

Artley, Paul S.

From: Don Vilfer [DEVilfer@surewest.net] on behalf of Don@VilferInvestigations.com
Sent: Tuesday, December 23, 2008 10:41 AM
To: Artley, Paul S.
Subject: Issues for SK
Attachments: Four in One Class Action filed 12-11-08 (1078939).pdf

Paul,

As discussed, here are some points to consider in the event you have an opportunity to knock out a plea agreement with SK personnel in the future or to debrief them on particular issues. This comes from Dale Campbell after he saw the plea agreement with Rahall. Dale thought that a public record as to the Theft of Trade Secrets would be particularly appreciated. The first four admissions are directly relevant to allegations that SK illegally obtained competitor's bid information. Dale really wants to prove that SK bribed MorningStar employees while they were still MorningStar employees. That should fit into some kind of predicate act for industrial espionage:

1. Admit SK received MS electronic data from Tony.
2. Admit SK received customer and other information from Beasley and Tony while they were still employed by MS (perhaps also Michael Poretti).
3. Admit SK used the MS information it received from Beasley, Tony and Poretti in making bids to others.
4. Admit SK paid Beasley, Manuel (Poretti) a bonus when they first joined SK as compensation for providing SK information while still employed by MS.
5. Admit they mislabeled ordinary product as "organic". -- this is just a hunch.
6. Information about where all of the ill-gotten proceeds have gone.

Dale is also interested in answers to these questions. You can address these via email or conversation with me (or ignore them if you want, because you are the FBI after all!):

7. Do the feds consider MorningStar a "victim" sufficient to order a restitution amount? If so, on what count.
8. What is the pecuniary gain the Feds have calculated so that it can be doubled for the fine purpose? FYI, if fine money only goes to the Government, and not the victims/public, then we do not want big fines. Something has to be left over for victims.
9. Can they get an agreement to freeze assets for the benefit of victims?

Another note; we have heard rumors from Australia that the head of the Australian division has replaced Salyer as CEO and Chair of SK.

Also attached is the complaint on the class action against SK. I believe I sent it to Delaney already.

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