IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA v. DINESH SAH	NO. 3:20-CR-484-S

FACTUAL RESUME

In support of Dinesh Sah's plea of guilty to the offense in Counts One and Seven of the indictment, Sah, the defendant, Reed Prospere, the defendant's attorney, and the United States of America (the government) stipulate and agree to the following:

ELEMENTS OF THE OFFENSE

To prove the offense alleged in Count One of the indictment, charging a violation of 18 U.S.C. § 1343, that is, Wire Fraud, the government must prove each of the following elements beyond a reasonable doubt:[1]

First. That the defendant knowingly devised or intended to devise a scheme to defraud as described in the indictment;

Second. That the scheme to defraud employed false material representations, pretenses, and promises;

Third. That the defendant transmitted or caused to be transmitted by means of wire communications, in interstate commerce, any writing, sign, signal, picture, or sound for the purpose of executing the scheme; and

Fourth. That the defendant acted with a specific intent to defraud.

[1] Fifth Circuit Pattern Jury Instruction 2.57 (5th Cir. 2019).

To prove the offense alleged in Count Seven of the indictment, charging a violation of 18 U.S.C. § 1957, that is, Engaging In Monetary Transactions in Property Derived From Specified Unlawful Activity, the government must prove each of the following elements beyond a reasonable doubt:[2]

First. That the defendant knowingly engaged or attempted to engage in a monetary transaction;

Second. That the monetary transaction was of a value greater than $10,000;

Third. That the monetary transaction involved criminally derived property;

Fourth. That criminally derived property was derived from specified unlawful activity;

Fifth. That the defendant knew that the monetary transaction involved criminally derived property; and

Sixth. That the monetary transaction took place within the United States.

STIPULATED FACTS

1. Beginning in or about April 2020 and continuing through in or about August 2020, in the Northern District of Texas, and elsewhere, defendant Dinesh Sah, knowingly and with intent to defraud, devised and intended to devise a scheme and artifice to defraud the SBA, Lender 1, Lender 2, Lender 3, Lender 4, Lender 5, Lender 6, Lender 7, Lender 8, Company 1, and Company 2 (all entities known to the defendant and the grand jury) to obtain money by means of materially false and fraudulent pretenses, representations, and promises. For the purpose of executing or attempting to execute such scheme and artifice, Sah knowingly transmitted or caused the transmission by

[2] Fifth Circuit Pattern Jury Instruction 2.77 (5th Cir. 2019).

means of wire communications in interstate commerce, certain writings, signs, signals, pictures, and sounds, in violation of 18 U.S.C. § 1343. Moreover, on or about July 13, 2020, in the Northern District of Texas, Sah, knowing that the funds involved represented the proceeds of some form of unlawful activity, engaged in a monetary transaction, in and affecting interstate commerce, in criminally derived property of a value greater than $10,000, which property, in fact, was derived from specified unlawful activity, namely, wire fraud and bank fraud, in violation of 18 U.S.C. §§ 1343 and 1344(2).

2. As part of the wire fraud scheme, Sah submitted false and fraudulent loan applications to multiple lending institutions for forgivable loans under the Paycheck Protection Program (PPP), part of the Coronavirus Aid, Relief, and Economic Security (CARES) Act enacted in or around March 2020. Sah admits that, using the names of entities that Sah created and controlled, Sah made materially false representations on the PPP loan applications, making it appear that the entities had been operating in the prior year and as of February 2020. Further, the applications included false information about the entities' average monthly payroll expenses and number of employees. Sah also admits that on some of the loan applications, he designated himself as the entities' authorized representative or applicant, while on other loan applications, he falsely listed another person (identified as Persons 1, 2, 3, 4, and 5 in the indictment) as the entities' authorized representatives, without the knowledge of such individuals and without authority to use their identifying information on the applications. Sah knew that the facts contained in the applications were false and that these facts were material to the lenders in approving the PPP loans at the time he submitted the fraudulent applications.

3. Additionally, Sah admits that in support of the fraudulent loan applications, he created and submitted false bank account statements, purportedly from accounts held in the names of each entity, that made it appear that the entities had paid monthly payroll to their purported employees and other expenses. Sah further admits that he created and submitted false Internal Revenue Service (IRS) tax forms, purportedly filed in the names of the entities applying for PPP funds, that contained misrepresentations about the number of employees of each entity and payroll taxes or independent contractors the entities had paid in the prior year, when, in fact, the purported tax forms showing that wages were paid to employees had never been filed with the IRS.

4. As a further part of the scheme to defraud, Sah admits that he made additional false statements in the PPP applications, which he knew were false when he made them, including that the loan funds would be used to pay payroll and other permissible expenses when, in fact, Sah intended to divert the proceeds for his personal benefit.

5. Sah admits that he submitted the following false and fraudulent PPP loan applications to the following various lending institutions, which approved the applications and funded the loans:

	Name of Applicant	Name of Business Entity	Approx. Amount Sought	Lender	Approx. Date	Status
a.	Person 3	2017 Cleveland Springfield LLC	$1,987,500	Lender 1	May 18, 2020	Funded
b.	Person 4	Quadrant Clover LLP	$1,184,000	Lender 1	May 18, 2020	Funded

c.	Person 1	Symbiont Retailers LLC	$1,986,972	Lender 1	May 20, 2020	Funded
d.	Person 2	Unilaxy International LLC	$1,999,103.62	Lender 1	May 26, 2020	Funded
e.	Person 3	Horizon Enterprises LLC	$1,968,958	Lender 1	August 8, 2020	Funded
f.	Person 5	ChargEdge, Inc.	$1,999,102.50	Lender 1	August 9, 2020	Funded
g.	SAH	Relief Without Borders LLC	$1,992,966	Lender 2	May 20, 2020	Funded
h.	SAH	Horizon 5 Lakes LLC	$1,471,771	Lender 2	June 3, 2020	Funded
i.	SAH	Horizon 5 Lakes LLC	$1,972,800	Lender 3	May 26, 2020	Funded
j.	Person 1	Convergenz Entertainment LLC	$937,470	Lender 4	May 11, 2020	Funded
k.	SAH	Unilaxy Advisors LLC	$247,400.67	Lender 5	April 28, 2020	Funded

6. In addition, Sah admits that he submitted an additional four false and fraudulent PPP loan applications for entities he owned or controlled, none of which applications were approved by the financial institutions to which Sah submitted them:

	Name of Applicant	**Name of Business Entity**	**Approx. Amount Sought**	**Lender**	**Approx. Date**	**Status**
a.	SAH	Unilaxy International LLC	$1,986,900	Lender 6/ Company 2	May 25, 2020	Rejected
b.	SAH	Symbiont LLC	$1,967,700	Lender 7	June 22, 2020	Rejected

c.	Person 2	Unilaxy International LLC	$1,896,872	Lender 7	June 13, 2020	Rejected
d.	SAH	Symbiont LLC	$1,182,500	Lender 8/ Company 2	May 13, 2020	Rejected

7. With respect to the fraudulent loan application Sah submitted to Lender 3, Sah admits that, on or about May 26, 2020, from Sah's residence in Coppell, Texas, in the Northern District of Texas, Sah submitted an application for a PPP loan in the amount of $1,972,800 for borrower Horizon 5 Lakes LLC, purportedly having 71 employees and average monthly payroll expenses of $789,121.

8. Sah admits that he made false statements in the Lender 3 PPP Application, which he knew were false when he made them. For example, Sah falsely represented that the funds sought through the Lender 3 PPP Application would be used to pay payroll and other permissible business expenses when, in fact, Sah intended to divert the proceeds for personal benefit. Sah also falsely represented that Horizon 5 Lakes LLC was in operation on February 15, 2020, and had paid salaries and payroll taxes or paid independent contractors, when, in fact, the purported tax forms showing that wages were paid to employees had never been filed with the IRS

9. Sah further admits that he submitted false and fraudulent documents and information in the Lender 3 PPP Application. These false documents included various false IRS tax forms, purportedly filed in the name of Horizon 5 Lakes LLC; and false bank statements, purportedly from accounts at J.P. Morgan Chase in the name of Horizon 5 Lakes LLC.

10. Sah admits that, in reliance upon his materially false statements in the Lender 3 PPP Application, Lender 3 approved and funded the PPP loan. On or about June 5, 2020, Sah, for the purpose of executing and attempting to execute the aforesaid scheme and artifice to defraud, and to obtain money by means of materially false and fraudulent pretenses, representations, and promises, knowingly caused an interstate wire transmission of loan proceeds, namely, Lender 3 wired approximately $1,509,406 to an account ending in -0121 at J.P. Morgan Chase held in the name of Convergenz Entertainment LLC, for which Sah was the sole signer. Sah admits that Lender 3 was a financial-services company in California, and that the loan proceeds were wired from California to the J.P. Morgan Chase account located in the Northern District of Texas.

11. Sah admits that, after he received PPP funds from Lender 1, Lender 2, Lender 3, Lender 4, and Lender 5, as described above, he engaged in various monetary transactions using the fraudulently obtained proceeds for various personal expenses, including to purchase the homes/real property, vehicles, and other property identified as subject to forfeiture in the indictment and in paragraph 8 of the Plea Agreement, entitled "Forfeiture of Property." Sah also used the proceeds for interstate and international money transfers.

12. Sah knew the funds involved in these transactions represented the proceeds of unlawful activity, namely, loan proceeds he obtained through the fraudulent applications described above. Sah admits that one such transaction occurred on or about July 13, 2020, in the Northern District of Texas, when Sah made an interstate transfer of

$2,000,000 from J.P. Morgan Chase bank account ending in -2642 in the name of Unilaxy International LLC to an account at Technology Credit Union for Person 5.

13. Sah further admits that he deposited, transferred, or caused the deposit of the unlawfully obtained loan proceeds into multiple bank accounts that Sah controlled, including accounts at:

A. J.P. Morgan Chase, ending in (a) -0206, -4456, -9688, -5588, -7970, -8854, and -8694, maintained in the name of Dinesh Sah; (b) -0259 and -2642 maintained in the name of Unilaxy International LLC; (c) -5913 and -6708 maintained in the name of Horizon 5 Lakes LLC; (d) -7047 and -9935 maintained in the name of Relief Without Borders LLC; (e) -7802 and -0121 maintained in the name of Convergenz Entertainment LLC; (f) -2501 and -9715 maintained in the name of Symbiont LLC; (g) -5779 and -5102 maintained in the name of Panin LLC; (h) -6921 and -1252 maintained in the name of Gysin Group LLC; (i) -9980 and -7773 maintained in the name of Quadrant Clover LLC; (j) -4321 maintained in the name of Symbiont LLC d/b/a Symbiont Retailers;

B. Bank of America, ending in (a) -5041 and -4437 maintained in the name of Dinesh Sah; (b) -2798 and -3028 maintained in the name of Unilaxy Advisors LLC;

C. Comerica, ending in (a) -0854 maintained in the name of Symbiont Capital LLC; (b) -7885 maintained in the name of Dinesh Sah; (c) -0839 maintained in the name of Unilaxy International LLC; (d) -0847 maintained in the name of Horizon 5 Lakes LLC; (e) -7836 and -7968 maintained in the name of Anju Babbar;

D. Merrill Lynch brokerage account ending in -7Q11 maintained in the name of Dinesh Sah.

E. Citibank, ending in -0583 and -0591 maintained in the name of Dinesh Sah; and

F. Technology Credit Union, ending in -7530 maintained in the name of ChargeEdge, Inc.

14. The defendant agrees that the defendant committed all the essential elements of the offenses. This factual resume is not intended to be a complete accounting of all the facts and events related to the offenses charged in this case. The limited purpose of this statement of facts is to demonstrate that a factual basis exists to support the defendant's guilty plea to Counts One and Seven of the indictment.

AGREED TO AND STIPULATED on this 12th day of February, 2021.

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