

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

THOMAS RUBINO,

Defendant.

PEOPLE'S
VOLUNTARY
DISCLOSURE FORM

Ind. No. 3525/2015

The People of the State of New York hereby voluntarily disclose to the defendant the following factual information pertaining to the above-captioned case:

A. BILL OF PARTICULARS

1. OCCURRENCE

Date: June 27, 2011 to October 2, 2013
Place: Paris & Chaikin, PLLC
14 Penn Plaza, Suite 2202
New York, New York 10122

The attached spreadsheet details the time and date defendant provided each forged order to the two structured settlement companies.

2. ARREST

Date: September 16, 2015
App. Time: 8:45 AM
Place: 1 Hogan Place
New York, New York 10013

B. NOTICES

1. STATEMENTS

If checked, notice is hereby served, pursuant to CPL §710.30(1)(a), that the People intend to offer at trial evidence of a statement made by defendant to a public servant. *(Where a statement has been recorded on video, counsel should contact the assigned assistant district attorney to arrange a mutually convenient time for viewing the recording or should provide a blank DVD for copying.)*

Statement Number: 1
Date: April 21, 2014
Approximate Time: 10:00 AM
Location: New York County District Attorney's Office,
6th floor of 80 Centre Street, New York, NY

Individual Made To: Investigator David Moser
Substance of Statement: I WAS HIRED AS A PARALEGAL IN
JULY OF 2010 FOR PARIS AND CHAIKIN, WHICH IS A LAW FIRM LOCATED
AT 14 PENN PLAZA, SUITE 2202, IN MANHATTAN.

I WORKED ON STRUCTURED SETTLEMENT CASES. AT FIRST, I WAS OVERSEEN BY IAN CHAIKIN, BUT OVER TIME I WORKED ON THE CASES WITHOUT OVERSIGHT. EACH YEAR, THE WORKLOAD INCREASED AND I HAD DIFFICULTLY KEEPING UP WITH THE DEMANDS PLACED UPON ME.

THE STRUCTURED SETTLEMENT CASES WERE A BIG PART OF THE FIRM'S INCOME, AND I FELT PRESSURED TO DO WHAT WAS NECESSARY TO GET THEM APPROVED.

IN 2011, I BEGAN TO COPY AND PASTE THE JUDGES' SIGNATURES ON JUDICIAL ORDERS TO GET THEM APPROVED AND FORWARDED TO THE STRUCTURED SETTLEMENT COMPANIES. THE FORGED ORDERS BEGAN SOMETIME IN THE SUMMER OF 2011, AFTER MAY OF 2011. IN OCTOBER OF 2011, I GOT INTO AN ARGUMENT WITH IAN CHAIKIN ABOUT BEING OVERWORKED.

I CREATED ALL THE FORGED ORDERS WITHIN THE PARIS AND CHAIKIN LAW FIRM OFFICE AT 14 PENN PLAZA. TO CREATE A FORGED ORDER I WOULD CUT OUT THE SIGNATURE OF THE JUDGE FROM A LEGITIMATE ORDER AND THEN TAPE IT ON TO MY ORDER. AFTER TAPING THE SIGNATURE TO THE ORDER, I WOULD COPY THE ORDER AND UPLOAD THE FORGED ORDER TO OUR SERVER. I WOULD THEN EMAIL THE ORDER TO THE STRUCTURED SETTLEMENT COMPANIES.

I MADE THE FORGED ORDERS WHEN I FELT OVERWHELMED WITH WORK. I WAS MOTIVATED OUT OF FEAR THAT THE WORK WOULDN'T GET DONE. JASON PARIS AND IAN CHAIKIN DID NOT KNOW THAT I WAS FORGING THE JUDICIAL ORDERS.

IN SEPTEMBER OF 2013, I RECEIVED A LETTER FROM A JUDGE IN STEUBEN COUNTY INQUIRING ABOUT ONE OF MY FORGED ORDERS. THE JUDGE WAS REQUESTING THAT OUR FIRM APPEAR IN COURT ON NOVEMBER 4TH BECAUSE THE COURT COULD NOT LOCATE THE ORDER FROM ITS OWN CLERK'S OFFICE. I HID THE LETTER IN MY DESK AND DIDN'T TELL ANYONE. I KNEW I HAD BEEN CAUGHT.

THEREAFTER, I LEFT THE FIRM THE FIRST WEEK OF OCTOBER. I TOLD THEM MY UNCLE DIED, THAT I NEEDED TO LEAVE TOWN, AND I JUST NEVER RETURNED. I ALSO PUT MY CELLPHONE ON A TRAIN GOING TO CONNECTICUT AND THEN TOOK A TRAIN TO PHILADELPHIA.

I REMEMBER CERTAIN FORGED ORDERS BECAUSE THE PEOPLE NEEDED THE MONEY. [REDACTED] WAS PARALYZED AND HIS HOUSE WAS BEING FORECLOSED. [REDACTED] WAS SPENDING CHRISTMAS IN A SHELTER.

I RECEIVED A BONUS CHECK EVERY QUARTER BASED UPON THE NUMBER OF STRUCTURED SETTLEMENT CASES THAT I PROCESSED. I REFUSED TO TAKE THE BONUS IN 2013.

I ALSO LIED TO THE LAW FIRM ABOUT BEING A LAW STUDENT AT NEW YORK LAW SCHOOL. I CLAIMED I WAS GOING TO LAW SCHOOL AROUND THE SAME TIME THAT I STARTED MAKING THE FORGERIES BECAUSE I WAS OVERWORKED, AND IT WAS AN EXCUSE TO GET OUT OF THE OFFICE.

Statement Number:	2 – interview was videotaped.
Date:	April 28, 2014
Approximate Time:	10:00 AM
Location:	New York County District Attorney's Office, 2 ND floor of 100 Centre Street
Individual Made To:	Investigator David Moser
Substance of Statement:	THERE WAS A SECOND CASE IN AUGUST OF 2013, WHICH LED TO THE COLLAPSE OF WHAT I WAS DOING. AN INVESTOR WHO WAS BEING CONFERRED THE RIGHTS TO PAYMENTS CONTAINED IN A FORGED ORDER CALLED TO CONFIRM THAT HE NOW HAD THE RIGHT TO RECEIVE PAYMENTS. HE WAS TOLD THAT THERE WAS NO RECORD OF A TRANSFER. HE CONTACTED THE COMPANY THAT HIRED MY FIRM, AND THAT COMPANY CONTACTED ME FOR AN EXPLANATION. THAT HAPPENED AT THE END OF AUGUST OR EARLY SEPTEMBER OF 2013. I CREATED A FORGED ORDER ASSOCIATED WITH THAT ORDER. I PUT THE COMPANY OFF AS LONG AS I COULD. I THEN EVEN GOT CALLS FROM THE LOTTERY COMMISSION AS WELL. I ASKED MY BOSS IAN CHAIKIN FOR HELP CREATING A REAL ORDER, HE DIDN'T HELP ME, AND THEN I COULDN'T FIGURE IT OUT SO I FORGED THE ORDER. THAT WAS ASSOCIATED WITH WOODBRIDGE STRUCTURED SETTLEMENT.

THE STRUCTURED SETTLEMENT BUSINESS WAS VERY IMPORTANT TO THE FIRM. I WAS SCARED THAT IF I DIDN'T GET MY WORK DONE THAT OTHER CO-WORKERS WERE GOING TO LOSE THEIR JOBS. I FELT LIKE EVERYONE WAS DEPENDING ON ME, AND I WANTED TO GET THE JOB DONE. I FELT A RESPONSIBILITY TO MY OTHER COLLEAGUES. I WAS TOLD BY THE BOSSES THAT THE STRUCTURED SETTLEMENT BUSINESS WAS CRUCIAL TO THE BUSINESS, AND WITHOUT THIS BUSINESS THE FIRM WOULD CONSTITUTE ONLY THE TWO ATTORNEYS.

WHILE COMMITTING THE FORGERIES, I KNEW I WAS GOING TO GET CAUGHT AND I THOUGHT I WAS GOING TO HAVE TO KILL MYSELF. I DIDN'T KILL MYSELF BECAUSE I THOUGHT IT WAS GOING TO DESTROY MY GIRLFRIEND. MY INTENTION NOW IS TO OWN UP TO WHAT I HAVE DONE.

I NEVER THOUGHT GOING TO THE BOSSES WAS AN OPTION. THERE WAS NO WAY I COULD TELL THEM AND EXPECT THEM TO FIX THE SITUATION. I WAS ALSO CONCERNED ABOUT WHAT THEY WOULD DO TO ME, MY GIRLFRIEND, AND MY FAMILY. I WAS SCARED ABOUT HOW THEY WOULD REACT.

THE WAY I SAW THE SITUATION- I THOUGHT EVERYONE WAS MAKING MONEY, AND THE PERSON WHO WAS OWED THE MONEY WANTED TO SELL THE ANNUITY BECAUSE THEY REALLY NEEDED THE MONEY. CREATING THE FORGED ORDERS WAS A WAY I COULD ENSURE THAT CERTAIN PEOPLE GOT THE MONEY THEY NEEDED.

THE ONLY WAY TO FIX THE SITUATION IS TO GO BACK TO THE COURTS. I NEVER THOUGHT ABOUT THE FIRM OR THE ATTORNEYS WHEN I CREATED THE FORGED ORDERS. I WASN'T THINKING STRAIGHT- ALL I WAS THINKING WAS GET THE ORDERS AND KEEP THE CLIENT. I JUST THOUGHT ABOUT GETTING THE JOB DONE.

ALL THE CUTTING AND PASTING OF THE FORGED ORDERS WAS INSIDE OF THE OFFICE AT PENN PLAZA. AFTER I SCANNED THE FORGED ORDER, I WOULD EMAIL THE FORGED ORDER TO THE COMPANY. I WOULD ALSO RIP UP AND THROW OUT THE PHYSICAL FORGED ORDER I CREATED- I DIDN'T WANT IT THERE. IT CAUSED A LOT OF STRESS.

Note: Interview lasted until approximately 1:32 PM, and the entire conversation is recorded on 3 DVDs that are being provided to defense counsel. The People intend to play the entirety of the conversation at trial.

Statement Number: 3-interview was videotaped
Date: May 5, 2014
Approximate Time: 9:11am
Location: New York County District Attorney's Office,
2ND floor of 100 Centre Street
Individual Made To: Investigator David Moser
Substance of Statement: DEFENDANT REVIEWED JUDICIAL
ORDERS AND IDENTIFIED FORGED ORDERS THAT HE CREATED AT PENN
PLAZA ...

THE FIRM POLICY WAS THAT JUDICIAL ORDERS WERE TO BE SENT TO THE COURT WITHIN 24 HOURS OF RECEIVING THE POLICY FROM THE CLIENT.

I QUIT ONCE, I LEFT ON A FRIDAY, I RECEIVED WHAT I BELIEVED WAS A THREAT FROM IAN CHAIKIN IN WHICH HE SAID THAT THE BEST THING FOR ME, MY GIRLFRIEND, AND MY FAMILY WAS TO COME BACK TO WORK. I WAS INTIMIDATED BY THE WAY HE ACTED IN THE OFFICE. IAN SAID HE WOULD GIVE ME MORE SUPPORT IF I CAME BACK TO THE FIRM, BUT HE NEVER GAVE ME THE SUPPORT I NEEDED.

I COULDN'T KEEP UP WITH THE WORK, AND I FELT LIKE I COULDN'T LEAVE SO I CREATED THE FORGED ORDERS. I WAS TOLD THAT PEOPLE WERE GOING TO LOSE THEIR JOB WITHOUT THIS INCOME.

THE ONLY THING I FORGED ON THE ORDERS WAS ADDING THE JUDGE'S SIGNATURE, AND ADDING THE DATES.

THE MAIN MOTIVATING REASON FOR CREATING THE FORGED ORDERS WAS BECAUSE OF THE WORKLOAD. I BELIEVED THAT PEOPLE'S JOB DEPENDED UPON ME GETTING THIS WORK DONE, AND EVEN THOUGH I ASKED FOR HELP, I ALWAYS BELIEVED THE BOSSES WERE GOING TO HOLD ME RESPONSIBLE FOR LOSING THE BUSINESS. I RECOGNIZE THAT WHAT I DID WAS WRONG. I'M NOT TRYING TO PAINT MYSELF AS A SAINT.

SOMETIMES I WOULD FILL IN THE DATE ON THE ORDER AND OTHER TIMES I WOULD CUT OUT THE DATE, STAMP AND SIGNATURE OF THE JUDGE FROM A LEGITIMATE ORDER.

EVERY TIME I CREATED A FORGERY I GOT RID OF THE FORGED DOCUMENT. I DIDN'T SAVE THE CUT OUTS OF THE JUDICIAL SIGNATURES. ALTHOUGH IT LOOKS LIKE IT TOOK A LOT OF TIME TO MAKE EACH FORGED ORDER, TO GET A LEGITIMATE ORDER SIGNED WAS A LOT MORE WORK. I'M TALKING PHONE CALLS, EMAILS, AND I WAS THE ONLY PERSON DOING IT. SO CREATING THE FORGED ORDERS WAS QUICKER. WHEN YOU OBTAIN A LEGITIMATE ORDER, YOU HAVE NO CONTROL OVER HOW LONG IT TAKES.

THE AMOUNT OF PHONE CALLS NEEDED TO GET ALL THE FORGED ORDERS LEGITIMATELY SIGNED WOULD HAVE TAKEN SEVERAL PEOPLE. THE PAPERWORK WAS EASY, THE FOLLOW UP WAS WHAT TOOK A LOT OF TIME AND EFFORT. WE WERE ON TRACK FOR 600 ORDERS IN 2013- THAT WOULD HAVE TAKEN THREE PEOPLE.

I CONTINUED TO CREATE THE ORDERS BECAUSE I FELT PEOPLE WERE GOING TO LOSE THEIR JOBS IF I DIDN'T GET THE ORDERS DONE.

IT MAY NOT SOUND LOGICAL TO YOU, BUT I DIDN'T FEEL LIKE QUITTING WAS AN OPTION.

Note: Interview lasted until approximately 11:52 AM, and the entire conversation is recorded on 2 DVDs that are being provided to defense counsel. The People intend to play the entirety of the conversation at trial.

Statement Number:	4- interview was videotaped
Date:	May 14, 2014
Approximate Time:	9:25 AM
Location:	New York County District Attorney's Office, 2 ND floor of 100 Centre Street
Individual Made To:	Investigator David Moser
Substance of Statement:	DEFENDANT REVIEWED JUDICIAL ORDERS AND IDENTIFIED FORGED ORDERS THAT HE CREATED AT PENN PLAZA...

I RECEIVED CALLS FROM THE PEOPLE WHO WERE TRYING TO SELL THEIR STRUCTURED SETTLEMENTS. I REMEMBER A LOT OF THE FORGED ORDERS BECAUSE OF THE PEOPLE. I PROVIDED MY CELLPHONE NUMBER TO A LOT OF THE PEOPLE. I KNEW THAT IF THEY TOLD OUR CLIENT THAT I WAS RESPONSIVE THAT IT WOULD BE GOOD FOR THE FIRM.

THE FORGED ORDERS OCCURRED BECAUSE OF A COMBINATION OF REASONS: I WAS OVERWORKED, I WAS NOT SUPERVISED, I WAS NOT PROVIDED ENOUGH GUIDANCE, AND I WANTED TO HELP PEOPLE GET MONEY THEY NEEDED.

AT SOME POINT, I REALIZED I WAS FUCKED AND I WAS GOING TO GET CAUGHT. I JUST DECIDED TO KEEP DOING IT UNTIL I GOT CAUGHT, AND I THOUGHT I WOULD JUST END MY LIFE WHEN I GOT CAUGHT. THAT'S WHY I KEPT GOING WITH THE FORGED ORDERS. THE FIRST FORGED ORDER WAS IN APRIL OR MAY OF 2011- THAT CRAZY THOUGHT PROBABLY HAPPENED AT SOME POINT PROBABLY THAT FALL. I BELIEVED THERE WAS NO WAY I COULD TELL JASON OR IAN BECAUSE OF WHAT THEY WOULD DO TO ME. THE ONLY WAY I SAW OUT OF THIS WAS TO KILL MYSELF. THE ONLY REASON I KEPT DOING IT WAS TO KEEP UP WITH THE WORK LOAD AND PROLONG THE TIME UNTIL I NEEDED TO KILL MYSELF.

YOU CAN'T APPLY A RATIONAL THOUGHT TO WHAT I DID. I WAS NOT THINKING LOGICALLY WHEN I WAS DOING THIS. I NEVER BELIEVED I WAS GETTING AWAY WITH IT. THE THOUGHT WAS ALWAYS KEEP GOING UNTIL IT ENDS. I JUST WANTED TO KEEP THESE PEOPLE HAPPY SO I WOULDN'T HAVE TO KILL MYSELF.

I USED THE EXCUSE OF BEING IN LAW SCHOOL TO GET OUT OF THE FIRM AT A NORMAL HOUR. I WOULD HAVE TO STAY UNTIL 8PM OR 9PM WITHOUT IT. I STARTED USING THE EXCUSE OF LAW SCHOOL IN 2011 OR 2012. IT'S HARD TO REMEMBER. I TOLD MY GIRLFRIEND I WAS IN LAW SCHOOL BECAUSE I DIDN'T WANT HER TO BE PART OF THE LIE SO MY ONLY OPTION WAS TO LIE TO HER AS WELL.

Note: Interview lasted until approximately 12:17 PM, and the entire conversation is recorded on 2 DVDs that are being provided to defense counsel. The People intend to play the entirety of the conversation at trial.

2. IDENTIFICATION

If checked, notice is hereby served, pursuant to CPL §710.30(1)(b), that the People intend to offer at trial testimony regarding an observation of defendant either at the time or place of the commission of the offense or upon some other occasion relevant to the indictment, to be given by a witness who has previously identified defendant.

C. DISCOVERY

1. ADDITIONAL STATEMENTS

If checked, the People hereby disclose written, oral or recorded statements of a defendant or of a co-defendant to be jointly tried, made, other than in the course of the criminal transaction, to a public servant engaged in law enforcement activity or to a person then acting under his direction or in cooperation with him, and which statements are not given in section B(1) above. CPL §240.20(1)(a).

2. GRAND JURY TESTIMONY

If checked, defendant or a co-defendant to be tried jointly testified before the Grand Jury relating to this criminal action. CPL §240.20(1)(b). *Such testimony is available upon payment of a stenographic fee.*

3. SCIENTIFIC AND MEDICAL REPORTS

If checked, the People hereby disclose written reports or documents or portions thereof, concerning a physical or mental examination or scientific test or experiment, relating to this criminal action, which were made by, or at the request or direction of a public servant engaged in law enforcement, or by a person whom the People intend to call as a witness of a trial, or which the People intend to introduce at trial. CPL §240.20(1)(c).

4. PHOTOGRAPHS AND DRAWINGS

If checked, there exist photographs or drawings relating to this criminal action which were made or completed by a public servant engaged in law enforcement, or which were made by a person whom the People intend to call as a witness at trial, or which the People intend to introduce at trial. CPL §240.20(1)(d). *(Counsel should contact the assigned assistant district attorney to arrange a mutually convenient time to examine this material.)*

5. INSPECTION OF PROPERTY

If checked, there exist photographs, photocopies or other reproductions made by or at the direction of a police officer, peace officer or prosecutor of property prior to its release pursuant to the provisions of Penal Law Section 450.10, irrespective of whether the People intend to introduce at trial the property or the photograph, photocopy or other reproduction. CPL §240.20(1)(e). *(Counsel should contact the assigned assistant district attorney to arrange a mutually convenient time to examine this property.)*

6. OTHER PROPERTY

If checked, there exist other property obtained from the defendant, or a co-defendant to be tried jointly, CPL §240.20(1)(f), or from another source. *(Counsel should contact the assigned assistant district attorney to arrange a mutually convenient time to examine this property.)*

- a. Sixty emails with attached forged orders provided by Stone Street Settlement Funding
- b. Fifty-seven emails and one fax with the attached forged orders provided by J.G. Wentworth
- c. A Lenova computer tower
- d. 2 internal hard drives

7. TAPES AND ELECTRONIC RECORDINGS

If checked, there exist tapes or other electronic recordings which the People intend to introduce at trial, irrespective of whether any such recording was made during the course of the criminal transaction. CPL §240.20(1)(g). *(Counsel should contact the assigned assistant district attorney to arrange a mutually convenient time to listen to the tapes or provide a blank tape for copying.)*

8. BRADY MATERIAL

If checked, there is material appended which the People are required to turn over pursuant to the United States or the New York State Constitution. The People are aware of their continuing obligation to disclose material exculpatory information to defendant and intend to satisfy that obligation as required by law. CPL §240.20(1)(h).

9. COMPUTER OFFENSES

If checked, discovery is hereby served pursuant to CPL §240.20(1)(j) of the time, place and manner of notice given pursuant to Penal Law §156.00(6), which governs offenses for Unauthorized Use of a Computer (Penal Law §156.05) and Computer Trespass (Penal Law §156.10).

10. VEHICLE AND TRAFFIC LAW OFFENSES

If checked, the People hereby disclose written reports or documents or portions thereof, concerning a physical examination, a scientific test or experiment, including the most recent record of inspection, or calibration or repair of machines or instruments utilized to perform such scientific tests or experiments and the certification certificate, if any, held by the operator of the machine or instrument, which tests or examinations were made by or at the request or direction of a public servant engaged in law enforcement activity, or which was made by a person whom the People intend to call as a witness at trial, or which the People intend to introduce at trial. CPL §240.20(1)(k).

11. POLICE OFFICERS INVOLVED

The following are some of the officers who were involved in the arrest or police investigation.

<u>Name</u>	<u>Shield</u>	<u>Command</u>
Investigator David Moser	105	New York County District Attorney's Office

12. SEARCH WARRANTS

If checked, a search warrant was executed during the investigation of this case.

D. DEMAND FOR NOTICE OF ALIBI

Pursuant to CPL §250.20, the People hereby demand that defendant supply the District Attorney with (a) the place or places where the defendant claims to have been at the time of the commission of the crime(s) and (b) the names, residential addresses, places of employment and addresses thereof of every alibi witness upon whom defendant intends to rely to establish his presence elsewhere than at the scene of the crime at the time of its commission, and of every witness in support of such defense. Within a reasonable time

after the receipt of the information specified above, the District Attorney will submit a list of any rebuttal witnesses, their addresses, and employers.

E. RECIPROCAL DISCOVERY

Pursuant to CPL §240.30(1), the People hereby demand that defendant supply the District Attorney with (a) any written report or document, or portion thereof, concerning a physical or mental examination, or scientific test, experiment, or comparisons, made by or at the request or direction of the defendant, if the defendant intends to introduce such report or document at trial, or if defendant has filed a notice of intent to proffer psychiatric evidence and such report or document which relates thereto or if such report or document was made by a person other than defendant, whom defendant intends to call as a witness at trial; and (b) any photograph, drawing, tape, or other electronic recording which the defendant intends to introduce at trial.

NOTE: Any defense motion or request addressed to the above-captioned case should be directed to the attention of the assistant district attorney named below, who is assigned to this case.

Dated: New York, New York
September 16, 2015

Jaime Hickey-Mendoza
Assistant District Attorney