

**U.S. District Court
Eastern District of New York (Brooklyn)
CRIMINAL DOCKET FOR CASE #: 1:14-cr-00399-ENV-6**

Case title: USA v. Discala et al

Date Filed: 07/15/2014

Assigned to: Judge Eric N. Vitaliano

Defendant (6)

Kyleen Cane

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Pending Counts

CONSPIRACY TO DEFRAUD THE
UNITED STATES

(1)

MANIPULATIVE AND DECEPTIVE
DEVICES

(1s)

ATTEMPT AND CONSPIRACY TO
COMMIT MAIL FRAUD

(2)

ATTEMPT AND CONSPIRACY TO
COMMIT MAIL FRAUD

(2s)

MANIPULATIVE AND DECEPTIVE
DEVICES

(4)

MANIPULATIVE AND DECEPTIVE
DEVICES

(4s)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Highest Offense Level (Terminated)

None

Complaints

None

Disposition**Disposition****Disposition**

Plaintiff

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Date Filed	#	Docket Text
07/15/2014	1	SEALED INDICTMENT as to Abraxas J. Discala (1) count(s) 1, 2, 3-4, 5-10, Marc Wexler (2) count(s) 1, 2, 3-4, 5, 10, Ira Shapiro (3) count(s) 1, 2, 3, Matthew Bell (4) count(s) 1, 2, 3-4, Craig Josephberg (5) count(s) 1, 2, 3-4, 9, Kyleen Cane (6) count(s) 1, 2, 4, Victor Azrak (7) count(s) 1, 2, 4, 7. (Attachments: # 1 Criminal Information Sheet, # 2 Sealing Cover Sheet) (Greene, Donna) (Entered: 07/16/2014)
07/17/2014	2	Order to Unseal Indictment as to Abraxas J. Discala, Marc Wexler, Ira Shapiro, Matthew Bell, Craig Josephberg, Kyleen Cane, Victor Azrak. Ordered by Magistrate Judge Robert M. Levy on 7/17/2014. (Greene, Donna) (Entered: 07/17/2014)
07/17/2014		ORDER REASSIGNING JUDGE as to Abraxas J. Discala, Marc Wexler, Ira Shapiro, Matthew Bell, Craig Josephberg, Kyleen Cane, Victor Azrak Reassigned to Judge Eric N. Vitaliano. Judge Allyne R. Ross no longer assigned to the case.. Ordered by Chief Judge Carol Bagley Amon on 7/17/2014. (Davis, Kimberly) (Entered: 07/17/2014)
07/17/2014	4	Notice of Related Case (Davis, Kimberly) (Entered: 07/17/2014)
07/18/2014	17	ORDER that the government may furnish copies of the orders, applications and affidavits listed. ** See attached Order for details **. Ordered by Magistrate Judge Robert M. Levy on 7/17/2014. (Greene, Donna) (Entered: 07/18/2014)
07/28/2014	31	NOTICE OF ATTORNEY APPEARANCE: Seth L. Levine appearing for Kyleen Cane (Levine, Seth) (Entered: 07/28/2014)
07/29/2014	36	Minute Entry for proceedings held before Magistrate Judge Ramon E. Reyes, Jr.:AUSA Walter Norkin and Shannon Jones. Seth Levine for the deft.Arrestment as to Kyleen Cane (6) Count 1,2,4 held on 7/29/2014, Initial Appearance as to Kyleen Cane held on 7/29/2014, Plea entered by Kyleen Cane (6) Count 1,2,4. by Kyleen Cane Not Guilty on counts All Counts. (Tape #11:28 - 11:57.) (Greene, Donna) (Entered: 07/31/2014)
07/29/2014	37	Application and Order of Excludable Delay as to Kyleen Cane Time excluded from 7/29/14 until 8/15/14. Ordered by Magistrate Judge Ramon E. Reyes, Jr on 7/29/2014. (Greene, Donna) (Entered: 07/31/2014)
07/29/2014	38	ORDER Setting Conditions of Release as to Kyleen Cane (6) \$1,000,000. Ordered by Magistrate Judge Ramon E. Reyes, Jr on 7/29/2014. (Greene, Donna) (Entered: 07/31/2014)

07/29/2014	39	REDACTION by Kyleen Cane to 38 Sealed, Order Setting Conditions of Release (Greene, Donna) (Entered: 07/31/2014)
07/30/2014	35	NOTICE OF ATTORNEY APPEARANCE Shannon Cassandra Jones appearing for USA. (Jones, Shannon) (Entered: 07/30/2014)
07/31/2014	40	NOTICE OF ATTORNEY APPEARANCE Walter M. Norkin appearing for USA. (Norkin, Walter) (Entered: 07/31/2014)
08/05/2014	71	Rule 5(c)(3) Documents Received as to Abraxas J. Discala, Marc Wexler, Kyleen Cane (Attachments: # 1 financial affidavit, # 2 financial affidavit, # 3 exhibit) (Greene, Donna) (Entered: 09/15/2014)
08/06/2014	48	Letter <i>from the government to all defense counsel providing proposed stipulations regarding discovery</i> as to Abraxas J. Discala, Marc Wexler, Ira Shapiro, Matthew Bell, Craig Josephberg, Kyleen Cane, Victor Azrak (Attachments: # 1 PII Stipulation, # 2 Transcripts Stipulation) (Norkin, Walter) (Entered: 08/06/2014)
08/11/2014	49	Letter <i>by the government, dated August 11, 2014, producing Rule 16 discovery</i> as to Abraxas J. Discala, Marc Wexler, Ira Shapiro, Matthew Bell, Craig Josephberg, Kyleen Cane, Victor Azrak (Paes, Winston) (Entered: 08/11/2014)
08/12/2014	50	NOTICE OF ATTORNEY APPEARANCE: Jillian Blythe Berman appearing for Kyleen Cane (Berman, Jillian) (Entered: 08/12/2014)
08/12/2014	51	ORDER Setting Conditions of Release as to Kyleen Cane (6) \$1,000,000. Ordered by Magistrate Judge Ramon E. Reyes, Jr on 8/12/2014. **Additional Signature(s) added ** (Greene, Donna) (Additional attachment(s) added on 8/20/2014: # 1 Additional Signature) (Piper, Francine). (Entered: 08/12/2014)
08/12/2014	52	REDACTION by Kyleen Cane to 51 Sealed, Order Setting Conditions of Release (Greene, Donna) (Additional attachment(s) added on 8/20/2014: # 1 Additional Signature) (Piper, Francine). (Entered: 08/12/2014)
08/15/2014	59	Letter <i>by the government, dated August 15, 2014, providing supplemental Rule 16 discovery (SW and wiretap applications and orders)</i> as to Abraxas J. Discala, Marc Wexler, Ira Shapiro, Matthew Bell, Craig Josephberg, Kyleen Cane, Victor Azrak (Paes, Winston) (Entered: 08/15/2014)
08/15/2014		Minute Entry for proceedings held before Judge Eric N. Vitaliano: Status Conference as to Abraxas J. Discala, Marc Wexler, Ira Shapiro, Matthew Bell, Craig Josephberg, Kyleen Cane, Victor Azrak held on 8/15/2014. The following attorneys present: AUSA: Winston Paes, Walter Norkin, Shannon Jones and Claire Kedeshian for USA, for Abraxas J. Discala- Joseph Tacopina, for Marc Wexler- Craig Carpenito, for Ira Shapiro- Richard Greenberg standing in for David Gourevitch, for Matthew Bell- Renato Stabile, for Craig Josephberg - Scott Morvillo, for Kyleen Cane- Seth Levine and Jillian Berman and for Victor Azrak- Marc Agnifilo. Discovery being provided by Government. Case designated complex. Appearances for defendants Mr. Shapiro, Matthew Bell and Kyleen Cane not necessary for future Status Conferences. Counsel for defendants authorized by their clients to excluded time. Next Status Conference

		scheduled for 10/24/2014 @ 10. Time excluded for the reasons stated on the record. (Court Reporter Lisa Schwam.) (Villanueva, William) (Entered: 08/15/2014)
08/18/2014	<u>62</u>	Letter from AUSA Norkin to the Hon. E.N. Vitaliano requesting that the Court approve proposed stipulations and orders to govern use of documents with personally identifiable information ("PII") as to Abraxas J. Discala, Marc Wexler, Ira Shapiro, Matthew Bell, Craig Josephberg, Kyleen Cane, Victor Azrak (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit) (Norkin, Walter) (Entered: 08/18/2014)
08/22/2014	<u>64</u>	TRANSCRIPT of Proceedings as to Kyleen Cane held on 7/29/14, before Judge Reyes. Court Reporter/Transcriber TRANSCRIPTION PLUS II. Email address: laferrara44@gmail.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 9/12/2014. Redacted Transcript Deadline set for 9/22/2014. Release of Transcript Restriction set for 11/20/2014. (Hong, Loan) (Entered: 08/22/2014)
08/29/2014	<u>66</u>	Letter by the government, dated August 29, 2014, providing Rule 16 discovery (bank records, credit reports, phone records, SMS messages, wiretap telephone and SMS recordings, financial and trading records) (print order # 80072) as to Abraxas J. Discala, Marc Wexler, Ira Shapiro, Matthew Bell, Craig Josephberg, Kyleen Cane, Victor Azrak (Attachments: # <u>1</u> Discovery Production Index) (Paes, Winston) (Entered: 08/29/2014)
10/02/2014	<u>73</u>	Letter by the government, dated October 2, 2014, providing Rule 16 discovery (prior production as a Concordance load file, draft transcripts, wiretap 10-day letter, and forfeiture seizure documents) as to Abraxas J. Discala, Marc Wexler, Ira Shapiro, Matthew Bell, Craig Josephberg, Kyleen Cane, Victor Azrak (Paes, Winston) (Entered: 10/02/2014)
10/15/2014	<u>78</u>	Letter by the government, dated October 15, 2014, providing Rule 16 discovery (forfeiture seizure documents, draft wiretap transcripts, and a wiretap 10-day letter) as to Abraxas J. Discala, Ira Shapiro, Craig Josephberg, Kyleen Cane, Victor Azrak (Paes, Winston) (Entered: 10/15/2014)
10/23/2014	<u>88</u>	Letter by the government, dated October 23, 2014, providing Rule 16 discovery (Concordance load file of prior productions) as to Abraxas J. Discala, Ira Shapiro, Craig Josephberg, Kyleen Cane, Victor Azrak (Paes, Winston) (Entered: 10/23/2014)
10/24/2014		Minute Entry for proceedings held before Judge Eric N. Vitaliano: Status Conference as to Abraxas J. Discala, Ira Shapiro, Craig Josephberg, Kyleen Cane, Victor Azrak held on 10/24/2014. Winston Paes, Walter Norkin & Shannon Jones for USA, Charles Ross for defendant Discala, Richard Greenberg and David Usher Gourevitch for Shapiro, Amy Walsh for defendant defendant Josephberg, Seth Levine and Jillian Blythe Berman for defendant Cane and Jacob Kaplan for defendant Azrack present. Case continues to be designated complex. Next Status Conference scheduled for 1/23/2015 @ 10. Time excluded. (Court Reporter Mary Agnes Drury.) (Villanueva, William) (Entered: 10/24/2014)

10/24/2014	90	MOTION for Extension of Time to to extend for ninety days. <i>The United States of America, moving by and through its undersigned counsel, respectfully submits under seal this ex parte application for an Order pursuant to 18 U.S.C. Section 2518(8) (d) to extend for ninety days the delayed notification period previously granted by the Court in two orders entered July 1, 2014, and July 18, 2014.</i> by USA as to Abraxas J. Discala, Marc Wexler, Ira Shapiro, Matthew Bell, Craig Josephberg, Kyleen Cane, Victor Azrak. (Attachments: # 1 Sealing Cover Sheet) (Brown, Marc) (Entered: 10/24/2014)
10/24/2014	91	ORDER: re 90 : IT APPEARING THAT there is good cause to find that notice would jeopardize an ongoing investigation; IT IS HEREBY ORDERED pursuant to Title 18, United States Code, 2518(8) (d) that the notification by the government otherwise required under this Section shall be delayed for an additional ninety days. IT IS FURTHER ORDERED that the Application and this Order are sealed until otherwise ordered by the Court. Ordered by Judge Eric N. Vitaliano on 10/22/2014. (Attachments: # 1 Sealing Cover Sheet) (Brown, Marc) (Entered: 10/24/2014)
01/06/2015	107	Letter by the government, dated January 6, 2015, providing Rule 16 discovery (bank records, business records, telephone records, search warrant records and brokerage records) as to Abraxas J. Discala, Ira Shapiro, Craig Josephberg, Kyleen Cane, Victor Azrak (Attachments: # 1 Discovery Production Index) (Paes, Winston) (Entered: 01/06/2015)
01/15/2015		NOTICE OF HEARING as to Abraxas J. Discala, Marc Wexler, Ira Shapiro, Matthew Bell, Craig Josephberg, Kyleen Cane, Victor Azrak Status Conference RESCHEDULED for 1/23/2015 11:00 AM in Courtroom 4C South before Judge Eric N. Vitaliano. ***PLEASE NOTE: TIME CHANGE ONLY*** (Villanueva, William) (Entered: 01/15/2015)
01/22/2015	114	Letter by the government, dated January 22, 2015, providing supplemental Rule 16 discovery (trading records, account statements, stock certificates and blue sheet data) as to Abraxas J. Discala, Ira Shapiro, Craig Josephberg, Kyleen Cane (Attachments: # 1 Discovery Production Index) (Paes, Winston) (Entered: 01/22/2015)
01/23/2015		Minute Entry for proceedings held before Judge Eric N. Vitaliano: Status Conference as to Abraxas J. Discala, Ira Shapiro, Craig Josephberg, Kyleen Cane held on 1/23/2015. Next Status Conference scheduled for 5/8/2015 @10. Time excluded. (Court Reporter Victoria Torres-Butler.) (Villanueva, William) (Entered: 02/18/2015)
02/02/2015	123	STIPULATION AND ORDER re: Discovery Materials as to Kyleen Cane. (Ordered by Judge Eric N. Vitaliano on 2/2/2015) (Galeano, Sonia) (Entered: 02/04/2015)
02/03/2015	116	STIPULATION AND ORDER as to Defendants: IT IS HEREBY STIPULATED AND AGREED by and between the undersigned that: The Discovery Materials can be used by the defendant and their defense counsel in this matter only for purposes of trial preparation, defense at trial against the charges set forth in the above-captioned indictment, and any related appellate matters arising from the above-referenced trial (see order for details). Ordered by Judge Eric N. Vitaliano on 2/2/2015. (Fernandez, Erica) (Entered: 02/03/2015)

02/04/2015	121	STIPULATION AND ORDER dated 2/2/14 re: Discovery Materials. (Ordered by Judge Eric N. Vitaliano on 2/2/2015) (Guzzi, Roseann) (Entered: 02/04/2015)
03/20/2015	129	Letter <i>Submitting Stipulation of Substitution of Counsel</i> as to Kyleen Cane (Attachments: # 1 Proposed Order) (Riopelle, Roland) (Entered: 03/20/2015)
03/20/2015	131	NOTICE OF ATTORNEY APPEARANCE: Robert Caliendo appearing for Kyleen Cane (Caliendo, Robert) (Entered: 03/20/2015)
03/20/2015	132	NOTICE OF ATTORNEY APPEARANCE: Roland G. Riopelle appearing for Kyleen Cane (Riopelle, Roland) (Entered: 03/20/2015)
04/15/2015	133	ORDER as to Kyleen Cane: Attorney Jillian Blythe Berman and Seth L. Levine terminated in case as to Kyleen Cane. Roland G. Riopelle, Esq. is the substituted counsel for Deft Kyleen Cane. (Ordered by Judge Eric N. Vitaliano on 4/10/2015) (Galeano, Sonia) (Entered: 04/15/2015)
05/06/2015	137	Letter <i>regarding discovery production</i> as to Abraxas J. Discala, Ira Shapiro, Craig Josephberg, Kyleen Cane (Jones, Shannon) (Entered: 05/06/2015)
05/08/2015		Attorney update in case as to Abraxas J. Discala, Marc Wexler, Ira Shapiro, Matthew Bell, Craig Josephberg, Kyleen Cane, Victor Azrak. Attorney Patrick Hein for USA added. (Villanueva, William) (Entered: 05/08/2015)
05/08/2015		Minute Entry for proceedings held before Judge Eric N. Vitaliano:Status Conference as to Abraxas J. Discala, Ira Shapiro, Craig Josephberg, Kyleen Cane held on 5/8/2015. New discovery provided. Next Status Conference scheduled for 9/11/2015 @ 10. Time excluded. Case remains complex. (Court Reporter Lisa Schwam.) (Villanueva, William) (Entered: 06/17/2015)
05/26/2015	139	MOTION to Modify Conditions of Release <i>To Permit Travel to Edinburgh, Scotland</i> by Kyleen Cane. (Attachments: # 1 Exhibit Exhibit A NV Conditions of Release, # 2 Exhibit Exhibit B Passport Receipt, # 3 Exhibit Exhibit C Confession of Judgment) (Riopelle, Roland) (Entered: 05/26/2015)
05/28/2015	140	RESPONSE in Opposition re 139 MOTION to Modify Conditions of Release <i>To Permit Travel to Edinburgh, Scotland</i> (Attachments: # 1 Exhibit) (Jones, Shannon) (Entered: 05/28/2015)
06/01/2015	142	REPLY TO RESPONSE to Motion re 139 MOTION to Modify Conditions of Release <i>To Permit Travel to Edinburgh, Scotland</i> (Caliendo, Robert) (Entered: 06/01/2015)
06/24/2015	146	RESPONSE in Opposition re 139 MOTION to Modify Conditions of Release <i>To Permit Travel to Edinburgh, Scotland Supplemental information about Cane's assets</i> (Jones, Shannon) (Entered: 06/24/2015)
06/26/2015	149	RESPONSE in Support re 139 MOTION to Modify Conditions of Release <i>To Permit Travel to Edinburgh, Scotland</i> (Riopelle, Roland) (Entered: 06/26/2015)
06/26/2015	150	RESPONSE in Support re 139 MOTION to Modify Conditions of Release <i>To Permit Travel to Edinburgh, Scotland Corrected Copy</i> (Riopelle, Roland) (Entered: 06/26/2015)

07/02/2015	151	ORDER granting 139 Motion to Modify Conditions of Release as to Kyleen Cane (6). See attached order. Ordered by Judge Eric N. Vitaliano on 7/2/2015. (Murphy, David) (Main Document 151 replaced on 7/6/2015) (Fernandez, Erica). (Entered: 07/02/2015)
07/30/2015	155	Letter dated July 27, 2015 re discovery (bank, phone, brokerage account records) as to Abraxas J. Discala, Ira Shapiro, Craig Josephberg, Kyleen Cane (Jones, Shannon) (Entered: 07/30/2015)
08/12/2015	159	Letter Describing Modification to Itinerary for travel as to Kyleen Cane (Riopelle, Roland) (Entered: 08/12/2015)
09/09/2015		NOTICE OF HEARING as to Abraxas J. Discala et al. Status Conference RESCHEDULED for 3/18/2016 10:00 AM in Courtroom 4C South before Judge Eric N. Vitaliano. (Villanueva, William) (Entered: 09/09/2015)
11/02/2015	166	SEALED SUPERSEDING INDICTMENT (S-1) as to Abraxas J. Discala (1) count(s) 1s, 2s, 3s-4s, 5s-11s, Ira Shapiro (3) count(s) 1s, 2s, 3s, Craig Josephberg (5) count(s) 1s, 2s, 3s-4s, 10s, Kyleen Cane (6) count(s) 1s, 2s, 4s, Darren Goodrich (8) count(s) 1, 2, 4, 6, Darren Ofsink (9) count(s) 1, 2, 3, Michael Morris (10) count(s) 1, 2, 3. (Attachments: # 1 Criminal Information Sheet, # 2 Sealing Cover Sheet) (Piper, Francine) (Entered: 11/03/2015)
11/04/2015	167	Order to Unseal Indictment as to Abraxas J. Discala, Ira Shapiro, Craig Josephberg, Kyleen Cane, Darren Goodrich, Darren Ofsink, Michael Morris.. Ordered by Magistrate Judge Viktor V. Pohorelsky on 11/4/2015. (Marziliano, August) (Entered: 11/04/2015)
11/20/2015	187	Minute Entry: for proceedings held before Judge Eric N. Vitaliano: AUSA Shannon Jones, Winston Paes and Patrick Hein. Defense Atty: Roland Riopelle standing in for Charles Ross for Deft Abraxas Discala. Defense Atty: Richard Greenberg and Steven Yurowitz for Deft Ira Shapiro. Defense Atty: Ellen Murphy for Deft Craig Josephberg. Defense Atty: Roland Riopelle for Deft Kyleen Kane. Defense Atty: Patrick Smith for Deft Darren Goodrich. Defense Atty: Christopher Bruno for Deft Darren Ofsink. Defense Atty: Maranda Fritz and Eli Richlin for Deft Michael Morris. Arraignment as to Abraxas J. Discala (1) Count 1s,2s,3s-4s,5s-11s and Ira Shapiro (3) Count 1s,2s,3s and Craig Josephberg (5) Count 1s,2s,3s-4s,10s and Kyleen Cane (6) Count 1s,2s,4s and Darren Goodrich (8) Count 1,2,4,6 held on 11/20/2015. Plea entered by Darren Goodrich (8) Count 1,2,4,6. by Abraxas J. Discala, Ira Shapiro, Craig Josephberg, Kyleen Cane, Darren Goodrich Not Guilty on ALL COUNTS OF THE SUPERSEDING INDICTMENT. Formal reading of the indictment waived. Joint motion by Government and counsel for deft Goodrich for the Court to adopt bail conditions from the Central District of California is granted. Bail condition expanded to include New Jersey. (Status Conference set for 3/18/2016 at 10:00 AM in Courtroom 4C South before Judge Eric N. Vitaliano.) Time continues to be excluded to 3/18/16. (Court Reporter Angela Grant.) (Galeano, Sonia) (Entered: 11/25/2015)