IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No.

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. $22,500.00 SEIZED FROM BANK OF AMERICA ACCOUNT NO. 435030281972 HELD IN THE NAME OF GALAXY METALS INC. AT BANK OF AMERICA, WILMINGTON, DE,

Defendant.

VERIFIED COMPLAINT FOR FORFEITURE *IN REM*

COMES NOW the United States of America (the "United States"), by and through United States Attorney Peter McNeilly and Assistant United States Attorney Zachary Phillips, and pursuant to 18 U.S.C. § 981(a)(1)(C), 18 U.S.C. § 981(b) and Rule G(2) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, states as follows:

JURISDICTION AND VENUE

1. This Court has subject matter and in rem jurisdiction pursuant to 28 U.S.C. § 1355(b), which provides that a forfeiture action may be brought in the district in which any of the acts or omissions giving rise to the forfeiture occurred. As set forth below, some of the acts giving rise to the forfeiture occurred in the District of Colorado.

2. This Court has venue pursuant to 28 U.S.C. § 1395(a) and (c), which provides that civil forfeiture proceeding may be prosecuted in the district where it

accrues and in any district into which the property has been brought. As set forth below, the forfeiture proceeding accrues in the District of Colorado as some of the acts giving rise to the forfeiture occurred in the District of Colorado.

DEFENDANT ASSET

3. Defendant assets are more fully described as $22,500.00 seized on July 16, 2025, during the execution of a federal seizure warrant from Bank of America, Account No. 435030281972 ("defendant Bank of America Account No. 1972") held in the name of Galaxy Metals Inc. at Bank of America, Wilmington, DE. Defendant asset is in the possession of the United States Marshals Service, Seized Asset Deposit Fund Account, located in New York, NY.

FACTUAL BASIS FOR FORFEITURE

4. Except as otherwise noted, all of the following facts and information have been discovered through my own investigation and observations, and the observations and investigations of fellow law enforcement officers as reported to me.

BACKGROUND

5. Since September 2012, the FBI has spearheaded an undercover operation called "Operation Purloined Wire," which has targeted an international network of actors, co-conspirators, and money mules engaged in a sophisticated email phishing, computer intrusion, and social engineering scheme targeting a variety of businesses and individuals across the United States. The scheme is commonly called, "Business Email Compromise (BEC)," where a victim company is targeted, via email by a BEC actor. In a typical BEC scam, an employee of the victim company is sent an

email by the BEC actor posing as a vendor and directs the victim company employee to wire money or modify the banking information to a specified account for the purported reason to pay an alleged invoice or service contract.

6. On approximately March 21, 2025, the FBI received a complaint from Charles Schwab alleging that they were the victim of a Business Email Compromise Fraud (BEC).

7. A Charles Schwab Financial Crimes Risk Management Employee stated that an account holder at Charles Schwab was notified by his Charles Schwab Financial Advisor that a wire transfer he had initiated to an investment firm had been compromised.

8. The client, K.G., had received an email from his Financial Advisor that the original email address had changed and to send the wire to the new email address. Upon further examination, the new email address had one letter that had been changed from the original email address.

Facilitating Wells Fargo Bank account number 1301510614

9. A financial investigation showed that on approximately October 15, 2024, business checking account #1301510614 was opened through the Wells Fargo Bank phone bank in the name of Eastegate Holding LLC with Thomas Podany (Podany) listed as the sole assignor on the account. According to bank records, Podany has been a Wells Fargo Bank customer since 2024, is listed as a 67-year-old male, and resides in Decatur, Georgia. The nature of his business was specified as professional accounting services.

10. Open-source research by the Denver Division of the Federal Bureau of Investigation show that Podany has been deceased since August 23, 2024, and has been the victim of identity theft.

11. On approximately February 5, 2025, a wire transfer for $445,000.00 was debited from a Charles Schwab account that originated from a Charles Schwab customer, K.G., Charles Schwab bank account number 95354515 and credited to Podany's business account, Wells Fargo Bank account number 1301510614. The intended beneficiary of the wire was Eastegate Holdings LLC, an investment firm.

12. That same day, February 5, 2025, the majority of the funds were depleted from that same Charles Schwab customer account, K.G., via several wire transfers, including a transfer of $22,500.00 to Bank of America account number 435030281972 to beneficiary Galaxy Metals Inc.

13. A financial review showed that Bank of America account 435030281972 in the name of Galaxy Metals had an account balance of $22,500.00.

14. Bank of America Fraud Investigators froze the account due to the fraudulent activity related to the BEC. This was due to the fact the balance in Bank of America account 435030281972 is comprised of the funds transferred from the fraudulent activity in Wells Fargo Bank account 1301510614 in the name of Eastegate Holding LLC.

15. On July 16, 2025, the United States seized $22,500.00 from Bank of America, Account No. 435030281972 ("defendant Bank of America Account No. 1972") held in the name of Galaxy Metals Inc. at Bank of America, Wilmington, DE.

CONCLUSION

16. In light of the above, evidence indicates that the $22,500.00 transferred to Bank of America account 435030281972 in the name of Galaxy Metals Inc. constitute fraud proceeds that were originally transferred to Wells Fargo bank account number 1301510614 in the name of Eastegate Holding, also traceable to violations of constitutes or is derived from proceeds traceable to one or more violations of Fraud by wire, radio, or television and/or Conspiracy to commit wire fraud.

VERIFICATION OF ERIC DISS, SPECIAL AGENT, FEDERAL BUREAU OF INVESTIGATION

I, Eric Diss, hereby state and aver under the pains and penalties of perjury that I have read the foregoing Factual Basis for Forfeiture and that the facts and information contained therein are true to the best of my knowledge.

s/ Eric Diss
Eric Diss
FBI-Special Agent

FIRST CLAIM FOR RELIEF

17. The Plaintiff repeats and incorporates by reference each of the paragraphs above.

18. By the foregoing and other acts, $22,500.00 seized from Bank of America account no. 435030281972 in the name of Galaxy Metals Inc. which represent the fraudulent proceeds that were originally transferred to Wells Fargo bank account number 1301510614 in the name of Eastegate Holding, constitutes or was derived from proceeds traceable to violations of wire fraud in violation of 18 U.S.C. § 1343 and/or fraud attempt or conspiracy in violation of 18 U.S.C. § 1349 and is, therefore, forfeitable pursuant to 18 U.S.C. § 981(a)(1)(C), 18 U.S.C. § 981(b), and 18 U.S.C. § 984.

SECOND CLAIM FOR RELIEF

19. The Plaintiff repeats and incorporates by reference each of the paragraphs above.

20. By the foregoing acts, Funds up to $22,500.00 seized from Bank of America account no. 435030281972 in the name of Galaxy Metals Inc. which represent the fraudulent proceeds that were originally transferred to Wells Fargo bank account number 1301510614 in the name of Eastgate Holding, constitutes or was derived from proceeds traceable to violations of money fraud in violations of money laundering in violation of 18 U.S.C. § 1956, and therefore, is forfeitable to the United States pursuant to 18 U.S.C. § 981(a)(1)(A) and 18 U.S.C. § 981(b).

WHEREFORE, the United States prays for entry of a final order of forfeiture for the defendant asset in favor of the United States, that the United States be authorized to dispose of the defendant asset in accordance with law, and that the Court enter a finding of probable cause for the seizure of the defendant asset and issue a Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465.

DATED this 17 day of December, 2025.

Respectfully submitted,

PETER MCNEILLY
United States Attorney

By: *s/ Zachary Phillips*
Zachary Phillips
Assistant United States Attorney
United States Attorney's Office
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Attorney for the United States

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No.

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. $22,500.00 FROM BANK OF AMERICA ACCOUNT NO. 435030281972 HELD IN THE NAME OF GALAXY METALS INC. AT BANK OF AMERICA, WILMINGTON, DE,

Defendant.

ORDER FOR WARRANT FOR ARREST OF PROPERTY *IN REM*

THIS MATTER comes before the Court on the United States' *Verified Complaint for Forfeiture In Rem*, and the Court being fully apprised, FINDS that the Court has jurisdiction over the following defendant financial asset, that there is probable cause to believe the defendant asset is subject to forfeiture, and that a Warrant for Arrest of the following defendant asset should enter:

a. $22,500.00 from Bank of America, Account No. 435030281972 held in the name of Galaxy Metals Inc. at Bank of America, Wilmington, DE.

IT IS THEREFORE ORDERED that the Clerk of the Court shall enter a Warrant for Arrest of Property *In Rem* and that the United States Marshals Service and/or any other duly authorized law enforcement officer is directed to arrest and seize the abovereferenced defendant asset as soon as practicable, and to use whatever means may be appropriate to protect and maintain it in your custody until further order of this Court.

IT IS FURTHER ORDERED that the United States shall post notice on an official internet government site for at least 30 consecutive days, stating that all persons claiming or asserting an interest in the defendant asset must file a Claim and an Answer to the Complaint with the Court, and serve copies of same to the Assistant United States Attorney, to the addresses listed below:

Clerk of the United States District Court
901 19th Street
Denver, Colorado 80294

Zachary Phillips
Assistant United States Attorney
United States Attorney's Office
1801 California Street, Suite 1600
Denver, Colorado 80202

SO ORDERED this ____ day of ______________________, 2025.

BY THE COURT:

____
United States District Court
Judge/Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No.

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. $22,500.00 FROM BANK OF AMERICA ACCOUNT NO. 435030281972 HELD IN THE NAME OF GALAXY METALS INC. AT BANK OF AMERICA, WILMINGTON, DE,

Defendant.

WARRANT FOR ARREST OF PROPERTY *IN REM*

TO: UNITED STATES MARSHALS SERVICE AND/OR ANY OTHER DULY AUTHORIZED LAW ENFORCEMENT OFFICER:

PURSUANT to the *Order for Warrant for Arrest of Property In Rem* issued by this Court, YOU ARE HEREBY COMMANDED TO ARREST AND SEIZE as soon as practicable, the following defendant asset described in the *Verified Complaint for Forfeiture In Rem* filed herewith, and to use whatever means may be appropriate to protect and maintain it in your custody until further order of this Court:

a. $22,500.00 from Bank of America account no. 435030281972 held in the name of Galaxy Metals Inc. at Bank of America, Wilmington, DE.

DATED this ___ day of _______________, 2025.

JEFFREY P. COLWELL
Clerk of the U.S. District Court

By: ________________________________

Deputy Clerk

JS 44 (Rev. 09/19) District of Colorado

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*

AUSA Zachary Phillips, U.S. Attorney's Office, 1801 California Street, Suite 1600 Denver, Colorado, 80202

DEFENDANTS

$22,500.00 from Bank of America account no. 435030281972 ("defendant Bank of America Account No. 1972") held in the name of Galaxy Metals Inc. at Bank of America, Wilmington, DE,

County of Residence of First Listed Defendant New Castle

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☒ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question *(U.S. Government Not a Party)*
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)* *(For Diversity Cases Only)*

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)* Click here for: Nature of Suit Code Descriptions.

CONTRACT
☐ 110 Insurance; ☐ 120 Marine; ☐ 130 Miller Act; ☐ 140 Negotiable Instrument; ☐ 150 Recovery of Overpayment & Enforcement of Judgment; ☐ 151 Medicare Act; ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans); ☐ 153 Recovery of Overpayment of Veteran's Benefits; ☐ 160 Stockholders' Suits; ☐ 190 Other Contract; ☐ 195 Contract Product Liability; ☐ 196 Franchise

REAL PROPERTY
☐ 210 Land Condemnation; ☐ 220 Foreclosure; ☐ 230 Rent Lease & Ejectment; ☐ 240 Torts to Land; ☐ 245 Tort Product Liability; ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY: ☐ 310 Airplane; ☐ 315 Airplane Product Liability; ☐ 320 Assault, Libel & Slander; ☐ 330 Federal Employers' Liability; ☐ 340 Marine; ☐ 345 Marine Product Liability; ☐ 350 Motor Vehicle; ☐ 355 Motor Vehicle Product Liability; ☐ 360 Other Personal Injury; ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY: ☐ 365 Personal Injury - Product Liability; ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability; ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY: ☐ 370 Other Fraud; ☐ 371 Truth in Lending; ☐ 380 Other Personal Property Damage; ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
☐ 440 Other Civil Rights; ☐ 441 Voting; ☐ 442 Employment; ☐ 443 Housing/ Accommodations; ☐ 445 Amer. w/Disabilities - Employment; ☐ 446 Amer. w/Disabilities - Other; ☐ 448 Education

PRISONER PETITIONS
Habeas Corpus: ☐ 463 Alien Detainee; ☐ 510 Motions to Vacate Sentence; ☐ 530 General; ☐ 535 Death Penalty
Other: ☐ 540 Mandamus & Other; ☐ 550 Civil Rights; ☐ 555 Prison Condition; ☐ 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
☐ 625 Drug Related Seizure of Property 21 USC 881; ☒ 690 Other

LABOR
☐ 710 Fair Labor Standards Act; ☐ 720 Labor/Management Relations; ☐ 740 Railway Labor Act; ☐ 751 Family and Medical Leave Act; ☐ 790 Other Labor Litigation; ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
☐ 462 Naturalization Application; ☐ 465 Other Immigration Actions

BANKRUPTCY
☐ 422 Appeal 28 USC 158; ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
☐ 820 Copyrights; ☐ 830 Patent; ☐ 835 Patent - Abbreviated New Drug Application; ☐ 840 Trademark

SOCIAL SECURITY
☐ 861 HIA (1395ff); ☐ 862 Black Lung (923); ☐ 863 DIWC/DIWW (405(g)); ☐ 864 SSID Title XVI; ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
☐ 870 Taxes (U.S. Plaintiff or Defendant); ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
☐ 375 False Claims Act; ☐ 376 Qui Tam (31 USC 3729(a)); ☐ 400 State Reapportionment; ☐ 410 Antitrust; ☐ 430 Banks and Banking; ☐ 450 Commerce; ☐ 460 Deportation; ☐ 470 Racketeer Influenced and Corrupt Organizations; ☐ 480 Consumer Credit (15 USC 1681 or 1692); ☐ 485 Telephone Consumer Protection Act; ☐ 490 Cable/Sat TV; ☐ 850 Securities/Commodities/ Exchange; ☐ 890 Other Statutory Actions; ☐ 891 Agricultural Acts; ☐ 893 Environmental Matters; ☐ 895 Freedom of Information Act; ☐ 896 Arbitration; ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision; ☐ 950 Constitutionality of State Statutes

V. ORIGIN *(Place an "X" in One Box Only)*

☒ 1 Original Proceeding; ☐ 2 Removed from State Court; ☐ 3 Remanded from Appellate Court; ☐ 4 Reinstated or Reopened; ☐ 5 Transferred from Another District *(specify)*; ☐ 6 Multidistrict Litigation - Transfer; ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing ***(Do not cite jurisdictional statutes unless diversity)***:
18 U.S.C. § 981

Brief description of cause:
Forfeiture of assets derived from proceeds traceable to violations of wire fraud

☐ **AP Docket**

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A **CLASS ACTION** UNDER RULE 23, F.R.Cv.P. **DEMAND $** CHECK YES only if demanded in complaint: **JURY DEMAND:** ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY *(See instructions):* JUDGE DOCKET NUMBER

DATE 12/17/2025 SIGNATURE OF ATTORNEY OF RECORD s/Zachary Phillips

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked**.** (See Section III below**; NOTE: federal question actions take precedence over diversity cases.**)

III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: Nature of Suit Code Descriptions.

V. **Origin.** Place an "X" in one of the seven boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statue.

VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service

VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.