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DOC #:
DATE FILED: 4/1/2021

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : NOLLE PROSEQUI
 :
 -v.- : 19 Cr. 556 (VEC)
 :
 MICHAEL MORTIMER, :
 :
 Defendant. :
 :
 - - - - - x

1. The filing of this nolle prosequi will dispose of this case with respect to MICHAEL MORTIMER, the defendant.

2. On or about July 10, 2019, MICHAEL MORTIMER, the defendant, pled guilty to an Information that charged him with with (1) conspiracy to commit securities fraud, in violation of Title 18, United States Code, Section 371; and (2) securities fraud, in violation of Title 15, Sections 78j(b) and 78ff; Title 17, Code of Federal Regulations, Sections 240.10b-5 and 244.100(b); and Title 18, United States Code, Section 2.

3. After additional investigation and review, the Government has determined that it cannot prove, beyond a reasonable doubt, that conduct that resulted in accounting adjustments that form a significant portion of the allegedly misstated metric charged in the Information was committed as part of the charged scheme to defraud, or that, without those accounting adjustments, the scheme as a whole was quantitatively

material as originally understood.

4. In light of the foregoing, I recommend that an order of nolle prosequi be filed as to MICHAEL MORTIMER, the defendant, with respect to Information 19 Cr. 556 (VEC).

/s/

MARTIN S. BELL
JORDAN L. ESTES
REBECCA MERMELSTEIN
DREW SKINNER
DANIEL TRACER
Assistant United States Attorneys

Dated: New York, New York
March 31, 2021

Upon the foregoing recommendation, I hereby direct, with leave of the Court, that an order of nolle prosequi be filed as to defendant MICHAEL MORTIMER with respect to Information 15 Cr. 556 (VEC).



AUDREY STRAUSS
United States Attorney
Southern District of New York

Dated: New York, New York
March 31, 2021

SO ORDERED:



HON. VALERIE E. CAPRONI
United States District Judge
Southern District of New York

Dated: New York, New York
April 1, 2021