in the Northern District of California and elsewhere:

17 a. On or about July 8, 2004, defendants caused the
18 “appliedmaterialsinc.com” domain name to be registered.

19 b. On or about July 20, 2004, defendants caused an e-mail purporting to be
20 from an Applied executive to be sent from an appliedmaterialsinc.com email account (the “E-
21 Mail Account”) to JMI requesting a price quote for platinum sputtering targets and providing a
22 telephone and facsimile number.

23 c. On or about July 30, 2004, defendants caused a fax purporting to be from
24 the same Applied executive and bearing the Applied logo to be sent to JMI which included a
25 Purchase Order, a Trade Reference Sheet, and a Letter of Authorization concerning the platinum
26 sputtering targets.

27 d. On or about August 4, 2004, defendants caused an email to be sent from
28 the E-Mail Account to JMI concerning the partial shipment of the requested platinum sputtering

INDICTMENT

[United States v. Tulaner, et al.]

1 targets.

2 e. On or about August 9, 2004, defendants caused an email to be sent from
3 the E-Mail Account to JMI providing a BAX account number that could be used by JMI to ship
4 the platinum sputtering targets to Applied in Santa Clara, California.

5 f. On or about August 24, 2004, in Las Vegas, Nevada, defendant PETER C.
6 CALDERONE caused a Kia with Nevada License Plate number 470NPF to be rented.

7 g. On or about August 25, 2004, defendant LADI M. TULANER contacted
8 JMI by telephone to confirm the shipment of the four platinum sputtering targets the following
9 day to Applied in Santa Clara, California.

10 h. On or about August 26, 2004, defendant LADI M. TULANER contacted
11 BAX by telephone and requested that the four platinum sputtering targets be held at BAX's
12 Fremont, California facility for pick up.

13 i. On or about August 26, 2004, defendant PETER C. CALDERONE
14 traveled to the BAX facility in Fremont, California.

15 j. On or about August 26, 2004, at approximately 10:06 a.m., defendant
16 PETER C. CALDERONE, in Fremont, California, received a telephone call on his cell phone
17 with number (702) 379-2410 from a cell phone with telephone number (702) 306-8130.

18 k. On or about August 26, 2004, at approximately 10:07 a.m., defendant
19 PETER C. CALDERONE, in Fremont, California, placed a telephone call from his cell phone
20 with telephone number (702) 379-2410 to a cell phone with telephone number (702) 306-8130.

21 l. On or about August 26, 2004, at approximately 10:09 a.m., defendant
22 PETER C. CALDERONE took possession of a package containing what he believed to be four
23 platinum sputtering targets (the "Package") in Fremont, California.

24 m. On or about August 26, 2004, at approximately 10:20 a.m., defendant
25 PETER C. CALDERONE, in Alameda County, California, received a telephone call on his cell
26 phone with telephone number (702) 379-2410 from a cell phone with telephone number (702)
27 306-8130.

28 n. On or about August 26, 2004, at approximately 10:25 a.m., defendant

INDICTMENT

[United States v. Tulaner, et al.]

1 PETER C. CALDERONE, in Alameda County, California, placed a telephone call from his cell
2 phone with telephone number (702) 379-2410 to a cell phone with telephone number (702) 306-
3 8130.

4 o. On or about August 26, 2004, at approximately 10:34 a.m., defendant
5 PETER C. CALDERONE, in Alameda County, California, received a telephone call on his cell
6 phone with telephone number (702) 379-2410 from a cell phone with telephone number (702)
7 306-8130.

8 p. On or about August 26, 2004, at approximately 10:39 a.m., defendant
9 PETER C. CALDERONE, in Alameda, California, placed a telephone call from his cell phone
10 with telephone number (702) 379-2410 to a cell phone with telephone number (702) 306-8130.

11 q. On or about August 26, 2004, at approximately 10:42 a.m., defendant
12 PETER C. CALDERONE transferred the Package to defendants F. ANTHONY KENDLE and
13 SHERON WALLACE at a Home Depot/T J Maxx parking lot in Livermore, California.

14 r. On or about August 26, 2004, at approximately 10:52 a.m., defendants F.
15 ANTHONY KENDLE and SHERON WALLACE examined the Package at a cul-de-sac in
16 Livermore, California.

17 s. On or about August 26, 2004, from approximately 10:55 a.m. to 4:32 p.m.,
18 defendants F. ANTHONY KENDLE and SHERON WALLACE transported the Package by car
19 from Livermore, California to Encino, California.

20 t. On or about August 26, 2004, at approximately 4:32 p.m., defendants F.
21 ANTHONY KENDLE and SHERON WALLACE transferred the Package to defendant LADI M.
22 TULANER in the parking lot of a Union 76 gas station in Encino, California.

23 u. On or about August 26, 2004, at approximately 5:46 p.m., defendant LADI
24 M. TULANER entered a Home Depot in Los Angeles, California and emerged from the store at
25 approximately 5:59 p.m. carrying a crowbar.

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INDICTMENT

[United States v. Tulaner, et al.]

1 v. On or about August 26, 2004, at approximately 6:00 p.m., defendant LADI
2 M. TULANER opened the Package in the parking lot of a Home Depot in Los Angeles,
3 California.

4 All in violation of Title 18, United States Code, Section 371.

5 COUNTS TWO THROUGH SIX: (18 U.S.C. §§ 1343 and 2 - Wire Fraud & Aiding and
6 Abetting)

7 8. The allegations in paragraphs 1-4 and 7 are realleged and incorporated herein as if
8 set forth in full.

9 SCHEME TO DEFRAUD

10 9. Between on or about July 20, 2004, and on or about August 26, 2004, in the
11 Northern District of California, and elsewhere, the defendants

12 LADI M. TULANER,
13 SHERON WALLACE,
14 PETER C. CALDERONE, and
F. ANTHONY KENDLE,

15 did knowingly devise and intend to devise a scheme and artifice to defraud and to obtain money
16 and property by means of false and fraudulent pretenses, representations and promises.

17 10. It was part of the scheme and artifice to defraud that beginning on or about July
18 20, 2004, defendants caused emails to be sent from the e-mail account “[Applied executive’s
19 name]@appliedmaterialsinc.com (the “E-Mail Account”) to JMI to place a fraudulent order for
20 platinum sputtering targets.

21 11. It was further part of the scheme and artifice to defraud that the emails provided a
22 contact number, which had a voicemail message indicating that it was the phone number of an
23 Applied executive.

24 12. It was further a part of the scheme and artifice to defraud that, after defendants
25 negotiated the price and transaction details via e-mail and faxes, defendants fraudulently ordered
26 by email twelve platinum sputtering targets, valued at approximately \$2.3 million, on behalf of
27 Applied.

28 13. It was further part of the scheme and artifice to defraud that, in an e-mail to JMI,

1 defendants provided a BAX account number that JMI was instructed to use to ship the platinum
2 sputtering targets to Applied in Santa Clara, California. When informed by JMI that the platinum
3 sputtering targets would be shipped in batches of three to California, defendants caused an email
4 to be sent to JMI requesting that the platinum sputtering targets be sent out in batches of four on
5 the pretense that the shipments would satisfy an outstanding order to Applied.

6 14. It was further part of the scheme and artifice to defraud that, on or about August
7 25, 2004, defendant LADI M. TULANER contacted JMI by telephone to confirm the shipment of
8 the four platinum sputtering targets. Defendant LADI M. TULANER falsely assumed the
9 identity of the Applied executive during this telephone call.

10 15. It was further part of the scheme and artifice to defraud that, on or about August
11 26, 2004, defendant LADI M. TULANER telephoned BAX in California seeking to change the
12 delivery date of the package shipped from JMI or keep the Package at BAX's facility in Fremont,
13 California, to allow the Applied executive to retrieve it in person. Defendant LADI M.
14 TULANER falsely assumed the identity of the Applied executive during this telephone call.

15 16. It was further part of the scheme and artifice to defraud that, on or about August
16 26, 2004, defendant PETER C. CALDERONE presented the false identification of the Applied
17 executive at BAX's facility in Fremont, California, and retrieved the Package. Defendant
18 PETER C. CALDERONE then transferred the package to defendants F. ANTHONY KENDLE
19 and SHERON WALLACE's car in the parking lot of Home Depot/T J Maxx in Livermore,
20 California.

21 17. It was further part of the scheme and artifice to defraud that, on or about August
22 26, 2004, defendants F. ANTHONY KENDLE and SHERON WALLACE met defendant LADI
23 M. TULANER at a Union 76 gas station parking lot in Encino, California to transfer the Package
24 to defendant LADI M. TULANER's car.

25 18. It was further part of the scheme and artifice to defraud that on or about August
26 26, 2004, defendant LADI M. TULANER drove the Package to a Home Depot in Los Angeles,
27 California and opened it using a crow bar in the Home Depot parking lot.

28 ///

INDICTMENT

[United States v. Tulaner, et al.]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

SAN JOSE DIVISION

FILED
SEP 8 2004

THE UNITED STATES OF AMERICA

vs.

**LADI M. TULANER,
SHERON WALLACE,
PETER C. CALDERONE,
F. ANTHONY KENDLE.**

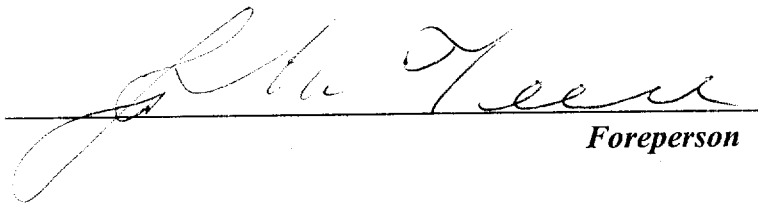
RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

INDICTMENT

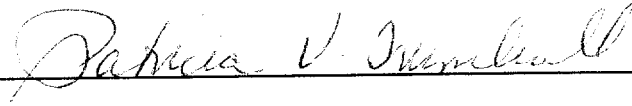
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A true bill.


Foreperson

Filed in open court this 8 day of Sept

A.D. ~~2004~~
2004


United States Magistrate Judge

Bail. \$ summons for Sharon Wallace & F. Anthony Kendle
no process as to others P17

1 KEVIN V. RYAN (CASBN 118321)
United States Attorney

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RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
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SAN JOSE

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

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UNITED STATES OF AMERICA,

Plaintiff,

v.

LADI M. TULANER,
SHERON WALLACE,
PETER C. CALDERONE, and
F. ANTHONY KENDLE,

Defendants.

CR No. 04 20159

JW

VIOLETIONS: 18 U.S.C. § 371 -
Conspiracy; 18 U.S.C. § 1343 - Wire Fraud;
18 U.S.C. § 1341 - Mail Fraud; 18 U.S.C. §
2 - Aiding and Abetting

SAN JOSE VENUE

19 INDICTMENT

20 The Grand Jury charges:

21 BACKGROUND

22 At all times relevant to this indictment:

23 1. Applied Materials, Inc. ("Applied") was a Santa Clara, California corporation that
24 supplied products and services to companies that manufacture semiconductors.

25 2. Johnson Matthey, Inc. ("JMI") was a Pennsylvania corporation that supplied
26 precious metals used in the manufacturing of semiconductors.

27 3. BAX Global, Inc. ("BAX") was a freight forwarding company with freight
28 receiving offices throughout the United States, including a freight receiving office located in

INDICTMENT

[United States v. Tulaner, et al.]

1 Fremont, California.

2 4. Platinum sputtering targets were platinum disks used to manufacture
3 semiconductor chips.

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18 defendants F. ANTHONY KENDLE and SHERON WALLACE transported the Package by car
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20 t. On or about August 26, 2004, at approximately 4:32 p.m., defendants F.
21 ANTHONY KENDLE and SHERON WALLACE transferred the Package to defendant LADI M.
22 TULANER in the parking lot of a Union 76 gas station in Encino, California.

23 u. On or about August 26, 2004, at approximately 5:46 p.m., defendant LADI
24 M. TULANER entered a Home Depot in Los Angeles, California and emerged from the store at
25 approximately 5:59 p.m. carrying a crowbar.

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INDICTMENT

[United States v. Tulaner, et al.]

1 v. On or about August 26, 2004, at approximately 6:00 p.m., defendant LADI
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3 California.

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5 COUNTS TWO THROUGH SIX: (18 U.S.C. §§ 1343 and 2 - Wire Fraud & Aiding and
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7 8. The allegations in paragraphs 1-4 and 7 are realleged and incorporated herein as if
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9 SCHEME TO DEFRAUD

10 9. Between on or about July 20, 2004, and on or about August 26, 2004, in the
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18 20, 2004, defendants caused emails to be sent from the e-mail account “[Applied executive’s
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23 Applied executive.

24 12. It was further a part of the scheme and artifice to defraud that, after defendants
25 negotiated the price and transaction details via e-mail and faxes, defendants fraudulently ordered
26 by email twelve platinum sputtering targets, valued at approximately \$2.3 million, on behalf of
27 Applied.

28 13. It was further part of the scheme and artifice to defraud that, in an e-mail to JMI,

INDICTMENT

[United States v. Tulaner, et al.]

1 defendants provided a BAX account number that JMI was instructed to use to ship the platinum
2 sputtering targets to Applied in Santa Clara, California. When informed by JMI that the platinum
3 sputtering targets would be shipped in batches of three to California, defendants caused an email
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13 California, to allow the Applied executive to retrieve it in person. Defendant LADI M.
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27 California and opened it using a crow bar in the Home Depot parking lot.

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INDICTMENT

[United States v. Tulaner, et al.]

1 USE OF THE MAILS

2 21. On or about August 25, 2004, in the Northern District of California and
3 elsewhere, for the purpose of executing the aforementioned scheme and artifice to defraud, the
4 defendants

5 LADI M. TULANER,
6 SHERON WALLACE,
7 PETER C. CALDERONE, and
8 F. ANTHONY KENDLE,

9 did knowingly cause to be delivered by a private and commercial interstate carrier the matter and
10 thing according to the direction thereon, a package from JMI in West Chester, Pennsylvania, to
11 BAX's facility in Fremont, California, in violation of Title 18, United States Code, Sections 1341
and 2.

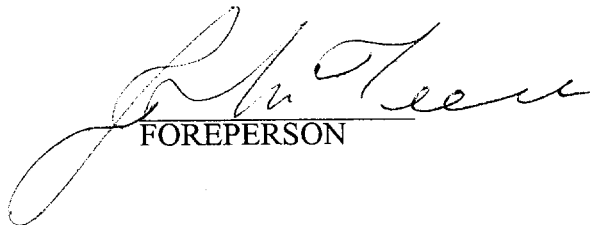
12 ENHANCEMENT ALLEGATIONS

13 As to each count of the Indictment:

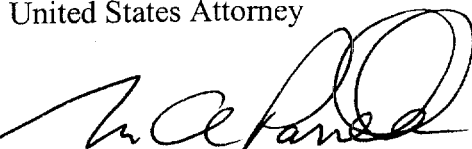
- 14 22. The offense involved sophisticated means; and
15 23. The intended loss was greater than \$1,000,000 and not more than \$2,500,000.

16
17 DATED: 9-8-04

A TRUE BILL.

18
19 
20 FOREPERSON

21 KEVIN V. RYAN
22 United States Attorney

23 
24 MATTHEW A. PARRELLA
25 Chief, San Jose Branch Office

26 (Approved as to form: 
27 AUSA KEWALRAMANI
28