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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

June 2007 Grand Jury

UNITED STATES OF AMERICA,)	CR No. 05-1046(E)-DSF
)	
Plaintiff,)	<u>I N D I C T M E N T</u>
)	
v.)	[REDACTED FOR TRIAL]
)	
ANTHONY PELLICANO and)	[18 U.S.C. § 371: Conspiracy;
TERRY CHRISTENSEN,)	18 U.S.C. § 2511(1)(a), (d):
)	Interception of Wire
Defendants.)	Communications]
)	
)	
)	

The Grand Jury charges:

COUNT ONE

[18 U.S.C. § 371]

[Conspiracy]

A. OBJECTS OF THE CONSPIRACY

1. Beginning on or about March 15, 2002, and continuing until on or about May 16, 2002, in Los Angeles County, within the Central District of California, and elsewhere, defendants ANTHONY PELLICANO and TERRY CHRISTENSEN, and others known and unknown to

EXHIBIT A

1 the Grand Jury, knowingly conspired and agreed with each other
2 to:

3 a. intentionally intercept, endeavor to intercept,
4 and procure other persons to intercept and endeavor to intercept
5 wire communications, in violation of Title 18, United States
6 Code, Section 2511(1)(a); and

7 b. intentionally use, and endeavor to use, the
8 contents of wire communications, knowing and having reason to
9 know that the information was obtained through the interception
10 of wire communications, in violation of Title 18, United States
11 Code, Section 2511(1)(d).

12 B. MEANS BY WHICH THE OBJECTS OF THE CONSPIRACY WERE TO BE
13 ACCOMPLISHED

14 2. The objects of the conspiracy were to be accomplished,
15 in substance, as follows:

16 3. Defendant PELLICANO would implement and maintain an
17 illegal wiretap on the telephone of Lisa Bonder Kerkorian, who
18 was engaged in litigation with a client of defendant CHRISTENSEN,
19 an attorney licensed in the State of California.

20 4. Defendant PELLICANO would listen to Lisa Bonder
21 Kerkorian's intercepted telephone conversations, and would
22 provide the contents of those conversations, including summaries
23 of privileged attorney-client communications between Lisa Bonder
24 Kerkorian and her attorneys, to defendant CHRISTENSEN and others
25 known and unknown to the Grand Jury.

26 5. Defendant CHRISTENSEN, and others known and unknown to
27 the Grand Jury, would use the information gleaned from the
28 illegal wiretap to secure a tactical advantage in litigation by

1 learning Lisa Bonder Kerkorian's plans, strategies, perceived
2 strengths and weaknesses, settlement position, and other
3 confidential information.

4 6. Defendant PELLICANO would discuss with defendant
5 CHRISTENSEN how long the illegal wiretap should remain in place
6 and when the illegal wiretap should be brought to an end.

7 7. Defendant CHRISTENSEN would pay defendant PELLICANO at
8 least \$100,000 for defendant PELLICANO's services in connection
9 with the illegal wiretap.

10 C. OVERT ACTS

11 8. On or about each of the following dates, within the
12 Central District of California and elsewhere, in furtherance of
13 the conspiracy and to accomplish the objects of the conspiracy,
14 defendants PELLICANO and CHRISTENSEN, and others known and
15 unknown to the Grand Jury, committed the following overt acts,
16 among others:

17 9. On or about March 15, 2002, defendant PELLICANO
18 received a telephone call from an attorney who instructed
19 defendant PELLICANO to contact defendant CHRISTENSEN regarding
20 "going after" Lisa Bonder Kerkorian's attorney, who had referred
21 defendant CHRISTENSEN to the State Bar of California.

22 10. On or about March 18, 2002, defendant CHRISTENSEN
23 authorized defendant PELLICANO to implement an illegal wiretap of
24 Lisa Bonder Kerkorian's telephone in order to discover the father
25 of Lisa Bonder Kerkorian's child in connection with a child
26 support case involving defendant CHRISTENSEN's client.

27 11. On or about March 18, 2002, after agreeing to implement
28 the illegal wiretap of Lisa Bonder Kerkorian's telephone,

1 defendant CHRISTENSEN told defendant PELLICANO that "one of the
2 criteria is that no name ever surfaces anywhere" because "the
3 people related to me don't want to do this."

4 12. On or about March 18, 2002, after agreeing to implement
5 the illegal wiretap of Lisa Bonder Kerkorian's telephone,
6 defendant PELLICANO assured defendant CHRISTENSEN that "the
7 conversations are only between you and I" and that defendant
8 PELLICANO would be "feeding you information that you'd never get
9 in a million years."

10 13. On or about March 18, 2002, after agreeing to implement
11 the illegal wiretap to discover the father of Lisa Bonder
12 Kerkorian's child, defendant PELLICANO said that he would be
13 providing defendant CHRISTENSEN with other information that might
14 help with the case, and defendant CHRISTENSEN stated, "I'll take
15 it."

16 14. On or about March 25, 2002, defendant CHRISTENSEN paid
17 \$25,000 to defendant PELLICANO for the purpose of implementing an
18 illegal wiretap to intercept the telephone calls of Lisa Bonder
19 Kerkorian, including calls between her and her attorneys.

20 15. In or around April and May 2002, defendant PELLICANO
21 used the "Telesleuth" program to intercept telephone
22 communications of Lisa Bonder Kerkorian.

23 16. On or about April 18, 2002, defendant PELLICANO related
24 to defendant CHRISTENSEN, in order to "help" defendant
25 CHRISTENSEN with a hearing that day, the contents of intercepted
26 telephone calls between Lisa Bonder Kerkorian and her attorneys
27 in which they discussed their reactions to a prior court ruling,
28 their litigation strategies, and their settlement position.

1 17. On or about April 22, 2002, defendant PELLICANO related
2 to defendant CHRISTENSEN the contents of intercepted telephone
3 calls between Lisa Bonder Kerkorian and her attorneys and warned
4 defendant CHRISTENSEN to "be very careful about this because
5 there is only one way for me to know this."

6 18. On or about April 22, 2002, defendant PELLICANO told
7 defendant CHRISTENSEN that he "could hear the sigh of relief in
8 [Lisa Bonder Kerkorian's attorney's] voice" during an intercepted
9 telephone conversation between Lisa Bonder Kerkorian and her
10 attorney.

11 19. On or about April 22, 2002, defendant PELLICANO, after
12 relating to defendant CHRISTENSEN the contents of intercepted
13 telephone conversations between Lisa Bonder Kerkorian and her
14 attorneys, told defendant CHRISTENSEN that "if we continue to get
15 this kind of information with their strategy, we're really
16 killing 'em."

17 20. On or about April 22, 2002, defendant PELLICANO told
18 defendant CHRISTENSEN that Lisa Bonder Kerkorian's child "gets on
19 the phone maybe five or six times a week and just cries into the
20 phone."

21 21. On or about April 26, 2002, defendant CHRISTENSEN asked
22 defendant PELLICANO what he had heard and noted that defendant
23 PELLICANO had been waiting to find out what "to listen about."

24 22. On or about April 26, 2002, defendant PELLICANO related
25 to defendant CHRISTENSEN the contents of intercepted telephone
26 calls between Lisa Bonder Kerkorian and her attorneys in which
27 they discussed their settlement position.

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1 23. On or about April 27, 2002, defendant CHRISTENSEN asked
2 defendant PELLICANO what Lisa Bonder Kerkorian was discussing
3 with her attorneys.

4 24. On or about April 27, 2002, defendant PELLICANO related
5 to defendant CHRISTENSEN the contents of intercepted telephone
6 calls between Lisa Bonder Kerkorian and her attorneys in which
7 they discussed their settlement position, including quoting to
8 defendant CHRISTENSEN Lisa Bonder Kerkorian's "exact words."

9 25. On or about April 27, 2002, defendant PELLICANO related
10 to defendant CHRISTENSEN the contents of an intercepted call
11 between Lisa Bonder Kerkorian and her father, and reminded
12 defendant CHRISTENSEN that "there is no way, except with my
13 unique techniques, that you would know this."

14 26. On or about April 28, 2002, defendant PELLICANO related
15 to defendant CHRISTENSEN the contents of intercepted telephone
16 calls between Lisa Bonder Kerkorian and her attorneys in which
17 Lisa Bonder Kerkorian discussed the identity of her child's
18 biological father.

19 27. On or about April 28, 2002, while discussing whether
20 mediator Debra Simon had accurately relayed the position of
21 defendant CHRISTENSEN's client to Lisa Bonder Kerkorian and her
22 attorneys, defendant PELLICANO said, "I'm going to find out for
23 sure, without any question," and defendant CHRISTENSEN agreed,
24 "Yeah, you will."

25 28. On or about April 28, 2002, defendant PELLICANO asked
26 defendant CHRISTENSEN what settlement position had been
27 communicated by the mediator to Lisa Bonder Kerkorian, stating,
28 "I'm going to hear it for myself."

1 29. On or about April 28, 2002, defendant CHRISTENSEN told
2 defendant PELLICANO that the most important thing was to discover
3 the truth about the father of Lisa Bonder Kerkorian's child,
4 adding, "not that this other stuff hasn't proven to be very
5 helpful."

6 30. On or about April 28, 2002, defendant PELLICANO told
7 defendant CHRISTENSEN that he had 80 intercepted telephone calls
8 to listen to "just from today."

9 31. On or about April 28, 2002, defendant PELLICANO told
10 defendant CHRISTENSEN that he was "hearing both sides, you know,
11 I'm hearing her talk to Kirk [Kerkorian] too. That's not for
12 attribution, I mean for distribution, but I'm hearing both of
13 them, I'm hearing all of it, the whole nine yards."

14 32. On or about April 29, 2002, defendant PELLICANO related
15 to defendant CHRISTENSEN the contents of intercepted telephone
16 calls between Lisa Bonder Kerkorian and mediator Debra Simon
17 relating to the litigation between Lisa Bonder Kerkorian and
18 defendant CHRISTENSEN's client.

19 33. On or about April 29, 2002, defendant CHRISTENSEN
20 discussed with defendant PELLICANO the words that Lisa Bonder
21 Kerkorian had used in a conversation with her attorney.

22 34. On or about April 29, 2002, defendant PELLICANO assured
23 defendant CHRISTENSEN that "I know everything that's going on,
24 and obviously they don't know I know. Nobody knows except you
25 and me."

26 35. On or about May 3, 2002, defendant PELLICANO related to
27 defendant CHRISTENSEN the contents of intercepted telephone calls
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1 between Lisa Bonder Kerkorian and her attorneys in which they
2 discussed their reactions to a previous court hearing.

3 36. On or about May 3, 2002, defendant PELLICANO told
4 defendant CHRISTENSEN that he had another 364 intercepted
5 telephone conversations that he had to listen to.

6 37. On or about May 3, 2002, defendant PELLICANO told
7 defendant CHRISTENSEN about a conversation between Lisa Bonder
8 Kerkorian and her attorney that was "worth its weight in gold."

9 38. On or about May 8, 2002, defendant PELLICANO related to
10 defendant CHRISTENSEN the contents of intercepted telephone calls
11 between Lisa Bonder Kerkorian and her attorneys in which they
12 discussed their settlement expectations.

13 39. On or about May 8, 2002, defendant CHRISTENSEN told
14 defendant PELLICANO that he liked what he had learned from
15 defendant PELLICANO and that he was thinking about sending "a
16 little more expense money" to cover the cost of the wiretap.

17 40. On or about May 9, 2002, defendant PELLICANO related to
18 defendant CHRISTENSEN the contents of intercepted telephone calls
19 between Lisa Bonder Kerkorian and mediator Debra Simon.

20 41. On or about May 10, 2002, defendant PELLICANO related
21 to defendant CHRISTENSEN the contents of intercepted telephone
22 calls between Lisa Bonder Kerkorian and her attorneys in which
23 they discussed the tax returns of defendant CHRISTENSEN's client.

24 42. On or about May 10, 2002, defendant PELLICANO told
25 defendant CHRISTENSEN about the "elation" that Lisa Bonder
26 Kerkorian felt after a telephone call with Debra Simon, and
27 defendant CHRISTENSEN said that he would pass the information on
28 to his client.

1 43. On or about May 14, 2002, defendant CHRISTENSEN told
2 defendant PELLICANO that it would be "interesting" to know what
3 Lisa Bonder Kerkorian's lawyers would tell her about the court
4 proceedings that day, ordered Pellicano to listen to that day's
5 intercepted conversations, and said that they would decide the
6 next day whether to continue with the wiretap.

7 44. On or about May 14, 2002, defendant CHRISTENSEN paid
8 \$75,000 to defendant PELLICANO as additional payment for services
9 in connection with the illegal wiretap.

10 45. On or about May 15, 2002, defendant CHRISTENSEN
11 instructed defendant PELLICANO to "wrap up" the illegal wiretap
12 of Lisa Bonder Kerkorian, and defendant PELLICANO told defendant
13 CHRISTENSEN that it would be "too difficult" and "too dangerous"
14 to reinitiate the wiretap once it was disconnected.

15 46. On or about May 16, 2002, defendant CHRISTENSEN told
16 defendant PELLICANO that he had been "great," and defendant
17 PELLICANO confirmed that "the switch gets shut."
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COUNT TWO

[18 U.S.C. §§ 2511(1)(a), 2]

[Interception of Wire Communications]

In or around April and May 2002, in Los Angeles County, within the Central District of California, defendant ANTHONY PELLICANO, aided and abetted by defendant TERRY CHRISTENSEN, intentionally intercepted, endeavored to intercept, and procured another person to intercept and endeavor to intercept, wire communications of Lisa Bonder Kerkorian.

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