

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA	*	CRIMINAL NO. 19-219
v.	*	SECTION: "L"
DAMIAN K. LABEAUD	*	
a/k/a Damian Kevin Lebeaud	*	
a/k/a Damien K. Lebeaud	*	
LUCINDA THOMAS	*	
MARY WADE	*	
JUDY WILLIAMS	*	
a/k/a Judy Lagarde	*	
DASHONTAE YOUNG	*	
GENETTA ISREAL	*	
MARIO SOLOMON	*	
LARRY WILLIAMS	*	
	*	*

FACTUAL BASIS AS TO MARIO SOLOMON

Should this matter have gone to trial, the government would have proved through the introduction of reliable testimony and admissible tangible exhibits, including documentary evidence, the following to support the allegations charged by the government in Count 1 of the Superseding Indictment now pending against the defendant, **MARIO SOLOMON**, charging him with a violation of Title 18, United States Code, Section 371, namely, conspiracy to commit wire fraud. The Defendant, along with his co-conspirators and others, beginning in approximately June 2017 and continuing through the present, in the Eastern District of Louisiana, and elsewhere, conspired to commit wire fraud in connection with staged accidents, including two that occurred on June 6, 2017 and June 12, 2017.

In or around May 2017, the Defendant traveled with Damian Labeaud to a restaurant where Labeaud met with Attorney A to discuss Labeaud's involvement with staging accidents with 18-

AUSA *BK*
Defendant *M.S.*
Defense Counsel *[Signature]*

wheeler tractor-trailers. The Defendant was present at the restaurant for this meeting, but did not sit with Labeaud and Attorney A as they discussed how Labeaud would stage car accidents with 18-wheeler tractor-trailers. As part of that agreement, the Defendant learned that Attorney A would pay Labeaud for his role in being the driver of the vehicle in the staged accidents and that Labeaud would receive advances from Attorney A. Labeaud recruited the Defendant to serve as a “spotter.” As a “spotter,” the Defendant would follow Labeaud in a separate vehicle as Labeaud prepared to stage accidents with 18-wheeler tractor-trailers. After the accidents, the Defendant would pick up Labeaud after Labeaud exited the vehicle in which he had staged an accident. In exchange for serving as a “spotter,” Labeaud paid the Defendant. The Defendant served as a spotter in at least two car accidents that Labeaud staged with 18-wheeler tractor-trailers.

June 6, 2017 Staged Accident

On June 6, 2017—the day of the staged accident—the Defendant and Labeaud called one another ten times between 9:13 A.M. and 12:26 P.M. During these conversations, the Defendant and Labeaud discussed the accident that Labeaud planned to stage that day with the Defendant’s assistance. Prior to the accident, Labeaud and the Defendant met Lucinda Thomas, Mary Wade, Judy Williams, and Dashontae Young at a restaurant. At approximately 12:30 P.M. that day, Labeaud drove with Lucinda Thomas, Mary Wade, Judy Williams, and Dashontae Young in Lucinda Thomas’s vehicle, a 2009 Chevrolet Avalanche (“the Avalanche”) east on Chef Menteur Highway in New Orleans and intentionally collided with a 2017 Freightliner tractor-trailer that was merging onto Chef Menteur Highway. The Defendant was following Labeaud in his silver Chevrolet Silverado pick-up truck.

Immediately after the accident, Labeaud exited the Avalanche and left the scene of the accident. Between 12:39 P.M. and 1:29 P.M., the Defendant and Labeaud called one another seven

AUSA *BR*
Defendant *MS*
Defense Counsel *MS*

times. During this timeframe, the Defendant picked up Labeaud in the Defendant's silver Chevrolet Silverado pick-up truck. At approximately 1:45 P.M., the Defendant returned to the scene of the staged accident with Labeaud. At that time, Labeaud made false statements to New Orleans Police Department ("NOPD") officers who were on the scene stating that the driver of the 2017 Freightliner tractor-trailer had been at fault. Following the June 6, 2017 staged accident, the Defendant and Labeaud met with Attorney A and Attorney A paid Labeaud \$7,500 for staging the June 6, 2017 accident and another accident. Using funds that he received from Attorney A, Labeaud then paid the Defendant for serving as the "spotter."

Following this June 6, 2017 staged accident, Lucinda Thomas, Mary Wade, Judy Williams, and Dashontae Young all hired Attorney A to represent them. In representing Lucinda Thomas, Mary Wade, Judy Williams, and Dashontae Young, Attorney A caused interstate wires to be transmitted to recover monetary damages for Lucinda Thomas, Mary Wade, Judy Williams, and Dashontae Young in connection with the staged accident. Namely, Attorney A negotiated a settlement on behalf of Dashontae Young prior to filing a lawsuit court. On approximately November 27, 2017, Attorney A settled Dashontae Young's claim with Covenant Transportation Group ("Covenant"), the parent company of Southern Refrigerated Transport, Inc. ("SRT"), which operated the 2017 Freightliner tractor-trailer involved in the June 6, 2017 staged accident. In connection with that settlement, after November 27, 2017, Attorney A deposited a \$20,000 settlement check for Dashontae Young that Attorney A received for settling her claim. In effectuating the settlement, Dashontae Young caused Covenant to issue from its Chase account check number 50047 dated November 17, 2017 in the amount of \$20,000. Attorney A then deposited that check into an Iberia account. In depositing the check into the Iberia account, Attorney A caused an electronic wire communication to be sent from Louisiana to the Federal Reserve in Atlanta, Georgia.

Attorney A also filed lawsuits on behalf of Lucinda Thomas, Mary Wade, and Judy Williams against SRT, Covenant, IQS Insurance Risk Retention Group, Inc. (“IQS”)—SRT and Covenant’s insurer—seeking to obtain monetary damages in connection with the June 6, 2017 staged accidents. On or about April 4, 2019, the Defendant was deposed in connection with the lawsuit that Attorney A filed on behalf of Judy Williams and Mary Wade. The Defendant was in custody at the time of the deposition as the result of an unrelated narcotics conviction. Prior to the deposition, Attorney A visited with the Defendant and they discussed what the Defendant should say in that deposition regarding the June 6, 2017 staged accident. During the deposition, the Defendant lied and stated that he was not driving with Labeaud on June 6, 2017 following the staged accident, that he did not witness the June 6, 2017 staged accident, and that he did not return to the scene with Labeaud following the June 6, 2017 staged accident.

June 12, 2017 Staged Accident




On June 12, 2017—the day of the staged accident—the Defendant and Labeaud called one another five times between 10:02 A.M. and 11:01 A.M. During these conversations, the Defendant and Labeaud discussed the accident that Labeaud planned to stage that day. At approximately 11:30 A.M., Labeaud drove a 2005 Chevrolet Trailblazer (“Trailblazer”) with Larry Williams, Genetta Isreal and another individual as passengers to the Danziger Bridge and parked the Trailblazer in the far right-lane heading east on Chef Menteur Highway to locate an 18-wheeler tractor-trailer to collide with. At around the same time, the Defendant waited in his Chevrolet Silverado pick-up truck on the Danziger Bridge immediately behind the Trailblazer operated by Labeaud. At approximately 11:30 A.M., Labeaud located and intentionally collided with a 2015 Peterbilt tractor-trailer owned by Southeastern Motor Freight, Inc. (“SMF”) driving east on Chef Menteur Highway.

Immediately after the accident, Labeaud exited the Trailblazer and left the scene. At 11:47 A.M., Labeaud called the Defendant who then picked up Labeaud after Labeaud fled from the Trailblazer on foot. Following the staged accident on June 12, 2017, the Defendant and Labeaud spoke on the phone another three times that day. Ultimately, on June 30, 2017, Attorney A paid Labeaud \$5,000 for staging the June 12, 2017 accident. Labeaud then gave a portion of that \$5,000 to the Defendant for his assistance with staging the accident.

On June 12, 2018, Attorney B, an attorney who worked with Attorney A, filed a personal injury lawsuit on behalf of Larry Williams, Genetta Isreal, and another individual against SMF and its insurers, Hudson Specialty Insurance Company and Napa River Insurance Services (“NAPA”), in the Civil District Court for the Parish of Orleans in the State of Louisiana (“the Larry Williams Lawsuit”). On June 27, 2018, an employee of SMF in Jefferson, Louisiana sent an email that traveled across state lines to an employee of NAPA in Indianapolis, Indiana that attached the Larry Williams lawsuit. Further, during the course of the Larry Williams lawsuit, Attorney B made a settlement demand attempting to resolve the case via email.

Labeaud paid the Defendant approximately \$1,000 for serving as a “spotter” in connection with the June 6, 2017 and June 12, 2017 staged accidents.

In sum, the Government’s evidence would prove the Defendant, **MARIO SOLOMON**, conspired to commit wire fraud by agreeing with Damian Labeaud and others to cause staged accidents with 18-wheeler tractor-trailers and that Labeaud paid the Defendant for his role in serving as a “spotter.” The Government’s evidence would also provide that the Defendant knew that his co-conspirators—the passengers in these staged accidents and the attorneys representing them—would seek to obtain monetary damages from the owners and insurers of those 18-wheeler

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Defendant 
Defense Counsel 

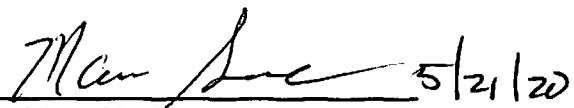
tractor-trailers. The Government's evidence would prove that the Defendant knew that these accidents were premised on falsehoods because they were staged. Further, the Government's evidence would provide that the Defendant's co-conspirators caused the use of interstate wire communications to facilitate their recovery with these staged accidents.


Limited Nature of Factual Basis

This proffer of evidence is not intended to constitute a complete statement of all facts known by SOLOMON, and/or the government. Rather, it is a minimum statement of facts intended to prove the necessary factual predicate for his guilty plea. The limited purpose of this proffer is to demonstrate that there exists a sufficient legal basis for the plea of guilty to the charged offense by SOLOMON.



The above facts come from an investigation conducted by, and would be proven at trial by credible testimony from, *inter alia*, Special Agents and forensic examiners from the Federal Bureau of Investigation and admissible tangible exhibits in the custody of the FBI.

READ AND APPROVED:


MARIO SOLOMON
Defendant


BRUCE ASHLEY, II
Counsel for Defendant


BRIAN M. KLEBBA
Assistant United States Attorney

AUSA 
Defendant 
Defense Counsel 