

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 24-80103-CR-CANNON**

**UNITED STATES OF AMERICA**

**v.**

**DUSTIN SEAN McCABE,**

**Defendant.**

\_\_\_\_\_ /

**UNITED STATES OF AMERICA’S WITNESS AND EXHIBIT LIST**

The United States of America respectfully submits the following witness and exhibit lists for the trial set to begin February 24, 2025. The Government has produced stamped copies of these exhibits electronically to the defense, and the Government requests leave to add exhibits and witnesses as necessary.

Date: February 14, 2025

Respectfully submitted,

HAYDEN O’BYRNE  
UNITED STATES ATTORNEY

By: /s/ Zachary A. Keller  
ZACHARY A. KELLER  
Assistant United States Attorney  
U.S. Attorney’s Office – SDFL  
Court No: A5502767  
99 NE 4th Street, 6th Floor  
Miami, Florida 33132  
Tel: (305) 961-9023  
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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 24-80103-CR-CANNON**

**UNITED STATES OF AMERICA**

**Witness and Exhibit List**

**v.**

**DUSTIN SEAN McCABE,**

**Defendant.**

\_\_\_\_\_ /

| Presiding Judge:<br>The Honorable Aileen M. Cannon |          |              |               |         | AUSA:<br>Zachary A. Keller<br>Tanner Stiehl<br>Jacob Koffsky                                       | Defendant's Attorney:<br>Calisha Angeline Francis<br>Terrence O'Sullivan |
|----------------------------------------------------|----------|--------------|---------------|---------|----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| USA No.                                            | Def. No. | Date Offered | Date admitted | Witness | Court Reporter:                                                                                    | Courtroom Deputy:                                                        |
| 1.                                                 |          |              |               |         | Caleb King, United States Coast Guard ("USCG")<br>Coast Guard Investigative Service, Special Agent |                                                                          |
| 2.                                                 |          |              |               |         | Allan Roth, USCG                                                                                   |                                                                          |
| 3.                                                 |          |              |               |         | Lieutenant Commander Andrew Cole, USCG                                                             |                                                                          |
| 4.                                                 |          |              |               |         | Captain Chris Cederholm, USCG                                                                      |                                                                          |
| 5.                                                 |          |              |               |         | Lieutenant Christopher Mosquera, USCG                                                              |                                                                          |
| 6.                                                 |          |              |               |         | Sean Goodman, USCG                                                                                 |                                                                          |
| 7.                                                 |          |              |               |         | Andrea Walker, USCG                                                                                |                                                                          |
| 8.                                                 |          |              |               |         | David Fowler, Florida Fish and Wildlife<br>Conservation Commission ("FWC") Investigator            |                                                                          |
| 9.                                                 |          |              |               |         | Jason Willems, FWC Investigator                                                                    |                                                                          |
| 10.                                                |          |              |               |         | Michael Abramczyk, North Palm Beach Police<br>Department                                           |                                                                          |
| 11.                                                |          |              |               |         | Terrill Topps, Palm Beach County Medical Examiner                                                  |                                                                          |

| Presiding Judge:<br>The Honorable Aileen M. Cannon |          |              |               |         | AUSA:<br>Zachary A. Keller<br>Tanner Stiehl<br>Jacob Koffsky | Defendant's Attorney:<br>Calisha Angeline Francis<br>Terrence O'Sullivan |
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| 12.                                                |          |              |               |         | Paul Alber, Alber Consulting LLC                             |                                                                          |
| 13.                                                |          |              |               |         | Althea Harris, Small Business Administration                 |                                                                          |
| 14.                                                |          |              |               |         | April Seward, Internal Revenue Service                       |                                                                          |
| 15.                                                |          |              |               |         | Spencer Lord, Cross River Bank                               |                                                                          |
| 16.                                                |          |              |               |         | Justin Masterman, Celtic Bank                                |                                                                          |
| 17.                                                |          |              |               |         | Heather Spurlock, The Maritime Consortium, Inc.              |                                                                          |
| 18.                                                |          |              |               |         | Joshua Steib, Safe Harbor Marinas                            |                                                                          |
| 19.                                                |          |              |               |         | Jordan McKenna, Safe Harbor Marinas                          |                                                                          |
| 20.                                                |          |              |               |         | Kristy Kelly                                                 |                                                                          |
| 21.                                                |          |              |               |         | Sean Flynn                                                   |                                                                          |
| 22.                                                |          |              |               |         | David Anderson                                               |                                                                          |
| 23.                                                |          |              |               |         | Jonathan Miller                                              |                                                                          |
| 24.                                                |          |              |               |         | Kimberly Odom                                                |                                                                          |
| 25.                                                |          |              |               |         | Steven Poznak                                                |                                                                          |
| 26.                                                |          |              |               |         | Sandra Brammeier                                             |                                                                          |
| 27.                                                |          |              |               |         | Douglas Kinsey                                               |                                                                          |
| 28.                                                |          |              |               |         | Carter Honesty                                               |                                                                          |
| 29.                                                |          |              |               |         | Jennifer Hester                                              |                                                                          |
| 30.                                                |          |              |               |         | Carl McManus                                                 |                                                                          |
|                                                    |          |              |               |         |                                                              |                                                                          |

| Presiding Judge:<br>The Honorable Aileen M. Cannon |          |              |               |         | AUSA:<br>Zachary A. Keller<br>Tanner Stiehl<br>Jacob Koffsky                                                                                    | Defendant's Attorney:<br>Calisha Angeline Francis<br>Terrence O'Sullivan |
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| GX1.                                               |          |              |               |         | North Palm Beach Marina Map                                                                                                                     |                                                                          |
| GX2.                                               |          |              |               |         | M/V SOUTHERN COMFORT ("Vessel") Photo 1                                                                                                         |                                                                          |
| GX3.                                               |          |              |               |         | M/V SOUTHERN COMFORT Photo 2                                                                                                                    |                                                                          |
| GX4.                                               |          |              |               |         | M/V SOUTHERN COMFORT Photo 3                                                                                                                    |                                                                          |
| GX5.                                               |          |              |               |         | M/V SOUTHERN COMFORT Photo 4                                                                                                                    |                                                                          |
| GX6.                                               |          |              |               |         | J.H. Injury Photo 1                                                                                                                             |                                                                          |
| GX7.                                               |          |              |               |         | J.H. Injury Photo 2                                                                                                                             |                                                                          |
| GX8.                                               |          |              |               |         | Spear Gun Photo 1                                                                                                                               |                                                                          |
| GX9.                                               |          |              |               |         | Spear Gun Photo 2                                                                                                                               |                                                                          |
| GX10.                                              |          |              |               |         | Spear Gun Photo 3                                                                                                                               |                                                                          |
| GX11.                                              |          |              |               |         | Facebook Messenger Between J.H. and Defendant                                                                                                   |                                                                          |
| GX12.                                              |          |              |               |         | April 9 Captain of the Port Order                                                                                                               |                                                                          |
| GX13.                                              |          |              |               |         | Enrollment Confirmation for Florida Scuba Charters, Inc. ("Florida Scuba") into Drug Testing Program for The Maritime Consortium, Inc. ("TMCI") |                                                                          |
| GX14.                                              |          |              |               |         | TMCI Renewal Confirmation for Florida Scuba into Drug Testing Program                                                                           |                                                                          |
| GX15.                                              |          |              |               |         | Text Message Between Anderson and Defendant                                                                                                     |                                                                          |
| GX16.                                              |          |              |               |         | GPS Vessel Photo 1                                                                                                                              |                                                                          |
| GX17.                                              |          |              |               |         | GPS Vessel Photo 2                                                                                                                              |                                                                          |
| GX18.                                              |          |              |               |         | GPS Vessel Photo 3                                                                                                                              |                                                                          |
| GX19.                                              |          |              |               |         | GPS Vessel Photo 4                                                                                                                              |                                                                          |
| GX20.                                              |          |              |               |         | Under Vessel Propeller Video – 3.29.20                                                                                                          |                                                                          |

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| GX21.                                              |          |              |               |         | Under Vessel Propeller Photo 1 – 3.29.20                     |                                                                          |
| GX22.                                              |          |              |               |         | Under Vessel Propeller Photo 2 – 3.29.20                     |                                                                          |
| GX23.                                              |          |              |               |         | Under Vessel Propeller Photo 3 – 3.29.20                     |                                                                          |
| GX24.                                              |          |              |               |         | Under Vessel Propeller Photo 4 – 3.29.20                     |                                                                          |
| GX25.                                              |          |              |               |         | Under Vessel Propeller Photo 5 – 3.29.20                     |                                                                          |
| GX26.                                              |          |              |               |         | Under Vessel Propeller Photo 6 – 3.29.20                     |                                                                          |
| GX27.                                              |          |              |               |         | Under Vessel Propeller Photo 7 – 3.29.20                     |                                                                          |
| GX28.                                              |          |              |               |         | Rear of Vessel Photo 1                                       |                                                                          |
| GX29.                                              |          |              |               |         | Rear of Vessel Photo 2                                       |                                                                          |
| GX30.                                              |          |              |               |         | Rear of Vessel Photo 3                                       |                                                                          |
| GX31.                                              |          |              |               |         | Vessel's Bridge Photo 1                                      |                                                                          |
| GX32.                                              |          |              |               |         | Vessel's Bridge Photo 2                                      |                                                                          |
| GX33.                                              |          |              |               |         | Vessel's Bridge Photo 3                                      |                                                                          |
| GX34.                                              |          |              |               |         | Vessel's Bridge Photo 4                                      |                                                                          |
| GX35.                                              |          |              |               |         | Vessel's Bridge Photo 5                                      |                                                                          |
| GX36.                                              |          |              |               |         | Vessel's Bridge Photo 6                                      |                                                                          |
| GX37.                                              |          |              |               |         | Vessel's Bridge Photo 7                                      |                                                                          |
| GX38.                                              |          |              |               |         | Photo of M.C.G.F. 3.29.20 – 1                                |                                                                          |
| GX39.                                              |          |              |               |         | Photo of M.C.G.F. 3.29.20 – 2                                |                                                                          |
| GX40.                                              |          |              |               |         | Photo of M.C.G.F. 3.29.20 – 3                                |                                                                          |
| GX41.                                              |          |              |               |         | Photo of M.C.G.F. 3.29.20 – 4                                |                                                                          |
| GX42.                                              |          |              |               |         | Photo of M.C.G.F. 3.29.20 – 5                                |                                                                          |

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| GX43.                                              |          |              |               |         | Photo of M.C.G.F. 3.29.20 – 6                                |                                                                          |
| GX44.                                              |          |              |               |         | Photo of M.C.G.F. 3.29.20 – 7                                |                                                                          |
| GX45.                                              |          |              |               |         | Photo of M.C.G.F. 3.29.20 – 8                                |                                                                          |
| GX46.                                              |          |              |               |         | Photo of M.C.G.F. 3.29.20 – 9                                |                                                                          |
| GX47.                                              |          |              |               |         | Photo of M.C.G.F. 3.29.20 – 10                               |                                                                          |
| GX48.                                              |          |              |               |         | Photo of M.C.G.F. 3.29.20 – 11                               |                                                                          |
| GX49.                                              |          |              |               |         | Photo of M.C.G.F. 3.29.20 – 12                               |                                                                          |
| GX50.                                              |          |              |               |         | Photo of M.C.G.F. 3.29.20 – 13                               |                                                                          |
| GX51.                                              |          |              |               |         | Photo of M.C.G.F. 3.29.20 – 14                               |                                                                          |
| GX52.                                              |          |              |               |         | Photo of M.C.G.F. 3.29.20 – 15                               |                                                                          |
| GX53.                                              |          |              |               |         | Vessel Scuba Gear Photo 3.29.20 – 1                          |                                                                          |
| GX54.                                              |          |              |               |         | Vessel Scuba Gear Photo 3.29.20 – 2                          |                                                                          |
| GX55.                                              |          |              |               |         | Vessel Scuba Gear Photo 3.29.20 – 3                          |                                                                          |
| GX56.                                              |          |              |               |         | Vessel Scuba Gear Photo 3.29.20 – 4                          |                                                                          |
| GX57.                                              |          |              |               |         | Vessel Scuba Gear Photo 3.29.20 – 5                          |                                                                          |
| GX58.                                              |          |              |               |         | McCabe IDs 3.29.20 Photo                                     |                                                                          |
| GX59.                                              |          |              |               |         | M.C.G.F. Scuba Wetsuit Photo 3.29.20 – 1                     |                                                                          |
| GX60.                                              |          |              |               |         | M.C.G.F. Scuba Wetsuit Photo 3.29.20 – 2                     |                                                                          |
| GX61.                                              |          |              |               |         | M.C.G.F. Scuba Wetsuit Photo 3.29.20 – 3                     |                                                                          |
| GX62.                                              |          |              |               |         | M.C.G.F. Scuba Wetsuit Photo 3.29.20 – 4                     |                                                                          |
| GX63.                                              |          |              |               |         | M.C.G.F. Scuba Wetsuit Photo 3.29.20 – 5                     |                                                                          |
| GX64.                                              |          |              |               |         | M.C.G.F. Scuba Wetsuit Photo 3.29.20 – 6                     |                                                                          |

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| GX65.                                              |          |              |               |         | M.C.G.F. Scuba Wetsuit Photo 3.29.20 – 7                     |                                                                          |
| GX66.                                              |          |              |               |         | Vessel Cabin Area Photo 3.29.20                              |                                                                          |
| GX67.                                              |          |              |               |         | Vessel Engine Area Photo 3.29.20                             |                                                                          |
| GX68.                                              |          |              |               |         | Vessel Rear Engine Controls Removed Photo 3.29.20            |                                                                          |
| GX69.                                              |          |              |               |         | Palm Beach Bay Map with Incident Location Marked             |                                                                          |
| GX70.                                              |          |              |               |         | Medical Examiner's Report M.C.G.F.                           |                                                                          |
| GX71.                                              |          |              |               |         | Defendant Written Statement                                  |                                                                          |
| GX72.                                              |          |              |               |         | Vessel Certificate of Documentation                          |                                                                          |
| GX73.                                              |          |              |               |         | Vessel Abstract of Title                                     |                                                                          |
| GX74.                                              |          |              |               |         | Vessel Mortgage                                              |                                                                          |
| GX75.                                              |          |              |               |         | TVA Ladder and Platform Check                                |                                                                          |
| GX76.                                              |          |              |               |         | TVA Dive Benches Check                                       |                                                                          |
| GX77.                                              |          |              |               |         | USCG Form 1258                                               |                                                                          |
| GX78.                                              |          |              |               |         | USCG Form 1340                                               |                                                                          |
| GX79.                                              |          |              |               |         | April 3 Email Steib – SBA Loan Application                   |                                                                          |
| GX80.                                              |          |              |               |         | April 3 Email Steib – PPP Handwritten Application            |                                                                          |
| GX81.                                              |          |              |               |         | April 3 Email Steib – Casualty Documents                     |                                                                          |
| GX82.                                              |          |              |               |         | Text Exchange Between CWO Goodman and Defendant              |                                                                          |
| GX83.                                              |          |              |               |         | Bill of Sale Document                                        |                                                                          |
| GX83A.                                             |          |              |               |         | Release of Lien Document                                     |                                                                          |
| GX84.                                              |          |              |               |         | North Palm Beach Marina 2022 Google Earth                    |                                                                          |
| GX85.                                              |          |              |               |         | Celtic Bank PPP Loan Application                             |                                                                          |

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| USA No.                                            | Def. No. | Date Offered | Date admitted | Witness | Court Reporter:                                              | Courtroom Deputy:                                                        |
| GX86.                                              |          |              |               |         | Celtic Bank Application Information                          |                                                                          |
| GX87.                                              |          |              |               |         | Celtic Bank Loan Forgiveness Application                     |                                                                          |
| GX88.                                              |          |              |               |         | Celtic Bank Loan Forgiveness Bank Account                    |                                                                          |
| GX89.                                              |          |              |               |         | Celtic Bank FDC SBA Loan Status Map                          |                                                                          |
| GX90.                                              |          |              |               |         | Celtic Bank Defendant Driver's License                       |                                                                          |
| GX91.                                              |          |              |               |         | Cross River PPP Loan Application                             |                                                                          |
| GX92.                                              |          |              |               |         | Cross River PPP Loan Application E-Sign                      |                                                                          |
| GX93.                                              |          |              |               |         | Cross River Tax Document 1120                                |                                                                          |
| GX94.                                              |          |              |               |         | Cross River Void Check                                       |                                                                          |
| GX95.                                              |          |              |               |         | Cross River Contact Information for Defendant                |                                                                          |
| GX96.                                              |          |              |               |         | Cross River Defendant Driver's License                       |                                                                          |
| GX97.                                              |          |              |               |         | Cross River Defendant Email Chain 1                          |                                                                          |
| GX97A.                                             |          |              |               |         | Cross River Defendant Email Chain 2                          |                                                                          |
| GX97B.                                             |          |              |               |         | Cross River Defendant Email Chain 3                          |                                                                          |
| GX98.                                              |          |              |               |         | Cross River Loan Forgiveness Application                     |                                                                          |
| GX99.                                              |          |              |               |         | TVA Florida Scuba PGA Check 2.19.2021                        |                                                                          |
| GX100.                                             |          |              |               |         | TVA Florida Scuba Business Signature Card                    |                                                                          |
| GX100A.                                            |          |              |               |         | TVA Florida Scuba Statement 11.19                            |                                                                          |
| GX100B.                                            |          |              |               |         | TVA Florida Scuba Statement 12.19                            |                                                                          |
| GX100C.                                            |          |              |               |         | TVA Florida Scuba Statement 01.20                            |                                                                          |
| GX100D.                                            |          |              |               |         | TVA Florida Scuba Statement 02.20                            |                                                                          |
| GX100E.                                            |          |              |               |         | TVA Florida Scuba Statement 03.20                            |                                                                          |

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| GX100F.                                            |          |              |               |         | TVA Florida Scuba Statement 04.20                            |                                                                          |
| GX100G.                                            |          |              |               |         | TVA Florida Scuba Statement 05.20                            |                                                                          |
| GX100H.                                            |          |              |               |         | TVA Florida Scuba Statement 06.20                            |                                                                          |
| GX100I.                                            |          |              |               |         | TVA Florida Scuba Statement 07.20                            |                                                                          |
| GX100J.                                            |          |              |               |         | TVA Florida Scuba Statement 08.20                            |                                                                          |
| GX100K.                                            |          |              |               |         | TVA Florida Scuba Statement 09.20                            |                                                                          |
| GX100L.                                            |          |              |               |         | TVA Florida Scuba Statement 10.20                            |                                                                          |
| GX100M.                                            |          |              |               |         | TVA Florida Scuba Statement 11.20                            |                                                                          |
| GX100N.                                            |          |              |               |         | TVA Florida Scuba Statement 12.20                            |                                                                          |
| GX100O.                                            |          |              |               |         | TVA Florida Scuba Statement 01.21                            |                                                                          |
| GX100P.                                            |          |              |               |         | TVA Florida Scuba Statement 02.21                            |                                                                          |
| GX100Q.                                            |          |              |               |         | TVA Florida Scuba Statement 03.21                            |                                                                          |
| GX100R.                                            |          |              |               |         | TVA Florida Scuba Statement 04.21                            |                                                                          |
| GX100S.                                            |          |              |               |         | TVA Florida Scuba Statement 05.21                            |                                                                          |
| GX100T.                                            |          |              |               |         | TVA Florida Scuba Statement 06.21                            |                                                                          |
| GX100U.                                            |          |              |               |         | TVA Florida Scuba Statement 07.21                            |                                                                          |
| GX100V.                                            |          |              |               |         | TVA Florida Scuba Statement 08.21                            |                                                                          |
| GX101.                                             |          |              |               |         | TVA Florida Scuba Defendant Check 2.22.21                    |                                                                          |
| GX102.                                             |          |              |               |         | Florida Scuba State Recognition of Dissolution on 5.13.21    |                                                                          |
| GX103.                                             |          |              |               |         | Florida Scuba Articles of Dissolution 5.13.21                |                                                                          |
| GX104.                                             |          |              |               |         | Florida Scuba Articles of Incorporation 11.26.14             |                                                                          |
| GX105.                                             |          |              |               |         | Florida Scuba Kristy McCabe Removal 3.25.20                  |                                                                          |

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| GX106.                                             |          |              |               |         | Florida Scuba Annual Certifications 2019 & 2020              |                                                                          |
| GX107.                                             |          |              |               |         | GPS Raw Data                                                 |                                                                          |
| GX107A.                                            |          |              |               |         | SD Card Garmin                                               |                                                                          |
| GX107B.                                            |          |              |               |         | SD Card V-1 Faruno Device                                    |                                                                          |
| GX108.                                             |          |              |               |         | Piece of M.C.G.F. Wetsuit                                    |                                                                          |
| GX109.                                             |          |              |               |         | Autopsy Photo 1                                              |                                                                          |
| GX109A.                                            |          |              |               |         | Autopsy Photo 2                                              |                                                                          |
| GX109B.                                            |          |              |               |         | Autopsy Photo 3                                              |                                                                          |
| GX109C.                                            |          |              |               |         | Autopsy Photo 4                                              |                                                                          |
| GX109D.                                            |          |              |               |         | Autopsy Photo 5                                              |                                                                          |
| GX109E.                                            |          |              |               |         | Autopsy Photo 6                                              |                                                                          |
| GX109F.                                            |          |              |               |         | Autopsy Photo 7                                              |                                                                          |
| GX109G.                                            |          |              |               |         | Autopsy Photo 8                                              |                                                                          |
| GX109H.                                            |          |              |               |         | Autopsy Photo 9                                              |                                                                          |
| GX109I.                                            |          |              |               |         | Autopsy Photo 10                                             |                                                                          |
| GX109J.                                            |          |              |               |         | Autopsy Photo 11                                             |                                                                          |
| GX109K.                                            |          |              |               |         | Autopsy Photo 12                                             |                                                                          |
| GX109L.                                            |          |              |               |         | Autopsy Photo 13                                             |                                                                          |
| GX109M.                                            |          |              |               |         | Autopsy Photo 14                                             |                                                                          |
| GX109N.                                            |          |              |               |         | Autopsy Photo 15                                             |                                                                          |
| GX110.                                             |          |              |               |         | Defendant Merchant Mariner Oath                              |                                                                          |
| GX111.                                             |          |              |               |         | Defendant PGA Application                                    |                                                                          |

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|----------------------------------------------------|----------|--------------|---------------|---------|--------------------------------------------------------------|--------------------------------------------------------------------------|
| USA No.                                            | Def. No. | Date Offered | Date admitted | Witness | Court Reporter:                                              | Courtroom Deputy:                                                        |
| GX112.                                             |          |              |               |         | Marine Unlimited Check 2.21.20                               |                                                                          |
| GX113.                                             |          |              |               |         | TVA Florida Scuba Account Update 3.25.20                     |                                                                          |
| GX114.                                             |          |              |               |         | TMCI Employee List                                           |                                                                          |
| GX115.                                             |          |              |               |         | TVA Dustin McCabe Monthly Statement 05.20                    |                                                                          |
| GX116.                                             |          |              |               |         | TVA Florida Scuba Deposit Records                            |                                                                          |
| GX117.                                             |          |              |               |         | TVA Florida Scuba Defendant Check 5.15.20                    |                                                                          |
| GX118.                                             |          |              |               |         | TVA Florida Scuba Defendant Check 7.7.20                     |                                                                          |
| GX119.                                             |          |              |               |         | TVA Florida Scuba Defendant Check 9.4.20                     |                                                                          |
| GX120.                                             |          |              |               |         | TVA Florida Scuba Defendant Check 10.6.20                    |                                                                          |
| GX121.                                             |          |              |               |         | Celtic Bank Defendant Tax Form Schedule C                    |                                                                          |

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that on February 14, 2025, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

/s/ Zachary A. Keller  
 Zachary A. Keller  
 Assistant United States Attorney