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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	Criminal No. 09-334
)	
v.)	(18 U.S.C. § 1349)
)	
ELLENI BERGER)	
a/k/a Elleni Klimantis)	

INFORMATION

The United States Attorney charges:

INTRODUCTION

1. At all material times to the information, the defendant, ELLENI BERGER a/k/a Elleni Klimantis, and an individual known to the United States Attorney as RB, operated a mortgage business called All Credit Finance that assisted individuals to obtain financing collateralized by real estate.

COUNT ONE

THE CONSPIRACY AND ITS OBJECTS

2. From in and around September 2000, and continuing thereafter until in and around May 2005, in the Western District of Pennsylvania and elsewhere, the defendant, ELLENI BERGER a/k/a Elleni Klimantis, knowingly and willfully did conspire, combine, confederate and agree with other persons known to the United States Attorney, to commit an offense against the United States, that is, Wire Fraud, in violation of Title 18, United States Code, Section 1343.

MANNER AND MEANS OF THE CONSPIRACY

3. It was a part of the conspiracy that the defendant, ELLENI

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U S DISTRICT COURT

BERGER a/k/a Elleni Klimantis, with the assistance of other members of the conspiracy, submitted loan applications that, as the defendant, ELLENI BERGER a/k/a Elleni Klimantis, then well knew, contained material misrepresentations about the borrowers' financial condition.

4. It was further a part of the conspiracy that the defendant, ELLENI BERGER a/k/a Elleni Klimantis, with the assistance of other members of the conspiracy, submitted false documents in connection with the loan applications, including but not limited to, appraisals that inflated the true value of the properties, appraisals that represented that they were prepared by licensed appraisers when they were really prepared by unlicensed appraisers, and employment and income verification documents that misrepresented the borrowers' employment status and overstated the borrowers' income.


5. It was further a part of the conspiracy that the defendant, ELLENI BERGER a/k/a Elleni Klimantis, with the assistance of other members of the conspiracy, directed and caused payments associated with the loan transactions to be distributed contrary to the representations to the lender about how the loan proceeds would be distributed.

6. It was further a part of the conspiracy that the defendant, ELLENI BERGER a/k/a Elleni Klimantis, and other members of the conspiracy submitted and caused the submission of fraudulent loan applications and other fraudulent documents through the use of

the interstate wires, in furtherance of the Wire Fraud scheme.

7. It was further a part of the conspiracy that the defendant, ELLENI BERGER a/k/a Elleni Klimantis, caused wire transfers from the accounts of the lending institutions located outside the Commonwealth of Pennsylvania, to the account of the closing agent located in the Commonwealth of Pennsylvania, in furtherance of the Wire Fraud scheme.

All in violation of Title 18, United States Code, Section 1349.



ROBERT S. CESSAR
Acting United States Attorney
PA ID No. 47736

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

ELLENI BERGER

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)

Criminal No.

09-334

ARRAIGNMENT PLEA

Defendant ELLENI BERGER

being arraigned, pleads _____

in open Court this _____ day of

_____, 20____.

(Defendant's Signature)

(Attorney for Defendant)

AO 455 (Rev. 01/09) Waiver of an Indictment

UNITED STATES DISTRICT COURT
for the
Western District of Pennsylvania

United States of America

v.

Eleri Berger

Defendant

)
)
)
)
)

Case No. 09-334

WAIVER OF AN INDICTMENT

I understand that I have been accused of one or more offenses punishable by imprisonment for more than one year. I was advised in open court of my rights and the nature of the proposed charges against me.

After receiving this advice, I waive my right to prosecution by indictment and consent to prosecution by information.

Date: _____

Defendant's signature

Signature of defendant's attorney

Printed name of defendant's attorney

Judge's signature

Judge's printed name and title

CRIMINAL CASE INFORMATION SHEET

Pittsburgh Erie _____ Johnstown _____

Related to No. 07-217 Judge Joy Flowers Conti
(All criminal prosecutions arising out of the same criminal transaction or series of transactions are deemed related).

- CATEGORY: 1. _____ Narcotics and Other Controlled Substances
 1a. _____ Narcotics and Other Controlled Substances
 (3 or more Defendants)
 2. Fraud and Property Offenses
 2a. _____ Fraud and Property Offenses
 (3 or more Defendants)
 3. _____ Crimes of Violence
 4. _____ Sex Offenses
 5. _____ Firearms and Explosives
 6. _____ Immigration
 7. _____ All Others

Defendant's name: Elleni Berger

Is Indictment waived: yes _____ no

Pretrial Diversion: _____ yes no

Juvenile proceeding: _____ yes no

Defendant is: _____ Male Female

Superseding Indictment or Information: _____ yes no

Previous case number: _____

If superseding, previous case was/will be:

- _____ Dismissed on defendant's motion
- _____ Dismissed on government's motion
- _____ After appellate action
- _____ Other (explain)

County in which first offense cited occurred: Allegheny County

Previous proceedings before Magistrate Judge: _____

Case No.: _____

PLEASE INCORPORATE MAGISTRATE CASE WITH CRIMINAL CASE

Date arrested or date continuous U.S. custody began: _____

Defendant: _____ is in custody is not in custody

Name of Institution: _____

Custody is on: _____ this charge _____ another charge
_____ another conviction

_____ State _____ Federal

Detainer filed: _____ yes no

Date detainer filed: _____

Total defendants: 1

Total counts: 1

Data below applies to defendant No.: 1


Defendant's name: Elleni Berger

SUMMARY OF COUNTS

<u>COUNT NO.</u>	<u>U.S. CODE</u>	<u>OFFENSE</u>	<u>FELONY</u>	<u>MISDEMEANOR</u>
1	18 U.S.C. § 1349	Wire Fraud Conspiracy	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I certify that to the best of my knowledge the above entries are true and correct.

DATE: 12/16/09


BRENDAN CONWAY
Assistant U.S. Attorney
PA ID No. 78726