

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

EDWARD WITHROW III,

Defendant.

CRIMINAL NO. 15-10261-PBS

VIOLATION

18 U.S.C. § 1001 (False Statements)

U.S. DISTRICT COURT
DISTRICT OF MASS.

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FILED
IN CLERKS OFFICE

INFORMATION

The United States Attorney charges that:

GENERAL ALLEGATIONS

1. At all times material to this Information:

a. The defendant, EDWARD WITHROW III (“WITHROW”), was a resident of Malibu, California.

b. Endeavor was a Nevada corporation based in Massachusetts. During approximately November 2012 through March 2013, Endeavor’s stock was quoted under the ticker symbol “EDVP” and traded on the over-the-counter securities markets, and its stock was registered with the Securities and Exchange Commission (“SEC”). During approximately that same period of time, Endeavor purported to be a bio-medical company focused on infectious diseases and purported to own a line of proprietary, FDA-approved, point-of-care diagnostic tests on a single proprietary platform.

c. WITHROW was an owner of Parallax Diagnostics, Inc. (“Parallax”), which was a company incorporated in the state of Nevada. In or about November 2012, Endeavor, through a

subsidiary, acquired the common stock of Parallax (the “Merger”). WITHROW subsequently became the Chairman of Endeavor.

d. Marco Babini (“Babini”) was a resident of Vancouver, Canada and a shareholder of Endeavor.

2. The SEC is an independent agency of the executive branch of the United States government. The SEC is responsible for enforcing the federal securities laws and promulgating rules and regulations in keeping with the same. Among other things, federal securities laws, regulations, and rules are designed to protect the investing public in the purchase of stock that is publicly distributed by maintaining fair and honest securities markets and eliminating manipulative practices that tend to distort the fair and just price of stock. The SEC is also charged with regulating securities markets in the United States. Its duties include investigating alleged violations of the federal securities laws and regulations and prosecuting cases to enforce them.

3. On or about March 8, 2013, the SEC suspended trading in the securities of Endeavor (the “Trading Suspension”).

FALSE STATEMENTS

4. On or about August 15, 2013, WITHROW provided sworn testimony to the SEC, which was investigating trading in the securities of Endeavor after the Merger. In connection with that testimony, the SEC asked questions about who owned approximately 40 million unrestricted shares of Endeavor’s stock (*i.e.*, shares that can be freely bought and sold in the securities markets) (the “Unrestricted Shares”), and whether WITHROW ever tried to determine who owned those shares.

5. WITHROW misled the SEC by testifying, in sum and substance, that, because of actions he took following the Trading Suspension, he learned that nearly all of the Unrestricted Shares were associated with Babini and held in Swiss-based accounts, when, in fact, WITHROW had already known about the location of, and Babini's association with, these Unrestricted Shares prior to the Trading Suspension.

COUNT ONE

(False Statements—18 U.S.C. § 1001)

6. The United States Attorney re-alleges and incorporates by reference paragraphs 1 - 5 of this Information, and further charges that:

7. On or about August 15, 2013, in the District of Massachusetts and elsewhere, the defendant,

EDWARD WITHROW III,

knowingly and willfully made a materially false, fictitious and fraudulent statement and representation in a matter within the jurisdiction of the executive branch of the Government of the United States, to wit: testifying in an SEC proceeding, in sum and substance, that, because of actions he took following the Trading Suspension, he learned that nearly all of the Unrestricted Shares were associated with Babini and held in Swiss-based accounts, when, in fact, WITHROW had already known about the location of, and Babini's association with, these Unrestricted Shares prior to the Trading Suspension.

All in violation of Title 18, United States Code, Section 1001.

ANDREW E. LELLING
United States Attorney

By:


ERIC FORNI
Special Assistant U.S. Attorney

Dated: May 22, 2018