


State of Connecticut Dept. of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1

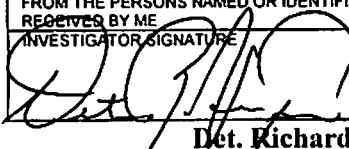
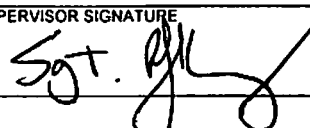
Action Taken: On August 19th, 2009, this Detective completed the arrest warrant application for Paul "Barney" Hallingby DOB: 11-11-46 charging him with one count of Larceny I {C.G.S. §53a-122}.

This Detective and Sergeant Kenney later met with Mr. Shepack at his office to discuss the case. Mr. Shepack stated that he believed Probable Cause existed for arrest but was not convinced that there was sufficient admissible evidence to prove Hallingby's guilt beyond a reasonable doubt at trial. He added that a trial in this case would involve great expense of time and resources because witnesses would have to be located and brought to Court from places as far away as Europe. A lengthy discussion of the case was conducted. At the conclusion of the meeting, Mr. Shepack stated that once he made a final decision, he would notify this Detective.

In a letter dated September 14th, 2009, Mr. Shepack responded by letter that he was declining prosecution of Hallingby because he concluded that "the available and admissible evidence is not sufficient to allow the State to meet its burden of proof at trial." He noted on the Warrant Application, "Prosecution Declined."


Attached to this report are the aforementioned letter and Arrest Warrant Application.

This Case Closed Suspended. Should any new information be developed, the investigation will be re-opened.

CASE STATUS: <input type="checkbox"/> 1-ACTIVE <input type="checkbox"/> 2-CLEARED ARREST <input checked="" type="checkbox"/> 3-SUSPENDED			TYPE OF EXCEPTIONAL CLEARANCE: <input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE <input type="checkbox"/> 6-NO CRIMINAL ASPECT <input type="checkbox"/> F-FUGITIVE			<input type="checkbox"/> A-OFFENDER DECEASED <input type="checkbox"/> B-PROSECUTION DENIED <input type="checkbox"/> C-EXTRADITION DENIED			<input type="checkbox"/> D-VICTIM UNCOOPERATIVE <input type="checkbox"/> E-JUVENILE-NO CUSTODY			
THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME												
INVESTIGATOR SIGNATURE 				INVESTIGATOR ID 732		REPORT DATE 09-22-09		SUPERVISOR SIGNATURE 			SUPERVISOR ID 155	APPROVAL DATE 10/02/2009

Det. Richard Van Tine

ENTERED JAN 23 2010

State of Connecticut Dept. of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1
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Action Taken: On October 7th, 2009, this Detective visited the garage where the Ferrari bearing vehicle identification number 0799GT is being stored.

This Detective attempted to start the vehicle but was unsuccessful. The electrical system is functioning and the engine turned but there was apparently not enough charge in the battery to start the twelve cylinder engine.

On October 7th, 2009, this Detective also received the JD-CR-52 from the Litchfield Court ordering the return of the Ferrari to Hallingby.

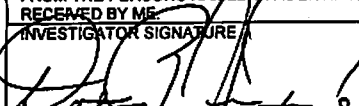

This Detective then notified Tom Daily, Hallingby's attorney, of the return via e-mail. Attorney Daily responded on October 9th that he would accept the car on October 14th, at 1000 hours.

This Detective contacted Attorney Daily again on Tuesday via telephone and e-mail to confirm the acceptance of the car on October 14th, at 1000 hours.

On October 13th, 2009, this Detective again visited the garage where the Ferrari bearing vehicle identification number 0799GT is being stored. Again, the vehicle could not be started. The battery was removed and is being charged overnight pending its return tomorrow.


As of this writing at 2000 hours, Attorney Daily has not responded to confirm the acceptance of the car on October 14th, at 1000 hours.

This case remains closed Suspended.

CASE STATUS:		TYPE OF EXCEPTIONAL CLEARANCE:			
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2-CLEARED ARREST	<input type="checkbox"/> 6-NO CRIMINAL ASPECT	<input type="checkbox"/> B-PROSECUTION DENIED	<input type="checkbox"/> E-JUVENILE-NO CUSTODY		
<input checked="" type="checkbox"/> 3-SUSPENDED	<input type="checkbox"/> F-FUGITIVE	<input type="checkbox"/> C-EXTRADITION DENIED			
THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.					
INVESTIGATOR SIGNATURE 	INVESTIGATOR I.D. 732	REPORT DATE 10-13-09	SUPERVISOR SIGNATURE 	SUPERVISOR I.D. 155	APPROVAL DATE 10/15/2009

Det. Richard Van Tine

ENTERED JAN 23 2010 0004715

State of Connecticut Dept. of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1
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Action Taken: On October 14th, 2009 at 1000 hours {all times approximate}, this Detective and Sergeant Kenney met with Paul Hallingby and his attorney Tom Daily at the garage where the Ferrari bearing vehicle identification number 0799GT is being stored. The purpose of the meeting was to comply with the court order returning the car to Hallingby.

The battery was removed from the car on the afternoon of October 13th for charging. It was replaced on this day prior to the meeting. Major Newland and Sergeant Madden were present at different times during this procedure. The vehicle was then pushed out of the garage into the parking lot.

Sergeant Kenney took the attached photos of the vehicle outside of the garage prior to its return.

Hallingby and his attorney examined the interior and exterior of the vehicle. Hallingby asked this Detective if the registration was still present in the vehicle. He was advised that the registration and insurance cards were present in the glove compartment. Hallingby possessed a camera but did not appear to take any photographs. He asked Sergeant Kenney in which garage was the vehicle stored. Sergeant Kenney replied that it was stored in a secure garage but he did not indicate which one. Hallingby asked if the garage was heated. Sergeant Kenney replied that the garage was heated and that the State Police purchased a cover for it.

It should be noted that Hallingby's tone was less than cordial.

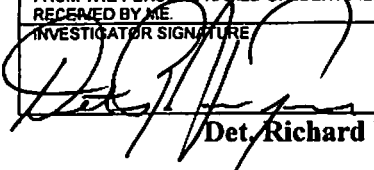
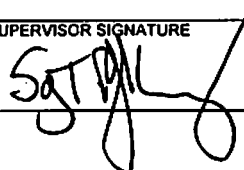
Hallingby then inflated the tires of the vehicle utilizing a canister from the flatbed car carrier that followed him and his attorney to the storage location. The vehicle was then placed on the flatbed. Hallingby was at the wheel and guided it onto the flatbed. It scraped slightly. Hallingby and his attorney then examined the undercarriage of the vehicle.

Once they were satisfied with the vehicle's appearance, Hallingby signed the JD-CR-52 acknowledging receipt of the item and relieving the State Police of responsibility.


This Detective then notified Oliver Weber, the attorney representing the victim in this case, Dr. Gerber, via e-mail that the car was now in Hallingby's possession.

Attached to this report are the photos taken by Sergeant Kenney showing no damage to the vehicle, the JD-CR-52 signed by Hallingby, and the e-mail sent to Attorney Weber.

This case remains closed Suspended.

CASE STATUS: <input type="checkbox"/> 1-ACTIVE <input type="checkbox"/> 2-CLEARED ARREST <input checked="" type="checkbox"/> 3-SUSPENDED		TYPE OF EXCEPTIONAL CLEARANCE: <input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE <input type="checkbox"/> 6-NO CRIMINAL ASPECT <input type="checkbox"/> F-FUGITIVE		<input type="checkbox"/> A-OFFENDER DECEASED <input type="checkbox"/> B-PROSECUTION DENIED <input type="checkbox"/> C-EXTRADITION DENIED		<input type="checkbox"/> D-VICTIM UNCOOPERATIVE <input type="checkbox"/> E-JUVENILE-NO CUSTODY	
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INVESTIGATOR SIGNATURE 	INVESTIGATOR I.D. 732	REPORT DATE 10-14-09	SUPERVISOR SIGNATURE 	SUPERVISOR I.D. 155	APPROVAL DATE 10/15/2009		

Det. Richard Van Tine

State of Connecticut Department of Public Safety Investigation Report DPS-683-C (Revised 04/03)		REPORT TYPE: <input checked="" type="checkbox"/> INITIAL <input type="checkbox"/> ASSIST <input type="checkbox"/> SUPPL. <input type="checkbox"/> RE-OPEN <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input checked="" type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> PHOTOS <input checked="" type="checkbox"/> OTHER <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE	DPS INCIDENT NUMBER: 0800265932 Page 1 of 4
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SECTIONS OR BLOCKS THAT DO NOT APPLY TO A REPORTED OFFENSE SHOULD BE LEFT BLANK

SECTION I: ADMINISTRATIVE	TOWN	STATE	ZIP CODE
INCIDENT ADDRESS Troop "G" @ 149 Prospect Street Bridgeport, CT 06604			

SECTION III: OFFENSES		DATE OF INCIDENT: 06-02-08	TIME OF INCIDENT (MILITARY TIME): 1000	DATE OF INCIDENT:	TIME OF INCIDENT (MILITARY TIME):	
NO.	STATUTE:	STATUTE DESCRIPTION: (LIST MOST SERIOUS OFFENSE FIRST) Suspicious Incident			NIBRS CODE: 90Z	<input type="checkbox"/> A=ATTEMPTED <input checked="" type="checkbox"/> C=COMPLETED
2.						<input type="checkbox"/> A=ATTEMPTED <input type="checkbox"/> C=COMPLETED
3.						<input type="checkbox"/> A=ATTEMPTED <input type="checkbox"/> C=COMPLETED
4.						<input type="checkbox"/> A=ATTEMPTED <input type="checkbox"/> C=COMPLETED
OFFENDER USED/SUSPECTED: (ENTER UP TO 3)		GANG-RELATED: <input type="checkbox"/> YES, AFFILIATION: <input type="checkbox"/> NO (IF YES THEN ALSO DPS-1068-C)	LOCATION OF OFFENSE: (ENTER 1, UNLESS MULTIPLE OFFENSES TOOK PLACE AT DIFFERENT LOCATIONS) 11	BURGLARY: NUMBER OF UNITS ENTERED IF HOTEL / MOTEL / RENTAL STORAGE UNITS		BURGLARY: <input type="checkbox"/> FORCE <input type="checkbox"/> NO FORCE
TYPE WEAPON/FORCE USED (ENTER UP TO 3 SELECTIONS) N		TYPE OF CRIMINAL ACTIVITY (ENTER UP TO 3 SELECTIONS) P		BIAS MOTIVATION (ENTER BIAS CODE) 88		

SECTION III: PERSONS	PERSON CODE/NUMBER C - 1 <small>(EX.COMPLAINANT,VICTIM-C,V - 1)</small>	IF VICTIM, VICTIM IS RELATED TO OFFENSE(S) # <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4	TYPE OF VICTIM: <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> GOVERNMENT <input type="checkbox"/> BUSINESS <input type="checkbox"/> POLICE <input type="checkbox"/> FINANCIAL INST. <input type="checkbox"/> SOCIETY/PUBLIC <input type="checkbox"/> OTHER <input type="checkbox"/> UNKNOWN <input type="checkbox"/> RELIGIOUS ORGANIZATION
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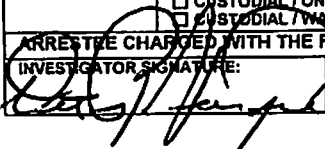
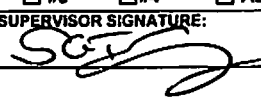
LAST NAME Adams, William	FIRST NAME MI	DATE OF BIRTH OR AGE RANGE 55-60 years old	TELEPHONE (HOME) 914-589-2848
ADDRESS 15 Bedford Road Armonk, NY 10504		TOWN	STATE ZIP CODE TELEPHONE (BUSINESS)
ALIAS / NICKNAME:	GENDER: <input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE <input type="checkbox"/> UNKNOWN	RACE: W	RESIDENT OF TOWN OF INCIDENT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
ETHNICITY: <input type="checkbox"/> HISPANIC <input checked="" type="checkbox"/> NON-HISPANIC <input type="checkbox"/> UNKNOWN			

HEIGHT: 5'8"	WEIGHT: 175lbs	HAIR COLOR: Brown	EYE COLOR: Brown	SCARS/MARKS/TATTOOS - LOCATION & DESCRIPTION:			
VICTIM INJURY TYPE - SELECT UP TO FIVE (5):		RELATIONSHIP OF VICTIM TO OFFENDER - USE ADDITIONAL FORM IF NECESSARY: OFFENDER#1: OFFENDER#2: OFFENDER#3: OFFENDER#4:					
AGGRAVATED ASSAULT/HOMICIDE CIRCUMSTANCES:(MAX.2)	NEGLIGENT MANSLAUGHTER: (SELECT 1)	JUSTIFIABLE HOMICIDE: (SELECT 1)	ADDITIONAL FACTORS: (SELECT 1):	FAMILY VIOLENCE INCIDENT: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (IF YES, THEN ALSO DPS-230-C)	ADDRESS OF ARREST:		
DATE ARRESTED:	TYPE OF ARREST: <input type="checkbox"/> SUMMONS / CITED <input type="checkbox"/> CUSTODIAL / ON-SITE <input type="checkbox"/> CUSTODIAL / WARRANT	CLEARANCE OF MULTIPLE CASES: <input type="checkbox"/> COUNT ARRESTEE ONLY <input type="checkbox"/> ARRESTEE AFFILIATED MULTIPLE CASES		ARRESTEE ARMED WITH (MAX 2):	DISPOSITION OF PERSONS UNDER 18: <input type="checkbox"/> HANDLED WITHIN DEPT. & RELEASED <input type="checkbox"/> REFERRED TO OTHER AUTHORITY		
ARRESTEE CHARGED WITH THE FOLLOWING OFFENSES: <input type="checkbox"/> #1 <input type="checkbox"/> #2 <input type="checkbox"/> #3 <input type="checkbox"/> #4 <input type="checkbox"/> ADDITIONAL CHARGES ON SUBSEQUENT PAGES							


SECTION III: PERSONS	PERSON CODE/NUMBER W - 1 <small>(EX.COMPLAINANT,VICTIM-C,V - 1)</small>	IF VICTIM, VICTIM IS RELATED TO OFFENSE(S) # <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4	TYPE OF VICTIM: <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> GOVERNMENT <input type="checkbox"/> BUSINESS <input type="checkbox"/> POLICE <input type="checkbox"/> FINANCIAL INST. <input type="checkbox"/> SOCIETY/PUBLIC <input type="checkbox"/> OTHER <input type="checkbox"/> UNKNOWN <input type="checkbox"/> RELIGIOUS ORGANIZATION
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LAST NAME Hallingby, Paul	FIRST NAME MI	DATE OF BIRTH OR AGE RANGE 11-11-46	TELEPHONE (HOME)
ADDRESS Kings Hill Road Sharon, CT 06069		TOWN	STATE ZIP CODE TELEPHONE (BUSINESS)
ALIAS / NICKNAME: "Barney"	GENDER: <input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE <input type="checkbox"/> UNKNOWN	RACE: W	RESIDENT OF TOWN OF INCIDENT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
ETHNICITY: <input type="checkbox"/> HISPANIC <input checked="" type="checkbox"/> NON-HISPANIC <input type="checkbox"/> UNKNOWN			

HEIGHT: 5'9"	WEIGHT:	HAIR COLOR: Brown	EYE COLOR: Green	SCARS/MARKS/TATTOOS - LOCATION & DESCRIPTION:			
VICTIM INJURY TYPE - SELECT UP TO FIVE (5):		RELATIONSHIP OF VICTIM TO OFFENDER - USE ADDITIONAL FORM IF NECESSARY: OFFENDER#1: OFFENDER#2: OFFENDER#3: OFFENDER#4:					
AGGRAVATED ASSAULT/HOMICIDE CIRCUMSTANCES:(MAX.2)	NEGLIGENT MANSLAUGHTER: (SELECT 1)	JUSTIFIABLE HOMICIDE: (SELECT 1)	ADDITIONAL FACTORS: (SELECT 1):	FAMILY VIOLENCE INCIDENT: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (IF YES, THEN ALSO DPS-230-C)	ADDRESS OF ARREST:		
DATE ARRESTED:	TYPE OF ARREST: <input type="checkbox"/> SUMMONS / CITED <input type="checkbox"/> CUSTODIAL / ON-SITE <input type="checkbox"/> CUSTODIAL / WARRANT	CLEARANCE OF MULTIPLE CASES: <input type="checkbox"/> COUNT ARRESTEE ONLY <input type="checkbox"/> ARRESTEE AFFILIATED MULTIPLE CASES		ARRESTEE ARMED WITH (MAX 2):	DISPOSITION OF PERSONS UNDER 18: <input type="checkbox"/> HANDLED WITHIN DEPT. & RELEASED <input type="checkbox"/> REFERRED TO OTHER AUTHORITY		
ARRESTEE CHARGED WITH THE FOLLOWING OFFENSES: <input type="checkbox"/> #1 <input type="checkbox"/> #2 <input type="checkbox"/> #3 <input type="checkbox"/> #4 <input type="checkbox"/> ADDITIONAL CHARGES ON SUBSEQUENT PAGES							

INVESTIGATOR SIGNATURE: 	INVESTIGATOR I.D.#: 732	REPORT DATE: 06-10-08	SUPERVISOR SIGNATURE: 	SUPERVISOR I.D.#: 271	APPROVAL DATE: 6-12-08
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State of Connecticut
Department of Safety
Investigation Report
DPS-683-C (Revised 04/03)



REPORT TYPE:
 INITIAL ASSIST
 SUPPL.
 RE-OPEN
 CLOSING

ATTACHMENTS:
 STATEMENTS TELETYPE
 PHOTOS OTHER
 SKETCH MAP
 EVIDENCE

DPS INCIDENT NUMBER:
0800265932
Page 2 of 4

SECTIONS OR BLOCKS THAT DO NOT APPLY TO A REPORTED OFFENSE SHOULD BE LEFT BLANK

SECTION III PERSONS

C-COMPLAINANT V-VICTIM
W-WITNESS A-ARRESTED
O-OFFENDER/ACCUSED
M-MISSING J-JUVENILE
(USE ALL THAT APPLY)

PERSON CODE/NUMBER: _____
(EX. COMPLAINANT, VICTIM=C, V-1)

IF VICTIM, VICTIM IS RELATED TO OFFENSE(S) #
 1 2 3 4

TYPE OF VICTIM:
 INDIVIDUAL GOVERNMENT
 BUSINESS POLICE
 FINANCIAL INST. SOCIETY/PUBLIC
 OTHER UNKNOWN
 RELIGIOUS ORGANIZATION

LAST NAME FIRST NAME MI DATE OF BIRTH OR AGE RANGE TELEPHONE (HOME)

ADDRESS TOWN STATE ZIP CODE TELEPHONE (BUSINESS)

ALIAS / NICKNAME: GENDER: MALE FEMALE UNKNOWN RACE: RESIDENT OF TOWN OF INCIDENT? YES NO UNKNOWN ETHNICITY: HISPANIC NON-HISPANIC UNKNOWN

HEIGHT: WEIGHT: HAIR COLOR: EYE COLOR: SCARS/MARKS/TATTOOS - LOCATION & DESCRIPTION:

VICTIM INJURY TYPE - SELECT UP TO FIVE (5): RELATIONSHIP OF VICTIM TO OFFENDER - USE ADDITIONAL FORM IF NECESSARY:
OFFENDER#1: OFFENDER#2: OFFENDER#3: OFFENDER#4:

AGGRAVATED ASSAULT/HOMICIDE CIRCUMSTANCES: (MAX. 2) NEGLIGENT MANSLAUGHTER: (SELECT 1) JUSTIFIABLE HOMICIDE: (SELECT 1) ADDITIONAL FACTORS: (SELECT 1): FAMILY VIOLENCE INCIDENT: YES NO (IF YES, THEN ALSO DPS-230-C) ADDRESS OF ARREST:

DATE ARRESTED: TYPE OF ARREST: SUMMONS / CITED CUSTODIAL / ON-SITE CUSTODIAL / WARRANT CLEARANCE OF MULTIPLE CASES: COUNT ARRESTEE ONLY ARRESTEE AFFILIATED MULTIPLE CASES ARRESTEE ARMED WITH (MAX 2): DISPOSITION OF PERSONS UNDER 18: HANDLED WITHIN DEPT. & RELEASED REFERRED TO OTHER AUTHORITY

ARRESTEE CHARGED WITH THE FOLLOWING OFFENSES: #1 #2 #3 #4 ADDITIONAL CHARGES ON SUBSEQUENT PAGES

SECTION IV PROPERTY & VALUES CHECK THIS BOX IF THERE IS ONE OR MORE ADDITIONAL PROPERTY PAGES

ITEM #	TYPE (A)	STATUS (B)	QTY	DRUG TYPE (C)	MSR (D)	DESCRIPTION	VALUE STOLEN	VALUE RECOVERED	RECOVERY DATE

VEHICLE / TRAILER INFORMATION IF APPLICABLE

MOTOR VEHICLE STATUS
 STOLEN VEHICLE (FORM H-108 REQUIRED) VEHICLE USED IN CRIME SUSPECT VEHICLE VICTIM VEHICLE, VICTIM # _____

REGISTRATION: 72273 STATE: CT EXPIRATION: 03-31-09 VIN #: 0799GT YEAR: 1958 MAKE: Ferrari MODEL: 250PF TYPE: Conv. COLOR: Gray

MOTOR VEHICLE STATUS
 STOLEN VEHICLE (FORM H-108 REQUIRED) VEHICLE USED IN CRIME SUSPECT VEHICLE VICTIM VEHICLE, VICTIM # _____

REGISTRATION: STATE: EXPIRATION: VIN #: YEAR: MAKE: MODEL: TYPE: COLOR:



MOTOR VEHICLE STATUS
 STOLEN VEHICLE (FORM H-108 REQUIRED) VEHICLE USED IN CRIME SUSPECT VEHICLE VICTIM VEHICLE, VICTIM # _____


REGISTRATION: STATE: EXPIRATION: VIN #: YEAR: MAKE: MODEL: TYPE: COLOR:

CASE STATUS TYPE OF EXCEPTIONAL CLEARANCE

1 ACTIVE 4 EXCEPTIONAL CLEARANCE A OFFENDER DECEASED D VICTIM UNCOOPERATIVE
 2 CLEARED BY ARREST 6 NO CRIMINAL ASPECT B PROSECUTION DECLINED E JUVENILE-NO CUSTODY
 3 SUSPENDED F FUGITIVE C EXTRADITION DENIED

THE UNDERSIGNED, AN INVESTIGATOR HAVING BEEN DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATION AND KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSON OR PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.

INVESTIGATOR SIGNATURE:  INVESTIGATOR I.D.#: 732 REPORT DATE: 06-10-08 SUPERVISOR SIGNATURE:  SUPERVISOR I.D.#: 271 APPROVAL DATE: 6-12-08

State of Connecticut Dept. of Public Safety Narrative Report  DPS-302-C (Revised 04/03)	REPORT TYPE: <input checked="" type="checkbox"/> INITIAL CONTINUATION <input type="checkbox"/> SUPPLEMENTARY <input type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input checked="" type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input checked="" type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 3 of 4
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Action Taken: On May 29th, 2008, this Detective was contacted by Inspector Zak of the State's Attorney's Office in Bridgeport regarding a stolen vehicle investigation. Inspector Zak provided this Detective with the phone number of Bill Adams, a retired North Castle Police Department Detective Sergeant. Inspector Zak stated that Sergeant Adams had information on a stolen car that might be located in Connecticut.

On May 29th, 2008, this Detective left a message for Sergeant Adams.

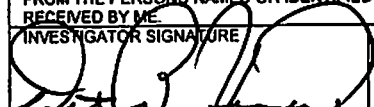
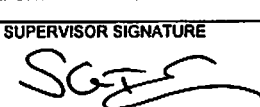
On June 2nd, 2008, this Detective spoke to Sergeant Adams who stated that he was aware of a 1958 Ferrari 250PF, with Vehicle Identification Number 0799GT, that was stolen in Spain in the early 1990's that he believes is now being stored in Connecticut. Sergeant Adams stated that the vehicle is very rare and worth several million dollars. Sergeant Adams stated that the vehicle is currently being held by a Paul "Barney" Hallingby of Sharon, CT.

On June 5th, 2008, this Detective and Detective Verno met with Sergeant Adams in Greenwich. He provided this Detective with a history of the vehicle that he obtained from the internet. The history shows that the vehicle was reported as "disappeared, stolen" prior to 1993 and, after having changed hands several times, is currently owned by "Paul Hallingby, CT, US." Sergeant Adams showed this Detective an advertisement in "Cavallino," a magazine that caters to high end vehicle collectors, stating that the 1958 Ferrari 250PF, with Vehicle Identification Number 0799GT, is stolen. The advertisement states that the vehicle is listed in the Interpol system as stolen. Sergeant Adams also provided this Detective with a "Guide to all Ferraris" that shows their value. The 1958 Ferrari 250PF, with Vehicle Identification Number 0799GT, is worth between 3 million and 4.5 million dollars.


This Detective then performed a check of DMV Records and found that the 1958 Ferrari 250PF, with Vehicle Identification Number 0799GT, is in fact registered to Paul Hallingby DOB: 11-11-46 of Kings Hill Road in Sharon, CT. Mr. Hallingby owns a number of high end collector vehicles.

On June 5th, 2008 at 1530 hours, this Detective contacted Interpol in Washington, DC and spoke to Fontella Worthington. Ms. Worthington stated that she would check several databases to confirm that the vehicle is stolen. She stated that she would need several days. This Detective sent a Teletype to her, message number 8165617, formally requesting the Interpol database search.

This Detective then visited several Ferrari related internet websites. One was the "Greenwich Concours d'Elegance" website. The "Greenwich Concours d'Elegance" is a car show where high end collector vehicles are shown and judged. The "Greenwich Concours d'Elegance" of this year occurred during the weekend of

CASE STATUS:		TYPE OF EXCEPTIONAL CLEARANCE:			
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2-CLEARED ARREST	<input type="checkbox"/> 6-NO CRIMINAL ASPECT	<input type="checkbox"/> B-PROSECUTION DENIED	<input type="checkbox"/> E-JUVENILE-NO CUSTODY		
<input checked="" type="checkbox"/> 3-SUSPENDED	<input type="checkbox"/> F-FUGITIVE	<input type="checkbox"/> C-EXTRADITION DENIED			
<small>THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.</small>					
INVESTIGATOR SIGNATURE 	INVESTIGATOR I.D. 732	REPORT DATE 06-10-08	SUPERVISOR SIGNATURE 	SUPERVISOR I.D. 271	APPROVAL DATE 6-12-08

Det. Richard Van Tine

State of Connecticut Dept. of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input checked="" type="checkbox"/> INITIAL CONTINUATION <input type="checkbox"/> SUPPLEMENTARY <input type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input checked="" type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input checked="" type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 4 of 4

June 7-8. During the 2005 "Greenwich Concours d'Elegance," Hallingby showed the 1958 Ferrari 250PF, with Vehicle Identification Number 0799GT. It is listed on the website for that year. No listing of vehicles shown in more recent "Greenwich Concours d'Elegance" shows could be located by this Detective. This Detective also visited several websites where those people who are knowledgeable about Ferraris can correspond. According to postings on those websites, it is common knowledge in the "Ferrari World" that the 1958 Ferrari 250PF, with Vehicle Identification Number 0799GT has a questionable background, though not all postings indicate that Ferrari aficionados believe it was stolen. It is also known that Mr. Hallingby is in possession of that vehicle.

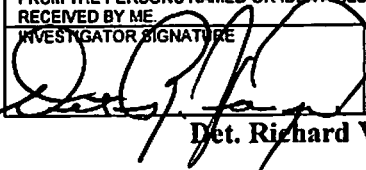
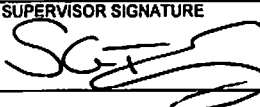
Sergeant Adams has e-mailed this Detective several photos of the vehicle, including photos of its VIN Plate. He also forwarded two e-mails that detail his correspondence with the Swiss attorney representing the original owner from Spain.

On June 10th, 2008, this Detective spoke with Inspector Gilroy of the Connecticut DMV regarding any title information on the vehicle. According to Inspector Gilroy, there is no title for a vehicle of that age. He stated that he would obtain any copies of registration documents that exist.

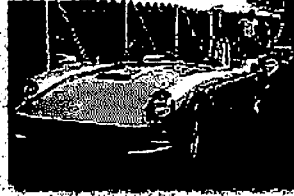
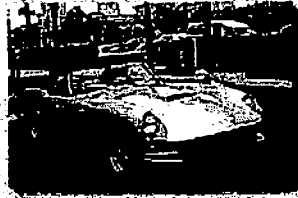
As of this writing, no response has been received from Interpol regarding the status of the vehicle.

Attached to this report are the aforementioned teletypes, e-mails, photos, vehicle history, and Ferrari guide. It should be noted that in one of the photos supplied by Sergeant Adams, there is a Connecticut Registration plate on the vehicle. A check of DMV records shows that the registration returns to a different Ferrari owned by Mr. Hallingby.

This case is closed Suspended.

CASE STATUS:		TYPE OF EXCEPTIONAL CLEARANCE:			
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2-CLEARED ARREST	<input type="checkbox"/> 6-NO CRIMINAL ASPECT	<input type="checkbox"/> B-PROSECUTION DENIED	<input type="checkbox"/> E-JUVENILE-NO CUSTODY		
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INVESTIGATOR SIGNATURE	INVESTIGATOR I.D.	REPORT DATE	SUPERVISOR SIGNATURE	SUPERVISOR I.D.	APPROVAL DATE
	732	06-10-08		271	6-12-08

Det. Richard Van Tine

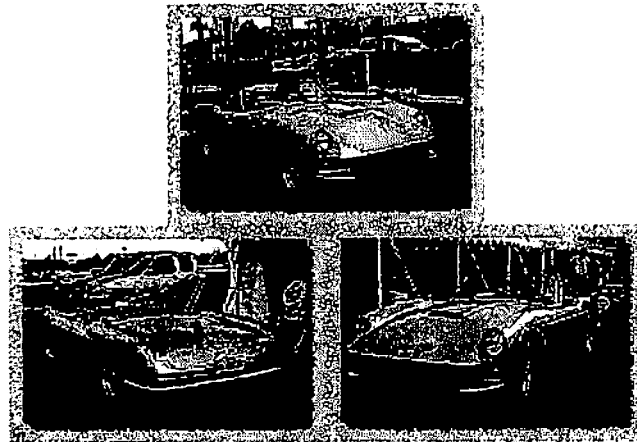
250 GT PF Cabriolet Series I**0799GT 57****250 GT PF Cabriolet Series I, LHD**

Color exterior nero MM 11911

Color interno pelle naturale Connolly 3218

Date	Result	Event	Driver	#	Reference
62/mar	- converted to disc brakes by the factory				
67	- Tom Meade, Modena, I	- been rebuilt by the factory, 52,000 km			
6.	- L. Kitt Tucker, Jacksonville, FL, USA				
71	- Peter A Bowers, Houston, TX, USA				
71- 75	FOCUSA Rosters by Peter A Bowers, Houston, TX				
	Still owned by Bowers in the early 90's				
..	- Gerber, Marbella, E (car disappeared, stolen)				
93	- EAS, CA, USA				
93	- Giorgio Schoen, Milano, I				
95	- Classic Coach Ltd, NY, USA				
95	- Scott Rosen, Medford, NJ, USA				
97/may/12	- Jeff Schwartz, USA	traded for s/n 0775GT + \$225k			
00/jun	- Scott Rosen, USA	- bought back \$525k			
00/jun	- offered for \$595k				
00/may	- offered by SMC, La Jolla, CA, USA	- 100-point flawless restoration			
00/may	- called the day the car was put on the market, heard it was in "limbo"				
00/may	- there are legal problems				
01/jan	- Paul Hallingby, CT, USA				

250 GT PF Cabriolet Series I



0799GT 57

250 GT PF Cabriolet Series I, LHD

Color exterior nero MM 11911

Color interno pelle naturale Connolly 3218

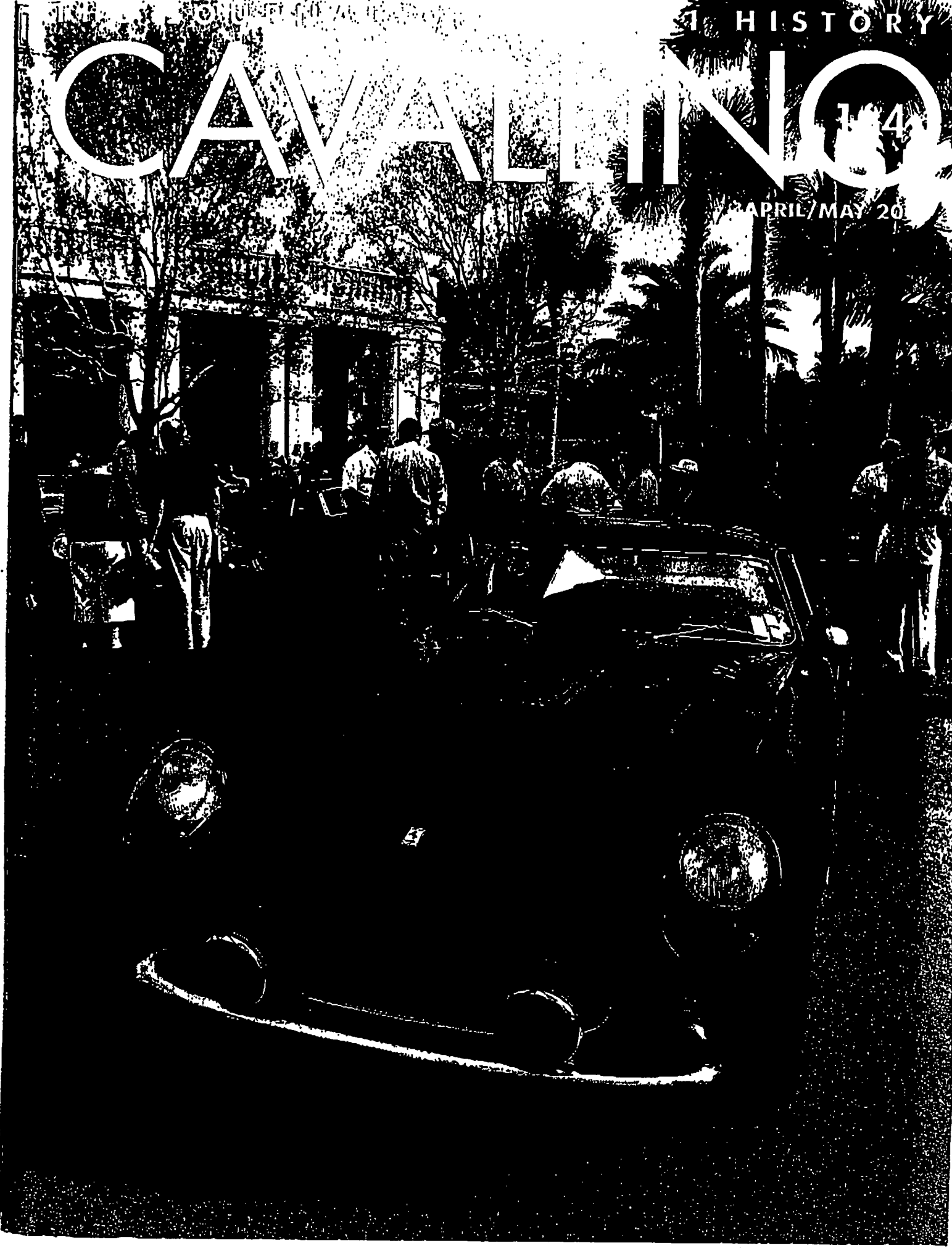
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00/may	- there are legal problems				
01/jan	- Paul Hallingby, CT, USA				

1 HISTORY

CAVALINO

144

APRIL/MAY 2011



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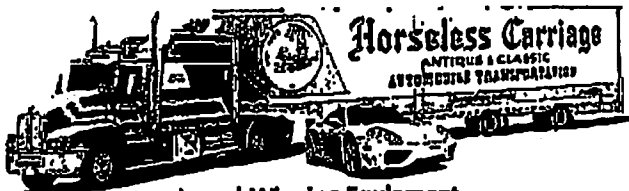
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STOLEN FERRARI

*Ferrari 250 GT, Cabriolet, Silver Colored, Pinin Farina,
Series 1, 1957/58, Chassis N° 0799 GT*

Please be informed that the above mentioned Ferrari oldtimer car, with Chassis N° 0799 GT has been stolen on July 7, 1993 in Marbella, Spain from a Swiss citizen. Please also take notice that this Ferrari car is on the active list of the police and further legal action will follow. Investigations by Interpol are involved. This Ferrari car has last reported to be in the custody of a Ferrari collector on the east coast of the USA.

For further informations please contact:

Oliver Weber, Attorney-at-Law

P. O. Box 811

CH-2501 Biel

Switzerland

Phone: +41 77 423 03 20

Fax: + 41 32 323 65 80

Email: stolenferrari@gmail.com

VEHICLE REGISTRATION AND APPLICATION FOR TITLE STATE OF CONNECTICUT DEPARTMENT OF MOTOR VEHICLES 120 STATE STREET, WETHERSFIELD, CT 06398

VEHICLE LICENSE VALIDATED HERE BY CONNECTICUT DMV

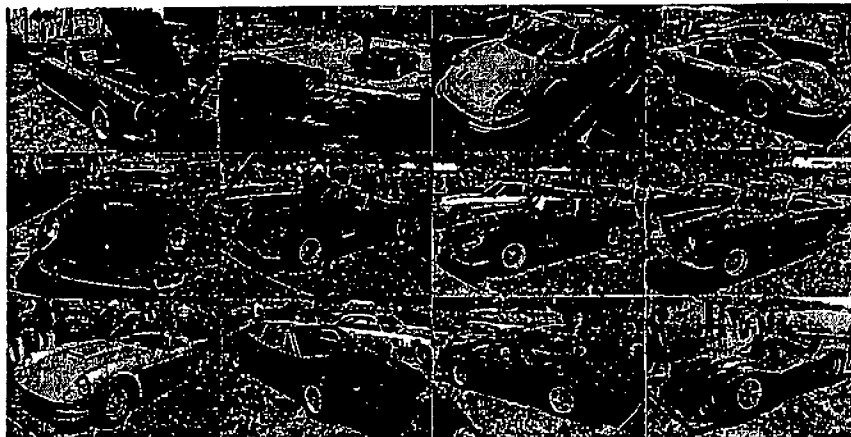
STATE OF CONNECTICUT REGISTRATION SERVICE 120 STATE STREET WETHERSFIELD, CT 06398

INSTRUCTIONS: 1) PRESS FIVE (5) IN LOWER RIGHT CORNER 2) TITLE, REGISTRATION, AND SALES TAX

012637842

APPLICANT NAME (Last, First, Middle Initial) HALLINERY PAUL L	APPLICANT ADDRESS (Street, Box, P.O., etc.) PO Box 544	CITY, STATE, ZIP CT 06859	APPLICANT'S SEX <input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE	APPLICANT'S BIRTHDATE 11/14/46	APPLICANT'S CT LICENSE NO. 33435-9376
VEHICLE LICENSEE NAME SHARON CT	VEHICLE LICENSEE ADDRESS 31 KING'S HILL ROAD	VEHICLE LICENSEE CITY, STATE, ZIP STAMFORD, CT 06907	VEHICLE LICENSEE SEX <input type="checkbox"/> MALE <input checked="" type="checkbox"/> FEMALE	VEHICLE LICENSEE BIRTHDATE 06/22/60	VEHICLE LICENSEE CT LICENSE NO. 00000000000000000000000000000000
VEHICLE MAKE AND MODEL FORD MUSTANG	VEHICLE YEAR 1987	VEHICLE COLOR SILVER	VEHICLE VIN NO. 1F4HPCUH3H8511464	VEHICLE ENGINE NO. 500511	VEHICLE BODY NO. 10000000000000000000000000000000
VEHICLE LICENSEE'S SOCIAL SECURITY NO.	VEHICLE LICENSEE'S SIGNATURE SHARON	DATE OF SIGNATURE 11/9/00	VEHICLE TITLE 20799-ET	VEHICLE REGISTRATION NO. 1122	VEHICLE SALES TAX NO. 1122
VEHICLE LICENSEE'S ADDRESS prop + CAS P409 2 H 535	VEHICLE LICENSEE'S PHONE NO. 44735	VEHICLE LICENSEE'S SIGNATURE SCOTT ROSEN	VEHICLE LICENSEE'S SOCIAL SECURITY NO. 152	VEHICLE LICENSEE'S BIRTHDATE 11/9/00	VEHICLE LICENSEE'S SIGNATURE SCOTT ROSEN
VEHICLE LICENSEE'S SIGNATURE (Must be printed) SCOTT ROSEN					

VEHICLE LICENSEE'S SOCIAL SECURITY NO. 152	VEHICLE LICENSEE'S SIGNATURE SCOTT ROSEN	VEHICLE LICENSEE'S BIRTHDATE 11/9/00
VEHICLE LICENSEE'S SIGNATURE SCOTT ROSEN	VEHICLE LICENSEE'S BIRTHDATE 11/9/00	VEHICLE LICENSEE'S SOCIAL SECURITY NO. 152
VEHICLE LICENSEE'S SIGNATURE SCOTT ROSEN	VEHICLE LICENSEE'S BIRTHDATE 11/9/00	VEHICLE LICENSEE'S SOCIAL SECURITY NO. 152
VEHICLE LICENSEE'S SIGNATURE SCOTT ROSEN	VEHICLE LICENSEE'S BIRTHDATE 11/9/00	VEHICLE LICENSEE'S SOCIAL SECURITY NO. 152

 Gallery


Greenwich Concours d'Elegance

Greenwich Concours d'Elegance, Greenwich, Connecticut on June 5, 2005
 Credited to Jazzer Turner by

S/N	Model	Year	Exterior Color	Interior Color	Steering	Platos	F1	Owner
0355AL	375 America	1954	Green-dark red roof	dark rod	LHD			Jack E. Thomas
0799GT	250PF Cabriolet	1958	Silver	bordeaux	LHD			Bamoy Haflingby
0817GT	250GT Coupe	1958	Red	tan	LHD			Christie's Auction
1063GT	250LWB California	1960	Red	black	LHD			Jeffrey Mamorsky
2885GT	250GTE	1961	Red	tan	LHD			Len Miller
3469GT	250GT SWB Speciale	1962	Dark Red	tan	LHD	DNL 060		Nick Soprano
3747SA	400 Supramerica	1962	Navy Blue	bordeaux	LHD	PSK 1 (NY)		Peter Kalikow
7817SF	500 Suporfast	1965	Silver	rod	LHD	282 SVM (CT)		David Letterman
?	330GTC	1967	Silver	black	LHD			Massimo Iori
?	330GTC	1967	Red	dark tan	LHD			Andrew Benenson
?	365GTC4	1972	Silver	bordeaux	LHD			Zenius Setokas
12127	365GTC	1969	Red	black	LHD			John Orlicchio
4494	240GTS	1972	Green	tan	LHD			Eugene Giarratana
14833	365GTC4	1972	Red	tan	LHD			Albert Crecca
15056	308GT4	1979	Red	cream	LHD			Donald Grossinger
41931	512BBI	1982	Black	cream	LHD			Charles Ancona
51583	308GTSI	1984	Red	tan	LHD			Frank Horjes
100968	F355 Berlinetta	1995	Dark Rod	dark tan	LHD	LVMY 355		Henry Jodda
038	333SP	1998	Red	black	LHD			
116575	F355 Spider	1999	Red	tan	LHD	JEM 50 (NY)		John E. Mancuso
124403	550 Barchetta	2001	Red	cream	LHD	514 HTS (MS)		Carl Lopp & Filippo Polo
130728	Enzo Ferrari	2003	Red	rod	LHD	PROVA M (NY)	F1	Eduardo R. McNasca
141557	F430 Spider	2005	Grey Silverstone	dark grey	LHD		F1	Miller Motors
00782	206GT	1967	Yellow	black	LHD	AMG 5218 (NY)		
21613	308GTB	1977	Black	tan	LHD	2 ENZO (CT)		
28977	400i Automatic	1979	Black	tan	LHD	DCF 8448 (CT)		
34481	308GTSI	1980	Red	black	LHD	DFY 7514 (NY)		
49713	Mondial Cabriolet	1984	White	black	LHD	92277 (PA)		
70523	Testarossa	1987	Red	tan	LHD	8109487 (NY)		
83492	Testarossa	1990	Red	black	LHD	ROMEOTOY (NY)		
80910	512TR	1992	Red	cream	LHD	SAMS 512 (NY)		
101706	458GT	1995	Light Blue	black	LHD	JMS 95T (NJ)		
109418	F355 Spider	1997	Rosso Rubino	tan	LHD	3770 (CT)		
122008	360 Modena	2000	Rosso Rubino	dark tan	LHD	378 TNK (CT)	F1	
126333	360 Spider	2001	Yellow	black	LHD	BNH 2484 (NY)		
128350	360 Spider	2002	Yellow	black	LHD	DB 1008 (CT)	F1	
130571	360 Spider	2003	Azzuro California	black	LHD	538 PFC (CT)	F1	
141865	F430	2005	Red	tan	LHD	XT 79 (CT)	F1	

Christie's Auction

The 300 SL Gullwing sold for \$200,000,
 the Ferrari Elena 0817GT sold for \$120,000

mvtf4

From: Bill Adams [badams@olsteinfunds.com]
 Sent: Friday, June 10, 2008 10:09 AM
 To: mvtf4
 Subject: FW: Ferrari 0799GT

From: Oliver Weber [mailto:weberlaw@gmx.ch]
 Sent: Friday, June 06, 2008 1:30 PM
 To: Bill Adams
 Subject: Ferrari 0799GT

Bill, thank you very much for the great news! I just called the Swiss detective who is in charge for my case and he confirmed (again) that Ferrari 0799GT is listed in the ASF Interpol system. The keyword for the computer search is "0799GT" (VIN) or "Ferrari I" or "250 GT". There are not a lot of informations in that system, but I was told that such a "hit" is treated as a request for seizure by the police.

I am preparing the paperwork with high priority. Can you please tell me the name and address of the police department which is in charge for that case? To whom (detective?) should I send the request for seizure. Of course I would send you a copy of all documents and Interpol will also be informed. Thank you for your answer and help!

Enjoy the Greenwich Concours!

With kind regards

Oliver

Oliver Weber, Frsprecher
 Advokaturburo Jeanguenin & Weber
 Murtenstrasse 7
 Postfach 811
 CH - 2501 Biel/Bienne

Tel: +41 32 322 68 13
 Fax: + 41 32 322 68 04
 Email: weberlaw@gmx.ch

Von: Bill Adams [mailto:badams@olsteinfunds.com]
 Gesendet: Donnerstag, 5. Juni 2008 20:36
 An: Oliver Weber
 Betreff:

Oliver

I've just returned from a meeting with the Detectives who will be handling 0799GT. They will try to confirm an active "hit" on 0799GT in computer data base. Not always that easy with the international borders. But they will get it done.

It is of great importance that the translated paperwork be shipped. So you understand, if they come upon the car, (as if on display at show) they can seize the car.

If they have to do formal investigation because there are no signs of car, they will need paperwork - search warrants etc. Judge won't sign search warrant if paperwork doesn't indicate in whose possession the car is. Legal paper trail.

This is going as promised, right Detectives, just need paperwork.

Bill

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Electronic communication sent to or from this contact may be recorded by the Olstein Capital Management compliance system and is subject to

6/10/2008

mvtf4

From: Bill Adams [badams@olsteinfunds.com]
Sent: Tuesday, June 10, 2008 10:25 AM
To: mvtf4
Subject: FW:

From: Oliver Weber [mailto:weberlaw@gmx.ch]
Sent: Tuesday, June 10, 2008 10:24 AM
To: Bill Adams
Subject: AW:

Bill, thank you for your information. I am writing the request for seizure right now. I also did some research about the Connecticut state police.

I have collected all the necessary documents by now. The next step is to finish my request and to correct it. Additionally all the important evidence documents will have to be certified by a notary public. These tasks have first priority in my office.

With kind regards

Oliver

Oliver Weber, F0rsprecher
 Advokaturbüro Joaquerin & Weber
 Murtenstrasse 7
 Postfach 811
 CH - 2501 Biel/Bienne

Tel: +41 32 322 68 13
 Fax: + 41 32 322 68 04
 Email: weberlaw@gmx.ch

Von: Bill Adams [mailto:badams@olsteinfunds.com]
Gesendet: Dienstag, 10. Juni 2008 16:09
An: Oliver Weber
Betreff:

Oliver

0799GT was not at the show. No surprise there. Hallingby did have a DeTomaso Mangusta on display. Soprano also had display vehicle

This is the information for the Detective who is now handling your case :

Detective Richard Van Tine
 Connecticut State Police
 Troop G
 149 Prospect Street
 Bridgeport, Ct 06604
 Tel # 203-696-2584

You will enjoy dealing with Rich.
 I am forwarding your last email to him so he has your contact information.

Please keep me informed as this investigation continues.
 I am confident that this Detective will recover 0799GT


Be well

Bill

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6/10/2008

State of Connecticut Dept. of Public Safety Narrative Report  DPS-302-C (Revised 04/03)	REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input checked="" type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 2
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Action Taken: On June 11th, 2008, this Detective received a response from Interpol. The teletype states that the 1958 Ferrari 250PF, with Vehicle Identification Number 0799GT was stolen in Spain on September 1st, 1993 and was reported to Interpol by the Swiss, the victim being a Swiss Doctor. It was entered into the Interpol system on May 19th, 2008 and will be in the system until September 1st, 2008.

This Detective contacted Interpol and spoke with Fontella Worthington, the analyst who received this Detective's request and sent the response. She stated that it is not unusual to have a vehicle stolen many years previously appear entered as stolen recently.

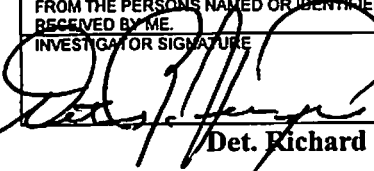

This Detective then contacted Oliver Weber, the Swiss attorney who represents the victim in this case, via an e-mail address provided by the witness, Sergeant Adams. Mr. Weber stated that it was he who contacted the police and had the vehicle entered as stolen in Interpol. Mr. Weber provided the names and contact information of the two Detectives investigating the case overseas.

On June 11th, 2008, this Detective received from Inspector Gilroy of the DMV, copies of the Connecticut registration certificate and Vehicle Identification Number Verification Certificate regarding the vehicle. These documents show that the vehicle is registered to Paul Hallingby DOB: 11-11-46 of Kings Hill Road in Sharon, CT and that the known VIN of 0799GT was confirmed by a DMV Inspector. The documents also show that Hallingby purchased the vehicle for \$550,000.00 on November 29th, 2000 from Scott Rosen of 111 Hempstead Turnpike in West Hempstead, NY. It should be noted that the registration certificate shows that the VIN of the vehicle was first printed as "FER079958." This was then crossed out and the number "0799" was written beside it. The VIN Verification Certificate shows the correct VIN of 0799GT.


On June 12th, 2008, this Detective received from Inspector Gilroy of the DMV, copies of a New Jersey Title listing the owner of the vehicle as Jeffrey Schwartz of 110 Tekening Drive in Tenafly, NJ, an "Odometer Disclosure and Statement of Seller" listing the "buyer" as Scott Rosen and the "seller" as Jeffrey Schwartz, and a "Certification of Sale or Transfer for 1972 or Older Vehicles or any other Non-Title Vehicles" listing the "seller" as Scott Rosen and the "purchaser" as Paul Hillingby." The NJ Title and the Certification of Sale both list the incorrect VIN of "FER07 9958." The Odometer Disclosure does not list the mileage of the vehicle.

The aforementioned ownership information corresponds with information received from Sergeant Adams that Rosen owned the vehicle prior to Hallingby and that Schwartz owned the vehicle prior to Rosen.

This Detective then received from Daniel Pilla of the NJ Motor Vehicle Commission, ownership information on the vehicle. This information shows that the vehicle was first titled to "Classic Coach Repair" of 1007 South

CASE STATUS:			TYPE OF EXCEPTIONAL CLEARANCE:		
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2-CLEARED ARREST	<input type="checkbox"/> 6-NO CRIMINAL ASPECT	<input type="checkbox"/> B-PROSECUTION DENIED	<input type="checkbox"/> E-JUVENILE-NO CUSTODY		
<input checked="" type="checkbox"/> 3-SUSPENDED	<input type="checkbox"/> F-FUGITIVE	<input type="checkbox"/> C-EXTRADITION DENIED			
<small>THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.</small>					
INVESTIGATOR SIGNATURE 	INVESTIGATOR I.D. 732	REPORT DATE 06-16-08	SUPERVISOR SIGNATURE 	SUPERVISOR I.D. 271	APPROVAL DATE 6-17-08

Det. Richard Van Tine

State of Connecticut Dept. of Public Safety Narrative Report 	REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input checked="" type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 2 of 2
	DPS-302-C (Revised 04/03)		



Elmora Avenue in Elizabeth, NJ on November 9th, 1994. On November 29th, 1994, the vehicle was titled to Scott Rosen of 512 McKendimen Road in Medford, NJ. On December 5th, 1997, the vehicle was again titled to "Classic Coach Repair." On December 9th, 1997, the vehicle was titled to Jeffrey Schwartz of 110 Tekening Drive in Tenafly, NJ.

On June 13th, 2008, this Detective received a second teletype from Interpol in which they confirm that the vehicle was stolen in Marbella, Spain between the dates of May 1st, 1993 and September 30th, 1993. The vehicle was stolen during a time period where there was an issue of taxes and duties to be paid on the vehicle by the owner Andreas Gerber and the Spanish Government.

Attached to this report are the aforementioned teletypes and ownership information from Connecticut and New Jersey.

Detective Pinelli of the Statewide Auto Theft Task Force was advised of these events.

This case is closed Suspended.

CASE STATUS: <input type="checkbox"/> 1-ACTIVE <input type="checkbox"/> 2-CLEARED ARREST <input checked="" type="checkbox"/> 3-SUSPENDED		TYPE OF EXCEPTIONAL CLEARANCE: <input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE <input type="checkbox"/> 6-NO CRIMINAL ASPECT <input type="checkbox"/> F-FUGITIVE		<input type="checkbox"/> A-OFFENDER DECEASED <input type="checkbox"/> B-PROSECUTION DENIED <input type="checkbox"/> C-EXTRADITION DENIED		<input type="checkbox"/> D-VICTIM UNCOOPERATIVE <input type="checkbox"/> E-JUVENILE-NO CUSTODY	
<small>THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.</small>							
INVESTIGATOR SIGNATURE 		INVESTIGATOR I.D. 732	REPORT DATE 06-16-08	SUPERVISOR SIGNATURE 		SUPERVISOR I.D. 271	APPROVAL DATE 6-17-08

Det. Richard Van Tine

OFFICIAL REGISTRATION
OF A MOTOR VEHICLE AND APPLICATION FOR
CERTIFICATE OF TITLE 14-13 REV. 8-97

STATE OF CONNECTICUT
DEPARTMENT OF MOTOR VEHICLES
60 STATE STREET WETHERFIELD, CT 06157

INSTRUCTIONS (1) Do not print below the line labeled OFFICE USE ONLY (2) If the last previous owner of this vehicle had a valid certificate of title to the vehicle, the title must accompany this application. If a CT title has been lost or stolen, the last registered owner may complete DMV Form No. 14-3. (3) See back of form for instructions for TAX EXEMPTION.

VOID UNLESS
VALIDATED
HERE BY
CONNECTICUT
DMV



THP PASS 20.00
SLS TAX 33000.00
08/23/07 142 360 223 1089 0023 33020.00
419F7

NON-RESIDENT

1. APPLICANT <small>(Owner Registering Vehicle)</small>	OWNER'S NAME (Last, First, Middle Initial) HALLINGBY, PAUL L.		IF CO-OWNERSHIP <input type="checkbox"/> AND (Common) <input type="checkbox"/> OR (Joint)		CO-OWNER'S NAME (If Any)	
	MAILING ADDRESS No. & Street P.O. BOX 544		OWNER'S SEX <input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE		OWNER'S BIRTHDATE 11/11/46	
	City/Town State Zip Code SHARON, CT 06069		CO-OWNER'S SEX <input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE		CO-OWNER'S BIRTHDATE CO-OWNER'S SOCIAL SECURITY NO. 059-38-4609	
2. VEHICLE	RESIDENT ADDRESS (If different from Mailing Address) 3 KINGS HILL ROAD SHARON, CT. 06069		DATE VEHICLE PURCHASED 11.24.2006		CT TOWN WHERE VEHICLE IS TO BE TAKEN AS PROPERTY (Where vehicle is garaged/parked for longest period in a year) SHARON	
	VEHICLE I.D. NUMBER (VIN) FER07 9950 0799		MAKE FERRARI		YEAR 1958	
	ODOMETER READING (Mileage) 38967		COLOR (Maximum of Two) SILVER		MODEL NAME OR NO. 250 PF	
3. IF OTHER THAN PASSENGER REGISTRATION	LIGHT WEIGHT (Wt. of vehicle empty)		COMPLETE FOR APPLICABLE VEHICLES (Buses, Trucks) →		SEATING CAPACITY	
	GROSS WEIGHT (Light wt. plus wt. of maximum load)		COMPLETE FOR TRAILERS ONLY →		REAR LIGHT <input type="checkbox"/> YES <input type="checkbox"/> NO	
	NO. OF CYLINDERS 2		FUEL TYPE (Gasoline, Electric, Diesel, Propane, etc.) GAS		COMMERCIAL USE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
4. LIEN-HOLDER (If vehicle purchase was financed)	LIEN-HOLDER FINANCING VEHICLE PURCHASE FOR CURRENT OWNER NONE		DATE OF LIEN		SECOND LIEN-HOLDER (If Any)	
	ADDRESS OF LIEN-HOLDER		ADDRESS OF SECOND LIEN-HOLDER			
5. AUTOMOBILE INSURANCE	INSURANCE COMPANY NAME (Not agent) METROPOLITAN P&C		AUTOMOBILE INSURANCE POLICY NO. H4735			
	APPLICANT, READ REVERSE SIDE OF THIS FORM AND SPECIFY CODE L, 2, 3, 4, OR 5 AND ANY ADDITIONAL INFORMATION.		TAX EXEMPTION INFORMATION			
7. IF LEASED VEHICLE	NAME OF LESSEE (Person to whom vehicle is leased) NONE		COLOR/CHEAT (MAFING LICENSE NO.)		Keep this certificate, and documents supporting purchase price (copy of Bill of Sale, cancelled check), as proof of required sales tax paid. If you sell or transfer this vehicle, you must complete the Certificate of Sale or Transfer section on the reverse of the yellow copy, and return your marker plate(s) and the yellow registration certificate to DMV.	
	ADDRESS OF LESSEE (P.O. Box is Not Acceptable)		IF LICENSED BY DEALER, LICENSE NO.			
8. SELLERS	NAME OF SELLER(S) (If 2 owners, include both names) SCOTT ROSEN		IF LICENSED BY DEALER, LICENSE NO.		Keep this certificate, and documents supporting purchase price (copy of Bill of Sale, cancelled check), as proof of required sales tax paid. If you sell or transfer this vehicle, you must complete the Certificate of Sale or Transfer section on the reverse of the yellow copy, and return your marker plate(s) and the yellow registration certificate to DMV.	
	SELLER'S ADDRESS 111 HENRIETTA AVE W. HENRIETTA NY 1452		PURCHASE PRICE (Bill of Sale required) \$ 550,000.00			
9. SIGNATURE(S)	The undersigned certifies under penalty of false statement that there are no liens on this vehicle except those specified above, that the insurance required by Connecticut law is in effect and will be maintained during this registration period, and that all information is true and accurate to the best of my/our knowledge and belief. If other than Passenger registration, the undersigned certifies that this vehicle is being registered in accordance with the Manufacturer's Maximum Gross Vehicle Weight Rating.					
	OWNER'S SIGNATURE X [Signature]		OWNER'S CT LICENSE NO. 234339928		CO-OWNER'S SIGNATURE X	

OFFICE USE ONLY						
THIS SECTION FOR SALES BY CONNECTICUT LICENSED DEALERS ONLY						
<input type="checkbox"/> ISSUE	DATE	TIME	MAKE OF TRADE-IN	MODEL OF TRADE-IN	YEAR	CC 34
<input type="checkbox"/> TRANSFER						T.C. Pass
<input type="checkbox"/> OUT-OF-STATE DEALER			IDENTIFICATION NUMBER OF TRADE-IN VEHICLE			TYPE OF REGISTRATION Pass
<input type="checkbox"/> CT DEALER'S SALES TAX NO.			DMV FEES COLLECTED <input checked="" type="checkbox"/>			MARKER PLATE NO. 419F7
TOTAL SALES PRICE \$	down pay	info charge				EXPIRATION DATE 9-2-07
TRADE-IN ALLOWANCE	transfer	sales tax 33000.00				PURCH TITLE STATE NY
NET SALES PRICE		safety plate				PURCH TITLE NUMBER K57874
STATE TAX COLLECTED	temp. reg. 20.00	<input type="checkbox"/> title <input type="checkbox"/> no title				TAX TOWN NY
VEHICLE SOLD IS: (Check any applicable) <input type="checkbox"/> DEMO <input type="checkbox"/> REBUY <input type="checkbox"/> MANUFACTURER BUYBACK	sub-reg.	lien				EMISSIONS STICKER NO.
DEALER'S SIGNATURE X	DATE SIGNED	dup. cert.				EMISSIONS EXPIR. DATE
			TOTAL FEE \$33020.00			

NY b/s kept
CT L-i
f2802
no

TITLE COPY

OFFICIAL REGISTRATION OF A MOTOR VEHICLE AND APPLICATION FOR CERTIFICATE OF TITLE M-13 REV. 8-97

STATE OF CONNECTICUT
DEPARTMENT OF MOTOR VEHICLES
65 STATE STREET WETHERFIELD, CT 06107

INSTRUCTIONS (1) Do not print below the line labeled OFFICE USE ONLY. (2) If the last previous owner of this vehicle had a valid certificate of title to the vehicle, the title must accompany this application. If a CT title has been lost or stolen, the last registered owner may complete DMV Form No. 136-B. (3) See back of form for instructions for TAX EXEMPTION.

VOID UNLESS
VALIDATED
HERE BY
CONNECTICUT
DMV



TNP PASS 20.00
SLS TAX 33000.00
08/23/07 142 360 223 1089 0023 33020.00
419F7

OFFICIAL COPY

1. APPLICANT <small>(Owner Registering Vehicle)</small>	OWNER'S NAME (Last, First, Middle Initial) HALLINGBY, PAUL L.		IF CO-OWNERSHIP <input type="checkbox"/> AND <input type="checkbox"/> OR <input type="checkbox"/>		CO-OWNER'S NAME (If Any)	
	MAILING ADDRESS (No. & Street) P.O. BOX 544		OWNER'S SEX <input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE		OWNER'S BIRTHDATE 11/11/46	
	CITY/TOWN SHARON, CT 06069		CO-OWNER'S SEX <input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE		OWNER'S SOCIAL SECURITY NO. 059-38-4609	
	RESIDENT ADDRESS (If Different from Mailing Address) KINGS HILL ROAD SHARON, CT. 06069		DATE VEHICLE PURCHASED 11.24.2005		CO-OWNER'S BIRTHDATE	
	VEHICLE I.D. NUMBER (VIN) PER07-9958-0799		MAKE FERRARI		VEHICLE YEAR 1998	
2. VEHICLE	COLOR (Maximum of Two) SILVER		MODEL NAME OR NO. 250 PF		BODY STYLE (e.g. 4-Dr. Sedan, etc.) 2-DOOR	
	GROSS WEIGHT (Wt. of vehicle empty) 38967		SEATING CAPACITY		NEW OR USED <input type="checkbox"/> NEW <input checked="" type="checkbox"/> USED	
3. IF OTHER THAN PASSENGER REGISTRATION	COMPLETE FOR APPLICABLE VEHICLES (Buses, Trucks) →		REAR LIGHT <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		COMMERCIAL USE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
	COMPLETE FOR TRAILERS ONLY →		EQUIPPED WITH BRAKES <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		LENGTH OF VEHICLE & TRAILER (ft.)	
4. LIEN-HOLDER (If vehicle purchase was financed)	LIEN-HOLDER FINANCING VEHICLE PURCHASE FOR CURRENT OWNER NONE		DATE OF LIEN		SECOND LIEN-HOLDER (If Any)	
	ADDRESS OF LIEN-HOLDER				ADDRESS OF SECOND LIEN-HOLDER	
5. AUTO/MOBILE INSURANCE	INSURANCE COMPANY NAME (Not agent) METROPOLITAN P&C		AUTOMOBILE INSURANCE POLICY NO. H4735			
6. TAX EXEMPTION IS CLAIMED	APPLICANT, READ REVERSE SIDE OF THIS FORM AND SPECIFY CODE 1, 2, 3, 4, OR 5 AND ANY ADDITIONAL INFORMATION.		EXEMPTION INFORMATION			
7. IF LEASED VEHICLE	NAME OF LESSEE (Person to whom vehicle is leased) NONE		CONNECTICUT LEARNING LICENSE NO.		Keep this certificate, and documents supporting purchase price (copy of Bill of Sale, cancelled check), as proof of required sales tax paid. If you sell or transfer this vehicle, you must complete the Certificate of Sale or Transfer section on the reverse of the yellow copy, and return your marker plate(s) and the yellow registration certificate to DMV.	
	ADDRESS OF LESSEE (P.O. Box is Not Acceptable)					
8. SELLER(S)	NAME OF SELLER(S) (If 2 owners, include both names) SCOTT ROSEN		IF LICENSED BY DEALER, LICENSE NO.		PURCHASE PRICE (Out of Sale registration) \$ 550,000.00	
	SELLER'S ADDRESS 111 HENRIE ROAD TICE W. HENRIE, NY 11552					
9. SIGNATURE(S)	The undersigned certifies under penalty of false statement that there are no liens on this vehicle except those specified above, that the insurance required by Connecticut law is in effect and will be maintained during this registration period, and that all information is true and accurate to the best of my/our knowledge and belief. If other than Passenger registration, the undersigned certifies that this vehicle is being registered in accordance with the Manufacturer's Maximum Gross Vehicle Weight Rating.		OWNER'S CT LICENSE NO. 234339928		CO-OWNER'S SIGNATURE X	
	OWNER'S SIGNATURE X [Signature]		CO-OWNER'S CT LICENSE NO.			

OFFICE USE ONLY						
<input type="checkbox"/> ISSUE	DATE	TIME	MAKE OF TRADE-IN	MODEL OF TRADE-IN	YEAR	CC 34 S.C. 2005 MARKER PLATE NO. 419F7
<input type="checkbox"/> TRANSFER	IDENTIFICATION NUMBER OF TRADE-IN VEHICLE			REGISTRATION DATE 9-2-07 FEES THIS STATE NY 157874		
<input type="checkbox"/> OUT-OF-STATE DEALER	DMV FEES COLLECTED			TAX TOWN BRISBANDS STREET NO. BRISBANDS EXPIR. DATE		
<input type="checkbox"/> CT DEALER'S SALES TAX NO.	TOTAL SALES PRICE \$		TRADE-IN ALLOWANCE \$ 33000.00		NET SALES PRICE	
	STATE TAX COLLECTED		SALES TAX		REG FACTOR	
VEHICLE SOLD (S) (check any applicable)	temp. cert. <input checked="" type="checkbox"/> title <input type="checkbox"/> no title <input type="checkbox"/>		transfer		TITLE	
<input type="checkbox"/> DEMO <input type="checkbox"/> REPAIR <input type="checkbox"/> MANUFACTURER BUYBACK	sub-reg.		lien		APPROVAL FEE	
DEALER'S SIGNATURE X	DATE SIGNED		dup. cert.		EMISSIONS EXPIR. DATE	
TOTAL FEE \$33020.00						

NJ-T CT L-i
NY b/s / kept
f804K
NO

TITLE COPY

**OFFICIAL REGISTRATION
OF A MOTOR VEHICLE AND APPLICATION FOR
CERTIFICATE OF TITLE** H-13 REV. 8-97

STATE OF CONNECTICUT
DEPARTMENT OF MOTOR VEHICLES
60 STATE STREET WETHERFIELD, CT 06181

INSTRUCTIONS (1) Do not print below the box labeled OFFICE USE ONLY (2) If the last previous owner of this vehicle had a valid certificate of title to the vehicle, the title must accompany this application. If a CT title has been lost or stolen, the last registered owner may complete DMV Form No. H6-3. (3) See back of form for instructions for TAX EXEMPTION.

VOID UNLESS
VALIDATED
HERE BY
CONNECTICUT
DMV



THP PASS 20.00
SLG TAX 33000.00
08/23/07 142 340 227 1089 0023 33020.00
919F7

DMV INFORMATION

1. APPLICANT <small>(Owner Registering Vehicle)</small>	OWNER'S NAME (Last, First, Middle Initial) HALLINGBY, PAUL L.		IF CO-OWNERSHIP <input type="checkbox"/> AND <input type="checkbox"/> OR <input type="checkbox"/> OR <input type="checkbox"/>		CO-OWNER'S NAME (If Any)	
	MAILING ADDRESS (No. & Street) P.O. BOX 544		OWNER'S SEX <input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE		OWNER'S BIRTHDATE 11/11/46	
2. VEHICLE	City/Town SHARON, CT 06069		CO-OWNER'S SEX <input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE		CO-OWNER'S BIRTHDATE	
	RESIDENT ADDRESS (If Different from Mailing Address) 3 KINGS HILL ROAD SHARON, CT. 06069		DATE VEHICLE PURCHASED 11.24.06		CT TOWN WHERE VEHICLE IS TO BE TITLED AS PROPERTY (Where vehicle is garaged/parked for longest period in a year) SHARON	
3. IF OTHER THAN PASSING REGISTRATION	VEHICLE I.D. NUMBER (VIN) FER07 9958 0799		MAKE FERRARI		YEAR 1958	
	ODOMETER READING (Mileage) 38967		COLOR (Maximum of Two) SILVER		MODEL NAME OR NO. 250 PF	
4. LIEN-HOLDER (If vehicle purchased with finance)	LIEN WEIGHT (Wt. of vehicle empty)		COMPLETE FOR APPLICABLE VEHICLES (Buses, Trucks)		SEATING CAPACITY	
	GROSS WEIGHT (Light wt. plus wt. of maximum load)		COMPLETE FOR TRAILERS ONLY		REAR LIGHT <input type="checkbox"/> YES <input type="checkbox"/> NO	
5. AUTO MOBILE INSURANCE	INSURANCE COMPANY NAME (Not agent) METROPOLITAN P&C		AUTOMOBILE (INSURANCE POLICY NO.) H4735			
	APPLICANT, READ REVERSE SIDE OF THIS FORM AND SPECIFY CODE 1, 2, 3, 4 OR 5 AND ANY ADDITIONAL INFORMATION.		CODE NO. EXEMPTION INFORMATION			
6. SELLER(S)	NAME OF LESSEE (Person to whom vehicle is leased) NONE		CONNECTICUT LEASING LICENSE NO.		Keep this certificate, and documents supporting purchase price (copy of Bill of Sale, cancelled check), as proof of required sales tax paid. If you sell or transfer this vehicle, you must complete the Certificate of Sale or Transfer section on the reverse of the yellow copy, and return your marker plate(s) and the yellow registration certificate to DMV.	
	ADDRESS OF LESSEE (P.O. Box is Not Acceptable)					
7. TAX EXEMPTION IS CLAIMED	NAME OF SELLER(S) (If 2 owners, include both names) SCOTT ROSEN		IF LICENSED CT DEALER, LICENSE NO.		PURCHASE PRICE (Net of Sales Tax) \$ 550,000.00	
	SELLER'S ADDRESS 111 HENRIETTA PLACE W. HENRIETTA NY 1552					
8. SIGNATURE(S)	The undersigned certifies under penalty of false statement that there are no liens on this vehicle except those specified above, that the insurance required by Connecticut law is in effect and will be maintained during this registration period, and that all information is true and accurate to the best of my/our knowledge and belief. If other than Passenger registration, the undersigned certifies that this vehicle is being registered in accordance with the Manufacturer's MSRP/MSRP Gross Vehicle Weight Rating.					
	OWNER'S SIGNATURE X Paul L. Hallingby		OWNER'S LICENSE NO. 234339928		CO-OWNER'S SIGNATURE X	

OFFICE USE ONLY						
THIS SECTION FOR SALES BY CONNECTICUT LICENSED DEALERS ONLY						
<input type="checkbox"/> ISSUE	DATE	TIME	MAKE OF TRADE-IN	MODEL OF TRADE-IN	YEAR	CC. 34
<input type="checkbox"/> TRANSFER			IDENTIFICATION NUMBER OF TRADED-IN VEHICLE			I.C. P055
<input type="checkbox"/> OUT-OF-STATE DEALER			DMV FEES COLLECTED <input checked="" type="checkbox"/>			MARKER PLATE NO. 419 E7
<input type="checkbox"/> CT DEALER'S SALES TAX NO.						EXPIRATION DATE 9-2-07
TOTAL SALES PRICE \$	New/Used		Info. charge			PLATE TYPE STATE NY
TRADE-IN ALLOWANCE	transfer		sales tax 33000.00			PLATE NUMBER K57874
NET SALES PRICE			safety plate			TAX FORM 1251
STATE TAX COLLECTED	temp. reg. 20.00		<input type="checkbox"/> title <input type="checkbox"/> title			EMISSIONS EXPIR. DATE
VEHICLE SOLD (S) (Check any applicable)	sub-reg.		lien			EQUIPMENT ANNUAL FEE
<input type="checkbox"/> DEMO <input type="checkbox"/> REBUILT <input type="checkbox"/> MANUFACTURER BUYBACK	disc. cert.					REG FACTOR
DEALER'S SIGNATURE X	DATE TITLED		TOTAL FEE \$33020.00		NOT CT L.I. NY b/s kept f804 no	

TITLE COPY

VEHICLE IDENTIFICATION NUMBER IDENTIFICATION

ALICE CONNOR
DEPARTMENT OF MOTOR VEHICLES
SALES & REGISTRATIONS DIVISION
600 WEST MAIN STREET, HARTFORD, CT 06103



This is a title administrative use form of the State of registration, for all vehicle registrations.

PAUL L. HALENBERG

3161685 ALICE PAPA PO BOX 544 STAMEN CT 06089

1988 FERRARI 250 GT

41146 41957 CT

BELOW FOR DMV USE ONLY

VEHICLE IDENTIFICATION NUMBER WAS EXAMINED AND FOUND TO BE IN COMPLIANCE

0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99
---	---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

M. S. S. L. K.

NORTHWEST OFFICE

DEPARTMENT OF MOTOR VEHICLES

CERTIFICATE OF TITLE

PLATE	IDENTIFICATION MARKS	SUFFIX	YEAR	MAKE	MODEL	BODY TYPE
3	FER07 9958	Z	1958	FER	250	2 DR.

TYPE OF TITLE	DUPLICATE NO.	OWNERSHIP	COLOR/VIN/PL	DEALER ID.	ASSIGNED	FUEL
STANDARD		3	SL	09595U	2	
FEE	ISSUE DATE	WH/REPLACEMENT	RELEASE		STATUS	
20.00	12-09-1997		52750 A			

OWNER(S) S1570 39364 06532
JEFFREY D SCHWARTZ
 110 TEKENING DR
 TENAFLY NJ 07670 1226

FLOOD DAMAGE
 PAID BY TAXI
 LEGAL LAW
 ACTUAL MILEAGE
 HAD THE ACTUAL MILEAGE
 HAVE EVER EXCEEDED THE
 MECHANICAL LIMITS

NUMBER OF
 OWNERS: 1

NUMBER OF
 LICENSES:

I, THE DIRECTOR OF MOTOR VEHICLES, DEPARTMENT OF TRANSPORTATION OF THE STATE OF NEW JERSEY, DO HEREBY CERTIFY THAT EVIDENCE OF PURCHASE OF OWNERSHIP, IN COMPLIANCE WITH THE LAWS OF THE STATE OF NEW JERSEY, OF THE DESCRIBED ARTICLE, HAS BEEN RECORDED AND FILED WITH ME. AND I DO HEREBY ISSUE THIS CERTIFICATE OF OWNERSHIP SUBJECT TO SECURITY AGREEMENT ON LIEN, IF ANY AS STATED.

CONTROL NUMBER **K578474**

C. Richard Kamin
 SIGNATURE

State of New Jersey
 DIVISION OF MOTOR VEHICLES



DATE

RECORDS
 CONTROLLER

DATE

FRONT
 LICENSE



LIEN RELEASED BY:

SIGNATURE _____

TITLE _____ DATE _____

LIEN RELEASED BY:

SIGNATURE _____

TITLE _____ DATE _____

KS4253-1 (R097)

EP BL973430290

VOID IF ALTERED

ODOMETER DISCLOSURE STATEMENT AND STATEMENT OF SELLER

NOTE: FEDERAL LAW requires that you state the mileage upon transfer of ownership. Failure to complete this disclosure or providing false information may result in fines and/or imprisonment.

I/We state that the odometer now reads _____ (do not show tenths of a mile) and to the best of my/our knowledge that reflects the actual mileage of the vehicle described on the reverse side of this Certificate of Ownership, unless one of the following statements is checked:

___ (1) I/We hereby certify that to the best of my/our knowledge the odometer has exceeded its mechanical limits and the reading started again at zero.

___ (2) **WARNING - ODOMETER DISCREPANCY** - I/We hereby certify that the odometer reading is NOT the actual mileage, and should not be relied upon for accuracy.

NOTE: New Jersey statute provides that anyone who knowingly or willfully misrepresents the description of a vehicle or makes a false statement in any title papers, leases, changes or counterfeits a part of title papers, or uses title papers on or for the wrong motor vehicle is guilty of a misdemeanor.

I/We hereby assign and Warrant Certificate of Ownership of the vehicle described on the front of this Certificate of Ownership subject to the following lien(s) or encumbrance(s), if any, and none other. I/We further certify the accuracy of the sale price and mileage as specified below.

Buyer's Name (Print) SCOTT ROSEN Driver Lic. # _____

Buyer's Address 111 HEMPSTEAD TURNPIKE Corpcode # _____

WEST HEMPSTEAD, NY 11552

Co-Buyer's Name (Print) _____ Driver Lic. # _____

Co-Buyer's Address _____ Corpcode # _____

Lienholder's Name (Print) NONE Driver Lic. # _____

Lienholder's Address _____ Corpcode # _____

Seller's Name (Print) JEFFREY D. SCHWARTZ

Seller's Address 110 TEKENING DRIVE Date of Sale _____

TENAPLY, NEW JERSEY 07670 Sale Price \$ _____

SELLER SIGN HERE

Seller's Signature X  Seller's Signature X _____

Seller's Name (Hand Print) _____ Seller's Name (Hand Print) _____

Date of Odometer Statement _____

STATEMENT OF BUYER

I/We, the undersigned, hereby certify that the motor vehicle described on the reverse side of this Certificate of Ownership was purchased by me/us and I/We have compared the vehicle identification number shown on this certificate with that of the motor vehicle purchased and found that they agree in every particular.

NOTE: R.S.39:10-11 requires that this certificate after assignment be presented to the Division of Motor Vehicles within ten days. Failure to do so will result in a penalty of \$25 which will be in addition to the filing fee for a new Certificate of Ownership.

BUYER SIGN HERE

Buyer's Signature X  Buyer's Signature X _____

Buyer's Name (Hand Print) _____ Buyer's Name (Hand Print) _____

ALTERATIONS OR ERASURES WILL VOID THIS CERTIFICATE



New York State Department of Motor Vehicles
**CERTIFICATION OF SALE OR TRANSFER FOR 1972 OR
 OLDER VEHICLES OR ANY OTHER NON-TITLED VEHICLES**



1-800-455-4545

INSTRUCTIONS:

1. Print in ink or type all entries.
2. This certification is to be used if the vehicle is sold by a person other than a dealer.
3. This certification must be accompanied by bills of sale showing continuity of ownership from the previous owner.

Note: This form must be accompanied by supporting documents. Not acceptable with any changes or alterations. Not to be used by a dealer for sale of vehicles.

Name of Seller (Last, First, M.I.) ROSEN, SCOTT			
Mailing Address (Number and Street) 111 HEMPSTEAD TURNPIKE			Appt. #
City or Post Office W. HEMPSTEAD	County NASSAU	State NY	Zip Code 11552
Year of Last Registration	State of Last Registration	Plate No.	
Name of Last Registrant (Last, First, M.I.) SCHWARTZ, JEFFREY D.			
Address of Last Registrant (Number, Street, Apt. #, City, State, and Zip Code) 110 TEKENING DRIVE TENAFLY, NJ 07670			

VEHICLE DESCRIPTION	
Year 1958	<input type="checkbox"/> Gas <input type="checkbox"/> Electric <input type="checkbox"/> Diesel
Make FERRARI	<input type="checkbox"/> Propane <input type="checkbox"/> Flex <input type="checkbox"/> CNG
Vehicle Identification Number PER07 9958	
Body Type CONV. 2-DOOR	Maximum Performance Speed of Motorcycle
Color SILVER	
Weight Lbs.	Cylinders

PURCHASER: Before purchasing, be sure you know about any liens against the vehicle.

Name of Purchaser (Last, First, M.I.) HALLINGBY, PAUL E.			
Mailing Address (Number, Street, Apt. #) KINGS HILL ROAD			City or Post Office SHARON
County CONN.	State	Zip Code 06069	Date of Purchase 11/29/00


VEHICLE INSPECTION DATE
Date of Last Inspection
Inspection Station Number
Station Number

CERTIFICATION OF SELLER	
I certify that I am the owner of the vehicle described on this form and that I have sold this vehicle to the purchaser named on the form.	
	11/29/00
(Sign Name in Full - If Not Individual Seller, Give Title)	(Date)

CERTIFICATION OF PURCHASER	
I certify that I have purchased the vehicle described on this form from the seller named on the form.	
(Sign Name in Full - If Not Individual Purchaser, Give Title)	(Date)

DMV-01 (10-00)

FALSE STATEMENTS ARE PUNISHABLE UNDER 210.45 OF THE PENAL LAW

State of Connecticut Dept. of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1
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Action Taken: On July 21st, 2008, this Detective received numerous documents from Oliver Weber, the Swiss attorney who represents the victim in this case. The documents highlight the investigation conducted by him on behalf of his client.

There are three "Requests for Seizure and Recovery." Each has an original signature of Mr. Weber. These "Requests" provide a detailed summary of the events surrounding the theft of the vehicle, the actions of individuals who have possessed the vehicle since its theft, and information on the current possessor who is believed to be Paul "Barney" Hallingby DOB: 11-11-46.

Mr. Weber also provided three "Directories of Evidence Documents," two of which have attachments. The primary "Directory" has original notarized statements and signatures and the other having attachments contains copies of those notarized statements and signatures. The attachments are various articles, statements, and other documents that support the accusations made in the aforementioned "Requests for Seizure and Recovery."

This Detective had previously received from Daniel Pilla of the NJ Motor Vehicle Commission, ownership information on the vehicle. This information shows that the vehicle was first titled to "Classic Coach Repair" of 1007 South Elmora Avenue in Elizabeth, NJ on November 9th, 1994. On November 29th, 1994, the vehicle was titled to Scott Rosen of 512 McKendimen Road in Medford, NJ. On December 5th, 1997, the vehicle was again titled to "Classic Coach Repair." On December 9th, 1997, the vehicle was titled to Jeffrey Schwartz of 110 Tekening Drive in Tenafly, NJ.

This Detective seized the following items as evidence in this case:



- Item #1-New Jersey title information.
- Item #2-Request for Seizure and Recovery.
- Item #3-Directory of Evidence Documents.

Attached to this report is a copy of the JD-CR-18 "Inventory of Property Seized without a Search Warrant."

This Detective has retained copies of the aforementioned items of evidence for reference purposes.

Detective Pinelli of the Statewide Auto Theft Task Force was advised of these events.

This case is closed Suspended.

CASE STATUS: <input type="checkbox"/> 1-ACTIVE <input type="checkbox"/> 2-CLEARED ARREST <input checked="" type="checkbox"/> 3-SUSPENDED		TYPE OF EXCEPTIONAL CLEARANCE: <input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE <input type="checkbox"/> 6-NO CRIMINAL ASPECT <input type="checkbox"/> F-FUGITIVE		<input type="checkbox"/> A-OFFENDER DECEASED <input type="checkbox"/> B-PROSECUTION DENIED <input type="checkbox"/> C-EXTRADITION DENIED		<input type="checkbox"/> D-VICTIM UNCOOPERATIVE <input type="checkbox"/> E-JUVENILE-NO CUSTODY	
THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.							
INVESTIGATOR SIGNATURE 	INVESTIGATOR I.D. 732	REPORT DATE 07-22-08	SUPERVISOR SIGNATURE 	SUPERVISOR I.D. 27	APPROVAL DATE 7-25-08		

Det. Richard Van Tine

INVENTORY OF PROPERTY SEIZED WITHOUT A SEARCH WARRANT

JD-CR-18 Rev. 7-05 C.G.S. §§ 21a-262, 26-85, 26-90, 54-36a,g,h, 46b-121 and 53-278c.

POLICE CASE/RECEIPT NO. 2800265932

- To Court
- Destroy - No Value
- Case Pending
- Return to Owner
- Prisoner's
- Juvenile

FOR P.D. USE ONLY
 WARRANT APPLIED FOR
 TO COURT

PART A
 COURT DOCKET NO. _____

PART B
 COURT DOCKET NO. _____
CR

JUVENILE
 COURT DOCKET NO. _____

INSTRUCTIONS

1. Do not use this form if a search warrant is used.
2. Original must be filed with the Clerk of Court.
3. In the case of an arrest or referral, file with a uniform arrest report or Juvenile Summons/Complaint.
4. Last copy for Police Department use.

TO THE SUPERIOR COURT AT (Address of court)
 JUVENILE MATTERS G.A. No. 18_80 Doyle Road Litchfield, CT

COURT APPEARANCE DATE _____ ARREST/REFERRAL MADE PENDING POLICE CASE/RECEIPT NO. 0800265932 UNIFORM ARREST REPORT/JUV. SUMMONS NO. _____
 COMPANION CASE NO. _____

NAME, ADDRESS AND TEL. NO. OF DEFENDANT(S)/SUBJECT(S)	NAME, ADDRESS AND TEL. NO. OF COMPLAINANT(S)/OWNER(S)
1. Hallingby, Paul "Barney" 11-11-46 Kings Hill Road Sharon, CT	1.
2.	2.
3.	3.

TYPE OF INCIDENT
Larceny I (by Possession)

TOWN OF SEIZURE Bridgeport DATE OF SEIZURE 07-21-08 TYPE OF PROPERTY STOLEN EVIDENCE LOST/FOUND INVESTIGATION

The following property was seized, in connection with a criminal/delinquency case: (Describe type, color, serial number, etc.)

PROPERTY SEIZED	1. Item #1-New Jersey title information.	PART A INVENTORY NO.
	2. Item #2-Request for Seizure and Recovery.	
	3. Item #3-Directory of Evidence Documents.	
	4.	
	5. (No other items)	
	6.	
	7.	
	8.	
	9.	
	10.	
	11.	
	12.	

If cash money was seized, enter total amount here (List each cash seizure separately on the numbered lines above.) TOTAL AMOUNT OF CASH \$ 0

SIGNED (Police Officer) [Signature] (Title) Detective DATE 07-23-08 DEPARTMENT CSP MVFTF

PROPERTY ROOM USE ONLY

EVIDENCE PHOTOGRAPHED <input type="checkbox"/> NO <input type="checkbox"/> YES	DATE	REMARKS	
DATE OUT	REASON	BY	DATE RETURNED



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Avocat
CCP 30-430258-0
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daniel.jeanguenin@gmx.ch

Oliver Weber
Fürsprecher
PC 60-719874-7
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weberlaw@gmx.ch

Murtenstrasse 7, rue de Morat
Post Office Box No. 811
CH-2501 Biel-Bienne
Switzerland
Telefax +41 32 322 68 04

Connecticut State Police
Detective Mr. Richard Van Tine #732
Troop G
149 Prospect Street
Bridgeport, CT 06604
USA

Biel, Switzerland, 10 July, 2008

REQUEST FOR SEIZURE AND RECOVERY – Ferrari 250 GT, VIN 0799

Dear Richard

As discussed earlier, I am sending you enclosed one request for seizure (3 exemplars) and a voluminous dossier with 40 evidence documents on behalf of my client Dr. Andreas Gerber. The documents which I am sending you enclosed are the result of a long preparation work. You will see that my client and I really did our homework.

Regarding the evidence documents I would like to make two remarks:

Concerning the attachment 15, I would like to precise that the pictures no. 9-11 were not taken on the same day when Ferrari 0799 was transported to Marbella. Additionally I would like to inform, that picture no. 3 (attachment 15) was not taken in front of the house of my client, but in front of a garage. Regarding the attachment 32 you will notice that some sentences in the document are printed twice. I don't know what happened there. The same document, but differently illustrated (from the original homepage), can be found in attachment 33.

As I told you before, I will be in Asia from July 11 until August 6, 2008. You can reach me by Email (weberlaw@gmx.ch) or by cell phone (0041 77 423 03 20). I can also call you back if necessary.

A copy of this request and of the evidence documents goes to Bill Adams for information.

I am looking forward to hearing your news and I thank you very much for taking care of this case and for helping my client and me.

With kind regards

A handwritten signature in black ink, appearing to read 'Oliver Weber', with a stylized flourish at the end.

Oliver Weber
Attorney-at-Law



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Connecticut State Police
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Murtenstrasse 7, rue de Morat
Post Office Box No. 811
CH-2501 Biel-Bienne
Switzerland
Telefax +41 32 322 68 04

REQUEST FOR SEIZURE AND RECOVERY

of

Dr. Andreas Gerber, Medical Doctor, born 02.28.1947, resident at Bassbeltweg 26, CH-2542 Pieterlen, Switzerland

represented by Oliver Weber, Attorney-at-Law; business address: Murtenstrasse 7, Post Office Box No. 811, CH-2501 Biel, Switzerland, phone 0041 32 322 68 13, fax 0041 32 322 68 04, cell phone 0041 77 423 03 20

requestor

versus

Paul L. "Barney" Hallingby, 31 Kings Hill Road, Sharon, CT 06069, USA

illegitimate possessor

Concerning: stolen Ferrari 250 GT, Spider, Pinin Farina, Cabriolet, Series 1, 1957/58, VIN 0799GT (hereafter called "Ferrari 250 GT")

Submitted to the Connecticut State Police, Detective Mr. Richard Van Tine, Troop G, 149 Prospect Street, Bridgeport, CT 06604, United States of America

I. Request

1. Hereby the Connecticut State Police is courteously requested to seize Ferrari car 250 GT, Spider, Pinin Farina, Cabriolet, Series 1, 1957/58, VIN 0799GT, probably located on the property of Mr. Paul L. "Barney" Hallingby at 31 Kings Hill Road, Sharon, CT 06069, USA, and to store this car in a safe place.
2. After seizure, Ferrari car 250 GT, Spider, Pinin Farina, Cabriolet, Series 1, 1957/58, VIN 0799GT will be returned to the requestor or to his attorney.

II. Jurisdiction / procedure

1. Ferrari car 250 GT was stolen from the requestor on July 7 in 1993 in the city of Marbella in Spain. As will be proven hereafter this car is in the custody of Mr. Paul L. "Barney" Hallingby today and probably located at the address 31 Kings Hill Road, in Sharon, CT 06069, USA. Thus, the stolen Ferrari 250 GT is located in the state and jurisdiction of the Connecticut State Police. This authority is therefore competent to treat the present request for seizure.
2. The undersigning attorney-at-law is legally legitimated and properly empowered by his client based on the empowerment, dated 04.07.2007 (original German version).

Evidence	1. Empowerment Dr. A. Gerber/Atty. O. Weber dated 07.03.2008 (English version).	attachment 1
	2. Empowerment Dr. A. Gerber/Atty. O. Weber dated 04.07.2007 (original German version).	attachment 2
	3. Affidavit – sworn statement Dr. A. Gerber regarding his ownership of Ferrari 250 GT, dated July 3, 2008.	attachment 3
	4. Criminal complaint regarding the theft of Ferrari 250 GT submitted to the Cantonal Police of the Canton of Berne, Switzerland, on March 16, 1995 (original German and notarized English version).	attachment 4

II. Reasons / Facts

1. The requestor is a Swiss Citizen and a Medical Doctor with his own medical practice in a small village called "Pieterlen". "Pieterlen" is located in the Canton of Berne, in Switzerland. A Canton can legally be compared with a State in America. In the late 1980s the requestor became an enthusiast for old sports cars and started to deal with Ferrari cars on a small scale as a hobby. In total the requestor bought five Ferrari cars. The most expensive Ferrari car the requestor ever bought was Ferrari model 250 GT, Spider, Pinin Farina, Cabriolet, Series 1, 1957/58, VIN 0799GT. This car model was only produced 36 times (plus 5 prototypes) and is a rarity among Ferrari collectors and dealers. According to the original mechanical report of the Ferrari factory, Ferrari 250 GT was constructed between October 31, 1957 and February 4, 1958. The first owner of the car was Mr. Dino Fabbri from Milan, Italy, who bought Ferrari 250 GT from Mr. Enzo Ferrari on May 8, 1958.

- | | | |
|-----------------|---|----------------------|
| Evidence | <ol style="list-style-type: none">1. History regarding Ferrari 250 GT, VIN 0799GT 1957 – 2007, based on literature and consultation of Ferrari experts. <u>Source</u>: Ferrari expert Marcel Massini, CH-8604 Volketswil, Switzerland. | attachment 11 |
| | <ol style="list-style-type: none">2. History regarding Ferrari 250 GT, VIN 0799GT, published on the famous Ferrari collector and dealer internet site www.barchetta.cc, proving that it has been widely known for a long time in the Ferrari community that Ferrari 250 GT VIN 0799 was stolen. | attachment 12 |
| | <ol style="list-style-type: none">3. Directory of all models of type Ferrari 250 GT, Series 1, ever constructed (41 pieces in total); <u>Source</u>: Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland. | attachment 13 |
| | <ol style="list-style-type: none">4. Original mechanical report (in Italian) of Ferrari plant, documenting the construction of Ferrari 250 GT, VIN 0799GT (during period from 10.31.57 to 02.04.57). Engine number, gearbox number and construction dates are highlighted in the document. | attachment 14 |

5. Pictures of Ferrari 250 GT VIN 0799GT, taken in CH-2542 Pieterlen/Switzerland in front of the house of the requestor in 1989; taken in CH-3284 Fräschels / Switzerland in front of the garage "*Elite Diffusion*" before transportation to Marbella/Spain and taken at Cavallino Concours at Palm Beach/FL/USA on 19.-20. January 2001 by Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland.

2. The requestor bought Ferrari 250 GT from a well known sports car and luxury car dealer, namely Mr. Andreas Zenari, who is a Swiss Citizen too. Mr. Andreas Zenari has an excellent reputation among Ferrari dealers and collectors and he is the manager of the company "*Elite Diffusion*", located at Hauptstrasse, in CH-3284 Fräschels in Switzerland. Thanks to Mr. Andreas Zenari and his excellent contacts, the purchase of Ferrari 250 GT by the requestor could be arranged. Ferrari 250 GT was owned by Mr. Peter A. Bowers from Houston TX, USA from 1970 until April 17, 1989, who registered Ferrari 250 GT on Texas licence plates "365 VGV". On April 17, 1989 Mr. Bowers sold Ferrari 250 GT for USD 680,000.00 to Mr. Michael W. Sheehan, owner of the company "*European Auto Sales Inc.*" in Costa Mesa, CA, USA. Also Mr. Sheehan has an excellent reputation among Ferrari collectors and dealers. Mr. Sheehan himself sold Ferrari 250 GT to Mr. Andreas Zenari on 21. April 2008 for USD 780,000.00. The car was then shipped from the USA to Switzerland. The purchase contract between Mr. Sheehan and Mr. Zenari was arranged by Mr. W Schoch from Porche Sales Inc., who himself received a commission of USD 35,560.00 from Mr. Sheehan's "*European Auto Sales Inc.*" paid by bank check dated 05.15.1989.

- Evidence**
1. Certificate of title to a motor vehicle, issued by the state of Texas to Peter A. Bowers, Houston, on 09.11.1970, who was the owner of Ferrari 250 GT from 1970 until April 17, 1989 **attachment 16**
 2. Automobile purchase contract between Peter A. Bowers, Houston TX 77098, and *European Auto Sales Inc.*, Costa Mesa, CA 92627, represented by sales Manager Garry Roberts, dated April 3, 1989 **attachment 17**

3. Notarized statement of Peter A. Bowers, Houston, TX, declaring the sale of Ferrari 250 GT VIN 0799 to *European Auto Sales Inc.*, dated April 17, 1989. **attachment 18**
4. Bank check dated 04.17.1989 issued by *European Auto Sales Inc.* to Lawrence Diaz regarding the first payment of finder's fee (USD 7,000.00) for the sale of Ferrari 250 GT VIN 0799 **attachment 19**
5. Bank check dated 04.17.1989 issued by *European Auto Sales Inc.* to Lawrence Diaz regarding the second payment of finder's fee (USD 3,000.00) for the sale of Ferrari 250 GT VIN 0799 **attachment 20**
6. Deposit payment (advance) of USD 120,000.00 paid by Andreas Zenari, car dealer of the company *Elite Diffusion*, Fräschels, Switzerland to *European Auto Sales Inc.* on 04.06.1989 regarding the intended purchase of Ferrari 250 GT VIN 0799 **attachment 21**
7. Purchase contract between *European Auto Sales Inc.* (represented by sales manager Garry Roberts) and Andreas Zenari, *Elite Diffusion*, Fräschels, Switzerland, regarding Ferrari 250 GT VIN 0799, dated April 21, 1989 (purchase price total USD 780,000.00) **attachment 22**
8. Bank check dated 05.15.1989 issued by *European Auto Sales Inc.* to *W. Schoch Porsche Sales Inc.*, regarding payment of commission of USD 35,560.00 for Ferrari 250 GT VIN 0799 **attachment 23**
9. Disbursement request, *European Auto Sales Inc./ W. Schoch*, dated 05.15.1989, regarding payment of commission of USD 35,560.00 for Ferrari 250 GT VIN 0799 **attachment 24**

3. On April 27, 1989, the requestor purchased Ferrari 250 GT from Mr. Andreas Zenari for 1,700,000.00 Swiss Francs. Applying the then applicable exchange rate Swiss Franc/US Dollar in 1989, this amount was equivalent to USD 900,000.00 at that time. To drive Ferrari 250 GT the requestor was granted permission to use the number plates of Mr. An-

dreas Zenari registered under "BE 838 U". "BE" stands for Canton of Berne, "U" stands for car dealer. Additionally, the requestor used other number plates registered under "BE 1144 U" which belonged to a garage in a neighbouring village of "Pieterlen". Within Switzerland Ferrari 250 GT was insured by Swiss Mobiliar Insurance Company against all risks.

- Evidence**
1. Confirmation/statement issued by car dealer Andreas Zenari, *Elite Diffusion*, CH-3284 Fräschels, Switzerland, to and for Dr. Andreas Gerber on June 7, 2008, confirming the sale of Ferrari 250 GT VIN 0799 to Dr. Andreas Gerber on April 27, 1989. **attachment 25**
 2. Pictures of Ferrari 250 GT VIN 0799GT, taken in CH-2542 Pieterlen/Switzerland in front of the house of the requestor in 1989; taken in CH-3284 Fräschels / Switzerland in front of the garage of *Elite Diffusion* before transportation to Marbella/Spain and taken at Cavallino Concours at Palm Beach/FL/USA on 19.-20. January 2001 by Ferrari expert Marcel Massini, CH-8604 Volketswil, Switzerland. **attachment 15**
 3. Confirmation of Swiss Mobiliar Insurance Company, General agency Belp, CH-3123 Belp, Switzerland, dated 09.26.2007, regarding the insurance cover note and the fact that no compensation has ever been paid to requestor. **attachment 10**
4. After enjoying his car for a certain time the requestor decided to sell his Ferrari 250 GT. For that reason he wanted to offer his Ferrari 250 GT on the well known market place and jet set town Marbella in Spain, where he expected to achieve a good selling price. The requestor was already in contact with a garage in Marbella specialised in luxury cars. The name of the garage was "*Motorauto Marbella*", located at Avenida Ricardo Soriano, ed este 2 in 29601 Marbella, Spain, which was apparently managed by a Mr. Kelvin John Fisher, whose business partners were Mr. Gianni Meninno (an Italian citizen) and Mr. Pedro Manuel Poiares-Serra (a Portuguese citizen). Ferrari 250 GT was transported from Switzerland to Spain with three other Ferrari cars, which did not belong to the requestor. These three other Ferraris cars are the following models:

- Ferrari 250 GT Spider, Series 2, year of construction 1960, chassis no. 1893, red color with black leather interior.
- Ferrari 365 GT 2 + 2, year of construction 1970, chassis no. 13811, blue color, with black leather interior.
- Ferrari 250 GT/e2 + 2, year of construction 1961, chassis no. 2925, black color, with cream leather interior.

All four Ferrari cars were loaded on a truck for transportation to Marbella. This transport was prepared in front of the company "*Elite Diffusion*" in Fräschels, Switzerland as can be seen on the evidence pictures attached. The four cars were transported to Marbella without any problems. In Marbella the four Ferrari cars were stored in a warehouse of the mentioned garage "*Motorauto Marbella*". Negotiations for selling Ferrari 250 GT were conducted. In July 1993 the requestor advised an attorney to check whether everything was in order with his Ferrari car stored in the garage "*Motorauto Marbella*". This attorney checked the garage "*Motorauto Marbella*" on July 9, 1993, and noted that Ferrari 250 GT and the three other above mentioned cars had disappeared. The requestor immediately contacted the Spanish Police and asked them to search for his car. The Spanish Police found out that Ferrari 250 GT had been transported to Lisboa together with the three other above mentioned Ferrari cars on July 6 or 7, 1993. Based on their investigations the Spanish Police found a transportation company, namely "*Pierre Motors*" in Motril/Granada, which had transported the Ferrari 250 GT including the three other above mentioned Ferrari cars to a garage near the Hotel Ritz in Lisboa/Portugal. The name of the driver of the truck was Mr. Didier Martin Teixeira, who was assigned by Mr. Pedro Manuel Poiares-Serra to transport the mentioned Ferrari cars from Marbella to Lisboa. Mr. Teixeira had probably not been informed about the fact, that Mr. Pedro Manuel Poiares-Serra was a thief and not the owner of the Ferrari cars and that he was not in a position nor allowed to dispose of these cars. Based on information of Ferrari dealers and experts, the requestor heard that Ferrari 250 GT was offered for sale in Bologna/Italy by the Italian Mr. Gianni Mennino who was a business partner of Mr. Poiares-Serra and Mr. Kelvin Fisher. The requestor did not hear anything about his car for a long time and he had to realize the fact that the Spanish Police was not investigating the theft of his car properly. The requestor was also told that there was a lot of corruption among law enforcement authorities, judges and the local government in Marbella. This corruption scandal later became public and was investigated by a special anticorruption judge as the attached newspaper articles prove. The luxury garage "*Motorauto Marbella*", as well as the Italian Mafioso and heavy criminal Gianni Mennino of the Santapaola Mafia clan

were involved in this corruption scandal. It later turned out that the garage "*Motorauto Marbella*" was a bogus company which was used by Mennino, Fisher and Poiares-Serra to conduct their crimes under the protection of Marbella authorities. Mennino was later arrested in Spain but could escape from prison and fled to Italy. He died in the year 2004.

After realizing that Spanish Police could not and would not help him recover his stolen Ferrari 250 GT due to corruption, and knowing that his Ferrari was not located in Spain anymore, the requestor decided to activate Swiss Police and Interpol Berne.

- Evidence**
1. Pictures of Ferrari 250 GT VIN 0799GT, taken in CH-2542 Pieterlen/Switzerland in front of the house of the requestor in 1989; taken in CH-3284 Fräschels / Switzerland in front of the garage of *Elite Diffsuion* before transportation to Marbella/Spain and taken at Cavallino Concours at Palm Beach/FL/USA on 19.-20. January 2001 by Ferrari expert Marcel Massini, CH-8604 Volketswil, Switzerland. **attachment 15**
 2. Internet article on www.telegraph.co.uk dated 10.20.2007 proving the criminal conduct of the Italian Mafioso Gianni Meninno, who "*sold*"/transferred Ferrari 250 GT VIN 0799 to Frank "Joe" Triarsi, Classic Coach Ltd., Elisabeth, NJ 07202, USA, in 1994. **attachment 31**
 3. Internet article on <http://80srebron.blogspot.com> dated on 12.12.2007 showing and proving the criminal conduct of the Italian Mafioso Gianni Meninno in Marbella/Spain and his connections to the Italian Santapaola Mafia clan. **attachment 32**
 4. Internet article on <http://80srebron.blogspot.com> dated on 12.12.2007 showing and proving the criminal conduct of the Italian Mafioso Gianni Meninno in Marbella/Spain and his connections to the Italian Santapaola Mafia clan. **attachment 33**
 5. Internet article of the Ministry of Interior of Spain, dated on 02.02.2001, exposing the criminal conduct of the Italian Mafioso Gianni Meninno and informing about his imprisonment together with two other criminals. (Can be translated to English if necessary). **attachment 34**

6. Internet article in the Spanish newspaper "El Mundo" on **attachment 35**
www.elmundo.es, dated on 07.13.1999, describing the criminal conduct of the Italian Mafioso Gianni Meninno and the corruption among officials in the city of Marbella/Spain. (Can be translated to English if necessary).
 7. Internet article in the Spanish newspaper "El Mundo" on **attachment 36**
www.elmundo.es, dated on April 4, 2001, informing about the corruption in Marbella and about the incident regarding the escape of the Italian Mafioso Gianni Meninno from the prison in Spain to Italy. (Can be translated to English if necessary).
 8. Internet article in the Spanish newspaper "El Pais" on **attachment 37**
www.elpais.com, dated on 07.13.1999, informing about the anticorruption criminal procedure in Marbella, led by prosecutor Carlos Jiménez Villarejo, and exposing the relations and connections between former judges and law enforcement agencies and the Italian Mafia, namely Gianni Meninno. (Can be translated to English if necessary).
 9. Internet article in the Spanish newspaper "El Mundo" on **attachment 38**
www.elmundo.es, dated on 06.23.1999, informing about the anticorruption criminal procedure in Marbella and exposing the relations and connections between former judges and law enforcement agencies and the Italian Mafia, namely Gianni Meninno. The article also shows connections between the garage and bogus company "Motorauto Marbella" and Gianni Meninno. (Can be translated to English if necessary).
5. On March 16, 1995 the requestor filed a criminal complaint regarding the theft of Ferrari 250 GT at the office of the Cantonal Police of Berne, in the city of 2502 Biel, Switzerland. The Cantonal Police of Berne cooperated with Interpol Berne and Ferrari 250 GT was searched internationally and listed in the Interpol database as stolen since March 20, 1995. Interpol Berne also contacted Interpol Madrid, Lisboa and Interpol Washington between 1995 and 2001 and asked these authorities to support their investigations.

- Evidence**
1. Criminal complaint regarding the theft of Ferrari 250 GT submitted to the Cantonal Police of the Canton of Berne, Switzerland, on March 16, 1995 (original German and notarized English version) **attachment 4**
 2. Message from Interpol Berne to Interpol Washington dated March 27, 1995, informing about the theft of Ferrari 250 GT and requesting help in searching the car. **attachment 6**
 3. Message from Interpol Berne to Interpol Madrid and Lisbon dated September 15, 1995, showing the lack of cooperation of Spanish and Portuguese Police **attachment 7**
 4. Message from Interpol Washington to Interpol Berne dated January 2, 1997, informing about the illegitimate possessor of Ferrari 250 GT, Mr. Scot Rosen. **attachment 8**
6. The requestor was later informed by Ferrari dealers and Ferrari experts that his Ferrari 250 GT was "sold"/transferred by the Mafioso Gianni Mennino to Frank "Joe" Triarsi, CEO of Classic Coach Ltd., Elisabeth, New Jersey 07202, USA in 1994. Mr. Triarsi is an official Ferrari dealer with a doubtful reputation and excellent contacts to Italy. Frank Triarsi "sold"/transferred Ferrari 250 GT for a suspiciously too low price of USD 300,000.00 to Dr. Scott Rosen, Bedford, NY, USA in September 1994. A price of USD 450,000.00 – 550,000.00 would have been a realistic price considering the difficult market situation in 1994/1995 when the Ferrari prices started to decrease. In 1995 the tail-lights of Ferrari 250 GT were changed and were placed horizontally at the top of the rear fenders.

- Evidence**
1. Fax of Mr. Kuno Schaer from Solothurn, Switzerland, President of the Ferrari Owners' Club, dated 02.21.1995, confirming that Ferrari 250 GT was put up for sale in Bologna/Italy by the Italian Mr. Mennino in summer 1994 and that Ferrari 250 GT was transferred to Mr. Joe Triarsi from Classic Coach Ltd. (NJ, USA) who himself "sold"/transferred the car to Dr. Scott Rosen in Bedford, NY, USA, for USD 300,000.00. **attachment 5**

2. History regarding Ferrari 250 GT, VIN 0799GT 1957 – **attachment 11**
2007, based on literature and consultation of Ferrari experts. Source: Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland.
 3. History regarding Ferrari 250 GT, VIN 0799GT, published **attachment 12**
on the famous Ferrari collector and dealer internet site www.barchetta.cc, proving that it has been widely known for a long time in the Ferrari community that Ferrari 250 GT VIN 0799 was stolen.
7. In 1996 Ferrari 250 GT Dr. Scott Rosen apparently “sold”/transferred Ferrari 250 GT to Jeffrey Schwartz, Compass Metal Corporation, 1 Executive Drive, Fort Lee, NJ 07024, USA. In May 2000 Jeffrey Schwarz tried – according to Ferrari Expert Marcel Massini – to “sell” Ferrari 250 GT to Symbolic Motor Car Company, 7440 La Jolla Boulevard, La Jolla, CA 92037-5029, USA. But Symbolic Motor Car backed out of the deal when they found out about the legal problems regarding Ferrari 250 GT. Symbolic Motor Car was never in possession of Ferrari 250 GT. The reaction of Symbolic Motor Car proves that it has been widely known for a long time in the Ferrari dealer and collector community that Ferrari 250 GT is a stolen car. A purchase in good faith was/is therefore not possible, especially considering the small number of produced cars of Series 1 (36 x), which makes it impossible to remain anonymous with such a car. The purchase of such an expensive and rare car also obliges a potential buyer to check the history of the car, as Symbolic Motor Car correctly and dutifully did.

- Evidence**
1. History regarding Ferrari 250 GT, VIN 0799GT 1957 – **attachment 11**
2007, based on literature and consultation of Ferrari experts. Source: Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland
 2. History regarding Ferrari 250 GT, VIN 0799GT, published **attachment 12**
on the famous Ferrari collector and dealer internet site www.barchetta.cc, proving that it has been widely known for a long time in the Ferrari community that Ferrari 250 GT VIN 0799 was stolen.

8. In the Year 2000 Jeffrey Schwartz "sold"/transferred Ferrari 250 GT back to Dr. Scott Rosen. In January 19/20, 2001 Ferrari 250 GT was seen by Ferrari Expert Marcel Massini at the Cavallino Classic Concours Meeting at Moroso Raceway and Palm Beach/FL/USA, entered by Paul L. "Barney" Hallingby, resident at 31 King Hill Road, Sharon, Connecticut 06069, USA. Ferrari Expert Marcel Massini had a suspicious experience when he started taking pictures of Ferrari 250 GT at Cavallino Concours at Palm Beach, FL, in January 2001. Immediately after taking a picture of the chassis number of Ferrari 250 GT, the mechanic / aid of Paul Hallingby closed the hood of the car as fast as a flash. This reaction is weird and unusual in the Ferrari collector community. Normally collectors show their cars with pleasure and open the hood of their cars voluntarily without being asked. Obviously Paul Hallingby had something to hide, which the reaction of his mechanic proves.

- Evidence**
1. History regarding Ferrari 250 GT, VIN 0799GT 1957 – 2007, based on literature and consultation of Ferrari experts. Source: Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland **attachment 11**
 2. History regarding Ferrari 250 GT, VIN 0799GT, published on the famous Ferrari collector and dealer internet site www.barchetta.cc, proving that it is since a long time widely known in the Ferrari community that Ferrari 250 GT VIN 0799 was stolen. **attachment 12**
 3. Pictures of Ferrari 250 GT VIN 0799GT, taken in CH-2542 Pieterlen/Switzerland in front of the house of the requestor in 1989, taken in CH-3284 Fräschels/Switzerland in front of the garage of *Elite Diffusion* before transportation to Marbella/Spain and taken at Cavallino Concours at Palm Beach/FL/USA on 19.-20. January 2001 by Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland. **attachment 15**
 4. Email of Mr. Marcel Massini, Ferrari Expert from CH-8604 Volketswil, Switzerland, to Atty. Oliver Weber, dated Mai 1, 2008, describing his experiences with the assistant of Barney Hallingby at Cavallino Concours at Palm **attachment 30**

Beach/FL/USA in January 2001 when taking pictures of Ferrari 250 VIN 0799 and explaining why he thinks Barney Hallingby was not in good faith when buying Ferrari 250 GT

9. According to the information of the requestor Ferrari 250 GT is still in the possession of Paul Hallingby and it is possible that this car is located at 31 Kings Hill Road, Sharon, CT 06069, USA. Mr. Hallingby's business partner is Mr. Nick Soprano of Motor Classic & Competition Corporation, 868 North Broadway, White Plains, NY 10603, USA (www.motorclassiccorp.com). The requestor was informed by a German Ferrari dealer that Nick Soprano once tried to sell a replicated Ferrari 250 Le Mans (1964) as an original (on behalf of Hallingby). Furthermore Mr. Nick Soprano has a suspicious reputation among Ferrari dealers and collectors in Europe. Because of the close business relations between Mr. Hallingby and Mr. Soprano it is possible that Ferrari 250 GT is also located on the premises of Mr. Soprano's business which is Motor Classic & Competition Corp. at 868 North Broadway, White Plains, NY 10603. The reason why the requestor thinks that Ferrari 250 GT is still in the custody of Mr. Hallingby is, because the latter was seen at car shows and Concours like the Greenwich Ferrari Concours in 2005, where Mr. Hallingby was listed as the exhibitor of Ferrari 250 GT. In 2004 Mr. Hallingby also won a trophy from the Ferrari Club of America for his Ferrari 250 GT.

- Evidence**
1. History regarding Ferrari 250 GT, VIN 0799GT 1957 – **attachment 11**
2007, based on literature and consultation of Ferrari experts. Source: Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland
 2. History regarding Ferrari 250 GT, VIN 0799GT, published **attachment 12**
on the famous Ferrari collector and dealer internet site www.barchetta.cc, proving that it has been widely known for a long time in the Ferrari community that Ferrari 250 GT VIN 0799 was stolen.
 3. Pictures of Paul "Barney" Hallingby, taken at a Ferrari **attachment 26**
auction in Maranello/Italy on May 18, 2008

4. Exhibitors' list / car list of Greenwich Concours on June 5, 2005, listing Barney Hallingby as the exhibitor of Ferrari 250 VIN 0799GT (see picture) and proving that this stolen Ferrari car is in the custody of Hallingby. **attachment 27**

Source: www.barchetta.cc

5. Highlights from 2005 Greenwich Concours, documentation with pictures, showing Barney Hallingby driving Ferrari 250 GT VIN 0799 (on page 9) and listing Barney Hallingby as the exhibitor of Ferrari 250 GT VIN 0799 (on page 13). **attachment 28**

Source:

www.greenwichconcours.com/2005Highlights.htm

6. Internet article of Ferrari Club of America (New England Region) regarding the Fifth Annual FCA / NER Concorso Ferrari, dated 06.19.2005, listing Barney Hallingby as the 2004 trophy winner with Ferrari 250 GT VIN 0799 **attachment 29**

10. After receiving the information that Mr. Hallingby "bought"/received Ferrari 250 GT from Dr. Scott Rosen (probably in the year 2001) the requestor filed another criminal complaint regarding the crime of "larceny"/"receiving of stolen goods" at the Cantonal Police of Berne, at the office of the Police Department of Lengnau/Switzerland on March 19, 2008. As will be explained and proven hereafter, Mr. Hallingby was in bad faith when buying Ferrari 250 GT and he has therefore committed the crime of larceny. After filing the above mentioned criminal complaint, the Cantonal Police of Berne and Interpol Berne restarted their investigations and search regarding Ferrari 250 GT and entered Ferrari 250 GT in the Interpol database (ASF Vehicle) as stolen again. It is also relevant to know that the requestor has never been compensated by any insurance company for the loss of his car.

- Evidence**
1. Criminal Complaint regarding the offence "receiving of stolen goods", submitted to the Cantonal Police of the Canton of Berne, Switzerland, on March 19, 2008 (original German and notarized English version) **attachment 9**

2. Printout of Sec. 53a-119 and Sec. 53a-122 regarding the offence of larceny according to title 53a (penal code) in chapter 952, volume 13, of the General Statutes of Connecticut. attachment 39

III. Legal aspects

Criminal Law Aspects

Frank "Joe" Triarsi, Classic Coach Ltd., Elisabeth, New Jersey 07202, USA

It is evident that also Frank "Joe" Triarsi was in bad faith when he bought Ferrari 250 GT from the Italian Mafioso Gianni Mennino. As proven with several newspaper articles attached, Gianni Mennino was a heavy criminal and member of the Mafia family, namely the "Santapaola Clan". This information was in the newspaper and can also be read on the internet. Gianni Mennino was in prison in Spain and his escape from that prison was published in the newspaper. Gianni Mennino was not in the legal position to transfer any title to Frank Triarsi, especially as he had no papers documenting the transfer of ownership of Ferrari 250 GT from the requestor to him. Gianni Mennino was probably in the possession of the old Texas title of Mr. Peter Bowers and of some old service documents, as they were stored in the car when transported from Switzerland to Spain.

These documents are not relevant. To transfer the ownership from the requestor to Gianni Mennino a title and a purchase contract signed by the requestor would have been required. According to the Spanish investigations Mr. Gianni Mennino was known for using forged documents when selling property that did not belong to him. It is therefore possible that the present-day illegal possessor (Mr. Hallingby) might present such forged documents to "prove his title". Such documents must be ignored, as the requestor never signed and agreed to a purchase contract and never transferred his title on Ferrari 250 GT to anybody. The old Texas title of Mr. Bowers and service documents do not prove the transfer of property from the requestor to anyone, because these old documents were issued before the requestor became the owner of Ferrari 250 GT. Based on this information it can be concluded, that also Frank Triarsi was in bad faith when buying Ferrari 250 GT. He ignored his duty to check the history of Ferrari 250 GT carefully. No serious and honorable businessman and Ferrari dealer does business with a well known member of organized crime.

Evidence

1. Internet article on www.telegraph.co.uk dated 10.20.2007 proving the criminal conduct of the Italian Mafioso Gianni Meninno, who "sold"/*transferred* Ferrari 250 GT VIN 0799 to Frank "Joe" Triarsi, Classic Coach Ltd., Elisabeth, NJ 07202, USA, in 1994. **attachment 31**
2. Internet article on <http://80srebron.blogspot.com> dated on 12.12.2007 showing and proving the criminal conduct of the Italian Mafioso Gianni Meninno in Marbella/Spain and his connections to the Italian Santapaola Mafia clan. **attachment 32**
3. Internet article on <http://80srebron.blogspot.com> dated on 12.12.2007 showing and proving the criminal conduct of the Italian Mafioso Gianni Meninno in Marbella/Spain and his connections to the Italian Santapaola Mafia clan. **attachment 33**
4. Internet article of the Ministry of Interior of Spain, dated on 02.02.2001, exposing the criminal conduct of the Italian Mafioso Gianni Meninno and informing about his imprisonment together with two other criminals. (Can be translated to English if necessary). **attachment 34**
5. Internet article in the Spanish newspaper "El Mundo" on www.elmundo.es, dated on 07.13.1999, describing the criminal conduct of the Italian Mafioso Gianni Meninno and the corruption among officials in the city of Marbella/Spain. (Can be translated to English if necessary). **attachment 35**
6. Internet article in the Spanish newspaper "El Mundo" on www.elmundo.es, dated on April 4, 2001, informing about the corruption in Marbella and about the incident regarding the escape of the Italian Mafioso Gianni Meninno from the prison in Spain to Italy. (Can be translated to English if necessary). **attachment 36**
7. Internet article in the Spanish newspaper "El Pais" on www.elpais.com, dated on 07.13.1999, informing about the anticorruption criminal procedure in Marbella, led by prosecutor Carlos Jiménez Villarejo, and exposing the **attachment 37**

relations and connections between former judges and law enforcement agencies and the Italian Mafia, namely Gianni Meninno. (Can be translated to English if necessary).

8. Internet article in the Spanish newspaper "El Mundo" on **attachment 38** www.elmundo.es, dated on 06.23.1999, informing about the anticorruption criminal procedure in Marbella and exposing the relations and connections between former judges and law enforcement agencies and the Italian Mafia, namely Gianni Meninno. The article also shows connections between the garage and bogus company "Motorauto Marbella" and Gianni Meninno. (Can be translated to English if necessary).

Paul L. "Barney" Hallingby, 31 Kings Hill Road, Sharon, CT 06069, USA

There are three clear signs and evidence that Mr. Paul L. "Barney" Hallingby knew or could at least assume the fact that Ferrari car 250 GT is a stolen car.

1. On the famous Ferrari collector and dealer homepage with the link: <http://www.barchetta.cc/english/All.Ferraris/Detail/0799GT.250GT.Cabriolet.SI.htm> Ferrari 250 GT, VIN 0799 is mentioned as having been stolen for many years. The name of the requestor and Marbella/Spain (the place of the theft) is also mentioned on that internet site. The requestor never informed the holder of the internet site www.barchetta.cc. The operator of this Internet site must have other sources of information within the Ferrari community. Based on this publication of the history of Ferrari 250 GT on www.barchetta.cc it can be concluded, that it has been widely known for a long time in the Ferrari dealer and collector community, that Ferrari 250 GT was stolen.
2. The fact that Jeffrey Schwarz could not sell Ferrari 250 GT to Symbolic Motor Car Company in May 2000 (before Mr. Hallingby "bought"/received the car) and that Symbolic Motor Car backed out of the deal when they found out about the legal problems regarding Ferrari 250 GT, proves that already in the late 1990s and in the year 2000 Ferrari dealers and collectors were informed about the theft and about the legal problems regarding Ferrari 250 GT.

3. The suspicious experience Ferrari Expert Marcel Massini made, when he started to take pictures of Ferrari 250 GT at Cavallino Concours at Palm Beach, FL, in January 2001 also raises questions. Immediately after taking a picture of the chassis number of Ferrari 250 GT, the mechanic / aid of Paul Hallingby closed the hood of the car as fast as a flash. This reaction is weird and unusual in the Ferrari collector community. Normally collectors show their cars with pleasure and open the hood of their cars voluntarily without being asked. Obviously Paul Hallingby had something to hide, which the reaction of his mechanic proves.
4. If one buys a rare and expensive car such as the Ferrari 250 GT it is the buyer's duty to check the seriousness of his business partner and the history of the car and he has to be sure of the proper provenance of the car. With a simple phone call to a Ferrari dealer or some quick internet research Mr. Hallingby could have easily found out that Ferrari 250 GT was a stolen car. Because the Ferrari 250 GT is such a rare car, its history is perfectly documented and transparent and it is impossible to remain anonymous with such a car. The information regarding the theft of Ferrari 250 GT is freely available and Mr. Hallingby probably also knows about that fact as the reaction of his mechanic proves (see paragraph No. 3 above). He ignored this information and "bought"/received Ferrari 250 GT in bad faith.

Mr. Hallingby was, as explained above, not in good faith when he "bought"/received Ferrari car 250 GT and he has therefore committed the offence of larceny in the first degree (Class B felony) by receiving stolen property according to chapter 952, title 53a (penal code), Sec. 53a-119 (8) and Sec. 53a-122 (Volume 13) of the General Statutes of Connecticut. The prosecution and the investigations regarding this offence according to the penal code of Connecticut is in the jurisdiction of the Connecticut State Police. Receiving of stolen goods is also a severe crime according to Swiss penal code and the requestor therefore filed a criminal complaint regarding this offence in Switzerland on March 19, 2008.

- | | | |
|-----------------|--|----------------------|
| Evidence | 1. Criminal Complaint regarding the offence "receiving of stolen goods", submitted to the Cantonal Police of the Canton of Berne, Switzerland, on March 19, 2008 (original German and notarized English version) | attachment 9 |
| | 2. History regarding Ferrari 250 GT, VIN 0799GT, 1957 – 2007, based on literature and consultation of Ferrari experts. <u>Source</u> : Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland | attachment 11 |

3. History regarding Ferrari 250 GT, VIN 0799GT, published on the famous Ferrari collector and dealer internet site www.barchetta.cc, proving that it has been widely known for a long time in the Ferrari community that Ferrari 250 GT, VIN 0799 was stolen. **attachment 12**
4. Email of Mr. Marcel Massini, Ferrari Expert from CH-8604 Volketswil, Switzerland, to Atty. Oliver Weber, dated May 1, 2008, describing his experiences with the assistant of Barney Hallingby at Cavallino Concours at Palm Beach/FL/USA in January 2001 when taking pictures of Ferrari 250 VIN 0799 and explaining why he thinks Barney Hallingby was in bad faith when buying Ferrari 250 GT. **attachment 30**
5. Printout of Sec. 53a-119 and Sec. 53a-122 regarding the offence of larceny according to title 53a (penal code) in chapter 952, volume 13, of the General Statutes of Connecticut. **attachment 39**

Civil Law Aspects

The requestor never sold his Ferrari 250 GT and consequently never transferred any title of ownership to anyone. The requestor therefore legally remains the owner of Ferrari 250 GT. Nevertheless he has not seen his car for 15 years.

As a general rule, one purchasing stolen property acquires no better title than the seller, even when the seller himself is a bona fide purchaser. Sale by one without title cannot invest the purchaser with title, even when the sale is by one bona fide purchaser to another bona fide purchaser. The true owner cannot be divested of title by theft of his property, and can recover the stolen property from the purchaser without first having to prosecute the thief (Source: ERNIE MILLER PONTIAC, INC. v. HOME INSURANCE COMPANY, No. 47465. 534 P.2d 1, 1975 OK 49, Decided: April 1, 1975., Rehearing Denied April 22, 1975., Supreme Court of Oklahoma).

Based on this legal foundation it can be reasoned that even if Mr. Scott Rosen and Mr. Paul Hallingby were in good faith when concluding the purchase contract regarding Ferrari 250 GT, which is very doubtful and contested by the requestor, Mr. Rosen was not in the legal

position to transfer any title to Mr. Hallingby regarding Ferrari 250 GT. The requestor remains the owner and only holder of the title and was not divested of title by the theft of Ferrari 250 GT in Marbella in 1993.

Evidence 1. Judgment of Supreme Court of Oklahoma dated April 1, **attachment 40**
1975, regarding the case ERNIE MILLER PONTIAC INC.
v. HOME INSURANCE COMPANY (Reference: No.
47465, 534 P.2d 1, 1975 OK 49)

Based on these facts and legal analysis this request is sufficiently motivated and the State Police of Connecticut is courteously asked to seize Ferrari 250 GT from Mr. Paul Hallingby or from any other person and to store this car in a safe place. In the name and on behalf of the requestor, I thank you very much in advance for your help and for your support.

With kind regards



Oliver Weber
Attorney-at-Law

3 copies submitted

Evidence documents according to attached directory

Sent as registered letter

Switzerland, CH-2501 Biel, July 9, 2008

Copy for information goes to:

- Mr. Bill Adams
- Mr. Dave Clydesdale, Fedpol, Federal Police, CH-3003 Bern, Switzerland
- Max Geissbühler, Cantonal Police Berne, CH-3013 Bern, Switzerland

DIRECTORY OF EVIDENCE DOCUMENTS

for the purpose of

REQUEST FOR SEIZURE

concerning stolen Ferrari 250 GT, Spider, Pinin Farina, Cabriolet, Series 1, 1957/58,
VIN 0799GT

submitted to

Connecticut State Police, Detective Mr. Richard Van Tine, Troop G, 149 Prospect Street,
Bridgeport, CT 06604, United States of America

by

Dr. Andreas Gerber, Medical Doctor, born 02.28.1947, resident at Bassbeltweg 26,
CH-2542 Pieterlen, Switzerland

requestor

represented by Oliver Weber, Attorney-at-Law; business address: Murtenstrasse 7,
Post Office Box No. 811, CH-2501 Biel, Switzerland, Email: weberlaw@gmx.ch

July 9, 2008

1. Empowerment Dr. A. Gerber/Atty. O. Weber dated 07.03.2008 **attachment 1**
(English version).
2. Empowerment Dr. A. Gerber/Atty. O. Weber dated 04.07.2007 **attachment 2**
(original German version).
3. Affidavit – sworn statement Dr. A. Gerber regarding his ownership of **attachment 3**
Ferrari 250 GT, dated July 3, 2008.
4. Criminal complaint regarding the theft of Ferrari 250 GT submitted to **attachment 4**
the Cantonal Police of the Canton of Berne, Switzerland, on March 16,
1995 (original German and notarized English version).
5. Fax of Mr. Kuno Schaer from Solothurn, Switzerland, President of the **attachment 5**
Ferrari Owners' Club, dated 02.21.1995, confirming that Ferrari 250
GT was put up for sale in Bologna/Italy by the Italian Mr. Mennino in

summer 1994 and that Ferrari 250 GT was transferred to Mr. Joe Triarsi from Classic Coach Ltd. (NJ, USA) who himself "sold"/transferred the car to Dr. Scott Rosen in Bedford, NY, USA, for USD 300,000.00.

6. Message from Interpol Berne to Interpol Washington dated on March 27, 1995, informing about the theft of Ferrari 250 GT and requesting for help in searching the car. **attachment 6**
7. Message from Interpol Berne to Interpol Madrid and Lisbon dated September 15, 1995, showing the lack of cooperation of Spanish and Portuguese Police **attachment 7**
8. Message from Interpol Washington to Interpol Berne dated January 2, 1997, informing about the illegitimate possessor of Ferrari 250 GT, Mr. Scot Rosen. **attachment 8**
9. Criminal Complaint regarding the offence "receiving of stolen goods", submitted to the Cantonal Police of the Canton of Berne, Switzerland, on March 19, 2008 (original German and notarized English version) **attachment 9**
10. Confirmation of Swiss Mobiliar Insurance Company, General agency Belp, CH-3123 Belp, Switzerland, dated 09.26.2007, regarding the insurance cover note and the fact that no compensation has ever been paid to requestor. **attachment 10**
11. History regarding Ferrari 250 GT, VIN 0799GT 1957 – 2007, based on literature and consultation of Ferrari experts. Source: Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland **attachment 11**
12. History regarding Ferrari 250 GT, VIN 0799GT, published on the famous Ferrari collector and dealer internet site www.barchetta.cc, proving that it has been widely known for a long time in the Ferrari community that Ferrari 250 GT VIN 0799 was stolen. **attachment 12**
13. Directory of all models of type Ferrari 250 GT, Series 1, ever constructed (41 pieces in total); Source: Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland. **attachment 13**
14. Original mechanical report (in Italian) of Ferrari plant, documenting the construction of Ferrari 250 GT, VIN 0799GT (during period from 10.31.57 to 02.04.57). Engine number, gearbox number and construction dates are highlighted in the document. **attachment 14**

15. Pictures of Ferrari 250 GT VIN 0799GT, taken in CH-2542 Pieterlen/Switzerland in front of the house of the requestor in 1989; taken in CH-3284 Fräschels / Switzerland in front of the garage "*Elite Diffusion*" before transportation to Marbella/Spain and taken at Cavallino Concours at Palm Beach/FL/USA on 19.-20. January 2001 by Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland. **attachment 15**
16. Certificate of title to a motor vehicle, issued by the state of Texas to Peter A. Bowers, Houston, on 09.11.1970, who was the owner of Ferrari 250 GT from 1970 until April 17, 1989 **attachment 16**
17. Automobile purchase contract between Peter A. Bowers, Houston TX 77098, and *European Auto Sales Inc.*, Costa Mesa, CA 92627, represented by sales Manager Garry Roberts, dated April 3, 1989 **attachment 17**
18. Notarized statement of Peter A. Bowers, Houston, TX, declaring the sale of Ferrari 250 GT VIN 0799 to *European Auto Sales Inc.*, dated April 17, 1989. **attachment 18**
19. Bank check dated 04.17.1989 issued by *European Auto Sales Inc.* to Lawrence Diaz regarding the first payment of finder's fee (USD 7,000.00) for the sale of Ferrari 250 GT VIN 0799 **attachment 19**
20. Bank check dated 04.17.1989 issued by *European Auto Sales Inc.* to Lawrence Diaz regarding the second payment of finder's fee (USD 3,000.00) for the sale of Ferrari 250 GT VIN 0799 **attachment 20**
21. Deposit payment (advance) of USD 120,000.00 paid by Andreas Zenari, car dealer of the company *Elite Diffusion*, Fräschels, Switzerland to *European Auto Sales Inc.* on 04.06.1989 regarding the intended purchase of Ferrari 250 GT VIN 0799 **attachment 21**
22. Purchase contract between *European Auto Sales Inc.* (represented by sales manager Garry Roberts) and Andreas Zenari, *Elite Diffusion*, Fräschels, Switzerland, regarding Ferrari 250 GT VIN 0799, dated April 21, 1989 (purchase price total USD 780,000.00) **attachment 22**
23. Bank check dated 05.15.1989 issued by *European Auto Sales Inc.* to *W. Schoch Porsche Sales Inc.*, regarding payment of commission of USD 35,560.00 for Ferrari 250 GT VIN 0799 **attachment 23**
24. Disbursement request, *European Auto Sales Inc./ W. Schoch*, dated 05.15.1989, regarding payment of commission of USD 35,560.00 for Ferrari 250 GT VIN 0799 **attachment 24**

25. Confirmation/statement issued by car dealer Andreas Zenari, *Elite Diffusion*, CH-3284 Fräschels, Switzerland, to and for Dr. Andreas Gerber on June 9, 2008, confirming the sale of Ferrari 250 GT VIN 0799 to Dr. Andreas Gerber on April 27, 1989. **attachment 25**
26. Pictures of Paul "Barney" Hallingby, taken at a Ferrari auction in Maranello/Italy on May 18, 2008 **attachment 26**
27. Exhibitors' list / car list of Greenwich Concours on June 5, 2005, listing Barney Hallingby as the exhibitor of Ferrari 250 VIN 0799GT (see picture) and proving that this stolen Ferrari car is in the custody of Hallingby. Source: www.barchetta.cc **attachment 27**
28. Highlights from 2005 Greenwich Concours, documentation with pictures, showing Barney Hallingby driving Ferrari 250 GT VIN 0799 (page 8) and listing Barney Hallingby as the exhibitor of Ferrari 250 GT VIN 0799 (page 12).
Source: www.greenwichconcours.com/2005Highlights.htm **attachment 28**
29. Internet article of Ferrari Club of America (New England Region) regarding the Fifth Annual FCA / NER Concorso Ferrari, dated 06.19.2005, listing Barney Hallingby as the 2004 trophy winner with Ferrari 250 GT VIN 0799 **attachment 29**
30. Email of Mr. Marcel Massini, Ferrari Expert from CH-8604 Volketswil, Switzerland, to Atty. Oliver Weber, dated Mai 1, 2008, describing his experiences with the assistant of Barney Hallingby at Cavallino Concours at Palm Beach/FL/USA in January 2001 when taking pictures of Ferrari 250 VIN 0799 and explaining why he thinks Barney Hallingby was not in good faith when buying Ferrari 250 GT **attachment 30**
31. Internet article on www.telegraph.co.uk dated on 10.20.2007 proving the criminal conduct of the Italian Mafioso Gianni Meninno, who "sold" Ferrari 250 GT VIN 0799 to Frank "Joe" Triarsi, Classic Coach Ltd., Elisabeth, NJ 07202, USA, in 1994. **attachment 31**
32. Internet article on <http://80srebron.blogspot.com> dated 12.12.2007 showing and proving the criminal conduct of the Italian Mafioso Gianni Meninno in Marbella/Spain and his connection to the Italian Santapaola Mafia clan. **attachment 32**
33. Internet article on <http://80srebron.blogspot.com> dated 12.12.2007 showing and proving the criminal conduct of the Italian Mafioso Gianni **attachment 33**

Meninno in Marbella/Spain and his connection to the Italian Santapaola Mafia clan.

34. Internet article of the Ministry of Interior of Spain, dated 02.02.2001, exposing the criminal conduct of the Italian Mafioso Gianni Meninno and informing about his imprisonment together with two other criminals. (Can be translated into English if necessary). **attachment 34**
35. Internet article in the Spanish newspaper "El Mundo" on www.elmundo.es, dated 07.13.1999, describing the criminal conduct of the Italian Mafioso Gianni Meninno and the corruption among officials in the city of Marbella/Spain. (Can be translated into English if necessary). **attachment 35**
36. Internet article in the Spanish newspaper "El Mundo" on www.elmundo.es, dated April 4, 2001, informing about the corruption in Marbella and about the incident when the Italian Mafioso Gianni Meninno escaped from the prison in Spain and fled to Italy. (Can be translated into English if necessary). **attachment 36**
37. Internet article in the Spanish newspaper "El Pais" on www.elpais.com dated 07.13.1999, informing about the anticorruption criminal procedure in Marbella, led by prosecutor Carlos Jiménez Villarejo, and exposing the relations and connections between former judges and law enforcement agencies and the Italian Mafia, namely Gianni Meninno. (Can be translated into English if necessary). **attachment 37**
38. Internet article in the Spanish newspaper "El Mundo" on www.elmundo.es, dated 06.23.1999, informing about the anticorruption criminal procedure in Marbella and exposing the relations and connections between former judges and law enforcement agencies and the Italian Mafia, namely Gianni Meninno. The article also shows connections between the garage and bogus company "Motorauto Marbella" and Gianni Meninno. (Can be translated into English if necessary). **attachment 38**
39. Printout of Sec. 53a-119 and Sec. 53a-122 regarding the offence of larceny according to title 53a (penal code) in chapter 952, volume 13, of the General Statutes of Connecticut. **attachment 39**

40. Judgment of Supreme Court of Oklahoma dated April 1, 1975, **attachment 40**
regarding the case ERNIE MILLER PONTIAC INC. v. HOME
INSURANCE COMPANY (Reference: No. 47465, 534 P.2d 1, 1975
OK 49)

41. Certificate of Mrs. Astrid Ischer, Translator and English Teacher, **attachment 41**
issued by the University of Cambridge in November 1991



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REQUEST FOR SEIZURE AND RECOVERY

of

Dr. Andreas Gerber, Medical Doctor, born 02.28.1947, resident at Bassbeltweg 26, CH-2542 Pieterlen, Switzerland

represented by Oliver Weber, Attorney-at-Law; business address: Murtenstrasse 7, Post Office Box No. 811, CH-2501 Biel, Switzerland, phone 0041 32 322 68 13, fax 0041 32 322 68 04, cell phone 0041 77 423 03 20

requestor

versus

Paul L. "Barney" Hallingby, 31 Kings Hill Road, Sharon, CT 06069, USA

illegitimate possessor

Concerning: stolen Ferrari 250 GT, Spider, Pinin Farina, Cabriolet, Series 1, 1957/58, VIN 0799GT (hereafter called "Ferrari 250 GT")

Submitted to the Connecticut State Police, Detective Mr. Richard Van Tine, Troop G, 149 Prospect Street, Bridgeport, CT 06604, United States of America

I. Request

1. Hereby the Connecticut State Police is courteously requested to seize Ferrari car 250 GT, Spider, Pinin Farina, Cabriolet, Series 1, 1957/58, VIN 0799GT, probably located on the property of Mr. Paul L. "Barney" Hallingby at 31 Kings Hill Road, Sharon, CT 06069, USA, and to store this car in a safe place.
2. After seizure, Ferrari car 250 GT, Spider, Pinin Farina, Cabriolet, Series 1, 1957/58, VIN 0799GT will be returned to the requestor or to his attorney.

II. Jurisdiction / procedure

1. Ferrari car 250 GT was stolen from the requestor on July 7 in 1993 in the city of Marbella in Spain. As will be proven hereafter this car is in the custody of Mr. Paul L. "Barney" Hallingby today and probably located at the address 31 Kings Hill Road, in Sharon, CT 06069, USA. Thus, the stolen Ferrari 250 GT is located in the state and jurisdiction of the Connecticut State Police. This authority is therefore competent to treat the present request for seizure.
2. The undersigning attorney-at-law is legally legitimated and properly empowered by his client based on the empowerment, dated 04.07.2007 (original German version).

Evidence	1. Empowerment Dr. A. Gerber/Atty. O. Weber dated 07.03.2008 (English version).	attachment 1
	2. Empowerment Dr. A. Gerber/Atty. O. Weber dated 04.07.2007 (original German version).	attachment 2
	3. Affidavit – sworn statement Dr. A. Gerber regarding his ownership of Ferrari 250 GT, dated July 3, 2008.	attachment 3
	4. Criminal complaint regarding the theft of Ferrari 250 GT submitted to the Cantonal Police of the Canton of Berne, Switzerland, on March 16, 1995 (original German and notarized English version).	attachment 4

II. Reasons / Facts

1. The requestor is a Swiss Citizen and a Medical Doctor with his own medical practice in a small village called "Pieterlen". "Pieterlen" is located in the Canton of Berne, in Switzerland. A Canton can legally be compared with a State in America. In the late 1980s the requestor became an enthusiast for old sports cars and started to deal with Ferrari cars on a small scale as a hobby. In total the requestor bought five Ferrari cars. The most expensive Ferrari car the requestor ever bought was Ferrari model 250 GT, Spider, Pinin Farina, Cabriolet, Series 1, 1957/58, VIN 0799GT. This car model was only produced 36 times (plus 5 prototypes) and is a rarity among Ferrari collectors and dealers. According to the original mechanical report of the Ferrari factory, Ferrari 250 GT was constructed between October 31, 1957 and February 4, 1958. The first owner of the car was Mr. Dino Fabbri from Milan, Italy, who bought Ferrari 250 GT from Mr. Enzo Ferrari on May 8, 1958.

- | | | |
|-----------------|---|----------------------|
| Evidence | <ol style="list-style-type: none">1. History regarding Ferrari 250 GT, VIN 0799GT 1957 – 2007, based on literature and consultation of Ferrari experts. <u>Source:</u> Ferrari expert Marcel Massini, CH-8604 Volketswil, Switzerland. | attachment 11 |
| | <ol style="list-style-type: none">2. History regarding Ferrari 250 GT, VIN 0799GT, published on the famous Ferrari collector and dealer internet site www.barchetta.cc, proving that it has been widely known for a long time in the Ferrari community that Ferrari 250 GT VIN 0799 was stolen. | attachment 12 |
| | <ol style="list-style-type: none">3. Directory of all models of type Ferrari 250 GT, Series 1, ever constructed (41 pieces in total); <u>Source:</u> Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland. | attachment 13 |
| | <ol style="list-style-type: none">4. Original mechanical report (in Italian) of Ferrari plant, documenting the construction of Ferrari 250 GT, VIN 0799GT (during period from 10.31.57 to 02.04.57). Engine number, gearbox number and construction dates are highlighted in the document. | attachment 14 |

5. Pictures of Ferrari 250 GT VIN 0799GT, taken in CH-2542 Pieterlen/Switzerland in front of the house of the requestor in 1989; taken in CH-3284 Fräschels / Switzerland in front of the garage "*Elite Diffusion*" before transportation to Marbella/Spain and taken at Cavallino Concours at Palm Beach/FL/USA on 19.-20. January 2001 by Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland.

2. The requestor bought Ferrari 250 GT from a well known sports car and luxury car dealer, namely Mr. Andreas Zenari, who is a Swiss Citizen too. Mr. Andreas Zenari has an excellent reputation among Ferrari dealers and collectors and he is the manager of the company "*Elite Diffusion*", located at Hauptstrasse, in CH-3284 Fräschels in Switzerland. Thanks to Mr. Andreas Zenari and his excellent contacts, the purchase of Ferrari 250 GT by the requestor could be arranged. Ferrari 250 GT was owned by Mr. Peter A. Bowers from Houston TX, USA from 1970 until April 17, 1989, who registered Ferrari 250 GT on Texas licence plates "365 VGV". On April 17, 1989 Mr. Bowers sold Ferrari 250 GT for USD 680,000.00 to Mr. Michael W. Sheehan, owner of the company "*European Auto Sales Inc.*" in Costa Mesa, CA, USA. Also Mr. Sheehan has an excellent reputation among Ferrari collectors and dealers. Mr. Sheehan himself sold Ferrari 250 GT to Mr. Andreas Zenari on 21. April 2008 for USD 780,000.00. The car was then shipped from the USA to Switzerland. The purchase contract between Mr. Sheehan and Mr. Zenari was arranged by Mr. W Schoch from Porche Sales Inc., who himself received a commission of USD 35,560.00 from Mr. Sheehan's "*European Auto Sales Inc.*" paid by bank check dated 05.15.1989.

- Evidence**
1. Certificate of title to a motor vehicle, issued by the state of Texas to Peter A. Bowers, Houston, on 09.11.1970, who was the owner of Ferrari 250 GT from 1970 until April 17, 1989 **attachment 16**

 2. Automobile purchase contract between Peter A. Bowers, Houston TX 77098, and *European Auto Sales Inc.*, Costa Mesa, CA 92627, represented by sales Manager Garry Roberts, dated April 3, 1989 **attachment 17**

3. Notarized statement of Peter A. Bowers, Houston, TX, declaring the sale of Ferrari 250 GT VIN 0799 to *European Auto Sales Inc.*, dated April 17, 1989. **attachment 18**
4. Bank check dated 04.17.1989 issued by *European Auto Sales Inc.* to Lawrence Diaz regarding the first payment of finder's fee (USD 7,000.00) for the sale of Ferrari 250 GT VIN 0799 **attachment 19**
5. Bank check dated 04.17.1989 issued by *European Auto Sales Inc.* to Lawrence Diaz regarding the second payment of finder's fee (USD 3,000.00) for the sale of Ferrari 250 GT VIN 0799 **attachment 20**
6. Deposit payment (advance) of USD 120,000.00 paid by Andreas Zenari, car dealer of the company *Elite Diffusion*, Fräschels, Switzerland to *European Auto Sales Inc.* on 04.06.1989 regarding the intended purchase of Ferrari 250 GT VIN 0799 **attachment 21**
7. Purchase contract between *European Auto Sales Inc.* (represented by sales manager Garry Roberts) and Andreas Zenari, *Elite Diffusion*, Fräschels, Switzerland, regarding Ferrari 250 GT VIN 0799, dated April 21, 1989 (purchase price total USD 780,000.00) **attachment 22**
8. Bank check dated 05.15.1989 issued by *European Auto Sales Inc.* to *W. Schoch Porsche Sales Inc.*, regarding payment of commission of USD 35,560.00 for Ferrari 250 GT VIN 0799 **attachment 23**
9. Disbursement request, *European Auto Sales Inc./ W. Schoch*, dated 05.15.1989, regarding payment of commission of USD 35,560.00 for Ferrari 250 GT VIN 0799 **attachment 24**

3. On April 27, 1989, the requestor purchased Ferrari 250 GT from Mr. Andreas Zenari for 1,700,000.00 Swiss Francs. Applying the then applicable exchange rate Swiss Franc/US Dollar in 1989, this amount was equivalent to USD 900,000.00 at that time. To drive Ferrari 250 GT the requestor was granted permission to use the number plates of Mr. An-

dreas Zenari registered under "BE 838 U". "BE" stands for Canton of Berne, "U" stands for car dealer. Additionally, the requestor used other number plates registered under "BE 1144 U" which belonged to a garage in a neighbouring village of "Pieterlen". Within Switzerland Ferrari 250 GT was insured by Swiss Mobiliar Insurance Company against all risks.

- Evidence**
1. Confirmation/statement issued by car dealer Andreas Zenari, *Elite Diffusion*, CH-3284 Fräschels, Switzerland, to and for Dr. Andreas Gerber on June 7, 2008, confirming the sale of Ferrari 250 GT VIN 0799 to Dr. Andreas Gerber on April 27, 1989. **attachment 25**
 2. Pictures of Ferrari 250 GT VIN 0799GT, taken in CH-2542 Pieterlen/Switzerland in front of the house of the requestor in 1989; taken in CH-3284 Fräschels / Switzerland in front of the garage of *Elite Diffusion* before transportation to Marbella/Spain and taken at Cavallino Concours at Palm Beach/FL/USA on 19.-20. January 2001 by Ferrari expert Marcel Massini, CH-8604 Volketswil, Switzerland. **attachment 15**
 3. Confirmation of Swiss Mobiliar Insurance Company, General agency Belp, CH-3123 Belp, Switzerland, dated 09.26.2007, regarding the insurance cover note and the fact that no compensation has ever been paid to requestor. **attachment 10**
4. After enjoying his car for a certain time the requestor decided to sell his Ferrari 250 GT. For that reason he wanted to offer his Ferrari 250 GT on the well known market place and jet set town Marbella in Spain, where he expected to achieve a good selling price. The requestor was already in contact with a garage in Marbella specialised in luxury cars. The name of the garage was "*Motorauto Marbella*", located at Avenida Ricardo Soriano, ed este 2 in 29601 Marbella, Spain, which was apparently managed by a Mr. Kelvin John Fisher, whose business partners were Mr. Gianni Meninno (an Italian citizen) and Mr. Pedro Manuel Poiares-Serra (a Portuguese citizen). Ferrari 250 GT was transported from Switzerland to Spain with three other Ferrari cars, which did not belong to the requestor. These three other Ferraris cars are the following models:

were involved in this corruption scandal. It later turned out that the garage “*Motorauto Marbella*” was a bogus company which was used by Mennino, Fisher and Poiares-Serra to conduct their crimes under the protection of Marbella authorities. Mennino was later arrested in Spain but could escape from prison and fled to Italy. He died in the year 2004.

After realizing that Spanish Police could not and would not help him recover his stolen Ferrari 250 GT due to corruption, and knowing that his Ferrari was not located in Spain anymore, the requestor decided to activate Swiss Police and Interpol Berne.

- Evidence**
1. Pictures of Ferrari 250 GT VIN 0799GT, taken in CH-2542 Pieterlen/Switzerland in front of the house of the requestor in 1989; taken in CH-3284 Fräschels / Switzerland in front of the garage of *Elite Diffsuion* before transportation to Marbella/Spain and taken at Cavallino Concours at Palm Beach/FL/USA on 19.-20. January 2001 by Ferrari expert Marcel Massini, CH-8604 Volketswil, Switzerland. **attachment 15**
 2. Internet article on www.telegraph.co.uk dated 10.20.2007 proving the criminal conduct of the Italian Mafioso Gianni Meninno, who “sold”/transferred Ferrari 250 GT VIN 0799 to Frank “Joe” Triarsi, Classic Coach Ltd., Elisabeth, NJ 07202, USA, in 1994. **attachment 31**
 3. Internet article on <http://80srebron.blogspot.com> dated on 12.12.2007 showing and proving the criminal conduct of the Italian Mafioso Gianni Meninno in Marbella/Spain and his connections to the Italian Santapaola Mafia clan. **attachment 32**
 4. Internet article on <http://80srebron.blogspot.com> dated on 12.12.2007 showing and proving the criminal conduct of the Italian Mafioso Gianni Meninno in Marbella/Spain and his connections to the Italian Santapaola Mafia clan. **attachment 33**
 5. Internet article of the Ministry of Interior of Spain, dated on 02.02.2001, exposing the criminal conduct of the Italian Mafioso Gianni Meninno and informing about his imprisonment together with two other criminals. (Can be translated to English if necessary). **attachment 34**

6. Internet article in the Spanish newspaper "El Mundo" on **attachment 35**
www.elmundo.es, dated on 07.13.1999, describing the criminal conduct of the Italian Mafioso Gianni Meninno and the corruption among officials in the city of Marbella/Spain. (Can be translated to English if necessary).
 7. Internet article in the Spanish newspaper "El Mundo" on **attachment 36**
www.elmundo.es, dated on April 4, 2001, informing about the corruption in Marbella and about the incident regarding the escape of the Italian Mafioso Gianni Meninno from the prison in Spain to Italy. (Can be translated to English if necessary).
 8. Internet article in the Spanish newspaper "El Pais" on **attachment 37**
www.elpais.com, dated on 07.13.1999, informing about the anticorruption criminal procedure in Marbella, led by prosecutor Carlos Jiménez Villarejo, and exposing the relations and connections between former judges and law enforcement agencies and the Italian Mafia, namely Gianni Meninno. (Can be translated to English if necessary).
 9. Internet article in the Spanish newspaper "El Mundo" on **attachment 38**
www.elmundo.es, dated on 06.23.1999, informing about the anticorruption criminal procedure in Marbella and exposing the relations and connections between former judges and law enforcement agencies and the Italian Mafia, namely Gianni Meninno. The article also shows connections between the garage and bogus company "Motorauto Marbella" and Gianni Meninno. (Can be translated to English if necessary).
5. On March 16, 1995 the requestor filed a criminal complaint regarding the theft of Ferrari 250 GT at the office of the Cantonal Police of Berne, in the city of 2502 Biel, Switzerland. The Cantonal Police of Berne cooperated with Interpol Berne and Ferrari 250 GT was searched internationally and listed in the Interpol database as stolen since March 20, 1995. Interpol Berne also contacted Interpol Madrid, Lisboa and Interpol Washington between 1995 and 2001 and asked these authorities to support their investigations.

- Evidence**
1. Criminal complaint regarding the theft of Ferrari 250 GT submitted to the Cantonal Police of the Canton of Berne, Switzerland, on March 16, 1995 (original German and notarized English version) **attachment 4**
 2. Message from Interpol Berne to Interpol Washington dated March 27, 1995, informing about the theft of Ferrari 250 GT and requesting help in searching the car. **attachment 6**
 3. Message from Interpol Berne to Interpol Madrid and Lisbon dated September 15, 1995, showing the lack of cooperation of Spanish and Portuguese Police **attachment 7**
 4. Message from Interpol Washington to Interpol Berne dated January 2, 1997, informing about the illegitimate possessor of Ferrari 250 GT, Mr. Scot Rosen. **attachment 8**
6. The requestor was later informed by Ferrari dealers and Ferrari experts that his Ferrari 250 GT was "sold"/transferred by the Mafioso Gianni Mennino to Frank "Joe" Triarsi, CEO of Classic Coach Ltd., Elisabeth, New Jersey 07202, USA in 1994. Mr. Triarsi is an official Ferrari dealer with a doubtful reputation and excellent contacts to Italy. Frank Triarsi "sold"/transferred Ferrari 250 GT for a suspiciously too low price of USD 300,000.00 to Dr. Scott Rosen, Bedford, NY, USA in September 1994. A price of USD 450,000.00 – 550,000.00 would have been a realistic price considering the difficult market situation in 1994/1995 when the Ferrari prices started to decrease. In 1995 the tail-lights of Ferrari 250 GT were changed and were placed horizontally at the top of the rear fenders.

- Evidence**
1. Fax of Mr. Kuno Schaer from Solothurn, Switzerland, President of the Ferrari Owners' Club, dated 02.21.1995, confirming that Ferrari 250 GT was put up for sale in Bologna/Italy by the Italian Mr. Mennino in summer 1994 and that Ferrari 250 GT was transferred to Mr. Joe Triarsi from Classic Coach Ltd. (NJ, USA) who himself "sold"/transferred the car to Dr. Scott Rosen in Bedford, NY, USA, for USD 300,000.00. **attachment 5**

2. History regarding Ferrari 250 GT, VIN 0799GT 1957 – **attachment 11**
2007, based on literature and consultation of Ferrari experts. Source: Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland.
 3. History regarding Ferrari 250 GT, VIN 0799GT, published **attachment 12**
on the famous Ferrari collector and dealer internet site
www.barchetta.cc, proving that it has been widely known
for a long time in the Ferrari community that Ferrari 250
GT VIN 0799 was stolen.
7. In 1996 Ferrari 250 GT Dr. Scott Rosen apparently “sold”/transferred Ferrari 250 GT to Jeffrey Schwartz, Compass Metal Corporation, 1 Executive Drive, Fort Lee, NJ 07024, USA. In May 2000 Jeffrey Schwarz tried – according to Ferrari Expert Marcel Massini – to “sell” Ferrari 250 GT to Symbolic Motor Car Company, 7440 La Jolla Boulevard, La Jolla, CA 92037-5029, USA. But Symbolic Motor Car backed out of the deal when they found out about the legal problems regarding Ferrari 250 GT. Symbolic Motor Car was never in possession of Ferrari 250 GT. The reaction of Symbolic Motor Car proves that it has been widely known for a long time in the Ferrari dealer and collector community that Ferrari 250 GT is a stolen car. A purchase in good faith was/is therefore not possible, especially considering the small number of produced cars of Series 1 (36 x), which makes it impossible to remain anonymous with such a car. The purchase of such an expensive and rare car also obliges a potential buyer to check the history of the car, as Symbolic Motor Car correctly and dutifully did.

- Evidence**
1. History regarding Ferrari 250 GT, VIN 0799GT 1957 – **attachment 11**
2007, based on literature and consultation of Ferrari experts. Source: Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland
 2. History regarding Ferrari 250 GT, VIN 0799GT, published **attachment 12**
on the famous Ferrari collector and dealer internet site
www.barchetta.cc, proving that it has been widely known
for a long time in the Ferrari community that Ferrari 250
GT VIN 0799 was stolen.

8. In the Year 2000 Jeffrey Schwartz "sold"/transferred Ferrari 250 GT back to Dr. Scott Rosen. In January 19/20, 2001 Ferrari 250 GT was seen by Ferrari Expert Marcel Massini at the Cavallino Classic Concours Meeting at Moroso Raceway and Palm Beach/FL/USA, entered by Paul L. "Barney" Hallingby, resident at 31 King Hill Road, Sharon, Connecticut 06069, USA. Ferrari Expert Marcel Massini had a suspicious experience when he started taking pictures of Ferrari 250 GT at Cavallino Concours at Palm Beach, FL, in January 2001. Immediately after taking a picture of the chassis number of Ferrari 250 GT, the mechanic / aid of Paul Hallingby closed the hood of the car as fast as a flash. This reaction is weird and unusual in the Ferrari collector community. Normally collectors show their cars with pleasure and open the hood of their cars voluntarily without being asked. Obviously Paul Hallingby had something to hide, which the reaction of his mechanic proves.

- | | | |
|-----------------|---|----------------------|
| Evidence | 1. History regarding Ferrari 250 GT, VIN 0799GT 1957 – 2007, based on literature and consultation of Ferrari experts. <u>Source:</u> Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland | attachment 11 |
| | 2. History regarding Ferrari 250 GT, VIN 0799GT, published on the famous Ferrari collector and dealer internet site www.barchetta.cc , proving that it is since a long time widely known in the Ferrari community that Ferrari 250 GT VIN 0799 was stolen. | attachment 12 |
| | 3. Pictures of Ferrari 250 GT VIN 0799GT, taken in CH-2542 Pieterlen/Switzerland in front of the house of the requestor in 1989, taken in CH-3284 Fräschels/Switzerland in front of the garage of <i>Elite Diffusion</i> before transportation to Marbella/Spain and taken at Cavallino Concours at Palm Beach/FL/USA on 19.-20. January 2001 by Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland. | attachment 15 |
| | 4. Email of Mr. Marcel Massini, Ferrari Expert from CH-8604 Volketswil, Switzerland, to Atty. Oliver Weber, dated Mai 1, 2008, describing his experiences with the assistant of Barney Hallingby at Cavallino Concours at Palm | attachment 30 |

Beach/FL/USA in January 2001 when taking pictures of Ferrari 250 VIN 0799 and explaining why he thinks Barney Hallingby was not in good faith when buying Ferrari 250 GT

9. According to the information of the requestor Ferrari 250 GT is still in the possession of Paul Hallingby and it is possible that this car is located at 31 Kings Hill Road, Sharon, CT 06069, USA. Mr. Hallingby's business partner is Mr. Nick Soprano of Motor Classic & Competition Corporation, 868 North Broadway, White Plains, NY 10603, USA (www.motorclassiccorp.com). The requestor was informed by a German Ferrari dealer that Nick Soprano once tried to sell a replicated Ferrari 250 Le Mans (1964) as an original (on behalf of Hallingby). Furthermore Mr. Nick Soprano has a suspicious reputation among Ferrari dealers and collectors in Europe. Because of the close business relations between Mr. Hallingby and Mr. Soprano it is possible that Ferrari 250 GT is also located on the premises of Mr. Soprano's business which is Motor Classic & Competition Corp. at 868 North Broadway, White Plains, NY 10603. The reason why the requestor thinks that Ferrari 250 GT is still in the custody of Mr. Hallingby is, because the latter was seen at car shows and Concours like the Greenwich Ferrari Concours in 2005, where Mr. Hallingby was listed as the exhibitor of Ferrari 250 GT. In 2004 Mr. Hallingby also won a trophy from the Ferrari Club of America for his Ferrari 250 GT.

- Evidence**
1. History regarding Ferrari 250 GT, VIN 0799GT 1957 – **attachment 11**
2007, based on literature and consultation of Ferrari experts. Source: Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland
 2. History regarding Ferrari 250 GT, VIN 0799GT, published **attachment 12**
on the famous Ferrari collector and dealer internet site www.barchetta.cc, proving that it has been widely known for a long time in the Ferrari community that Ferrari 250 GT VIN 0799 was stolen.
 3. Pictures of Paul "Barney" Hallingby, taken at a Ferrari **attachment 26**
auction in Maranello/Italy on May 18, 2008

4. Exhibitors' list / car list of Greenwich Concours on June 5, 2005, listing Barney Hallingby as the exhibitor of Ferrari 250 VIN 0799GT (see picture) and proving that this stolen Ferrari car is in the custody of Hallingby. **attachment 27**

Source: www.barchetta.cc

5. Highlights from 2005 Greenwich Concours, documentation with pictures, showing Barney Hallingby driving Ferrari 250 GT VIN 0799 (on page 9) and listing Barney Hallingby as the exhibitor of Ferrari 250 GT VIN 0799 (on page 13). **attachment 28**

Source:

www.greenwichconcours.com/2005Highlights.htm

6. Internet article of Ferrari Club of America (New England Region) regarding the Fifth Annual FCA / NER Concorso Ferrari, dated 06.19.2005, listing Barney Hallingby as the 2004 trophy winner with Ferrari 250 GT VIN 0799 **attachment 29**

10. After receiving the information that Mr. Hallingby "bought"/received Ferrari 250 GT from Dr. Scott Rosen (probably in the year 2001) the requestor filed another criminal complaint regarding the crime of "larceny"/"receiving of stolen goods" at the Cantonal Police of Berne, at the office of the Police Department of Lengnau/Switzerland on March 19, 2008. As will be explained and proven hereafter, Mr. Hallingby was in bad faith when buying Ferrari 250 GT and he has therefore committed the crime of larceny. After filing the above mentioned criminal complaint, the Cantonal Police of Berne and Interpol Berne restarted their investigations and search regarding Ferrari 250 GT and entered Ferrari 250 GT in the Interpol database (ASF Vehicle) as stolen again. It is also relevant to know that the requestor has never been compensated by any insurance company for the loss of his car.

- Evidence**
1. Criminal Complaint regarding the offence "receiving of stolen goods", submitted to the Cantonal Police of the Canton of Berne, Switzerland, on March 19, 2008 (original German and notarized English version) **attachment 9**

2. Printout of Sec. 53a-119 and Sec. 53a-122 regarding the **attachment 39** offence of larceny according to title 53a (penal code) in chapter 952, volume 13, of the General Statutes of Connecticut.

III. Legal aspects

Criminal Law Aspects

Frank "Joe" Triarsi, Classic Coach Ltd., Elisabeth, New Jersey 07202, USA

It is evident that also Frank "Joe" Triarsi was in bad faith when he bought Ferrari 250 GT from the Italian Mafioso Gianni Mennino. As proven with several newspaper articles attached, Gianni Mennino was a heavy criminal and member of the Mafia family, namely the "Santapaola Clan". This information was in the newspaper and can also be read on the internet. Gianni Mennino was in prison in Spain and his escape from that prison was published in the newspaper. Gianni Mennino was not in the legal position to transfer any title to Frank Triarsi, especially as he had no papers documenting the transfer of ownership of Ferrari 250 GT from the requestor to him. Gianni Mennino was probably in the possession of the old Texas title of Mr. Peter Bowers and of some old service documents, as they were stored in the car when transported from Switzerland to Spain.

These documents are not relevant. To transfer the ownership from the requestor to Gianni Mennino a title and a purchase contract signed by the requestor would have been required. According to the Spanish investigations Mr. Gianni Mennino was known for using forged documents when selling property that did not belong to him. It is therefore possible that the present-day illegal possessor (Mr. Hallingby) might present such forged documents to "*prove his title*". Such documents must be ignored, as the requestor never signed and agreed to a purchase contract and never transferred his title on Ferrari 250 GT to anybody. The old Texas title of Mr. Bowers and service documents do not prove the transfer of property from the requestor to anyone, because these old documents were issued before the requestor became the owner of Ferrari 250 GT. Based on this information it can be concluded, that also Frank Triarsi was in bad faith when buying Ferrari 250 GT. He ignored his duty to check the history of Ferrari 250 GT carefully. No serious and honorable businessman and Ferrari dealer does business with a well known member of organized crime.

- Evidence**
1. Internet article on www.telegraph.co.uk dated 10.20.2007 proving the criminal conduct of the Italian Mafioso Gianni Meninno, who "sold"/*transferred* Ferrari 250 GT VIN 0799 to Frank "Joe" Triarsi, Classic Coach Ltd., Elisabeth, NJ 07202, USA, in 1994. **attachment 31**
 2. Internet article on <http://80srebron.blogspot.com> dated on 12.12.2007 showing and proving the criminal conduct of the Italian Mafioso Gianni Meninno in Marbella/Spain and his connections to the Italian Santapaola Mafia clan. **attachment 32**
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 6. Internet article in the Spanish newspaper "El Mundo" on www.elmundo.es, dated on April 4, 2001, informing about the corruption in Marbella and about the incident regarding the escape of the Italian Mafioso Gianni Meninno from the prison in Spain to Italy. (Can be translated to English if necessary). **attachment 36**
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relations and connections between former judges and law enforcement agencies and the Italian Mafia, namely Gianni Meninno. (Can be translated to English if necessary).

8. Internet article in the Spanish newspaper "El Mundo" on **attachment 38** www.elmundo.es, dated on 06.23.1999, informing about the anticorruption criminal procedure in Marbella and exposing the relations and connections between former judges and law enforcement agencies and the Italian Mafia, namely Gianni Meninno. The article also shows connections between the garage and bogus company "Motorauto Marbella" and Gianni Meninno. (Can be translated to English if necessary).

Paul L. "Barney" Hallingby, 31 Kings Hill Road, Sharon, CT 06069, USA

There are three clear signs and evidence that Mr. Paul L. "Barney" Hallingby knew or could at least assume the fact that Ferrari car 250 GT is a stolen car.

1. On the famous Ferrari collector and dealer homepage with the link: <http://www.barchetta.cc/english/All.Ferraris/Detail/0799GT.250GT.Cabriolet.SI.htm> Ferrari 250 GT, VIN 0799 is mentioned as having been stolen for many years. The name of the requestor and Marbella/Spain (the place of the theft) is also mentioned on that internet site. The requestor never informed the holder of the internet site www.barchetta.cc. The operator of this Internet site must have other sources of information within the Ferrari community. Based on this publication of the history of Ferrari 250 GT on www.barchetta.cc it can be concluded, that it has been widely known for a long time in the Ferrari dealer and collector community, that Ferrari 250 GT was stolen.
2. The fact that Jeffrey Schwarz could not sell Ferrari 250 GT to Symbolic Motor Car Company in May 2000 (before Mr. Hallingby "*bought*"/*received* the car) and that Symbolic Motor Car backed out of the deal when they found out about the legal problems regarding Ferrari 250 GT, proves that already in the late 1990s and in the year 2000 Ferrari dealers and collectors were informed about the theft and about the legal problems regarding Ferrari 250 GT.

3. The suspicious experience Ferrari Expert Marcel Massini made, when he started to take pictures of Ferrari 250 GT at Cavallino Concours at Palm Beach, FL, in January 2001 also raises questions. Immediately after taking a picture of the chassis number of Ferrari 250 GT, the mechanic / aid of Paul Hallingby closed the hood of the car as fast as a flash. This reaction is weird and unusual in the Ferrari collector community. Normally collectors show their cars with pleasure and open the hood of their cars voluntarily without being asked. Obviously Paul Hallingby had something to hide, which the reaction of his mechanic proves.
4. If one buys a rare and expensive car such as the Ferrari 250 GT it is the buyer's duty to check the seriousness of his business partner and the history of the car and he has to be sure of the proper provenance of the car. With a simple phone call to a Ferrari dealer or some quick internet research Mr. Hallingby could have easily found out that Ferrari 250 GT was a stolen car. Because the Ferrari 250 GT is such a rare car, its history is perfectly documented and transparent and it is impossible to remain anonymous with such a car. The information regarding the theft of Ferrari 250 GT is freely available and Mr. Hallingby probably also knows about that fact as the reaction of his mechanic proves (see paragraph No. 3 above). He ignored this information and "bought"/received Ferrari 250 GT in bad faith.

Mr. Hallingby was, as explained above, not in good faith when he "bought"/received Ferrari car 250 GT and he has therefore committed the offence of larceny in the first degree (Class B felony) by receiving stolen property according to chapter 952, title 53a (penal code), Sec. 53a-119 (8) and Sec. 53a-122 (Volume 13) of the General Statutes of Connecticut. The prosecution and the investigations regarding this offence according to the penal code of Connecticut is in the jurisdiction of the Connecticut State Police. Receiving of stolen goods is also a severe crime according to Swiss penal code and the requestor therefore filed a criminal complaint regarding this offence in Switzerland on March 19, 2008.

- | | | |
|-----------------|--|----------------------|
| Evidence | 1. Criminal Complaint regarding the offence "receiving of stolen goods", submitted to the Cantonal Police of the Canton of Berne, Switzerland, on March 19, 2008 (original German and notarized English version) | attachment 9 |
| | 2. History regarding Ferrari 250 GT, VIN 0799GT, 1957 – 2007, based on literature and consultation of Ferrari experts. <u>Source</u> : Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland | attachment 11 |

3. History regarding Ferrari 250 GT, VIN 0799GT, published on the famous Ferrari collector and dealer internet site www.barchetta.cc, proving that it has been widely known for a long time in the Ferrari community that Ferrari 250 GT, VIN 0799 was stolen. **attachment 12**
4. Email of Mr. Marcel Massini, Ferrari Expert from CH-8604 Volketswil, Switzerland, to Atty. Oliver Weber, dated May 1, 2008, describing his experiences with the assistant of Barney Hallingby at Cavallino Concours at Palm Beach/FL/USA in January 2001 when taking pictures of Ferrari 250 VIN 0799 and explaining why he thinks Barney Hallingby was in bad faith when buying Ferrari 250 GT. **attachment 30**
5. Printout of Sec. 53a-119 and Sec. 53a-122 regarding the offence of larceny according to title 53a (penal code) in chapter 952, volume 13, of the General Statutes of Connecticut. **attachment 39**

Civil Law Aspects

The requestor never sold his Ferrari 250 GT and consequently never transferred any title of ownership to anyone. The requestor therefore legally remains the owner of Ferrari 250 GT. Nevertheless he has not seen his car for 15 years.

As a general rule, one purchasing stolen property acquires no better title than the seller, even when the seller himself is a bona fide purchaser. Sale by one without title cannot invest the purchaser with title, even when the sale is by one bona fide purchaser to another bona fide purchaser. The true owner cannot be divested of title by theft of his property, and can recover the stolen property from the purchaser without first having to prosecute the thief (Source: ERNIE MILLER PONTIAC, INC. v. HOME INSURANCE COMPANY, No. 47465. 534 P.2d 1, 1975 OK 49, Decided: April 1, 1975., Rehearing Denied April 22, 1975., Supreme Court of Oklahoma).

Based on this legal foundation it can be reasoned that even if Mr. Scott Rosen and Mr. Paul Hallingby were in good faith when concluding the purchase contract regarding Ferrari 250 GT, which is very doubtful and contested by the requestor, Mr. Rosen was not in the legal

position to transfer any title to Mr. Hallingby regarding Ferrari 250 GT. The requestor remains the owner and only holder of the title and was not divested of title by the theft of Ferrari 250 GT in Marbella in 1993.

Evidence 1. Judgment of Supreme Court of Oklahoma dated April 1, **attachment 40**
1975, regarding the case ERNIE MILLER PONTIAC INC.
v. HOME INSURANCE COMPANY (Reference: No.
47465, 534 P.2d 1, 1975 OK 49)

Based on these facts and legal analysis this request is sufficiently motivated and the State Police of Connecticut is courteously asked to seize Ferrari 250 GT from Mr. Paul Hallingby or from any other person and to store this car in a safe place. In the name and on behalf of the requestor, I thank you very much in advance for your help and for your support.

With kind regards



Oliver Weber
Attorney-at-Law

3 copies submitted

Evidence documents according to attached directory

Sent as registered letter

Switzerland, CH-2501 Biel, July 9, 2008

Copy for information goes to:

- Mr. Bill Adams
- Mr. Dave Clydesdale, Fedpol, Federal Police, CH-3003 Bern, Switzerland
- Max Geissbühler, Cantonal Police Berne, CH-3013 Bern, Switzerland

DIRECTORY OF EVIDENCE DOCUMENTS

for the purpose of

REQUEST FOR SEIZURE

concerning stolen Ferrari 250 GT, Spider, Pinin Farina, Cabriolet, Series 1, 1957/58,
VIN 0799GT

submitted to

Connecticut State Police, Detective Mr. Richard Van Tine, Troop G, 149 Prospect Street,
Bridgeport, CT 06604, United States of America

by

Dr. Andreas Gerber, Medical Doctor, born 02.28.1947, resident at Bassbeltweg 26,
CH-2542 Pieterlen, Switzerland

requestor

represented by Oliver Weber, Attorney-at-Law; business address: Murtenstrasse 7,
Post Office Box No. 811, CH-2501 Biel, Switzerland, Email: weberlaw@gmx.ch

July 9, 2008

1. Empowerment Dr. A. Gerber/Atty. O. Weber dated 07.03.2008 **attachment 1**
(English version).
2. Empowerment Dr. A. Gerber/Atty. O. Weber dated 04.07.2007 **attachment 2**
(original German version).
3. Affidavit – sworn statement Dr. A. Gerber regarding his ownership of **attachment 3**
Ferrari 250 GT, dated July 3, 2008.
4. Criminal complaint regarding the theft of Ferrari 250 GT submitted to **attachment 4**
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1995 (original German and notarized English version).
5. Fax of Mr. Kuno Schaer from Solothurn, Switzerland, President of the **attachment 5**
Ferrari Owners' Club, dated 02.21.1995, confirming that Ferrari 250
GT was put up for sale in Bologna/Italy by the Italian Mr. Mennino in

summer 1994 and that Ferrari 250 GT was transferred to Mr. Joe Triarsi from Classic Coach Ltd. (NJ, USA) who himself "sold"/transferred the car to Dr. Scott Rosen in Bedford, NY, USA, for USD 300,000.00.

6. Message from Interpol Berne to Interpol Washington dated on March 27, 1995, informing about the theft of Ferrari 250 GT and requesting for help in searching the car. **attachment 6**
7. Message from Interpol Berne to Interpol Madrid and Lisbon dated September 15, 1995, showing the lack of cooperation of Spanish and Portuguese Police **attachment 7**
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15. Pictures of Ferrari 250 GT VIN 0799GT, taken in CH-2542 Pieterlen/Switzerland in front of the house of the requestor in 1989; taken in CH-3284 Fräschels / Switzerland in front of the garage "*Elite Diffusion*" before transportation to Marbella/Spain and taken at Cavallino Concours at Palm Beach/FL/USA on 19.-20. January 2001 by Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland. **attachment 15**
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by

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36. Internet article in the Spanish newspaper "El Mundo" on www.elmundo.es, dated April 4, 2001, informing about the corruption in Marbella and about the incident when the Italian Mafioso Gianni Meninno escaped from the prison in Spain and fled to Italy. (Can be translated into English if necessary). **attachment 36**
37. Internet article in the Spanish newspaper "El Pais" on www.elpais.com dated 07.13.1999, informing about the anticorruption criminal procedure in Marbella, led by prosecutor Carlos Jiménez Villarejo, and exposing the relations and connections between former judges and law enforcement agencies and the Italian Mafia, namely Gianni Meninno. (Can be translated into English if necessary). **attachment 37**
38. Internet article in the Spanish newspaper "El Mundo" on www.elmundo.es, dated 06.23.1999, informing about the anticorruption criminal procedure in Marbella and exposing the relations and connections between former judges and law enforcement agencies and the Italian Mafia, namely Gianni Meninno. The article also shows connections between the garage and bogus company "Motorauto Marbella" and Gianni Meninno. (Can be translated into English if necessary). **attachment 38**
39. Printout of Sec. 53a-119 and Sec. 53a-122 regarding the offence of larceny according to title 53a (penal code) in chapter 952, volume 13, of the General Statutes of Connecticut. **attachment 39**

40. Judgment of Supreme Court of Oklahoma dated April 1, 1975, **attachment 40**
regarding the case ERNIE MILLER PONTIAC INC. v. HOME
INSURANCE COMPANY (Reference: No. 47465, 534 P.2d 1, 1975
OK 49)

41. Certificate of Mrs. Astrid Ischer, Translator and English Teacher, **attachment 41**
issued by the University of Cambridge in November 1991

Empowerment

Dr. Andreas Gerber, Bassbeltweg 26, 2542 Pieterlen

hereafter named the principal, empowers herewith

Attorney Oliver Weber and his substitutes, located at Murtenstrasse 7, Post Office Box 811, 2501 Biel,
member of the Swiss and Bernese Lawyers' Association, with post delivery address at his lawyer's office in Biel,

to represent the principal regarding the case of damage concerning Ferrari 250 GT (1957)

The attorney is empowered to represent the principal in this legal matter and to undertake all necessary measures in his name, including the measures which legally underlie a special empowerment. The attorney protects the interests of the principal according to law and equity and handles the mandate conscientiously; he is committed to loyalty and bound to professional secrecy. Unless otherwise advised by the principal, the attorney is empowered to transfer information via telefax and email.

The principal is obliged to pay the lawyer's fee and the expenses of the attorney according to the provisions of the cantonal and federal law on attorneys. Different written fee agreements are reserved. The principal is obliged, if requested, to disburse sufficient advance to the attorney and to pay further deposits if necessary at a later date.

All disputes between the principal and the attorney are to be settled in the court of Biel, unless the Bar Association of the Canton of Berne, located at Hochschulstrasse 17, Post Office Box, 3001 Berne, has competent jurisdiction. In case of a dispute, the principal releases the attorney from his obligation of professional secrecy regarding the court procedure or the procedure at the Attorney's Chamber. A possible request to fix the lawyer's fee can be addressed to the Bar Association of the Canton of Berne.

An identical duplicate of this empowerment has been handed to the principal. The empowerment can be revoked at any time.

Place and date: Biel, 07.03.2008



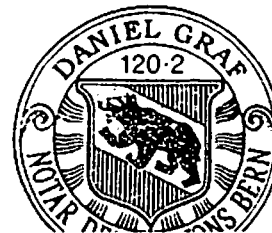
The Attorney-at-Law: Oliver Weber

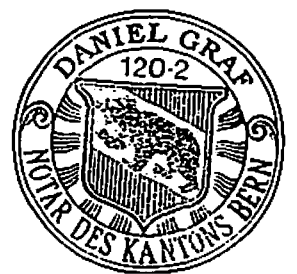


The principal: Dr. Andreas Gerber

Provisions concerning the rights and obligations of attorneys and principals are listed in the following laws:

- Rules of professional conduct of the Bar Association of the Canton of Berne, dated September 18, 1998
- Regulation on lawyers' fees, dated May 17, 2006
- Cantonal Act on Attorneys, dated March 26, 2006
- Federal Act on the Freedom of Movement for Lawyers, dated June 23, 2000
- Swiss Obligation Code, Art. 394 ff.





I, Astrid Ischer-Protzen, born on April 8, 1954, with place of origin in Grossaffoltern / Switzerland, domiciled at Hinterdorf 6 in CH-2565 Jens, Switzerland, translator and English teacher for adults, certified by the University of Cambridge Local Examinations Syndicate / International Examinations, England, state and confirm that this English translation of the original German document, dated July 4, 2007, has been correctly and authentically translated from German into English.



Astrid Ischer-Protzen
Translator / English teacher RSA-CTEFLA, University of Cambridge
Biel, Switzerland, July 3, 2008

I, Daniel Graf, Notary Public in the canton of Berne, Switzerland, hereby officially notarize and legalize the signatures of Dr. Andreas Gerber, born on February 28, 1947, with place of origin in Heimiswil/Switzerland, domiciled at Bassbeltweg 26 in CH-2542 Pieterlen/Switzerland, of Mrs. Astrid Ischer-Protzen, born on April 8, 1954, with place of origin in Grossaffoltern / Switzerland, domiciled at Hinterdorf 6 in CH-2565 Jens, Switzerland and of Attorney Oliver Weber, born on July 17, 1976, with place of origin in Zug / Switzerland, domiciled at Theodor-Kocherstrasse 9 in CH-2502 Biel/Switzerland according to Swiss law and the Den Hague Convention dated 10.05.1961 regarding this translated empowerment, dated and signed July 3, 2008 (original German document, dated and signed July 4, 2007).



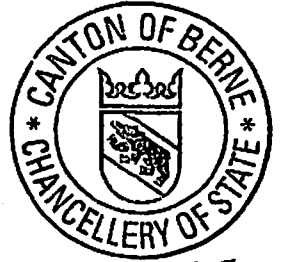
Daniel Graf
Notary Public
Biel, Switzerland, July 3, 2008



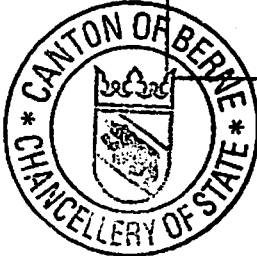
APOSTILLE

(Convention de La Haye du 5 octobre 1961)

- 1. Country: Switzerland, Canton of Berne
- This public document
- 2. has been signed by Daniel Graf
- 3. acting in the capacity of Notary
- 4. bears the seal/stamp of Notary's office of the Canton of Berne
- 5. at Berne Jörg Vogt 6. the 4.7.2008
- 7. by _____
- official of the Chancellery of State of the Canton of Berne
- 8. under number: 2586
- 9. Stamp/seal _____ 10. Signature [Signature]



Tax: CHF 15.-



VOLLMACHT

Herr Dr. Andreas Gerber, Bassbeltweg 26, 2542 Pieterlen
nachstehend Vollmachtgeber genannt, bevollmächtigt hiermit unter Einräumung des
Substitutionsrechtes

Herrn Fürsprecher Oliver Weber, Murtenstrasse 7, Postfach 811, 2501 Biel
Mitglied des Schweizerischen und des Bernischen Anwaltsverbandes, mit Zustellungsdomizil
auf seiner Kanzlei in Biel

zur Vertretung in Sachen Schadensfall Ferrari 250 GT (Jg. 1957)


Der Fürsprecher wird ermächtigt, den Vollmachtgeber in dieser Sache zu vertreten und alle
dazu erforderlichen Vorkehren, auch solche, wofür das Gesetz eine Spezialvollmacht ver-
langt, in seinem Namen zu treffen. Der Fürsprecher wahrt die Interessen des Vollmachtge-
bers nach Recht und Billigkeit und besorgt das ihm Anvertraute gewissenhaft; gleichzeitig
verpflichtet er sich zu Treue und Verschwiegenheit. Ohne gegenteilige schriftliche Weisung
des Vollmachtgebers ist der Fürsprecher ermächtigt, ihm Mitteilungen mit Telefax und mit E-
mail zu übermitteln.


Der Vollmachtgeber verpflichtet sich zur Bezahlung des Honorars und der Auslagen des
Fürsprechers nach Massgabe der Bestimmungen des Gesetzes über die Fürsprecher. Ab-
weichende schriftliche Honorarvereinbarungen bleiben vorbehalten. Der Vollmachtgeber
verpflichtet sich, dem Fürsprecher auf dessen Verlangen einen angemessenen Vorschuss
zu leisten und diesen nötigenfalls zu ergänzen.

Alle Streitigkeiten zwischen dem Vollmachtgeber und dem Fürsprecher sind, soweit nicht
nach Gesetz die Anwaltskammer des Kantons Bern, Hochschulstrasse 17, Postfach, 3001
Bern, zuständig ist, durch das Gericht in Biel zu entscheiden. Für Streitigkeiten zwischen ihm
und dem Fürsprecher entbindet der Vollmachtgeber diesen dem Gericht und der Anwalts-
kammer gegenüber vom Berufsgeheimnis. Ein allfälliges Begehren um Festsetzung der
Honorarforderung ist an die Anwaltskammer des Kantons Bern zu richten.

Ein gleichlautendes Doppel dieser Vollmacht steht zur Verfügung des Vollmachtgebers. Die
Vollmacht ist jederzeit widerrufbar.

Ort und Datum: *Biel, 4.07.12*

Der Fürsprecher: 

Der Vollmachtgeber: 

Bestimmungen über Rechte und Pflichten von Fürsprecher und Vollmachtgeber finden sich in folgenden Erlassen:
- Ständesregeln des Bernischen Anwaltsverbandes vom 18. September 1998
- Parteikostenverordnung vom 17. Mai 2006 (PKV)
- Kantonales Anwaltsgesetz vom 28. März 2006 (KAG)
- Bundesgesetz vom 23. Juni 2000 über die Freizügigkeit der Anwältinnen und Anwälte (BGFA)
- Schweizerisches Obligationenrecht, Art. 394 ff

Affidavit – Sworn Statement

Concerning: Stolen Ferrari 250 GT, Spider, Pinin Farina, Series 1, 1957, VIN 0799GT

I, Dr. Andreas Gerber, domiciled at Bassbeltweg 26, CH-2542 Pieterlen, Switzerland, born on 28.02.1947, Swiss citizen, swear that the following statement is the whole truth and nothing but the truth:

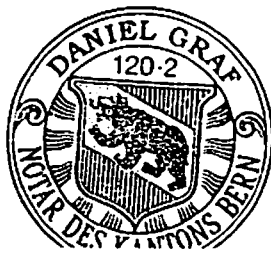
1. I, Dr. Andreas Gerber, state and swear that I am the only legal and legitimate owner of Ferrari car 250 GT, Spider, Series 1, 1957, VIN 0799GT.
2. I swear that I purchased Ferrari car 250 GT, Spider, Series 1, 1957, VIN 0799GT, from the car dealer Mr. Andreas Zenari, Manager of the company "Elite Diffusion", domiciled at Hauptstrasse, CH-3284 Fräschels in Switzerland on April 27, 1989. The purchase price was CHF 1,700,000.00.
3. I confirm that Ferrari car 250 GT, Spider, Series 1, 1957, VIN 0799GT was transported to Marbella / Spain on my behalf. The purpose of this transport to Spain was to sell the car in Marbella, where I had expected a good market place. For that reason Ferrari car 250 GT, Spider, Series 1, 1957, VIN 0799GT was stored in a warehouse of a garage called "Motorauto Marbella". It later turned out that this garage was a bogus company with organized criminals involved.
4. To the best of my knowledge my Ferrari car 250 GT, Spider, Series 1, 1957, VIN 0799GT was stolen on July 7, 1993 from the warehouse of the garage "Motorauto Marbella" in Marbella. The Ferrari car was then apparently transported to Lisboa (Portugal) and was later shipped to the USA. In the USA the car was apparently transferred by an Italian called Mr. Gianni Meninno to a Ferrari car dealer in Elisabeth, New Jersey 07202, USA. Mr. Gianni Meninno was a dangerous criminal and member of the Santapaola Mafia clan who died in 2004.
5. Additionally I state that I filed a criminal complaint regarding this theft at the Cantonal Police of Berne, Switzerland, on 03.16.1995, after realizing that the Spanish police was not investigating properly due to corruption. After I had been informed that my Ferrari car was not located in Spain anymore, but probably in the USA, I wanted the Swiss Police, especially Interpol Berne, to continue the investigations. A new criminal complaint regarding the offence "receiving of stolen goods" was filed on 03.19.2008 at the Cantonal Police of Berne, Switzerland, after I was told that my Ferrari car had been illegally "sold"/ transferred in the USA.
6. Furthermore I confirm and state that no compensation has ever been paid to me regarding the loss of my Ferrari car 250 GT, Spider, Series 1, 1957, VIN 0799GT.

Place / Date: Switzerland, City of 2502 Biel, July 3, 2008

Dr. Andreas Gerber, MD, born on February 28, 1947, with place of origin in Heimiswil/Switzerland, domiciled at Bassbeltweg 26 in CH-2542 Pieterlen/Switzerland.

I, Daniel Graf, Notary Public in the Canton of Berne, Switzerland, hereby notarize and legalize the signature and the affidavit of Dr. Andreas Gerber officially according to Swiss law and according to the Den Hague Convention of 10.05.1961.

Daniel Graf, Notary Public



APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country: Swiss Confederation, Canton of Berne

This public document

2. has been signed by Daniel Graf

3. acting in the capacity of Notary

4. bears the seal/stamp of Notary's office of the Canton of Berne

Certified

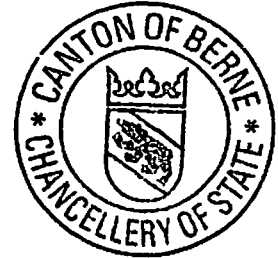
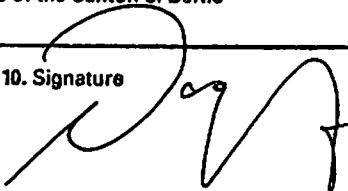
5. at Berne 6. the 4. 7. 2008

7. by Jörg Vogt

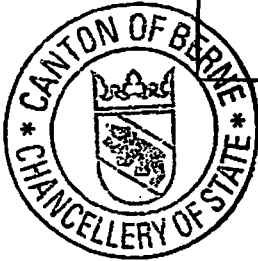
official of the Chancellery of State of the Canton of Berne

8. under number: 2582

9. Stamp/seal 10. Signature



Tax: CHF 15.-



Cantonal Police
Head Office of Police and Military affairs
of Canton of Berne

Criminal complaint - Vehicles

Received on 03.20.1995

Record No. 4117

International

Police Unit

stationary Police, 2502 Biel

Date 03.16.1995 1605

Judicial Office

Office of investigating justice 2502 Biel

Accused Person

unknown

Plaintiff / Damaged Person

Dr. Andreas Gerber, 02.28.47, from Heimiswil, Canton of Berne, Medical Doctor, resident in 2542 Pieterlen, Bassbeltweg 26
Telephone 032/87 28 38 (business) 032/87 26 01 (private)

Site of crime

Spain, Marbella

Date of crime

Summer 1993

**Type of crime /
Legal provisions**

Art. 139 Criminal Code / Theft

Type of vehicle

passenger car

Brand / Type

Ferrari 250 GT Spid.

License plate / signs

none

Chassis number

VIN 0799

Color

gray, metallized

First matriculation

1957

mileage

?

serial number

?

Type number

?

Condition

well preserved

Value

CHF 800,000.00

Insurance Company/Agency

none

Was it secured – how?

with ignition key and door

Particularities

Series 1, red leather interior

Documented by

read and confirmed

Commander Herzig





I, Astrid Ischer-Protzen, born on April 8, 1954, with place of origin in Grossaffoltern / Switzerland, domiciled at Hinterdorf 6 in CH-2565 Jens, Switzerland, translator and English teacher for adults, certified by the University of Cambridge Local Examinations Syndicate / International Examinations, England, state and confirm that this English translation of the original German document, dated March 16, 1995, has been correctly and authentically translated from German into English.



Astrid Ischer-Protzen
Translator / English teacher RSA-CTEFLA, University of Cambridge
Biel, Switzerland, July 3, 2008

I, Daniel Graf, Notary Public in the canton of Berne, Switzerland, hereby officially notarize and legalize the signature of Mrs. Astrid Ischer-Protzen according to Swiss law and the Den Hague Convention dated 10.05.1961.



Daniel Graf
Notary Public
Biel, Switzerland, July 3, 2008



APOSTILLE
(Convention de La Haye du 5 octobre 1961)

1. Country: Swiss Confederation, Canton of Berne
This public document

2. has been signed by Daniel Graf

3. acting in the capacity of Notary

4. bears the seal/stamp of Notary's office of the Canton of Berne

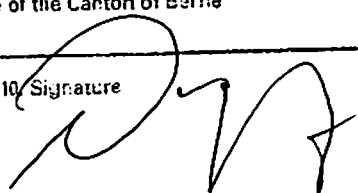
Certified

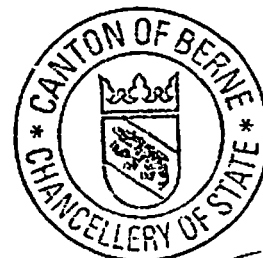
5. at Berne Jörg Vogt 6. the 4. 7. 2008

7. by _____

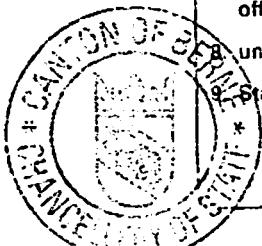
official of the Chancellery of State of the Canton of Berne

under number: 2585

Stamp/seal _____ 10. Signature 



Tax: CHF 15.-





international

		20. MÄRZ 1995	LO
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4117

4

Dienststelle Stationierte Polizei 2502 Biel Datum 16.03.1995 16

Richteramt Untersuchungsrichteramt 2502 BIEL

Angeschuldigter UNBEKANNT

0063

Geschädigter Dr. Gerber Andreas, 28.2.47, von Heimiswil BE, Dr. med.

Arzt, wft. 2542 Pieterlen, Bassbeltweg 26
Tf 032/87 28 38 G 032/87 26 01 P

Tatort Spanien, Marbella

Tatzeit Im Sommer 1993

Delikt

Gesetzesbestimmungen Diebstahl/StGB Art. 139

Fahrzeugart Personenwagen

Fabrikmarke/Typ Ferrari 250 GT Spid

Kontrollschild/Kennzeichen ohne

Fahrgestellnummer VIN 0799

Farbe grau metallisiert

1. Inverkehrsetzung 1957

Kilometer-Stand ?

Stamm-Nummer ?

Typenschein-Nr. ?

Zustand gut erhalten

Verkehrswert Fr. 800'000.-

Versicherungsgesellschaft/Agentur keine

War es gesichert - wie ? Zündschl. und Türen

Besonderheiten

Serie I, Interieur Leder rot



Aufgenommen durch
Kpl Herzig

Abgelesen und bestätigt

Polizei- und Militärdirektion
des Kantons Bern

4

Dienststelle	Stationierte Polizei 2502 Biel	Datum 16.03.1995 160!
Richteramt	Untersuchungsrichteramt 2502 BIEL	
Angeschuldigter	UNBEKANNT	
Geschädigter	Dr. Gerber Andreas, 28.2.47, von Heimiswil BE, Dr. med. Arzt, wft. 2542 Pieterlen, Bassbeltweg 26	
Tatort	Spanien, Marbella	
Tatzeit	Im Sommer 1993	
Delikt		
Gesetzesbestimmungen	Diebstahl/StGB Art. 139	
Fahrzeugart	Personenwagen	
Fabrikmarke/Typ	Ferrari 250 GT Spid	
Kontrollschild/Kennzeichen	ohne	
Fahrgestellnummer	VIN 0799 ✓	
Farbe	grau metallisiert	
1. Inverkehrsetzung	1957	
Kilometer-Stand	?	
Stamm-Nummer	?	
Typenschein-Nr.	?	
Zustand	gut erhalten	
Verkehrswert	Fr. 800'000.-	
Versicherungsgesellschaft/Agentur	keine	
War es gesichert - wie ?	Zündschl. und Türen	
Besonderheiten		
Serie I, Interieur Leder rot		



Aufgenommen durch

Kp] Herzig

[Handwritten signature]

Abgelesen und bestätigt

[Handwritten signature]

Translation of Fax message from Mr. Kuno Schär from the city of Solothurn/Switzerland, president of Ferrari Owners' Club of Switzerland, dated February 21, 1995.

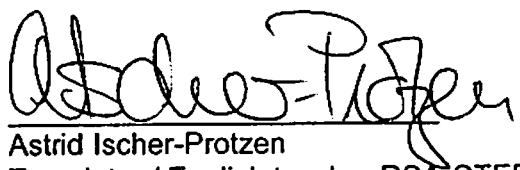
Dear Mr. Gerber
After (Ferrari) 0799 GT was put up for sale by the Italian Mennino in Bologna (Italy) last summer, the car was transferred to the American car dealer Joe Triarcy of Classic Coach Ltd. at the end of 1994. This man has now sold (Ferrari) 0799 GT for USD 300,000.00 to

Dr. Scott Rosen
182 Succabone
Bedford
New York
USA
Office phone 001-516-489-3300
Fax 001-516-489-0204
Private phone 001-201-564-8524
Cell Phone 001-516-384-7112

Dr. Rosen is a dentist and he also owns a (Ferrari) Dino and a (Ferrari) 512 BB. He also bought one of the only three Lamborghini Countach built with steel some time ago from the dealer Chris Cox in Chapel Hill/USA. The steel Lambo Countach was built for crash tests!

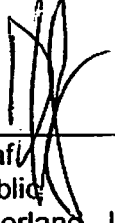
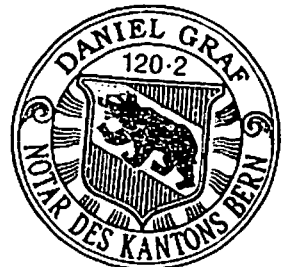
Signed by Kuno Schär
02.21.1995
Ferrari Owners' Club Switzerland

I, Astrid Ischer-Protzen, born on April 8, 1954, with place of origin in Grossaffoltern / Switzerland, domiciled at Hinterdorf 6 in CH-2565 Jens, Switzerland, translator and English teacher for adults, certified by the University of Cambridge Local Examinations Syndicate / International Examinations, England, state and confirm that this English translation of the original German document, dated February 21, 1995, has been correctly and authentically translated from German into English.



Astrid Ischer-Protzen
Translator / English teacher RSA-CTEFLA, University of Cambridge
Biel, Switzerland, July 3, 2008

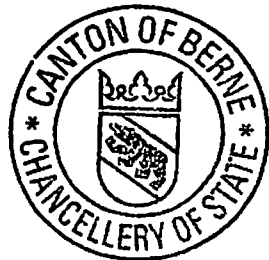
I, Daniel Graf, Notary Public in the canton of Berne, Switzerland, hereby officially notarize and legalize the signature of Mrs. Astrid Ischer-Protzen according to Swiss law and the Den Hague Convention dated 10.05.1961.


Daniel Graf
Notary Public
Biel, Switzerland, July 3, 2008

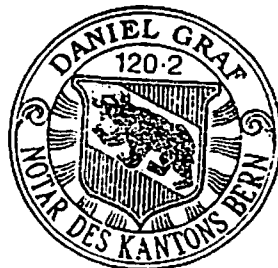
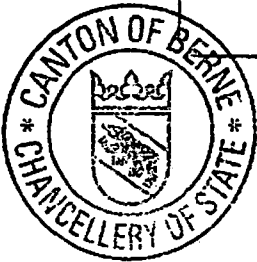
APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country: Swiss Confederation, Canton of Berne
This public instrument
2. has been signed by Daniel Graf
3. acting in the capacity of Notary
4. bears the seal/stamp of Notary's office
of the Canton of Berne
Certified
5. at Berne Jörg Vogt 6. the 4. 7. 2008
7. by Jörg Vogt
official of the Chancellery of State of the Canton of Berne
8. under number: 2587
9. Stamp/seal 10. Signature [Signature]



Tax: CHF 15.-



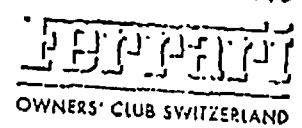
Lieber Herr Gschä.

Nachdem 0799 GT im letzten Sommer vom Italiener Mennino in Bologna zum Kauf angeboten wurde, gelangte der Wagen Ende 1994 an den amerikanischen Händler Joe Triarcy von Classic Coach Ltd. Dieser hat nun 0799 GT für US\$ 300'000 verkauft an

}	Dr. Scott ROSEN	
	182 Succabone	
	Bedford	
	New York	
	USA	
	Telefon Büro	001-516-489-3300
	Fax Büro	001-516-489-0204
Telefon privat	001-201-564-8524	
Mobiltelefon	001-516-384-7112	

Dr. Rosen ist Zahnarzt und besitzt auch einen Dino sowie einen 512 BB. Er kaufte vor einiger Zeit auch einen von nur drei in Stahl gebauten Lamborghini Countach vom Händler Chris Cox in Chapel Hill/USA. Die Lambo Countach in Stahl wurden für die Crash Tests gebaut!

K. Schär
21.2.95



(6)

Remote UA for Windows X.400 Message Printed By : AUTO-PRINT @ 27 Mar 1995 08:40

Date: 27 Mar 1995 08:45

Subject: BERNE B2433 1331 MEG/KMW

Kopie von Abt.
Internat. Rechtshilfe

Message From: s=BERNE/o=INTERPOL-SUISSE/u=INTERPOL/p=EJPD/a=ARCOM/c=CH

Enclosure - 2b3e6d4b.001, 604 bytes

BERNE B2433 1331 MEG/KMW 950327 0745 GMT

ROUTINE

Handwritten: 1 5-9609/11932 FY

TO: WASHIN ZONE Z12

NOTRE REF.: B2433 1331 - MEG

PRIERE DE PARTICIPER AUX RECHERCHES ET DE NOUS AVISER EN CAS DE
DECOUVERTE DE LA VOITURE SUIVANTE:

MARQUE: FERRARI

TYPE: 250 GT SPIDER

COULEUR: GRISE

MODELE: 1957

VIN: 0799 *dfc*

IMMATRICULATION:

CETTE VOITURE A ETE VOLEE DU 1.5 93-30.9.1993, A E-MARBELLA, PAR DES
AUTEURS INCONNUS, AU PREJUDICE DE GERBER, ANDREAS,
DOMICILIE A CH-PIETERLEN BE.

MEILLEURES SALUTATIONS. REMERCIEMENTS.

FEDERALPOL BERNE - R. Megert

END

IP BERNE

7

Remote UA for Windows X.400 Message Printed By : AUTO-PRINT @ 15 Sep 1995 14:1.

Date: 15 Sep 1995 13:11

Subject: BERNE 216543

Message From: s=BERNE/o=INTERPOL-SUISSE/u=INTERPOL/p=EJPD/a=ARCOM/c=CH

Enclosure - 2c96ba60.001, 585 bytes

BERNE 216543 950915 1211 GMT

URGENT

TO: MADRID

BERNE IP/BE 216543/HLR -00021470- C/VA

RE YOUR D/L OF 18.4.95, FILE EXPTE 6041/28 JR 2897/3 CONCERNING
VEHICLE MAKE FERRARI 250 GT SPIDER, VIN 0799.
WE HAVE NOT HEARD FROM YOU, NOR FROM IP LISBON, SINCE YOUR LETTER OF
18.4.95. PLEASE INFORM US URGENTLY ABOUT THE ACTUAL SITUATION.
TKS COOP. RGDS.

END

IP BERNE

15-09-95 OUT 0700

~~15-09-95 OUT 0700~~

NORMAL

FROM: INTERPOL WASHINGTON

TO: BERNE

DATE: 2 JAN 97 22.48

OUR REF: 950302855/NHO

YOUR REF: IP/BE 216543/HLR -00028287-CVA

REGARDING: ADDRESS CHECK

REFERENCE IS MADE TO YOUR MESSAGE, DATED 19 SEP 96, CONCERNING SCOTT ROSEN, RESIDING IN BEDFORD NEW YORK. THE NEW YORK STATE POLICE AUTHORITIES HAVE ADVISED THAT THE SUBJECT IS NOT WANTED IN NEW YORK; THE TRUE IDENTITY IS NOT VERIFIABLE FROM THE ABOVE INFORMATION. THE AREA CODE FOR BEDFORD IS (914). THE FOLLOWING NUMBERS ARE NOT LISTED TO THE ABOVE SUBJECT: (516) 489-3300 AND (516) 489-0204. THE PRIVATE TELEPHONE NUMBER (201) 564-8524 IS LISTED IN NEW JERSEY TO TRIARSI, F/M DAGMAR, RESIDING IN SHORT HILLS, NEW JERSEY.

REGARDS.

IN ANY REPLY, PLEASE QUOTE: 950302855/NHO

FOR POLICE COURT/USE ONLY
INTERPOL WASHINGTON

...
...betreffend Scott Rosen, wohnhaft Bedford New York. Die New York State Police hat mitgeteilt, dass Scott Rosen nicht gesucht wird. Die genaue Identität kann aufgrund der gegebenen Informationen nicht ermittelt werden. Die Vorwahl für Bedford lautet (914). Die folgenden Nummern lauten nicht auf Scott Rosen: ... Die private Telefonnummer ... lautet auf TRIARSI Dagmar, wohnhaft Short Hills, New Jersey...

...


INTERPOL BERNE

11-01-97 IN 0024 HLR

8

llv

Cantonal Police

Criminal complaint

Regional Police
of District Seeland – Bernese Jura

Solothurnstrasse 11
2543 Lengnau
Telephone 032 346 86 81
Telefax 032 346 86 84

Office of Investigating Justice I
District of Bernese Jura-Seeland
Amtshaus, Spitalstrasse 14
2501 Biel

Lengnau, March 19, 2008

Case officer Franz Leuenberger, Stationary Police

Entry of complaint in the office of the Cantonal Police in Lengnau on Wednesday, March 19, 2008, 02:00 PM, personally by the plaintiff, who was accompanied by his lawyer.

Type of crime receiving of stolen goods

receiving of stolen goods
Art. 160 of Criminal Code

Site of crime Bassbeltweg 25, 2542 Pieterlen, Canton of Berne, Switzerland and USA, States of New York, New Jersey and Connecticut respectively

Date in the period between Monday, 01.01.2001 and Thursday 02.28.2002 and in the period between the beginning of 2001 and the beginning of 2002 respectively

Plaintiff / damaged person Gerber Andreas

Date of birth 02.28.1947 Sex: male

Place of origin Heimiswil, Canton of Berne, Switzerland

Profession Medical Doctor

Native language German

procedural language: German

Constitution as plaintiff Yes

file a criminal complaint: Yes

Legally represented by Weber Oliver

Date of birth 07.17.1976 Sex: male

Place of origin Zug, Canton of Zug, Switzerland

Profession Attorney-at-Law

Office address 2500 Biel/Bienne / Canton of Berne, Switzerland, Murtenstrasse 7

Native language German

procedural language: German

Address appendix Post Office Box 811

Statement of facts Ferrari 250 GT Spider, VIN 0799, gray, former value

CHF 800,000.00, was stolen in the city of Marbella, Spain from the garage "Motorauto Marbella" on 07.07.1993, later transferred to the USA as stolen goods.

Crime object

Position 1 car, Code DK 91





Brand: Ferrari, Type: 250 GT, Series 1, Material: steel/iron, Color: gray, VIN 0799, first matriculation: 1957, current value: CHF 3,800,000.00

Total 1 x 3,800,000.00 Value: circa CHF 3,800,000.00

Total amount **circa CHF 3,800,000.00**

Through acquaintances in the Ferrari collector und dealer scene and based on Internet research the attorney of the plaintiff found out that the searched car is located in the USA and has apparently changed its unlawful possessor. Further investigations are currently being made in the USA.

Based on the above mentioned reasons and findings I am obliged to file a criminal complaint against the unknown person.

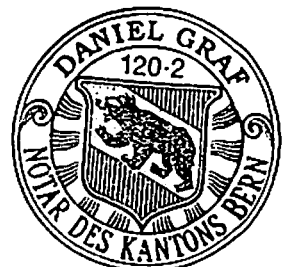
I am constituted as a plaintiff according to civil law and criminal law.

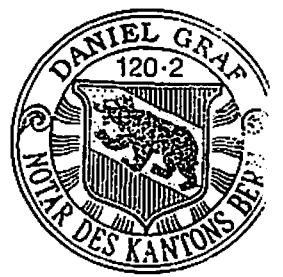
Gerber Andreas

Franz Leuenberger
Chief Guard Officer

Appendix:

- Form to constitute as private plaintiff and for filing of criminal complaint





Crime Unit

Head Office of Police and Military affairs
of Canton of Berne

Type of crime receiving of stolen goods

Site of crime USA, States of New York, New Jersey and Connecticut

Date from January 2001 until beginning of 2002

Alleged criminal unknown

Plaintiff / damaged person Dr. Andreas Gerber

represented by Oliver Weber, Attorney-at-Law
Murtenstrasse 7, Post Office Box 811, CH-2501 Biel

I. Request for punishment I hereby request to punish above mentioned person () Yes () No

Concerning:

II. Private complaint/claim I am hereby constituted as private plaintiff against above mentioned person and want to execute my plaintiff's rights in the procedure (right to offer evidence, right to consult the records, right to appeal, etc.)

1. Private plaintiff in the criminal procedure I request the punishment of the accused person (X) Yes () No

and / or

2. Private plaintiff in the civil procedure I hereby claim the following civil rights (X) Yes () No

namely

a) Compensation for damages of CHF 3,800,000.00

b) Compensation for immaterial damage indefinite

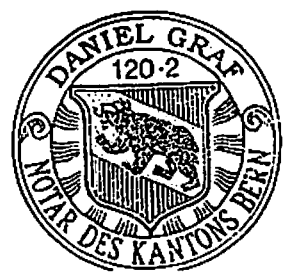
Supporting documents (Explanatory statements)

3. Only answer, if question 1 and 2 have been answered with "Yes".

a) Do you request to be summoned and consulted by the investigating judge? () Yes (X) No

b) Do you request the fixation of a deadline for consulting the records and to offer evidence before the closure of the preliminary inquiry? () Yes (X) No





These rights can be abandoned without affecting your rights in the main procedure in the judging court.

Place, date Lengenau, 03.19.2008

The signatory confirms having read the explanations on the following page.

Signature signature of Dr. Andreas Gerber / signature of Atty. Oliver Weber
.....

This declaration
must be returned
to the Investigating
Judge

.....

by
.....

Should this declaration not be returned within the period prescribed it will be assumed that the plaintiff abstains from his request for punishment and from his rights as a private plaintiff.

I, Astrid Ischer-Protzen, born on April 8, 1954, with place of origin in Grossaffoltern / Switzerland, domiciled at Hinterdorf 6 in CH-2565 Jens, Switzerland, translator and English teacher for adults, certified by the University of Cambridge Local Examinations Syndicate / International Examinations, England, state and confirm that this English translation of the original German document, dated March 19, 2008, has been correctly and authentically translated from German into English.

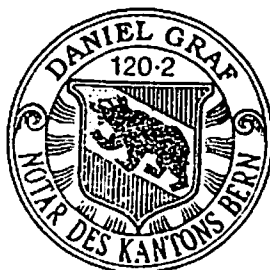


Astrid Ischer-Protzen
Translator / English teacher RSA-CTEFLA, University of Cambridge
Biel, Switzerland, July 3, 2008

I, Daniel Graf, Notary Public in the canton of Berne, Switzerland, hereby officially notarize and legalize the signature of Mrs. Astrid Ischer-Protzen according to Swiss law and the Den Hague Convention dated 10.05.1961.



Daniel Graf
Notary Public
Biel, Switzerland, July 3, 2008



APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country: Swiss Confederation, Canton of Berne

This public document

2. has been signed by Daniel Graf

3. acting in the capacity of Notary

4. bears the seal/stamp of Notary's office of the Canton of Berne

Certified

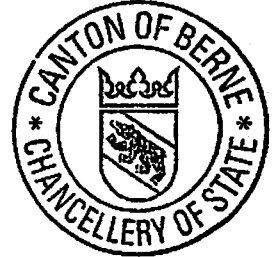
5. at Berne Jörg Vogt 6. the 4. 7. 2008

7. by _____

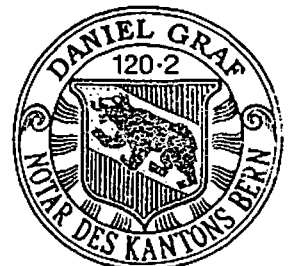
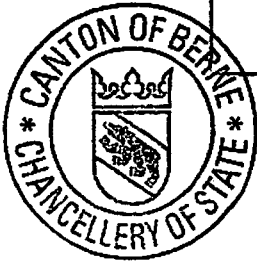
official of the Chancellery of State of the Canton of Berne

8. under number: 2584

9. Stamp/seal _____ 10. Signature [Signature]



Tax: CHF N.-



Solothurnstrasse 11
2543 Lengnau
Telefon 032 346 86 81
Telefax 032 346 86 84

Untersuchungsrichteramt I
Berner Jura - Seeland
Amtshaus, Spitalstrasse 14
2501 Biel

Lengnau, 19. März 2008

EL Fall Franz Leuenberger, Stationierte Polizei

Eingang der Meldung Mittwoch, 19. März 2008, 14:00 Uhr, durch den Kläger in Begleitung seines Anwaltes persönlich im Büro der Kapo Lengnau.

Betrifft Hehlerei
Hehlerei
StGB Art. 160

Ort 2542 Pieterlen/BE, CH, Bassbeltweg 26
bezw. USA, New York, New Jersey und Connecticut

Zeit Montag, 01.01.2001 bis Donnerstag, 28.02.2002
bezw. anfangs 2001 - anfangs 2002

Geschädigt Gerber Andreas
Geburtsdatum 28.02.1947 **Geschlecht** m
Heimatort, Staat Heimiswil BE, Schweiz
Beruf Arzt
Privatadresse 2542 Pieterlen/BE CH, Bassbeltweg 26
Muttersprache Deutsch **Verhandlungssprache** Deutsch
Privatklägerschaft Ja **Strafantrag** Ja

Gesetzlich vertreten durch Weber Oliver
Geburtsdatum 17.07.1976 **Geschlecht** m
Heimatort, Staat Zug ZG, Schweiz
Beruf Fürsprecher
Geschäftsadresse 2500 Biel/Bienne/BE CH, Murtenstrasse 7
Muttersprache Deutsch **Verhandlungssprache** Deutsch
Zusatz Postfach 811

Tatvorgehen In Marbella E, aus Garage Motor Auto Marbella, am 07.07.1993 gestohlener Ferrari 250 GT Spider, VIN 0799, grau, damaliger Verkehrswert 800'000.-, in den USA als Hehlerware übernommen.

Deliktsgut

Position 1 Fahrzeug, DK 91



Marke Ferrari, Typ 250 GT Serie 1, Material Stahl/Eisen, Farbe grau,
VIN 0799, 1. Inverkehrssetzung 1957, Aktueller Verkehrswert ca. Fr.
3'800'000.--

Total... 1 x 3'800'000.00 Wert... ca. CHF 3'800'000.00

Gesamtbetrag ca. CHF 3'800'000.00

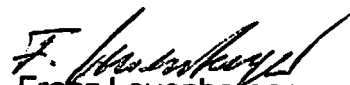
Durch Bekannte in der Ferrari- Sammler und Händler-Szene sowie auf Grund einer Internetrecherche gelangte dem Anwalt des Geschädigten zur Kenntnis, dass sich das gesuchte Fahrzeug in den USA befindet und offenbar den unrechtmässigen Besitzer gewechselt hat. Weitere Abklärungen werden derzeit in den USA vorgenommen.

Aus den erwähnten Gründen und Erkenntnissen sehe ich mich gezwungen, gegen den oder die unbekannt Person(en) Strafanzeige zu erstatten.

Der Anzeiger konstituiert sich sowohl im Straf- als auch im Zivilpunkt als Privatkläger



Gerber Andreas


Franz Leuenberger
Wachtchef-Stv.

Beilagen

-Strafantrag/Privatklage

Info:INE:-

Kriminalabteilung

Polizei- und Militärdirektion
des Kantons Bern

Betrifft Hehlererei
 Ort USA, New York, New Jersey und Connecticut
 Zeit Jan 2001 - bis anfangs 2002
 Tatverdächtig Unbekannt

Geschädigt Dr. Andreas Gerber
 vertreten durch Fürsprecher Oliver Weber,
Mattenstr. 7, Postfach 811, 2501 Biel

I. Strafantrag Ich stelle gegen obenerwähnte Person Strafantrag Ja Nein
 wegen

II. Privatklage Ich stelle mich gegen obenerwähnte Person als Privatkläger/in und will im Verfahren meine
 Parteirechte ausüben (Beweisantrags-, Akteneinsichts- und Rekursrecht etc.)

1. Privatkläger/in im Strafpunkt Ich verlange die Bestrafung des/der Angeschuldigten Ja Nein

und / oder

2. Privatkläger/in im Zivilpunkt: Ich mache Zivilansprüche geltend Ja Nein

nämlich

a) eine Schadenssumme von

CHF 3'800'000.-

b) eine Genugtuungssumme von

CHF unbestimmt

Belege
(Begründung der Zivilklage)

3. Nur beantworten, wenn bei Frage 1 oder 2 „Ja“ eingesetzt wurde.

a) Verlangen Sie, vom Untersuchungsrichter vorgeladen oder befragt zu werden? Ja Nein

b) Verlangen Sie Fristansetzung zur Akteneinsicht und Stellung von Beweisanträgen vor Abschluss der Voruntersuchung? Ja Nein

Sie können darauf verzichten, ohne dass Ihre Rechte im Hauptverfahren vor dem urteilenden Gericht deswegen beeinträchtigt werden.

Ort, Datum Leugnan, 19.3.2008

Der/Die Unterzeichnete bestätigt, von den Erläuterungen auf der nachfolgenden Seite Kenntnis genommen zu haben.

Unterschrift [Signature]

Diese Erklärung ist zurückzusenden an das Untersuchungsrichteramt

bis

Falls diese Erklärung nicht innerhalb der Frist zurückgeschickt wird, wird angenommen, es werde auf einen Strafantrag und die Konstituierung als Privatkläger/in verzichtet.



10

GA Belp, P.O. Box 144, CH-3123 Belp

TO WHOM IT MAY CONCERN

Your message dated	Your contact person	Direct dial	Date
-	Patrick Cuénoud patrick.cuenoud@mobi.ch	++41 31 818 44 40	26.09.2007/PC

Cover note confirmation: Ferrari 250 Pinin Farina Spider, series 1

Dear Sirs

We hereby confirm that Dr. Andreas Gerber, MD, Bassbeltweg 26 from 2542 Pieterlen, Switzerland, had a fully comprehensive coverage binder (cover note) with our company, dated June 7-1989, regarding his Ferrari 250 Pinin Farina Spider, Series 1, chassis number 0799 GT, year 1957, # of licence plates BE 1114-U.

The insured value of the car was 1,700,000.00 Swiss Francs, the deductible was fixed at 10,000.00 Swiss Francs.

We hereby also confirm that we have not provided any compensation to Dr. A. Gerber regarding the theft of his Ferrari car in 1993 in Spain.

Yours sincerely

Swiss Mobiliar Insurance Company
General agency Belp



Patrick Cuénoud
head of sales support

(11)

History regarding

Ferrari 250 GT, Cabriolet, Series 1, Pinin Farina, Spider, 1957 Chassis No. 0799

The 16th of total 40 (36) units built

1957/1958	Construction
May 8 1958	Sold by Enzo Ferrari to first owner Dino Fabbri, Milan, Italy
May 20, 1958	Sold by Fabbri to Guido Monzino, Milan, Italy
February 13, 1959	Sold by Monzino to Valentino Blancardi, resident in Bordighera, Italy
January 25, 1961	Sold by Blancardi to Italo Musico, Milan, Italy
March 1962	Converted to disc brakes at the factory in Maranello
June 15, 1961	Sold by Musico to Antonio Antorina, Modena, Italy
October 3, 1964	Sold by Antorina to Maria Antonietta Lodi, Reggio Emilia, Italy
1967	Imported to the USA – Repainted metallic gray with red interior
1968	Sold by Tom Meade to Lawrence Kitt Tucker, Jacksonville, FL, USA
September 11, 1970	Sold by Tucker to Peter A. Bowers, Houston, TX, USA
1970	Registered on Texas license plates "365 VGV"
17. April 1989	Sold by Bowers for USD 680'000 to Michael W. Sheehan's European Auto Sales Inc. Costa Mesa, CA, USA
21. April 1989	Sold by Sheehan to Swiss car dealer Andreas Zenari, Elite Diffusion, resident in Fräschels, Switzerland
April 27, 1989	Sold by Andreas Zenari to Dr. Andreas Gerber, resident in Pieterlen, Switzerland
July 7, 1993	Stolen from Dr. Andreas Gerber, out of a fictive garage/warehouse of a bogus company in Marbella, Spain - car disappeared and searched by the police / Interpol
September 1994	Car sold by Frank Triarsi of Classic Coach Ltd. Elisabeth, New Jersey 07202, USA, to Dr. Scott Rosen, resident in Bedford, NY, USA
1996	Sold by Rosen to Jeffrey Schwartz, Fort Lee, NJ, USA
2000	Dr. Andreas Gerber tries to recover his stolen car.

Mai 2000 Schwarz tries to sell the car to Symbolic Motor Car Co. La Jolla, CA, USA, but Symbolic backed out of the deal, when they found out about the legal problems regarding the car. Symbolic never bought the car.

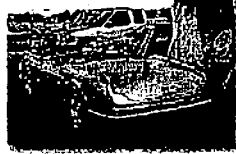
2000 Schwartz sold the car back to Dr. Scott Rosen

October 2000 car still in the custody of Dr. Scott Rosen

January 19-20, 2001 car observed during the Cavallino Classic X Concours at Moroso Raceway and Palm Beach, FL, USA, entered by Paul L. "Barney" Hallingby, resident in Sharon, CT, USA.

December 2007 car still in the custody of Paul Hallingby, Sharon, CT, USA

250 GT PF Cabriolet Series I



0799GT 57
250 GT PF Cabriolet Series I, LHD
Color exterior nero MM 11911
Color interno pelle naturale Connolly 3218

Date	Result	Event	Driver	#	Reference
62/mar		converted to disc brakes by the factory			
67	- Tom Meade, Modena, I	- been rebuilt by the factory, 52,000 km			
6.	- L. Kitt Tucker, Jacksonville, FL, USA				
71	- Peter A Bowers, Houston, TX, USA				
71- 75	FOCUSA Rosters by Peter A Bowers, Houston, TX	Still owned by Bowers in the early 90's			
..	- Gerber, Marbella, E	(car disappeared, stolen)			
93	- EAS, CA, USA				
93	- Giorgio Schoen, Milano, I				
95	- Classic Coach Ltd, NY, USA				
95	- Scott Rosen, Medford, NJ, USA				
97/may/12	- Jeff Schwartz, USA	traded for s/n 0775GT + \$225k			
00/jun	- Scott Rosen, USA	- bought back \$525k			
00/jun		- offered for \$595k			
00/may		- offered by SMC, La Jolla, CA, USA - 100-point flawless restoration			
00/may		- called the day the car was put on the market, heard it was in "limbo"			
00/may		- there are legal problems			
01/jan	- Paul Hallingby, CT, USA				



Ferrari 250 GT Cabriolet Series I Pinin Farina 1956-1959

#	CHASSIS#	PF JOB#	ENTRY DATE	EXTERIOR COLOR	INTERIOR COLOR	STP	HEAD-LIGHTS	CHASSIS TYPE	ENGINE TYPE	INTERNAL ENGINE#
1	0655 GT	15775	12-28-56	China red	Natural leather	LHD	Covered	508 B	128 B	
2	0663 GT	15778	02-21-57	Racing red	Black leather	LHD	Covered	508 B	128 B	656
3	0705 GT	15780	05-02-57	Amaranth	Natural leather	LHD	Covered	508 B	128 B	85 B
4	0709 GT	15789	05-02-57	Senna Green	Natural leather	LHD	Covered			
5	0729 GT	19451	07-04-57	China red	White leather	LHD	Covered	508 C	128 C	066 C
6	0735 GT	19452	07-31-57	White	Red Connolly	LHD	Covered	508 C	128 C	
7	0737 GT	19453	07-31-57	Red metallic	Natural leather	LHD	Covered	508 C	128 C	064 C
8	0759 GT	19454	09-09-57	White	Natural leather	LHD	Covered	508 C	128 C	
9	0775 GT	19455	10-03-57	Red	Natural leather	LHD	Covered	508 C	128 C	
10	0777 GT	19457	10-14-57	Grey metallic	Black Connolly	LHD	Covered	508 C	128 C	0106 C
11	0779 GT	19456	10-14-57	White	Natural leather	LHD	Covered	508 C	128 C	0102 C
12	0783 GT	19458	10-14-57	Red metallic	Natural leather	LHD	Covered	508 C	128 C	108 C
13	0789 GT	19459	10-18-57	Grey metallic	Black Connolly	LHD	Covered	508 C	128 C	124 C
14	0791 GT	19460	10-18-57	White	Blue Connolly	LHD	Covered			
15	0795 GT	19461	10-19-57	Grey metallic	Red Connolly	LHD	Covered	508 C	128 C	138 C
16	0799 GT	19463	11-05-57	Black	Natural leather	LHD	Covered	508 C	128 C	140 C
17	0801 GT	19464	11-05-57	Grey metallic	Red Connolly	LHD	Covered	508 C	128 C	064 C
18	0809 GT	19465	11-16-57	Red metallic	Natural leather	LHD	Covered	508 C	128 C	
19	0811 GT	19462	11-09-57	Yellow AGIP	Green Connolly	RHD	Covered			
20	0813 GT	19466	11-19-57	Beige	Beige Connolly	LHD	Covered	508 C	128 C	190 C
21	0829 GT	19467	11-22-57	Red metallic	Natural Connolly	LHD	Covered	508 C	128 C	
22	0845 GT	19468	01-04-58	Ivory	Black Connolly	LHD	Covered			
23	0849 GT	19469	01-13-58	White	Turquoise Conn.	LHD	Covered	508 C	128 C	
24	0873 GT	19470	01-18-58	White	Blue Connolly	LHD	Covered	508 C	128 C	220 C
25	0913 GT	15803	03-21-58	Grey metallic	Black Connolly	LHD	Covered	508 C	128 C	
26	0915 GT	15804	03-21-58	Red metallic	Black Connolly	LHD	Covered	508 C	128 C	
27	0917 GT	15805	03-21-58	Black	Natural Connolly	LHD	Covered	508 C	128 C	
28	0921 GT	19471	03-27-58	Amaranth	Beige Connolly	RHD	Covered	508 C	128 C	
29	0961 GT	15807	05-17-58	Ruby red	Natural Connolly	LHD	Covered	508 C	128 C	
30	0963 GT	15808	05-17-58	Black	Red Connolly	LHD	Covered	508 D	128 C	270 GT
31	0979 GT	15809	06-21-58	Red	Black Connolly	LHD	Covered	508 D	128 D	044 D
32	0981 GT	15810	06-21-58	China red	Black Connolly	LHD	Covered	508 D	128 D	
33	0999 GT			(Was 0663 GT)		LHD				
34	1075 GT	15811	08-29-58	Andalusia Gold	Beige Connolly	LHD	Covered	508 D	128 D	0282 C
35	1079 GT	15812	09-03-58	Shell Grey	Red Connolly	LHD	Covered	508 D	128 D	060 D
36	1179 GT	15844	11-15-58	Bordeaux Red	White Connolly	LHD	Covered	508 D	128 D	0204 D
37	1181 GT	15845	11-28-58	Racing Red	White Connolly	LHD	Covered	508 D	128 D	0272 D
38	1193 GT	15846	11-28-58	Black	Red Connolly	LHD	Open	508 D	128 D	
39	1211 GT	15847	12-04-58	White	Natural Connolly	LHD	Open	508 D	128 D	0290 D
40	1439 GT	19472	05-08-59	White	Red Connolly	LHD	Open	508 D	128 D	0454 D
41	1475 GT	19473	05-29-59	Sun Yellow	Brown Connolly	LHD	Open	508 D	128 D	0466 D

© Marcel Massini 21/02/08



Telaio tipo	508 C	matricola	0799 GT
Motore tipo	120 C	matricola	0799 GT
Cambio tipo	308 B	matricola	45 C
Ponte tipo	508 C	matricola	70 G20
Collaudo il		Consegnato il	
Cliente			

Autotelaio lipo ... 508 C Motore matricola N. 0799 GT Telaio matricola N. 0799 GT

FOGLIO MONTAGGIO AUTOTELAIO

Passo 2600 N. interno

Trasmissione 508 C / ~~522~~ ⁴⁹⁶ con giunto ant. Fabbr. e 80 e post. Saga

~~Freni ant. 508 C / 516 ruote 553 senza compressore cil diametro 28 FD.~~

~~Freni post. 508 C / 516 ruote 553 tamburi 175 cil diametro 28.~~

Mozzi ant. 1.06 / 708 56 / 8 57 post. 342 / 708 65 / 8 66

~~Pneumatici e ruote~~ 16x5,50 P.M. ~~320~~ 3592 gomme 175/400

Ammortizzatori ant. 508 / 614 57 post. 508 / 611 06

Sterzo Scatola guida ZF R=4/20 volante 308/309 guida sinistra

Radiatore acqua e olio 508 C / 810 83

Serbatoio carburante lipo 508 C / 820 137 capacità li. 90

Indicatore di livello SI

Marmitta di scarico AMALDI doppie Prolunghe diametro

Batteria BARCULMI H 11

Motore N. 0140

Cambio N. 45 C

Ponte N. 70 GTC R=3x34

Frizione Fichtel & Sachs

~~Pedaliere 508 C / 115 con pompa unica~~

Sospens. anter. 508 C

Molle anter. 513 / 64 58 6 Kg. 480 fless. 0,19 %

Balestre poster. dis. 508 / 611 22 Carico Kg. 295 N. foglie 9x4 fless. 92 %

Carrozzeria FARINA con volante NARDI

Strumenti di bordo BOMIETTI in Km tipo 20 GTC

Quadretto

NOTE ~~Il telaio è stato montato su base di tipo 20 GTC e~~

~~il motore è stato montato su base di tipo 0140 del 12/9/61.~~

~~Il cambio è stato montato su base di tipo 45 C.~~

~~Il volante è stato montato su base di tipo NARDI.~~

~~Il serbatoio è stato montato su base di tipo 508 C.~~

Montato in carrozzeria il 31/10/57

Autolubrificato tipo 508 C Motore tipo 128 C Matricola N. 0799/GT N. Interno 0140 C

FOGLIO MONTAGGIO MOTORE

Basamento 128C/10629 Coppa olio 128C/11987 Filtri

Albero motore 128C/12261

Pistone BORGH rif. 3671 Repp. 9,2 Peso gr. 228

Anello tenuta 1 torsionale + 1 conico Raschioolio 1 da % S, 4

Bielle 125/14102 Peso gr. 434 Pompa acqua 128C/26449

Teste cilindri 128C/17272 Canne Trione el. Cr/Mi Coperchi 128C/17212/270

Guarnizioni teste 212/10688 AMIRAGLIATO Colombo; 250/10420 anelli rane amianto

Valvole asp. tipo 400/16135 Valvole scarico tipo 225/16676

Molla richiamo valvole diametro 128C/17261/2 Alberi distribuzione 128C/17220/1 Alzata

Scatola distribuzione 128C/22479

Pompa mand. olio 128B/24551 Pompa di ricupero NO

Pompa benzina 1 FLSA 11184 Filtro benzina Pres. orio

Carburatore tipo WEBER 26 DCL3 N. 3

Prese d'aria FAT 4101

Accensione con spinterogeno Tipo ST 195 DTR/RS Fase: $D = \frac{AA\ 27/65}{CS\ 73/17} S = \frac{AA\ 28/67}{CS\ 74/18}$

Frizione tipo F. & S. Carico

Giocchi albero-motore 0,05 Puntaria 0,15 0,2

PRIMO MONTAGGIO

Data inizio montaggio Data fine montaggio Montatori

Guerzoni M.
Baschieri S.

OSSERVAZIONI

Pistoni Borgo con un solo raschioolio

Guarnizioni delle teste tipo AMIRAGLIATO Colombo

Data 4/2/58 Il Capo Reparto Franchini

OSSERVAZIONI DEL PRIMO RODAGGIO

Motore regolare, sta bene sotto carico

Pressione nel carter 20/25 % PSC a pieno regime

MOTORE DELL'ARABO

Il Capo Reparto Foddei

SECONDO MONTAGGIO

Data inizio lavoro Data fine lavoro Montatori

OSSERVAZIONI

Autolesta tipo.....508 G.....

Matricola N.....0799 GT.....

FOGLIO MONTAGGIO CAMBIO

Cambio tipo.....508 G..... Matricola..... N. int.....45 G.....

Scalola e coperchi.....508B20/53500 grisa 508G/54933.....

Marcie 4 con ingranaggi tipo 508G bonderizzati.....

Sincronizzatore.....513 PCH OHB.....

Ingr. prim. II..... III..... V..... Ingr. rinvio II..... III..... V.....

Albero rinvio.....508B20/53500.....

Rinvio ad angolo per contachilometri.....SI..... Rapporto.....8x34.....

Pompa lubrificazione.....SI..... corpo pompa 543/53044.....

Comando marce laterale sinistro con marce invertite.....

Giunto Fabbric 80.....

Prove al banco.....BUONA.....

NOTE.....

Ingranaggi con boccole in metallo bianco trione.....

Data 1/2/38..... Montato da Bellentani..... Il Capo Riparto.....Francolini.....

Autolesta tipo.....508 G.....

Matricola N.....0799 GT.....

FOGLIO MONTAGGIO PONTE

Ponte tipo.....508 G..... Matricola..... N. int.....70 GTC.....

Coppia conica.....8x34..... Modulo corona.....4.....

Planetari.....508B/59147..... Scatola differenz.....508G/69227/228.....

Satelliti.....514/59107..... Cuscinelli.....RIV.....

Autobloccante.....NO..... Ceppi.....509/69123.....

Semiassi.....508B/61276..... Portaceppi.....508G/69224.....

Bracci laterali.....508G/61455..... Cilindretti.....ø 28.....

Flange di attacco..... Guarnizioni freni.....FRITTI DO 553.....

Carburante.....98/100 NO..... Carburatore.....3. REVERA 56 DUL3..... Lubrificante.....X 100 10 W 30.....

Candele.....3/4 FT..... Taratura: Diff.....127..... Getto.....1.65..... Minimo.....60..... Getto pompa.....60x3.....

Centralori.....2.5..... Freno arie.....200..... Tappo - Spillo.....22.5.....

Pozzetto.....F.3..... Consumo carburante = Gr./HP ore.....

Fori di progressione..... Livello a m/m.....3.5..... Consumo olio = gr..... In ore.....

Pessione olio..... Temper. olio.....

Rodaggio ore.....

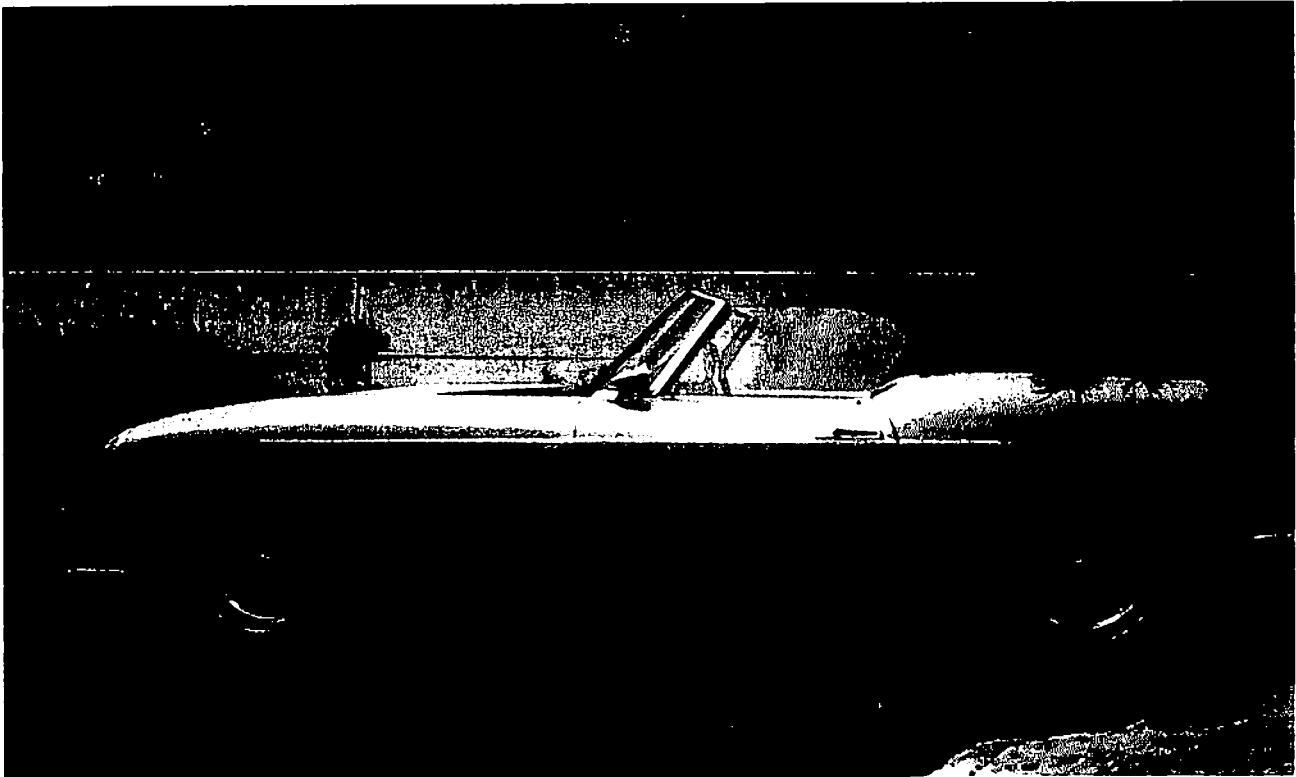
Note di funzion.....

Motoristi { Pinelli..... Entrato in servizio.....Francolini.....

Pictures of Ferrari 250 GT, VIN 0799GT

Picture 1-5; taken in Pieterlen/Switzerland in front of the house of the requestor in 1989

Picture 1



Picture 2



Picture 3



Picture 4

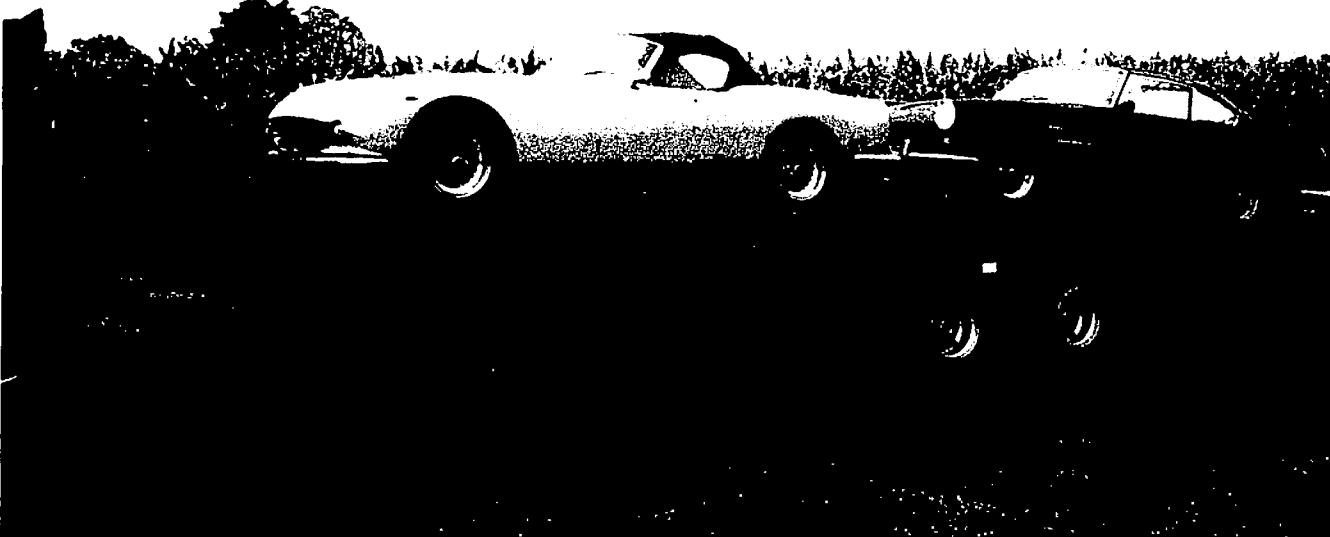


Picture 5



Pictures 6-11; taken in CH-3284 Fräschels / Switzerland in front of the garage
"Elite Diffusion" before transportation to Marbella/Spain

Picture 6



Picture 7



Picture 8



Picture 9



Picture 10



Picture 11



**Pictures 12-16; taken at Cavallino Concours at Palm Beach/FL/USA on 19. - 20. January 2001
by Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland**

Picture 12



Picture 13



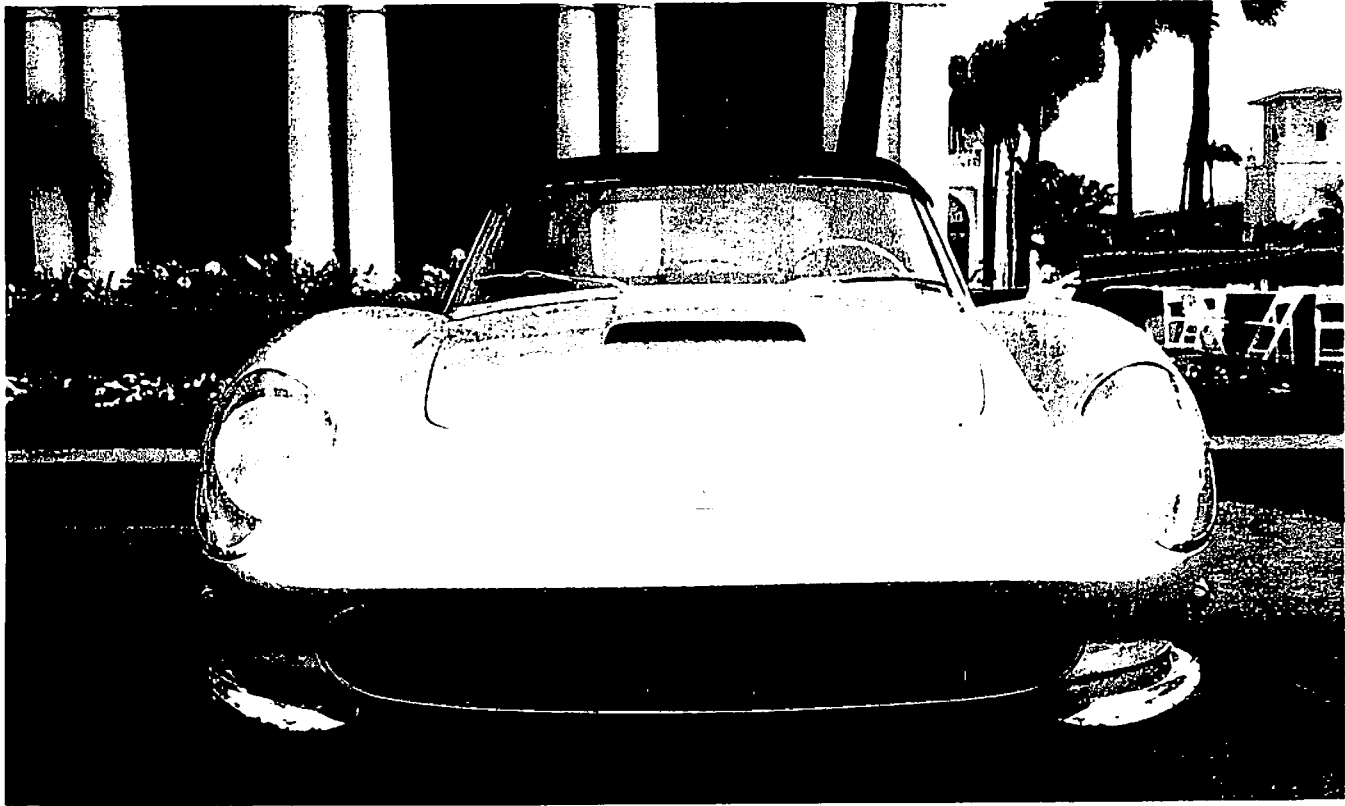
Picture 14



Picture 15



Picture 16



CERTIFICATE OF TITLE TO A MOTOR VEHICLE

DO NOT ACCEPT TITLE SHOWING ERASURE ALTERATION OR MUTATION

The State Highway Department certifies that the applicant herein named has been duly registered in the office of the Department as the lawful owner of the Motor Vehicle described below.

MAKE OF VEHICLE
FERRARI
YEAR MODEL BODY STYLE
1958 12DR
SERIAL NUMBER REG
NTF852 CAPACITY
PREVIOUS OWNER IN TONS

MOTOR OR VEHICLE IDENTIFICATION NUMBER
10799

WEIGHT
3000

INDEX NUMBER
5434916

TITLE NUMBER
56560922

DATE TITLE ISSUED
09/11/70

KI TT TUCKER JACKSONVILLE FLA

ORIGINAL

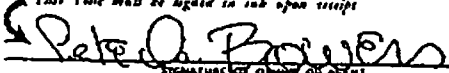
OWNER IF LIEN RECORDED:

BASE OF LIEN

LIEN HOLDER OR OWNER IF NO LIEN

NONE

**PETER A BOWERS
224 SAGE RD
HOUSTON, TEX 77027**

This Title must be signed in ink upon receipt

SIGNATURE OF OWNER OR AGENT

1ST LIEN RELEASED

DATE BY AUTHORIZED AGENT

DATE OF LIEN

NAME AND ADDRESS OF 2ND LIEN HOLDER

2ND LIEN RELEASED

DATE BY AUTHORIZED AGENT

The applicant has stated under oath that he is the owner of the above described motor vehicle, subject to the herein described lien and encumbrances and no others, and it appears upon the official records of the Department that at the date of the issuance of this certificate, said motor vehicle is subject to the liens hereinbefore enumerated.

KEEP THIS CERTIFICATE OF TITLE IN A SAFE PLACE

J. C. DINGWALL STATE HIGHWAY ENGINEER


R. W. TOWNSLEY, DIRECTOR MOTOR VEHICLE DIVISION

STATE OF TEXAS



European
Auto
Sales,
Inc.

PURCHASE AGREEMENT

DATE: April 3/89

MR. PETER BOWERS
3100 RICHMOND AVE. SUITE 305
HOUSTON, TX
77098
BUS. PHONE 713 520 5072 HM. PHONE 713 520 6350
TELEX TELEFAX

AUTOMOBILE PURCHASE FROM MR. PETER BOWERS.

YEAR: 1958 MAKE: FERRARI MODEL: 250 PF CABRIOLET
VEHICLE IDENTIFICATION NUMBER: 0799
LICENSE NUMBER: 365 VQU TX COLOR: SILVER

PURCHASE PRICE: \$680,000⁰⁰

OTHER: \$50,000⁰⁰ Deposit Rec'd. 4.3.89 \$685,000⁰⁰ AFTER 4.15.89 P.B.
BALANCE DUE IN 15-20 DAYS OR
SOONER.

WARRANTY / GUARANTEE: AS SEEN by GARRY ROBERTS

THIS AUTOMOBILE IS BEING SOLD AND DELIVERED EXCLUSIVELY UNDER THE
TERMS AND CONDITIONS OF THIS CONTRACT

Peter Bowers
SIGNATURE OF SELLER
as amended per tele. conv.

Garry Roberts
GARRY ROBERTS SALES MGR

1665 babcock street
costa mesa, ca 92627
(714) 642-0054
telex 299313 FERR UR
telefax (714) 642-1205



europaean
auto
sales,
inc.

PURCHASE AGREEMENT

DATE: April 3/89

MR. PETER BOWERS
3100 RICHMOND AVE. SUITE 305
HOUSTON, TX
77098
BUS. PHONE 713 520 5072 HM. PHONE 713 520 6350
TELEX TELEFAX

AUTOMOBILE PURCHASE FROM MR. PETER BOWERS.

YEAR: 1958 MAKE: FERRARI MODEL: 250 PF CABRIOLET

VEHICLE IDENTIFICATION NUMBER: 0799

LICENSE NUMBER: 365 VQU TX COLOR: SILVER

PURCHASE PRICE: \$680,000⁰⁰

OTHER: \$50,000⁰⁰ Deposit Rec'd.

BALANCE DUE IN 15-20 DAYS OR
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THIS AUTOMOBILE IS BEING SOLD AND DELIVERED EXCLUSIVELY UNDER THE
TERMS AND CONDITIONS OF THIS CONTRACT.

SIGNATURE OF SELLER

GARRY ROBERTS SALES MGR

1665 babcock street
costa mesa, ca 92627
(714) 642-0054
telex 299313 FERR UR
telefax (714) 642-1205

4.17.1989

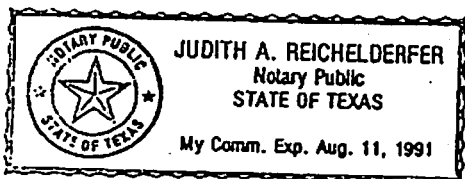
I, Peter A. Bowers, hereby sell
Ferrari number 0799 to
European Auto Sales, Inc.
in accordance with the
attached contract.

Peter A. Bowers

THE STATE OF TEXAS
COUNTY OF HARRIS

Before me, a Notary Public, on this day personally appeared
PETER A. BOWERS, known to me to be the person whose name is subscribed to
the foregoing instrument and acknowledged to me that he executed the same
for the purposes and consideration therein expressed.

Given under my hand and seal of office this the 17th day of April, 1989.



Judith A. Reichelderfer
JUDITH A. REICHELDERFER
Notary Public in and for Harris County, Texas

EUROPEAN AUTO SALES, INC.

10108

TO: LAWRENCE DIAZ

1ST PAYMENT ON FINDERS FEE FOR 1958 FERRARI 250
S/N 0799 STK# 1471

TOTAL AMOUNT: 7,000.00

EAS# 751

SS# 564-52-2107



europaen auto sales, inc.

1445 bobcock street
tel (714) 642-0034

costa mesa, ca 92627
fax (714) 642-1205

NATIONAL BANK OF SOUTHERN CALIFORNIA
SANTA ANA, CA 92704
80-3980-1222

10108

Pay to the order of

DATE AMOUNT
04-17-89 ***\$7,000.00***

SEVEN THOUSAND DOLLARS AND 00/100

LAWRENCE DIAZ

⑈010108⑈ ⑆2223980⑆ 01056⑈816⑈

EUROPEAN AUTO SALES, INC.

10109

TO: LAWRENCE DIAZ

2NS PAYMENT ON FINDERS FEE FOR 1958 FERRARI 250
S/N 0799 STK# 1471

TOTAL AMOUNT 3000.00
EAS# 751

SSF: 564-52-2107



europaen auto sales, inc.

1448 babcock street
tel (714) 642-0054

santa ana, ca 92704
fax (714) 642-1205

NATIONAL BANK OF SOUTHERN CALIFORNIA
SANTA ANA, CA 92704
90-3980-1222

10109

DATE

AMOUNT

04-17-89

\$3,000.00

Call
to the
order
of

THREE THOUSAND DOLLARS AND 00/100

LAWRENCE DIAZ

⑈010109⑈ ⑆122239801⑆ 01⑈056⑈816⑈

(21)

EUROPEAN AUTO SALES, INC.
INCOMING WIRE INFORMATION

DATE: 4/6/89
TIME: 4:00
BANK PERSONNEL: Cheryl

AMOUNT: \$ 120,000.00
CO. REMITTING: Indie Zenari
INSTRUCTIONS: Deposit on a/c # 1471,
'58 Fer. 250 PF Cabriolet,
sn 0799.
Full price - \$680,000.00

=====

FOR ACCOUNTING USE ONLY

=====

ACCOUNT	DEBIT	CREDIT

PREPARED BY: H. Anderson



European Auto Sales, Inc.

AUTOMOBILE PURCHASE INVOICE

DATE: April 21/89

MR. ZENARI
C/O BIRKART TRANSPORT AG
LEONHARDSSTRASSE 53
CH-4003 BASEL
SWITZERLAND

TEL: 41 61 22 82 55

CONFIRMATION OF AUTOMOBILE PURCHASE FROM OUR FIRM.

YEAR: 58 MAKE: Ferrari MODEL: 250 PF CABRIO

VEHICLE IDENTIFICATION NUMBER: 0799

LICENSE NUMBER: o/s COLOR: SILVER

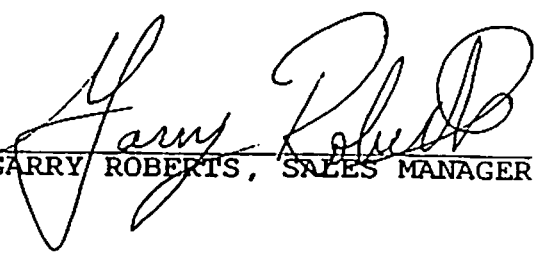
STOCK # 1471 PURCHASE PRICE: \$ 780,000⁰⁰

APPLICABLE CALIFORNIA STATE TAX: o/s

APPLICABLE CALIFORNIA LICENSE FEES: o/s

TOTAL: \$ 780,000⁰⁰

TERMS OF SALE: FOB EAS


GARRY ROBERTS, SALES MANAGER

1665 babcock street
costa mesa, ca 92627
(714) 642-0054
telex 299313 FERR UR
telefax (714) 642-1205

COMMISSION ON STK #1471, 1958 FERRARI 250 PF/CAB, 8MNO0799



EUROPEAN CONTINENTAL, INC.

1444 BAYVIEW BLVD
LOS ANGELES, CA 90044
TEL (213) 642-0254 FAX (213) 642-1202

NATIONAL BANK OF SOUTHERN CALIFORNIA
SANTA ANA, CA 92704
80-3980-1252

1030

Pay to the order of

THIRTY-FIVE THOUSAND FIVE-HUNDRED SIXTY & 00/100
W. SCHOCH PORSCHE SALES, INC.

DATE
5/15/89

AMOUNT
\$35,560.00

W. Harry E. Roberts
NOT NEGOTIABLE

⑈010301⑈ ⑈2223980⑈ 01⑈056⑈81⑈

EUROPEAN AUTO SALES, INC.

DISBURSEMENT REQUEST

AMOUNT:

\$ 35,560

CHECK DATE:

5/15/89

PAYABLE TO:

W. Schoch Porsche Sales

DESCRIPTION:

Commission 1958 Ferrari
250 PF Cabriolet Series 1 s/n 0799
ST # 1471

FOR ACCOUNTING USE ONLY

ACCOUNT	DEBIT	CREDIT

DELIVER CHECK:

MAIL CHECK:

PREPARED BY:

APPROVED BY:

GR

Elite



Diffusion

Classic & Sportcars

ELITE DIFFUSION
CH-3284 Fräschels

Fräschels, Switzerland, June 9, 2008

Confirmation – Statement regarding Ferrari 250 GT Cabriolet, Series 1, Pinin Farina Spider, 1957, Chassis No. 0799GT

Herby I Andreas Zenari, Swiss Citizen, Car dealer and owner of the company „Elite Diffusion“ located at Hauptstrasse, CH-3284 Fräschels in Switzerland, state and confirm that I have sold one Ferrari car 250 GT, Cabriolet, Series 1 Pinin Farina, Spider, 1957, with Chassis No. 0799GT to Dr. Andreas Gerber, resident at Bassbeltweg 26, CH-2542 Pieterlen, in Switzerland, on April 27, 1989.

The agreed selling price was fixed at 1'700'000.00 Swiss Francs and was paid cash by Dr. Andreas Gerber to me.

Additionally I can confirm that the above mentioned Ferrari car was bought by me from Michael W. Sheehan, European Auto Sales Inc., Costa Mesa, CA, USA, in early April 1989.

Further on I would also like to state, that Dr. Andreas Gerber was allowed to use my Swiss dealer licence plate No. "BE 838 U" in the year 1989 to drive the above mentioned Ferrari car.

I am informed that Dr. Gerber's Ferrari car has been stolen in Marbella, Spain, on July 7, 1993, where it was located in a warehouse of a bogus company.

Zenari

Andreas Zenari, Manager
Elite Diffusion

Elite  **Diffusion**

Classic & Sportcars
031 755 69 69 3284 Fräschels

Pictures of Mr. Paul „Barney“ Hallingby

Taken at a Ferrari auction in Maranello / Italy on May 18, 2008

Picture 1



Picture 2



 Gallery



Greenwich Concours d'Elegance

S/N	Model	Year	Exterior Color	Interior Color	Steering	Plates	F1	Owner
0355AL	375 America	1954	Green-dark red roof	dark red	LHD			Jack E. Thomas
0799GT	250PF Cabriolet	1958	Silver	bordeaux	LHD			Barney Hallingby
0817GT	250GT Coupe	1958	Red	tan	LHD			Christie's Auction
1663GT	250LWB California	1960	Red	black	LHD			Jeffrey Mamersky
2885GT	250GTE	1961	Red	tan	LHD			Len Miller
3469GT	250GT SWB Speciale	1962	Dark Red	tan	LHD	DNL 860		Nick Soprano
3747SA	400 Superamerica	1962	Navy Blue	bordeaux	LHD	PSK 1 (NY)		Peter Katkow
7817SF	500 Superfast	1965	Silver	red	LHD	282 SVM (CT)		David Letterman
?	330GTC	1967	Silver	black	LHD			Massimo Iori
?	330GTC	1967	Red	dark tan	LHD			Andrew Benenson
?	365GTC/4	1972	Silver	bordeaux	LHD			Zerius Seliokas
12127	365GTC	1969	Red	black	LHD			John Oricchio
4494	246GTS	1972	Green	tan	LHD			Eugene Giarratana
14833	365GTC/4	1972	Red	tan	LHD			Albert Crocca
15056	308GT4	1979	Red	cream	LHD			Donald Grossinger
41931	512BBi	1982	Black	cream	LHD			Charles Ancona
51563	308GTSi	1994	Red	tan	LHD			Frank Henjes
100666	F355 Berlinetta	1995	Dark Red	dark tan	LHD	LVMY 355		Henry Jemma
038	333SP	1998	Red	black	LHD			
116575	F355 Spider	1999	Red	tan	LHD	JEM 50 (NY)		John E. Mancuso
124403	550 Barchetta	2001	Red	cream	LHD	514 HTS (MS)		Carl Lopp & Filippo Pola
130728	Enzo Ferrari	2003	Red	red	LHD	PROVA M (NY)	F1	Eduardo R. Menasco
141557	F430 Spider	2005	Grey Silverstone	dark grey	LHD		F1	Miller Motorcars
00782	206GT	1967	Yellow	black	LHD	AMG 5218 (NY)		
21613	308GTB	1977	Black	tan	LHD	2 ENZO (CT)		
28977	400i Automatic	1979	Black	tan	LHD	DCF 8446 (CT)		
24401	308GTB	1977	Black	tan	LHD	DCF 7811 (NY)		

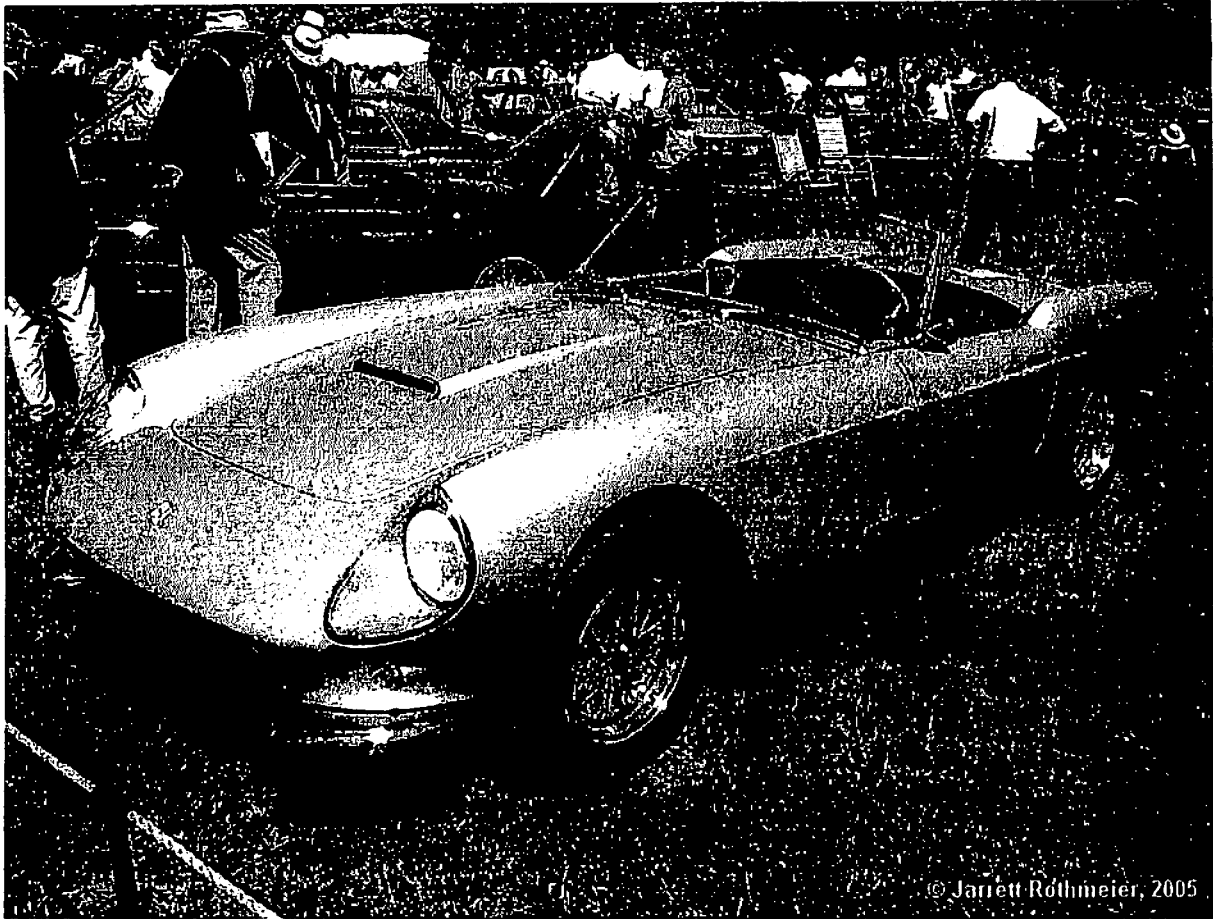


(1)

Greenwich Concours d'Elegance, Greenwich, Connecticut on June 5, 2005
Compiled by Jarrett Rothmeier

S/N	Model	Year	Exterior Color	Interior Color	Steering	Plates	F1
0355	AL 375 America	1954	Green-dark red roof	dark red	LHD		Jack E. Thomas
0799	GT 250PF Cabriolet	1958	Silver	bordeaux	LHD		Barney Hallingby
0817	GT 250GT Coupe	1958	Red	tan	LHD		Christie's Auction
1663	GT 250LWB California	1960	Red	black	LHD		Jeffrey Mamorsky
2885	GT 250GTE	1961	Red	tan	LHD		Len Miller
3469	GT 250GT SWB Speciale	1962	Dark Red	tan	LHD	DNL 860	Nick Soprano
3747	SA 400 Superamerica	1962	Navy Blue	bordeaux	LHD	PSK 1 (NY)	Peter Kalikow
7817	SF 500 Superfast	1965	Silver	red	LHD	282 SVM (CT)	David Letterman
?	330GTC	1967	Silver	black	LHD		Massimo Iori
?	330GTC	1967	Red	dark tan	LHD		Andrew Benenson
?	365GTC/4	1972	Silver	bordeaux	LHD		Zenius Seliokas
12127	365GTC	1969	Red	black	LHD		John Oricchio
4494	246GTS	1972	Green	tan	LHD		Eugene Giarratana
14833	365GTC/4	1972	Red	tan	LHD		Albert Crecca
15056	308GT4	1979	Red	cream	LHD		Donald Grossinger
41931	512BBi	1982	Black	cream	LHD		Charles Ancona
51563	308GTSi	1984	Red	tan	LHD		Frank Henjes
100666	F355 Berlinetta	1995	Dark Red	dark tan	LHD	LVMY 355	Henry Jedda
038	333SP	1998	Red	black	LHD		

11



© Jarrett Röllmeier, 2005

TITLE SPONSOR

Automobile

HIGHLIGHTS FROM THE 2005 GREENWICH CONCOURS D'ELEGANCE AND THE CONCOURS EUROPA

2005 GREENWICH-CONCOURS D'ELEGANCE AWARDS

BEST IN SHOW

Presented by Automobile Magazine
1929 Stutz - Ralph Marano, NJ

PEOPLE'S CHOICE

Presented by Automobile Magazine
1934 Duesenberg - Clark Rittersbach, NY

BEST AMERICAN HISTORIC AUTOMOBILE - PRE-1903

Presented by Automotive Restorations
1899 Locomobile Stanhope - Robert Mead, CT

BEST AMERICAN VINTAGE AUTOMOBILE - 1903-1906

1903 Pierce Arrow - John Hovey, NJ

BEST AMERICAN TOURING CAR - 1907-1915

1912 Buick - Michael J. and Karen Tomko, CT

BEST AMERICAN SPORTS/COMPETITION CAR - PRE-1913

1907 American Underslung - Van Horneff, NJ

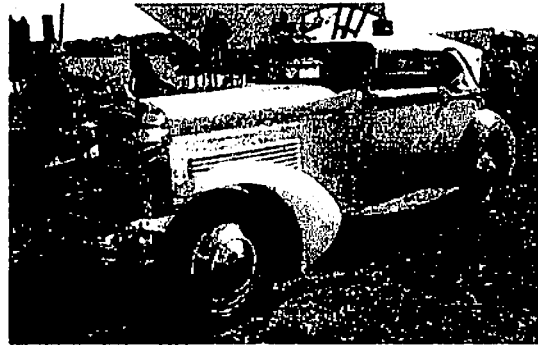
BEST AMERICAN SPORTS/COMPETITION CAR - 1913-1922

1913 Mercer T-Head 4 - Richard S. King, CT

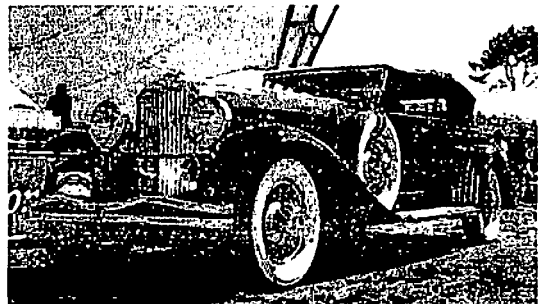
BEST AMERICAN TOURING CAR - 1916-1925

1925 Locomobile - Jack Teberg, CA

BEST AMERICAN TOURING CAR - 1926-1929



CONCOURS d'ELEGANCE
BEST IN SHOW
Presented by Automobile Magazine
1929 Stutz - Ralph Marano, NJ
Photo by Gregg Merksamer



1956 OSCA MT-4 TN - Michael Eitel, NY

CONCOURS EUROPA

Best Volkswagen

1970 Karman Ghia Convertible - Andrew Benenson,
CT

CONCOURS EUROPA

Best English Sports Car - 1946-1954

1954 Triumph TR2 - John Malinick, CT

CONCOURS EUROPA

Most Outstanding English Saloon - 1946-1960

1960 Jaguar Mk II - Darwin Dosch, PA

CONCOURS EUROPA

Best Italian Sports/Touring Car - 1946-1955

1953 Siata Daina GT 208C - Michael Schwartz, NY

CONCOURS EUROPA

Best German Sports/Touring Car - 1956-1961

1958 Porsche Speedster - Paul Dumrases, CT

CONCOURS EUROPA

Best Italian Sports/Touring Car - 1956-1957

1956 Lancia Aurelia Spyder - Richard Klein/Walter
Eisenstark, NY

CONCOURS EUROPA

Most Outstanding English Saloon - Post-1960

1969 Bristol 410 - Stephen Sparks, NY

CONCOURS EUROPA

Best Italian Sports/Touring Car - 1958-1961

1960 Ferrari 250 GT California Spyder - Jeff
Mamorsky, NY

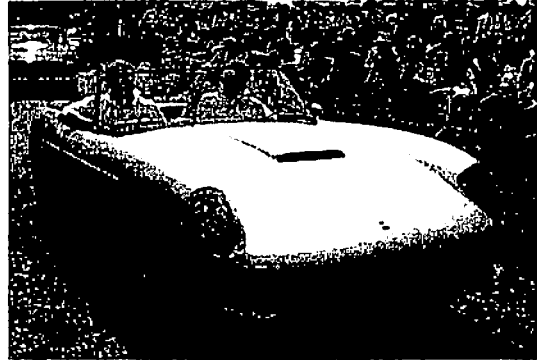
CONCOURS EUROPA

Most Outstanding Motorcycle - 1945-1960

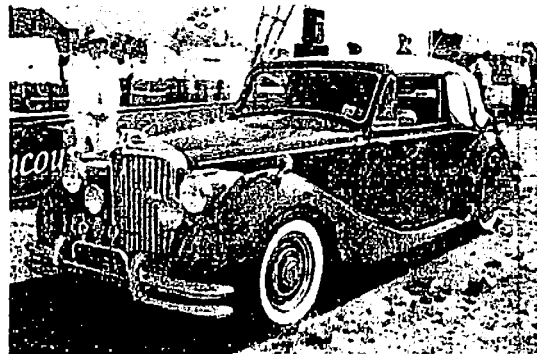
1955 Maserati Sport - Zachary Schulman, NY

CONCOURS EUROPA

Best German Sports/Touring Car - 1962-1967



CONCOURS EUROPA
MOST OUTSTANDING FERRARI
Presented by Ferrari North America
1958 Ferrari Series 1 - Barney Hallingby, CT
Photo by Gregg Merksamer



CONCOURS EUROPA - GRAND MARSHAL'S
AWARD

1955 MG TF1500 - Keith Reckling, NY

CONCOURS EUROPA - MOST OUTSTANDING
MERCEDES-BENZ

Melvin Milligan Award - Presented by Mercedes-Benz
USA

1960 Mercedes-Benz 300SL Roadster - Robert and
Tom Kurtz, CT

CONCOURS EUROPA - MOST OUTSTANDING
JAGUAR

Presented by Jaguar Cars North America

1951 Jaguar Mk V DHC - Kerry Robinson, NY

CONCOURS EUROPA - MOST OUTSTANDING
MASERATI

Presented by Maserati North America

1963 Maserati 3500 Frua - Thomas Coady, Jr.

CONCOURS EUROPA - MOST OUTSTANDING
FERRARI

Presented by Ferrari North America

1958 Ferrari Series 1 Cabriolet - Barney Hallingby, CT

CONCOURS EUROPA - MOST DISTINGUISHED
ROLLS-ROYCE

Presented by Rolls-Royce Motor Cars

1928 Rolls-Royce - J. Timothy Kelly, CT

CONCOURS EUROPA - FIRST SELECTMAN'S
AWARD

Presented by the Town of Greenwich

1971 Iso Griffo Series II - Byron LaMotte, MD

CONCOURS EUROPA - AWARD OF EXCELLENCE

1965 Ferrari Superfast - David Letterman, NY

CONCOURS EUROPA - AWARD OF EXCELLENCE

1954 Lancia Aurelia PF 200 - Iggy Franciamore, NY

CONCOURS EUROPA - AWARD OF EXCELLENCE

1949 Volkswagen Hebmuller-14A - Dan Arena, DE



[CLICK HERE TO RETURN TO ALL EVENTS](#)

The Fifth Annual FCA/NER Concorso Ferrari!

Date: 06/19/05

2005 Ferrari Club of America – New England Region Concorso
Ferrari

Featuring the Ferrari 275 GTB and the new F430

With a spectacular day last year, members, sponsors and spectators celebrated Father's Day in style. As with previous years, we enjoyed a wide range of Ferrari models and vintages brought for display by their owners. Trophy winners for 2004 included: Barney Hallingby's 1958 GT PF Cabriolet, Gary Lilienthal's 1957 250 GT Boano Coupe, David Letterman's 1951 212 Inter Ghia, Robert Rohrs' 1964 250 GT/Lusso, Ron Gaeta's 1963 250 GTE, Andrew Bass' 1987 412, Bruce Perrone's 1955 750 Monza, Joel Deluca's 1984 Boxer, Steve Clayton's 1987 328 and Mike Simonetta's 1985 308 GTS QV. The event celebrated Ferrari's 2+2s and we were very fortunate to have some fine examples on hand. A.J. Obara Jr.'s 1967 330, Michael Bayer's 1967 330 and Christopher Sanger's 1965 GT 2+2s all garnered awards. This, our fifth year of FCA/NER's Concorso Ferrari event, features 275s and the new 430.

As with previous years, a **procession of 40 Ferraris** will leave the Capitol in the morning to collect patients and former patients of Connecticut Children's Medical Center (CCMC). After providing them with a police-escorted tour of Hartford, the cars will return, dropping the children off to the warm welcome of exhibitors and spectators. The CCMC patients and their families will then proceed to a luncheon on the State Capitol lawn, while registrants enjoy a meal in the Capitol Building's rotunda space, catered by Azul, one of the area's premier restaurants.

Please join us this year for the parade, concours, judging, silent auction, live entertainment, delicious food and award ceremony. Over the past four years, **FCA/NER has donated \$195,000 benefiting CCMC's trauma center and other charities, including the various programs at the Village for Families & Children and the Autism Society of America.**

We have already received a presenting sponsorship and a number of Platinum sponsorships from area businesses. We ask that you consider making a donation along with your registration for the event to help these great causes.

Whether you join us to present your Ferrari for display in the show, or to meet up with fellow enthusiasts, or to help raise money to improve the lives of many children in need, your participation will help to ensure that this is a spectacular event! Please join us.

- David L. Friar, Chairman

Special hotel accommodations have been made. For details, or any questions, please contact:

David L. Friar, Chairman

FCA/NER's Concorso Ferrari Event
Phone: (860) 678-1291
Fax: (860) 677-5265
e-mail: dlf@friar.com

Programming & Hosting by [New Wave Industries, Inc.](#)

Translation of email from Mr. Marcel Massini, Ferrari expert from CH-8604 Volketswil, Switzerland, to Atty. Oliver Weber, dated May 1, 2008, 09:10 PM

In the original German document the relevant two paragraphs are marked and numbered with 1 and 2. They are translated below as follows:

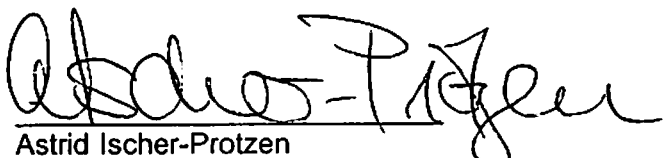
Paragraph No. 1

"I am still convinced that Mr. Scott Rosen very well knew about the (doubtful) provenance of the car, most probably from Frank Triarsi, owner of Classic Coach in New Jersey, and official Ferrari dealer."

Paragraph No. 2

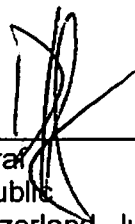
"I am certain that Hallingby knows about the (doubtful) provenance of the car. Furthermore, it made me very suspicious, that his mechanic/aid closed the hood of the car as quick as a flash when I was taking photographs of the chassis number at Cavallino Meeting in Palm Beach/FL in January 2001. He reacted too late, I had already taken the picture; but something like that actually never happens in the USA. In Europe it is different. In the USA car owners open the hoods of their cars voluntarily and without being asked and show everybody all the details."

I, Astrid Ischer-Protzen, born on April 8, 1954, with place of origin in Grossaffoltern / Switzerland, domiciled at Hinterdorf 6 in CH-2565 Jens, Switzerland, translator and English teacher for adults, certified by the University of Cambridge Local Examinations Syndicate / International Examinations, England, state and confirm that this English translation of the original German document, dated May 1, 2008, has been correctly and authentically translated from German into English.

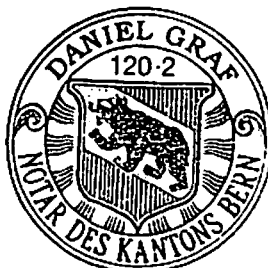


Astrid Ischer-Protzen
Translator / English teacher RSA-CTEFLA, University of Cambridge
Biel, Switzerland, July 3, 2008

I, Daniel Graf, Notary Public in the canton of Berne, Switzerland, hereby officially notarize and legalize the signature of Mrs. Astrid Ischer-Protzen according to Swiss law and the Den Hague Convention dated 10.05.1961.



Daniel Graf
Notary Public
Biel, Switzerland, July 3, 2008



APOSTILLE

(Convention de La Haya du 5 octobre 1961)

1. Country: Swiss Confederation, Canton of Berne

This public document

2. has been signed by Daniel Graf

3. acting in the capacity of Notary

4. bears the seal/stamp of Notary's office of the Canton of Berne

Certified

5. at Berne

6. the 4. 7. 2008

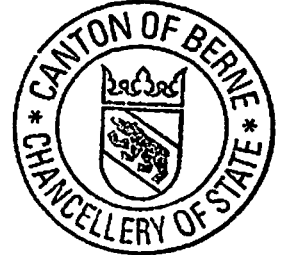
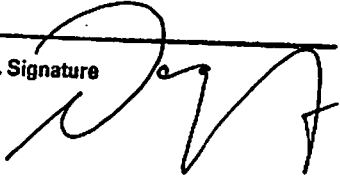
7. by Jörg Vogt

official of the Chancellery of State of the Canton of Berne

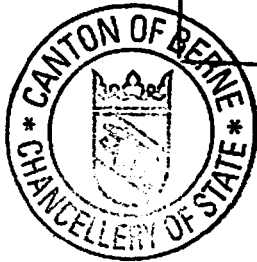
8. under number: 2583

9. Stamp/seal

10. Signature



Tax: CHF 14.-



30

Von: Marcel Massini [mailto:marcel@massini.cc]
Gesendet: Donnerstag, 1. Mai 2008 21:10
An: 'Oliver Weber'
Betreff: AW: Dr. Andreas Gerber, Diebstahl Ferrari 250 GT Cabriolet #0799 GT

Sehr geehrter Herr Weber

Danke für Ihr Mail.

Seit unserer Besprechung im Februar 2008 habe ich nichts mehr unternommen. Natürlich habe ich die verschiedenen Inserate gesehen und finde diese sehr gut.

Sowohl Gerald Roush vom Ferrari Market Letter, als auch John Barnes vom Cavallino Magazin haben mich vor der Publikation Ihrer Anzeigen beide angefragt, worum es in dieser Sache ging. Ich habe beiden erklärt, wie die Situation ist. Beides sind gute Freunde von mir, seit vielen Jahren.

Mit Nick Soprano hatte ich in Amelia Island/Florida am 8. März 2008 ein langes Gespräch (Mittagessen MM mit Soprano und Seth Rosner, einem Anwalt aus NY), nicht aber über diese Sache. Ich wollte den Inseraten nicht vorgreifen oder ihn irgendwie vorab informieren. Seither hatte ich mit ihm keinen Kontakt mehr. Ich gehe jedoch davon aus, dass ich ihn in den nächsten 3 Wochen sehen werde, weil im Monat Mai eine Reihe von sehr wichtigen Ferrari-Terminen anstehen, so u.a. in Monaco, an der Mille Miglia in Brescia und an der RM Auktion in Maranello am 18.5. Bestimmt wird Soprano überall an diesen Meetings teilnehmen, so wie auch ich dies tun werde.

Verschiedene Personen aus der Community haben sich geäußert zum Fall und eigentlich ist den meisten bekannt, wer das Auto hat (Hallingby).

[Paragraph 1] Ich bin nach wie vor überzeugt, dass Scott Rosen über die Herkunft des Autos sehr wohl Bescheid wusste, und zwar sehr wahrscheinlich von Frank Triarsi, Besitzer von Classic Coach in New Jersey, offizieller Ferrari-Händler.

Die Verhandlungen mit Rosen liegen 8 Jahre zurück, ich hatte nie mehr Kontakt mit ihm und weiss nicht, wie aktiv er heute noch ist. Da ich es mit Nick Soprano nicht verderben möchte, wäre mir daran gelegen, mich möglichst aus dieser Sache herauszuhalten. Soprano ist ein langjähriger Freund von mir und ein netter, ehrlicher Kerl.

[Paraph 2] Ich bin mir sicher, dass Hallingby über die Herkunft des Fahrzeugs Bescheid weiss. Ausserdem machte es mich sehr stutzig, dass sein Mechaniker/Helfer damals im Januar 2001 am Cavallino Meeting in Palm Beach/FL die Haube blitzschnell schliessen wollte, als ich die Chassisnummer etc fotografieren wollte. Er war zwar zu spät, hatte ich doch schon abgedrückt, aber so etwas kommt in den USA eigentlich überhaupt nie vor. In Europa ist das ganz anders. In den USA öffnen die Besitzer freiwillig und unaufgefordert die Motorhauben und zeigen alle und jedem was Sache ist, bis zum letzten Detail.

Freundliche Grüsse

Marcel Massini

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CH-8604 Volketswil (ZH)
Switzerland

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Fax +41 43 399 59 07
Mobile +41 79 356 22 92
E-Mail marcel@massini.cc

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'International sharks stole \$18m from widow'

By Henry Samuel in Paris
Last updated: 2:32 AM BST 20/10/2007

Five men described as a bunch of "international sharks" stood trial in Nice yesterday for defrauding the widow of a wealthy British man - described as a lord - of more than 18 million dollars.

Elsa Cooper, 69, prosecutors claimed, fell victim to group of international con men in the late 1990s. Bogus financial advisors put her in touch with a fake Arab prince interested in buying her two hotels, three apartments in Beaulieu-sur-Mer on the Cote d'Azur, a London flat and a Rolls Royce.

Her unnamed husband - a businessman and reportedly an aristocrat - had left Mrs Cooper, a former psychiatrist, a fortune when he died five years after their marriage in 1972.

The alleged mastermind of the operation, an Italian called Gianni Meninno, died in 2004.

He had put Mrs Cooper in touch with a man he described as a Swiss notary, as well as a fake Arab prince who turned out to be Israeli, and three financiers - a Belgian, a Spaniard and an Italian.

Described as odd and eccentric, Elsa believed the "financiers" who said they had a bona fide buyer but that she would have to give them power of attorney over the sale of the property and goods.

At first she believed their promises of payment, meeting them in Madrid, Lisbon, Liechtenstein and Marbella in Spain to receive her money. She only realised she had been tricked when she finally tried to cash in ten cheques only for them to be bounced. The bank said the money came from an armed robbery.

The prosecuting judge, Olivier Caracotch, described the group as a bunch of "international sharks," who "chose a rich widow who knows nothing about business, who they managed to flatter by serving her champagne and playing on her emotions."

He called for two and three year jail terms for the men.

The trial continues.

Story from Telegraph News:
<http://www.telegraph.co.uk/news/worldnews/1566804/%27International-sharks-stole-%2418m-from-widow%27.html>

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Insider View translated from the Spanish

Wednesday, 12 December 2007



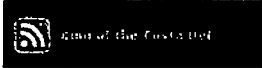
Marbella, a beach resort for the "jet set" now emerging as the hub for every mafia connection in Spain. Finally, there is a Swiss connection in the form of the Cultrera-Meninno scandal, which only leads back to Marbella, a beach resort for the "jet set" now emerging as the hub for every Mafia connection in Spain. Felice Cultrera and Gianni Meninno are under investigation in Geneva for fraud and money laundering. Felice Cultrera and Gianni Meninno are under investigation in Geneva for fraud and money laundering. They are also under investigation in Marbella by Judge Blanca Esther Diez, who has uncovered a group of attorneys and judges protecting them. They are also under investigation in Marbella by Judge Esther Blanca Diez, who has uncovered a group of attorneys and judges protecting them. Cultrera and Meninno, who are currently at large, set up corporate fronts in Gibraltar and then made a fortune by selling property that did not belong to them. Cultrera and Meninno, who are currently at large, set up corporate fronts in Gibraltar and then made a fortune by selling property that did not belong to them. Using forged documents, and protected by the Santapaola family of the Italian mafia, they sold the Marbella casino to Italian financier Gioachino del Din, as well as hotels and other real estate on the Costa del Sol. Using forged documents, and protected by the Santapaola family of the Italian Mafia, they sold the Marbella Casino to Italian financier of Gioachino Din, as well as hotels and other real estate on the Costa del Sol. When Spanish police seized Cultrera's address book, they found not only the names of Al-Kassar and Khashoggi, but also that of Philippe Junot, ex-husband of Princess Caroline of Monaco. When Spanish police seized Cultrera's address book, they found not only the names of Al-Kassar and Khashoggi, but also that of Philippe Junot, ex-husband

of Princess Caroline of Monaco. Junot's former lawyer, the Argentinean Alberto Mondino, has now become one of Al-Kassar's attorneys. Junot's former lawyer, the Argentinean Alberto Mondino, has now become one of Al-Kassar's attorneys. Also in the address book is the name of Marc Rich, a wealthy Hispanic-American businessman living in Switzerland and sought by the US Internal Revenue Service for tax evasion. Also in the address book is the name of Marc Rich, a wealthy Hispanic-American businessman living in Switzerland and sought by the U.S. Internal Revenue Service for tax evasion. Rich, too, has a villa in Marbella. Rich, too, has a villa in Marbella. Prosecutor Ansermet would like to know whether he can confiscate the frozen funds belonging to Al-Kassar in Switzerland, but neither Spanish judge Garzon, nor his colleague Carlos Bueren, has ever responded to Ansermet's legal query as to whether the Syrian's money is the fruit of drug trafficking. Prosecutor Ansermet would like to know whether he can confiscate the frozen funds belonging to Al-Kassar in Switzerland, but neither Spanish judge Garzon, nor his colleague Carlos Bueren, has ever responded to Ansermet's legal query as to whether the Syrian's money is the fruit of drug trafficking. Ansermet would also like to coordinate his investigations into Cultrera and Meninno with the Spanish judge handling that affair, but has yet to receive a response from Spain. Ansermet would also like to coordinate his investigations into Cultrera and Meninno with the Spanish judge handling that affair, but has yet to receive a response from Spain. This silence may point to problems with the Spanish investigation, or to a lack of confidence in Genevan investigators. This silence may point to problems with the Spanish investigation, or to a lack of confidence in Genevan investigators.

Posted by Crime Reporter at 11:10 



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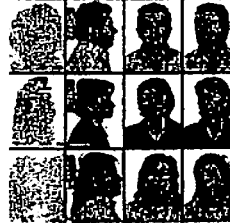
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Banged-Up Worldwide

Insider View translated from the Spanish

Wednesday, 12 December 2007



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>> Inicio / Gabinete de Prensa /
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 2001 / **La Policía de Málaga
 arresta a tres individuos
 promotores de una red
 internacional de
 estafadores a gran escala**

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Comisión Nacional Antiviolenencia

NOTA DE PRENSA

POLICIA madrid , 02/02/2001

Dos de ellos están reclamados por Interpol

La Policía de Málaga arresta a tres individuos promotores de una red internacional de estafadores a gran escala

Agentes del Cuerpo Nacional de Policía de la UDYCO de la Comisaria Provincial de Málaga, han detenido al italiano Gianni Meninno de 48 años y al finlandés Cedric R. A. Wrede de 40 años, así como del italiano Francesco Maneri de 49 años. Los dos primeros están reclamados por la autoridad suiza, a través de Interpol.

- > Fototeca
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- > Cronología
- > Terrorismo de ETA
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- > Otros Grupos Terroristas
- > Apoyo Víctimas Terrorismo
- Documentos
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- INFORMACIÓN SOBRE TRÁMITES
- ELECCIONES Y PARTIDOS POLÍTICOS
- EDUCACIÓN Y SEGURIDAD
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- POLICÍA
- GUARDIA CIVIL
- PROTECCIÓN CIVIL
- TRÁFICO

La Orden de Detención expedida por el Ministerio Público de Lugano (Suiza) por delito de estafa prevé una pena de hasta cinco años de reclusión. Meninno y Wrede, están acusados de haber estafado en 1999 en Lugano, Luxemburgo y Marbella, en el marco de una operación inmobiliaria millonaria a un empresario del que consiguieron una garantía de dos millones y medio de dólares USA por medio de un cheque a favor de otro implicado que fue ingresado en parte en una cuenta de Mennino, mientras que Cedric preparó los contratos falsos.

Las investigaciones policiales realizadas en Málaga han permitido determinar que estas operaciones se diseñaban con minuciosidad, incluyendo falsificaciones de documentos, usurpación de personalidad, cargos, títulos, etc., atribuyéndose la calidad de notario, abogado y financiero. Incluso en Suiza, intervinieron profesionales de esos gremios en complicidad con esta red.

Durante los casi seis meses que estuvieron los detenidos y sus colaboradores embaucando a las víctimas, no escatimaban lujos, despliegue de medios para deslumbrar y dar mayor apariencia de realidad al objeto de fingir que representaban los intereses de grandes empresas extranjeras (a veces de origen árabe). Como señuelo marcaban la necesidad de realizar la mayor parte de las gestiones económicas fuera de España con el fin de eludir impuestos.

Los responsables de esta organización delictiva, si el perjudicado descubría

finalmente sus intenciones no dudaban, en utilizar las amenazas y coacciones o agresiones físicas si lo consideraban necesario.

Otro de los perjudicados fue un empresario español propietario de una finca de Marbella valorado en mas de mil millones de pesetas, al cual consiguieron engañar, utilizando todos los implicados nombres falsos y desempeñando diferentes papeles para hacer más creíble la operación, presentando documentos notariales. En Enero de 1999 cuando Mennino tuvo conocimiento que el empresario vendía la finca comenzó a diseñar la operación de estafa contando para ello con la complicidad de al menos nueve personas mas, entre ellas los otros dos detenidos Francesco Maneri, alias Franco (cuñado de Mennino) y Cedric Wrede, así como un notario suizo que garantizaba el pago de la operación en aquel país. Para ganar la confianza de la víctima fueron en muchas ocasiones a hoteles de lujo en Madrid y Suiza.

A Meninno le constan antecedentes por estafa, insolvencia punible y contra la salud pública.

Ha sido conocida por los investigadores otra estafa por valor de mil millones de pesetas, contra un empresario italiano al que han perjudicado apropiándose de una fabrica, terreno y efectivos.

La operación policial continua abierta esperándose el arresto de los restantes responsables de esta red organizada.

Los detenidos han pasado a disposición Judicial, tramitándose la extradición de los dos primeros.

Para más información Gabinete de Prensa de la Comisaría Provincial de Málaga (teléfono: 95-204-63-07)

Esta información puede ser usada en parte o en su integridad sin necesidad de citar fuentes

Dirección General de Relaciones Informativas y Sociales
Ministerio del Interior
Paseo de la Castellana, 5
MADRID (ESPAÑA)
Teléfono: + 34 1 537 1251

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ESPAÑA

Martes, 13 de julio de 1999

EL MUNDO
PERIÓDICO

GIANNI MENINNO/MIEMBRO DEL «CLAN SANTAPAOLA»

Todo un clásico en los archivos policiales europeos

M.C/ A.R

La policía española sigue los pasos de Meninno desde principios de los años 80, época en la que ya elaboró, con la ayuda de sus colegas italianos, un informe sobre la llegada a Marbella de una sección del Clan Santapaola.

Meninno, que nació en Capri el 17 de julio de 1952 -dentro de unos días cumple 47 años- llegó a España como lugarteniente y testaferro de Felice Cultrera, señalado por la policía como el jefe del clan italiano en la Costa del Sol. Meninno aparece en varias de las sociedades de Cultrera, que luego fueron administradas por Juan Ramírez, el padre de la juez de Marbella. Así, el mafioso italiano figura como accionista o administrador de sociedades como Giamar, Menimar, Larashe Investment, Mardesol, Promociones Urbanas, que pasó a llamarse Talent Management... Estas sociedades constituyen un entramado financiero con conexiones con Gibraltar y otros paraísos fiscales.

Una nota informativa sobre Meninno, elaborada por el grupo de Delincuencia Internacional de Málaga, dice de él que «se trata de un individuo peligroso por sus actividades fraudulentas y relaciones con la Mafia, desde la óptica que podría tratar de evadirse, para lo cual podría poseer infraestructura en la Costa del Sol».

La Fiscalía Anticorrupción dejó muy claro, en su escrito enviado al CGPJ, quiénes eran los integrantes del clan Santapaola: «Felice Cultrera tiene antecedentes por el control de diversos casinos de juego, organización internacional de tráfico de estupefacientes, estafa, falsedad de títulos, extorsión, chantaje, amenazas, coacciones, blanqueo de dinero procedente del tráfico de heroína, tráfico de armas y es considerado en España responsable del clan Santapaola de

la Mafia, ayudado de Meninno y Salamini».

El ciudadano italiano tiene abiertos en España varios procesos judiciales por estafa y venta de coches robados. En 1991, la juez Blanca Esther Díez lo procesó en el caso Casino por estafar a un empresario italiano a quien pretendió vender el casino de Marbella sin ser propietario de la sociedad. En este proceso judicial también están implicados Cultrera y el padre de la juez Pilar Ramírez.

En 1995, fue nuevamente detenido, acusado por la policía italiana de participar en una organización que se dedicaba al tráfico de armas. El proceso se sigue en Italia.



Miércoles, 4 de abril de 2001
AÑO XIII.
NUMERO 4.144.

La prueba de la justicia consiste en determinar hasta qué punto es uno justo con aquellos que no lo son (Malcolm Forbes)

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ESPAÑA

El mafioso italiano Gianni Meninno se fuga de España

JOSE CARLOS VILLANUEVA. Corresponsal

MARBELLA.- Seis meses de intensas investigaciones de la policía española se han ido al traste después de que el presunto mafioso italiano Gianni Meninno -detenido el pasado 1 de febrero- se haya fugado de España. La titular del Juzgado Central 3 de la Audiencia Nacional, Teresa Palacios, decretó su libertad bajo fianza de dos millones de pesetas, a pesar de que sobre él pesaba una orden internacional de busca y captura por parte de la Fiscalía suiza, que había solicitado su extradición.

El fiscal no se opuso en ningún momento a la solicitud de los abogados del italiano, al estimar que éste tenía esposa y cinco hijos en España, así como «medios de vida y situación de arraigo» en este país, por lo que aparentemente no apreciaba riesgo de fuga.

Palacios sustituyó aquel día al titular del Juzgado Central 6, Juan del Olmo, que instruía todas las diligencias desde la detención de Meninno y otros miembros de la organización delictiva a la que las autoridades suizas le vinculan.

Gianni Meninno tenía la obligación de personarse todos los miércoles en la Audiencia Nacional y, de hecho, lo hizo en un par de ocasiones, pero cuando fue citado el pasado 22 de marzo para declarar ante el fiscal suizo de Lugano, Emanuele Stauffer, Meninno no acudió porque el día anterior se fugó, supuestamente a Italia, con documentación falsa.

La defensa de Meninno justificó que la salida de España del italiano se debió a que voluntariamente había viajado a Italia, aconsejado por su abogada italiana, para acatar una orden de extradición dictada por un tribunal de aquel país.

La puesta en libertad de este presunto miembro del clan mafioso de Santa Paolo, a quien el fiscal jefe anticorrupción, Carlos Jiménez Villarejo, incluyó en un informe como socio y cliente de algunos familiares de la ex juez decana de Marbella, Pilar Ramírez, ha provocado una gran sorpresa y malestar en la Fiscalía suiza del cantón italiano de Ticino.

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El fiscal anticorrupción documenta la relación de Gil y la familia Ramírez con la Mafia italiana

Ampliada la denuncia contra la juez de Marbella Pilar Ramírez ante el Poder Judicial

JOSÉ YOLDI - Madrid - 13/07/1999

Vota Resultado ★★★★★ 24 votos



El fiscal jefe anticorrupción, Carlos Jiménez Villarejo, documentó ayer la relación existente entre Jesús Gil, los mafiosos italianos de la familia Santapaola Felice Cultrera, Gianni Meninno y Ugo Giovanni Gianino y los familiares de la juez decana de Marbella, Pilar Ramírez, que asesoran jurídicamente a éstos. Jiménez Villarejo presentó ayer una ampliación de la denuncia interpuesta contra la magistrada Ramírez ante el Consejo General del Poder Judicial, cuyo Servicio de Inspección ya ha concluido una primera investigación con una propuesta verbal de separación del servicio y apertura de expediente por cinco faltas muy graves. La comisión disciplinaria se reunirá el lunes día 19.

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La magistrada Ramírez, en su calidad de decana, ha intentado por vía administrativa apartar al juez Santiago Torres del denominado *caso Atlético*, en el que Gil está acusado de estafa y malversación. El fiscal anticorrupción la ha recusado sin éxito y finalmente la ha denunciado ante el CGPJ. La

ampliación de la denuncia señala: "La relación entre M^a del Pilar Ramírez Balboteo y Jesús Gil y Gil, a través de los negocios entablados entre éste, a título particular, y también como Alcalde de Marbella, con los ciudadanos italianos Felice Cultrera, Gianni Meninno y Ugo Giovanni Gianino, quienes están asesorados jurídicamente por Juan Ramírez Rodríguez [padre de la juez], Juan Carlos Ramírez Balboteo [hermano de la magistrada] y Diego Jiménez Balboteo [primo carnal], está sobradamente acreditada y se desprende sin duda alguna del contenido de las Diligencias Previas 365/91 del Juzgado Central nº 5 de la Audiencia Nacional".

Tras señalar que también está acreditado que los familiares de la juez han venido apareciendo como socios, administradores o apoderados de las sociedades pertenecientes al grupo de los italianos, destaca que la relación entre Gil y la familia Ramírez se ha prolongado en el tiempo y se ha confirmado con los convenios urbanísticos suscritos entre el Ayuntamiento marbellí y las sociedades regentadas por éstos. De ahí infiere el fiscal anticorrupción el deber de la juez de abstenerse en los asuntos que afecten a Gil, lo que no hizo.

El fiscal recuerda que la relación entre Gil, los italianos y los familiares de la juez decana ha sido públicamente desmentida por el propio Gil y el padre de la magistrada en fechas recientes.

Sin embargo, según escrito presentado por Jiménez Villarejo, la información de la policía responde a la realidad y las vinculaciones por negocios "no sólo se desprende de la investigación seguida en su día por la Audiencia Nacional, sino que también encuentra acreditación documental".

Recalificación sospechosa

El fiscal anticorrupción precisa en el escrito que en las investigaciones policiales de la sociedad Milauto Marbella, por delito de receptación (venta de objetos robados) de coches de lujo se realizaron varios registros en locales de la empresa donde intervinieron numerosos documentos, muchos de los cuales pertenecían a Cultrera, Meninno y Gianino. La gerencia de Milauto correspondía a Gianino y su defensa jurídica a Diego Jiménez Balboteo. Entre la documentación incautada figuran las de sociedades del grupo: Giamar, Menimar, Bellantoni Puerto, Talent Management Services, Desjipo,

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Shoreman, Hythe, Larashe,... También, un informe-propuesta sobre un contrato de fecha 12 de agosto de 1992, con el membrete Shoreham Investments y el de Gianni Meninno, para la constitución de un holding que se denominaría Marbella España, entre un inversor extranjero que participaría con el 90% y el Ayuntamiento de Marbella, "cuyo Alcalde es Mr. Jesús Gil", con el restante 10%.

A los italianos les fue incautada igualmente una carta, que el fiscal aporta en la denuncia. Está escrita en inglés, con un encabezamiento del Club Financiero Inmobiliario, empresa de Gil, fechada el 1 de junio de 1992, dirigida al jeque Hassan Enany, y firmada por Juan Antonio Roca, persona de máxima confianza de Gil, y encargado de la gestión y planeamiento municipal del urbanismo.

La carta dice: "Su Excelencia, siguiendo la conversación telefónica mantenida entre Mr. Jesús Gil y HE Scheick Hassan Enany y en presencia de Mr. Meninno Gianni, Pastor Ramón y Roca Juan Antonio, le exponemos los puntos sobre el acuerdo alcanzado para su aprobación".

Entre los proyectos que se mencionan figuran:

- 1.- Recalificación de Holandalucía. Importe, 1.000 millones de pesetas.
- 2.- Transmisión de Green Land. Importe, 125 millones.
- 3.- Opción sobre las siguientes propiedades que, incluirá "la recalificación que el Ayuntamiento procurará asignar a las mismas durante la siguiente revisión del PGOU".
 - a) Puerto Deportivo Marina de Marbella, 4.000 millones.
 - b) Puerto Banús, 4.000 millones de pesetas.
 - c) Portillo, 400 millones.

También se ha aportado otra carta de Meninno a Enany con copia para Gil, en la que le explica que no necesita intermediarios para tratar con Gil, porque "es quien toma las decisiones".

En la denuncia se cita también el asunto *Belmosa*, una recalificación de un edificio de apartamentos situado en zona verde, en el que la decana apartó del caso al juez número 7 de Marbella.

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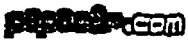
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La Fiscalía Anticorrupción vincula a la familia de la juez decana de Marbella con la mafia

También aporta pruebas de las relación económica directa de Jesús Gil con el padre y el hermano de la magistrada

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MADRID.- La Fiscalía Anticorrupción ha presentado una denuncia ante el Servicio de Inspección del Consejo General del Poder Judicial contra la juez decana de Marbella, Pilar Ramírez Balboteo, por considerar que la misma es responsable de faltas muy graves y se encuentra en situación de incompatibilidad por ejercer su cargo en una ciudad de menos de 100.000 habitantes en la que su familia desarrolla actividades profesionales y económicas.

En la misma denuncia la Fiscalía expone, basándose en informes policiales y judiciales, que "tanto el padre como el hermano de la magistrada decana han estado sirviendo como representantes, asesores y socios de un grupo vinculado al clan de Santapaola, familia dominante en Catania de la mafia siciliana, denominada Cosa Nostra" y que se dedica a "blanquear ingentes cantidades de dinero en la Costa del Sol".

También expone que el alcalde de Marbella, Jesús Gil y Gil, ha mantenido importantes relaciones con el hermano y el padre de la decana, así como con sus clientes, especialmente los italianos vinculados a la mafia.

Según el fiscal Anticorrupción, el desempeño del cargo de Pilar Ramírez es contrario a derecho porque lo ejerce en una plaza en la que su hermano Juan Carlos ejerce de abogado directamente y a través de su primo Diego Jiménez Balboteo, y también su padre, Juan Ramírez Rodríguez, sin titulación. Además, todos ellos, incluida su madre, Ascensión Balboteo Piña, poseen participaciones en sociedades mercantiles y realizan inversiones inmobiliarias, según expone el fiscal.

La denuncia explica que la Fiscalía denunció ya en 1996 a Pilar Ramírez ante el CGPJ por estos mismos hechos. Sin embargo, el Consejo archivó el expediente, porque ella alegó que Marbella tenía más de cien mil habitantes en un informe que presentó. Una semana después de presentar este informe, el Ayuntamiento de Marbella rectificó el padrón municipal y situó el número de habitantes en 102.050. Sin embargo, el Instituto Nacional de Estadística rechazó esta revisión y volvió a situar el censo en 98.377 personas.

La Fiscalía también denuncia que la magistrada ha incumplido el deber de abstención en las causas en las que existían intereses vinculados a sus familiares más próximos, oponiéndose a dar trámite a las recusaciones planteadas por este motivo por las partes.

Paraísos fiscales

En el escrito presentado ante el CGPJ se explica que la actividad profesional de la familia de la magistrada ha sido

denunciada en reiteradas ocasiones dando lugar a actuaciones de carácter disciplinario. Sin embargo, añade que dicha actividad no ha cesado, pero sí "se ha sumergido", sobre todo a partir de 1993, cuando el padre de la juez fue detenido por un delito de estafa junto a sus socios italianos que presuntamente están vinculados a la mafia siciliana.

La Fiscalía precisa que "todo parece indicar" que el padre, "al igual que su hijo y sobrino, mantienen la misma actividad profesional y mercantil en Marbella", pero "realizada mediante sociedades 'off shore' domiciliadas en Gibraltar, Panamá y otros paraísos fiscales" para "garantizar la máxima opacidad".

"Las relaciones comerciales -dice el escrito- de las sociedades asesoradas, administradas, participadas o representadas por Juan Carlos Ramírez y demás personas de su entorno profesional o familiar, se han desarrollado, en buena medida, con el Ayuntamiento" de Marbella. Entre ellas, cita a Giamar, Kermosa, Incar y Bellantoni Puerto.

Esta última, en la que figuraba como administrador único el padre de la juez decana, suscribió en 1993 un convenio con el Consistorio que afectaba a una superficie de 118.875 metros cuadrados, valorados en 1.262 millones de pesetas por la sociedad Tasaciones y Valoraciones, vinculada a Jesús Gil y Gil y presidida por el concejal marbellí del G.I.L. Sampietro Casarramona. El hermano de la magistrada figuraba como accionista de Bellantoni y de la sociedad panameña Diska Corporation Ltd.

Anticorrupción destaca, además de distintas operaciones urbanísticas, los socios de las empresas en las que los familiares de la magistrada prestaban servicios profesionales o eran accionistas.

Así por ejemplo explica que en Giamar, de la que era administrador único Juan Carlos Ramírez, el principal accionista es el ciudadano italiano Gianni Meninno. También aparecen como accionistas la mujer de éste y Ugo Giovanni Giannio.

En cuanto a Menimar, otra sociedad en la que el padre es administrador único, la Fiscalía afirma que está participada por la sociedad gibraltareña Larashe Investments, cuyo representante es el italiano Felice Cultrera. Otras sociedades, como Desjipo, Promociones Urbanas, Bahía de Bellantoni, Talent Management Services, Kermosa, Motorauto Marbella, Osais de Bellantoni, Kueris, Asbal, Jucamar, Fisher Island, aparecen representadas o participadas por familiares de la juez Decana, y a su vez, incluyen como accionistas o administradores a los ciudadanos italianos ya citados y a otro más, llamado Angelo Salamini.

Según la Fiscalía, estos últimos "han sido policial y judicialmente vinculados al clan de Santapaola. Así pues, parece que tanto el padre como el hermano y otros parientes de la magistrada decana han estado sirviendo como representantes, asesores y socios del grupo vinculado a la mafia siciliana destinado a blanquear ingentes cantidades de dinero de 'Cosa Nostra'".

Antecedentes

Además, el fiscal precisa que Gianinno tiene antecedentes por estafa y receptación y está relacionado con Felice Cultrera y Monzer Al Kassar. Cultrera, al que se considera responsable del clan de Santapaola, junto con su lugarteniente, Meninno, y Salamini, tiene antecedentes por el control de casinos de juego, tráfico de estupefacientes, estafa, falsedad de títulos, extorsión, chantaje, amenazas, coacciones, blanqueo de dinero

y tráfico de armas.

Por su parte, Mennino tiene antecedentes por delitos contra la libertad de expresión, insolvencia punible y estafa. Los antecedentes de Salamini se deben a bancarrota fraudulenta, estafa y tráfico de drogas.

Vinculado a los italianos también estaría, según la Fiscalía, Bernardino Torres Hernández, cliente de Juan Carlos Ramírez y vinculado por la Policía al cártel colombiano de Medellín. Torres realizó inversiones multimillonarias en la Costa del Sol, auxiliado por Ramírez, y fue condenado a quince años de prisión por introducir un alijo de 500 kilos de cocaína en España.

Otro cliente de los Ramírez, al que el padre avaló para obtener un préstamo bancario, fue Albert Chamas o Shamas, reclamado por las autoridades de Egipto por tráfico de drogas y por Francia por asesinato. Según la denuncia del fiscal, la relación de la familia de la decana con los ciudadanos italianos mencionados se mantiene en la actualidad, pero a través del despacho de su primo, Diego Jiménez, como lo pone de manifiesto la demanda presentada por éste en nombre de Gianino el 25 de abril de 1998 en el Juzgado de Primera Instancia de Marbella.

Recurso de la fiscalía del "caso Atlético"

Hoy también se ha hecho público que el fiscal Anticorrupción adscrito al "caso Atlético", Carlos Castresana, recurrirá el auto de la juez decana de Marbella, Pilar Ramírez, en el que se determina que el juez que instruye el caso, Santiago Torres, debía enviar a reparto la querrela que se presentó contra Jesús Gil mientras él desempeñaba funciones de guardia, según fuentes jurídicas.

El recurso, que se interpondrá ante el Pleno del Consejo General del Poder Judicial, se basará en que el titular del Juzgado de Instrucción número 7 de Marbella, que investiga el supuesto desvío de 450 millones de pesetas del Ayuntamiento de Marbella al Atlético de Madrid, actuó correctamente al no enviar a reparto la querrela que se presentó en su Juzgado el pasado 13 de octubre, puesto que ese mismo día registró el Consistorio marbelli y el estadio Vicente Calderón.

Según las fuentes citadas, la única forma de concluir que Torres actuó incorrectamente es determinar que los registros fueron improcedentes, puesto que, según las normas de reparto de los Juzgados marbellies, cuando se realiza una diligencia mientras el Juzgado está en funciones de guardia, el caso pasa a ser asumido por él.

Además, la Fiscalía criticará en su recurso que la juez decana de Marbella no diera traslado a las partes para que informaran al respecto, antes de resolver que el juez Torres asumió indebidamente el caso.

Por otra parte, es posible que la Fiscalía replantee la cuestión de la imparcialidad de la juez Pilar Ramírez al dictar el auto, puesto que ya fue recusada por el fiscal jefe de la Fiscalía Anticorrupción, Carlos Jiménez Villarejo, por las presuntas relaciones existentes entre su familia y Jesús Gil.

En este sentido, el propio Gil negó ayer haber tenido más relación con la juez decana de Marbella que el haber sido la única magistrada que le ha sentado en el banquillo por "un asunto de calumnias contra los comunistas".

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Sec. 53a-119. Larceny defined.

A person commits larceny when, with intent to deprive another of property or to appropriate the same to himself or a third person, he wrongfully takes, obtains or withholds such property from an owner. Larceny includes, but is not limited to:

(1) Embezzlement. A person commits embezzlement when he wrongfully appropriates to himself or to another property of another in his care or custody.

(2) Obtaining property by false pretenses. A person obtains property by false pretenses when, by any false token, pretense or device, he obtains from another any property, with intent to defraud him or any other person.

(3) Obtaining property by false promise. A person obtains property by false promise when, pursuant to a scheme to defraud, he obtains property of another by means of a representation, express or implied, that he or a third person will in the future engage in particular conduct, and when he does not intend to engage in such conduct or does not believe that the third person intends to engage in such conduct. In any prosecution for larceny based upon a false promise, the defendant's intention or belief that the promise would not be performed may not be established by or inferred from the fact alone that such promise was not performed.

(4) Acquiring property lost, mislaid or delivered by mistake. A person who comes into control of property of another that he knows to have been lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient is guilty of larceny if, with purpose to deprive the owner thereof, he fails to take reasonable measures to restore the property to a person entitled to it.

(5) Extortion. A person obtains property by extortion when he compels or induces another person to deliver such property to himself or a third person by means of instilling in him a fear that, if the property is not so delivered, the actor or another will: (A) Cause physical injury to some person in the future; or (B) cause damage to property; or (C) engage in other conduct constituting a crime; or (D) accuse some person of a crime or cause criminal charges to be instituted against him; or (E) expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt or ridicule; or (F) cause a strike, boycott or other collective labor group action injurious to some person's business; except that such a threat shall not be deemed extortion when the property is demanded or received for the benefit of the group in whose interest the actor purports to act; or (G) testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or (H) use or abuse his position as a public servant by performing some act within or related to his official duties, or by failing or refusing to perform an official duty, in such manner as to affect some person adversely; or (I) inflict any other harm which would not benefit the actor.

(6) Defrauding of public community. A person is guilty of defrauding a public community who (A) authorizes, certifies, attests or files a claim for benefits or reimbursement from a local, state or federal agency which he knows is false; or (B) knowingly accepts the benefits from a claim he knows is false; or (C) as an officer or agent of any public community, with intent to prejudice it, appropriates its property to the use of any person or draws any order upon its treasury or presents or aids in procuring to be allowed any fraudulent claim against such community. For purposes of this subdivision such order or claim shall be deemed to be property.

(7) Theft of services. A person is guilty of theft of services when: (A) With intent to avoid payment for restaurant services rendered, or for services rendered to him as a transient guest at a hotel, motel, inn, tourist cabin, rooming house or comparable establishment, he avoids such payment by unjustifiable failure or refusal to pay, by stealth, or by any misrepresentation of fact which he knows to be false; or (B) (i) with intent to obtain railroad, subway, bus, air, taxi or any other public transportation service without payment of the lawful charge therefor or to avoid payment of the lawful charge for such transportation service which has been rendered to him, he obtains such service or avoids payment therefor by force, intimidation, stealth, deception or mechanical tampering, or by unjustifiable failure or refusal to pay, or (ii) with intent to obtain the use of equipment, including a motor vehicle, without payment of the lawful charge therefor, or to avoid payment of the lawful charge for such use which has been permitted him, he obtains such use or avoids such payment therefor by means of any false or fraudulent representation, fraudulent concealment, false pretense or personation, trick, artifice or device, including, but not limited to, a false representation as to his name, residence, employment, or driver's license; or (C) obtaining or having control over labor in the employ of another person, or of business, commercial or industrial equipment or facilities of another person, knowing that he is not entitled to the use thereof, and with intent to derive a commercial or other substantial benefit for himself or a third person, he uses or diverts to the use of himself or a third person such labor, equipment or facilities.

(8) Receiving stolen property. A person is guilty of larceny by receiving stolen property if he receives, retains, or disposes of stolen property knowing that it has probably been stolen or believing that it has probably been stolen, unless the property is received, retained or disposed of with purpose to restore it to the owner. A person who accepts or receives the use or benefit of a public utility commodity which customarily passes through a meter, knowing such commodity (A) has been diverted therefrom, (B) has not been correctly registered or (C) has not been registered at all by a meter, is guilty of larceny by receiving stolen property.

Sec. 53a-122. Larceny in the first degree: Class B felony. (a) A person is guilty of larceny in the first degree when he commits larceny, as defined in section 53a-119, and: (1) The property or service, regardless of its nature and value, is obtained by extortion, (2) the value of the property or service exceeds ten thousand dollars, (3) the property consists of a motor vehicle, the value of which exceeds ten thousand dollars, or (4) the property is obtained by defrauding a public community, and the value of such property exceeds two thousand dollars.

(b) For purposes of this section, "motor vehicle" means any motor vehicle, construction equipment, agricultural tractor or farm implement or major component part of any of the above. In any prosecution under subdivision (3) of subsection (a) of this section, evidence of (1) forcible entry, (2) forcible removal of ignition, or (3) alteration, mutilation or removal of a vehicle identification number shall be prima facie evidence (A) that the person in control or possession of such motor vehicle knows or should have known that such motor vehicle is stolen, and (B) that such person possesses such motor vehicle with larcenous intent.

(c) Larceny in the first degree is a class B felony.

(1969, P.A. 828, S. 124; 1971, P.A. 871, S. 25; P.A. 73-639, S. 7; P.A. 81-248, S. 1; 81-351, S. 3; P.A. 82-271, S. 1; P.A. 86-275, S. 1; P.A. 92-260, S. 51; P.A. 00-103, S. 1.)

History: 1971 act deleted detailed description of extortionist acts in Subsec. (a)(1), i.e. threat of physical injury, damage to property, etc., and made first degree larceny a Class C, rather than a Class D, felony; P.A. 73-639 made first degree larceny a Class B felony; P.A. 81-248 amended Subsec. (a) to clarify the proscribed conduct; P.A. 81-351 included property consisting of a motor vehicle having a value exceeding two thousand dollars in the definition of larceny in the first degree inserted new Subsec. (b) enumerating conditions constituting prima facie evidence of a larcenous intent in regard to motor vehicles and relettered former Subsec. (b) accordingly; P.A. 82-271 amended Subdiv. (2) of Subsec. (a) by increasing from two to ten thousand dollars the value of the property or service obtained and by adding Subdiv. (4) concerning defrauding a public community; P.A. 86-275 amended Subdiv. (3) of Subsec. (a) to increase the value of a motor vehicle subject to the section from in excess of two thousand dollars to in excess of ten thousand dollars; P.A. 92-260 made a technical change in Subdiv. (3) of Subsec. (a) by rephrasing language; P.A. 00-103 made technical changes in Subsecs. (a) and (b) and amended Subsec. (b) by defining "motor vehicle" and by adding provisions re prima facie evidence of knowledge that vehicle is stolen and possession of vehicle with larcenous intent.

Inference based on possession of recently stolen property (driver versus passenger of motor van containing stolen property); meaning of "possession." 171 C. 119, 127. Mere presence of passenger in vehicle containing stolen goods is insufficient to support conviction. Id., 127.

Cited. 174 C. 253, 254. Cited. Id., 338, 339. Cited. 183 C. 383. Cited. 186 C. 648, 649. Cited. 188 C. 715, 722. Cited. 189 C. 717, 718. Cited. 190 C. 559, 560. Cited. 194 C. 361, 362. Cited. 196 C. 185. Cited. 197 C. 201, 203. Cited. Id., 247, 262. Cited. 199 C. 30, 32. Cited. Id., 207, 223, 224. Cited. 202 C. 86. Cited. 204 C. 52. Cited. 213 C. 233, 236. Cited. 224 C. 711, 713. Cited. 237 C. 501. Cited. 241 C. 413. Cited. Id., 439.

Cited. 3 CA 359, 362. Cited. 5 CA 113, 114. Cited. Id., 347, 348. Cited. 6 CA 164, 165. Cited. 7 CA 326, 331, 334, 336. Cited. Id., 532, 533. Cited. 9 CA 349, 351. Cited. 12 CA 585, 587. Cited. 14 CA 272, 278. Cited. 20 CA 810. Cited. 21 CA 431, 436. Cited. 29 CA 843, 860. Cited. 34 CA 599, 600. Cited. Id., 751, 766; judgment reversed, see 233 C. 211 et seq. Cited. 36 CA 364, 374. Cited. 37 CA 40, 42, 50, 51. Cited. 45 CA 455.

Cited. 31 CS 501.

Subsec. (a):

Subdiv. (2) cited. 169 C. 581; 176 C. 239, 242; 177 C. 243. Subdiv. (1) cited. 178 C. 427, 429. Subdiv. (2) cited. 178 C. 163, 164, 166, 169; id., 416, 417, 419; id., 480, 481; id., 649, 650; 180 C. 182; id., 662, 663, 665. 181 C. 172, 173, 177, 182; id., 254, 255; id., 299, 300, 311; 182 C. 52, 54, 62. Subdiv. (2) cited. 183 C. 225; 185 C. 211, 212; 188 C. 671, 674, 676; id., 681, 682; id., 715, 716; Subdiv. (1) cited. 189 C. 114, 115. Subdiv. (2) cited. Id., 201, 202; id., 337, 339; id., 383, 385; 190 C. 541, 542; 192 C. 405, 407, 472. Subdiv. (2) cited. 195 C. 421, 422. Subdiv. (2) cited. 196 C. 225, 227, 228, 230. Subdiv. (3) cited. 197 C. 17, 18. Subdiv. (2) cited. Id., 247, 248. Subdiv. (2) cited. Id., 413, 415. Subdiv. (2) cited. Id., 629, 630. Subdiv. (2) cited. 198 C. 348, 350, 351. Subdiv. (2) cited. Id., 369, 370. Subdiv. (2) cited. 199 C. 14, 16. Subdiv. (2) cited. Id., 207, 208. Subdiv. (2) cited. 208 C. 420, 421. Subdiv. (3) cited. 214 C. 132, 133; Id., 717, 720. Subdiv. (2) cited. 218 C. 151, 152; 219 C. 93, 95. Subdiv. (3) cited. 221 C. 685, 687. Subdiv. (3) cited. 227 C. 611, 612. Subdiv. (3) cited. 232 C. 691, 693. Subdiv. (4) cited. 233 C. 527, 528, 530. Subdiv. (2) cited. Id., 552, 554. Cited. 235 C. 502, 517. Cited. 242 C. 345.

Subdiv. (2) cited. 3 CA 359, 360, 365. Subdiv. (3) cited. Id., 633, 634. Subdiv. (2) cited. 4 CA 251. Subdiv. (2) cited. 5 CA 129-131. Subdiv. (2) cited. 7 CA 292. Subdiv. (2) cited. Id., 326, 331-333. Subdiv. (4) cited. Id., 326, 328, 331-333. Subdiv. (2) cited. Id., 445, 446. Subdiv. (3) cited. 8 CA 125, 141. Subdiv. (2) cited. Id., 376, 377. Subdiv. (2) cited. 9 CA 121, 122. Cited. Id., 313, 319. Subdiv. (2) cited. Id., 365. Subdiv. (2) cited. 10 CA 447, 448, 451. Subdiv. (2) cited. 11 CA 684, 685, 689. Subdiv. (2) cited. 13 CA 576, 577. Subdiv. (2) cited. 15 CA 416, 417. Subdiv. (3) cited. Id. Subdiv. (2) cited. 16 CA 402, 403. Subdiv. (3) cited. Id. Subdiv. (2) cited. 17 CA 50, 51. Subdiv. (1) cited. Id., 359, 360. Subdiv. (4) cited. Id., 486, 487. Subdiv. (2) cited. 20 CA 354, 355. Subdiv. (2) cited. Id., 665, 666. Subdiv. (1) cited. Id., 386, 387. Subdiv. (1) cited. 22 CA 449, 450. Subdiv. (2) cited. 24 CA 502, 503. Subdiv. (3) cited. 25 CA 149, 150; Id., 181, 182; 26 CA 279, 280. Cited. 28 CA 306-308. Subdiv. (2) cited. Id., 306, 308. Subdiv. (2) cited. Id., 521, 522, 525-527, 530. Subdiv. (4) cited. Id., 521, 522, 525, 527, 530. Subdiv. (3) cited. 29 CA 394, 396. Subdiv. (2) cited. 30 CA 190, 191. Subdiv. (2) cited. 31 CA 614, 617. Subdiv. (2) cited. 33 CA 368, 369. Subdiv. (4) cited. 34 CA 694, 695, 699, 701, 702. Cited. Id., 751, 753; judgment reversed, see 233 C. 211 et seq. Subdiv. (2) cited. Id., 751, 753, 758; judgment reversed, see 233 C. 211 et seq. Subdiv. (2) cited. 35 CA 566-568. Subdiv. (1) cited. Id., 740, 742. Subdiv. (2) cited. 36 CA 774, 775. Subdiv. (2) cited. 37 CA 40-42, 51. Subdiv. (3) cited. Id., 589, 594. Subdiv. (3) cited. Id., 619, 621. Cited. 38 CA 481, 482. Subdiv. (2) cited. Id., 643, 645, 653. Subdiv. (3) cited. 39 CA 96, 97, 103. Subdiv. (2) cited. 41 CA 695, 696. Subdiv. (2) cited. 43 CA 499. Subdiv. (4) cited. 44 CA 187. Subdiv. (3) cited. Id., 476. Cited. 45 CA 455. Subdiv. (2) cited. 47 CA 1.

Subsec. (b):

Cited. 182 C. 52, 62.

[\(Return to TOC\)](#) [\(Return to Chapters\)](#) [\(Return to Titles\)](#)

Sec. 53a-123. Larceny in the second degree: Class C felony.

(a) A person is guilty of larceny in the second degree when he commits larceny, as defined in section 53a-119, and: (1) The property consists of a motor vehicle, the value of which exceeds five thousand dollars, (2) the value of the property or service exceeds five thousand dollars, (3) the property, regardless of its nature or value, is taken from the person of another, (4) the property is obtained by defrauding a public community, and the value of such property is two thousand dollars or less, or (5) the property, regardless of its nature or value, is obtained by embezzlement, false pretenses or false promise and the victim of such larceny is sixty years of age or older or is blind or physically disabled, as defined in section 1-1f.

(b) For purposes of this section, "motor vehicle" means any motor vehicle, construction equipment, agricultural tractor or farm implement or major component part of any of the above. In any prosecution under subdivision (1) of subsection (a) of this section, evidence of (1) forcible entry, (2) forcible removal of ignition, or (3) alteration, mutilation or removal of a vehicle identification number shall be prima facie evidence (A) that the person in control or possession of such motor vehicle knows or should have known that such motor vehicle is stolen, and (B) that such person possesses such motor vehicle with larcenous intent.

(c) Larceny in the second degree is a class C felony.

Sec. 53a-119. Larceny defined.

A person commits larceny when, with intent to deprive another of property or to appropriate the same to himself or a third person, he wrongfully takes, obtains or withholds such property from an owner. Larceny includes, but is not limited to:

- (1) **Embezzlement.** A person commits embezzlement when he wrongfully appropriates to himself or to another property of another in his care or custody.
- (2) **Obtaining property by false pretenses.** A person obtains property by false pretenses when, by any false token, pretense or device, he obtains from another any property, with intent to defraud him or any other person.
- (3) **Obtaining property by false promise.** A person obtains property by false promise when, pursuant to a scheme to defraud, he obtains property of another by means of a representation, express or implied, that he or a third person will in the future engage in particular conduct, and when he does not intend to engage in such conduct or does not believe that the third person intends to engage in such conduct. In any prosecution for larceny based upon a false promise, the defendant's intention or belief that the promise would not be performed may not be established by or inferred from the fact alone that such promise was not performed.
- (4) **Acquiring property lost, mislaid or delivered by mistake.** A person who comes into control of property of another that he knows to have been lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient is guilty of larceny if, with purpose to deprive the owner thereof, he fails to take reasonable measures to restore the property to a person entitled to it.
- (5) **Extortion.** A person obtains property by extortion when he compels or induces another person to deliver such property to himself or a third person by means of instilling in him a fear that, if the property is not so delivered, the actor or another will: (A) Cause physical injury to some person in the future; or (B) cause damage to property; or (C) engage in other conduct constituting a crime; or (D) accuse some person of a crime or cause criminal charges to be instituted against him; or (E) expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt or ridicule; or (F) cause a strike, boycott or other collective labor group action injurious to some person's business; except that such a threat shall not be deemed extortion when the property is demanded or received for the benefit of the group in whose interest the actor purports to act; or (G) testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or (H) use or abuse his position as a public servant by performing some act within or related to his official duties, or by failing or refusing to perform an official duty, in such manner as to affect some person adversely; or (I) inflict any other harm which would not benefit the actor.
- (6) **Defrauding of public community.** A person is guilty of defrauding a public community who (A) authorizes, certifies, attests or files a claim for benefits or reimbursement from a local, state or federal agency which he knows is false; or (B) knowingly accepts the benefits from a claim he knows is false; or (C) as an officer or agent of any public community, with intent to prejudice it, appropriates its property to the use of any person or draws any order upon its treasury or presents or aids in procuring to be allowed any fraudulent claim against such community. For purposes of this subdivision such order or claim shall be deemed to be property.
- (7) **Theft of services.** A person is guilty of theft of services when: (A) With intent to avoid payment for restaurant services rendered, or for services rendered to him as a transient guest at a hotel, motel, inn, tourist cabin, rooming house or comparable establishment, he avoids such payment by unjustifiable failure or refusal to pay, by stealth, or by any misrepresentation of fact which he knows to be false; or (B) (i) with intent to obtain railroad, subway, bus, air, taxi or any other public transportation service without payment of the lawful charge therefor or to avoid payment of the lawful charge for such transportation service which has been rendered to him, he obtains such service or avoids payment therefor by force, intimidation, stealth, deception or mechanical tampering, or by unjustifiable failure or refusal to pay, or (ii) with intent to obtain the use of equipment, including a motor vehicle, without payment of the lawful charge therefor, or to avoid payment of the lawful charge for such use which has been permitted him, he obtains such use or avoids such payment therefor by means of any false or fraudulent representation, fraudulent concealment, false pretense or personation, trick, artifice or device, including, but not limited to, a false representation as to his name, residence, employment, or driver's license; or (C) obtaining or having control over labor in the employ of another person, or of business, commercial or industrial equipment or facilities of another person, knowing that he is not entitled to the use thereof, and with intent to derive a commercial or other substantial benefit for himself or a third person, he uses or diverts to the use of himself or a third person such labor, equipment or facilities.
- (8) **Receiving stolen property.** A person is guilty of larceny by receiving stolen property if he receives, retains, or disposes of stolen property knowing that it has probably been stolen or believing that it has probably been stolen, unless the property is received, retained or disposed of with purpose to restore it to the owner. A person who accepts or receives the use or benefit of a public utility commodity which customarily passes through a meter, knowing such commodity (A) has been diverted therefrom, (B) has not been correctly registered or (C) has not been registered at all by a meter, is guilty of larceny by receiving stolen property.

Sec. 53a-122. Larceny in the first degree: Class B felony. (a) A person is guilty of larceny in the first degree when he commits larceny, as defined in section 53a-119, and: (1) The property or service, regardless of its nature and value, is obtained by extortion, (2) the value of the property or service exceeds ten thousand dollars, (3) the property consists of a motor vehicle, the value of which exceeds ten thousand dollars, or (4) the property is obtained by defrauding a public community, and the value of such property exceeds two thousand dollars.

(b) For purposes of this section, "motor vehicle" means any motor vehicle, construction equipment, agricultural tractor or farm implement or major component part of any of the above. In any prosecution under subdivision (3) of subsection (a) of this section, evidence of (1) forcible entry, (2) forcible removal of ignition, or (3) alteration, mutilation or removal of a vehicle identification number shall be prima facie evidence (A) that the person in control or possession of such motor vehicle knows or should have known that such motor vehicle is stolen, and (B) that such person possesses such motor vehicle with larcenous intent.

(c) Larceny in the first degree is a class B felony.

(1969, P.A. 828, S. 124; 1971, P.A. 871, S. 25; P.A. 73-639, S. 7; P.A. 81-248, S. 1; 81-351, S. 3; P.A. 82-271, S. 1; P.A. 86-275, S. 1; P.A. 92-260, S. 51; P.A. 00-103, S. 1.)

History: 1971 act deleted detailed description of extortionist acts in Subsec. (a)(1), i.e. threat of physical injury, damage to property, etc., and made first degree larceny a Class C, rather than a Class D, felony; P.A. 73-639 made first degree larceny a Class B felony; P.A. 81-248 amended Subsec. (a) to clarify the proscribed conduct; P.A. 81-351 included property consisting of a motor vehicle having a value exceeding two thousand dollars in the definition of larceny in the first degree inserted new Subsec. (b) enumerating conditions constituting prima facie evidence of a larcenous intent in regard to motor vehicles and relettered former Subsec. (b) accordingly; P.A. 82-271 amended Subdiv. (2) of Subsec. (a) by increasing from two to ten thousand dollars the value of the property or service obtained and by adding Subdiv. (4) concerning defrauding a public community; P.A. 86-275 amended Subdiv. (3) of Subsec. (a) to increase the value of a motor vehicle subject to the section from in excess of two thousand dollars to in excess of ten thousand dollars; P.A. 92-260 made a technical change in Subdiv. (3) of Subsec. (a) by rephrasing language; P.A. 00-103 made technical changes in Subsecs. (a) and (b) and amended Subsec. (b) by defining "motor vehicle" and by adding provisions re prima facie evidence of knowledge that vehicle is stolen and possession of vehicle with larcenous intent.

Inference based on possession of recently stolen property (driver versus passenger of motor van containing stolen property); meaning of "possession." 171 C. 119, 127. Mere presence of passenger in vehicle containing stolen goods is insufficient to support conviction. Id., 127. Cited. 174 C. 253, 254. Cited. Id., 338, 339. Cited. 183 C. 383. Cited. 186 C. 648, 649. Cited. 188 C. 715, 722. Cited. 189 C. 717, 718. Cited. 190 C. 559, 560. Cited. 194 C. 361, 362. Cited. 196 C. 185. Cited. 197 C. 201, 203. Cited. Id., 247, 262. Cited. 199 C. 30, 32. Cited. Id., 207, 223, 224. Cited. 202 C. 86. Cited. 204 C. 52. Cited. 213 C. 233, 236. Cited. 224 C. 711, 713. Cited. 237 C. 501. Cited. 241 C. 413. Cited. Id., 439.

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Subsec. (a):

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Subsec. (b):

Cited. 182 C. 52, 62.

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Sec. 53a-123. Larceny in the second degree: Class C felony.

(a) A person is guilty of larceny in the second degree when he commits larceny, as defined in section 53a-119, and: (1) The property consists of a motor vehicle, the value of which exceeds five thousand dollars, (2) the value of the property or service exceeds five thousand dollars, (3) the property, regardless of its nature or value, is taken from the person of another, (4) the property is obtained by defrauding a public community, and the value of such property is two thousand dollars or less, or (5) the property, regardless of its nature or value, is obtained by embezzlement, false pretenses or false promise and the victim of such larceny is sixty years of age or older or is blind or physically disabled, as defined in section 1-1f.

(b) For purposes of this section, "motor vehicle" means any motor vehicle, construction equipment, agricultural tractor or farm implement or major component part of any of the above. In any prosecution under subdivision (1) of subsection (a) of this section, evidence of (1) forcible entry, (2) forcible removal of ignition, or (3) alteration, mutilation or removal of a vehicle identification number shall be prima facie evidence (A) that the person in control or possession of such motor vehicle knows or should have known that such motor vehicle is stolen, and (B) that such person possesses such motor vehicle with larcenous intent.

(c) Larceny in the second degree is a class C felony.

(1969, P.A. 828, S. 125; 1971, P.A. 871, S. 26; P.A. 73-639, S. 8; P.A. 81-248, S. 2; 81-263, S. 2; 81-351, S. 4; 81-472, S. 152, 159; P.A. 82-271, S. 2; P.A. 86-275, S. 2; P.A. 97-180; P.A. 00-103, S. 2.)

History: 1971 act applied second degree larceny to cases where property is a motor vehicle and made second degree larceny a Class D felony rather than a Class A misdemeanor; P.A. 73-639 specified that taking property, regardless of its nature or value, from another's person is second degree larceny; P.A. 81-248 amended Subsec. (a) to clarify the proscribed conduct; P.A. 81-263 added Subdiv. (4) in Subsec. (a) re property obtained by defrauding a public community where the value of the property is less than two thousand dollars; P.A. 81-351 amended the definition of larceny of a motor vehicle to that with a value of two thousand dollars or less, inserted new Subsec. (b) enumerating conditions constituting prima facie evidence of a larcenous intent in regard to motor vehicles and relettered former Subsec. (b) accordingly; P.A. 81-472 made technical corrections; P.A. 82-271 amended Subdiv. (2) of Subsec. (a) by increasing from five hundred dollars to five thousand dollars the value of the property or service obtained and amended Subsec. (c) by changing the classification from a class D to a class C felony; P.A. 86-275 amended Subdiv. (1) of Subsec. (a) to increase the value of a motor vehicle subject to the section from two thousand dollars or less to a value which exceeds five thousand dollars; P.A. 97-180 amended Subsec. (a) to add Subdiv. (5) re property obtained by embezzlement, false pretenses or false promise from an aged, blind or disabled victim; P.A. 00-103 made technical changes in Subsecs. (a) and (b) and amended Subsec. (b) by defining "motor vehicle" and by adding provisions re prima facie evidence of knowledge that vehicle is stolen and possession of vehicle with larcenous intent.

Cited. 173 C. 545. Cited. 182 C. 176, 177. Cited. 183 C. 386, 387. Cited. 188 C. 542, 543. Cited. 190 C. 559, 560. Cited. 194 C. 438, 439. Cited. Id., C. 650, 651. Cited. 196 C. 305, 306. Cited. Id., 567, 568. Cited. 197 C. 166, 172. Cited. Id., 201, 203. Cited. Id., 247, 262. Cited. Id., 309. Cited. 198 C. 1, 2, 20. Cited. 199 C. 30, 31. Cited. Id., 308, 309. Cited. Id., 462, 464. Cited. 200 C. 113, 120. Cited. 202 C. 615, 617. Cited. 203 C. 484, 486. Cited. 209 C. 23, 27. Cited. 213 C. 233, 234. Cited. Id., 233, 236. Cited. 216 C. 273, 274. Cited. 235 C. 679, 683. Cited. 241 C. 439. Cited. 2 CA 537, 538. Cited. 5 CA 113, 114. Cited. 7 CA 326, 336. Cited. 8 CA 125, 141, 142. Cited. Id., 478, 481, 484, 487, 488. Cited. 9 CA 349, 350. Cited. 13 CA 420, 431. Cited. Id., 576. Cited. Id., 596, 597. Secs. 53a-122-53a-125b cited. 14 CA 272, 278. Cited. Id., 472, 474. Cited. 16 CA 433, 435. Cited. 17 CA 460, 461. Cited. 19 CA 495, 497. Cited. 20 CA 271, 272. Cited. Id., 369, 370. Cited. 21 CA 248, 249. Cited. 29 CA 843, 860. Cited. 35 CA 566, 568. Cited. Id., 714, 717. Cited. 39 CA 810, 811. Cited. 44 CA 187. Cited. Id., 294. Cited. 46 CA 691.

Requisites for accepting plea of guilty. 31 CS 501. Cited. 32 CS 650. Cited. 35 CS 531, 535. Cited. 38 CS 549.

Subsec. (a):

Cited. 174 C. 129, 130. Subdiv. (2) cited. 169 C. 247, 249. Subdiv. (3) cited. 174 C. 129, 130, 133. Subdiv. (1) cited. 178 C. 427, 429; id., 689, 690. Subdiv. (2) cited. 181 C. 299, 300. Subdiv. (1) cited. 182 C. 476, 477; 186 C. 426, 427. Subdiv. (2) cited. 187 C. 264, 265, 271; 188 C. 325, 326; id., 671, 675, 676; 190 C. 191, 192, 199, 200; 191 C. 180, 181, 188. Subdiv. (1) cited. 195 C. 421-423. Subdiv. (2) cited. 196 C. 36, 37. Subdiv. (1) cited. Id., 36-38. Subdiv. (1) cited. Id., 115, 116. Subdiv. (2) cited. 198 C. 203. Subdiv. (1) cited. Id., 490, 491. Subdiv. (2) cited. Id. Subdiv. (2) cited. 199 C. 308, 312. Subdiv. (2) cited. 200 C. 9, 10. Subdiv. (2) cited. Id., 113, 114, 116. Subdiv. (1) cited. 201 C. 462, 468. Subdiv. (2) cited. 206 C. 657, 659. Cited. 207 C. 118, 120. Subdiv. (1) cited. 208 C. 365, 366. Subdiv. (1) cited. 210 C. 652, 654. Subdiv. (3) cited. 211 C. 101-103, 114, 115. Subdiv. (2) cited. 212 C. 223, 225, 237. Subdiv. (4) cited. 213 C. 233, 234, 236, 243. Subdiv. (1) cited. Id., 422, 424. Subdiv. (1) cited. 215 C. 716, 719. Subdiv. (3) cited. 219 C. 160, 161; 220 C. 487, 489. Subdiv. (3) cited. 223 C. 243, 248. Subdiv. (1) cited. 232 C. 455, 458. Subdiv. (2) cited. 233 C. 552, 554. Subdiv. (3) cited. 235 C. 67, 69. Subdiv. (1) cited. 238 C. 784. Cited. 239 C. 235. Subdiv. (3) cited. 240 C. 317. Subdiv. (3): Rational basis exists for legislature to classify larceny from the person as a more serious offense than simple robbery and therefore the classification did not violate defendant's right to equal protection of the laws. 246 C. 132. Subdiv. (2) cited. 1 CA 270. Subdiv. (3) cited. Id., 378, 379. Subdiv. (3): Larceny from the person requires an actual trespass to the person of the victim and therefore taking a radio which was in the vicinity of the victim, but not on the victim's person, did not constitute larceny under this section. 1 CA 642-644. Subdiv. (3) cited. 3 CA 126. Cited. 8 CA 125, 141. Subdiv. (1) cited. Id., 125, 126, 139. Subdiv. (2) cited. Id., 478, 481, 485, 488. Subdiv. (1) cited. Id., 478, 488. Subdiv. (3) cited. Id. Subdiv. (4) cited. Id. Subdiv. (3) cited. Id., 491, 493. Subdiv. (3) cited. 11 CA 102, 103, 120. Subdiv. (3) cited. 12 CA 239, 240. Subdiv. (1) cited. Id., 408-410. Subdiv. (3) cited. Id., 685. Subdiv. (1) cited. 13 CA 12. Subdiv. 92) cited. Id., 554-556. Subdiv. (3) cited. Id., 596, 601, 603. Subdiv. (1) cited. 14 CA 169, 170. Subdiv. (4) cited. Id., 272, 273, 275. Subdiv. (3) cited. Id., 472-474, 476, 477. Cited. Id., 493, 503. Subdiv. (3) cited. 20 CA 513, 514. Subdiv. (2) cited. 24 CA 697, 698. Subdiv. (1) cited. 26 CA 52, 54. Subdiv. (3) cited. Id., 114, 116. Subdiv. (1) cited. Id., 279, 280. Subdiv. (2) cited. 28 CA 306-308. Subdiv. (2) cited. 30 CA 606, 607. Subdiv. (3) cited. 31 CA 47, 48, 51, 56-58. Subdiv. (2) cited. Id., 94, 103. Subdiv. (3) cited. Id., 312, 314. Subdiv. (3) cited. 32 CA 21, 23. Subdiv. (3) cited. 33 CA 468-470, 485, 487, 489. Subdiv. (2) cited. 34 CA 250, 251. Subdiv. (3) cited. Id., 610, 611. Subdiv. (4) cited. Id., 699, 701. Subdiv. (3) cited. 35 CA 740, 743. Subdiv. (2) cited. 38 CA 643, 650, 651. Cited. 39 CA 579, 580. Subdiv. (3) cited. Id., 579, 593. Subdiv. (1) cited. Id., 840, 841. Subdiv. (3) cited. Id. Subdiv. (1) cited. 40 CA 21, 22. Subdiv. (3) cited. 41 CA 391, 393. Subdiv. (3) cited. Id., 584, 585. Subdiv. (1) cited. Id., 817, 818. Subdiv. (3) cited. Id. Subdiv. (3) cited. 42 CA 810. Subdiv. (2) cited. 46 CA 414. Cited. Id., 616. Subdiv. (3) cited. Id. Subdiv. (1) cited. 36 CS 603, 604. Subdiv. (2) cited. 36 CS 603, 604; 37 CS 527, 528.

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Sec. 53a-124. Larceny in the third degree: Class D felony. (a) A person is guilty of larceny in the third degree when he commits larceny, as defined in section 53a-119, and: (1) The property consists of a motor vehicle, the value of which is five thousand dollars or less; (2) the value of the property or service exceeds one thousand dollars; (3) the property consists of a public record, writing or instrument kept, held or deposited according to law with or in the keeping of any public office or public servant; or (4) the property consists of a sample, culture, microorganism, specimen, record, recording, document, drawing or any other article, material, device or substance which constitutes, represents, evidences, reflects or records a secret scientific or technical process, invention or formula or any phase or part thereof. A process, invention or formula is "secret" when it is not, and is not intended to be, available to anyone other than the owner thereof or selected persons having access thereto for limited purposes with his consent, and when it accords or may accord the owner an advantage over competitors or other persons who do not have knowledge or the benefit thereof.

(b) For purposes of this section, "motor vehicle" means any motor vehicle, construction equipment, agricultural tractor or farm implement or major component part of any of the above. In any prosecution under subdivision (1) of subsection (a) of this section, evidence of (1) forcible entry, (2) forcible removal of ignition, or (3) alteration, mutilation or removal of a vehicle identification number shall be prima facie evidence (A) that the person in control or possession of such motor vehicle knows or should have known that such motor vehicle is stolen, and (B) that such person possesses such motor vehicle with larcenous intent.

(c) Larceny in the third degree is a class D felony.

(1969, P.A. 828, S. 126; 1971, P.A. 871, S. 27; P.A. 73-639, S. 9; P.A. 81-248, S. 3; P.A. 82-271, S. 3; P.A. 88-170; P.A. 92-260, S. 52; P.A. 00-103, S. 3.)

History: 1971 act deleted former Subdiv. (5) in Subsec. (a) which classified obtaining property or service, regardless of its nature or value, by extortion as third degree larceny; P.A. 73-639 deleted former Subdiv. (4) in Subsec. (a) which classified taking property from the person of

another, regardless of its nature or value, as third degree larceny; P.A. 81-248 amended Subsec. (a) to clarify the proscribed conduct; P.A. 82-271 amended Subdiv. (1) of Subsec. (a) by increasing from fifty dollars to one thousand dollars the value of the property or service obtained and amended Subsec. (c) by changing the classification from a class B misdemeanor to a class D felony; P.A. 88-170 amended Subsec. (a) by adding property consisting of a motor vehicle, the value of which is five thousand dollars or less and inserted new Subsec. (b) stating that in any prosecution under Subdiv. (1) of Subsec. (a), evidence of forcible entry, forcible removal of ignition or alternation, mutilation or removal of vehicle identification number shall be prima facie evidence of larcenous intent, relettering former Subsec. (b) as (c); P.A. 92-260 made technical changes in Subsec. (a); P.A. 00-103 made technical changes in Subsecs. (a) and (b) and amended Subsec. (b) by defining "motor vehicle" and by adding provisions re prima facie evidence of knowledge that vehicle is stolen and possession of vehicle with larcenous intent.

See Sec. 53a-212 re stealing a firearm.

Cited. 184 C. 95, 96; id., 258, 260; id., 434, 438. Cited. 185 C. 260, 261, 267. Cited. 187 C. 292, 293; id., 444, 447. Cited. 189 C. 364. Cited. 190 C. 715, 717. Cited. 191 C. 180, 192. Cited. 194 C. 198, 204. Cited. Id., 233, 234. Cited. Id., 623, 624. Cited. 197 C. 247, 262. Cited. 200 C. 586, 587. Cited. 207 C. 109, 110. Cited. 213 C. 233, 236. Cited. 232 C. 431, 439; judgment superseded by en banc reconsideration, see 235 C. 502 et seq. Cited. 241 C. 439.

Cited. 3 CA 503. Cited. 7 CA 326, 336. Cited. 8 CA 13, 14, 21. Cited. Id., 342, 343. Cited. Id., 478, 480, 485, 487, 490. Cited. Id., 667, 672, 672D. Cited. 9 CA 141, 142, 144. Cited. 10 CA 258, 259. Cited. 12 CA 196, 197. Cited. 14 CA 159, 160. Secs. 53a-122-53a-125b cited. Id., 272, 278. Cited. 18 CA 368, 369. Cited. 19 CA 48, 50. Cited. 20 CA 810. Cited. 23 CA 201, 202. Cited. 25 CA 298, 307. Cited. 29 CA 843, 860. Cited. 32 CA 476, 477. Cited. 33 CA 339, 351; judgment reversed in part, see 232 C. 431 et seq.; judgment reversed on issues of sufficiency of evidence and jury misconduct, see 235 C. 502 et seq. Cited. Id., 368, 369. Cited. 38 CA 643, 644, 651. Cited. 41 CA 751-753. Cited. 46 CA 691.

Cited. 36 CS 578, 581; id., 583; id., 603, 604. Cited. 37 CS 678, 679; id., 796, 797, 802. Cited. 184 C. 95, 96; id., 258, 260; id., 434, 438. Cited. 185 C. 260, 261, 267. Cited. 187 C. 292, 293; id., 444, 447. Cited. 189 C. 364. Cited. 190 C. 715, 717. Cited. 191 C. 180, 192.

Subsec. (a):

Cited. 239 C. 235.

Cited. 38 CA 643, 651. Cited. 39 CA 579, 581. Cited. 46 CA 269.

Subsec. (a)(1):

Cited. 176 C. 239, 242. Cited. 178 C. 287, 288. Cited. 179 C. 576, 578. Cited. 182 C. 397, 400. Cited. 186 C. 222, 224. Cited. 189 C. 461, 462. Cited. 190 C. 104, 105. Cited. 195 C. 567, 569. Subdiv. (1) cited. 199 C. 88, 89. Cited. 214 C. 132, 133. Cited. 221 C. 685, 687. Cited. 230 C. 351, 354.

Cited. 6 CA 697, 698. Cited. 8 CA 478, 488. Cited. 10 CA 486, 493. Cited. 12 CA 1, 3. Cited. 14 CA 256. Cited. 15 CA 122, 123. Cited. 19 CA 521, 522. Cited. 21 CA 431, 432. Cited. 26 CA 279, 280. Cited. 37 CA 219. Cited. Id., 482, 483. Cited. 38 CA 643, 647, 648, 650-652. Cited. 41 CA 695, 696. Cited. 43 CA 613.

Subsec. (a)(2):

Cited. 232 C. 433; judgment superseded by en banc reconsideration, see 235 C. 502 et seq. Cited. Id., 740, 742. Cited. 235 C. 502, 504, 505, 514, 515. Cited. 241 C. 702.

Cited. 24 CA 697, 698. Cited. 25 CA 298, 300. Cited. 28 CA 306, 308. Cited. 33 CA 339, 340; judgment reversed in part, see 232 C. 431 et seq.; judgment reversed on issues of sufficiency of evidence and jury misconduct, see 235 C. 502 et seq. Cited. Id., 603, 604, 608. Cited. 38 CA 643, 645, 647, 648, 650-652. Cited. 39 CA 579, 593. Cited. 46 CA 269.

Former subsec. (a)(4):

Cited. 169 C. 161.

Cited. 33 CS 669. Cited. Id., 706. Cited. 34 CS 603. Cited. Id., 656.

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Sec. 53a-125. Larceny in the fourth degree: Class A misdemeanor. (a) A person is guilty of larceny in the fourth degree when he commits larceny as defined in section 53a-119 and the value of the property or service exceeds five hundred dollars.

(b) Larceny in the fourth degree is a class A misdemeanor.

(1969, P.A. 828, S. 127; P.A. 81-248, S. 4; P.A. 82-271, S. 4.)

History: P.A. 81-248 amended Subsec. (a) to clarify the proscribed conduct; P.A. 82-271 amended Subsec. (a) by increasing the value of the property or service obtained from fifty dollars or less to in excess of five hundred dollars and amended Subsec. (b) by changing the classification from a class C to a class A misdemeanor.

Cited. 172 C. 571. Cited. 176 C. 239, 242. Cited. 178 C. 416, 421. Cited. 179 C. 576, 587. Cited. 181 C. 388, 396-399. Cited. 182 C. 242, 244. Cited. 194 C. 198, 199. Cited. 197 C. 247, 262. Cited. Id., 396, 406. Cited. 202 C. 443, 445. Cited. 209 C. 34, 38. Cited. 213 C. 233, 236. Cited. 218 C. 273, 275. Cited. 232 C. 431, 439; judgment superseded by en banc reconsideration, see 235 C. 502 et seq. Cited. 241 C. 439. Cited. 4 CA 514, 515. Cited. 5 CA 612, 613. Cited. 7 CA 326, 336. Cited. 9 CA 133, 134. Cited. 12 CA 1, 19. Cited. 14 CA 119, 120. Secs. 53a-122-53a-125b cited. Id., 272, 278. Cited. Id., 526, 527. Cited. 15 CA 641, 642, 644. Cited. 20 CA 586, 587. Cited. 22 CA 440, 441. Cited. 26 CA 33, 34. Cited. 29 CA 843, 860. Cited. 33 CA 339, 355; judgment reversed in part, see 232 C. 431 et seq.; judgment reversed on issues of sufficiency of evidence and jury misconduct, see 235 C. 502 et seq. Cited. 35 CA 405, 406. Cited. 38 CA 20, 22. Cited. 34 CS 612. Cited. 35 CS 531, 536. Cited. 36 CS 603, 605, 607. Cited. 37 CS 755, 756; id., 853. Cited. 38 CS 593, 594. Cited. 39 CS 363, 364; id., 392.

Subsec. (a):

Cited. 176 C. 239, 242. Cited. 232 C. 431, 434; judgment superseded by en banc reconsideration, see 235 C. 502 et seq. Cited. 235 C. 502, 504, 515.

Cited. 3 CA 359, 365. Cited. 6 CA 164, 165. Cited. 7 CA 1, 2. Cited. 11 CA 805. Cited. 14 CA 119, 125. Cited. 31 CA 312, 314. Cited. 33 CA 339, 355, 356; judgment reversed in part, see 232 C. 431 et seq.; judgment reversed on issues of sufficiency of evidence and jury misconduct, see 235 C. 502 et seq. Cited. 38 CA 20, 22. Cited. Id., 643, 645.

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Sec. 53a-125a. Larceny in the fifth degree: Class B misdemeanor. (a) A person is guilty of larceny in the fifth degree when he commits larceny as defined in section 53a-119 and the value of the property or service exceeds two hundred fifty dollars.

(b) Larceny in the fifth degree is a class B misdemeanor.

(P.A. 82-271, S. 5.)

Cited. 201 C. 125, 126. Cited. 203 C. 682, 686. Cited. 210 C. 435, 438. Cited. 213 C. 233, 236. Cited. 241 C. 439.

Cited. 14 CA 205, 207. Secs. 53a-122-53a-125b cited. Id., 272, 278. Cited. 15 CA 197, 198. Cited. 19 CA 48, 50, 53. Cited. 21 CA 331, 333. Cited. 24 CA 556, 557, 559. Cited. Id., 563, 567. Cited. 25 CA 298, 304. Cited. 29 CA 843, 860. Cited. 37 CA 228, 229. Cited. 46 CA 118.

Subsec. (a):

Cited. 231 C. 411, 412.

Cited. 7 CA 75, 76. Cited. 30 CA 571, 572; judgment reversed. see 231 C. 411 et seq. Cited. 38 CA 277, 279.

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Sec. 53a-125b. Larceny in the sixth degree: Class C misdemeanor. (a) A person is guilty of larceny in the sixth degree when he commits larceny as defined in section 53a-119 and the value of the property or service is two hundred fifty dollars or less.

(b) Larceny in the sixth degree is a class C misdemeanor.

(P.A. 82-271, S. 6.)

Cited. 201 C. 559, 560. Cited. 202 C. 369, 371. Cited. 203 C. 682, 686. Cited. 208 C. 387, 388. Cited. 210 C. 435, 438. Cited. 212 C. 50, 52.

Cited. 213 C. 233, 236. Cited. 237 C. 613. Cited. 241 C. 439.

Cited. 3 CA 132, 133. Cited. 4 CA 676, 677. Cited. 5 CA 599, 600, 604. Cited. 10 CA 130, 131. Cited. Id., 503, 504. Cited. 13 CA 214, 215.

Cited. Id., 438, 440. Cited. Id., 578, 579. Cited. 14 CA 88, 90, 91. Cited. Id., 205, 207. Cited. Id., 272, 278. Cited. Id., 309, 310. Cited. 15 CA

197, 198. Cited. 17 CA 273, 274. Cited. 19 CA 48, 50, 51, 60. Cited. 23 CA 123, 125. Cited. 28 CA 195, 196. Cited. 29 CA 843, 860. Cited. 33

CA 432, 434. Cited. 37 CA 228, 229, 231. Cited. 39 CA 384, 386. Cited. 44 CA 125. Cited. 46 CA 778.

Subsec. (a):

Cited. 214 C. 161, 163.

Cited. 24 CA 502, 503. Cited. 28 CA 469. Cited. 37 CA 228, 229. Cited. Id., 482, 488. Cited. 38 CA 643, 647. Cited. 39 CA 384, 386. Cited.

45 CA 6.

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Sec. 53a-126. Larceny by receiving stolen property. Section 53a-126 is repealed.

(1969, P.A. 828, S. 128; 1971, P.A. 871, S. 129.)

See Sec. 53a-119 (8) re receipt of stolen property.

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Sec. 53a-126a. Criminal trover in the first degree: Class D felony, first offense; Class C felony, subsequent offense. (a) A person is guilty of criminal trover in the first degree when he forcibly enters or forcibly removes the ignition of the motor vehicle of another and uses the motor vehicle without the consent of such owner, and such use results in damage to or diminishes the value of such motor vehicle or subjects such owner to economic loss, fine or other penalty.

(b) Criminal trover in the first degree is a class D felony for a first offense and a class C felony for each subsequent offense.

(P.A. 94-114, S. 1.)

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Sec. 53a-126b. Criminal trover in the second degree: Class A misdemeanor. (a) A person is guilty of criminal trover in the second degree when, knowing that he is not licensed or privileged to do so, he uses the personal property of another without the consent of such owner, and such use results in damage to or diminishes the value of such property or subjects such owner to economic loss, fine or other penalty.

(b) Criminal trover in the second degree is a class A misdemeanor.

(P.A. 94-114, S. 2.)

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Sec. 53a-127. Diversion from state of benefit of labor of employees: Class A misdemeanor. (a) A person is guilty of diversion from the state of benefit of labor of employees when he fraudulently procures for himself or another, from any employee of the state or any department thereof, the benefit of any labor which the state or any department thereof is entitled to receive from such employee during his hours of employment or fraudulently aids or assists in procuring or attempting to procure the benefit of any such labor.

(b) Diversion from the state of benefit of labor of employees is a class A misdemeanor.

(1969, P.A. 828, S. 129; P.A. 92-260, S. 53.)

History: P.A. 92-260 made technical changes in Subsec. (a) by repositioning and rephrasing language.

Subsec. (a):

Cited. 194 C. 223.

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ERNIE MILLER PONTIAC, INC. v. HOME INSURANCE COMPANY

No. 47465.
534 P.2d 1
1975 OK 49

Decided: April 1, 1975.
Rehearing Denied April 22, 1975.
Supreme Court of Oklahoma.

ERNIE MILLER PONTIAC, INC., APPELLANT,
v.
THE HOME INSURANCE COMPANY, APPELLEE.

Appeal from District Court, Tulsa County; Richard E. Comfort, Trial Judge.

◆0 Appeal by plaintiff from judgment denying plaintiff any recovery in action on insurance policy to recover value of stolen automobile. Lower court's judgment for defendant affirmed on ground that plaintiff had no interest in vehicle insurable against theft.

Affirmed.

Jones, Givens, Brett, Gotcher & Doyle, Inc. by William R. Grimm, Tulsa, for appellant.

Richard D. Wagner, Tulsa, for appellee.

DAVISON, Justice:

◆1 Ernie Miller Pontiac, Inc., (plaintiff below) appeals from an adverse judgment denying it any recovery against The Home Insurance Company (defendant) in an action to recover on an insurance policy (issued by defendant) for loss because of a stolen automobile. We will refer to the parties by their trial court designation.

◆2 The undisputed facts are as follows: a few days before June 26, 1972 in Tulsa, Oklahoma, one Daniels offered to sell to plaintiff a Chevrolet red Malibu automobile and tendered a title bearing the ID number visible on the vehicle; plaintiff bought the automobile from Daniels for \$2150.00, took the title instrument, and parked the vehicle on its Used Car Lot on June 26, 1972; plaintiff had an existing policy with defendant insuring vehicles owned by plaintiff against theft; on or about June 28, 1972, plaintiff reported the theft of the red Malibu to police; and on June 29, 1972, police arrested Daniels while attempting to sell the vehicle to Toyota of Tulsa. Investigation disclosed that Don Thornton Ford of Tulsa was the true and legal owner of the vehicle, having lost the same by theft, and the automobile was restored to that concern. There is no dispute that plaintiff acted in good faith in buying the vehicle from Daniels.

◆3 Plaintiff made demand on defendant to pay to plaintiff, pursuant to the theft terms of the insurance policy, the actual cash value of the vehicle in the sum of \$2350.00. Defendant refused to pay on the ground (among others) that plaintiff never became the owner of the vehicle within the meaning of the policy provisions.

◆4 The trial court held that plaintiff did have an insurable interest in the vehicle; that plaintiff's interest was the right to possession of the vehicle, which had been lost for three days; but that such loss was not covered by the insurance policy. The trial court rendered judgment for the defendant.

◆5 Plaintiff appeals contending that after buying the vehicle from Daniels, it had a qualified possessory interest in the vehicle for which it paid \$2150.00, thus vesting a "substantial economic interest" in plaintiff (as provided in the statute, *infra*), of which plaintiff was deprived by the theft from it, to plaintiff's damage in the sum of \$2150.00.

◆6 We do not agree with plaintiff's contention.

◆7 This proposition of whether, under the circumstances, a purchaser of a stolen automobile has an insurable interest in the vehicle is the subject of an Annotation, "Insurable Interest In Stolen Motor Vehicle" in 33 A.L.R.3d 1417, in which it is stated at 1419:

"As a general rule, one purchasing stolen property acquires no better title than the seller, even when the seller himself is a bona fide purchaser. Sale by one without title cannot invest the purchaser with title, even when the sale is by one bona fide purchaser to another bona fide purchaser. The true owner cannot be divested of title by theft of his property, and can recover the stolen property from the purchaser without first having to prosecute the thief.

"Having no title, but only possession, it is generally held that one who innocently purchase a stolen automobile can have no insurable interest in the stolen vehicle, and therefore cannot recover

under his policy for its loss or destruction."

◆8 Some courts passing on the question have held that a purchaser may have an insurable interest in a stolen vehicle. Examples of these decisions are *Skaff v. United States Fidelity & Guaranty Company* (Fla.App. 1968) 215 So.2d 35, 33 A.L.R.3d 1414, and *Treit v. Oregon Automobile Insurance Co.* (1972), 262 Or. 549, 499 P.2d 335. This Court has not passed upon this proposition. We prefer to follow the logic and holdings, *infra*, of courts that come to the opposite conclusion.

◆9 Our statute, 36 O.S. 1971 ◆ 3605 , regarding enforcement of insurance by persons having an insurable interest provides in pertinent part as follows:

"B. 'Insurable interest' as used in this section means any actual, lawful, and substantial economic interest in the safety or preservation of the subject of the insurance free from loss, destruction, or pecuniary damage or impairment."

◆10 This brings us to the proposition of what interest, if any, plaintiff acquired in the Malibu vehicle from Daniels. In *Al's Auto Sales v. Moskowitz*, 203 Okl. 611, 224 P.2d 588, we held that it was a general principle applicable to traffic in personal property that no one can transfer or confer a better title than he has, unless some principle of estoppel operates to bar a claim under an otherwise better title.

◆11 And in *Addisson v. Waitman*, 202 Okl. 309, 213 P.2d 465, 467, we quoted with approval as follows:

"The universal and fundamental principle of our law of personal property is that no man can be divested of his property without his own consent, and, consequently, that even the honest purchaser under a defective title cannot hold against the true proprietor."

◆12 In the present case the admitted facts are that Daniels did not own the vehicle he sold to plaintiff, and in fact the only conclusion is that Daniels had stolen the vehicle from the original owner. Daniels had no title and he could convey no title to plaintiff.

◆13 We now turn to the decisions mentioned above that hold a purchaser of stolen property does not have an interest insurable against further theft from him.

◆14 In *Gordon v. Gulf American Fire and Casualty Company*, 113 Ga. App. 755, 149 S.E.2d 725, the court reiterated its prior holding (*Giles v. Citizens' Ins. Co. of Missouri*, 32 Ga. App. 207, 122 S.E. 890) that a bona fide possession of stolen property does not give the holder any sort of title whatever, such as would come up to the rule governing an insurable interest. The Georgia statute as to "insurable interest" was identical with our statute, requiring "any actual, lawful and substantial economic interest" etc. The court held the recognized rule, that one who purchases stolen property, though in good faith, can acquire no title, prevented such person from having a "lawful" interest, as required by statute.

◆15 In the *Gordon* case, *supra*, the court further stated:

"It is true that title is not the sole test for determining an insurable interest. It may be a special or limited interest, disconnected from any title, lien or possession, whereby the holder of the interest will suffer loss by its destruction, etc., and that will entitle him to protect the interest by insurance. (Citations omitted) But he must have some lawful interest, and under the holding in *Giles* he can not have it in stolen property."

◆16 We adopt the above reasoning in the case now before us.

◆17 See too *Herrington v. American Security Insurance Company*, 124 Ga. App. 617, 184 S.E.2d 673, in which the court stated:

"It is the law in this State that a bona fide purchaser of a stolen automobile acquires no title and no insurable interest therein and, therefore, may not recover under a theft insurance policy when the vehicle is subsequently stolen from him."

◆18 The cases of *Gurley v. Phoenix Insurance Company*, 233 Miss. 58, 101 So.2d 101, 71 A.L.A.2d 221; *Napavale, Inc. v. United National Indemnity Company*, 169 Cal. App.2d 119, 336 P.2d 984, and *Hessen v. Iowa Automobile Mutual Insurance Company*, 195 Iowa 141, 190 N.W. 150, support this proposition of law.

◆19 The trial court rendered judgment (as stated above) for the defendant insurance company on the ground that, although the plaintiff had an insurable interest in the vehicle, the insurance policy did not cover that particular interest.

◆20 We affirm the judgment for defendant, but on the ground that plaintiff had no interest insurable against theft.

◆21 WILLIAMS, C.J., and BERRY, LAVENDER, BARNES and DOOLIN, JJ., concur.

◆22 IRWIN and SIMMS, JJ., concur in result.

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TO ADULTS
AT PASS B STANDARD

CENTRE NUMBER: CH313 COURSE NUMBER: C1 NOVEMBER 1991

Martin Cross
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State of Connecticut Dept. of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input checked="" type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1
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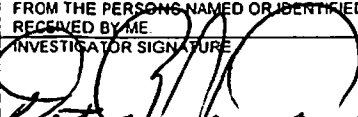

Action Taken: On June 24th, 2008, this Detective requested that retired State Police Sergeant Lawson perform checks of the "National Insurance Crime Bureau" {NICB} to locate any suspicious claims made by the suspect, Paul "Barney" Hallingby DOB: 11-11-46. Sergeant Lawson found none.

On July 22nd, 2008, Sergeant Kenney, Supervisor of the Motor Vehicle Fraud Task Force reviewed those documents. Sergeant Kenney concurred that there are no suspicious claims made on the part of the suspect Hallingby.

Attached to this report are the NICB checks made by Sergeant Lawson and a teletype showing all the vehicles registered to Hallingby that were checked in NICB.

Detective Pinelli of the Statewide Auto Theft Task Force was advised of these events.

This case is closed Suspended.

CASE STATUS:		TYPE OF EXCEPTIONAL CLEARANCE:			
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2-CLEARED ARREST	<input type="checkbox"/> 6-NO CRIMINAL ASPECT	<input type="checkbox"/> B-PROSECUTION DENIED	<input type="checkbox"/> E-JUVENILE-NO CUSTODY		
<input checked="" type="checkbox"/> 3-SUSPENDED	<input type="checkbox"/> F-FUGITIVE	<input type="checkbox"/> C-EXTRADITION DENIED			
THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE, OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT, OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.					
INVESTIGATOR SIGNATURE	INVESTIGATOR ID	REPORT DATE	SUPERVISOR SIGNATURE	SUPERVISOR ID	APPROVAL DATE
	732	07-23-08		271	7-25-08

Det. Richard Van Tine

Match #: 1

Reason for Match: Name of Insured

Activity & Date: Recovered Theft 03/09/1990 File Number: T9005363558
 Location of Loss: OCA:
 Date of Theft: 02/01/1990 Condition: Vandalized
 Recovery Agency: NYC PD INTER CITY CORRESPOND -KNYB
 Classification: No major parts missing, but damaged
 Company: CHUBB INSURANCE COMPANY OF NEW JERSEY Phone: 2124838888
 Address: 55 WATER ST
 City: NEW YORK State: NY Zip: 10041
 Claim Number: 17996436

Involved Party: Insured
 --> Name: HALLINGBY, PAUL JR
 Address: 245PARK AVE
 City: NEW YORK State: NY Zip: 10001
 VIN: WDBCA35DXKA431724 (PASS) Year: 1989
 *** More matches on this VIN outside this report ***
 Make: MERCEDES-BENZ Model: 420 SERIES
 Lic Plate: 471TQI State: NY
 *** More matches on this Lic Plate outside this report ***

Match #: 2

Reason for Match: Name of Insured

Activity & Date: Property 01/01/1996 File Number: 3H000045420
 Type of Loss: Property Other
 Location of Loss: 1 SUTTON PL N
 City: NEW YORK State: NY Zip: 10022
 ISO Received: 11/26/1997
 Insured Company: GREAT NORTHERN INSURANCE COMPANY Phone: 9089032000
 Contact: ROHAN, W,
 Adj Company:
 Address: 200 SOUTH ST #1000
 City: MINNEAPOLIS State: MN Zip: 55402
 Policy Number: 1093044201

	Building	Contents	Stock	Use & Occupancy	Other/ Scheduled
Amount of Policy:		596,000			
Estimated Loss:		4,000			

Involved Party: Insured
 --> Name: HALLINGBY, PAUL,
 Address: 521 5TH AVE 1
 City: NEW YORK State: NY Zip: 10175

Involved Party: Insured
 Name: HALLINGBY, MAI,
 City: State: Zip:

Involved Party: Agent/Broker
 Name: THE KORNREICH NIA ORG
 Address: 521 KTH AVE 12FL
 City: NEW YORK State: NY Zip: 10000

Match #: 3

Reason for Match: Name of Insured

Activity & Date: Property 01/31/1997 File Number: 8D000012160
 Type of Loss: Property Other
 Location of Loss: 1 SUTTON PLACE S
 City: NEW YORK State: NY Zip: 10022
 ISO Received: 03/22/1997
 Insured Company: GREAT NORTHERN INSURANCE COMPANY Phone: 9089032000
 Contact: RINCONES, P,
 Adj Company:
 Address: 200 SOUTH ST #1000
 City: MINNEAPOLIS State: MN Zip: 55402
 Policy Number: 1093044201

	Building	Contents	Stock	Use & Occupancy	Other/Scheduled
Amount of Policy:		656,000			
Estimated Loss:	36,000	32,000			

Involved Party: Insured
 --> Name: HALLINGBY, PAUL,
 Address: 521 5TH AVE
 City: NEW YORK State: NY Zip: 10175

Involved Party: Agent/Broker
 Name: THE KORNBEICH NIA ORG
 Address: 521 5TH AVE 12 FL
 City: NEW YORK State: NY Zip: 10175

Match #: 4

Reason for Match: Name of Insured

Activity & Date: Property/Casualty 07/24/1997 File Number: 4F000458865
 Type of Loss: Commercial Automobile - Liability Bodily Injury Auto Related
 ISO Received: 08/14/1997
 Company: ALLSTATE INSURANCE COMPANY Phone: 8606764000
 Address: CT CASUALTY MCO (3960)
 : 74 BATTERSON PARK RD
 City: FARMINGTON State: CT Zip: 06034
 Claim Number: 636209250105

Involved Party: Claimant
 Name: GOODRICH, MARLENE,
 Address: 314 OAK RD
 City: MAHOPAC State: NY Zip: 10541
 Injury/Damage: SHOULDER INJURED

Involved Party: Insured
 --> Name: PAUL L HALLINGBY

Match #: 5

Reason for Match: Name

Activity & Date: Export 09/12/2000 File Number: E0025001354

Information provided by NICB

Port Name: 4601 - NEWARK State: NEW JERSEY
Customs Officer: ROJEWSKI, ROBERT Phone:
ORI: NJUSC1060 - City:
Phone:

Involved Party: Owner

--> Name: HALLINGBY, PAUL, L

Address: PO BOX 544

City: SHARON

State: CT

Zip:

Submitted VIN: 14995

VIN: 14995

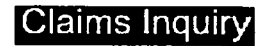
(PASS) Year: 1972

*** More matches on this VIN outside this report ***

Make: FERRARI

Model: DAY

①



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Company Claim Number: 04-058893
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Please enter your search parameters, then click "Submit":

Submit Reset

Name: DOB:
Address: No Hits SSN:
City: Phone:
State: Role: All
Zip Range: To Search Type: All

VIN: 1592044045 Prof. Med. Lic:

Tax ID:

Driver Lic: State:

License Plate: State:

Claim Number: ISO File Number:

Component ID: Component Type:

Partial VIN: Make: Year:

Date Range (MM/DD/YYYY) Sort Results by Date Order Type of Loss
to: Ascending Descending All

2

Match #: 1

Reason for Match: VIN

Activity & Date: Shipping 12/05/1988

Information provided by NICB

-->

VIN: WPOEB0910KS170829 (PASS) Year: 1989

Make: PORSCHE

Model: 911 SERIES

3



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Company Claim Number: 04-058893 (Required for verification purposes.)

Please enter your search parameters, then click "Submit": Submit Reset

Name: Address: City: State: Zip Range: To DOB: SSN: Phone: Role: All Search Type: All

No Hits

VIN: scfcv81c7htl15508 Prof. Med. Lic: Tax ID: Driver Lic: State: License Plate: State:

Claim Number: ISO File Number:

Component ID: Component Type: Partial VIN: Make: Year:

Date Range (MM/DD/YYYY) Sort Results by Date Order Type of Loss to: Ascending Descending All

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Company Claim Number: 04-058893
(Required for verification purposes.)

Please enter your search parameters, then click "Submit":

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Name:	DOB:
Address:	SSN:
City:	Phone:
State:	Role: All
Zip Range: To	Search Type: All

No Hits

VIN: thpnnd06772 **Prof. Med. Lic:**

Tax ID:

Driver Lic: **State:**

License Plate: **State:**

Claim Number: **ISO File Number:**

Component ID: **Component Type:**

Partial VIN: **Make:** **Year:**

Date Range (MM/DD/YYYY)	Sort Results by Date Order	Type of Loss
to:	<input checked="" type="radio"/> Ascending <input type="radio"/> Descending	All

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Match #: 1

Reason for Match: VIN

Activity & Date: Shipping

03/15/2005

Information provided by NICB

-->

VIN: 1GNDT13S252303859



[Details](#) (PASS)

Year: 2005

Make: CHEVROLET

Model: TRAILBLAZER

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Match #: 1

Reason for Match: VIN

Activity & **Date: Shipping**

07/29/1993

Information provided by NICB

-->

VIN: 1J4GZ58Y0RC107566



[Details \(PASS\)](#)

Year: 1994

Make: JEEP

Model: GRAND CHEROKEE

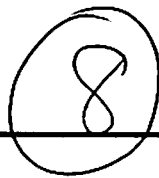


Match #: 1**Reason for Match: VIN**

Activity & Date: Shipping 01/13/1995
Information provided by NICB
--> VIN: 1J4FJ28S4SL584164 (PASS) Year: 1995
Make: JEEP Model: CHEROKEE

Match #: 2**Reason for Match: VIN**

Activity & Date: Estimate 07/24/1997 File Number: H0026117337
Coverage: Collision
Impact Point: Front center
Company: ALLSTATE INSURANCE COMPANY Phone: 2039254058
Claim Number: 6362092501
--> VIN: 1J4FJ28S4SL584164 (PASS) Year: 1995 Mileage: 22209
Make: JEEP Model: CHEROKEE



Match #: 1

Reason for Match: VIN

Activity & Date: Auto Physical Dam 01/10/2002 **File Number:** P0202502301
Cause of Loss: Fire **Amount of Damage:** 000000
Company: GREAT NORTHERN INSURANCE COMPANY **Phone:** 7572224734
Address: PO BOX 4700
City: CHESAPEAKE **State:** VA **Zip:** 23327
Claim Number: 1128529402

Involved Party: Insured
Name: FELDMAN, NEAL
Address: 2 AGAR AVENUE
City: NEW ROCHELLE **State:** NY **Zip:** 10801
Phone: 9149211300
 *** More matches on this Phone outside this report ***
 --> **VIN:** AM11749US852 (PASS) **Year:** 1974
 Make: MASERATI **Model:** BORA

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Match #: 1

Reason for Match: VIN

Activity & Date: Shipping 12/17/1999

Information provided by NICB

--> VIN: 1J4GW48N8YC245363  [Details \(PASS\)](#) Year: 2000
Make: JEEP Model: GRAND CHEROKEE

10

Match #: 1

Reason for Match: VIN

Activity & Date: Export 09/27/2005 File Number: E0529305905

Information provided by NICB

Destination: HONG KONG

Port Name: 4701 - JFK AIRPORT

State: NEW YORK

Vessel: SEL KOREAN AIRLINES

Container#:

Involved Party: Business Name

Name: G A HOLDINGS LIMITED

Address: UNIT 1206 12TH FLOOR NO9

City: QUEENS ROAD

State: HK

Zip:

--> VIN: WBS59910004301276 (PASS)

Year: 1980

Make: BMW

Model: M1



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Company Claim Number: 04-058893
(Required for verification purposes.)

Please enter your search parameters, then click "Submit":

Name:		DOB:	
Address:	No Hits	SSN:	
City:		Phone:	
State:		Role:	All
Zip Range: To		Search Type:	All

VIN: yv1ja8753m2001505 **Prof. Med. Lic:**

Tax ID:

Driver Lic: **State:**

License Plate: **State:**

Claim Number: **ISO File Number:**

Component ID: **Component Type:**

Partial VIN: **Make:** **Year:**

Date Range (MM/DD/YYYY)	Sort Results by Date Order	Type of Loss
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Company Claim Number: 04-058893
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Please enter your search parameters, then click "Submit":

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Name:		DOB:	
Address:	No Hits	SSN:	
City:		Phone:	
State:		Role:	All
Zip Range: To		Search Type:	All

VIN: 6r0k130782 **Prof. Med. Lic:**

Tax ID:

Driver Lic: **State:** .

License Plate: **State:** .

Claim Number: **ISO File Number:**

Component ID: **Component Type:**

Partial VIN: **Make:** **Year:**

Date Range (MM/DD/YYYY)	Sort Results by Date Order	Type of Loss
to:	<input checked="" type="radio"/> Ascending <input type="radio"/> Descending	All

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Match #: 1**Reason for Match: VIN**

Activity & Date: Shipping 03/05/1990
 Information provided by NICB
 --> VIN: WPOCB2943LN481491 (PASS) Year: 1990
 Make: PORSCHE Model: 944 SERIES

Match #: 2**Reason for Match: VIN**

Activity & Date: Estimate 11/02/1998 File Number: H0038094365
 Coverage: Comprehensive
 Impact Point: Front center
 Company: LIBERTY MUTUAL INSURANCE COMPANY Phone:
 Claim Number: AL35908556898
 --> VIN: WPOCB2943LN481491 (PASS) Year: 1990 Mileage: 45051
 Make: PORSCHE Model: 944 SERIES

Match #: 3**Reason for Match: VIN of Insured**

Activity & Date: Property/Casualty 11/02/1998 File Number: 7C000182030
 Type of Loss: Personal Automobile - General Other
 ISO Received: 11/05/1998
 Company: LIBERTY MUTUAL INSURANCE COMPANY Phone: 7325636800
 Address: PERSONAL LINES
 : 399 CAMPUS DR*
 City: SOMERSET State: NJ Zip: 088734176
 Claim Number: AL35908556898
 Involved Party: Insured
 Name: NEFF, CHRISTOPHER
 Address: 89 WEST MAIN ST
 City: MENDHAM State: NJ Zip: 079451229
 DOB: 10/05/1967
 SSN: 098666028 (SSN ISSUED NY/1982-1984)
 *** More matches on this SSN outside this report ***
 Driver Lic: N22051248610674 State:
 *** More matches on this Driver Lic outside this report ***
 --> VIN: WPOCB2943LN481491 (PASS) Year: 1990
 Make: PORSCHE Model: 944 SERIES
 EDR Available?: NO
 Lic Plate: WY968C State: NJ

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Match #: 1

Reason for Match: VIN

Activity & Date: Shipping 01/14/2006

Information provided by NICB

--> VIN: JTEEW21A160019877 (PASS) Year: 2006
Make: TOYOTA Model: HIGHLANDER

Match #: 2

Reason for Match: VIN

Activity & Date: Estimate 05/11/2006 File Number: H0118372583

Coverage: Collision

Impact Point: Right side

Company: ALLSTATE INSURANCE COMPANY

Phone: 8453687668

Claim Number: 3965345047D01

--> VIN: JTEEW21A160019877 (PASS) Year: 2006 Mileage: 1331
Make: TOYOTA Model: HIGHLANDER

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Match #: 1


Reason for Match: VIN

Activity & Date: Shipping

05/23/1989

Information provided by NICB

-->

VIN: [WBAEE1417J2560925](#)  [Details \(PASS\)](#) Year: 1988
Make: BMW Model: M6

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(Required for verification purposes.)

Please enter your search parameters, then click "Submit":

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Name: **DOB:**
Address: **SSN:**
City: **Phone:**
State: **Role:** All
Zip Range: To **Search Type:** All

No HITS

VIN: 1ze1jmu15dn010573 **Prof. Med. Lic:**

Tax ID:

Driver Lic: **State:**

License Plate: **State:**

Claim Number: **ISO File Number:**

Component ID: **Component Type:**

Partial VIN: **Make:** **Year:**

Date Range (MM/DD/YYYY) **Sort Results by Date Order** **Type of Loss**
 to: Ascending Descending All

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Company Claim Number: 04-058893
(Required for verification purposes.)

Please enter your search parameters, then click "Submit":

[Submit](#) | [Reset](#)

Name:	DOB:
Address:	SSN:
City:	Phone:
State:	Role: All
Zip Range: To	Search Type: All

No Hits

VIN: 8ma654 **Prof. Med. Lic:**

Tax ID:

Driver Lic: **State:**

License Plate: **State:**

Claim Number: **ISO File Number:**

Component ID: **Component Type:**

Partial VIN: **Make:** **Year:**

Date Range (MM/DD/YYYY)	Sort Results by Date Order	Type of Loss
to:	<input checked="" type="radio"/> Ascending <input type="radio"/> Descending	All

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Match #: 1

Reason for Match: VIN

Activity & Date: NCIC


06/19/1976

File Number: N0008323060

Information provided by NICB

Status: Purge
 Location of Loss: ASBURY PARK PD
 Date of Loss: 06/19/1976

Msg Key: \$.P.
 OCA: 7708MON

--> VIN: 08633 
 Make: BUICK
 Lic Plate: FPR394

N/A

Year: 1957
 Model:
 State: NJ

Match #: 2

Reason for Match: VIN

Activity & Date: NCIC


07/26/1979

File Number: N0011100088

Information provided by NICB

Status: Purge
 Location of Loss: CONCORD POLICE DEPT
 Date of Loss: 07/23/1979

Msg Key: \$.P.
 OCA: 14114-79

--> VIN: 08633 
 Make: OVERLAND MOTOR HOME

N/A

Year: 1978
 Model: TK

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Match #: 3

Reason for Match: VIN of Claimant

Activity & Date: Property/Casualty 03/01/2001


File Number: 0M001537891

Type of Loss: Personal Automobile - Liability Bodily Injury Auto Related
 Location of Loss: MAYFIELD ROAD & 102 AVENUE

City: EDMONTON State: AB Zip:
 ISO Received: 10/02/2003
 Company: STATE FARM MUTUAL AUTOMOBILE INSURANCE C Phone: 7809307650
 Contact: Lindholm, Penny,
 Address: EDMONTON
 : 17420 STONY PLAIN RD #200
 City: EDMONTON State: AB Zip: T5S1K6
 Claim Number: 61C020974
 Policy Number: 023436661C

Untz

Involved Party: Claimant

Name: LLOYD, KIRSTY, M
Address: 8 EVERGREEN DRIVE
City: ST. ALBERT **State:** AB **Zip:**
DOB: 10/17/1969
Driver Lic: 134887678 **State:**
Phone: 7804597699
Injury/Damage: SOFT TISSUE
VIN: 08633  (FAIL) **Year:** 20

Service Provider: Lawyer For Claimant

Name: DENNIS E BAYRAK
Address: 800, 10310 JASPER AVENUE
City: EDMONTON **State:** AB **Zip:**
Phone: 7804264884
Tax ID: 000000332

Involved Party: Insured

Name: PHAM QUOC
Address: 9923 157 ST NW
City: EDMONTON **State:** AB **Zip:**
Driver Lic: 137616462 **State:**
Lic Plate: 18H009 **State:** AB

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Match #: 1

Reason for Match: VIN

Activity & Date: Export

File Number: E9302100506

Information provided by NICB

Port Name: 2704 - LOS ANGELES State: CALIFORNIA
Customs Officer: DAVIS, BUDDY Phone: 8037274387
ORI: SCUSC0130 - US CUSTOMS SERVICE City: CHARLESTON
Phone: 8037274156

Unk. if correct vehicle

-->Submitted VIN: 15369
--> VIN: 15369

(FAIL) Year:

Match #: 2

Reason for Match: VIN

Activity & Date: NCIC

05/29/1974

File Number: N0006534717

Information provided by NICB

Status: Inactive Vehicle Msg Key: CV
Location of Loss: CHESAPEAKE OCA: E11534
Date of Loss: 05/28/1974
Recovery Agency: CHESAPEAKE
Date of Recovery: 03/04/1975

N/A

--> VIN: 15369
Make: SUNLINE COACH CO.

Year:
Model: TL

Return to Top of Page

Match #: 3

Reason for Match: VIN

Activity & Date: NCIC

07/03/1996

File Number: N0028017008

Information provided by NICB

Status: Purge Msg Key: \$.P.
Location of Loss: UNION COUNTY SHERIFF COMMUNICA OCA: 070389196
Date of Loss: 07/02/1996

N/A

--> VIN: 15369
Make: KUBOTA TRACTOR CORP.

Year: 1996
Model: FARM EQUIPMENT

Return to Top of Page

Match #: 4

Reason for Match: VIN

Activity & Date: Export

06/19/1997

File Number: E9717801345

Information provided by NICB

Destination: ENGLAND

Port Name: 2704 - LOS ANGELES

State: CALIFORNIA

Vessel: CAPE MAY V032180

Container#:

Doc#: 16677311

Involved Party: Business Name

Hit

Name: C N SKEEN TRUSTEE

Address: 16850 CORTEEZ CT

City: LAKE OSWEGO

State: OR

Zip:

-->

VIN: 15369

(PASS)

Year: 1973

Make: FERRARI

Model: PC

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Match #: 5

Reason for Match: VIN

Activity & Date: Auto Physical Dam 04/11/2000

File Number: P0010406018

Cause of Loss: Collision

Amount of Damage: 000000

Company: UNITED SERVICES AUTOMOBILE ASSOC (USAA G

Phone: 8005318222

Address: PO BOX 15506

City: SACRAMENTO

State: CA

Zip: 958521506

Claim Number: 000760931003001

Involved Party: Insured

Name: BREWER, NORMAN, K

Address: PO BOX 17421

City: SAN DIEGO

State: CA

Zip: 921777421

DOB: 11/04/1943

SSN: 480547338

(SSN ISSUED IA/1961-1962)

Driver Lic: N196580

State:

*** More matches on this Driver Lic outside this report ***

Phone: 8584887929

-->

VIN: 15369

(PASS)

Year: 1974

Make: JENSEN

Model: HEA

Lic Plate: XNKBX

State: CA

*** More matches on this Lic Plate outside this report ***

[Return to Top of Page](#)

Match #: 6

Reason for Match: VIN of Insured

Activity & Date: Property/Casualty 03/04/2002

File Number: 8Q001355607

Type of Loss: Personal Automobile

ISO Received: 11/01/2002

Company: UNITED SERVICES AUTOMOBILE ASSOC (USAA G

Phone:

Address: 9800 FREDERICKSBURG RD

City: SAN ANTONIO State: TX Zip: 78288
 Claim Number: 0007609310000007
 Policy Number: 000760931
 Coverage Type: Towing & Labor
 Claim Status: Closed
 Claim Amount: 8

Involved Party: Insured

Name: BREWER, NORMAN, K
 Address: PO BOX 17421
 City: SAN DIEGO State: CA Zip: 921777421
 DOB: 11/04/1943
 Gender: M
 Driver Lic: N196580 State: CA
 *** More matches on this Driver Lic outside this report ***
 --> VIN: 15369 (PASS) Year: 1974

N/A

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Match #: 7 Reason for Match: VIN of Insured
 Activity & Date: Property/Casualty 03/09/2002 File Number: 0L001355960

Type of Loss: Personal Automobile
 ISO Received: 11/02/2002
 Company: UNITED SERVICES AUTOMOBILE ASSOC (USAA G) Phone:
 Address: 9800 FREDERICKSBURG RD
 City: SAN ANTONIO State: TX Zip: 78288

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Company Claim Number: 04-058893
(Required for verification purposes.)

Please enter your search parameters, then click "Submit":

Name: **DOB:**
Address: **SSN:**
City: **Phone:**
State: **Role:** All
Zip Range: To **Search Type:** All

No Hits

VIN: csx2456 **Prof. Med. Lic:**

Tax ID:

Driver Lic: **State:**

License Plate: **State:**

Claim Number: **ISO File Number:**

Component ID: **Component Type:**

Partial VIN: **Make:** **Year:**

Date Range (MM/DD/YYYY) **Sort Results by Date Order** **Type of Loss**
to: Ascending Descending All

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Match #: 1

Reason for Match: VIN

Activity & Date: NCIC

01/12/1983

File Number: N0014544199

Information provided by NICB

Status: Purge

Msg Key: \$.P.

Location of Loss: US NCIS HEADQUARTERS SPINTCOMM

OCA: CEP825249

Date of Loss: 05/13/1982

--> VIN: 07864  Make: EVIN

N/A

Year: Model:

Match #: 2

Reason for Match: VIN of Insured

Activity & Date: Property/Casualty 09/18/1995

File Number: 8L000538757

Type of Loss: Commercial Automobile - Liability Bodily Injury Auto Related

Location of Loss: E/B 80 NEAR EL PORTAL

City: SAN PABLO, CONTR

State: CA

Zip:

ISO Received: 10/10/1995

Company: CALIFORNIA STATE AUTOMOBILE ASSOC INTER-

Phone: 5102238080

Contact: DUMMY REP, ,

Address: RICHMOND HILLTOP OFFICE

: PO BOX 6060

City: SAN PABLO

State: CA

Zip: 948066060

Claim Number: A09K392037SFX03

Policy Number: K392037

Involved Party: Claimant

Name: AUSMAN, AURA,

Address: 787 MESA WAY

City: RICHMOND

State: CA

Zip: 94805

Driver Lic: J057843

State: CA

Phone: 5102365401

Occupation: RETIRED

Injury/Damage: NECK/BUMP BRUISE HEAD

Service Provider: Medical Doctor (M.D.)

Name: KAISER HOSPITAL

Address: 901 NEVIN AVE

City: RICHMOND

State: CA

Zip: 94801

Tax ID: 941105628 (San Francisco, CA)

Involved Party: Insured

Name: SONG MOO S
 City: State: Zip: 94706
 Driver Lic: C2830104 State: CA
 --> VIN: 07864 (FAIL) Year: *? Unk.*

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Match #: 3

Reason for Match: VIN of Insured

Activity & Date: Property/Casualty 04/02/1998

File Number: 0A001315804

Type of Loss: Personal Automobile
 ISO Received: 09/17/2002
 Company: MUTUAL OF ENUMCLAW INSURANCE CO Phone:
 Address: 1460 WELLS ST
 City: ENUMCLAW State: WA Zip: 98022
 Claim Number: 0198X0008851
 Policy Number: PA50504377
 Operator is Policyholder #2.
 Coverage Type: Liability - Property Damage
 Claim Amount: 566

Involved Party: Insured

Name: COX, DORIAN,
 Address: PO BOX 828
 City: UNION State: OR Zip: 97883
 DOB: 10/13/1939
 Gender: M
 Driver Lic: 3908795 State: OR
 *** More matches on this Driver Lic outside this report ***
 --> VIN: 07864 (PASS) Year: 1974

? Unk.

Involved Party: Insured

Name: COX, GEORGIA,
 Address: PO BOX 828
 City: UNION State: OR Zip: 97883
 DOB: 05/27/1947
 Gender: F
 Driver Lic: 3908970 State: OR
 *** More matches on this Driver Lic outside this report ***

Involved Party: Insured Driver

Name: COX, GEORGIA,
 Address: PO BOX 828
 City: UNION State: OR Zip: 97883
 DOB: 05/27/1947
 Gender: F

Driver Lic: 3908970

State: OR

*** More matches on this Driver Lic outside this report ***

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Match #: 4

Reason for Match: VIN of Insured

Activity & Date: Property/Casualty 12/02/2007

File Number: 9E002312859

Type of Loss: Commercial Liability	Liability	
Location of Loss: 954 E.MCMILLAN		
City: CINCIN07854	State: OH	Zip: 45206
ISO Received: 03/07/2008		
Company: SEDGWICK CLMS MANAGEMENT SVC INC		Phone: 3126837681
Address: 175 W JACKSON ST #700		
City: CHICAGO	State: IL	Zip: 60604
Claim Number: 200712032190001		
Policy Number: XSLG23719836		

Involved Party: Claimant

Name: DAVIS, PAMELA,

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Match #: 1

Reason for Match: VIN

Activity & Date: NCIC

07/17/1984

File Number: N0016015045

Information provided by NICB


Status: Inactive Vehicle

Msg Key: XV

Location of Loss: CALIFORNIA HIGHWAY PATROL

OCA: S25632084

Date of Loss: 07/17/1984

--> VIN: 115491243 

Year: 1971

Make: MASERATI

Model:

Lic Plate: ELF50

State: CA

Stolen - Inactive

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Company Claim Number: 04-058893
(Required for verification purposes.)

Please enter your search parameters, then click "Submit":

Name:

DOB:

Address:

SSN:

City:

Phone:

State:

Role: All

Zip Range:

To

Search Type: All

810 HITS

VIN: hla3000765

Prof. Med. Lic:

Tax ID:

Driver Lic:

State:

License Plate:

State:

Claim Number:

ISO File Number:

Component ID:

Component Type:

Partial VIN:

Make:

Year:

Date Range (MM/DD/YYYY)

Sort Results by Date Order

Type of Loss

to:

Ascending Descending

All

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Company Claim Number: 04-058893
(Required for verification purposes.)

Please enter your search parameters, then click "Submit":

Name: **DOB:**

Address: **SSN:**

City: **Phone:**

State: **Role:** All

Zip Range: To **Search Type:** All

No Hits

VIN: 10002911 **Prof. Med. Lic:**

Tax ID:

Driver Lic: **State:**

License Plate: **State:**

Claim Number: **ISO File Number:**

Component ID: **Component Type:**

Partial VIN: **Make:** **Year:**

Date Range (MM/DD/YYYY) **Sort Results by Date Order** **Type of Loss**

to: Ascending Descending All

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Match #: 1

Reason for Match: VIN of Insured

Activity & Date: Property/Casualty 10/29/1999

File Number: 2Q001317720

Type of Loss: Personal Automobile
 ISO Received: 09/17/2002
 Company: MUTUAL OF ENUMCLAW INSURANCE CO Phone:
 Address: 1460 WELLS ST
 City: ENUMCLAW State: WA Zip: 98022
 Claim Number: 019900039789
 Policy Number: PA10520450
 Operator is Policyholder #1.
 Coverage Type: Uninsured Motorist
 Claim Amount: 1,597

Involved Party: Insured

Name: RENDSLAND, TODD, M
 Address: 17930 NW AVALON DR
 City: PORTLAND State: OR Zip: 97229
 DOB: 09/26/1967
 Gender: M
 Driver Lic: 4123014 State: OR

N/A

*** More matches on this Driver Lic outside this report ***

--> VIN: 09987  (PASS) Year: 1973

π
wrong year

Involved Party: Insured Driver

Name: RENDSLAND, TODD, M
 Address: 17930 NW AVALON DR
 City: PORTLAND State: OR Zip: 97229
 DOB: 09/26/1967
 Gender: M
 Driver Lic: 4123014 State: OR
 *** More matches on this Driver Lic outside this report ***

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Match #: 2

Reason for Match: VIN of Claimant

Activity & Date: Property/Casualty 06/09/2006

File Number: 3T001998121

Type of Loss: Commercial Automobile
 Loss Description: INSURED YARD BROKEN INTO. INSURED TRUCK AND VARIOU

ISO Received: 06/09/2006
 Insurer Received: 06/09/2006
 Company: TRAVELERS INDEMNITY COMPANY Phone: 8136633000
 Contact: PATRICIA LANHAM Phone: 8136633578
 Address: BRANDON CL CLM - A220
 : 3632 QUEEN PALM DR
 City: TAMPA State: FL Zip: 33619
 Claim Number: CFF7451001
 Policy Number: DTJ810365K8550
 Inception Date: 04/01/2006
 Expiration Date: 04/01/2007
 * NEW POLICY *

Involved Party: Insured

Name: NEHEMIAH CONSTRUCTION, INC.
 Address: 4790 EAST 2ND STREET
 City: BENICIA State: CA Zip: 94510

Involved Party: Claimant


Name: NEHEMIAH CONSTRUCTION INC.
 Address: 4790 EAST 2ND STREET
 City: BENICIA State: CA Zip: 94510
 Business Phone: 7077466870
 *** More matches on this Phone outside this report ***

Coverage Type: Comprehensive
 Loss Type: Theft

Date Closed: 06/21/2006

Contact: PATRICIA LANHAM

Phone: 8136633578

--> VIN: 09987  (FAIL)

Year: 1999

Odometer: 0000000000

Anti-Theft: Not Supplied

Theft Type: Total Theft of Vehicle

Wrong vch year

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Hit

Match #: 1

Reason for Match: VIN

Activity & Date: NCIC 10/29/1972 File Number: N0005307144

Information provided by NICB

Status: Inactive Vehicle Msg Key: CV
 Location of Loss: LOS ANGELES POLICE DEPARTMENT OCA: 72077503
 Date of Loss: 10/28/1972
 Recovery Agency: LOS ANGELES POLICE DEPARTMENT
 Date of Recovery: 11/13/1972

--> VIN: 250GT2903  Year: 1963
 Make: FERRARI Model:
 Lic Plate: HUNNY State: CA

Match #: 2

Reason for Match: VIN

Activity & Date: Purge 11/13/1972 File Number ?723520020

Record Type: Theft/Recovery
 Tape Number: 06

--> VIN: 250GT2903 Year:
 Contact ISO for more information: 800-399-2585

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Company Claim Number: 04-058893
(Required for verification purposes.)

Please enter your search parameters, then click "Submit":

Name:	DOB:
Address:	SSN:
City:	Phone:
State:	Role: All
Zip Range: To	Search Type: All

No Hits

VIN: 250gt3143 **Prof. Med. Lic:**

Tax ID:

Driver Lic: **State:**

License Plate: **State:**

Claim Number: **ISO File Number:**

Component ID: **Component Type:**

Partial VIN: **Make:** **Year:**

Date Range (MM/DD/YYYY)	Sort Results by Date Order	Type of Loss
to:	<input checked="" type="radio"/> Ascending <input type="radio"/> Descending	All

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Match #: 1

Reason for Match: VIN

Activity & Date: Export 01/09/2003 File Number: E0301002685

Information provided by NICB

Destination: ENGLAND

Port Name: 4601 - NEWARK

State: NEW JERSEY

Port Type: Seaport

ORI: NJUSC1013 -

City:

Phone:

Shipping Co.: MOTOR CLASSICS & COM

Vessel: B-80

Container#: GSTU504476-9

Owner Surname: SYTNER

Involved Party: Consignee

Name: C.A.R.S. UK

Address: P.O. BOX 28

City: FELIXSTOWE

State: EN

Zip:

Involved Party: Shipper

Name: MOTOR CLASSIC AND COMPETITION CORP

Address: 868 NORTH BROADWAY

City: WHITE PLAINS

State: NY

Zip:

-->

VIN: GT40P1069

(PASS)

Year: 1967

SAME SHIPMENT

Match #: 2

Reason for Match: VIN

Activity & Date: Export 01/15/2003 File Number: E0301602318

Information provided by NICB

Destination: ENGLAND

Port Name: 4601 - NEWARK

State: NEW JERSEY

Port Type: Seaport

ORI: NJUSC1013 -

City:

Phone:

Shipping Co.: MOTOR CLASSICS & COM

Vessel: B-64

Container#: GSTU504476-9

Owner Surname: SYTNER

Involved Party: Consignee

Name: C.A.R.S. UK

Address: P.O. BOX 28

City: FELIXSTOWE

State: EN

Zip:

Involved Party: Shipper

Name: MOTOR CLASSICS AND COMPETITION CORP

Address: 868 NORTH BROADWAY

City: WHITE PLAINS

State: NY

Zip:

-->

VIN: GT40P1069

(PASS)

Year: 1967

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Company Claim Number: 04-058893
(Required for verification purposes.)

Please enter your search parameters, then click "Submit":

Submit Reset

Name: DOB:
Address: SSN:
City: Phone:
State: Role: All
Zip Range: To Search Type: All

No Hits

VIN: xa2s1n704508a Prof. Med. Lic:

Tax ID:

Driver Lic: State:

License Plate: State:

Claim Number: ISO File Number:

Component ID: Component Type:

Partial VIN: Make: Year:

Date Range (MM/DD/YYYY) Sort Results by Date Order Type of Loss
to: Ascending Descending All

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Company Claim Number: 04-058893
(Required for verification purposes.)

Please enter your search parameters, then click "Submit":

Name: **DOB:**

Address: **SSN:**

City: **Phone:**

State: **Role:** All

Zip Range: To **Search Type:** All

No Hits

VIN: 0799gt **Prof. Med. Lic:**

Tax ID:

Driver Lic: **State:**

License Plate: **State:**

Claim Number: **ISO File Number:**

Component ID: **Component Type:**

Partial VIN: **Make:** **Year:**

Date Range (MM/DD/YYYY) **Sort Results by Date Order** **Type of Loss**

to: Ascending Descending All

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Company Claim Number: 04-058893
(Required for verification purposes.)

Please enter your search parameters, then click "Submit":

No Hits

Name: **DOB:**
Address: **SSN:**
City: **Phone:**
State: **Role:** All
Zip Range: To **Search Type:** All

VIN: db4gt0196r **Prof. Med. Lic:**

Tax ID:

Driver Lic: **State:**

License Plate: **State:**

Claim Number: **ISO File Number:**

Component ID: **Component Type:**

Partial VIN: **Make:** **Year:**

Date Range (MM/DD/YYYY) **Sort Results by Date Order** **Type of Loss**
to: Ascending Descending All

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Single Party Search | [Two Party Search](#) | [Previous Matches](#) | [Deferred Reports](#) | [AMA Search](#)

Company Claim Number: 04-058893
(Required for verification purposes.)

Please enter your search parameters, then click "Submit":

Name:	DOB:
Address:	SSN:
City:	Phone:
State:	Role: All
Zip Range: To	Search Type: All

No Hits

VIN: j811649 **Prof. Med. Lic:**

Tax ID:

Driver Lic: **State:**

License Plate: **State:**

Claim Number: **ISO File Number:**

Component ID: **Component Type:**

Partial VIN: **Make:** **Year:**

Date Range (MM/DD/YYYY)	Sort Results by Date Order	Type of Loss
to:	<input checked="" type="radio"/> Ascending <input type="radio"/> Descending	All

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ClaimSearch

Claims Inquiry

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[Log Out](#)

Single Party Search | [Two Party Search](#) | [Previous Matches](#) | [Deferred Reports](#) | [AMA Search](#)

Company Claim Number: 04-058893
(Required for verification purposes.)

Please enter your search parameters, then click "Submit":

[Submit](#) | [Reset](#)

Name: **DOB:**

Address: **SSN:**

City: **Phone:**

State: **Role:** All

Zip Range: To **Search Type:** All

No Hits

VIN: 4948 **Prof. Med. Lic:**

Tax ID:

Driver Lic: **State:**

License Plate: **State:**

Claim Number: **ISO File Number:**

Component ID: **Component Type:**

Partial VIN: **Make:** **Year:**

Date Range (MM/DD/YYYY) **Sort Results by Date Order** **Type of Loss**

to: Ascending Descending All

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ClaimSearch

Claims Inquiry

Home | Claims Reporting | Claims Inquiry | VIN Decoding | NICB Submission | SIU Case Manager | Decision Net | OFAC | Account Management

Log Out

Single Party Search | Two Party Search | Previous Matches | Deferred Reports | AMA Search

Company Claim Number: 04-058893
(Required for verification purposes.)

Please enter your search parameters, then click "Submit":

No Hits

Name: DOB:
 Address: SSN:
 City: Phone:
 State: Role: All
 Zip Range: To Search Type: All

VIN: 33504537351002 Prof. Med. Lic:

Tax ID:

Driver Lic: State:

License Plate: State:

Claim Number: ISO File Number:

Component ID: Component Type:

Partial VIN: Make: Year:

Date Range (MM/DD/YYYY) Sort Results by Date Order Type of Loss
 to: Ascending Descending All

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ClaimSearch[®]

Claims Inquiry

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Search Results - Match Report

[Print-Format Report](#)

Displaying page 1 of 1

Match #: 1

Reason for Match: VIN

Activity & Date: Export

File Number: E0515905270

Information provided by NICB

Customs Officer: MAES, PAUL
ORI: MIUSC1111 -
Phone:

Phone: 8109820133
City:

--> VIN: 7303484R  (PASS) Year: 1973

Hit

Match #: 1

Reason for Match: Address+City

Activity & Date: Export 09/12/2000 **File Number:** E0025001354

Information provided by NICB

Port Name: 4601 - NEWARK	State: NEW JERSEY
Customs Officer: ROJEWSKI, ROBERT	Phone:
ORI: NJUSC1060 -	City:
Phone:	

Involved Party: Owner
Name: HALLINGBY, PAUL, L
--> **Address:** PO BOX 544
City: SHARON **State:** CT **Zip:**

Submitted VIN: 14995
VIN: 14995 (PASS) **Year:** 1972
*** More matches on this VIN outside this report ***
Make: FERRARI **Model:** DAY

ClaimSearch[®]

Claims Inquiry

Home | Claims Reporting | Claims Inquiry | VIN Decoding | NICB Submission | SIU Case Manager | Decision Net | OFAC | Account Management

[Log Out](#)

Single Party Search | Two Party Search | Previous Matches | Deferred Reports | AMA Search

Company Claim Number: 04-058893
(Required for verification purposes.)

Please enter your search parameters, then click "Submit":

Name:		DOB:	
Address:	501 lake ave	SSN:	
City:	greenwich	Phone:	
State:	Connecticut	Role:	All
Zip Range:	To	Search Type:	All

VIN:		Prof. Med. Lic:	
Tax ID:			
Driver Lic:		State:	
License Plate:		State:	

Claim Number: _____ **ISO File Number:** _____

Component ID:		Component Type:	
Partial VIN:		Make:	Year:

Date Range (MM/DD/YYYY)	Sort Results by Date Order	Type of Loss
to:	<input checked="" type="radio"/> Ascending <input type="radio"/> Descending	All

Match #: 1**Reason for Match: Name of Insured**

Activity & Date: Property 01/31/1997 **File Number:** 8D000012160
Type of Loss: Property **Other**
Location of Loss: 1 SUTTON PLACE S
City: NEW YORK **State:** NY **Zip:** 10022
ISO Received: 03/22/1997
Insured Company: GREAT NORTHERN INSURANCE COMPANY **Phone:** 9089032000
Contact: RINCONES, P,
Adj Company:
Address: 200 SOUTH ST #1000
City: MINNEAPOLIS **State:** MN **Zip:** 55402
Policy Number: 1093044201

	Building	Contents	Stock	Use & Occupancy	Other/ Scheduled
Amount of Policy:		656,000			
Estimated Loss:	36,000	32,000			

Involved Party: Insured
 --> **Name:** HALLINGBY, PAUL,
Address: 521 5TH AVE
City: NEW YORK **State:** NY **Zip:** 10175

Involved Party: Agent/Broker
Name: THE KORNBEICH NIA ORG
Address: 521 5TH AVE 12 FL
City: NEW YORK **State:** NY **Zip:** 10175

Match #: 1**Reason for Match: Name of Insured**

Activity & Date: Property 01/01/1996 **File Number:** 3H000045420
Type of Loss: Property Other
Location of Loss: 1 SUTTON PL N
City: NEW YORK **State:** NY **Zip:** 10022
ISO Received: 11/26/1997
Insured Company: GREAT NORTHERN INSURANCE COMPANY **Phone:** 9089032000
Contact: ROHAN, W,
Adj Company:
Address: 200 SOUTH ST #1000
City: MINNEAPOLIS **State:** MN **Zip:** 55402
Policy Number: 1093044201

	Building	Contents	Stock	Use & Occupancy	Other/ Scheduled
Amount of Policy:		596,000			
Estimated Loss:		4,000			

Involved Party: Insured
 --> **Name:** HALLINGBY, PAUL,
Address: 521 5TH AVE 1
City: NEW YORK **State:** NY **Zip:** 10175

Involved Party: Insured
Name: HALLINGBY, MAI,
City: **State:** **Zip:**

Involved Party: Agent/Broker
Name: THE KORNREICH NIA ORG
Address: 521 KTH AVE 12FL
City: NEW YORK **State:** NY **Zip:** 10000

Match #: 1**Reason for Match: Name of Insured**

Activity & Date: Recovered Theft 03/09/1990 **File Number:** T9005363558
Location of Loss: **OCA:**
Date of Theft: 02/01/1990 **Condition:** Vandalized
Recovery Agency: NYC PD INTER CITY CORRESPOND -KNYB
Classification: No major parts missing, but damaged
Company: CHUBB INSURANCE COMPANY OF NEW JERSEY **Phone:** 2124838888
Address: 55 WATER ST
City: NEW YORK **State:** NY **Zip:** 10041
Claim Number: 17996436

Involved Party: Insured
--> **Name:** HALLINGBY, PAUL JR
Address: 245PARK AVE
City: NEW YORK **State:** NY **Zip:** 10001
VIN: WDBCA35DXKA431724 (PASS) **Year:** 1989
*** More matches on this VIN outside this report ***
Make: MERCEDES-BENZ **Model:** 420 SERIES
Lic Plate: 471TQI **State:** NY
*** More matches on this Lic Plate outside this report ***

Match #: 1**Reason for Match: Name**

Activity & Date: Export 09/12/2000 **File Number:** E0025001354
Information provided by NICB
Port Name: 4601 - NEWARK **State:** NEW JERSEY
Customs Officer: ROJEWSKI, ROBERT **Phone:**
ORI: NJUSC1060 - **City:**
Phone:

Involved Party: Owner
--> **Name:** HALLINGBY, PAUL, L
Address: PO BOX 544
City: SHARON **State:** CT **Zip:**
Submitted VIN: 14995
VIN: 14995 (PASS) **Year:** 1972
*** More matches on this VIN outside this report ***
Make: FERRARI **Model:** DAY

Match #: 1**Reason for Match: Name of Insured****Activity & Date:** Property/Casualty 07/24/1997 **File Number:** 4F000458865**Type of Loss:** Commercial Automobile - Liability Bodily Injury Auto Related**ISO Received:** 08/14/1997**Company:** ALLSTATE INSURANCE COMPANY**Phone:** 8606764000**Address:** CT CASUALTY MCO (3960)

: 74 BATTERSON PARK RD

City: FARMINGTON**State:** CT**Zip:** 06034**Claim Number:** 636209250105**Involved Party:** Claimant**Name:** GOODRICH, MARLENE,**Address:** 314 OAK RD**City:** MAHOPAC**State:** NY**Zip:** 10541**Injury/Damage:** SHOULDER

INJURED

Involved Party: Insured**--> Name:** PAUL L HALLINGBY

Match #: 1**Reason for Match: Name of Insured****Activity & Date:** Property/Casualty 07/24/1997 **File Number:** 8H000457481**Type of Loss:** Commercial Automobile - Liability Bodily Injury Auto Related**City:** LONG ISLAND**State:** NY**Zip:****ISO Received:** 08/01/1997**Company:** ALLSTATE INSURANCE COMPANY**Phone:** 8606764000**Address:** CT CASUALTY MCO (3960)

: 74 BATTERSON PARK RD

City: FARMINGTON**State:** CT**Zip:** 06034**Claim Number:** 636209250102**Involved Party:** Claimant**Name:** HALLINGBY, BAILEY,**Address:** 25 MIDWOOD RD**City:** GREENWICH**State:** CT**Zip:** 06830**DOB:** 05/30/1980**Injury/Damage:** BACK

PAIN

Involved Party: Insured**--> Name:** PAUL L HALLINGBY

Match #: 1

Reason for Match: Name of Insured

Activity & Date: Property/Casualty 07/24/1997 **File Number:** 9K000518615
Type of Loss: Commercial Automobile - Liability Bodily Injury Auto Related
ISO Received: 10/15/1997
Company: ALLSTATE INSURANCE COMPANY **Phone:** 8606764000
Address: CT CASUALTY MCO (3960)
 : 74 BATTERSON PARK RD
City: FARMINGTON **State:** CT **Zip:** 06034
Claim Number: 636209250103

Involved Party: Claimant
Name: KELLY, JOHN,
Address: BAYVIEW DRIVE
City: QUOGUE **State:** NY **Zip:** 11959
Injury/Damage: BACK SORE

Involved Party: Insured
--> **Name:** PAUL L HALLINGBY

Single Party Search | Two Party Search | Previous Matches | Deferred Reports | NICB SVIN | AMA Search

Search Results - Name Summary

[Next >>](#)

[Print-Format Report](#)


Displaying page 1 of 4

Your search matches more than one name. Please select one of the two following options:

1. Click on a name's hyperlink to generate a match report.
2. Select a number of names using the check boxes, then click **VIEW** to generate a match report for all selected names.

[Select all on this page](#)

Name	Address	City	State	Date Of Loss	Role	Type	R/C
<input type="checkbox"/> HALLINGBY, PAUL,	521 5TH AVE 1	NEW YORK	NY	01/01/1996	INSD	PROP	
<input type="checkbox"/> HALLINGBY, PAUL,	521 5TH AVE	NEW YORK	NY	01/31/1997	INSD	PROP	
<input type="checkbox"/> HALLINGBY, PAUL,	521 5TH AVE 1	NEW YORK	NY	01/01/1996	INSD	PROP	
<input type="checkbox"/> HALLINGBY, PAUL,	521 5TH AVE	NEW YORK	NY	01/31/1997	INSD	PROP	
<input type="checkbox"/> HALLINGBY, PAUL JR	245PARK AVE	NEW YORK	NY	02/01/1990	INSD	THFT	
<input type="checkbox"/> HALLINGBY, PAUL, L	PO BOX 544	SHARON	CT	09/12/2000	OTH	REXPO	
<input type="checkbox"/> PAUL L HALLINGBY				07/24/1997	INSD	CASU	
<input type="checkbox"/> PAUL L HALLINGBY				07/24/1997	INSD	CASU	
<input type="checkbox"/> PAUL L HALLINGBY				07/24/1997	INSD	CASU	
<input type="checkbox"/> PAUL L HALLINGBY				07/24/1997	INSD	CASU	
<input type="checkbox"/> PAUL L HALLINGBY				07/24/1997	INSD	CASU	
<input type="checkbox"/> HALLING, PAUL	1513 EAST BURNSVILLE PARK	BURNSVILLE	MN	06/08/1998	INSD	VHPD	
<input type="checkbox"/> HALLING, PAUL,	1759 BURR OAK RD	HOMEWOOD	IL	11/01/1997	INSD	PROP	
<input type="checkbox"/> HALLING, PAUL,				09/16/1996	INSD	PROP	
<input type="checkbox"/> HALLING, PAUL,	1759 BURR OAK RD	HOMEWOOD	IL	11/01/1997	INSD	PROP	
<input type="checkbox"/> HALLING, PAUL	35 ZELMER LANE	MARKLEYVILLE	CA	08/20/2003	CLMT	P&C	
<input type="checkbox"/> HALLING PAUL	35 ZELMER LN	MARKLEEVILLE	CA	03/22/1998	INSD	CASU	
<input type="checkbox"/> HALLING, PAUL,				06/10/1996	INSD	PROP	
<input type="checkbox"/> PAUL HALLING ROOFING	1759 BURR OAK RD	HOMEWOOD	IL	06/10/1996	INSD	PROP	
<input type="checkbox"/> PAUL HALLING ROOFING	1759 BURR OAK RD	HOMEWOOD	IL	09/16/1996	INSD	PROP	
<input type="checkbox"/> HALLINGER, PAUL,	6718 PECHIN ST	PHILADELPHIA	PA	10/11/1998	CLMT	CASU	

State of Connecticut Dept. of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1

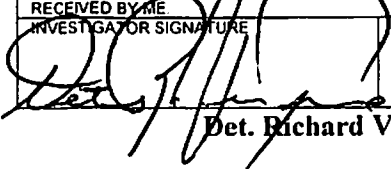
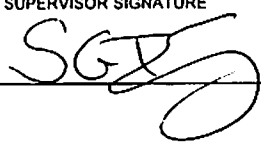
Action Taken: On July 23rd, 2008, this Detective spoke with Sergeant Adams, who stated that Paul Hallingby DOB: 11-11-46 is known to associate with Nicolas Soprano, owner of "Motor Classic and Competition" located at 868 North Broadway in White Plains, New York. Sergeant Adams stated that he knows of a Police Officer in the North Castle New York Police Department who is friendly enough with Mr. Soprano that he could enter the showroom of Soprano's facility and examine the vehicles there. The purpose of the visit was to confirm whether or not the 1958 Ferrari 250PF, bearing Vehicle Identification Number 0799GT, was being stored there.

This Detective agreed that having a Police Officer visit "Motor Classic and Competition" might provide useful information.


One July 23rd, 2008, Lt. Peter Simonsen of the North Castle Police Department visited "Motor Classic and Competition" and spoke with the owner, Mr. Soprano. Lt Simonsen did not observe the 1958 Ferrari 250PF, bearing Vehicle Identification Number 0799GT, in the showroom.

Detective Pinelli of the Statewide Auto Theft Task Force was advised of these events.

This case is closed Suspended.

CASE STATUS:			TYPE OF EXCEPTIONAL CLEARANCE:		
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2-CLEARED ARREST	<input type="checkbox"/> 6-NO CRIMINAL ASPECT	<input type="checkbox"/> B-PROSECUTION DENIED	<input type="checkbox"/> E-JUVENILE-NO CUSTODY		
<input checked="" type="checkbox"/> 3-SUSPENDED	<input type="checkbox"/> F-FUGITIVE	<input type="checkbox"/> C-EXTRADITION DENIED			
THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE, OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.					
INVESTIGATOR SIGNATURE	INVESTIGATOR ID	REPORT DATE	SUPERVISOR SIGNATURE	SUPERVISOR ID	APPROVAL DATE
	732	08-08-08		271	8-20-08

Det. Richard Van Tine

State of Connecticut Dept. of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1
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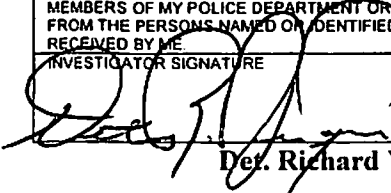
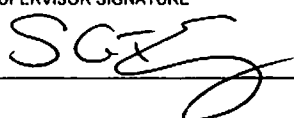
Action Taken: On August 13th, 2008, this Detective received from Detective Pinelli several faxes from "Condon & Skelly," the insurance company that insures Mr. Hallingby's collector cars. He has seventeen insured vehicles with them. Six of the vehicles do not list a location where they are stored. The remaining eleven all list "Sharon, CT" as the "Garage Location."

According to a representative of the insurance company, the company must know where all of the vehicles are stored and they have sent a letter to Mr. Hallingby advising him of that regulation and that he must comply to maintain the insurance on those vehicles.

Detective Pinelli was advised that as soon as Mr. Hallingby responds to the letter, they will notify him.

Attached to this report are the aforementioned faxes.

This case is closed Suspended.

CASE STATUS: <input type="checkbox"/> 1-ACTIVE <input type="checkbox"/> 2-CLEARED ARREST <input checked="" type="checkbox"/> 3-SUSPENDED			TYPE OF EXCEPTIONAL CLEARANCE: <input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE <input type="checkbox"/> 6-NO CRIMINAL ASPECT <input type="checkbox"/> F-FUGITIVE			<input type="checkbox"/> A-OFFENDER DECEASED <input type="checkbox"/> B-PROSECUTION DENIED <input type="checkbox"/> C-EXTRADITION DENIED			<input type="checkbox"/> D-VICTIM UNCOOPERATIVE <input type="checkbox"/> E-JUVENILE-NO CUSTODY				
THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.													
INVESTIGATOR SIGNATURE 			INVESTIGATOR I.D. 732		REPORT DATE 08-22-08		SUPERVISOR SIGNATURE 			SUPERVISOR I.D. 271		APPROVAL DATE 08-22-08	

Det. Richard Van Tine



COLLECTIBLE MOTOR VEHICLE INSURANCE

FAX TO: <i>Michelle Larson</i>	FROM: Rose Wojtko
FAX#: <i>816-947-4432</i>	PHONE#: (800)257-9496
INSURED: <i>Paul Hallingby</i>	FAX#: (856)234-8499
POLICY#: <i>PS098H4735</i>	EMAIL: rwojtko@condonskelly.com
CLAIM#:	DATE: <i>8-13-08</i>

No. of Pages Including Cover: 5**DOCUMENTS BEING FAXED:***Sec Pages***NOTES/COMMENTS:***Garaging location**Sharon CT.**Diane is working on finding out exact address.***CLAIMS DEPARTMENT**

MetLife Auto & Home®

700 Quaker Lane, Warwick, Rhode Island 02886

Collectible Vehicle Policy Declarations

A A Condon and Skelly
 D G 121 East Kings Highway, Suite 203
 M E Maple Shade, NJ 08052
 I N 800-257-9498
 N T

Make your check payable to: Condon and Skelly

ENDORSEMENT

Effective date: 04/21/08

THIS IS NOT A BILL

Subject to exclusions, conditions, and other terms of the Policy.

Producer Index	Producer Code	Agency Number	Policy Period (12:01 A.M. Standard Time at address of the insured.)	Policy Number
	0		From: 03/28/08 To: 03/28/09	PS09BH4735

Insured:
 Hallingby/Paul L.
 7 Gracie Square, Apt #10A
 New York, NY 10028

ANTIQUE VEHICLES

Risk state: CT

Coverages	Limits	Premium
A. LIABILITY		
BODILY INJURY AND PROPERTY DAMAGE COMBINED	500,000 EACH ACCIDENT	\$ 28.00
B. MEDICAL PAYMENTS	1,000 PER PERSON	\$ 7.50
C. UNINSURED MOTORIST CONVERSION COVERAGE	500,000 EACH ACCIDENT	\$ 63.00

Maximum mileage for Antique vehicles is 2,500 miles per vehicle.

VEH #	DESCRIPTION	VIN	LIABILITY	AGREED VALUE
1	1974 Ferrari Comprehensive \$0 Ded; Collision \$0 Ded Garage Location: Sharon, CT	07864	Yes	70,000 294.00
2	1958 Ferrari Comprehensive \$0 Ded; Collision \$0 Ded Garage Location:	07998T	Yes	550,000 2,310.00
3	1962 Mercedes Benz Comprehensive \$0 Ded; Collision \$0 Ded Garage Location: Sharon, CT	10002911	Yes	175,000 819.00

MetLife Auto & Home®

700 Quaker Lane, Warwick, Rhode Island 02888

Collectible Vehicle Policy Declarations

A A Condon and Skelly
 D G 121 East Kings Highway, Suite 203
 M E Maple Shade, NJ 08052
 I N 800-257-8498
 N T

Make your check payable to: Condon and Skelly

ENDORSEMENT

Effective date: 04/21/08

THIS IS NOT A BILL

Subject to exclusions, conditions, and other terms of the Policy.

Producer Index	Producer Code	Agency Number	Policy Period (12:01 A.M. Standard Time at address of the Insured.)	Policy Number
	0		From: 03/28/08 To: 03/28/09	PS09BH4735

Insured:
 Hallingby/Paul L.
 7 Gracie Square, Apt #10A
 New York, NY 10028

VEH #	DESCRIPTION	VIN	LIABILITY	AGREED VALUE
4	1973 Ferrari Comprehensive \$0 Ded; Collision \$0 Ded Garage Location: #	15369	Yes	350,000 1,470.00
5	1979 Volkswagen Comprehensive \$0 Ded; Collision \$0 Ded Garage Location: Sharon, CT #	1592044045	Yes	10,000 42.00
6	1961 Ferrari Comprehensive \$0 Ded; Collision \$0 Ded Garage Location: #	250GT2903	Yes	1,075,000 4,515.00
7	1961 Citroen Comprehensive \$0 Ded; Collision \$0 Ded	33504537351002	Yes	8,500 35.70
8	1970 Lamborghini Comprehensive \$0 Ded; Collision \$0 Ded Garage Location: Sharon, CT #	4253	Yes	105,000 441.00
9	1962 Morgan Comprehensive \$0 Ded; Collision \$0 Ded Garage Location: Sharon, CT #	494B	Yes	24,000 100.80
10	1964 Ferrari Comprehensive \$0 Ded; Collision \$0 Ded	6045	Yes	525,000 2,205.00

MetLife Auto & Home®

A A Condon and Skelly
 D G 121 East Kings Highway, Suite 203
 M E Maple Shade, NJ 08052
 I N 800-267-9498
 N. T

700 Quaker Lane, Warwick, Rhode Island 02886
 Collectible Vehicle Policy Declarations

Make your check payable to: Condon and Skelly

ENDORSEMENT

Effective date: 04/21/08

THIS IS NOT A BILL

Subject to exclusions, conditions, and other terms of the Policy.

Producer Index	Producer Code	Agency Number	Policy Period (12:01 A.M. Standard Time at address of the insured.)	Policy Number
	0		From: 03/28/08 To: 03/28/09	PS09BN4735

INSURED:

Hallingby/Paul L.
 7 Grace Square, Apt #10A
 New York, NY 10028

VEH #	DESCRIPTION	VIN	LIABILITY	AGREED VALUE
11	1968 DeTomaso Comprehensive \$0 Ded; Collision \$0 Ded Garage Location: Sharon, CT	BMA654	Yes	32,000 134.40
12	1961 Aston Martin Comprehensive \$0 Ded; Collision \$0 Ded	DB4GT0196R	Yes	950,000 3,990.00
13	1970 Datsun Comprehensive \$0 Ded; Collision \$0 Ded Garage Location:	HLA3000765	Yes	12,500 52.50
14	1957 Jaguar Comprehensive \$0 Ded; Collision \$0 Ded Garage Location:	8811649	Yes	85,000 357.00
15	1987 Aston Martin Comprehensive \$0 Ded; Collision \$0 Ded	SCFCVB1C7HTL15508	Yes	100,000 900.00
16	1989 Porsche Comprehensive \$0 Ded; Collision \$0 Ded	WPOEB0910KS170829	Yes	39,000 315.00
17	1972 Austin Comprehensive \$0 Ded; Collision \$0 Ded Garage Location:	XA2S1N704508A	Yes	21,500 90.30
TOTAL ANTIQUE VEHICLES				18,170.20

1
04/22/08

PAGE 3

FILE COPY

CONTINUED ON PAGE 4

MetLife Auto & Home®

A	A	Condon and Skelly
D	G	121 East Kings Highway, Suite 203
M	E	Maple Shade, NJ 08052
J	N	800-257-8488
N	T	

700 Quaker Lane, Warwick, Rhode Island 02886
 Collectible Vehicle Policy Declarations

Make your check payable to: Condon and Skelly

ENDORSEMENT

Effective date: 04/21/08

THIS IS NOT A BILL

Subject to exclusions, conditions, and other terms of the Policy.

Producer Index	Producer Code	Agency Number	Policy Period (12:01 A.M. Standard Time at address of the Insured.)	Policy Number
	Q		From: 03/28/08 To: 03/28/09	PS096H4735

Insured:
 Hellingby/Paul L.
 7 Grace Square, Apt #10A
 New York, NY 10028

TOTAL PREMIUM \$- 3,335.09

ENDORSEMENTS: CT450 CT400 CT700 V160A

PLEASE NOTE:

Deleted 1961 Ferrari #250GT3143 db



COLLECTIBLE MOTOR VEHICLE INSURANCE

FAX TO: <i>Detective Pinelli</i>	FROM: Rose Wojtko
FAX#: <i>203-696-2610</i>	PHONE#: (800)257-9496
INSURED: <i>Paul Hallingby</i>	FAX#: (856)234-8499
POLICY#: <i>P5098H4735</i>	EMAIL: rwojtko@condonskelly.com
CLAIM#:	DATE: <i>9-2-08</i>

No. of Pages Including Cover: 2**DOCUMENTS BEING FAXED:***E-mail***NOTES/COMMENTS:****CLAIMS DEPARTMENT**

Karen Cragg

*Matt
Griffin*

From: Info
Sent: Tuesday, August 19, 2008 4:16 PM
To: Karen Cragg
Subject: FW: ATTN DIANE BERGER

From: BHALLINGBY@aol.com [mailto:BHALLINGBY@aol.com]
Sent: Tuesday, August 19, 2008 2:43 PM
To: Info
Subject: ATTN DIANE BERGER

H 4735

Hello Diane,

In answer to your question, all of the cars are kept in purpose built garages in Sharon Connecticut where we have a home. We also have a caretaker who visits all facilities daily.

Please tell me why you asked specifically about the 1958 Ferrari?

Thank you,
Paul L. Hallingby
212-628-4923

*31 Kings Hill Rd
Perins
all veh garaged at
this location*

It's only a deal if it's where *you* want to go. Find your travel deal here.



COLLECTIBLE MOTOR VEHICLE INSURANCE

FAX TO: Detective Pinelli	FROM: Rose Wojtko
FAX#: 203-696-2610	PHONE#: (800)257-9496
INSURED: Paul Hallingby	FAX#: (856)234-8499
POLICY#: P5098H4735	EMAIL: rwojtko@condonskelly.com
CLAIM#:	DATE: 9-2-08

No. of Pages Including Cover: 2**DOCUMENTS BEING FAXED:**

E-mail

NOTES/COMMENTS:

CLAIMS DEPARTMENT

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To: Karen Cragg
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Sent: Tuesday, August 19, 2008 2:43 PM
To: Info
Subject: ATTN DIANE BERGER

H 4735'

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Paul L. Hallingby
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COLLECTIBLE MOTOR VEHICLE INSURANCE

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FAX#: <i>203-696-2610</i>	PHONE#: (800)257-9496
INSURED: <i>Paul Hallingby</i>	FAX#: (856)234-8499
POLICY#: <i>PS098H4735</i>	EMAIL: rwojtko@condonskelly.com
CLAIM#:	DATE: <i>9-2-08</i>

No. of Pages Including Cover: 2

DOCUMENTS BEING FAXED:

E-mail

NOTES/COMMENTS:

CLAIMS DEPARTMENT

Karen Cragg

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Griffin*

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To: Karen Cragg
Subject: FW: ATTN DIANE BERGER

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Sent: Tuesday, August 19, 2008 2:43 PM
To: Info
Subject: ATTN DIANE BERGER

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Please tell me why you asked specifically about the 1958 Ferrari?

Thank you,
Paul L. Hallingby
212-628-4923

*31 Kings Hill Rd
Perins
all veh garaged at
this location*

It's only a deal if it's where you want to go. Find your travel deal here.



COLLECTIBLE MOTOR VEHICLE INSURANCE

FAX TO: <i>Michelle Larson</i>	FROM: Rose Wojtko
FAX#: <i>866-947-4432</i>	PHONE#: (800)257-9496
INSURED: <i>Paul Hallingby</i>	FAX#: (856)234-8499
POLICY#: <i>PS098H4735</i>	EMAIL: rwoitko@condonskelly.com
CLAIM#:	DATE: <i>8-13-08</i>

No. of Pages Including Cover: 5**DOCUMENTS BEING FAXED:***Acc Pages***NOTES/COMMENTS:***Garaging location**Sharon CT.**Diane is working on finding out exact address.***CLAIMS DEPARTMENT**

MetLife Auto & Home

700 Quaker Lane, Warwick, Rhode Island 02986

Collectible Vehicle Policy Declarations

A. A Condon and Skelly
 D G 121 East Kings Highway, Suite 203
 M E Maple Shade, NJ 08052
 I N 800-257-9496
 N. T

Make your check payable to: Condon and Skelly

ENDORSEMENT

Effective date: 04/21/08

THIS IS NOT A BILL

Subject to exclusions, conditions, and other terms of the Policy.

Producer Index	Producer Code	Agency Number	Policy Period (12:01 A.M. Standard Time at address of the Insured.)	Policy Number
	0		From: 03/28/08 To: 03/28/09	PS095H4735

Insured:

Hallingby/Paul L.
 7 Gracie Square, Apt #10A
 New York, NY 10028

ANTIQUE VEHICLES

Risk state: CT

Coverages	Limits	Premium
A. LIABILITY		
BODILY INJURY AND		
PROPERTY DAMAGE COMBINED	500,000	EACH ACCIDENT \$ 28.00
B. MEDICAL PAYMENTS	1,000	PER PERSON \$ 7.50
C. UNINSURED MOTORIST	500,000	EACH ACCIDENT \$ 63.00
CONVERSION COVERAGE		

Maximum mileage for Antique vehicles is 2,500 miles per vehicle.

VEH #	DESCRIPTION	VIN	LIABILITY	AGREED VALUE
1	1974 Ferrari Comprehensive \$0 Ded; Collision \$0 Ded Garage Location: Sharon, CT	07B64	Yes	70,000 294.00
2	1958 Ferrari Comprehensive \$0 Ded; Collision \$0 Ded Garage Location:	07990T	Yes	550,000 2,310.00
3	1962 Mercedes Benz Comprehensive \$0 Ded; Collision \$0 Ded Garage Location: Sharon, CT	10002711	Yes	175,000 819.00

MetLife Auto & Home

700 Quaker Lane, Warwick, Rhode Island 02886

Collectible Vehicle Policy Declarations

A	A	Condon and Skelly
D	G	121 East Kings Highway, Suite 203
M	E	Maple Shade, NJ 08052
I	N	800-287-8498
N	T	

Make your check payable to: Condon and Skelly

ENDORSEMENT

Effective date: 04/21/08

THIS IS NOT A BILL

Subject to exclusions, conditions, and other terms of the Policy.

Producer Index	Producer Code	Agency Number	Policy Period (12:01 A.M. Standard Time at address of the Insured.)	Policy Number
	0		From: 03/28/08 To: 03/28/09	P8098H4735

Insured:

Hallingby/Paul L.
7 Gracie Square, Apt #10A
New York, NY 10028

VEH #	DESCRIPTION	VIN	LIABILITY	AGREED VALUE
4	1973 Ferrari Comprehensive \$0 Ded; Collision \$0 Ded Garage Location: #	15369	Yes	350,000 1,470.00
5	1979 Volkswagen Comprehensive \$0 Ded; Collision \$0 Ded Garage Location: Sharon, CT #	1592044045	Yes	10,000 42.00
6	1961 Ferrari Comprehensive \$0 Ded; Collision \$0 Ded Garage Location: #	250GT2903	Yes	1,075,000 4,515.00
7	1961 Citroen Comprehensive \$0 Ded; Collision \$0 Ded	33504537351002	Yes	8,500 35.70
8	1970 Lamborghini Comprehensive \$0 Ded; Collision \$0 Ded Garage Location: Sharon, CT #	4253	Yes	105,000 441.00
9	1962 Morgan Comprehensive \$0 Ded; Collision \$0 Ded Garage Location: Sharon, CT #	4948	Yes	24,000 100.80
10	1964 Ferrari Comprehensive \$0 Ded; Collision \$0 Ded	6045	Yes	525,000 2,205.00

MetLife Auto & Home[®]

700 Quaker Lane, Warwick, Rhode Island 02886

Collectible Vehicle Policy Declarations

A A Condon and Skelly
 D G 121 East Kings Highway, Suite 209
 M E Maple Shade, NJ 08052
 I N 800-257-9498
 N. T

Make your check payable to: Condon and Skelly

ENDORSEMENT

Effective date: 04/21/08

THIS IS NOT A BILL

Subject to exclusions, conditions, and other terms of the Policy.

Producer Index	Producer Code	Agency Number	Policy Period (12:01 A.M. Standard Time at address of the insured.)	Policy Number
	0		From: 03/28/08 To: 03/28/09	PS098H4735

INSURED:
 Hallingby/Paul L.
 7 Gracie Square, Apt #10A
 New York, NY 10028

VEH #	DESCRIPTION	VIN	LIABILITY	AGREED VALUE
11	1968 DeTomaso Comprehensive \$0 Ded; Collision \$0 Ded Garage Location: Sharon, CT	BMA654	Yes	32,000 134.40
12	1961 Aston Martin Comprehensive \$0 Ded; Collision \$0 Ded	DB48T0196R	Yes	950,000 3,990.00
13	1970 Datsun Comprehensive \$0 Ded; Collision \$0 Ded Garage Location:	HLA3000765	Yes	12,500 52.50
14	1957 Jaguar Comprehensive \$0 Ded; Collision \$0 Ded Garage Location:	8811649	Yes	85,000 357.00
15	1987 Aston Martin Comprehensive \$0 Ded; Collision \$0 Ded	SCFCVB1C7HTL15508	Yes	100,000 900.00
16	1989 Porsche Comprehensive \$0 Ded; Collision \$0 Ded	WPOEB0910KS170829	Yes	39,000 315.00
17	1972 Austin Comprehensive \$0 Ded; Collision \$0 Ded Garage Location:	XA281N704508A	Yes	21,500 90.30
TOTAL ANTIQUE VEHICLES				18,170.20

1
04/22/08

PAGE 3

FILE COPY

CONTINUED ON PAGE 4

MetLife Auto & Home[®]

700 Quaker Lane, Warwick, Rhode Island 02889

Collectible Vehicle Policy Declarations

A	A	Condon and Skelly
D	G	121 East Kings Highway, Suite 203
M	E	Maple Shade, NJ 08052
J	N	800-257-8488
N	T	

Make your check payable to: Condon and Skelly

ENDORSEMENT

Effective date: 04/21/08

THIS IS NOT A BILL

Subject to exclusions, conditions, and other terms of the Policy.

Producer Index	Producer Code	Agency Number	Policy Period (12:01 A.M. Standard Time at address of the insured.)	Policy Number
	Q		From: 03/28/08 To: 03/28/09	P8096H4735

Insured:

Hellingby/Paul L.
 7 Gracie Square, Apt #10A
 New York, NY 10028

TOTAL PREMIUM \$- 3,335.09

ENDORSEMENTS: CT450 CT400 CT700 V160A


PLEASE NOTE:

Deleted 1981 Ferrari #2506T3143 db

1
04/22/08 TRANSFER H4735

PAGE 4

FILE COPY

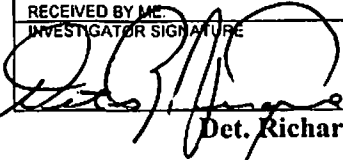
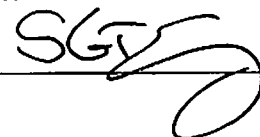
State of Connecticut Dept. of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1

Action Taken: On August 13th, 2008, this Detective received from Detective Pinelli several faxes from "Condon & Skelly," the insurance company that insures Mr. Hallingby's collector cars. He has seventeen insured vehicles with them. Six of the vehicles do not list a location where they are stored. The remaining eleven all list "Sharon, CT" as the "Garage Location."


According to a representative of the insurance company, the company must know where all of the vehicles are stored and they have sent a letter to Mr. Hallingby advising him of that regulation and that he must comply to maintain the insurance on those vehicles.

On August 19th, 2008, Mr. Hallingby responded via e-mail to "Condon & Skelly" and stated that all of his collector vehicles are "kept in purpose built garages in Sharon, CT where we have a home." He further stated that "we have a caretaker that visits all the facilities daily." Mr. Hallingby also inquired as to why "Condon & Skelly" was specifically asking about the 1958 Ferrari 250PF with Vehicle Identification Number 0799GT.

This case is closed Suspended.

CASE STATUS: <input type="checkbox"/> 1-ACTIVE <input type="checkbox"/> 2-CLEARED ARREST <input checked="" type="checkbox"/> 3-SUSPENDED			TYPE OF EXCEPTIONAL CLEARANCE: <input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE <input type="checkbox"/> 6-NO CRIMINAL ASPECT <input type="checkbox"/> F-FUGITIVE			<input type="checkbox"/> A-OFFENDER DECEASED <input type="checkbox"/> B-PROSECUTION DENIED <input type="checkbox"/> C-EXTRADITION DENIED			<input type="checkbox"/> D-VICTIM UNCOOPERATIVE <input type="checkbox"/> E-JUVENILE-NO CUSTODY					
THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.														
INVESTIGATOR SIGNATURE 				INVESTIGATOR ID 732		REPORT DATE 09-03-08		SUPERVISOR SIGNATURE 			SUPERVISOR ID 271		APPROVAL DATE 9-16-08	

Det. Richard Van Tine

State of Connecticut Department of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE:		ATTACHMENTS:		CFS INCIDENT #:
		<input type="checkbox"/> INITIAL	<input type="checkbox"/> ASSIST	<input type="checkbox"/> STATEMENTS	<input type="checkbox"/> TELETYPE	CFS08-00265932
		<input checked="" type="checkbox"/> SUPPL.		<input type="checkbox"/> PHOTOS	<input type="checkbox"/> OTHER	
		<input checked="" type="checkbox"/> RE-OPEN		<input type="checkbox"/> SKETCH MAP		
<input checked="" type="checkbox"/> CLOSING		<input checked="" type="checkbox"/> EVIDENCE				
						Page 1 of 2

SEARCH AND SEIZURE WARRANT EXECUTION
1958 Ferrari 250PF VIN: 0799GT

Evidence Report

Action Taken:

On September 4th, 2008, this Detective and Detective Richard VanTine of the Connecticut State Police (CSP) Motor Vehicle Fraud Task Force (MVFTF) obtained a search and seizure warrant regarding this investigation. For detailed information regarding this investigation refer to the initial and supplemental reports bearing this case number.

The search warrant was for a 1958 Ferrari 250PF bearing VIN: 0799GT. This vehicle was seized in connection with case number CFS08-00265932. For detailed information regarding this investigation refer to the initial and supplemental reports bearing this case number.

This Detective was the evidence officer for the execution of this search warrant, with Sergeant Robert Kenney as the scene supervisor.



The following personnel were present at the execution of the search warrant for the 1958 Ferrari 250PF bearing VIN: 0799GT and their assignments were as follows.


<u>Personnel</u>	<u>Department</u>	<u>Assignment</u>
• Sergeant Robert Kenney, #155	CSP	Scene Supervisor
• Sergeant Eric Dency, #271	CSP	Scene Supervisor
• Detective Richard VanTine, #732	CSP	Case Officer
• Detective Orlando Rodriguez, #1236	CSP	Search Officer
• TFC. Stonehill, #629	CSP	Uniformed Officer
• Detective Pete Pinelli, #468	CSP	Evidence Officer & Photographs

The search then commenced at approximately 1605 hours on September 4th, 2008. During the search, this Detective took digital photographs to document the search.

On September 4th, 2008 one item was seized during the execution of this search warrant and is described as follows.

Exhibit #	Description	Where Located	Located by	Time seized	Information
1	1958 FERRARI 250PF, VIN:0799GT AND CONNECTICUT REGISTRATION 72273	RED DETACHED GARAGE WITH 2 GARAGE BAY DOORS.	VANTINE	2030	

CASE STATUS <input type="checkbox"/> 1 ACTIVE <input checked="" type="checkbox"/> 2 CLEARED BY ARREST <input type="checkbox"/> 3 SUSPENDED <input type="checkbox"/> 4 EXCEPTIONAL CLEARANCE <input type="checkbox"/> 6 NO CRIMINAL ASPECT <input type="checkbox"/> F FUGITIVE			TYPE OF EXCEPTIONAL CLEARANCE <input type="checkbox"/> A OFFENDER DECEASED <input type="checkbox"/> B PROSECUTION DECLINED <input type="checkbox"/> C EXTRADITION DENIED <input type="checkbox"/> D VICTIM UNCOOPERATIVE <input type="checkbox"/> E JUVENILE-NO CUSTODY		
THE UNDERSIGNED, AN INVESTIGATOR HAVING BEEN DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATION AND KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSON OR PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.					
INVESTIGATOR SIGNATURE  Detective Pete Pinelli	INVESTIGATOR I.D.: # 468	REPORT DATE: 09/05/08	SUPERVISOR SIGNATURE: 	SUPERVISOR I.D.#: 155	APPROVAL DATE: 09/10/2008

State of Connecticut Department of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE:		ATTACHMENTS:		CFS INCIDENT #:
		<input type="checkbox"/> INITIAL	<input type="checkbox"/> ASSIST	<input type="checkbox"/> STATEMENTS	<input type="checkbox"/> TELETYPE	CFS08-00265932
		<input checked="" type="checkbox"/> SUPPL.		<input type="checkbox"/> PHOTOS	<input type="checkbox"/> OTHER	
		<input checked="" type="checkbox"/> RE-OPEN		<input type="checkbox"/> SKETCH MAP		
<input checked="" type="checkbox"/> CLOSING		<input checked="" type="checkbox"/> EVIDENCE		Page 2 of 2		



The search was concluded at approximately 2030 hours on September 4th, 2008 the vehicle was seized and towed to a secure indoor location for storage. The search was conducted without incident, and nothing was damaged during the execution of this warrant. Before and after photographs were taken and the property owner Mrs. Hallingby was present during the entire search.

Attachments:

Attached to this report are the following documents.

- Pages 1, the Connecticut Regional Auto Theft Task Force vehicle inventory form and flow sheet for this vehicle.

Case Status: Closed-Suspended.

CASE STATUS			TYPE OF EXCEPTIONAL CLEARANCE		
<input type="checkbox"/> 1 ACTIVE	<input type="checkbox"/> 4 EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A OFFENDER DECEASED	<input type="checkbox"/> D VICTIM UNCOOPERATIVE		
<input checked="" type="checkbox"/> 2 CLEARED BY ARREST	<input type="checkbox"/> 6 NO CRIMINAL ASPECT	<input type="checkbox"/> B PROSECUTION DECLINED	<input type="checkbox"/> E JUVENILE-NO CUSTODY		
<input type="checkbox"/> 3 SUSPENDED	<input type="checkbox"/> F FUGITIVE	<input type="checkbox"/> C EXTRADITION DENIED			
THE UNDERSIGNED, AN INVESTIGATOR HAVING BEEN DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATION AND KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSON OR PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.					
INVESTIGATOR SIGNATURE  Detective Pete Pinalli	INVESTIGATOR I.D.: # 468	REPORT DATE: 09/05/08	SUPERVISOR SIGNATURE: 	SUPERVISOR I.D.#: 155	APPROVAL DATE: 09/10/2008

DAILY TRANSMITTAL LIST

JD-CL-3 Rev. 12-87

INSTRUCTIONS

1. Prepare at the end of each day.
2. Retain last copy, deliver the rest to Clerk.

FROM (Resident State Policeman, Police Department, Barracks) CSP- DMV MVFTF	OF (Town) BRIDGEPORT	DATE PREPARED 09/08/08
THIS LIST CONTAINS ("X" one only) <input type="checkbox"/> INFRACTIONS COMPLAINTS <input checked="" type="checkbox"/> OTHER CRIMINAL CASES		This report covers the 24 hour period, starting at 12:01 A.M. of the following date → 09/04/08

SUMMONS, COMPLAINT, U.A.R. NO. AND NAME OF DEFENDANT	VIOLATION (General Statute No.)	DEFENDANT RELEASED ON BOND				NO BOND ("X" here)	FINGERPRINTS ENCLOSED ("X")		SEIZED PROPERTY INVENTORY		OFFICER'S REPORT ENCLOSED	
		CASH		SURETY			Yes	No	Yes	No	Yes	No
		AMOUNT	RECEIPT NO.	AMOUNT	BONDSMAN'S LICENSE NO.							
RETURN OF SIW 1. CFSOB-00265932										X		
RETURN OF SIW 2. CFSOB-00265932										X		
3.												
4.												
5.												
6.												
7.												
8.												
9.												
10.												
11.												
12.												
13.												
14.												
15.												
16.												
17.												
18.												
19.												
20.												

QUANTITY	DESCRIPTION
0	Cash Bonds totaling \$ N/A
0	Surety Bonds
0	Officer's reports
0	Summons or Complaints
0	Fingerprint cards
2	Inventories of seized property

SIGNED (Person preparing this list) 468 DATE **09/08/08**

The preceding items have been received:

SIGNED (Duly authorized assistant clerk) G.A. NO. **18** DATE **9/8/08**

TRANSMITTING OFFICER

DAILY TRANSMITTAL LIST

JD-CL-3 Rev. 12-87

INSTRUCTIONS

1. Prepare at the end of each day.
2. Retain last copy, deliver the rest to Clerk.

PAGE 1 OF 1 PAGES

FROM (Resident State Policeman, Police Department, Barracks) CSP- DMV NIVFTF		OF (Town) BRIDGEPORT				DATE PREPARED 09/08/08						
THIS LIST CONTAINS ("X" one only)		This report covers the 24 hour period, starting at 12:01 A.M. of the following date →				DATE COVERED 09/09/08						
<input type="checkbox"/> INFRACTIONS COMPLAINTS		<input checked="" type="checkbox"/> OTHER CRIMINAL CASES										
SUMMONS, COMPLAINT, U.A.R. NO. AND NAME OF DEFENDANT	VIOLATION (General Statute No.)	DEFENDANT RELEASED ON BOND				NO BOND ("X" here)	FINGERPRINTS ENCLOSED ("X")		SEIZED PROPERTY INVENTORY		OFFICER'S REPORT ENCLOSED	
		CASH		SURETY			Yes	No	Yes	No	Yes	No
1. RETURN OF S/W 09/08 00265932									X			
2. RETURN OF S/W 09/08 00265932									X			
3.												
4.												
5.												
6.												
7.												
8.												
9.												
10.												
11.												
12.												
13.												
14.												
15.												
16.												
17.												
18.												
19.												
20.												

QUANTITY	DESCRIPTION
0	Cash Bonds totaling \$ <u>N/A</u>
0	Surety Bonds
0	Officer's reports
0	Summons or Complaints
0	Fingerprint cards
2	Inventories of seized property

SIGNED (Person preparing this list) 468		DATE 09/08/08
The preceding items have been received:		
SIGNED (Duly authorized assistant clerk) 		G.A. NO. 18 DATE 9/8/08

RETAIN IN POLICE DEPARTMENT



STATE OF CONNECTICUT
 DEPARTMENT OF PUBLIC SAFETY
 DIVISION OF STATE POLICE



Connecticut Regional Auto Theft Task Force

**CRATTF VEHICLE & EVIDENCE
 INVENTORY FORM**

Case # CFS08-00265932

Case Officer: VANTINE #732

Incident Type: LARCENY

Date and Time: 09/04/08, 2030 HOURS

Location of Seizure: 31 KINGS HILL RD SHARON, CT

**Description of Evidence:
1958 FERRARI 250PF**

VIN:0799GT

**STOLEN RETAG STOLEN PARTS
 INS FRAUD OTHER**

CHAIN OF CUSTODY

From: SHARON,CT

Date and Time: 09/04/08 2030

By: VANTINE

To: IMPOUND GARAGE

From: _____

Date and Time: _____

By: _____

To: _____

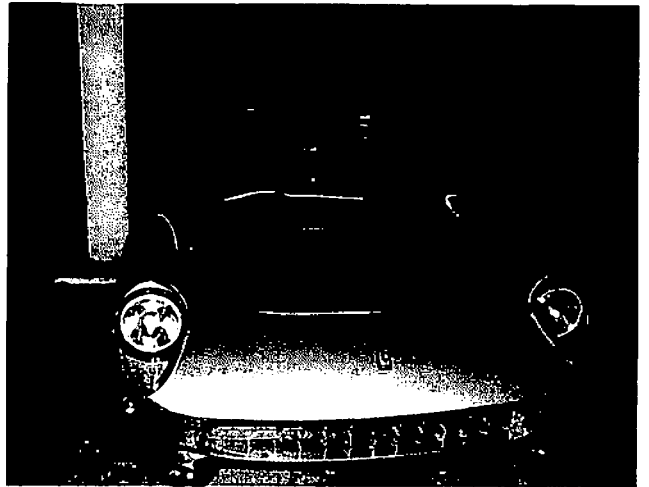
From: _____

Date and Time: _____

By: _____

To: _____

PHOTO



IMPOUND LOT LOCATION : N/A

Vehicle Mileage: 41348

License Plate & State: 72273, CT

Public VIN: 0799GT

True VIN: 0799GT

Condition of Vehicle: EXCELLENT

Keys with vehicle: yes no



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC SAFETY
DIVISION OF STATE POLICE



Connecticut Regional Auto Theft Task Force

**CRATTF VEHICLE & EVIDENCE
INVENTORY FORM**

Case # CFS08-00265932

Case Officer: VANTINE #732

Incident Type: LARCENY

Date and Time: 09/04/08, 2030 HOURS

Location of Seizure: 31 KINGS HILL RD SHARON, CT

Description of Evidence:

1958 FERRARI 250PF

VIN:0799GT

STOLEN RETAG STOLEN PARTS

INS FRAUD OTHER

CHAIN OF CUSTODY

From: SHARON,CT

Date and Time: 09/04/08 2030

By: VANTINE

To: IMPOUND GARAGE

From: _____

Date and Time: _____

By: _____

To: _____

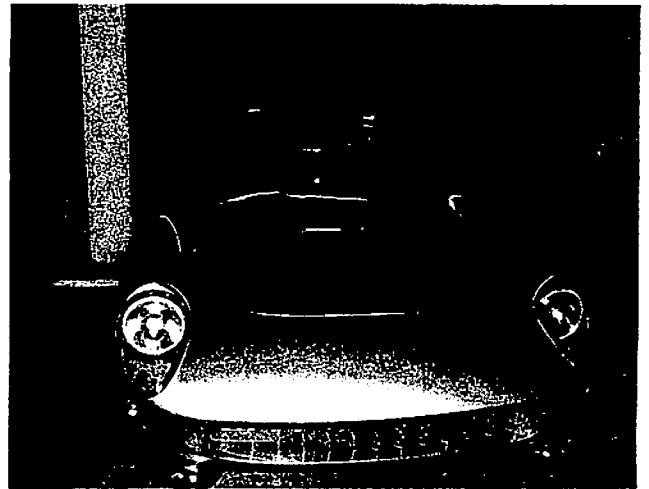
From: _____

Date and Time: _____

By: _____

To: _____

PHOTO



IMPOUND LOT LOCATION : N/A

Vehicle Mileage: 41348


License Plate & State: 72273, CT

Public VIN: 0799GT

True VIN: 0799GT

Condition of Vehicle: EXCELLENT

Keys with vehicle: yes no

State of Connecticut Department of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE:		ATTACHMENTS:		CFS INCIDENT #:
		<input type="checkbox"/> INITIAL	<input type="checkbox"/> ASSIST	<input type="checkbox"/> STATEMENTS	<input type="checkbox"/> TELETYPE	CFS08-00265932
		<input checked="" type="checkbox"/> SUPPL.		<input checked="" type="checkbox"/> PHOTOS	<input type="checkbox"/> OTHER	
		<input checked="" type="checkbox"/> RE-OPEN		<input type="checkbox"/> SKETCH MAP		
<input checked="" type="checkbox"/> CLOSING		<input type="checkbox"/> EVIDENCE				
						Page 1 of 3

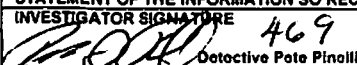

Supplementary Photo Report

Action Taken:

On September 4th, 2008, this Detective obtained digital photographs of the property located at 31 Kings Hill Road in Sharon Connecticut during the execution of a search and seizure warrant regarding this investigation. For detailed information regarding this investigation refer to the initial and supplemental reports bearing this case number.

The photographs were obtained utilizing a Panasonic DMC-FZ50 Camera equipped with a 35-420 mm lens. A total of 71 photographs were utilized for this report.

Photo #	Description	Date	Taken by
1	RED DETACHED TWO BAY DOOR GARAGE UPON ARRIVAL	09/04/08	PINELLI # 468
2	RED DETACHED TWO BAY DOOR GARAGE UPON ARRIVAL	09/04/08	PINELLI # 468
3	OVERALL OF RED GARAGE	09/04/08	PINELLI # 468
4	OVERALL OF RED GARAGE	09/04/08	PINELLI # 468
5	TWO GARAGE BAY DOORS	09/04/08	PINELLI # 468
6	LEFT HAND SIDE OF RED GARAGE WITH SIDE DOOR ENTRANCE	09/04/08	PINELLI # 468
7	LEFT HAND SIDE OF RED GARAGE WITH SIDE DOOR ENTRANCE	09/04/08	PINELLI # 468
8	CLOSE UP OF LOCKS AT THE SIDE DOOR ENTRANCE	09/04/08	PINELLI # 468
9	OVERALL OF WHITE DETACHED GARAGE AND APARTMENT	09/04/08	PINELLI # 468
10	OVERALL OF PROPERTY FROM DRIVEWAY	09/04/08	PINELLI # 468
11	OVERALL OF MAIN HOUSE	09/04/08	PINELLI # 468
12	ATTACHED GARAGE AT THE MAIN HOUSE	09/04/08	PINELLI # 468
13	VEHICLES PARKED AT THE MAIN HOUSE	09/04/08	PINELLI # 468
14	VEHICLE AT THE MAIN HOUSE	09/04/08	PINELLI # 468
15	VEHICLE AT THE MAIN HOUSE	09/04/08	PINELLI # 468
16	VIEW OF RED DETACHED GARAGE FROM THE MAIN HOUSE	09/04/08	PINELLI # 468
17	MRS. HALLINGBY OPENING RED GARAGE AT 1705 HOURS	09/04/08	PINELLI # 468
18	VIEW INTO GARAGE, TARGET VEHICLE ON UPPER LEFT LIFT	09/04/08	PINELLI # 468
19	TWO VEHICLES FROM LOWER LEFT HAND SIDE OF GARAGE REMOVED	09/04/08	PINELLI # 468
20	CLOSE UP OF 1958 FERRARI VIN:0799GT	09/04/08	PINELLI # 468

CASE STATUS <input type="checkbox"/> 1 ACTIVE <input type="checkbox"/> 2 CLEARED BY ARREST <input checked="" type="checkbox"/> 3 SUSPENDED <input type="checkbox"/> 4 EXCEPTIONAL CLEARANCE <input type="checkbox"/> 5 NO CRIMINAL ASPECT <input type="checkbox"/> F FUGITIVE		TYPE OF EXCEPTIONAL CLEARANCE <input type="checkbox"/> A OFFENDER DECEASED <input type="checkbox"/> B PROSECUTION DECLINED <input type="checkbox"/> C EXTRADITION DENIED <input type="checkbox"/> D VICTIM UNCOOPERATIVE <input type="checkbox"/> E JUVENILE-NO CUSTODY			
THE UNDERSIGNED, AN INVESTIGATOR HAVING BEEN DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATION AND KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSON OR PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.					
INVESTIGATOR SIGNATURE  Detective Pete Pinalli	INVESTIGATOR I.D.: # 468	REPORT DATE: 09/05/08	SUPERVISOR SIGNATURE:  155	SUPERVISOR I.D.#: 155	APPROVAL DATE: 09/10/2008




REPORT TYPE:
 INITIAL ASSIST
 SUPPL.
 RE-OPEN
 CLOSING

ATTACHMENTS:
 STATEMENTS TELETYPE
 PHOTOS OTHER
 SKETCH MAP
 EVIDENCE

Action Taken Continued:

Photo #	Description	Date	Taken by
21	PHOTO OF YELLOW FERRARI TO DOCUMENT CONDITION	09/04/08	PINELLI # 468
22	PHOTO OF YELLOW FERRARI TO DOCUMENT CONDITION	09/04/08	PINELLI # 468
23	PHOTO OF YELLOW FERRARI TO DOCUMENT CONDITION	09/04/08	PINELLI # 468
24	PHOTO OF SILVER MERCEDES TO DOCUMENT CONDITION	09/04/08	PINELLI # 468
25	PHOTO OF SILVER MERCEDES TO DOCUMENT CONDITION	09/04/08	PINELLI # 468
26	PHOTO OF SILVER MERCEDES TO DOCUMENT CONDITION	09/04/08	PINELLI # 468
27	CLOSE UP OF 1958 FERRARI VIN:0799GT	09/04/08	PINELLI # 468
28	CLOSE UP OF 1958 FERRARI VIN:0799GT, DRIVER'S SIDE	09/04/08	PINELLI # 468
29	CLOSE UP OF 1958 FERRARI VIN:0799GT, PASSENGER'S SIDE	09/04/08	PINELLI # 468
30	1958 FERRARI VIN:0799GT, BUBBLED PAINT DRIVER'S SIDE FRONT HOOD	09/04/08	PINELLI # 468
31	1958 FERRARI VIN:0799GT, BUBBLED PAINT DRIVER'S SIDE FRONT HOOD	09/04/08	PINELLI # 468
32	1958 FERRARI VIN:0799GT, BUBBLED PAINT DRIVER'S SIDE FRONT HOOD	09/04/08	PINELLI # 468
33	PHOTO OF 1958 FERRARI VIN:0799GT, DOCUMENTING CONDITION	09/04/08	PINELLI # 468
34	PHOTO OF 1958 FERRARI VIN:0799GT, DOCUMENTING CONDITION	09/04/08	PINELLI # 468
35	PHOTO OF 1958 FERRARI VIN:0799GT, DOCUMENTING CONDITION	09/04/08	PINELLI # 468
36	INTERIOR PHOTO OF 1958 FERRARI VIN:0799GT, DOCUMENTING CONDITION	09/04/08	PINELLI # 468
37	PHOTO OF 1958 FERRARI VIN:0799GT, DOCUMENTING CONDITION	09/04/08	PINELLI # 468
38	PHOTO OF 1958 FERRARI VIN:0799GT, DOCUMENTING CONDITION	09/04/08	PINELLI # 468
39	SIGN POSTED IN RED GARAGE	09/04/08	PINELLI # 468
40	VEHICLES IN GARAGE AFTER REMOVAL OF FERRARI TO DOCUMENT CONDITION	09/04/08	PINELLI # 468
41	VEHICLES IN GARAGE AFTER REMOVAL OF FERRARI TO DOCUMENT CONDITION	09/04/08	PINELLI # 468
42	VEHICLES IN GARAGE AFTER REMOVAL OF FERRARI TO DOCUMENT CONDITION	09/04/08	PINELLI # 468
43	VEHICLES IN GARAGE AFTER REMOVAL OF FERRARI TO DOCUMENT CONDITION	09/04/08	PINELLI # 468
44	VEHICLES IN GARAGE AFTER REMOVAL OF FERRARI TO DOCUMENT CONDITION	09/04/08	PINELLI # 468
45	VEHICLES IN GARAGE AFTER REMOVAL OF FERRARI TO DOCUMENT CONDITION	09/04/08	PINELLI # 468
46	VEHICLES IN GARAGE AFTER REMOVAL OF FERRARI TO DOCUMENT CONDITION	09/04/08	PINELLI # 468
47	VEHICLES IN GARAGE AFTER REMOVAL OF FERRARI TO DOCUMENT CONDITION	09/04/08	PINELLI # 468
48	VEHICLES IN GARAGE AFTER REMOVAL OF FERRARI TO DOCUMENT CONDITION	09/04/08	PINELLI # 468
49	VEHICLES IN GARAGE AFTER REMOVAL OF FERRARI TO DOCUMENT CONDITION	09/04/08	PINELLI # 468
50	VEHICLES IN GARAGE AFTER REMOVAL OF FERRARI TO DOCUMENT CONDITION	09/04/08	PINELLI # 468

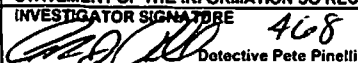

CASE STATUS		TYPE OF EXCEPTIONAL CLEARANCE			
<input type="checkbox"/> 1 ACTIVE	<input type="checkbox"/> 4 EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A OFFENDER DECEASED	<input type="checkbox"/> D VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2 CLEARED BY ARREST	<input type="checkbox"/> 6 NO CRIMINAL ASPECT	<input type="checkbox"/> B PROSECUTION DECLINED	<input type="checkbox"/> E JUVENILE-NO CUSTODY		
<input checked="" type="checkbox"/> 3 SUSPENDED	<input type="checkbox"/> F FUGITIVE	<input type="checkbox"/> C EXTRADITION DENIED			
<p>THE UNDERSIGNED, AN INVESTIGATOR HAVING BEEN DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATION AND KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSON OR PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.</p>					
INVESTIGATOR SIGNATURE <i>Pete Pinelli</i>	INVESTIGATOR I.D.: # 468	REPORT DATE: 09/05/08	SUPERVISOR SIGNATURE: <i>Sgt [Signature]</i>	SUPERVISOR I.D. #: 155	APPROVAL DATE: 09/10/2008

State of Connecticut Department of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE:		ATTACHMENTS:		CFS INCIDENT #:
		<input type="checkbox"/> INITIAL	<input type="checkbox"/> ASSIST	<input type="checkbox"/> STATEMENTS	<input type="checkbox"/> TELETYPE	CFS08-00265932 Page 3 of 3
		<input checked="" type="checkbox"/> SUPPL.	<input type="checkbox"/>	<input checked="" type="checkbox"/> PHOTOS	<input type="checkbox"/> OTHER	
		<input checked="" type="checkbox"/> RE-OPEN	<input type="checkbox"/>	<input type="checkbox"/> SKETCH MAP	<input type="checkbox"/>	
<input checked="" type="checkbox"/> CLOSING	<input type="checkbox"/>	<input type="checkbox"/> EVIDENCE	<input type="checkbox"/>			

Action Taken Continued:

Photo #	Description	Date	Taken by
51	OVERALL OF GARAGE AFTER REMOVAL OF FERRARI	09/04/08	PINELLI # 468
52	OVERALL OF GARAGE AFTER REMOVAL OF FERRARI	09/04/08	PINELLI # 468
53	PHOTO OF 1958 FERRARI VIN:0799GT, OUTSIDE TO PHOTOGRAPH VIN	09/04/08	PINELLI # 468
54	PHOTO OF 1958 FERRARI VIN:0799GT, OUTSIDE TO PHOTOGRAPH VIN	09/04/08	PINELLI # 468
55	PHOTO OF 1958 FERRARI VIN:0799GT, OUTSIDE TO PHOTOGRAPH VIN	09/04/08	PINELLI # 468
56	CLOSE UP OF FACTORY VEHICLE IDENTIFICATION PLATE	09/04/08	PINELLI # 468
57	CLOSE UP OF FACTORY VEHICLE IDENTIFICATION PLATE	09/04/08	PINELLI # 468
58	CLOSE UP OF FACTORY VEHICLE IDENTIFICATION PLATE	09/04/08	PINELLI # 468
59	RED GARAGE CLOSED AFTER REMOVAL OF FERRARI	09/04/08	PINELLI # 468
60	DET. VANTINE WITH SEARCH WARRANT AND SEIZED FERRARI	09/04/08	PINELLI # 468
61	RED GARAGE CLOSED AFTER REMOVAL OF FERRARI	09/04/08	PINELLI # 468
62	RED GARAGE CLOSED AFTER REMOVAL OF FERRARI	09/04/08	PINELLI # 468
63	KEYS FOR 1958 FERRARI VIN:0799GT	09/04/08	PINELLI # 468
64	KEYS FOR 1958 FERRARI VIN:0799GT	09/04/08	PINELLI # 468
65	1958 FERRARI VIN:0799GT, SECURED AT IMPOUND GARAGE, 2140 HOURS	09/04/08	PINELLI # 468
66	INTERIOR PHOTOS OF 1958 FERRARI VIN:0799GT	09/04/08	PINELLI # 468
67	INTERIOR PHOTOS OF 1958 FERRARI VIN:0799GT	09/04/08	PINELLI # 468
68	INTERIOR PHOTOS OF 1958 FERRARI VIN:0799GT	09/04/08	PINELLI # 468
69	1958 FERRARI VIN:0799GT, SECURED AT IMPOUND GARAGE	09/04/08	PINELLI # 468
70	1958 FERRARI VIN:0799GT, SECURED AT IMPOUND GARAGE	09/04/08	PINELLI # 468
71	1958 FERRARI VIN:0799GT, SECURED AT IMPOUND GARAGE		

Case Status: Closed-Suspended.

CASE STATUS		TYPE OF EXCEPTIONAL CLEARANCE			
<input type="checkbox"/> 1 ACTIVE	<input type="checkbox"/> 4 EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A OFFENDER DECEASED	<input type="checkbox"/> D VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2 CLEARED BY ARREST	<input type="checkbox"/> 6 NO CRIMINAL ASPECT	<input type="checkbox"/> B PROSECUTION DECLINED	<input type="checkbox"/> E JUVENILE-NO CUSTODY		
<input checked="" type="checkbox"/> 3 SUSPENDED	<input type="checkbox"/> F FUGITIVE	<input type="checkbox"/> C EXTRADITION DENIED			
THE UNDERSIGNED, AN INVESTIGATOR HAVING BEEN DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATION AND KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSON OR PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.					
INVESTIGATOR SIGNATURE 	INVESTIGATOR I.D.: # 468	REPORT DATE: 09/05/08	SUPERVISOR SIGNATURE: 	SUPERVISOR I.D.#: 155	APPROVAL DATE: 09/10/2008



Ferrari 001



Ferrari 002



Ferrari 003



Ferrari 004



Ferrari 005



Ferrari 006



Ferrari 007



Ferrari 008



Ferrari 009



Ferrari 010



Ferrari 011



Ferrari 012



Ferrari 013



Ferrari 014



Ferrari 015



Ferrari 016



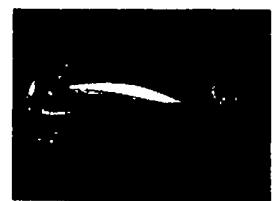
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Ferrari 018



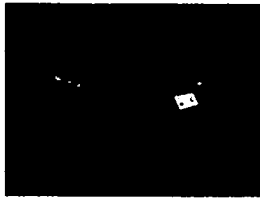
Ferrari 019



Ferrari 020



Ferrari 021



Ferrari 022



Ferrari 023



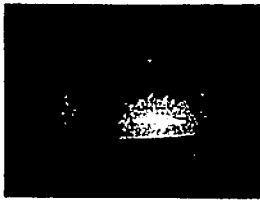
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Ferrari 025



Ferrari 026



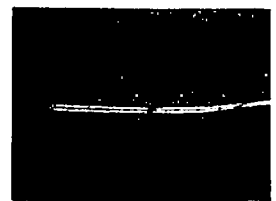
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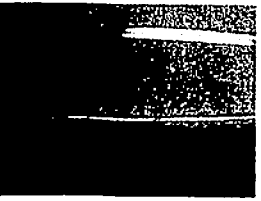
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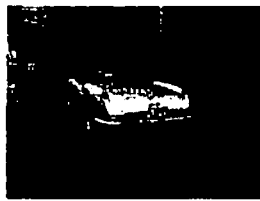
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Ferrari 031



Ferrari 032



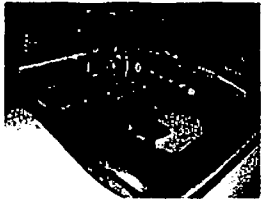
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Ferrari 034



Ferrari 035



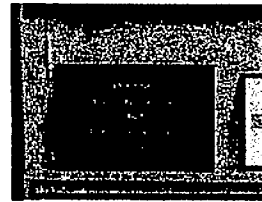
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Ferrari 037



Ferrari 038



Ferrari 039



Ferrari 040



Ferrari 041



Ferrari 042



Ferrari 043



Ferrari 044



Ferrari 045



Ferrari 046



Ferrari 047



Ferrari 048



Ferrari 049



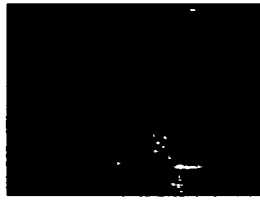
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Ferrari 051



Ferrari 052



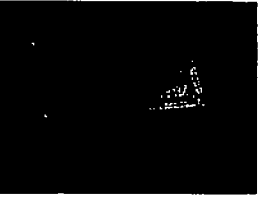
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Ferrari 054



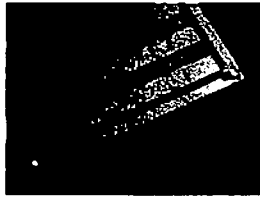
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Ferrari 056



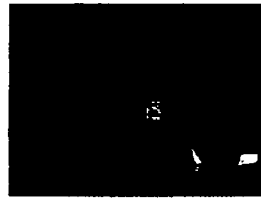
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Ferrari 058



Ferrari 059



Ferrari 060



Ferrari 061



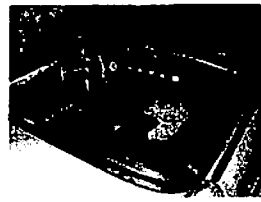
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Ferrari 063



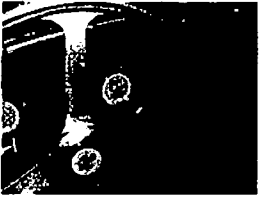
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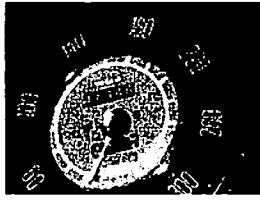
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Ferrari 066



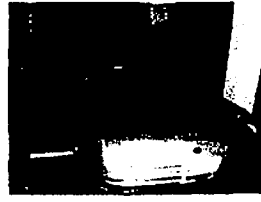
Ferrari 067



Ferrari 068




Ferrari 069



Ferrari 070



Ferrari 071

State of Connecticut Dept. of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input checked="" type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 3

Action Taken: On September 4th, 2008 at 1100 hours, {all times approximate} this Detective of the Motor Vehicle Fraud Task Force and Detective Pinelli of the Statewide Auto Theft Task Force visited Mr. Shepak, the Litchfield County State's Attorney, and presented him with a Warrant Application requesting the authority to Search the garages located at the residence of Paul Hallingby DOB:11-11-46 located at 31 Kings Hill Road in Sharon, CT and Seize the 1958 Ferrari 250PF, with Vehicle Identification Number 0799GT, that was stolen in Spain in 1993.

State's Attorney Shepak reviewed the Warrant Application and found Probable Cause. He then instructed us to bring the Application to Judge Ginocchio of the Superior Court for further review.

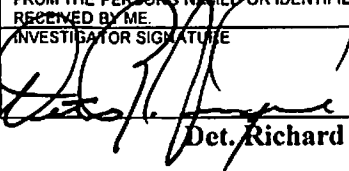
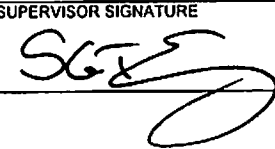
Judge Ginocchio reviewed the Application and also found Probable Cause. He issued the Search and Seizure Warrant at 1205 hours.

This Detective and Detective Pinelli then met with Sergeants Kenney and Dency, and Detective Rodriguez, all members of the State Police Motor Vehicle Fraud Task Force, at the State Police Troop "L" Barracks in Litchfield. From there, we traveled to meet three uniformed Troopers, namely Trooper First Class Stonehill, Trooper Ring, and Trooper Combes, at a prearranged location in Sharon. All State Police personnel were advised of the Search Warrant to be executed at 31 Kings Hill Road. Detective Pinelli was assigned to photograph the scene and document the evidence seized.


The aforementioned State Police Personnel arrived at 31 Kings Hill Road at approximately 1330 hours. No one was present at the residence. This Detective immediately noticed a detached, single floor garage, red in color, with two garage bay doors that was not on the tax assessor's list for buildings at that address. This Detective peered into the garage from an unobstructed window and observed the target vehicle, a two door convertible, silver in color, with a red interior, on a vehicle lift to the rear of the garage on the left side. There were eight other vehicles in the garage.

Because there no longer existed a reason to search the garages listed on the Search Warrant, this Detective and Detective Pinelli left the premises in order to apply for a second Search and Seizure Warrant. Sergeant Kenney also left the premises and returned to Troop "L," leaving the remaining State Police Personnel at 31 Kings Hill Road. {Refer to Supplementary Report to be completed by Sergeant Dency regarding the events that transpired during our absence from the scene}

While at Troop "L," Detective Pinelli contacted Mr. Shepak and advised him of the new developments. Mr. Shepak stated that he did not need to review the new Search Warrant Application and that we could bring it

CASE STATUS: <input type="checkbox"/> 1-ACTIVE <input type="checkbox"/> 2-CLEARED ARREST <input checked="" type="checkbox"/> 3-SUSPENDED		TYPE OF EXCEPTIONAL CLEARANCE: <input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE <input type="checkbox"/> 6-NO CRIMINAL ASPECT <input type="checkbox"/> F-FUGITIVE		<input type="checkbox"/> A-OFFENDER DECEASED <input type="checkbox"/> B-PROSECUTION DENIED <input type="checkbox"/> C-EXTRADITION DENIED		<input type="checkbox"/> D-VICTIM UNCOOPERATIVE <input type="checkbox"/> E-JUVENILE-NO CUSTODY	
THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.							
INVESTIGATOR SIGNATURE 	INVESTIGATOR I.D. 732	REPORT DATE 09-10-08	SUPERVISOR SIGNATURE 	SUPERVISOR I.D. 271	APPROVAL DATE 9-16-08		

Det. Richard Van Tine

State of Connecticut Dept. of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input checked="" type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 2 of 3
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directly to Judge Ginocchio. Detective Pinelli then contacted the Judge's secretary and advised her of the new developments and the need to visit the Judge a second time.

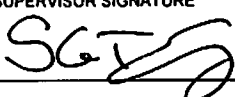
This Detective completed the second Search and Seizure Warrant Application and, along with Detective Pinelli, met again with Judge Ginocchio. The Judge reviewed the Application and issued the second Search and Seizure Warrant at 1538 hours.


This Detective and Detective Pinelli, along with Sergeant Kenney, returned to 31 Kings Hill Road and arrived at 1605 hours. Mrs. Hallingby was now present and she was provided with a copy of the Search and Seizure Warrant. She faxed a copy to her attorney, James Pastore. Sergeant Kenney asked Mrs. Hallingby to open the garage in order for the silver 1958 Ferrari to be seized pursuant to the Court Order. Mrs. Hallingby replied that she does not have access to the garage because Mr. Hallingby forbids her from even touching his collector cars. The caretaker, a man who identified himself as "Bob Pinckney," stated that he had a key for the garage at his home, located a few minutes away. Mr. Pinckney stated that he will, on occasion, pull the vehicles out of the garage for Mr. Hallingby and park them in the driveway. Mr. Pinckney was permitted by Sergeant Kenney to leave the scene at 1630 hours in order to retrieve the key for the garage. Mr. Pinckney returned at 1700 hours. At 1705 hours, the garage was opened with the key.

There were nine vehicles in the garage, including the target vehicle. There was a yellow Ferrari parked in front of the target vehicle and a Mercedes parked under the target vehicle, which as previously mentioned, was on a lift. Mrs. Hallingby made contact with her husband over the phone on several occasions during the execution of the search warrant. He was vacationing in France. According to Mrs. Hallingby, Mr. Hallingby said he did not want the Police touching his cars. Mrs. Hallingby also requested that we wait for her attorney, Mr. Pastore, to arrive. Sergeant Kenney agreed to wait for the attorney. It should be noted that there was the strong odor of gasoline in the garage and once the doors were opened, we waited several minutes for the garage to ventilate before reentry. This Detective climbed onto the lift and opened the hood of the target vehicle, confirming the Vehicle Identification Number as "0799GT."

Mr. Pinckney stated that the target vehicle had recently been placed in the garage, having been transported from an unknown location.

Mr. Pastore arrived at approximately 1900 hours and was advised that the 1958 Ferrari would be seized and that several of the vehicles would have to be moved to facilitate the seizure. Mr. Pastore contacted Mr. Hallingby over the phone, who again reiterated his desire to have his cars untouched by the Police. Sergeant Kenney then advised Mr. Pastore that the cars could be moved by Mrs. Hallingby, Mr. Pinckney, or by Mr.

CASE STATUS: <input type="checkbox"/> 1-ACTIVE <input type="checkbox"/> 2-CLEARED ARREST <input checked="" type="checkbox"/> 3-SUSPENDED		<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE <input type="checkbox"/> 6-NO CRIMINAL ASPECT <input type="checkbox"/> F-FUGITIVE		TYPE OF EXCEPTIONAL CLEARANCE: <input type="checkbox"/> A-OFFENDER DECEASED <input type="checkbox"/> B-PROSECUTION DENIED <input type="checkbox"/> C-EXTRADITION DENIED		<input type="checkbox"/> D-VICTIM UNCOOPERATIVE <input type="checkbox"/> E-JUVENILE-NO CUSTODY	
THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE, OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.							
INVESTIGATOR SIGNATURE Det. Richard Van Tine	INVESTIGATOR ID 732	REPORT DATE 09-10-08	SUPERVISOR SIGNATURE 	SUPERVISOR ID 271	APPROVAL DATE 9-16-08		

State of Connecticut Dept. of Public Safety Narrative Report  DPS-302-C (Revised 04/03)	REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input checked="" type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 3 of 3
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Pastore himself, otherwise the State Police would move them. Mr. Pastore refused to allow anyone to move the cars and stated that he did not see the reason that the target vehicle had to be removed from the garage, despite having a copy of the Search and Seizure Warrant in his hand.

At 1912 hours, this Detective, Sergeant Kenney, Detectives Pinelli and Rodriguez, and Sergeant Dency, along with Mr. Pinckney the caretaker, pushed the yellow Ferrari and silver Mercedes out of the garage. The target vehicle was then lowered and it too was pushed out of the garage. This Detective sat in each vehicle, steering them as they were pushed. Once the target vehicle was removed from the garage, the yellow Ferrari and the silver Mercedes were pushed back into the garage. The weather forecast had called for high winds and heavy rains.

At 1948 hours, "Sharon Auto Body," a company experienced in the towing of specialty vehicles, arrived at the residence to tow the target vehicle. Eric Golden and Bob Carberry were the wrecker operators. The target vehicle was loaded onto the flatbed and taken from the scene at 2030 hours. Just prior to departure, Mr. Pastore asked this Detective to contact him when the Warrant for Mr. Hallingby's Arrest was obtained.

At 2140 hours, the 1958 Ferrari arrived at the secure, climate controlled, State Police garage. The vehicle was secured in the garage at 2150 hours.

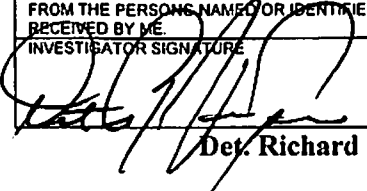
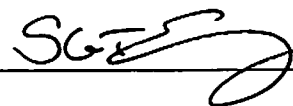
On September 5th, 2008, this Detective contacted Interpol and advised them of the seizure. Ms. Worthington, the Interpol operator who assisted this Detective in the past during this investigation, advised that the Teletype referencing the stolen Ferrari had been purged from the system on September 1st, 2008 per their procedure. However, she requested that a Locate Teletype be sent in order for their case to be closed. This Detective sent that Teletype.

This Detective then contacted Oliver Weber, the victim's attorney, via e-mail and advised him of the previous night's seizure.

Refer Evidence and Photograph Supplementary Reports to be completed by Detective Pinelli for further information.

Attached to this Report are copies of the Search and Seizure Warrants and the Teletype sent to Interpol.

This case is closed Suspended.

CASE STATUS:		TYPE OF EXCEPTIONAL CLEARANCE:			
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2-CLEARED ARREST	<input type="checkbox"/> 6-NO CRIMINAL ASPECT	<input type="checkbox"/> B-PROSECUTION DENIED	<input type="checkbox"/> E-JUVENILE-NO CUSTODY		
<input checked="" type="checkbox"/> 3-SUSPENDED	<input type="checkbox"/> F-FUGITIVE	<input type="checkbox"/> C-EXTRADITION DENIED			
<small>THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE, OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.</small>					
INVESTIGATOR SIGNATURE 	INVESTIGATOR I.D. 732	REPORT DATE 09-10-08	SUPERVISOR SIGNATURE 	SUPERVISOR I.D. 271	APPROVAL DATE 9-16-08

Det. Richard Van Tine

OCA NO 01338 MESSAGE NO 8262314 DATE 09/05/08 13:05 OPER PSC00193
FILE 15 REQUEST FOR INFORMATION CTCSP4800 S.P. DMV TASKFORCE BRIDGEPORT
TO DCINTER00

THE CONNECTICUT STATE POLICE HAS RECOVERED A 1958 FERRARI LISTED IN INTERPOL AS
HAVING BEEN STOLEN IN SPAIN IN 1993. REFER TO 20080611561/FDW. THE VICTIM HAS
BEEN CONTACTED AND IS AWARE OF THE SEIZURE. THANK YOU FOR YOUR ASSISTANCE.

**AFFIDAVIT AND APPLICATION
SEARCH AND SEIZURE WARRANT**

C G S §§ 54-33a, 54-33c, 54-33j

**STATE OF CONNECTICUT
SUPERIOR COURT**

Form JD-CR-52 must also be completed

PAGE 1 OF 6

Connecticut State Police

INSTRUCTIONS TO THE APPLICANT

File the application for the warrant and all affidavits upon which the warrant is based with the clerk of the court for the geographical area within which any person who may be arrested in connection with or subsequent to the execution of the search warrant would be presented, together with the return of the warrant.

INSTRUCTIONS TO G.A. CLERK

Upon execution and return of the warrant, affidavits which are the subject of an order dispensing with the requirement of giving a copy to the owner, occupant or person within forty-eight hours shall remain in the custody of the clerk's office in a secure location apart from the remainder of the court file.

TO: A Judge of the Superior Court or a Judge Trial Referee

The undersigned, being duly sworn, complains on oath that the undersigned has probable cause to believe that certain property, to wit:

One 1958 Ferrari 250PF two door convertible, silver in color with a red interior and a black cloth top, bearing Vehicle Identification Number 0799GT.

is possessed, controlled, designed or intended for use or which is or has been or may be used as the means of committing the criminal offense of:
Larceny I {Connecticut General Statute §53a-122}

was stolen or embezzled from:

constitutes evidence of the following offense or that a particular person participated in the commission of the offense of:
Larceny I {Connecticut General Statute §53a-122}

is in the possession, custody or control of a journalist or news organization, to wit:

and such person or organization has committed or is committing the following offense which is related to such property:

and such property constitutes contraband or an instrumentality of the criminal offense of:

And is within or upon a certain person, place, or thing, to wit:

The garage attached to the residence of Paul Hallingby DOB: 11-11-46 located at 31 Kings Hill Road in the Town of Sharon, CT. The garage is a single floor structure that measures approximately 25 feet wide by 26 feet long.

The detached garage at the residence of Paul Hallingby DOB: 11-11-46 located at 31 Kings Hill Road in the Town of Sharon, CT. The garage is a two-floor structure that measures approximately 41 feet wide by 44 feet long.

Both are white in color. Photos and floor plans of the garages have been made as attachments to the affidavit.

1. The Affiants, Detective Richard Van Tine II #732 and Detective Peter Pinelli #468, are sworn members of the Connecticut State Police and have been so employed for the past thirteen and ten years, respectively. The Affiants have participated in numerous investigations resulting in the issuance of Search and Seizure Warrants and Arrest Warrants for crimes violating Connecticut General Statutes. The Affiants have attended various schools and training seminars related to criminal investigation. At all times mentioned herein, the Affiants were acting in their official capacities as sworn members of the aforementioned agency. The following facts and circumstances are related from the personal knowledge, investigation, and observation of the Affiants and include information related to the Affiants by fellow officers and persons with knowledge of the facts and/or circumstances contained herein.

2. On May 29th, 2008, Affiant Van Tine was contacted by Inspector Zak of the State's Attorney's Office in Bridgeport regarding a report of a stolen vehicle. Inspector Zak provided Affiant Van Tine with the phone number of a person who had information on a stolen vehicle that might be located in Connecticut. This person wishes to remain anonymous. He/She will be referred to herein as the "Confidential Source."

3. The Confidential Source in this investigation is a retired Detective Sergeant from a municipality with a regularly organized Police Department within the State of New York. The Confidential Source has over twenty years of investigative experience. The information that he/she provided in this investigation has been corroborated and proven to be true, accurate, and reliable.

4. In conversations with the Confidential Source, he/she stated to Affiant Van Tine that he/she was aware of a 1958 Ferrari 250PF, with Vehicle Identification Number 0799GT that was stolen in Spain in the early 1990's that he/she believes is now being stored in Connecticut. The Confidential Source stated that the vehicle is very rare and worth several million dollars. The Confidential Source stated that a Paul "Barney" Hallingby of Sharon, CT, is currently holding the vehicle. The Confidential Source provided Affiant Van Tine with a history of the vehicle that he/she obtained from the Internet. The history shows that the vehicle was reported as "disappeared, stolen" prior to 1993 and, after having changed hands several times, is currently owned by "Paul Hallingby, CT, US." The Confidential Source showed Affiant Van Tine an advertisement in "Cavallino," a magazine that caters to high-end vehicle collectors, stating that the 1958 Ferrari 250PF, with Vehicle Identification Number 0799GT, is stolen. The advertisement states that the vehicle is listed in the Interpol system as stolen. The Confidential Source also provided Affiant Van Tine with a "Guide

Wherefore the undersigned requests that a warrant may issue commanding a proper officer to search said person or to enter into or upon said place or thing, search the same, and take into custody all such property.

STATE OF CONNECTICUT		SIGNATURE AND TITLE OF AFFIANT
CITY/TOWN	DATE	
Bantam LITCHFIELD	08/04/08	Detective Conn. State Police #732
Bantam LITCHFIELD	07/04/08	Detective Conn. State Police #468
LITCHFIELD	9/10/08	Judge of the Superior Court or Judge Trial Referee

JAMES P. GINELLI JR.

to all Ferraris" that shows their value. The 1958 Ferrari 250PF, with Vehicle Identification Number 0799GT, is worth between 3 million and 4.5 million dollars.

5. Affiant Van Tine then performed a check of DMV Records and found that the 1958 Ferrari 250PF, with Vehicle Identification Number 0799GT, is in fact registered to Paul Hallingby DOB: 11-11-46 as of August 4th, 2008. The registration will expire on March 31st, 2009. A DMV check of Mr. Hallingby's license revealed an address of Kings Hill Road in Sharon, CT. A check of all vehicles currently registered or registered in the past to Mr. Hallingby shows that all but one were registered to either PO Box 544 or to Kings Hill Road, both in Sharon, CT. One vehicle, with the registration having expired in 1995, was registered to him at 501 Lake Avenue in Greenwich, CT. One vehicle in particular, however, is currently registered to him at 31 Kings Hill Road in Sharon, CT. Mr. Hallingby owns twenty-two vehicles, eighteen of which are collector vehicles. Of those, five are Ferrari's. He has owned two other Ferrari's in the past.


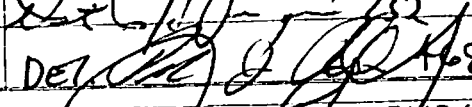
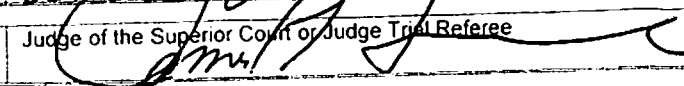
6. Affiant Van Tine confirmed through Interpol that the 1958 Ferrari 250PF, with Vehicle Identification Number 0799GT was stolen in Marbella, Spain between the dates of May 1st, 1993 and September 30th, 1993 and was reported as such to Interpol by the Swiss Police. It remains listed in Interpol as "stolen."

7. Affiant Van Tine spoke with Inspector Gilroy of the Connecticut DMV regarding any title information on the 1958 Ferrari 250PF, with Vehicle Identification Number 0799GT. According to Inspector Gilroy, there is no title for a vehicle of that age.

8. Affiant Van Tine then visited several Ferrari related Internet websites. One was the "Greenwich Concours d'Elegance" website. The "Greenwich Concours d'Elegance" is a car show where collector vehicles are shown and judged. During the 2005 "Greenwich Concours d'Elegance," Hallingby showed the 1958 Ferrari 250PF, with Vehicle Identification Number 0799GT. It is listed on the website for that year. Affiant Van Tine could locate no listing of vehicles shown in more recent "Greenwich Concours d'Elegance" shows. Affiant Van Tine also visited several websites where those people who are knowledgeable about Ferraris can correspond. According to postings on those websites, it is common knowledge in the "Ferrari World" that the 1958 Ferrari 250PF, with Vehicle Identification Number 0799GT, has a questionable background though not all postings indicate that Ferrari aficionados believe it was stolen. It is also known that Mr. Hallingby is in possession of that vehicle.

Wherefore the undersigned requests that a warrant may issue commanding a proper officer to search said person or to enter into or upon said place or thing, search the same, and take into custody all such property

STATE OF CONNECTICUT

CITY/TOWN	DATE	SIGNATURE AND TITLE OF AFFIANT
Bantam LITCHFIELD	09/04/08	 Detective Conn. State Police
Bantam LITCHFIELD	09/10/08	 Detective Conn. State Police
LITCHFIELD	09/10/08	 Judge of the Superior Court or Judge Trial Referee

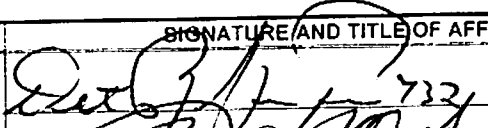
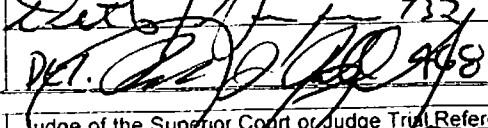
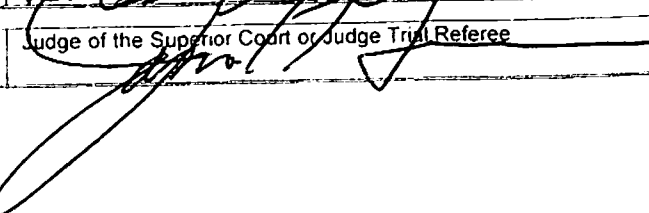
9. Affiant Van Tine then contacted Oliver Weber, the Swiss attorney who represents Dr. Andreas Gerber, the owner of the 1958 Ferrari 250PF with Vehicle Identification Number 0799GT when it was stolen. Mr. Weber agreed to provide Affiant Van Tine with all documentation he has on the vehicle.

10. Affiant Van Tine then received from Inspector Gilroy of the DMV, copies of the Connecticut registration certificate and Vehicle Identification Number Verification Certificate regarding the vehicle. These documents show that the vehicle is registered to Paul Hallingby DOB: 11-11-46. Mr. Hallingby listed his Mailing Address as PO Box 544 in Sharon, CT but listed his Residence Address as 31 Kings Hill Road in Sharon, CT. A DMV Inspector confirmed the known VIN of "0799GT". The documents also show that Hallingby purchased the vehicle for \$550,000.00 on November 29th, 2000 from Scott Rosen of 111 Hempstead Turnpike in West Hempstead, NY. It should be noted that the registration certificate shows that the VIN of the vehicle was first printed as "FER079958." This was then crossed out and the number "0799" was written beside it. The VIN Verification Certificate shows the correct VIN of 0799GT.

11. Affiant Van Tine also received from Inspector Gilroy of the DMV, copies of a New Jersey Title listing the owner of the vehicle as Jeffrey Schwartz of 110 Tekening Drive in Tenafly, NJ, an "Odometer Disclosure and Statement of Seller" listing the "buyer" as Scott Rosen and the "seller" as Jeffrey Schwartz, and a "Certification of Sale or Transfer for 1972 or Older Vehicles or any other Non-Title Vehicles" listing the "seller" as Scott Rosen and the "purchaser" as Paul Hallingby."

12. On July 21st, 2008, Affiant Van Tine received numerous documents from Oliver Weber, the Swiss attorney who represents the victim in this case. The documents highlight the investigation conducted by him on behalf of his client. There are three "Requests for Seizure and Recovery." Each has an original signature of Mr. Weber. These "Requests" provide a detailed summary of the events surrounding the theft of the vehicle, the actions of individuals who have possessed the vehicle since its theft, and information on the current possessor who is believed to be Paul "Barney" Hallingby DOB: 11-11-46 of 31 Kings Hill Road in Sharon, CT. Mr. Weber also provided three "Directories of Evidence Documents," two of which have attachments. The primary "Directory" has original notarized statements and signatures and the other having attachments contains copies of those notarized statements and signatures. The attachments are various articles, statements, and other documents that support the accusations made in the aforementioned "Requests for Seizure and Recovery."

Wherefore the undersigned requests that a warrant may issue commanding a proper officer to search said person or to enter into or upon said place or thing search the same and take into custody all such property

STATE OF CONNECTICUT		SIGNATURE AND TITLE OF AFFIANT
CITY/TOWN	DATE	
Bantam LITCHFIELD	09/04/08	 732 Detective Conn. State Police
Bantam LITCHFIELD	09/04/08	 908 Detective Conn. State Police
LITCHFIELD	09/04/08	Judge of the Superior Court or Judge Trial Referee 

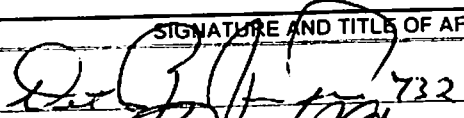
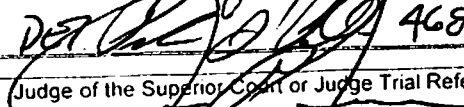
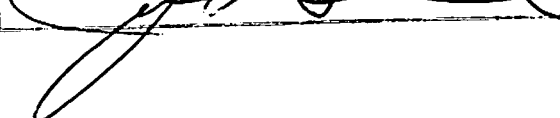
13. A check of the Tax Assessor's website for Sharon, CT was performed by Detective Verno, also of the State Police Motor Vehicle Fraud Task Force. He found that the address of 31 Kings Hill Road in Sharon, CT is associated with Mr. Hallingby, though he is not listed as the taxpayer of the property. He then performed an Internet search of Paul "Barney" Hallingby and located two telephone numbers for Mr. Hallingby that return to 31 Kings Hill Road in Sharon, CT. Also obtained from the Tax Assessor's website are the "footprints" of the two garages at 31 Kings Hill Road in Sharon, CT. The first, a garage attached to the residence, measures approximately 25 feet wide by 26 feet long. The second, a detached garage, measures approximately 41 feet wide by 44 feet long and is two floors tall.

14. According to the "Condon & Skelly" Insurance Company, the company that insures the 1958 Ferrari 250PF with Vehicle Identification Number 0799GT, Mr. Hallingby failed to notify them of the location where the Ferrari is stored when he obtained the policy. "Condon & Skelly" contacted Mr. Hallingby and requested that information. On August 19th, 2008, Mr. Hallingby responded via e-mail and stated that all of his collector vehicles are "kept in purpose built garages in Sharon, CT where we have a home." He further stated that "we have a caretaker that visits all the facilities daily." Mr. Hallingby also inquired as to why "Condon & Skelly" was specifically asking about the 1958 Ferrari 250PF with Vehicle Identification Number 0799GT.

15. The Affiants know through training and experience that individuals who possess high priced collector vehicles will store those vehicles in secure garages hidden from public view but convenient for their own access. Hallingby currently owns twenty-two vehicles, eighteen of which are collector vehicles. Of those, five are Ferrari's. He has owned two other Ferrari's in the past. A Ferrari collector such as Hallingby would know to take reasonable steps to confirm the legitimacy of his purchase of the 1958 Ferrari 250PF with Vehicle Identification Number 0799GT. Further, a Ferrari collector such as Hallingby would know about the questionable background of the 1958 Ferrari 250PF with Vehicle Identification Number 0799GT. Lastly, a Ferrari collector such as Hallingby, who has retained possession of the 1958 Ferrari 250PF with Vehicle Identification Number 0799GT as demonstrated by it's current registration, maintains close control of it because he knows it's value.

16. Based upon the aforementioned facts and circumstances, the Affiants have probable cause to believe and do believe, that evidence of the crime of Larceny I {§53a-122} will be found in the garages at the residence of Paul Hallingby DOB: 11-11-46 located at 31 Kings Hill Road in the Town of Sharon,

Wherefore the undersigned requests that a warrant may issue commanding a proper officer to search said person or to enter into or upon said place or thing, search the same, and take into custody all such property

STATE OF CONNECTICUT		SIGNATURE AND TITLE OF AFFIANT	
CITY/TOWN	DATE		
Bantam LITCHFIELD	09/04/08		Detective Conn. State Police 732
Bantam LITCHFIELD	09/04/08		Detective Conn. State Police 468
LITCHFIELD	09/04/08		Judge of the Superior Court or Judge Trial Referee

CT. The first, a garage attached to the residence, measures approximately 25 feet wide by 26 feet long. The second, a detached garage, measures approximately 41 feet wide by 44 feet long and is two floors tall. Both are white in color.


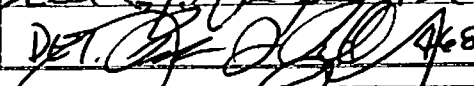
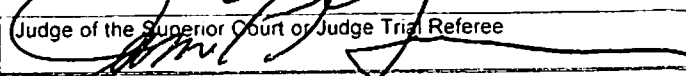
17. The Affiants respectfully request the authority to search the aforementioned garages.

- The undersigned ("X" one) has not presented this application in any other court or to any other judge or judge trial referee.
- has presented this application in another court or to any other judge or judge trial referee. (specify):

This application consists of this form plus 4 pages attached thereto and made a part hereof.

Wherefore the undersigned requests that a warrant may issue commanding a proper officer to search said person or to enter into or upon said place or thing search the same and take into custody all such property

STATE OF CONNECTICUT

CITY/TOWN	DATE	SIGNATURE AND TITLE OF AFFIANT
Bantam LITCHFIELD	09/04/08	 733 Detective Conn. State Police
Bantam LITCHFIELD	09/04/08	 468 Detective Conn. State Police
LITCHFIELD	09/04/08	 Judge of the Superior Court or Judge Trial Referee

**AFFIDAVIT REQUESTING DISPENSATION WITH
REQUIREMENT OF DELIVERY**
pursuant to § 54-33c, Connecticut General Statutes

TO: A Judge of the Superior Court or a Judge Trial Referee

For the reasons set forth below, the undersigned, being duly sworn, requests that the judge / judge trial referee dispense with the requirement of C.G.S. § 54-33c that a copy of the application for the warrant and a copy of any affidavit(s) in support of the warrant be given to the owner, occupant or person named therein with forty-eight hours of the search:

- The personal safety of a confidential informant would be jeopardized by the giving of a copy of the affidavits at such time;
- The search is part of a continuing investigation which would be adversely affected by the giving of a copy of the affidavits at such time;
- The giving of such affidavits at such time would require disclosure of information or material prohibited from being disclosed by chapter 959a of the general statutes;

and the specify details with regard to such reasons are as follows.

The undersigned further requests that this affidavit also be included in such non-delivery.

STATE OF CONNECTICUT		
CITY/TOWN	DATE	SIGNATURE AND TITLE OF AFFIANT
Bantam LITCHFIELD		Detective Conn. State Police
Bantam LITCHFIELD		Detective Conn. State Police
		Judge of the Superior Court or Judge Trial Referee

The foregoing Affidavit and Application for Search and Seizure Warrant having been presented to and been considered by the undersigned, a Judge of the Superior Court or a Judge Trial Referee, and the foregoing Affidavit having been subscribed and sworn to by affiant(s) before me at the time it was presented, the undersigned (a) is satisfied therefrom that grounds exist for said application, and (b) finds that said affidavit establishes grounds and probable cause for the undersigned to issue this Search and Seizure Warrant, such probable cause being the following: From said affidavit, the undersigned finds that there is probable cause for the undersigned to believe that the property described in the foregoing affidavit and application is within or upon the person, if any, named or described in the foregoing affidavit and application, or the place or thing, if any, described in the foregoing affidavit and application, under the conditions and circumstances set forth in the foregoing affidavit and application, and that, therefore, a Search and Seizure Warrant should issue for said property.

NOW THEREFORE, by Authority of the State of Connecticut, I hereby command any Police Officer of a regularly organized police department, any State Police Officer; or any conservation officer, special conservation officer or patrol officer acting pursuant to C.G.S. § 26-6 to whom these presents shall come within ten days after the date of this warrant to

enter into or upon and search the place or thing described in the foregoing affidavit and application, to wit:
The garage attached to the residence of Paul Hallingby DOB: 11-11-46 located at 31 Kings Hill Road in the Town of Sharon, CT. The garage is a single floor structure that measures approximately 25 feet wide by 26 feet long.

The detached garage at the residence of Paul Hallingby DOB: 11-11-46 located at 31 Kings Hill Road in the Town of Sharon, CT. The garage is a two-floor structure that measures approximately 41 feet wide by 44 feet long.

Both are white in color. Photos and floor plans of the garages have been made as attachments to the affidavit.

search the person described in the foregoing affidavit and application, to wit:

for the property described in the foregoing affidavit and application, to wit:

One 1958 Ferrari 250PF two door convertible, silver in color with a red interior and a black cloth top, bearing Vehicle Identification Number 0799GT.

submit the property described in the foregoing affidavit and application to laboratory analysis and examination, to wit:

and upon finding said property to seize the same, take and keep it in custody until the further order of the court, and with reasonable promptness make due return of this warrant accompanied by a written inventory of all property seized.

The foregoing request that the judge or judge trial referee dispense with the requirement of C.G.S. § 54-33c that a copy of the warrant application and affidavit(s) in support of the warrant be given to the owner, occupant or person named therein and that the affidavit in support of such request also be included in such non-delivery is hereby:

NOT TO EXCEED 2 WEEKS BEYOND DATE WARRANT IS EXECUTED

GRANTED for a period of [] This order, or any extension thereof, dispensing with said requirement shall not limit disclosure of such application and affidavits to the attorney for a person arrested in connection with or subsequent to the execution of the search warrant unless, upon motion of the prosecuting authority within two weeks of such arraignment the court finds that the state's interest in continuing nondisclosure substantially outweighs the defendant's right to disclosure.

DENIED.

(NOTE: AFFIANT'S OATH MUST BE TAKEN PRIOR TO JUDGE / JUDGE TRIAL REFEREE SIGNING BELOW)

Signed at <u>Litchfield</u> , Connecticut, on: <u>09/04/08</u> DATE	AT (TIME) <u>12 05</u> <input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m.
SIGNED (Judge / Judge Trial Referee) <u>James P. Binocci</u>	PRINT NAME OF JUDICIAL OFFICIAL <u>JAMES P BINOCCHI</u>

JD-CR-61 (5) Rev. 6-2002

RETURN FOR AND INVENTORY
PROPERTY SEIZED ON SEARCH AND SEIZURE WARRANT

JUDICIAL DISTRICT OF Litchfield			G.A. 18	AT (Address of Court) 80 Doyle Road	INVENTORY CONTROL NO.	DATE OF SEIZURE 09/04/08
DOCKET NO. CR-		UNIFORM ARREST NO.		POLICE CASE NO. 0800265932	COMPANION CASE NO.	

Then and there by virtue of and pursuant to the authority of the foregoing warrant, I searched the person, place, or thing named therein, to wit:

The garage attached to the residence of Paul Hallingby DOB: 11-11-46 located at 31 Kings Hill Road in the Town of Sharon, CT. The garage is a single floor structure that measures approximately 25 feet wide by 26 feet long.

The detached garage at the residence of Paul Hallingby DOB: 11-11-46 located at 31 Kings Hill Road in the Town of Sharon, CT. The garage is a two-floor structure that measures approximately 41 feet wide by 44 feet long.

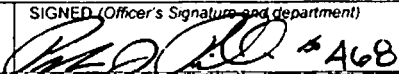
Both are white in color. Photos and floor plans of the garages have been made as attachments to the affidavit.

and found thereon or therein, seized, and now hold in custody, the following property ...

Total Cash Seized consisting of

No items seized during the execution of this search warrant.

and I gave a copy of such warrant to _____ the owner or occupant of
the dwelling, structure, motor vehicle or place designated therein, or to Mailed to Hallingby residence
the person named therein, on (Date): 09/08/08

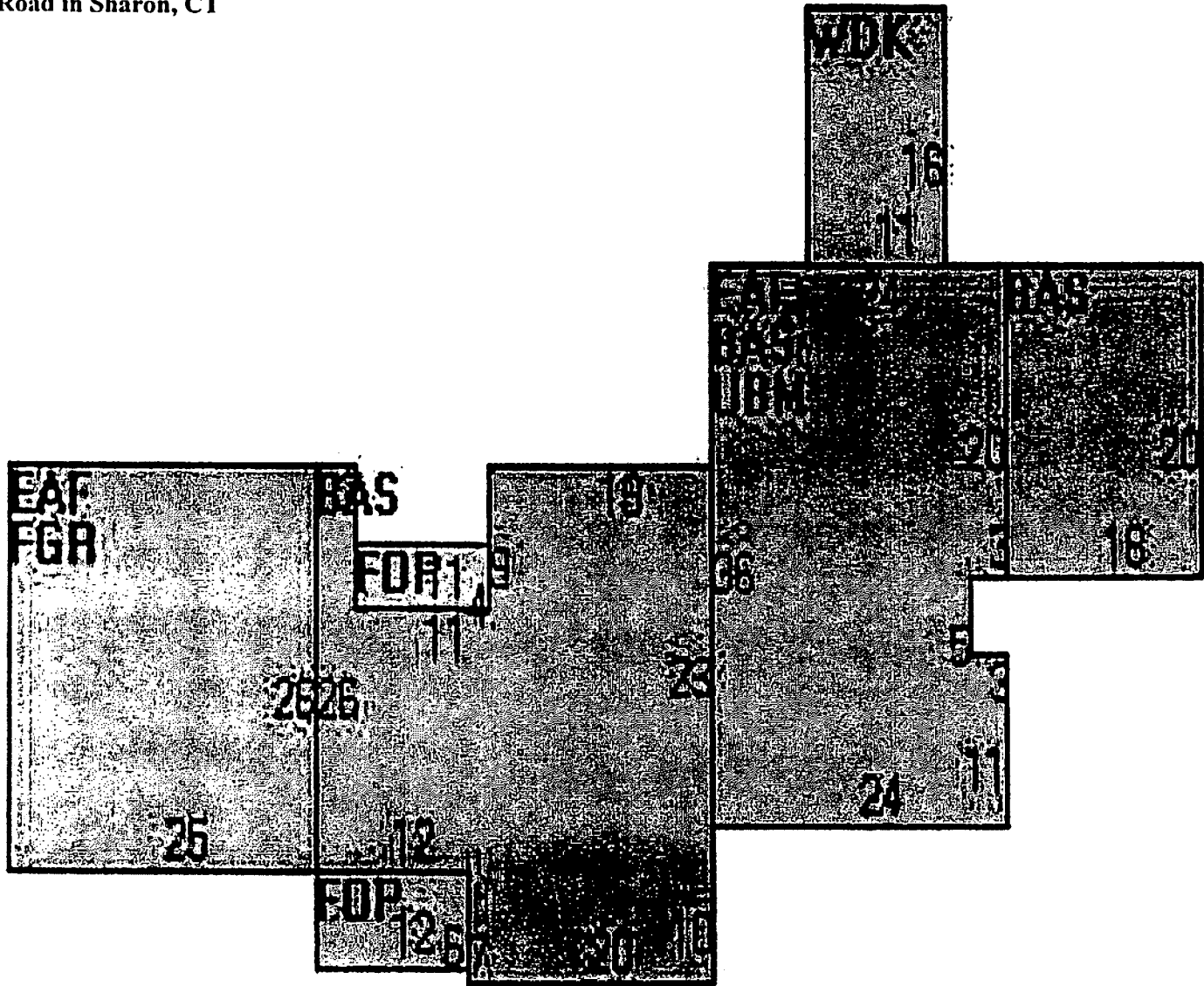
DATE OF THIS RETURN 09/08/08	SIGNED (Officer's Signature and department)  Detective, Connecticut State Police
---------------------------------	--

NOTE: Form JD-CR-61, pages 1-6 must be supplemented by Form JD-CR-52.

Connecticut State Police - MVFTF
Attachment #1 to Search Warrant
31 Kings Hill Road in Sharon, CT



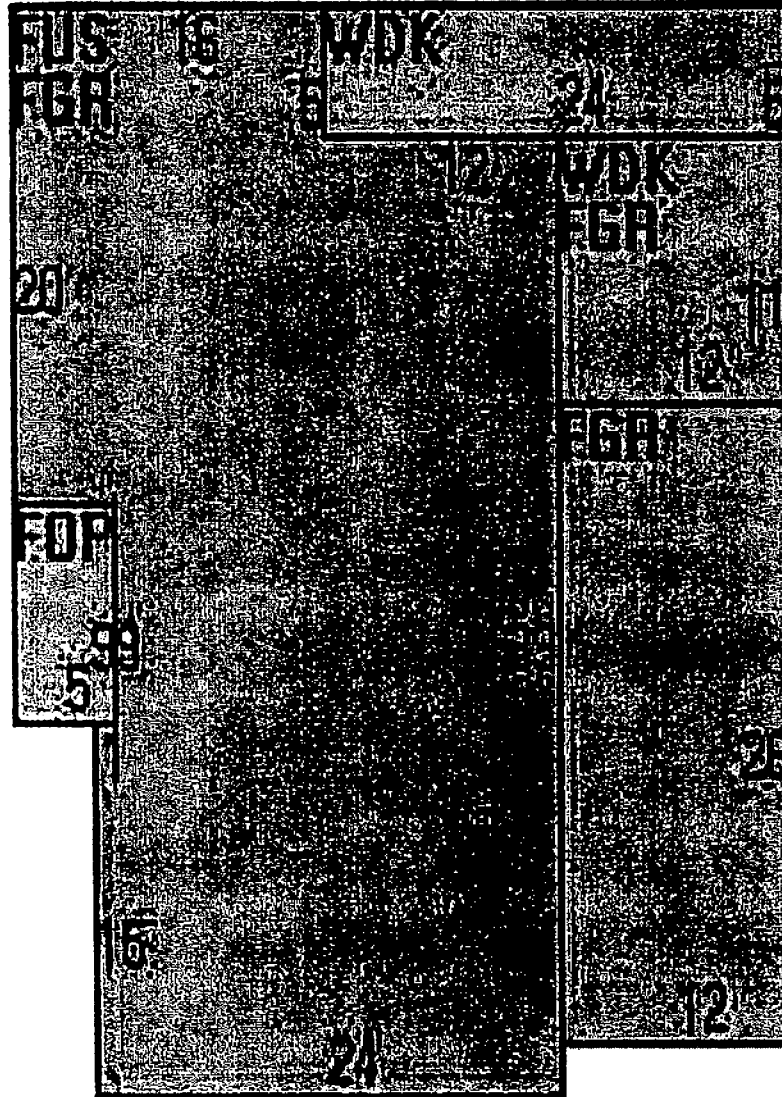
Connecticut State Police - MVFTF
Attachment #2 to Search Warrant
31 Kings Hill Road in Sharon, CT



Connecticut State Police - MVFTF
Attachment #3 to Search Warrant
31 Kings Hill Road in Sharon, CT



Connecticut State Police - MVFTF
Attachment #4 to Search Warrant
31 Kings Hill Road in Sharon, CT



Form JD-CR-52 must also be completed

INSTRUCTIONS TO THE APPLICANT

File the application for the warrant and all affidavits upon which the warrant is based with the clerk of the court for the geographical area within which any person who may be arrested in connection with or subsequent to the execution of the search warrant would be presented, together with the return of the warrant.

INSTRUCTIONS TO G.A. CLERK

Upon execution and return of the warrant, affidavits which are the subject of an order dispensing with the requirement of giving a copy to the owner, occupant or person within forty-eight hours shall remain in the custody of the clerk's office in a secure location apart from the remainder of the court file.

TO: A Judge of the Superior Court or a Judge Trial Referee

The undersigned, being duly sworn, complains on oath that the undersigned has probable cause to believe that certain property, to wit:

One 1958 Ferrari 250PF two door convertible, silver in color with a red interior and a black cloth top, bearing Vehicle Identification Number 0799GT.

is possessed, controlled, designed or intended for use or which is or has been or may be used as the means of committing the criminal offense of:
Larceny I {Connecticut General Statute §53a-122}

was stolen or embezzled from:

constitutes evidence of the following offense or that a particular person participated in the commission of the offense of:
Larceny I {Connecticut General Statute §53a-122}

is in the possession, custody or control of a journalist or news organization, to wit:

and such person or organization has committed or is committing the following offense which is related to such property:

and such property constitutes contraband or an instrumentality of the criminal offense of:

And is within or upon a certain person, place, or thing, to wit:

The detached garage at the residence of Paul Hallingby DOB: 11-11-46 located at 31 Kings Hill Road in the Town of Sharon, CT. The garage is a large, single floor structure, red in color. There are two garage bay doors in the front. The target vehicle can be viewed parked inside the garage from a window. It is on a lift. There are approximately eight other vehicles in the same garage.

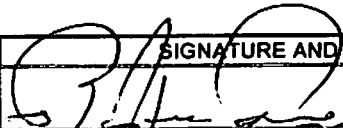


1. The Affiants, Detective Richard Van Tine II #732 and Detective Peter Pinelli #468, are sworn members of the Connecticut State Police and have been so employed for the past thirteen and ten years, respectively. The Affiants have participated in numerous investigations resulting in the issuance of Search and Seizure Warrants and Arrest Warrants for crimes violating Connecticut General Statutes. The Affiants have attended various schools and training seminars related to criminal investigation. At all times mentioned herein, the Affiants were acting in their official capacities as sworn members of the aforementioned agency. The following facts and circumstances are related from the personal knowledge, investigation, and observation of the Affiants and include information related to the Affiants by fellow officers and persons with knowledge of the facts and/or circumstances contained herein.

2. On May 29th, 2008, Affiant Van Tine was contacted by Inspector Zak of the State's Attorney's Office in Bridgeport regarding a report of a stolen vehicle. Inspector Zak provided Affiant Van Tine with the phone number of a person who had information on a stolen vehicle that might be located in Connecticut. This person wishes to remain anonymous. He/She will be referred to herein as the "Confidential Source."

3. The Confidential Source in this investigation is a retired Detective Sergeant from a municipality with a regularly organized Police Department within the State of New York. The Confidential Source has over twenty years of investigative experience. The information that he/she provided in this investigation has been corroborated and proven to be true, accurate, and reliable.

4. In conversations with the Confidential Source, he/she stated to Affiant Van Tine that he/she was aware of a 1958 Ferrari 250PF, with Vehicle Identification Number 0799GT that was stolen in Spain in the early 1990's that he/she believes is now being stored in Connecticut. The Confidential Source stated that the vehicle is very rare and worth several million dollars. The Confidential Source stated that a Paul "Barney" Hallingby of Sharon, CT, is currently holding the vehicle. The Confidential Source provided Affiant Van Tine with a history of the vehicle that he/she obtained from the Internet. The history shows that the vehicle was reported as "disappeared, stolen" prior to 1993 and, after having changed hands several times, is currently owned by "Paul Hallingby, CT, US." The Confidential Source showed Affiant Van Tine an advertisement in "Cavallino," a magazine that caters to high-end vehicle collectors, stating that the 1958 Ferrari 250PF, with Vehicle Identification Number 0799GT, is stolen. The advertisement

Wherefore the undersigned requests that a warrant may issue commanding a proper officer to search said person or to enter into or upon said place or thing, search the same, and take into custody all such property

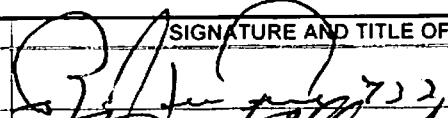

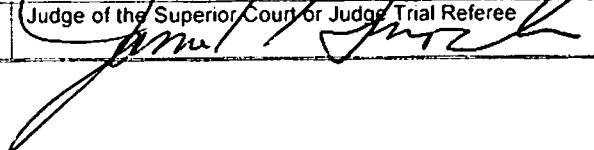
STATE OF CONNECTICUT		
CITY/TOWN	DATE	SIGNATURE AND TITLE OF AFFIANT
Litchfield	09/04/08	 732 Detective Conn. State Police
Litchfield	09/09/08	 468 Detective Conn. State Police
Litchfield	9/14/08	 Judge of the Superior Court or Judge Trial Referee

states that the vehicle is listed in the Interpol system as stolen. The Confidential Source also provided Affiant Van Tine with a "Guide to all Ferraris" that shows their value. The 1958 Ferrari 250PF, with Vehicle Identification Number 0799GT, is worth between 3 million and 4.5 million dollars.

5. Affiant Van Tine then performed a check of DMV Records and found that the 1958 Ferrari 250PF, with Vehicle Identification Number 0799GT, is in fact registered to Paul Hallingby DOB: 11-11-46 as of August 4th, 2008. The registration will expire on March 31st, 2009. A DMV check of Mr. Hallingby's license revealed an address of Kings Hill Road in Sharon, CT. A check of all vehicles currently registered or registered in the past to Mr. Hallingby shows that all but one were registered to either PO Box 544 or to Kings Hill Road, both in Sharon, CT. One vehicle, with the registration having expired in 1995, was registered to him at 501 Lake Avenue in Greenwich, CT. One vehicle in particular, however, is currently registered to him at 31 Kings Hill Road in Sharon, CT. Mr. Hallingby owns twenty-two vehicles, eighteen of which are collector vehicles. Of those, five are Ferrari's. He has owned two other Ferrari's in the past.
6. Affiant Van Tine confirmed through Interpol that the 1958 Ferrari 250PF, with Vehicle Identification Number 0799GT was stolen in Marbella, Spain between the dates of May 1st, 1993 and September 30th, 1993 and was reported as such to Interpol by the Swiss Police. It remains listed in Interpol as "stolen."
7. Affiant Van Tine spoke with Inspector Gilroy of the Connecticut DMV regarding any title information on the 1958 Ferrari 250PF, with Vehicle Identification Number 0799GT. According to Inspector Gilroy, there is no title for a vehicle of that age.
8. Affiant Van Tine then visited several Ferrari related Internet websites. One was the "Greenwich Concours d'Elegance" website. The "Greenwich Concours d'Elegance" is a car show where collector vehicles are shown and judged. During the 2005 "Greenwich Concours d'Elegance," Hallingby showed the 1958 Ferrari 250PF, with Vehicle Identification Number 0799GT. It is listed on the website for that year. Affiant Van Tine could locate no listing of vehicles shown in more recent "Greenwich Concours d'Elegance" shows. Affiant Van Tine also visited several websites where those people who are knowledgeable about Ferraris can correspond. According to postings on those websites, it is common knowledge in the "Ferrari World" that the 1958 Ferrari

Wherefore the undersigned requests that a warrant may issue commanding a proper officer to search said person or to enter into or upon said place or thing, search the same, and take into custody all such property.

STATE OF CONNECTICUT

CITY/TOWN	DATE	SIGNATURE AND TITLE OF AFFIANT
Litchfield	02/04/08	 Detective Conn. State Police
Litchfield	09/04/08	 Detective Conn. State Police
LITCHFIELD	9/4/08	 Judge of the Superior Court or Judge Trial Referee

250PF, with Vehicle Identification Number 0799GT, has a questionable background though not all postings indicate that Ferrari aficionados believe it was stolen. It is also known that Mr. Hallingby is in possession of that vehicle.

9. Affiant Van Tine then contacted Oliver Weber, the Swiss attorney who represents Dr. Andreas Gerber, the owner of the 1958 Ferrari 250PF with Vehicle Identification Number 0799GT when it was stolen. Mr. Weber agreed to provide Affiant Van Tine with all documentation he has on the vehicle.

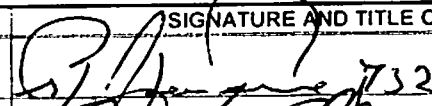
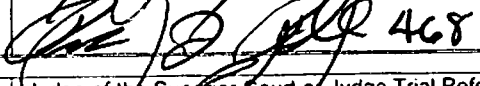

10. Affiant Van Tine then received from Inspector Gilroy of the DMV, copies of the Connecticut registration certificate and Vehicle Identification Number Verification Certificate regarding the vehicle. These documents show that the vehicle is registered to Paul Hallingby DOB: 11-11-46. Mr. Hallingby listed his Mailing Address as PO Box 544 in Sharon, CT but listed his Residence Address as 31 Kings Hill Road in Sharon, CT. A DMV Inspector confirmed the known VIN of "0799GT". The documents also show that Hallingby purchased the vehicle for \$550,000.00 on November 29th, 2000 from Scott Rosen of 111 Hempstead Turnpike in West Hempstead, NY. It should be noted that the registration certificate shows that the VIN of the vehicle was first printed as "FER079958." This was then crossed out and the number "0799" was written beside it. The VIN Verification Certificate shows the correct VIN of 0799GT.

11. Affiant Van Tine also received from Inspector Gilroy of the DMV, copies of a New Jersey Title listing the owner of the vehicle as Jeffrey Schwartz of 110 Tekening Drive in Tenafly, NJ, an "Odometer Disclosure and Statement of Seller" listing the "buyer" as Scott Rosen and the "seller" as Jeffrey Schwartz, and a "Certification of Sale or Transfer for 1972 or Older Vehicles or any other Non-Title Vehicles" listing the "seller" as Scott Rosen and the "purchaser" as Paul Hallingby."

12. On July 21st, 2008, Affiant Van Tine received numerous documents from Oliver Weber, the Swiss attorney who represents the victim in this case. The documents highlight the investigation conducted by him on behalf of his client. There are three "Requests for Seizure and Recovery." Each has an original signature of Mr. Weber. These "Requests" provide a detailed summary of the events surrounding the theft of the vehicle, the actions of individuals who have possessed the vehicle since its theft, and information on the current possessor

Wherefore the undersigned requests that a warrant may issue commanding a proper officer to search said person or to enter into or upon said place or thing, search the same, and take into custody all such property.

STATE OF CONNECTICUT

CITY/TOWN	DATE	SIGNATURE AND TITLE OF AFFIANT
Litchfield	09/04/08	 732 Detective Conn. State Police
Litchfield	09/04/08	 468 Detective Conn. State Police
Litchfield	9/4/08	 Judge of the Superior Court or Judge Trial Referee

who is believed to be Paul "Barney" Hallingby DOB: 11-11-46 of 31 Kings Hill Road in Sharon, CT. Mr. Weber also provided three "Directories of Evidence Documents," two of which have attachments. The primary "Directory" has original notarized statements and signatures and the other having attachments contains copies of those notarized statements and signatures. The attachments are various articles, statements, and other documents that support the accusations made in the aforementioned "Requests for Seizure and Recovery."


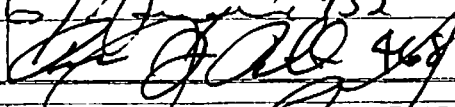
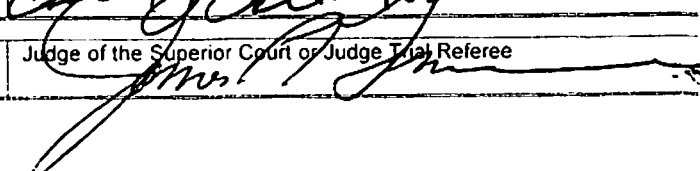
13. A check of the Tax Assessor's website for Sharon, CT was performed by Detective Verno, also of the State Police Motor Vehicle Fraud Task Force. He found that the address of 31 Kings Hill Road in Sharon, CT is associated with Mr. Hallingby, though he is not listed as the taxpayer of the property. He then performed an Internet search of Paul "Barney" Hallingby and located two telephone numbers for Mr. Hallingby that return to 31 Kings Hill Road in Sharon, CT. Also obtained from the Tax Assessor's website are the "footprints" of the two garages at 31 Kings Hill Road in Sharon, CT. The first, a garage attached to the residence, measures approximately 25 feet wide by 26 feet long. The second, a detached garage, measures approximately 41 feet wide by 44 feet long and is two floors tall.

14. According to the "Condon & Skelly" Insurance Company, the company that insures the 1958 Ferrari 250PF with Vehicle Identification Number 0799GT, Mr. Hallingby failed to notify them of the location where the Ferrari is stored when he obtained the policy. "Condon & Skelly" contacted Mr. Hallingby and requested that information. On August 19th, 2008, Mr. Hallingby responded via e-mail and stated that all of his collector vehicles are "kept in purpose built garages in Sharon, CT where we have a home." He further stated that "we have a caretaker that visits all the facilities daily." Mr. Hallingby also inquired as to why "Condon & Skelly" was specifically asking about the 1958 Ferrari 250PF with Vehicle Identification Number 0799GT.

15. On September 4th, 2008, a Warrant was issued by the Superior Court of Litchfield to Search two garages on the Hallingby property located at 31 Kings Hil Road in Sharon, CT and Seize the 1958 Ferrari 250PF with Vehicle Identification Number 0799GT. Upon arrival, a third detached garage was observed. This garage is not visible from the street and is not listed at the Tax Assessor's Office as being part of the Hallingby Property. There are windows on this garage and one can view the 1958 Ferrari 250PF with Vehicle Identification Number 0799GT,

Wherefore the undersigned requests that a warrant may issue commanding a proper officer to search said person or to enter into or upon said place or thing, search the same, and take into custody all such property.

STATE OF CONNECTICUT

CITY/TOWN	DATE	SIGNATURE AND TITLE OF AFFIANT
Litchfield	09/04/08	 732 Detective Conn. State Police
Litchfield	09/09/08	 468 Detective Conn. State Police
Litchfield	9/4/08	 Judge of the Superior Court or Judge Trial Referee

identified from photographs previously obtained in this investigation, parked inside on a lift with approximately eight other collector cars.

16. The Affiants know through training and experience that individuals who possess high priced collector vehicles will store those vehicles in secure garages hidden from public view but convenient for their own access. Hallingby currently owns twenty-two vehicles, eighteen of which are collector vehicles. Of those, five are Ferrari's. He has owned two other Ferrari's in the past. A Ferrari collector such as Hallingby would know to take reasonable steps to confirm the legitimacy of his purchase of the 1958 Ferrari 250PF with Vehicle Identification Number 0799GT. Further, a Ferrari collector such as Hallingby would know about the questionable background of the 1958 Ferrari 250PF with Vehicle Identification Number 0799GT. Lastly, a Ferrari collector such as Hallingby, who has retained possession of the 1958 Ferrari 250PF with Vehicle Identification Number 0799GT as demonstrated by it's current registration, maintains close control of it because he knows it's value.

17. Based upon the aforementioned facts and circumstances, the Affiants have probable cause to believe and do believe, that evidence of the crime of Larceny I {§53a-122} will be found in the detached garage at the residence of Paul Hallingby DOB: 11-11-46 located at 31 Kings Hill Road in the Town of Sharon, CT. The garage is a large, single floor structure, red in color. There are two garage bay doors in the front. The target vehicle can be viewed parked inside the garage from a window. It is on a lift. There are approximately eight other vehicles in the same garage.

18. The Affiants respectfully request the authority to search the aforementioned garages.

The undersigned ("X" one) has not presented this application in any other court or to any other judge or judge trial referee.
 has presented this application in another court or to any other judge or judge trial referee. (Specify):

This application consists of this form plus 4 pages attached thereto and made a part hereof.

Wherefore the undersigned requests that a warrant may issue commanding a proper officer to search said person or to enter into or upon said place or thing, search the same, and take into custody all such property

STATE OF CONNECTICUT

CITY/TOWN	DATE	SIGNATURE AND TITLE OF AFFIANT
Litchfield	09/04/08	Detective Conn. State Police
Litchfield	09/04/08	Detective Conn. State Police
LITCHFIELD	9/4/08	Judge of the Superior Court or Judge Trial Referee

**AFFIDAVIT REQUESTING DISPENSATION WITH
REQUIREMENT OF DELIVERY**
pursuant to § 54-33c, Connecticut General Statutes

TO: A Judge of the Superior Court or a Judge Trial Referee

For the reasons set forth below, the undersigned, being duly sworn, requests that the judge / judge trial referee dispense with the requirement of C.G.S. § 54-33c that a copy of the application for the warrant and a copy of any affidavit(s) in support of the warrant be given to the owner, occupant or person named therein with forty-eight hours of the search:

- The personal safety of a confidential informant would be jeopardized by the giving of a copy of the affidavits at such time;
- The search is part of a continuing investigation which would be adversely affected by the giving of a copy of the affidavits at such time;
- The giving of such affidavits at such time would require disclosure of information or material prohibited from being disclosed by chapter 959a of the general statutes;

and the specify details with regard to such reasons are as follows:

The undersigned further requests that this affidavit also be included in such non-delivery.

STATE OF CONNECTICUT

CITY/TOWN	DATE	SIGNATURE AND TITLE OF AFFIANT
Litchfield		Detective Conn. State Police
Litchfield		Detective Conn. State Police
		Judge of the Superior Court or Judge Trial Referee

The foregoing Affidavit and Application for Search and Seizure Warrant having been presented to and been considered by the undersigned, a Judge of the Superior Court or a Judge Trial Referee, and the foregoing Affidavit having been subscribed and sworn to by affiant(s) before me at the time it was presented, the undersigned (a) is satisfied therefrom that grounds exist for said application, and (b) finds that said affidavit establishes grounds and probable cause for the undersigned to issue this Search and Seizure Warrant, such probable cause being the following: From said affidavit, the undersigned finds that there is probable cause for the undersigned to believe that the property described in the foregoing affidavit and application is within or upon the person, if any, named or described in the foregoing affidavit and application, or the place or thing, if any, described in the foregoing affidavit and application, under the conditions and circumstances set forth in the foregoing affidavit and application, and that, therefore, a Search and Seizure Warrant should issue for said property.

NOW THEREFORE, by Authority of the State of Connecticut, I hereby command any Police Officer of a regularly organized police department, any State Police Officer; or any conservation officer, special conservation officer or patrol officer acting pursuant to C.G.S. § 26-6 to whom these presents shall come within ten days after the date of this warrant to

enter into or upon and search the place or thing described in the foregoing affidavit and application, to wit:
The detached garage at the residence of Paul Hallingby DOB: 11-11-46 located at 31 Kings Hill Road in the Town of Sharon, CT. The garage is a large, single floor structure, red in color. There are two garage bay doors in the front. The target vehicle can be viewed parked inside the garage from a window. It is on a lift. There are approximately eight other vehicles in the same garage.

search the person described in the foregoing affidavit and application, to wit:

for the property described in the foregoing affidavit and application, to wit:

One 1958 Ferrari 250PF two door convertible, silver in color with a red interior and a black cloth top, bearing Vehicle Identification Number 0799GT.

submit the property described in the foregoing affidavit and application to laboratory analysis and examination, to wit:

and upon finding said property to seize the same, take and keep it in custody until the further order of the court, and with reasonable promptness make due return of this warrant accompanied by a written inventory of all property seized.

The foregoing request that the judge or judge trial referee dispense with the requirement of C.G.S. § 54-33c that a copy of the warrant application and affidavit(s) in support of the warrant be given to the owner, occupant or person named therein and that the affidavit in support of such request also be included in such non-delivery is hereby:

NOT TO EXCEED 2 WEEKS BEYOND DATE WARRANT IS EXECUTED

GRANTED for a period of This order, or any extension thereof, dispensing with said requirement shall not limit disclosure of such application and affidavits to the attorney for a person arrested in connection with or subsequent to the execution of the search warrant unless, upon motion of the prosecuting authority within two weeks of such arraignment the court finds that the state's interest in continuing nondisclosure substantially outweighs the defendant's right to disclosure.

DENIED.

(NOTE: AFFIANT'S OATH MUST BE TAKEN PRIOR TO JUDGE / JUDGE TRIAL REFEREE SIGNING BELOW)

Signed at <u>Meriden</u> , Connecticut, on: <u>9/4/08</u> DATE	AT (TIME) <u>3:30</u>	<u>2:55</u> p m
SIGNED (Judge / Judge Trial Referee) <u>James P. Binocchio</u>		PRINT NAME OF JUDICIAL OFFICIAL <u>JAMES P. BINOCCHIO</u>

RETURN FOR AND INVENTORY
PROPERTY SEIZED ON SEARCH AND SEIZURE WARRANT

			INVENTORY CONTROL NO.
JUDICIAL DISTRICT OF Litchfield	G.A. 18	AT (Address of Court) 80 Doyle Road	DATE OF SEIZURE 09/04/08
DOCKET NO. CR-	UNIFORM ARREST NO.	POLICE CASE NO. 0800265932	COMPANION CASE NO.

Then and there by virtue of and pursuant to the authority of the foregoing warrant, I searched the person, place, or thing named therein, to wit:


The detached garage at the residence of Paul Hallingby DOB: 11-11-46 located at 31 Kings Hill Road in the Town of Sharon, CT. The garage is a large, single floor structure, red in color. There are two garage bay doors in the front. The target vehicle can be viewed parked inside the garage from a window. It is on a lift. There are approximately eight other vehicles in the same garage.

and found thereon or therein, seized, and now hold in custody, the following property . . .


Total Cash Seized consisting of

Item#1: One 1958 Ferrari 250PF two door convertible, silver in color with a red interior and a black cloth top, bearing Vehicle Identification Number 0799GT.

and I gave a copy of such warrant to Mrs. Hallingby the owner or occupant of
the dwelling, structure, motor vehicle or place designated therein, or to
the person named therein, on (Date): 09/04/08

DATE OF THIS RETURN 09/08/08	SIGNED (Officer's Signature and department)  468 Detective, Connecticut State Police
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NOTE: Form JD-CR-61, pages 1-6 must be supplemented by Form JD-CR-52.

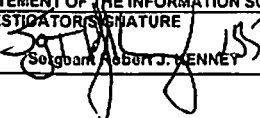
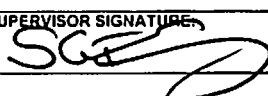
State of Connecticut Department of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE:	<input type="checkbox"/> INITIAL <input checked="" type="checkbox"/> SUPPL. <input type="checkbox"/> RE-OPEN <input checked="" type="checkbox"/> CLOSING	<input type="checkbox"/> ASSIST	ATTACHMENTS:	<input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE	<input type="checkbox"/> TELETYPE <input type="checkbox"/> OTHER	DPS INCIDENT #: 0000265932
		Page 1 of 1						

ACTION TAKEN: On Thursday 09/11/2008 at approx 1:30 PM, I contacted the Town of Sharon, Connecticut Tax Assessor Deborah REYELT on the telephone at 860-364-0205. The reason for the contact was to check the Tax records at the Assessors Office regarding what buildings on the property were located at #31 Kings Hill Road, as it was suspected that the large garage/barn that was used for vehicle storage was not included on the Tax Records for the property.

I identified myself and inquired on the Sharon Tax records for the property located at #31 Kings Hill Road in Sharon. The Tax Assessor reported that the property is owned by a Julia M. HARTLEY of Seven Gracie Square #10B, New York, New York 10028. (Wife of Paul HALLINGBY) The Assessor reported that there are only 2 buildings on the tax records, and it appears that the Garage/Barn is not listed as being on the property. The Tax Assessor agreed to FAX a copy of the Sharon Tax Records for the property. The Assessor was asked specifically if there was another building on the records and she reported that there was not. I inquired when the last Tax Assessment was done, and she reported that it was 5 years ago, and that the town was conducting an assessment currently, but that the property located at #31 Kings Hill Road had not been reviewed yet. I advised the Assessor that there was a large Garage/Barn on the left side of the driveway. She was obviously surprised and upset that the structure was not included in the tax Records and insured me that the matter would be addressed. The Assessor asked how long the structure had been there. I advised her that I was told by Julia last week that the Garage/Barn had been built 8 to 9 years ago.

The FAX of the Property Records for #31 Kings Hill Road in Sharon was received at approx. 1415 hours and is attached.

This case is closed in a suspended status. Refer to the reports of Detective Van, cleared by arrest. No further investigation is contemplated by this Sergeant at this time.

CASE STATUS		TYPE OF EXCEPTIONAL CLEARANCE			
<input type="checkbox"/> 1 ACTIVE <input type="checkbox"/> 2 CLEARED BY ARREST <input checked="" type="checkbox"/> 3 SUSPENDED	<input type="checkbox"/> 4 EXCEPTIONAL CLEARANCE <input type="checkbox"/> 6 NO CRIMINAL ASPECT <input type="checkbox"/> F FUGITIVE	<input type="checkbox"/> A OFFENDER DECEASED <input type="checkbox"/> B PROSECUTION DECLINED <input type="checkbox"/> C EXTRADITION DENIED	<input type="checkbox"/> D VICTIM UNCOOPERATIVE <input type="checkbox"/> E JUVENILE-NO CUSTODY		
THE UNDERSIGNED, AN INVESTIGATOR HAVING BEEN DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATION AND KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSON OR PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.					
INVESTIGATOR SIGNATURE:  Sergeant ROBERT J. KENNEY	INVESTIGATOR I.D.: 155	REPORT DATE: 09/11/2008	SUPERVISOR SIGNATURE: 	SUPERVISOR I.D.#: 271	APPROVAL DATE: 9/16/08

0800265932

Assessor's Office
63 Main Street
Post Office Box 385
Sharon, CT 06069
(860) 364-0205
(860) 364-5224 fax

From: Deborah Reye
RE: 31 Kings Hill Rd

Fax Sheet

TO: Sgt. Bob Kenney
203.696.2597

This transmission is intended for the named recipient(s) only and may be confidential or privileged. If this is received in error, please do not disclose its contents to anyone. Telephone the Assessors office at the above number.

Re property at 31 Kings Hill Rd.

Number of Pages including cover sheet 5

Other ID:	Survey Map 1091		Survey Map 2621	Survey Map 2085	Can Easement	District #1	District #2	GIS ID:
	Survey Map	Survey Map						
HARTLEY JULIA M	1	1	1	1	1	1	1	1
SEYRN GRACIE SQUARE #10B	1	1	1	1	1	1	1	1
NEW YORK, NY 10028	1	1	1	1	1	1	1	1
Additional Owner:								

RES LAND				DWELLING				BDS OUTBL				OPNSPACE			
Code	Appraised Value	Assessed Value	Assessed Value	Code	Appraised Value	Assessed Value	Assessed Value	Code	Appraised Value	Assessed Value	Assessed Value	Code	Appraised Value	Assessed Value	Assessed Value
1-1	360,000	541,400	379,000	1-3	541,400	379,000	21,500	1-4	30,700	169,500	23,380	1-1	252,000	288,500	252,000
1-3	379,000	288,500	379,000	1-3	379,000	288,500	379,000	1-3	379,000	288,500	379,000	1-1	252,000	288,500	252,000
1-4	21,500	21,500	21,500	1-4	21,500	21,500	21,500	1-4	21,500	21,500	21,500	1-1	252,000	288,500	252,000
6-3	169,500	169,500	169,500	6-3	169,500	169,500	169,500	6-3	169,500	169,500	169,500	1-1	252,000	288,500	252,000
Total:		1,101,600	675,880	Total:		1,101,600	675,880	Total:		1,101,600	675,880	Total:		1,101,600	675,880

This signature acknowledges a visit by a Data Collector or Assessor

Year	Type	Description	Amount	Code	Description	Number	Amount	Comm. Yr

Appraised Bldg. Value (Card)	Appraised XR (Bldg) Value (Bldg)	Appraised OB (L) Value (Bldg)	Appraised Land Value (Bldg)	Special Land Value	Total Appraised Parcel Value	Valuation Method:	Adjustment	Net Total Appraised Parcel Value
379,100	12,000	30,700	360,800	169,500	1,101,600	C	0	1,101,600

Permit ID	Issue Date	Type	Description	Amount	Resp. Date	% Comp.	Date Comp.	Comments	Date	Type	IS	ID	CL	Purpose/Result

B	Use	# Code	Description	Zone	D	Frontage	Depth	Units	Unit	Price	Unit	L	Factor	S.A	Area	Dec	Factor	C	ST	Adj.	Notes-Adj	Special Pricing	Adi. Unit Price	Land Value
1	Single Family	181	Open Space	RR				16.70 AC	2.00 AC	65,190.00	9,000.00	0.61	5	1.000	1.00	1.20	6	1.20	AD 94		52,000		360,000	
1	RR																					490,200		169,500
Total																								675,880

Sep 11 2008 2:11PM Sharon Town Clerk 860-364-5224 P.2

Element	Code	Ch	Description	Element	Code	Ch	Description	Code	Description	Quantity	Percentage
Style	04		Cape Cod								
Model	01		Residential								
Grade	08		A.								
Series	1.25										
Occupancy	1		Single/Masonry								
Exterior Wall 1	24		Clapboard								
Exterior Wall 2	11		Gable/Hip								
Roof Structure	03		Asphalt Shngl.								
Roof Cover	03		Plastered								
Interior Wall 1	03										
Interior Wall 2	03										
Interior Fr-1	14		Carpet								
Interior Fr-2	12		Hardwood								
Heat Fuel	02		Oil								
Heat Type	04		Forced Air								
AC Type	03		Central								
Total Bedrooms	02		2 Bedrooms								
Total Baths	2										
Total Half Baths	0										
Total Xtra Pkts	0										
Total Rooms	7										
Bath Style	02		Average								
Kitchen Style	01		Average								

Code	Description	Sub	Sub Description	U/R	Units	Unit Price	Yr	Code	Dep	Rt	Cond	% Cond	Net Value	Dep Value
FGRI	Garage			L	1,697	25.00	B	B	D		75		39,700	
FTL	Fireplace			B	2	5,000.00	B	B	A		100		10,000	
BAS	Basement													
EAF	Excavation, Finished													
FCR	Garage													
POP	Open Porch													
UBM	Basement, Unfinished													
WDK	Wood Deck													

HARTLEY JULIA M SEVEN GRACE SQUARE #10B NEW YORK, NY 10028 Additional Owners:	2 Above Street	1 Septic	1 Paved										6125 SHARON, CT VISION
		3 Well	1 Public Road										
	Description Code Appraised Value Assessed Value												
	RES LAND 1-1 360,000 252,000												
	DWELLING 1-3 541,400 379,000												
RES OUTBL 1-4 30,700 21,500													
OPN SPACE 6-3 169,500 23,380													
Total 1,101,600 675,880													

Yr.	Code	Assessed Value	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value
2007	1-1	252,000	2005	1-1	252,000	2005	1-1	252,000
2007	1-3	379,000	2006	1-3	379,000	2005	1-3	379,000
2007	1-4	21,500	2006	1-4	21,500	2005	1-4	21,500
2007	6-3	23,380	2006	6-3	23,380	2005	6-3	23,380
Total:		675,880	Total:		675,880	Total:		675,880

Year	Type	Description	Amount	Code	Description	Number	Amount	Comm. Int.
<i>This signature acknowledges a visit by a Data Collector or Assessor</i>								
Appraised Bldg. Value (Card)								159,300
Appraised XF (B) Value (Bldg)								0
Appraised OB (L) Value (Bldg)								0
Appraised Land Value (Bldg)								0
Special Land Value								0
Total Appraised Parcel Value								1,101,600
Valuation Method:								C
Adjustment:								0
Net Total Appraised Parcel Value								1,101,600

Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp.	Date Comp.	Comments	Date	Type	IS	ID	Cl.	Purpose/Result

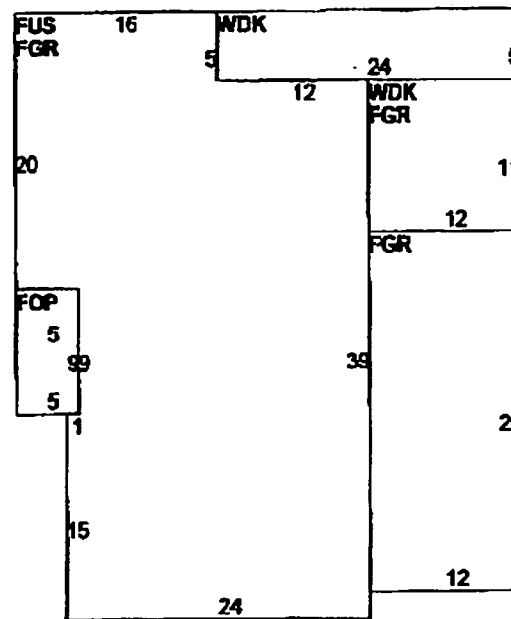
B #	Use Code	Use Description	Zone	D	Frontage	Depth	Units	Unit Price	L Factor	S.A.	Acres Disc	C Factor	ST. Tax	Adj.	Notes-Adj	Special Pricing	Adj. Unit Price	Land Value
2	101	Single Family	RR				0.60	AC	0.00	1.00	0	1.0000	1.00	6	1.20			0

Sep 11 2008 2:11PM Sharon Town Clerk 860-364-5224 P.4

Element	Cd	Ch	Description	Element	Cd	Ch	Description
Style	23		Apt/Garage/Studio				
Model	01		Residential				
Grade	08		A-				
Stairs	2						
Occupancy	1						
Exterior Wall 1	11		Clapboard				
Exterior Wall 2							
Roof Structure	03		Gable/Hip				
Roof Cover	03		Asphalt Shagl.				
Interior Wall 1	05		Drywall				
Interior Wall 2							
Interior Flr 1	09		Fine/Soft Wood				
Interior Flr 2							
Heat Fuel	03		Gas				
Heat Type	04		Forced Air				
AC Type	01		None				
Total Bedrooms	02		2 Bedrooms				
Total Bdrms	1						
Total Half Baths	0						
Total Xtra Fixtr	0						
Total Rooms	4						
Bath Style	02		Average				
Kitchen Style	02		Average				

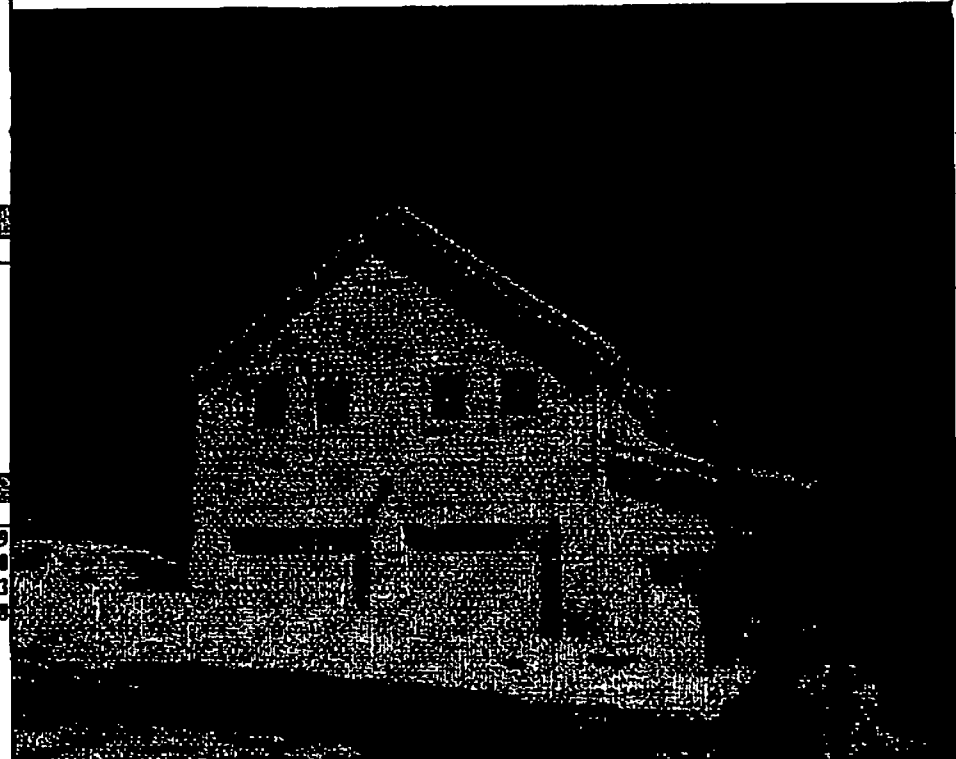
Code	Description	Percentage
101	Single Family	100


Adj. Base Rate:	01.80
Section. RCN:	157,900
Net Other Adj:	3,050.00
Replace Cost	165,950
AYB	1999
EYB	1999
Dep Code	E
Remodel Rating	
Year Remodeled	
Dep %	4
Functional Obstnc	
External Obstnc	
Cost Trend Factor	
Condition	
% Complete	
Overall % Cond	96
Apprais Val	159,300
Dep % Ovr	0
Dep Ovr Comment	
Misc Imp Ovr	0
Misc Imp Ovr Comment	
Cost to Cure Ovr	0
Cost to Cure Ovr Comment	



Code	Description	Sub	Sub Descript	U/B	Units	Unit Price	Yr	Gds	Dy	Rt	Crtd	%Crtd	Appr Value

Code	Description	Living Area	Gross Area	Est. Area	Unit Cost	Undeprc. Value
FGR	Garage	0	1,511			55,449
FOP	Open Porch	0	45			1,010
FUS	Upper Story, Finished	1,067	1,067			97,953
WDK	Wood Deck	0	252			1,488



State of Connecticut Dept. of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1



Action Taken: On September 4th, 2008, a Search Warrant was executed at the residence of Paul Hallingby DOB: 11-11-46 located at 31 Kings Hill Road in Sharon, CT. Seized was a 1958 Ferrari 250PF, with Vehicle Identification Number 0799GT, that was stolen in Spain in 1993.

The Ferrari was removed from the scene by Sharon Auto Body. They were recommended by the resident Ferrari expert at "Lime Rock," a location where exotic cars are stored and shown.

On September 18th, 2008, this Detective received the towing bill from Sharon Auto Body.

The aforementioned bill is attached to this report.

This case is closed Suspended.

CASE STATUS:			TYPE OF EXCEPTIONAL CLEARANCE:		
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2-CLEARED ARREST	<input type="checkbox"/> 6-NO CRIMINAL ASPECT	<input type="checkbox"/> B-PROSECUTION DENIED	<input type="checkbox"/> E-JUVENILE-NO CUSTODY		
<input checked="" type="checkbox"/> 3-SUSPENDED	<input type="checkbox"/> F-FUGITIVE	<input type="checkbox"/> C-EXTRADITION DENIED			
THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.					
INVESTIGATOR SIGNATURE	INVESTIGATOR ID	REPORT DATE	SUPERVISOR SIGNATURE	SUPERVISOR ID	APPROVAL DATE
	732	09-18-08		271	9-29-08

Det. Richard Van Tine

Sharon Auto Body, Inc.

PO Box 686
Sharon, Ct, 06069
860-364-0128 Office
860-364-0041 Fax

Invoice

DATE	INVOICE #
9/5/2008	25942

BILL TO

Connecticut State Police
Motor Vehicle Fraud Task Force
149 Prospect Street
Bridgeport, CT 06604

YEAR

MAKE & MODEL

VIN #

Ferrari


DESCRIPTION	QTY	RATE	AMOUNT
Towing / From 31 King's Hill Rd., Sharon, CT to Meriden, CT Attn, Detective Richard Valentino <i>VAN TINE</i>		671.00	671.00

It is understood that SHARON AUTO BODY, INC. will not be held responsible for loss or damage to vehicles or articles left in vehicles in case of fire, theft or any other cause beyond our control. Full payment for repairs made to the above vehicle is due upon release or delivery, including supplemental charges. Any warranties on products or parts sold hereby are made by the product manufacturer. The seller hereby expressly disclaims all warranties, either expressed or implied, including any implied warranty of mechanicability or fitness for a particular purpose, and neither assumes nor authorizes any person to assume for it any liability in connection with the sale of said products. I also acknowledge that I have been fully informed about the use, if any, of used, reconditioned or aftermarket replacement parts and that SHARON AUTO BODY, INC. has made no attempt to defraud myself, the insurance company, or any other entity.

Sales Tax (6.0%)	\$0.00
Total	\$671.00

SIGNATURE: _____

DATE: _____

State of Connecticut Dept. of Public Safety Narrative Report  DPS-302-C (Revised 04/03)	REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1
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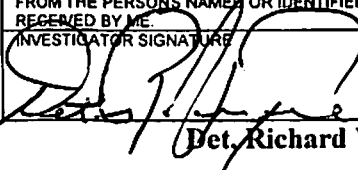
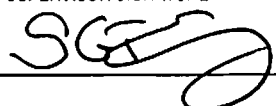
Action Taken: On September 4th, 2008, a Search Warrant was executed at the residence of Paul Hallingby DOB: 11-11-46 located at 31 Kings Hill Road in Sharon, CT. Seized was a 1958 Ferrari 250PF, with Vehicle Identification Number 0799GT, that was stolen in Spain in 1993.

Mrs. Hallingby was present during the Warrant Execution and was provided with copies of the Affidavits at that time. Mr. Hallingby was later mailed copies of the Affidavits.


On September 18th, 2008, the "Certified Mail Receipt" confirming delivery of those Affidavits was received by this Detective.

The aforementioned receipt is attached to this report.

This case is closed Suspended.

CASE STATUS:		TYPE OF EXCEPTIONAL CLEARANCE:			
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2-CLEARED ARREST	<input type="checkbox"/> 6-NO CRIMINAL ASPECT	<input type="checkbox"/> B-PROSECUTION DENIED	<input type="checkbox"/> E-JUVENILE-NO CUSTODY		
<input checked="" type="checkbox"/> 3-SUSPENDED	<input type="checkbox"/> F-FUGITIVE	<input type="checkbox"/> C-EXTRADITION DENIED			
THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.					
INVESTIGATOR SIGNATURE	INVESTIGATOR I.D.	REPORT DATE	SUPERVISOR SIGNATURE	SUPERVISOR I.D.	APPROVAL DATE
	732	09-18-08		271	92908

Det. Richard Van Tine

State of Connecticut Department of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE:	ATTACHMENTS:	DPS INCIDENT #:
		Supp		0800265932

Action Taken: On 08/04/2008 at approximately 1330 hrs, this Sergeant assisted with the execution of a Search and Seizure warrant at 31 Kings Hill rd Sharon, CT the residence of Paul L. Hallingby. This stemmed from an investigation by Detective Van Tine regarding a stolen 1958 Ferrari 250 PF.

Upon arriving at the residence and knocking on the front door of the main residence, the homeowners did not answer. There were two (2) Labrador type dogs located inside the front foyer of the residence.



At approximately 1335 hrs, the caretaker of the residence Sharon Hughes (10 Cemetery rd Sharon, CT) (Phone #860-824-0451), arrived on the property and stated that the property owners were away in France.

Hughes provided a phone number of 011.33.5.53.59.49.90 for Paul Hallingby whom the referred to as "Barney". When I asked Hughes if she was taking care of the two dogs she replied "What dogs, there are no dogs inside". I informed her that there were indeed two dogs in the house and Hughes then stated, "If the dogs are inside then they must be home". Hughes unlocked the residence and walked inside with this Sergeant and TFC Robert Stonehill. A brief cursory search was conducted of the residence and the homeowners were not located inside.

At approximately 1520 hrs, Mrs. Hallingby arrived on the property and was advised of the Search Warrant. She stated that her husband whom she referred to as "Barney" was away in France. Mrs. Hallingby stated that her husband was the only one who had a key to unlock the door to the exterior garage. Mrs. Hallingby contacted Paul Hallingby via telephone who requested to speak with this Sergeant. I advised Paul of the Search and Seizure Warrant for the older model 1950's vintage Ferrari. Paul, without hesitation, stated that he was aware of the car and that it was locked in the exterior garage on a car lift behind four other vehicles. Paul stated that he was the only one with keys to the garage and that he would be glad to assist me upon his return from France on 09/21/2008. Paul stated he is the only one authorized to legally drive the vehicles. I asked Paul if there is anyone he knew that could move the vehicles in the garage to gain access to the Ferrari and he stated "NO".

This Sergeant was contacted by Attorney Pastore (203-661-4200) of the Russell Pastore law firm who advised that he was the legal counsel for the Hallingby's. Pastore was explained the nature of the investigation. Pastore requested a copy of the Search Warrant be faxed to him. A copy was provided to Mrs. Hallingby who then faxed it to Pastore from her home fax machine. Upon further conversation with Attorney Pastore and Paul Hallingby, Hallingby stated that one of the property caretakers, "Bob Pinckney", who was on the scene, had a key to the garage at his residence. Hallingby requested that Pinckney allow Police access to the "garage only" and not to move any of the vehicles. Attorney Pastore stated that he would be enroute to the scene.

Pinckney departed the residence and arrived back approximately thirty minutes later with the key which he gave to Mrs. Hallingby. Mrs. Hallingby next opened the side door of the garage where search team members immediately detected the strong odor of gasoline vapors. Due to the immediate hazard the garage was ventilated for several minutes prior to entry.

CASE STATUS		TYPE OF EXCEPTIONAL CLEARANCE			
THE UNDERSIGNED, AN INVESTIGATOR HAVING BEEN DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATION AND KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSON OR PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.					
INVESTIGATOR SIGNATURE	INVESTIGATOR I.D.:	REPORT DATE:	SUPERVISOR SIGNATURE:	SUPERVISOR I.D.#:	APPROVAL DATE:
	#271	9-29-08		185	10/03/2008

State of Connecticut Department of Public Safety Narrative Report DPS-302-C (Revised 04/03)	REPORT TYPE: Supp	ATTACHMENTS:	DPS INCIDENT #: 0800265932 Page 2 of 2
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This Sergeant observed the 1958 Ferrari located on the second tier of a two level car lift, on the left side of the garage as you face inward. There was one vehicle directly beneath the Ferrari (silver Mercedes) and another Ferrari in front of that. I observed the keys to be in all of the vehicles in the garage. I observed the 1958 Ferrari to be dirty with bug splatter on the front windshield and nose of the vehicle. There were numerous paint bubbles observed on the nose of the vehicle also. These defects were photographed by Det Pinell. (Refer to photo supplement)

Upon consulting with Attorney Pastore who was on scene I advised him that we would be taking possession of the vehicle and inquired if Mr. Hallingby wished to have someone move said vehicles or search team members could fulfill this task. Pastore was also given the option of choosing who would transport the seized vehicle to an undisclosed location.

After not receiving a definitive answer the decision was made to have Search team members move all vehicles by hand to gain access and seize the Ferrari. The Ferrari was towed from the scene via Sharon Automotive flatbed tow service to an undisclosed secure location. (Refer to Detective Van Tine case report)

Case Closed No further action anticipated by this Sergeant.

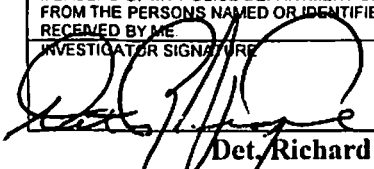
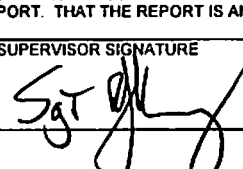
CASE STATUS		TYPE OF EXCEPTIONAL CLEARANCE			
<small>THE UNDERSIGNED, AN INVESTIGATOR HAVING BEEN DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATION AND KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSON OR PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.</small>					
INVESTIGATOR SIGNATURE	INVESTIGATOR I.D.:	REPORT DATE:	SUPERVISOR SIGNATURE:	SUPERVISOR I.D.#:	APPROVAL DATE:
	#271	9-29-08		151	10/03/2008

State of Connecticut Dept. of Public Safety Narrative Report  DPS-302-C (Revised 04/03)	REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1
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Action Taken: On September 29th, 2008, this Detective corresponded via e-mail with Marcel Massini, a Ferrari expert residing in Switzerland, who has written three books on the subject of Ferrari cars. This Detective e-mailed Mr. Massini a series of questions to which he replied on September 30th, 2008.

Attached to this report are the questions asked by this Detective and Mr. Massini's answers. Also attached is a personal history of Mr. Massini located on the internet.

This case is closed Suspended.

CASE STATUS:		TYPE OF EXCEPTIONAL CLEARANCE:			
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2-CLEARED ARREST	<input type="checkbox"/> 6-NO CRIMINAL ASPECT	<input type="checkbox"/> B-PROSECUTION DENIED	<input type="checkbox"/> E-JUVENILE-NO CUSTODY		
<input checked="" type="checkbox"/> 3-SUSPENDED	<input type="checkbox"/> F-FUGITIVE	<input type="checkbox"/> C-EXTRADITION DENIED			
THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE, OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.					
INVESTIGATOR SIGNATURE 	INVESTIGATOR I.D. 732	REPORT DATE 09-30-08	SUPERVISOR SIGNATURE 	SUPERVISOR I.D. 155	APPROVAL DATE 10/15/2008

Det. Richard Van Tine

Questions from CT State Police Detective Richard Van Tine, 29th September 2008, regarding Ferrari 250 GT Cabriolet #0799 GT.

Answers from Marcel Massini, 30th September 2008:

1. For how long have you been recognized in the Ferrari Community as an Expert?

ANSWER:

Approximately 25 years. Certainly since at least 1983 (when I published my first book). I am a professional Ferrari historian since 30 years. I do this for a living. I am 50 years old.

2. What qualifications do you possess to be considered an Expert?

ANSWER:

I have authored three major Ferrari books, the first being published in 1983, the second in 1993 and the third one in 2006. My fourth Ferrari book will be published in 2009/2010. Besides that I have written more than 400 articles about Ferrari automobiles in various specialist publications all over the world (USA, England, Germany, Spain, Switzerland, Japan, France, etc.). I am a Ferrari Concours Judge in USA and Europe and member of the IAC/PFA (International Advisory Council for the Preservation of the Ferrari Automobile). I have also worked as an expert witness in legal matters.

3. For how long in the Ferrari Community has it been known that 0799GT was stolen?

ANSWER:

Since approximately the year 1994. Known by the real and serious insiders worldwide. One has to ask who the definition of "Ferrari Community" includes.

4. Where was it first publicized in the Ferrari Community? In the United States?

ANSWER:

Not sure if it ever was publicized. I think it was/is mentioned on the German website www.barchetta.cc since quite a few years already. I do believe that this German website got the information in about 2000.

5. What steps does a collector take when purchasing a Ferrari?

ANSWER:

Some - but not all collectors - do a proper due diligence and all the homework BEFORE they actually buy a vintage Ferrari of significant value. If they cannot do it themselves and lack knowledge they can hire experts. Same as the art market. I am regularly being hired by Ferrari collectors from all over the world.

6. Does the documented history of the car make it more valuable?

ANSWER:

Absolutely. It is extremely important. The better and more documentation you have, the better it is. Cars with question marks or big gaps in the (continuous and chronological) history automatically raise eyebrows and can be considered dubious.

7. Would someone such as Hallingby have purchased a Ferrari knowing it was stolen? Why?

ANSWER:

If he bought the car for a serious long-term collection he most probably would not have bought a Ferrari knowing it was stolen. If he bought a car for speculation and re-sale within a few years, for pure profit only, then he would possibly care a little less.

May be he knew a little about the questionable provenance but just didn't care. After all, the theft occurred many years ago in far away Europe and not in his country (USA).

8. Is there any way Hallingby would not know 0799GT was stolen?

ANSWER:

I highly doubt it but believe that Hallingby totally underestimated the entire situation and didn't want to do proper research or rather wake up any sleeping dogs.

9. Was the price he paid for the car in 2000 at \$550,000.00 US a fair price?

ANSWER:

Assuming that he really paid US\$ 550'000 then the price was fair.

10. Is it possible that the 0799GT that was seized here is a fake? Where are the other Vehicle Identification Numbers besides those under the hood?

ANSWER:

No way. Impossible. Clearly NOT a fake. It is the real thing.

The chassis frame number "0799 GT" is stamped on the left main frame tube, near the left front suspension, possibly painted over with black paint and often hardly visible. The engine number "0799 GT" is stamped on the small raised boss of the engine, on the right side of the engine, near the firewall but on the bellhousing (round). Right below the engine number is to be found a second number that should read "140 C" and that would be the correct and matching INTERNAL engine number for this particular car. The gearbox number can be found if you remove the gearbox tunnel in the interior. The gearbox number should read "45 C", provided the car is still fitted with its original gearbox. The differential (rear axle) number should read "70 GTC" and can be found stamped on top of the differential in the centre, usually by looking with a small mirror from underneath the car. To show you how these numbers (on other sister cars, same model) should look like and where they can be found I would be happy to email you photographs.

11. Is it true that when you photographed the car in Florida, Hallingby's assistant closed the hood?

ANSWER:

Absolutely true. I attended the Cavallino Concours at The Breakers hotel in Palm Beach/FL on Saturday the 20th January 2001 as a normal spectator/visitor and saw this car on the green. Somebody was cleaning and preparing the car for the show, the hood was open. I was very surprised to see the car there, instantly recognizing it and remembering the legal problems. I immediately started taking photos of the engine bay compartment but managed only to photograph the chassis badge (tag) on the right corner of the engine compartment. I then tried to also photograph the engine number on the raised boss and the chassis number on the frame but the person who was with the car immediately and very quickly closed the hood and did not allow to take detailed photographs. For the rest of the day the hood remained closed. I have been to Ferrari car shows more than 100 times in the USA but never had such a situation. Usually the owners/assistants of these cars are extremely open and friendly and happy to show all the details. They open hoods and trunk lids and are happy to show everything to everybody. Not this time, to my great surprise. I got the impression that somebody wanted to hide something. I also saw the same car during the same weekend at the nearby Moroso racetrack where it was regularly parked but the hood was never open again.

12. Do you know Hallingby? If so, has he ever mentioned to you that he knew of the car's suspicious history?

ANSWER:

Yes, I do know Mr. Hallingby. I have met him in person in August 2007 at a car auction in Monterey and we spoke for a few minutes but NOT about this car or possible problems. As

of today we have never talked about this particular Ferrari. It is also possible that I have met Hallingby in the years before already, either at Monterey/CA or in Palm Beach/FL, but I don't remember the exact dates.

13. Has he ever mentioned it to anyone you may both know?

ANSWER:

I know for sure that Hallingby has extensively talked about 0799 GT with Mr. Nicholas Soprano of Motor Classic & Competition Corporation of White Plains/NY. I understand that Hallingby is a backer and/or client of Soprano's and I do know that he sometimes has stored some of his cars in this shop in White Plains. I have been to this shop in White Plains myself in the past and have seen some of Mr. Hallingby's cars there.

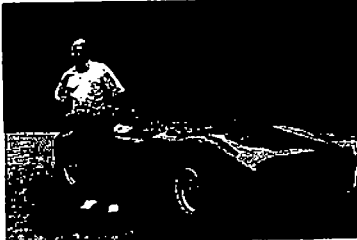
FERRARI RELATED BOOKS,
MAGAZINES AND EVENTS

FRIDAY JANUARY 28, 2005

HOME	MAGAZINES	BOOKS	EVENTS	FACTORY	SEARCH	UPDATED
				PORTFOLIO		

HOME | [BOOKS](#) | [FEATURED AUTHORS](#)
Marcel Massini

Marcel Massini
 Marcel Massini was born in Geneva, Switzerland in 1957. He was educated in Basel which endowed him with fluency in several languages and a cosmopolitan view of life. He started his career in the automotive field building model car kits and very soon became a dedicated Ferrari enthusiast. At the age of 17 he wrote his first article in the English Ferrari model club magazine. His stories and reports appear in the majority of the best-known automotive and specialised Ferrari magazines ranging from publishers in England to Japan, Spain, USA, France, Germany and Switzerland.



Marcel Massini at Monterey/CA in August 2002, in front of a Dino 196 prototype, s/n 0790


Today he is a successful and universally recognised Ferrari historian and expert with an unimpeachable knowledge. His database is enormous, the photographic archive of mostly vintage prints is huge and his files run into the thousands, a real world-class collection of Prancing Horse-related documents. His aim is to ensure that everything he writes is as complete and accurate as possible, which is a sound basis for any good historian.

Marcel Massini is a top ranked automotive researcher with an unerring access to all the automotive periodicals published in the last fifty five years. In recent years he has worked as a consultant to Ferrari dealers, renowned vintage car collectors and major auction houses all over the world. He's also involved in collection planning and management for historically significant Ferrari automobiles.

Massini is senior editor of Prancing Horse magazine and a contributing editor to Cavallino and Scuderia, International Ferrari magazines in the USA and Japan. In 1990 he was awarded the prestigious Warren W. Fitzgerald Memorial Trophy of the Ferrari Club of America. This award was instituted in 1974, the first recipient being Commendatore Enzo Ferrari himself. Apart from over 400 smaller publications Marcel Massini has authored two Ferrari books, the first being „Ferrari 250 LM“, published 1983 in England, the second being „Ferrari by Vignale“, published 1993 in Italy.

His third Ferrari book painstakingly covers the type „Ferrari 250 Mille Miglia“ and will be published in 2005 in Italy. He is also co-author of the book „Making the Difference“, a book published 2003 about the coachbuilt roadgoing Ferraris of the Fifties and Sixties. In January 2004 he was awarded with the prestigious „Writer of the Year“ cup by the Ferrari Owners Club England. Marcel Massini is member of the International Advisory Council for the Preservation of the Ferrari Automobile (IAC/PFA) and fluent in English, German, French and Italian. His experience of the international Ferrari market is unrivalled in the collectors' car world.

Ferrari by Vignale
 Marcel Massini
 Giorgio NADA Editore 1993
 ISBN: 88-7911-085-3
 247 x 275mm, 198 pages
 Italian / English
 original price: 90 000 Lire (SOLD)



[amazon.com](#) [amazon.co.uk](#)

Ferrari 250 LM
 Ferrari's first street legal mid-engined GT car
 English, 196 pages
 Marcel Massini with Rob de la Rive Box



hardcover with dustcover, 196 x 254mm
 ISBN 0-85045-527-8
 Osprey Publishing Limited 1983

The front of the jacket shows off chassis LM 5909 owned by Albert Obrist, shot at the Nürburgring in 1981. In its former life it raced in Europe (2nd Reims 12 hours in 1964, Bandini/Surtees) and then in America by Bob Grossman, before restoration.

amazon.com amazon.co.uk

The Ferrari 250LM is a special Ferrari, make no mistake. It takes its place alongside the very greatest of the marque, and everyone knows how great the name of Ferrari is. Dean Batchelor's quote: 'Truly an exotic among exotic's is no insubstantial puff. And here's why.

1961 was a major turning point for the Maranello racing team - it was deemed proper, at last, for the engine to sit behind the driver. Those first cars were Dino sports-racers after the Formula cars. Soon the sports car designers were saying that if a V6 or V8 will fit, so will our traditional V12.

A change in regulations for 1962 prompted experimentation and Forghieri lengthened a Dino chassis to take the 250 engine. So the 250P was born.

By 1963 the 250P had won at Le Mans and was on the ascendant.

Ferrari's GT car, the 250 GTO, by 1963 was looking to be beaten and needed a successor. What better than a 250P with a roof; thus the 250LM was born. LM for Le Mans to celebrate their victory?

Here is the definitive development, production and biography of each of the 32 cars made in the 250LM series starting in 1964 and running through 1966.

Never before has such detail been assembled on one model.

As driver David Piper says in his Foreword to this book, there is no more lovable racing car than a Ferrari 250LM.

Enjoy the 200 plus black and white photographs and the unique colour section. Revel in the detail of these most significant and handsome cars - Ferrari's last genuine production road/race cars, a breed which was soon to disappear. An important book for the Ferrari aficionado.

6 Foreword David Piper

8 Introduction

10 Acknowledgements

13 Chapter 1 The LM saga in brief

28 Chapter 2 Chassis technology and engine data

50 Chapter 3 International Manufacturer's Championship racing 1964-70

86 Chapter 4 Summary of racing results

90 Chapter 5 Other racing

106 Chapter 6 Chassis biography, car by car

186 Appendix 1 The sales brochure

190 Appendix 2 Drivers who raced the 250LM

195 Appendix 3 Further reading


196 Appendix 4 LM toys and model cars

Ferrari 250 Mille Miglia

His third Ferrari book painstakingly covers the type 'Ferrari 250 Mille Miglia' and will be published in 2005 in Italy. He is also co-author of the book 'Making the Difference', a book published 2003 about the coachbuilt roadgoing Ferraris of the Fifties and Sixties. In January 2004 he was awarded with the prestigious 'Writer of the Year' cup by the Ferrari Owners Club England. Marcel Massini is member of the International Advisory Council for the Preservation of the Ferrari Automobile (IAC/PFA) and fluent in English, German, French and Italian. His experience of the international Ferrari market is unrivalled in the collectors' car world.

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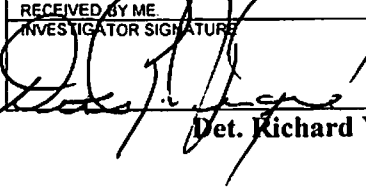
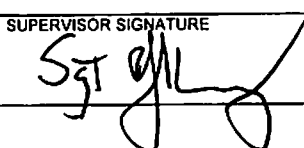
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State of Connecticut Dept. of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1
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Action Taken: On October 2nd, 2008, this Detective received from Detective Pinelli the "Domestic Return Receipt" from the Post Office indicating that Paul Hallingby received his copies of the Search and Seizure Warrants and Affidavits that were executed at his place of residence.

Attached to this report is the aforementioned Receipt.

This case is closed Suspended.

CASE STATUS:			TYPE OF EXCEPTIONAL CLEARANCE:		
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2-CLEARED ARREST	<input type="checkbox"/> 6-NO CRIMINAL ASPECT	<input type="checkbox"/> B-PROSECUTION DENIED	<input type="checkbox"/> E-JUVENILE-NO CUSTODY		
<input checked="" type="checkbox"/> 3-SUSPENDED	<input type="checkbox"/> F-FUGITIVE	<input type="checkbox"/> C-EXTRADITION DENIED			
THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.					
INVESTIGATOR SIGNATURE	INVESTIGATOR ID	REPORT DATE	SUPERVISOR SIGNATURE	SUPERVISOR ID	APPROVAL DATE
	732	10-02-08		155	10/15/2008

Det. Richard Van Tine



**STATE OF CONNECTICUT, DEPARTMENT OF PUBLIC SAFETY-
INVESTIGATION REPORT (DPS-302-E) (REVISED 2/3/06)**

Report #: 0800265932 - 00264150

Report Type: Initial Report: Prosecutors Report: Supplement: Re-open: Assist: Closing:

Attachments: Statements: Teletype: Photos: Sketchmap: Evidence: Other:

CFS NO. 0800265932	INCIDENT DATE 06/05/2008	TIME 15:54	INCIDENT DATE 06/05/2008	TIME	PRIMARY OFFICER VANTINE, RICHARD	BADGE NO 0732	INVESTIGATING OFFICER TFC RODRIGUEZ, ORLANDO	BADGE NO 1236
INCIDENT ADDRESS 00149 Prospect St Bridgeport 06604					APARTMENT NO	TOWN CD	TYPE OF EXCEPTIONAL CLEARANCE Not Applicable	CASE STATUS Suspended

Action Taken: On September 19, 2008 this Detective was requested to meet with Sgt. Dency at an undisclosed location where the Ferrari was being stored. The purpose was to take photographs of the Ferrari before and after it was covered.

- Photo #1-Depicts a front view of the front top portion.
-
- Photo #2-Depicts a front right angle view.
-
- Photo #3-Depicts the close up view of the front right end.
-
- Photo #4-Depicts the close view of the left top portion of the hood.
-
- Photo #5-Depicts the close up of the left front head light showing remains of squashed bugs.
-
- Photo #6-Depicts the top side view of the interior from the left side.
-
- Photo #7-Depicts overall view from the right rear end.
-
- Photo #8-Depicts view from the rear right side.

THE UNDERSIGNED, AN INVESTIGATOR HAVING BEEN DULY SWORN DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1)MY PERSONAL OBSERVATION AND KNOWLEDGE: OR (2)INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT:OR (3)INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSON OR PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.					
INVESTIGATOR SIGNATURE: Det. [Signature] 1236	INVESTIGATOR I.D.#: 1236	REPORT DATE: 10-03-08	SUPERVISOR SIGNATURE Sgt. [Signature]	SUPERVISOR I.D.# 15	DATE 10/15/2008



STATE OF CONNECTICUT, DEPARTMENT OF PUBLIC SAFETY-
INVESTIGATION REPORT (DPS-302-E) (REVISED 2/3/06)

- Photo #9-Depicts the overall view from the rear left side.
- Photo #10-Depicts the view of the front right end showing bug remains.
- Photo #11-Depicts the suspect's bedroom prior to search.
- Photo #12-Depicts Ferrari covered.
- Photo #13-Depicts the box the car cover came in. (Premium Tech).
- Photo #14-Depicts overall view of covered Ferrari.

Attached to this report are printed versions of the aforementioned photos containing the aforementioned photos.

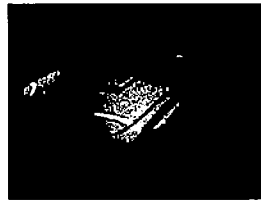
This Case is Closed Cleared Arrest.

THE UNDERSIGNED, AN INVESTIGATOR HAVING BEEN DULY SWORN DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1)MY PERSONAL OBSERVATION AND KNOWLEDGE: OR (2)INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT:OR (3)INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSON OR PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.

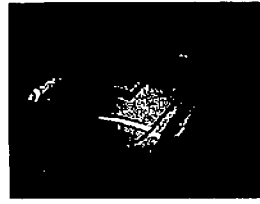
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Ferrari-Orlando 001



Ferrari-Orlando 002



Ferrari-Orlando 003



Ferrari-Orlando 004



Ferrari-Orlando 005



Ferrari-Orlando 006



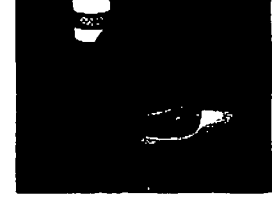
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Ferrari-Orlando 008



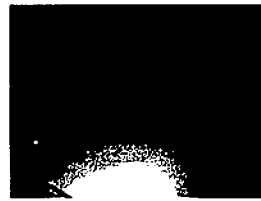
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Ferrari-Orlando 010



Ferrari-Orlando 011



Ferrari-Orlando 012



Ferrari-Orlando 013



Ferrari-Orlando 014



Ferrari-Orlando 015



Ferrari-Orlando 016



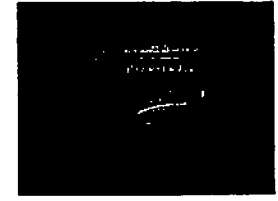
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Ferrari-Orlando 018



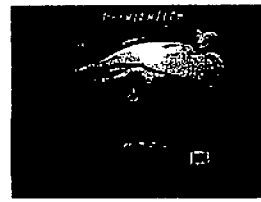
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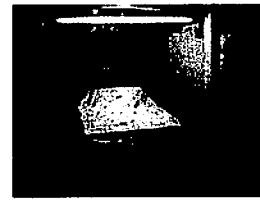
Ferrari-Orlando 020



Ferrari-Orlando 021




Ferrari-Orlando 022





Ferrari-Orlando 023

Photo Supp.


State of Connecticut Dept. of Public Safety Narrative Report  DPS-302-C (Revised 04/03)	REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1
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Action Taken: On October 6th, 2008 at 1500 hours, {all times approximate} this Detective spoke to Mr. Elliott Grossmann, a broker for the "Symbolic Motor Car Company" in California. "Symbolic" deals exclusively with high priced collector cars. Mr. Grossman intended to purchase the Ferrari 250PF with Vehicle Identification Number 0799GT in 2000 but reconsidered his intent and did not consummate the purchase. Contacted via telephone, Mr. Grossmann stated that he has been involved in several civil cases where he purchased a collector car, only to have someone come forward later and claim full or partial ownership, therefore making his purchase suspect and resulting in civil litigation. Mr. Grossmann stated that was the reason he did not purchase the Ferrari 250PF with Vehicle Identification Number 0799GT. He stated that he was prepared to pay approximately \$700,000.00 for the car but after contacting Ferrari Expert Marcel Massini, who advised him of the theft of the car from Spain in 1993, he reconsidered. Mr. Grossmann stated that in his experience, it is better to check on the history of a collector car prior to purchase to avoid later claims of full or partial ownership. However, Mr. Grossmann stated that not all collectors do their "due diligence" in researching a car's history. Mr. Grossmann, who admitted to knowing Mr. Hallingby, stated that he does not believe Mr. Hallingby would knowingly purchase a stolen car.

This case remains closed Suspended.

CASE STATUS:			TYPE OF EXCEPTIONAL CLEARANCE:		
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
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<input checked="" type="checkbox"/> 3-SUSPENDED	<input type="checkbox"/> F-FUGITIVE	<input type="checkbox"/> C-EXTRADITION DENIED			
<small>THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.</small>					
INVESTIGATOR SIGNATURE 	INVESTIGATOR ID 732	REPORT DATE 10-07-08	SUPERVISOR SIGNATURE 	SUPERVISOR ID 15	APPROVAL DATE 10/15/2008

Det. Richard Van Tine

State of Connecticut Dept. of Public Safety Narrative Report  DPS-302-C (Revised 04/03)	REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1
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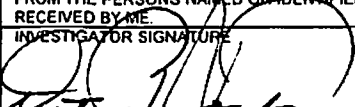
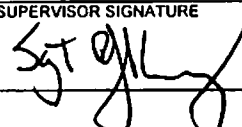
Action Taken: On October 7th, 2008 at 1500 hours, {all times approximate} this Detective spoke over the phone to Mr. Klaus Schnitzer, a part time photographer and writer for "Forza" magazine. "Forza" is a magazine that caters to exotic, high performance collector cars, especially Ferrari.

Previous investigation by this Detective revealed that three of Mr. Hallingby's Ferrari automobiles were featured in the December 2007 issue of "Forza" magazine. One of them was the 1958 Ferrari bearing Vehicle Identification Number 0799GT. This Detective, at his own expense, acquired that past issue of "Forza" and found the article to be written by Mr. Schnitzer.


During the conversation with Mr. Schnitzer, he stated that he has been to Mr. Hallingby's residence on several occasions to talk about his automobile collection. Mr. Schnitzer stated that he is not a Ferrari expert but rather a BMW expert. He also stated that he is a professional photographer. According to Mr. Schnitzer, Mr. Hallingby permitted him to operate the Ferrari's highlighted in the article. Mr. Schnitzer stated that he also corresponds with Mr. Hallingby via e-mail on occasion. Mr. Schnitzer stated that he did not discuss the history of any of the cars with Mr. Hallingby and was there only to discuss their performance and to photograph them. Mr. Schnitzer stated that he was not aware of the reported theft of the 1958 Ferrari bearing Vehicle Identification Number 0799GT that was highlighted in the article. Mr. Schnitzer stated that he does not believe that Mr. Hallingby knew the 1958 Ferrari bearing Vehicle Identification Number 0799GT was stolen because he made no mention of it during the interview. Mr. Schnitzer stated that in his opinion, Mr. Hallingby would not show off a car he knew was stolen.

Mr. Schnitzer provided this Detective with several contact numbers as well as his e-mail should other questions arise for him to answer.

This case remains closed Suspended.

CASE STATUS:			TYPE OF EXCEPTIONAL CLEARANCE:		
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2-CLEARED ARREST	<input type="checkbox"/> 6-NO CRIMINAL ASPECT	<input type="checkbox"/> B-PROSECUTION DENIED	<input type="checkbox"/> E-JUVENILE-NO CUSTODY		
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INVESTIGATOR SIGNATURE	INVESTIGATOR ID	REPORT DATE	SUPERVISOR SIGNATURE	SUPERVISOR ID	APPROVAL DATE
	732	10-09-08		185	10/15/2008

Det. Richard Van Tine

State of Connecticut Dept. of Public Safety Narrative Report  DPS-302-C (Revised 04/03)	REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input checked="" type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1
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Action Taken: Previous investigation by this Detective revealed that three of Mr. Hallingby's Ferrari automobiles were featured in the December 2007 issue of "Forza" magazine. One of them was the 1958 Ferrari bearing Vehicle Identification Number 0799GT. This Detective, at his own expense, acquired that past issue of "Forza" and found the article to be written by Mr. Klaus Schnitzer.

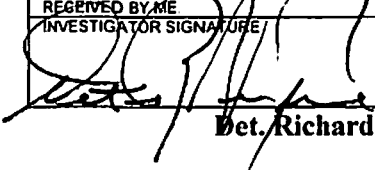
During a phone conversation with Mr. Schnitzer in early October, he stated that he has been to Mr. Hallingby's residence on several occasions to talk about his automobile collection. Mr. Schnitzer stated that he is not a Ferrari expert but rather a BMW expert. He also stated that he is a professional photographer. According to Mr. Schnitzer, Mr. Hallingby permitted him to operate the Ferrari's highlighted in the article. Mr. Schnitzer stated that he also corresponds with Mr. Hallingby via e-mail on occasion. Mr. Schnitzer stated that he did not discuss the history of any of the cars with Mr. Hallingby and was there only to discuss their performance and to photograph them. Mr. Schnitzer stated that he was not aware of the reported theft of the 1958 Ferrari bearing Vehicle Identification Number 0799GT that was highlighted in the article. Mr. Schnitzer stated that he does not believe that Mr. Hallingby knew the 1958 Ferrari bearing Vehicle Identification Number 0799GT was stolen because he made no mention of it during the interview. Mr. Schnitzer stated that in his opinion, Mr. Hallingby would not show off a car he knew was stolen.

On October 27th, 2008, this Detective e-mailed Mr. Schnitzer. This Detective observed in the "Forza" magazine article that the 1958 Ferrari bearing Vehicle Identification Number 0799GT did not have a registration plate on it, despite being photographed with Mr. Hallingby operating the vehicle on the road. This Detective inquired of Mr. Schnitzer if he remembered the registration plate of the vehicle being removed, changed with another, or not having a plate at all. Mr. Schnitzer responded via e-mail stating that he did not remember Mr. Hallingby removing or exchanging plates on the cars but did remember that the other two Ferrari Automobiles featured had their own registrations. Mr. Schnitzer stated that the registration on the 1961 250 GT California Spider bore CT registration 33735 and the 1961 GT SWB Berlinetta bore CT registration 34234.

According to the Connecticut DMV, each of those registration plates corresponds to the vehicle that Mr. Schnitzer observed them on.

Attached to this report is a copy of the aforementioned e-mail and DMV teletypes.

This case remains closed Suspended.

CASE STATUS:		TYPE OF EXCEPTIONAL CLEARANCE:			
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2-CLEARED ARREST	<input type="checkbox"/> 6-NO CRIMINAL ASPECT	<input type="checkbox"/> B-PROSECUTION DENIED	<input type="checkbox"/> E-JUVENILE-NO CUSTODY		
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INVESTIGATOR SIGNATURE	INVESTIGATOR ID	REPORT DATE	SUPERVISOR SIGNATURE	SUPERVISOR ID	APPROVAL DATE
	732	10-28-08			

Det. Richard Van Tine

Richard Vantine

From: Schnitzer Photo [schnitzerphoto@comcast.net]
Sent: Monday, October 27, 2008 10:02 AM
To: Richard Vantine
Subject: Re: Mr. Hallingby and the Ferrari

On 10/24/08 10:00 AM, "Richard Vantine" <MVTF4@PO.STATE.CT.US> wrote:

Hello Mr. Schnitzer;

As I was again reading the article on Mr. Hallingby and the three Ferrari automobiles from the December 2007 "Forza" magazine, something struck me as odd. I believe you told me, and the photos show, that Mr. Hallingby operated the vehicles in your presence. I noticed that in the photos of two of the cars, specifically 0799GT and 2903GT, the rear portion of the vehicles are depicted. However, only 2903GT has a registration plate. Do you recall Mr. Hallingby removing the plate from 0799GT and putting it on 2903GT? Perhaps he removed the plate on 0799GT while 2903GT had its own plate. Perhaps 0799GT did not have a plate at all. If you have some time, would you mind refreshing your recollection and answering my questions, please? It would be a great help in my investigation.

Thank you,

Detective Richard Van Tine

Connecticut State Police.

Hello Mr. Van Tine,

I went through all my images and found no pictures of the 1958 250 GT/PF #0799 with a license plate.

When I photograph car-to-car I mostly cover the front and do not recall what license plate (if any) the cars have.


I do not remember Mr. Hallingby removing or installing one.

In my images the 1961 250 GT California Spyder had the license plate Connecticut 33735, and the 1961 250 GT SWB Berlinetta the license plate Connecticut 34234.

Hope this helps.

Sincerely,

Klaus Schnitzer

State of Connecticut Dept. of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1

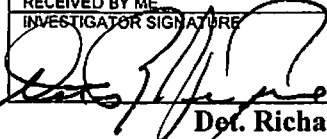
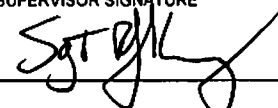
Action Taken: On October 30th, 2008, this Detective and Sergeant Kenney composed a list of questions to be asked of Frank Triarsi, the owner of "Classic Coach Repair" located at 1007 S. Elmora Avenue in Elizabeth, New Jersey, the business that appears to have imported the Ferrari from Europe, Scott Rosen, the man who purchased the Ferrari from "Classic Coach Repair," and Jeffrey Schwartz, who apparently obtained the car after it was sold by Rosen back to "Classic Coach Repair." Schwartz later sold the car back to Rosen. Rosen then sold it to Paul Hallingby.

The questions for Scott Rosen were then e-mailed to Glenn Kirkpatrick, a Detective within the Suffolk County, New York Vehicle Theft Unit. Detective Kirkpatrick was asked to visit Rosen and pose the questions to him. Detective Kirkpatrick attempted to locate Rosen at his last known address of 111 Hempstead Turnpike in West Hempstead, New York. According to Detective Kirkpatrick, the address is a vacant store front. A new address for Rosen was then found of 97 Sheather Road in Bedford Corners, New York. This address is out of Detective Kirkpatrick's jurisdiction. Other arrangements with the local Police Department or the New York State Police will have to be made.

Both Triarsi and Schwartz reside in New Jersey. Arrangements with the local Police Departments or the New Jersey State Police will also have to be made for those interviews to be conducted.

Attached to this report are the questions to be posed to the aforementioned individuals.

This case remains closed Suspended.

CASE STATUS:		TYPE OF EXCEPTIONAL CLEARANCE:			
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2-CLEARED ARREST	<input type="checkbox"/> 6-NO CRIMINAL ASPECT	<input type="checkbox"/> B-PROSECUTION DENIED	<input type="checkbox"/> E-JUVENILE-NO CUSTODY		
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INVESTIGATOR SIGNATURE	INVESTIGATOR I.D.	REPORT DATE	SUPERVISOR SIGNATURE	SUPERVISOR I.D.	APPROVAL DATE
	732	10-30-08		155	11/06/2008

Det. Richard Van Tine

Questions for:

Frank TRIARSI – Classic Coach Repair Inc, 1007 South Elmora Ave, Elizabeth, NJ
Tel# 908-352-3939. Classic Coach originally had Ferrari in 1994, transferred to ROSEN.
Had Ferrari again in 1997 and transferred it to SCHWARTZ.

- 1) How did you originally hear about or find out about the 1958 Ferrari being for-sale?
- 2) When, where and from who did you originally purchase the 1958 Ferrari in 1994.
- 3) Did you conduct any background investigation or inquiry about the Ferrari prior to the purchase?
- 4) What paperwork was provided with the car (Title, previous registration, Bill of sale, etc?)
- 5) What was/is your contact and relationship with Scott Rosen ?
- 6) How were you involved with the sale/transfer of the Ferrari to Scott Rosen in 1994?
- 7) Did you perform any custom work to the 1958 Ferrari for Rosen and anyone else?
- 8) When, where, how and to who did you sell/transfer the Ferrari to in 1997?
- 9) What was/is your contact and relationship with Jeffrey Schwartz?
- 10) Did you have any contact or involvement with the 1958 Ferrari after it was sold to Schwartz in 1997?
- 11) Do you know Paul Hallingby and if so, how did you meet?
- 12) Has Paul Hallingby or someone representing him contacted you since the Ferrari was seized in Connecticut this year?
- 13) If so, what did they ask or say about the Ferrari?
- 14) What do you know or did you know about the background of the Ferrari? Did you know that the Ferrari was reported Stolen in 1993 from Spain?

Questions for:

Scott ROSEN – 111 Hempstead Turnpike, West Hempstead, New York 11552.

Had Ferrari from 11/1994 through 12/1997. Had again in 2000, sold to HALLINGBY.

- 1) How did you originally hear about or find out about the Ferrari being for-sale?
- 2) Was this your first Ferrari? If not, when and where did you purchase your other Ferrari's?
- 3) Did you conduct any background investigation or inquiry about the Ferrari prior to the purchase?
- 4) When, where and from who did you originally purchase the 1958 Ferrari in 1994.
- 5) What paperwork was provided with the car (Title, previous registration, Bill of sale, etc?)
- 6) What is your contact and relationship with Classic Coach Repair and the owner/operator Frank Triarsi?
- 7) Did you have any custom work done to the Ferrari while you owned it?
- 8) When, where, how and to who did you sell/transfer the Ferrari to in 1997?
- 9) How do you know Jeffrey Schwartz?
- 10) When, where and how did you get the Ferrari back in 2000?
- 11) When you got the Ferrari back from Schwartz, what were the circumstances?
- 12) What were the details of the failed sale of the Ferrari to Symbolic Motor Cars (SCM) in California in 2000?
- 13) When, where, how and how much money did you sell the Ferrari to Paul Hallingby in 2000?
- 14) Did you tell Hallingby about the failed sale to SMC or the information about the Ferrari possibly being stolen?
- 15) How did you meet or how do you know Paul Hallingby?
- 16) Has Paul Hallingby or someone representing him contacted you regarding the Ferrari since it was seized in Connecticut this year?
- 17) What do you know or did you know about the background of the Ferrari? Did you know that the Ferrari was reported Stolen in 1993 from Spain?

Questions for:

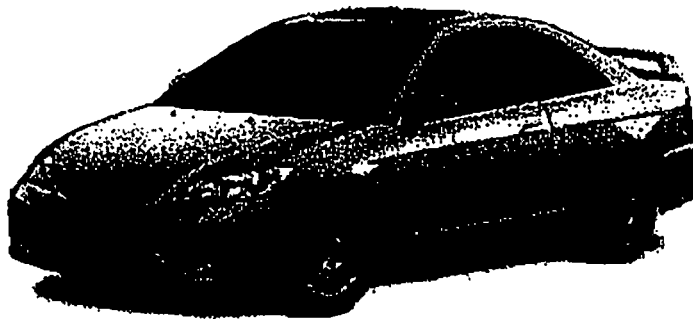
Jeffrey SCHWARTZ – 110 Tekening Drive, Tenafly, New Jersey 07670

DOB: 06/06/1953, NJ OL# S15703936406532 Tel# 201-574-6099 or 201-585-8666

Had the Ferrari from 1997 and transferred it back to ROSEN. (unknown if it was in 2000)

- 1) How did you originally hear about or find out about the Ferrari being for-sale?
- 2) Was this your first Ferrari? If not, when and where did you purchase your other Ferrari's?
- 3) Did you conduct any background investigation or inquiry about the Ferrari prior to the purchase?
- 4) When, where and from who did you originally purchase the 1958 Ferrari in 1997.
- 5) What paperwork was provided with the car (Title, previous registration, Bill of sale, etc?)
- 6) What is your contact and relationship with Classic Coach Repair and the owner/operator Frank Triarsi?
- 7) Did you have any custom work done to the Ferrari while you owned it?
- 8) When, where, how and to who did you sell/transfer the Ferrari to in 2000?
- 9) How do you know Scott Rosen?
- 10) What was the status of the Ferrari in 2000 ? (The New Jersey Title in your name shows it was transferred to Scott Rosen. When was that transfer/sale made?)
- 11) When you transferred the Ferrari back to Rosen, what were the circumstances?
- 12) Do you know what were the details of the failed sale of the Ferrari to Symbolic Motor Cars (SCM) in California in 2000?
- 13) When, where, how and what are the circumstances of the sale/transfer of the Ferrari to Rosen in 2000?
- 14) Do you know and if so, how did you meet Paul Hallingby?
- 15) Has Paul Hallingby or someone representing him contacted you regarding the Ferrari since it was seized in Connecticut this year?
- 16) What do you know or did you know about the background of the 1958 Ferrari? Did you know that the Ferrari was reported Stolen in 1993 from Spain?

SUFFOLK COUNTY POLICE DEPARTMENT VEHICLE THEFT SECTION



3 PAGES TOTAL

TO SGT. KENNEY Date 11/3/08

FROM DET. KIRKPATRICK TIME 11.5

REMARKS: Bob -

GO TO NATIONALWHOLESALELIQUIDATORS.COM. I TOLD YOU SCOTT
HAD MONEY! THEY HAVE A STORE IN BRIDGEPORT, TND. I WILL
CALL YOU TODAY. I DID NOT GO TO THE ADDRESS TONIGHT ONCE
I FOUND OUT THIS INFO. LET ME KNOW WHAT YOU WANT ME
TO DO NEXT ---
- CLERK

1491 WILLIAM FLOYD PARKWAY

SHIRLEY, N.Y. 11967

TEL. (631) 852-6171

FAX (631) 852-6177

Entity Information

Page 1 of 1

NYS Department of State

Division of Corporations

Entity Information

Selected Entity Name: NATIONAL WHOLESALE LIQUIDATORS OF WEST HEMPSTEAD, INC.

Selected Entity Status Information

Current Entity Name: NATIONAL WHOLESALE LIQUIDATORS OF WEST HEMPSTEAD, INC.

Initial DOS Filing Date: DECEMBER 29, 1989

County: NASSAU

Jurisdiction: NEW YORK

Entity Type: DOMESTIC BUSINESS CORPORATION

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

C/O CORPORATION SERVICE COMPANY

80 STATE STREET

ALBANY, NEW YORK, 12207-2543

Chairman or Chief Executive Officer

SCOTT ROSEN

111 HEMPSTEAD TPKE

WEST HEMPSTEAD, NEW YORK, 11552

Principal Executive Office

NATIONAL WHOLESALE LIQUIDATORS OF WEST HEMPSTEAD, INC.

111 HEMPSTEAD TPKE

WEST HEMPSTEAD, NEW YORK, 11552

Registered Agent

CORPORATION SERVICE COMPANY

80 STATE STREET

ALBANY, NEW YORK, 12207-2543

NOTE: New York State does not issue organizational identification numbers.

[Search Results](#)

[New Search](#)

[Division of Corporations, State Records and UCC Home Page](#) [NYS Department of State Home Page](#)



NATIONAL WHOLESALE LIQUIDATORS



SALES & CIRCULARS INTERACTIVE STORE STORE LOCATOR CORPORATE INFO

TREASURE HUNT

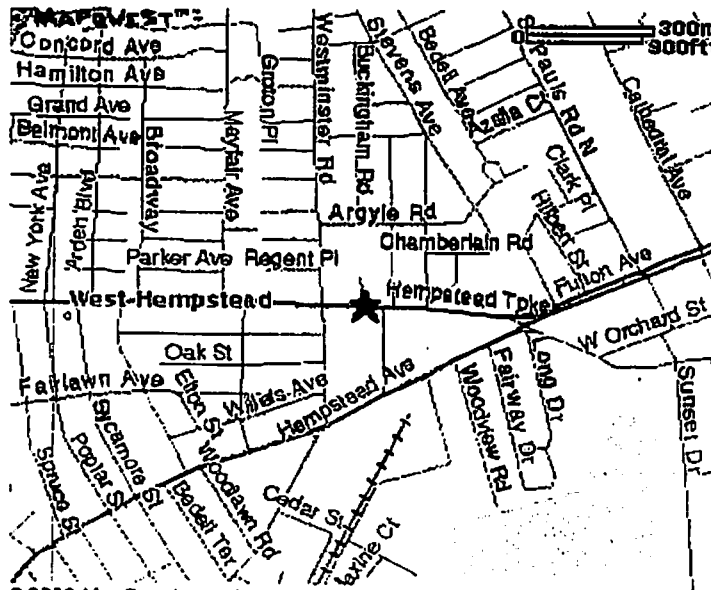
- Automotive
- Basic Housewares
- Bath Towels-Linens
- Bedding-Linens
- Botanicals
- CellPhone/Dish 3rd Pt
- Clip Strip / Checkout P
- Detergents & Cleaning
- Electrical Hardware/F
- Electronics

W.Hempstead

Address: 111 Hempstead Tpke, W Hempstead, NY 11552

Phone: 516 485-7900

Fax: 516 485-2244



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516-489-3300

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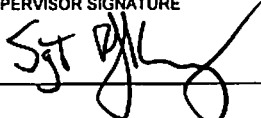
[Read our Privacy Statement](#)

State of Connecticut Dept. of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1

Action Taken: On October 8th, 2008, this Detective corresponded via e-mail with Gerald Roush, the publisher and editor of the "Ferrari Market Letter" who has written two books and countless articles on the subject of Ferrari automobiles. This Detective e-mailed Mr. Roush a series of questions to which he replied.

Attached to this report are the questions asked by this Detective and Mr. Roush's answers.

This case remains closed Suspended.

CASE STATUS:			TYPE OF EXCEPTIONAL CLEARANCE:		
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2-CLEARED ARREST	<input type="checkbox"/> 6-NO CRIMINAL ASPECT	<input type="checkbox"/> B-PROSECUTION DENIED	<input type="checkbox"/> E-JUVENILE-NO CUSTODY		
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INVESTIGATOR SIGNATURE	INVESTIGATOR I.D.	REPORT DATE	SUPERVISOR SIGNATURE	SUPERVISOR I.D.	APPROVAL DATE
	732	11-03-08		155	11/06/2008

Det. Richard Van Tine

Dear Mr. Roush,

I thank you in advance for your assistance. It is greatly appreciated. The purpose of the investigation is to determine the truth. I will ask of you similar questions that I posed to Mr. Massini. The purpose of using the testimony of two experts is corroboration, not a lack of trust of what I'm being told. The case is made stronger when the experiences of different experts are used. You may be aware of something or perhaps have a different perspective on something than Mr. Massini. Please do not be offended at my questions about your experiences and qualifications. I will need to show in my investigation that you are an expert. I am hopelessly ignorant of the history of Ferrari automobiles. {Perhaps it is because of my public servant salary!} Anyway, my questions are the following:

Are you considered an expert on Ferrari automobiles? **Yes.**

By whom? By the thousands of past and present subscribers to the Ferrari Market Letter. By the numerous private parties and Ferrari-related businesses who have hired me as a consultant. By reporters who have used my observations and opinions in quotes in publications such as *Automobile*, *AutoWeek*, *Road & Track*, *On Track*, *Money*, *Fortune*, *World*, *USA Today*, *The New York Times*, *Sports Illustrated*, etc. I was also featured on the front page of *The Wall Street Journal* June 9, 1997). By those in the legal profession who have had me give sworn statements in legal cases involving Ferraris, either by deposition or actual courtroom testimony, in U.S. District Courts and numerous state courts. By the various federal and state agencies which have contacted me for information on Ferraris. By several of the auction companies, particularly RM Auctions, who have used my expertise to verify their Ferrari offerings. By the numerous Ferrari owners who have contacted me seeking my help in tracing the history of their car(s). By my peers in the world of Ferrari such as Marcel Massini, Mike Sheehan, Steve Barney, Alan Boe, Wayne Obry, Bob Smith, Doug Nye, Keith Bluemel, Steve Tillack, Dick Merritt, David Carte, Chuck Queener, and on and on. By the Ferrari factory, who invited me to be one of the few Americans to be a judge at the 60th Anniversary Concorso held at the Ferrari factory in Italy. Etc., etc., etc.

For how long? I have been editing and publishing the *Ferrari Market Letter* since January 1976, and believe I was considered somewhat of an expert even before I started that publication.

Are you an author? Yes.

How many books and/or articles have you written? **Two books (each with a co-author). Contributed to many other books on Ferrari. Cannot count the number of articles. As mentioned above I have been editing and publishing the *Ferrari Market Letter* since January 1976. As a biweekly (fortnightly) publication—that's 26 times a year—that adds up to 853 issues. Most of those issues have had one or more articles by me. I have also contributed articles to various other Ferrari-related and more general automotive publications.**

Are you a Concours Judge? **Yes. I have been a judge at many concours, including the Pebble Beach Concours d'Elegance. I am one of the original members of the National (now International) Advisory Council for the Preservation of the Ferrari Automobile which sets the standards for concours judging at some of the premier events such as Pebble Beach, Cavallino Classic and several Ferrari Club of America major concours. I presently limit my judging activities to just a few chosen events such as the Amelia Island Concours d'Elegance, the Hilton Head Island Concours d'Elegance, the Celebration Exotic Car Festival.**

Are you familiar with the history of the Ferrari bearing Vehicle Identification Number 0799GT? **Yes**

When did you hear of its history? **With a BA and an MA in History I can assure you that history is not a static fact, but is like a river and keeps flowing. I first became acquainted with Ferrari S/N 0799 GT in Feb 1975 and have been tracking its history ever since, right up to 2008. That's 33 years of learning about its history.**

In 1975 L. Kitt Tucker of Jacksonville, FL/USA told me he had purchased it in 1967 from Tom Meade, Modena, Italy. He said at that time the car had just been rebuilt by the factory and had 52,000 km on it. He told me he had sold the car in 1970 to a man who lives in Houston, TX/USA.

The car was listed in 1971-1975 FOCUSA Rosters by Peter A. Bowers, Houston, TX/USA. Seen by me Oct 1977 at FCA Regional Meet, Houston, TX/USA, still with Bowers. Still owned by Bowers through the 1980s and early 1990s per conversations with him and Sid Simpson.

In Oct 1993 Michael Sheehan, European Auto, Costa Mesa, CA/USA told me he had purchased the car from Bowers, sold it to Giorgio Schön, Italy.

In Jan 1995 Scott Rosen, Medford, NJ/USA told me he now owned the car, it was undergoing complete restoration at Frank Triarsi's shop. Car now has Series II taillights placed horizontally at top of rear fenders.

In Sep 2000 Nick Soprano, Motor Classic and Competition told me the car was imported from Switzerland, sold to a collector in New Jersey [Rosen?]. Classic Coach [Triarsi] did the restoration, and then sold to a collector in New York, now with Motor Classic and Competition, White Plains, NY/USA. Silver with red interior.

In Sep 2000 FBI Special Agent Ken Crook of the FBI, Salt Lake City office, told me the car had recently been offered through Symbolic Motor Car Co., La Jolla, CA/USA. Symbolic had turned up a rumor that car might be stolen, had returned it to the owner, who I was told was Jeff Schwartz in New Jersey.

All subsequent history of 0799 GT I have learned since this affair came to a head earlier this year.

Did you know it was reported stolen in 1993 from Spain? Yes.

When did you hear of the theft? I first heard there was a problem with the provenance of S/N 0799 GT in Sep 2000. FBI Special Agent Ken Crook told me that 0799 was about to be offered by Symbolic Motor Car Co., La Jolla, CA/USA. He told me they turned up a rumor that car might be stolen and had returned it to the owner. I then made a couple of inquiries. Marcel Massini informed me that the car had been transported from Switzerland to Spain and stored in a warehouse where in 1992 it was STOLEN from Dr. Andreas Gerber's warehouse in Marbella, Spain (Gerber is Swiss and lives in Pieterlen, Switzerland) under strange circumstances (still owned by Gerber & Friedli), together with a 250 GT Cabriolet Series II S/N 1893 GT, 250 GTE 2+2 S/N 2925 GT, and 365 GT 2+2 S/N 13811. 0799 GT went to Italy, and finally turned up at Classic Coach in NJ/USA and was sold to Scott Rosen, Medford, NJ/USA. In early 1995 car was undergoing complete restoration at Frank Triarsi's shop (Classic Coachwork). In 2000 there's

a lawsuit going on in Spain and Switzerland. Car was metallic silver-gray with red interior.

Do you know the owner of the car from that time, Dr. Andreas Gerber? No.

Was he the full owner or a partial owner? I was told he had a partner in the car (Mr. Friedli) who has since died.

Do you believe his claim of ownership? Probably yes, but the final question of ownership will have to be settled by the legal process after a thorough examination of all the documents pertaining to the car.

Do you know Mr. Hallingby? I have never met Mr. Hallingby. He is a current subscriber to my publication, the *Ferrari Market Letter*, and has been a subscriber since April 1997. But I would not know him if he walked into my office.

Do you believe he is the rightful owner? Probably not, but the final question of ownership will have to be settled by the legal process after a thorough examination of all the documents pertaining to the car. Of course he may have bought the car in good faith.

If not, do you believe he should have known of the vehicle's history? Although I don't know if he is the rightful owner of 0799 GT, I do believe that he failed to practice due diligence if he did not check out the car's provenance before making his purchase!

Are you aware of anyone that researched the provenance of 0799GT on Mr. Hallingby's behalf? No.

Would a collector of Ferrari automobiles such as Mr. Hallingby check on a car's provenance prior to purchase? They should, but many of them don't. It's like buying real estate without having a title search done. Or buying a diamond without having it appraised by a certified gemologist. Or buying an expensive piece of art reputedly done by an old master without having an expert examine it and research its provenance. Or buying a business without having an accountant check its financial situation.

Why or why not? Why? To make sure the Ferrari they are buying has a clear title or history with no skeletons in the garage. Not just the

question of ownership, but also to answer such questions as originality, previous serious damage, etc.

Does a car's "clean" provenance make it more valuable? Yes.

Would this particular car's notoriety make it more valuable? No.

Do you know Mr. Nick Soprano? Yes.

Is he partnered with Mr. Hallingby? I am not privy to Mr. Soprano's business relationships, partnerships, or other financial arrangements.

Do you know the extent of their partnership? Don't know if they even have a partnership.

Is Mr. Soprano respected in the Ferrari Community or does he have a dubious reputation? I cannot speak for the Ferrari Community as a whole. I know there are people who do not care for him or like him, and I am also sure he has his loyal customers and supporters. Anybody who has been in the business as long as he has is bound to have made some enemies and at the same time made some friends. When this whole affair was coming to a head a month or two ago and articles about the seizure were appearing in various publications I received numerous inquiries about it. Several asked me if I knew who was involved. When I mentioned the name "Soprano" I got some responses such as: "Good, couldn't happen to a more deserving fellow."

Why? I personally do not particularly care for him, but my dislike falls far short of outright animosity. My main problem is one of openness and honesty. I am very free and open with my information and data, and in the past Mr. Soprano made use of this to obtain information from my database about particular Ferraris. But he was never very forthcoming with reciprocating and supplying me with information. He also refuses to advertise his Ferraris for sale in the classified sections of my publication (which is a free service to subscribers) because he doesn't wish to reveal the serial numbers and/or asking prices, which I require. What is he hiding?

Would he have known about the questionable history of 0799GT prior to Mr. Hallingby's purchase? I do not know what Mr. Soprano knew about the questionable history of 0799 GT prior to Mr. Hallingby's purchase. But I know that he

should have known and that he could have known by making a few simple inquiries!

Would Mr. Soprano have been the person Mr. Hallingby consulted prior to purchase? I have no way of knowing who, if anybody, Mr. Hallingby consults prior to making such a purchase.

Did you have a conversation with Mr. Soprano in Italy in the presence of Mr. Massini and Mr. Hallingby? With Mr. Soprano, Yes. Mr. Hallingby, while he was or had been in the restaurant, was not a party to the conversation.

Please describe the circumstances for me. Mr. Massini and I, along with our wives, were having dinner at the Lo Smeraldo restaurant near Maranello on Sunday evening, May 18th 2008, following the RM Auction at the Ferrari factory. There were a number of other Americans present in the restaurant that evening, but in a separate room. Mr. Massini told me that among those in the other room were Mr. Soprano and Mr. Hallingby. He also told me that in the preceding few days he had heard rumors that Mr. Soprano (and possibly others) were very upset that I had published advertisements about 0799 GT indicating that it was stolen, including hints of a possible lawsuit against me.

As Mr. Soprano and his party were leaving Mr. Massini called him over to our table to clear the air about the situation. The result was anything but a clearing of the air. Mr. Soprano was very upset, accusing me of defaming the car's reputation, and by extension those who had been involved with it, by publishing a statement it had been stolen. He was adamant that there was no proof it was a stolen car. He also hinted strongly that he, or someone, was liable to take me to court for printing false information that defamed the car and the parties involved.

I explained to him that I had not written any article or editorial stating that the car was stolen. What I had done was publish three advertisements, paid for by an attorney in Switzerland, that indicated the car was stolen. I further pointed out to him that I had not published these ads lightly, but had done so with some strong indications that the content of the ads was valid. I explained to him that while I was not a lawyer my 32-plus years of publishing the *Ferrari Market Letter* made me somewhat familiar with the laws governing publication and that a lawsuit against me and/or the *Ferrari Market Letter* for publishing the ads was frivolous. That I had published such notices many times in the

past. I also told Mr. Soprano that if he could provide me with evidence that the content of those ads was false I would print a retraction on the front page of the Ferrari Market Letter.

During this confrontation Mr. Massini made the offer to supply both Mr. Soprano and myself with certain documents from the Swiss attorneys concerning the legal status of the car, which he subsequently did.

Lastly, could you send me the article that appeared in your publication regarding the theft of 0799GT? I would like to read it.

I did not write an article about the theft of 0799 GT, despite the fact that Mr. Soprano, in our confrontation in Lo Smeraldo, kept referring to the "slandorous article" I had written.

I did, as stated above, publish the three ads submitted and paid for by the Swiss attorney. I will attach copies of those ads.


Only one person made a relevant response to the ads, as opposed to those who were just curious. That was Scott Rosen. He was very adamant that I should not have published those ads, that I was defaming the good name of the car, that there was no proof that the car was stolen, etc., etc. He also claimed that he had no personal interest with the car, obviously forgetting that in Jan 1995 he himself had told me he owned the car!

FWIW Scott Rosen, after 23 years of subscribing to the *Ferrari Market Letter*, did not renew his subscription when it lapsed in May 2008; Nick Soprano quit advertising in the *Ferrari Market Letter* as of May 2008, and his subscription expires after one more issue. It will be interesting to see if he renews!

Mr. Roush, again I thank you for your time in helping me find the truth about this particular vehicle. Please answer my questions at your leisure and feel free to add anything you feel is important and should be known.

If it is acceptable to you, I may have more questions for you at a later time as the investigation continues. May I ask them when that time occurs? **Yes.**

**With kind regards,
Richard.**

State of Connecticut Dept. of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1

Action Taken: On November 3rd, 2008, this Detective received information from the New Jersey Motor Vehicle Commission {NJMVC} regarding their policy regarding vehicles with the same vehicle identification number.

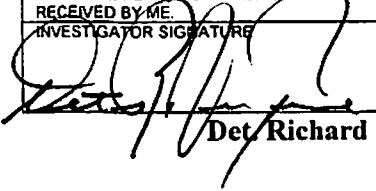
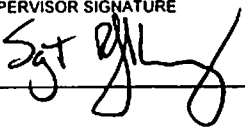
The 1958 Ferrari bearing vehicle identification number {VIN} 0799GT was, for a time, registered in New Jersey. The VIN was listed as "FER0799GT58" on the New Jersey Title. When the Ferrari was registered in Connecticut, that same VIN appeared on the Registration Application but was crossed out and the correct VIN of 0799GT was written beside it.

According to NJMVC, the VIN "0799GT" apparently appears on another vehicle, therefore the NJMVC made the change to the VIN in their official capacity. NJMVC attached a letter that they sent to a person unrelated to this case explaining just such an official change.

The NJMVC also provided some information on the whereabouts of Scott Rosen, a former owner of the 1958 Ferrari bearing vehicle identification number 0799GT. An interview with Rosen will be attempted in the coming weeks and his previous known address is a vacant store front.

Attached to this report is the aforementioned letter as well as the information on Rosen.

This case remains closed Suspended.

CASE STATUS:			TYPE OF EXCEPTIONAL CLEARANCE:		
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2-CLEARED ARREST	<input type="checkbox"/> 6-NO CRIMINAL ASPECT	<input type="checkbox"/> B-PROSECUTION DENIED	<input type="checkbox"/> E-JUVENILE-NO CUSTODY		
<input checked="" type="checkbox"/> 3-SUSPENDED	<input type="checkbox"/> F-FUGITIVE	<input type="checkbox"/> C-EXTRADITION DENIED			
THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.					
INVESTIGATOR SIGNATURE	INVESTIGATOR I.D.	REPORT DATE	SUPERVISOR SIGNATURE	SUPERVISOR I.D.	APPROVAL DATE
	732	11-03-08	Sgt 	RS	11/06/2008

Det. Richard Van Tine



P.O. Box 141
Trenton, New Jersey 08646-0141

STATE OF NEW JERSEY
1-888-486-3339 ext. 5058 (in state)
1-609-292-6500 ext. 5058 (out of state)

April 3, 2008

Marc Blum
40 Hill St.
Wading River NY 11792

RE: 1959 TVR
TVR7B21959


Dear Sir/Madam:

The purpose of this letter is to verify the authenticity of the New Jersey Certificate of Title issued for the above referenced vehicle.

In order to distinguish between two vehicles with identical vehicle identification numbers (VINs), the following procedure was developed: A new VIN is created by adding the first three letters of the vehicle Make to the beginning of the existing VIN and the last two digits of the model year to the end. The certificate of title bearing this new VIN is legal and valid in all respects.

Please provide subsequent buyer(s) this letter at times of sale. If any further information is necessary, please feel free to call the above number.

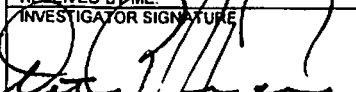
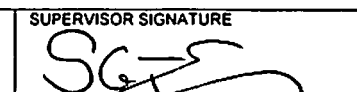
Data Base Correction Unit
Management Operation Services

State of Connecticut Dept. of Public Safety Narrative Report  DPS-302-C (Revised 04/03)	REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1
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Action Taken: On November 6th, 2008, this Detective faxed a copy of the "Sharon Auto Body" towing bill to Attorney David Rosen, the American attorney representing the victim in this case, Dr. Gerber. During a previous telephone conversation, Attorney Rosen stated that he would have the bill paid. He also stated that he was filing documents in civil court to prevent the vehicle being returned to Mr. Hallingby. Attorney Rosen stated that he has also spoken to State's Attorney Shepak about this investigation.

Attached to this report is the towing bill, fax face sheet, and fax confirmation report.

This case remains closed Suspended.

CASE STATUS:			TYPE OF EXCEPTIONAL CLEARANCE:		
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2-CLEARED ARREST	<input type="checkbox"/> 6-NO CRIMINAL ASPECT	<input type="checkbox"/> B-PROSECUTION DENIED	<input type="checkbox"/> E-JUVENILE-NO CUSTODY		
<input checked="" type="checkbox"/> 3-SUSPENDED	<input type="checkbox"/> F-FUGITIVE	<input type="checkbox"/> C-EXTRADITION DENIED			
<small>THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.</small>					
INVESTIGATOR SIGNATURE 	INVESTIGATOR I.D. 732	REPORT DATE 11-06-08	SUPERVISOR SIGNATURE 	SUPERVISOR I.D. 271	APPROVAL DATE 12-9-08

Det. Richard Van Tine



CONNECTICUT STATE POLICE

Bureau of Organized Crime Fraud Task Force

149 PROSPECT STREET BRIDGEPORT, CT 06604
(203) 696-2584 Fax (203) 696-2597

DATE: Thursday, November 06, 2008

TO: Attorney Rosen

FAX: 203-789-1605

FROM:

Major Gene LaBonte

Det. Richard Van Tine

Sgt. Robert Kenney

Det. Carmine Verno

Sgt. Eric Dency

Det. Orlando Rodriguez

RE: "The Ferrari"

COMMENTS: Please find attached the towing bill that you and I spoke about the other day from "Sharon Auto Body" for their service in the seizure of the 1958 Ferrari bearing Vehicle Identification Number 0799GT.

Thank you,
Detective Van Tine

Please notify sender if all pages are not received.

NOTICE: The information contained in this facsimile is confidential and is intended only for the use of the named addressee. If the reader of this message is not the named addressee, or the person responsible to deliver it to the named addressee, you are hereby notified that any use of this facsimile or its contents, including dissemination or copying, is strictly prohibited. If you have received this facsimile in error please immediately notify the Connecticut State Police Fraud Task Force (203) 696-2584 or Troop G at (203) 696-2500. Thank You.

Sharon Auto Body, Inc.

PO Box 686
Sharon, Ct, 06069
860-364-0128 Office
860-364-0041 Fax

S t a t e m e n t

TO
Connecticut State Police
Motor Vehicle Fraud Task Force
149 Prospect Street
Bridgeport, CT 06604

DATE
10/2/2008

DUE DATE	AMOUNT DUE
10/2/2008	\$671.00

DATE	DESCRIPTION	AMOUNT	BALANCE
09/05/2008	INV #25942. Due 09/05/2008. Orig. Amount \$671.00.	671.00	671.00

CURRENT	1-30 DAYS	31-60 DAYS	61-90 DAYS	OVER 90 DAYS	AMOUNT DUE
0.00	671.00	0.00	0.00	0.00	\$671.00

Sharon Auto Body, Inc.

Phone #: (860) 364-0... Fax #: (860) 364-0041


Web Site:

E-mail:

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	2508
RECIPIENT ADDRESS	912037891605
DESTINATION ID	
ST. TIME	11/06 12:08
TIME USE	00'38
PAGES SENT	2
RESULT	OK



State of Connecticut Dept. of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1
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Action Taken: On November 7th, 2008, this Detective continued an e-mail correspondence with Marcel Massini, an internationally known author and expert on Ferrari automobiles. In his e-mail to this Detective, Mr. Massini stated that an American named Frank Gump, claiming to be a neighbor and/or friend of Paul Hallingby, knows a Swiss man, an engineer named Peter Marcolli who lives about 1 hour away from Mr. Massini in Switzerland. According to Mr. Massini, Mr. Marcolli has sent Mr. Massini two letters in the past four weeks asking for information about the case involving the 1958 Ferrari bearing vehicle identification number 0799GT. Mr. Massini stated that Mr. Marcolli mentions his friend Frank Gump and Paul Hallingby and wants to know as much as possible. Mr. Massini stated that he does not know and has never met Mr. Marcolli but that Mr. Marcolli has developed "enormous energy" by writing twice to Mr. Massini and by finding out Mr. Massini's private address (Mr. Massini is not listed in the telephone book). Mr. Massini stated that Mr. Marcolli even went to the local community office in Mr. Massini's town of Volketswil, a suburb of Zurich, to locate him. Mr. Massini received the first letter from Mr. Marcolli in early October but decided not to answer at all. Mr. Massini stated that he received a second letter yesterday in which Mr. Marcolli "insists" and tries to push Mr. Massini for information. Mr. Massini stated that he answered Mr. Marcolli stating that he will not comment on an ongoing criminal investigation.

Mr. Massini also stated that he understands that Mr. Hallingby has refused to contact Mr. Weber, Dr. Gerber's attorney.

Attached to this report is a copy of the aforementioned e-mail.

This case remains closed Suspended.

CASE STATUS:		TYPE OF EXCEPTIONAL CLEARANCE:			
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
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INVESTIGATOR SIGNATURE	INVESTIGATOR I.D.	REPORT DATE	SUPERVISOR SIGNATURE	SUPERVISOR I.D.	APPROVAL DATE
	732	11-12-08		271	12-9-08

Det. Richard Van Tine

Richard Vantine

From: Marcel Massini [marcel@massini.cc]
Sent: Friday, November 07, 2008 3:39 AM
To: 'DPS,MVTF4'
Subject: Stolen Ferrari 0799 GT

Dear Mr. Van Tine

An American, named Frank Gump, claiming to be a neighbor and/or friend of Paul Hallingby knows a Swiss man, an engineer named Peter Marcolli who lives about 1 hour away from me here in Switzerland. This Mr. Marcolli has sent me two letters (in the past four weeks) asking for information about the case. Marcolli mentions his friend Frank Gump and Paul Hallingby and wants to know as much as possible. Marcolli - whom I don't know and have never met - has developed enormous energy by writing twice to me and by finding out my private address (I am not listed in the telephone book). He even went to the local community office here in my town Volketswil (suburb of Zurich) to locate me!! I received the first letter from Marcolli early October, and I decided not to answer at all. Yesterday I received a second letter, in which Marcolli "insists" and tries to push me for information. This time I have answered Marcolli with a 3 line letter saying that the case is a legal case and I therefore will not give any statements to anybody.

I just thought you might find this interesting. I understand that Hallingby has refused to contact Mr Weber (attorney) or the US attorney, so far. I wonder why.

Most sincerely,


Marcel Massini

MASSINI AG
In der Hoeh 12
CH-8604 Volketswil (ZH)
Switzerland

Phone +41 43 399 59 06
Fax +41 43 399 59 07
Mobile +41 79 356 22 92
E-Mail marcel@massini.cc

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This message and any attachment are strictly confidential. If you are not the intended recipient, please telephone or email the sender and delete the message and any attachment from your system. You must not copy this message or attachment or disclose the contents to any other person.
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✓

State of Connecticut Dept. of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 4

Action Taken: On November 7th, 2008, this Detective continued an e-mail correspondence with Marcel Massini, an internationally known author and expert on Ferrari automobiles. In his e-mail to this Detective, Mr. Massini provided an article that appeared in the "Sports Car Market" regarding the case involving the 1958 Ferrari bearing vehicle identification number 0799GT.

The article is a legal opinion written by an American attorney. In the article, this Detective observed comments made by a person named Michael Sheehan. This Detective is aware that Mr. Sheehan previously owned the 1958 Ferrari bearing vehicle identification number 0799GT. In the article, Mr. Sheehan confirms that he owned the car at one time and that "there was always some doubt about the legitimacy of this particular Ferrari."

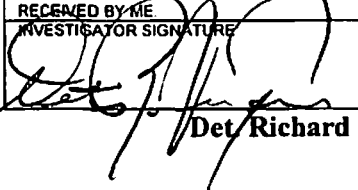
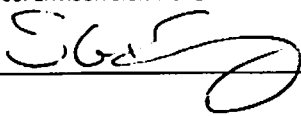
This Detective then e-mailed Mr. Massini and inquired about his relationship with Mr. Sheehan. Mr. Massini replied that yes, "unfortunately," he does know Mr. Michael W. Sheehan, a resident today of Newport Beach, CA. Mr. Massini stated that Sheehan is a Canadian who came into USA in 1970, started a restoration business and also modified many sports cars in the 70s and 80s. Mr. Massini stated that his shop was named "European Auto Restoration, Inc." and also "European Auto Sales, Inc.," both in Costa Mesa at 1655 Babcock Street. Mr. Massini stated that in 1995, Mr. Sheehan suddenly sold a "faked" Ferrari (a replica) to a customer in Japan, as the real car. The customer, Mr. Okamoto of Kobe, found out that he had bought a replica and started suing Mr. Sheehan. Mr. Massini stated that Mr. Sheehan closed his entire shop, fired everybody, and started to live on a much smaller scale. Mr. Massini stated that he believes that Mr. Sheehan declared bankruptcy, though he is not certain.

Mr. Massini stated that he used to sell Mr. Sheehan information about Ferrari automobiles in the 1980s, but that he did not pay and still owes Mr. Massini approximately \$20,000.00 US Dollars.


Mr. Massini stated that Mr. Sheehan continues to broker cars, now from his home in Newport Beach/CA utilizing www.ferraris-online.com.

According to Mr. Massini, Sheehan always knew that 0799 GT wasn't "kosher." Mr. Massini further stated that during the 1990's, Sheehan also tried to do deals with "Symbolic Motor Car Company" in La Jolla, CA. Mr. Massini stated that it was he who informed "Symbolic" about the possible legal problems/theft in Spain of the Ferrari bearing vehicle identification number 0799GT and because of that information, "Symbolic" didn't buy the car. Mr. Massini stated that he is personally convinced that Sheehan knew about the car's history all the time and that if he did not, he must have learned it for sure from "Symbolic."

Mr. Massini went on to say that he does not like Mr. Sheehan because he owes Mr. Massini money and that this debt has gone on for decades. Mr. Massini stated that Mr. Sheehan is a braggart and that he often tries to interfere in deals and even worse, sometimes he tries to re-write history. Mr. Massini stated that he is a historian and that

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Det. Richard Van Tine

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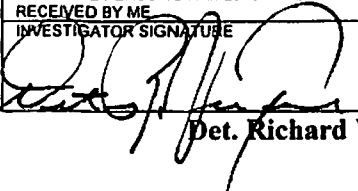

he prefers to "go with the facts." Mr. Massini stated that Mr. Sheehan, over the past 30 years, has had many problems with clients (and also his former shop manager Garry Roberts) and is generally considered a shady character. Mr. Massini stated that in his opinion, Mr. Sheehan's reputation is not good in the small Ferrari community.

Mr. Massini confirmed that Mr. Sheehan is a regular writer for "Sports Car Market" and has his own column named "Sheehan speaks".


Mr. Massini added that he is personally convinced that Hallingby knew about the provenance of 0799GT.

On November 12th, 2008 at 1530 hours, this Detective contacted Michael Sheehan over the phone at 949-646-6086 and advised him that the purpose of the call was regarding a statement that appeared in an online article from the "Sports Car Market" magazine that was attributed to him. In the article, Mr. Sheehan was quoted as saying, "there was always some doubt about the legitimacy of this particular Ferrari {0799GT}." Mr. Sheehan contradicted himself in our conversation, stating that he only found out recently that the Ferrari bearing vehicle identification number 0799GT was stolen and that he did not necessarily believe the claims of the Swiss owner. Mr. Sheehan stated that he owned the car at one time in the 1980's but only as an investment. He stated that when he owned it, it was red in color. {According to the car's history, it has never been red. It was manufactured black with a tan interior and converted some years later to silver with a red interior} Mr. Sheehan stated that he, Marcel Massini, and Gerald Roush, are the main people in the world that are consulted by individuals seeking to purchase Ferrari automobiles. Mr. Sheehan denied having been contacted by Mr. Hallingby prior to the purchase of 0799GT and he stated that Mr. Hallingby probably did not contact anyone because he trusted Mr. Rosen, the person from whom he purchased 0799GT. Mr. Sheehan asked this Detective if I checked the history on the last car I purchased. This Detective told him "no" because I trusted the dealership. Mr. Sheehan stated that my several thousand dollar purchase is the same as Mr. Hallingby's several hundred thousand dollar purchase. This Detective told Mr. Sheehan that my purchase was a vehicle for daily transportation and that this Detective doubted that Mr. Hallingby is taking 0799GT to the local market for milk.

We then talked about the history of 0799GT. Mr. Sheehan took the credit for posting its history online. We spoke of Mr. Rosen and Mr. Triarsi, Mr. Rosen being the man who sold the Ferrari to Mr. Hallingby and Mr. Triarsi being the owner of the Ferrari dealership that imported the Ferrari after its theft in Spain. Mr. Sheehan stated that Mr. Rosen and Mr. Triarsi are synonymous, with Mr. Rosen being a silent partner to Mr. Triarsi, and that Mr. Rosen is a very wealthy, trustworthy man. This Detective asked Mr. Sheehan, "if Mr. Rosen were trustworthy, should he not have told Mr. Hallingby about the Symbolic deal regarding 0799GT that fell through because Mr. Massini said the provenance was questionable?" He did not have an answer. He also stated that Mr. Triarsi does not care about the provenance of any particular car, only what he can sell it for. Mr. Sheehan mentioned several instances where he spoke to Mr. Triarsi about a car, only to have Mr. Triarsi say that he did not want to know

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Det. Richard Van Tine

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about certain aspects of the car's history. Mr. Sheehan stated that the same is true for Mr. Soprano. {Mr. Soprano is the owner of a Ferrari dealership and is believed to be a partner of Mr. Hallingby}. Mr. Sheehan stated that Mr. Triarsi and Mr. Soprano are "Goombahs from Jersey" which this Detective took to mean that they either have Italian Mafia connections or at least portray themselves in that fashion.

Mr. Sheehan went on to state that he is a broker that makes his living on his reputation in the Ferrari community by selling legitimate cars in a fair way. He admitted closing his business years ago but was not willing to say exactly why, only that it became difficult for him to operate. He also could not agree with this Detective on a definition of the word "stolen." He believes that Dr. Gerber is merely in a dispute with a partner on 0799GT and reported it stolen to recover his monetary losses. This Detective advised Mr. Sheehan of the other two Ferrari automobiles stolen along with 0799GT and how they have not been heard of since the theft. Mr. Sheehan was doubtful of this information until this Detective provided the vehicle identification numbers of those cars. Mr. Sheehan then checked his own database and came up with no information on either car.

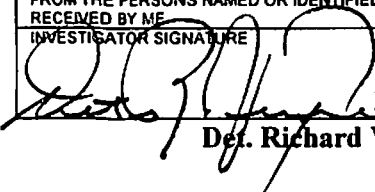
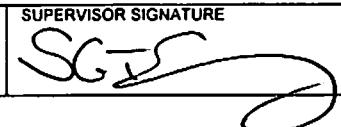
Mr. Sheehan then ended the conversation abruptly by saying that there were other people in his office. He told me he would email me some additional information. He later e-mailed contact information for Massini and Roush.

This Detective then corresponded via e-mail with Gerald Roush, the publisher of the "Ferrari Market Letter" and a Ferrari expert and historian.


Mr. Roush stated that he is very familiar with Michael Sheehan. Mr. Roush stated that he has known him for some 30+ years and he is a regular advertiser in the "Ferrari Market Letter." Mr. Roush stated that Mr. Sheehan is very active in the buying and selling of Ferrari automobiles and a few other exotic cars. Mr. Roush stated that he would not put Mr. Sheehan's knowledge as a Ferrari historian on the same plane as himself and Marcel Massini, but he is not far behind. Mr. Roush stated that Mr. Sheehan gathers data to purely further his business of buying and selling of Ferraris, whereas he and Mr. Massini gather data for the sake of gathering data, although they do occasionally profit.

Mr. Roush stated that Mr. Sheehan's business reputation is that of a typical used car dealer, "there are those that swear by him and those that swear at him." Mr. Roush stated that he has always found him to be willing to share his information. Mr. Roush stated that he does not know what his relationship is with Mr. Massini. Mr. Roush stated that he and Mr. Massini swap information on a regular basis.

This Detective then asked Mr. Roush about the list of subscribers to the "Ferrari Market Letter." Mr. Roush stated that Mr. Soprano is a current subscriber, and in fact just renewed his subscription in the past couple of weeks. He has been a continuous subscriber since 1978! Mr. Roush stated that Mr. Soprano has also from time-to-time advertised his business in the "Ferrari Market Letter." Mr. Roush stated that Scott Rosen began

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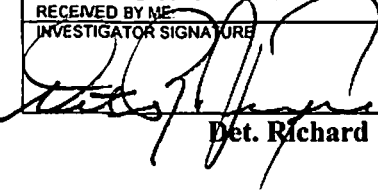
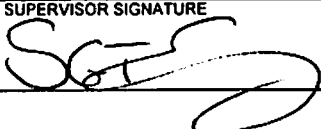
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subscribing in 1994, and subscribed on-and-off until May of 2008 when he did not renew his subscription. Mr. Roush stated that Barney Hallingby has been a continuous subscriber to the "Ferrari Market Letter" since 1997 and is currently paid up through April 2010!

Attached to this report are copies of the aforementioned article and e-mails.

This case remains closed Suspended.

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Det. Richard Van Tine

Who Really Owns the "Stolen" Ferrari?

Various countries take different approaches. Some protect the innocent owner whose property was stolen. Others protect the innocent purchaser

Acting on a tip from a confidential informant, the Connecticut State Police obtained a warrant to search the garage of a Sharon, Connecticut, collector. Inside, they found a 1958 Ferrari 250 PF Cabriolet, s/n 0799GT, which had been reported stolen in Spain some 15 years previously. The Ferrari had been smuggled into the United States and registered in New Jersey in 1994 under a false VIN. The Spanish owner was reported to have refused the inadequate insurance settlement, believing that the car was rare and valuable enough that it would turn up someday. (A prudent move, as the Ferrari would belong to the insurance company if he had accepted the settlement.)

Once the story broke, the commentary started flying. Several "people who knew" disputed that the car had ever been stolen. One source, as was reported on the SCM web site, claimed the Ferrari was owned in partnership by two Italians. When the one holding the title sold it and kept the proceeds, the other filed a stolen car report. SCM's Michael Sheehan reported on the rather well-known ownership history of the car in the United States, noting that even he had owned it at one time.

Unraveling the facts is the province of the authorities. But unraveling the potential legal issues falls, as always, to "Legal Files." We'll start with the assumption that the Ferrari was stolen. Then we will consider the outcome if the story of the two feuding Italian partners holds true.

A matter of international style

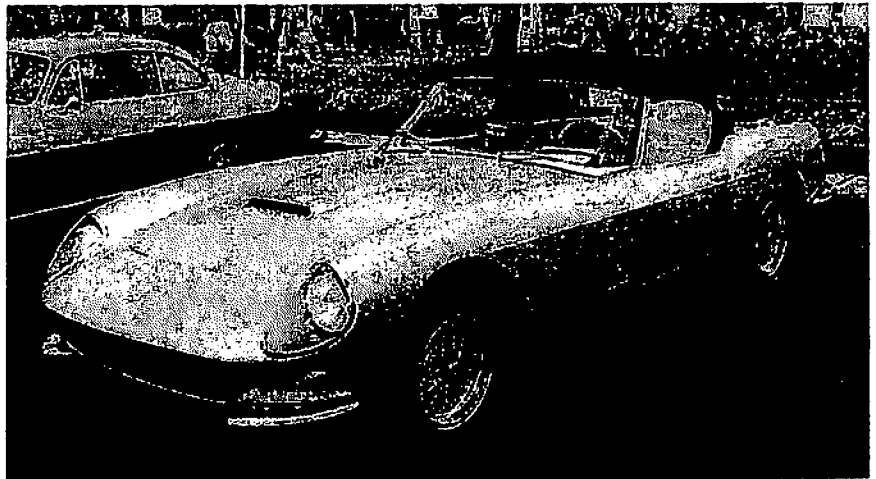
We start with a seemingly simple question: Which law applies. Spanish or U.S.? After all, the Ferrari was stolen in Spain, but it is now in the United States.

Although there are relatively few cases dealing with stolen cars, we can get a lot of guidance from the legion of international cases dealing with stolen art work and antiquities. In short, various countries take different approaches to the question. Some protect the innocent owner whose property was stolen. Others protect the innocent purchaser, who didn't know it was stolen.

U.S. law tends to protect the original owner. The logic is that a thief cannot pass good title, so the stolen property must be returned to the original owner without reimbursement to the purchaser.

European countries are more protective of the good-faith purchaser. In one classic case, Japanese art works were stolen from England, taken to Italy, and sold to an innocent Italian. The Italian later consigned them to Christie's in London, where the original owner found them and sued. The British court held that, once the art works went to Italy, Italian law applied and made the Italian the rightful owner. The court denied the English collector any recovery.

But choosing which country's law to apply is not always that simple, and it can lead to odd results. In one New York case, a Brooklyn lawyer bought a pair of paintings from an American soldier returning from World War II, which turned out to have been stolen from a German museum. The German museum sued in New



0799 GT, one hot potato

York, claiming that, under New York law, it was entitled to get the paintings back. The Brooklyn lawyer argued that German law should apply since both the museum and the scene of the crime were in Germany. Under German law, he could keep the paintings. Location triumphed over the role reversal; the New York court applied New York law and ordered the paintings to be returned to the German museum.

Applying U.S. law

If U.S. law applies, it is likely that the Spanish owner can recover the Ferrari without any obligation to the collector. The collector can recover his loss from his seller, who can recover his loss from his seller, etc., until the thief ends up holding the hot potato.

But we do not have uniform law in the United States. Each state adopts its own laws. Many times their laws are very much the same, but there can be differences. Each of the links in this litigation chain can be controlled by a different state's laws, depending on where the seller and buyer reside and where the sale took place. There can be different abilities to recover, and different statutes of limitations can apply. The key points are that each link is separately analyzed, and once the chain is broken, there is no way to skip to an earlier link.

The UCC doesn't apply

The Uniform Commercial Code generally provides that good title passes to a purchaser if he buys the property from a dealer who customarily sells such items of property. The logic is that one should be free to assume that he owns something when he buys it from a dealer.

But this provision of the UCC has repeatedly been held inapplicable to stolen property. For the rule to apply, the property must be entrusted to the dealer by the owner, and the owner in this case is the fellow in Spain. In other words, only the *rightful* owner can *entrust* the property to the dealer. When the rightful owner grants the dealer rightful possession, that enables the dealer to transfer the owner's title to the purchaser, even if the owner has not expressly authorized that. For example, a consignment situation can allow the dealer to transfer good title to the purchaser even when the owner doesn't get paid, except perhaps in states where certificates of title determine ownership.

Auctions less protective

Auctions are not as secure for the purchaser. While an auction house could be licensed as a dealer, the auction house is not acting as a dealer during the auction. Rather, the auction house is acting as the agent of the seller, and it sells the car on behalf of the owner. The sale technically occurs between the seller and the buyer.

much the same as when a real estate broker is involved in a real estate sale. Consequently, the UCC dealer rule would not apply.

What's about the statute of limitations?

Much time has passed here, and it would seem that a statute of limitations might apply to cut off the owner's ability to get the car back. However, statutes of limitations generally run from the time of the *discovery* of the theft, or the discovery of who has the car. And, there is generally no duty of "due diligence" imposed on the owner. That is, the owner doesn't have to look very hard, and can generally just wait until the car pops up.

Very similar to a statute of limitations, a legal doctrine known as *laches* might apply. Generally stated, this legal theory would require that the owner make reasonable efforts to report the theft and locate the car, and if he sits around too long doing nothing, the court might refuse to order the return of the car.

How long is too long?

In one classic case, the Greek Orthodox Church sued Christie's to force the return of a stolen 10th century manuscript of works by Archimedes. The New York court applied *laches* and refused to order the return of the manuscript. So we know that 1,000 years is too long to wait to sue, but is the 15-year wait with this Ferrari too long? That question is hard to answer, as this legal doctrine's sweet spot is not very precise. It may matter less how much time passed than what the owner did during that time. As Sheehan points out, it probably

wouldn't have been very hard to find the car if the owner had tried.

But if *laches* is applied, it cuts both ways. The purchaser has to establish his own innocence, and that he made a reasonable investigation to determine the title of the car. In this case, the same rumors and innuendos that should have helped the owner to locate the car might also work to destroy the purchaser's innocence sufficiently to prevent the application of the *laches* doctrine. And, as Sheehan also points out, there was always some doubt about the legitimacy of this particular Ferrari.

If the owner and the buyer are both shown to have done less than expected of them, *laches* will not apply, and the law will fall back on the general legal principles already described. If U.S. law applies, that will probably mean that the Ferrari will be going back to Spain.

Back to the partners story

The answer changes completely if the story about the Italian partners turns out to be true. Generally, when two or more people own a car as partners, any one of them has the legal power to sell the car to a third party. He may not have the right to do that based upon the partnership agreement, but that doesn't change the fact that the buyer owns the car. All it means is that the other partners can sue the culprit for violating the partnership agreement. But the opposite may be the answer if the car is titled in the names of all of the partners in a jurisdiction that issues certificates of title. In that case, all partners must sign off on the title to transfer ownership. But here, the title was in the one partner's name alone, so he did have the legal power to transfer good title to the buyer.

In sum, if the car was owned by two partners, the car was not stolen; consequently, valid title was transferred to the first buyer, who then transferred valid title on down the line. Our Connecticut collector then becomes the true owner of the Ferrari, and the Italian partners get to slug it out in the Italian court system. †

JOHN DRANEAS is an attorney in Oregon. His comments are general in nature and are not intended to substitute for consultation with an attorney.

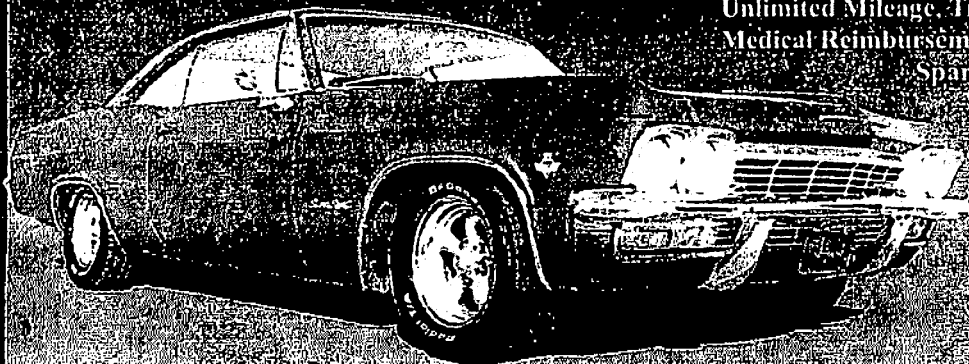
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OBSSESSED

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100 Harsham Road, Horsham, PA 19044

Richard Vantine

From: Marcel Massini [marcel@massini.cc]
Sent: Wednesday, November 12, 2008 11:39 AM
To: 'Richard Vantine'
Subject: AW: 0799

Dear Mr Van Tine

YES, I do know (unfortunately) Mr. Michael W. Sheehan, resident today in Newport Beach/CA. He is a Canadian who came into USA in 1970, started a restoration business and also modified many sports cars in the 70s and 80s. He had quite some success, his shop was named European Auto Restoration, Inc. and also European Auto Sales, Inc., both in Costa Mesa at 1655 Babcock Street. Then, in approx. 1995, he suddenly sold a FAKED Ferrari (a replica) to a customer in Japan, as the real car. The Japanese (Mr Okamoto of Kobe) found out that he had bought a replica and started suing Sheehan. That's when he closed his entire shop, fired everybody and started to live on a much smaller scale. I think he even declared bankruptcy (but am not sure about this). I used to SELL him information about Ferraris in the 1980s, but he did NOT pay and still owes me approx US Dollars 20'000 today.

Anyway, he's now a bit older and continues to broker cars, now from his home in Newport Beach/CA. See www.ferraris-online.com

Sheehan ALWAYS knew that 0799 GT wasn't kosher. In those years (1990s) he also tried to do deals with Symbolic Motor Car Company in La Jolla/CA and as you know it was ME who informed Symbolic Motor Car Company about the possible legal problems/theft in Spain. Symbolic then didn't buy 0799 as a result of my information. But I am personally convinced that Sheehan knew about all this all the time, if not, he must have learned it for sure from the guys at Symbolic.

I do not like Sheehan, not only because he owes me money since decades. His mouth is a bit too big and he often tries to interfere in deals and even worse, sometimes he tries to re-write history. For me, as a historian, this is not what I want. I prefer to go with the facts. Sheehan, over the past 30 years, has had MANY problems with clients (and also his former shop manager Garry Roberts) and is generally considered a shady character. His reputation is not good in the small Ferrari community. He is a regular writer for "Sports Car Market" and has his own column "Sheehan speaks".

I am personally also convinced that Hallingby knew about the provenance of 0799 GT.

My best regards

Marcel Massini

MASSINI AG
In der Hoeh 12
CH-8604 Volketswil (ZH)
Switzerland

Phone +41 43 399 59 06
Fax +41 43 399 59 07
Mobile +41 79 356 22 92
E-Mail marcel@massini.cc

=====

Richard Vantine

From: Marcel Massini [marcel@massini.cc]
Sent: Thursday, January 15, 2009 1:10 PM
To: 'DPS,MVTF4'
Subject: Ferrari #0799 GT Barney Hallingby

Dear Mr. Van Tine

Not sure if this is of interest to you or not but in the February 2009 issue of the U.S. magazine "Sports Car Market", on page 47, bottom right, Mr. Hallingby in a letter claims to own a Ferrari 250 LM serial number 6045. Two cars are claiming this same serial number. The other one is currently in England. One of these is a complete FAKE and replica with a brand new chassis. A 250 LM is a competition Ferrari built in a total of 32 units only during 1964 and 1965. Real ones are valued at approximately US\$ 5 Million today. Back in 1983 I have authored and published a detailed book about these cars and know a bit or two about this model. I find it rather strange that Hallingby goes public with such a statement, especially because he should know that his 250 LM cannot be real.

With my best regards

Marcel Massini

MASSINI AG
In der Hoeh 12
CH-8604 Volketswil (ZH)
Switzerland

Phone +41 43 399 59 06
Fax +41 43 399 59 07
Mobile +41 79 356 22 92
E-Mail marcel@massini.cc

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This message and any attachment are strictly confidential. If you are not the intended recipient, please telephone or email the sender and delete the message and any attachment from your system. You must not copy this message or attachment or disclose the contents to any other person.
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=====
Von: Richard Vantine [mailto:MVTF4@PO.STATE.CT.US]
Gesendet: Mittwoch, 12. November 2008 17:09
An: 'Marcel Massini'
Betreff: 0799

Mr. Massini,
I have just completed the article you were kind enough to send me. I was struck by the comments of Michael Sheehan. Do you know Mr. Sheehan? He states in the article that "he had owned it at one time" and "there was always some doubt about the legitimacy of this particular Ferrari." A very powerful statement, I think, in showing that Mr. Hallingby *must* have known. Do you agree?
Sincerely,
Richard.

Richard Vantine

From: ferrmktltr@earthlink.net
Sent: Saturday, November 15, 2008 8:59 PM
To: Richard Vantine
Subject: RE: 0799GT

Hello Richard,

Yes, I am VERY familiar with Michael Sheehan. Have known him for some 30+ years and he is a regular advertiser in my Ferrari Market Letter. He is very active in the buying and selling of Ferraris and a few other exotics.

I would not put his knowledge as a Ferrari historian on the same plane as Gerald Roush and Marcel Massini, but he is not far behind. His gathering of data is purely to further his business of buying and selling of Ferraris, whereas Marcel and I gather data for the sake of gathering data, although we do occasionally profit from our data.

His business reputation is that of a typical used car dealer . . . there are those that swear by him and those that swear at him. I have always found him to be willing to share his information, and I reciprocate. I do not know what his relationship is with Marcel. Marcel and I swap information on a regular basis.

Nicola Soprano is a current subscriber to the Ferrari Market Letter, and in fact just renewed his subscription in the past couple of weeks. He has been a continuous subscriber since 1978! He has also from time-to-time advertised his business in my publication.

Scott Rosen began subscribing in 1994, and subscribed on-and-off until May of 2008 when he did not renew his subscription.

Barney Hallingby has been a continuous subscriber to the Ferrari Market Letter since 1997, and is currently paid up through April 2010!

If you have any more questions I will be glad to help out.

Roush Publications, Inc.
dba Ferrari Market Letter
ferrmktltr@earthlink.net
www.ferrarimarketletter.com
770-381-1993
770-381-0518 FAX

----- Original Message -----
From: Richard Vantine
To: ferrmktltr@earthlink.net
Sent: 11/12/2008 5:05:56 PM
Subject: 0799GT

11/18/2008

Hello Mr. Roush,


I hope you are well. I have a few questions I would like to ask of you. Are you familiar with Mr. Michael Sheehan? Is he regarded as a Ferrari expert on the level with you and Mr. Massini? Does he have a good reputation? Also, you told me that Soprano and Rosen were subscribers to your publication. Does Mr. Hallingby subscribe to your publication? Has he in the past?

I thank you for your time and I look forward to hearing from you again soon.

Sincerely,

Richard

✓

State of Connecticut Dept. of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1
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Action Taken: On November 3rd, 2008, information was obtained from the New York State Department of State on Scott Rosen, the owner of the 1958 Ferrari bearing vehicle identification number 0799GT prior to Hallingby.


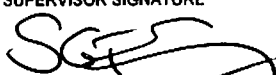
According to New York State Department of State, Rosen is the Chairman or Chief Executive Officer of "National Wholesale Liquidators of West Hempstead, Inc." His office is located at 111 West Hempstead, New York.

On November 18th, 2008 at 1300 hours, this Detective contacted the National Wholesale Liquidators in Bridgeport, CT located at 4425 Main Street. The manager there provided Rosen's office number as 516-489-3300. This Detective attempted to contact Rosen with that number, but received only voicemail.


This Detective then performed several internet checks of National Wholesale Liquidators and discovered that they recently filed for bankruptcy. The President is listed as "Eva Rosen aged 76 years."

Attached to this report is a copy of the information obtained from the New York State Department of State.

This case remains closed Suspended.

CASE STATUS:			TYPE OF EXCEPTIONAL CLEARANCE:		
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2-CLEARED ARREST	<input type="checkbox"/> 6-NO CRIMINAL ASPECT	<input type="checkbox"/> B-PROSECUTION DENIED	<input type="checkbox"/> E-JUVENILE-NO CUSTODY		
<input checked="" type="checkbox"/> 3-SUSPENDED	<input type="checkbox"/> F-FUGITIVE	<input type="checkbox"/> C-EXTRADITION DENIED			
THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.					
INVESTIGATOR SIGNATURE	INVESTIGATOR I.D.	REPORT DATE	SUPERVISOR SIGNATURE	SUPERVISOR I.D.	APPROVAL DATE
	732	11-18-08		271	12-9-08

Det. Richard Van Tine

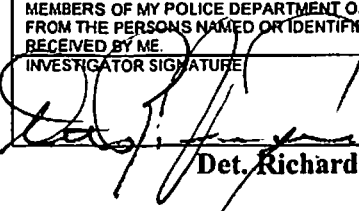
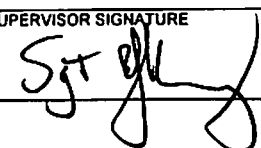
State of Connecticut Dept. of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1

Action Taken: On December 9th, 2008, this Detective sent an e-mail to Wayne Carini, an automobile expert who is from Connecticut and who has a television show on vintage automobiles on the "Discovery Channel."

This Detective asked Mr. Carini if he would be willing to answer questions about the Ferrari bearing vehicle identification number 0799GT and about Ferrari automobiles in general. Mr. Carini replied that because he is friends with Mr. Hallingby, the person from whom the vehicle was seized during this investigation, he would rather not be involved.

Attached to this report is the aforementioned e-mail correspondence.

This case remains closed Suspended.

CASE STATUS:		TYPE OF EXCEPTIONAL CLEARANCE:			
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2-CLEARED ARREST	<input type="checkbox"/> 6-NO CRIMINAL ASPECT	<input type="checkbox"/> B-PROSECUTION DENIED	<input type="checkbox"/> E-JUVENILE-NO CUSTODY		
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INVESTIGATOR SIGNATURE	INVESTIGATOR ID	REPORT DATE	SUPERVISOR SIGNATURE	SUPERVISOR I.D.	APPROVAL DATE
	732	12-15-08		155	12/23/2008

Det. Richard Van Tine

Richard Vantine

From: Richard Vantine [MVTf4@PO.STATE.CT.US]
Sent: Wednesday, December 10, 2008 4:42 PM
To: 'Wayne Carini'
Subject: RE: Contact Us Form

Thank you for your time. I did not mean to accuse anyone of wrongdoing. This is why I did not mention Mr. Hallingby by name. He is not the total focus of the investigation. I am merely seeking the truth about the car. It is interesting that you brought him up, though. Thank you,
Richard

-----Original Message-----

From: Wayne Carini [mailto:waynec@f40.com]
Sent: Wednesday, December 10, 2008 4:11 PM
To: Richard Vantine
Subject: Re: Contact Us Form

Richard

I am involved with the Hartford Concorso Ferrari show that takes place at the state capitol in June of every year. We raise money for charities such as the childrens medical center and autism research. Mr Hallingby has been a participant and contributor at this event. Through this and other events that I have attended I have known Mr. Hallinby to be a great car guy and a great person. I would rather not be involved because of this relationship.

Best Regards
Wayne Carini


----- Original Message -----

From: "Richard Vantine" <MVTf4@PO.STATE.CT.US>
To: "'wayne carini'" <waynec@f40.com>
Sent: Wednesday, December 10, 2008 9:36 AM
Subject: RE: Contact Us Form

> Mr. Carini,
> I would like to "pick your brain" regarding your knowledge, if any, of
> the Ferrari bearing VIN 0799GT and of Ferrari automobiles in general.
> If it is acceptable to you, I will send you a series of questions that
> you may answer at your leisure. You can remain anonymous if you so
> desire. I have already asked similar questions of Marcel Massini,
> Gerald Roush, and Michael Sheehan. All were very helpful. When a
> fellow Detective caught part of your show on television, I thought it
> would be worthwhile to contact you as well.
> The car remains in Connecticut State Police custody (in a secure,
> climat controlled and I'm sure a civil proceeding is on the way. My
> concern is criminality. In order to establish if a crime took place, I
> need truth from experts such as you. Please let me know as soon as
> possible whether or not you would be willing to answer my questions.
> If you are, I will e-mail them to you.
> Thank you,
> Richard.

>
> -----Original Message-----
> **From:** wayne carini [mailto:waynec@f40.com]
> **Sent:** Tuesday, December 09, 2008 8:17 PM
> **To:** Detective Richard Van Tine
> **Subject:** Re: Contact Us Form
>
> Detective
> How Can I help you?
> Wayne
> On Dec 9, 2008, at 2:01 PM, Detective Richard Van Tine wrote:
>

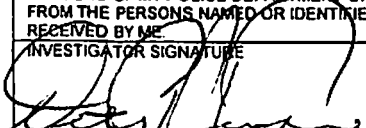
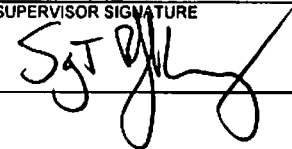
>> recipient: Portland
>> make:
>> model: Object
>> how_contact: Email
>> name: Detective Richard Van Tine
>> phone: 203-696-2584
>> email: mvtf4@po.state.ct.us
>> hearabout: Word of Mouth
>> vehicle: 1958 Ferrari 0799GT
>> body: I am the Connecticut State Police Detective who seized it
>> recently and I would like to gain some information on this particular
>> Ferrari.
>> security_code: dyb8bk
>> submit: Send Email
>>
>
>

State of Connecticut Dept. of Public Safety Narrative Report  DPS-302-C (Revised 04/03)	REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1
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Action Taken: On December 11th, 2008, this Detective received via e-mail from Oliver Weber, the attorney representing the victim in this case, Dr. Andreas Gerber, information from the "Cantonal Police of Berne, Switzerland" regarding the Ferrari bearing vehicle identification number 0799GT. The information consists of a teletype in both the original German and then a translated English version. Attached is a letter from Max Geissbuehler, Group Chief of the Crime Unit Motor Vehicles, confirming that the Ferrari bearing vehicle identification number 0799GT was originally entered into "Interpol" as a stolen vehicle on March 20th, 1995, the date the stolen vehicle compliant was received, until September 30th, 1995. The documents stated that the vehicle was reactivated as stolen at a later date and remains listed as stolen to this day.

Attached to this report is the aforementioned e-mail correspondence.

This case remains closed Suspended.

CASE STATUS:		TYPE OF EXCEPTIONAL CLEARANCE:			
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2-CLEARED ARREST	<input type="checkbox"/> 6-NO CRIMINAL ASPECT	<input type="checkbox"/> B-PROSECUTION DENIED	<input type="checkbox"/> E-JUVENILE-NO CUSTODY		
<input checked="" type="checkbox"/> 3-SUSPENDED	<input type="checkbox"/> F-FUGITIVE	<input type="checkbox"/> C-EXTRADITION DENIED			
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INVESTIGATOR SIGNATURE 	INVESTIGATOR I.D. 732	REPORT DATE 01-05-09	SUPERVISOR SIGNATURE 	SUPERVISOR I.D. 155	APPROVAL DATE 01/13/2009

Det. Richard Van Tine

Kantonspolizei Bern Police cantonale
 bernoise
Kriminalabteilung Police judiciaire



Max Geissbühler
FGC Fahrzeugfahndung
Nordring 30
3013 Bern
Tel ++41 31 634 74 50
Fax ++41 31 634 74 59

Jeanguenin & Weber
Advokaturbüro
z. Hd. Herrn Fürsprecher Oliver Weber
Murtenstrasse 7
2501 Biel-Bienne

Nr./No GK 0232

Seiten/Pages 1

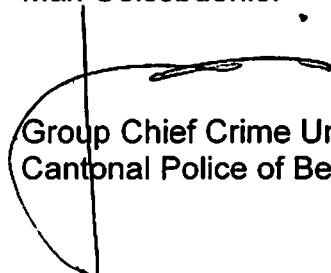
Berne, Switzerland, 10. December 2008

To whom it may concern

International search for Ferrari 250 GT Spider, Cabriolet, Silver Colored, VIN 0799GT

I, Max Geissbuehler, Group Chief of the Crime Unit Motor Vehicles of the Cantonal Police of Berne, Switzerland, hereby state and confirm that Ferrari Car 250 GT, VIN 0799GT, in the ownership of Dr. Andreas Gerber from CH-2542 Pieterlen, Switzerland, stolen in Marbella (Spain) in July 1993, was internationally searched and listed as stolen in the international database of our Automobile Search Facility during the period from 20. March 1995 (date of reception of the criminal complaint) until 30. September 2003. The international search for the above mentioned Ferrari car was later reactivated; the car is still listed as stolen in the Interpol database until this day.

Max Geissbuehler



Group Chief Crime Unit Motor Vehicles
Cantonal Police of Berne

TM19-TM1933-03 / PROD	RIPOL – SEARCH FOR MOTOR VEHICLES	PZIP/Hlr 09.19.96	
	ENTRY FOR SEARCH: +799		
TYPE OF VEHICLE	PASSENGER CAR	GROUP 1	WARNING
BRAND	FERRARI	TYPE 250 GT	SPIDER
VIN	0 799		SERIAL-No.
NUMBER PLATE	KAT NAT	EXPIRATION	REVOCATION
TYPE OF CRIME	T THEFT		COLOR GREY
DATE OF CRIME	05.01.93 – 09.30.93	SITE OF CRIME	E-MARBELLA
OFFICE IN CHARGE	BERNE	FILE NUMBER	B2433 1331,A 95/4117
EXPIRATION	09.30.03	REVOCATION	OFFENDER
DATE OF ENTRY	03.20.95		STATUS T
REMARKS	MARKET VALUE CHF 800,000.00 1. MATRICULATION 1957		
OWNER	GERBER ANDREAS, DR, 02.28.47, 2542 PIETERLEN, BASSBELTWEG 26		
INSURANCE			
LOCATION OF DISCOVERY			
STREET			
DATE OF DISCOVERY		OFFICE IN CHARGE	
REMARKS	CRIMINAL COMPLAINT, BIEL, 03.20.95		


SF11: HELP

I, Max Geissbuehler, Group Chief of the Crime Unit Motor Vehicles of the Cantonal Police of Berne, Switzerland, hereby state and confirm that the printout from our Automobile Search Facility, dated on 19. September 1996, has been correctly translated from German into English in the above mentioned text.

Berne, Switzerland, 10. December 2008

Kantonspolizei Bern
 Fahrzeugfahndung

Max Geissbuehler
 Group Chief Crime Unit Motor Vehicles
 Cantonal Police of Berne



State of Connecticut Dept. of Public Safety Narrative Report  DPS-302-C (Revised 04/03)	REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1
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Action Taken: On December 12th, 2008, this Detective spoke over the phone to Scott Rosen, a previous owner of the Ferrari bearing vehicle identification number 0799GT. Marcello Guevara, a New York State Trooper assigned to their auto theft unit, was asked by Sergeant Kenney to visit Mr. Rosen's last known address in New York. Trooper Guevara spoke to a caretaker there who relayed this Detective's number to Mr. Rosen.


Mr. Rosen called this Detective from phone number 914-329-1650 and he confirmed that it was he who owned the Ferrari bearing vehicle identification number 0799GT at one time. He stated that he purchased it from Frank Triarsi, a well respected Ferrari Dealer in New Jersey with whom he is very good friends. Mr. Rosen stated that he owns a number of vintage vehicles. Mr. Rosen stated that he has a file in his possession that contains the documents that came with the Ferrari bearing vehicle identification number 0799GT when he purchased it. He stated that the documents are copies of the originals possessed by Mr. Triarsi. Mr. Rosen stated that his file contains the shipping manifest from US Customs when the car was shipped to America from Spain. Mr. Rosen stated that the name of the person who shipped the car is on that document. {He did not recall the name during our conversation} Mr. Rosen also stated that he did not believe at that time that the car was stolen, but rather was sold by one of the owners; the person whose name appears on the shipping manifest. Mr. Rosen stated that he now believes that the other owner may have been cheated on his portion of the money from the sale and that is when he reported it stolen. Mr. Rosen stated that he did not like the car, that he found it to be too small for his taste, so he sold it to a man named Jeffrey Schwartz. Mr. Rosen stated that he later purchased the car back from Mr. Schwartz as a favor because Mr. Schwartz was ill with bladder cancer. This Detective then asked Mr. Rosen about the attempted sale to "Symbolic Motor Cars" and their subsequent refusal to purchase the car because they believed it had "legal problems." Mr. Rosen stated that he believed that the expert they used, Marcel Massini, has some connection to the man who reported it stolen and that he did not wish to see the car sold. This Detective then asked Mr. Rosen if he told Mr. Hallingby about the failure of the "Symbolic" sale. Mr. Rosen stated that he did not recall. This Detective then asked Mr. Rosen if he would be willing to share copies of the documents in his possession related to the Ferrari bearing vehicle identification number 0799GT. Mr. Rosen stated that he would rather speak with a lawyer first. This Detective then asked Mr. Rosen if he could have Mr. Triarsi or his attorney contact this Detective. Mr. Rosen stated that he would forward that message. This Detective asked Mr. Rosen to contact this Detective at another time to confirm whether or not he would be willing to provide those documents. Mr. Rosen agreed to do so. However, as of this date Mr. Rosen has not contacted this Detective.

It should be noted that Mr. Rosen's business, the "National Wholesale Liquidators," is going out of business and he may be preoccupied. He briefly discussed his business problems with this Detective during the December 12th, 2008 conversation.

This case remains closed Suspended.

CASE STATUS:		TYPE OF EXCEPTIONAL CLEARANCE:			
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
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INVESTIGATOR SIGNATURE 	INVESTIGATOR I.D. 732	REPORT DATE 01-07-09	SUPERVISOR SIGNATURE 	SUPERVISOR I.D. 155	APPROVAL DATE 01/13/2009

Det. Richard Van Tine

State of Connecticut Dept. of Public Safety Narrative Report		REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 2
		DPS-302-C (Revised 04/03)		

Action Taken: On October 8th, 2008 at 1339 hours, {all times approximate} this Detective received an e-mail from Marcel Massini, a known Ferrari expert, detailing information about another of Mr. Hallingby's Ferrari automobiles. According to Mr. Massini, this particular Ferrari, a 1964 Ferrari 250LM with vehicle identification number 6045 was originally destroyed in a fire after a car crash in 1969 in Hollywood, CA. Mr. Massini stated that the fire was started accidentally with a cigarette. Mr. Massini stated in his e-mail that "bits and pieces" of this Ferrari were later sold to various people. He stated that in 1982, the engine only was owned by a "Richard Freshman" of Chatsworth, CA. Mr. Massini stated that a complete car later appeared and after several owners, it was sold by Nicholas Soprano to Mr. Hallingby. Mr. Hallingby later showed this Ferrari at the 2006 Greenwich Concours. Mr. Massini stated that a second 1964 Ferrari 250LM with vehicle identification number 6045 was recreated in Switzerland and Italy and later sold to someone in Japan. Mr. Massini stated that in his professional opinion, neither of these two cars has enough of the original pieces to be considered a true restoration. Mr. Massini stated that he considers both to be replicas or "fakes." Mr. Massini stated that Mr. Hallingby's Ferrari may have the original engine but not the old chassis.

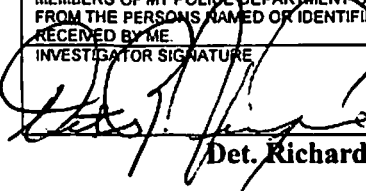

Mr. Massini stated that he learned from Mr. Soprano that Mr. Hallingby is "desperately" trying to have his 1964 Ferrari 250LM with vehicle identification number 6045 authenticated by the Ferrari Factory in Italy. This presumably would increase its value.


Mr. Massini stated that he is the author of a 1983 book "Ferrari 250 LM." He stated that he knows a "bit or two" about this particular model.

On January 15th, 2009 at 1310 hours, Mr. Massini again e-mailed this Detective to advise that the "Sports Car Market" magazine featured an article about Ferrari 250 LM automobiles. In the article, Mr. Hallingby wrote a segment about his 1964 Ferrari 250LM with vehicle identification number 6045. He claims that the car was set on fire by a "police flare (I'm from the government and I'm here to help you!)" Mr. Hallingby writes that some years later, Richard Freshman found "most of the salvageable parts and began reconstruction." Mr. Massini reiterated in this e-mail that there are two cars with the same vehicle identification number and that Mr. Hallingby "should know that his Ferrari 250 LM cannot be real."

Mr. Massini offered the aforementioned information in an effort to show that Mr. Hallingby is not above unscrupulous behavior when it comes to Ferrari automobiles. In addition to that, this Detective believes that because Mr. Hallingby has again demonstrated his knowledge of the history of the Ferrari automobiles that he owns, it is unlikely he did not know about the history of the Ferrari bearing vehicle identification number 0799GT.

Similar Ferrari 250LM models are value by the "Sports Car Market" at \$4,500,000.00 to \$6,000,000.00. One sold at auction in October of 2008 for over \$3,617,020.00. {Source-"Sports Car Market" magazine; February 2009}

CASE STATUS:		TYPE OF EXCEPTIONAL CLEARANCE:			
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2-CLEARED ARREST	<input type="checkbox"/> 6-NO CRIMINAL ASPECT	<input type="checkbox"/> B-PROSECUTION DENIED	<input type="checkbox"/> E-JUVENILE-NO CUSTODY		
<input checked="" type="checkbox"/> 3-SUSPENDED	<input type="checkbox"/> F-FUGITIVE	<input type="checkbox"/> C-EXTRADITION DENIED			
<small>THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.</small>					
INVESTIGATOR SIGNATURE	INVESTIGATOR ID	REPORT DATE	SUPERVISOR SIGNATURE	SUPERVISOR ID	APPROVAL DATE
	732	01-30-09		155	02/10/2009
Det. Richard Van Tine					

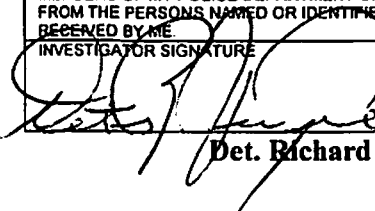

State of Connecticut Dept. of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 2 of 2

In the same addition of the "Sports Car Market" magazine, there is an article on a "1961 Aston Martin DB4GT Zagato Re-Creation." Mr. Hallingby owns one of these as well and also wrote a segment of the article detailing the history of his Aston Martin DB4GT0196R, a Sanction II Zagato. Mr. Hallingby writes not only about his car, stating that the only "former owner was Simon Draper, a well known Aston collector in the UK," but that "Aston skipped four serial numbers in its original production run" and that "some years later, when the style of the car had become widely viewed as a classic, Victor Gauntlett decided to build the last four cars." Mr. Hallingby wrote that "they were different in several ways: a 4.2 liter (vs. 3.7) engine producing 350 horsepower, extended inlet manifolds, better front suspension geometry, and smaller, wider (15" x 6")Borranis." He closes his segment writing "that most of the 19 Zagatos have been upgraded to Sanction II specs, making them virtually indistinguishable."

Once again, Mr. Hallingby has demonstrated his knowledge of the history of the collector automobiles that he owns.

Attached to this report are the aforementioned e-mails from Mr. Massini and the article from "Sports Car Market" magazine-February 2009 edition.

This case remains closed Suspended.

CASE STATUS: <input type="checkbox"/> 1-ACTIVE <input type="checkbox"/> 2-CLEARED ARREST <input checked="" type="checkbox"/> 3-SUSPENDED		<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE <input type="checkbox"/> 6-NO CRIMINAL ASPECT <input type="checkbox"/> F-FUGITIVE		TYPE OF EXCEPTIONAL CLEARANCE: <input type="checkbox"/> A-OFFENDER DECEASED <input type="checkbox"/> B-PROSECUTION DENIED <input type="checkbox"/> C-EXTRADITION DENIED		<input type="checkbox"/> D-VICTIM UNCOOPERATIVE <input type="checkbox"/> E-JUVENILE-NO CUSTODY	
<small>THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.</small>							
INVESTIGATOR SIGNATURE 		INVESTIGATOR I.D. 732	REPORT DATE 01-30-09	SUPERVISOR SIGNATURE 		SUPERVISOR I.D. AS	APPROVAL DATE 02/10/2009

Det. Richard Van Tine

Keith Martin's Sports

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1965 Ferrari 250 LM Berlinetta

Cars that were once wild girlfriends have become trophy wives, with all the cattiness that accompanies competitive collecting

by Thor Thorson

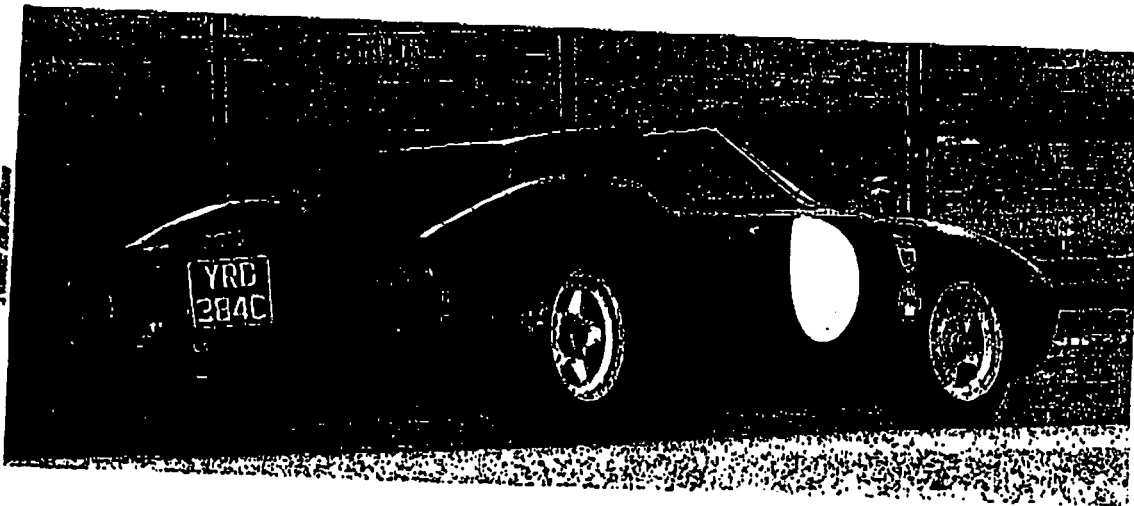


Photo: RM Auctions

Chassis number: 6173
Engine number: 6173

By 1962, it was becoming clear that the 250 GTO was no longer competitive, and something completely new was required. So starting in 1961, Ferrari began experimenting with a rear-engine design.

A series of V6 and V8 prototypes named "Dino," after Ferrari's late son, were developed, and their early success seemed to show that Ferrari was on the right track. The new layout provided better balance and improved traction with the engine over the driving wheels. The result was the 250 P.

Completely new in appearance, it incorporated a rear-mounted transaxle and a dry-sump version of the venerable V12 engine. The 250 P enjoyed considerable success, including the ultimate sports car racing achievement—victory at the 1963 24 Hours of Le Mans.

With a replacement for the 250 GTO now due, the easiest solution was to put a roof on the 250 P. Pininfarina accepted the assignment, and the result was the unconventional but undeniably pretty 250 Le Mans Berlinetta, or 250 LM. The only hurdle remaining was homologation in the GT class. Enzo Ferrari told the FIA that the new 250 LM was a variant of the 250 GTO. Even the car's name was part of the strategy. Given that all but the first prototype were fitted with the 3.3-liter version of the Colombo V12, the car should have been called the 275 LM. Unfortunately, it was all in vain, as even the FIA could not be convinced that the radically new sports car, with its rear engine, transaxle, and all new bodywork, was in any way related to the GTO.

The example presented here, 250 LM s/n 6173, was sold in April 1965 to the Italian Scuderia Sant Ambrosio Racing Team. Driver Edoardo Luaidi Gabardi scored

fine placings in Italian club races, while in international events, drivers Tarainazzo/Signala teamed up for several successful events, including a first in class at the 1965 Targa Florio. The Scuderia then sold 6173 to Swiss Ferrari dealer Peter Monteverti, who registered the car for street use for its subsequent owner.

SCM Analysis This car sold for \$3,617,020, including buyer's premium, at RM's Automobiles of London auction at Battersea Evolution, London, on October 29, 2008.

"Though various front-engined racing Ferraris were converted to street use, very few of the mid-engined racers can claim such use as part of their resume. By the mid-1960s, racing had become way too specialized. I can personally attest that this car legitimately tried, though. Its history shows that it came to the U.S., then ended up for sale in Seattle. In the spring of 1969, I was visiting friends when I wandered into Contemporary Classics, a small exotic car dealership.

Down in the basement was a Lusso with a crunched fender and a "streetable" 250 LM, both for sale. I was hooked. I figured out that I could barely afford the Lusso (which I bought), but they wanted \$11,000 for the LM, so it was way out of my range.

A friend did take it out for an after-midnight "test drive" and tells of coming back downtown on the freeway, pretty much flat out in top gear, and passing a cop who was doing about 60 mph. The cop turned on his lights but was out of sight behind the LM in moments.

My friend bailed off the freeway and sneaked home on back streets, living one of those fantasies we used to get away with now and then. The LM was a terrible

Details

Years produced: 1964-65
Number produced: 32
Original list price: \$20,000
SCA Valuation: \$4,500,000-\$6,000,000
Cost per hour to race: \$2,500
Chassis #: Rear cross member on gearbox bracket
Engine #: Right rear of block on side
Club: Ferrari Owners Club
18000 Studebaker Rd., Ste. 700
Cerritos, CA 90703
More: www.ferrarioverclub.org
Alternatives: 1969 Ford GT40, 1965 Shelby Cobra Daytona coupe, 1970 Porsche 917K
SCM Investment Grade: A

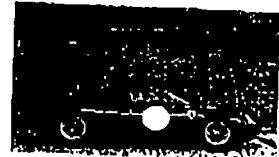
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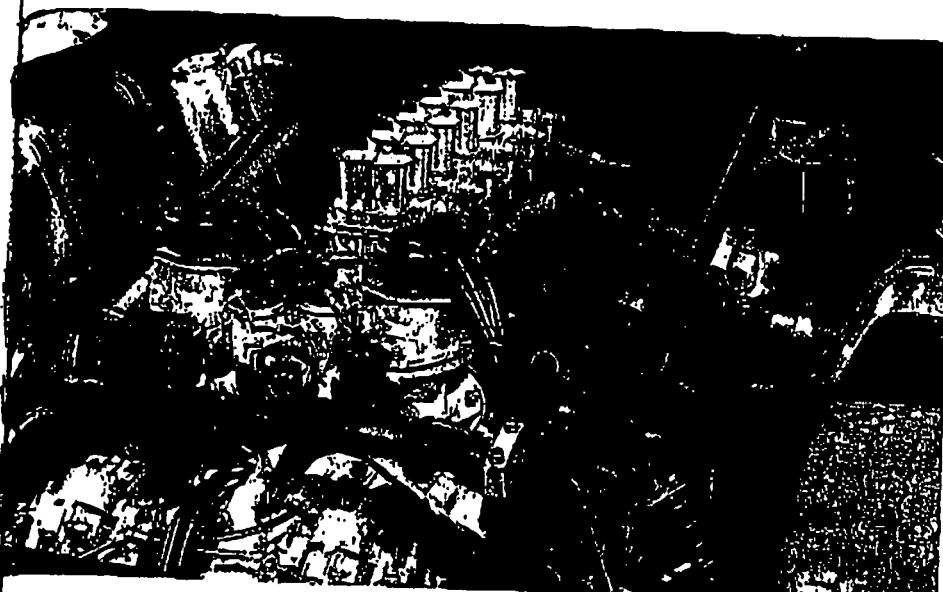
1964 Ferrari 250 LM
Lot# 339A, s/n 5845
Condition 2
Sold at \$6,979,225
RIA, Maranello, ITA, 5/18/2208



1961 Ferrari 250 GT "Broadway"
Lot# 32, s/n 28196T
Condition 3+
Not sold at \$9,000,000
Christie's, Monterey, CA, 8/18/2005
SCM# 38846



1964 Ferrari 250 LM
Lot# 24, s/n 6023
Condition 2
Sold at \$2,147,500
Christie's, Pebble Beach, CA, 8/28/1999
SCM# 12175



de la crème." There's no doubt it is part of the "crème." It's a real car with a good competition history, and it has its original engine and transaxle, mostly (if not completely) original frame and suspension, and it appears to be in excellent mechanical condition. The body, particularly the nose, is not correct, and apparently the tanks and exhaust are incorrect as well, but it's a real, honest 250 LM. It's just not a very good example. Think of it like the nick and dent rack in a very snooty and exclusive store; you can find tremendous value if you're willing to ignore the whispering and raised eyebrows from the people who are proud of buying off the front display.

I'm interested that the vendor didn't choose to spend the time and money to resolve the various issues before putting it up for auction; even paying factory prices, they could have been largely dealt with for a fraction of the car's value. On the other hand, there is something refreshing about an old racing car with intervening history being presented and sold as such, blemishes and all. The market for "crème de la crème" LMs is about \$7 million these days (even post-crisis), so this example sold at a huge discount. If the buyer was looking for an honest old Ferrari 250 LM for a collection, not a bauble to dazzle the audience, I'd say this car represents excellent value. Well bought. ♦

(Introductory description courtesy of RM Auctions.)

street car, by the way, a softer clutch and mufflers (and a heater!) being the only concessions made to civility.

Beaten up horribly in its "retirement"

Forty years later, here I am writing about it. We've both seen a lot of miles since then, though I hope to claim this LM has had a rougher life. I've often held forth on these pages about how racing cars are seldom the blushing virgins that collectors who spend megabucks to own them would like them to be, but this car is different in that it survived its racing career unscathed, only to be beaten up horribly in its "retirement."

In 1973, the car left the road in a Nevada event and plunged into a twelve-foot ditch. It was badly damaged. The insurance company totaled it and the wreck was sold to an ex-NART mechanic who restored it himself over a period of years. In the process, the front bodywork was rebuilt to standards maybe acceptable in 1976, but not today.

There followed a rather uneventful 30 years with a succession of owners, including a sale at RM's Amelia Island auction in 2000 (for \$2,310,000, SCM# 18038). A few years ago it was launched off the road at the Modena Cento Ore Classic, only to land on its roof. Though fixed, the damage was done—yet another story. Somewhere along the way it also lost its correct Borrani wire wheels and got a set of five-spokes, along with some truly awful mirrors on stalks. When it showed up at this auction, it had a lot of asterisks attached to it.

Though we all get misty-eyed when we think back on the good old days when these cars were bad boy toys, flung about with joyous abandon in midnight romps that presumed disposability of the cars and immortality of the drivers, the reality is that Ferrari collectors today are generally a very snuffy bunch. The cars that were once wild girlfriends have become trophy wives, with all the cattiness that goes along with competitive collecting. Tawdry backgrounds extract a toll when the world knows what you're showing. And in today's wired world, rare is the important car that comes to market without its every secret revealed.

A real car that needs a nose job

In an environment that prides itself on blemish-free perfection, this car is what I characterize as "les drégs

Seat Time

Archie Urduoli, Casey Key, FL: The Ferrari 250 LM and its open-top sister car, the 250 P, were introduced in the early 1960s, and were the base of Ferrari's Le Mans, GT, and sports car racing efforts in those years. The cars were light, relatively durable, and versatile, winning many important races, including Le Mans in 1965.

I've never owned one, but thanks to my friend David Piper, who loaned me his 250 P for the Goodwood Revival a few years ago, I have had the pleasure of racing one against some pretty good competitors. If I were to use one word to describe the car, it would be "balance." In either 3.0- or 3.3-liter guise, it may not have the off-the-line acceleration of some period race cars, or the ultimate top speed of others, but it does everything very well, with turbine-like acceleration all the way to 8,000 rpm, great mid-range acceleration in the corners, beautiful neutral handling that won't bite you, and excellent brakes. The car truly makes the driver look good.

As if a great racing package weren't enough, the car also has an excellent aerodynamic design and a lovely, purposeful look that has stood the test of time. My personal taste favors the lines of the open 250 P, but both versions are visually stunning. I consider myself privileged to have experienced one.

Barney Hallingby, Sharon, CT: I am the proud owner of s/n 6045, the original Bill Harrah car. It was set on fire many years ago in a road accident when a ruptured gas tank leaked fuel, which was ignited by a police flare (I'm from the government and I'm here to help you!). The car was left for dead, as the value at that time didn't justify rebuilding it. Some years later, Richard Freshman found most of the salvageable parts and began the reconstruction. Today it is a magnificent image of its former self.

I liken driving it most closely to driving a GT40 (I used to own s/n 1069): small cockpit, right-hand drive, engine directly behind, huge acceleration, and massive torque. While 6045 is one of the "road cars" (as was 1069), that is really the equivalent of a sheep in wolf's clothing. The only real problem in both cars is getting in and out, but that is my fault, not theirs.

While this is not exactly the user-friendly car you can drive to the supermarket, the experience behind the wheel is so invigorating that the thrill will last a long time between rides. I refer to it as the poor man's GT0, the last affordable Ferrari with a great race history that came in both track and street versions. ♦



Hallingby's 250 LM, s/n 6045

1961 Aston Martin DB4GT Zagato Re-creation

I doubt whether anybody could tell the difference between this and a Sanction II without looking at the chassis number

by Paul Hardiman



Chassis number: DB4483R

The competition variant of the legendary Aston Martin DB4, the DB4GT, was introduced in September 1959 at the London Motor Show. It was based on the race-winning prototype DP199/1, which won in its first outing at Silverstone in May 1959 in the hands of Stirling Moss. That was the year in which Aston Martin chairman David Brown's race program had beaten Ferrari in sports cars, winning Le Mans outright and taking the World Sports Car Championship.

The DB4GT was developed for increased performance by making it shorter, lighter, and more powerful than the DB4. The 3,670-cc DOHC engine was extensively modified, featuring a higher compression (9:1), a twin-plug, dual-ignition cylinder head, and breathing through triple twin-choke Weber 45DCE carburetors. Power output was claimed at 304 hp, a useful increase from the claimed 240 hp of the standard car, and qualified the GT as the most powerful British car of its era. Maximum speeds during testing reached 153 mph with a 0-60 mph time of 6.1 seconds. It was one of the first cars that could go from standstill to 100 mph and back again in under 20 seconds—a tribute, in part, to its up-rated Girling braking system, as used in Aston Martin's sports racers of the era.

By 1960, coachbuilder Zagato's fame was at its pinnacle, with GT racing and rallying virtually dominated by cars wearing its bodies. Upping the ante to compete with the Ferrari 250 GT SWB, the Torinese firm was commissioned to create an even lighter version of the DB4GT. The Zagato edition was to be equipped with an up-rated version of the DB4GT engine, now producing 314 hp. Though 25 were planned, only 19 were built,

and no two were exactly alike.

In 1989, Aston Martin boss Victor Gauntlett authorized the production of four more GTZs, to be known as "Sanction II" cars, which would use up unallocated chassis numbers from the original series. Led by Works racing specialist (and world-famous restorer of Astons) Richard Williams, the completed chassis were sent to the workshops of Zagato, where Mario Galbiati was heading up the project.

To ensure that the bodies of the Sanction II cars were identical to the originals, Williams had his own car sent to Italy to be dismantled and used as a template. The finished cars are perfect tributes, with just a few modifications to improve handling, plus 4.2-liter engines. They were offered for £750,000 (about \$1.2m at that time) each, around half the then-current market value of one of the original 19 cars, and they are considered part of the ongoing DB4GT Zagato legacy.

This car can legitimately claim direct lineage to the Sanction II project. Having built the bodies for the four Sanction cars, Mario Galbiati embarked on the production of one final car that he intended to keep for himself. With the experience he had accumulated in the building of the other cars, this was to be the best one he had ever made. But before it was even completed, an Italian collector heard of the project and convinced Galbiati to sell. Only recently completed, it went back to RS Williams in September 2008, where all engine settings were checked and the car was road tested. Williams reports the car is a stunning and properly built example that requires some final fettling and detailing to be set up correctly for use on road or track.

Details

Years produced: 2008 (Sanction II cars 1989-91)
 Number produced: 1 (511 cars: 4, originals: 19)
 Original list price: DB4 £4,084, Sanction II £750,000 (then about \$1,200,000)
 SCV Valuation: \$450,000
 Turn-up cost: \$1,600 (RS Williams)
 Distributor cost: \$81 (22) (RS Williams price)
 Chassis #: Under hood on top of scuttle
 Engine #: On nearside of cylinder block next to dynamo
 Club: Aston Martin Owners' Club
 Droyton St. Leonard
 Wallingford, Oxfordshire OX10 7BG UK
 More: www.amoc.org
 Alternatives: Ferrari 250 GT/SWB replica, Aston Martin DB4 resto-mod, Shelby Cobra Daytona Coupe replica
 SCV Investment Grade: C

Comps



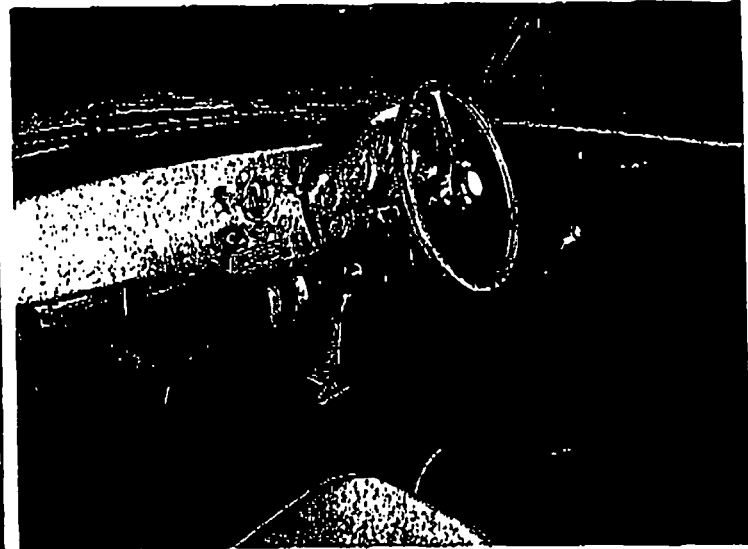
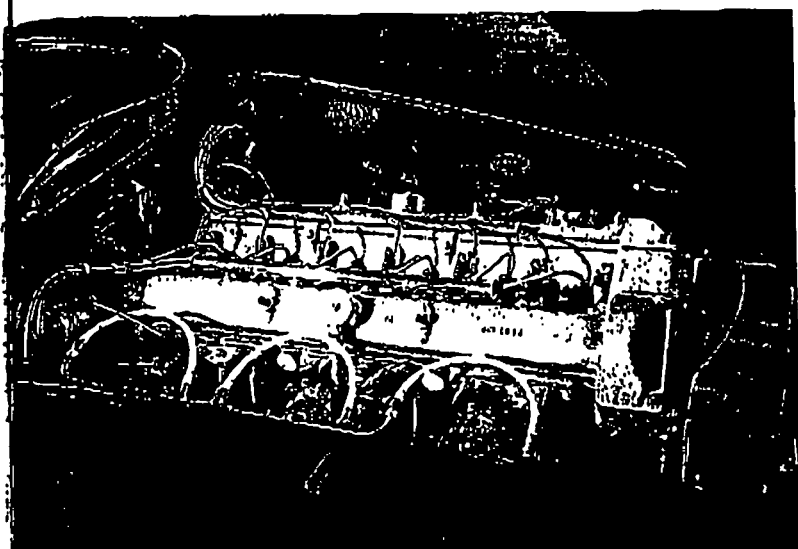
1942 Aston Martin DB4GT Zagato
 Lot# 84, s/n DB4GT0190L
 Condition 1
 Sold at \$2,495,000
 RM, Phoenix, AZ, 1/28/2005
 SCM# 87366



1961 Aston Martin DB4GT Zagato
 Lot# 247, s/n DB4GT0199L
 Condition 2
 Not sold at \$2,450,000
 RM, Monterey, CA, 8/19/2005
 SCM# 39196



1961 Aston Martin DB4GT Special
 Lot# 158, s/n DB4GT0148R
 Condition 1
 Not sold at \$1,229,215
 Bonhams, Newport Pagnell, UK, 5/18/2005
 SCM# 41983



SCM Analysis This car sold for \$529,320, including buyer's premium, at RM's Automobiles of London sale at Battersea Evolution, London, on October 29, 2008.

Built to exact DB4GT Zagato specification ("raped" is how Richard Williams has described the Sanction II process of copying his own GTZ), the iconic shape has been perfectly re-created by the same hands that built the original cars from the 1960s, and the detailing evokes all of the emotion of the original.

Galbati started with chassis DB4483R, shortened it to GTZ specifications, and then crafted a new car on top. The engine and gearbox, by RS Williams, cost more than \$65,000 in 2004. The motor looks correct in every detail, with its original DB4GT twin-plug head, but inside there is a steel billet crankshaft, Carrillo rods, and Cosworth pistons, sucking through triple Weber 45DCOE carburetors, as per the original. Power is now a claimed 340 hp at 5,500 rpm, which rather leads one to suspect a Sanction II-style 4.2 under the hood, rather than the 3,670-cc quoted in the catalog.

This car is half the price of a Sanction II

Finished in the same Sanction II shade of green, the car was completed early in 2008 and is presented in fresh condition. The interior is correctly detailed with Smiths instruments (5,500 redline tach) and subdued trim, with good detailing in the trunk, including the riveted tank and new double-ended SU fuel pump (now in production again with Burlen Fuel Systems). Aside from the 74,000 miles showing on the clock, presumably a legacy from the donor car, this car is new and unmarked.

Richard Williams pointed out that when new, the Sanction II cars were about half the price of the real thing. This is about half of that price for a car that is as good as a Sanction II, just not officially endorsed by the company. I doubt whether anybody could tell the difference between this and a Sanction II without looking at the chassis number. These five cars do differ from the originals in chassis detail, however.

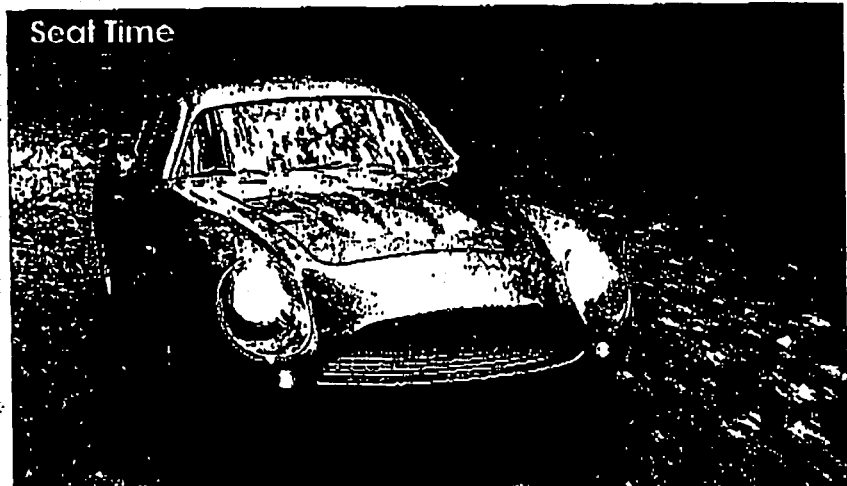
A good Porsche RS 2.7 replica is about 40% of the price of a mint original, and this car looks like an even better value if you follow the same logic. A real GTZ is now about \$4 million, a Sanction II something like half that, and this car around an eighth of an original. It's 50% more than a decent GTO replica, but one of those is only about one-fiftieth of the price of the real thing. However you slice and stack the numbers, this car brought about 75% of its lower estimate, as did most of the cars at this sale. In this climate, the seller should be happy with that.

Whatever its relative value, one might argue that it devalues the Sanction II cars—and what's to stop Galbati from making more? Will we see Ferrari-style "oase and desist" suits flying about in an attempt to stop re-creations from wearing Aston Martin badges? Only time will tell.

I suggest that if you see this car as exactly what it is—an exquisitely hand-crafted GT car to enjoy, for roughly the price of the donor car plus the labor—the value equation starts to make sense. However, I can't resist commenting that in the end, it's a shame to waste another DB4. ♦

(Introductory description courtesy of Bonhams.)

Seat Time



Barney Hallingby, New York, NY: In 2002, I purchased DB4GT0196R, a Sanction II Zagato. The original and only former owner was Simon Draper, a well-known Aston collector in the U.K. The car arrived with a mere 5,000 miles on the odometer, a virtual virgin!

As you may recall, Aston skipped four serial numbers in its original production run. Some years later, when the style of the car had become widely viewed as a classic, Victor Gauntlett decided to build the last four cars. They were different in several ways: a 4.2-liter (vs. 3.7) engine producing 350 hp, extended inlet manifolds, better front suspension geometry, and smaller, wider (15" x 6") Borraris.

The car is a dream to drive; it's quick, responsive, and sounds great. Its 6-cylinder, twin-plug engine, in combination with three Weber carbs, produces a wonderful driving experience. Light on its feet with excellent handling, it is an absolute joy to drive. Not surprisingly, most of the original 19 Zagatos have been upgraded to Sanction II specs, making them virtually indistinguishable.

Richard Vantine

From: Richard Vantine [MVTf4@PO.STATE.CT.US]
Sent: Thursday, January 15, 2009 3:46 PM
To: 'Marcel Massini'
Subject: RE: Ferrari #0799 GT Barney Hallingby

Dear Mr. Massini,

I thank you for the information. It is of great interest to me. I believe you had related the story on this car to me in the past. Was the original destroyed in a fire after a car accident a number of years ago? I will try to obtain a copy of the ad for myself. Also, I had the most interesting conversation with Scott Rosen, as you know a previous owner of 0799GT. Mr. Rosen was surprised to hear of the seizure of 0799GT, stating that he believed the original sale of the car to Mr. Triarsi from the "owner" in Spain was legal and the problems merely the result of a dispute between that man and another "partner" in ownership of the car. I asked him about the attempted sale of the car to "Symbolic" and why that deal fell through. He told me that "Marcel Massini did not want that sale to go through because he is somehow connected to Dr. Gerber" and he had a financial interest in seeing that deal fail." I found that to be a very interesting statement since if it were true that there was some connection, this action on your part would not be illegal. I also found it interesting because if there was a connection, and you knew who had possession of the car, why were the Police not immediately contacted by you? His statement did not make sense but I certainly did not divulge our previous conversations. I then asked him if he told Mr. Hallingby of the attempted sale to "Symbolic." He did not recall. He did state that he had information proving that the shipment of the car from Europe to America was legitimate and he told me that after he speaks with an attorney, he will contact me. This was several weeks ago. We shall see what happens...

Thank you again for your continued interest and assistance in this case.

Happy New Year!
Richard.

From: Marcel Massini [mailto:marcel@massini.cc]
Sent: Thursday, January 15, 2009 1:10 PM
To: 'DPS,MVTf4'
Subject: Ferrari #0799 GT Barney Hallingby

Dear Mr. Van Tine

Not sure if this is of interest to you or not but in the February 2009 issue of the U.S. magazine "Sports Car Market", on page 47, bottom right, Mr. Hallingby in a letter claims to own a Ferrari 250 LM serial number 6045. Two cars are claiming this same serial number. The other one is currently in England. One of these is a complete FAKE and replica with a brand new chassis.

A 250 LM is a competition Ferrari built in a total of 32 units only during 1964 and 1965. Real ones are valued at approximately US\$ 5 Million today.

Back in 1983 I have authored and published a detailed book about these cars and know a bit or two about this model.

I find it rather strange that Hallingby goes public with such a statement, especially because he should know that his 250 LM cannot be real.

With my best regards

Marcel Massini

MASSINI AG
In der Hoeh 12
CH-8604 Volketswil (ZH)
Switzerland

1/30/2009

Richard Vantine

From: Marcel Massini [marcel@massini.cc]
Sent: Wednesday, October 08, 2008 1:39 PM
To: 'DPS,MVTF4'
Subject: Hallingby 250 LM #6045

Dear Mr. Van Tine

The REAL and GENUINE 1964 racing Ferrari 250 LM #6045 was destroyed in a fire in June 1969 on Sunset Boulevard in Hollywood/CA when an automobilist smoking a cigarette inflamed the fuel after an accident with the Ferrari.

Bits and pieces were later sold to various people. In 1982 the engine only was owned by Richard Freshman of Chatsworth/CA. Later on a new car appeared. It was built from various parts and had gone through at least six owners until 2002. Soprano then sold that car to Hallingby and Hallingby showed HIS LM 6045 at the 3 June 2006 Greenwich Concours d'Elégance.

Meanwhile, a second 250 LM with the number 6045 was recreated in Switzerland and Italy and later sold to Japan.

I am the author of the book "Ferrari 250 LM", published 1982/1983 by Osprey in England, and know a bit or two about this particular model. I do believe that none of these two cars today (the Japanese one and the Hallingby one) actually really contain enough of the original old 6045 and I therefore consider both as reconstructions (or replias or fakes).

Hallingby's car may have the old original engine but NOT the old chassis frame.

I know from Nick Soprano that they are desperately trying to have the Hallingby car authenticated by the Ferrari Factory in Modena, Italy.

I sincerely hope that this will NOT happen.


Best regards

Marcel Massini

MASSINI AG
In der Hoeh 12
CH-8604 Volketswil (ZH)
Switzerland

Phone +41 43 399 59 06
Fax +41 43 399 59 07
Mobile +41 79 356 22 92
E-Mail marcel@massini.cc

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This message and any attachment are strictly confidential. If you are not the intended recipient, please telephone or email the sender and delete the message and any attachment from your system. You must not copy this message or attachment or disclose the contents to any other person.
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State of Connecticut Dept. of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1

Action Taken: On January 5th, 2009 at 1728 hours, {all times approximate} this Detective contacted Oliver Weber, the attorney representing the victim in this case, Dr. Gerber, via e-mail. This Detective asked several questions of Attorney Weber related to the conversation that this Detective had with Mr. Scott Rosen in December of 2008. As reported earlier by this Detective, Mr. Rosen did not believe that the Ferrari bearing vehicle identification number 0799GT was stolen but rather was a dispute between the owners of the car.

On January 15th, 2009 at 1546 hours, this Detective contacted Ferrari expert Marcel Massini via e-mail. This Detective asked several questions of Mr. Massini related to the conversation that this Detective had with Mr. Scott Rosen in December of 2008. As reported earlier by this Detective, Mr. Rosen believes that Mr. Massini has a financial interest in the car. Mr. Massini replied via e-mail confirming that it was he who warned Mr. Elliot Grossman of the past history of the Ferrari bearing vehicle identification number 0799GT. Mr. Grossman, who is employed as a salesman for "Symbolic Motor Cars" of LaJolla, CA was prepared to purchase the car but did not after considering the advice from Mr. Massini. Mr. Massini also stated that he informed Dr. Gerber of the attempted sale to "Symbolic" but that he was not paid for the information, neither from Mr. Grossman nor Dr. Gerber. Mr. Massini stated that he does not know Mr. Rosen.

On January 16th, 2009 at 1309 hours, Attorney Weber replied via e-mail and stated that his client, Dr. Gerber, was in fact partnered in the ownership of the Ferrari bearing vehicle identification number 0799GT. He stated that the partner's name was Bernhard Friedli and that he was the owner of the other Ferrari automobiles that were stolen in Spain at the same time from the same company, "Motorauto Marbella." Attorney Weber stated all the cars were ready to be sold and were therefore stored with all their documents. Attorney Weber stated that the possession of documents by Mr. Rosen and Mr. Triarsi do not surprise him.



Attorney Weber also stated that Mr. Friedli died in 1997 and that his heirs transferred Mr. Friedli's share of the Ferrari bearing vehicle identification number 0799GT to Dr. Gerber.

Attorney Weber also stated that Mr. Rosen offered \$20,000.00 to Dr. Gerber as compensation for the Ferrari bearing vehicle identification number 0799GT in the year 2000. Attorney Weber stated that the offer was made through Marcel Massini, though Attorney Weber stated that he does not believe Mr. Rosen and Mr. Massini know each other personally.

On January 29th, 2009, this Detective sent another e-mail to Mr. Massini to corroborate the information from Attorney Weber regarding this cash offer. When a response is received, another supplementary report will be submitted.

Attached to this report are the aforementioned e-mails from Attorney Weber.

This case remains closed Suspended.

CASE STATUS: <input type="checkbox"/> 1-ACTIVE <input type="checkbox"/> 2-CLEARED ARREST <input checked="" type="checkbox"/> 3-SUSPENDED		<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE <input type="checkbox"/> 6-NO CRIMINAL ASPECT <input type="checkbox"/> F-FUGITIVE		TYPE OF EXCEPTIONAL CLEARANCE: <input type="checkbox"/> A-OFFENDER DECEASED <input type="checkbox"/> B-PROSECUTION DENIED <input type="checkbox"/> C-EXTRADITION DENIED		<input type="checkbox"/> D-VICTIM UNCOOPERATIVE <input type="checkbox"/> E-JUVENILE-NO CUSTODY	
THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.							
INVESTIGATOR SIGNATURE 	INVESTIGATOR I.D. 732	REPORT DATE 01-30-09	SUPERVISOR SIGNATURE 	SUPERVISOR I.D. 155	APPROVAL DATE 02/10/2009		

Det. Richard Van Tine

Richard Vantine

From: Marcel Massini [marcel@massini.cc]
Sent: Thursday, January 15, 2009 4:00 PM
To: 'Richard Vantine'
Subject: AW: Ferrari #0799 GT Barney Hallingby

Dear Richard

Thank you for your mail.
Let me comment, please, as follows:

I do not know Mr Rosen and have never met him in my life.
Yes, it is absolutely true that I did WARN Symbolic (Mr. Elliot Grossman per telephone) and told them to stay away from the car since I knew there was a problem (stolen). Symbolic listened to me and didn't buy it. I was NOT paid by Symbolic for this information or by anybody else.
I did not contact the police, neither in Switzerland nor in the USA.
However, I did inform Mr. Andreas Gerber here in Switzerland. I was not paid by Mr. Gerber for this information. I do not know if and what Gerber then undertook or not.
I have NO financial interest whatsoever in this car and never had.

Regarding the 250 LM #6045: Yes, the original car was in a fire about 40 years ago but was not totally destroyed.

Please do not hesitate to ask if I can be of any further assistance.

My best regards

Marcel Massini

MASSINI AG
In der Hoeh 12
CH-8604 Volketswil (ZH)
Switzerland

Phone +41 43 399 59 06
Fax +41 43 399 59 07
Mobile +41 79 356 22 92
E-Mail marcel@massini.cc

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This message and any attachment are strictly confidential. If you are not the intended recipient, please telephone or email the sender and delete the message and any attachment from your system. You must not copy this message or attachment or disclose the contents to any other person.
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Von: Richard Vantine [mailto:MVTF4@PO.STATE.CT.US]
Gesendet: Donnerstag, 15. Januar 2009 21:46
An: 'Marcel Massini'
Betreff: RE: Ferrari #0799 GT Barney Hallingby

Richard Vantine

From: Oliver Weber [weberlaw@gmx.ch]
Sent: Friday, January 16, 2009 1:09 PM
To: MVTF4@PO.STATE.CT.US
Cc: weberlaw@gmx.ch
Subject: Ferrari VIN 0799GT

Hello Richard

Thank you for your update regarding Ferrari 0799 and happy new year to you too. I apologize for my late response. I will send the original documents of the Swiss Police next week by priority mail to you.

Additionally I would like to answer your questions as follows: It is correct that my client had a partner whose name was Mr. Bernhard Friedli, a wealthy Swiss entrepreneur. Mr. Bernhard Friedli was the owner of the other three Ferrari cars that were stolen together with Ferrari 0799 out of the garage of the bogus company "Motorauto Marbella". Originally Mr. Friedli also held a 50% ownership-share on Ferrari 0799. Mr. Friedli died in 1997. His share was later transferred to my client by his heirs.

The four Ferrari cars were ready to be sold and therefore stored together with all necessary documents in the mentioned garage. The documents Mr. Scott Rosen mentioned to you therefore don't surprise me.

I think it is interesting for you to know that Mr. Scott Rosen offered an amount of USD 20'000.00 to my client as compensation in the year 2000. My client refused to accept this offer. Mr. Scott Rosen made this offer to Ferrari Expert Marcel Massini by phone or fax for the attention of my client (I think Mr. Massini doesn't know Mr. Scott Rosen personally).

It would therefore be interesting to ask Mr. Scott Rosen the following questions:

1. Did he offer a compensation to my client?
2. If yes, why did he offer a compensation to my client if Ferrari 0799 would have been shipped legally to the US as he claims today?
3. Why was he so upset about the publisher of Ferrari Market Letter regarding the print of my warning adds? If the car would have been shipped legally to the US as Mr. Scott Rosen claims, he could be relaxed!

I would appreciate if you could send a copy of the documents from Mr. Scott Rosen to Attorney David Rosen and to me. Thank you very much in advance.


With best regards

Oliver

Oliver Weber, Fürsprecher
Advokaturbüro Jeanguenin & Weber
Murtenstrasse 7
Postfach 811
CH - 2501 Biel/Bienne

Tel: +41 32 322 68 13
Fax: + 41 32 322 68 04
Email: weberlaw@gmx.ch

1/29/2009



State of Connecticut Dept. of Public Safety Narrative Report  DPS-302-C (Revised 04/03)	REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1
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Action Taken: On January 29th, 2009, this Detective sent an e-mail to Mr. Massini to corroborate information received from Attorney Weber. Attorney Weber stated that Mr. Scott Rosen offered \$20,000.00 to Dr. Gerber as compensation for the Ferrari in the year 2000. Mr. Rosen is the person who purchased the Ferrari bearing vehicle identification number 0799GT from Mr. Frank Triarsi, who is the person who imported the car from Europe after its theft. Attorney Weber stated that the offer was made through Marcel Massini, though Attorney Weber stated that he does not believe Mr. Rosen and Mr. Massini know each other personally.

On February 1st, 2009 at 0953 hours, this Detective received a response from Mr. Massini via e-mail. Mr. Massini confirmed that the offer was made by Mr. Rosen by telephone. Mr. Massini stated that he forwarded the offer to Dr. Gerber who refused the offer because he felt it was "way too small." Mr. Massini stated that there has been no further communication with Mr. Rosen and that he does not know him personally.

Attached to this report is the aforementioned e-mail from Mr. Massini.

This case remains closed Suspended.

CASE STATUS:			TYPE OF EXCEPTIONAL CLEARANCE:		
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2-CLEARED ARREST	<input type="checkbox"/> 6-NO CRIMINAL ASPECT	<input type="checkbox"/> B-PROSECUTION DENIED	<input type="checkbox"/> E-JUVENILE-NO CUSTODY		
<input checked="" type="checkbox"/> 3-SUSPENDED	<input type="checkbox"/> F-FUGITIVE	<input type="checkbox"/> C-EXTRADITION DENIED			
<small>THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.</small>					
INVESTIGATOR SIGNATURE 	INVESTIGATOR I.D. 732	REPORT DATE 02-02-09	SUPERVISOR SIGNATURE 	SUPERVISOR I.D. 155	APPROVAL DATE 02/10/2009

Det. Richard Van Tine

Richard Vantine

From: Marcel Massini [marcel@massini.cc]
Sent: Sunday, February 01, 2009 9:53 AM
To: 'Richard Vantine'
Subject: AW: 0799GT

Dear Mr. Vantine

Sorry for the delay in reply, I have been travelling these past few days.

Yes, I do remember that about 9 years ago (in 2000) Mr Rosen made an offer (most probably by telephone, to me) of US\$ 20'000 if Mr. Gerber would then give up his rights to the Ferrari. I then forwarded that offer to Mr. Andreas Gerber but he was not interested as the amount offered was way too small. There was no further communication with Mr. Rosen. I can also confirm that I have never met Mr. Rosen personally and I highly doubt that I ever saw him at any of the meetings I attended during my many trips to USA in the past 30 years.

Kind regards

Marcel Massini


MASSINI AG
In der Hoeh 12
CH-8604 Volketswil (ZH)
Switzerland

Phone +41 43 399 59 06
Fax +41 43 399 59 07
Mobile +41 79 356 22 92
E-Mail marcel@massini.cc

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This message and any attachment are strictly confidential. If you are not the intended recipient, please telephone or email the sender and delete the message and any attachment from your system. You must not copy this message or attachment or disclose the contents to any other person.
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Von: Richard Vantine [mailto:MVTF4@PO.STATE.CT.US]
Gesendet: Donnerstag, 29. Januar 2009 23:23
An: 'Marcel Massini'
Betreff: 0799GT

Hello Mr. Massini,
I hope all is well with you. I was very interested to read the article on Mr. Hallingby's 250LM. He seems to know so much about the history of that car, in fact all his cars, except 0799GT! The reason I write today is that I received an email from Attorney Weber and he stated the following:
"I think it is interesting for you to know that Mr. Scott Rosen offered an amount of USD 20'000.00 to my client as compensation in the year 2000. My client refused to accept this offer. Mr. Scott Rosen made this offer to Ferrari Expert Marcel Massini by phone or fax for the attention of my client (I think Mr. Massini doesn't know Mr. Scott Rosen personally)."
I believe the offer was for Dr. Gerber's silence on the matter of 0799GT. Is attorney Weber correct in his recollection of circumstances surrounding that offer?
Please respond at your earliest convenience.
With best regards,
Richard.

State of Connecticut Dept. of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1
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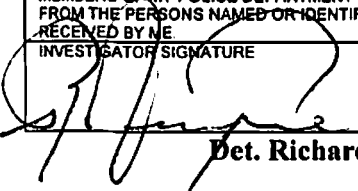

Action Taken: On December 11th, 2008, this Detective received via e-mail from Oliver Weber, the attorney representing the victim in this case, Dr. Andreas Gerber, information from the "Cantonal Police of Berne, Switzerland" regarding the Ferrari bearing vehicle identification number 0799GT. The information consists of a teletype in both the original German and then a translated English version. Attached is a letter from Max Geissbuehler, Group Chief of the Crime Unit Motor Vehicles, confirming that the Ferrari bearing vehicle identification number 0799GT was originally entered into "Interpol" as a stolen vehicle on March 20th, 1995, the date the stolen vehicle complaint was received, until September 30th, 1995. The documents stated that the vehicle was reactivated as stolen at a later date and remains listed as stolen to this day.

On February 2nd, 2009 at 1330 hours, this Detective received the aforementioned documents, via "priority" mail, in their original form. They were entered into evidence in the following manner:

- Item #4-Swiss documents re: entry of Ferrari as stolen.

Attached to this report are copies of the aforementioned documents and a copy of the JD-CR-18 "Inventory of Property Seized without a Search Warrant."

This case remains closed Suspended.

CASE STATUS: <input type="checkbox"/> 1-ACTIVE <input type="checkbox"/> 2-CLEARED ARREST <input checked="" type="checkbox"/> 3-SUSPENDED		<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE <input type="checkbox"/> 6-NO CRIMINAL ASPECT <input type="checkbox"/> F-FUGITIVE		TYPE OF EXCEPTIONAL CLEARANCE: <input type="checkbox"/> A-OFFENDER DECEASED <input type="checkbox"/> B-PROSECUTION DENIED <input type="checkbox"/> C-EXTRADITION DENIED		<input type="checkbox"/> D-VICTIM UNCOOPERATIVE <input type="checkbox"/> E-JUVENILE-NO CUSTODY	
THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.							
INVESTIGATOR SIGNATURE 	INVESTIGATOR ID 732	REPORT DATE 02-02-09	SUPERVISOR SIGNATURE 	SUPERVISOR ID 155	APPROVAL DATE 02/10/2009		

Det. Richard Van Tine

INVENTORY OF PROPERTY SEIZED WITHOUT A SEARCH WARRANT

JD-CR-61 Rev. 10/98 (S. 54-2a-60a, 54-2a-60b, 54-2a-60c, 54-2a-60d, 54-2a-60e, 54-2a-60f, 54-2a-60g, 54-2a-60h, and 54-2a-60i)

PART A
COURT DOCKET NO.

PART B
COURT DOCKET NO.
OR

JUVENILE
COURT DOCKET NO.

FOR POLICE USE ONLY
WARRANT APPLIED FOR
 TO COURT

POLICE CASE/RECEIPT NO.
0800265932

To Court
 Cash/Property Value
 Case Pending
 Return to Owner
 Arresters
 Juvenile

INSTRUCTIONS

1. Do not use this form if a search warrant is used.
2. Original must be filed with the Clerk of Court.
3. In the case of an arrest or referral file with a uniform arrest report or Juvenile Summons/Complaint.
4. Last copy for Police Department use.

TO THE SUPERIOR COURT AT (Address of Court)

JUVENILE MATTERS G.A. No. **18 80 Doyle Road Litchfield, CT**

UNIFORM ARREST REPORT/JUVENILE SUMMONS NO.

COURT APPEARANCE DATE

ARREST/REFERRAL

POLICE CASE/RECEIPT NO.

COMPANION CASE NO.

MADE PENDING

0800265932

NAME, ADDRESS AND TEL. NO. OF DEFENDANT(S)/SUSPECT(S)

NAME, ADDRESS AND TEL. NO. OF COMPLAINANT(S)/OWNER(S)

**Hallingby, Paul "Barney" DOB: 11-11-46
31 Kings Hill Road Sharon, CT**

2.
3.

2.
3.

TYPE OF INCIDENT

Larceny I (by possession)

TOWN OF SEIZURE

DATE OF SEIZURE

TYPE OF PROPERTY

Bridgeport

02-02-09

STOLEN

EVIDENCE

LOST/FOUND

INVESTIGATION

The following property was seized in connection with a criminal delinquency case. (Describe type, color, serial number, etc.)

Item #4-Swiss documents re: entry of Ferrari as stolen.

(Items #1-#3 were previously seized)

INVENTORY OF SEIZED PROPERTY

PART A INVENTORY NO.

[Signature] 732

Detective

MM 1/23

02-02-09

MVTFE CSP

Sender:
Oliver Weber, Attorney-at-law
Murtenstrasse 7
Post Office Box 811
CH-2501 Biel
Switzerland

22.01.09 18:15
CH - 2500
Biel/Bienne 1

P.P. Postage Paid

4301

CHF 9.50

PRIORITY



Stand 2
0.029 kg

SWISS POST

R

Recommandé



RF 644 843 015 CH

Please scan - Signature required

Veuillez scanner - Remise contre Signature

To
Connecticut State Police
Detective Mr. Richard Van Tine
Troop G
149 Prospect Street
Bridgeport, CT 06604
United States of America (USA)



123

Kantonspolizei Bern Police cantonale
 bernoise
Kriminalabteilung Police judiciaire



Max Geissbühler
FGC Fahrzeugfahndung
Nordring 30
3013 Bern
Tel ++41 31 634 74 50
Fax ++41 31 634 74 59

Jeanguenin & Weber
Advokaturbüro
z. Hd. Herrn Fürsprecher Oliver Weber
Murtenstrasse 7
2501 Biel-Bienne

Nr./No GK 0232

Seiten/Pages 1

Berne, Switzerland, 10. December 2008


To whom it may concern

International search for Ferrari 250 GT Spider, Cabriolet, Silver Colored, VIN 0799GT

I, Max Geissbuehler, Group Chief of the Crime Unit Motor Vehicles of the Cantonal Police of Berne, Switzerland, hereby state and confirm that Ferrari Car 250 GT, VIN 0799GT, in the ownership of Dr. Andreas Gerber from CH-2542 Pieterlen, Switzerland, stolen in Marbella (Spain) in July 1993, was internationally searched and listed as stolen in the international database of our Automobile Search Facility during the period from 20. March 1995 (date of reception of the criminal complaint) until 30. September 2003. The international search for the above mentioned Ferrari car was later reactivated; the car is still listed as stolen in the Interpol database until this day.

Max Geissbuehler



Group Chief Crime Unit Motor Vehicles
Cantonal Police of Berne

State of Connecticut Dept. of Public Safety Narrative Report  DPS-302-C (Revised 04/03)	REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1
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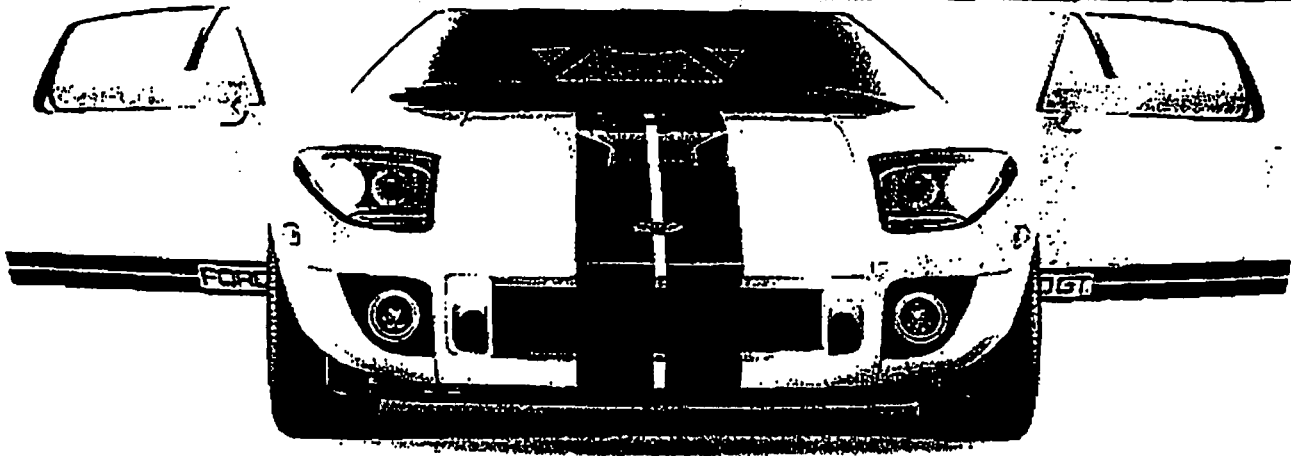
Action Taken: On February 5th, 2009 at 1330 hours, {all times approximate} this Detective received from Detective Catterson of the New Jersey State Police, summaries of the interviews with both Jeffrey Schwartz and Frank Triarsi. Mr. Schwartz stated that it was he who purchased the car from Scott Rosen through Mr. Triarsi. Mr. Schwartz then later attempted the sale to "Symbolic" but found out about the theft at that time from the "Symbolic" broker, Elliot Grossman. {Mr. Grossman obtained his information from Ferrari expert Marcel Massini}. After this sale fell through, Mr. Schwartz stated to Detectives that he returned the car to Mr. Triarsi and that he advised Mr. Triarsi of the legal problem with the car. According to Mr. Schwartz, Mr. Triarsi denied the problem with the car but nevertheless, accepted 0799GT back with no questions. It was then sold back to Rosen, who sold it to Hallingby. When Detective Catterson went to Mr. Triarsi's shop, he stated that the documents he had for the car were given to the attorney of Mr. Rosen in late 2008. {Probably after this Detective spoke with Mr. Rosen over the phone} Mr. Triarsi denied that Mr. Schwartz had told him about the legal problems with the car. Mr. Triarsi did produce a letter from "C & K Auto Imports, Inc." of Leonia, NJ. The letter, dated 12-20-93, states that they accepted 0799GT and two other Ferrari automobiles, specifically #1893 and #2925, for consignment for sale in the US from Mr. Pedro Poiares, a representative of a Gibraltar company named "Clarksdale Limited." Those two Ferrari Automobiles are the others that were stolen with 0799GT.

Attached to this report are the aforementioned summaries and the letter from "C&K."

This case remains closed Suspended.

CASE STATUS:			TYPE OF EXCEPTIONAL CLEARANCE:		
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2-CLEARED ARREST	<input type="checkbox"/> 6-NO CRIMINAL ASPECT	<input type="checkbox"/> B-PROSECUTION DENIED	<input type="checkbox"/> E-JUVENILE-NO CUSTODY		
<input checked="" type="checkbox"/> 3-SUSPENDED	<input type="checkbox"/> F-FUGITIVE	<input type="checkbox"/> C-EXTRADITION DENIED			
THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.					
INVESTIGATOR SIGNATURE 	INVESTIGATOR ID. 732	REPORT DATE 02-05-09	SUPERVISOR SIGNATURE 	SUPERVISOR ID. 155	APPROVAL DATE 02/10/2009

Det. Richard Van Tine



NJSP AUTO UNIT

North Zone / Edison Barracks

2667 Woodbridge Avenue

Edison, NJ 08837

(732) 603-2298

(732) 494-2105 (Fax)



FAX TRANSMISSION

TO: Bob Kenney

FROM: Det. I Bryan Catterson #5339

SUBJECT: Ferrari Invest

DATE: 02-5-09 **PAGES:** 1 **OF** 6

Fax sent to: (203) 696-2597

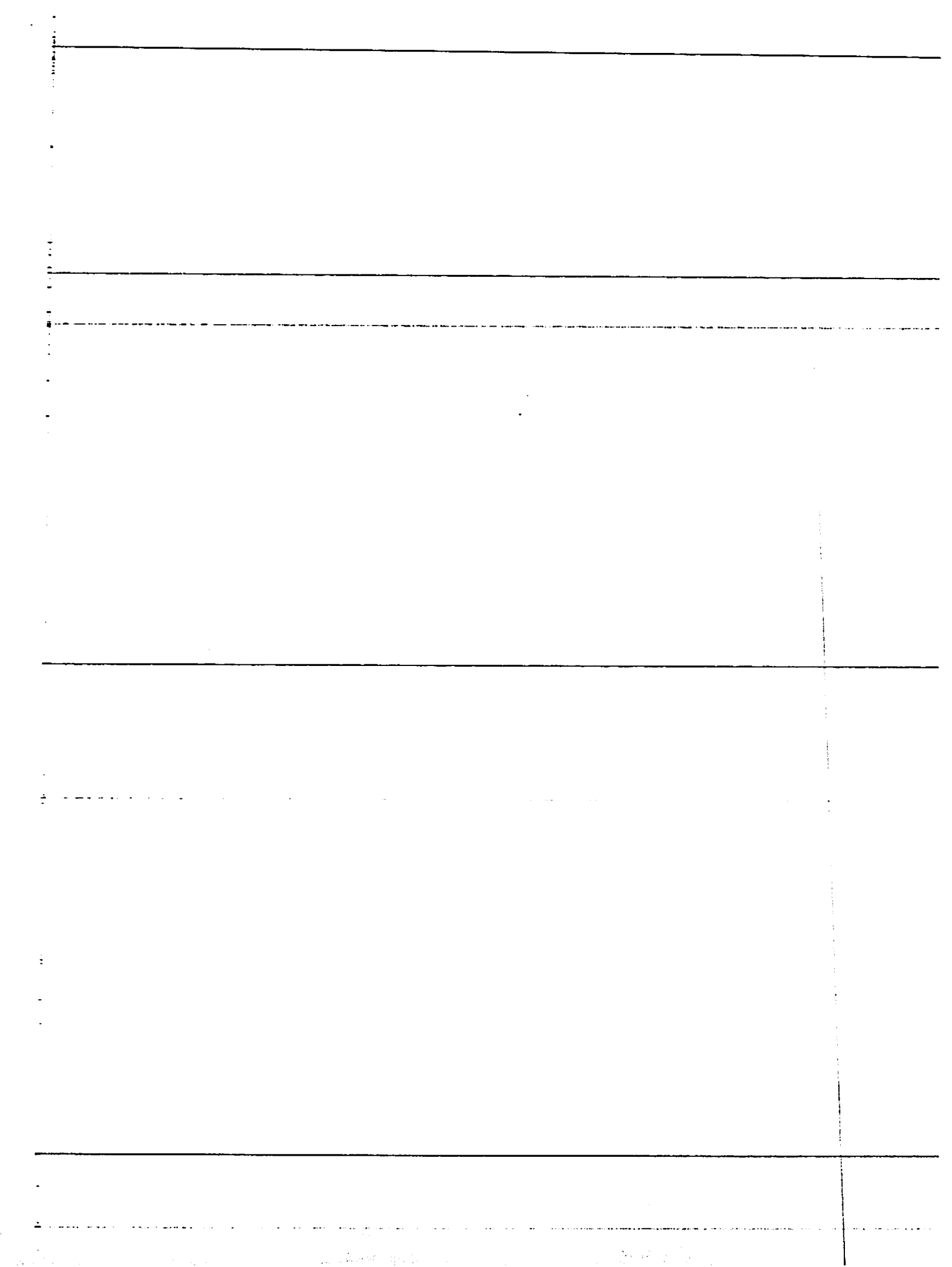
Remarks:

See attached

The information contained in this facsimile transmission from the NEW JERSEY STATE POLICE may be privileged and confidential information, for the intended recipient ONLY. If a message is received in error, please notify the Auto Unit immediately.

FERRARI SUPER FAST
FERRARI BOXER (CARBURETED)
1958 FERRARI SERIES 1 (RED)
1958 FERRARI SERIES 1 (SILVER)

- SCHWARTZ STATED THAT HE WAS ORIGINALLY RECOMMENDED TO CLASSIC COACH BY HIS UNCLE WHO HAD PREVIOUSLY PURCHASED TWO CLASSIC FERRARIS FROM TRIARSI. SCHWARTZ ADDED THAT HIS UNCLE HAD NOTHING BUT A GOOD EXPERIENCE WHEN DEALING WITH TRIARSI AND THAT HE NEVER HAD ANY DISCREPANCIES OR ISSUES WITH THE QUALITY OF THE FERRARIS HE HAD PURCHASED FROM CLASSIC COACH.
- ACCORDING TO SCHWARTZ, HE BECAME ILL AND NEEDED TO SELL ALL HIS FERRARIS AND HAD SUBSEQUENTLY CAME IN CONTACT WITH A GENTLEMEN BY THE NAME OF ELLIOT GROSSMAN OF SYMBOLIC MOTORS LOCATED IN LOS ANGELES, CALIFORNIA. GROSSMAN WAS IN THE BUSINESS OF SELLING CLASSIC VEHICLES AT AUCTIONS AND HAD MANY CONTACTS. SCHWARTZ ADDED THAT GROSSMAN PROVIDED HIM \$75,000 AS COLLATERAL BEFORE HE WAS ABLE TO SELL THE 1972 FERRARI DAYTONA, FERRARI SUPER FAST AND THE 1958 SILVER FERRARI (VIN 0799). SCHWARTZ REMEMBERED RECEIVING A PHONE CALL FROM GROSSMAN STATING THAT HE HAD SOLD THE 1972 FERRARI DAYTONA, FERRARI SUPER FAST BUT HAD SOME PROBLEMS WITH THE TITLE AND OWNERSHIP OF THE 1958 SILVER FERRARI (VIN 0799).
- SCHWARTZ THEN REFUNDED \$40,000 TO GROSSMAN FOR THE RETURN OF THE SILVER SERIES 1 (VIN 0799). HE THEN CONTACTED TRIARSI REGARDING THE CONCERNS WITH THE TITLE AND/OR PROPER OWNERSHIP OF THE SILVER SERIES 1 (VIN 0799) WHICH TRIARSI ASSURED SCHWARTZ HAD NO PROBLEMS. TRIARSI ADVISED SCHWARTZ THAT HE WOULD PURCHASE THE SILVER SERIES 1 (0799) BACK FROM HIM WITHOUT ANY PROBLEMS.
- DURING THE INTERVIEW SCHWARTZ REMEMBERED THE NAME OF SCOTT ROSEN FROM THE ORIGINAL PURCHASE OF THE SERIES 1 (VIN 0799). SCHWARTZ BELIEVES THAT TRIARSI ACTED AS A BROKER IN THE SALE AND REPURCHASE OF THE SERIES 1 (VIN 0799).
- SCHWARTZ STATED THAT HE HAS NEVER MET SCOTT ROSEN AND HAS NOT RECEIVED ANY CALLS FROM TRIARSI SINCE HE SOLD THE SERIES 1 (VIN 0799) BACK TO HIM.



C & K AUTO IMPORTS, INC.

MERCEDES PORSCHE BMW JAGUAR FERRARI

SALES — LEASING

12/20/93

Leonia Police Department
Wood Park
Leonia, NJ 07605

Attn: Detective Grenner

Dear Detective Grenner:

This letter is to inform the Local Authorities that C & K Auto Imports, Inc., located at 118 Fort Lee Road, Leonia, NJ, are accepting delivery of (3) three automobiles coming from Antwerp-Belgium. The (3) automobiles are the following: 1.) 1960 Ferrari, 250 P.F., vin#1893 GT 2.) 1958 Ferrari, 250 G.T. vin#799 GT, 3.) 1961 Ferrari, 250 GTE, vin# 2925 GTE.

All (3) three vehicles are shipped to us, C & K Auto Imports, Inc., from Mr. Pedro Poiares, resident of Lisbon, Portugal, holder of a Portugese Passport, No. 4362660. All (3) three vehicles are consigned to us, C & K Auto Imports, Inc., for sale in the United States.

To the best of our knowledge, Mr. Poiares is acting as an agent/broker for the owner of the automobiles which is again to the best of our knowledge a Gibraltar Company named, "Clarksdale limited".

The automobiles are going to be displayed in our location. Due to the fact that all (3) three automobiles are very old and we do not know their history, we want to inform the Local Authorities that we are only acting as Brokers for the sale of those automobiles and we cannot guarantee 100% that the above described vehicles are free and clear of any and all liens or encumbrances.

Due to the fact that all (3) three vehicles are very old, and that they all came from Europe, it is impossible to know that any of these vehicles might have had or might have now any liens or encumbrances. With that in mind we are letting the Authorities know that the vehicles are here at our location in the remote possibility that something might be wrong from the past history of the vehicles.

Again, to the best of our knowledge, these automobiles are free and clear at this time of any liens or encumbrances, and that they are not stolen.

Please keep this) letter in your files.

Very truly yours,


C & K AUTO IMPORTS, INC.


Doron Sauer, President/Owner

118 FORT LEE ROAD • LEONIA, NEW JERSEY 07605

(201) 944-7830

FAX (201) 944-0278

SFC Lewis
Station Commander
CC: State Police Barracks
Port Street
Newark, NJ 07114

State of Connecticut Dept. of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input checked="" type="checkbox"/> STATEMENTS <input checked="" type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1

Action Taken: On February 4th, 2009, this Detective, Detective Rodriguez, and Sergeant Kenney inspected the Ferrari bearing vehicle identification number 0799GT for the purpose of photographing the vehicle identification numbers.


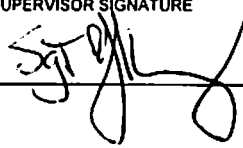
Earlier in the investigation, Ferrari expert Marcel Massini emailed this Detective several photos showing the chassis number, the chassis badge (tag) and the engine number of 0789GT, a sister car of 0799GT, for comparison. According to Mr. Massini, Ferrari used only odd numbers for these cars. Therefore 0789GT was built just five cars before 0799GT.

The VIN of 0799GT appears to be the same size and shape as 0789GT. Sergeant Kenney does not believe the VIN of 0799GT has been altered.

Attached to this report are the photos taken by Sergeant Kenney of 0799GT and the photos obtained from Mr. Massini of 0789GT.

It should be noted that upon removing the car cover of 0799GT, which was purchased by the State Police to protect the vehicle, several mouse droppings were observed on the hood of the car. After an examination, no other droppings were observed anywhere else on the vehicle.

This case remains Closed-Suspended.

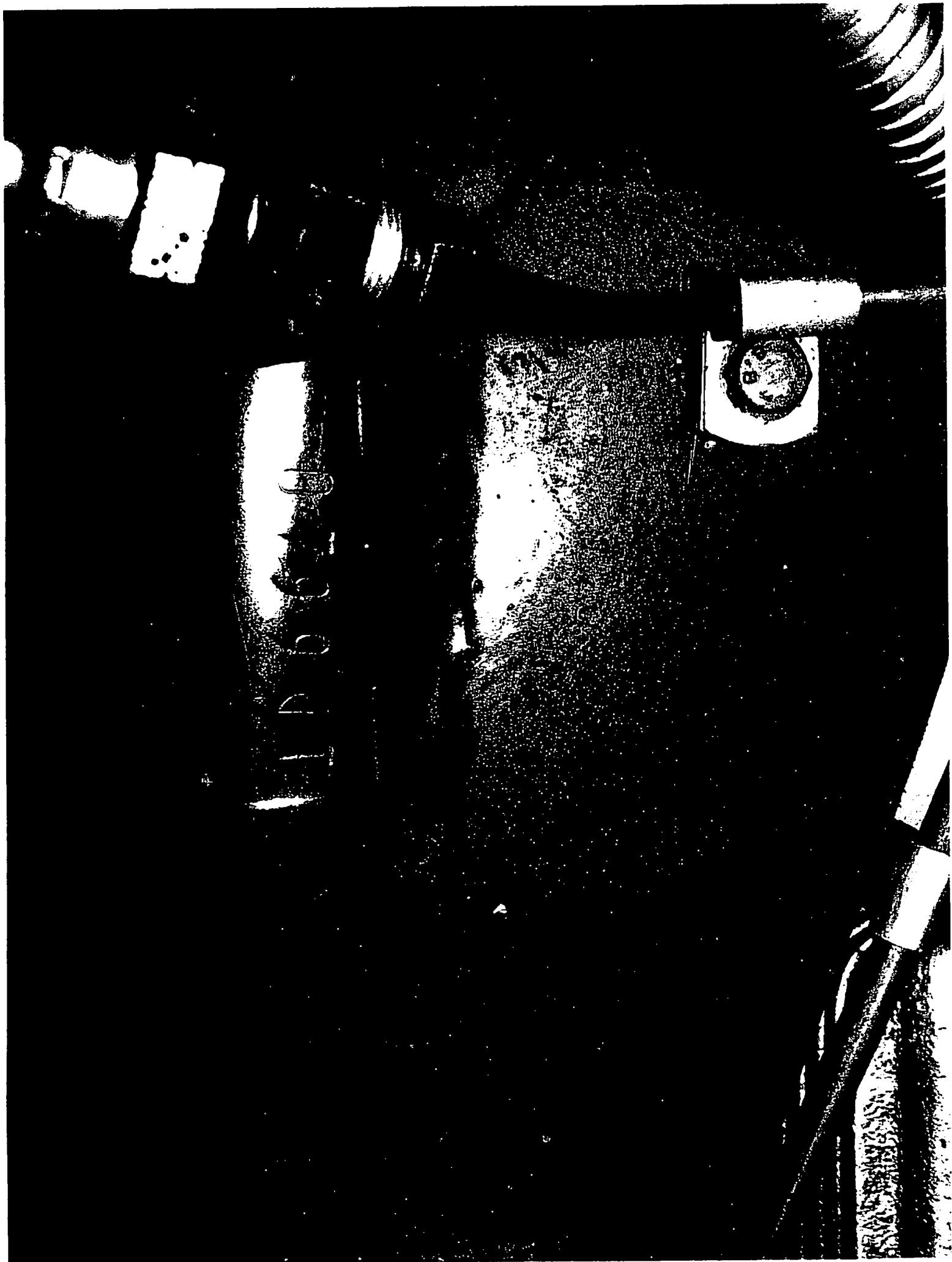
CASE STATUS:			TYPE OF EXCEPTIONAL CLEARANCE:		
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
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<input checked="" type="checkbox"/> 3-SUSPENDED	<input type="checkbox"/> F-FUGITIVE	<input type="checkbox"/> C-EXTRADITION DENIED			
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INVESTIGATOR SIGNATURE 	INVESTIGATOR ID 732	REPORT DATE 02-06-09	SUPERVISOR SIGNATURE 	SUPERVISOR ID 155	APPROVAL DATE 02/10/2009

Det. Richard Van Tine

TIPO	TYPE	TYPE
128 C	1200 B	
MOTORE	MOTEUR	ENGINE
0799		
SCHELETTO	CHASSIS	
1799		

10

11







TIPO

128

TIPE

508

TYPE

MOTORE

789

MOTEUR

ENGINE

AUTOTELAIO


789

CHASSIS

G T



TD
6810

State of Connecticut Dept. of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1

Action Taken: On February 10th, 2009, this Detective received via e-mail from Gerald Roush, the publisher of the "Ferrari Market Letter," a letter that he received from Deborah Drooz, an attorney representing Mr. Paul Hallingby. The letter claims that an advertisement published by Mr. Roush "falsely imputed unlawful conduct to Mr. Hallingby." The letter further states that Mr. Hallingby's representatives contacted Mr. Roush and provided him with "evidence that the imputation was false and defamatory."

The letter goes on to request a "toll" of the statute of limitations by Mr. Roush in order for Mr. Hallingby to resolve the defamation matter "amicably."



Located at the top of the letter was the e-mail address of Ms. Drooz.

This Detective sent an e-mail to Mr. Roush requesting the "evidence that the imputation was false and defamatory" that was sent by "Mr. Hallingby's representatives" to Mr. Roush regarding the advertisement.

This Detective then sent an e-mail to Ms. Drooz requesting any information she or Mr. Hallingby could provide to show that his purchase of the Ferrari was done in good faith and with no knowledge of its previous theft.

Attached to this report are copies of the letter and related e-mails.

This case remains Closed-Suspended.

CASE STATUS:		TYPE OF EXCEPTIONAL CLEARANCE:			
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
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<input checked="" type="checkbox"/> 3-SUSPENDED	<input type="checkbox"/> F-FUGITIVE	<input type="checkbox"/> C-EXTRADITION DENIED			
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INVESTIGATOR SIGNATURE	INVESTIGATOR I.D.	REPORT DATE	SUPERVISOR SIGNATURE	SUPERVISOR I.D.	APPROVAL DATE
	732	02-10-09		155	02/13/2009

Det. Richard Van Tine

STROOCK

Via Facsimile and Registered Mail

February 9, 2009

Deborah Drooz
Direct Dial 310-556-5867
Direct Fax 310-407-6367
ddrooz@stroock.com

Ferrari Market Letter
Roush Productions, Inc
P.O. Box 870709
Stone Mountain, GA 30087-0018

Attn: Gerald L. Roush, Editor and Publisher

Re: Paul Hallingby

Dear Mr. Roush

This office represents Paul "Barney" Hallingby. In or about March of 2008, the Ferrari Market Letter published an advertisement that falsely imputed unlawful conduct to Mr. Hallingby. As we understand it, Mr. Hallingby's representatives contacted you/your publication and provided you with evidence that the imputation was false and defamatory. Nevertheless, you failed to correct or retract the falsehood and indeed went on to publish the advertisement in two subsequent issues of the Letter. As you had reason to anticipate, the advertisement caused serious harm to Mr. Hallingby's reputation.

At this time, Mr. Hallingby has not yet determined whether to pursue his legal remedies against you. However, because the statute of limitations on his claims will run in the next few weeks, he may be constrained to file a defamation action in order to preserve his rights.

By this letter, we request that you agree to "toll" the statute of limitations by a period of 90 days. In that time, we hope to have an opportunity to resolve this matter amicably, thereby obviating the need for formal legal proceedings.

Attached hereto is a tolling agreement. Its sole effect is to postpone the time by which Mr. Hallingby must file his claim. Entering into this agreement does not constitute an admission of fault or liability on your part. Please return the executed agreement to the undersigned by Friday, February 13, 2009. If we do not hear from you by February 13th.

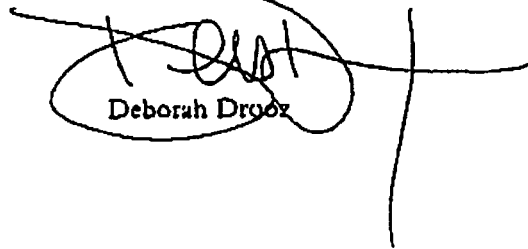
LA 31119565

Ferrari Market Letter
Roush Productions, Inc.
February 9, 2009
Page 2

we will assume that you do not intend to comply with this request and will proceed accordingly.

Naturally, if you have any questions, feel free to contact us.

Very truly yours,



Deborah Drooz

LA 3119305

Richard Vantine

From: Richard Vantine [MVTF4@PO.STATE.CT.US]

Sent: Tuesday, February 10, 2009 5:20 PM

To: 'ddrooz@stroock.com'

Subject: Ferrari 0799GT

Dear Ms. Drooz;

My name is Richard Van Tine and I am the Connecticut State Police Detective who seized the Ferrari bearing vehicle identification number 0799GT from Mr. Paul Hallingby. As you may know, our investigation into the history of the car continues. I would like to offer Mr. Hallingby the opportunity to share with me any evidence he may have to show that the car was purchased by him in good faith and that he had no knowledge of its previous theft. Please feel free to contact me via my official e-mail or at my office at 203-696-2584.

Thank you,

Detective Van Tine #732

Connecticut State Police

Richard Vantine

From: Richard Vantine [MVTf4@PO.STATE.CT.US]
Sent: Tuesday, February 10, 2009 5:09 PM
To: 'fermktltr@earthlink.net'
Subject: RE: 0799GT

Hello Mr. Roush,
I've reviewed the letter you received. I find it rather interesting that they would contact you but not cooperate with me. May I ask what you were provided with in the form of "evidence that the imputation was false and defamatory?" How would an advertisement about a stolen Ferrari damage Mr. Hallingby's reputation if he had no knowledge? Don't you think he could salvage his reputation by calling the Police?
At any rate, I would like to see the "evidence" he provided if it is acceptable to you and your attorney.
Thank you,
Richard.

From: Ferrari Market Letter [mailto:fermktltr@earthlink.net]
Sent: Tuesday, February 10, 2009 10:46 AM
To: Richard Vantine
Subject: RE: 0799GT

Hello Richard,

Thank you for your reply. This is all I really need to know. I just didn't want to pursue it if the case had been closed.

See attached.

Best wishes,
Gerald

Roush Publications, Inc.
dba Ferrari Market Letter
fermktltr@earthlink.net
www.ferrarimarketletter.com
770-381-1993
770-381-0518 FAX

----- Original Message -----

From: Richard Vantine
To: fermktltr@earthlink.net
Sent: 2/10/2009 10:22:10 AM
Subject: RE: 0799GT

Hello Mr. Roush,
The status is an ongoing criminal investigation. Connecticut State Police policy does not permit me to provide specifics. However, I can tell you that there are many instances where Mr. Hallingby has acted in a manner not consistent with an innocent purchaser. We are not at the level of formal accusation yet, but we are approaching that point. Of course, the final say in prosecution rests with the State's Attorney. I conduct the investigation, gather as many facts as I can, whether or not they point to criminal activity on

2/10/2009

the part of Mr. Hallingby, and then, if I find probable cause to believe a crime was committed, I then submit an application for arrest to the State's Attorney. The State's Attorney, if he agrees that probable cause exists to believe that a crime was committed, will forward the application to a Judge. If the Judge agrees that there is probable cause for arrest, the Judge will then issue the arrest warrant. We are not yet at that point but moving quickly in that direction.

I wish I could share more with you after the assistance you've given me. Feel free to have your attorney contact me if he so desires.

Sincerely,

Richard.

From: ferrmktltr@earthlink.net [mailto:ferrmktltr@earthlink.net]

Sent: Monday, February 09, 2009 8:35 PM

To: Richard Vantine

Subject: RE: 0799GT

Hello Richard,

I have just been hit with legal papers from Mr. Hallingby's attorney indicating that Mr. Hallingby is considering legal action against me and my publication for having "falsely imputed unlawful conduct to Mr. Hallingby."

I will be meeting with my attorney tomorrow.

Can you give me some idea of the status of the case involving Ferrari S/N 0799 GT?

Cordially yours,
Gerald Roush

Roush Publications, Inc.
dba Ferrari Market Letter
ferrmktltr@earthlink.net
www.ferrarimarketletter.com
770-381-1993
770-381-0518 FAX

----- Original Message -----

From: Richard Vantine

To: ferrmktltr@earthlink.net

Sent: 11/12/2008 5:05:56 PM


Subject: 0799GT

Hello Mr. Roush,

I hope you are well. I have a few questions I would like to ask of you. Are you familiar with Mr. Michael Sheehan? Is he regarded as a Ferrari expert on the level with you and Mr. Massini? Does he have a good reputation? Also, you told me that Soprano and Rosen were subscribers to your publication. Does Mr. Hallingby subscribe to your publication? Has he in the past?

I thank you for your time and I look forward to hearing from you again soon.

Sincerely,
Richard

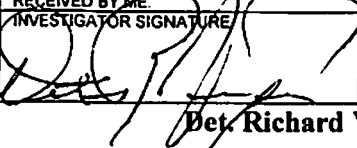
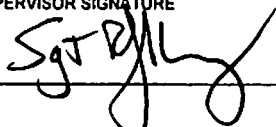
State of Connecticut Dept. of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1
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Action Taken: On February 7th, 2009, this Detective asked Sergeant Kline of the Western District Major Crime Squad to review the letter from "C & K Auto Imports" that confirms that they not only imported the Ferrari automobile bearing Vehicle Identification Number 0799GT into the United States for sale but the Ferrari automobiles bearing Vehicle Identification Numbers 1893GT and 2925GT. Those Ferrari automobiles were stolen in Spain at the same time as 0799GT. Sergeant Kline is knowledgeable in the practice of "statement analysis," that is analyzing the written and spoken words of individuals in order to detect deception.

Sergeant Kline highlighted certain words and phrases in the letter and then wrote an explanation detailing the reasons why he believes that the person who wrote the letter had "guilty knowledge" of the questionable background of the aforementioned vehicles.

Attached to this report is the version of the letter highlighted by Sergeant Kline and his written explanation.

This case remains Closed-Suspended.

CASE STATUS:		TYPE OF EXCEPTIONAL CLEARANCE:			
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
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INVESTIGATOR SIGNATURE 	INVESTIGATOR ID. 732	REPORT DATE 02-11-09	SUPERVISOR SIGNATURE 	SUPERVISOR ID. 185	APPROVAL DATE 02/13/2009

Det. Richard Van Tine

C & K AUTO IMPORTS, INC.

MERCEDES PORSCHE BMW JAGUAR FERRARI

SALES — LEASING

12/20/93

Leonia Police Department
Wood Park
Leonia, NJ 07605

Attn: Detective Grenner

Dear Detective Grenner:

UNRECORDED
This letter is to inform the Local Authorities that C & K Auto Imports, Inc., located at 118 Fort Lee Road, Leonia, NJ, are accepting delivery of (3) three automobiles coming from Antwerp-Belgium. The (3) automobiles are the following: 1.) 1960 Ferrari, 250 P.F., vin#1893 GT 2.) 1958 Ferrari, 250 G.T. vin#799 GT, 3.) 1961 Ferrari, 250 GTE, vin# 2925 GTE.

All (3) three vehicles are shipped to us, C & K Auto Imports, Inc., from Mr. Pedro Poiaras, resident of Lisbon, Portugal, holder of a Portugese Passport, No. 4362660. All (3) three vehicles are consigned to us, C & K Auto Imports, Inc., for sale in the United States.

UNRECORDED
To the best of our knowledge, Mr. Poiaras is acting as an agent/broker for the owner of the automobiles which is again to the best of our knowledge a Gibraltar Company named, "Clarksdale limited".

1/2 UNRECORDED
The automobiles are going to be displayed in our location. Due to the fact that all (3) three automobiles are very old and we do not know their history, we want to inform the Local Authorities that we are only acting as Brokers for the sale of those automobiles and we cannot guarantee 100% that the above described vehicles are free and clear of any and all liens or encumbrances.

P UNRECORDED
Due to the fact that all (3) three vehicles are very old, and that they all came from Europe, it is impossible to know that any of these vehicles might have had or might have now any liens or encumbrances. With that in mind we are letting the Authorities know that the vehicles are here at our location in the remote possibility that something might be wrong from the past history of the vehicles.

Again, to the best of our knowledge, these automobiles are free and clear at this time of any liens or encumbrances, and that they are not stolen.

Please keep this letter in your files.

Very truly yours,

[Signature]
C & K AUTO IMPORTS, INC.

Doron Sauer, President/Owner

118 FORT LEE ROAD • LEONIA, NEW JERSEY 07605

(201) 944-7830

FAX (201) 944-0278

SFC Lewis
Station Commander
CC: State Police Barracks
Fort Street
Newark, NJ 07114

Rich,

The letter was interesting to say the least!!!

There is clearly sensitivity surrounding the legitimacy of the vehicles. The writer is basically telling "the Authorities" that there is something wrong with the vehicles and he is not responsible for them. (Too many explainers- "Due to the fact..." and limiting knowledge phrases- "To the best of our knowledge...")


I think the most damaging paragraph for the writer is the 4th one. Notice the change in language from VEHICLES to AUTOMOBILES. Remember that a change in language is a change in reality. So what changed in reality to justify this? He also emphasizes his limited involvement by stating "...we are ONLY acting as..." (Mirror of the Mind) What is the mindset of someone who has no guilty knowledge and what is the mindset of someone who does? If you were simply writing a letter to the local authorities you would state "We are the brokers for the sale of the vehicles." When you have guilty knowledge and you don't want the authorities to know it you will try to convince them that your not involved in any criminal wrongdoing thus you get the limiting words such as ONLY.

In the same sentence he also refers to THOSE automobiles. This could represent a physical distance or an emotional distance. If he stated "THE VEHICLES" he would have been consistent with his prior references but he didn't. The change in language from vehicle to automobile, the limiting word "ONLY" and the distance in referencing the automobiles by using the word "THOSE" shows a cluster of sensitivity surrounding the history of the vehicles.

I'll show this to Wes and see if he picks anything else out.

Jim

Were the vehicles run through Customs, EPIC etc...?

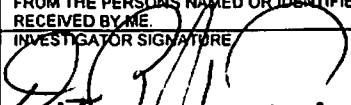

State of Connecticut Dept. of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input checked="" type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1

Action Taken: On February 5th, 2009 at 1330 hours, {all times approximate} this Detective received from Detective Catterson of the New Jersey State Police, summaries of the interviews with both Jeffrey Schwartz and Frank Triarsi. At that time, Mr. Triarsi produced a letter from "C & K Auto Imports, Inc." of Leonia, NJ. The letter, dated 12-20-93, states that they accepted 0799GT and two other Ferrari automobiles, specifically #1893 and #2925, for consignment for sale in the US from Mr. Pedro Poiars, a representative of a Gibraltar company named "Clarksdale Limited." Those two Ferrari Automobiles are the others that were stolen with 0799GT.

This Detective then contacted Ferrari expert Marcel Massini and requested photos of cars similar to the Ferrari automobiles bearing vehicle identification numbers 1893GT and 2925GT.

Mr. Massini complied and those photos are attached.

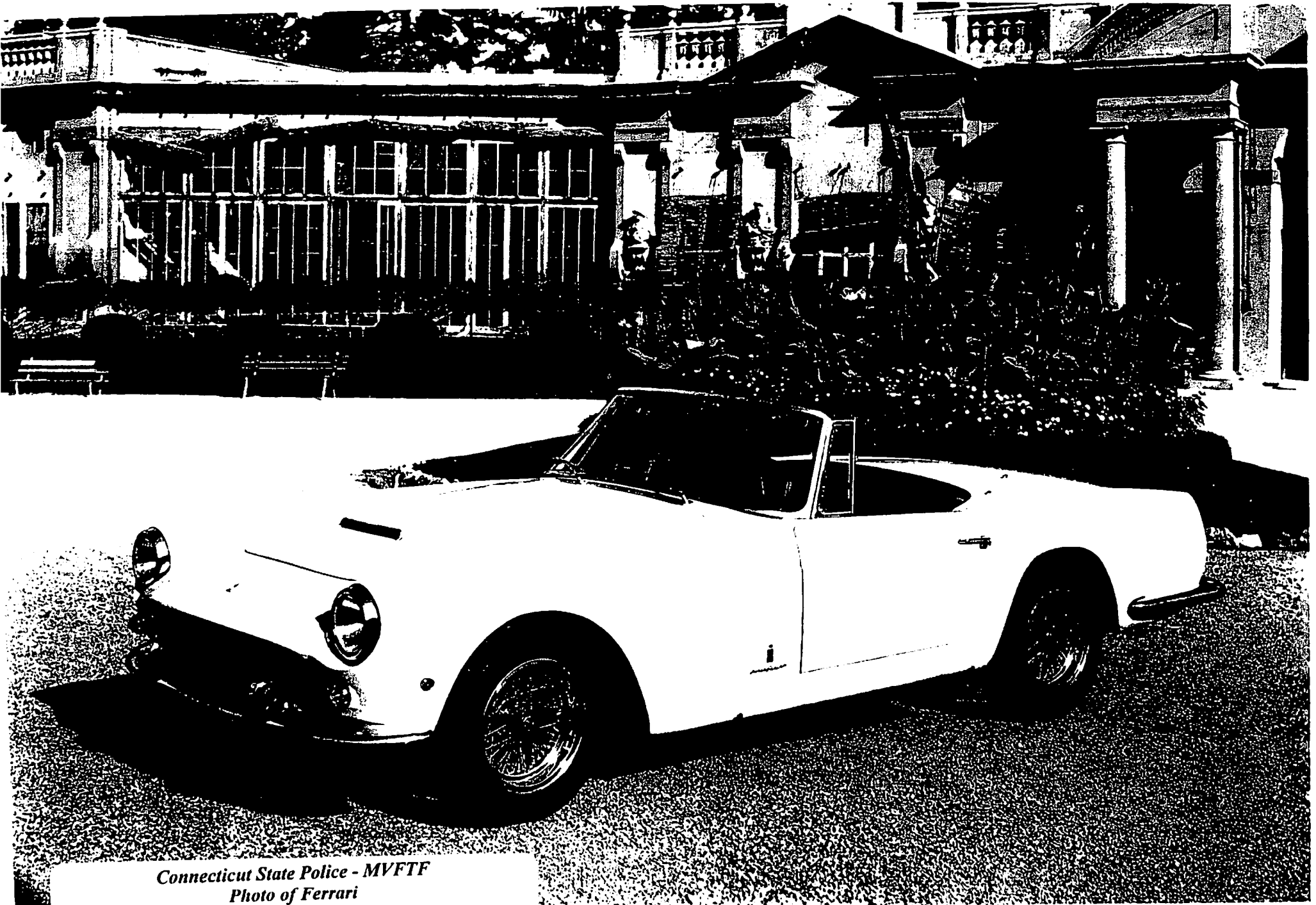
This case remains closed Suspended.

CASE STATUS:			TYPE OF EXCEPTIONAL CLEARANCE:		
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2-CLEARED ARREST	<input type="checkbox"/> 6-NO CRIMINAL ASPECT	<input type="checkbox"/> B-PROSECUTION DENIED	<input type="checkbox"/> E-JUVENILE-NO CUSTODY		
<input checked="" type="checkbox"/> 3-SUSPENDED	<input type="checkbox"/> F-FUGITIVE	<input type="checkbox"/> C-EXTRADITION DENIED			
THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE, OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.					
INVESTIGATOR SIGNATURE	INVESTIGATOR I.D.	REPORT DATE	SUPERVISOR SIGNATURE	SUPERVISOR I.D.	APPROVAL DATE
	732	02-19-09		155	03/11/2009

Det. Richard Van Tine



*Connecticut State Police - MVFTF
Photo of Ferrari
similar to one bearing VIN 1893*



*Connecticut State Police - MVFTF
Photo of Ferrari
similar to one bearing VIN 1893*




*Connecticut State Police - MVFTF
Photo of Ferrari
similar to one bearing VIN 2925*



*Connecticut State Police - MVFTF
Photo of Ferrari
similar to one bearing VIN 2925*



Connecticut State Police - MVFTF
Photo of Ferrari
Similar to one bearing VIN 2925

State of Connecticut Dept. of Public Safety Narrative Report 	REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1
	DPS-302-C (Revised 04/03)		

Action Taken: On February 10th, 2009, this Detective received via e-mail from Gerald Roush, the publisher of the "Ferrari Market Letter," a letter that he received from Deborah Drooz, an attorney representing Mr. Paul Hallingby. The letter claims that an advertisement published by Mr. Roush "falsely imputed unlawful conduct to Mr. Hallingby." The letter further states that Mr. Hallingby's representatives contacted Mr. Roush and provided him with "evidence that the imputation was false and defamatory."

The letter goes on to request a "toll" of the statute of limitations by Mr. Roush in order for Mr. Hallingby to resolve the defamation matter "amicably."

Located at the top of the letter was the e-mail address of Ms. Drooz.

This Detective sent an e-mail to Mr. Roush requesting the "evidence that the imputation was false and defamatory" that was sent by "Mr. Hallingby's representatives" to Mr. Roush regarding the advertisement.

This Detective then sent an e-mail to Ms. Drooz requesting any information she or Mr. Hallingby could provide to show that his purchase of the Ferrari was done in good faith and with no knowledge of its previous theft.

Ms. Drooz has not yet responded to this Detective.

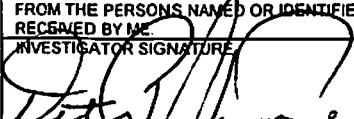
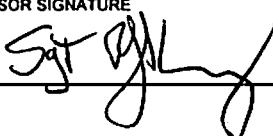
On February 11th, 2009, Mr. Roush e-mailed with his opinion of the letter. Mr. Roush stated that Mr. Hallingby was not mentioned by name in the letter. He also stated that only two people contacted him regarding the ad placed in his magazine: Scott Rosen and Nick Soprano. Mr. Roush stated that he would publish a retraction if either of the two could present evidence refuting the claim of the theft. According to Mr. Roush, nothing has yet been presented.

On February 12th, 2009, Mr. Roush forwarded an e-mail to this Detective from Mr. John Barnes, publisher of "Cavallino," a high end car magazine. Mr. Barnes also published an ad related to the theft of the Ferrari bearing vehicle identification number 0799GT and he too received a letter from the attorney of Mr. Hallingby. Mr. Roush forwarded Mr. Barnes' response to the letter.

On February 20th, 2009, Mr. Roush provided this Detective with his response to the letter.

Attached to this report are copies of the letters and related e-mails.

This case remains Closed-Suspended.

CASE STATUS:		TYPE OF EXCEPTIONAL CLEARANCE:			
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2-CLEARED ARREST	<input type="checkbox"/> 6-NO CRIMINAL ASPECT	<input type="checkbox"/> B-PROSECUTION DENIED	<input type="checkbox"/> E-JUVENILE-NO CUSTODY		
<input checked="" type="checkbox"/> 3-SUSPENDED	<input type="checkbox"/> F-FUGITIVE	<input type="checkbox"/> C-EXTRADITION DENIED			
<small>THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.</small>					
INVESTIGATOR SIGNATURE 	INVESTIGATOR I.D. 732	REPORT DATE 02-20-09	SUPERVISOR SIGNATURE 	SUPERVISOR I.D. 155	APPROVAL DATE 03/11/2009

Det. Richard Van Tine

STROOCK

Via Facsimile and Registered Mail

February 9, 2009

Deborah Drooz
Direct Dial 310-556-5867
Direct Fax 310-407-6367
ddrooz@stroock.com

Ferrari Market Letter
Roush Productions, Inc
P.O. Box 870709
Stone Mountain, GA 30087-0018

Attn: Gerald L. Roush, Editor and Publisher

Re: Paul Hallingby

Dear Mr. Roush

This office represents Paul "Barney" Hallingby. In or about March of 2008, the Ferrari Market Letter published an advertisement that falsely imputed unlawful conduct to Mr. Hallingby. As we understand it, Mr. Hallingby's representatives contacted you/your publication and provided you with evidence that the imputation was false and defamatory. Nevertheless, you failed to correct or retract the falsehood and indeed went on to publish the advertisement in two subsequent issues of the Letter. As you had reason to anticipate, the advertisement caused serious harm to Mr. Hallingby's reputation.

At this time, Mr. Hallingby has not yet determined whether to pursue his legal remedies against you. However, because the statute of limitations on his claims will run in the next few weeks, he may be constrained to file a defamation action in order to preserve his rights.

By this letter, we request that you agree to "toll" the statute of limitations by a period of 90 days. In that time, we hope to have an opportunity to resolve this matter amicably, thereby obviating the need for formal legal proceedings.

Attached hereto is a tolling agreement. Its sole effect is to postpone the time by which Mr. Hallingby must file his claim. Entering into this agreement does not constitute an admission of fault or liability on your part. Please return the executed agreement to the undersigned by Friday, February 13, 2009. If we do not hear from you by February 13th,

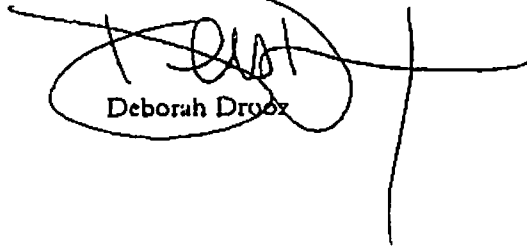
LA 3119565

Ferrari Market Letter
Roush Productions, Inc.
February 9, 2009
Page 2

we will assume that you do not intend to comply with this request and will proceed accordingly.

Naturally, if you have any questions, feel free to contact us.

Very truly yours,



Deborah Drooz

LA 5:19505

Richard Vantine

From: Ferrari Market Letter [fermktltr@earthlink.net]
Sent: Wednesday, February 11, 2009 10:03 AM
To: Richard Vantine
Subject: RE: 0799GT

Hello Richard,

There are several errors in the letter from Deborah Drooz of Stroock & Stroock & Lavan.

First is the fact that Mr. Hallingby is NOT mentioned by name in the notices placed in the Ferrari Market Letter by the attorneys from Switzerland. So I do not understand why he claims his reputation has been done "serious harm."

Secondly, no one ever contacted me claiming to be a representative of Mr. Hallingby. Only two people contacted with complaints about the notices. One was Scott Rosen, who contacted me after the notice first appeared. He made no claim to being a representative of Mr. Hallingby, stating that he essentially had no interest in the car (forgetting, I guess, that I knew he had owned the car in the past) but thought the ad was not in the best interest of the Ferrari world. The second person was Nick Soprano, with whom I had a confrontation in Italy in May 2008. While I knew Mr. Soprano was there with Mr. Hallingby, at no time did Mr. Soprano tell me he was acting on behalf of Mr. Hallingby. I made the offer to both Mr. Rosen and Mr. Soprano that if and when they provided me with any sort of proof that the notices published in the Ferrari Market Letter were false I would publish a retraction ON THE FRONT PAGE of the Ferrari Market Letter.

Thirdly, no "evidence that the imputation was false and defamatory" was ever provided by Mr. Hallingby, Mr. Rosen, Mr. Soprano or anyone else. Instead, as you know, Marcel Massini did provide both me and Mr. Soprano with documents from the Swiss attorneys validating their assertions.

I have no intention of signing the "Tolling Agreement" (I had never heard of such before Monday) which in effect gives Mr. Hallingby a further 90 days to decide whether or not to seek legal action against me. My attorney may be preparing a written response for Ms. Drooz, or he may decide that we should just ignore it.

What I don't understand is why Mr. Hallingby is using an attorney in Santa Monica, California!

Richard, I am not trying to tell you how to do your job, and I realize that the other parties involved in the various transactions that brought this car from Europe to Mr. Hallingby are outside your jurisdiction, but I sincerely hope they are being looked at seriously for possible violations.

Best Wishes,
Gerald
Roush Publications, Inc.
dba Ferrari Market Letter
fermktltr@earthlink.net
www.ferrarimarketletter.com

Richard Vantine

From: Ferrari Market Letter [ferrmktltr@earthlink.net]
Sent: Thursday, February 12, 2009 12:40 PM
To: Richard Vantine
Subject: 0799 GT

Hello Richard,

F.Y.I.

Ciao,
Gerald
Roush Publications, Inc.
dba Ferrari Market Letter
ferrmktltr@earthlink.net
www.ferrarimarketletter.com
770-381-1993
770-381-0518 FAX

----- Original Message -----

From: [cavallino magazine](#)
To: [Gerald Roush](#); [gerald roush](#)
Sent: 2/12/2009 12:11:35 PM
Subject:

Gerald Hello,
Received a letter from Paul Hallingby's lawyer, claiming all kinds of client distress, etc. over the ad for 0799. Can't scan it to send you, so a copy is coming to you by mail, with my answer.

Regards, John

John W. Barnes, Jr.
President
Cavallino Magazine
Cavallino Classic

STROOCK

Via Facsimile and Registered Mail

February 9, 2009

Deborah Drouz
Direct Dial 310-556-5867
Direct Fax 310-407-6367
ddrouz@stroock.com

Cavallino
Cavallino, Inc.
P O Box 810819
Boca Raton, FL 33481-0819

Attn: John W. Barnes, Jr., Publisher
Keith Bluemel, Editor
Erik Rasmussen, Advertising Services Director

Re: Paul Hallingby

Gentlemen:

This office represents Paul "Barney" Hallingby. In or about March of 2008, Cavallino published an advertisement that falsely imputed unlawful conduct to Mr. Hallingby. As we understand it, Mr. Hallingby's representatives contacted you/your publication and provided you with evidence that the imputation was false and defamatory. Nevertheless, you failed to correct or retract the falsehood. As you had reason to anticipate, the advertisement caused serious harm to Mr. Hallingby's reputation.

At this time, Mr. Hallingby has not yet determined whether to pursue his legal remedies against you. However, because the statute of limitations on his claims will run in the next few weeks, he may be constrained to file a defamation action in order to preserve his rights.

By this letter, we request that you agree to "roll" the statute of limitations by a period of 90 days. In that time, we hope to have an opportunity to resolve this matter amicably, thereby obviating the need for formal legal proceedings.

Attached hereto is a tolling agreement. Its sole effect is to postpone the time by which Mr. Hallingby must file his claim. Entering into this agreement does not constitute an admission of fault or liability on your part. Please return the executed agreement to the

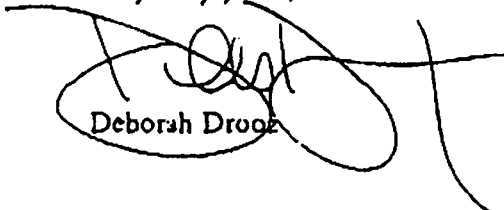
LA 51119672

Cavallino
Cavallino, Inc.
February 9, 2009
Page 2

undersigned by Friday, February 13, 2009. If we do not hear from you by February 13th, we will assume that you do not intend to comply with this request and will proceed accordingly.

Naturally, if you have any questions, feel free to contact us.

Very truly yours,



Deborah Drooz

LA 51119672

CAVALLINO

THE JOURNAL OF FERRARI HISTORY
P.O. BOX 810819 • BOCA RATON, FL 33481-0819
PHONE: 561-994-1345 • FAX: 561-994-9473

February 11, 2009

Deborah Drooz
Strook & Strook & Lavan LLP
2029 Century Park East, Suite 1600
Los Angeles, CA 90067

Dear Deborah Drooz:

Thank you for your faxed letter of February 9, 2009 in the matter of Paul Hallingby.

Please allow me to concentrate on your first paragraph, which has quite a few errors. In the ad, there is no reference to Mr. Hallingby. Also, there is no imputation that Mr. Hallingby was guilty of any unlawful conduct. The ad simply asked the whereabouts of the 250 GT Ferrari, s/n 0799 GT, which had been reported stolen at an earlier date. Mr. Hallingby, as it turns out, is simply the owner of the vehicle at this particular time.

After the ad was published, I received a call from Mr. Scott Rosen, a previous owner of the car in the USA. He gave me his version of the story, which was that the car was not stolen, but was simply the subject of a financial dispute between the two original co-owners in Europe. However, he offered no evidence.

I then received a call from Mr. Nicholas Soprano of Competition and Sports Cars in White Plains, NY, who has no involvement with the history of the car that I know of but was calling on behalf of his friend Mr. Hallingby. He repeated the same story as told by Mr. Rosen above, but again no evidence was offered or forthcoming. He suggested that I publish a retraction, which I resisted and which is explained below. Since I have known Mr. Soprano for over 30 years, I offered a compromise – if he or someone else would send me a “Letter to the Editor” with the other version of the story, I would publish it. No letter has been forthcoming.

Regarding a retraction: When we received the enquiry from a Swiss lawyer about placing an ad for the whereabouts of s/n 0799 GT, I contacted Mr. Marcel Massini of Switzerland. He is a recognized worldwide Ferrari authority and keeps detailed records of the history of all the early Ferraris. I asked him if the car was ever reported stolen and he came back to me in writing that yes, it was reported stolen in Spain in 1992. This is also on his detailed history of the car, which Mr. Massini also provided me.

Page 1...

CAVALLINO

THE JOURNAL OF FERRARI HISTORY
P.O. BOX 810819 • BOCA RATON, FL 33481-0819
PHONE: 561-994-1345 • FAX: 561-994-9473

Page 2...

I had performed my due diligence and so the ad was published.

If I can be of any other help in this matter, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'John W. Barnes, Jr.', with a long horizontal flourish extending to the right.

John W. Barnes, Jr.
Publisher

CC: Mr. Dan Brede, Esq.
Mr. Paul Hallingby

LAW OFFICE

DEMING, PARKER, HOFFMAN, CAMPBELL & DALY

A LIMITED LIABILITY COMPANY

4851 JIMMY CARTER BOULEVARD
NORCROSS, GEORGIA 30093
TELEPHONE (770) 564-2600
FACSIMILE (770) 564-2267
EMAIL Mail@Deminglaw.com

MICHAEL D. DEMING, P.C.
FRANKLIN E. PARKER, P.C.
RICHARD A. CAMPBELL, P.C.
PAUL M. HOFFMAN, P.C.
CHRISTOPHER W. T. DALY, P.C.

KEVIN T. ALMEROTH
ROBERT A. LEONARD
JOAN S. PEPE
IRENATA S. DUNCAN
DENISE J. DAVIS
J. BENJAMIN STEWART
DAVID M. LEWIS
HERMAN R. TUNSEL
KYAN D. GOLDBSTEIN
MATTHEW P. GOODMAN
QUENTIN C. JONES
RUSSELL J. PARKER
FRANK G. CARDILLO
ROBERT D. MURPHY
GRAHAM GILMER MCMURRAY
LARA E. SMITH
KARLA A. MANNERS
CHRISTOPHER O. STANTON
JAS I. SHIM
MICHAEL J. STINSON
KATRINA Y. WILSON

FRANK Y. PAPE, JR.
STEPHEN L. STINGER
KIMBERLY K. TRIMETT
CHARLES O. LEE
NATHAN M. KESTER
EDWARD A. MEDLIN
MARCUS A. ROBERTS
STEPHAN B. CALDWELL
ANTRA G. CRUMP
PAMELA C. RICHARDSON
JULIE A. DOMINACK
BOBBY D. ARMES, JR.
JOEL N. KANO
SHEREE M. EDWARDS
DONNA ZUPPA
GINGER L. WILLS

OF COUNSEL
RICHARD K. VALLEDELLI
LAWRENCE DELAN
KEITH A. CARNESALE
CHRIS FLYNN
DAVID C. COLE, P.C.
WILLIAM R. PIKE
RYAN P. BEAVIS, LLC
BEVERLY R. ADAMS, LLC
CURT B. THOMPSON

February 19, 2009

Deborah Drooz
Stroock & Stroock & Lavan, LLP
2029 Century Park East
Los Angeles, California 90067

**RE: Tolling Agreement
Our Client: Roush Publications, Inc. d/b/a/ Ferrari Market Letter
Our File No. 855630**

Dear Ms. Drooz:

I am writing on behalf of Roush Publications, Inc. d/b/a Ferrari Market Letter (hereinafter "Roush Publications") which is in receipt of your letter dated February 9, 2009 along with a proposed tolling agreement (hereinafter the "Agreement") in regard to your client Mr. Paul Hallingby's putative defamation claim against Roush Publications. After due consideration, Roush Publications decided not to execute the Agreement.

At this point, Roush Publications strongly disputes your claim of alleged defamation to your client, because not only was Mr. Hallingby's name never referenced in the advertisement at issue, but also Roush Publications was provided with several pieces of information that helped to form a good faith and reasonable belief at the time of the publication of the advertisement that the Ferrari at issue indeed had been stolen. On that note, please be advised that Roush Publications has been in communication with the Connecticut State Police Department which has impounded the Ferrari for the investigation of the transgression. If you request, Roush Publications would gladly share the information regarding the purported stealing of the Ferrari from numerous sources with your client.


On the contrary, your letter is the only effort Mr. Hallingby has ever made to seek renunciation of the advertisement, and in doing so, he still fails to provide any supporting documentation to prove that he actually had a good and marketable title to the Ferrari. Accordingly, please be advised that Roush Publications will not consider retracting the advertisement, much less executing the Agreement, until your client can convince Roush Publications of his false imputation with sufficient substantiation.

Despite the foregoing reasons, should your client determine to pursue this frivolous claim in court, please rest assured that Roush Publications is prepared to defend the value and integrity of its business by utilizing all available legal options to the fullest extent including seeking attorney's fees and expenses of litigation from your client. Roush Publications is confident that it will prevail in any legal action your client may consider regarding this matter.

Sincerely,

Jae I. Shim, Esq.

cc: Roush Publications, Inc.

State of Connecticut Dept. of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1

Action Taken: On January 16th, 2009, this Detective received an e-mail from Oliver Weber, the attorney representing the victim in this case, Dr. Andreas Gerber. In the e-mail, Mr. Weber states that Dr. Gerber was offered \$20,000.00 by Mr. Scott Rosen to surrender his rights to the Ferrari bearing vehicle identification number 0799GT. According to Mr. Weber, the offer was made through Ferrari expert Marcel Massini.

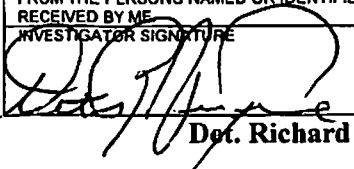
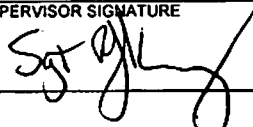
On January 29th, 2009, this Detective e-mailed Mr. Massini and asked him if the aforementioned offer did in fact occur.

On February 1st, 2009, Mr. Massini replied via e-mail confirming that the \$20,000.00 offer did occur.

On February 17th, 2009, Mr. Massini again e-mailed this Detective to state that he found a note that he made confirming that he contacted Mr. Rosen at his business of "National Wholesale Liquidators" with number 516-489-3300 on November 16th, 2000. The fax number for Mr. Rosen's business was written as 516-489-4193.

Attached to this report are the aforementioned e-mails.

This case remains closed Suspended.

CASE STATUS:		TYPE OF EXCEPTIONAL CLEARANCE:			
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2-CLEARED ARREST	<input type="checkbox"/> 6-NO CRIMINAL ASPECT	<input type="checkbox"/> B-PROSECUTION DENIED	<input type="checkbox"/> E-JUVENILE-NO CUSTODY		
<input checked="" type="checkbox"/> 3-SUSPENDED	<input type="checkbox"/> F-FUGITIVE	<input type="checkbox"/> C-EXTRADITION DENIED			
THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.					
INVESTIGATOR SIGNATURE	INVESTIGATOR I.D.	REPORT DATE	SUPERVISOR SIGNATURE	SUPERVISOR I.D.	APPROVAL DATE
	732	02-20-09		155	03/11/2009

Det. Richard Van Tine

Richard Vantine

From: Marcel Massini [marcel@massini.cc]
Sent: Sunday, February 01, 2009 9:53 AM
To: 'Richard Vantine'
Subject: AW: 0799GT

Dear Mr. Vantine

Sorry for the delay in reply, I have been travelling these past few days.

Yes, I do remember that about 9 years ago (in 2000) Mr Rosen made an offer (most probably by telephone, to me) of US\$ 20'000 if Mr. Gerber would then give up his rights to the Ferrari. I then forwarded that offer to Mr. Andreas Gerber but he was not interested as the amount offered was way too small. There was no further communication with Mr. Rosen. I can also confirm that I have never met Mr. Rosen personally and I highly doubt that I ever saw him at any of the meetings I attended during my many trips to USA in the past 30 years.

Kind regards

Marcel Massini

MASSINI AG
In der Hoeh 12
CH-8604 Volketswil (ZH)
Switzerland

Phone +41 43 399 59 06
Fax +41 43 399 59 07
Mobile +41 79 356 22 92
E-Mail marcel@massini.cc

=====
This message and any attachment are strictly confidential. If you are not the intended recipient, please telephone or email the sender and delete the message and any attachment from your system. You must not copy this message or attachment or disclose the contents to any other person.
=====

Von: Richard Vantine [mailto:MVTF4@PO.STATE.CT.US]
Gesendet: Donnerstag, 29. Januar 2009 23:23
An: 'Marcel Massini'
Betreff: 0799GT

Hello Mr. Massini,
I hope all is well with you. I was very interested to read the article on Mr. Hallingby's 250LM. He seems to know so much about the history of that car, in fact all his cars, except 0799GT! The reason I write today is that I received an email from Attorney Weber and he stated the following:
"I think it is interesting for you to know that Mr. Scott Rosen offered an amount of USD 20'000.00 to my client as compensation in the year 2000. My client refused to accept this offer. Mr. Scott Rosen made this offer to Ferrari Expert Marcel Massini by phone or fax for the attention of my client (I think Mr. Massini doesn't know Mr. Scott Rosen personally)."
I believe the offer was for Dr. Gerber's silence on the matter of 0799GT. Is attorney Weber correct in his recollection of circumstances surrounding that offer?
Please respond at your earliest convenience.
With best regards,
Richard.

Richard Vantine

From: Marcel Massini [marcel@massini.cc]
Sent: Tuesday, February 17, 2009 12:27 PM
To: 'DPS,MVTF4'
Subject: Stolen Ferrari 0799 GT

Dear Mr Vantine

I just looked through my old files again and found a handwritten note that I did telephone with Scott Rosen and a/his company named "National Liquidators" on telephone phone number 516-489-3300 on the 16th November 2000. During this telephone conversation Rosen offered US Dollars \$ 20'000 to me (for Dr. Gerber, of course).

My best regards

Marcel Massini

MASSINI AG
In der Hoeh 12
CH-8604 Volketswil (ZH)
Switzerland

Phone +41 43 399 59 06
Fax +41 43 399 59 07
Mobile +41 79 356 22 92
E-Mail marcel@massini.cc

=====
This message and any attachment are strictly confidential. If you are not the intended recipient, please telephone or email the sender and delete the message and any attachment from your system. You must not copy this message or attachment or disclose the contents to any other person.
=====

Richard Vantine

From: Marcel Massini [marcel@massini.cc]
Sent: Wednesday, February 18, 2009 9:17 AM
To: 'Richard Vantine'
Subject: AW: Stolen Ferrari 0799 GT

Dear Mr. Vantine

My handwritten note contains just the following:

"Scott Rosen, National Liquidators, 516-489-3300 tel, 516-489-4193 fax"

One day after the telephone call I sent a fax to Dr. Andreas Gerber (on the 17th November 2000) and informed him about the telephone offer of Rosen to pay Gerber US\$ 20'000, IF Gerber has no further claims for the past and the future. Rosen mentioned on the phone he would issue such an agreement (in English) and then send to me. I never received that draft, however. I actually never received anything in writing from Rosen.

My best regards

Marcel Massini


MASSINI AG
In der Hoeh 12
CH-8604 Volketswil (ZH)
Switzerland

Phone +41 43 399 59 06
Fax +41 43 399 59 07
Mobile +41 79 356 22 92
E-Mail marcel@massini.cc

=====
This message and any attachment are strictly confidential. If you are not the intended recipient, please telephone or email the sender and delete the message and any attachment from your system. You must not copy this message or attachment or disclose the contents to any other person.
=====

Von: Richard Vantine [mailto:MVTF4@PO.STATE.CT.US]
Gesendet: Dienstag, 17. Februar 2009 18:34
An: 'Marcel Massini'
Betreff: RE: Stolen Ferrari 0799 GT

Dear Mr. Massini,
The note would prove useful to this investigation. Would you be willing to send it to me? Let me know when you can.
Thank you,
Richard.

State of Connecticut Department of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE:	ATTACHMENTS:	DPS INCIDENT #:	
		<input type="checkbox"/> INITIAL	<input type="checkbox"/> ASSIST	<input type="checkbox"/> STATEMENTS	0900088887
		<input checked="" type="checkbox"/> SUPPL.	<input type="checkbox"/> RE-OPEN	<input type="checkbox"/> PHOTOS	
		<input type="checkbox"/> RE-OPEN	<input type="checkbox"/> CLOSING	<input type="checkbox"/> SKETCH MAP	
<input checked="" type="checkbox"/> CLOSING	<input type="checkbox"/> EVIDENCE	<input type="checkbox"/> TELETYPE			
			<input type="checkbox"/> OTHER	Page 1 of 2	


ACTION TAKEN: As part of an on-going investigation involving a 1958 Ferrari that was stolen in Spain, it was determined that 2 additional Stolen Ferrari's were also imported into the United States in 1993 with the Stolen 1958 Ferrari. The other Stolen Ferrari's included a 1961 Ferrari 250GT with a VIN of 2925. The existence of these Ferrari's came to light after a copy of a Receipt / Letter from C&K Auto Imports from Leonia, New Jersey, dated 12/20/1993 was obtained from Onofrio "Frank" TRIARSI of Classic Coach Repair in Elizabeth, New Jersey. The receipt copy was given to Detective Bryan CATTERSON of the New Jersey State Police - Auto Squad during an interview relative to the Stolen 1958 Ferrari of the CSP investigation. The letter included the VIN's and descriptions of the three (3) Ferrari's. They include the 1961 Ferrari with VIN 2925. The three (3) Ferrari's and their VIN's listed in the C&K Letter were all found to have been reported Stolen together from Spain around 1993. Detective Van Tine has requested confirmation through INTERPOL relative to the active theft reports for the 1961 Ferrari with the VIN of 2925.


From experience, it has been found that the New Jersey DMV would routinely assign VIN's to older vintage vehicles with short numerical VIN's to avoid any duplication. This VIN's would include the first 3 letters of the manufacturers name (FER for Ferrari), then the original manufacturers VIN (in this case 2925) and then add the vehicle year at the end (61 for 1961 model year). The VIN was actually 2925, it could have been read as 2925GT. Based on experience, the VIN could have been modified by NJDMV to FER292561 or FER2925GT61.

On 02/13/2009, this Sergeant sent an e-mail request to Inspector Daniel PILLA of the New Jersey DMV requesting a Title History check on the two known Ferrari's with any combination that might have been used for their VIN's as listed above to determine if they had ever been registered or titled in New Jersey.

On 02/17/2009, Inspector PILLA contacted this Sergeant with information about the two (2) Ferrari's that I had requested to be researched. New Jersey DMV records included a 1961 Ferrari with a VIN of FER292565. The DMV records included information that the vehicle was originally Titled to Classic coach Repair in Elizabeth, NJ on 11/09/1994. Classic Coach Repair is the Business that originally Titled the 1958 Ferrari of the original CSP investigation. The second Suspect Ferrari was also found to be Titled to Classic Coach on the same date as FER292565. It is suspected that the 1961 Ferrari 250GT with VIN 2925 is the same Ferrari titled with the VIN of FER292565 with an error in the VIN showing the year as 1965, not 1961. (Note, there was no Ferrari manufactured in 1965 with the VIN of 2925.)

New Jersey DMV records also showed that the last known Title holder for the 1961 Ferrari with the VIN of FER292565 was Premier Financial Services LLC of 47 Sherman Hill Road in Woodbury, Connecticut as of 02/29/2000.

CASE STATUS		TYPE OF EXCEPTIONAL CLEARANCE			
<input type="checkbox"/> 1 ACTIVE	<input type="checkbox"/> 4 EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A OFFENDER DECEASED	<input type="checkbox"/> D VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2 CLEARED BY ARREST	<input type="checkbox"/> 6 NO CRIMINAL ASPECT	<input type="checkbox"/> B PROSECUTION DECLINED	<input type="checkbox"/> E JUVENILE-NO CUSTODY		
<input checked="" type="checkbox"/> 3 SUSPENDED	<input type="checkbox"/> F FUGITIVE	<input type="checkbox"/> C EXTRADITION DENIED			
THE UNDERSIGNED, AN INVESTIGATOR HAVING BEEN DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATION AND KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSON OR PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.					
INVESTIGATOR SIGNATURE: 	INVESTIGATOR I.D. #: 155	REPORT DATE: 02/20/2009	SUPERVISOR SIGNATURE:	SUPERVISOR I.D.#:	APPROVAL DATE:

State of Connecticut Department of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE:	<input type="checkbox"/> INITIAL	<input type="checkbox"/> ASSIST	ATTACHMENTS:	<input type="checkbox"/> STATEMENTS	<input type="checkbox"/> TELETYPE	DPS INCIDENT #:
		<input checked="" type="checkbox"/> SUPPL.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> PHOTOS	<input type="checkbox"/> OTHER	0900088887	
		<input type="checkbox"/> RE-OPEN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> SKETCH MAP			
		<input checked="" type="checkbox"/> CLOSING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> EVIDENCE			
							Page 1 of 2	


ACTION TAKEN: (Continued): On 02/18/2009, this Sergeant contacted the Premier Financial Services LLC of 51 Sherman Hill Road in Woodbury, CT. at telephone # 203-267-7700. I spoke with Melissa MCCARTHY and requested any information regarding the 1961 Ferrari with the VIN of FER292565. She reported that their involvement with the vehicle was a financial lease, and that the vehicle was sold to the lessee in August of 2003. The Lessee is listed as Classic coach of Elizabeth, NJ. A request for copies of all documents relative to the 1961 Ferrari with the VIN of FER292565 was made via FAX with a Letter of Request and E-mail to Ms. MCCARTHY at Premier Financial. Arrangements were made to pick-up copies of the documents relating to the 1961 Ferrari with the VIN of FER292565 from Premier Financial Service in Woodbury on 02/19/2009. This Sergeant went to Premier Financial on 02/19/2009 at approx. 1745 and met with Melissa McCarthy and obtained copies of the documents.


A review of the documents found that they included a copy of a New Jersey State DMV Title for the Ferrari with the VIN of FER292565 in the name of Classic Coach Repair of Elizabeth, NJ, dated 11/09/1994. That is the same date of the NJ Title for the second suspected Stolen Ferrari from Spain. It is also 2 weeks prior to the date on the NJ DMV Title for the Stolen 1958 Ferrari that was seized in Connecticut.

Based on the Paperwork from Premier Financial, the C&K Import Report and the New Jersey DMV Title History, it is believed that the 1961 Ferrari with the True VIN of 2925 is the same vehicle titled in New Jersey and last known to be in the possession of Onofrio "Frank" TRIARSI at Classic Coach Repair in Elizabeth, New Jersey.

This investigation is continuing by Detective Van Tine.

This case is closed in a suspended status. Refer to the reports of Detective Van. No further investigation is contemplated by this Sergeant at this time.

CASE STATUS <input type="checkbox"/> 1 ACTIVE <input type="checkbox"/> 2 CLEARED BY ARREST <input checked="" type="checkbox"/> 3 SUSPENDED <input type="checkbox"/> 4 EXCEPTIONAL CLEARANCE <input type="checkbox"/> 6 NO CRIMINAL ASPECT <input type="checkbox"/> F FUGITIVE		TYPE OF EXCEPTIONAL CLEARANCE <input type="checkbox"/> A OFFENDER DECEASED <input type="checkbox"/> B PROSECUTION DECLINED <input type="checkbox"/> C EXTRADITION DENIED <input type="checkbox"/> D VICTIM UNCOOPERATIVE <input type="checkbox"/> E JUVENILE-NO CUSTODY	
THE UNDERSIGNED, AN INVESTIGATOR HAVING BEEN DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATION AND KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSON OR PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.			
INVESTIGATOR SIGNATURE 	INVESTIGATOR I.D. # 155	REPORT DATE: 02/20/2009	SUPERVISOR SIGNATURE: _____ SUPERVISOR I.D.#: _____ APPROVAL DATE: _____

State of Connecticut Department of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL	<input type="checkbox"/> ASSIST	ATTACHMENTS: <input type="checkbox"/> STATEMENTS	<input type="checkbox"/> TELETYPE	DPS INCIDENT #: 0900088886 Page 1 of 3
		<input checked="" type="checkbox"/> SUPPL. <input type="checkbox"/> RE-OPEN <input checked="" type="checkbox"/> CLOSING		<input type="checkbox"/> PHOTOS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE	<input type="checkbox"/> OTHER	


ACTION TAKEN: As part of an on-going investigation involving a 1958 Ferrari that was stolen in Spain, it was determined that 2 additional Stolen Ferrari's were also imported into the United States in 1993 with the Stolen 1958 Ferrari. The other Stolen Ferrari's included a 1960 Ferrari 250GT Pininfarina Cabriolet Convertible with a VIN of 1893. The existence of these Ferrari's came to light after a copy of a Receipt / Letter from C&K Auto Imports from Leonia, New Jersey, dated 12/20/1993 was obtained from Onofrio "Frank" TRIARSI of Classic Coach Repair in Elizabeth, New Jersey. The receipt copy was given to Detective Bryan CATTERSON of the New Jersey State Police - Auto Squad during an interview relative to the Stolen 1958 Ferrari of the CSP investigation. The letter included the VIN's and descriptions of the three (3) Ferrari's. They include the 1960 Ferrari with VIN 1893. The three (3) Ferrari's and their VIN's listed in the C&K Letter were all found to have been reported Stolen together from Spain around 1993. Detective Van Tine has requested confirmation through INTERPOL relative to the active theft reports for the 1960 Ferrari with the VIN of 1893.


From experience, it has been found that the New Jersey DMV would routinely assign VIN's to older vintage vehicles with short numerical VIN's to avoid any duplication. This VIN's would include the first 3 letters of the manufacturers name (FER for Ferrari), then the original manufacturers VIN (in this case 1893) and then add the vehicle year at the end (60 for 1960 model year). The VIN was actually 1893, but it could have been read as 1893GT. Based on experience, the VIN could have been modified by NJDMV to FER189360 or FER1893GT60.

On 02/13/2009, this Sergeant sent an e-mail request to Inspector Daniel PILLA of the New Jersey DMV requesting a Title History check on the two known Ferrari's with any combination that might have been used for their VIN's as listed above to determine if they had ever been registered or titled in New Jersey.

On 02/17/2009, Inspector PILLA contacted this Sergeant with information about the two (2) Ferrari's that I had requested to be researched. New Jersey DMV records included a 1960 Ferrari with a VIN of FER189360. The DMV records included information that the vehicle was originally Titled to Classic coach Repair in Elizabeth, NJ on 11/09/1994. Classic Coach Repair is the Business that originally Titled the 1958 Ferrari of the original CSP investigation. The second Suspect Ferrari was also found to be Titled to Classic Coach on the same date as FER189360. It is suspected that the 1960 Ferrari 250GT with VIN 1893 is the same Ferrari titled with the VIN of FER189360 in New Jersey.

New Jersey DMV records also showed that the last known Title holder for the 1960 Ferrari with the VIN of FER189360 was Classic Coach Repair of 1007 Elmora Avenue in Elizabeth, New Jersey 07202 as of 11/09/1994 with 35,078 miles. The Ferrari was issued New Jersey Title# EL943130390.

CASE STATUS <input type="checkbox"/> 1 ACTIVE <input type="checkbox"/> 2 CLEARED BY ARREST <input checked="" type="checkbox"/> 3 SUSPENDED <input type="checkbox"/> 4 EXCEPTIONAL CLEARANCE <input type="checkbox"/> 6 NO CRIMINAL ASPECT <input type="checkbox"/> F FUGITIVE		TYPE OF EXCEPTIONAL CLEARANCE <input type="checkbox"/> A OFFENDER DECEASED <input type="checkbox"/> B PROSECUTION DECLINED <input type="checkbox"/> C EXTRADITION DENIED <input type="checkbox"/> D VICTIM UNCOOPERATIVE <input type="checkbox"/> E JUVENILE-NO CUSTODY	
THE UNDERSIGNED, AN INVESTIGATOR HAVING BEEN DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATION AND KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSON OR PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.			
INVESTIGATOR SIGNATURE:  Sergeant Robert J. KENNEY	INVESTIGATOR I.D.: 155	REPORT DATE: 03/11/2009	SUPERVISOR SIGNATURE: SUPERVISOR I.D.#: APPROVAL DATE:

State of Connecticut Department of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> SUPPL. <input type="checkbox"/> RE-OPEN <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> TELETYPE <input type="checkbox"/> PHOTOS <input type="checkbox"/> OTHER <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE	DPS INCIDENT #: 0900088886 Page 1 of 3

ACTION TAKEN: (Continued): On 02/13/2009, this Sergeant attempted to locate the 1960 Ferrari 250GT through the NLETS system running all combinations of the possible VIN through all 50 States. The possible VIN's that could have been used to register the Ferrari were run included; FER189360, FER1893GT60, 1893 and 1893GT. There was no record of the VIN FER189360, FER1893GT60 or 1893 located in any States.

The VIN of 1893GT was located as a currently registered vehicle in the State of California. The vehicle was listed as a 1960 Ferrari Convertible with the VIN of 1893GT indicating an original Registration date of 07/02/1998. The vehicle is registered to a Christopher M. JAMES of One market Place, Steuart Tower, 22nd Floor, San Francisco, California 94103 with California Registration Plate# 4BHH636.

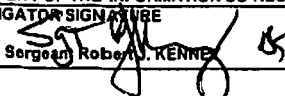
On 02/13/2009, this Sergeant contacted Lieutenant Chris COSTIGAN from the California Highway Patrol, Auto Theft Division. I requested a California State DMV Title history for the 1960 Ferrari with VIN 1893GT. Lt. COSTIGAN stated that it would take at least 10 days for a certified copy to be obtained, and that he would contact me when he had the certified Copy in his possession from the California DMV.


On 03/02/2009, this Sergeant was contacted by Lt. COSTIGAN and advised that the Certified copies of the California Title History for the 1960 Ferrari had been obtained. Lt. COSTIGAN inquired where I wanted the Title history to be sent. I gave him my work address in Connecticut and requested a copy only of the documents. I explained to Lt. COSTIGAN that we believed that the Ferrari may be a Stolen vehicle that had been reported stolen from Spain in 1993. I advised Lt. COSTIGAN that when our background investigation was complete, it would be forwarded to him to further action relative to the seizure and recovery of the Stolen 1960 Ferrari in San Francisco, California. COSTIGAN agreed to maintain the original Certified Title History for their follow-up investigation when we contact him in the future.

On 03/10/2009, the copies of the California Title History for the 1960 Ferrari with VIN 1893GT were received by this Sergeant.

A review of the California DMV Title History documents found that they included a copy of a New Jersey State DMV Title for the Ferrari with the VIN of FER189360 in the name of Classic Coach Repair of Elizabeth, NJ, dated 11/09/1994. That is the same date of the NJ Title for the second suspected Stolen Ferrari from Spain. It is also 2 weeks prior to the date on the NJ DMV Title for the Stolen 1958 Ferrari that was seized in Connecticut.

A complete review of the California Registration Application, California Vehicle Registrations, Vehicle Inspection forms including application for an Assigned Vehicle Identification Number Plate and a Verification of Vehicle Form as well as Bills of Sale found the following information.

CASE STATUS		TYPE OF EXCEPTIONAL CLEARANCE			
<input type="checkbox"/> 1 ACTIVE	<input type="checkbox"/> 4 EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A OFFENDER DECEASED	<input type="checkbox"/> D VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2 CLEARED BY ARREST	<input type="checkbox"/> 6 NO CRIMINAL ASPECT	<input type="checkbox"/> B PROSECUTION DECLINED	<input type="checkbox"/> E JUVENILE-NO CUSTODY		
<input checked="" type="checkbox"/> 3 SUSPENDED	<input type="checkbox"/> F FUGITIVE	<input type="checkbox"/> C EXTRADITION DENIED			
THE UNDERSIGNED, AN INVESTIGATOR HAVING BEEN DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATION AND KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSON OR PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.					
INVESTIGATOR SIGNATURE 	INVESTIGATOR I.D. #: 155	REPORT DATE: 03/11/2009	SUPERVISOR SIGNATURE:	SUPERVISOR I.D.#:	APPROVAL DATE:

State of Connecticut Department of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL	<input type="checkbox"/> ASSIST	ATTACHMENTS: <input type="checkbox"/> STATEMENTS	<input type="checkbox"/> TELETYPE <input type="checkbox"/> OTHER	DPS INCIDENT #: 0900088886
		<input checked="" type="checkbox"/> SUPPL. <input type="checkbox"/> RE-OPEN <input checked="" type="checkbox"/> CLOSING		<input type="checkbox"/> PHOTOS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE		Page 3 of 3

ACTION TAKEN: (Continued): On 05/27/1997, Christopher JAMES purchased the 1960 Ferrari with the VIN listed as FER189360 from Onofrio TRIARSI of Classic Coach Repair from Elizabeth, New Jersey for \$150,000.00 with 60,048 miles. (This is noted on the New Jersey Title for the 1960 Ferrari with the VIN listed as FER189360 with New Jersey Title Number EL943130390, as well as a California DMV Bill of Sale form.)

On 07/25/1997, Christopher JAMES made an application to the California DMV to register the Ferrari with the VIN listed as 1893GT. On his application, JAMES reported that purchased the Ferrari on 05/27/1997 for \$150,000.00 from New Jersey. It was further noted that the Ferrari entered California on 07/08/1997 and was first driven in California on 07/24/1997 and that the current mileage was 60,500.

On 07/25/1997, the California DMV inspected the Ferrari and reported the mileage as 60,551 for the 1960 Ferrari Pinifarina Convertible with VIN 1893GT.

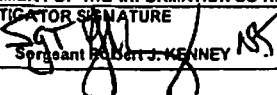
A review of the California Title History documents found a California State DMV form; "Bill of Sale" apparently completed by Christopher JAMES and Onofrio TRIARSI showing the Sale date of 05/27/1997 from Classic Coach to JAMES for \$150,000.00 and was dated as signed by TRIARSI on 01/20/1998.

There was a California DMV Application for Assigned Vehicle Identification Number Plate included with the VIN of 1893GT. The form was apparently marked by the California DMV on 02/06/1998 to have the California Highway Patrol (CHP) inspect the Ferrari for VIN Verification. The form was apparently marked by CHP Officer MCAULEY Badge# 14388 on 06/19/1998 as approving the VIN of 1893GT for the Ferrari with notation that the "State of New Jersey added the "FER" and "60" to VIN for Records Compatibility".

From the California DMV Title History records, it appears that JAMES did not register the 1960 Ferrari with VIN 1893GT until 07/02/1998, over one (1) after he reportedly purchased the car from Onofrio TRIARSI of Classic Coach Repair from New Jersey.

SUMMARY: Based on the California Title History, the C&K Import Report and the New Jersey DMV Title History, it is believed that the 1960 Ferrari with the True VIN of 1983 is the same vehicle that was reported Stolen in Spain in 1993, and subsequently imported into the United States in 1994. The vehicle was titled in New Jersey to Onofrio "Frank" TRIARSI at Classic Coach Repair in Elizabeth, New Jersey on 11/09/1994 with assigned VIN FER189360. It also appears that the Ferrari is the same vehicle that was sold to Christopher JAMES in 1997 with the VIN listed as 1893GT.

This investigation is continuing by Detective Van Tine. This case is closed in a suspended status. Refer to the reports of Detective VAN TINE. No further investigation is contemplated by this Sergeant at this time.

CASE STATUS		TYPE OF EXCEPTIONAL CLEARANCE			
<input type="checkbox"/> 1 ACTIVE	<input type="checkbox"/> 4 EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A OFFENDER DECEASED	<input type="checkbox"/> D VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2 CLEARED BY ARREST	<input type="checkbox"/> 6 NO CRIMINAL ASPECT	<input type="checkbox"/> B PROSECUTION DECLINED	<input type="checkbox"/> E JUVENILE-NO CUSTODY		
<input checked="" type="checkbox"/> 3 SUSPENDED	<input type="checkbox"/> F FUGITIVE	<input type="checkbox"/> C EXTRADITION DENIED			
THE UNDERSIGNED, AN INVESTIGATOR HAVING BEEN DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATION AND KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSON OR PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.					
INVESTIGATOR SIGNATURE 	INVESTIGATOR I.D.: 155	REPORT DATE: 03/11/2009	SUPERVISOR SIGNATURE:	SUPERVISOR I.D.#:	APPROVAL DATE:

STAN ALAN ACCEPTANCE

THE ORIGINAL
FERRARI
FUNDING SOURCE

◆ SINCE 1975 ◆

TERMS TO 20 YEARS

ASK FOR: LARRY YODER
(216) 633-0436

166 INTER

166 INTER VIGNALE BERLINETTA, S/N 0069 S (1950). Prugna with cream leather. Original condition. Pictured on page 81 of *Prumet's The Road Cars*. \$195,000 o.b.o. 12/94
Forza Motorsports, 203/350-1140; fax 203/350-1148 (CT)

212 INTER

212 INTER GHIA-AIGLE BERLINETTA, S/N 0137 E (1951). Pretty Michelotti design, built in Switzerland by Ghia-Aigle. Magnificently restored. Concours winner. \$295,000. 10/94
Ferrari of San Francisco, Mill Valley, CA 415/380-9700; fax 415/380-0365

*212 INTER PF COUPE, S/N 0259 EU (1953). Nice older restoration. Runs strong with later 250 GT engine S/N 0553 GT. Eligible for the Colorado Grand, California Mille and other touring events. \$125,000, would prefer to tax trade for a Daytona coupe or other 60's or 70's Ferrari. What have you got? 4/95
European Auto Sales, Costa Mesa, CA 714/642-0054; fax 714/642-1205

250 GT BOANO/ELLENA COUPE

250 GT PININFARINA SPECIALE, S/N 0465 GT (1956). One of four special 250's built in 410 SA style during Boano/Ellelena series. Carefully restored to original specs. Please call for further information. 1st in class Pebble Beach 1992, FCA Nationals 1992 and Cavallino Classic 1993. \$225,000. 1/95
Paul & Theresa Gilpatrick, 303/469-5358; fax 303/460-7465 (CO)

250 GT PF ALLOY COMPETIZIONE PROTOTYPE, S/N 0525 (1956). 280 hp competition motor freshly rebuilt by Nino Epifani. 50-gallon gas tank, roll bar, engine lowered and moved further back in the chassis, along with many competition modifications by the factory prior to its entry in the Mille Miglia. Rebuilt and ready to race. See *Cavallino* No. 58. \$175,000. 2/95
Motor Classic & Competition Corp., 914/997-9133; 804/971-5687; fax 914/997-9136 (NY/VA)

410 SUPERAMERICA

410 SA PF COUPE SERIES I, S/N 0481 SA (1956). Dark green with dark green leather. One of only ten built with 4.9-liter V-12 on the long 2800 mm chassis. Original and complete, runs and drives well, needs cosmetics. Present ownership since 1984. \$160,000. 4/95
Tom Stegman, 513/681-5424 work; 513/761-3358 home (OH)

250 GT PININFARINA CABRIOLET SERIES I

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250 GT PF CABRIOLET, SERIES II, S/N 1967 (1960). Red with black leather. Recent cosmetic restoration, excellent mechanical condition. Factory hardtop, 6-1/2" Borraris. Stunning driver. Recent receipts from Mike Dopudja for all work done. Call for complete description. \$167,500 o.b.o., partial trades considered. John, 303/820-5727 days; 303/778-9293 eves (CO) 1/95

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250 GTE 2+2

*250 GTE 2+2, S/N 2925. Black with tan interior. Very good condition. Will consider Ferrari trades. \$90,000. 4/95
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250 GT/L, S/N 4415 (1963). Red with black interior. Second owner had car almost 30 years and restoration was completed a few years ago. 24,100 miles. \$150,000. 12/94
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*250 GT/L, S/N 4715. Matching engine and chassis. Restoration already started. Many parts already refurbished, new Connolly hides, new Wilton carpet, etc. Has been stored for several years, but engine runs and drivetrain in good shape. Ready to sell! \$119,000. 4/95
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**Motor Vehicle
Commission**

**FAX
Communication**

To BOB KENNEY

Location MVTF

From DAN PILLA

Phone Number 609 203 9622

Number of Pages (including this page) 32

Comments See Attached

TRANSMITTAL

Bob:

I spoke with Samantha Paden in our title records unit. She advised that the title records for the three VIN(s) have most likely been purged. Apparently any title records over eight years old are being purged automatically even if there is recent title reassignment or registration renewal. She will check to see what she can get, but getting these title histories isn't looking good.

I can tell you that each of the vehicles had supporting documents that came into NJ from out of state (indicated by the "Z" suffix) on the title record. Unfortunately I can't determine what the prior state was unless we can get a hard copy of the title history.

All three cars were first titled in NJ to Classic Coach Repair, which is operated by Onofrio Triarsi. I also requested title histories on two other vehicles, a 1961 Ferrari, VIN - FER166361 (also titled under 1663GT) and a 1964 Ferrari, VIN - 5000SF5981. I printed all vehicles registered to Classic Coach Repair for your review.

I will get back to you when I see what documents I am able to retrieve.

Take Care!
Danny Pilla

OPINION

Tuesday, on July 13, 1999

EL MUNDO
PERIÓDICO**« MARBELLA CONNECTION »: GIL,
ASSOCIATE OF THE MAFIA**

Not even Gil is Either Corleone or Marbella needs a talent as that of Mario Puzo to reveal the keys of what there is happening. The new report presented by the District attorney's office Anticorruption before the General Council of the Judicial Power, which today publishes THE WORLD, does a perfect description of the sordid plot of corruption and dangerous relations, mounted by the mayor of Marbella.

The relevant thing of this dossier of the District attorney's office Anticorruption is that it(he,she) does not do generic imputations against Gil and his (her,your) friends, but it(he,she) puts tests(proofs) and documents on the table of the Judicial Power. It (he,she) demonstrates, white(target) on black, which the Town hall of Marbella uses as representative in his (her,your) real-estate business to the mafioso Gianni Mennino, considered by Interpol and the Spanish Policía as a dangerous delinquent.

In a document seized in a judicial record, Juan Antonio Roca, the person of Jesus Gil's absolute confidence who was managing the real-estate municipal company, proposes to an Arabic sheikh a business series that benefits were going to provide to both fat parts thanks to the future ones - - requalifications of the Town hall of Marbella. Rock, which he(she) assures that it(he,she) follows(continues) Gil's indications, reports to the above mentioned sheikh that the person with the one that must close all the agreements is Gianni Mennino. The report of the District attorney's office does not remain here. It(he,she) contributes also conclusive information on the favouritism with which the judge has handled the distribution of the judicial matters decana of Marbella, which family has been related to the business of the Mafia in the Andalusian city. The District attorney's office explains as Pilar Ramirez it (he,she) separated a judge who had paralyzed the construction of a building of apartments in green space, awarding the case to another justice that raised the restrictions.

Gil not only has worried about using the Town hall for prospering. He(he) has been constructing a spiderweb of institutional relations and contacts with turbid businessmen to look for the impunity. Now it (he,he) wants to do the same thing in Melilla, with the complicity of political leaders without scruples, of attorneys who sell at the best bidder and of media supports as that of the wireless chain felipista, which with pleasure spreads the nonsense of this sombre personage.

Haye or not crime in what it(he,he) reveals this report, stays in evidence the moral sampling of Gil and the collaborators with whom it(he,he) surrounds(turns round) itself. Before or later, his(her,your) crazy huída ahead(forward) will return to run against the yoke of the law. And it(he,he) will leave the marbellifes in bankruptcy, with his(her,your) natural ruined environment and with his(her,your) image for the soils.

of the clients of his(her,your) family. Finally it(he,she) did not pronounce sentence and was filed of trade(office) because the Scemana desisted from his(her,your) judicial action(share). As indicates the book of civil procedures consulted by this newspaper, the matter was filed by caducity. The Scemana and the Italians ended up by arranging his (her,your) disputes out of the court, as assures now an attorney who intervened in the contentious one.

Mennino's demand(lawsuit)

The judge Ramirez proceeded in 1992 with a demand(lawsuit) of Desjipo, SA, society of Gianni Mennino, against the Arabic citizen Nouri Kashmeeri for a supposed call option of his(her,your) house in Marbella. The interests of Desjipo, SA, society to whom the brother of the judge empowered several times, were defended by Diego Jiménez, cousin of the decana. The judge was rejected by Kashmeeri, which invoked the relation of his (her,your) father with Desjipo, but this one did not accept his(her,your) objection. Another judge of Marbella estimated the objection and separated it of the case. The Arab presented a complaint for falsehood against Mennino, but it(he,she) lost it on having prescribed the crime. Now it(he,she) prepares a civil action(share).

You demand against Salamini

In 1988, Drambell Limited, society of another Italian foreign to the clan, claimed 25 million pesetas to Ángel Salamini, manager of Kermosa, for a non-payment of an item (game) of furniture. Salamini is related to the Sicilian Mafia, and Kermosa is linked to the societies of the Ramirez, of Cultrera and Mennino. The judge Pilar Ramirez admitted, later, a demand(lawsuit) against Kermosa and against Drambell Ltd of another society called, also, Kermosa, but with sedate in Panama and whom Felice Cultrera was representing.

Salamini's business, which an antique shop has in San Pedro of Alcántara (Malaga), were addressed to the Spanish Kermosa, but the goods, addressed to the Panamanian. A legal trick to avoid possible seizures(indigestion). The creditor could not receive(charge) his(her,your) 25 million pesetas. With this trick the condemnatory judgment could not execute. The parts had to reach an agreement extrajudicial.

The Bank Urquijo an executive presented also against Salamini and his(her,your) society Kermosa, for an amount of 1.193.903 pesetas. Pilar Ramirez instructed it and the judgment was condemnatory.

The Italian police have related Ángel Salamini to Santapaola's clan, dominant family in Catania (Italy) of the Mafia. It(he,she) has precedents of fraudulent bankruptcy, swindle (racket) and traffic of drugs. And the district attorney Carlos Jiménez Villajero it has

linked also the Ramirez, Cultrera and Mennino in his(her,your) recent denunciation against the decana of the courts of Marbella.

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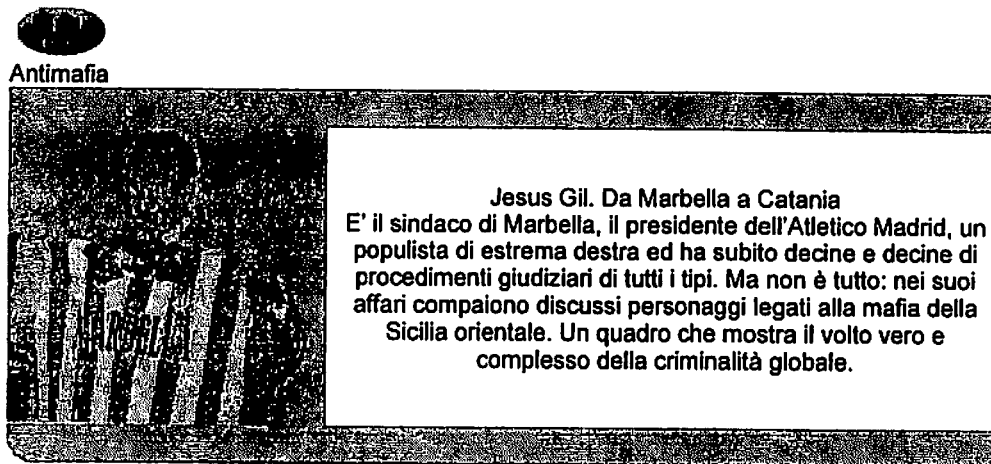
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► *Antonello Mangano.*

January 2001.

E 'right, presumptuous, billionaire, plurindagato, president of a football team, suspicion of links with Cosa Nostra, but it is not Berlusconi.

His city is called Marbella, his party the same name (GIL, Independent Liberal Group) and his team is the Atlético de Madrid.

The allegations that the Spanish judiciary has addressed are numerous, and one of the principal in January of 2000, when he finished on trial for a shortfall of 10 billion pesetas - 115 billion pounds - in the coffers of the athlete. Fanciful Method: a series of turns between fictitious accounting but were the result of cheat and perhaps irreparably damage the club second to Madrid several times in public Gil boasted that it "has risen."

Government seizures are controlled and were often the daily bread of Jesus Gil y Gil.

In January of '99 made ten days in jail for embezzlement, for allegedly stolen from the coffers of the municipality of Marbella, of which he was mayor, a huge sum.

Gil was born as palazzinaro of the province, but by transforming its mayor in the capital city of speculation in the Costa del Sol, zero checks and ensuring maximum profits unscrupulous manufacturers as he. Ungrammatical, arrogant, capopopolo, belongs to the breed of entrepreneurs who have made themselves, "impatient with the law and any form of control.

EL PRESIDENTE DEL CLUB DE FUTBOL

Madrid, the Latin city of passionate football, lives torn between his passion for Real, probably the most prestigious team in the world, and Atlético popular, much more poor and less noble, but in recent years had done quite well respected, especially in stage "Calderon", lair of the ultras who stravedono for Gil and often stands by insult with equal vehemence both opponents in those shorts in that gown, or the judges who "persecute" the president.

In fact, Gil likes to present itself as savior of the team from the start but not a peseta disbursement. The purchase of the team - dated 1987 - allowed him to control 95% of the company, although in reality the only ones who actually unstitched of money were small investors (mostly supporters) and the vice chairman of Credit Lyonnaise, the most important French bank and one of the largest in Europe.

The two billion Gil - through an auction accounting acrobatics - were entirely fictitious.

Adding the non-payment of contributions to its employees and some cheating on the contour of the renovation work to the stage "Calderon", total scam reaches 10 billion. Not bad for a "savior of country football."

His masterpieces, however, Gil has completed the sale of players. We must acknowledge successful operations, such as the purchase of Cristian Vieri, discarded and sold by Juventus

after a year at Lazio with many billions of difference, or the sale of the young José Mari to Milan for 40 billion lire; bankruptcy operations, such as engagement and non-revival of "Arrigo Sacchi then exonerated with the disbursement of a beautiful figure of compensation, and yet real cheating, such as the purchase of three African players and a Brazilian, two of which had never played football and lived in charity of the churches and the remaining not never got up from the bench of the youth team, but the four were assessed two billion and a half course in order to cover the shortfall in the budget that we said at the beginning.

EL ALCALDE DE MARBELLA

Marbella is the principal city of the Costa del Sol, the stretch of Andalusia that looks and that Morocco has known in a few years, a heavy growth and disorderly among major tourist sites, huge discos and all that can entertain young rich, Mafia traveling, sheiks in the vein of madness and billionaires without too many thoughts.

Riding this wave, Gil founded in 1990, his movement with the declared goal of transforming the region up to Gibraltar and the Spanish enclaves in Morocco, Ceuta and Melilla in a giant tax deducted for each rule and state curiosity.

Gil unknown boundary between public and private, state and personal affairs. No wonder, then, through a sponsorship has shot at least 60 billion of its common sull'atletica, as also confirmed Carlos Fernández, former advisor to the town of Marbella on behalf of Gil and then for a time host of the Spanish prisons on charges typical of embezzlement.

And yet, the player Brazilian super-evaluated came from the Marbella Club, owned by the municipality, and was officially purchased by the Dutch football league.

Despite the fraud in the series, Gil for 10 years was uncontested mayor. Deregulation promised to the rich and wild dreams and easy money to the poor, created by a populist electorate interclassista gullible and often nearly 60%. His recipe is simple: antisistema appeals against the traditional parties, promises of jobs for all; iron fist against thieves chickens and small dealers, street free for any type of investment and speculation, not linger in moralisms and analysis of blood ".

"El gordo", the grassone is the nickname for the moment is with him, while his youth was mostly called "braggart." His admirers define "the reuccio of the Costa del Sol."

"His lawyer called him 'crazy horse'," reports the Spanish daily *El Periódico*. "It has a luxury car that parks in double row. As, in full style Gil, a grenade shirt decorated with twins. Leads us to one of the bars in Marbella that we must attend in order to put on display ... "

Tells the casual practice that made any buildable land and concludes: "If it is legal or not to me matter little. I just mind that it is right. "

In the town of Melilla, Spanish cities legally although it is in Africa and is entirely surrounded by territory of Morocco, Gil's party participated in last come to an incestuous with a former leader of the Socialist Party, a general reserve and a trade unionist. The three men of "Gordo" the executive of Melilla were a disco owner, an engineer and a lawyer, namely the three key roles of the "Gil system."

EL AMIGO DE LOS AMIGOS

As a curriculum nothing to say, partly by selling spare parts for cars, threw himself soon after in the real estate deleting his personal vocabulary terms such as "plan" or "authorization".

The ease at times can cost dear, and in 1969 Gil knows for the first time the prison because of thirty died crushed in the collapse of a restaurant built with scrap materials.

A year after "el Generalísimo" Franco allows indulto, Gil in instilling faith in fascism and good fortune.

From gentleman, will be the first Spanish man to rehabilitate public officially putting the dictator in early'99 in a beautiful bronze bust of Franco the entrance of the town hall of Marbella.

Having clear ideas about his enemies, often says: "The real judges are the mafia. I want to politically assassinate ". The thesis is clear: envious of overtime Gil policy successes, the

government tries to maneuver the judges for damage. In the summer of '99, after yet another triumph in local elections in the south of Spain, the prosecutor articulated an anti-Spanish relationship represents the most serious and complete act of accusation against Gil, also because it speaks not only of fraud and corruption but also of organic relationship with international organized crime, particularly Colombian and Sicilian.

The accusations have names and surnames: Felice Cultrera, Angelo Salamini, Gianni Menino and Ugo John Giannino men were linked to the Mafia clan in Catania in eastern Sicily, which were supported during the competitions Gil election in exchange for housing investment in Costa del Sol .

The characters are members of the Ramirez family of Marbella, which deals with money laundering, construction and also has links with the Colombian narcos. The greatest exponent of social prestige of the family is Pilar Ramirez, dean judge of the court of Marbella and a signatory to a series of acts which quashed investigations into Gil for procedural flaws.

Felice Cultrera character is perhaps the most significant among those listed above was born in Catania, where as a young man organized promotional trips in casinos around the world and are trafficking in precious stones in South Africa, lived ten years in a luxurious villa in Marbella where he deals with business and enjoying life (a few years ago almost got married a Venezuelan woman already Miss World).

Arrested a first time for a few weeks upon arrival in Costa del Sol, is regularly the focus of the investigating bodies that it is the base of the Sicilian mafia in the south of Spain and especially the link between criminals and entrepreneurs.

Curiously, on the occasion of his legal troubles Cultrera speaks by phone with a reporter from the newspaper in Catania "Sicily", which then takes care to indicate on the newspaper (whose director is the president of the Federation of Italian publishers) the transcript of the conversation.

"But *figghiu miu* [my son] is' story is making me crazy, I have nothing to do with the Mafia, I buy old houses, the restructuring and sale to the rich of Marbella.

In most when it happens, I try to sell to some foreign country a helicopter, a tank, it does so even Vittorio Emanuele, who is evil? Vip yes, no Mafia. Gil and I know that this investigation involves me is just a way to throw mud on him.

"Catania salutami where I have many relatives and friends." End of call. The innocent Cultrera is actually already under investigation in Catania for the trafficking of arms, although his lawyer claims that "the link with Santapaola, the boss of Catania is a hoax" and that "trafficking in arms are still occurring in law. " The lawyer, after all, is called Sandro Attanasio and in some processes has defended its Santapaola while in others it is the legal Sigonella military accused of illegally awarded contracts to companies linked mafia, once again, a Santapaola.

But what Cultrera refers when he speaks of "trafficking in arms"? In 1995, the DIA (Direzione Investigativa Antimafia) Catania initiated an investigation into "international trafficking in weapons, cash flows from the illicit origin of the foreign banks' economic interests for the opening of casinos throughout the world, money dirty money on the tables and green Sanremo Champion, negotiations in Morocco, Saudi Arabia, Spain, South America and a series of marginal affairs including the negotiations for the supply of engines to the Formula One team 'Benetton Ford' "

The story is basically focused on the activities of "high finance" of the men connected with the Santapaola clan, which for years have recycled and reinvested the proceeds of illegal activities in areas particularly profitable, especially gambling.

The same people are active in trafficking of arms, as vendors of the material produced by some of the major Italian industries in the sector, "Breda Brescia mechanical Spa" el ' "Agusta".

The affair most significant group is the provision of military goods to the navy, the army

and aviation of Saudi Arabia and Morocco. All this surrounded by a string of fraud, receipt of debt securities, money laundering and assets of illicit origin.

Cultrera appears at the center of this dense network of relationships, involving among others Philip Battaglia, a lawyer with Messina in his pocket a passport in Peru, traffickers in business with the likes of Adnan Kashoggi, and the manager of Publitalia, Alberto Dell'Utri, brother of the famous Marcello, a number of dealer advertising group Berlusconi.

Intercepting the telephone conversations was possible to reconstruct the business of building and logistics, for example, requests a meeting with Aldo Ercolano, a killer of Cosa Nostra reached the summits of the family in Catania, or the desire to get up to a meeting with Berlusconi by Alberto Dell'Utri ...

Among the data of the Spanish judiciary is also an alleged meeting Berlusconi-Gil pointed to the Italian anti-drug service.

THE TRUE FACE OF THE MAFIA

Cultrera has friendships with Saro Spadaro - Messina impiantatosi in Saint Marteen, curator of absconding and some business Santapaola in the Caribbean - and Tanino Coral, manager of the business of the Italian-American mafia in the Caribbean.

In 1991, the DEA (Drug Use police) had to travel to Miami for Cultrera Coral and Spadaro meet to discuss new investment in casinos the Caribbean islands, where they had landed in the '80s by buying among other things an airline and some hotel-casinos.

Another friend would Cultrera Angelo Bonanno, boss of the family of "Cursoti" allies of the head Santapaola. In 1992 Bonanno was called Francesco Finocchiaro, catanese building contractor, for a trip to Marbella.

"The mayor of that city," Bonanno said, "is the owner of certain building areas which you might be interested."

Before magistrates Catania, January 12, 1995, Finocchiaro says: "We went to visit the areas, in part had already been built by companies of Mayor Gil. For lunch brought me and my son at the villa of Felice Cultrera, so I had to know it.

The son of Bonanno mentioned Finocchiaro is called John and was the pilot of Formula 3000, and a good pilot had his residence in Monaco. E 'was arrested in early 1995 for receiving and recycling increased and continued when his father was already in prison for extortion.

Finocchiaro was paid to Angelo Bonanno and approximately one billion and 200 million 'lace', but since the thickness of the characters the money was paid in a rather elegant: In 1994, the manufacturer sponsored notionally (on self and overall did not appear on any label), the pilot John Bonanno, through bank transfers by leaving 2 of the Italian Credit "and ended up in the accounts of" Transmed Financial and investment holdings limited "in Dublin and the company" Urban Promotion "of Monte Carlo.

The company and its bank accounts had been opened just by Giovanni Bonanno, so as to have a cover for the criminal origin of money received, and at the same time a structure able to launder money.

The best commentary on these events, which are a glimpse of thickness and character of international organized crime, results from a pre-trial order dated 5 May 1995 and signed by Judge Anthony Ferrara catanese: "Cultrera and altri suspects have friends in the jet - business and set policy. These friendships give the measure not only the size of the business transacted by the organization, but also of its intention to manipulate politicians to obtain protection and impunity for their trades. "

THE CONTEXT

Jesus Gil y Gil was at least a hundred investigations by investigating bodies, but it is not easy to take this into account and update this special prize.

His career continues to be marked by judicial decisions, litigation by the court, and some new scandals acquittal.

His Atletico Madrid is back in the Spanish second division until December 2000 and continues to be administered by the judiciary. From 7 years is undisputed and president despite the protests of small shareholders still in the saddle. The town hall of Marbella continues to be characterized by processes, protests, accusations of disloyalty and betrayal. On December 5, to recall an episode, the Master Plan was approved Marbella insults and ill-feeling among the audience. At the same time broke yet another scandal, this time with Madrid scenario, called "case sermos. In summary, two buildings Gil bought with money from the municipality of Marbella.

In recent times, it seems that the public is digesting the exuberant Gil, which means the imbarbarimento of the political debate and economic practices. In addition to the legitimacy of a social class is often indicated by the name of mafia bourgeoisie.

Why Gil - a cousin of Le Pen, Haider and Berlusconi - could be something more serious and disturbing a swindler picturesque.

SOURCES

Tuttosport 12 June 1999; Sicily 25 June 1999, Corriere della Sera 16 June 1999 24 June 1999, El Mundo 24 June 1999, 14 November 2000 14 November 2000 4 December 2000 5 December 2000 12 December 2000, December 13 2000, 15 December 2000, Giornale di Sicilia 5 May 1995, the Espresso 3 February 1995, January 2000 El Pais, El Periodico 20 July 1999.



Jesus Gil has a new coach and the new sponsor dell'Atleta Madrid.



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JADE LIMOUSINE OPERATION-(I)

By: citizen-of-Espartinas

AND THE Zagaleta The plot of LIECHTENSTEIN

Following the tax scandal uncovered in Germany after the purchase by the German secret services information from the **LGT bank**, owned by **Casa Real Liechtenstein** State Agency of Tax Administration (AEAT) sent to Anti-OTP information on 80 bank deposits in Liechtenstein, with 198 individual members and beneficiaries residing in Spain, for investigation by the commission of crime prosecutor.

Three months later, the judge the National Santiago Pedraz, ordered 19 simultaneous banking and advisory services in Marbella, Barcelona, Madrid and Zaragoza. The operation, called **Jade, Limousine**, focuses on tax fraud and money laundering.

According to published neg-ocio.com, one of the offices operated in Marbella belongs to **Salvador Guerrero, who is credited with receiving the money from Liechtenstein to make investments in real estate Coast del Sol**

According to the same digital, buy the farm of what is now **The Urbanization Zagaleta** was conducted through this

office. **Enrique Pérez Flores**, one of the businessmen in the list in the hands of Tax Agency Bought the property years ago to **Kashogul Adnan**, Saudi magnate and arms dealer known.

The Zagaleta Refuge for bleaching high-flying.

Sources Guardia Civil located in the urbanization **The Zagaleta** the residence of the Finnish **Johannes Aki Kujala**, one of the strong men of **Carlos Llorca José Manuel Rodríguez**, the great **White Whale** bleach accused and **Filatélico Forum**, currently under arrest internationally.

Kujala but not the only neighbor of **The Zagaleta** businesses involved in money laundering. According clavedigital.com, the British businessman **Sean Woodhall**, convicted in the United Kingdom to 18 months in prison for a fraud involving the sales of automobiles, has also set his personal residence in this luxurious development.

Sean Woodhall, according to the Service of Prevention of Money Laundering, the part that hides in the business the **Dominican Republic** of two major suspects in the plot Malaya, **Carlos Sanchez** and **Andres Liétor**. In the puzzle business develops resort in Bavaro **Punta Perla**, **Woodhall** figure as president of Worldwide Destinations Plc, and representative of Ocean View Properties.

Salvador Guerrero, the voice for the PP the Gestora Marbella

After the dissolution of Marbella Town Hall as a result of Operation Malaya, the People's Party named as a member of the managing committee to **Salvador Guerrero**.

Guerrero had to resign from the announcement that his office, **Guerrero Lawyers** defending **the accused in 2 of Malaya**: José Jaén (councilman of Culture of the City Council) and Leopoldo Barrantes, (secretary of the municipal Consistorio).

Guerrero is also the defense of former coordinator of finance and accounting Consistorio, Antonio Calleja, charged in '**case 2 Looting**' of the National for the alleged embezzlement of 41 million euros from the public coffers.

Guerrero also leads the defense lawyers of at least **one suspect in the 'Ballena Blanca case**.

Questions from CT State Police Detective Richard Van Tine, 29th September 2008, regarding Ferrari 250 GT Cabriolet #0799 GT.

Answers from Marcel Massini, 30th September 2008:

1. For how long have you been recognized in the Ferrari Community as an Expert?

ANSWER:

Approximately 25 years. Certainly since at least 1983 (when I published my first book). I am a professional Ferrari historian since 30 years. I do this for a living. I am 50 years old.

2. What qualifications do you possess to be considered an Expert?

ANSWER:

I have authored three major Ferrari books, the first being published in 1983, the second in 1993 and the third one in 2006. My fourth Ferrari book will be published in 2009/2010. Besides that I have written more than 400 articles about Ferrari automobiles in various specialist publications all over the world (USA, England, Germany, Spain, Switzerland, Japan, France, etc.). I am a Ferrari Concours Judge in USA and Europe and member of the IAC/PFA (International Advisory Council for the Preservation of the Ferrari Automobile). I have also worked as an expert witness in legal matters.

3. For how long in the Ferrari Community has it been known that 0799GT was stolen?

ANSWER:

Since approximately the year 1994. Known by the real and serious insiders worldwide. One has to ask who the definition of "Ferrari Community" includes.

4. Where was it first publicized in the Ferrari Community? In the United States?

ANSWER:

Not sure if it ever was publicized. I think it was/is mentioned on the German website www.barchetta.cc since quite a few years already. I do believe that this German website got the information in about 2000.

5. What steps does a collector take when purchasing a Ferrari?

ANSWER:

Some - but not all collectors - do a proper due diligence and all the homework BEFORE they actually buy a vintage Ferrari of significant value. If they cannot do it themselves and lack knowledge they can hire experts. Same as the art market. I am regularly being hired by Ferrari collectors from all over the world.

6. Does the documented history of the car make it more valuable?

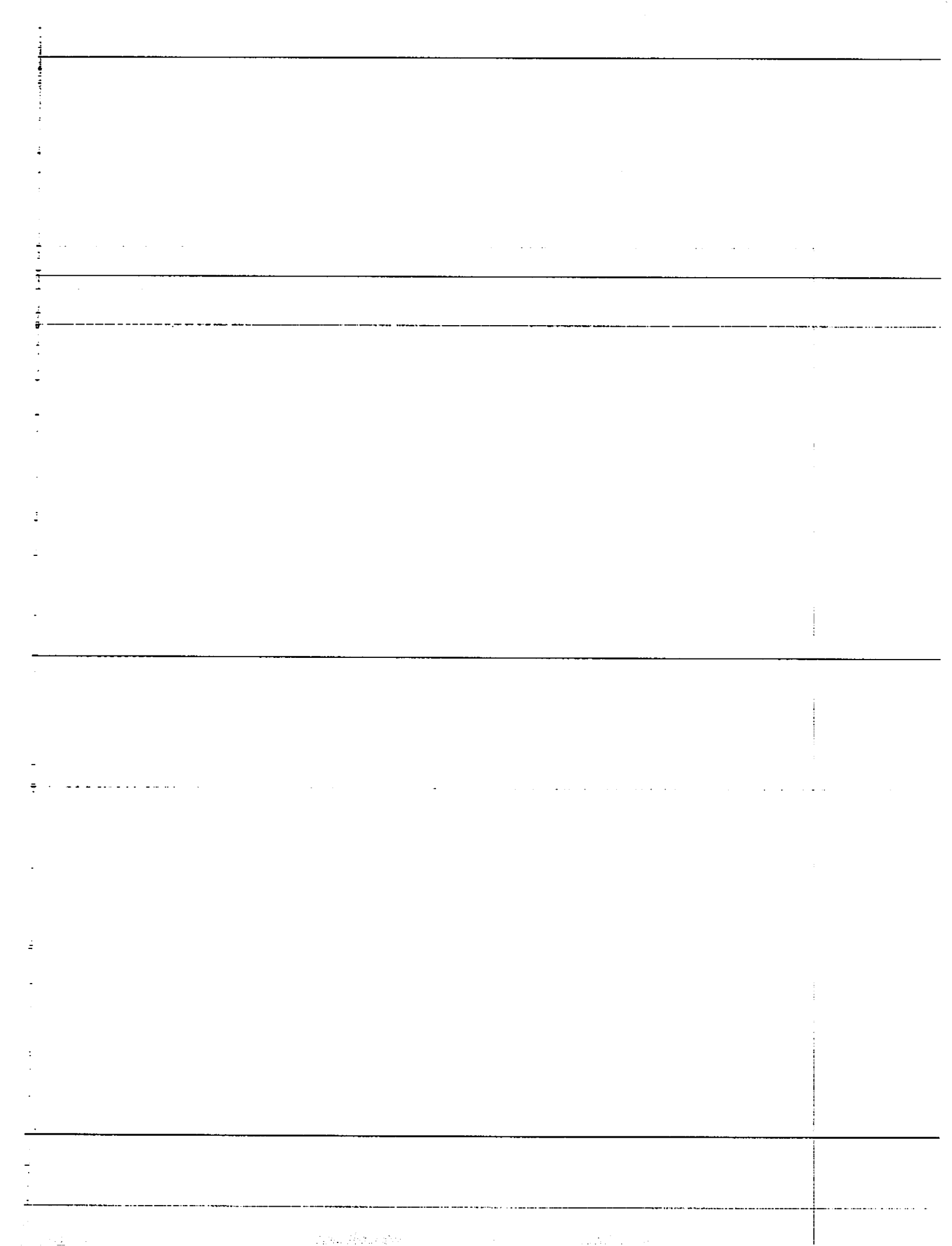
ANSWER:

Absolutely. It is extremely important. The better and more documentation you have, the better it is. Cars with question marks or big gaps in the (continuous and chronological) history automatically raise eyebrows and can be considered dubious.

7. Would someone such as Hallingby have purchased a Ferrari knowing it was stolen? Why?

ANSWER:

If he bought the car for a serious long-term collection he most probably would not have bought a Ferrari knowing it was stolen. If he bought a car for speculation and re-sale within a few years, for pure profit only, then he would possibly care a little less. May be he knew a little about the questionable provenance but just didn't care. After all, the theft occurred many years ago in far away Europe and not in his country (USA).





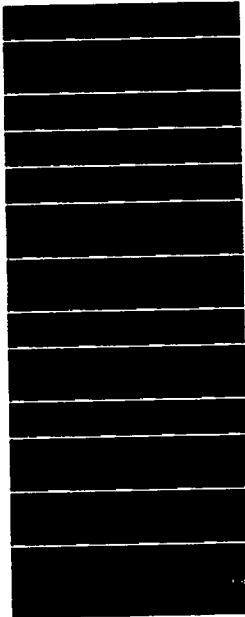
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DPS Search:

GO

2008



STATE OF CONNECTICUT
Department of Public Safety
1111 Country Club Road
Middletown, Connecticut
06457

Contact:
860-685-8230
pio.dps@po.state.ct.us

FOR IMMEDIATE
RELEASE
September 5, 2008

**CAR STOLEN IN EUROPE IN 1993 RECOVERED IN SHARON,
CONNECTICUT**

Rare 1958 Ferrari Found

In the evening on Thursday, 09/04/2008, the Connecticut State Police Motor Vehicle Task Force and the Connecticut State Police Auto Theft Task Force conducted a joint investigation to attempt to recover a stolen 1958 Ferrari 250 PF.

This investigation was initiated in June of 2008 after State Police Motor Vehicle Fraud Task Force Troopers developed information about the stolen Ferrari that was registered in the state of Connecticut. The investigation revealed that a Ferrari was reported stolen in Spain in 1993. The car was smuggled into the United States through New Jersey. The stolen Ferrari was initially registered and titled in New Jersey in 1994. It had been initially registered with a false Vehicle Identification Number and was involved in multiple paper sales and transfers over the next several years in New Jersey.

The vehicle was ultimately sold to an apparent unsuspecting buyer in Connecticut in 2000 for \$550,000.00. According to exotic car enthusiasts, the 1958 Ferrari 250 PF is valued between \$4,000,000.00 and \$5,000,000.00.

The criminal investigation revealed that the car was reported stolen in Spain in 1993. The original Police report identified the victim from Switzerland. Interpol assisted in this investigation, as well as the original owner/victim. State Police investigators obtained copies of all Spanish and Swiss documents relating to the stolen Ferrari and they were all translated to English.

The theft report was confirmed and the true ownership was established to be a subject from Switzerland. The victim never accepted the insurance claim as he believed that the Ferrari was so rare and valuable that it would eventually turn up somewhere in the world intact.

The Connecticut State Police investigation discovered that the unsuspecting buyer purchased the vehicle in New Jersey in 2000. The Ferrari was added to a collection of Exotic vehicles owned by the Connecticut buyer.

State Police Investigators submitted a search and seizure warrant to Superior Court for the subject's residence in Sharon, Connecticut. The stolen vehicle was located and seized. The investigation is continuing.



State of Connecticut
Department of
Public Safety
1111 Country Club Rd.
Middletown, CT 06457
(860) 685-8190

Directions

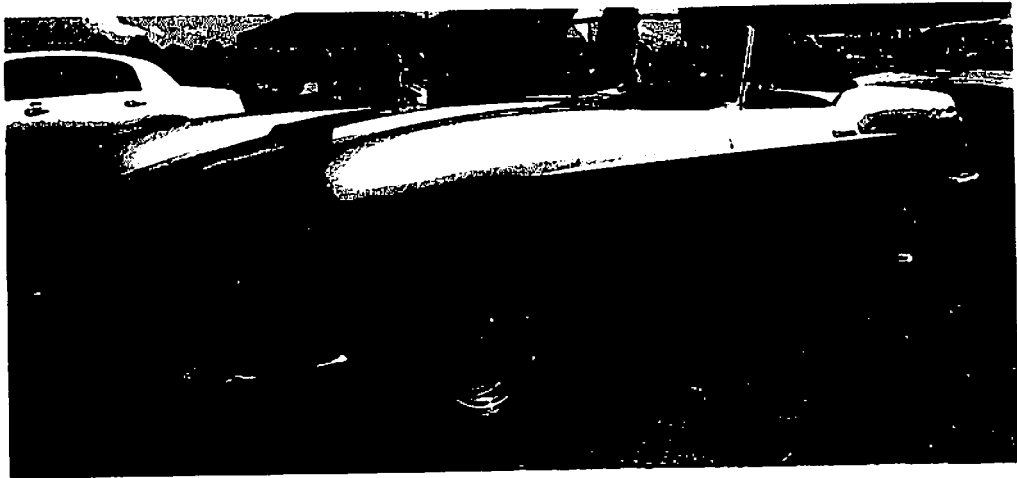
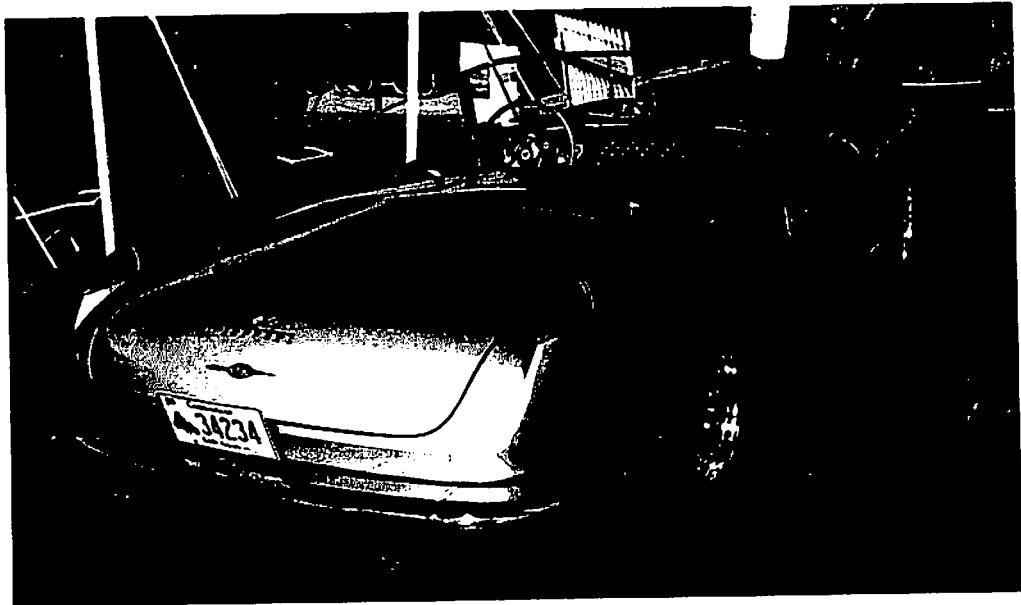
Citizen's Guide to Making
Commendations,
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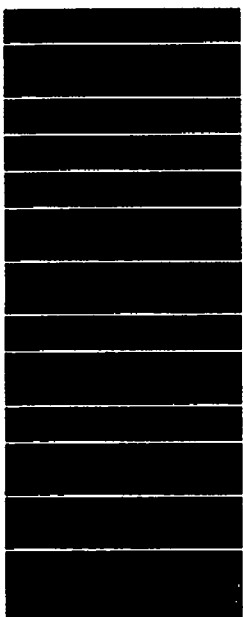
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DPS Search:

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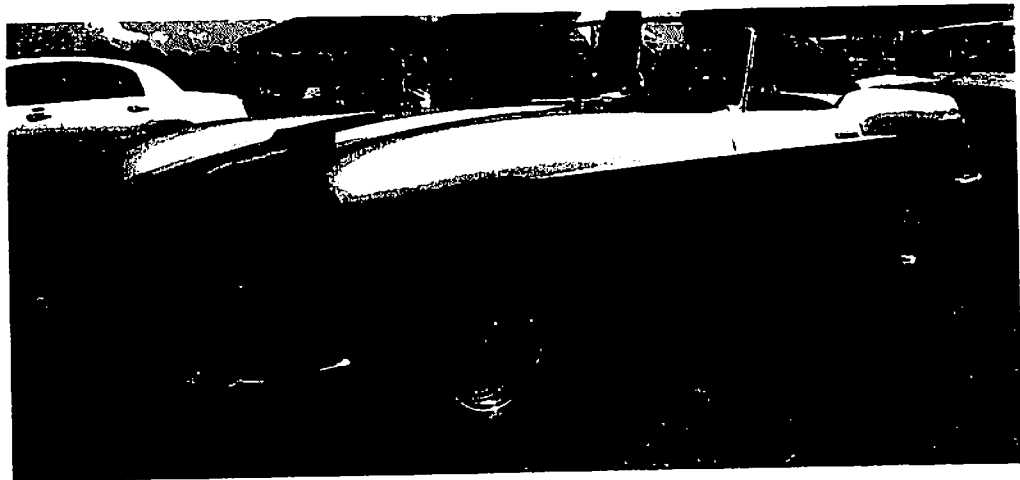
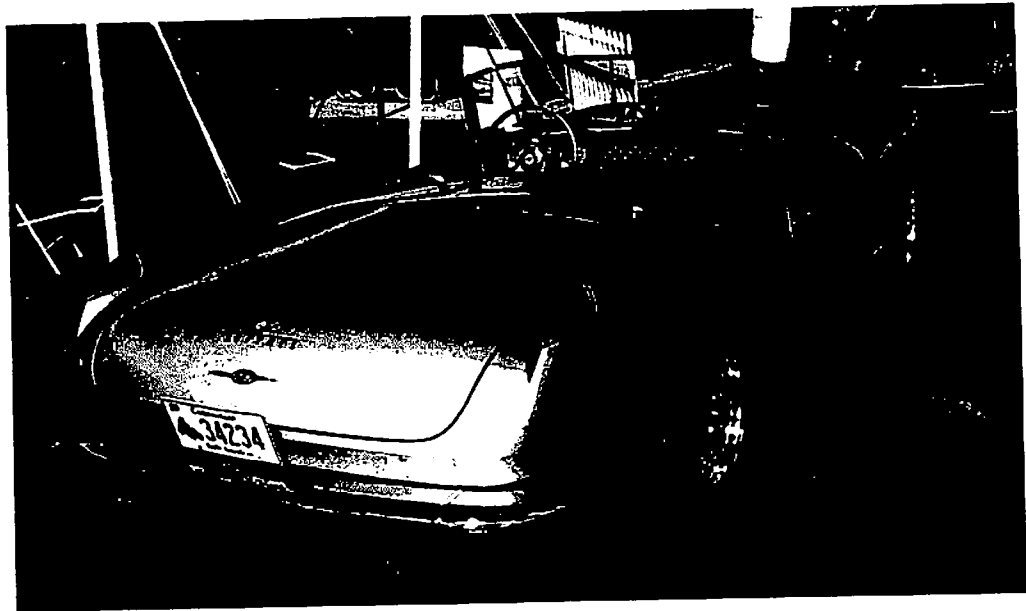
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Inquiries and Complaints

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STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC SAFETY
DIVISION OF STATE POLICE



Connecticut Regional Auto Theft Task Force

**CRATTF VEHICLE & EVIDENCE
INVENTORY FORM**

Case # **CFS08-00265932**

Case Officer: **VANTINE #732**

Incident Type: **LARCENY**

Date and Time: **09/04/08, 2030 HOURS**

Location of Seizure: **31 KINGS HILL RD SHARON, CT**

Description of Evidence:

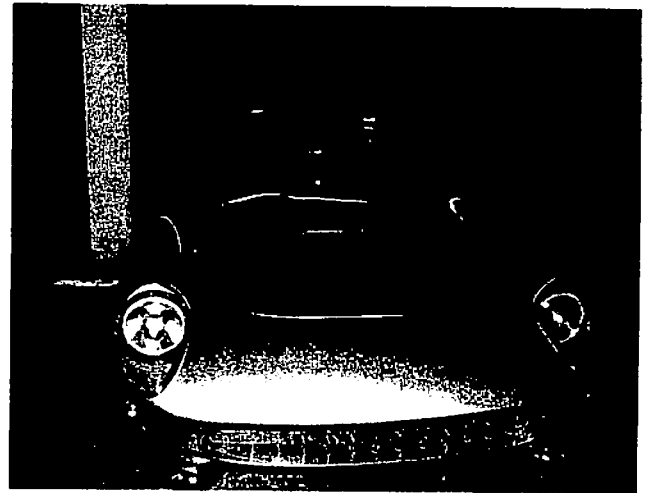
1958 FERRARI 250PF

VIN:0799GT

STOLEN RETAG STOLEN PARTS

INS FRAUD OTHER

PHOTO



CHAIN OF CUSTODY

From: **SHARON,CT**

Date and Time: **09/04/08 2030**

By: **VANTINE**

To: **IMPOUND GARAGE**

From: _____

Date and Time: _____

By: _____

To: _____

From: _____

Date and Time: _____

By: _____

To: _____

IMPOUND LOT LOCATION : N/A

Vehicle Mileage: **41348**

License Plate & State: **72273, CT**

Public VIN: **0799GT**

True VIN: **0799GT**

Condition of Vehicle: **EXCELLENT**

Keys with vehicle: yes no



New York State Department of Motor Vehicles
**CERTIFICATION OF SALE OR TRANSFER FOR 1972 OR
 OLDER VEHICLES OR ANY OTHER NON-TITLED VEHICLES**



CONVENTIONAL

INSTRUCTIONS:

1. Print in ink or type all entries.
2. This certification is to be used if the vehicle is sold by a person other than a dealer.
3. This certification must be accompanied by bills of sale showing continuity of ownership from the previous owner.

Note: This form must be accompanied by supporting documents. Not acceptable with any changes or alterations. Not to be used by a dealer for sale of vehicles.

Name of Seller (Last, First, M.I.) ROSEN, SCOTT			
Mailing Address (Number and Street) 111 HEMPSTEAD TURNPIKE			
City or Post Office W. HEMPSTEAD		County NASSAU	State NY
Year of Last Registration		State of Last Registration	Plate No.
Name of Last Registrant (Last, First, M.I.) SCHWARTZ, JEFFREY D.			
Address of Last Registrant (Number, Street, Apt. #, City, State, and Zip Code) 110 TEKENING DRIVE TENAPLY, NJ 07670			

VEHICLE DESCRIPTION	
Year 1958	<input type="checkbox"/> Gas <input type="checkbox"/> Electric <input type="checkbox"/> Diesel
Make FERRARI	<input type="checkbox"/> Propane <input type="checkbox"/> Flex <input type="checkbox"/> CNG
Vehicle Identification Number FERO7 9958	
Body Type CONV. 2-DOOR	Maximum Performance Speed of Motorcycle
Color SILVER	Weight Lbs.
	Cylinders

PURCHASER: Before purchasing, be sure you know about any liens against the vehicle.

Name of Purchaser (Last, First, M.I.) HALLINGBY, PAUL L.			
Mailing Address (Number, Street, Apt. #) KINGS HILL ROAD			
City or Post Office SHARON		State CONN.	Zip Code 06069
Date of Purchase 11/29/00			

VEHICLE INSPECTION DATE
Date of Last Inspection
Inspection Station Number
Station Number

CERTIFICATION OF SELLER

I certify that I am the owner of the vehicle described on this form and that I have sold this vehicle to the purchaser named on the form.

Scott Rosen

(Sign Name in Full - If Not Individual Seller, Give Title)

11/29/00

(Date)

CERTIFICATION OF PURCHASER

I certify that I have purchased the vehicle described on this form from the seller named on the form.

Paul L. Hallingby

(Sign Name in Full - If Not Individual Purchaser, Give Title)

(Date)

NY-61 (10-00)

FALSE STATEMENTS ARE PUNISHABLE UNDER 210.45 OF THE PENAL LAW

JUN. 24. 2008

9:36AM

COLSTEIN CAP MGT

FERRARI

NO. 845

P. 2/11

JOHN A. WOLF

ISSUE

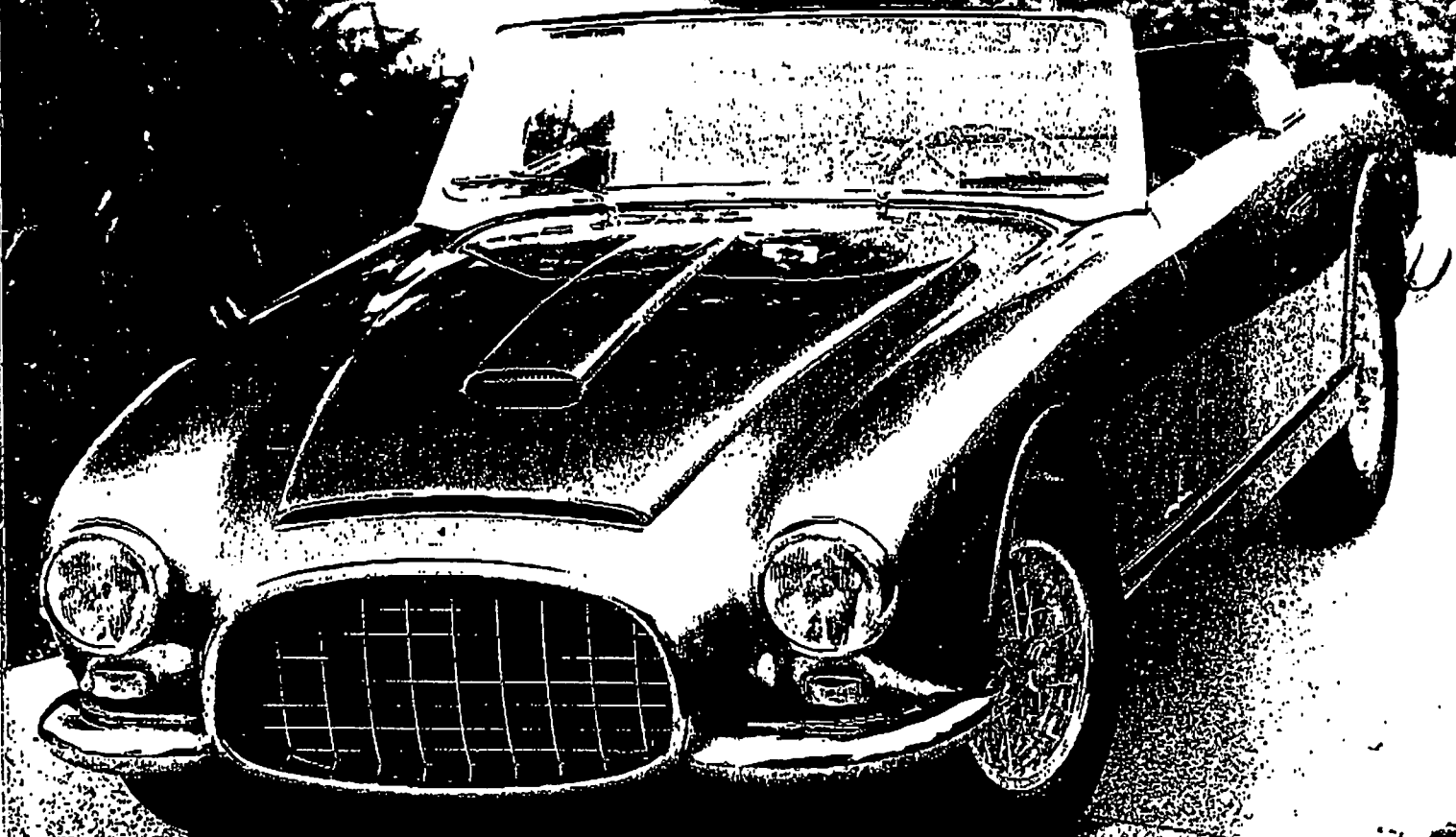


.. \$5

10000 LIRE

NY 1700 DM

FEBRUARY/MARCH 2000



M E R C A T O

THE MARKET AS OF FEBRUARY 1, 2000... FROM A SURVEY OF SELECTED DEALERS...

Years Made: These indicate accepted model years of manufacture, and do not necessarily indicate introduction dates, prototypes, etc.

Ferrari Model: This includes every known model type made, even those that no longer exist; it includes one-offs, prototypes, specials, etc. This is meant to be a quick reference guide to all Ferraris, and not just a price guide.

Number Made: This shows the accepted number of each model originally manufactured, not the current number in existence. Some were later made into new models by Ferrari, and many have been destroyed, etc.

Price Ranges: Indicated prices are current with this issue and are based either on actual sales, or on a knowledgeable estimate of what a specific model should sell for if ever brought to market.

Low End: Indicates cars in generally poor condition, or with dubious histories, or with no competition history, etc.

High End: Indicates cars in excellent condition, or restored cars, or with proven histories, or with competition histories, etc.

↑ = increase since last issue.
↓ = decrease since last issue.

Years Made:	Ferrari Model:	Number Made:	Price Range: Low End - High End
1947	125 Sport	2	None remaining
1947	159 Sport	1	None remaining
1947-48	166 Spyder Corsa	6	\$ 750,000 - \$1,300,000
1948-50	166 Mille Miglia Coupe Spyder	7	600,000 - 1,400,000
		25	1,000,000 - 1,500,000
1948	166 Sport	3	None remaining
1948-50	166 Inter	37	225,000 - 275,000
1950-51	195 Inter	27	225,000 - 275,000
1950	195 Sport	1	600,000 - 700,000
1950	212 MM	1	600,000 - 750,000
1950	275 Sport	2	None remaining
1950-52	340 America	23	275,000 - 600,000
1952	340 Mexico	4	1,500,000 - 1,900,000
1952	342 America: Coupe Cabriolet	3	200,000 - 350,000
		3	300,000 - 700,000
1951-52	212 Inter: Vignale Ghia, etc.	36	225,000 - 275,000
		42	225,000 - 275,000
1951-52	212 Export: Vignale, etc. Touring	14	250,000 - 300,000
		10	700,000 - 1,200,000
		1	800,000 - 875,000
1952	250 Sport	3	700,000 - 900,000
1953	166 MM Series II: Coupe Spyder	10	700,000 - 900,000
		1	375,000 - 525,000
1952	225 Inter	14	500,000 - 825,000
1952	225 Sport: Vignale Spyder Vignale Coupe Touring Spyder	6	350,000 - 475,000
		1	900,000 - 1,300,000
1953	250 Mille Miglia: FF Berlinetta Vignale Spyder Vignale Berlinetta	13	750,000 - 1,000,000
		18	750,000 - 1,000,000
		7	1,750,000 - 1,800,000
1953	340 Mille Miglia: Spyder Coupe	3	2,000,000 - 2,500,000
		3	750,000 - 950,000
1953	625 TF	3	600,000 - 700,000
1953	735 Sport	3	600,000 - 700,000
1954	750 Sport	3	600,000 - 700,000
1954	250 Europa 1st series	20	200,000 - 275,000
1954	375 America	10	350,000 - 700,000
1953-55	375 Mille Miglia: Coupe Spyder	9	2,700,000 - 3,000,000
		14	3,000,000 - 4,000,000
1954-55	500 Mondial: Pinin Farina Coupe/Spyder Scaglietti Spyder	15	600,000 - 700,000
		16	500,000 - 600,000
		4	1,500,000 - 2,000,000
1954	250 Monza	37	250,000 - 350,000
1954-55	250 Europa GT 2nd series	5	3,500,000 - 4,000,000
1954	375 Plus	28	600,000 - 750,000
1954-55	750 Monza	2	None remaining
1955	375 S (118 LM)	2	None remaining
1955	625 LM (118 LM)	3	None remaining
1955	118 LM Spyder	4	3,500,000 - 4,000,000
1955	410 Sport	3	None remaining
1955	446 S (121 LM)	3	None remaining
1955	735 LM (121 LM)	3	800,000 - 1,300,000
1955	121 LM Spyder	3	950,000 - 1,350,000
1955-56	857 Sport	3	1,200,000 - 1,400,000
1956	860 Monza	3	700,000 - 1,000,000
1956	625 LM	69	48,000 - 120,000
1956-57	250 GT Boano Coupe	50	48,000 - 120,000
1957-58	250 GT Elena Coupe	34	375,000 - 500,000
1956-59	410 Superamerica Series I, 2 & 3	17	650,000 - 950,000
1956	500 TR		

1956	290 MM	4	5,500,000 - 7,000,000
1954-55	250 Europa GT Berlinetta	7	425,000 - 500,000
1956-59	250 GT LWB Tour de France	77	630,000 - 1,400,000
1957	500 TRC	19	750,000 - 1,000,000
1957	315 Sport	2	5,000,000 - 6,000,000
1957-58	335 Sport	3	5,000,000 - 6,500,000
1957-58	250 Testa Rossa	21	5,400,000 - 6,000,000
1958	204 Sport Dino	1	None remaining
1958	296 Sport Dino	1	None remaining
1958	312 S (412 MI)	1	None remaining
1958	412 MI	1	4,500,000 - 5,000,000
1957-59	250 GT FF Cabriolet Series I	40	450,000 - 600,000
1958-60	250 GT LWB California: Steel, street Aluminum, racing	41	500,000 - 750,000
		9	900,000 - 1,200,000
		2	5,000,000 - 6,000,000
1958	TR 58	51	900,000 - 1,200,000
1960-63	250 GT SWB California: Steel, street Aluminum, racing	3	1,200,000 - 1,800,000
		5	6,000,000 - 7,000,000
1959	TR 59	1	2,750,000 - 3,500,000
1959	196 Sport Dino	2	2,750,000 - 3,500,000
1959-60	246 Sport Dino	201	95,000 - 140,000
1959-62	250 GTF PP Cabriolet Series 2	7	500,000 - 850,000
1959	250 GT Interim Berlinetta	90	650,000 - 800,000
1959-62	250 GT SWB Berlinetta: Steel, street Aluminum, racing	75	800,000 - 1,500,000
		353	40,000 - 100,000
1958-60	250 GT Pininfarina Coupe	2	6,000,000 - 7,000,000
1960	TR 60	2	6,000,000 - 7,000,000
1960	TR 60	954	28,000 - 50,000
1960-63	250 GTE 2+2	47	275,000 - 350,000
1959-64	400 Superamerica Series I & 2	2	6,000,000 - 7,000,000
1961	TR 61	1	1,700,000 - 2,200,000
1962	196 SP	3	1,700,000 - 2,200,000
1961-62	246 SP	2	None remaining
1962	248 SP	2	1,700,000 - 2,200,000
1962	248 SP	1	None remaining
1962	286 SP	1	5,000,000 - 6,000,000
1962	330 TRI/LM	33	5,000,000 - 6,000,000
1962-63	250 GTO	3	5,000,000 - 6,000,000
1964	250 GTO Series II	350	100,000 - 150,000
1962-64	250 GTL Lusso Berlinetta	50	33,000 - 58,000
1963	330 America	4-6	4,000,000 - 5,000,000
1963	330 LM "B"	4	4,500,000 - 6,000,000
1963	250 P	4	4,500,000 - 6,000,000
1964	275 P	32	1,500,000 - 2,900,000
1964-65	250 LM (275 LM)	1080	30,000 - 40,000
1964-67	330 GT 2+2	3	4,000,000 - 5,000,000
1964	330 P	1	4,500,000 - 5,500,000
1965	365 P	235	145,000 - 215,000
1964-66	275 GTB: Short nose, steel Long nose	205	175,000 - 250,000
		14	650,000 - 825,000
1964-66	275 GTB Comp.	36	175,000 - 300,000
1964-66	500 Superfast Series I & 2	5	3,750,000 - 4,750,000
1965	275 P2	5	5,000,000 - 5,500,000
1965	330 P2	200	125,000 - 150,000
1964-66	275 GTS	3	1,750,000 - 2,000,000
1965	166 P/206 P	600	75,000 - 150,000
1966-68	330 GTC	3	900,000 - 1,200,000
1965-66	166/206 Dino Speciale	15	1,500,000 - 1,900,000
1965-67	206 SP & 206 S	12	900,000 - 1,100,000
1966	275 GTB/C	3	None remaining
1966	330 P3	14	450,000 - 500,000
1966-67	365 California	2	3,750,000 - 4,750,000
1966	365 P2/3	100	175,000 - 225,000
1966-68	330 GTS	330	300,000 - 375,000
1964-68	275 GTB/4	2	4,000,000 - 5,000,000
1967	330 P3/4 (412 P)	3	8,000,000 - 10,000,000
1967	330 P4	10	1,700,000 - 2,200,000
1967-68	275 GTB/4 NART Spyder	150	50,000 - 75,000
1966-69	206 GT Dino	2	4,000,000 - 6,000,000
1968	330 Can Am	1	1,250,000 - 1,750,000
1968-69	612 Can Am	801	30,000 - 45,000
1968-71	365 GT 2+2	1383	110,000 - 175,000
1968-73	365 GTB/4 Daytona Coupe	150	80,000 - 110,000
1968-69	365 GTC	20	250,000 - 325,000
1968-69	365 GTS	1	1,000,000 - 1,800,000
1969	212 E Montagna	25	1,250,000 - 2,000,000
1969-71	512 M & 512 S	2487	38,000 - 60,000
1969-73	246 GT Coupe	125	275,000 - 400,000
1969-73	365 GTB/4 Daytona Spyder	3	2,000,000 - 3,000,000
1969	312 P	12	1,300,000 - 2,100,000
1971-73	312 PB	1	1,500,000 - 2,000,000
1971	712 Can Am	500	30,000 - 63,000
1971-72	365 GTC/4	15	1,000,000 - 1,400,000
1971-73	365 GTB/4 Comp.	1274	45,000 - 90,000
1972-74	246 GTS	524	20,000 - 30,000
1972-76	365 GT4 2+2	2826	18,000 - 25,000
1974-80	308 GT4 2+2	840	15,000 - 20,000
1975-80	208 GT4 2+2		

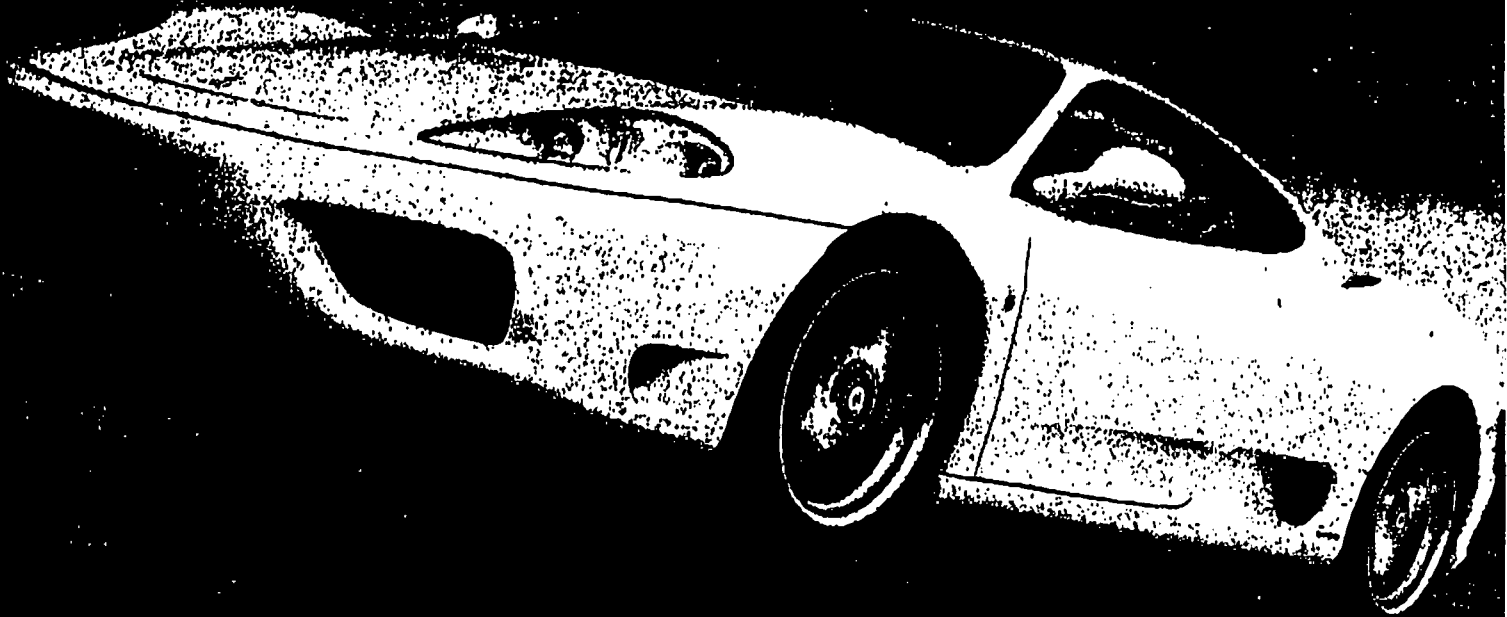
M E R C A T O

Table with columns for year, model name, engine/transmission, price, and other specifications. Includes models like GTB, GT, GTM, etc. across various years from 1975 to 1999.

FORZA

360 AT FIORANO

We Drive Ferrari's Home Track



SURTEES SPEAKS



Exclusive Interview With
Ferrari's Former F1 Champ

PRIZED 250 GT
SERIES 1 PININ FARINA
CABRIOLET

SCHUMACHER'S
DOMINANT F1 START

MONTEREY'S SECRET:
PENINSULA RALLY

LIVING WITH A
DAYTONA COUPE

NUMBER 31
AUGUST 2001
USA \$4.99
Canada \$6.99

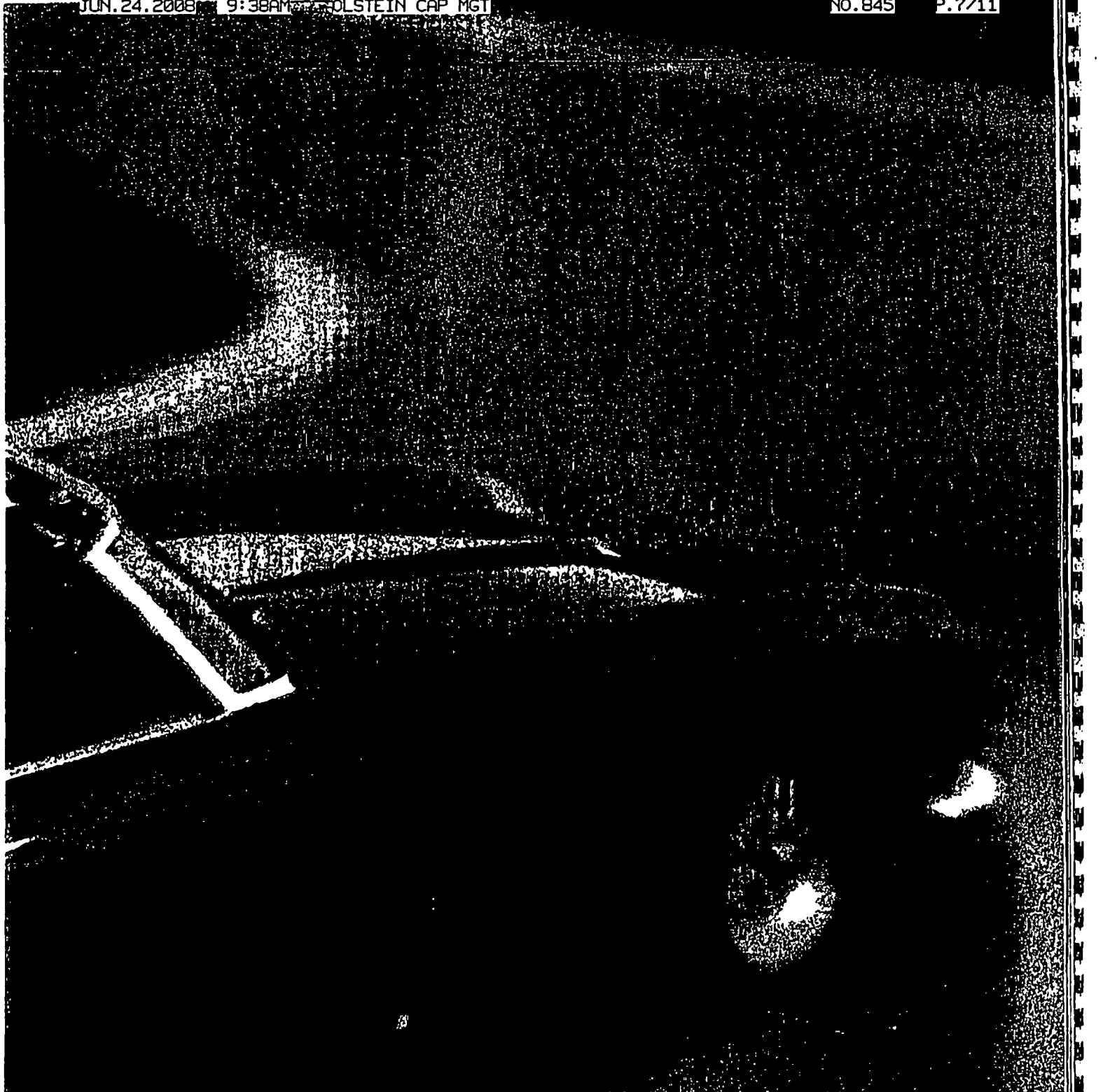


HISTORY

A Ferrari in the Family

Serial number 1079 is more than just another 250 GT Series I Pinin Farina cabriolet. To owner John Clinard, it's a member of the family.
Story by RAY THURSBY, photos by DAVID GOOLEY.





If one were to look at a list of all the classic Ferraris, the variety of their current owners and locations would be as extensive as the cars themselves. Some sit in museums, some are the property of reclusive individuals who prize them

as Midas did his gold and some are in a kind of perpetual transition, shuttling between owners who pay ever-increasing sums for the privilege of numbing one or more Ferraris among their possessions.

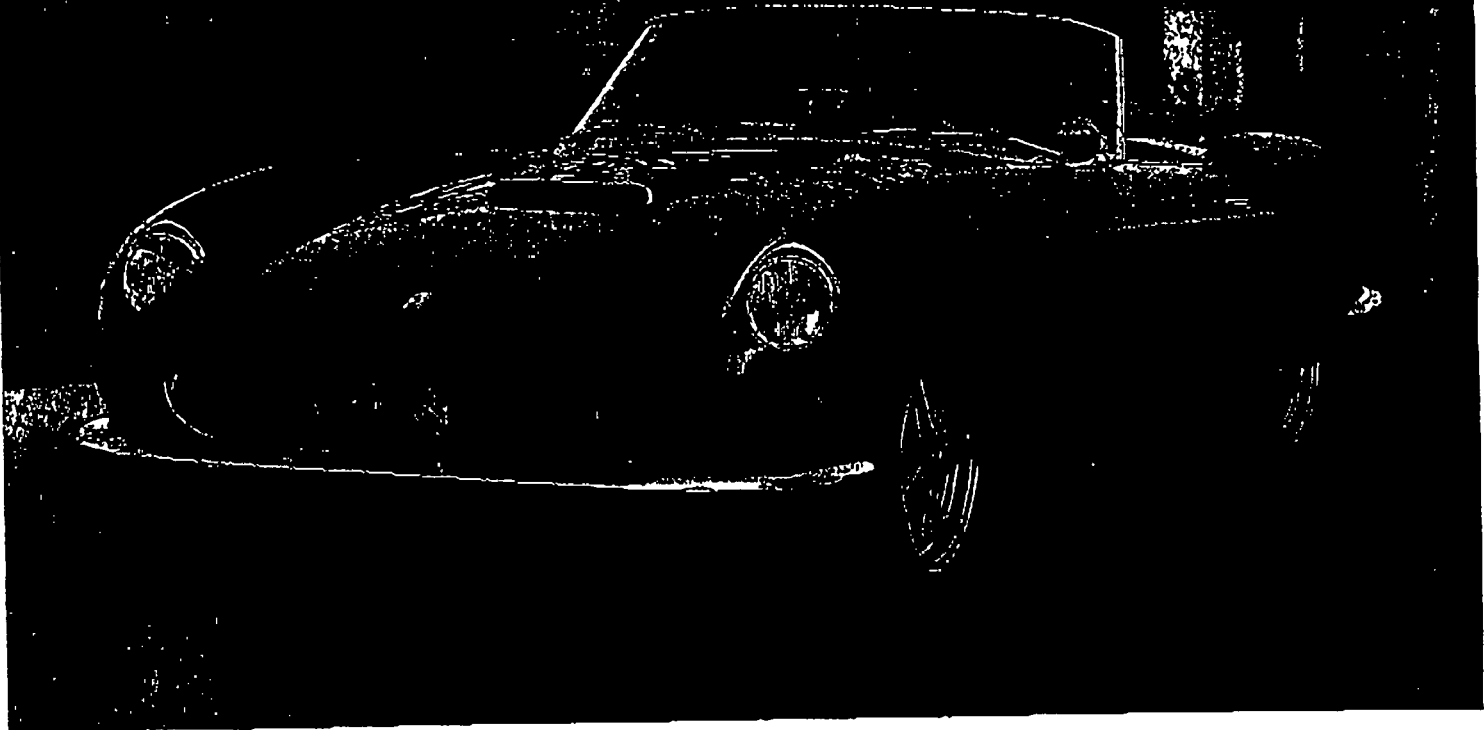
And then there are those

cars that end up exactly where they should. Such a car is serial number 1079GT, a 1958 Series 1 250 GT Pinin Farina cabriolet. Its story goes beyond the usual listing of build data, restoration details and show appearances; to fully appreciate it, one must also consider the current owner, his family and the numerous friends who have been encouraged to appreciate this lovingly cared-

for machine in all its functional and visual glory.

This is also one of those stories the author can only report fully by inserting himself into the narrative. But that comes later.

First, the basics: Between early 1957 and August 1959, Pinin Farina clothed 40 Ferrari chassis in distinctive two-seat cabriolet coachwork. They were not radical departures from past



PF Ferrari designs; visual cues dating back to the 212 Inter of 1952 can be seen, and the resemblance to the 1956 250 GT coupes is obvious. Even so, the Series I cabriolets refined the features of those earlier offerings and modernized—some might say “tamed”—them, leading the way to standardized Ferrari bodies produced in large quantities. Subsequently, some 200 examples of the Series I’s derivative, the Series II, would be built.

The first four Series I cabrio-

lets were considered prototypes. In Ferrari fashion, that doesn’t mean they were semi-finished “mules” thrashed around in a factory test program before being scrapped, as most companies’ prototypes are; no, indeed. The first, carrying s/n 0655GT, was displayed at the 1957 Geneva Auto Show. Though a recognizable relative of the 250 cabriolets to come, it had an unusual cut-down driver’s-side door. After its show appearance, it was handed over to then-

Ferrari F1 driver Peter Collins, who had its drum brakes replaced with Dunlop discs.

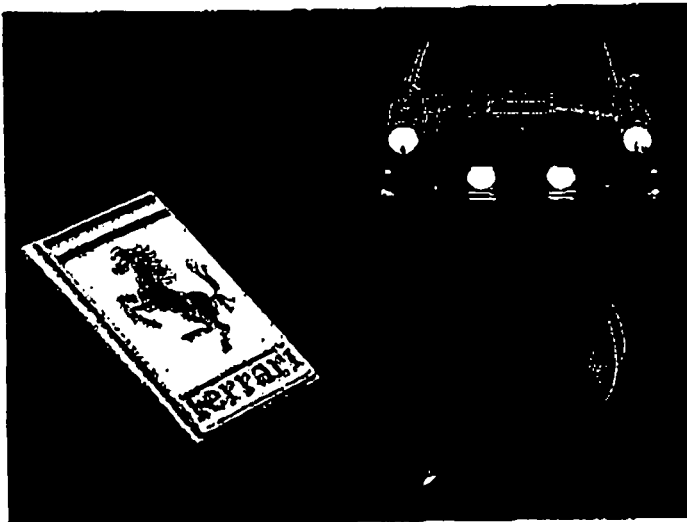
Prototypes two, three and four (0663GT, 0705GT and 0709GT) were evolutionary. The first of these was configured to look like a racing car to satisfy the whims of its first owner, complete with a low windshield, headrest and deletion of the external door handles, although it apparently never turned a wheel in competition. A subsequent purchaser

had it put into standard 250 cabriolet trim. The other two (also built to customer order) refined the basic design further, incorporating distinctive vents on the front fenders (0705) and roll-up windows (0709).

After that, the remaining 36 examples were considered “production” cars. Of these, 32 had covered headlights, although the final four had their lamps stuck out in the open, and most had vents in the front fenders aft of the wheels. Those details aside, and ignoring subsequent changes made by owners or, in one instance, by the factory, they were PCs in a pod.

That’s a good thing, too, as Pinin Farina’s work would have been most difficult to improve upon. The shape is very much a product of the 1950s: long, sweeping lines with discreet “creases” at each end, low-key bright accents and a traditional low, wide front air intake that has long been a hallmark of Pinin Farina-bodied Ferraris. (That’s true even today; note the same feature on the current 550 Maranello.—Ed.)

Though unsurpassed in its elegance and balance, it is not



LIKE A NATIVE: Though originally built for a Saudi prince, John Clinard’s 250 GT Series I PF cabriolet has spent much of its life in Southern California. The car looks perfectly suited to the area’s warm climate and outgoing lifestyle. Pinin Farina styling embodies the classic ‘50s proportions of a greyhound on wheels.

one of those forms that can be said to be timeless; the proportions emphasize length over width, as was the fashion when the 250s were new. If put into production today, it might well be redone with flared fenders and other visual gimmicks to create a more muscular, hunkered-down look. For lovers of the greyhound-on-wheels school of design, however, the 250 cabriolet approaches perfection.

Design traditions are followed in the cockpit as well. Simplicity and function rule here, with luxury touches provided by material choices—such as the buttery soft leather upholstery—rather than a long list of gratuitous fittings. Virtually everything save the passenger seat is there to meet the driver's needs, from the wood-rimmed Nardi steering wheel through the line of Borletti gauges set in a black crackle-finish panel to the simple and slightly spindly shift lever (which in this case has a leather boot and not a polished metal gate at its base). The warning lights and switches are all unmarked; Ferrari obviously assumed that those who might drive this car would either intuit or seek instruction at some point as to their function.

From first to last, the 250 cabriolets were built to a standard mechanical specification. A robust tubular chassis carried independent front suspension (upper and lower wishbones, coil springs and lever-type shock absorbers), a solid rear axle on leaf springs located by radius arms (also using lever shocks), 16-inch drum brakes squeezed in behind 16-inch Borrani wire wheels and, of course, a V12 powerplant. The long-lived Colombo design was at this point being used in its pure form for the last time; the hairpin-type valve springs would give way to conventional coils soon after the Series I cars were built. Breathing through a trio of twin-choke Weber carburetors, the 3-liter engine was rated at 220 bhp (some sources claimed 240) at what must be the world's best-

sounding 7,000 rpm.

Though clearly built with the intention of paving the way toward attracting a wider clientele, the Series I was hardly inexpensive. A late '50s price sheet from Ferrari Distributors of California showing the "Ferrari 250 Gran Turismo Series" lists the 250 Pinin Farina Cabriolet at a hefty \$14,950, while an open-top California could be had for just \$11,600. The 250 GT coupe or alloy-bodied Berlinetta cost \$12,450.

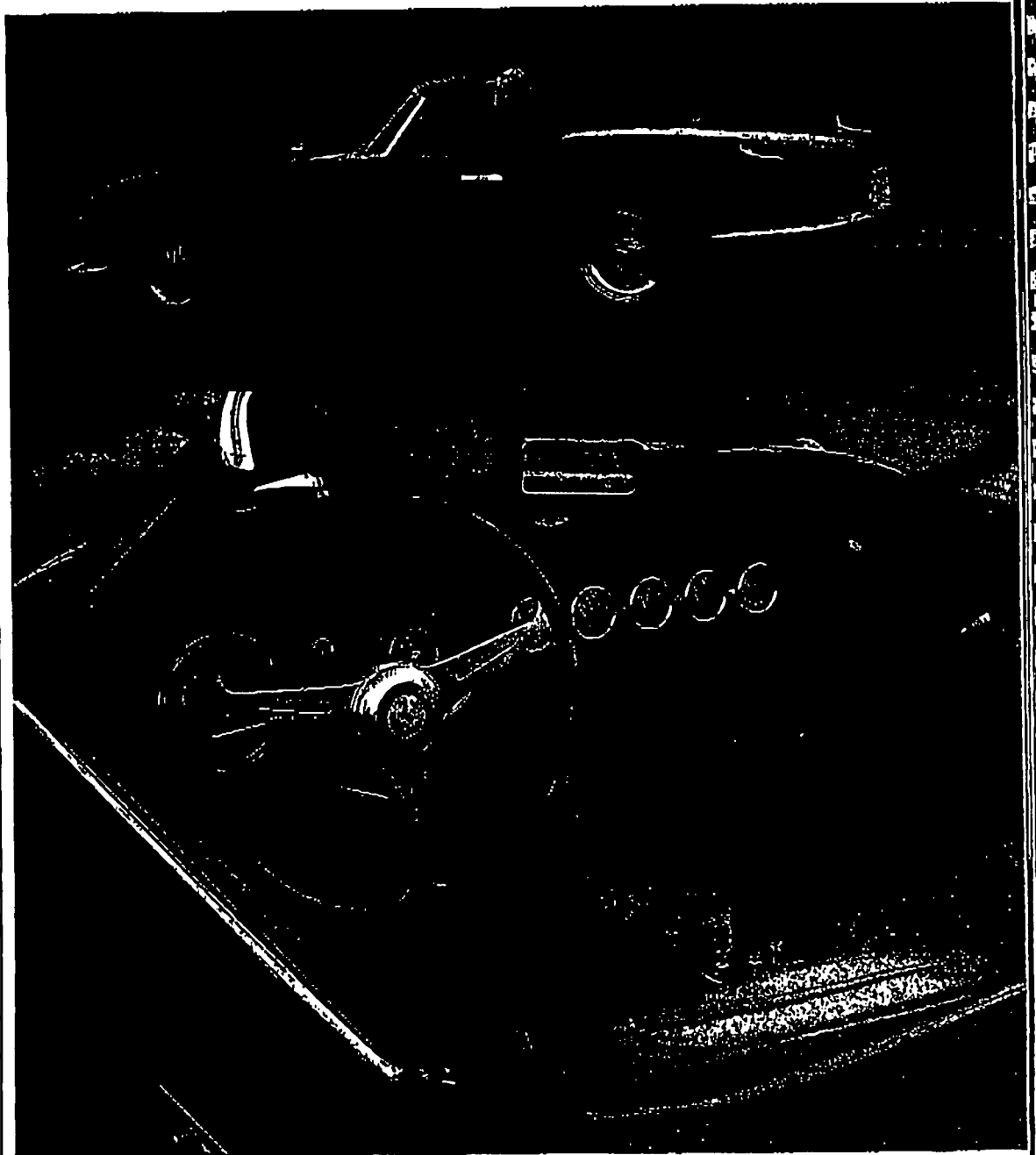
According to factory records, Pinin Farina delivered

what was to become s/n 1079GT to Maranello on September 3, 1958. Assembly and testing were completed the following month and the car was shipped in early November to its first destination, Ferrari's display at the Turin Auto Show. The initial color scheme was shell gray with a red leather interior, though the car was subsequently returned to Pinin Farina for installation of black leather upholstery.

The trim change may have been made at the request of 1079's likely first owner, Prince

Mohammed Al Faisal of Saudi Arabia. He had the car shipped to New York, taking delivery December 4, 1958. How much time s/n 1079 spent under royal ownership is unclear, as the car next appeared on Luigi Chinetti's stand at the New York Auto Show in January, 1959. It passed through the hands of at least three subsequent owners thereafter.

By 1964, the silver-gray cabriolet was in Santa Monica, California, its owner unaware that another Series I 250 was about to have a major effect on



1079's ultimate fate. That car, s/n 0809GT, was part of a collection gathered by the late Norman Silver, a Ferrari fan extraordinaire. His collection came to the attention of John Clinard, a young car enthusiast (then driving an Austin-Healey Sprite) who happened to live roughly a mile away from Silver. The two struck up a friendship that was to last until Silver's death.

The scope of Silver's Ferrari stable would have impressed almost anyone; it had a strong effect on the 17-year-old Clinard. He says: "Some of Norman's other Ferraris at the same time were of the same 'fla-

vor' [as the 250 cabriolet]: a 400 SA cabriolet, a 375 MM spyder, the original Superfast one-off, a 500 Superfast, Prince Bernhard's one-off 250 PF coupe... Pretty amazing—all tucked away in a North Carolina mill town where most people couldn't even pronounce Ferrari."

As it happened, when Silver offered Clinard a chance to drive one of his cars—Clinard would eventually get extensive behind-the-wheel time in all of them—it was s/n 0809GT. First impressions endured.

Twelve years after that first drive, Clinard was married, driving an Alfa Romeo and involved in work. While attend-

ing the Ferrari Club of America annual meet, John and his wife, Linda, were shown a photograph of a 250 cabriolet that was for sale. The seller was John Delameter of Carmel, Indiana, of whom Norman Silver had earlier said: "He's the only one I will buy a car from over the phone." Picture in hand, John and Linda had to come to a decision; the \$13,000 asking price was exactly Linda's annual salary as a school teacher. "We agonized over it for about ten seconds," John recently wrote, "and said 'yes.'"

Their new Ferrari was not exactly pristine. Clinard's first impressions—the realistic ones,

as opposed to those wrapped up in his memories of s/n 0809—were of "tired silver paint, tired black leather, hard Pirelli Stelvio tires and a smoking engine."

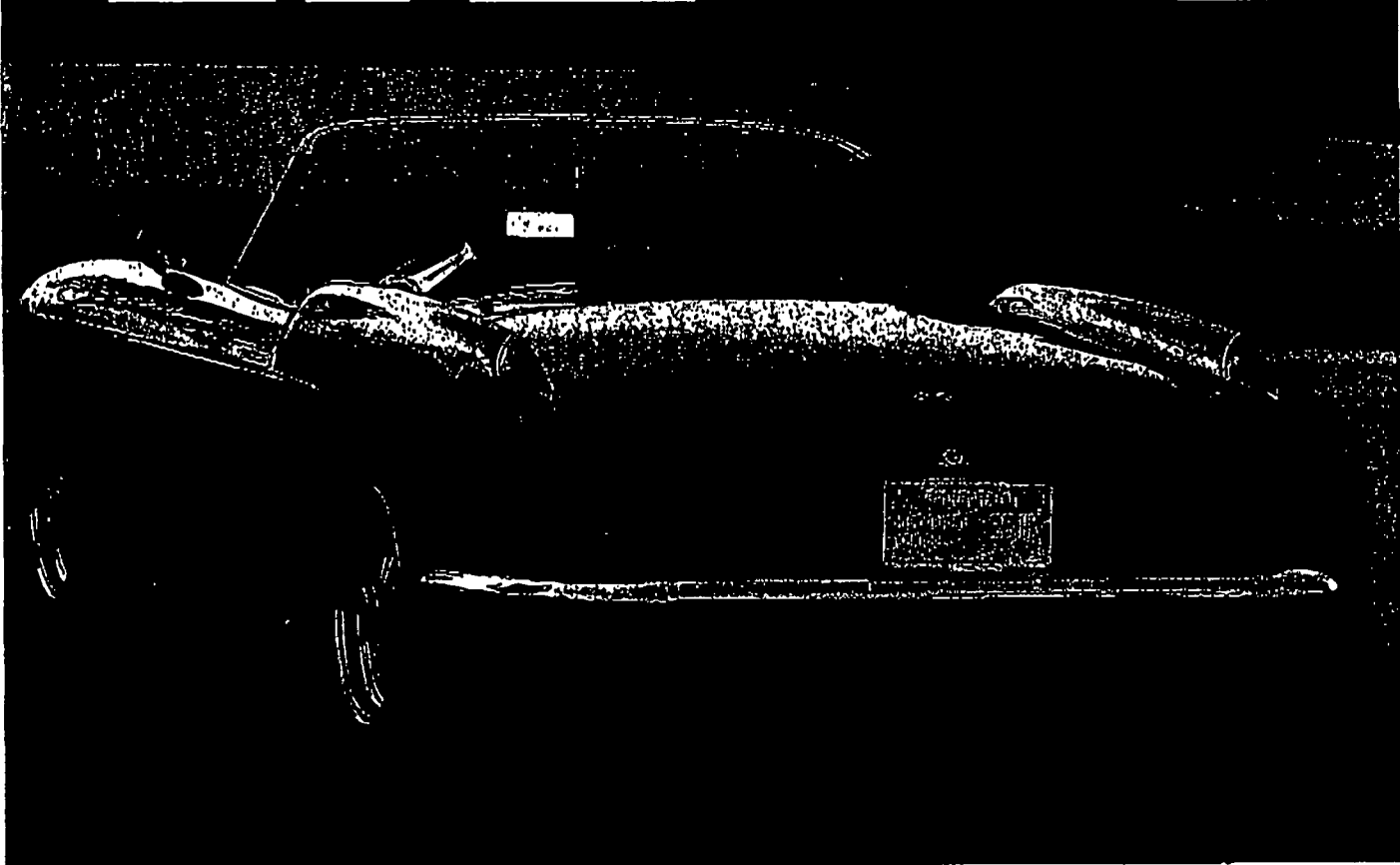
Two years later, a major restoration was begun. The Clinards dismantled s/n 1079 and sent its pieces to specialists in Michigan, Indiana and Illinois who handled the mechanical, paint and interior work. The process consumed yet another two years, and finally culminated in a "coming out" party held in the Clinard's backyard. John and his daughter, Anne, pulled a cover off the completed 1079 as his one-year-old sons, Jeff and Trevor, provided a drum roll on their toy drums. The assembled guests—including, of course, John Delameter—were impressed.

The result of all the work by John, Linda and the Ferrari specialists was a car of strikingly original appearance, neatly finished to a high standard but not overdone. The original silver-gray color was superseded by a glorious bright red (a Ford color!) and the black interior gave way to a warm light tan. In sum, s/n 1079 looked—and still looks—showroom-fresh and ready to drive.

Over the years, the Clinard garage has been home to a number of Ferraris. For a time, the 250 was joined by s/n 0751GT, a one-off 250 coupe originally built for Princess Liliana de Rethy of Belgium (King Leopold's second wife). It gave way to others, including a 500 Superfast, a 330 GT and GTS and three Dinos. All were let go for one reason or another, but s/n 1079 has become a member of the family, worth a great deal more than mere money.

Though not a daily driver by any means, the 250 is used, and that's where the author comes in. When John and I first met as a result of his work for the Ford Motor Company, an invitation to visit his home "for a look at the Ferraris" (one of the Dinos was still there at the time) was extended and quickly





accepted. John's conception of "a look" inevitably includes a ride. And a drive. Just owning isn't enough; he derives genuine pleasure from sharing 1079's story and the experience of driving it with his friends.

My initial stint behind 1079's wheel wasn't my first in a Ferrari, but it was my first in one of the great classic examples from the 1950s and 60s. There have been many more since, but that run remains in my memory in much the same way that John's first drive in Norman Silver's PF cab remains in his. Each time I have driven s/n 1079 since then has been like a reunion with a cherished friend.

Separating reality from emotion, driving s/n 1079 is better than one might expect of a car of its vintage. The Series I GTs have a reputation for being somewhat truck-like in their behavior. Not true, at least in this particular case. Yes, the steering is heavy and slightly resistant to direction changes at speed, but no more so than one would expect from any sports car of the 1950s. Shifting does require a firm,

precise hand, and the brakes are less effective than modern discs. The ride is firm—though not unpleasantly so—as well, and there is a little body roll through corners.

But so what? Every Ferrari I have driven—with the exception of the latest power- and servo-assisted models—has demanded that its driver *work* to get speed out of it. They are not dainty cars, but rather mechanical devices that thrive on driver involvement.

One can only be critical of

1079's behavior if the expectation is that it should somehow be as easy to drive as a modern car. It isn't, but once the driver becomes adjusted to it, it does everything asked of it and more. There's plenty of speed, mixed with the sensations of slight, feel and sound that only Ferraris seem to deliver.

And anyone who loves cars would put up with far more effort than any of s/n 1079's systems require just to enjoy that magnificent V12. It is an utterly tractable engine, as happy

churning out torque at low speeds as it is willing to head straight for its redline, all the while making sounds that words have never adequately described.

The Series I 250 GT cabriolet was an important milestone in Ferrari history, and s/n 1079 serves as a wonderful example of the breed. It is a four-wheel tribute to Pinin Farina, to the artisans at Maranello and, of equal importance, to its owner and his family, who care for s/n 1079 and freely share their appreciation of its magical qualities. ●

MELLIFLUOUS: The last of the "pure" Colombo V12s—those with helix valve springs instead of coils—powers the Series I PF cab, and contributes the kind of wonderful sound that's best appreciated in an open-top car. Borrani wire wheels add depth; shift lever is leather-wrapped rather than gated. 1079 is one of four cabriolet prototypes.



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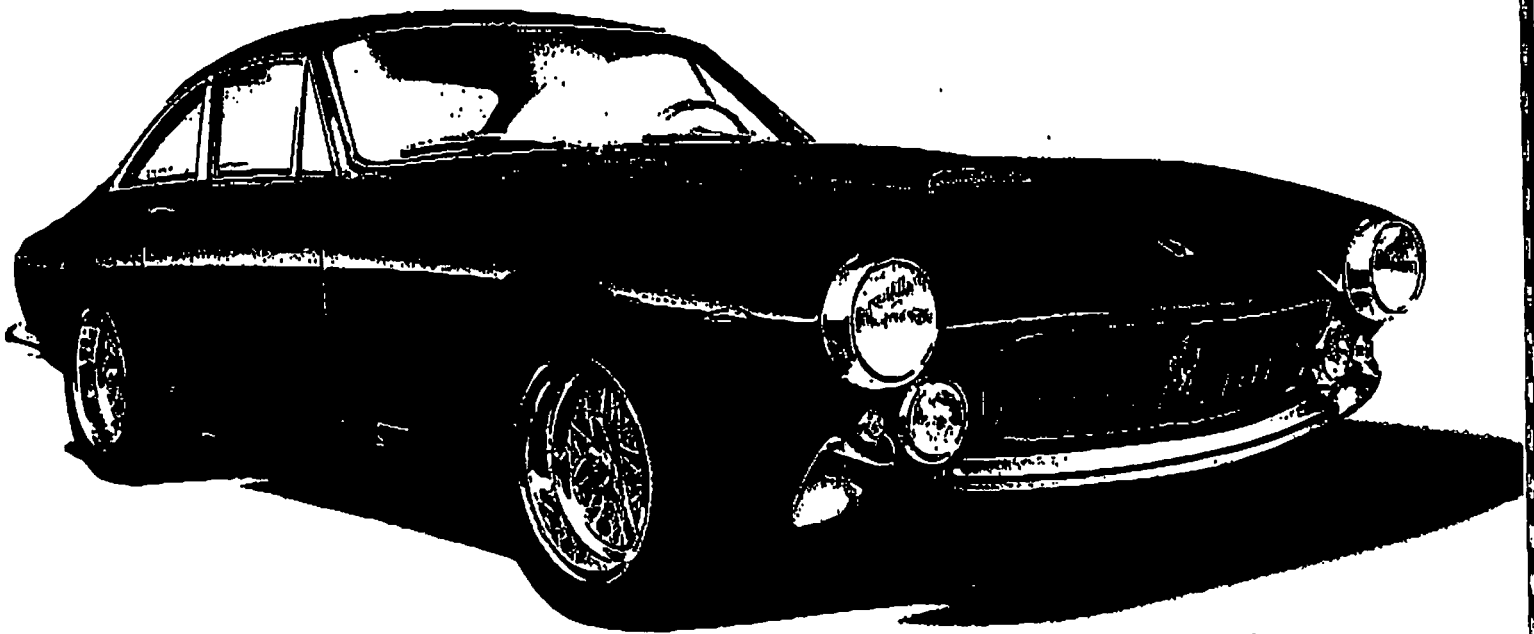


MARKET REPORT

The 250 GTs, Part I

FORZA explores the market for the Europa GT, Boano, Ellena, PF Cabriolet, PF Coupe and Lusso.

STORY BY MICHAEL SHEEHAN ILLUSTRATIONS BY STEVE ANDERSON



The 166, 195, 212 and 225 may have introduced Ferrari to the racing world and ultra-rich enthusiasts, but it was the 250 GT series which started the company on the road to semi-standardized mass production, which in turn helped make Ferrari a household name.

While limited-production models like the Tour de France,

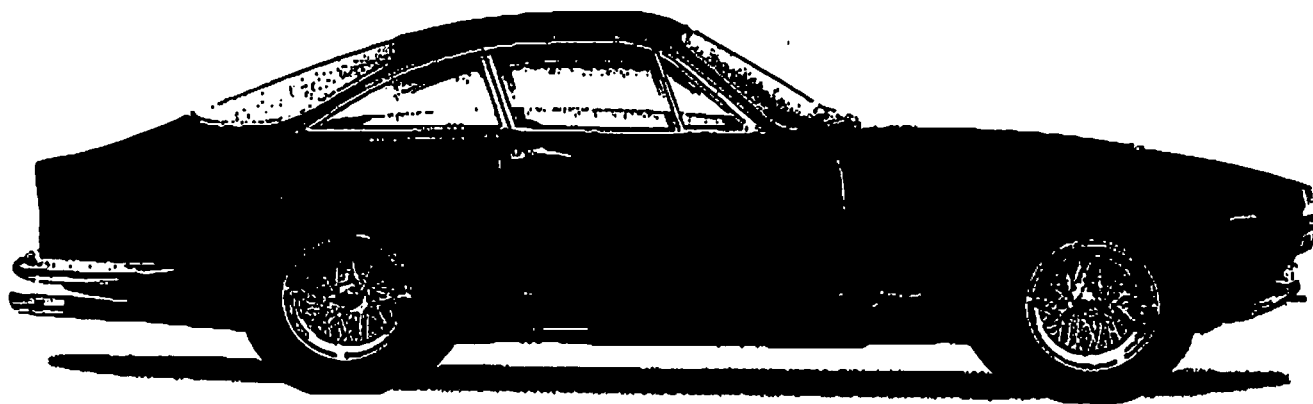
Spyder California, SWB and GTO produced international acclaim, it was road cars like the PF Coupe and Lusso that filled customers' garages. These machines' higher production volumes allowed Ferrari to reduce costs while increasing profits. Standardization also delivered a more consistent product; replacement parts that

pretty much fit could be ordered from the factory, while maintenance and servicing could be handled by mechanics, not just race-shop machinists.

In their day, the 250 GTs were some of the most desirable sports cars in the world, appreciated for their beauty, technology and performance. Today, they are sought after for the

same reasons, as well as for their exclusivity, eligibility in vintage racing and rapidly appreciating price tags. Indeed, they have been the best Ferrari investment over the past decade.

In this installment, we'll look at the 250 GT road cars. Next time, we'll investigate the rarer, more exotic dual-purpose machines.



around \$150,000, while excellent examples sell for around \$250,000. Given that it would cost more than \$150,000 to turn the former into the latter, it's highly recommended to buy a more expensive car in better condition from the start.

250 GT Lusso BEAUTY MEETS BRAWN

The 250 GT/L—better known as the Lusso, for luxury—was the ultimate evolution of the 250 GT road cars, offering a perfect balance of Grand Touring comfort and exemplary performance.

Introduced at the Paris Salon in October 1962, the Lusso was also praised as one of Pininfarina's most fluid and timeless designs. The sweeping profile blended into a light and airy cockpit, framed by slim pillars and a large wrap-around rear window. The nose featured a more rectangular rendering of Ferrari's traditional egg-crate grille, while unique chrome bumperettes, mounted below the headlights, flanked a central chrome bumper strip. The rear body was completed with a subtle Kamm tail and pair of large circular rear lights. The bodywork was built by Scaglietti.

Unlike the earlier 250 GT road cars, the Lusso utilized the Tipo 599 U chassis, which was similar to the 250 GTO's. The GT/L and GTO were built on an identical 2,400mm wheelbase, received the same independent front and Watts-

LUSO

	2003	2004	2005	2006	Current
High	175,000	250,000	350,000	500,000	875,000
Low	100,000	150,000	250,000	350,000	450,000

link live rear suspension, and featured the same-size four-wheel disc brakes and similar Borrani wire wheels. That said, the Lusso's engine was mounted farther forward in the chassis for increased cockpit space, and the frame was built of larger, heavier and more durable tubing.

The Lusso was powered by the Tipo 168 U engine, a mildly de-tuned, wet-sumped three-carb version of the GTO powerplant. Official (and optimistic) output was 250 bhp with 9.2:1 compression. High-compression pistons, GTO cams, hot-rod carbs and low rear gear ratios could be ordered by the Lusso owner with a desire for improved performance. Top speed was 150 mph, while the 0-60 time was just under seven seconds—world-class performance for the day.

The bold yet traditional cockpit featured form-fitting bucket seats trimmed in Connolly leather and a unique dash and instrument layout: The large speedometer and tachometer were mounted in the center of the dash, angled toward the driver, while five smaller gauges were mounted directly behind the wood-rimmed Nardi wheel. The quilted-vinyl rear shelf sported two prominent leather luggage straps, as the trunk was

filled by the fuel tank, spare tire and tool kit.

A total of 350 Lussos were built from early 1963 to mid-1965, beginning with the prototype (s/n 3849) and ending with s/n 5955.

Mechanically, Lussos suffer from the same problems as other contemporary Ferraris. However, they do not have the problematic overdrive unit of the PF Coupe.

Pricing for the Lusso starts at around \$450,000 for a driver. An excellent restored example will sell for roughly \$650,000. Expect to pay close to \$1 million for one of the few cars with a period race history.

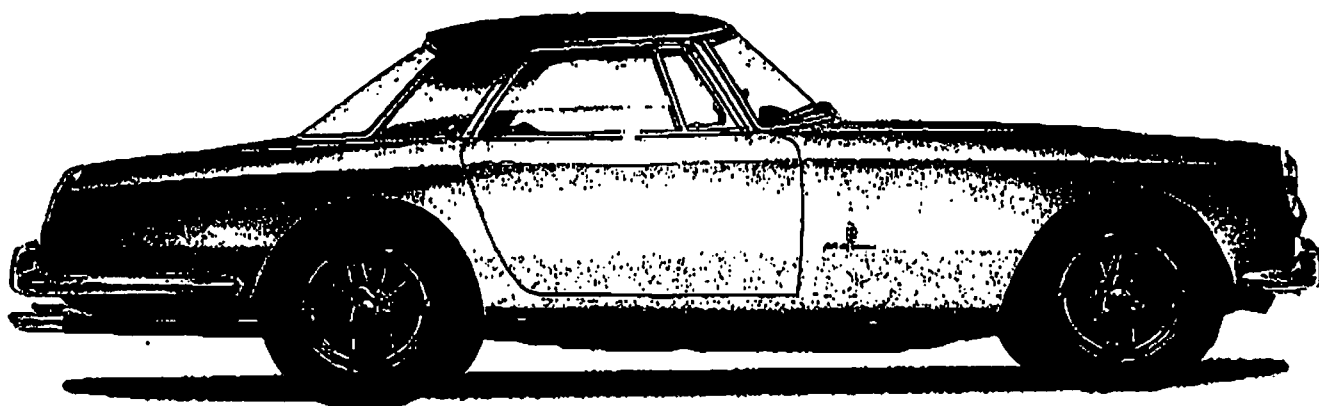
BUYING A 250 GT

As an investment, most of the 250 GT series is top-notch. These cars are rare, desirable, attractive and eligible for vintage events. The market reflects this: Prices have been going up steadily for five years. A 250 GT remains a wonderful place to park a large sum of money, and, in today's market, is much safer than real estate. However, the likelihood of making a profit through restoration is small, as the cost of restoring any of these cars, at \$150,000 to \$250,000, exceeds the price differential between a driver and a better-than-new example.

Unless you're buying a recently restored version—and even if you are—everything is unlikely to be perfect. The youngest of the 250 GTs is now 45 years old, which is at least four lifetimes for a normal car. A thorough pre-purchase inspection should be considered mandatory, as who knows what's going on, or has gone on, under even the nicest exterior? These may be simple machines by today's standards, but hard-to-find and expensive parts coupled with high labor prices mean that even simple repairs can add up to serious cash. Having a good relationship with a mechanic or shop that has plenty of 250 GT experience is crucial.

Many of these cars have ceased to exist in their original form. Because they share chassis, suspension and other mechanical parts with the TdF, Cal Spyder, SWB and GTO, more than 100 of the regular-production road cars have been turned into replicas of their rarer and more desirable siblings.

From a driving perspective, the key to a positive 250 GT experience is setting up the car properly. A Ferrari restored by a shop that knows all the tricks—such as negative camber, modern vintage-racing tires, well-balanced brakes and rational rear gear ratios—is a truly wonderful car to drive. While the kid in the souped-up Honda will leave you in the dust, you'll have a fantastic time chasing him. ●



into a full-width design, the front fender vents were eliminated and open headlights became the norm. Also slightly changing was the Tipo 508 chassis, which evolved through C and D specifications, while the Tipo 128 B engine moved on to D specification.

Performance of the Series I Cabriolet was outstanding: Maximum speed was 135 mph and the 0-60 mph sprint took just 7.1 seconds. This was not far off the ability of the contemporary 250 GT "Tour de France," and was more or less on par with the Spyder California.

Production ended in May 1959. Only 40 Series I PF Cabriolets were built (s/ns between 0655 and 1475), two of which (s/ns 0811 and 0921) were right-hand drive.

Ferrari's first standard-production drop-top appeared a few months later. The Series II 250 GT PF Cabriolet debuted at the Paris Salon in October 1959, 12 months after the launch of the 250 GT PF Coupé.

That hardtop sibling, which we'll discuss in the next section, is noteworthy because the new PF Cab was a simple and cost-efficient topless conversion of it. The two cars featured almost identical dimensions, with the Cabriolet sporting a mild kick-up just behind the doors instead of the Coupé's smooth line—this helped the Cabriolet seem longer and sleeker. The interior was unchanged from the Coupé.

The chassis and mechanicals

PF Coupé

	2003	2004	2005	2006	Current
High	125,000	125,000	150,000	175,000	250,000
Low	40,000	50,000	75,000	100,000	150,000

also mirrored the Coupé, which meant disc brakes, the Tipo 508 F chassis and the Tipo 128 F outside-plug engine. Power was 240 bhp, good for a top speed of 140 mph and a 0-60 mph time of just over seven seconds. Production ended in October 1962 after 202 Series II Cabriolets (s/ns between 1213 and 3807) had been built.

The PF Cabriolets suffer from the same mechanical issues as other period Ferraris. However, the Series II cars' new Tipo 128 F engine featured longer valve guides and coil valve springs, which reduced smoking.

There's a significant price difference between the coach-built Series I cars and the regular-production Series II models. Excellent Series I Cabs can sell for over \$2.5 million, while Series II models will bring almost \$500,000.

250 GT PF Coupé GRAN TURISMO ELEGANCE

Launched in October 1958 at the Paris Salon, the 250 GT Pinin Farina Coupé replaced the Boano. Designed and produced at Pinin Farina's new plant in Grugliasco, the PF Coupé featured an elegant silhouette with understated detailing. Recessed headlights

fronted the long, fluid fenders, which in turn framed the flowing hood. The roofline was shortened, the rear quarter windows were removed and the large rear window wrapped around a smaller and more sporting greenhouse. At the rear, long vertical taillights capped the fenders.

Decoration and trim were minimal, with a simple Pinin Farina badge and script on the left front fender, and a 250 *Gran Turismo* script with crossed flags on the rear lid. It is likely that these design simplifications were made to decrease complexity and production costs.

Unlike the sporting, minimalist 250 GT SWB, the PF Coupé was designed for cruising and luxury. Increased sound insulation, comfortably padded Connolly leather seats, a leather-covered transmission tunnel and Wilton wool carpets made the interior a very pleasant place to spend time. A body-colored dash, wood-rimmed Nardi wheel and the trademark flip-up Pinin Farina ashtray helped make the PF Coupé's cabin one of the most appealing of the period.

The 2,600mm Tipo 508 D chassis was used, while the latest Tipo 128 C and D engines were fitted. Displacement

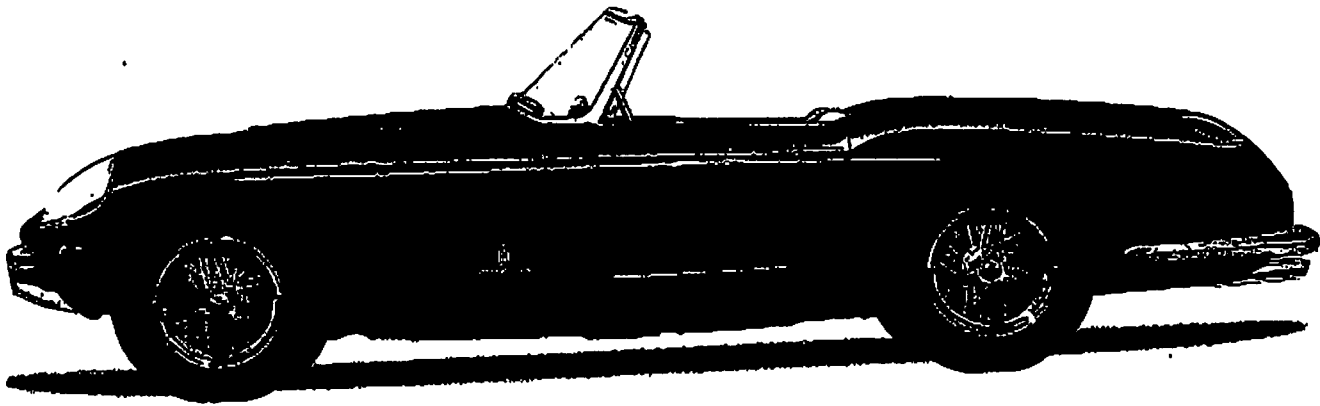
remained at 2,953cc, which gave an optimistic 240 bhp with 8.8:1 compression and three Weber carbs.

Partway through production, a Series II version was introduced. This car featured the aforementioned, less smoky Tipo 128 F outside-plug engine. Dunlop disc brakes replaced the traditional drums, telescopic Koni shock absorbers improved ride quality and a Laycock de Normanville overdrive gave a higher cruising speed. The change-over supposedly happened with s/n 1499 (the first PF Coupé is s/n 0851, the last is s/n 2081), but in reality there was plenty of overlap during the transition—not all of the first dozen or so Series IIs featured all of the changes.

The Series II model was an impressive performer, with a top speed of nearly 150 mph and a 0-60 mph time of 6.7 seconds. This was enough to keep the Ferrari name at the forefront of high performance, leaving the likes of Aston Martin, Jaguar and Maserati in the dust. Production ended in 1960, after a total of 362 Series I and Series II PF Coupés had been built.

The PF Coupés have the same basic problem areas as the earlier 250 GTs. The overdrive unit introduced on the Series II is also problematic, as few mechanics know how to service it or where to find parts.

Pricewise, PF Coupés are the bargain of the 250 GT lineup. A project car is worth



rimmed aluminum steering wheel, while the interior was finished with leather-trimmed door panels, seats and transmission tunnel, and a carpeted rear luggage shelf.

The 2,600mm Tipo 508 frame changed little from the Europa GT, although a slightly revised Tipo 508 C version was introduced partway through the production run. Ferrari's new Tipo 128 B (dual distributor) and 128 C (single distributor) V12s replaced the earlier Tipo 112. Displacement remained at 2,953cc, although the engine's con rods were strengthened. Compression varied between 8.5:1 and 8.8:1, which with three twin-choke Weber carbs gave from 220 bhp to as much as a claimed 240 bhp. The four-speed gearbox was carried over from the Europa GT, although some LHD cars were delivered with a reversed shift pattern, originally designed for the RHD market.

By the time the last Boano-bodied 250 GT was completed in 1957, 69 coupes (s/ns between 0449 and 0675), a single one-off coupe (s/n 0531) and one convertible (s/n 0461) had been built. Around 14 of the standard-production coupes received alloy bodies.

That year, company founder Mario Boano was lured to Fiat. The Boano works were taken over by his son, Pollo, and son-in-law, Ezio Ellena; the latter would give his last name to the re-branded firm.

PF Cabriolet Series I

	2003	2004	2005	2006	Current
High	500,000	750,000	1,000,000	1,250,000	2,500,000
Low	400,000	500,000	700,000	850,000	1,750,000

PF Cabriolet Series II

	2003	2004	2005	2006	Current
High	200,000	250,000	300,000	350,000	495,000
Low	125,000	150,000	200,000	250,000	400,000

Production of 250 GT bodywork continued at the Grugliasco plant. The Ellena-period cars were unchanged mechanically, but after about a half-dozen examples, beginning with s/n 0679, the roofline was raised slightly to give driver and passenger more headroom. Production of the so-called 250 GT Ellena ceased in mid-1958, with s/n 0887. In total, Ellena bodied 49 cars over 12 months.

The earliest 250 GTs now qualify for senior discounts, and like any 50-year-old, almost all of them are suffering from the ravages of age, visible or otherwise. Rust is common (rustproofing was non-existent when these cars were built) as is long-hidden body damage. Mechanical problem areas include a complex, non-adjustable and expensive-to-rebuild front suspension—for example, the bushings are brass and every component has to be hand-fitted—and an engine with poor casting quality and no valve guide seals.

Just as important is the fact

that every original component is well past its rebuild-or-replace date. Likewise, because these cars spent decades at or near the bottom of the 250 food chain, most are studies in deferred maintenance, and are long overdue for a long list of what should be normal service work, such as new water hoses, ball joints and other time-dated maintenance. A potential owner should budget \$10,000-15,000 for such services. A thorough pre-purchase inspection by an expert mechanic or restoration shop is a requirement.

Prices for the Europa GT vary wildly. A project car sells for about \$750,000 while the best examples can command up to \$1.25 million, due in large part to their eligibility for historic rallies like the Mille Miglia.

The '56 PF Coupe, Boano and Ellena sell for as little as \$250,000 for a project car to as much as \$750,000 for one of the rare alloy-bodied examples with a period racing history. Excellent PF Coupes and Boanos typically run in the

\$650,000 range, with Ellenas going for around \$400,000.

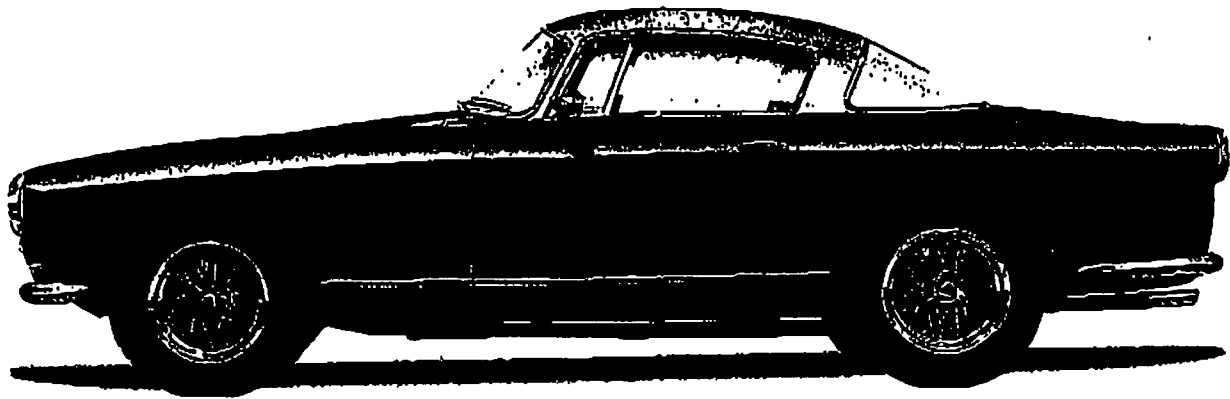
250 GT PF Cabriolet COACHBUILDING BECOMES PRODUCTION

Launched at the Geneva Salon in March 1957, the 250 GT Pinin Farina Cabriolet eschewed Ferrari's drive toward standardization—customers could specify bumpers or bumperettes, covered or non-covered headlights, big or small taillights and so on. The basic design was stunning, and this, combined with impressive performance, made the PF Cab the sporting enthusiast's model of choice.

The car's egg-crate grille was accented with Marchal driving lights. Flowing, sharply peaked front fenders framed a long hood that was topped with an elegant, chrome-edged scoop. The delicately peaked rear fenders kicked up just behind the doors, and flowed to an elegant tail.

The interior struck a perfect balance between luxury and performance, with Connolly leather and wool carpeting paired with the competition cues of the day. The traditional Nardi steering wheel was set off by a black, wrinkle-finished dash with recessed instruments. The soft-top assembly was simple to operate and functionally adequate.

During production, the stylized twin front bumpers evolved



**250 Europa GT,
Boano and
Ellena**
STEPS TOWARD
STANDARDIZATION

The first 250 GT road car, the Europa GT, was introduced at the Paris Salon in October 1954. Power came from a light, compact and powerful Gioacchino Colombo-designed V12, designated the Tipo 112. This latest Ferrari 12-cylinder displaced 2,953cc and was essentially a slightly de-tuned version of the engine used on the 1953 250 Mille Miglia sports-racing cars. (Three Europa GTs did receive an early version of the Tipo 128 engine.) With 9:1 compression and three twin-choke Weber carburetors, the V12 produced 220 bhp, which was sent to a fully synchronized four-speed gearbox. Top speed was nearly 140 mph, with 0-60 mph coming up in just over seven seconds—amazing performance for the day.

(Some readers may already know that Ferrari built an earlier 3-liter V12 model that was also called the Europa. However, these cars featured an Aurelio Lampredi-designed engine—as seen in the later, coachbuilt America, Supracramera and Superfast models—as well as a completely different chassis, and are thus unrelated to the standard-production, Colombo-engined 250 GTs in this Market Report.)

Built on a 2,600mm tubular steel Tipo 508 chassis, the

Europa GT

	2003	2004	2005	2006	Current
High	800,000	700,000	800,000	1,100,000	1,250,000
Low	800,000	350,000	400,000	500,000	750,000

PF Coupe/Boano

	2003	2004	2005	2006	Current
High	150,000	200,000	800,000	400,000	650,000
Low	50,000	75,000	100,000	150,000	400,000

Ellena

	2003	2004	2005	2006	Current
High	125,000	200,000	250,000	800,000	400,000
Low	50,000	75,000	100,000	150,000	250,000

Europa GT was the first road-going Ferrari to feature then state-of-the-art independent coil-spring front suspension, which was introduced halfway through production. Rear suspension was live axle, while drum brakes sat at all four corners. All but one of the Europa GTs was left-hand drive.

While simplistic by mid-1950s standards, Pinin Farina's bodywork was purposeful, with a small grille, a smooth and simple profile, minimal trim and a compact tail. The cockpit was roomy, headroom was adequate and visibility was excellent.

Production of the Europa GT ended in late 1956, after a total of 27 steel-bodied coupes (s/n 0357 was the first, s/n 0427 the last), and two aluminum ones (s/n 0387 and 0389), were built by Pinin Farina. In

addition, Vignale bodied an elegant one-off example (s/n 0359) for Princess Lilian de Rethy of Belgium—while Ferrari made the transition from coachbuilding to production, a few favored clients could still order special features and/or bodies.

The Europa GT was replaced by the 250 GT Pinin Farina coupe, introduced at the Geneva Salon in March 1956.

Mechanically nearly identical to its predecessor, the car featured new bodywork penned and built by Pinin Farina. It was more elegant than its predecessor, from the larger oval egg-crate grille with powerful Marchal driving lights to the slightly peaked front fenders to the long, sloping hood. The large and airy cockpit, with its low roofline and large wraparound rear window, flowed into peaked rear fenders,

making the body more aggressive and less bulbous.

Pinin Farina soon realized it did not have the capacity for the new model, so after building only eight cars (s/ns between 0429 and 0447) in early and mid-1956, production was transferred to Carrozzeria Boano.

Boano's Grugliasco facility jumped straight into 250 GT production to meet backed-up demand. It wasn't until the Paris Salon in October 1956 that Boano showed one of its machines to the public.

While the early Boano-built Ferraris faithfully mimicked the Pinin Farina design, the coachbuilder soon began adding its own touches. A small kick-up in the rear fenders, just behind the doors, was soon removed, giving later Boanos, as the cars eventually became known, a smooth fender line. Likewise, a small, decorative chrome crest mounted on the headlight bezel and extending a few inches back onto the fender top also disappeared. While the body was devoid of excess trim and brightwork, the full-width chrome-plated front and rear bumpers offered some token parking protection, helping to make the Boano more user-friendly for everyday use.

The cockpit was carried over from the Pinin Farina design, with racing-inspired luxury trim. The large tachometer and speedometer partnered a classic Nardi wood-

TITLE SPONSOR

Automobile

2008 GREENWICH CONCOURS D'ELEGANCE-VINTAGE CARS, BOATS AND PLANES

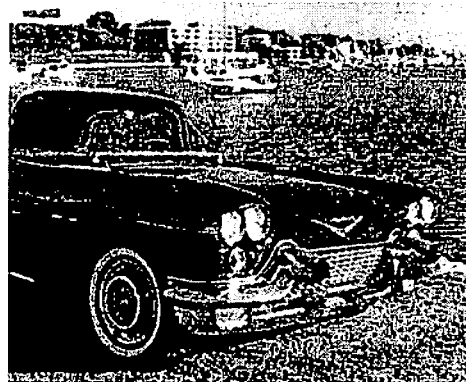
The thirteenth annual *Greenwich Concours d' Elegance* will be held on June 7th and June 8th at Roger Sherman Baldwin Park in Greenwich, Connecticut. Bruce and Genia Wennerstrom, who co-chair the event, plan to include a display of both vintage and contemporary power boats. "We'll have boats in the water and boattails on land," they said, referring to the classic automotive speedsters of the 1930s with rear ends shaped like the sharp prow of a boat.

Now acclaimed as one of the top events of its kind in the country, the *Greenwich Concours* helps benefit **Americares**, the international relief organization. The event also includes vintage motorcycles and aircraft.

Saturday's *Concours d'Elegance* will feature American automobiles from 1900 to present. Sunday's *Concours Europa* will feature European/import automobiles from 1900 to present. Many of the cars to be shown each day are rare, limited-production, or one-off vehicles. In addition, each day there are galleries of automotive art and memorabilia, a book alley, workshops and demonstrations, and fascinating exhibits of exciting new cars which, in the past years, have included Audi of America, Bentley, Aston Martin, Bugatti Maybach, Mercedes-Benz USA, Lincoln Division of Ford Motor Company, Rolls-Royce Motor Cars, General Motors, Saab Cars USA, Daimler Chrysler Corp., Volvo Cars of North America, Jaguar Cars North America, Land Rover North America, Ferrari, Maserati North America, and Mini USA.

- Dates:** Saturday June 7th and
Sunday June 8th, 2008
- Show Time:** 10:00am to 5:00pm each
day.
- Admission:** \$25 per day or \$40 for both
days; children 12 and under
are free when accompanied
by an adult.
- Bonhams Auction:** Auction - Sunday June 8th
Automobilia: 10:30am
Motorcars: 12pm
- Location:** Roger Sherman Baldwin
Park, Greenwich, CT
- Weather:** The show goes on **rain or
shine** as scheduled.
- Future Dates:** Saturday June 6 and Sunday
June 7, 2009
Saturday June 5 and Sunday
June 6, 2010
- Entrant
Information:** For invitational review by the car selection committee, interested collectors are
requested to write/send photos to:
Greenwich Concours d'Elegance
30 Sumner Road

2008 Poster Car



1957 Cadillac Eldorado Brougham

Greenwich, CT 06831

Phone/FAX: (203) 618-0460

E-mail: GreenwichConcour@aol.com

All accepted entrants will receive a welcome package. Breakfast and lunch are provided for all entrants on the day their car is shown, as well as a sight-seeing boat ride. They also receive commemorative pins, license plate, and poster. Entrants are invited to participate in the Greenwich Grand Tour on Friday June 6th. The tour begins with a buffet luncheon and ends with a reception at a prominent collector's home. There is a fee for the Grand Tour. Entrants are also invited to attend the Greenwich Concours Dinner Dance on Saturday night, with an orchestra and special guest speakers. There is a fee for the dinner dance.

Hotels: Many hotels offer special Concours rates; inquire when making reservations.

Greenwich Concours d' Elegance

Phone/Fax: (203) 618-0460

E-mail: GreenwichConcour@aol.com

250 GT PF Cabriolet Series I



0799GT 57

250 GT PF Cabriolet Series I, LHD

Color exterior nero MM 11911

Color interno pelle naturale Connolly 3218

Date	Result	Event	Driver	#	Reference
62/mar	- converted to disc brakes by the factory				
67	- Tom Meade, Modena, I	- been rebuilt by the factory, 52,000 km			
6.	- L. Kitt Tucker, Jacksonville, FL, USA				
71	- Peter A Bowers, Houston, TX, USA				
71- 75	FOCUSA Rosters by Peter A Bowers, Houston, TX				
	Still owned by Bowers in the early 90's				
..	- Gerber, Marbella, E (car disappeared, stolen)				
93	- EAS, CA, USA				
93	- Giorgio Schoen, Milano, I				
95	- Classic Coach Ltd, NY, USA				
95	- Scott Rosen, Medford, NJ, USA				
97/may/12	- Jeff Schwartz, USA	traded for s/n 0775GT + \$225k			
00/jun	- Scott Rosen, USA	- bought back \$525k			
00/jun	- offered for \$595k				
00/may	- offered by SMC, La Jolla, CA, USA	- 100-point flawless restoration			
00/may	- called the day the car was put on the market, heard it was in "limbo"				
00/may	- there are legal problems				
01/jan	- Paul Hallingby, CT, USA				



STATE OF CONNECTICUT DEPARTMENT OF MOTOR VEHICLES

ROWLAND GOVERNMENT CENTER, 55 WEST MAIN STREET, WATERBURY, CT 06702
COMPLIANCE REVIEW UNIT



FAX COVER SHEET

Phone: (203) 805-6260

Fax: (203) 805-6149

TO: Detective Van Tine

FROM: Inspector Gilroy #103

FAX NUMBER:

PAGES (Including Cover): 5

PHONE NUMBER:

DATE: June 12, 2008

SUBJECT: 1958 Ferrari

Urgent

For Review

Please Comment

Please Reply

COMMENTS:

The following pages are the paperwork submitted to obtain the temporary plate.

Inspector Chris Gilroy
Connecticut DMV
Compliance Review Unit
55 West Main Street
Waterbury, CT 06702
Phone: 203-805-6260
Email: Chris.Gilroy@ct.gov

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CERTIFICATE OF TITLE

PREFIX: 3 IDENTIFICATION NUMBER: FER07 9958
 SUFFIX: Z YEAR: 1958 MAKE: FER MODEL: 250 BODY TYPE: 2 DR.

TYPE OF TITLE: STANDARD DUPLICATE NO.: 3 COLOR/PLATE: SL DEALER ID: 09595U AXLES/PROP: 2 FUEL:
 FEI: 20.00 ISSUE DATE: 12-09-1997 VIN REPLACEMENT: WEIAGE: 52750 A STAR NO:

OWNER: S1570 39364 06532
JEFFREY D SCHWARTZ
 110 TEKENING DR
 TENAFLY NJ 07670 1226

FLOOD DAMAGE
 PAPER TITLE
 LIQUOR LAW
 A-ACTUAL MILEAGE
 HAD THE ACTUAL MILEAGE
 MILEAGE EXCEEDS THE
 MECHANICAL LIMITS

NUMBER OF
 OFFSHORE: 1
 NUMBER OF
 LEI-HOLDERS:

I, THE DIRECTOR OF MOTOR VEHICLES, DEPARTMENT OF TRANSPORTATION OF THE STATE OF NEW JERSEY, DO HEREBY CERTIFY THAT EVIDENCE OF PURCHASE OF OWNERSHIP, IN COMPLIANCE WITH THE LAWS OF THE STATE OF NEW JERSEY, OF THE DESCRIBED ARTICLE, HAS BEEN RECORDED AND FILED WITH ME, AND I DO HEREBY ISSUE THIS CERTIFICATE OF OWNERSHIP SUBJECT TO SECURITY AGREEMENT OR LIEN, IF ANY AS STATED.

CONTROL NUMBER: **K578474**

C. Richard Kamin
 SIGNATURE

State of New Jersey
 DIVISION OF MOTOR VEHICLES



SECOND
 HOLDER
 DATE
 FIRST
 HOLDER

LIEN ABLE TO BY:
 SIGNATURE _____
 TITLE _____ DATE _____
 LIEN RELEASED BY:
 SIGNATURE _____
 TITLE _____ DATE _____

ISSUES: 1 (REV 97)

EP EL973430290

VOID IF ALTERED

Form # 4217.220

ODOMETER DISCLOSURE STATEMENT AND STATEMENT OF SELLER

NOTE: FEDERAL LAW requires that you state the mileage upon transfer of ownership. Failure to complete this disclosure or providing false information may result in fines and/or imprisonment.

We state that the odometer now reads _____ (do not show tenths of a mile) and to the best of my/our knowledge that reflects the actual mileage of the vehicle described on the reverse side of this Certificate of Ownership, unless one of the following statements is checked:

- (1) I/We hereby certify that to the best of my/our knowledge the odometer has exceeded its mechanical limits and the reading started again at zero.
- (2) WARNING - ODOMETER DISCREPANCY - We hereby certify that the odometer reading is NOT the actual mileage, and should not be relied upon for accuracy.

NOTE: New Jersey statute provides that anyone who knowingly or willfully misrepresents the description of a vehicle or makes a false statement in any title paper, register, change of ownership or other document in connection with the sale of a motor vehicle is guilty of a misdemeanor.

We hereby assign and warrant Certificate of Ownership of the vehicle described on the front of this Certificate of Ownership subject to the following term(s) or encumbrance(s), if any, and none other. We further certify the accuracy of the sale price and mileage as specified below.

Buyer's Name (Print) SCOTT ROSEN
Buyer's Address 111 HEMPSTAD TURNPIKE
Buyer's Address 111 HEMPSTAD TURNPIKE, NY 11552
Co-Buyer's Name (Print)
Co-Buyer's Address

Lienholder's Name (Print) NONE
Lienholder's Address
Seller's Name (Print) JERRY D. SCHMARTZ
Seller's Address 110 TREKING DRIVE
PENNA, NEW JERSEY 07670

Seller's Name (Hand Print)
Seller's Signature X
Date of Sale
Sale Price \$

SELLER SIGN HERE

[Handwritten Signature]

Buyer's Name (Hand Print)
Buyer's Signature X
Date of Odometer Statement

STATEMENT OF BUYER

We, the undersigned, hereby certify that the motor vehicle described on the reverse side of this Certificate of Ownership was purchased and found to be as described in every particular.

NOTE: R.S. 39-10-1 requires that this certificate of title assignment be presented to the Division of Motor Vehicles within ten days. Failure to do so will result in a penalty of \$25 which will be in addition to the filing fee for a new Certificate of Ownership.

BUYER SIGN HERE

Buyer's Name (Hand Print)
Buyer's Signature X

ALTERATIONS OR ERASURES WILL VOID THIS CERTIFICATE



June 2, 2005

Paul Hallingby Jr., Banker, Dies at 85; Helped Develop Javits Center

By STEPHANIE SAUL

Paul Hallingby Jr., an investment banker who helped develop the Jacob K. Javits Convention Center, died yesterday at his home in Sutton Place in Manhattan.

He was 85 and also had homes in Southampton and in Lyford Cay, Bahamas.

His death was announced by his wife, Jo Davis Hallingby, who said he had Parkinson's disease.

Mr. Hallingby was chief executive of the investment firm White, Weld & Company in 1978, when it was acquired for \$50 million by Merrill Lynch. At the time, it was one of Wall Street's largest mergers.

After serving as vice chairman of Merrill Lynch, Mr. Hallingby left in 1980 to become a general partner at Bear Stearns & Company, where he held the title of managing director emeritus at the time of his death. He was also a director of the New York Stock Exchange.

In the early 1980's, Mr. Hallingby was the chairman of the state operating corporation responsible for developing the Javits Center, a position he regarded as a highlight of his career, Mrs. Hallingby said.

He was a donor to many institutions, among them the Metropolitan Opera, where he served on the board.

Mr. Hallingby was born in Los Angeles on Sept. 27, 1919, and attended Stanford University and Harvard Business School, where he was a Baker Scholar, said his son, Paul L. Hallingby, who is known as Barney, of Manhattan.

Mr. Hallingby entered the Navy before finishing his M.B.A., and after receiving his commission, served in naval operations in Washington. He reached the rank of commander.

Mr. Hallingby's wedding in 1944 in Philadelphia to Allison Lazo, was notable partly because of the bride's lineage - she was the granddaughter of a former Guatemalan minister to the United States.

Allison Lazo Hallingby died in 1965.

The couple had three children, who survive Mr. Hallingby: their son, Paul; and two daughters, Leigh Hallingby of Teaneck, N.J., and Allison Hallingby Dodge of Rosemont, Pa.

Mr. Hallingby married Jo Davis Hallingby in 1994.

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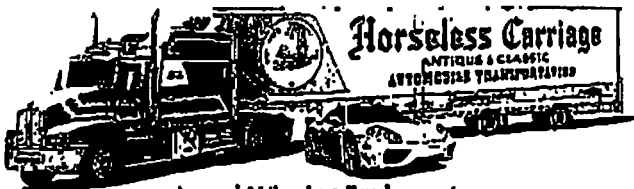
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STOLEN FERRARI

*Ferrari 250 GT, Cabriolet, Silver Colored, Pinin Farina,
Series 1, 1957/58, Chassis No 0799 GT*

Please be informed that the above mentioned Ferrari oldtimer car, with Chassis No 0799 GT has been stolen on July 7, 1993 in Marbella, Spain from a Swiss citizen. Please also take notice that this Ferrari car is on the active list of the police and further legal action will follow. Investigations by Interpol are involved. This Ferrari car has last reported to be in the custody of a Ferrari collector on the east coast of the USA.

For further informations please contact:

Oliver Weber, Attorney-at-Law

P. O. Box 811

CH-2501 Biel

Switzerland

Phone: +41 77 423 03 20

Fax: + 41 32 323 65 80

Email: stolenferrari@gmail.com

MVTF1

From: MVTF1 [mvtf1@po.state.ct.us]
Sent: Thursday, June 12, 2008 9:41 AM
To: Daniel PILLA (daniel.pilla@dot.state.nj.us)
Subject: New Jersey Title check request

Good Morning Danny,

We are working on a Car case here in Connecticut and the car reportedly had a previous New Jersey Title. Can you check on the Title and the VIN. If there was a New Jersey Title, I will need a complete copy of the actual Title file if you can get a copy for me. We are looking for any paperwork of where the car came from and all documents used to register or title the car in NJ.

The car is a 1958 Ferrari (Valued at \$5,000,000.00). The car was stolen in Europe and somehow found its way here. In doing the Connecticut history, it showed a New Jersey Title. The VIN on the title was FER07 9958, for a 1958 FER 250 2 dr., it was supposedly issued on 12/09/1997 in the name of Jeffrey D. SCHWARTZ of 110 Tekening Dr, Tenafly, NJ 07670-1226. Control# K578474, and the numbers on the right lower corner on the front of the title are: EP EL973430290.

The car is currently titled/registered in Connecticut with the VIN listed as 0799. The actual True VIN is 079958.

Any help would be greatly appreciated. Give me a call if you need a copy of the NJ Title FAXed to you.

Thanks, Bob Kenney

Sergeant Robert J. Kenney
Connecticut State Police - BOC

Task Force Office - 203-696-2581
Task Force FAX - 203-696-2597
Work Cell - 203-509-6552
Personal Cell - 203-592-7848

6/12/2008

DENIAL OF ADMISSION
 (NON-ADMITTED)
 THE VEHICLE IDENTIFICATION NUMBER (VIN) IS: **1G1ZC5E1711111111**
 DATE: **06/11/2008**
 TIME: **13:43**
 OFFICE: **NORTHWEST OFFICE**
 OFFICER: **[Signature]**
 AGENT: **[Signature]**
 INSPECTOR: **[Signature]**
 APPROVED: **[Signature]**
 DENIED: **[Signature]**
 REASON: **VEHICLE IDENTIFICATION NUMBER (VIN) DOES NOT MATCH RECORD**
 COMMENTS: **VEHICLE IDENTIFICATION NUMBER (VIN) DOES NOT MATCH RECORD**
 APPROVED BY: **[Signature]**
 APPROVED DATE: **06/11/2008**
 APPROVED TIME: **13:43**
 APPROVED OFFICE: **NORTHWEST OFFICE**
 APPROVED AGENT: **[Signature]**
 APPROVED INSPECTOR: **[Signature]**
 APPROVED DENIED: **[Signature]**
 APPROVED REASON: **VEHICLE IDENTIFICATION NUMBER (VIN) DOES NOT MATCH RECORD**
 APPROVED COMMENTS: **VEHICLE IDENTIFICATION NUMBER (VIN) DOES NOT MATCH RECORD**

VIN # Search

Match #: 1**Reason for Match: VIN of Insured**

Activity & Date: NICB Vehicle Interest File Number: X9033400014
 Vehicle Interest provided by NICB QuestTECH
 --> VIN: 10619 (PASS) Year: 1967
 Make: JERR Model: ZZZ

Additional information may be available on this VIN. Please contact
 an NICB Investigative Assistant at 847-544-7002 for further
 information.

Match #: 2**Reason for Match: VIN**

Activity & Date: Export File Number: E0104702408
 Information provided by NICB
 Destination: THAILAND
 Port Name: 1803 - JACKSONVILLE State: FLORIDA
 Customs Officer: AUTOLINERS INCORPORATED Phone: 5169351600
 Vessel: HUAL TRADER 18 Container#:
 Doc#: A17925
 -->Submitted VIN: 10619
 --> VIN: 10619 (FAIL) Year: 20

Match #: 3**Reason for Match: VIN**

Activity & Date: NCIC 03/14/1979 File Number: N0010747936
 Information provided by NICB
 Status: Inactive Vehicle Msg Key: XV
 Location of Loss: PIKE COUNTY SHERIFF'S DEPT OCA: PCV000053
 Date of Loss: 03/07/1979
 --> VIN: 10619 Year: 1979
 Make: FORD Model: FARM EQUIPMENT

Match #: 4**Reason for Match: VIN**

Activity & Date: NCIC 09/15/1981 File Number: N0013257923
 Information provided by NICB
 Status: Purge Msg Key: \$.P.
 Location of Loss: PD PRINCE WILLIAM COUNTY OCA: F7202
 Date of Loss: 09/11/1981
 --> VIN: 10619 Year: 1979
 Make: TRAILER Model: TL

Match #: 5**Reason for Match: VIN of Insured**

HIT
11/21/1990

Activity & Date: Theft
 Location of Loss:
 Company: ZURICH AMERICAN INSURANCE CO OF ILLINOIS
 Address: PO BOX 826
 City: MERIDEN State: CT Zip: 064500826
 Claim Rep: Phone: 2032394414
Claim Number: 54515539

Involved Party: Insured
 Name: YUNG, ANN
 Address: 14 WEST LANE
 City: GREENWICH State: CT Zip: 06836
 --> VIN: 10619 (PASS) Year: 1967
 Make: FERRARI Model: GTB
 Lic Plate: AYAY State: CT
 *** More matches on this Lic Plate outside this report ***

Match #: 6 ^{2nd} NCIC Former File 5 out of North Castle Town P.D. - *Purged*
 Reason for Match: VIN

Activity & Date: NCIC 07/17/2003 File Number: N0038129530
 Information provided by NICB
 Status: Purge Msg Key: \$.P.
 Location of Loss: NORTH CASTLE TOWN PD OCA: KWNC00723
 Date of Loss: 11/26/1990

--> VIN: 10619 Year: 1967
 Make: FERRARI Model:
Old NCIC Want no longer valid

Match #: 7 *original NCIC want* Reason for Match: VIN

Activity & Date: NCIC 11/27/1990 File Number: N0023814420
 Information provided by NICB
 Status: Purge Msg Key: \$.P.
 Location of Loss: NORTH CASTLE TOWN PD OCA: KWNC00500
 Date of Loss: 11/26/1990

--> VIN: 10619 Year: 1967
 Make: FERRARI Model:
 Lic Plate: AYAY State: CT
why this PD instead of Greenwich where car garaged
 *** More matches on this Lic Plate outside this report ***

Match #: 8 *Just Purge* Reason for Match: VIN

Activity & Date: NCIC 08/20/1996 File Number: N0028225742
 Information provided by NICB
 Status: Purge Msg Key: \$.P.
 Location of Loss: NORTH CASTLE TOWN PD OCA: KWNC00464
 Date of Loss: 11/26/1990

--> VIN: 10619 Year: 1967
 Make: FERRARI Model:

Match #: 9**Reason for Match: VIN**

Activity & Date: NCIC 01/13/1991 File Number: N0023989528
 Information provided by NICB
 Status: Inactive Vehicle Msg Key: XV
 Location of Loss: DAVIS POLICE DEPT OCA: 910262
 Date of Loss: 01/13/1991

--> VIN: 10619 Year: 1979
 Make: VESPA Model: CYL
 Lic Plate: 9W1822 State: CA

Match #: 10**Reason for Match: VIN**

Activity & Date: NCIC 04/05/1993 File Number: N0000466973
 Information provided by NICB
 Status: Purge Msg Key: \$.P.
 Location of Loss: CLAY COUNTY SHERIFFS OPC OCA: 93026344
 Date of Loss: 04/03/1993

--> VIN: 10619 Year: 1985
 Make: KUBOTA TRACTOR CORP. Model: FARM EQUIPMENT

Match #: 11**Reason for Match: VIN**

Activity & Date: Export 02/26/1999 File Number: E9906000698
 Information provided by NICB
 Destination: MEXICO (STATE)
 Port Name: 2402 - EL PASO State: TEXAS
 ORI: TXUSC - City:
 Phone:

--> VIN: 10619 (FAIL) Year: 2000
 Make: WPF Model: PLA

Match #: 12**Reason for Match: VIN**

Activity & Date: Purge 02/15/1983 File Number ?290780703
 Record Type: Theft/Recovery
 Tape Number: 02

--> VIN: 10619 (FAIL) Year:
 Contact ISO for more information: 800-399-2585

Match #: 13**Reason for Match: VIN**

Activity & Date: Purge
Record Type: Theft
Tape Number: 07

09/11/1981

File Number ?113230479

-->

VIN: 10619

(FAIL)

Year:

Contact ISO for more information: 800-399-2585

Component Ch - neg.

ClaimSearch^{IP}

Claims Inquiry

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Component ID: 226-10619
Component Type: Engine

NO MATCHES FOUND

Clm Cfr -

Match #: 1

Reason for Match: Lic Plate of Insured

Activity & Date: Theft 11/21/1990 File Number: T9123401482
 Location of Loss: OCA: 39285
 Company: ZURICH AMERICAN INSURANCE CO OF ILLINOIS Phone:
 Address: PO BOX 826
 City: MERIDEN State: CT Zip: 064500826
 Claim Rep: Phone: 2032394414
 Claim Number: 54515539

Involved Party: Insured
 Name: YUNG, ANN
 Address: 14 WEST LANE
 City: GREENWICH State: CT Zip: 06836
 VIN: 10619 (PASS) Year: 1967
 *** More matches on this VIN outside this report ***
 Make: FERRARI Model: GTB
 --> Lic Plate: AYAY State: CT

Match #: 2

Reason for Match: Lic Plate

Activity & Date: NCIC 11/27/1990 File Number: N0023814420
 Information provided by NICB
 Status: Purge Msg Key: \$.P.
 Location of Loss: NORTH CASTLE TOWN PD OCA: KWNC00500
 Date of Loss: 11/26/1990
 VIN: 10619 Year: 1967
 *** More matches on this VIN outside this report ***
 Make: FERRARI Model:
 --> Lic Plate: AYAY State: CT

Claimant Ch. - not insured

Name	Address	City	State	Date Of Loss	Role	Type	R/C
YUNG,ANN	14 WEST LANE	GREENWICH	CT	11/21/1990	INSD	THFT	
YUNG,AN,F	113 BULL AVE	WALLINGFORD	CT	07/18/1998	INSD	P&C	
YOUNG,ANNA	HILLANDALE MANOR	NORWALK	CT	07/14/2000	INSD	PROP	
YOUNG,ANNA	290STAFFORD AVE	BRISTOL	CT	02/23/2008	CLMT	P&C	
YOUNG,ANNA,	1165 BROAD STREET	HARTFORD	CT	02/07/2001	CLMT	CASU	
YOUNG,ANN	BOX 220 KAMP MOWEEN	LEBANON	CT	12/28/1991	INSD	PROP	
YOUNG,ANN,	30 VIRGINIA AVE	GROTON	CT	12/21/1994	CLMT	CASU	
YOUNG,ANNE,	1904 DURHAM RD	GUILFORD	CT	04/12/2002	CLMT	CASU	
YOUNG,ANNA	490 STAFFORD AVE APT 5A	BRISTOL	CT	06/20/2006	INSD	P&C	
YOUNG,ANNE,	1904 DURHAM ROAD	GUILFORD	CT	04/23/2002	INSD	P&C	
YOUNG,ANNE	79 HUNTING HILL AVE	MIDDLETOWN	CT	10/05/1997	CLMT	P&C	
YOUNG,ROBERT A AND ANN MAR	87 ROSE STREET	EAST HAVEN	CT	02/20/2001	INSD	P&C	
YOUNG,ROBERT A AND ANN MAR	87 ROSE STREET	EAST HAVEN	CT	11/12/2001	INSD	P&C	
YOUNG,ANN,	48 COPE FARMS ROAD	FARMINGTON	CT	02/10/2004	INSD	P&C	
YOUNG,ANNE	17 MOREHOUSE AVE	MILFORD	CT	08/06/2007	CLMT	P&C	
YOUNG,ANNE,	17 MOREHOUSE AVE	MILFORD	CT	11/26/2007	INSD	P&C	
YOUNG,ANNE,	17 MOREHOUSE AVE	MILFORD	CT	11/26/2007	INSD	P&C	
YOUNG,ANN	17 MOREHOUSE AVE	MILFORD	CT	01/04/2008	CLMT	P&C	
YOUNG,ANNE,	231 LAKE AVE	BRIDGEPORT	CT	07/10/2004	INSD	P&C	
YOUNG,ANNA,	37 WINTER ST	STRAFFORD	CT	08/04/1996	CLMT	CASU	
YOUNG,ANNE,	1904 DURHAM ROAD	GUILFORD	CT	04/23/2002	CLMT	CASU	
YOUNG,ANNA	HILLANDALE MANOR	NORWALK	CT	02/01/1997	INSD	PROP	
YOUNG,ANNA	HILLANDALE MANOR	NORWALK	CT	07/27/1996	INSD	PROP	
YOUNG,ANNA,	18 HOLLAND AVENUE	NORWALK	CT	08/01/1999	CLMT	CASU	
YOUNG,ANNA	HILLANDALE MANOR	NORWALK	CT	07/14/2000	INSD	PROP	
YOUNG,ANN	11 LEDGE RD	OLD GREENWICH	CT	08/11/2006	CLMT	P&C	
YEUNG,ANNE,	31 WINDERMERE LANE	STAMFORD	CT	04/09/1998	INSD	P&C	
YEUNG,ANNE,	31 WINDERMERE LANE	STAMFORD	CT	10/13/1997	INSD	P&C	
YEUNG,ANNE,	31 WINDERMERE LANE	STAMFORD	CT	12/04/1997	INSD	P&C	
YEUNG,ANNE,	31 WINDERMERE LANE	STAMFORD	CT	03/28/1997	INSD	P&C	
BARBARA ANN YOUNG	231 LAKE AVE	BRIDGEPORT	CT	07/10/2004	INSD	CASU	
BARBARA ANN YOUNG	231 LAKE AVE	BRIDGEPORT	CT	07/10/2004	INSD	CASU	
YOUNG,ANNE	11 LEDGE RD	GREENWICH	CT	04/18/2008	OTHR	P&C	
JAFFE,ANN YOUNG,	375 RIDGE ROAD	WEST HARTFORD	CT	05/21/2000	CLMT	CASU	
BARBARA ANN YOUNG	231 LAKE AVE	BRIDGEPORT	CT	07/10/2004	INSD	CASU	
YOUNG,ROBERT A AND ANN MAR	87 ROSE STREET	EAST HAVEN	CT	07/24/2002	INSD	P&C	
YOUNG,ANN,	48 COPE FARMS ROAD	FARMINGTON	CT	04/10/2001	INSD	P&C	
YOUNG,ANN,MARIE	30 LONGVIEW AVE.	FAIRFIELD	CT	12/10/1999	CLMT	CASU	
YOUNG,ANNA,D	BOX 58	NEWTOWN	CT	03/14/2007	INSD	P&C	
ANNE YOUNG,ANNE	407 STARWBERRY HILL	STANFORD	CT	10/13/2003	CLMT	P&C	

YUNGA,ANA,L	8 JAMS DR	DANBURY	CT	12/20/2004	INSD	P&C	
YUNGA,ANA,L	8 JAMS DR	DANBURY	CT	12/20/2004	INSD	P&C	
SMITH-YOUNG,ANNE,	407 STRAWBERRY HILL AVENUE	STAMFORD	CT	07/19/2007	CLMT	CASU	
YOUNG,ANN M	375 RIDGEWOOD RD	WEST HARTFORD	CT	12/17/2002	INSD	P&C	
YOUNG,ANN,M	375 RIDGEWOOD RD	WEST HARTFORD	CT	07/10/1998	INSD	P&C	
YOUNG,ANNE,M	79 HUNTING HILL AVE	MIDDLETOWN	CT	10/05/1997	INSD	P&C	
YOUNG,ANNA,M	86 BENDER RD	HAMDEN	CT	01/11/2006	INSD	P&C	
SMITH-YOUNG,ANNE,	407 STRAWBERRY HILL AVE.	STAMFORD	CT	05/25/1999	CLMT	CASU	
SMITH YOUNG,ANNE	407 STRAWBERRY HILL	STAMFORD	CT	11/23/2007	CLMT	P&C	
SMITH-YOUNG,ANNE,	407 STRAWBERRY HILL AVE.	STAMFORD	CT	05/25/1999	CLMT	CASU	
YONG,ANNIE	291 HOPE STREET UNIT A-1	STAMFORD	CT	09/26/1992	INSD	PROP	

address CT -

Name	Address	City	State	Date Of Loss	Role	Type	R/C
BINELL, GUI	340 WEST PUTNAM AVENUE	GREENWICH	CT	09/24/2002	CLMT	P&C	
BINELL, GUI	340 WEST PUTNAM AVENUE	GREENWICH	CT	09/24/2002	CLMT	P&C	
BIGNELL, GUY	340 WEST PUTNAM AVENUE	GREENWICH	CT	09/24/2002	CLMT	P&C	
BIGNELL, GUY,	340 WEST PUTNAM AVENUE	GREENWICH	CT	09/24/2002	CLMT	CASU	
HALLOWELL & CO	340 WEST PUTNAM AVENUE	GREENWICH	CT	08/23/1993	INSD	CASU	
BIGNELL, GUY, A	340 W PUTNAM AVE	GREENWICH	CT	08/09/2007	INSD	P&C	
BIGNELL, GUY	340 WEST PUTNAM AVENUE	GREENWICH	CT	09/24/2002	CLMT	P&C	
MERCEDES, BENZ OF GREENWICH	PUTNAM AVENUE	GREENWICH	CT	12/08/1998	CLMT	CASU	
MILLER SETH	PUTNAM AVENUE	GREENWICH	CT	02/07/2003	MED	CASU	
MERCEDES, BENZ OF GREE,	PUTNAM AVENUE	GREENWICH	CT	12/08/1998	CLMT	CASU	
RICHARDSON EDYTHE S	BLDG 4 APT 4G PUTNAM			09/04/2003	INSD	CASU	
GREENWICH LIBRARY	PUTNAM AVE	GREENWICH	CT (MAIL DROP)	10/12/2007	CLMT	P&C	
TOYOTA RENTAL	WEST PUTNAM RD	GREENWICH	CT (MAIL DROP)	09/22/2007	CLMT	P&C	
DR CROWE	WEST PUTNAM AVE.	GREENWICH	CT	07/21/1994	MED	CASU	
CRISMAN-KASIAK, SYLVIA,	WEST PUTNAM AVENUE, BOX 4750	GREENWICH	C	07/06/1995	CLMT	CASU	
AUDI OF GREENWICH	PUTNAM AVE	GREENWICH	CT (MAIL DROP)	03/11/2004	CLMT	P&C	
CLAIN	PUTNAM AVENUE	GREENWICH	CT	11/17/1992	MED	CASU	
MERCEDES BENZ	PUTNAM AVENUE	GREENWICH	CT (MAIL DROP)	12/14/2007	CLMT	P&C	
DR CUNNINGHAM	PUTNAM AVE.	GREENWICH	CT	11/21/1994	MED	CASU	
DR CUNNINGHAM	PUTNAM AVE	GREENWICH	CT	11/21/1994	MED	CASU	
DR CROWE	PUTNAM AVENUE	GREENWICH	CT	12/17/1991	MED	CASU	
MERCEDES, BENZ OF GREENWICH	PUTNAM AVENUE	GREENWICH	CT	12/08/1998	CLMT	CASU	

TOTAL FEE \$ 10.00

OFFICE USE ONLY

THIS SECTION FOR SALES BY LICENSED DEALERS ONLY

23439928

P.O. BOX 3151 Palm Springs, CA 92263

\$ 354,500.00

ST. PAUL MERCURY INSURANCE CO.

1973 FERRARI

52 450 K/M YELLOW

13369

KINGS HILL ROAD SHARON, CT. 06909

SHARON, CT 06069

P.O. BOX 544

HALLINGBY, PAUL L.

31380 7227575

1973 FERRARI

52 450 K/M YELLOW

13369

KINGS HILL ROAD SHARON, CT. 06909

SHARON, CT 06069

P.O. BOX 544

HALLINGBY, PAUL L.

31380 7227575

Handwritten notes and signatures in the top left corner, including a large signature and some illegible text.

Form section with various checkboxes and fields, including a 'TOTAL FEE' section at the top right.

Main body of the form containing fields for 'BUYER'S NAME', 'ADDRESS', 'VEHICLE INFORMATION', and 'SALES INFORMATION'. Includes checkboxes for 'COMPLETE FOR TRAILERS' and 'COMPLETE FOR APPLICANT'.

Bottom section of the document containing a large handwritten number '31380 7227575', a logo, and some printed text.

OUT-OF-STATE VEHICLE 10-YEAR-OLD VEHICLE SALVAGE VEHICLE

INSPECTION REPORT
REV. 4-97
**STATE OF CONNECTICUT
DEPARTMENT OF MOTOR VEHICLES**

INSTRUCTIONS:
 1. Customer complete Section A only. Section B for DMV Use.
 2. For Out-of-State and 10-Year-Old Vehicles, the vehicle must be registered within 90 days from the date on which it passes inspection. Present this report to the cashier with your registration application.
 3. For a salvage vehicle, once it has passed inspection it is valid indefinitely.
 4. Temporary plates cannot be issued if the vehicle failed for brakes, frame or steering components.
 5. If vehicle is rejected, once repairs have been made bring vehicle and this report to DMV inspection lane within 30 days of the first inspection. After 30 days the vehicle must be completely re-inspected for an additional inspection fee.
 6. If vehicle fails, only one no-fee re-inspection will be performed within a 30 day period.
 7. The commissioner, by himself or an inspector authorized by him, may examine any motor vehicle, its parts or equipment and identification.

SECTION A (Customer Fill-In)

NAME OF NEW OWNER: PAUL L. HALLINGBY
 ADDRESS OF NEW OWNER (Street Number & Name, City or Town, State, Zip Code): Kings Hill Rd., SHARON, CT 06069
 REGISTRATION: STATE: CT PLATE NO.: J0566 1A9 YEAR: 1988 MAKE: FERRARI
 COLOR: Yellow ODOMETER READING APPROX OR TABLES: 52,430
 VEHICLE IDENTIFICATION NUMBER (VIN): No VIN 15369
 DRIVER LICENSE NUMBER OF INDIVIDUAL DRIVING VEHICLE BEING INSPECTED: 23439928 DATE OF BIRTH (mm/dd): 11-11-46

SECTION B (DMV Use - Salvage Inspections Only)

USED MAJOR PARTS:

USED MAJOR PARTS	VEHICLE IDENTIFICATION NUMBER (VIN)

VEHICLE IDENTIFICATION NUMBER (VIN)

REMARKS AND REMOVED PARTS LIST

INSPECTOR: [Signature] BADGE NUMBER: 7358 DATE: 5-3-00

VEHICLE MAY BE RE-INSPECTED AT LICENSED REPAIRER (Optional)

SIGNATURE OF REPAIRER/REPAIRER REPRESENTATIVE: [Signature] BADGE NUMBER/LICENSE NUMBER: DATE OF RE-INSPECTION: _____

INSPECTOR'S NAME: _____

THIS INSPECTION REPORT IS VALID FOR 90 DAYS AND CONFERS NO FINANCIAL PENALTY OF FAILURE STATEMENTS AS PROVIDED BY SECTION 14-217 OF THE CONNECTICUT GENERAL STATUTES.

INSPECTION STATION (Print Completion): _____

INSPECTION DATE: _____ CITY: _____ STATE: _____

1ST INSPECTION	
2ND INSPECTION	
3RD INSPECTION	
4TH INSPECTION	
5TH INSPECTION	
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88TH INSPECTION	
89TH INSPECTION	
90TH INSPECTION	

1222222222

OREGON VEHICLE CERTIFICATE OF TITLE

ALL INFORMATION ON THIS VEHICLE CERTIFICATE COPIES THE PARTY'S INFORMATION FROM THE ORIGINAL DOCUMENTS FILED WITH ODM. SHOULD THE VEHICLE OWNER FILE A CORRECTIVE DOCUMENT, THIS CERTIFICATE WILL BE REVOKED.

9027150

PLATE NUMBER	FILE NUMBER	PROCESS DATE	EXPIRES DATE
109ARM	9919376954	071299	7/2
YEAR	MAKE	STYLE	MODEL
1973	FERR	CN	15369

CARL R CORZAN TRUST
 MANIFORD, J TRUSTEE
 CORZAN, CARL R TRUSTEE
 PO BOX 3151
 PALM SPRINGS CA 92263

THIS SECTION IS THE ONLY CHANGE TO RECORD A CHANGE OF OWNERSHIP OR AN INTEREST IN THE VEHICLE. IF YOU ARE CHANGING THE REGISTRAR, THE REGISTRAR'S NAME AND ADDRESS MUST BE SHOWN AS SHOWN ABOVE. IF YOU ARE CHANGING THE REGISTRAR'S NAME AND ADDRESS, YOU MUST COMPLETE A SEPARATE APPLICATION FOR CHANGE OF REGISTRAR. IF YOUR ADDRESS HAS CHANGED, CROSS OUT THE OLD ADDRESS AND PRINT YOUR NEW ADDRESS AND COUNTY OF RESIDENCE ON THE FRONT OF THIS FORM. SEE THE INSTRUCTIONS TO ODM-1008 LARS AVE NE, SUITE 108, SEASIDE, OREGON 97138 FOR MORE INFORMATION.

IF YOU ARE CHANGING THE REGISTRAR, YOU MUST COMPLETE THE FIRST ASSIGNMENT ON BACK OF THIS TITLE.

NAME AND ADDRESS OF REGISTRAR (TYPE OF SECURITY INTEREST / CLAIM OF LIENOR)	DATE
<i>Carl R Corzan</i>	8/29/99
NAME AND ADDRESS OF REGISTRAR (TYPE OF SECURITY INTEREST / CLAIM OF LIENOR)	DATE
<i>Carl R Corzan</i>	8/29/99

725-410 (2-99) 109ARM 15369 9919376954 X
 2792 071 02 V1 T1 06 ST M1 P5 EO MO 60

This document is a form for reporting odometer readings and disclosures. It contains multiple sections with checkboxes and text boxes for providing vehicle details and odometer information.

SECTION 1: ODOMETER READING AND DISCLOSURE
 I certify to the best of my knowledge that the odometer reading is the actual mileage of the vehicle UNLESS one of the following statements is checked:
 Said mileage is in excess of 100,000 miles.
 The odometer reading is not the actual mileage.
 Odometer tampering is checked.
 If the actual mileage of the vehicle UNLESS one of the following statements is checked:
 Said mileage is in excess of 100,000 miles.
 The odometer reading is not the actual mileage.
 Odometer tampering is checked.

SECTION 2: DISCLOSURE OF ODOMETER READING
 I certify that the odometer reading has been transferred to the following (provide address) and released to the following (provide address) on the following date:
 DATE OF SALE OR TRANSFER: 08/29/99
 TO: [Redacted]
 FROM: [Redacted]

SECTION 3: SIGNATURE AND VERIFICATION
 Signature: [Redacted]
 Printed Name: [Redacted]
 Title: [Redacted]

SECTION 4: ODOMETER READING
 Odometer Reading: 96906

SECTION 5: ODOMETER READING
 Odometer Reading: [Redacted]

SECTION 6: ODOMETER READING
 Odometer Reading: [Redacted]

SECTION 7: ODOMETER READING
 Odometer Reading: [Redacted]

SECTION 8: ODOMETER READING
 Odometer Reading: [Redacted]

SECTION 9: ODOMETER READING
 Odometer Reading: [Redacted]

SECTION 10: ODOMETER READING
 Odometer Reading: [Redacted]

SECTION 11: ODOMETER READING
 Odometer Reading: [Redacted]

SECTION 12: ODOMETER READING
 Odometer Reading: [Redacted]

SECTION 13: ODOMETER READING
 Odometer Reading: [Redacted]

SECTION 14: ODOMETER READING
 Odometer Reading: [Redacted]

SECTION 15: ODOMETER READING
 Odometer Reading: [Redacted]

SECTION 16: ODOMETER READING
 Odometer Reading: [Redacted]

SECTION 17: ODOMETER READING
 Odometer Reading: [Redacted]

SECTION 18: ODOMETER READING
 Odometer Reading: [Redacted]

SECTION 19: ODOMETER READING
 Odometer Reading: [Redacted]

SECTION 20: ODOMETER READING
 Odometer Reading: [Redacted]

NEW LEWISY PAGE 1

DOB: 11/11/44

SSN: 65069-0544

GA

ATLANTA Color BLA

Form 01 06/10/95

Form 01 06/10/95

Subc 0
End of Print

MIR8S06

Reg Master Inquiry

CC	REG NO	TB	SUBCODE	VIN	YEAR	MAKE	MODEL						
25	34234	00	1	250GT3143	61	FERRA	250GT						
BODSTYLE	FUEL	CYL	AXLES	COLR1	COLR2	TITLE	VEHX	LT	WT	GR	WT	SEATCAP	STANDCAP
2D	SED	G		RED		N	Y						
NAME (FIRST OWNER)		DOB		SEX	OLDNM	PERX	NAMECH						
HALLINGBY PAUL L		11/11/46		M		N	N						
NAME (SECOND OWNER)		DOB		SEX	DISC		INDIV	/		BULK			
							N			N			
MAILING STREET			CITY		STATE	ZIP	CNTRY	MADDCH					
BOX 544			SHARON		CT	06069				Y			
RESIDENCE STREET			CITY		STATE		CNTRY	TAXTWN					
KINGS HILL RD			SHARON		CT					125			
RECTYPE	LAST TDT	LAST CLK	EXP DT	1YR REN	FEEFACT	SUPP	SUPTWN	OCTF	OCTTWN				
1	04/16/08	805	03/25/10	N	007500			Z	125				
PREVTWN	SPECR	LEASCO	REFLYR	CANREF	PREV CC/REG	NEXT CC/REG	2	PLTS	ISSUED	WND	STK		
125		N		0	01/343KHX			YES	06/00		N		
KEY SECT:		012500	183	4	3333	2ND OWNER SECT:		102495	172	4	2046		
VEHICLE SECT:		062800	169	4	3376	MAIL ADDR SECT:		062800	169	4	3376		
COMM SECT:		102495	172	4	2046	RES ADDR SECT:		062800	169	4	3376		
1ST OWNER SECT:		102495	172	4	2046	ADMIN SECT:		041608	805	0	4186		
				RENEWAL INFO:		041608	805	4186					

Enter=Return F2=MI27 F5=MI21 F6=LETS F10=Title

7333897 - 898

7333905-911



CERTIFICATE OF REGISTRATION
 DEPARTMENT OF MOTOR VEHICLES
 STATE OF CONNECTICUT
 REGISTRATION OF MOTOR VEHICLES
 REGISTRATION OF MOTOR VEHICLES
 REGISTRATION OF MOTOR VEHICLES

APPLICANT NAME: HALLINGBY, PAUL L. ADDRESS: P.O. BOX 544 SHARON, CONN. 06069 KINGS HILL ROAD, SHARON, CT. 06069		VEHICLE IDENTIFICATION VIN: 250GT3143 MAKE: FERRARI YEAR: 1961 MODEL: 2-DR SEDAN	
VEHICLE INFORMATION ODOMETER READING: 37,625 KLM COLOR: RED LIGHT WEIGHT: COMPLETE FOR APPLICABLE VEHICLES MAKE WEIGHT: COMPLETE FOR TRAILERS ONLY		VEHICLE CLASSIFICATION TYPE: None ADDRESS OF LESSOR: The 5th Rail Ins Co ADDRESS OF SECOND LESSOR: RY 9918	
SALES TAX SALES TAX COLLECTED: 23422923		REGISTRATION FEE REGISTRATION FEE: 11.00 8269 03/17/00 6-C	

OFFICE USE ONLY

THIS SECTION FOR SALES BY CONNECTICUT LICENSED DEALERS ONLY

DATE:	TIME:	SALES TAX:	REGISTRATION FEE:
TOTAL SALES PRICE:		SALES TAX COLLECTED:	
NET SALES PRICE:		REGISTRATION FEE:	
TOTAL SALES TAX:		TOTAL REGISTRATION FEE:	

SALES TAX COLLECTED: 23422923

REGISTRATION FEE: 11.00

TOTAL SALES TAX: 23422923

TOTAL REGISTRATION FEE: 11.00

STATE VEHICLE
 OVER-OLD VEHICLE
 ...

SECTION REPORT
 STATE OF CONNECTICUT
 DEPARTMENT OF MOTOR VEHICLES
 This report is to be filled out by the inspector at the time of inspection. It is to be used as a guide for the driver and the vehicle owner. It is to be filled out for all vehicles inspected. It is to be filled out for all vehicles inspected. It is to be filled out for all vehicles inspected.

SECTION A (GENERAL)

INSPECTOR	INSPECTION DATE	PLATE NO.	VEHICLE MAKE	VEHICLE MODEL
HALLING, PAUL L.	12/15/70	38670	SAAB	900
REGISTRATION	TAX	SALES TAX	SALES TAX	SALES TAX
38670	12.70	37.70		
SALES TAX	SALES TAX	SALES TAX	SALES TAX	SALES TAX
37.70	37.70	37.70	37.70	37.70

SECTION B (DMV Use - Salvage Inspection Only)
 This section is to be filled out for vehicles that have been declared as salvage. It is to be filled out for all vehicles inspected. It is to be filled out for all vehicles inspected.

REPLACED MAJOR PARTS	VEHICLE IDENTIFICATION NUMBER (VIN)

This section is for the inspector to fill out. It is to be filled out for all vehicles inspected. It is to be filled out for all vehicles inspected.

VEHICLE MAY BE UNREGISTERED AT ONCE
 This section is for the inspector to fill out. It is to be filled out for all vehicles inspected. It is to be filled out for all vehicles inspected.

RESULTS

VEHICLE IDENTIFICATION NUMBER (VIN)	
VEHICLE MAKE	
VEHICLE MODEL	
VEHICLE YEAR	
VEHICLE COLOR	
VEHICLE TYPE	
VEHICLE CONDITION	
VEHICLE SAFETY	
VEHICLE EMISSIONS	
VEHICLE INSPECTION	
VEHICLE MAINTENANCE	
VEHICLE REPAIRS	
VEHICLE SAFETY	
VEHICLE EMISSIONS	
VEHICLE INSPECTION	
VEHICLE MAINTENANCE	
VEHICLE REPAIRS	

Date: 06/28/00 Time: 11:00 AM
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Page: 0007/0544

MIR8S06

Reg Master Inquiry

CC	REG NO	TB	SUBCODE	VIN	YEAR	MAKE	MODEL						
25	33735	00	1	250GT2903	61	FERRA	250GT						
BODSTYLE	FUEL	CYL	AXLES	COLR1	COLR2	TITLE	VEHX	LT	WT	GR	WT	SEATCAP	STANDCAP
CONVT	G		RED	N	Y								
NAME (FIRST OWNER)		DOB		SEX	OLDNM	PERX	NAMECH						
HALLINGBY PAUL L		11/11/46		M		N	N						
NAME (SECOND OWNER)		DOB		SEX	DISC INDIV / BULK								
					N N								
MAILING STREET			CITY	STATE	ZIP	CNTRY	MADDCH						
BOX 544			SHARON	CT	06069		Y						
RESIDENCE STREET			CITY	STATE	CNTRY		TAXTWN						
KINGS HILL RD			SHARON	CT			125						
RECTYPE	LAST TDT	LAST CLK	EXP DT	1YR REN	FEEFACT	SUPP	SUPTWN	OCTF	OCTTWN				
1	01/24/08	805	03/01/10	N	007500			Z	125				
PREVTWN	SPECR	LEASCO	REFLYR	CANREF	PREV	CC/REG	NEXT	CC/REG	2	PLTS	ISSUED	WND	STK
125		N		0						YES	12/99		N
KEY SECT:		120199	174	4	3321	2ND OWNER SECT:		120199	174	4	3321		
VEHICLE SECT:		062900	360	4	3378	MAIL ADDR SECT:		062900	360	4	3378		
COMM SECT:		120199	174	4	3321	RES ADDR SECT:		120199	174	4	3321		
1ST OWNER SECT:		120199	174	4	3321	ADMIN SECT:		012408	805	3	4163		
						RENEWAL INFO:		012408	805	4163			

Enter=Return F2=MI27 F5=MI21 F6=LETS F10=Title

7345381-410

7345411-415

OFFICIAL REGISTRATION
 OF A MOTOR VEHICLE AND APPLICATION FOR
 CERTIFICATE OF TITLE - IN-13 REV. 8-97

STATE OF CONNECTICUT
 DEPARTMENT OF MOTOR VEHICLES
 400 STATE STREET, HARTFORD, CT 06101

INSTRUCTIONS (1) Do not print below the
 box labeled OFFICE USE ONLY. (2) If the last
 owner of the vehicle had a valid
 certificate of title to the vehicle, the title must
 accompany this application. If a CT title has
 been lost or stolen, the last registered owner
 may complete DMV Form No. 10-6. (3) See back
 of form for instructions for TAX EXEMPTION.

VOID UNLESS
 VALIDATED
 HERE BY
 CONNECTICUT
 DMV 06/29/00 142 360 287.4429 0011 87.00
 35238

7345433

1 APPLICANT Owner Registering Vehicle(s)	OWNER'S NAME (Last, First, Middle Initial) HALLINGBY, PAUL L.		IF CO-OWNER(S) <input type="checkbox"/> AND <input type="checkbox"/> OR <input type="checkbox"/> (Joint)		CO-OWNER'S NAME (If Any)	
	MAILING ADDRESS (No. & Street) P.O. BOX 544		OWNER'S SEX <input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE		OWNER'S BIRTHDATE 11/11/46	
City/Town SHARON, CT		State Zip Code 06069		CO-OWNER'S SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	CO-OWNER'S BIRTHDATE	
REGULATORY ADDRESS (If Different from Mailing Address) KINGS HILL ROAD SHARON, CT. 06904		DATE OF REGISTRATION 07/07/99		CT TOWN WHERE VEHICLE IS TO BE TITLED AS PROPERT (Where vehicle is garaged/kept for longest period in a year) SHARON		
2 VEHICLE	VEHICLE'S NUMBER (VIN) GT40P1069		MAKE FORD	YEAR 1967	BODY STYLE (e.g. 4-Dr Sedan, etc.) 2-DR. COUPE	
	COLOR (Maximum of Two) YELLOW	MODEL NAME OR NO. GT 40		NO. OF CYLINDERS 8	FUEL TYPE (Gasoline, Electric, Diesel, Propane, etc.) GAS	
3 IF OTHER THAN WALL-BARRIER REGISTRATION	LIGHT WEIGHT (Wt. of vehicle) empty		COMPLETE FOR APPLICABLE VEHICLES (Buses, Trucks) →	SEATING CAPACITY	NO. OF SEATBELTS	
	GROSS WEIGHT (Light wt. and wt. of maximum load)		COMPLETE FOR TRAILERS ONLY →	REAR LIGHT	EQUIPPED WITH BRAKES	
4 LEASER/HOLDER of vehicle (purchase not required)	LEASER/HOLDER'S NAME (Last, First, Middle Initial) OR PURCHASER (If Current Owner) NONE		DATE OF LEASE	SECOND LEASER/HOLDER (If Any)		
	ADDRESS OF LEASER/HOLDER		ADDRESS OF SECOND LEASER/HOLDER			
5 AUTOMOBILE INSURANCE	INSURANCE COMPANY NAME (See agent) ST. PAUL MERCURY INSURANCE CO.		AUTOMOBILE INSURANCE POLICY NO. RY 9918			
	APPLICANT'S CLASSIFICATION OF THIS VEHICLE AND SPECIAL CODES (1, 2, 3, 4, 5 AND 6) AND ADDITIONAL INFORMATION		EXEMPTION INFORMATION			
6 TAX EXEMPTION IS CLAIMED	NAME OF LESSEE (Person to whom vehicle is leased) NONE		CONNECTICUT LEASING LICENSE NO.		Keep this certificate, and documents supporting purchase (title, copy of Bill of Sale, cancelled check), as proof of required sales tax paid. If you sell or transfer this vehicle, you must complete the Certificate of Sale or Transfer section on the reverse of the yellow copy, and return your market plate(s) and the yellow registration certificate to DMV.	
	ADDRESS OF LESSEE (P.O. Box is not Acceptable)		PURCHASE PRICE (Not of Sale required) \$ 350,000.00			
7 IF LEASED VEHICLE	NAME OF BELLEND (If 2 owners, include both names) MOTOR CLASSIC & COMPETITION CORP.		IF LICENSED BY DEALER, LICENSE NO.			
	SELLER'S ADDRESS 868 N. BROADWAY WHITE PLAINS, NY 10603		PURCHASE PRICE (Not of Sale required) \$ 350,000.00			
8 SIGNATURE(S)	OWNER'S SIGNATURE <i>[Signature]</i>		OWNER'S CT LICENSE NO. 234339928	CO-OWNER'S SIGNATURE X	CO-OWNER'S CT LICENSE NO.	

OFFICE USE ONLY

THIS SECTION FOR SALES BY CONNECTICUT LICENSED DEALERS ONLY

<input type="checkbox"/> ISSUE	DATE	TIME	NAME OF TRADE-IN	MODEL OF TRADE-IN	YEAR
<input checked="" type="checkbox"/> TRANSFER					
<input type="checkbox"/> OUT-OF-STATE DEALER	IDENTIFICATION NUMBER OF TRADE-IN VEHICLE				
<input type="checkbox"/> CT DEALER'S SALES TAX NO.	DMV FEES COLLECTED				
TOTAL SALES PRICE \$	title charge				
TRADE-IN ALLOWANCE	sales tax				
NET SALES PRICE	sales plate				
STATE TAX COLLECTED	title	<input type="checkbox"/> title	<input type="checkbox"/> title		
VEHICLE SOLD BY: <input type="checkbox"/> OWNER <input type="checkbox"/> DEALER <input type="checkbox"/> MANUFACTURER'S BUYBACK	pub. use				
DEALER'S SIGNATURE	DATE SIGNED	TOTAL FEES \$			

Handwritten notes and signatures in the office use section.

THREE COPY

STATE OF CONNECTICUT
DEPARTMENT OF MOTOR VEHICLES
60 STATE STREET, WETHERSFIELD, CT 06187

OFFICIAL
CONNECTICUT
REGISTRATION
CERTIFICATE

Vehicle Must Be Inspected
Within The First 10 Days



THIS CERTIFICATE OF REGISTRATION
MUST BE CARRIED IN THE MOTOR
VEHICLE AT ALL TIMES WHEN IT IS BEING
OPERATED.

APPLICANT'S NAME (Last, First, Middle Initial) HALLINGBY, PAUL L.		IF CO-OWNER/LESSEE <input type="checkbox"/> CO-OWNER <input type="checkbox"/> LESSEE	CO-OWNER'S NAME (If Any)
MAILING ADDRESS - No. & Street P.O. BOX 544		OWNER'S SEX <input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE	OWNER'S BIRTHDATE 11/18/46
CITY/TOWN SHARON		STATE CT	ZIP CODE 06069
RECEIPT ADDRESS (If Different From Mailing Address) KINGS HILL ROAD, SHARON, CT 06069		DATE VEHICLE PURCHASED 07/07/95	CO-OWNER'S BIRTHDATE
VEHICLE IDENTIFICATION NUMBER GT40P1069	COLOR (Manufacturer's Term) YELLOW	MODEL YEAR OR MO. GT40	VEHICLE TYPE DR
LAST LEGAL USE (If not currently exempt) COMPLETE FOR APPLICATION	VEHICLE WEIGHT (Gross or Net) COMPLETE FOR TRAILERS	VEHICLE CATEGORY <input type="checkbox"/> YES <input type="checkbox"/> NO	VEHICLE WEIGHT (Gross or Net)
LEASER/LESSOR FINANCING VEHICLE PURCHASE FOR CURRENT OWNER NONE	ADDRESS OF LEASER/LESSOR	ADDRESS OF SECOND LEASER/LESSOR	
INSURANCE COMPANY NAME (Not agent) ST. PAUL MERCURY INSURANCE	ALTERNATE INSURANCE POLICY NO. NS9311		
APPLICANT'S SIGNATURE <i>[Signature]</i>	NAME OF LESSEE (Person to whom vehicle is leased) NONE	ADDRESS OF LESSEE (If not same as above)	
NAME OF VEHICLE COYR CLASSIC & COMPETITION COBI	PURCHASE PRICE (Net of tax required) \$350,000.00		
THIS SECTION FOR SALES BY CONNECTICUT LICENSED DEALERS ONLY			

DATE 7/20/95	TIME	SALES BY TRACE-ON 34	SALES BY TRACE-OFF 01	YEAR	72
REGISTRATION NUMBER OF TRAILER (If Vehicle) 7-21-014	STATE	TAXES			
TOTAL SALES PRICE 350,000	TRADE-IN ALLOWANCE	STATE TAX COLLECTED 21,000			
NET SALES PRICE 350,000	SALES TAX COLLECTED 21,000	TOTAL SALES PRICE 371,000			
SALES TAX COLLECTED					
SALES TAX COLLECTED					
SALES TAX COLLECTED					
SALES TAX COLLECTED					
SALES TAX COLLECTED					

OFFICIAL REGISTRATION FEE

345073

TYPE OF INSPECTION
 OUT-OF-STATE VEHICLE 10-YEAR-OLD VEHICLE SALVAGE VEHICLE

INSPECTION REPORT
B-269 REV. 4-97
STATE OF CONNECTICUT
DEPARTMENT OF MOTOR VEHICLES

- INSTRUCTIONS:
- Customer complete Section A only. Section B for DMV Use.
 - For Out-of-State and 10-Year-Old Vehicles, the vehicle must be registered within 90 days from the date on which it passes inspection. Present this report to the cashier with your registration application.
 - For a salvage vehicle, once it has passed inspection it is valid indefinitely.
 - Temporary plates cannot be issued if the vehicle failed for brakes, frame or steering components.
 - If vehicle is rejected, once repairs have been made bring vehicle and this report to DMV inspection lane within 30 days of the first inspection. After 30 days the vehicle must be completely re-inspected for an additional inspection fee.
 - If vehicle fails, only one no-fee re-inspection will be performed within a 30 day period.
- NOTE: The commissioner, by himself or an inspector authorized by him, may examine any motor vehicle, its number, equipment and identification.

VOID UNLESS VALIDATED ABOVE

SECTION A (Customer Fill-in)

NAME OF NEW OWNER: HALLINORY, David L

ADDRESS OF NEW OWNER (Street Number & Name) (City or Town) (State) (Zip Code)
31 Kings Hill Rd, Storrs, CT 06269

CURRENT REGISTRATION: STATE CT PLATE NO. 902J3 YEAR 1967 MAKE FORD

MODEL GT40 COLOR YELLOW COORDINATE PLATING AREA OR YEAR & GVWR 1199

BODY STYLE 2-DR COU VEHICLE IDENTIFICATION NUMBER (VIN) 2-DR COU GT40P 1069

OPERATOR LICENSE NUMBER OF INDIVIDUAL DRIVING VEHICLE DURING INSPECTION: 234339928 DATE OF BIRTH (Driver): 11-11-46

RESULTS	FAIL	PASS
1ST INSPECTION	<input checked="" type="checkbox"/>	<input type="checkbox"/>
RE-INSPECTION	<input type="checkbox"/>	<input type="checkbox"/>
ITEM INSPECTED	NO	OK
DMV USE ONLY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FRAME/UNIBODY	<input type="checkbox"/>	<input type="checkbox"/>
TINTED GLASS	<input type="checkbox"/>	<input type="checkbox"/>
SERVICE BRAKE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VIN VERIFICATION	<input checked="" type="checkbox"/>	<input type="checkbox"/>
STEERING COMPONENTS	<input type="checkbox"/>	<input type="checkbox"/>
PARKING BRAKE	<input type="checkbox"/>	<input type="checkbox"/>
LICENSED REPAIRER	<input type="checkbox"/>	<input type="checkbox"/>

SECTION B (DMV Use - Salvage Inspections Only)

List all used major component parts utilized to rebuild vehicle and specify the VIN of each part checked. The major component part are: ENGINE, COWL, TRANSMISSION, FRAME, DOOR, TRUNK LID, HOOD, FRONT FENDER, REAR FENDER, and QUARTER PANELS.

USED MAJOR PARTS	VEHICLE IDENTIFICATION NUMBER (VIN)

IF YOUR VEHICLE FAILED INSPECTION FOR THE ITEMS LISTED BELOW YOU MAY, NAME OF REPAIRER BY THE REPAIRING DEALER OR REPAIRER. A COPY OF THE PAID REPAIR ORDER MUST BE ATTACHED TO THIS INSPECTION FORM.

OTHER (Write Remarks Section)

EXHAUST SYSTEM	<input type="checkbox"/>	<input type="checkbox"/>
SUSPENSION COMPONENTS	<input type="checkbox"/>	<input type="checkbox"/>
WIRING	<input type="checkbox"/>	<input type="checkbox"/>
REAR ALIGNMENT	<input type="checkbox"/>	<input type="checkbox"/>
FRONT ALIGNMENT	<input type="checkbox"/>	<input type="checkbox"/>
TIRES & WHEELS	<input type="checkbox"/>	<input type="checkbox"/>
MARKER LIGHT	<input type="checkbox"/>	<input type="checkbox"/>
BRAKE LIGHTS	<input type="checkbox"/>	<input type="checkbox"/>
TAIL LIGHTS & REFLECTORS	<input type="checkbox"/>	<input type="checkbox"/>
MISC. LIGHTS & REFLECTORS	<input type="checkbox"/>	<input type="checkbox"/>
HEADLIGHTS	<input type="checkbox"/>	<input type="checkbox"/>
TURN SIGNAL LIGHTS	<input type="checkbox"/>	<input type="checkbox"/>
PARKING LIGHTS	<input type="checkbox"/>	<input type="checkbox"/>
WIPERS	<input type="checkbox"/>	<input type="checkbox"/>
WINDSHIELD GLAZING	<input type="checkbox"/>	<input type="checkbox"/>
MIRROR(S)	<input type="checkbox"/>	<input type="checkbox"/>
HORN	<input type="checkbox"/>	<input type="checkbox"/>
HI-BEAM INDICATOR	<input type="checkbox"/>	<input type="checkbox"/>
RESTRAINT SYSTEM	<input type="checkbox"/>	<input type="checkbox"/>
EMISSIONS	<input type="checkbox"/>	<input type="checkbox"/>

INSPECTOR'S COMMENTS-REMARKS-USED PARTS LIST

Failed brake test, see protocols.

DATE OF 1ST INSPECTION: 6/24/00 DATE OF 2ND INSPECTION: 6/26/2000

VEHICLE MAY BE RE-INSPECTED AT LICENSED REPAIRER (Optional)

SIGNATURE OF INSPECTOR: [Signature] LICENSE NUMBER: N 5347

SIGNATURE OF OWNER: [Signature] VEHICLE IDENTIFICATION NUMBER (VIN): GT40P 1069

VANACORE MOTOR OIL INC.
 175 E. 42nd St
 New York, NY 10017
 (212) 512-1700

1810

MA PAUL HILLINGBURY 300 EMT BOYL STREET NEW YORK NY 10028 (212) 257-1952 1969 FORD GT 40 215400 (0237)			ORDER NUMBER SONJA K	DATE 12/14/68
TEST AND REPAIR NUTS TO THE LEFT REMOVE AND CLEAN BRACKET AND MAKE JGAS			TOTAL LABOR 1.50	TOTAL TAX .23
TOTAL PARTS .00			TOTAL 1.50	PAY 1.50

QTY	DESCRIPTION	UNIT	PRICE	TOTAL
2	6-18 x 1.50	NUTS	0.00	0.00
1	2-40	BRACKET	0.00	0.00
1	2-1.50	ADJUSTER	0.00	0.00
1	2-1.50	BRACKET	0.00	0.00
1	2-1.50	ADJUSTER	0.00	0.00
1	2-1.50	BRACKET	0.00	0.00
1	2-1.50	ADJUSTER	0.00	0.00
1	2-1.50	BRACKET	0.00	0.00
1	2-1.50	ADJUSTER	0.00	0.00
1	2-1.50	BRACKET	0.00	0.00
1	2-1.50	ADJUSTER	0.00	0.00

6/20/00 12/14/68 1.50	TOTAL PARTS .00	TOTAL LABOR 1.50	TOTAL TAX .23	TOTAL 1.50
-----------------------------	--------------------	---------------------	------------------	---------------

OFFICIAL REGISTRATION
OF A MOTOR VEHICLE AND APPLICATION FOR
CERTIFICATE OF TITLE - N-1 REV. 6-71

STATE OF CONNECTICUT
DEPARTMENT OF MOTOR VEHICLES
 10 STATE STREET NEW HAVEN, CT 06511

INSTRUCTIONS: (1) Do not print below the
 1000 Federal OFFICE USE ONLY (2) If the last
 four (4) digits of the vehicle's VIN is 1988
 (3) If the vehicle is to be titled, the (VIN) must
 accompany this application. If a CT VIN has
 been lost or stolen, the last registered owner
 may complete DMV form No. 146-6. (4) See back
 of this form for instructions for TAX EXEMPTIONS.

VOID UNLESS
 VALIDATED
 HERE BY
 CONNECTICUT DMV
 06/29/00 142 360 287 4429 0010-21-00
 33735

7345434

OWNER'S NAME (Last, First, Middle Initial) HALLINGBY, PAUL L.		IF CO-OWNERSHIP <input type="checkbox"/> AND <input type="checkbox"/> OR <input type="checkbox"/> (Name)		CO-OWNER'S NAME (If Any)	
MAILING ADDRESS No. & Street P.O. BOX 544		OWNER'S SEX <input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE		OWNER'S BIRTHDATE 11/11/46	
City/Town State Zip Code SHARON, CT 06069		CO-OWNER'S SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE		CO-OWNER'S BIRTHDATE	
RESIDENT ADDRESS (If Different from Mailing Address) KINGS HILL ROAD SHARON, CT. 06906		DATE VEHICLE PURCHASED 05/04/00		CT TOWN WHERE VEHICLE IS TO BE TITLED AS PROPERTY (Where vehicle is garaged/ parked for longest period in a year) SHARON	
VEHICLE'S NUMBER (VIN) 250GT2903		MAKE FERRARI		BODY STYLE (e.g. 4-Dr. Sedan, etc.) 2-DR. CONV.	
COMPIETER # (e.g. 4-Cyl. 1600 cc) 73,256 km		COLOR (Manufacturer's Term) RED		NO. OF CYLINDERS 12	
MODEL NAME OR NO. 250GT		FUEL TYPE (Gasoline, Electric, Diesel, Propane, etc.) GAS		CONVERSION USE <input type="checkbox"/> YES <input type="checkbox"/> NO	
LIGHT WEIGHT (Net of selected options)		COMPLETE FOR APPLICABLE VEHICLES (Buses, Trucks) <input checked="" type="checkbox"/>		NO. OF STANCHIONS	
GROSS WEIGHT (Gross wt. plus wt. of maximum load)		COMPLETE FOR TRAILERS ONLY <input checked="" type="checkbox"/>		NO. OF AXLES	
		SEAT LIGHT <input type="checkbox"/> YES <input type="checkbox"/> NO		EQUIPPED WITH BRAKES <input type="checkbox"/> YES <input type="checkbox"/> NO	
LEW-HOLDER'S NAME (Name of Person to Whom Title is Issued)		DATE OF BIRTH		SECOND LEW-HOLDER (If Any)	
NONE					
ADDRESS OF LEW-HOLDER				DATE OF REGISTRATION	
INSURANCE COMPANY NAME (Not agent) ST. PAUL MERCURY INSURANCE CO.		AUTOMOBILE INSURANCE POLICY NO. Ry9918			
APPLICANT READ REVERSE SIDE OF THIS FORM AND SPECIFY CODE 1, 2, 3, 4, OR 5 AND ANY ADDITIONAL INFORMATION		EXEMPTION INFORMATION			
NAME OF LESSEE (Person to whom vehicle is leased)		LEASE COMPANY (LEASE LICENSE NO.)		Keep this certificate and documents supporting purchase price (copy of Bill of Sale, cancelled check), as proof of required sales tax paid. If you sell or transfer this vehicle, you must complete the Certificate of Sale or Transfer section on the reverse of the yellow copy, and return your market plate(s) and the yellow registration certificate to DMV.	
NONE					
NAME OF LESSOR (If owners, in full both names) MOTOR CLASSIC & COMPETITION CORP.		IF LICENSED BY DEALER, LICENSE NO.			
LESSOR'S ADDRESS 868 N. BROADWAY WHITE PLAINS, NY 10603		PURCHASE PRICE (2nd of Sale required)			
The undersigned certifies under penalty of false statement that there are no liens on this vehicle except those specified above, that the insurance required by Commission 601-1-1 is in effect and will be maintained during the registration period, and that all information is true and accurate to the best of my/our knowledge and belief. If after three business days, the undersigned certifies that this vehicle is being registered in accordance with the Manufacturer's Maximum Gross Vehicle Weight Rating.		OWNER'S SIGNATURE <i>Paul L. Hallingby</i>		CO-OWNER'S SIGNATURE <i>X</i>	
OWNER'S CT LICENSE NO. 234339928		CO-OWNER'S CT LICENSE NO.			

OFFICE USE ONLY

THIS SECTION FOR SALES BY CONNECTICUT LICENSED DEALERS ONLY					
NAME OF DEALER	DATE	TIME	MAKE OF TRADE-IN	MODEL OF TRADE-IN	YEAR
IDENTIFICATION NUMBER OF TRADE-IN VEHICLE			DMV FEES COLLECTED		
TOTAL SALES PRICE \$			SALES TAX		
TRADE-IN ALLOWANCE			SALES TAX		
NET SALES PRICE			SALES TAX		
STATE TAX COLLECTED			SALES TAX		
VEHICLE SOLD BY (Check one applicable)			SALES TAX		
<input type="checkbox"/> DEED	<input type="checkbox"/> RETAIL	<input type="checkbox"/> MANUFACTURER'S OUTLET	SALES TAX		
TOTAL AMOUNT DUE			SALES TAX		
TOTAL AMOUNT DUE			SALES TAX		

6269-01
7/1/00

TYPE OF INSPECTION
 OUT-OF-STATE VEHICLE 10-YEAR-OLD VEHICLE SALVAGE VEHICLE

INSPECTION REPORT
 STATE OF CONNECTICUT
 DEPARTMENT OF MOTOR VEHICLES

INSTRUCTIONS:
 1. Customer complete Section A only. Section B for DMV Use
 2. For Out-Of-State and 10-Year-Old Vehicles, the vehicle must be registered within 90 days from the date on which it passes inspection. Present this report to the cashier with your registration application.
 3. For a salvage vehicle, once it has passed inspection it is valid indefinitely.
 4. Temporary plates cannot be issued if the vehicle failed for brakes, frame or steering components.
 5. If vehicle is rejected, once repairs have been made bring vehicle and this report to DMV inspection lane within 30 days of the first inspection. After 30 days the vehicle must be completely re-inspected for an additional inspection fee.
 6. If vehicle fails, only one no-fee re-inspection will be performed within a 30 day period.
 NOTE: The commissioner, by himself or an inspector authorized by him, may examine any motor vehicle, its control, equipment and identification.

VOID UNLESS VALIDATED ABOVE

SECTION A (Customer Fill-In)

NAME OF INSPECTOR: HALLINGBY, Paul L

ADDRESS OF BUYER (Owner Name & Home): 155 HURON RD, BOX 524, SHALAN CT, 06069

CITY OR TOWN (State): SHALAN CT (Zip Code): 06069

CURRENT REGISTRATION: CT PLATE NO.: 9J4JS YEAR: 1961 MAKE: FORD

MODEL: 250GT COLOR: Red/Blk BODY TYPE: 73847KA

VEHICLE IDENTIFICATION NUMBER (VIN): 1M0CJ 250GT 903

REGISTRATION LICENSE NUMBER OF INDIVIDUAL DRIVER: CT 23433992R DATE OF BIRTH (Month/Day/Year): 11/14/46

RESULTS	FAIL	PASS
1ST INSPECTION	<input type="checkbox"/>	<input checked="" type="checkbox"/>
RE-INSPECTION	<input type="checkbox"/>	<input type="checkbox"/>
ITEM INSPECTED	NG	OK
V DMV USE ONLY		
FRAME/BODY	<input type="checkbox"/>	<input type="checkbox"/>
TINTED GLASS	<input type="checkbox"/>	<input type="checkbox"/>
SERVICE BRAKE	<input type="checkbox"/>	<input type="checkbox"/>
VIN VERIFICATION	<input type="checkbox"/>	<input type="checkbox"/>
STEERING COMPONENTS	<input type="checkbox"/>	<input type="checkbox"/>
PARKING BRAKE	<input type="checkbox"/>	<input type="checkbox"/>

SECTION B (DMV Use - Salvage Inspections Only)

Use all used major component parts utilized to rebuild vehicle and specify the VIN of each part checked. The major component part are: ENGINE, COWL, TRANSMISSION, FRAME, DOOR, TRUNK LID, HOOD, FRONT FENDER, REAR FENDER, and QUARTER PANELS.

USED MAJOR PARTS	VEHICLE IDENTIFICATION NUMBER (VIN)

✓ LICENSED REPAIRER

IF YOUR VEHICLE FAILED INSPECTION FOR THE ITEMS LISTED BELOW, YOU (BUYER) MAY BE RE-INSPECTED BY THE REPAIRING DEALER OR REPAIRER. A COPY OF THE PAID REPAIR ORDER MUST BE ATTACHED TO THIS INSPECTION FORM.

OTHER (Note Assessor Section)	<input type="checkbox"/>	<input type="checkbox"/>
EXHAUST SYSTEM	<input type="checkbox"/>	<input type="checkbox"/>
SUSPENSION COMPONENTS	<input type="checkbox"/>	<input type="checkbox"/>
WIPERS	<input type="checkbox"/>	<input type="checkbox"/>
REAR ALIGNMENT (Customer Only)	<input type="checkbox"/>	<input type="checkbox"/>
FRONT ALIGNMENT	<input type="checkbox"/>	<input type="checkbox"/>
TIRES & WHEELS	<input type="checkbox"/>	<input type="checkbox"/>
MARKER LIGHT	<input type="checkbox"/>	<input type="checkbox"/>
BRAKE LIGHTS	<input type="checkbox"/>	<input type="checkbox"/>
TAIL LIGHTS & REFLECTORS	<input type="checkbox"/>	<input type="checkbox"/>
MISC. LIGHTS & REFLECTORS	<input type="checkbox"/>	<input type="checkbox"/>
HEADLIGHTS	<input type="checkbox"/>	<input type="checkbox"/>
TURN SIGNAL LIGHTS	<input type="checkbox"/>	<input type="checkbox"/>
PARKING LIGHTS	<input type="checkbox"/>	<input type="checkbox"/>
WIPERS	<input type="checkbox"/>	<input type="checkbox"/>
WINDSHIELD GLAZING	<input type="checkbox"/>	<input type="checkbox"/>
MIRRORS	<input type="checkbox"/>	<input type="checkbox"/>
HORN	<input type="checkbox"/>	<input type="checkbox"/>
H-BEAM INDICATOR	<input type="checkbox"/>	<input type="checkbox"/>
RESTRAINT SYSTEM	<input type="checkbox"/>	<input type="checkbox"/>

INSPECTOR'S COMMENTS/REMARKS/LAID-O PARTS LIST

INSPECTOR: [Signature] LICENSE NUMBER: 1E11 DATE INSPECTED: 06-29-00

VEHICLE MAY BE RE-INSPECTED AT LICENSED REPAIRER (Optional)

SIGNATURE OF INSPECTOR/OWNER REPRESENTATIVE: [Signature] LICENSE NUMBER: DATE INSPECTED:

THIS INSPECTION REPORT IS ONE OF THREE AND CORRECTLY SIGNED UNDER PENALTY OF PERJURY. THIS DOCUMENT IS AN OFFICIAL RECORD OF THE STATE OF CONNECTICUT.

2785 HALLINBY PAUL L
DOB: 11/11/46
DI: 06069-0544
Exp: 03/01/02
PONTIC Head: 3670
Color: BLK
Trans: YES
Trans DT: 12/01/99
Fed: 70.00 Tax In 125
CONUT

Date: 06/29/00 Time: 09:15:50

Last Trans:
FOR OFFICE USE ONLY

Sub:
End of Print

HALLINBY PAUL L
60 BOX 111
SHARON CT 06069-0544

MIR8S06

Reg Master Inquiry

CC	REG NO	TB	SUBCODE	VIN	YEAR	MAKE	MODEL						
25	72273	00	1	0799GT	58	FERRA	250PF						
BODSTYLE	FUEL	CYL	AXLES	COLR1	COLR2	TITLE	VEHX	LT WT	GR WT	SEATCAP	STANDCAP		
2D	SED	G		GRY	RED	N	N						
NAME (FIRST OWNER)		DOB		SEX	OLDNM	PERX	NAMECH						
HALLINGBY PAUL L		11/11/46		M		N	N						
NAME (SECOND OWNER)		DOB		SEX	DISC INDIV / BULK								
				N N									
MAILING STREET			CITY		STATE	ZIP	CNTRY	MADDCH					
PO BOX 544			SHARON		CT	06069	N						
RESIDENCE STREET			CITY		STATE	CNTRY		TAXTWN					
31 KINGS HILL RD			SHARON		CT			125					
RECTYPE	LAST TDT	LAST CLK	EXP DT	1YR REN	FEEFACT	SUPP	SUPTWN	OCTF	OCTTWN				
1	08/31/07	183	03/31/09	N	007500				125				
PREVTWN	SPECR	LEASCO	REFLYR	CANREF	PREV	CC/REG	NEXT	CC/REG	2	PLTS	ISSUED	WND	STK
	N		0							YES	08/07	Y	
KEY SECT:	083107	183	4	4133	2ND OWNER SECT:		083107	183	4	4133			
VEHICLE SECT:	083107	183	4	4133	MAIL ADDR SECT:		083107	183	4	4133			
COMM SECT:	083107	183	4	4133	RES ADDR SECT:		083107	183	4	4133			
1ST OWNER SECT:	083107	183	4	4133	ADMIN SECT:		083107	183	4	4133			
RENEWAL INFO:													
Enter=Return	F2=MI27	F5=MI21	F6=LETS	F10=Title									

12637645

12637649 - 7699

OFFICIAL REGISTRATION
 OF A MOTOR VEHICLE (AND TRAILER)
 AND CERTIFICATE OF TITLE
 REG-1 (REV. 6-2008)
 STATE OF CONNECTICUT
 DEPARTMENT OF MOTOR VEHICLES
 40 STATE STREET, WETHERFIELD, CT 06094



REGISTRATION AND TITLE FEE
 \$12.00

INSTRUCTIONS:

- (1) Please print using a black or blue pen.
- (2) TITLE must accompany this application.

012637539

APPLICANT NAME	OWNER'S NAME (See Title License Fee)	CO-OWNER'S NAME (If any)
	Halling by Paul L	
ADDRESS	REGULAR ADDRESS	CO-OWNER'S ADDRESS (If any)
	P.O. Box 549 Sharon CT 06069	
VEHICLE	VEHICLE IDENTIFICATION NUMBER (VIN)	VEHICLE MAKE AND MODEL
	3UENR4E2H42R000	Volvo V40
VEHICLE	VEHICLE TYPE (See Code and Color)	VEHICLE COLOR
	SAV	Green
VEHICLE	VEHICLE WEIGHT (As of last license date)	VEHICLE YEAR
		2008
VEHICLE	VEHICLE HOLDER (If different from applicant)	VEHICLE LICENSE NUMBER (If any)
VEHICLE	VEHICLE COMPANY NAME (See Code and Color)	VEHICLE COMPANY ADDRESS (If any)
	Northampton	
VEHICLE	VEHICLE LICENSE NUMBER (If any)	VEHICLE LICENSE EXPIRES (Date)
VEHICLE	VEHICLE LICENSE HOLDER'S SOCIAL SECURITY NUMBER (If any)	VEHICLE LICENSE HOLDER'S SIGNATURE
		[Signature]

THIS SECTION FOR CT LICENSED DEALERS		OFFICE USE ONLY	
DATE	TIME	CT DEALER LICENSE NO.	
NAME OF STATE DEALER		NAME OF TRADE-IN	MODEL OF TRADE-IN
SALES TAX NO.			YEAR
SALES PRICE		IDENTIFICATION NUMBER OF TRADE-IN VEHICLE	
SALES ALLOWANCE		DMV FEES COLLECTED	
NET SALES PRICE		CAA	SALES TAX
SALES TAX COLLECTED		REGISTRATION	OTHER
SALES TAX RECEIPT NO.		SALES TAX	REGISTRATION
SALES TAX RECEIPT DATE		SALES TAX	REGISTRATION

Price 22,945.00
 [Signature]

Handwritten: 1985 Ford Bronco

DEALER INFORMATION

DEALER NAME: *WALSH MOTOR SALES*
 ADDRESS: *1000 W. 10th St., Lincoln, NE 68502*
 CITY: *Lincoln* STATE: *NE* ZIP: *68502*

DEALER LICENSE NO.: *00000000*

SALESMAN: *John Walsh*

VEHICLE INFORMATION

YEAR: *1985* MAKE: *Ford* MODEL: *Bronco*

TYPE: *4x4* BODY: *Utility*

ENGINE: *5.0L V8* TRANSMISSION: *5-Speed Manual*

VEHICLE IDENTIFICATION NO. (VIN): *1F35G30A0A0000000*

SALES TAX: *0.00* REGISTRATION: *0.00*

BUYER INFORMATION

BUYER NAME: *John Walsh* ADDRESS: *1000 W. 10th St., Lincoln, NE 68502*

CITY: *Lincoln* STATE: *NE* ZIP: *68502*

BUYER LICENSE NO.: *00000000*

SALES CONTRACT

DATE OF SALE: *10/15/85*

SALE PRICE: *10,000.00*

AMOUNT PAID: *0.00*

FINANCE CHARGE: *0.00*

TOTAL DUE: *10,000.00*

FINANCING INFORMATION

FINANCING COMPANY: *WALSH MOTOR SALES*

FINANCING TYPE: *None*

NOTES

Vehicle in good condition. No accidents.

DEALER SIGNATURE

John Walsh

BUYER SIGNATURE

John Walsh

SALES TAX RECEIPT

SALES TAX: *0.00*

REGISTRATION RECEIPT

REGISTRATION: *0.00*

FINANCING RECEIPT

FINANCING: *0.00*

SALES TAX RECEIPT

SALES TAX: *0.00*

REGISTRATION RECEIPT

REGISTRATION: *0.00*

FINANCING RECEIPT

FINANCING: *0.00*

THIS IS A COPY OF THE ORIGINAL RECORD OF THE STATE OF CONNECTICUT. FOR ALL VEHICLE VERIFICATIONS.

PALMER HALLING

STATE OF CONNECTICUT **DEPARTMENT OF TRANSPORTATION** **REGISTRATION DIVISION**

REGISTRATION DIVISION **REGISTRATION DIVISION** **REGISTRATION DIVISION**

STAGUER **STAGUER** **STAGUER**

REGISTRATION DIVISION USE ONLY

REGISTRATION DIVISION USE ONLY

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
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REGISTRATION DIVISION USE ONLY

NORTHWEST OFFICE

REGISTRATION DIVISION USE ONLY

VEHICLE REGISTRATION
 MOTOR VEHICLE LICENSE
 STATE OF CONNECTICUT
 DEPARTMENT OF MOTOR VEHICLES
 HARTFORD, CONNECTICUT 06101

INSTRUCTIONS:
 Please print clearly in black ink
 Title and Description of Property

0126376811

PLATE NO. & TYPE				VEHICLE MAKE & MODEL		VEHICLE YEAR		VEHICLE TYPE	
1P0 60X 549				HONDA		CIVIC		1992	
REGISTRATION NO.				TITLE NO.		SALES TAX NO.		VEHICLE ID NO.	
06059				06059				1HNBK6639M000000000	
VEHICLE IDENTIFICATION NO.				VIN		REGISTRATION		TITLE	
1HNBK6639M000000000									
REGISTRATION FEE				SALES TAX		TITLE FEE		TOTAL	

VEHICLE TYPE		VEHICLE MAKE & MODEL		VEHICLE YEAR	
1P0 60X 549		HONDA		1992	
REGISTRATION NO.		TITLE NO.		SALES TAX NO.	
06059		06059			
VEHICLE IDENTIFICATION NO.		VIN		REGISTRATION	
1HNBK6639M000000000					
REGISTRATION FEE		SALES TAX		TITLE FEE	

VEHICLE IDENTIFICATION
NUMBER (VIN) VERIFICATION

STATE OF CONNECTICUT
DEPARTMENT OF MOTOR VEHICLES
BRANCH OPERATIONS DIVISION
On The Web At <http://dmv.ct.gov>



NOTE: There is a \$10 administrative fee, paid at the time of registration, for all VIN verifications.

OWNER OR DEALER NAME PAUL L HALLINGBY	
OWNER OR DEALER ADDRESS 31 KINGS HILL RD PO Box 544 19161	CITY AND STATE ZIP CODE SHARON, CT 06069
VEHICLE YEAR 1961	VEHICLE MAKE ASTON MARTIN
VEHICLE MODEL DB4GT	VEHICLE BODY
VEHICLE TYPE SSB	VEHICLE PLATE NUMBER 4191ER
	STATE CT

BELOW FOR DMV USE ONLY

THE VEHICLE IDENTIFICATION NUMBER BELOW WAS EXAMINED AND FOUND TO BE IN COMPLIANCE

D	B	4	G	T	0	1	9	1	6	1										
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NAME OF INSPECTOR <i>Robert J. [Signature]</i>	BADGE NUMBER
DATE 8/31/07	OFFICE NORTHWEST DISTRICT

DISTRIBUTION: White - Computer Copy - Classy - [unclear]

Handwritten notes and numbers at the top left of the page, including "43037" and other illegible scribbles.

Handwritten notes and numbers in the middle left section, including "43037" and other illegible scribbles.

Form section at the top right with various fields and checkboxes, including "OFFICE USE ONLY" and "RECEIVED" stamps.

Form section in the middle right with various fields and checkboxes, including "RECEIVED" and "PASSED" stamps.

Form section in the lower middle right with various fields and checkboxes, including "RECEIVED" and "PASSED" stamps.

Form section at the bottom middle right with various fields and checkboxes, including "RECEIVED" and "PASSED" stamps.

Form section at the bottom of the page with various fields and checkboxes, including "RECEIVED" and "PASSED" stamps.

DEPARTMENT OF
MOTOR VEHICLES
(DMV) REGISTRATION

DEPARTMENT OF MOTOR VEHICLES
REGISTRATION DIVISION
100 WATER STREET
HARTFORD, CT 06103



PAUL L. HARRIS

SUBJECT: HILTI 1200 BOX 574 STAMFORD CT 06907

1988 HILTI HILTI 1200 BOX 574 STAMFORD CT 06907

BELOW FOR DMV USE ONLY

IF IDENTIFICATION NUMBER WAS EXAMINED AND FOUND TO BE IN COMPLIANCE

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	00
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REGISTRATION NUMBER: 1200
REGISTRATION DATE: 12/15/87
REGISTRATION OFFICE: NORTHWEST OFFICE

Sender:

Oliver Weber, Attorney-at-Law
Murtenstrasse 7
Post Office Box 811
CH-2501 Biel
Switzerland

27.03.09 17:45
CH - 2500
Biel/Bienne 1

P.P. Postage Paid

4301

CHF 4.70
PRIORITY



Stand 2
0.064 kg
SWISS POST

To:
Connecticut State Police
Detective Richard Van Tine #732
Troop G
149 Prospect Road
Bridgeport, CT 06604
USA

0660484621 COSI





JEANGUENIN & WEBER

Advokaturbüro • étude d'avocats • Attorney-at-Laws

Daniel Jeanguenin
Avocat
CCP 30-430258-0
Tel: +41 32 322 30 05
Email: daniel.jeanguenin@gmx.ch

Oliver Weber
Attorney-at-Law
PC 60-719874-7
Tel: +41 32 322 68 13
Email: weberlaw@gmx.ch

Murtenstrasse 7
P.O. Box 811
CH-2501 Biel-Bienne
Switzerland
Telefax +41 32 322 68 04

Connecticut State Police
Detective Richard Van Tine #732
Troop G
149 Prospect Road
Bridgeport, CT 06604
USA

Biel, 27. March 2009

Dr. Andreas Gerber / stolen Ferraris

Hello Richard,

Please find enclosed the notarized agreement between Dr. Andreas Gerber and Mr. Bernhard Friedli from 1989 as well as the agreement between my client and the heiress Mrs. Annerose Friedli-von Muehlenen from 2007.

My search for new evidence will continue, I will update you when I have news.

With best regards

Oliver Weber

Agreement

between

Dr. Andreas Gerber, Bassbeltweg 26, 2542 Pieterlen

„Gerber“

and

**Mrs. Annerose Friedli-von Mühlönen, Ackerfluhweg 7, 3627 Heimberg
as heiress and legal successor of Mr. Bernhard Friedli**

“Friedli”

Gerber and Bernhard Friedli (†) agreed to jointly purchase and resell a Ferrari 250 Pininfarina Spider, Series 1, Cabriolet (“Ferrari”) in 1989.

The Ferrari disappeared in Marbella under unclear circumstances.

Dr. Gerber made claims against Friedli, which Mr. Friedli declined.

For the purpose to settle all claims of the parties relating the agreement from 1989, the parties agree to following:

1. “Friedli” quits the co-owner partnership which was founded based on the agreement from 1989 between Gerber and Friedli and transfers all rights on the Ferrari to Gerber. These rights are thus exclusively hold by Gerber. No compensation is owed by Geber; on the other hand Gerber renounces the alleged claims against Friedli.
2. With the conclusion of this agreement the parties have settled all claims against each other which are based on or related to the agreement from 1989.
3. Possible disputes regarding this agreement are to be settled at the ordinary courts in Bern.

Pieterlen, 04.29.07

Heimberg, 03.20.07

Dr. Andreas Gerber

Annerose Friedli-von Mühlönen

Vereinbarung

zwischen

Herrn Dr. Andreas Gerber, Bassbeltweg 26, 2542 Pieterlen

„Gerber“

und

**Frau Annerose Friedli-von Mühlennen, Ackerfluhweg 7, 3627 Heimberg
als Rechtsnachfolgerin infolge Erbgang und Erbteilung von Herrn Bernhard Friedli
sel.**

„Friedli“

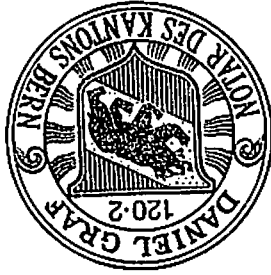
Gerber und Bernhard Friedli sel. haben 1989 eine Vereinbarung betreffend des gemeinsamen Erwerbs bzw. Verkaufs eines Ferrari 250 Pininfarina Spider, Serie I, Cabriolet („Ferrari“), abgeschlossen.

Der Ferrari kam in Marbella unter ungeklärten Umständen abhanden.

Dr. Gerber hat gegen Friedli Ansprüche erhoben, welche von Friedli abgelehnt werden.

Zur definitiven Erledigung aller gegenseitigen Ansprüche welche sich aus oder im Zusammenhang mit der Vereinbarung von 1989 ergeben könnten, vereinbaren die Parteien was folgt:

1. Friedli scheidet aus dem mit der Vereinbarung von 1989 begründeten Gesellschaftsverhältnis zwischen Gerber und Friedli aus und tritt Gerber alle Rechte am oder auf den Ferrari ab. Diese stehen somit allein Gerber zu. Eine Entschädigung ist von Gerber nicht geschuldet, hingegen verzichtet Gerber auf alle behaupteten Ansprüche gegen Friedli.
2. Mit dem Abschluss dieser Vereinbarung sind die Parteien per Saldo aller gegenseitigen Ansprüche aus oder im Zusammenhang mit der Vereinbarung von 1989 auseinandergesetzt.



A handwritten signature in black ink, consisting of several stylized, overlapping loops and lines.

3. Allfällige Streitigkeiten aus oder im Zusammenhang mit dieser Vereinbarung werden durch die ordentlichen Gerichte in Bern beurteilt.

Pieterlen, den^{29.04.07}.....

Heimberg, den ~~20.03.07~~..

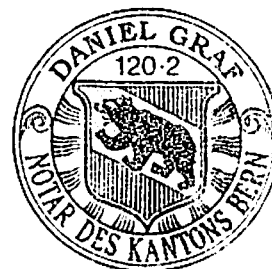
ger
Dr. Andreas Gerber

A. Friedli
Annerose Friedli-von Mühlener

I, Daniel Graf, Notary Public in the Canton of Berne, Switzerland, hereby officially notarize and legalize the copy of the agreement between Dr. Andreas Gerber and Mrs. Annerose Friedli-von Mühlener, dated on 20. March 2007 respectively 29. April 2007. I hereby confirm and certify that the present copy is identical to its original document which was presented to me personally.

[Handwritten Signature]

Daniel Graf, Notary Public
Biel, 25. March 2009





APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country: Swiss Confederation, Canton of Berne

This public document

2. has been signed by Daniel Graf

3. acting in the capacity of notary

4. bears the seal/stamp of notary's office of the Canton of Berne

Certified

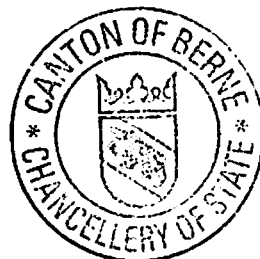
5. at Berne 6. the 26/03/2009

7. by Jörg Vogt

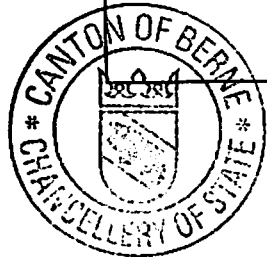
official of the Chancellery of State of the Canton of Berne

8. under number: 144

9. Stamp/seal 10. Signature 



Tax: CHF 15.-



BACIGA

Baciga Inc.

P. O. Box 1469, Frutigenstrasse 16

CH-3601 Thun

A g r e e m e n t

between

Dr. Gerber
Bassbeltweg 26

2542 Pieterlen

and

Mr. B. Friedli
Ackerfluweg 7

3627 Heimberg

1. We have purchased Ferrari 250 Pinin Farina Spider Series I, cabriolet, silver-grey, black interior, year 1957, chassis No. 0799 GT, as co-owner; each one holds one half.

2. The purpose of the following business is the best possible resell of the car, which shall be carried out after a mutual agreement.

3. If no agreement can be achieved regarding the conditions and the moment of the resale, the car shall be sold to the highest bidder, if one of the co-owner asks for it.

4. During the custody of the car, Dr. Gerber maintains the car and is appointed as its holder. He is allowed to drive the car personally and he is responsible to conclude the necessary insurance policy including a fully comprehensive cover at the market price of the car.

In Thun, on 27. April 1989

Dr. Andreas Gerber

Bernhard Friedli

.....

.....

BACIGA

BACIGA AG
Postfach 1469 Frutigenstrasse 16
CH-3601 Thun

A B M A C H U N G

zwischen

Herrn Dr. Gerber
Bassbeltweg 26

2542 Pieterlen

und

Herrn B. Friedli
Ackerfluhweg 7

3627 Heimberg



A stylized handwritten signature or set of initials, possibly "D. G.", written in black ink.

BACIGA

BACIGA AG
Postfach 1469 Frutigenstrasse 16
CH-3601 Thun

I. Wir haben den Ferrari 250 Pinin Farina Spider Serie I, cabriolet silbergrau, Interieur schwarz, Jahrgang 1957, Chassis Nr. 0799 GT als Mitigentümer je zur Hälfte erworben.

II. Zweck des Geschäftes ist der bestmögliche Wiederverkauf der nach beidseitiger Absprache erfolgt.

III. Kann keine Einigung über die Verkaufskonditionen oder den Zeitpunkt des Verkaufs gefunden werden, ist das Fahrzeug dem meistbietenden zu verkaufen sobald es ein Mitigentümer verlangt.

IV. Während der Halterzeit, verwaltet Herr Dr. Gerber das Fahrzeug und gilt als dessen Halter. Er ist berechtigt dasselbe persönlich zu fahren und sorgt für die üblichen Versicherungen inklusiv Vollkasko zum Handelswert.

In Thun, am 1989

Dr. Andreas Gerber

ger

.....

Bernhard Friedli

Bernhard Friedli

.....

I, Daniel Graf, Notary Public in the Canton of Berne, Switzerland, hereby officially notarize and legalize the copy of the partnership agreement between Dr. Andreas Gerber and Mr. Bernhard Friedli from 1989. I hereby confirm and certify that the present copy is identical to its original document which was presented to me personally.

Daniel Graf

Daniel Graf, Notary Public
Biel, 25. March 2009





APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country: Swiss Confederation, Canton of Berne

This public document

2. has been signed by Daniel Graf

3. acting in the capacity of notary

4. bears the seal/stamp of notary's office of the Canton of Berne

Certified

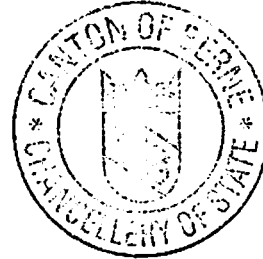
5. at Berne 6. the 26/03/2009

7. by Jörg Vogt

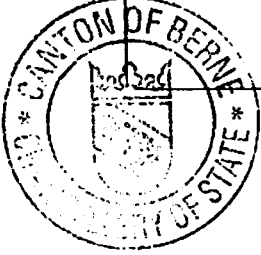
official of the Chancellery of State of the Canton of Berne

8. under number: 1138

9. Stamp/seal 10: Signature



Tax: CHF 15.-



BACIGA

BACIGA AG
Postfach 1469 Frutigenstrasse 16
CH-3601 Thun

A B M A C H U N G

zwischen

Herrn Dr. Gerber
Bassbeltweg 26

2542 Pieterlen

und

Herrn B. Friedli
Ackerfluhweg 7

3627 Heimberg

BACIGA

BACIGA AG
Postfach 1469 Frutigenstrasse 16
CH-3601 Thun

I. Wir haben den Ferrari 250 Pinin Farina Spider Serie I, cabriolet silbergrau, Intérieur schwarz, Jahrgang 1957, Chassis Nr. 0799 GT als Miteigentümer je zur Hälfte erworben.

II. Zweck des Geschäftes ist der bestmögliche Wiederverkauf der nach beidseitiger Absprache erfolgt.

III. Kann keine Einigung über die Verkaufskonditionen oder den Zeitpunkt des Verkaufs gefunden werden, ist das Fahrzeug dem meistbietenden zu verkaufen sobald es ein Miteigentümer verlangt.

IV. Während der Halterzeit, verwaltet Herr Dr. Gerber das Fahrzeug und gilt als dessen Halter. Er ist berechtigt dasselbe persönlich zu fahren und sorgt für die üblichen Versicherungen inklusiv Vollkasko zum Handelswert.


In Thun, am 27.4 1989

Dr. Andreas Gerber

.....
.....
.....

Bernhard Friedli

.....
.....
.....

State of Connecticut Dept. of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1
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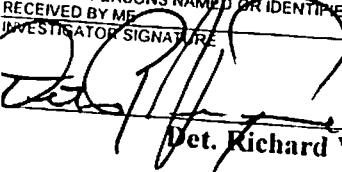
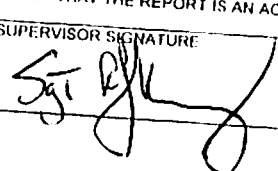
Action Taken: On April 14th, 2009, this Detective seized as evidence several documents received via mail from Oliver Weber, the attorney representing the victim in this case, Dr. Andreas Gerber. The documents pertain to an agreement between Dr. Gerber and his partner, Bernhard Friedli, in the ownership of Ferrari bearing vehicle identification number 0799GT. The documents consist of copies of the original agreements and notarized translations.

The aforementioned documents were entered into evidence in the following manner:

- Item #5-Documents pertaining to agreement between Gerber and Friedli in ownership of Ferrari 0799GT.

Attached to this report are copies of the aforementioned documents and a copy of the JD-CR-18 "Inventory of Property Seized without a Search Warrant."

This case remains closed Suspended.

CASE STATUS: <input type="checkbox"/> 1-ACTIVE <input type="checkbox"/> 2-CLEARED ARREST <input checked="" type="checkbox"/> 3-SUSPENDED		<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE <input type="checkbox"/> 6-NO CRIMINAL ASPECT <input type="checkbox"/> F-FUGITIVE		TYPE OF EXCEPTIONAL CLEARANCE: <input type="checkbox"/> A-OFFENDER DECEASED <input type="checkbox"/> B-PROSECUTION DENIED <input type="checkbox"/> C-EXTRADITION DENIED <input type="checkbox"/> D-VICTIM UNCOOPERATIVE <input type="checkbox"/> E-JUVENILE-NO CUSTODY	
THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE, OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT, OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.					
INVESTIGATOR SIGNATURE  Det. Richard Van Tine	INVESTIGATOR ID 732	REPORT DATE 04-13-09	SUPERVISOR SIGNATURE 	SUPERVISOR ID 155	APPROVAL DATE 04/28/2009

Sender:

Oliver Weber, Attorney-at-Law
Murtenstrasse 7
Post Office Box 811
CH-2501 Biel
Switzerland

27.03.09 17:45
CH - 2500
Biel/Bienne 1

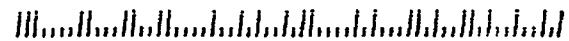
P P Postage Paid

4301



To:
Connecticut State Police
Detective Richard Van Tine #732
Troop G
149 Prospect Road
Bridgeport, CT 06604
USA

0660484621 0051





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Connecticut State Police
Detective Richard Van Tine #732
Troop G
149 Prospect Road
Bridgeport, CT 06604
USA

Biel, 27. March 2009

Dr. Andreas Gerber / stolen Ferraris

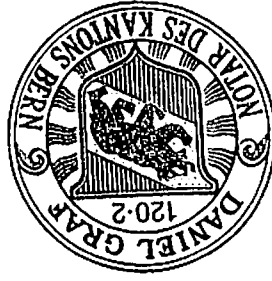
Hello Richard,

Please find enclosed the notarized agreement between Dr. Andreas Gerber and Mr. Bernhard Friedli from 1989 as well as the agreement between my client and the heiress Mrs. Annerose Friedli-von Muehlenen from 2007.

My search for new evidence will continue, I will update you when I have news.

With best regards

Oliver Weber



3. Allfällige Streitigkeiten aus oder im Zusammenhang mit dieser Vereinbarung werden durch die ordentlichen Gerichte in Bern beurteilt.

Pieterlen, den 29.04.07

Heimberg, den 20.03.07..

gr
Dr. Andreas Gerber

A. Friedli
Annerose Friedli-von Mühlengen

I, Daniel Graf, Notary Public in the Canton of Berne, Switzerland, hereby officially notarize and legalize the copy of the agreement between Dr. Andreas Gerber and Mrs. Annerose Friedli-von Mühlengen, dated on 20. March 2007 respectively 29. April 2007. I hereby confirm and certify that the present copy is identical to its original document which was presented to me personally.



Daniel Graf, Notary Public
Biel, 25. March 2009



APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country: Swiss Confederation, Canton of Berne

This public document

2. has been signed by Daniel Graf

3. acting in the capacity of notary

4. bears the seal/stamp of notary's office of the Canton of Berne

Certified

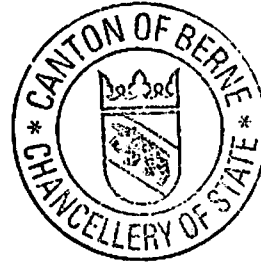
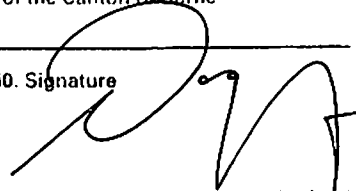
5. at Berne 6. the 26/03/2009

7. by Jörg Vogt

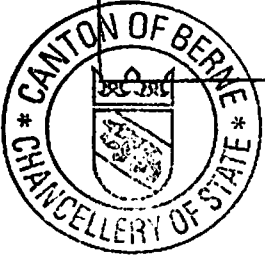
official of the Chancellery of State of the Canton of Berne

8. under number: 144

9. Stamp/seal 10. Signature



Tax: CHF 15.-



BACIGA

Baciga Inc.
P. O. Box 1469, Frutigenstrasse 16
CH-3601 Thun

A g r e e m e n t

between

**Dr. Gerber
Bassbeltweg 26
2542 Pieterlen**

and

**Mr. B. Friedli
Ackerfluweg 7
3627 Heimberg**

1. We have purchased Ferrari 250 Pinin Farina Spider Series I, cabriolet, silver-grey, black interior, year 1957, chassis No. 0799 GT, as co-owner; each one holds one half.

2. The purpose of the following business is the best possible resell of the car, which shall be carried out after a mutual agreement.

3. If no agreement can be achieved regarding the conditions and the moment of the resale, the car shall be sold to the highest bidder, if one of the co-owner asks for it.

4. During the custody of the car, Dr. Gerber maintains the car and is appointed as its holder. He is allowed to drive the car personally and he is responsible to conclude the necessary insurance policy including a fully comprehensive cover at the market price of the car.

In Thun, on 27. April 1989

Dr. Andreas Gerber

Bernhard Friedli

.....

.....

BACIGA

BACIGA AG
Postfach 1469 Frutigenstrasse 16
CH-3601 Thun

A B M A C H U N G

zwischen

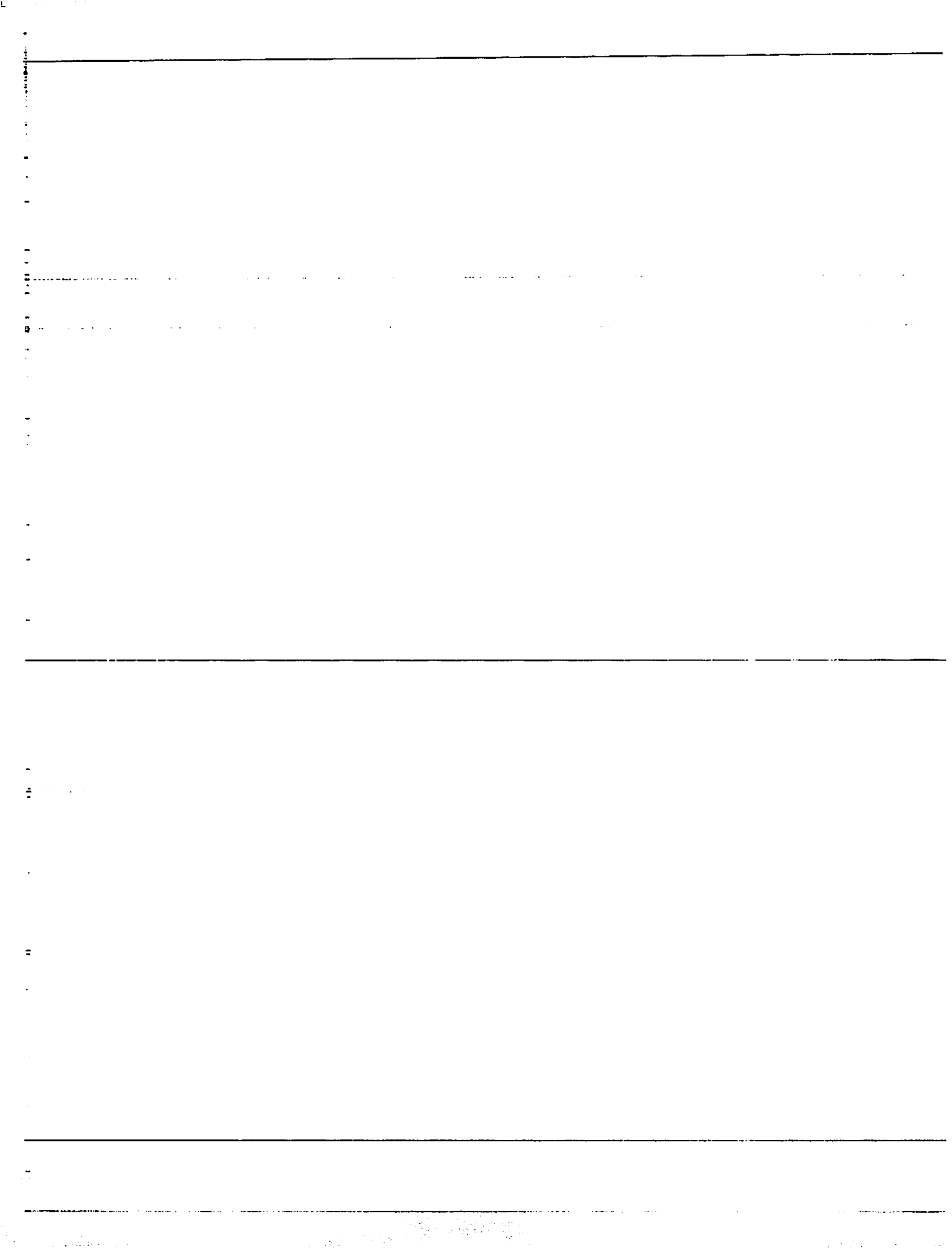
Herrn Dr. Gerber
Bassbeltweg 26

2542 Pieterlen

und

Herrn B. Friedli
Ackerfluhweg 7

3627 Heimberg



et

ach

t-

g und
fahrer

INVENTORY OF PROPERTY SEIZED WITHOUT A SEARCH WARRANT

JD-CR-18 Rev. 10-01
C.G.S. §§ 21a-262, 26-85, 26-90, 54-36a,g,h, 46-142(a)

PART A

COURT DOCKET NO.

PART B

COURT DOCKET NO.
CR

JUVENILE

COURT DOCKET NO.

FOR P.D. USE ONLY
 WARRANT APPLIED FOR
 TO COURT

0800265932
POLICE CASE/RECEIPT NO.

To Court
 Destroy - No Value
 Case Pending
 Return to Owner
 Prisoner's
 Juvenile

INSTRUCTIONS

1. Do not use this form if a search warrant is used.
2. Original must be filed with the Clerk of Court.
3. In the case of an arrest or referral, file with a uniform arrest report or Juvenile Summons/Complaint.
4. Last copy for Police Department use.

TO THE SUPERIOR COURT AT (Address of court)
 JUVENILE MATTERS G.A. No. **18 80 Doyle Road Litchfield, CT** UNIFORM ARREST REPORT/JUV. SUMMONS NO.

COURT APPEARANCE DATE ARREST/REFERRAL POLICE CASE/RECEIPT NO. COMPANION CASE NO.
 MADE PENDING **0800265932**

NAME, ADDRESS AND TEL. NO. OF DEFENDANT(S)/SUBJECT(S)	NAME, ADDRESS AND TEL. NO. OF COMPLAINANT(S)/OWNER(S)
1. Hallingby, Paul DOB: 11-11-46 Kings Hill Road Sharon, CT	1.
2.	2.
3.	3.

TYPE OF INCIDENT

Larceny I

TOWN OF SEIZURE DATE OF SEIZURE TYPE OF PROPERTY
Bridgeport 04-13-09 STOLEN EVIDENCE LOST/FOUND INVESTIGATION

The following property was seized, in connection with a criminal/delinquency case: (Describe type, color, serial number, etc.)

PROPERTY SEIZED	PART A INVENTORY NO.	PART B INVENTORY NO.
1. Item #5-Documents pertaining to agreement between Gerber & Friedli		
2. in ownership of Ferrari 0799GT		
3.		
4. (Items #1-#4 were previously seized)		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		

If cash money was seized, enter total amount here ▶ TOTAL AMOUNT OF CASH
\$ **0**


SIGNED (Police Officer) (Title) DATE DEPARTMENT
[Signature] **732** **Detective** **04-13-09** **CSP MVTF**

EVIDENCE PHOTOGRAPHED DATE REMARKS
 NO YES **PROPERTY ROOM USE ONLY** **4/14/09**

DATE OUT	REASON	BY	DATE RETURNED

(over)

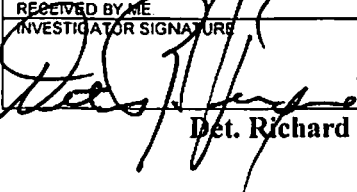
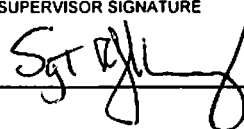


State of Connecticut Dept. of Public Safety Narrative Report		REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input checked="" type="checkbox"/> TELETYPE <input type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1
		DPS-302-C (Revised 04/03)		


Action Taken: On March 23rd, 2009 at 1036 hours, {all times approximate} this Detective received a teletype message from "Interpol" stating that the request for further information on the other Ferrari automobiles stolen along with the Ferrari bearing the Vehicle Identification Number 0799GT was received by "Interpol Madrid."

Attached to this report is the aforementioned teletype.

This Case remains Closed Suspended.

CASE STATUS:			TYPE OF EXCEPTIONAL CLEARANCE:		
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2-CLEARED ARREST	<input type="checkbox"/> 6-NO CRIMINAL ASPECT	<input type="checkbox"/> B-PROSECUTION DENIED	<input type="checkbox"/> E-JUVENILE-NO CUSTODY		
<input checked="" type="checkbox"/> 3-SUSPENDED	<input type="checkbox"/> F-FUGITIVE	<input type="checkbox"/> C-EXTRADITION DENIED			
<small>THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.</small>					
INVESTIGATOR SIGNATURE	INVESTIGATOR ID	REPORT DATE	SUPERVISOR SIGNATURE	SUPERVISOR ID	APPROVAL DATE
	732	04-20-09		185	04/28/2009

Det. Richard Van Tine

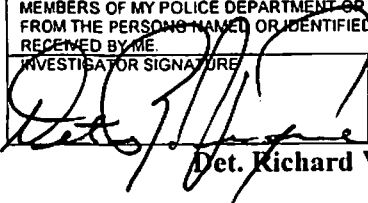
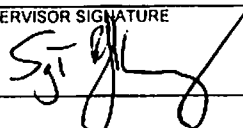
State of Connecticut Dept. of Public Safety Narrative Report  DPS-302-C (Revised 04/03)	REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1
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Action Taken: On May 11th, 2009, this Detective received several documents and a Compact Disc from Detective Catterson of the New Jersey State Police. The documents and disc pertain to interviews that Detective Catterson conducted on behalf of this Detective of Jeffrey Schwartz, a previous owner of the Ferrari bearing VIN 0799GT, Frank Triarsi, the owner of the dealership that sold the Ferrari bearing VIN 0799GT, and Doron Sauer, the owner of the company that imported the Ferrari bearing VIN 0799GT.

Included are several FAX correspondence between "C&K Auto Imports," the company of Sauer, and Pedro Poiares, the exporter of the Ferrari bearing VIN 0799GT from Europe. The Faxes indicate that "C&K" imported an Aston Martin along with three Ferrari automobiles. The Ferrari automobiles are the ones that were all stolen in Spain in 1993. The Aston Martin was legitimate and was later accepted by Sauer as payment for the importation for all the vehicles because Poiares never paid Sauer for his services.

Attached to this report are the aforementioned Documents and disc.

This Case remains Closed Suspended.

CASE STATUS:		TYPE OF EXCEPTIONAL CLEARANCE:			
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2-CLEARED ARREST	<input type="checkbox"/> 6-NO CRIMINAL ASPECT	<input type="checkbox"/> B-PROSECUTION DENIED	<input type="checkbox"/> E-JUVENILE-NO CUSTODY		
<input checked="" type="checkbox"/> 3-SUSPENDED	<input type="checkbox"/> F-FUGITIVE	<input type="checkbox"/> C-EXTRADITION DENIED			
<small>THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE, OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.</small>					
INVESTIGATOR SIGNATURE 	INVESTIGATOR ID 732	REPORT DATE 05-21-09	SUPERVISOR SIGNATURE 	SUPERVISOR ID 15	APPROVAL DATE 05/28/2009

Det. Richard Van Tine

TRANSCRIPT COVER PAGE

JOB NUMBER : H220-2009-00011

TAPE NUMBER : BC-1

DATE : Thursday, 1-29-09

TIME : 10:57 AM

DETECTIVES : Det B. Catterson #5339, Det J. Rodriguez #5973

SUBJECT : Jeffrey Schwartz

SYNOPSIS : On the above date, took a tape recorded statement of Jeffrey Schwartz.

TRANSCRIBED BY : Vanessa Feliciano

DATE : Monday, 2-2-09

JOB NUMBER : H220-2009-11

TAPE NUMBER : BC-1

DATE : Thursday, 1-29-09

CATTERSON : The following is a tape recorded statement of Jeffrey Schwartz. I am Det I Bryan Catterson badge 5339 New Jersey State Police. We are currently at New Jersey State Police Newark Station the date is January 29, 2009. The time right now is 9:58am. Also present is Det Jeovanny Rodriguez badge 5973. The case number assigned is H220200900011. Mr. Schwartz I am Det I Bryan Catterson badge 5339 and I intend to ask you certain questions pertaining to your previous ownership of an 1958 Ferrari 250 GT Pininfarina Series 1 Cabriolet S/N 0799. Mr. Schwartz this is Det II Jeovanny Rodriguez badge 5973 who is present here to hear your statement you about to make. Do you Mr. Schwartz voluntarily desire to make a statement regarding this matter on your own free will and accord fully realizing the importance of this to the State and to all those concerned.

SUSPECT : Absolutely.

CATTERSON : Are you currently under the influence of any drugs and alcohol

SUSPECT : No.

CATTERSON : Can you spell your full name?

SUSPECT : Sure. My first name is Jeffrey J-E-F-F-R-E-Y, David is the middle name and the last name is Schwartz S-C-H-W-A-R-T-Z.

CATTERSON : And what is your address?

SUSPECT : Home address?

CATTERSON : Yes.

SUSPECT : 110 Teckeney, T-E-K-E-N-I-N-G Drive and that's in Tenafly, T-E-N-A-F-L-Y, NJ 07670.

CATTERSON : What is your age and date of birth?

SUSPECT : 6-6-53 I am 55.

CATTERSON : What is your social security number?

SUSPECT : 071-40-2689.

CATTERSON : Mr. Schwartz directing your attention to the matter that is currently under investigation specifically your previous ownership the 1958 Ferrari GT Cabriolet S/N 0799. Will you tell us now how you originally heard about and found out about the Ferrari being for sale.

SUSPECT : Sure. Um I had owned a few of these cars and I had previously owned the same car a Series 1 and it was available for sale at a place in Elizabeth called Classic Coach. So I bought that car it was red and it was the same as this except the difference is this car wasn't available at the time and the red car was an unrestored car...(inaudible).

CATTERSON : No go ahead I'm just listening.

SUSPECT : So what happened was as I drove the red car, it's a 1958, even then it was 40 years old. Uh one thing about Ferrari's they're not, old ones are not durable...(Inaudible)...I would have problems with the battery. Getting it started and various things would break and of course you would have to have a flat bed come and pick it up. The long short of it I decided they were restoring at this place, the same car, the silver one.

CATTERSON : Ok they were restoring it?

SUSPECT : They were restoring it for someone else.

CATTERSON : Ok.

SUSPECT : And I decided that...I was talking to the owner of the Classic Coach and I had asked if that car would be available...(Inaudible)...I don't remember but it was a lovely car and I could see if was being built from the bones up. And I said I would like to trade my car in for that one. So we ended up doing that I gave him back the red one and I traded it for the silver one.

CATTERSON : Ok.

SUSPECT : So that's how I came into possession of it I traded one for the other.

CATTERSON : What kind of work was he doing?

SUSPECT : Restoration, that's effectively, it um, it's down to the shell.

CATTERSON : Was their rust?

SUSPECT : Gosh you know I tell you I saw it, it was a frame with an engine.

CATTERSON : Ok.

SUSPECT : He was half way threw with it when I was interested. He was putting seats in, redoing the engine, putting the instrument panel in. It looked like a skeleton and uh...

CATTERSON : Now when you say he who are you talking about?

SUSPECT : The owner of Classic Coach.

CATTERSON : Do you know his name?

SUSPECT : Sure, Frank Tri T-R-I-, T-R-I-AR-S-I

CATTERSON : And you know him from?

SUSPECT : Well I have been dealing with him up til that point for a while. I had a couple other cars that I had purchased from him, I can list them if you like.

CATTERSON : No that's alright. What does he deal with?

SUSPECT : He's a restorer for these older cars. Well it's quite a talent. He literally takes something old and junky and after several months you have an extraordinary, extraordinary machine. He has a lot of customers that pay for this art. So that's essentially what he does, he's a restorer of I guess vintage automobiles. My sense is that it was mostly Ferrari's he worked on.

CATTERSON : Alright so he wasn't at this point offering it for sale, you saw it at

the shop.

- SUSPECT : He may have offered it, I may have asked about it I have no idea. I have no way of remember that anymore. I was certainly interested in it.
- CATTERSON : But when you first come upon the car it was at the shop?
- SUSPECT : It was at his shop being worked on, that's for sure.
- CATTERSON : That was for a client of his?
- SUSPECT : It was for a...yes it was for a client. I don't believe it was his I think he was going in on it for someone else.
- CATTERSON : Now was this the first Ferrari you ever owned?
- SUSPECT : No, I owned several. Um I bought some from him and some from Spring Valley...Wide World of Cars.
- CATTERSON : Spring Valley, New York?
- SUSPECT : Yeah...(inaudible)... it's a Ferrari dealer.
- CATTERSON : Ok how many have you owned in the past?
- SUSPECT : Um let me just count...(inaudible talking to self)...about eight to ten I am almost embarrassed to tell you. No this is personal and now I don't own any now and I think it's madness having owned all those things but I was younger, it was silly.
- CATTERSON : I don't see anything wrong with it.
- SUSPECT : It was fun and I enjoyed them but I would say eight to ten. If I had to, I could probably list them all.
- CATTERSON : Would you go thru each one?
- SUSPECT : Yes I'd be happy to. Um the best way would be time wise.
- CATTERSON : Ok.
- SUSPECT : I owned a yellow, and if you want me to slow down I will, a yellow

boxer.

CATTERSON : What year was that?

SUSPECT : I'm going to have to guess.

CATTERSON : That's ok.

SUSPECT : I'm going to say '84, '85. I owned something they called Monvial M-O-N-V-I-A-L which was '87, '88. And I owned a Testarossa not the old '56 the more modern one that's about an '87.

CATTERSON : And these you were buying from Spring Valley, NY?

SUSPECT : The Monvial, the yellow boxer, the Testarossa...the TR, all came from Spring Valley.

CATTERSON : Ok.

SUSPECT : Ok I believe that was it and now we just have to go over the other ones, alright.

CATTERSON : Ok.

SUSPECT : The first car I bought at Classic was a 330 GTS convertible.

CATTERSON : Ok.

SUSPECT : Um what came after that, oh my gosh. Well this may be out of order but 330 GT convertible. A Daytona convertible.

CATTERSON : And these are all from Classic?

SUSPECT : Yes

CATTERSON : And what years are we talking about here?

SUSPECT : Uh 330 was a '67. Oh you mean when I bought it?

CATTERSON : Yeah.

SUSPECT : I would say late 80's into mid 90's. the order is, I think got the order, the 330 first. Then the Daytona convertible, the '72, that's

two. Um then was the Super Fast, that's...there was a Carborated Boxer it was red, that's how I differentiate the one from Spring Valley was yellow. This was an injected this one was carborated. There was a red 330, um the red Series 1.

CATTERSON : Ok.

SUSPECT : And then there was a silver Series 1 that's six.

CATTERSON : Ok.

SUSPECT : Plus three is nine. I don't know if I'm missing, but I think that's pretty...if I'm off, I'm off by one and it's amazing that one would forget that but I think that's pretty much it. It was nine not ten.

CATTERSON : When your buying the 1958, the silver one, did you do any research prior to you purchasing that vehicle into it's history?

SUSPECT : Absolutely not because the fella I..I guess I still do I had a lot of faith in the guy selling the car because he was able to build...I actually come from, I was referred to him from my uncle who owned a couple. He's a physician in Short Hills.

CATTERSON : Ok.

SUSPECT : I was referred to him by my uncle Maury who had two cars, he bought two cars from him. A boxer and a Testarossa

CATTERSON : Now all his vehicles are restored vehicles is there any new ones that he's selling?

SUSPECT : He's not a Ferrari dealer detective, he's a restorer with excellent connections, he must, to Ferrari people. Although now I believe he may own a Ferrari dealership in Florida.

CATTERSON : Oh he does.

SUSPECT : I believe so.

CATTERSON : Ok.

SUSPECT : Ok. I think it's called Ferrari & Sons in Florida and I believe it's in Orlando.

CATTERSON : Orlando ok. Did he give you any paperwork when you bought this vehicle?

SUSPECT : What it is you pay and then you get the title. You do not get a pedigree as in terms of who owned it. I mean that's...for who it came from.

CATTERSON : He just gave you a regular NJ title?

SUSPECT : Yeah I paid and then I got a title and the title was clean. Obviously if it had not had been considering what I paid, I don't remember what I paid but it was a few hundred thousand dollars that alarm bells would have been going off all over the place.

CATTERSON : But when you purchase, now back to when you purchased it. You traded in the red one?

SUSPECT : Um-huh.

CATTERSON : And you got the silver one and then on top of that you gave him cash?

SUSPECT : I must have paid something and I don't...it's been so long I don't remember how much it was. But it must have been something.

CATTERSON : Is there a number you're thinking in your head, anything that's...

SUSPECT : Yeah my guess is, I must have paid for the red one \$275 to \$300 and I must have given him another \$175. I must have come close to \$500 total.

CATTERSON : \$500.

SUSPECT : And again that's lots of years and that's my best guess.

CATTERSON : I'm saying when you paying almost \$500,000 for a vehicle...

SUSPECT : Well it was the red one and then when I traded the red one in I must have paid something.

CATTERSON : Did you research to see the value of the vehicle would be prior to purchasing?

SUSPECT : I know it's incredible but the answer is no. When you love these things you know, you have a book, Ferrari book and you can look about the car and how many were produced. But that was about it, I basically went on the guys say so. You know I'm not in that business and I don't know anything about it and you rely on a putative expert to tell you and to steer you right.

CATTERSON : So he was telling you the value of what this is?

SUSPECT : Exactly. That's why I bought the Daytona and the reality is also with the Daytona you can't go to the store and find one if you want...it's the strangest thing, it's almost as though I mean the price isn't irrelevant, but if you asked me for three million, I didn't have that kind of money but when you wanted something like this it was an odd thing and you just wanted it and if you had it you really believe you were buying something special.

CATTERSON : Right.

SUSPECT : Cause there were so few made and if you were a car fanatic. Forget it.

CATTERSON : Now what book when you said you were referring to a book...

SUSPECT : Any Ferrari book that you buy in a book store that has pictures of Ferrari's.

CATTERSON : It gives you the history of Ferrari's and the manufacturing of Ferrari's.

SUSPECT : It will tell you about the various models and how many were made that's as far as I went. The guy said to me that it was like the California Spider, which I think came after it, and it was a very desirable car and I was busy with my own business. This was supposed to be something for fun and I had to rely on the guy.

CATTERSON : Ok when you had the vehicle did you have any custom work done?

SUSPECT : When I got it, you mean the silver one?

CATTERSON : Yes.

SUSPECT : As you can see from the picture it's really in pristine, I mean it was

done...

CATTERSON : Right.

SUSPECT : So after that the only thing was if you need something, a light went out or a hand break wasn't working. But there was no work done after that.

CATTERSON : No custom work?

SUSPECT : No.

CATTERSON : Now when you sell the vehicle who did you sell the vehicle to? Do you remember?

SUSPECT : Yes very much so. I did some heavy thinking when I spoke to you. Ok. What happened was, the reason I asked for a time line, I'll explain...in I must have had four or five of them when I had the Series one. They take a lot of work and I have the three kids, the business to run there was a lot going on and the reason I asked for time line became ill and I had to go for internal kemo. I had bladder cancer. So what happened was and this is maybe a little off the record but it's a kind of cute story and then I'll come in to how I sold it. It's two minute thing. You're gonna love this, this is classic, no pun intended. I'm not driving that car I'm driving the Daytona and I am coming home from work. I live in Tenaflly and I work in Fort Lee. I'm coming up 9W and I'm just happy, I like the car but I had this treatment two days before the way you give this treatment is through a catheter and your bladder is full of this BCG which is like a scouring pad it scours the skin off your bladder. It's intensely painful, I'm driving home, I got to go to the bathroom I'm about ready to burst. I'm turning making the turn from 9W to Clinton Ave, one of my brake calibers one of my breaks just lock and I can't move the car. I wrestle with it the last mile and a half to get it to the garage. The thing is smoking and I'm just out of my mind because I have so much pressing on me and I told me wife I've had it with these cars they really require major...(Inaudible)...to deal with this stuff and I don't have it. I don't have the time, I don't feel well, I have cancer I got to get rid of it. Now I will go thru the story.

CATTERSON : Right.

SUSPECT : So what happened at the time I know I had the Daytona and I know I had the Series 1 so stay with those for a minute because obviously that's your main...um I contacted how I found them I can't tell you probably from auto magazines, from knowing people in the business...you know talk about them. There's a car company in California in Beverly Hills called Symbolic Motors. They're...not Beverly Hills, I think La Hoya, where it's always sunny and people are always happy. So um the guys name was Elliot Grossman.

CATTERSON : Ok.

SUSPECT : He was a salesman there or a buyer I don't know, not a partner or junior partner. So I go to San Diego for an industry conference, my industry, scrap industry and I arrange to meet him. And he drew up a pro-form contract for the sale of the Daytona and the Series 1.

CATTERSON : Ok.

SUSPECT : Now I think the Series 1 the price was somewhere between \$500 and \$600 that's the best I can tell you. And he agreed to pick them up after inspection and at some point he had come up to look at them I don't know if it was before or after. But he sent me a deposit by wire it was again I'm pulling numbers but my guess is \$50 to \$75 for both cars. I come back a week goes by, the Daytona goes...(Inaudible). The Series 1 he calls up, he's in Europe somewhere and he can't go thru with the purchase of the car.

CATTERSON : Right.

SUSPECT : Why not? Because there's some type of problem with the title the title isn't clear. Ok.

CATTERSON : Ok.

SUSPECT : So I refunded the \$40,000 or whatever he gave me I refunded it by wire. If he doesn't want it I'm not going to force him to take it.

CATTERSON : Right.

SUSPECT : So now I have a car where there seems to be an issue with the title. So I call Mr. Triarsi at Classic.

CATTERSON : Right.

SUSPECT : Obviously this is the guy I bought it from.

CATTERSON : Ok.

SUSPECT : I said I just had this conversation with Elliot Grossman, what's the story with this? He said it's absolutely untrue you have a clean title, the title is clear. This I remember really well cause I may end up owning this for 160 years and never be able to sell it.

CATTERSON : Right.

SUSPECT : The title is clear there is absolutely no problem with it maybe he just didn't want the car. I said I don't know it's possible so he said and this is really I feel this was really lucky for me because other wise based from what you have told me I might have still owned it. Well if you want to sell it back? I said absolutely I have to get rid of everything, I'm sick I don't feel well I want to blow it out. He said fine we'll bought it back. And they did.

CATTERSON : How much does he pay for it?

SUSPECT : That's easy, it's funny cause you remember what you got.

CATTERSON : Right.

SUSPECT : About 5 and a quarter. If I'm off then I'm off by 20,000 each way. It was no less then \$500 and no more then \$550.

CATTERSON : Ok now...

SUSPECT : He was lymphatic about it, there's absolutely no problem, maybe he didn't like the car, didn't like the work. He said I'll buy it back.

CATTERSON : Now I think you said it's Grossman from Symbolic Motors.

SUSPECT : Elliot Grossman.

CATTERSON : Elliot Grossman. Now he tells you there's an issue with the title?

SUSPECT : He told me there's an issue with the title and that of this is really going back. There's some issue with...you mentioned had something about Spain he said there was two guys who owned the car in Switzerland.

CATTERSON : Right.

SUSPECT : And somehow the car was delivered to somebody, they sold it to...the person known to me, person "X" and they were supposed to exchange the title, god knows what title, thru a bank somewhere in Europe.

CATTERSON : Ok.

SUSPECT : And the way it was explained was that the, the guys delivered the title and I guess with...(Inaudible)...delivery against the payment and somehow willfully, maliciously, or unknownly delivered the title to the buyer. But the Swiss guys didn't get paid.

CATTERSON : Ok so...

SUSPECT : And that's what he told me, at that point all I wanted to do was get rid of it. So first I had heard of it was when he called. And the funny thing is you remember things that stick out because I was on Engel and Clinton turning when he called from the show and said he can't do it. And that was that was the first, that's why I have my time line right and of course since I was sick. I was sick already I got sick on the 46 birthday so that would be 2000/2001. Just so I can give you guys the date order correctly.

CATTERSON : Alright so he explained the situation to you.

SUSPECT : As best as he could I don't think he knew much more than that except that there was some discussion of who really owned the car before it got to the United States.

CATTERSON : Did he have any other conversation with you regarding that?

SUSPECT : Nothing, nothing I just want my money back.

CATTERSON : Did he sound concerned about the vehicle?

SUSPECT : No not at all really. He's a funny guy I mean for him this is another days work. He must deal, I guess is when you deal with car dealers like this in ths exotic car area you deal with a lot strange and probably scuzzy people. People who warrant all kinds of things. I think he knew that it wasn't me trying to put anything over on him. Because I was god smacked. I was amazed and all I was thinking

was god if I get stuck for \$500,000 my wife will kill me and not only that it's a lot of money and I wanted to get out from under. And what was nice for me I think was I sold it back to the guy who sold it to me. As I'm talking to you I'm thinking to myself oh my god if I had sold it to somebody else then down the road someone's going to sue me and say...we go back all the way down the chain. The reality is I bought it from the same guys I sold it to.

CATTERSON : Right.

SUSPECT : So I mean after that.

CATTERSON : At any point in time, do you know a Scott Rosen?

SUSPECT : Sure Scott was the guy I sold a car to. Here's another point the money came from I'm sure National Liquidators. Ok that's Scott's company.

CATTERSON : Ok.

SUSPECT : It's like a whole sale company in NJ or something like that.

CATTERSON : Yeah.

SUSPECT : I don't know. I believe, but here I'm a little shaky with my details ok.

CATTERSON : Ok.

SUSPECT : Frank will buy the car back. The car was actually transferred, I had actually...if all those records in Motor Vehicles, I sold it to Scott Rosen.

CATTERSON : Ok.

SUSPECT : Not National Liquidators. I sold it to a person, Scott Rosen.

CATTERSON : Ok.

SUSPECT : But Mr. Triarsi arranged it for us.

CATTERSON : So he brokered the deal?

SUSPECT : Exactly he knew me and he knew Scott. Scott and I, I met him a couple times he's a nice guy. Ok. And he I believe, and here's the part I can't be 100% about, I'm fairly sure that the silver car, when I bought the silver car and traded it in that silver car was owned by Scott Rosen. So in other words the car was sold back to the guy who sold it to me. I owned it for three years. Now legally speaking, I'm not a lawyer but I believe I bought the silver car from Classic Coach if you look at the records.

CATTERSON : Right.

SUSPECT : But it was Scott's car. So he probably brokered it that way.

CATTERSON : Ok.

SUSPECT : And brokered it the other way.

CATTERSON : He had it before you? He had it before Coach?

SUSPECT : I believe so.

CATTERSON : And then he brokered it to you?

SUSPECT : I believe so.

CATTERSON : And then back...

SUSPECT : So in other words I went from Scott to Scott. Which considering what happened if, please if anybody can have a better resolution to this thing...so anyway that's fine.

CATTERSON : Do you think Scott Rosen knew that there was an issue with the VIN?

SUSPECT : You know what at 55 years of age nothing would surprise me but based upon what I know about Scott. This guy is running a large company, substantial guy with a lot of net worth. I don't see this as anything, by the way he's not a friend of mine.

CATTERSON : Right.

SUSPECT : I have nothing to do with this I met him down there a couple of times. You know you go down there have a cup of coffee and

watch them work on your cars. I would find it amazing why...(Inaudible). This guy has seventeen stores. I couldn't imagine, I mean it could be but its not something.

CATTERSON : When you were selling the vehicle back to him did you explain to him that there was an issue with the VIN.

SUSPECT : I only spoke to Frank and he told me it's absolutely untrue we'll buy it back. Meaning Scott will buy it back. And the money came, and this I remember for sure, the money came from National Liquidators. It did not come from Classic Coach. Because the reason why I remember this vividly was that in our company we deal with scrap. Mostly wires and checks, ok. They range from \$10,000 to \$75,000 to \$100,000. I was on pins and needles because now there could be a problem with the car, could be a problem with the title. They agreed to take it back the title is ready, all ready to go to Scott Rosen. And we can check with balances online with the company you know with JP Morgan Chase and the lady I work with was looking on the screen, we went to lunch and it's 1, 2, 3, 4 and I'm like oh my god maybe he changed his mind. And then it popped up \$525,000 and the money was in.

CATTERSON : Ok.

SUSPECT : I didn't talk to Scott personally but it's inconceivable that Frank didn't talk to Scott.

CATTERSON : And explain to him you said there's an issue with the VIN.

SUSPECT : It's impossible.

CATTERSON : Ok.

SUSPECT : I honestly think it's impossible. Obviously after mentioned it I spoke to him I'm sure that they spoke.

CATTERSON : Did it concern you when they explained to you that there was an issue with the VIN?

SUSPECT : You mean when Elliot did?

CATTERSON : Yeah.

SUSPECT : Tremendously you can end up with a car that's un-sellable. You know and the whole value in the car is in it's pedigree. You know its amazing when you listen to all the things in the world its...the Super Fast I think was owned by somebody who bought it from...(Inaudible). It's like if somebody wanted to buy Frank Sinatra's Mercedes the car doesn't know who owned it the car is a hunk of metal.

CATTERSON : Right.

SUSPECT : But pedigree is so important. So when Elliot told me there was a problem I was besides myself. All I wanted to do was make it go away. And by the way I have to tell you something that was 2001...(Inaudible)...I am now driving you will laugh a Toyota. I went from nine or ten Ferrari's to a Land Cruiser and now I am driving one of these silly ass stick shifts and you know what you get in, you turn the key and it goes. I got burnt out by it, it was too much. Too much expense, too much everything.

CATTERSON : After they explained to you that Elliot, what did you say his last name was?

SUSPECT : Grossman.

CATTERSON : Grossman, when he explained it to you did you do any research yourself to look into that vehicle to see if there was an issue. Either thru some kind of resource or Ferrari or anything else.

SUSPECT : You know detective I just wanted to get rid of it. The first thing I did, I came around the corner and called Frank and said what's the deal with this thing. He said I'm surprised and it's absolutely untrue. He knew I was looking to sell, word travels very quickly in that world. He was actually probably...he would have liked for me to keep the cars but I wanted out. He said well we'll buy it back from you. From the day Elliot told me to the day I got the money I don't think it was more then a week and at that point why would I want to do research. I would have only wanted to do research if I had got stuck with it then it would have been lawsuits back and forth. But my feeling was to make this go away and blow it out and get it back to the guy who sold it to me. What a joy. Then I don't need to research. The problem is if it...(Inaudible)...to him then I guess it's unethical...(Inaudible)...present itself if some guy calls me from Chicago and says I hear you have this car for sale. I can't

tell the guy that the title is clear. But when selling it back to the guy who sold it to me no research was done. One, two, three and gone.

CATTERSON : Ok how about Paul Hallingby from Connecticut do you know him at all?

SUSPECT : Paul...no I never heard.

CATTERSON : Hallingby, no you don't know him?

SUSPECT : I mean I may have spoken to him but the name doesn't ring a bell at all.

CATTERSON : He was the eventual owner of the vehicle when it was seized. Your not aware of him?

SUSPECT : I have no idea that must have been well after.

CATTERSON : Not one of his representatives have ever contacted you regarding this vehicle?

SUSPECT : Well it's very interesting that you are the first person I have spoken to about this vehicle since 2001 except for when my wife and I want to talk about my stupidity. But that was...nobody. It just disappeared off the face of the earth.

CATTERSON : Ok you never read any reports about the vehicle being seized or anything?

SUSPECT : When you said it was seized I was amazed. I don't know if I am allowed to ask this...

CATTERSON : Yeah go ahead.

SUSPECT : But who seized it, the police or the original...

CATTERSON : Connecticut State Police.

SUSPECT : On behalf of the owners, the original owner?

CATTERSON : Yeah the real owner of the car.

SUSPECT : Did they get the car back?

CATTERSON : I don't know what the follow up is at this point but I'd imagine that the owner of the vehicle will eventually get possession of the vehicle.

SUSPECT : Oh wonderful. It's probably not wonderful for the poor bastard who bought the vehicle at the end. Cause he probably bought it in good faith. (Det Rodriguez phone rings)

CATTERSON : Det Rodriguez any questions?

RODRIGUEZ : I just have one? I apologize about that.

SUSPECT : Yeah I put my on silent.

RODRIGUEZ : I put my on vibrate. In your experience with Mr. Triarsi and I know it's a very fine circle of people that are into classic cars and you kind of build relationships whether you visit the shop or not.

SUSPECT : Yeah.

RODRIGUEZ : Have you known another person who has had issues with the car whether it's a paperwork issue or they had to sell it back? Or you brokered a car back thru them?

SUSPECT : No not really this was the only one I mean there are...he has a fairly, I mean a fairly substantial list of clients that are pretty visible. But this is the only time certainly on mine where we had an issue with it. So I can't he had a very big customer named Oscar Davis who just loved him to death. I mean I never had any problems with my dealings with him, this thing came out of the blue. My uncle bought the two cars, you know it was just a place for him to go it was kind of fun....(inaudible)...but no this was it. All the other sales went smoothly and quickly. I just want to add one thing about the Super Fast actually I think...(Inaudible). I think I sold Symbolic three cars. It was the Super Fast, the Daytona, and it was the Series 1 and the only time it blew up was with the Series 1.

RODRIGUEZ : Series 1.

SUSPECT : Yeah.

CATTERSON : In your experiences in dealing with Triarsi is he way to get a hold

that was very busy?

SUSPECT : Um usually very busy eventually, I'd get a hold of him if I needed him. I can't recall him ducking me on anything. Whether he charged prices that were too high or too low I mean he's in a business to make money. You know Caveat Emptor, buyer beware...

RODRIGUEZ : Right.

SUSPECT : I bought it I can't tell you in terms of prices I'm smart to know I got no bargains obviously he made money on it. But in terms of him completing what he said he was going to do he did, it may take a little longer cause things were being restored but I get a hold of him yeah it was difficult sometimes.

RODRIGUEZ : That's all I have.

SUSPECT : I'm happy to assist the thing that I think was the brilliance and I hadn't set out to do it that way, I just want to respond to your one point detective, was that I completed the loop by selling it back. I was so thankful that they took it back I just wanted to wash my hand of it. And that research thing probably sits strange with you but if somebody you know and trust and has other customers you know and trust says to you that this is really a fine piece of work. And it was beautiful, have you seen it actually itself

CATTERSON : I've seen in photos.

SUSPECT : The car was magnificent you tend to rely on people that they are giving you the right information. And I learned from this experience that it's uh...you really, first of all I would never buy another one, I'm done with that sort of stuff. You really have to be more careful. Elliot was shocking but I didn't know anything about it. I'm just sorry this guy from Connecticut will have a battle on his hands now but um...

CATTERSON : Well it happens. You have any other questions?

RODRIGUEZ : No.

CATTERSON : Anything to add sir?

SUSPECT : Everything is there and I have a pretty good memory so I should be very accurate with the dates and conversations. And if you have anything else just call me I'm happy to help.

CATTERSON : Well we appreciate you coming in today.

SUSPECT : It's a pleasure.

CATTERSON : The time now is, we're going to end this interview and the time now is 10:35am.

STOCK # 5827	DATE PURCHASED 12/31/93	Date Sold 2/28/94	
MAKE FERRARI YEAR 1958	RECEIVED FROM Pedro	Sold To Pedro	
MODEL 250GT CABRIO		FIRST MIDDLE LAST	
COLOR SILVER/RED		EET	
SERIAL NO. 7996T	PAID BY CHECK NO.	TE ZIP	
MILEAGE			
TAG NO.	DECAL		
EXPENSES	BASE COST \$	ZIP	
Date	Paid To	For	
	House	HPD	
12/29	Fedco	Towing	\$ 15
12/21	Est Harms	NEAR FREIGHT	\$ 598
12/21	Est Harms	collection fee	\$ 35
12/21	Est Harms	wharfage	\$ 100
12/21	Est Harms	CUSTOMS PREP.	\$ 447
12/21	Est Harms	DUTY	\$ 4,000
12/21	Est Harms	BOND	\$ 219.91
12/21	Est Harms	CONSUP.	\$ 125
	Evam	Buy & Comm	\$ 22,120.05
			\$
		TOTAL BASE COST AND EXPENSES	\$ 5819.21
		Good Til	
		1/198	
		STREET	
		CITY	STATE ZIP
		ACV OF TRADE	\$
		TRADING DIFFERENCE	\$
		TOTAL	\$
		TOTAL BASE & EXPENSES	\$
		NET PROFIT or (LOSS)	\$

BC-3

7034.38
Trade
#498
5078

STOCK # 5828	DATE PURCHASED 12/31/93	Date Sold 4/1/98																																																																																	
MAKE ASTON MARTIN YEAR '84	RECEIVED FROM Pedro	Sold To BILL																																																																																	
MODEL Advantage		FIRST MIDDLE LAST																																																																																	
COLOR BLACK/BLACK		STREET																																																																																	
SERIAL NO. SCFCV81V6DTL12367	PAID BY CHECK NO. #5827 \$7034.38	CITY STATE ZIP																																																																																	
MILEAGE 32,422	#5830 \$7034.38	LEIN TO																																																																																	
TAG NO.	DECAL #5829 \$7034.38	STREET																																																																																	
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4/00 Cash

parts 4.79 5097

STOCK . 5829		DATE PURCHASED 12/31/93		Date Sold 2/28/94	
MAKE FERRARI YEAR 1961		RECEIVED FROM Pedro		Sold To Pedro	
MODEL 250 GTE				FIRST MIDDLE LAST	
COLOR BLACK / CREME				STREET	
SERIAL NO. 2925 GTE		PAID BY CHECK NO.		CITY STATE ZIP	
MILEAGE				LEIN TO	
TAG NO.		DECAL		STREET	
EXPENSES		BASE COST \$		CITY STATE ZIP	
Date		Paid To		For	
		AMOUNT		Check #	
		HOUSE	4FPD	\$ 100	
1223		Eagle Tow	Towing	\$ 153	4282
1221		Est Harms	CLEAN FRONT	\$ 52.50	4282
1221		Est Harms	collection fee	\$ 35	4282
1221		Est Harms	wharfage	\$ 100	4282
1221		Est Harms	CUSTOMS PREP	\$ 447	4282
1221		Est Harms	DUTY	\$ 6250	4282
1221		Est Harms	BOND	\$ 219.71	4282
1221		Est Harms	Comptrol	\$ 125	4282
		Evan	Buy & Comm	\$ 2612.05	
		TOTAL BASE COST AND EXPENSES		\$ 3129.21	
1. Sales Price		\$ 2034.38			
2. Trade Allowance		\$			
3. Trading Difference		\$			
4. TAX %		\$ TRADE			
5. Title		\$			
6. TOTAL		\$			
7. Payoff		\$			
8. TOTAL		\$ 5000			
PAYOFF TO					
Good Til				STREET	
1 / 198				CITY STATE ZIP	
ACV OF TRADE		\$			
TRADING DIFFERENCE		\$			
TOTAL		\$			
TOTAL BASE & EXPENSES		\$			
NET PROFIT or (LOSS)		\$			

STOCK # 5890 DATE PURCHASED 12/31/93
 MAKE FERRARI YEAR 1960 RECEIVED FROM Padro
 MODEL 250 P.F. CABRIO COLOR RED/BLACK
 SERIAL NO. 1893 GT PAID BY CHECK NO.

Date Sold 2/28/94
 Sold To Padro
 FIRST MIDDLE LAST
 STREET
 CITY STATE ZIP

MILEAGE
 TAG NO. DECAL

LEIN TO
 STREET
 CITY STATE ZIP

EXPENSES BASE COST \$

Date	Paid To	For	AMOUNT	Check #
	House	HPD	\$ 100	
12/29	Fazio	Towing	\$ 143	4794
12/29	Est Harms	OCEAN FREIGHT	\$ 692.50	4782
12/31	Est Harms	collection fee	\$ 35	4782
12/31	Est Harms	Wharfage	\$ 100	4782
12/31	Est Harms	CUSTOMS PROP.	\$ 447	4782
12/31	Est Harms	DUTY	\$ 2,000	4782
12/31	Est Harms	BOND	\$ 219.71	4782
12/31	Est Harms	Consul	\$ 125	4782
	Evan	Buyer Comm	\$ 22,120.50	
		TOTAL BASE COST AND EXPENSES	\$ 38,692.21	

1. Sales Price \$ 70,341.38
 2. Trade Allowance \$
 3. Trading Difference \$
 4. TAX % Trade
 5. Title \$
 6. TOTAL \$ 47,582
 7. Payoff \$
 8. TOTAL \$

PAYOFF TO
 Good Til
 1/198
 STREET
 CITY STATE ZIP
 ACV OF TRADE \$
 TRADING DIFFERENCE \$
 TOTAL \$
 TOTAL BASE & EXPENSES \$
 NET PROFIT or (LOSS) \$

FROM: EVAN
TO: PEDRO

C & K AUTO IMPORTS, INC.
MERCEDES PORSCHE BMW JAGUAR FERRARI

SALES — LEASING

LAST NOTICE

Pedro, I send you the fax that you asked me before. Tomorrow I am going to get you the Radio code for the Honda. You have to let me know what you want to do about the Honda SLW and the Miata. Now the most important thing about the Aston Martin. You must let me know what you want to do. I have a real buyer for \$30,000 as I told you. If you do not get back to me by tomorrow I will sell him the piece of shit 'AS IS' - TRUE MILES UNKNOWN.

Best Regards

EVAN

118 FORT LEE ROAD • LEONIA, NEW JERSEY 07605

(201) 944-7830

FAX (201) 944-0278

4/5/94

C & K AUTO IMPORTS, INC.
MERCEDES PORSCHE BMW JAGUAR FERRARI

SALES — LEASING

From: Evan

To: Pedro,

Dear Pedro, as I had told you since the beginning of last week, today I am selling the Aston Martin.

I suppose to receive my money since March 2nd Today is April 5th.

Within the next hour I am selling the Aston "As is" to the first check wrighter

P.S. I send you 2 different faxes last week, I did not recd any answer from you.

Best Regards
EVAN

118 FORT LEE ROAD • LEONIA, NEW JERSEY 07605

(201) 944-7830

FAX (201) 944-0278

N. J. SALES TAX SATISFIED

M. V. Ident. No. 024011

Purchase Price \$ _____

Net Sales Tax _____ Ex. Code 9

Sales Tax Paid _____

Date March 1990

STATEMENT OF SELLER AND ODOMETER DISCLOSURE STATEMENT

I/We hereby assign and warrant Certificate of Ownership of the vehicle described on the front of this Certificate of Ownership subject to the following lien(s) or encumbrance(s), if any, and none other. I/We further certify the accuracy of the sale price and mileage as specified below.

Buyer's Name (Print) BLW Auto Wholesalers Driver Lic. # _____
 Corpcode # _____

Buyer's Address _____

Co-Buyer's Name (Print) _____ Driver Lic. # _____
 Corpcode # _____

Co-Buyer's Address _____

Lienholder's Name (Print) _____ Driver Lic. # _____
 Corpcode # _____

Lienholder's Address _____

Seller's Name (Print) BLK Auto Imports, Inc Date of Sale _____
 Sale Price \$ _____

Seller's Address _____

NOTE: FEDERAL LAW requires that you state the mileage upon transfer of ownership. Failure to complete this disclosure or providing information may result in fines and/or imprisonment.

I/We state that the odometer now reads 32422 (do not show tenths of a mile) and to the best of my/our knowledge that reflects the actual mileage of the vehicle described on the reverse side of this Certificate of Ownership, unless one of the following statements is checked:

- (1) I/We hereby certify that to the best of my/our knowledge the odometer has exceeded its mechanical limits and the reading starts again at zero.
- (2) **WARNING - ODOMETER DISCREPANCY** - I/We hereby certify that the odometer reading is NOT the actual mileage, and should not be relied upon for accuracy.

NOTE: New Jersey statute provides that anyone who knowingly or willfully misrepresents the description of a vehicle or makes a statement in any title papers; forges, changes or counterfeits a part of title papers; or uses title papers on or for the motor vehicle is guilty of a misdemeanor.

SELLER SIGN HERE

Seller's Signature X _____
 Seller's Name (Hand Print) DOON SAUER Seller's Signature _____
 Seller's Name (Hand Print) _____ Seller's Name (Hand Print) _____
 Date of Odometer Statement _____

NOTARY PUBLIC
 My Commission Expires _____
 BONNE M. S.

STATEMENT OF BUYER

I/We, the undersigned, hereby certify that the motor vehicle described on the reverse side of this Certificate of Ownership was purchased by me/us and I/We have compared the vehicle identification number shown on this certificate with that of the motor vehicle purchased and found that they agree in every particular.

NOTE: R.S.39:10-11 requires that this certificate after assignment be presented to the Division of Motor Vehicles within ten days. to do so will result in a penalty of \$15 which will be in addition to the filing fee for a new Certificate of Ownership.

BUYER SIGN HERE

Buyer's Signature X _____ Buyer's Signature X _____
 Buyer's Name (Hand Print) _____ Buyer's Name (Hand Print) _____
 Buyer's Name (Hand Print) _____

ALTERATIONS OR ERASURES WILL VOID THIS CERTIFICATE

3/30/94

C & K AUTO IMPORTS, INC.

MERCEDES PORSCHE BMW JAGUAR FERRARI

SALES — LEASING

FROM: EVAN
TO: Pedro,

Dear Pedro, I am sending you this fax to let you know that if I do not have the money for the Aston Martin by Friday 4/1/94 on Saturday 4/2/94 I am accepting the offer that I have from the buyer and I am delivering the car to the guy.

Best Regards
Evan

FROM: EVAN

4-5-94

C & K AUTO IMPORTS, INC.

MERCEDES PORSCHE BMW JAGUAR FERRARI

TO: PEDRO.

SALES - LEASING

FINAL NOTICE

DEAR PEDRO,

I AM SENDING YOU THIS FAX TO LET YOU KNOW THAT IF BY TOMORROW AFTERNOON WEDNESDAY APRIL 6 I DO NOT HAVE THE MONEY LIKE YOU PROMISSED ME THIS MORNING I HAVE A CHECK WRITER READY TO COME AND PAY FOR THE CAR. I WILL WAIT UNTILL 5PM AND AFTER THAT I AM GIVING HIM THE CAR.

TRY TO LET ME KNOW WHAT IS GOING ON !!

WAITING FOR YOUR CALL EVAN

C & K AUTO IMPORTS, INC.

MERCEDES PORSCHE BMW JAGUAR FERRARI

SALES — LEASING

12/20/93

Leonia Police Department
Wood Park
Leonia, NJ 07605

Attn: Detective Grenner

Dear Detective Grenner:

This letter is to inform the Local Authorities that C & K Auto Imports, Inc., located at 118 Fort Lee Road, Leonia, NJ, are accepting delivery of (3) three automobiles coming from Antwerp-Belgium. The (3) automobiles are the following: 1.) 1960 Ferrari, 250 P.F., vin#1893 GT 2.) Ferrari, 250 G.T. vin#799 GT, 3.) 1961 Ferrari, 250 GTE, vin# 292

All (3) three vehicles from Mr. Pedro J Portuguese Passp to us, C & K Auto

To the best of for the owner knowledge a C

The automobiles the fact that know their are only a cannot guarantee clear of any and

Due to the fact that all (3) automobiles are very old, and that they all came from Europe, it is impossible to know that any of these vehicles might have had or might have now any liens or encumbrances. With that in mind we are letting the Authorities know that the vehicles are here at our location in the remote possibility that something might be wrong from the past history of the vehicles.

Again, to the best of our knowledge, these automobiles are free and clear at this time of any liens or encumbrances, and that they are not stolen.

Please keep this letter in your files.

Very truly yours,

C & K AUTO IMPORTS, INC.

Doron Sauer, President/Owner

118 FORT LEE ROAD • LEONIA, NEW JERSEY 07605

(201) 944-7830

FAX (201) 944-0278

C & K Auto Imports, Inc., Portugal, holder of a vehicles are consigned to the United States.

acting as an agent/broker to the best of our knowledge limited'.

at our location. Due to a very old and we do not Local Authorities that we of those automobiles and we consigned vehicles are free and clear.

SFC Lewis
Station Commander
CC: State Police Barracks
Port Street
Newark, NJ 07114

New Jersey State Police Investigation Report**H220-2009-00011****General Information**

Station/Unit: AUTO UNIT	Division Case Number: H220-2009-00011
Code: H220	Prosecutor's Case Number:
Area Code & Phone: (609)882-2000 Ext. 2050	Weather: Clear - Daylight
Type of Premises: Single Family Dwellings	Crime/Incident Location: NEW JERSEY STATE POLICE NEWARK STATION
Date & Time: UNKNOWN	
County/Municipality: Essex / Newark - 0714	
No. Arrested : 0 Adult: 0 Juvenile: 0	No. Summoned: 0 Adult: 0 Juvenile: 0
Crime Status: Active	Drinking Driving Case Number: N/A
Case Status: Investigation	Accident Case Number: N/A
Weapons / Tools: N/A	

Person Reporting Crime/Incident

Name: DET. I B G CATTERSON	Phone: (609) 777-4555 ext. 0
Address: P.O. BOX 7068 , WEST TRENTON, NJ 08628	Date & Time: 01/28/2009 - 09:00

Crime/Incident Charge(s) & Statute(s)

(2C:20-7) - Receiving Stolen Property
--

Modus Operandi / How Committed

Subjects were in possession of a stolen motor vehicle.

Victims (Individuals)*N/A***Victims (Businesses)**

Business Name: STATE OF NEW JERSEY	
Business Address: P.O. BOX 7068 , WEST TRENTON, NJ 08628	
Manager's Name (First, Middle, Last):	Phone: (609) 777-4555 ext. 0

Complainants (Individuals)

Name: DET. I B G CATTERSON	Phone: (609) 777-4555 ext. 0
Complete Address: P.O. BOX 7068 , WEST TRENTON, NJ 08628	

Complainants (Businesses)

Business Name: STATE OF NEW JERSEY	Phone: (609) 882-2000 ext. 2050
Business Address: P.O. BOX 7068 , WEST TRENTON, NJ 08628	
Manager's Name (First, Middle, Last) LT. CUSHING	Date & Time: 01/28/2009 - 09:00

New Jersey State Police Investigation Report

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Other Persons Involved

Other Name (First, Middle, Last): JEFFREY D SCHWARTZ			
DL Number: S15703936406532	Area Code & Phone: (201) 674-3866		
State: New Jersey			
S.S.N.: 071-40-2689			
Address: 110 TEKENING DR, TENAFLY, NJ 07670			
D.O.B 06/06/1953	Age 55	Sex Male	Race 1B

Other Name (First, Middle, Last): ONOFRIO TRIARSI			
DL Number: T73876050006512	Area Code & Phone:		
State: New Jersey			
S.S.N.: 157-42-4002			
Address: 1 GREAT HILLS RD, SHORT HILLS, NJ 07078-3009			
D.O.B 06/23/1951	Age 57	Sex Male	Race 1B

Other Name (First, Middle, Last): DORON SAUER			
DL Number: S08701780010582	Area Code & Phone:		
State: New Jersey			
S.S.N.: 153-68-3081			
Address: 25-14 FAIR LAWN AVE, FAIR LAWN, NJ 07410-3411			
D.O.B 10/02/1958	Age 50	Sex Male	Race 1B

Vehicle Information

N/A

Stolen/Recovered Property & Values

Currency Amount:	\$0.00
Jewelry Amount:	\$0.00
Fur Amount:	\$0.00
Clothing Amount:	\$0.00
Motor Vehicle Amount:	\$0.00
Miscellaneous Amount:	\$0.00
Total Amount Stolen:	\$0.00
Total Amount Recovered:	\$0.00

Evidence, Alarm, and Report Status

Chemical Lab Number:	Evidence:	Arrest Report Pending:	No
Ballistics Lab Number:	NJSP - S&TS: No	Prop. / Veh. Report Pending:	No
Alarm Number/Year:	Retained: Yes	Alarm Pending:	No
Alcohol Involved: Unknown	Returned: No	Evidence Pending:	Yes
Other Drugs Involved: Unknown	Destroyed: No	Bias Incident:	No
VCCB Information and Phone Number Provided	Co-Op: Yes	Domestic Violence:	No
(1-800-242-0804): Not Applicable	Co-Op Agency: CONNECTICUT STATE POLICE		

Technicians Involved

N/A

Assisting Troopers

Badge #: 5973	Name: DET. II J Rodriguez
---------------	---------------------------

Other Supporting Agencies

Agency Name: Connecticut State Police	Rank: Sgt	Badge #:
Agent Name (First, Middle, Last) Robert J Kenney		

Related Cases

N/A

New Jersey State Police Investigation Report

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MV Summons/Warnings & Statutes

N/A

Suspects/Summoned

N/A

Persons Arrested

N/A

Narrative

December 8, 2008 (Monday): On this date I was contacted by Sergeant Robert Kenney, Connecticut State Police, regarding an investigation his agency was conducting involving a stolen 1958 Ferrari GT250, Vehicle Identification Number (VIN) 0799. The Connecticut State Police, recovered the vehicle at the residence of Paul Hallingby who resides in Connecticut. The vehicle is valued between three and five million dollars. As a result of an investigation conducted by Connecticut State Police, the following information was learned; In 1993, the vehicle was stolen in Spain from a citizen of Switzerland. The vehicle was then shipped to the United States. In 1994, the vehicle was titled in New Jersey by Classic Coach Repair, 2007 South Elmora Avenue, Elizabeth, New Jersey. When the vehicle was titled, the New Jersey Motor Vehicle Commission (NJMVC) assigned it a new VIN, FER079958. On November 29, 1994, the vehicle was sold/transferred from Classic Coach Repair to Scott L. Rosen of 512 McKendimen Road, Medford, New Jersey. On December 5, 1997, the vehicle was sold/transferred from Scott L. Rosen, Classic Coach Repair. On December 9, 1997, the vehicle was sold/transferred from Classic Coach Repair to Jeffrey D. Schwartz, 110 Tekening Drive, Tenafly, New Jersey.

Sgt. Kenney requested that I assist his investigation by conducting interviews of Onofrio Triarsi the owner of Classic Coach Repair and Jeffrey D. Schwartz.

January 29, 2009 (Thursday): On this date, Det. II Jeovanny Rodriguez #5977 and I conducted an interview of Jeffrey Schwartz at New Jersey State Police Newark Station. The interview was recorded by both audio and video.

During the interview, Schwartz stated he initially obtained ownership of the 1958 Ferrari GT250, VIN 0799, from Classic Coach Repair, which is owned by Onofrio Triarsi. In 2000 or 2001, Schwartz decided to sell the 1958 Ferrari GT250, VIN 0799, along with two other Ferraris which he owned. Schwartz cited several reason for selling the vehicles, including his business responsibilities, family obligations, his recent diagnosis and treatment for cancer, and the constant maintenance on the vehicles.

Schwartz met with Elliot Grossman of Symbolic Motors in California and asked him if he would purchase his vehicles. Grossman agreed to purchase all three of Schwartz's Ferraris. Grossman wired Schwartz between fifty and seventy-five thousand dollars as an initial down payment. After researching

New Jersey State Police Investigation Report

H220-2009-00011

the vehicles, Grossman contacted Schwartz and advised him that there was an issue with the title for the 1958 Ferrari GT250, VIN 0799. Grossman explained to Schwartz that a previous owner of the vehicle who resides in Europe was attempting to sell the vehicle. The vehicle's title was forwarded to the purchaser prior to the money transaction. The seller never was paid and the purchaser obtained the vehicle and the title. Grossman advised Schwartz he would not purchase the 1958 Ferrari GT250, VIN 0799, from him but he would purchase the other two vehicles. Schwartz then refunded Grossman approximately forty thousand dollars of his initial payment.

Schwartz then contacted Onofrio Triarsi and explained to him the information that he received from Grossman. Triarsi denied that there was any issue with the vehicle or the title. Triarsi advised Schwartz that he would purchase the vehicle himself. Instead, Triarsi brokered a sale of the vehicle from Schwartz to Scott Rosen. The vehicle was then sold from Schwartz to Rosen.

At the conclusion of the interview, I secured a DVD recording of the interview and later marked it into evidence as BC-1. The DVD was later logged into the New Jersey State Police Auto Unit North temporary evidence locker. For specifics regarding this interview, see attached transcript.

February 3, 2009 (Tuesday): On this date Det. II Rodriguez and I conducted an interview of Onofrio Triarsi at Classic Coach Repair, 1007 South Elmora Avenue, Elizabeth, New Jersey. It should be noted that Triarsi requested that the interview not be recorded.

During the interview, Triarsi was questioned regarding how he initially obtained ownership of the 1958 Ferrari GT250, VIN 0799. Triarsi stated a former employee of his named Bruno Teixeira, knew of several associates in Portugal who were looking to sell classic Ferraris. An arrangement was made with C&K Auto Imports of Leonia, New Jersey to have the three classic Ferraris imported.

- 1) 1960 Ferrari 250 P.F. (VIN# 1983)
- 2) 1958 Ferrari Series 1 (VIN# 0799)
- 3) 1961 Ferrari 250 GTE (VIN# 2925)

Triarsi then provided a letter he had in his files which documents the importing of the above listed three vehicles by C & K Auto Imports. The letter is dated December 20, 1993 and is addressed to Leonia Police Department and also the New Jersey State Police. The letter provides a description of the vehicles and identifies that they were imported from Europe. The vehicles were shipped by Pedro Poiaras of Lisbon, Portugal who is a agent/broker for Clardsdale Limited.

The letter was secured and later marked into evidence as BC-2. Evidence

New Jersey State Police Investigation Report

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marked BC-2 was placed into the New Jersey State Police Auto Unit-North temporary evidence locker.

March 26, 2009 (Thursday): On this date, Det. I Enrique Bryan #5677 and I interviewed Doron Sauer of C & K Auto Imports, 60 Railroad Avenue, Hasbrouck Heights, New Jersey regarding this investigation at his place of employment. The interview was not taped recorded and the following is a summary of our interview:

- Sauer stated that a former employee of his Evan Christodoulou (516) 625-5544, made arrangements with Pedro Poiaras to have four vehicles shipped to the United States.
- These vehicles include the three previously identified Ferraris and a 1984 black Aston Martin Advantage, VIN# SLFDM81V6DTL12367. The Aston Martin was originally sold to Poiaras by C & K Auto Imports. Poiaras then sold the vehicle back to C & K Auto Imports. The vehicle was shipped with the three Ferraris.
- Poiaras shipped the vehicles with no titles.
- Sauer stated that his company did not have any agreement with Poiaras to purchase the Ferraris and does not know the arrangement made between Triarsi and Poiaras.
- C & K Auto Imports had done prior business with Poiaras. Poiaras requested that C & K Auto Imports assist him with shipping the four vehicles by accepting the vehicles in the United States.
- Poiaras failed to pay C & K Auto Imports for the shipping fees of the vehicles.
- In exchange for the shipping fees, Poiaras gave C & K Auto Imports the Aston Martin.
- He later forwarded the title for the Aston Martin. Poiaras never sent the titles for the Ferraris.
- Poiaras told Sauer that the three Ferraris were from an Estate and that he found them in a barn.
- In 2000 or 2001, Triarsi contacted Sauer and said he needed a favor. He needed all of the paperwork from the three Ferraris. Triarsi advised Sauer that the three vehicles were stolen and that INTERPOL was looking for them.
- According to Sauer, he has not spoken to Triarsi or Poiaras since.

Sauer stated that he had records for all four vehicles in his files. After retrieving the vehicle files, Sauer stated that there were no documents inside of the files for the three Ferraris. The file for the Aston Martin contained several letters written by Christodoulou and faxed to Poiaras. The letters request that Poiaras makes payment to Christodoulou for the vehicles.

New Jersey State Police Investigation Report

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Sauer stated that he believes that he turned over all of the documents he had for the Ferraris to Triarsi.

All documents inside of the file and the exterior of the folders were copied. The items were later marked into evidence as BC-3.

Copies of all the items of evidence in this case will be forwarded to the Connecticut State Police along with this report.

This case is pending investigation.....

Report Date: 04/27/2009
DET. I B G CATTERSON
#5339

Signature:



1st. Approval:
Date: 04/28/2009
DSFC J M SOULIAS


Signature: #4342



2nd. Approval:
Date: 04/28/2009
DSFC J M SOULIAS

Signature: #4342



State of Connecticut Dept. of Public Safety Narrative Report  DPS-302-C (Revised 04/03)	REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1
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Action Taken: On May 19th, 2009 at 1100 hours {all times approximate}, this Detective met with Attorney Thomas Daily at his office located on the 21st floor at 1 Financial Plaza in Hartford, CT at the firm of "Reid and Riege." He provided several documents to refute the claim of theft of the Ferrari bearing VIN 0799GT.

According to Attorney Daily, the documents he provided clearly show that the Spanish authorities came to a logical conclusion in stating that no theft of the vehicle had occurred and that any issues the owners had were civil in nature. Attorney Daily maintains that Dr. Gerber was never a true owner of the Ferrari bearing VIN 0799GT and that he was able to have Swiss authorities enter the vehicle into "Interpol" as stolen because he apparently has some authority over them. He further accused Dr. Gerber's attorney, Oliver Weber, of being dishonest in this investigation.

Attorney Daily provided a copy of a decision by Judge Antonio Ruiz Villen of the "First Instance Court Number 5 of Marbella, Spain" in which the Judge states that the "records on file fail to show that any criminal offense has been committed." However, this Detective located several articles on the Internet that state that Judge Villen is no longer a Judge in Spain and in fact, has been accused of corruption with respect to the Italian Mafia operating in Spain. Judge Villen was an associate of Judge Pilar Ramirez Balboteo, who was accused by an anti-corruption prosecutor in Spain of protecting the common business of the Mafia, specifically, Gianni Menino. Menino was an associate of Pedro Poiares, the man who imported the stolen Ferrari automobile 0799GT, along with two others, into the United States. One article draws a connection between the illegal activities of a former Marbella, Spain mayor named Jesus Gil and Gianni Menino being covered up by Judge Balboteo and Judge Villen.

Attorney Daily added that Mr. Hallingby was aware of a dispute between owners of the Ferrari bearing VIN 0799GT but did not believe the car was stolen. Mr. Daily stated that Mr. Hallingby consulted with a Ferrari expert prior to the purchase of the Ferrari bearing VIN 0799GT but he would not provide this Detective with the name of the expert.


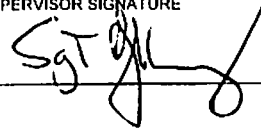
Attorney Daily added that Mr. Hallingby has spent thousands of dollars in the attempt to recover his car and that with the warm weather approaching, he cannot wait to drive it again.

This Detective advised Attorney Daily that the car is being stored in a climate controlled environment and that the State Police purchased a cover for it.

Further review of the documents provided by Attorney Daily will be conducted and reported later.

Attached to this report are the aforementioned Documents and Internet articles.

This Case remains Closed Suspended.

CASE STATUS:			TYPE OF EXCEPTIONAL CLEARANCE:		
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2-CLEARED ARREST	<input type="checkbox"/> 6-NO CRIMINAL ASPECT	<input type="checkbox"/> B-PROSECUTION DENIED	<input type="checkbox"/> E-JUVENILE-NO CUSTODY		
<input checked="" type="checkbox"/> 3-SUSPENDED	<input type="checkbox"/> F-FUGITIVE	<input type="checkbox"/> C-EXTRADITION DENIED			
<small>THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE, OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.</small>					
INVESTIGATOR SIGNATURE 	INVESTIGATOR ID. 732	REPORT DATE 05-21-09	SUPERVISOR SIGNATURE 	SUPERVISOR ID. 155	APPROVAL DATE 05/28/2009

Det. Richard Van Tine



REID AND RIEGE, P.C.
COUNSELLORS AT LAW

ONE FINANCIAL PLAZA
HARTFORD, CT 06103
Voice: (860) 278-1150
Fax: (860) 240-1002

Thomas V. Daily
Direct Dial: (860) 240-1067
Email: tdaily@reidandriege.com
Reply to Hartford Office

234 CHURCH STREET
9TH FLOOR
NEW HAVEN, CT 06510-1819
Voice: (203) 777-8008
Fax: (203) 777-6304

May 19, 2009

Via Hand Delivery

Detective Richard Van Tine
Connecticut State Police
452-A Bantam Road
Litchfield, CT 06759

**Re: Seizure of 1958 Ferrari, VIN 0799GT
Paul Hallingby**

Dear Detective Van Tine:

As we have discussed, I have enclosed documents that establish the following:

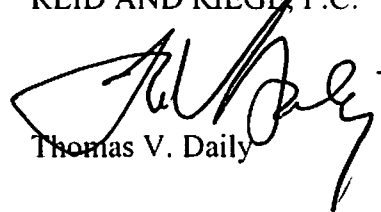
1. In the early to mid-1990s, two separate criminal investigations in Spain found that no evidence existed that the 1958 Ferrari, VIN 0799GT ("the Ferrari") was stolen. Specifically, the Spanish Court determined that the transaction on July 7, 1993 (the date Dr. Andreas Gerber claims the Ferrari was stolen) was **not** criminal conduct. Mr. Bernard Friedli was the complainant who claimed ownership to the Ferrari in Spain. No mention of Dr. Gerber was made in any of the thousands of documents we have reviewed in the Spain litigation.
2. Mr. Bernard Friedli, in asserting his claim that he was the owner of the Ferrari presented evidence that, in the early 1990s during the time period Dr. Gerber claims to have owned the Ferrari, he, Friedli, paid taxes on the Ferrari in Switzerland, paid for insurance for the Ferrari in Switzerland, exported the Ferrari to Spain, and submitted an invoice to Kelvin Fisher of Motorauto Marbella, Marbella, Spain, for the sale of the Ferrari. We are aware of no credible document offered by Dr. Gerber that he owned the Ferrari. Indeed we are in possession of several additional documents that put into serious question the veracity of Dr. Gerber and the truthfulness of the information he has provided to law enforcement in Switzerland and the United States.

3. The Ferrari was improperly listed as "stolen" on INTERPOL in Switzerland in 2008. Just yesterday the prosecutor in Switzerland, P. Thoma, confirmed that point again to Mr. Hallingby's counsel in Switzerland, and directed counsel to send a letter to Bern police notifying them of the error and asking that it be deleted. Moreover, over the course of several years, notwithstanding Dr. Gerber's pursuit of his unsupported claim to rights to the car to Swiss law enforcement and Swiss Interpol, several law enforcement agencies, including the U.S. Interpol/FBI and New York State Police, properly declined to take any action. We further understand that the Mutual Legal Assistance Treaty (MLAT) between the United States and Switzerland, and the U.S. Department of Justice National Central Bureau of Interpol (USNCB) control the coordination of law enforcement efforts between Switzerland and U.S. law enforcement agencies, and the procedure for the seizure of evidence. We are not aware of any indication that those procedures were followed in regard to the seizure of Mr. Hallingby's Ferrari.

We look forward to discussing this matter with you further, and are confident upon review of additional information, the State will reach the decision to close the investigation as to Mr. Hallingby and return the Ferrari to him as its rightful owner.

Sincerely,

REID AND RIEGE, P.C.



Thomas V. Daily

TVD

cc: Mr. Paul Hallingby

1. August 29, 1991 Bernard Friedli Criminal Complaint, Granada, Spain.
2. March 20, 1993 Spanish Court No. 2 Decree/Ruling.
3. February 4, 1994 Spanish Police Department Filing.
4. July 14, 1994 Portuguese Police Report.
5. November 2, 1995 Spanish Court No. 5 Decree/Ruling.

POLICE HEADQUARTERS REGIONAL POLICE HEADQUARTERS Granada SECTION Duty Officer Marbella R.S. Number 6,779	WITNESSED BY:		RECIPIENT JUDICIAL AUTHORITY
	INSPECTORS		Court Stamp and registration number
	Category	Prof. ID	<i>Ind / Rep</i>
	Inspector-Chief	11.715	Assigned Grl. Nr. Rec. Proc. and Court Number
	Police	49.408	FIVE

File Data	Complainant(s): Jaime TORRABADELLA PARE		R. G. 1837 Undetermined 394-B 8-29-91
	Subjects of Complaint (*):		
	Declarant(s):		
At 2:30 hours on August 28, 1991 APPEARS			
Name: Jaime	First Last Name: TORRABADELLA	Second Last Name (Foreigner: Nationality) PARE	
ID or Passport Number 24,831,990	Place of Birth: Municipality Barcelona	Idem State	Date of Birth: 09/13/1932
Name of Father Félix	Name of Mother: Rosa	Marital Status:	Profession:
Domicile: Street or Plaza Márquez del Duero, Banco Andalucía Bldng. (San Pedro Alcántara)		Number, Floor and door: 3-	
Domicile: Municipality Marbella	Idem State:	Telephone: 78.00-16, 78-00-50	
Modus Operandi		Means Employed	
<p>STATES.- That he appears on behalf of Hans Bernard FRIEDLI VON MUHLENEN, in accordance with the power of attorney executed before the Consulate of Spain in Berne-Switzerland, on day 26 of the current month. ---- That on July 26 of the current year, his client sent to Marbella the following automobiles: Ferrari 250G.T. Espider, Series II, of the year 1960, Chassis number 1893; Ferrari 250 G.T.E. Coupe 2-2, Model 1961, chassis number 2925; Ferrari 365-G.T.. Coupe 2-2, of the year 1970, Chassis number 13811; Ferrari 230 G.T. Espider Series I, model 1957, Chassis number 0799 G.T., having as receiver Mr. Guiseppe GIUDICE, to whom the owner of Motor Autos Marbella S.L., Mr. Kelvin FICHER, with a business address in this city, Ricardo Soriano Ave., Estela II Building, was to deliver them. ---- That the selling price, previously established, was of ONE MILLION NINE HUNDRED THOUSAND DOLLARS USA (1,900,000), which the seller should have received upon delivery of the automobiles which, when his empowered persons did not receive the money, communicated to him that he should take the necessary actions to clarify what had taken place; with that intention, he spoke with the above mentioned Mr. Kelvin FICHER, who communicated to him that the mentioned automobiles were not sold to Mr. Guiseppe GUIDICE, but rather that he will sell them to others when it is possible and always using as reference the global price of THREE HUNDRED AND FIFTY THOUSAND DOLLARS, which is the amount declared for purposes of customs in the pro-forma document, filled out at the original source. ---- That given the impossibility of reaching an agreement with this person and afraid that he could dispose improperly of the mentioned automobiles, despite the summons given to him, in accordance with the written document by the notary, Mr. Tejuca ... // ..</p>			

(*) It will be stated whether it goes on to judicial disposition, if they remain free with charges, or another situation.

... /// ...


dated 8-22-91, and due to the great difference in valuation, formulates this original complaint for the legitimate effect. --- That he wants to state that the four vehicles reported at the point of origin, I STATE, valued and ensured at the point of origin, in the amount of TWO MILLION NINE HUNDRED AND TWENTY SIX SWISS FRANCS (sic) (2,926,000 S.F.) ---- Read and in order, he signs it, which I CERTIFY. ----

[Signature]

[Signature]

JUDICIAL FORMALITIES.- Given the present status, these formalities are sent to the Hon. Senior Judge of the First-Instance Court Number FIVE of Guardia, letting his Honor know that the Judicial Police Group has been notified, LET IT BE ON THE RECORD AND I CERTIFY.-

[Signature]

 DIRECCION GENERAL DE LA POLICIA JEFATURA SUPERIOR DE POLICIA Granada.-	ATESTADO POR:	AUTORIDAD JUDICIAL RECETORA
	INSTRUCTORES	Sello del Juzgado y número de registro
DEPENDENCIA: Inspo. Guard. Marbella.- R.º S.º núm. 6.779.-	Categoría Inspector Jefe 11.715.- Policia 42.408.-	Ind Rep - Juzgado destino CINCO.- N.º R.º Graf. Proced. y núm.

Denunciante/s: Jaime TORRABADILLA PARE.-	R.G. 1837
	Judic. 394-B
Denunciado/s (*):	29-8-91
Declarante/s:	

14:30 horas del día 28 de Agosto de 19 91 COMPARECE

Nombre: Jaime	Primer apellido: TORRABADILLA	Segundo apellido: (Extranjero: Nacionalidad) PARE
Núm. D. N. I. o pasaporte: 24.831.990.-	Lugar de nacimiento: Municipio Barcelona	Idom. Provincia:
Nombre del padre: Felix	Nombre de la madre: Rosa	Fecha de nacimiento: 13/09/1.932.-
Domicilio: Calle o plaza	Estado civil:	Profesión:
Parque del Duero, edf. Banco Andalucia (San Pedro Alcántara)	Número, piso y puerta: 3-	
Domicilio: Municipio Marbella.-	Idom. Provincia:	Teléfono: 78.00-16,78-00-50.-
Modus Operandi	Medios empleados	

MANIFIESTA.-Que comparece en nombre, de Hans Bernard FRIEDLI VON MUHLENEN, según escritura de poder otorgada ante el Consulado de España en Berna - Suiza, el día 26 de los corrientes. - - - - -
 - - - - -Que con fecha 26 de Julio del año en curso, su representado envió a Marbella los siguientes automoviles: Ferrari 250G.T. Espider, serie II, del año 1.960, chasis n.ºm. 1893, Ferrari 250 G.T.E. Coupe 2-2, modelo 1.961, n.ºchasis 2925, Ferrari 365 D.T. Coupe, 2-2, de 1.970, n.ºchasis; 13811, Ferrari 230 G.T. Espider serie I, modelo 1.957, n.ºchasis, 8799G.T, teniendo como destinatario al señor Giuseppe GIUDICE, al que se lo debería entregar, el propietario de Motor Autos Marbella S.L., señor Kelvin FICHER, con domicilio social en esta ciudad, avd. Ricardo Soriano, edificio Estela II, - - - - -
 - - - - -Que el precio de la compraventa, fijado previamente fuera de UN MILLON NOVECIENTOS MIL DOLARES USA (1.900.000\$), los que debería recibir el vendedor contra entrega de los automoviles, que al no recibir el dinero sus poseedores le han comunicado haga las gestiones para aclarar lo sucedido en tal sentido se puso al habla con el indicado señor Kelvin FICHER, que le ha comunicado que tales automoviles no le han sido vendidos al señor Giuseppe GIUDICE, si no que los vendiera a otras personas cuando se han posible y siempre teniendo como referencia el precio global de TRECECIENTO CINCUENTA MIL DOLARES, que es la cantidad declarada a efectos suaneros en los impresos pro-forma, rellenado en origen. - - - - -
 - - - - -Que ante la inposibilidad de llegar a un acuerdo con esta persona y ante el temor de que el mismo disponga indebidamente de tales automoviles, a pesar de requerimiento notarial que se le ha hecho, según escrito del notario, señor Tejuca

se expresará si pasa/n a disposición judicial, si quedan en libertad con cargos u otra situación.

...///...

con fecha 22-8-91, y dada la gran diferencia de valoración, formula la presente denuncia a los efectos procedente. -----

Que quiere hacer constar, que los cuatro vehiculos reseñados en origen, -
valorado y asegurado en origen, por la cantidad de DOS MILLONES NOVECIENTOS
SESENTA Y SEIS FRANCO SUIZOS (2.926.000 F.S.). -----

Y conforme, la firma, de lo que CERTIFICO. -----

DILIGENCIA DE REMISION.- En este estado las presente diligencia se remiten al -
ltimo. señor Magistrado Juez del Juzgado de Instrucción
núm. CINCO de Guardia, significandole a V.I. que del -
presente hecho se da cuenta al Grupo de Policia Judicial, CONSTE Y CERTIFICO. -

The middle section of the document contains several handwritten signatures and scribbles. On the left, there is a large, dark, irregular scribble. In the center, there is a signature that appears to be 'L'. To the right of this, there is another signature that looks like 'M'. Below these, there are more faint scribbles and lines.

COURT No. 2 OF FIRST INSTANCE of MARBELLA.- (PA No. 154/92-0) [Illegible] (Page 182)

Defendant: Kelvin John Fisher

Private Plaintiff: Hans B. Friedli Von Muhlenen.

[Illegible seal]

OR6169901

.....
DECREE./ In the city of Marbella, March 20, 1993.

Whereas, the records of pleadings of the case have been returned by the Private Plaintiff, with his previous briefs, which will be attached thereto. The latter is now considered to have answered the pleadings, with the allegations contained therein. And

FACTUAL BACKGROUND:

SINGLE CLAUSE.- The summary proceedings herein were forwarded to the Justice Department in accordance with Art. 790 et seq. of the Rules of Criminal Procedure, and were returned with the following report: ""The PUBLIC PROSECUTOR requests the temporary STAY of Article 641.1 of the Rules of Criminal Procedure, with EXPRESS PREJUDICE TO THE CIVIL ACTIONS THAT MAY BE INSTITUTED. The precautionary measures (custody and seizure of vehicles) shall be VOIDED , returning them immediately to whomever possessed them when the precautionary measures were granted, where they will remain under seizure and custody at the disposal of the Court for a period of THREE MONTHS, during which time the corresponding CIVIL ACTION shall be instituted. – (Article 635, paragraph 4 of the Rules of Criminal Procedure).""

The Private Plaintiff's representative, in his answer to the pleadings, fully agreed with the request of the Public Prosecutor.

LEGAL GROUNDS

SINGLE CLAUSE.- Since no sufficient elements arose during the legal proceedings to duly justify the perpetration of the alleged crime providing grounds for the formation of this case file, at the request of the Public Prosecutor, to which the Private Plaintiff's representative has fully agreed in his answer to the pleadings submitted, this Court shall decree the temporary stay of Article 641.1 of the Rules of Criminal Procedure, without prejudice to the civil actions that may be instituted, and to the other measures requested which will be stated in the operative part of this ruling.

OPERATIVE PART

His Honor, SAID: That he decreed the provisional STAY of Article 641.1 of the Rules of Criminal Procedure for this case. All previous precautionary measures are voided, and the possession of the cars referred to herein shall be immediately returned to the defendant, under whose safekeeping they will remain under provisions of seizure and court custody, with the due legal formalities, at the disposal of the Court during a period of THREE MONTHS, during which time the corresponding civil actions must be instituted by the plaintiff's legal representative. (Article 635, paragraph 4 of the Rules of Criminal Procedure).

It is expressly established that the foregoing will be without prejudice to the civil actions of the parties and the time period indicated to the private plaintiff's representative.

The Court's written communication to be issued shall be delivered to Mr. Fisher's representative for delivery to the defendant, so that the latter may carry out that ordered herein, with the defendant

assuming the costs of moving the vehicles to the designated location. The Police Station shall issue the corresponding minutes of such relocation.

Notice shall be served to the Justice Department and the parties to the suit.

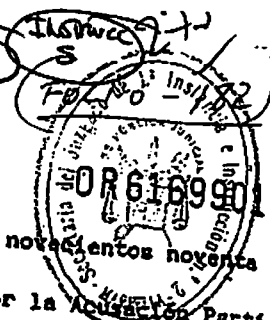
Ordered and signed by His Honor, Mr. JOSE-GONZALO TRUJILLO CREHUET, Judge of Court No. 2 of First Instance of Marbella and its Jurisdiction. Certified.

E./

PERFORMANCE OF THE JUDGE'S ORDER.- I attest it is carried out.

Contra: Kelvin John Fisher.

Acusación Particular: Hans B. Friedli Von Muhlenen.



A U T O. / En la ciudad de Marbella veinte de marzo de mil novecientos noventa y tres.-

Dada cuenta; Por devueltas las presentes actuaciones por la Acusación Particular, con su anterior escrito, que se unirá a las mismas. Se tiene por evacuado por dicha representación, el trámite que le fué conferido, con las alegaciones contenidas en dicho escrito. Y

ANTECEDENTES DE HECHO:

UNICO.-Que el presente procedimiento abreviado fué remitido al Ministerio Fiscal en virtud de lo dispuesto en el art. 790 y siguientes de la L.E.Criminal, devolviendolo con el siguiente informe: "EL FISCAL interesa el SOBRESIMIENTO provisional del artículo 641,1º de la Ley de Enjuiciamiento Criminal, con EXPRESA RESERVA DE LAS ACCIONES CIVILES. Debiéndose DEJAR SIN EFECTO las medidas cautelares adoptadas (depósito e intervención de los vehículos), reintegrándose de inmediato a quién los venía poseyendo cuando la misma se produjo, dónde quedarán intervenidos y depositados a disposición del Juzgado durante el plazo de TRES MESES, término en que deberá entablarse la correspondiente ACCION CIVIL. (Artículo 635, párrafo 4º de la Ley de Enjuiciamiento Criminal)."

Por la representación de la Acusación Particular, en la evacuación de este trámite, se mostraba totalmente de acuerdo a la petición del Fiscal.

FUNDAMENTOS DE DERECHO:

UNICO.- Al no aparecer en las actuaciones practicadas, elementos suficientes para justificar debidamente la perpetración del delito denunciado y que ha dado motivo a la formación de las presentes, petición del Fiscal, al cual ha contestado su total conformidad la representación de la Acusación Particular, en el trámite que le fué conferido, se está en el caso de decretar el sobresimiento provisional del artículo 641-1º de la Ley de Enjuiciamiento Criminal, con reserva de las acciones civiles, y con las demás medidas solicitadas y que se expresarán en la parte dispositiva de ésta resolución.

PARTE DISPOSITIVA:

SS1, D I J O: Que debía decretar como decreto el SOBRESIMIENTO provisional, del artículo 641,1º de la Ley de Enjuiciamiento Criminal, de la presente causa.- Dejándose sin efecto las medidas cautelares adoptadas, anteriormente, y reintegrándose de inmediato la posesión de los vehículos a que se refiere este procedimiento al denunciado, dónde quedarán intervenidos y depositados, en tal persona, con las formalidades legales, a disposición del Juzgado durante el plazo de TRES MES término en que deberá entablarse la correspondiente acción civil por la representación del denunciante. (Artículo 635, párrafo 4º de la Ley de Enjuiciamiento Criminal).

Hágase expresa reserva de las acciones civiles a las partes y el plazo señale do a la representación del acusador privado.

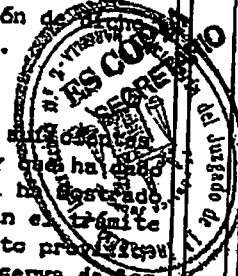
El oficio a expedir se entregará a la representación del Sr. Fisher para que haga llevar a su destino, y poder llevar a efecto lo ordenado, siendo de su costa el traslado de los vehículos al lugar habilitado; debiendo expedir la Comisaría el correspondiente acta a tales fines.

Póngase en conocimiento del Ministerio Fiscal y de las partes personadas.

Lo mandó y firma el Ilmo. Sr. D. JOSE-GONZALO TRUJILLO CREHUET, Magistrado - Juez del Juzgado de Instrucción n° 2 de Marbella y su Partido, doy fé.

2/.-

AGENCIA.- Se cumple, doy fé.-



GENERAL DEPARTMENT OF POLICE

Re: Forwarding of Didier MARTINO TEIXEIRA statement

Ref. # Criminal Affairs Unit. Reg. 8a, N° 518

Ref/S: Pre-trial discovery proceedings 677/93

On July 17 and 21, 1993 police proceedings numbers 3585 and 3717, respectively, were instituted by this Marbella Police Headquarters, which were forwarded to Marbella District Court number seven. These actions were instituted based on the report by Jaime TARRABADILLAS PARD, ESQ., on behalf of Hans Bernard FREIDLI MUHLEHEN, reporting the disappearance of four Ferrari motor vehicles which were deposited on the orders of District Court number two of this city at the company MOTORAUTO MARBELLA, S.I.

On October 4, 1993, by means of official document Reg. S number 245, the original of the declaratory statement given by the Motril transporter Alvaro FERREIRA TEIXEIRA was forwarded to the aforementioned Court number 7, giving further details of the aforementioned police proceedings.

In a telephone conversation today with the District Court 7, they stated that in view of to all the foregoing, pre-trial discovery proceedings number 677/93 will be heard before that Marbella District Court five.

In view of the foregoing, attached is the declaratory statement of Didier MARTINS TEIXEIRA, born in Champigny (France) on 30/4/64, son of Alvarez and Maria Elena, domiciled in Motril (Granada), Calle Chile N° 4, 2.A., in which he states he carried out the transfer of the four previously mentioned automobiles from the Motorauto de Marbella Company to Lisbon. This statement was taken by Motril police officials, having been requested to do so by the Marbella police force.

The Portuguese police are carrying out investigations, at the request of our Interpol Service, with respect to the location of the automobiles, the results of which, if positive, will be provided in due time to this Court.

/illegible/
/signature/

Signed: Adriano Jimenez Hayas

JUDGE MAGISTRATE OF DISTRICT COURT NUMBER FIVE – MARBELLA

/SEAL/
Police headquarters
Criminal Affairs Unit
MARBELLA

DECLARATORY STATEMENT OF DIDIER MARTINS TEIXEIRA

In the offices of the Motril (Granada) Police Headquarters Criminal Affairs Unit, at twelve-fifty-five on January twenty-six, nineteen hundred ninety-four, before the officials assigned to the aforementioned unit, holders of professional identity cards numbers 17.467 and 26.655, acting as Investigator and secretary, respectively, in order to take the reference statement, whose additional personal data is: holder of National Identity Document, as stated, Community Resident Card Number: X-0097289-E, born in Champigny (France), on April thirtieth, nineteen hundred sixty-four, son of Alvaro and María Elena, domiciled in Motril, calle Chile, number forty-four, second A, phone 60 13 06 and who with respect to the matter which gives rise to this statement and the questions put to him, STATES:

That on July six of last year, his father requested him to go to Marbella with the vehicle carrier for the purpose of transporting four Ferrari vehicles from that location to Portugal, at the request of MOTORAUTO, S.L., which he did.

ASKED to state who delivered the vehicles to him in Marbella, he ANSWERED: that on the sixth, when he arrived at that city, he went to the MOTORAUTO office, where there was a person who he had never seen before, around forty years of age, around one sixty five in height, who told him to follow him to premises in an area of Marbella, and he remembers that next to these premises there was another with the Matutano brand logo. That there, a young man opened the premises and helped him to take the vehicles out, four Ferrari, into the street, which he loaded onto his vehicle carrier. That because of the time elapsed, he does not remember the physical characteristics of that young man. That the person who first attended to him gave him photocopies of the vehicle documentation, at the same time telling him that the originals were deposited in a bank, without mentioning which one.

At the border, he was not asked for any documentation whatsoever, in addition, he was not even asked to stop, and crossed the border at Badajoz.

ASKED where in Lisbon he delivered the vehicles, he ANSWERED: that he delivered them to a garage located underneath the Hotel Ritz. He had previously made a call to a telephone number given to him in Marbella, which is 07-351-1-157.39.97, which was answered by a girl who gave directions he should take to get to the Hotel Ritz, and once he arrived at the garage, he told the receptionist that he was bringing some vehicles for Mr. Pedro POIARES, and the receptionist telephoned Pedro POIARES, who appeared around three hours later. The receptionist was a person over sixty years of age, approximately, with white hair, tall, with glasses.

Three hours later, a person arrived who they greeted as Pedro POIARES, and from the way they greeted him he must have been well known to that garage, and he arrived with a white, convertible Rolls Royce, with a Swiss tourist plate, he was of somewhat coarse complexion, around one sixty-five tall long hair with pronounced receding hairline, to whom he delivered the vehicles along with the photocopies of their respective documentation. This gentleman did not

give him any documents to sign for the delivery and told him that in Marbella he would be paid for the transportation, but he returned to Motril and his father took care of the collection.

ASKED to state whether in the area under the hotel where he delivered the Ferraris, there was any other garage, he ANSWERED: There was no other garage, and as he stated previously, it is under the Hotel.

ASKED whether, when he delivered the vehicles to Pedro POIARES, anybody else was present, he ANSWERED: No, according to him some garage employees were unloading them from the truck, they brought him a cart with battery and cables, and as the vehicles were started up, Pedro PIOARES got into each, took a trip round the block and then put the Ferraris, one by one, in the garage. He remembers that the young man who provided the battery to Pedro PIOARES was black, or maybe mulatto.

There being nothing further to add, he signs this statement as approval, together with the Investigator, which I as secretary hereby CERTIFY.

/three illegible signatures/

/illegible seal/



Ministerio del Interior

Madrid, 1 de Julio de 1994.-

DIRECCION GENERAL DE LA POLICIA

Asunto: Remitiendo acta de declaración de Didier MARTINS FERREIRA.-

N/Ref: P. de Instr. 1.- Reg. S.ª. nº.- 518

S/Ref: Dilig. Previas 677/93.-

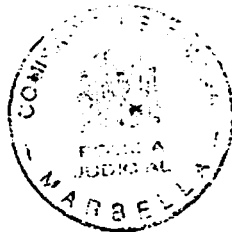
Con fechas 17 y 21 de julio de 1.993 fueron instruidas por esta Comisaría de Barbella Diligencias policiales números 3585 y 3717 respectivamente, que fueron remitidas al Juzgado de Instrucción número siete de los de Barbella.- Dichas actuaciones se iniciaron por denuncia del letrado Jaime TARRABADILLAS PARE, en representación de Hans Bernard FRILLI MULLEREN, DANCO SORCEA de la desaparición de cuatro vehículos automóviles marca Ferrari, que se encontraban depositados por orden del Juzgado de Instrucción número dos de esta misma ciudad en la empresa MOTORAUTO BARDE S.L.-

El día 4 de octubre de 1.993, con oficio Reg. S.ª. nº. 4245, se remitió al referido Juzgado nº. 7 original de acta declaratoria del transportista de Motril Alvaro FERREIRA TELAFIRA, ampliando las anteriormente mencionadas actuaciones policiales.-

Consultado el día de hoy telefónicamente el Juzgado de Instrucción 7, comunican que por todo ello, es ese Juzgado de Instrucción cinco de Barbella quien sigue Diligencias Previas número 677/93.-

Ampliando todo ello, adjunto se remite acta declaratoria de Didier MARTINS FERREIRA, nacido en Champigny (Francia) el 30/4/64, hijo de Alvaro y M.ª. Elena, con domicilio en Motril (Granada) Calle Nile nº. 4, 2ª. A, en la que manifiesta haber efectuado el traslado de los cuatro mencionado automóviles desde la empresa Motorauto de Barbella, hasta Lisboa.- Dicha declaración la otorgó a esta por funcionarios de la Comandancia de Motril, por así haber sido interesado desde la casa de Barbella.-

Se efectúan gestiones por parte de la Policía portuguesa, interesadas por nuestro Servicio de Interpol, en torno a la localización de los coches, y de cuyo resultado, desde la fecha por el día, se dará oportuna cuenta a esta Comisaría.-



Di

Com. - Motril, Alvarez Mayas.

C. DE INSTRUCCION N.º 7 DE BARCELONA.-

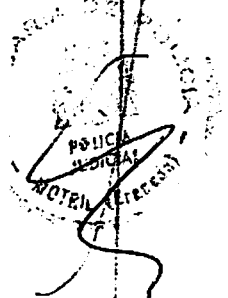
COMUNICACION DE LA DELEGACION DE POLICIA JUDICIAL DE MADRID.-----
 MARTIN PEIKSERA..... } Se extiende en las dependencias de la Brigada de Policia Judicial de la Comisaria de Motril (Granada),

siendo las doce cincuenta y cinco horas del día veintiseis de Enero de mil novecientos noventa y cuatro, por los funcionarios adscritos a la referida Brigada, titulares de los carnés profesionales números 17.167 y 26.455, que actúan como Instructor y secretario, respectivamente, a fin de recibir declaración al epigrafiado, cuyos restantes datos de filiación, son: titular del D.N.I., digo, de la Tarjeta de Residente Comunitario número: X-0097289-E, nacido en Champigny (Francia), el día treinta de Abril de mil novecientos sesenta y cuatro, hijo de Alvaro y María Elena, con domicilio en Motril, calle Chile, número cuarenta y cuatro, segundo A, teléfono 60 13 08, y quién en relación al hecho que da motivo a la presente y a las preguntas que le son formuladas, M A N I F I E S T A:-----

----- que el día seis de Julio del pasado año, le encomendó su padre que se dirigiera a Huelva con el transporte-grúa, al objeto de llevar cuatro vehículos Ferrari desde esa localidad hasta Portugal, a cargo de ROTORUTO S.A., cosa que así hizo.-----
 ----- FRUTILLADO para que diga qué persona o personas le entregaron los coches en Huelva, JUNTAMENTE: que el día seis, cuando llegó a esa capital, se dirigió a la sede de ROTORUTO, en la que había una persona, que anteriormente nunca había visto, de unos cuarenta años de edad y cinco de estatura, quién le dijo que le siguiera a unos locales en un polígono de Huelva, y del que recuerda que próximo a esta nave, se encontraba otra con el anagrama de marca Matutano. que allí, un muchacho abrió la nave y le ayudó a sacar los vehículos, cuatro Ferrari, a la calle, los cuales cargó en su camión porta-vehículos. que dado el tiempo transcurrido, no recuerda las características físicas de este muchacho. que la persona que en un principio le atendió, le entregó fotocopias de la documentación de los vehículos, al tiempo que le decía que los originales estaban depositados en un barco, sin que mencionara cual.-----
 ----- que en la frontera, no le pidieron documentación alguna, es más, no llegaron a pedirle que parara, efectuando este paso, por la frontera de Badajoz.-----

----- FRUTILLADO en qué punto de Lisboa entregó los vehículos, JUNTAMENTE: que lo hizo en un garage que hay situado en los bajos del Hotel Ritz. que previamente se puso en contacto con un número de teléfono que le facilitaron en Huelva, siendo éste el 07-351-1-457.39.97 contestando una chica, la cual le indicó la dirección que debía tomar para llegar al Hotel Ritz y una vez llegó al garage, le dijo al recepcionista que traía unos vehículos para el Señor Pedro POJANS, y éste, llamó telefónicamente a Pedro POJANS, el cual se presentó unas tres horas. que el recepcionista era una persona mayor de unos sesenta años, aproximadamente, de pelo blanco, alto, con gafas.-----

----- que tres horas más tarde, llegó una persona a la que saludaron como Pedro POJANS y que por la forma de hacerlo tenía bastante conocido en ese garage, y el que llegó con un vehículo de la marca Roll Royce, blanco desmontable, con placa turística suiza, siendo éste de compleción algo gruesa, de unos sesenta y cinco de estatura, de pelo en trenza y entera de pronunciadas, de unos treinta y cinco años, aproximadamente, a quién le hizo entrega de los -----



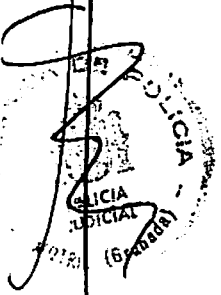
.....///.....

.... vehículos con sus respectivas fotocopias de documentación. Que éste señor, no le dió a firmar ningún documento de la entrega, y le dijo que en Marbella le pagarían el porte, pero que él se volvió a Motril, y su padre se encargó del cobro.-----

--- PREGUNTADO para que diga si en los bajos del hotel donde hizo entrega de los Ferraris, había algún otro garage, CONTESTA: que no había ningún otro garage, y como ha dicho anteriormente, está en el bajo del Hotel.-----

--- PREGUNTADO si cuando le entregó los vehículos a Pedro POIARES había alguna otra persona, CONTESTA: que no, que según él los iba bajando del camión, unos empleados del garage, le llevaron una carretilla con batería y cables, y según iba poniendo en marcha los vehículos el repetido Pedro POIARES, se subía, daba una vuelta a la manzana e introducía los ferraris, uno a uno, al garage. Que recuerde que el muchacho que facilitó la batería a Pedro POIARES, era de color, o tal vez mulato.-----

--- No teniendo mas que añadir, firma de conformidad, esta su declaración, en unión del señor Instructor, de lo que como secretario CERTIFICO.-----



Handwritten signatures of the official and the instructor.

LEGAL POLICE
LISBON DEPARTMENT

Dear Inspector,

REPORT

This record originated at the request of the Spanish Police to locate and apprehend 4 vehicles of the brand name "Ferrari", according to page number 16. These vehicles were stolen in Spain and transported to our country, where they were delivered to PEDRO MANUAL POIARES SERRA, according to page 14.

The investigation revealed that Mr. Pedro Serra is a luxury used car dealer, who acquires his vehicles preferably at foreign locations. These vehicles are then placed in hotel parking garages in Lisbon, where they are viewed by potential buyers. During our investigation in those places, according to page 28, no vehicle of such brand was identified.

Due to insufficient data provided by the Spanish authorities, we requested more detailed information, according to pages 29 and 30.

The information received, according to pages 41 and 42, enabled us to conclude that:

- The vehicles were apprehended in Marbella, Spain, by ruling of Instruction Court 2 of Marbella, and delivered to Kelvin Jhen Fisher as a fiduciary depositor.
- The vehicles were transported to Lisbon on 6/July/1993 and delivered to Pedro Serra at the Ritz Hotel in this city. They were parked in the garage of the hotel by Pedro Serra.

But before the information above had arrived, we were contacted by Dr. João Beto, representative of the Swiss Embassy in our country, to whom information about the same subject had been requested. He informed the following:

- The "Ferrari" vehicles were parked in a garage in Marbella, Spain by their owner, a Swiss national, name unknown, until their final sale to an Italian national, whose identity is also unknown.
- The seller asked for a bank bond in the sale amount. The bond was provided and when he presented it to the bank, name unknown, the bond was found to be false.
- The owner of the vehicles went immediately to the place where the cars were parked and discovered that they had disappeared.
- He also indicated the method by which the vehicles were transported to Lisbon, providing a copy of affidavits from Alvaro Teixeira, owner of the carrier company, to the Commissary of Motril, Spain, according to pages 34 to 36.

The information provided by Pedro Manuel Poiars Serra, according to pages 49 and 50, revealed that he in fact acquired the old "Ferrari" vehicles from the company "Motorauto Marbella", located at Av. Ricardo Soriano, number 59 in Marbella, Spain, for a sum between 70 and 80.000.000\$00 (eighty million Escudos).

That the negotiations for the purchase of the vehicles began as early as 1991, but the transaction was finalized in July of 1993 because only then the Spanish Court, which had ordered their apprehension, authorized the sale.

That the vehicles were delivered to him at the Ritz Hotel in Lisbon, during the month of July of 1993, with transportation provided by the company "Pierre Motors", based in Motril, Granada, Spain.

That the vehicles were repaired and sold to the United States through the Antwerp, Belgium branch of the British company "E. H. Harms". Their whereabouts are unknown from that point on.

All vehicles were accompanied by the corresponding documentation and photocopy from the Spanish Court (which he did not provide) authorizing the sale.

He presented sale contract photocopies from the company "Motorauto Marbella" to "Sociedade Shoreham Investments Ltd." and from that company to Pedro Manuel Poiares Serra, according to pages 52 to 56, with translations on pages 87 to 93. Also included were photocopies of vehicle document, pages 57 to 83, with translations on pages 94 to 105.

All documents contain the stamp of the Italian Vice-Consulate in Malaga.

These sale contracts mention that the company "Motorauto Marbella SL" transfers the property of 4 (four) vehicles of the brand name "Ferrari" to "Sociedade Shoreham Investments Ltd." as payment of a debt in the amount of 400.000 USD and the contract makes no mention to the fact that they are currently legally apprehended.

In turn, "Sociedade Shoreham Investments" authorized Pedro Serra to sell the vehicles within 90 days, with the obligation to pay to that company the amount of 900.000 USD, retaining a commission of 20% for the sale.

Regarding the same facts, this Police Department received Rogatory Letter Number 164625 from Instruction Court 5 of Marbella, Malaga, Spain, which was assigned number DP 24160100 by this Police Department.

Since the requested investigation was already conducted within this inquiry, I suggest that you extract certificates to be included therein, in order to avoid duplication of proceedings.

Therefore, I submit to you this record so that you may order what you deem appropriate.

CONCLUSION

Lisbon, 14/July/1994.

The Agent

LEGAL POLICE
LISBON DEPARTMENT

[legible only in fragments]

Filipe Cardim

I submit the records... with suggestion that it be filed because if there was any crime, in our opinion, it did not happen in Portugal, nor by a Portuguese citizen.

Before that, however, as I discussed personally with you... extract certificate of pages 34 and the backside, 49 to 50 backside, 52 to 63 and this report to be joined to the Rogatory Letter 2/94...

[signature]

POLÍCIA JUDICIÁRIA

DIRECTORIA DE LISBOA

Exmo Sr. Inspector

RELATÓRIO

Os presentes autos tiveram origem no pedido de localização e apreensão de 4 veículos da marca "Ferrari", efectuado pela Polícia Espanhola cfr. fls. 16. Estes veículos foram furtados em Espanha e trazidos para o nosso País, onde foram entregues a PEDRO MANUEL POIARES SERRA, cfr. fls. 14.

Pordiligências efectuadas apurou-se que o referido Pedro Serra é negociante de automóveis de luxo, usados, que adquire preferencialmente no estrangeiro. Esses veículos são por si colocados em garagens de hotéis de Lisboa, onde são vistos pelos potenciais compradores. Nas diligências efectuadas nesses locais, cfr. fls. 28, não foi referenciado qualquer veículo da marca mencionada.

Face à escassez de dados enviados pelas autoridades espanholas, foram solicitadas informações mais completas, cfr. fls. 29 e 30.

Destas informações, a fls. 41 e 42, permitiram concluir que:

- Os veículos estavam apreendidos em Marbella - Espanha, à ordem do Juzgado de Instrucción 2 de Marbella e entregues a Kelvin John Fisher, na qualidade de fiel depositário.

- Os veículos foram transportados para Lisboa em 6/07/93 e

entregues a Pedro Serra, junto ao Hotel Ritz, nesta cidade. Tendo sido guardados na garagem desta unidade hoteleira pelo Pedro Serra.

Mas em data anterior à chegada da informação supra, fomos contactados pelo Dr. João Boto, representante da Embaixada Suíça no nosso País, a quem foram solicitadas diligências sobre o mesmo assunto, o qual informou o seguinte:

- Que os veículos "Ferrari" foram guardados numa garagem em Marbella - Espanha, pelo seu proprietário de nacionalidade suíça mas cujo nome desconhece, até conclusão da sua venda a um indivíduo italiano, cuja identidade igualmente desconhece.

- Que o vendedor pediu uma garantia bancária sobre o montante da venda. Esta garantia foi-lhe entregue e quando presente à instituição bancária, cuja denominação desconhece, verificou-se ser falsa.

- O proprietário dos veículos deslocou-se de imediato ao local onde estes se encontravam, tendo constatado o seu desaparecimento.

- Indicou ainda a forma como os veículos foram transportados para Lisboa, tendo fornecido fotocópia das declarações de Álvaro Teixeira, proprietário da firma que efectuou o transporte, na Comissariado de Motril - Espanha, cfr. fls. 34 e 35.

Cívico Pedro Manuel Peixares Serra, a fls. 49 e 50 apurou-se que, efectivamente adquiriu os veículos "Ferrari" antigos, à firma



S. R.
POLÍCIA JUDICIÁRIA

DIRECTORIA DE LISBOA

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"Motorauto Marbella", sita na Av. Ricardo Soriano, n.º 59 em Marbella, Espanha, por uma soma que oscila entre os 70 e os 80.000.000\$00 (oitenta milhões de escudos).

Que já decorriam negociações com vista à compra dos veículos, desde 1991, mas concretizaram o negócio em Julho de 1993, em virtude de só nessa data o Tribunal Espanhol, à ordem do qual os veículos estavam apreendidos, ter dado autorização para a sua comercialização.

Que os veículos lhe foram entregues junto ao Hotel Ritz em Lisboa, durante o mês de Julho de 1993, tendo o transporte sido efectuado pela firma "Pierre Motors", com sede em Motril - Granada - Espanha.

Que procedeu à reparação dos veículos, tendo-os vendido para os E.U.A., através da filial em Antuérpia - Belgica, da firma Inglesa "E. H. Harms", desconhecendo o seu paradeiro desde então.

Todos os veículos vinham acompanhados pela respectiva documentação e fotocópia do Tribunal Espanhol (que não apresentou), e autorizar a venda.

Fez a apresentação de fotocópias dos contratos de venda dos veículos da firma "Motorauto Marbella" à "Sociedade Sheehan Investments Ltd." e desta firma a Pedro Manuel Pinheiro Serra, de fls. 52 a 56 e tradução de fls. 87 a 93. Assim como fotocópias dos documentos dos veículos, de fls. 97 a 99 e tradução de fls. 04 a 05.

Todos os documentos apresentaram a assinatura do Vice-Consulado de Itália em Lisboa.

Nestes contratos de venda é referido que a firma "Motorauto

ALVARÁ DE AUTORIZAÇÃO

ALVARÁ DE AUTORIZAÇÃO

Marbella-SL", transfere a propriedade dos (quatro) veículos da marca "Ferrari" para nome da "Sociedade Shoreham Investments Ltd" para pagamento de uma dívida no valor de 400.000 USD, não existindo nos termos do contrato qualquer referencia ao facto de estes se encontrarem apreendidos judicialmente.

Por sua vez a "Sociedade Shoreham Investments", autorizou Pedro Serra a efectuar a venda dos veículos, num prazo de 90 dias, com a obrigação de pagar aquela Sociedade a importancia de 900.000 USD, da qual retiraria 20%, referentes à sua comissão pela venda.

Sobre os mesmos factos, foi enviada posteriormente a esta Policia a Carta Rogatória nº 164625, peço Juizo de Instrução 5 de Marbella - Malaga - Espanha, à qual foi atribuído o DF nº 24160100 desta Policia.

Em virtude da investigação aí solicitada já ter sido desenvolvida neste Inquérito, sugiro a V. Exª. a extracção de certidões para serem juntas à mesma, a fim de evitar duplicação de diligências.

Face ao exposto, submeto os autos à apreciação de V. Exª. para que se digne ordenar o que tiver por mais conveniente, pelo que abro:

CONCLUSÃO

Lisboa, 14 de Julho de 1994

O Agente



S. R.
POLÍCIA JUDICIÁRIA
 DIRECTORIA DE LISBOA

62
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Filipe Cardim

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Remetam-se q' antes do Brasil em suggestão de
 argumentação frequentes a existia. qualqum ilicito, em
 nome obscuro, mas não foi confirmado em Portugal
 a ou por estados nacional.

Antes, porém, em nome pessoalmente acordado
 com o Sr. Promotor de 10º local do Brasil, extirpa
 central de f.b. 34 e v., 49 e 50 v., 52 a 63 e do
 presente relativo para principal à Carta Notícia 2/94-
 não pendente neste mesmo local e Brizite.

Boa

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RULING.- In the city of Marbella, on November second of one thousand nine hundred and ninety-five.

FACTS

ONE.- These Pre-trial Proceedings were filed pursuant to a claim lodged by Jaime Torreadadella Pare, on behalf and in representation of Hans Bernard Friedli Von Muhlenen, the preparatory enquiries considered necessary and sufficient to elucidate the facts having been conducted.

LEGAL BASES

SOLE.- In view of the date of the Ruling issued by First-Instance Court Number 2 of this city during its Pre-trial Proceedings 1451/91 and of the date of the Ruling issued by this Court decreeing the new warehousing of the vehicles during the Preliminary Proceedings 253/93 (the 3-month period fixed in that Ruling for the warehousing of the vehicles in question having elapsed), with there being no record that the defendant was aware of the civil action brought by the plaintiff during the course of those three months, one must agree with the Public Prosecutor's Office in its report dated last October 5th, in concluding that the records on file fail to show that any criminal offense has been committed (Article 641.1 of the Criminal Procedures Act (L.E.Cr.)).

In view of the aforementioned, Mr. Antonio Ruiz Villén, Judge of First-Instance Court Number 5 of this city,

DECIDES: to decree the temporary stay of these Pre-trial Proceedings.

Once this decision is final, the proceedings should be filed and recorded in the appropriate registers.

Let the parties who have appeared before the court be notified.

An appeal for reconsideration with a supplementary appeal, or simply the latter, may be filed against this Ruling, which is not final, within the 3 days following its notification before this Court.

So decreed and signed.

E/

[signature reading: Antonio Ruiz Villén]

Diligencias Previas 677/93 C

A U T O.- En la ciudad de Marbella, a dos de Noviembre de mil novecientos noventa y cinco.

H E C H O S

PRIMERO.- Las presentes Diligencias Previas se incoaron a virtud de denuncia formulada por Jaime Torrebadella Pare, en nombre y representación de Hans Bernard Friedli Von Muhlenen, habiéndose practicado las diligencias instructoras que se han considerado adecuadas y necesarias para el esclarecimiento de los hechos.

RAZONAMIENTO JURIDICO

UNICO.- A la vista de la fecha del Auto dictado por el Juzgado de Instrucción número 2 de esta ciudad en sede de sus Diligencias Previas 1451/91 y de la fecha del Auto dictado por este Juzgado acordando el nuevo depósito de los vehículo en sede Diligencias Preliminares 253/93 (habiendo transcurrido con exceso el plazo de 3 meses que se fijó en aquel Auto como de depósito de los vehículos en cuestión) sin que conste que el denunciado tuviera conocimiento de la acción civil ejercitada por el denunciante en el transcurso de aquellos tres meses, se ha de concluir como lo hace el Ministerio Fiscal en su informe de 5 de Octubre pasado en el sentido de no constar debidamente acreditada la realización de ilícito penal alguno (art. 641.1º de la L.E.Cr.).

En atención a lo expuesto don Antonio Ruiz Villén, Magistrado-Juez del Juzgado de Primera Instancia e Instrucción número cinco de los de esta ciudad,

DECIDE: Decretar el sobreseimiento provisional de las presentes Diligencias Previas.

Firme que sea esta resolución archívense las actuaciones tomando nota en los libros correspondientes.

Notifíquese a las partes personadas.

Contra este Auto, que no es firme, puede interponerse recurso de reforma y subsidiario de apelación, o bien directamente este último en el plazo de 3 días a partir de su notificación ante este Juzgado.

Así lo acuerdo y firmo.

E/

Antonio Ruiz Villén

1. February 17, 1995 Spanish Court No. 5 Order.
2. Friedli Response to February 17, 1995 Spanish Court No. 5 Order.
3. November 14, 1991 Letter from Peter Vigl to Bernard Freidli re 0799GT Insurance.
4. Export/Import Form, dated July 31, 1991.
5. "Proforma-Invoice" dated July 31, 1991.

DECISION BY JUDGE ANTONIO RUIZ VILLEN

In the city of Marbella, February 17, 1995

Whereas; attach the prior pleading to the pertinent case file.

Before ruling on the request made bring to the Court evidence from the Preliminary Proceedings heard by this Court under number 253/93 as well as the Major Claim pleadings that are being heard by this Court under number 334 bis/93. Also, issue letters rogatory to Court No. 2 of First Instance of this city requesting that its Secretary issue and send the full evidence of Previous Proceedings 1451/91-C (P.A. 154/92-C).

Request Mr. Friedli Von Muhlnen (*sic*), through his attorney Mr. Leal Aragoncillo, to submit within 15 days the titles of ownership of the vehicles in question.

As ordered by His Honor, certified

THE CLERK

[illegible signatures]

PROCEEDING.- Immediately fulfilled as ordered. Certified.



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PROVIDENCIA DEL MAGISTRADO-JUEZ DON ANTONIO RUIZ VILLEN

En la ciudad de Marbella, a diecisiete de Febrero de mil nove
cientos noventa y cinco.

Dada cuenta; el anterior escrito únase a las Diligencias
de su razón.

Antes de resolver sobre la solicitud formulada tráigase
testimonio de las Diligencias Preliminares que bajo el número
253/93 se han seguido en este Juzgado y de los escritos de
alegaciones del Mayor Cuantía que bajo el número 334 bis/93
se sigue en este Juzgado; Asimismo, líbrese exhorto al Juzgado de
Instrucción número 2 de esta ciudad para que por su Secretario
se expida y remita testimonio íntegro de las Diligencias
Previas 1451/91-C (P.A. 154/92-C).

Requírase al Sr. Friedli Von Muhlner, a través de su
procurador Sr. Leal Aragoncillo, para que aporte los títulos
de propiedad de los vehículos en cuestión, en el plazo de
15 días. X

Así se dispone por S.Sª. de lo que doy fé.

M/

LA SECRETARIA

DILIGENCIA.- Seguidamente se cumple lo ordenado. Doy fé.

Court No. 5 of First Instance

Preliminary Proceedings 677/93-C

Seals: [Illegible]

TO COURT NO. 5 OF FIRST INSTANCE

I, GUILLERMO LEAL ARAGONCILLO, Court Attorney and counsel to MR. HANS BERNARD FRIEDLI VON MUHLENEN, whom I represent as plaintiff in the abovementioned matter, appear before this Court and pursuant to the law, STATE:

That on March 1st of this year I was notified about the Ruling of this Court issued on February 17, which requests that my principal submit the titles of ownership of the vehicles subject of these proceedings, and to that effect

I STATE

Since these are vehicles are not registered, there is no need for titles of ownership, considering as sufficient proof of Mr. Friedli's ownership the statement of Head of the Treasury Department of the Berne Canton, which contains the appraisal of the cars appearing in the biannual statement of personal property for 1991-92, which was submitted together with the corresponding Spanish translation and the The Hague Apostille with the briefs for the ordinary declaratory judgment proceedings of Lawsuit no. 334/93 being heard in Court No. 5 of First Instance (document No. 7 attached to the evidentiary brief filed by the undersigned), a photocopy of which we attach hereto as an exhibit.

3601 Thun, Marktgasse 17
Phone 033 25 66 66, Fax 033 26 66 80

Mr. and Ms.
B. and M. Friedli-von Mühlennen
Ackerfluhweg 7
3627 Heimberg

Thun, 5/5/1992 hz/bg

Tax assessment 1991 / 92 / 363.37.333.111

Dear Mr. and Ms. Friedli,

We confirm that you declared the following assets in your tax return 1991/92 - due date 1/1/1991:

- Ferrari Spider Series 1 Year 1957, gray met., No. 0/99 GT	app. CHF 1,155,000.00
- Ferrari Spider Series 2 Year 1960, red, No. 1893	app. CHF 505,000.00
- Ferrari 365 GT 2+2 Year 1970, blue, No. 13811	app. CHF 205,000.00
- Ferrari 250 GT E 2+2 Year 1961, black, No. 2925	app. CHF 135,000.00
	<hr/>
	app. CHF 2,000,000.00
	=====

We hope these statements have been of assistance to you and remain cordially

VERANLAGUNGSBEHÖRDE OBERLAND
[Public assessment office Oberland]

The manager
[signature illegible]
H. Zürcher

Mr & Mrs.
B. & M. Friedli von Mühlenen
Ackerfluhweg 7,
3627 Heimberg

Thun, 5.5.1992 hz/bg

1991/92 Tax estimate / 363.37.333.11

Dear Mr. & Mrs. Friedli,

We confirm that we have declared the following taxes on personal property in your 1991/92 Income Tax return – due on 1.1.1991.

Ferrari Spider Series 1 Year 1957, Metallic gray No. 0/99 GT	approx. S. Fr. 1,155,000.-
Ferrari Spider Series 2 Year 1960, Red, No. 1893	approx. S. Fr. 505,000.-
Ferrari 365 GT 2+2 Year 1970, Red, Blue, No. 13811	approx. S. Fr. 205,000.-
Ferrari 250 GT E 2+2	approx. S. Fr. 135,000.-

	approx. S. Fr. 2,000,000.-

Hoping that this information will be useful, we remain,

APPRAISAL BUREAU OBERLAND
The President
(Illegible signature)

H. Zürcher

We certify that this a true and accurate translation to the best knowledge and belief.

3012 Berne, May 6, 1992

Seal: INTER-TRANSLATIONS SA – SWITZERLAND
[signed] Danielle Cesarov-Zaugg

Juzgado n° 5 Instrucción
Diligencias Previas 677/93-C

677/93

GUILLERMO LEAL ARAGONCILLO Escribano de Primera Instancia Cantón de Berna Tel: 277 8009 y 177 8122 - Fax: 276 1919	REGISTRO 14 MAR. 1995 N.º 2898
---	--------------------------------------

AL JUZGADO DE INSTRUCCION N° 5

DON GUILLERMO LEAL ARAGONCILLO, Procurador de los Tribunales y de **DON HANS BERNHARD FRIEDLI VON MUHLENEN**, cuya representación tengo acreditada como parte acusadora en las Diligencias arriba referenciadas, ante el Juzgado comparezco y como mejor proceda en Derecho, **DIGO**:

Que con fecha 1 de marzo del año en curso me ha sido notificada Providencia de este Juzgado de fecha 17 de febrero, por la que se requiere a mi representado para que aporte los títulos de propiedad de los vehículos objeto de estas diligencias, y a tal efecto

MANIFIESTO

Que tratándose de vehículos no matriculados, no es necesaria la existencia de títulos de propiedad, considerando como prueba más que suficiente de su pertenencia al Sr. Friedli la declaración del Jefe del Departamento de Hacienda del Cantón de Berna, en la que se contiene la valoración de los coches que aparece en la declaración bianual de bienes muebles periodo 91-92, que con su correspondiente traducción al castellano y Apostilla de la Haya se aportó en los autos de juicio declarativo ordinario de Mayor Cuantía n° 334/93-bis que se sigue en el Juzgado de Primera Instancia n° 5 (documento n° 7 de los que se unieron en el escrito de proposición de prueba de esta representación) y cuya fotocopia adjuntamos a este escrito como **documento anexo**.

Sr. y Sra.
B. y M. Friedli von Mühlenen
Ackerfluhweg, 7
3627 Heimberg

Thun, 5.5.1992 hz/bg

Estimación de los impuestos 1991/92 / 363.37.333.111

Estimados Sra. y Sr. Friedli:

Les confirmamos que hemos declarado los siguientes impuestos sobre bienes muebles e inmuebles en su declaración de la renta 1191/92 - vencimiento 1.1.1991:

- | | |
|---|-------------------------|
| - Ferrari Spider Serie 1
del año 1957, gris metálico,
Nr. 0/99 GT | aprox. sFr. 1.155.000.- |
| - Ferrari Spider Serie 2
del año 1960, rojo, Nr. 1893 | aprox. sFr. 505.000.- |
| - Ferrari 365 GT 2+2
del año 1970, azul, Nr. 13811 | aprox. sFr. 205.000.- |
| - Ferrari 250 GT E 2+2 | aprox. sFr. 135.000.- |
| | ----- |
| | aprox. sFr. 2.000.000.- |

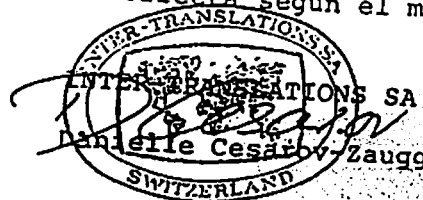
Esperando que esta información les sea de utilidad, les saluda atentamente,

OFICINA DE TASACIONES OBERLAND
El Presidente
(firma ilegible)

H. Zürcher

Constatamos así que esta es una traducción correcta según el mejor conocimiento y conciencia.

3012 Bern, 6. Mayo 1992





3601 Thun, Marktgasse 17
Telefon 033 25 66 66, Telefax 033 25 66 80

Herrn und Frau
B. und M. Friedli-von Mühlenen
Ackerfluhweg 7
3627 Heimberg

Thun, 5.5.1992 hz/bg

Steuerveranlagung 1991/92 / 363.37.333.111

Sehr geehrte Herr und Frau Friedli

Wir bestätigen Ihnen, dass Sie folgende Vermögenswerte in Ihrer Steuererklärung 1991/92 - Stichtag 1.1.1991 - deklariert haben:

- | | |
|---|----------------------|
| - Ferrari Spider Serie 1
Jg 1957, grau met., Nr. 0/99 GT | ca. sFr. 1'155'000.- |
| - Ferrari Spider Serie 2
Jg 1960, rot, Nr. 1893 | ca. sFr. 505'000.- |
| - Ferrari 365 GT 2+2
Jg 1970, blau, Nr. 13811 | ca. sFr. 205'000.- |
| - Ferrari 250 GT E 2+2
JG 1961, schwarz, Nr. 2925 | ca. sFr. 135'000.- |

ca. sFr. 2'000'000.-
=====

Wir hoffen, Ihnen mit diesen Angaben zu dienen und grüssen Sie freundlich

VERANLAGUNGSBEHÖRDE OBERLAND

Der Vorsteher:

H. Zürcher

Registered Mail

H. -Bernhard Friedli
Postfach
3601 Thun

November 14, 1991

Dear Mr. Friedli,

We received your fax-letter dated November 13, 1991.

This letter confirms that you have insured the following 4 vehicles with us for US\$ 1,900,000.00.

Transport from Fräschels to Marbella, Spain.

Ferrari 250 convertible 2+2 Series II Color red/black	1960, Chassis 1893 GT,
Ferrari 250 Spider Series I Color red	1958, Chassis 0799 GT,
Ferrari 250 GTE 2+2 Color black	1960, Chassis 2925 GTE
Ferrari 365 GTE 2+2 Color blue	1968, Chassis 365 GT 13811

The insurance value of the vehicles listed above is based on your information.

The insurance premium of CHF 13,167.00 must now be transferred to us immediately, otherwise we will invoice you for the loss of interest. The invoice date is August 7, 91. We also still expect your payment for the transport cost of CHF 10.000.00.

Best regards,

SOMATRA AG BERN

Peter Vigl

[signature illegible]

Copy to Schweiz. Bankverein



Internationale Transporte
Ports Internationaux
International Freight Forwarder

SOMATRA AG
Mattenstrasse 12
Postfach 7922
3001 Bern

Telefon 031 25 53 93
Telefax 031 25 78 73

Telefax Büro in:
Zürich-Flughafen, Genf

Einschreiben

H.-Bernhard Friedli
Postfach
3601 Thun

14. November 1991

Ihr geehrter Herr Friedli

Ihr Fax-Schreiben vom 13. November 1991 haben wir erhalten.

Mit diesem Schreiben bestätigen wir Ihnen, die folgenden 4
Fahrzeuge für US 1'900'000.-- versichert zu haben.
Transport von Fräschels nach E-Marbella.

Ferrari 250 Cabrio 2+2 Serie II Farbe Rot/Schwarz	1960, Chassis 1893 GT,
Ferrari 250 Spider Serie I Farbe Rot	1958, Chassis 0799 GT,
Ferrari 250 GTE 2+2 Farbe Schwarz	1960, Chassis 2925 GTE
Ferrari 365 GTE 2+2 Farbe Blau	1968, Chassis 365 GT 13811

Der Versicherungswert der obigen Fahrzeuge basiert auf Ihren
Angaben.

Die Versicherungsprämie von SFr. 13'167.-- ist nun per sofort an
uns zu überweisen, ansonsten werden wir Ihnen den Zinsverlust in
Rechnung stellen. Rechnungsdatum ist der 7. August 91. Ebenfalls
erwarten wir noch Ihre Zahlung für die Transportkosten von
Fr. 10'000.--.

Mit freundlichen Grüßen

SOMATRA AG BERN

Peter Vigl

Kopie an Schweiz. Bankverein

Consignee's Copy

012190

1. [Illegible] IM/4/T1
2. Consignor/Exporter No.
H. BERNHARD FRIEDLI-VON MUHLENEN
THUN 3601
SWITZERLAND
3. Forms
4. Loading Lists
5. Items 1
6. Total Packages 1
7. Reference Number
8. Consignee No. B29487337
MOTORAUTO MARBELLA, SL
AV. RICARDO SORIANO, EDIF. ESTELA, 2
29600 MARBELLA MALAGA
SPAIN
9. Person Responsible for Financial Settlement No.
10. Country Last Consigned
11. Trading/Producing Country
12. Value Details + 15000
13. C.A.P. [Common Agricultural Policy]
14. Declarant/Representative No. 19570-"P"
LOPEZ DE TOLEDO, FRANCISCO JAVIER
PRINCIPE DE VERGARA, 31
MADRID SPAIN, OWN PORTERS
15. Country of Dispatch/Export SWITZERLAND
15. Country of Dispatch/Export Code 036
17. Country of Destination Code 28
16. Country of Origin ITALY
17. Destination Country
18. Identity and Nationality of Transport on Arrival
- 19 Ctr. [Container] 0
20. Delivery Terms FOB SWITZERLAND
21. Identity and Nationality of Active Means of Transport Crossing the Border
22. Currency and Total Amount Invoiced 400 30000
23. Exchange Rate 114.063
24. Nature of Transaction 9
25. Mode of Transport at the Border
26. Inland Mode of Transport
27. Place of Unloading
28. Financial and Banking Data /00.00/1 3436890
29. Customs Office of Entry
30. Location of Goods
31. Packages and Description of Goods
Marks and Numbers - Container No(s). - Number and Kind
A FERRARI 250 GT SPIDER, SERIES I, YEAR 1957, 2953 C.C., CHASSIS NO. 0799GT,
IMPORTED AS A COLLECTIBLE, WITH NO VEHICLE REGISTRATION ISSUED.

32. Item No.
 33. Commodity Code 97060000 000 H
 34. Country of Origin Code 005
 35. Gross Mass (kg) 1740
 36. Preference TT
 37. Procedure 40.00
 38. Net Mass (kg) 1740
 39. Quota
 40. Cargo Document/Previous Document T-1 No. 596 HR 2495
 41. Supplementary Units
 42. Item Price [number illegible but we think it may be 3436890]
 43. VM [Valuation Method] Code
 44. Additional Information [A.I.]/ Documents Produced/Certificates and Authorizations
 IMPORT T-1, G-10, DV-1, INVOICE, AUTO. DOC.
 (V= 3436890) + (D=) + (G=) = B-I 3436890 A.I. Code

45. Adjustment

46. Statistical Value 3436890

47. Calculation of Taxes

Class	Tax Base	Rate	Amount	MP [Method of Payment]
49	3436890	0	000	
50	3436890	0	000	
54	3436890	12.00%	<u>412427</u>	
		Total:	412427	

48. Deferred Payment

49. Identification of Warehouse

B. ACCOUNTING DETAILS GARANT. 1/90/39

50. Principal No. Signature:

Represented by

Place and Date:

C. OFFICE OF DEPARTURE

51. Intended Offices of Transit (and country)

52. Guarantee not valid for Code

53. Office of Destination (and country)

J. CONTROL BY OFFICE OF DESTINATION

PERMISSION TO PICK UP A FERRARI SPIDER, SERIES I

CLEARANCE APPROVED

T/ 7142

Publisher: Mutualidad del Personal de Aduanas, Islas Filipinas, 50 - 28003 MADRID

54. Place and Date 28001 MADRID July 31, 1991

Signature and Name of Declarant/Representative

F.J. LOPEZ DE TOLEDO

JOSE FRANCISCO VILA

I.D. No. 1,382,839 [signature]

I3157656 SC

Ejemplar para el destinatario

H. BERNARD FRIEDLI-VON MULLENEN THUN, 3601		IM 4 T1 3 Formas de pago 4 List. de carga	5 Partidas 1		6 Total bultos 1	7 Número de referencia
SUIZA 8 Destinatario N° 829487337 MOTORAUTO MARBELLA SL AV RICARDO SORIANO EDIF. ESTELA, 2 29600 MARBELLA MALAGA		9 Responsable financiero N°		10 País ult. prod. ESPAÑA	11 País trans. prod. + 15000	12 Elementos del valor 13 P.A.C.
14 Declarante / Representante N° 19570-mp LOPEZ DE TOLEDO, FCO. JAVIER PRÍNCIPE DE VERGARA, 31 MADRID ESPAÑA MOZOS PROPIOS		15 País de expedición / exportación SUIZA		16 País de origen ITALIA	17 País de destino 18 Cód. país de destino ar 036 b1 a1 b1 28	19 Cx. 0
20 Condiciones de entrega FOB SUIZA		21 Identidad y nacionalidad medio transporte activo en frontera		22 Divisa y importe total factura 400 30000	23 Tipo cambio 114,063	24 Naturaleza transacc. 9
25 Modo transporte en frontera		26 Modo transporte interior		27 Lugar de descarga		28 Datos financieros y bancarios / 00,00 / 1 3436890
29 Aduana de entrada		30 Localización de las mercancías		31 Datos y descripción de las mercancías UN FERRARI 250 GT SPIDER SERIE I DEL AÑO 1957, DE 2953 C.C. - CON CHASIS Nº 0799GT QUE SE IMPORTA COMO OBJETO DE COLECCION SIN EMISION DEL CERTIFICADO UNICO DE MATRICULA.		

32 Partida N° 97060000		33 Código de las mercancías 000 H		34 Cód. país de origen ar 005 b1	35 Masa bruta (kg) 1740	36 Preferencia TT
37 REGIMEN 40,00		38 Masa neta (kg) 1740		39 Contingente		
40 Documento de cargo / Documento precedente N° 1-102-556 N° 2957						
41 Unidades aduaneras		42 Fracción del arancel 3436890		43 Cód.		
44 Valor estadístico 3436890		45 Aduana				

Glosa	Bases imponible	Tipo	Importe	MP
49	3436890		0	000
50	3436890		0	000
54	3436890		12,00	412427
Total:			412427	

46 Aduana de pago		47 Identificación depósito	
50 Obligado principal N°		Firma:	
51 Aduana de destino (y país)		C. ADUANA DE PARTIDA	
52 Garantía en libras para		Cód. 53 Aduana de destino (y país)	

CONTROL POR LA ADUANA DE DESTINO
 PERMITASE LEVANTE DE UN FERRARI SPIDER SERIE I

CUMPLIDO RESGUARDO

54 Lugar y fecha: 28001 MADRID 31.07.91

Firma y nombre del declarante / representante:
 F. J. LÓPEZ DE TOLEDO
 JOSE FCO. VILA
 D.N.I. n° 1.382.639

Edificio Municipal de Personal de Aduanas. Isla de Fíbulas. 50 - 28003 MADRID

T 157656 SC

BERNHARD FRIEDL-VON MÜHLENEN

SEKRETARIAT

DL <
30
/

Mr. Kelvin J. Fisher
Motorauto Marbella S.L.
Av. Ricardo Soriano Ed. Estela 2

Marbella (Malaga)
Tel 82 26 69

Thun, 23. Juli 1991

Proforma - Invoice

we sold you :

1 Ferrari 250 GT Spider Serie I 1957

Chassis Nr 0799 GT.
color grau met. GHS Metall: rds
interior rot RJJ
12 Zylinder
2953 ccm

US \$ 180'000.--

payabel cash in my account
Banco de Andalucía, Urbana Nr 5
Puente Romano, Marbella

Thun

1. April 18, 2008 Judge Thoma Letter to Attorney Weber.
2. May 1, 2008 Attorney Weber Letter to Judge Thoma.
3. June 1, 2008 Attorney Weber Letter to Judge Thoma.
4. June 11, 2008 Judge Thoma Letter to Attorney Weber.
5. March 27, 1995 INTERPOL Berne Fax to INTERPOL Washington.
6. January 2, 1997 INTERPOL Washington message to INTERPOL Berne.
7. January 14, 1997, Letter from John Hasler of Interpol to Berne Police.

Office of the Investigating Judge / Berner Jura-Seeland
Court office
Spitalstrasse 14
2501 Biel

The Investigating Judge 1
P. Thoma

The Court Secretary
U. Zbinden

Phone: 032 344 58 31
Fax: 032 344 58 20

Mr.
Advocate
Oliver Weber
Murtenstrasse 7
2500 Biel

Our file number: UB 08 7683ZUR Biel, April 18, 2008

Criminal complaint dated 03/19/2008 against unknown delinquent regarding suspicion of receiving of stolen goods, allegedly performed in the USA, z.N. [translator: unknown abbr.] Gerber Andreas

Dear advocate,

On 03/19/2008, your client filed a criminal complaint at the Canton Police Lengnau regarding the receiving of stolen goods of the vehicle Ferrari, type 250 GT Series 1.

The content of the criminal complaint indicates that the vehicle in question is currently in the USA and that it "*obviously changed the illegal owner*". Additional information indicates that further investigations are performed currently in the USA.

Before I ask the prosecution to dismiss the proceedings (art 235 StrV), I would like to request that you provide me with concrete information that you have regarding the facts of the case. I will decide afterwards whether the local criminal prosecution offices have additional incentives to continue investigation activities.

I look forward to your answer.

Best Regards,

The Investigating Judge 1

[signature illegible]
P. Thoma

Attachments:
Copy criminal complaint

Untersuchungsrichteramt | Berner Jura-Seeland
Amtshaus
Spitalstrasse 14
2501 Biel

Der Untersuchungsrichter 1
P. Thoma

Die Gerichtssekretärin
U. Zbinden

Telefon: 032 344 58 31
Telefax: 032 344 58 20

Herrn
Fürsprecher
Oliver Weber
Murtenstrasse 7
2500 Biel

Unser Zeichen: UB 08 7683 ZUR

Biel, 18. April 2008

Strafanzeige vom 19.03.2008 gegen unbekannte Täterschaft wegen Verdachts der Hehlerei, angeblich begangen in den USA z.N. Gerber Andreas

Sehr geehrter Herr Fürsprecher



Am 19.03.2008 hat Ihr Klient bei der Kantonspolizei Lengnau Strafanzeige wegen Hehlerei am Fahrzeug Ferrari, Typ 250 GT Serie 1, eingereicht.

Dem Sachverhalt der Strafanzeige entnehme ich, dass sich das in Frage stehende Fahrzeug in den USA befinden soll und „*offenbar den unrechtmässigen Besitzer gewechselt hat*“. Es wird ferner erwähnt, dass derzeit in den USA weitere Abklärungen durchgeführt würden.

Bevor ich allenfalls der Staatsanwaltschaft die Einstellung des Verfahrens (Art. 235 StrV) beantrage, ersuche ich Sie höflich, mir mitzuteilen, über welche konkreten Erkenntnisse Sie hinsichtlich des von Ihnen zur Anzeige gebrachten Sachverhaltes verfügen. Ich werde danach entscheiden, ob für die hiesigen Strafverfolgungsbehörden Ansatzpunkte für weitere Ermittlungshandlungen bestehen.

Ihrer Antwort sehe ich mit Interesse entgegen.

Mit freundlichen Grüssen
Der Untersuchungsrichter 1

P. Thoma

Beilagen:

Kopie Strafanzeige 08/7683

JEANGUENIN & WEBER
Advocate Office

UR office Biel
Received May 5, 2008

Daniel Jeanguenin
Advocate
CCP 30-430258-0
Phone: +41 32 322 30 05
daniel.jeanguenin@gmx.ch

Oliver Weber
Advocate
PC 60-719874-7
Phone +41 32 322 88 13
weberlaw@gmx.ch

Office of the Investigating Judge
Bern Jura-Seeland
Investigating Judge P. Thoma
Court office
Spitalstrasse 14
2501 Biel

Murtenstrasse 7,
Postfach 811,
CH 2501 Biel
Fax: +41 32 322 68 04

Biel, May 1, 2008

UB 08 7683 ZUR; Criminal complaint dated 03/19/2008 against unknown delinquent regarding suspicion of receiving of stolen goods, allegedly performed in the USA, z.N. Dr. Andreas Gerber

Dear Investigating Judge,

I refer to your letter dated April 18, 2008 regarding the above mentioned case UB 08 7683 regarding the receiving of stolen goods of the vehicle Ferrari 250 GT, series 1, chassis No. 0799.

On behalf of my client, I would like to inform you about my investigations in the USA and at Interpol Bern regarding the presented case:

It is correct that the vehicle of my client, which was stolen in 1993, is in the USA. The owner of the vehicle is with high probability Mr. Barney (Paul) Hallingby, 31 King Hill Road, Sharon, CT 06069, USA. I base this on a report in the Ferrari magazine "Forza", dated December 2007, which reports in detail about the vehicle of my client and about its owner Mr. Hallingby. A copy of this article is attached. I also know that an owner change took place regarding this vehicle in 2001 or 2002, which means that the statute of limitations has probably not yet expired regarding the criminal charge of receiving of stolen goods. The information regarding the owner change can be found on the following homepage:

<http://www.barchetta.cc/english/All.Ferraris/Detail/0799GT.250GT.Cabriolet.SI.htm>

Registered in the attorney register
Member of the Bern and Swiss attorney organization

This means that the crime location is the state of New York or Connecticut and I know, of course, that the Swiss criminal prosecution offices have only a limited opportunity for investigations. This is why I am in contact with the federal police (Interpol), namely Mr. John Hasler, who has supported this case for a long time, and with the investigators of the police of New York. The subject of my current investigations is to identify whether the current owner of the vehicle is informed about its questionable background and whether he purchased it in bad faith. In cooperation with the American police, the objective of my activities is to obtain a confiscation of my client's vehicle, which means that the presented criminal complaint 08 7683 is of high importance also for formal reasons.

I hope that this information has been helpful to you. I am available for additional questions.

I thank you and remain with

Best regards,

[signature illegible]

Oliver Weber

Advocate

Attachments:

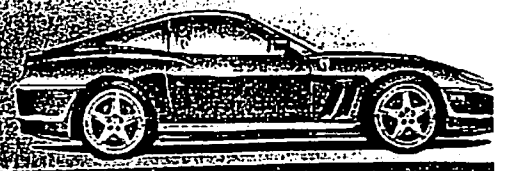
-Copy Forza magazine, number 82, December 2007 regarding the report about the Ferrari 250 GT, chassis No. 0799

- Printout home page www.barchetta.cc regarding the history of the Ferrari 250 GT

Copy to:

Dr. Andreas Gerber, Bassbeltweg 26, 2542 Pieterlen

FERRARI MARKET UPDATE
THE MODERN 12s, 365 GT/4, BB to 575M



FORZA



198 MPH
510 HP

FIRST DRIVE

NUMBER 82
DECEMBER 2007
USA \$4.99 Canada \$6.99

THE BEST FERRARI WE'VE EVER DRIVEN!





SALON

250 Dreamin'

The 250 GT is one of the most enduring Ferrari icons.

We spend a day with three of the finest: the PF Cab, the Cal Spyder and the SWB.

STORY AND PHOTOS BY KLAUS SCHNITZER

Arney Hallingby is one lucky guy! Many gearheads dream about Ferraris, and some are fortunate enough to own one—he has six. He also owns classic cars from a number of other marques, such

as Aston Martin, Lamborghini and BMW, but Ferraris are, and have always been, the heart of his collection.

His Prancing Horse stable currently holds a 250 LM, a Daytona Spyder and a Dino

246, but we will look at three from the 250 GT series: a Series 1 PF Cabriolet, an SWB Cal Spyder and an SWB Berlinetta. These are some of the prettiest and most significant machines that Ferrari ever crafted.

Hallingby's cars are not pampered garage queens. They are actually driven on public roads with vigor and purpose, just as Enzo Ferrari intended, and they have the patina to prove it.



Series 1 PF Cab

This silver 1958 250 GT Pinin Farina Cabriolet Series 1 (s/n 0799GT) is the seventh of 36 built (there are also four prototypes). Mechanically, the car is very basic: The long wheelbase (2,600mm) chassis is made of steel tubes, while the suspension is independent in front, live axle in back. Four large finned aluminum drums originally supplied retardation; this particular car received disc brakes at the factory sometime in 1959 or '60.

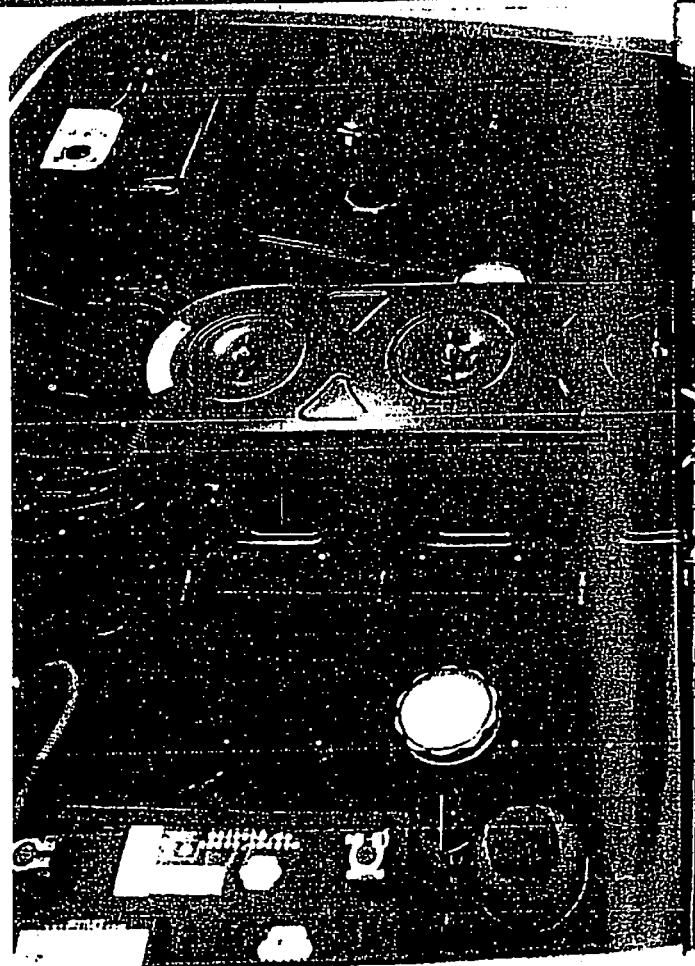
The beautiful body comes from the pencil and metal shops of Pinin Farina. I am very impressed by the Bauhaus-like simplicity of the detailing. The flush door handles are works of art, and the sculptural taillights would make beautiful solo accessories. The long body and sloping rear quarters deliver a strong presence, and from any angle scream "Ferrari."

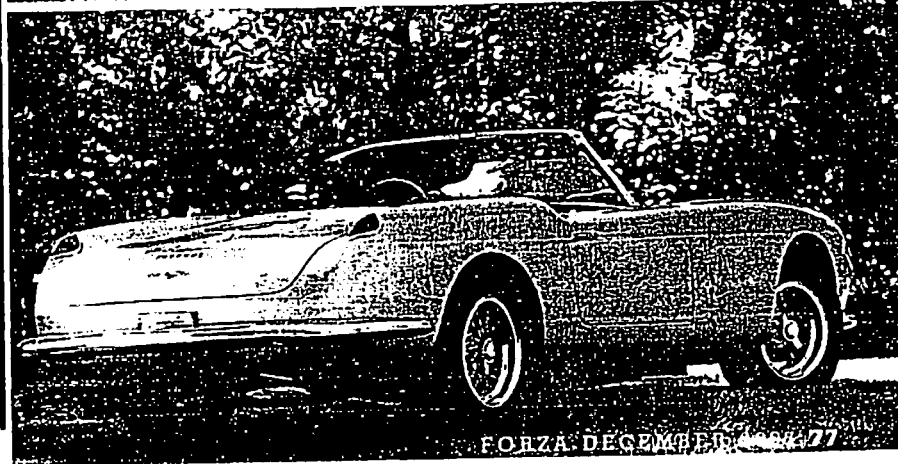
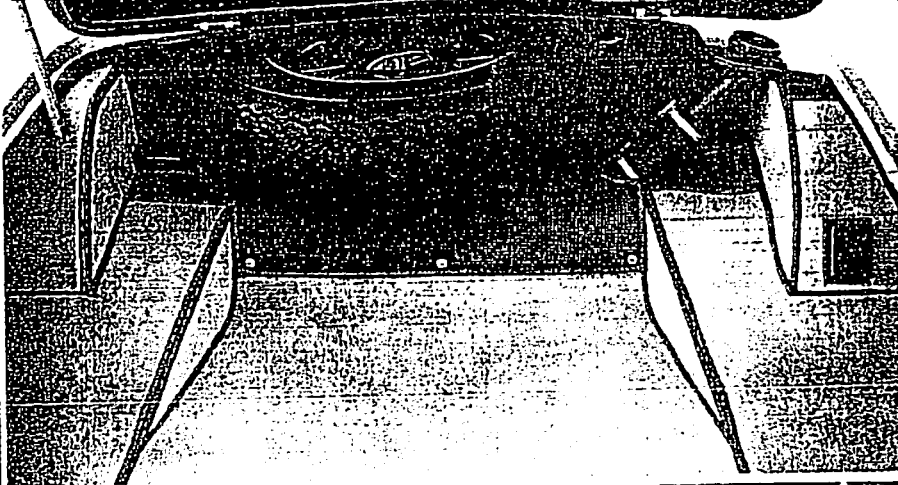
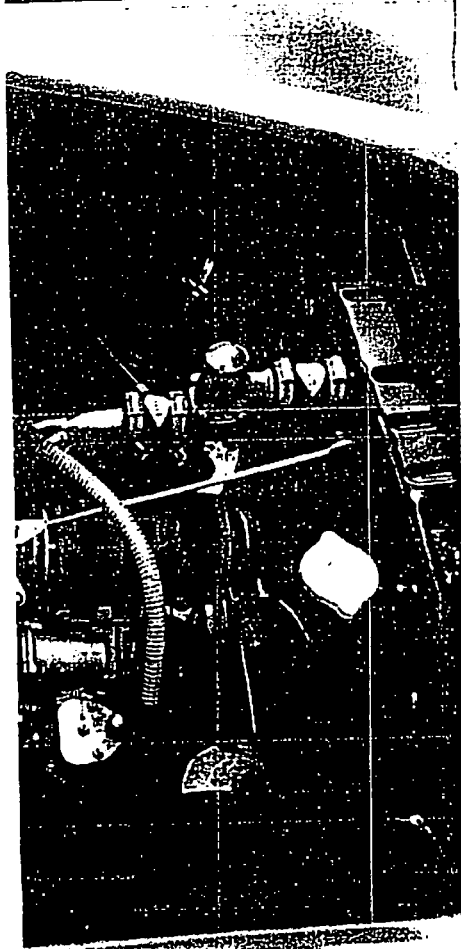
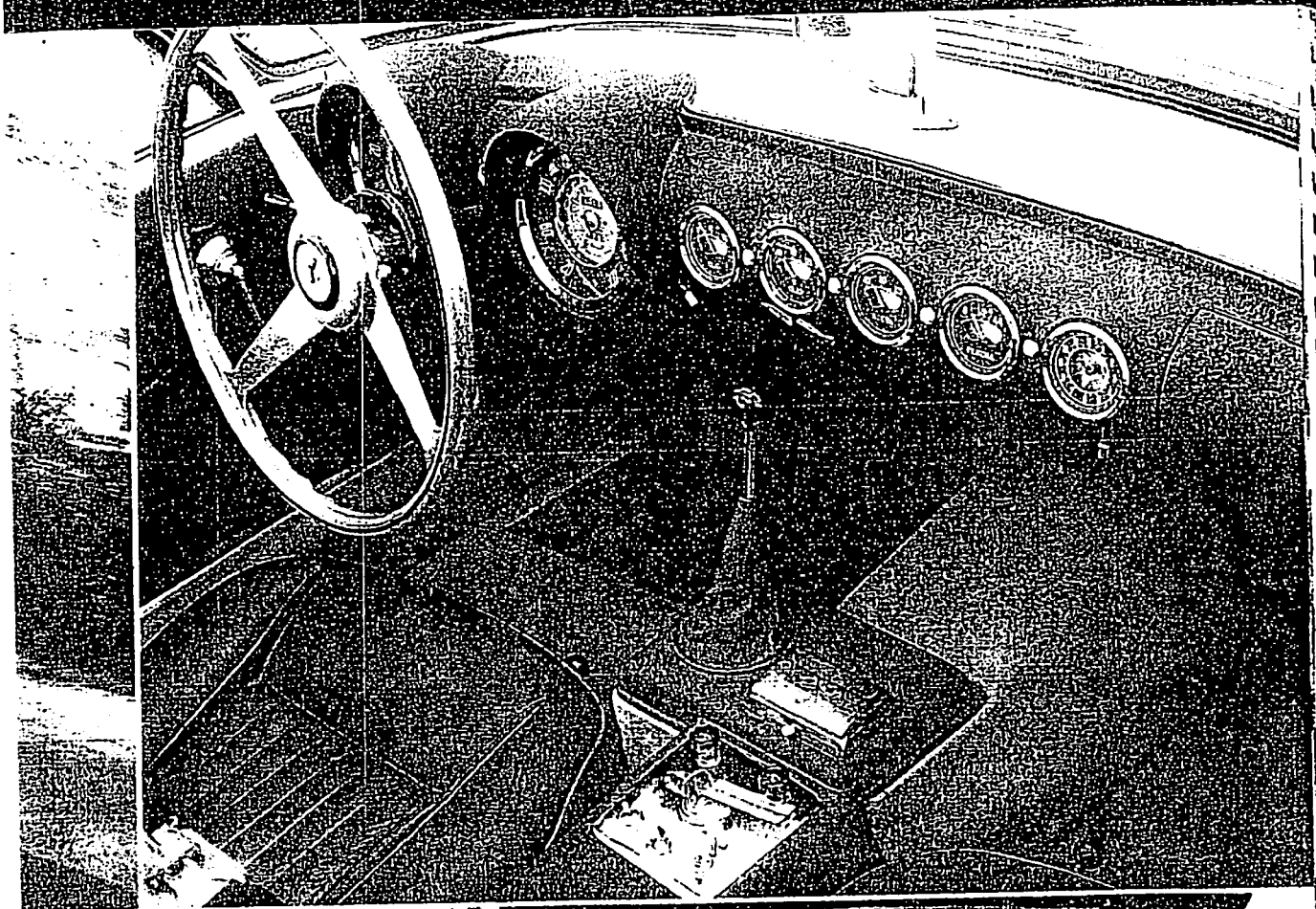
Interestingly, the bumpers are different from those usually seen on early Ferraris. "I believe them to be original,"

says Hallingby. "When the car was restored by Classic Coach in New Jersey, Frank Triarsi said everything about the car was original. Most of the parts were numbered, as was the custom, and there were no signs of other mounting holes for bumperettes."

This car's Colombo-designed 2,953cc 60-degree V12 is the earlier, inside-spark-plug version, and is fitted with three Weber carburetors. It produces 220-240 horsepower (depending on source and testing method). The small air cleaners do little to subdue the pleasant sucking intake sound, while the exhaust should be classified as a musical instrument; the burble and bark on overrun is music.

"The PF Cab is not particularly fast, but it is a joy to drive," comments Hallingby. "I think it is a magnificent car, long and slender. It is very elegantly finished. Sitting in the car, you can see that this was not intended to be a street racer, rather a gentleman's car."





SWB Cal Spyder

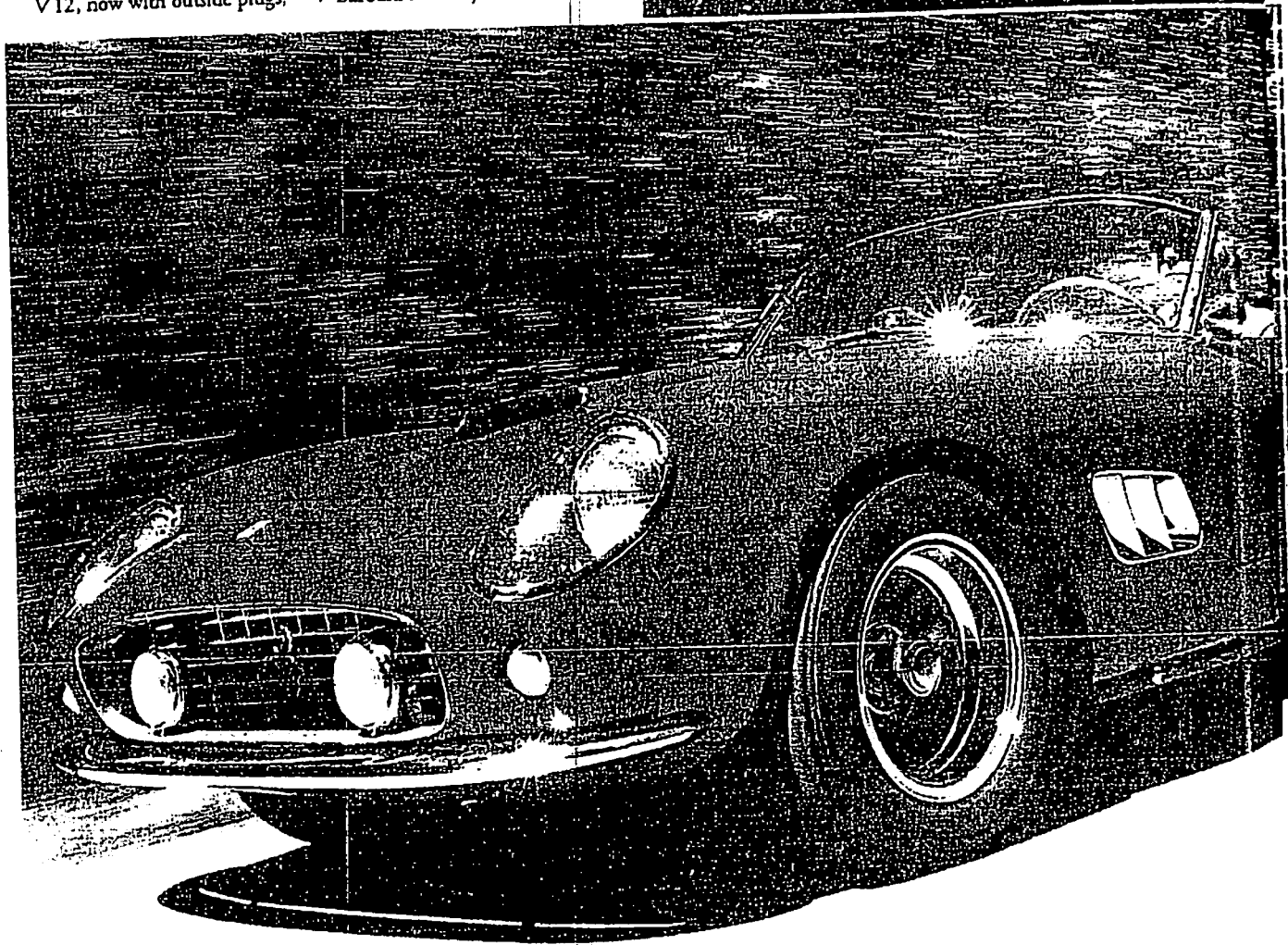
Hallingby's *rosso* 1961 250 GT SWB Spyder California (s/n 2903GT) is one of approximately 50 examples built between 1960 and '62. Its suspension and chassis are very similar to the PF's, although the car came from the factory with disc brakes.

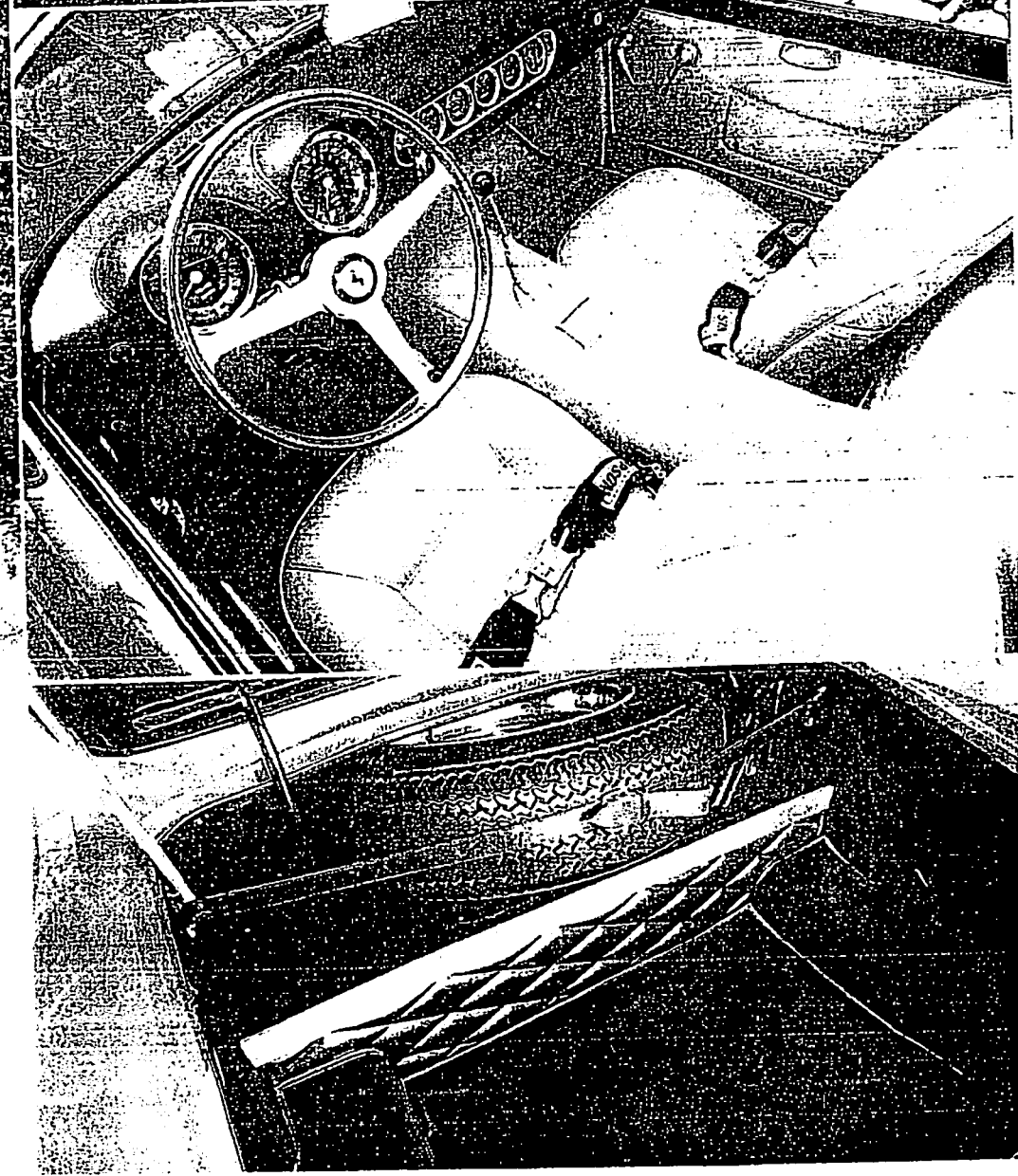
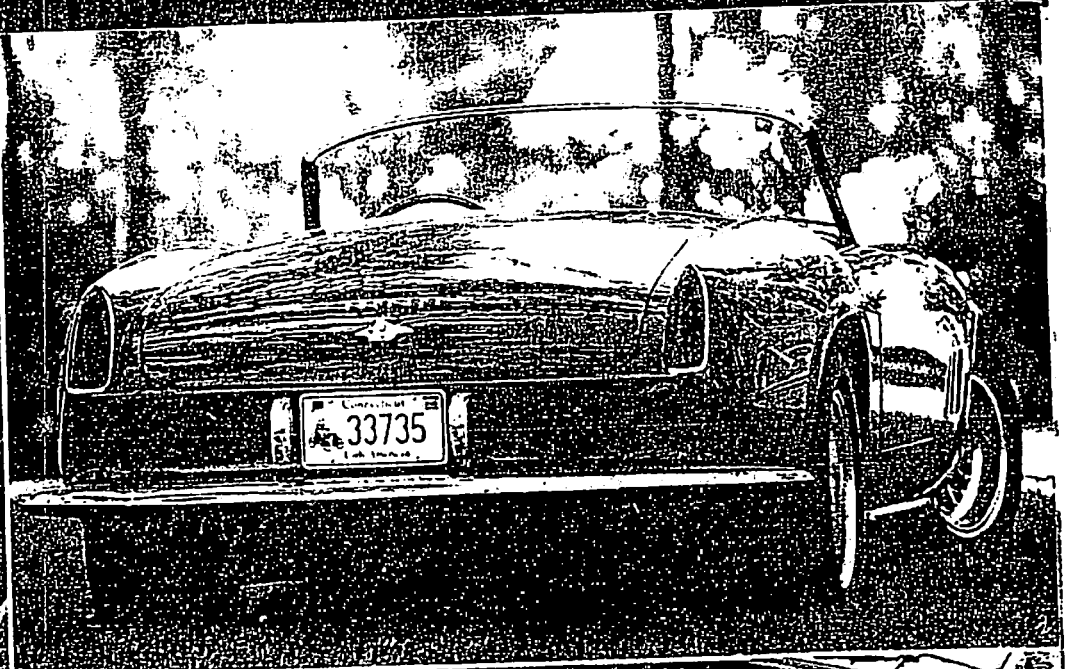
The workshops of Scaglietti turned the Pininfarina (note the name change since '58) drawings into this beautiful shape in steel and aluminum. It's a bit more aggressive than the PF Cab, due to being shorter (2,400mm wheelbase), lower and sitting on a wider track. The side air extractors are beautiful, functional shapes; there are no ostentatious design elements on this Ferrari.

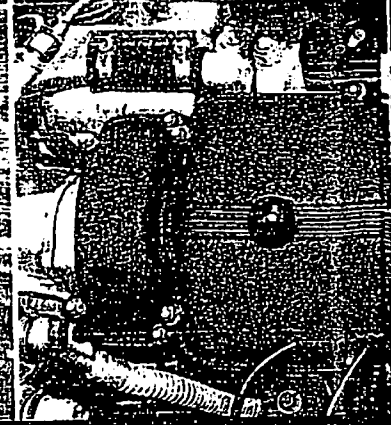
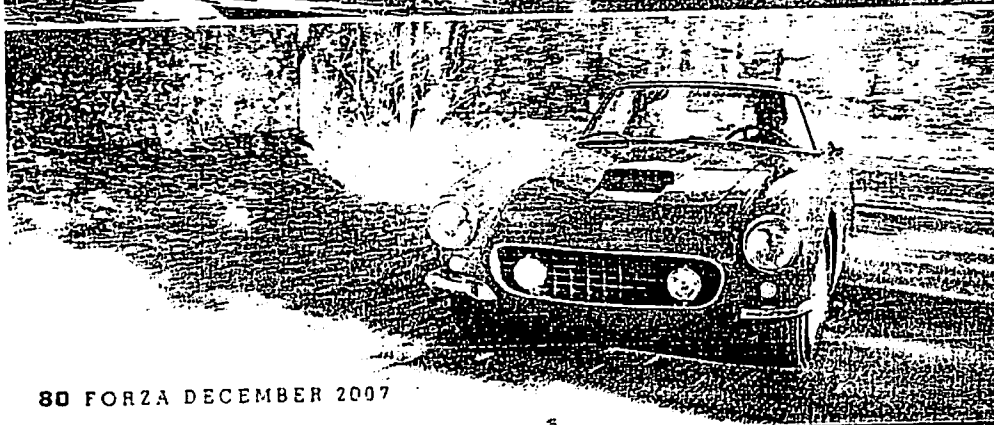
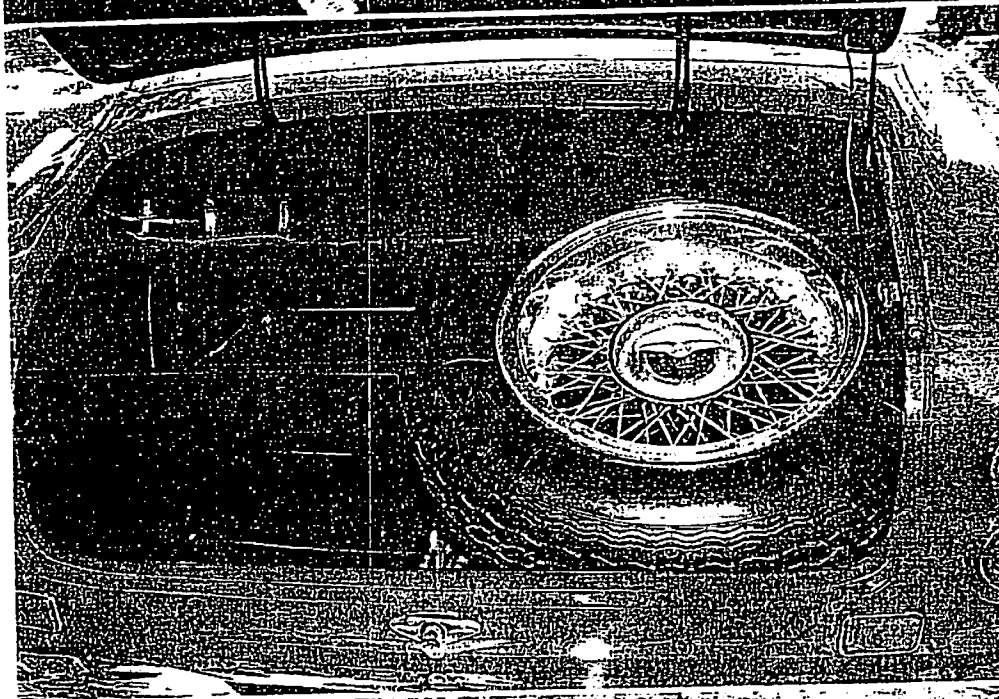
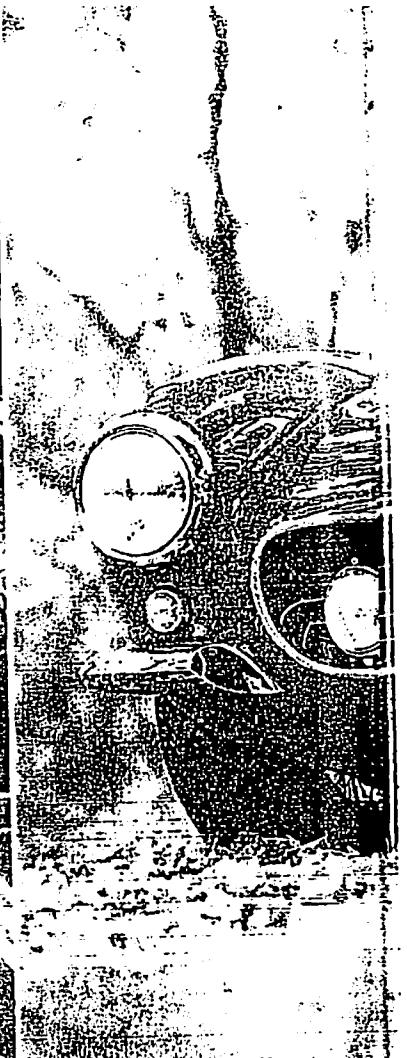
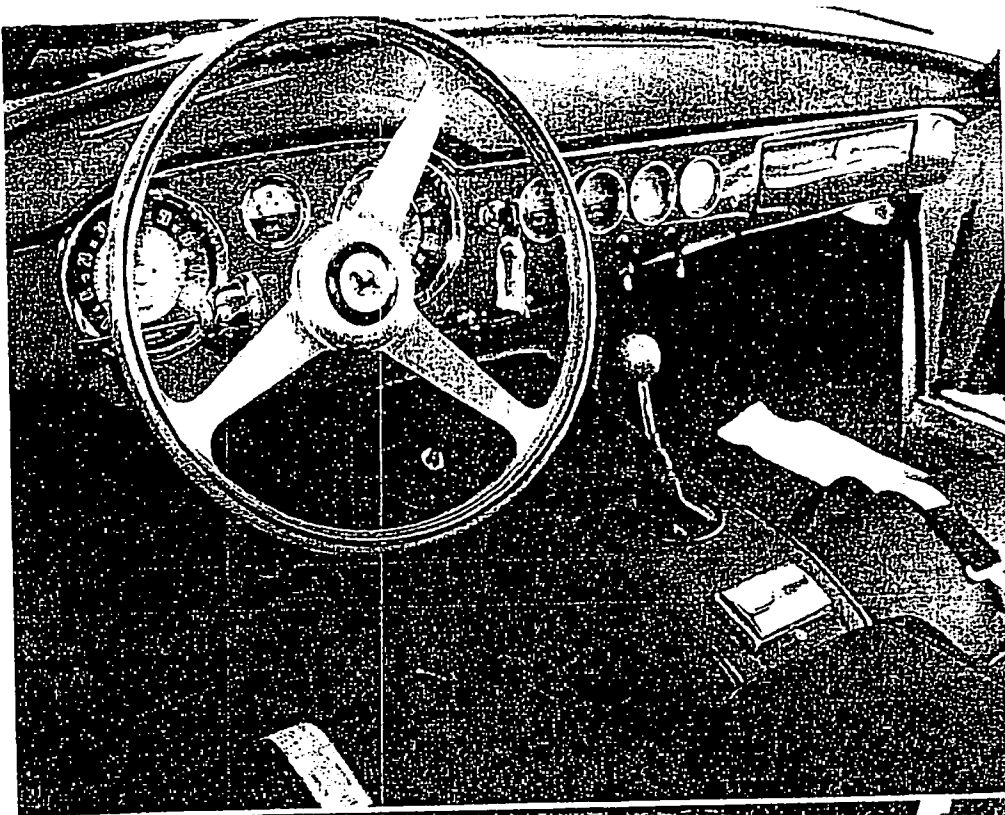
The Cal Spyder's engine is a later version of the Colombo V12, now with outside plugs,

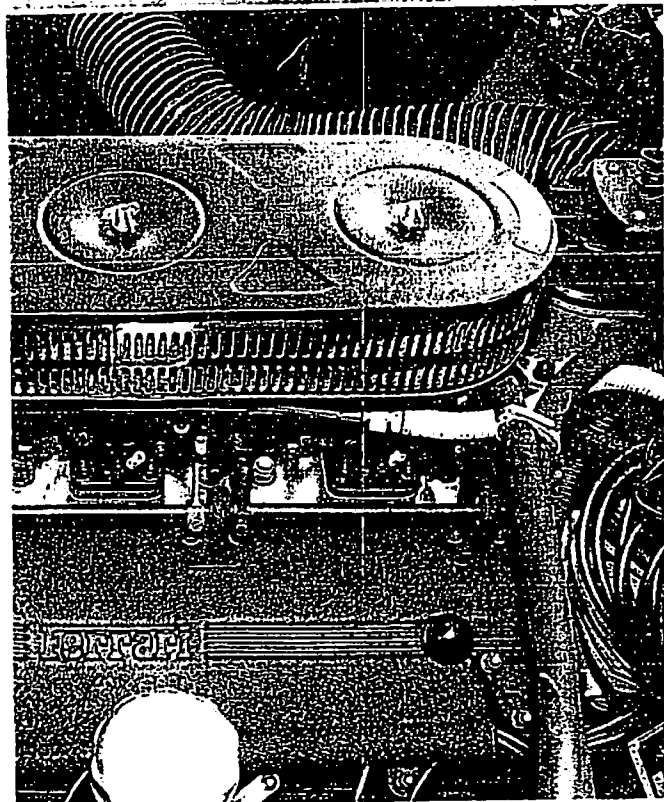
higher compression and bigger Webers. These improvements raised output to a very healthy 260-280 hp.

Unlike the PF Cab, the Cal Spyder does not mind some exuberance at the wheel. With its shorter wheelbase, more powerful engine and firmer underpinnings, the Cal Spyder feels and acts like a performance vehicle. "It's a very responsive car, which generally does what you ask of it," says Hallingby. "For aerodynamic reasons, it was not viewed as a track car, and only three were made with aluminum bodies and competition engines. Instead, it is one of the most elegant and desirable Ferrari road cars. This particular car has original covered headlights and an outside fuel filler. It was formerly owned by actress Barbara Hershey."









SWB Berlinetta

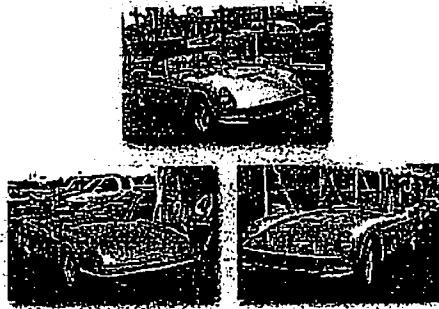
Of these three Ferraris, my favorite is this red 1961 250 GT SWB Berlinetta (s/n 3143GT). It, along with Hallingby's 1961 Aston Martin DB4 GT Zagato, is the archetype of what a 1960s road/race car should look like. The stunning, muscular-looking body was penned by Pininfarina and built by Scaglietti.

Mechanically, the SWB is very similar to the Cal Spyder. The suspension is again stiffer and lower, befitting this car's dual-purpose nature.

The Colombo 3-liter V12 produces 240 hp in road-going trim, 280 horses in standard competition trim. (The Comp./'61 model, with high compression, large valves, high-lift cams and huge carburetors produces 300 hp.) S/n 3143 is unusual in that it combines a

competition engine with a steel body. The V12 has a raucous idle and prances nervously at low speeds.

On the road, the SWB is much tauter and faster than either of the topless cars, and feels like it would have to be taken to a racetrack to be fully exploited. "Compared to the other two cars, the SWB is a different animal altogether," Hallingby says. "Being a berlinetta, it has a more rigid body structure so there is no flex. It also has still tighter suspension and more power. It is what has long been described as the last of the cars you could drive to the track, race and then drive home. It is a finely tuned, purpose-built automobile. While it is always nice to feel the wind blowing through your hair, this is the one that gets the juices flowing." **⓪**

250 GT PF Cabriolet Series I

0799GT 57
250 GT PF Cabriolet Series I, LHD
 Color exterior nero MM 11911
 Color interno pelle naturale Connolly 3218

Date	Result	Event	Driver	#	Reference
62/mar	- converted to disc brakes by the factory				
67	- Tom Meade, Modena, I - been rebuilt by the factory, 52,000 km				
6.	- L. Kitt Tucker, Jacksonville, FL, USA				
71	- Peter A Bowers, Houston, TX, USA				
71- 75	FOCUSA Rosters by Peter A Bowers, Houston, TX				
	Still owned by Bowers in the early 90's				
..	- Gerber, Marbella, E (car disappeared, stolen)				
93	- EAS, CA, USA				
93	- Giorgio Schoen, Milano, I				
95	- Classic Coach Ltd, NY, USA				
95	- Scott Rosen, Medford, NJ, USA				
97/may/12	- Jeff Schwartz, USA	traded for s/n 0775GT + \$225k			
00/jun	- Scott Rosen, USA	- bought back \$525k			
00/jun	- offered for \$595k				
00/may	- offered by SMC, La Jolla, CA, USA	- 100-point flawless restoration			
00/may	- called the day the car was put on the market, heard it was in "limbo"				
00/may	- there are legal problems				
01/jan	- Paul Hallingby, CT, USA				





Eingel.: - 5. Mai 2008

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Untersuchungsrichteramt I
Berner Jura-Seeland
Herr Untersuchungsrichter P. Thoma
Amthaus
Spitalstrasse 14
2501 Biel

Biel, 1. Mai 2008

UB 08 7683 ZUR; Strafanzeige vom 19.03.2008 gegen unbekannte Täterschaft wegen Verdachts auf Hehlerei, begangen in den USA z.N. von Herr Dr. Andreas Gerber

Sehr geehrter Herr Untersuchungsrichter

Ich beziehe mich auf Ihr Schreiben vom 18. April 2008 in obgenannter Angelegenheit betreffend Verfahren UB 08 7683 wegen Hehlerei am Fahrzeug Ferrari 250 GT, Serie 1, Chassis Nr. 0799.

Namens und im Auftrag meines Mandanten möchte ich Sie nachfolgend über meine Abklärungen in den USA sowie bei Interpol Bern betreffend vorliegendem Fall orientieren:

Es ist zutreffend, dass sich das im Jahr 1993 gestohlene Fahrzeug meines Mandanten in den USA befindet. Mit grosser Wahrscheinlichkeit ist der Halter des Fahrzeuges Herr Barney (Paul) Hallingby, 31 King Hill Road, Sharon, CT, 06069, USA. Diese Einschätzung stütze ich auf eine Reportage im Ferrari Magazin „Forza“ vom Dezember 2007, worin umfangreich über das Fahrzeug meines Mandanten und über dessen Halter Herr Hallingby geschrieben wird. Eine Kopie dieses Artikels lasse ich Ihnen in der Beilage zukommen. Ebenfalls ist mir bekannt, dass im Jahr 2001 oder 2002 hinsichtlich vorliegendem Fahrzeug ein Halterwechsel stattgefunden hat, weshalb die Verfolgungsverjährung bezüglich dem Straftatbestand der Hehlerei wahrscheinlich noch nicht eingetreten ist. Die Information betreffend dem erwähnten Halterwechsel entnehme ich der folgenden Homepage:

<http://www.barchetta.cc/english/All.Ferraris/Detail/0799GT.250GT.Cabriolet.SI.htm>

Deliktort wäre somit der Staat New York bzw. Connecticut und ich bin mir selbstverständlich bewusst, dass die Schweizerischen Strafverfolgungsbehörden vorliegend nur beschränkt ermitteln können. Aus diesem Grund stehe ich in Kontakt mit Ermittlern der Bundespolizei (Interpol), namentlich mit Herrn John Hasler, welcher dieses Dossier lange betreut hat, sowie mit Ermittlern der New Yorker Polizei. Der Gegenstand meiner derzeitigen Abklärungen besteht darin, ausfindig zu machen, inwiefern der aktuelle Halter des Fahrzeuges über dessen zweifelhafte Herkunft informiert ist und ob dieser beim Erwerb bösgläubig war. Das Ziel meiner Bemühungen besteht darin, in den USA in Zusammenarbeit mit der amerikanischen Polizei eine Beschlagnahmung des Fahrzeuges meines Mandanten zu veranlassen, weshalb der vorliegenden Strafanzeige 08 7683 auch aus formellen Gründen eine wichtige Bedeutung zukommt.

Ich hoffe, Ihnen mit diesen Angaben zu dienen und stehe für allfällige Rückfragen gerne zur Verfügung.

Für Ihre geschätzte Kenntnisnahme danke ich Ihnen bestens und verbleibe

mit freundlichen Grüßen



Oliver Weber
Fürsprecher

Bellagen:

- Kopie Forza Magazin, Nummer 82, Dezember 2007 betreffend Reportage über Ferrari 250 GT Chassis Nr. 0799
- Ausdruck Homepage www.barchetta.cc betreffend History des Ferraris 250 GT

Kopie an:

Herr Dr. Andreas Gerber, Bassbeltweg 26, 2542 Pieterlen

JEANGUENIN & WEBER

Advocate Office

UR office Biel
Received June 2, 2008

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Biel, June 1, 2008

UB 08 7683 ZUR; Criminal complaint dated 03/19/2008 against unknown delinquent regarding suspicion of receiving of stolen goods, allegedly performed in the USA, z.N. Dr. Andreas Gerber

Dear Investigating Judge,

I refer to the above mentioned case and to my letter to your attention dated May 1, 2008. I informed you in this letter that I have concrete evidence regarding the identity of today's illegal owner and regarding the location of the stolen Ferrari 250 GT. In addition, I informed you in the letter that I was at the time trying to obtain a confiscation of my client's vehicle, in cooperation with the American criminal prosecution offices and in parallel with Interpol. In this connection, I would like to thank you on behalf of my client for the fact that you approved the renewed announcement of the stolen Ferrari in Ripol/ASF-Interpol. The announcement is of central importance and is the condition for the American criminal prosecutors to consider a confiscation of the vehicle.

Another compliment must go to Mr. Geissbühler (vehicle search Kapo Bern) and Anthony Clydesdale (Fedpol), who are supporting me with significant efforts in the complex case.

In the meantime, it came to my attention that comprehensive files exist at Fedpol for this case. A copy of the files was transferred to me during the last few weeks by Mr. Max Geissbühler.

Registered in the attorney register
Member of the Bern and Swiss attorney organization

I would like to complete my files and ask you to permit me to review the mentioned Fedpol files and therefore ask you to send me a copy.

Thank you very much in advance, and I remain

Sincerely

[signature illegible]

Oliver Weber

Copy to:

- Dr. Andreas Gerber, Bassbeltweg 26, 2542 Pieterlen
- Canton Police Bern, vehicle search, Mr. Max Geissbühler, Nordring 30, Postfach 7571, 3001 Bern
- Federal Office for Police (fedpol), Mr. Anthony Clydesdale, General, Organized and Financial Crime Unit, Nussbaumstrasse 29, 3003 Bern



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Untersuchungsrichteramt I
Berner Jura-Seeland
Herr Untersuchungsrichter P. Thoma
Amthaus
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2501 Biel

Biel, 1. Juni 2008

UB 08 7683 ZUR; Strafanzeige vom 19.03.2008 gegen unbekannte Täterschaft wegen Verdachts auf Hehlerei, begangen in den USA z.N. von Herr Dr. Andreas Gerber

Sehr geehrter Herr Untersuchungsrichter

Ich komme zurück auf obgenannte Angelegenheit sowie auf mein Schreiben vom 1. Mai 2008 zu Ihren Händen. In diesem Schreiben habe ich Sie orientiert, dass ich über konkrete Anhaltspunkte betreffend die Identität des heutigen unrechtmässigen Besitzers und hinsichtlich dem Standort des gestohlenen Ferraris 250 GT verfügen würde. Des Weiteren habe ich im genannten Schreiben ausgeführt, dass ich derzeitig versuche, direkt mit den amerikanischen Strafverfolgungsbehörden und parallel dazu mit Hilfe von Interpol eine Beschlagnahme des gestohlenen Ferraris zu veranlassen. In diesem Zusammenhang möchte ich Ihnen namens meines Mandanten bestens danken, dass Sie die erneute Ausschreibung des gestohlenen Ferraris im Ripol/ASF-Interpol bewilligt haben. Diese Ausschreibung ist nämlich von zentraler Bedeutung bzw. Voraussetzung, dass die amerikanischen Strafverfolgungsbehörden eine Beschlagnahme überhaupt in Betracht ziehen.

Ebenfalls ein grosses Lob gebührt den Herren Max Geissbühler (Fahrzeugfahndung Kapo Bern) und Anthony Clydesdale (Fedpol), welche mich mit beeindruckendem Einsatz in diesem komplexen Fall unterstützen.

In der Zwischenzeit habe ich erfahren, dass aufseiten von Fedpol noch umfangreiche Akten bezüglich diesem Fall bestehen. Eine Kopie dieser Akten wurde in den letzten Wochen von Fedpol an Herrn Max Geissbühler zugestellt. Damit auch ich meine Akten vervollständigen

kann, möchte ich Sie nochmals höflich um Akteneinsicht ersuchen und bitte Sie um Zustellung einer Kopie der genannten Fedpol-Akten.

Für Ihre geschätzten Bemühungen danke ich Ihnen bestens im Voraus und verbleibe

mit vorzüglicher Hochachtung



Oliver Weber
Fürsprecher

Kopie an:

- Herr Dr. Andreas Gerber, Bassbeltweg 26, 2542 Pieterlen
- Kantonspolizei Bern, Fahrzeugfahndung, Herr Max Geissbühler, Nordring 30, Postfach 7571, 3001 Bern
- Bundesamt für Polizei (fedpol), Herr Anthony Clydesdale, General, Organised and Financial Crime Unit, Nussbaumstrasse 29, 3003 Bern

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The Investigating Judge I
P. Thoma

The Court Secretary
U. Zbinden

Phone: 032 344 58 31
Fax: 032 344 58 20

Mr.
Advocate
Oliver Weber
Murtenstrasse 7
2500 Biel

Our file number: UB 08 7683ZUR Biel, June 11, 2008

Criminal complaint dated 03/19/2008 against unknown delinquent regarding suspicion of receiving of stolen goods, allegedly performed in the USA, z.N. attn. Andreas Gerber

Dear Advocate,

I confirm the receipt of your letter dated 06/01/2008 and answer as follows:

It is not correct that I have approved a renewed tender of the stolen vehicle in Ripol. The announcement was made on the initiative and responsibility of the clerk at the Canton Police Bern. The reason for the tender is the theft of the vehicle in the summer of 1993. The statute of limitations for this offense has expired, which makes me believe that a tender at this time is no longer possible (art. 19, para 3, 4 lit. a number 4 Ripol decree).

I have no additional files. If Fedpol or the Canton Police Bern should have additional files, then I would like to ask you to contact these public authorities directly.

Best Regards

The Investigating Judge I

[signature illegible]
P. Thoma

Untersuchungsrichteramt | Berner Jura-Seeland
Amtshaus
Spitalstrasse 14
2501 Biel

Der Untersuchungsrichter 1
P. Thoma

Die Gerichtssekretärin
U. Zbinden

Telefon: 032 344 58 31
Telefax: 032 344 58 20

Herrn
Fürsprecher
Oliver Weber
Murtenstrasse 7
Postfach 811
2501 Biel

Unser Zeichen: UB 08 7683 ZUR

Biel, 11. Juni 2008

Strafanzeige vom 19.03.2008 gegen unbekannte Täterschaft wegen Verdachts der Hehlerei, angeblich begangen in den USA z.N. von Herrn Andreas Gerber

Sehr geehrter Herr Fürsprecher



Ich bestätige den Erhalt Ihres Schreibens vom 01.06.2008 und kann dieses wie folgt beantworten:

Es ist nicht zutreffend, dass ich der erneuten Ausschreibung des gestohlenen Ferraris im Ripol zugestimmt habe. Die Ausschreibung erfolgt einzig auf Veranlassung und in der Kompetenz des zuständigen Sachbearbeiters der Kantonspolizei Bern. Grund der Ausschreibung ist der Diebstahl des Fahrzeuges im Sommer 1993. Dieses Delikt dürfte zum heutigen Zeitpunkt absolut verjährt sein, weshalb meines Erachtens eine Ausschreibung zum heutigen Zeitpunkt nicht mehr möglich wäre (Art. 19 Abs. 3, 4 lit. a Ziff. 4 Ripol-Verordnung).

Ich verfüge über keine zusätzlichen Akten. Sollte Fedpol oder die Kantonspolizei Bern über weitere Akten verfügen, wollen Sie sich bitte betreffend Akteneinsicht direkt an diese Behörden wenden.

Freundliche Grüsse

Der Untersuchungsrichter 1


P. Thoma

Remote UA for Windows X.400 Message Printed By: AUTO-PRINT @ 27 Mar 95 08: [?]

Date: March 27, 1995 at 8:45 a.m.

Subject: BERNE B2433 1331 MEG/KMW [german text: Kopie von Abt.
Internat. Rechtshilfe]

Message from: s=BERNE/o=INTERPOL-SWITZERLAND/u=INTERPOL /p=EJPD/a=ARCOM/c=CH

Enclosure: 2b3e6d4b.001, 604 bytes

BERNE B2433 1331 MEG/KMW 950327 0745 GMT

ROUTINE [handwritten numbers crossed out]

TO: WASHIN ZONE Z12

OUR REFERENCE: B2433 1331 - MEG

PLEASE PARTICIPATE IN THE SEARCH AND ADVISE US IN THE EVENT THAT THE FOLLOWING AUTOMOBILE IS DISCOVERED:

MAKE: FERRARI

TYPE: 250 GT SPIDER

COLOR: GRAY

MODEL: 1957 [illegible handwriting]

Vehicle Identification Number: 0799

REGISTRATION:

THIS AUTOMOBILE WAS STOLEN FROM 1.5 93-30.9.1993, IN E [East?]- MARBELLA, BY UNKNOWN PERPETRATORS, TO THE PREJUDICE OF ANDREAS GERBER, DOMICILED IN CH-PIETERLEN, BELGIUM

FEDERALPOL BERNE -R. Megert

END
IP BERNE

Remote UA for Windows X.400 Message Printed By : AUTO-PRINT @ 27 Mar 1995 08:40

Date: 27 Mar 1995 08:45

Kopie von Abt.
Internat. Rechtshilfe

Subject: BERNE B2433 1331 MEG/KMW

Message From: s=BERNE/o=INTERPOL-SUISSE/u=INTERPOL/p=EJPD/a=ARCOM/c=CH

Enclosure - 2b3e6d4b.001, 604 bytes

BERNE B2433 1331 MEG/KMW 950327 0745 GMT

ROUTINE

15-9609/119327

TO: WASHIN ZONE 212

NOTRE REF.: B2433 1331 - MEG

PRIERE DE PARTICIPER AUX RECHERCHES ET DE NOUS AVISER EN CAS DE
DECOUVERTE DE LA VOITURE SUIVANTE:

MARQUE: FERRARI

TYPE: 250 GT SPIDER

COULEUR: GRISE

MODELE: 1957

AN: 0799

MATRICULATION:

CEtte VOITURE A ETE VOLEE DU 1.5 93-30.9.1993, A E-MARBELLA, PAR DES
AUTEURS INCONNUS, AU PREJUDICE DE GERBER, ANDREAS,
DOMICILIE A CH-PIETERLEN BE.

FEDERALPOL. BERNE - R. Megert

END

IP BERNE

NORMAL

FROM: INTERPOL WASHINGTON

TO: BERNE

DATE: 2 JAN 97

22.48

11-01-97 IN 0024 HLR

OUR REF: 950302855/NHO

111v

YOUR REF: IP/BE 216543/HLR -00028287-CVA

REGARDING: ADDRESS CHECK

REFERENCE IS MADE TO YOUR MESSAGE, DATED 19 SEP 96, CONCERNING SCOTT ROSEN, RESIDING IN BEDFORD NEW YORK. THE NEW YORK STATE POLICE AUTHORITIES HAVE ADVISED THAT THE SUBJECT IS NOT WANTED IN NEW YORK; THE TRUE IDENTITY IS NOT VERIFIABLE FROM THE ABOVE INFORMATION. THE AREA CODE FOR BEDFORD IS (914). THE FOLLOWING NUMBERS ARE NOT LISTED TO THE ABOVE SUBJECT: (516) 489-3300 AND (516) 489-0204. THE PRIVATE TELEPHONE NUMBER (201) 564-8524 IS LISTED IN NEW JERSEY TO TRIARSI, FM DAGMAR, RESIDING IN SHORT HILLS, NEW JERSEY.

REGARDS.

IN ANY REPLY, PLEASE QUOTE: 950302855/NHO

FOR POLICE COURT/USE ONLY
INTERPOL WASHINGTON

...
...betreffend Scott Rosen, wohnhaft Bedford New York. Die New York State Police hat mitgeteilt, dass Scott Rosen nicht gesucht wird. Die genaue Identität kann aufgrund der gegebenen Informationen nicht ermittelt werden. Die Vorwahl für Bedford lautet (914). Die folgenden Nummern lauten nicht auf Scott Rosen: ... Die private Telefonnummer ... lautet auf TRIARSI Dagmar, wohnhaft Short Hills, New Jersey...
...

BERNE

[on letterhead of the Swiss Federal Office of Police]

3003 Bern, 14 January 1997

BERN POLICE HEADQUARTERS

Telephone 031 / 322 46 58

Telefax 031 / 322 63 04

Your ref.: Vehicle tracing and search;
Lüthi

Our ref.: IP 216543 Hlr

Transfer 4117/95, vehicle tracing and search Kpl I Lüthi, dated 24 March 1995, and telephone conversation between Kpl I Lüthi and the undersigned on 13 September 1996, concerning

Ferrari 250 GT Spider, VIN 0799

Interpol Washington has provided a very brief response to my detailed request in the above-named matter.

I propose that we approach IP Washington again... or has the matter perhaps been resolved in the meantime?

Please send decision to our file number IP 216543 Hlr. Thank you.

INTERPOL BERNE

[signature]

John Hasler

Enclosures

Response from Washington dated 1/2/97

Approximate translation



3003 Bern, 14.01.97

Telefon 031 / 322 48 69
 Telefax 031 / 323 63 04

POLIZEIKOMMANDO BERN

De Zeichen
 Votre sig. Fahrzeugfahndung,
 Lütli

Vostro sig.

Usser Zeichen
 Notre réf. IP 216543 Hlr
 Nostro sig.

Überweisung 4117/95, Fahrzeugfahndung Kpl I Lütli, vom 24.3.95, sowie Tel.-
 Gespräch zwischen Kpl I Lütli und dem Unterzeichneten vom 13.9.96,
 betreffend

Ferrari 250 GT Spider, VIN 0799

① Interpol Washington hat sehr knapp auf mein doch recht ausführliches Ersuchen
 in obgenannter Sache geantwortet.

② Ich schlage vor, wir gelangen nachmals an IP Washington... oder hat sich die
 Sache etwa in der Zwischenzeit irgendwie erledigt?

Beschaid bitte zu unserem Aktenzeichen IP 216543 Hlr. Danke.

INTERPOL BERNE

Jean Häsler

322 48 69

Beilage -- ENCLOSURE

Antwort Washingtons vom 2.1.97

Sinngemässe Übersetzung

NO ENCLOSURE FROM INTERPOL WASHINGTON
 SPANISH TRANSLATION

WHY?
 WHERE IS IT?

① Interpol in Washington answered my lengthy
 request in a very short statement.

② I suggest we contact IP Washington again or has
 this matter in some form be resolved?



Antimafia



Jesus Gil. Da Marbella a Catania
E' il sindaco di Marbella, il presidente dell'Atletico Madrid, un populista di estrema destra ed ha subito decine e decine di procedimenti giudiziari di tutti i tipi. Ma non è tutto: nei suoi affari compaiono discussi personaggi legati alla mafia della Sicilia orientale. Un quadro che mostra il volto vero e complesso della criminalità globale.

► *Antonello Mangano.*

January 2001.

E 'right, presumptuous, billionaire, plurindagato, president of a football team, suspicion of links with Cosa Nostra, but it is not Berlusconi.

His city is called Marbella, his party the same name (GIL, Independent Liberal Group) and his team is the Atlético de Madrid.

The allegations that the Spanish judiciary has addressed are numerous, and one of the principal in January of 2000, when he finished on trial for a shortfall of 10 billion pesetas - 115 billion pounds - in the coffers of the athlete. Fanciful Method: a series of turns between fictitious accounting but were the result of cheat and perhaps irreparably damage the club second to Madrid several times in public Gil boasted that it "has risen."

Government seizures are controlled and were often the daily bread of Jesus Gil y Gil.

In January of '99 made ten days in jail for embezzlement, for allegedly stolen from the coffers of the municipality of Marbella, of which he was mayor, a huge sum.

Gil was born as palazzinaro of the province, but by transforming its mayor in the capital city of speculation in the Costa del Sol, zero checks and ensuring maximum profits unscrupulous manufacturers as he. Ungrammatical, arrogant, capopopolo, belongs to the breed of entrepreneurs who have made themselves, "impatient with the law and any form of control.

EL PRESIDENTE DEL CLUB DE FUTBOL

Madrid, the Latin city of passionate football, lives torn between his passion for Real, probably the most prestigious team in the world, and Atlético popular, much more poor and less noble, but in recent years had done quite well respected, especially in stage "Calderon", lair of the ultras who stravedono for Gil and often stands by insult with equal vehemence both opponents in those shorts in that gown, or the judges who "persecute" the president.

In fact, Gil likes to present itself as savior of the team from the start but not a peseta disbursement. The purchase of the team - dated 1987 - allowed him to control 95% of the company, although in reality the only ones who actually unstitched of money were small investors (mostly supporters) and the vice chairman of Credit Lyonnaise, the most important French bank and one of the largest in Europe.

The two billion Gil - through an auction accounting acrobatics - were entirely fictitious.

Adding the non-payment of contributions to its employees and some cheating on the contour of the renovation work to the stage "Calderon", total scam reaches 10 billion. Not bad for a "savior of country football."

His masterpieces, however, Gil has completed the sale of players. We must acknowledge successful operations, such as the purchase of Cristian Vieri discarded and sold by Juventus

after a year at Lazio with many billions of difference, or the sale of the young José Mari to Milan for 40 billion lire; bankruptcy operations, such as engagement and non-revival of "Arrigo Sacchi then exonerated with the disbursement of a beautiful figure of compensation, and yet real cheating, such as the purchase of three African players and a Brazilian, two of which had never played football and lived in charity of the churches and the remaining not never got up from the bench of the youth team, but the four were assessed two billion and a half course in order to cover the shortfall in the budget that we said at the beginning.

EL ALCADE DE MARBELLA

Marbella is the principal city of the Costa del Sol, the stretch of Andalusia that looks and that Morocco has known in a few years, a heavy growth and disorderly among major tourist sites, huge discos and all that can entertain young rich, Mafia traveling, sheiks in the vein of madness and billionaires without too many thoughts.

Riding this wave, Gil founded in 1990, his movement with the declared goal of transforming the region up to Gibraltar and the Spanish enclaves in Morocco, Ceuta and Melilla in a giant tax deducted for each rule and state curiosity.

Gil unknown boundary between public and private, state and personal affairs. No wonder, then, through a sponsorship has shot at least 60 billion of its common sull'atletica, as also confirmed Carlos Fernández, former advisor to the town of Marbella on behalf of Gil and then for a time host of the Spanish prisons on charges typical of embezzlement.

And yet, the player Brazilian super-evaluated came from the Marbella Club, owned by the municipality, and was officially purchased by the Dutch football league.

Despite the fraud in the series, Gil for 10 years was uncontested mayor. Deregulation promised to the rich and wild dreams and easy money to the poor, created by a populist electorate interclassista gullible and often nearly 60%. His recipe is simple: antisistema appeals against the traditional parties, promises of jobs for all; iron fist against thieves chickens and small dealers, street free for any type of investment and speculation, not linger in moralisms and analysis of blood ".

"El gordo", the grassone is the nickname for the moment is with him, while his youth was mostly called "braggart." His admirers define "the reuccio of the Costa del Sol."

"His lawyer called him 'crazy horse'," reports the Spanish daily *El Periódico*. "It has a luxury car that parks in double row. As, in full style Gil, a grenade shirt decorated with twins. Leads us to one of the bars in Marbella that we must attend in order to put on display ... "

Tells the casual practice that made any buildable land and concludes: "If it is legal or not to me matter little. I just mind that it is right. "

In the town of Melilla, Spanish cities legally although it is in Africa and is entirely surrounded by territory of Morocco, Gil's party participated in last come to an incestuous with a former leader of the Socialist Party, a general reserve and a trade unionist. The three men of "Gordo" the executive of Melilla were a disco owner, an engineer and a lawyer, namely the three key roles of the "Gil system."

EL AMIGO DE LOS AMIGOS

As a curriculum nothing to say, partly by selling spare parts for cars, threw himself soon after in the real estate deleting his personal vocabulary terms such as "plan" or "authorization".

The ease at times can cost dear, and in 1969 Gil knows for the first time the prison because of thirty died crushed in the collapse of a restaurant built with scrap materials.

A year after "el Generalísimo" Franco allows indulto, Gil in instilling faith in fascism and good fortune.

From gentleman, will be the first Spanish man to rehabilitate public officially putting the dictator in early'99 in a beautiful bronze bust of Franco the entrance of the town hall of Marbella.

Having clear ideas about his enemies, often says: "The real judges are the mafia. I want to politically assassinate ". The thesis is clear: envious of overtime Gil policy successes, the

government tries to maneuver the judges for damage. In the summer of '99, after yet another triumph in local elections in the south of Spain, the prosecutor articulated an anti-Spanish relationship represents the most serious and complete act of accusation against Gil, also because it speaks not only of fraud and corruption but also of organic relationship with international organized crime, particularly Colombian and Sicilian.

The accusations have names and surnames: Felice Cultrera, Angelo Salamini, Gianni Menino and Ugo John Giannino men were linked to the Mafia clan in Catania in eastern Sicily, which were supported during the competitions Gil election in exchange for housing investment in Costa del Sol .

The characters are members of the Ramirez family of Marbella, which deals with money laundering, construction and also has links with the Colombian narcos. The greatest exponent of social prestige of the family is Pilar Ramirez, dean judge of the court of Marbella and a signatory to a series of acts which quashed investigations into Gil for procedural flaws.

Felice Cultrera character is perhaps the most significant among those listed above was born in Catania, where as a young man organized promotional trips in casinos around the world and are trafficking in precious stones in South Africa, lived ten years in a luxurious villa in Marbella where he deals with business and enjoying life (a few years ago almost got married a Venezuelan woman already Miss World).

Arrested a first time for a few weeks upon arrival in Costa del Sol, is regularly the focus of the investigating bodies that it is the base of the Sicilian mafia in the south of Spain and especially the link between criminals and entrepreneurs.

Curiously, on the occasion of his legal troubles Cultrera speaks by phone with a reporter from the newspaper in Catania "Sicily", which then takes care to indicate on the newspaper (whose director is the president of the Federation of Italian publishers) the transcript of the conversation.

"But *figghiu miu* [my son] is' story is making me crazy, I have nothing to do with the Mafia, I buy old houses, the restructuring and sale to the rich of Marbella.

In most when it happens, I try to sell to some foreign country a helicopter, a tank, it does so even Vittorio Emanuele, who is evil? Vip yes, no Mafia. Gil and I know that this investigation involves me is just a way to throw mud on him.

"Catania salutami where I have many relatives and friends." End of call. The innocent Cultrera is actually already under investigation in Catania for the trafficking of arms, although his lawyer claims that "the link with Santapaola, the boss of Catania is a hoax" and that "trafficking in arms are still occurring in law. " The lawyer, after all, is called Sandro Attanasio and in some processes has defended its Santapaola while in others it is the legal Sigonella military accused of illegally awarded contracts to companies linked mafia, once again, a Santapaola.

But what Cultrera refers when he speaks of "trafficking in arms"? In 1995, the DIA (Direzione Investigative Antimafia) Catania initiated an investigation into "international trafficking in weapons, cash flows from the illicit origin of the foreign banks' economic interests for the opening of casinos throughout the world, money dirty money on the tables and green Sanremo Champion, negotiations in Morocco, Saudi Arabia, Spain, South America and a series of marginal affairs including the negotiations for the supply of engines to the Formula One team 'Benetton Ford' "

The story is basically focused on the activities of "high finance" of the men connected with the Santapaola clan, which for years have recycled and reinvested the proceeds of illegal activities in areas particularly profitable, especially gambling.

The same people are active in trafficking of arms, as vendors of the material produced by some of the major Italian industries in the sector, "Breda Brescia mechanical Spa" el ' "Agusta".

The affair most significant group is the provision of military goods to the navy, the army

and aviation of Saudi Arabia and Morocco. All this surrounded by a string of fraud, receipt of debt securities, money laundering and assets of illicit origin.

Cultrera appears at the center of this dense network of relationships, involving among others Philip Battaglia, a lawyer with Messina in his pocket a passport in Peru, traffickers in business with the likes of Adnan Kashoggi, and the manager of Publitalia, Alberto Dell'Utri, brother of the famous Marcello, a number of dealer advertising group Berlusconi.

Intercepting the telephone conversations was possible to reconstruct the business of building and logistics, for example, requests a meeting with Aldo Ercolano, a killer of Cosa Nostra reached the summits of the family in Catania, or the desire to get up to a meeting with Berlusconi by Alberto Dell'Utri ...

Among the data of the Spanish judiciary is also an alleged meeting Berlusconi-Gil pointed to the Italian anti-drug service.

THE TRUE FACE OF THE MAFIA

Cultrera has friendships with Saro Spadaro - Messina impiantatosi in Saint Marteen, curator of absconding and some business Santapaola in the Caribbean - and Tanino Coral, manager of the business of the Italian-American mafia in the Caribbean.

In 1991, the DEA (Drug Use police) had to travel to Miami for Cultrera Coral and Spadaro meet to discuss new investment in casinos the Caribbean islands, where they had landed in the '80s by buying among other things an airline and some hotel-casinos.

Another friend would Cultrera Angelo Bonanno, boss of the family of "Cursoti" allies of the head Santapaola. In 1992 Bonanno was called Francesco Finocchiaro, catanese building contractor, for a trip to Marbella.

"The mayor of that city," Bonanno said, "is the owner of certain building areas which you might be interested."

Before magistrates Catania, January 12, 1995, Finocchiaro says: "We went to visit the areas, in part had already been built by companies of Mayor Gil. For lunch brought me and my son at the villa of Felice Cultrera, so I had to know it.

The son of Bonanno mentioned Finocchiaro is called John and was the pilot of Formula 3000, and a good pilot had his residence in Monaco. E 'was arrested in early 1995 for receiving and recycling increased and continued when his father was already in prison for extortion.

Finocchiaro was paid to Angelo Bonanno and approximately one billion and 200 million 'lace', but since the thickness of the characters the money was paid in a rather elegant: In 1994, the manufacturer sponsored notionally (on self and overall did not appear on any label), the pilot John Bonanno, through bank transfers by leaving 2 of the Italian Credit "and ended up in the accounts of" Transmed Financial and investment holdings limited "in Dublin and the company" Urban Promotion "of Monte Carlo.

The company and its bank accounts had been opened just by Giovanni Bonanno, so as to have a cover for the criminal origin of money received, and at the same time a structure able to launder money.

The best commentary on these events, which are a glimpse of thickness and character of international organized crime, results from a pre-trial order dated 5 May 1995 and signed by Judge Anthony Ferrara catanese: "Cultrera and alri suspects have friends in the jet - business and set policy. These friendships give the measure not only the size of the business transacted by the organization, but also of its intention to manipulate politicians to obtain protection and impunity for their trades. "

THE CONTEXT

Jesus Gil y Gil was at least a hundred investigations by investigating bodies, but it is not easy to take this into account and update this special prize.

His career continues to be marked by judicial decisions, litigation by the court, and some new scandals acquittal.

His Atletico Madrid is back in the Spanish second division until December 2000 and continues to be administered by the judiciary. From 7 years is undisputed and president despite the protests of small shareholders still in the saddle. The town hall of Marbella continues to be characterized by processes, protests, accusations of disloyalty and betrayal. On December 5, to recall an episode, the Master Plan was approved Marbella insults and ill-feeling among the audience. At the same time broke yet another scandal, this time with Madrid scenario, called "case sermos. In summary, two buildings Gil bought with money from the municipality of Marbella.

In recent times, it seems that the public is digesting the exuberant Gil, which means the imbarbarimento of the political debate and economic practices. In addition to the legitimacy of a social class is often indicated by the name of mafia bourgeoisie.

Why Gil - a cousin of Le Pen, Haider and Berlusconi - could be something more serious and disturbing a swindler picturesque.

SOURCES

Tuttosport 12 June 1999; Sicily 25 June 1999, Corriere della Sera 16 June 1999 24 June 1999, El Mundo 24 June 1999, 14 November 2000 14 November 2000 4 December 2000 5 December 2000 12 December 2000, December 13 2000, 15 December 2000, Giornale di Sicilia 5 May 1995, the Espresso 3 February 1995, January 2000 El Pais, El Periodico 20 July 1999.




Jesus Gil has a new coach and the new sponsor dell'Atleta Madrid.



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'THE CONNECTION Astapa HISPALIS | Home | What we do not have the official press (I)'

Written on: 21 July 2008 @ 08:21 PM

Categories: LIECHTENSTEIN

Tags: the Zagaleta, Villen antonio ruiz, salvador guerrero, benahavis

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JADE LIMOUSINE OPERATION-(I)

By: citizen-of-Espartinas

AND THE Zagaleta The plot of LIECHTENSTEIN

Following the tax scandal uncovered in Germany after the purchase by the German secret services information from the **LGT bank**, owned by **Casa Real Liechtenstein** State Agency of Tax Administration (AEAT) sent to Anti-OTP information on 80 bank deposits in Liechtenstein, with 198 individual members and beneficiaries residing in Spain, for investigation by the commission of crime prosecutor.

Three months later, the judge the National Santiago Pedraz, ordered 19 simultaneous banking and advisory services in Marbella, Barcelona, Madrid and Zaragoza. The operation, called **Jade, Limousine**, focuses on tax fraud and money laundering.

According to published neg-ocio.com, one of the offices operated in Marbella belongs to **Salvador Guerrero, who is credited with receiving the money from Liechtenstein to make investments in real estate Coast del Sol**

According to the same digital, buy the farm of what is now **The Urbanization Zagaleta** was conducted through this

office. **Enrique Pérez Flores**, one of the businessmen in the list in the hands of Tax Agency Bought the property years ago to **Kashogui Adnan**, Saudi magnate and arms dealer **known**.

The Zagaleta Refuge for bleaching high-flying.

Sources Guardia Civil located in the **urbanization The Zagaleta** the residence of the Finnish **Johannes Aki Kujala**, one of the strong men of **Carlos Llorca José Manuel Rodríguez**, the great **White Whale** bleach accused and **Filatélico Forum**, currently under arrest internationally.

Kujala but not the only neighbor of **The Zagaleta** businesses involved in money laundering. According clavedigital.com, the British businessman **Sean Woodhall**, convicted in the United Kingdom to 18 months in prison for a fraud involving the sales of automobiles, has also set his personal residence in this luxurious development.

Sean Woodhall, according to the Service of Prevention of Money Laundering, the part that hides in the business the **Dominican Republic** of two major suspects in the plot Malaya, **Carlos Sanchez** and **Andres Liétor**. In the puzzle business develops resort in Bavaro **Punta Perla**, **Woodhall** figure as president of Worldwide Destinations Plc, and representative of Ocean View Properties.

Salvador Guerrero, the voice for the PP the Gestora Marbella

After the dissolution of Marbella Town Hall as a result of Operation Malaya, the People's Party named as a member of the managing committee to **Salvador Guerrero**.

Guerrero had to resign from the announcement that his office, **Guerrero Lawyers** defending **the accused in 2 of Malaya**: José Jaén (councilman of Culture of the City Council) and Leopoldo Barrantes, (secretary of the municipal Consistorio).

Guerrero is also the defense of former coordinator of finance and accounting Consistorio, Antonio Calleja, charged in '**case 2 Looting**' of the National for the alleged embezzlement of 41 million euros from the public coffers.

Guerrero also leads the defense lawyers of at least **one suspect in the 'Ballena Blanca case**.

Lawyers Guerrero and former judge Antonio Ruiz Villén

Antonio Ruiz Villén is a partner of **Guerrero Lawyers**, as published by the firm's own website.

When the famous **theft of records GIL**, Antonio Ruiz Villén **held the Magistrate's Court number 5 in Marbella**. In total 15 records have disappeared, 13 of them against Gil.

Ruiz was Villén Secretary Board Judges of the Court of 1st Instance **No. 5** in Marbella days when **Pilar Ramírez** was **Balboteo Judge Dean Marbella**.

Judge Pilar Ramírez Balboteo and the Italian Mafia

The Anti-Corruption Prosecutor accused the former chief judge of Marbella Pilar Ramírez protect the common business of **the Mafia** family. The chief prosecutor, Carlos Jimenez Villarejo, accused the family of the judge to maintain the business relationship with two **mobsters from Italy, Gianni and Felice Cultrera Menino and Jesus Gil**.

Recently, Opinion reported that, according to Interpol Rome in the year **1991** and **Felice Cultrera Gianni Menino** "**had a monopoly on the cocaine trafficking from South America to Europe, launder money from the drug trade in real estate investments.**"

This information prompted the investigation of pre 365/91 in the Central Court of Instruction Number Five the National , Which investigated the above mentioned, as well as antiques based in Marbella **Angelo Salamini** and **Ana Muñoz Oriol**, sister **Ángeles Muñoz**, the current mayor of the city.

Oriol Muñoz Ana is married to **Felice Cultrera** and created together with **Juan Ramírez**, the father of the judge, the **Fisher Island SL**.

For its part, El Pais and **Menino Cultrera** linked with one of the kingpins of the **Russian Mafia** arrested recently.

If Hidalgo, Antonio Ruiz Villén and Liechtenstein

In the **operation Hidalgo** (international web of **money**), **Antonio Ruiz Villén** law firm representing the owner of Cruz-

Conde and principal involved in the plot, **Rafael Cruz-Conde**, his partner **of Guzmán** and the economist **Luis Lacalle Maria Rubio**.

In connection with the laundering of proceeds from all types of criminal activities uncovered by the **operation Hidalgo**, El Pais reported that the investigation found the **purchase of property in Spain** through transfers of funds abroad by **individuals or companies resident in Liechtenstein** or represented by professional lawyers in this country. "

It is exactly the same modus operandi used by suspected **Salvador Guerrero, Antonio Ruiz Villén** partner in **Guerrero Lawyers**.

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6 comments

Troy 13 Aug 2008 | 07:51 PM

Remarks:

1. The Zagaleta not bought Enrique Pérez Flores, but a corporation
2. The property was purchased at public auction and not directly to Kashogi
3. The entire operation was done on a regular and was investigated by the tax



[citizens-of-Espartinas](#) 13 Aug 2008 | 08:46 PM

Thanks for the points Troy.

This is what the publishing world on April 25 1994:

The president of Switzerland is BEX autoconcedió a loan to buy the property from Marbella Khashoggi Enrique Perez Flores gave 2671 million pesetas to society The Zagaleta, who also heads

This resolved the defaults Saudi tycoon in 1992 to keep his mansion "Al Baraka '

[http://www.elmundo.es/papel/hemeroteca/1994/04/25/economia/711351 ...](http://www.elmundo.es/papel/hemeroteca/1994/04/25/economia/711351...)



citizens-of-Espartinas 13 Aug 2008 | 08:59 PM

And this is what the digital BUSINESS published on July 16:

Among the names that stand out in the list of 50 employers that the UK authorities gave to the Tax Agency, which are under suspicion, is presumably according BUSINESS sources have confirmed to the investigation, the businessman Enrique Pérez Flores , a builder based in Switzerland and Malaga, and that years ago bought the estate of the Saudi tycoon Adnan Kashoggi, which later built the Urbanización La Zagaleta in Marbella.

Greece 14 Aug 2008 | 02:26 PM

I think an atrocity, an evil and speak no one knows when. Are breaking the bonds of many families and we are to believe what they are not facts, but lights that illuminate them and bothering sacandolas warm to the truth.

Envy for men shows how miserable they feel, and his constant attention to what they do or stop doing the other shows how much you get bored.

jose luis 3 December 2008 | 02:40 PM

google earth in the direction of the Zagaleta is kujala
latitude 36 ° 31'47 .34 N
longitude 5 ° 21 O'0'43



citizens-of-Espartinas 17 December 2008 | 12:37 AM

Thanks for the information Jose Luis.

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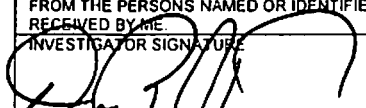
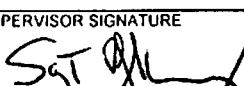
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Action Taken: On May 28th, 2009, this Detective received another volume of documents from Tom Daily, the attorney representing Paul Hallingby, regarding the stolen Ferrari bearing VIN 0799GT.


These documents, written in German accompanied with an English translation, include a letter from Mr. Daily and his understanding of what the documents mean. According to Mr. Daily, his position is that any listing on Interpol by Swiss Law Enforcement was improper because Spanish authorities determined that no crime had been committed in the disappearance of the vehicles in 1993. Mr. Daily goes on to state that the complaint of Dr. Gerber, the rightful owner of the Ferrari bearing VIN 0799GT, is unsupported because he has not demonstrated a proof of ownership. Mr. Daily requests the closing of the State Police Investigation based on his aforementioned opinion.

As previously reported by this Detective, there is information available that shows the Spanish Judges involved in declaring that there was no theft related to the disappearance of the Ferrari bearing VIN 0799GT and three other Ferrari automobiles had links to organized crime in Spain and may have been subsequently removed from the bench there for that reason. Specifically, the Judges were connected to Gianni Mennino, known to be an organized crime figure in Spain who was connected to "Motorauto Marbella," the location from where the cars disappeared. It should also be noted that the owner of the three other Ferrari Automobiles, Bernhard Friedli, took the action in Spanish Court because he agreed to sell the cars for \$1.9 million, moved them to Spain for the sale, but never received the money. The cars then disappeared. Mr. Friedli owned those three outright and was partnered with Dr. Andreas Gerber, the complainant in this investigation, on the Ferrari bearing VIN 0799GT. This Detective has previously received a copy of the contract between Mr. Friedli and Dr. Gerber related to the partnered ownership of the Ferrari bearing VIN 0799GT.

Included in the documents is a letter from Mr. Daily's counterpart in Switzerland, attorney Christoph Hohler. Attorney Hohler sent a letter to Mr. Baumgartner, Deputy Commander of the Cantonal Police Berne in Switzerland, requesting that the teletype in Interpol listing the Ferrari bearing VIN 0799GT as stolen be revoked. However, the reasons for the revocation listed by Attorney Hohler do not correspond with Mr. Daily's assertion that no crime was committed in Spain in 1993. In his letter to Commander Baumgartner, Attorney Hohler refers to a letter by a Judge Thoma to Oliver Weber, Dr. Gerber's attorney, in which the Judge stated, "It is not correct that I have approved a renewed tender of the stolen vehicle in "RIPOL." The Judge stated that, "The announcement was made on the initiative and responsibility of the clerk at the Canton Police Bern." He stated that, "The reason for the tender is the theft of the vehicle in the summer of 1993." The Judge stated that, "The statute of limitations had expired on the theft, which makes me believe that a tender at this time is no longer possible." Judge Thoma also stated in his letter that he has no additional files on the case." He asked that FEDPOL or the Cantonal Police Berne be contacted directly for additional files. Attorney Hohler also quotes a RIPOL regulation related to the revocation of teletypes for stolen/missing items. Again, he does not argue that no crime was committed. Interestingly, Attorney Hohler states that "In the present case, as is generally known, it has

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<input type="checkbox"/> 2-CLEARED ARREST	<input type="checkbox"/> 6-NO CRIMINAL ASPECT	<input type="checkbox"/> B-PROSECUTION DENIED	<input type="checkbox"/> E-JUVENILE-NO CUSTODY		
<input checked="" type="checkbox"/> 3-SUSPENDED	<input type="checkbox"/> F-FUGITIVE	<input type="checkbox"/> C-EXTRADITION DENIED			
<small>THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.</small>					
INVESTIGATOR SIGNATURE 	INVESTIGATOR ID 732	REPORT DATE 07-28-09	SUPERVISOR SIGNATURE 	SUPERVISOR ID 155	APPROVAL DATE 08/17/2009

Det. Richard Van Tine

State of Connecticut Dept. of Public Safety Narrative Report  DPS-302-C (Revised 04/03)	REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 2 of 2
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been argued for the past fifteen years that the vehicle in question was stolen in Spain in 1993." Attorney Hohler then goes on to confirm that the Connecticut State Police are currently in possession of the vehicle after its seizure and that prior to that it was in the possession of Hallingby since 2000.

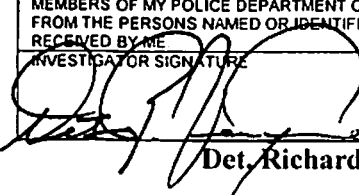
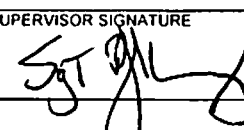
It should be noted that this Detective requested, via teletype previously submitted, that Interpol cancel the stolen vehicle teletype. The request was made after the seizure.

On June 17th, 2009, this Detective received from Mr. Daily, a copy of the written response from Commander Baumgartner to Attorney Hohler confirming the revocation of the Interpol teletype. Also received from Mr. Daily is a letter summarizing, somewhat inaccurately, the actions of the Cantonal Police Berne and the language of Judge Thoma from his letter articulated above. Mr. Daily believes that Judge Thoma indicated that the Ferrari was wrongfully listed on Interpol when in fact, the Judge stated that he did not believe it could be listed because the statute of limitations on the crime had expired. The word "wrongfully" was not used by the Judge. Further, the Cantonal Police Berne revoked the teletype because, as Attorney Hohler stated in one of his several reasons for the revocation, the location of the vehicle is now known. There is no reason to maintain a stolen vehicle teletype once the vehicle has been seized by the police and subject to investigation.

Mr. Daily also included copies of the documents he previously sent.

Attached to this report are copies of the documents received by this Detective from Mr. Daily.

This Case remains Closed Suspended.

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Det. Richard Van Tine



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May 28, 2009

VIA FAX (203.696.2597) and EMAIL

Detective Richard Van Tine
Motor Vehicle Task Force
State of Connecticut
Department of Public Safety
1111 Country Club Road
Middletown, Connecticut 06457

Re: Paul L. Hallingby

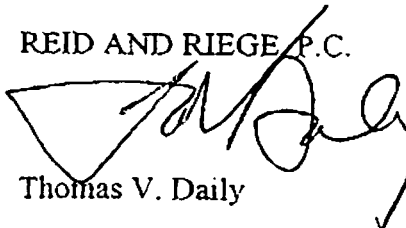
Dear Detective Van Tine:

As we discussed on the telephone today, I have enclosed a copy of the letter sent by Mr. Hallingby's attorney in Switzerland requesting that the Interpol listing of Mr. Hallingby's Ferrari 0799 be revoked. As we discussed last Thursday in our meeting, it is our position that any listing on Interpol by Swiss law enforcement in 1995 based on Dr. Gerber's report to Berne Switzerland police of an alleged theft in Spain in 1993, was clearly improper and in error. This is so because, among other reasons, a complaint was made in regard to the 1993 conduct in Spain by Mr. Friedle, the alleged owner, and rejected by Spanish authorities. Moreover, the apparent re-listing on Interpol in 2008 by Bern police was also improper, based entirely on the unsupported and fraudulent complaint by Dr. Gerber, with no proof of his ownership or rights to the Ferrari, when he was fully aware of the rejection of the theft claim by Spanish authorities many years earlier.

Please contact me if you have any questions. Again, based on our discussions and the documents we have provided demonstrating the Ferrari was not stolen, we request the official closing of the investigation as it relates to Mr. Hallingby and the immediate return of his Ferrari.

Sincerely yours,

REID AND RIEGE, P.C.



Thomas V. Daily

TVD:ubm
Enclosure
c: Mr. Paul Hallingby

HOHLER TRÖHLER HEIM
RECHTSANWÄLTE

MITGLIEDER DES SCHWEIZ. ANWALTSVERBANDES
EINGETRAGEN IM ANWALTERREGISTER.

DR. IUR. CHRISTOPH HOHLER
MWST-NR. 288 761
LIC. IUR. BERNHARD TRÖHLER
MWST-NR. 319 800
LIC. IUR. RENATA HEIM
MWST-NR. 288 208

BADENERSTR. 73 / STAUFFACHER
8004 ZÜRICH
TELEFON 044 288 30 20
TELEFAX 044 288 30 22

Einschreiben
Kantonspolizei Bern
Polizeikommando
Herr P. Baumgartner
Kommandant-Stv.
Postfach 7571
3001 Bern

Zürich, 26. Mai 2009

Strafanzeige Dr. Andreas Gerber vom 19. März 2008
Untersuchungsrichteramt I Berner Jura-Seeland / UB 08 7683
Akteneinsichtsgesuch Paul L. (Barney) Hallingby vom 28. Januar 2009

Sehr geehrter Herr Baumgartner

Namens und als Anwalt von Herrn **Paul L. (Barney) Hallingby** bedanke ich mich für Ihr Schreiben vom 13. Februar 2009 und stelle Ihnen nach Rücksprache mit dem Untersuchungsrichteramt I Berner Jura-Seeland den begründeten Antrag:

Es sei die Ausschreibung des Fahrzeuges Ferrari 250 GT Spider, VIN O799, im RIPOL zu revozieren.

BEGRÜNDUNG

1. Am 19. März 2008 erstattete Dr. Andreas Gerber bei der Kantonspolizei Bern, Station Lengnau, in Begleitung seines Anwaltes Strafanzeige wegen angeblicher Hehlerei gemäss Art. 160 StGB (Beilage 1: Rapport vom 19. März 2008). Gemäss Ihrer Bestätigung vom 13. Februar 2009 ist das zur Diskussion stehende Fahrzeug im Nachgang zu dieser

Strafanzeige zur Fahndung ausgeschrieben worden (Beilage 2: Schreiben Polizeikommando Bern vom 13. Februar 2009).

2. Diese wohl von einem Sachbearbeiter der Fahrzeugfahndung veranlasste Ausschreibung war nicht korrekt. Der zuständige Untersuchungsrichter P. Thoma hat deshalb bereits am 11. Juni 2008 klargestellt, dass er der erneuten Ausschreibung des Fahrzeuges im RIPOL nicht zugestimmt habe, da seines Erachtens eine Ausschreibung zum heutigen Zeitpunkt nicht mehr möglich sei (Beilage 3: Schreiben Untersuchungsrichteramt I Berner Jura-Seeland vom 11. Juni 2008). Diese Auffassung hat er gegenüber dem Unterzeichneten im Rahmen einer Anfrage vom 18. Mai 2009 ausdrücklich bestätigt und dabei auch klargestellt, dass für eine Revokation der Ausschreibung nicht das Untersuchungsrichteramt I Berner Jura-Seeland, sondern die Kantonspolizei Bern zuständig sei.
3. Gemäss Art. 20 Abs. 3 RIPOL-Verordnung werden Daten über Fahrzeugfahndungen höchstens 10 Jahre aufbewahrt. Für ungeklärte Straftaten und Sachfahndungen gelten gemäss Art. 20 Abs. 4 der Verordnung für die Aufbewahrungsdauer die folgenden Bestimmungen: Ausschreibungen dürfen längstens abrufbar sein bis (1) die Täterschaft ermittelt werden konnte, oder (2) die gesuchte Sache aufgefunden worden ist und nach keiner Täterschaft gefahndet wird, oder (3) die Täterschaft ermittelt und die gesuchte Sache aufgefunden worden ist, oder (4) die Straftat absolut verjährt ist. Sobald eine Personenausschreibung oder eine Fahrzeugfahndung gegenstandslos geworden ist, müssen gemäss Art. 20 Abs. 1 der Verordnung die Daten im RIPOL gelöscht werden.
4. Vorliegend wird bekanntlich seit über 15 Jahren behauptet, das in Frage stehende Fahrzeug sei im Juli 1993 in Spanien gestohlen worden. Seit dem Erwerb des Fahrzeuges durch Herrn Hallingby im November 2000 befindet sich dieses an seinem Zweitwohnsitz in Connecticut. Seit dem 9. Juli 2008 ist das Fahrzeug unter der Obhut der Connecticut

State Police. Angesichts dieser Umstände waren weder im März 2008 noch heute die Voraussetzungen für eine Ausschreibung des Fahrzeuges im RIPOL gegeben.

5. Der angebliche Diebstahl des Fahrzeuges in Spanien ist gemäss schweizerischem Recht verjährt, dies sowohl unter Beachtung der altrechtlichen wie auch neurechtlichen Verjährungsbestimmungen. Damit aber hat eine Löschung der Fahrzeugfahndung bereits gestützt auf Art. 20 Abs. 4 Ziff. 4 zu erfolgen, worauf Untersuchungsrichter P. Thoma in seinem Schreiben vom 11. Juni 2008 hingewiesen hat. Im Weiteren steht seit langen Jahren fest, dass der fragliche Ferrari 0799 von Barney Hallingby erworben wurde und sich das Fahrzeug an seinem Zweitwohnsitz in Connecticut befand. Heute ist nach der Beschlagnahme des Fahrzeuges durch die Connecticut State Police das Fahrzeug ohnehin unter behördlicher Obhut. Damit aber sind die Voraussetzungen für eine Löschung der Daten im RIPOL gestützt auf Art. 20 Abs. 4 umfassend gegeben.
6. Aus all diesen Gründen stelle ich hiermit förmlich den **Antrag**, dass die Daten der Fahrzeugfahndung im RIPOL gelöscht werden. Ich bitte Sie höflich, mir die Löschung schriftlich zu bescheinigen, unter entsprechender Orientierung des Untersuchungsrichteramtes I Berner Jura-Seeland; besten Dank.

Mit freundlichen Grüssen


Christoph Hohler

Beilagen

1. Rapport vom 19. März 2008
2. Schreiben Polizeikommando Bern vom 13. Februar 2009
3. Schreiben URA I Berner Jura-Seeland vom 11. Juni 2008

Kopie

Untersuchungsrichteramt I Berner Jura Seeland, Herr UR Thoma

BEILAGE 1

Kantonspolizei

Regionalpolizei
Seeland - Berner Jura

Polizei- und Militärdirektion
des Kantons Bern

Anzeige

U8 1085



UR-Amt I Biel

Eingel.: - 8. April 2008

Solothumstrasse 11
2543 Lengnau
Telefon 032 346 88 81
Telefax 032 346 88 84

Untersuchungsrichteramt I
Berner Jura - Seeland
Amtshaus, Spitalstrasse 14
2501 Biel

080319/15:09/PFLE

Lengnau, 19. März 2008

EL Fall

Franz Leuenberger, Stationierte Polizei

Eingang der Meldung

Mittwoch, 19. März 2008, 14:00 Uhr, durch den Kläger in Begleitung seines Anwaltes persönlich im Büro der Kapo Lengnau.

Betrifft

Hehlerei

Hehlerei

StGB Art. 160

Ort

2542 Pieterlen/BE, CH, Bassbeltweg 26
bzw. USA, New York, New Jersey und Connecticut

Zeit

Montag, 01.01.2001 bis Donnerstag, 28.02.2002
bzw. anfangs 2001 - anfangs 2002

Geschädigt

Gerber Andreas

Geburtsdatum

28.02.1947

Geschlecht

m

Heimatort, Staat

Heimiswil BE, Schweiz

Beruf

Arzt

Privatadresse

2542 Pieterlen/BE CH, Bassbeltweg 26

Muttersprache

Deutsch

Verhandlungssprache

Deutsch

Privatjägerschaft

Ja

Strafantrag

Ja

Vertreten durch;

Weber Oliver

Geburtsdatum

17.07.1976

Geschlecht

m

Heimatort, Staat

Zug ZG, Schweiz

Beruf

Fürsprecher

Geschäftsadresse

2500 Biel/Bienne/BE CH, Murtenstrasse 7

Muttersprache

Deutsch

Verhandlungssprache

Deutsch

Zusatz

Postfach 811

Tatvorgehen

In Marbella E, aus Garage Motor Auto Marbella, am 07.07.1993 gestohlener Ferrari 250 GT Spider, VIN 0799, grau, damaliger Verkehrswert 800'000.-, in den USA als Hehlerware übernommen.

Täterschaft

Unbekannt

Deliktsgut

1 Fahrzeug, DK 91



Anzeige

Marke Ferrari, Typ 250 GT Serie 1, Material Stahl/Eisen, Farbe grau,
VIN 0799, 1. Inverkehrsetzung 1957, Aktueller Verkehrswert ca. Fr.
3'800'000.-

Total 1 x 3'800'000.00 Wert ca. CHF 3'800'000.00


Gesamtbetrag ca. CHF 3'800'000.00

Durch Bekannte in der Ferrari-Sammler und Händler-Szene sowie auf Grund einer Internetrecherche gelangte dem Anwalt des Geschädigten zur Kenntnis, dass sich das gesuchte Fahrzeug in den USA befindet und offenbar den unrechtmässigen Besitzer gewechselt hat. Weitere Abklärungen werden derzeit in den USA vorgenommen.

Aus den erwähnten Gründen und Erkenntnissen sehe ich mich gezwungen, gegen den oder die unbekannt Person(en) Strafanzeige zu erstatten.

Der Anzeiger konstituiert sich sowohl im Straf- als auch im Zivilpunkt als Privatkläger


Gerber Andreas


Franz Leuenberger
Wachtchef-Stv.

Bellagen


-Strafantrag/Privatklage

InfoLINE:

VERFÜGUNG & ANTRAG
Eröffnung einer Voruntersuchung gegen unbe-
kannte Täterchaft und Antrag auf Einstellung
(Art. 235 StV) 5.5.2008
Aminous Biel. 14. April 2008

Die Untersuchungsrichter(in)
Der Untersuchungsrichter:


Beistimmung


- 5. Mai 2008

Der Prokurator 2
der Staatsanwaltschaft I
Berner Jura - Seeland

Kantonspolizei

Strafantrag - Privatklage

Kriminalabteilung

Polizei- und Militärdirektion
des Kantons Bern

Betrifft

Hehlererei

Ort

USA, New York, New Jersey und Connecticut

Zeit

Jan 2001 - bis anfangs 2002

Tatverdächtigt

Unbekannt

Geschädigt

Dr. Andreas Greber

vertreten durch

Fürsprecher Oliver Weber,

Musterstr. 7, Postfach 811, 2501 Biel

I. Strafantrag

Ich stelle gegen obenerwähnte Person Strafantrag

Ja

Nein

wegen

II. Privatklage

Ich stelle mich gegen obenerwähnte Person als Privatkläger/in und will im Verfahren meine Parteirechte ausüben (Beweisantrags-, Akteneinsichts- und Rekursrecht etc.)

1. Privatkläger/in im
Strafpunkt

Ich verlange die Bestrafung des/der Angeschuldigten

Ja

Nein

und / oder

2. Privatkläger/in im
Zivilpunkt:

Ich mache Zivilansprüche geltend

Ja

Nein

nämlich

a) eine Schadenssumme von

CHF 3'200'000.-

b) eine Genugtuungssumme von

CHF unbestimmt

Belege

(Begründung der Zivilklage)

3. Nur beantworten, wann bei Frage 1 oder 2 „Ja“ eingesetzt wurde.

a) Verlangen Sie, vom Untersuchungsrichter vorgeladen oder befragt zu werden?

Ja

Nein

b) Verlangen Sie Fristansetzung zur Akteneinsicht und Stellung von Beweisanträgen vor Abschluss der Voruntersuchung?

Ja

Nein

Sie können darauf verzichten, ohne dass Ihre Rechte im Hauptverfahren vor dem urteilenden Gericht deswegen beeinträchtigt werden.

Ort, Datum

Leugnan, 19.3.2008

Der/Die Unterzeichnete bestätigt, von den Erläuterungen auf der nachfolgenden Seite Kenntnis genommen zu haben.

Unterschrift

[Handwritten Signature]

Diese Erklärung ist
zurückzusenden an das
Untersuchungsrichteramt

bis

Falls diese Erklärung nicht innerhalb der Frist zurückgeschickt wird, wird angenommen, es werde auf einen Strafantrag und die Konstituierung als Privatkläger/in verzichtet.



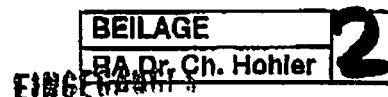
BELAGE 2

Polizaikommando

Commandement
de la police

Polizei- und
Militärdirektion
des Kantons Bern

Direction de la police
et des affaires militaires
du canton de Berne



16. Feb. 2009

Waisenhausplatz 32
Postfach 7671
3001 Bern
Telefon 031 634 40 10
Telefax 031 634 40 39

Hohler Tröhler Heim Rechtsanwälte
Dr. iur. Christoph Hohler
Badenerstr. 75 / Stauffacher
8004 Zürich

Der Kommandant-Stv.

pmyc

Bern, 13. Februar 2009

Ihr Gesuch um Akteneinsicht vom 19. Januar 2009

Sehr geehrter Herr Hohler

Ich beziehe mich auf Ihr Gesuch um Akteneinsicht vom 19. Januar 2009. Infolge Hängigkeit des Verfahrens musste die Kantonspolizei vorgängig Rücksprache mit dem Untersuchungsrichteramt I Berner Jura - Seeland nehmen.

Ich kann Ihnen mitteilen, dass die Polizei über die beiden Strafanzeigen vom 16. März 1995 (Sachbeschädigung)* und 19. März 2008 (Hehlerei) verfügt. Ich kann zudem bestätigen, dass jeweils im Nachgang zu den erwähnten Strafanzeigen das in Frage stehende Fahrzeug zur Fahndung ausgeschrieben worden ist.

Entgegen den angeblichen Angaben von Fürsprecher Weber bestehen keine weiteren der Auskunftspflicht unterstehenden polizeilichen Akten über die von Ihnen erwähnte Angelegenheit. Da Sie bereits im Besitze der Strafanzeigen sind, erübrigt sich aus meiner Sicht eine erneute Zustellung derselben Unterlagen.

* Diebstahl

Mit freundlichen Grüssen

Der Kommandant-Stellvertreter

P. Baumgartner
P. Baumgartner



BEPLAGE 3

Untersuchungsrichteramt | Berner Jura-Seeland
Amtshaus
Spitalstrasse 14
2501 Biel

BEILAGE
RA Dr. Ch. Hohler **3**

Der Untersuchungsrichter 1
P. Thoma

Die Gerichtssekretärin
U. Zbinden

Telefon: 032 344 58 31
Telefax: 032 344 58 20

Herrn
Försprecher
Oliver Weber
Murtenstrasse 7
Postfach 811
2501 Biel

Unser Zeichen:

UB 08 7883 ZUR

Biel, 11. Juni 2008

Strafanzeige vom 19.03.2008 gegen unbekannte Täterschaft wegen Verdachts der Hehlerel, angeblich begangen in den USA z.N. von Herrn Andreas Gerber

Sehr geehrter Herr Försprecher

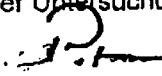


Ich bestätige den Erhalt Ihres Schreibens vom 01.06.2008 und kann dieses wie folgt beantworten:

Es ist nicht zutreffend, dass ich der erneuten Ausschreibung des gestohlenen Ferraris im Ripol zugestimmt habe. Die Ausschreibung erfolgt einzig auf Veranlassung und in der Kompetenz des zuständigen Sachbearbeiters der Kantonspolizei Bern. Grund der Ausschreibung ist der Diebstahl des Fahrzeuges im Sommer 1993. Dieses Delikt dürfte zum heutigen Zeitpunkt absolut verjährt sein, weshalb meines Erachtens eine Ausschreibung zum heutigen Zeitpunkt nicht mehr möglich wäre (Art. 19 Abs. 3, 4 lit. a Ziff. 4 Ripol-Verordnung).

Ich verfüge über keine zusätzlichen Akten. Sollte Fedpol oder die Kantonspolizei Bern über weitere Akten verfügen, wollen Sie sich bitte betreffend Akteneinsicht direkt an diese Behörden wenden.

Freundliche Grüsse
Der Untersuchungsrichter 1


P. Thoma

ENGLISH TRANSLATION

HOHLER TROHLER HEIM

RECHTSANWÄLTE / ATTORNEYS-AT-LAW

MITGLIEDER DES SCHWEIZ. ANWALTSVERBANDES EINGETRAGEN IM ANWALTSREGISTER /
MEMBERS OF THE SWISS BAR ASSOCIATION REGISTERED IN THE REGISTER OF ATTORNEYS

DR. IUR. CHRISTOPH HLER
MWST-NR. 296 761
LIC. IUR. BERNHARD RÖHLER
MWST-NR. 319 808
LIC. IUR. RENATA HEIM
MWST-NR. 288 295

BADENERSTR. 75 / STAUFFACHER 8004 ZÜRICH
PHONE 044 298 30 20
FAX 044 298 30 22

By registered mail
Cantonal Police Berne
Police Department
P. Baumgartner Deputy
Commander
Postfach 7571
3001 Berne

Zurich, May 26, 2009

**Criminal Complaint Dr. Andreas Gerber, dated March 19, 2008 Investigating Magistrate's
Office I Berne Jura-Seeland / UB 08 7683 Request for Inspection of Files Paul L. (Barney)
Hallingby, dated January 28, 2009**

Dear Mr. Baumgartner:

On behalf of Mr. Paul L. (Barney) Hallingby and in my capacity as his legal counsel I would like to thank you for your letter dated February 13, 2009 and, after consultation with the Investigating Magistrate's Office I Berne Jura-Seeland, file herewith the following substantiated application:

The listing of the motor vehicle Ferrari 250
GT Spider, VIN 0799, in RIPOL must be
revoked.

REASONS

1. On March 19, 2008 Dr. Andreas Gerber, accompanied by his attorney, filed a criminal complaint with the Cantonal Police Berne, Precinct of Lengnau, for the alleged receiving of stolen goods pursuant to Art. 160 StGB [Criminal Code] (Enclosure 1: Report dated March 19, 2008). In accordance with your confirmation dated February 13, 2009, the motor vehicle that is presently at issue became, subsequently to the filing of this criminal complaint, the subject of a

"Wanted" notice. (Enclosure 2: Letter by the Police Department Berne dated February 13, 2009).

2. This missing-vehicle listing, presumably initiated by the Department of Motor Vehicle Investigations, was not correct. The competent Magistrate Judge Hon. P. Thoma had clearly stated as early as June 11, 2008 that he had not consented to a renewed listing of the vehicle in RIPOL because, in his view, a listing was no longer possible in view of today's factual situation (Enclosure 3: Letter by the Investigating Magistrate's Office I Berne Jura-Seeland dated June 11, 2008). In the context of an inquiry dated May 18, 2009, he expressly affirmed this construction vis-à-vis the undersigned stating clearly that the competent instance for the revocation of the listing was not the Investigating Magistrate's Office I Berne Jura-Seeland but the Cantonal Police Berne.
3. Pursuant to Art. 20 Subsec. 3 RIPOL Regulation, data regarding missing vehicles are stored for a maximum period of ten years. The following provisions apply with regard to the length of storage in cases of unresolved crimes and investigations of missing property pursuant to Art. 20 Subsec. 4 of the regulation: listings may be revoked at the latest until (1) it was possible to establish the identity of the perpetrator; or (2) the whereabouts of the sought-after item were established and no perpetrator is under investigation; or (3) the perpetrator is identified and the whereabouts of the sought-after item are established; or (4) the crime is out and out barred by the statute of limitations. As soon as a listing of a wanted person or a missing vehicle has become immaterial Art. 20 Subsec. 1 of the Regulation requires that the data be deleted in RIPOL.
4. In the present case, as is generally known, it has been argued for the past 15 years that the vehicle in question was stolen in July 1993 in Spain. Since Mr. Hallingby purchased it in November 2000, the vehicle has been kept at the latter's second residence in Connecticut. Since July 9, 2008 the vehicle has been under the care and protection of the Connecticut

State Police. In view of this situation the requirements that must be met for a listing of the vehicle in RIPOL have not been valid since March 2008 and are also currently not applicable.

5. The alleged theft of the vehicle in Spain falls, in accordance with Swiss law, under the statute of limitations; wherefore this is applicable under the rules of the old as well as the new law governing the statutory limitation rules. Art. 20 Subsec. 4 No. 4 provides a sufficient basis for deleting the missing-vehicle listing, which was pointed out by Magistrate Judge Hon. P. Thoma in his letter dated June 11, 2008. Moreover, it has been known for years that the Ferrari 0799 in question was purchased by Barney Hallingby and that it was kept at the latter's second residence in Connecticut. After the seizure of the vehicle by the Connecticut State Police, the vehicle is now under the care and protection of the authorities anyway. Consequently, the requirements that must be satisfied for a deletion of the data in RIPOL have been met completely.

6. Based on all of the reasons as set forth above, I am formally filing an application for the data regarding the missing vehicle to be deleted from RIPOL. Please kindly confirm in writing the deletion of said data once this process has been effected, copying the Investigating Magistrate's Office I Berne Jura-Seeland on this communication. Thank you very much.

Best regards,

Christoph Hohler

Enclosures

1. Report dated March 19, 2008
2. Letter by the Police Department Berne (Polizeikommando Bern) dated February 13, 2009
3. Letter by the Investigating Magistrate's Office I Berne (Untersuchungsrichteramt I Berner Jura-Seeland) dated June, 11 2008

Copy

Investigating Magistrate's Office I Berne (Untersuchungsrichteramt I Berner Jura-Seeland), the Hon. Thoma

ENCLOSURE 1

Canton Police
Regional Police
Seeland - Berner Jura

Complaint

UR-Office I Biel
Received; April 8, 2008

Police and Military Authority
Of Canton Bern

Office of the Investigating Judge I
Berner Jura-Seeland
Court office
Spitalstrasse 14
2501 Biel

Solothurnstrasse 11
2543 Lengnau
Phone 032 346 86 81
Fax 032 346 88 84

080319/15:09/PFLE

Lengnau, March 19, 2008

EL Case Franz Leuenberger, stationed Police

Receipt of the report Wednesday, March 19, 2008, 2:00 p.m. by plaintiff accompanied by his attorney personally in the office of Kapo Lengnau.

Subject: Receiving of stolen goods
StGB art. 160

City 2542 Pieterlen/BE, CH, Bassbeltweg 26
Or USA, New York, New Jersey and Connecticut

Time Monday, 01/01/2001 to Thursday 02/28/2002
Or early 2001 to early 2002

Harmed Gerber Andreas
Birth date 02/28/1947 Gender m
Hometown, country Heimiswil BE, Switzerland
Occupation Physician
Private address 2542 Pieterlen/BE CH, Bassbeltweg 26
Mother tongue German Court language German
Private complaint Yes Demand for penalty Yes
Represented by Weber Oliver
Birth date 07/17/1976 Gender m
Hometown, country Zug ZG, Switzerland
Occupation Advocate
Business address 2500 Biel/Bienne/BE CH, Murtenstrasse 7
Mother tongue German Court language German
Addition Postfach 811

Course of events In Marbella, Ferrari 250 GT Spider, VIN 0799, grey, stolen out of garage on 07/07/1993, market value at the time CHF 800,000.00 as stolen goods accepted in the USA

Delinquent Unknown

Delict product 1 vehicle, DK 91

Complaint

Brand Ferrari, type 250 GT series 1, material steel/iron, color grey, VIN 0799,
first registration 1957, current market value app. CHF 3,800,000.00

Total 1 x 3,800,000.00 value app. CHF 3,800,000.00

Total amount app. CHF 3,800,000.00

Through friends in the Ferrari collector and trader scene and based on an Internet search, the attorney of the harmed person obtained the information that the lost vehicle was in the USA and that it illegally changed owners. Additional clarifications are currently taking place in the USA.

For the reasons mentioned and based on the information, I am forced to enter a crime complaint against the unknown person(s).

The plaintiff establishes himself as a private plaintiff for the criminal and civil point.

[signature illegible]
Gerber Andreas

[signature illegible]
Franz Leuenberger
Policeman

Attachments

Demand for penalty/ private complaint

Info INE

DECREE & APPLICATION
Initiation of a preliminary investigation against and
unknown delinquent and application for dismissal
(Art. 235 StrV)

Court office Biel 5/5/2008

The investigating judge
[signature illegible]

Approval
[signature illegible]
May 5, 2008

The procurator
of the prosecution I
Bernese Jura-Seeland

[first two lines not translated]
 Police and Military Authority
 of Canton Bern

Subject	Receiving of stolen goods
Location	USA, New York, New Jersey and Connecticut
Time period	Jan 2001 to early 2002
Under suspicion	Unknown
Harmed person	Dr. Andreas Gerber
Represented by	Advocate Oliver Weber Murtenstr. 7, Postfach 811, 2501 Biel

I. Demand for penalty I demand a penalty against the above mentioned person
 because of

II. Private action I initiate a private action against the above mentioned person and want to
 exercise my private rights during the lawsuit (motion to take evidence, file
 review and appeal right, etc.)

1. Private plaintiff in penalty point	I request a penalty against the defendant	Yes
--	---	-----

and/or

2. Private plaintiff in civil point namely	I request civil claims	Yes
	a) a damage amount of	CHF 3,800,000.00
	b) a satisfaction amount	CHF undetermined

Evidence
 (Justification of the civil suit)

3. Answer only if "Yes" was selected for questions 1 or 2.

a) Do you request to be summoned and questioned by the investigating judge?	No
b) Do you request a time period for file reviews and for motions to take evidence before the preliminary hearings are completed?	No

You can waive these rights without affecting your rights in the main proceedings at the court.

City, date Lengnau, 3/19/2008

The signatory confirms that he/she has reviewed the explanations on the following page.

Signature [signatures illegible]

This declaration must be sent back to the office of the investigating judge
 before

If this declaration is not sent back within the time period, it is assumed that the request for a penalty and the establishment as a private plaintiff is waived.

ENCLOSURE 2

[Stamp] Enclosure BA Dr. Ch. Holder 2; Received: February 16, 2009

Polizeikommando
Polizei- und Militärdirektion
des Kantons Bern

Commandement de la police
Direction de la police et des affaires militaires
du canton de Berne

Police Department
Police and Military Directorate
of the Canton of Berne

The Deputy Commander

pmyc

Berne, February 13, 2009

Your Request for an Inspection of the Files Dated January 19, 2009

Dear Mr. Hohler,

I am writing to you in reference to your request for an inspection of the files dated January 19, 2009. Due to the fact that the proceeding is still pending, the cantonal police first had to consult with the Investigating Magistrate's Office I Berne Jura-Seeland.

I am able to inform you now that the police have both criminal complaints available; specifically the complaint dated March 16, 1995 (theft) and the complaint dated March 19, 2008 (receiving of stolen goods). I can also confirm that, following the filing of said complaints, a "Wanted" bulletin was issued for the missing vehicle in question.

Contrary to the alleged information provided by the interceding party Weber, there are no further police files that are subject to a duty of disclosure in the matter that you are addressing. Since you are already in possession of the criminal complaints, sending these documents again will not be necessary.

Best regards,

The Deputy Commander
[Signature]
ppa. P. Baumgartner

ENCLOSURE 3

Office of the Investigating Judge I Berner Jura-Seeland
Court office
Spitalstrasse 14
2501 Biel

The Investigating Judge I
P. Thoma

The Court Secretary
U. Zbinden

Phone: 032 344 58 31
Fax: 032 344 58 20

Mr.
Advocate
Oliver Weber
Murtenstrasse 7
2500 Biel

Our file number: UB 08 7683ZUR Biel, June 11, 2008

Criminal complaint dated 03/19/2008 against unknown delinquent regarding suspicion of receiving of stolen goods, allegedly performed in the USA, z.N. attn. Andreas Gerber

Dear Advocate,

I confirm the receipt of your letter dated 06/01/2008 and answer as follows:

It is not correct that I have approved a renewed tender of the stolen vehicle in Ripol. The announcement was made on the initiative and responsibility of the clerk at the Canton Police Bern. The reason for the tender is the theft of the vehicle in the summer of 1993. The statute of limitations for this offense has expired, which makes me believe that a tender at this time is no longer possible (art. 19, para 3, 4 lit. a number 4 Ripol decree).

I have no additional files. If Fedpol or the Canton Police Bern should have additional files, then I would like to ask you to contact these public authorities directly.

Best Regards

The Investigating Judge I

[signature illegible]
P. Thoma



REID AND RIEGE, P.C.
COUNSELLORS AT LAW

One Financial Plaza
Hartford, CT 06103
Switchboard: (860) 278-1150
Fax Number: (860) 240-1002

FACSIMILE TRANSMISSION

TO: Detective Richard Vantine FAX NO.: 203.696.2597
FROM: Tom Daily
FILE NO.: 22073.000
PAGES: 29 DATE: 6/17/09
(including cover sheet)

COMMENTS:

The information contained in this facsimile message is confidential and, if addressed to our client or certain counsel, is subject to attorney-client or work product privilege, and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of the communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address via the U.S. Postal Service.

NOTE: Please contact Ursula Mongrain at (860) 240-1195 if there are any problems with the transmission.



REID AND RIEGE, P.C.
COUNSELLORS AT LAW

ONE FINANCIAL PLAZA
HARTFORD, CT 06103
Voice: (860) 278-1150
Fax: (860) 240-1002

Thomas V. Daily
Direct Dial: (860) 240-1067
Email: tdaily@reidandriege.com
Reply to Hartford Office

234 CHURCH STREET
9TH FLOOR
NEW HAVEN, CT 06510-1819
Voice: (203) 777-8008
Fax: (203) 777-6304

June 16, 2009

VIA FAX (203.696.2597) and EMAIL

Detective Richard Vantine
Motor Vehicle Task Force
State of Connecticut
Department of Public Safety
1111 Country Club Road
Middletown, Connecticut 06457

Re: Paul L. Hallingby

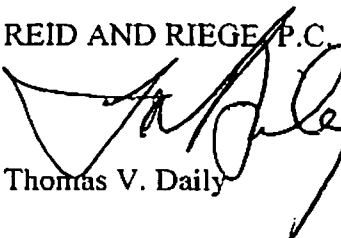
Dear Detective Vantine:

I have enclosed a copy of the response by Bern police to the letter sent by Mr. Hallingby's attorney in Switzerland requesting that the Interpol listing of Mr. Hallingby's Ferrari 0799 be revoked. As you will see, Berne police report that they have acceded to the request and revoked the Ripol listing of the Ferrari as stolen. A copy of the letter was sent to the Swiss prosecutor Thoma, who had indicated that the Ferrari had been wrongfully listed on Interpol as stolen in the first instance. The letter from Mr. Hallingby's attorney in Switzerland, and its attachments are again enclosed for your reference.

Please contact me if you have any questions. Once again, based on our discussions and the documents we have provided demonstrating the Ferrari was not stolen, and the enclosed documentation indicating that the car is not listed as stolen on Ripol/Interpol, we request the official closing of the investigation as it relates to Mr. Hallingby and the immediate return of his Ferrari.

Sincerely yours,

REID AND RIEGE, P.C.



Thomas V. Daily

TVD:ubm
Enclosure
c: Mr. Paul Hallingby

Polizei- und
Militärdirektion
des Kantons Bern

Direction de la police
et des affaires militaires
du canton de Berne

EINGEGANGEN

15. Juni 2009

Waisenhausplatz 32
Postfach 7571
3001 Bern
Telefon 031 634 40 10
Telefax 031 634 40 39

Hohler Tröhler Heim Rechtsanwälte
Dr. iur. Christoph Hohler
Badenerstr. 75 / Stauffacher
8004 Zürich

Der Kommandant-Stv.

109'787/108'210/pmyc

Bern, 11. Juni 2009

Ihr Schreiben vom 26. Mai 2009

Sehr geehrter Herr Hohler

Ich beziehe mich auf Ihr oben erwähntes Schreiben und kann Ihnen bestätigen, dass die Ausschreibung des in Frage stehenden Fahrzeuges (Ferrari 250 GT Spider, VIN 0799) revoziert wurde.

Ich ersuche Sie höflich um Kenntnisnahme.



Mit freundlichen Grüssen

Der Kommandant-Stellvertreter


P. Baumgartner 

z K an
P. Thoma, URA | Berner Jura-Seeland

ENGLISH TRANSLATION

Polizei- und
Militärdirektion
des Kantons Bern

Direction de la police et
des affaires militaires
du canton de Berne

[Stamp]
Receipt:
15 June
2009

**Police
Department**

Police Departm. &
Director of Military
Affairs of the
Canton of Berne

Waisenhausplatz 32
Postfach (PO box) 7571
3001 Berne
Phone 031 634 40 10
Fax 031 634 40 39

Hohler Tröhler Heim, Attys-at-Law Dr. iur.
Christoph Hohler, esq. Badenerstr. 75 /
Stauffacher 8004 Zurich

The Deputy Commander

109'787/108'210/pmyc

Berne, June 11, 2009



Your letter dated May 26, 2009

Dear Mr. Hohler,

I write to you in reference to the above-captioned letter and can herewith confirm to you that the listing for the vehicle in question (Ferrari 250 GT Spider, VIN 0799) has been revoked.


Kindly acknowledge receipt of this information.

Best regards,
The Deputy Commander

P. Baumgartner

For information:

P. Thoma, URA I Berner Jura-Seeland
(Magistrate Judge, Berne Jura-Seeland)

State of Connecticut Dept. of Public Safety Narrative Report 	REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1
	DPS-302-C (Revised 04/03)		

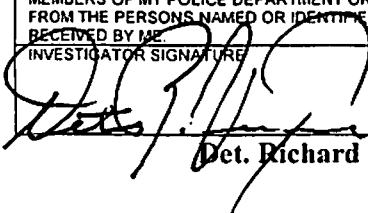

Action Taken: On March 23rd, 2009, this Detective received a teletype message from "Interpol" stating that the request for further information on the other Ferrari automobiles stolen along with the Ferrari bearing the Vehicle Identification Number 0799GT was received by "Interpol Madrid."

This Detective then spoke to Cathleen O'Connell of Interpol in Washington regarding the aforementioned information. She indicated that she would search Interpol files in Spain and Switzerland.


This Detective has attempted to contact Ms. O'Connell on three occasions by telephone during regular business hours since then and left recorded messages requesting information on the status of her search. She has not responded to those messages.

On July 28th, 2009, this Detective contacted Special Agent Lauer of the Bridgeport Field Office of the FBI and requested his assistance. Agent Lauer stated that he would contact the FBI liaison to Interpol and have that person contact me.

This Case remains Closed Suspended.

CASE STATUS:		TYPE OF EXCEPTIONAL CLEARANCE:			
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2-CLEARED ARREST	<input type="checkbox"/> 6-NO CRIMINAL ASPECT	<input type="checkbox"/> B-PROSECUTION DENIED	<input type="checkbox"/> E-JUVENILE-NO CUSTODY		
<input checked="" type="checkbox"/> 3-SUSPENDED	<input type="checkbox"/> F-FUGITIVE	<input type="checkbox"/> C-EXTRADITION DENIED			
<small>THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT, OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.</small>					
INVESTIGATOR SIGNATURE 	INVESTIGATOR ID. 732	REPORT DATE 07-28-09	SUPERVISOR SIGNATURE 	SUPERVISOR ID. 185	APPROVAL DATE 08/17/2009

Det. Richard Van Tine

State of Connecticut Dept. of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input checked="" type="checkbox"/> TELETYPE <input type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1

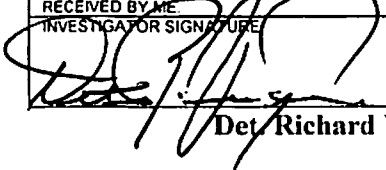
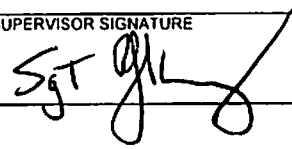
Action Taken: On March 23rd, 2009, this Detective received a teletype message from "Interpol" stating that the request for further information on the other Ferrari automobiles stolen along with the Ferrari bearing the Vehicle Identification Number 0799GT was received by "Interpol Madrid."

On July 31st, 2009 at 1018 hours, this Detective received a teletype from Interpol Washington containing their results of the search for information on the Ferrari automobiles stolen in Spain in 1993. The teletype states that Interpol Berne {Switzerland} inquired on February 2nd, 1994 not only about the Ferrari seized in this investigation, VIN 0799GT, but that they inquired about the other three Ferrari Automobiles stolen at the same time, specifically, VIN 1893GT, VIN 2529GT, and VIN 13811. The teletype confirms that Friedli was partnered with Gerber on only 0799GT and that Friedli owned the other three Ferrari Automobiles outright. According to Interpol Berne, they learned from Interpol Madrid {Spain} that the four Ferrari Automobiles were actually stolen in Marbella, Spain in the summer of 1993 and were then brought to Lisbon, Portugal. According to the teletype, Interpol Madrid asked Interpol Lisbon to locate and seize the cars; however, this action was apparently unsuccessful because neither Interpol Madrid nor Interpol Lisbon ever contacted Interpol Berne.


Interpol Berne also listed a brief history of 0799GT from that time.

The Teletype is significant because it confirms in yet another way, that Gerber and Friedli were partnered in the ownership of 0799GT and that Gerber's claim of ownership is valid. It also dispenses with two of Hallingby's claims, specifically that 0799GT was entered into the Interpol system only at the urging of Gerber, {According to the Teletype, it was Gerber and Friedli that initiated the Interpol Investigation shortly after the theft}, and that there clearly was a theft because the Interpol Investigation included the three other Ferrari Automobiles in which Gerber has no interest. {Friedli has since died; therefore there are no individuals, other than Friedli's widow, who are urging further investigations into the theft of the other three Ferrari Automobiles}

This Case remains Closed Suspended.

CASE STATUS:			TYPE OF EXCEPTIONAL CLEARANCE:		
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2-CLEARED ARREST	<input type="checkbox"/> 6-NO CRIMINAL ASPECT	<input type="checkbox"/> B-PROSECUTION DENIED	<input type="checkbox"/> E-JUVENILE-NO CUSTODY		
<input checked="" type="checkbox"/> 3-SUSPENDED	<input type="checkbox"/> F-FUGITIVE	<input type="checkbox"/> C-EXTRADITION DENIED			
THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.					
INVESTIGATOR SIGNATURE 	INVESTIGATOR ID. 732	REPORT DATE 08-03-09	SUPERVISOR SIGNATURE 	SUPERVISOR ID. 155	APPROVAL DATE 08/17/2009

Det. Richard Van Tine

State of Connecticut Dept. of Public Safety Narrative Report  DPS-302-C (Revised 04/03)	REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 2
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Action Taken: A letter, dated July 14th, 2009, was recently received by this Detective from Attorney Daily, the lawyer representing the suspect, Paul Hallingby. There are many inaccurate, misleading, and false statements in the letter. Some are addressed below:

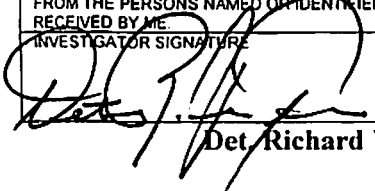
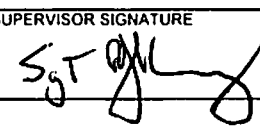
The often repeated request by Mr. Daily of this Detective to return the seized Ferrari to Mr. Hallingby cannot be addressed in that way. Mr. Daily should be aware, based on his previous experience as an assistant US attorney, that this Detective does not possess the authority to return any property seized with a court ordered Search and Seizure Warrant; only the Court may authorize the return of seized property.

It is not the established procedure of the State Police to approach the subject of a criminal investigation and ask him to surrender property that is believed to be stolen. In fact, Mr. Hallingby's lack of cooperation in this investigation has underscored the fact that obtaining a Search and Seizure Warrant from the Court was the proper course of action.


As Mr. Daily was advised and has been previously reported, the State Police has taken great care to maintain the vehicle, storing it in a climate controlled garage to which a very limited number of people have access. A cover for the vehicle was also purchased.

While it is true that Mr. Daily has provided some documentation which appears to support his claim that a theft did not occur in Spain and that Dr. Gerber was not the rightful owner of the vehicle, he did not provide other documents obtained by this Detective from Spanish, Swiss, and Interpol authorities that contradict Mr. Daily's assertions. There are numerous news articles obtained from Spanish news sources and from Attorney Weber, the attorney representing Dr. Gerber, that there was a great deal of corruption in the Spanish Court at the time of the finding that there was no theft. Links have been drawn to the judges involved in the case and several known criminals associated with the possession of the four Ferrari Automobiles. Mr. Daily is not accurate in his statement that Judge Thoma in Switzerland believed that the entry of the vehicle in the Interpol system was improper based solely on the complaint of Dr. Gerber. On the contrary, Judge Thoma stated that he did not believe an entry was possible because the statute of limitations had expired on the crime. Judge Thoma did not mention Dr. Gerber. Further, according to Interpol, both Mr. Friedli and Dr. Gerber requested their assistance shortly after the theft of the four Ferrari Automobiles in the early 1990's, not in 2008 as Mr. Daily stated in his letter. The listing in Interpol was revoked based on a letter sent by Hallingby's attorney in Switzerland, Mr. Hohler, that the listing should be revoked because, among other reasons, the location of the vehicle is now known. It should be noted that this Detective also requested the revocation of the listing after the vehicle was seized.

It is far from the truth that all possible basis for probable cause in the Search and Seizure Warrant and Affidavit have been refuted. Mr. Daily mentions the fact that New Jersey DMV, in titling the vehicle, added several

CASE STATUS:		TYPE OF EXCEPTIONAL CLEARANCE:			
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2-CLEARED ARREST	<input type="checkbox"/> 6-NO CRIMINAL ASPECT	<input type="checkbox"/> B-PROSECUTION DENIED	<input type="checkbox"/> E-JUVENILE-NO CUSTODY		
<input checked="" type="checkbox"/> 3-SUSPENDED	<input type="checkbox"/> F-FUGITIVE	<input type="checkbox"/> C-EXTRADITION DENIED			
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INVESTIGATOR SIGNATURE 	INVESTIGATOR ID. 732	REPORT DATE 08-03-09	SUPERVISOR SIGNATURE 	SUPERVISOR ID. 185	APPROVAL DATE 08/17/2009

Det. Richard Van Tine



State of Connecticut Dept. of Public Safety Narrative Report 	REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932
	DPS-302-C (Revised 04/03)		Page 2 of 2

characters to the vehicle identification number. While that is true, and while this procedure was discovered after the seizure of the vehicle, it does not change the fact that Hallingby, a collector of Ferrari and other valuable cars who is knowledgeable on their performance and histories, should have known what the true vehicle identification number was on the vehicle when he registered it, some seven years after it's purchase. Hallingby wrote the incorrect VIN on the Official Registration Application, which was later crossed out and the correct VIN was written next to it.

Mr. Daily also seems to question the veracity of this Detective in referencing material received from Attorney Weber in the Search and Seizure Warrant and Affidavit. It is not the procedure of the State Police to have innumerable attachments to a Search and Seizure Warrant Application. Documents are reviewed by the investigator, when applicable they are seized as evidence or attached to investigative reports, and then referenced in the Affidavit and Application. Mr. Daily states that Dr. Gerber did not advise this Detective that he was partnered in the vehicle with someone else. The documents provided by Attorney Weber indicate that at the time of the seizure, Dr. Gerber was not partnered in the vehicle. Friedli's interests had been signed over to Dr. Gerber by Friedli's widow prior to the seizure. Friedli pursued the claim in Spanish Court because he was the one who agreed to sell the four Ferrari Automobiles and when the payment was not received, he became the complainant.

Lastly, Mr. Daily's request that this Detective provide him with documents from the investigation is also improper. Again, in his experience as an assistant US attorney, he should be aware that the State Police cannot release any documents or information about an investigation to anyone outside of law enforcement, with the exception of some information to the victim and/or witnesses.

This Case remains Closed Suspended.

CASE STATUS: <input type="checkbox"/> 1-ACTIVE <input type="checkbox"/> 2-CLEARED ARREST <input checked="" type="checkbox"/> 3-SUSPENDED		TYPE OF EXCEPTIONAL CLEARANCE: <input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE <input type="checkbox"/> 6-NO CRIMINAL ASPECT <input type="checkbox"/> F-FUGITIVE		<input type="checkbox"/> A-OFFENDER DECEASED <input type="checkbox"/> B-PROSECUTION DENIED <input type="checkbox"/> C-EXTRADITION DENIED		<input type="checkbox"/> D-VICTIM UNCOOPERATIVE <input type="checkbox"/> E-JUVENILE-NO CUSTODY	
<small>THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE, OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.</small>							
INVESTIGATOR SIGNATURE 		INVESTIGATOR ID 732	REPORT DATE 08-03-09	SUPERVISOR SIGNATURE 		SUPERVISOR ID 185	APPROVAL DATE 08/17/2009

Det. Richard Van Tine



REID AND RIEGE, P.C.
COUNSELLORS AT LAW

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Voice: (860) 278-1150
Fax: (860) 240-1002

Thomas V. Daily
Direct Dial: (860) 240-1067
Email: tdaily@reidandriege.com
Reply to Hartford Office

234 CHURCH STREET
9TH FLOOR
NEW HAVEN, CT 06510-1819
Voice: (203) 777-8008
Fax: (203) 777-6304

July 14, 2009

VIA Facsimile and First Class Mail

State Attorney David Shepack
State of Connecticut
Office of State's Attorney
P.O. Box 325
West Street
Litchfield, Connecticut 06759

Re: Paul Hallingby
Seizure of 1957 Ferrari

Dear State's Attorney Shepack:

As we discussed by telephone yesterday, I write to reiterate my request made on several occasions to the Connecticut State Police ("CSP") that the investigation in regard to the captioned matter be closed and Mr. Hallingby's Ferrari be returned to him immediately.

As you know, Mr. Hallingby's Ferrari was seized by CSP on September 4, 2008 by execution of a search and seizure warrant at his residence in Sharon, Connecticut. Despite the absence of any indication that the Ferrari would be hidden or disposed of, indeed Mr. Hallingby had frequently displayed the car at shows and in Ferrari publications, CSP did not approach Mr. Hallingby in regard to the investigation, but rather applied for and executed the warrant. This subjected Mr. Hallingby to unnecessary distress and expense, and the Ferrari to potential damage. As you may recall from the affidavit in support of the warrant, the value of the Ferrari has been estimated at several million dollars. We remain concerned over the proper handling and maintenance of the Ferrari. However, of even greater concern is the ongoing substantial distress and extra-ordinary expense Mr. Hallingby incurs on account of the improper seizure of his Ferrari.

As I believe you also know, we have met and spoken with CSP Detective Van Tine on several occasions, and have provided to him substantial information and documents that clearly establish that there is no support for the continued investigation, or for the seizure of the Ferrari in the first instance. Most notably, we have provided to him records from Spanish courts that considered the transfer of the Ferrari in the early 1990's in Spain that definitively establish that the Ferrari was not stolen. Allegations of criminal conduct were made to Spanish authorities by the apparent actual Swiss prior owner of Mr. Hallingby's Ferrari and three other Ferraris, Bernard Friedli. Spanish law enforcement and judicial officials investigated the claims regarding the transfer of the Ferraris from the Swiss owner to the Spanish brokers, and then to Portuguese nationals, which claims were never considered "theft," and all charges were ultimately dropped for lack of evidence of a crime.

Moreover, we have been told by CSP that considerable weight was given to the report that the Ferrari was listed on Interpol in 2008 as stolen. Our investigation revealed that the investigating judge in Switzerland (the equivalent of a prosecuting attorney) believed that it was improper for the car to be listed based solely upon the complaint by Dr. Gerber to local Swiss police in 2008, over 15 years after the alleged "theft" in another country. The listing on Interpol has been revoked. It also appears that complainant Gerber and his attorney, Weber, arranged for the listing on Interpol for the sole reason to effect the seizure here in Connecticut. Documents relating to the revocation of the listing have been provided to Detective Van Tine as well.

All possible basis for probable cause in the search and seizure affidavit, that Mr. Hallingby knowingly possessed stolen property, have been refuted. For instance, there is a reference in the affidavit that Mr. Hallingby's Connecticut registration certificate first had the VIN of the vehicle as "FER079958" and that this was crossed out and "0799" written beside it, with a negative inference to be drawn to that amendment. However, the number of the VIN had been changed in New Jersey, pursuant to ordinary custom and practice there. I understand that Detective Van Tine would agree with this explanation. The remainder of the affidavit refers in large part to hearsay on the internet, much of which is contradicted on the internet itself, and renders little or no value to the analysis.

The affidavit does also reference material that was provided by the "complainant" Gerber. While that material was not attached to the affidavit (and it is therefore questionable whether it should have been considered for a finding of probable cause), we were provided copies after the seizure. In it, Gerber provides no evidence that he was the actual owner of the car, and it appears he was not. It was Bernard Friedli alone who pursued the claim in Spain (with no mention of Gerber), and who provided evidence he was the owner. (Tax documents Friedli produced in the Spain litigation have been provided to Detective Van Tine.) And, notwithstanding Gerber and his attorney, Weber, telling CSP at the time of the affidavit that they would provide "all documentation he has on the vehicle," it was only after the seizure that he apparently admitted to CSP that he claimed not to be the sole owner, but rather he claimed he was a "co-owner" with Friedli. The Swiss attorney retained by Mr. Hallingby has advised that under Swiss law a "co-owner" likely has no right to pursue third parties. Additionally, it was only after we provided documents from the Spanish criminal cases (which were retrieved at great expense to Mr. Hallingby), which established there was a finding by Spanish authorities of no criminal conduct in regard to the transfer of the car, did Gerber apparently come forward with additional material from Spain. We have asked Detective Van Tine for that material, or a description of it, and it has not been provided.

Indeed, as we have suggested to Detective Van Tine and CSP, the only evidence of a crime in this matter is the misrepresentation and fraud committed by Gerber and Weber in inducing CSP to wrongfully seize Mr. Hallingby's Ferrari: Gerber lied about Gerber being the true and/or sole

owner of the Ferrari, he failed to report the finding of no criminal conduct in Spain (of which he surely was aware) and he arranged for his local police department to list Mr. Hallingby's Ferrari as stolen on Interpol, without any proof of his ownership to the car or any crime in Spain. We are also aware of several additional misrepresentations to and withholding of information from CSP by Geber and Weber. We believe this amounts to malicious prosecution and fraud, and ask that the Connecticut authorities pursue those claims against Gerber and Weber after this investigation is closed and Mr. Hallingby's Ferrari is returned to him.

I would like to meet with you as soon as possible. We were told several weeks ago by Detective Van Tine that he would meet with you shortly, but that has not occurred. The investigation has been ongoing for over a year, without the production of any evidence that we are aware of against Mr. Hallingby. Rather, we have shown that the car was not stolen, was wrongfully listed on Interpol as stolen and that the complainant Gerber and his attorney repeatedly lied to CSP. We again request immediate return of Mr. Hallingby's Ferrari to him and that appropriate action be pursued against Gerber and Weber.

Please contact us with any questions and to arrange a meeting. We would be happy to provide you copies of all documents we have provided Detective Van Tine. Please advise if you would like me to forward them to you. Thank you.


Sincerely yours,

REID AND RIEGE, P.C.


Thomas V. Daily

TVD:ubm

c: Detective Richard Van Tine
Mr. Paul Hallingby

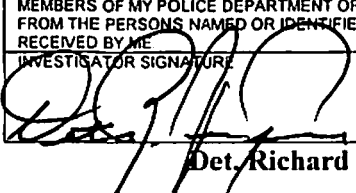

State of Connecticut Dept. of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1

Action Taken: On August 4th, 2009, this Detective received numerous documents from Oliver Weber, the attorney representing the victim Dr. Andreas Gerber. The documents highlight the corrupt relationship between the Spanish Court and organized crime during the time the Ferrari bearing VIN 0799GT was stolen along with three other Ferrari vehicles.

There is also a copy of the contract between Dr. Gerber and Mr. Friedli in the ownership of the Ferrari bearing VIN 0799GT and a copy of the contract between Mrs. Friedli and Dr. Gerber, executed after Mr. Friedli's death, where Mrs. Friedli signs over her interest in the Ferrari bearing VIN 0799GT to Dr. Gerber, making him the sole owner of the vehicle.

Included in these documents are many Spanish news articles accompanied by English translations.

This Case remains Closed Suspended.

CASE STATUS:		TYPE OF EXCEPTIONAL CLEARANCE:			
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2-CLEARED ARREST	<input type="checkbox"/> 6-NO CRIMINAL ASPECT	<input type="checkbox"/> B-PROSECUTION DENIED	<input type="checkbox"/> E-JUVENILE-NO CUSTODY		
<input checked="" type="checkbox"/> 3-SUSPENDED	<input type="checkbox"/> F-FUGITIVE	<input type="checkbox"/> C-EXTRADITION DENIED			
THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE, OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT, OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.					
INVESTIGATOR SIGNATURE 	INVESTIGATOR ID 732	REPORT DATE 08-04-09	SUPERVISOR SIGNATURE 	SUPERVISOR ID 155	APPROVAL DATE 08/17/2009

Det. Richard Van Tine

Corruption in Marbella, Spain

Connection between Marbellan Judges and the Mafia

The attached evidence documents and newspaper articles prove:

- that Mafia members were involved in the case.
- the existence of an important organization to sell stolen luxury cars in Spain, particularly at the Costa del Sol, with Italian Mafia members linked to the case, which used car selling enterprises ("Milauto Marbella" and "Motorauto Marbella") as one of their modus operandi.
- the activities of corrupted lawyers (Juan Carlos Ramirez Balboteo [Rodriguez] and Diego Jimenez Balboteo, both representing Mr. Kelvin Fisher [from "Motorauto Marbella"] as evidenced by the Anti Corruption Prosecution and they were involved in this car trafficking net.
- that the Dean Judge of Marbella Mrs. Pilar Ramirez favored her family and the city Mayor Jesus Gil y Gil, and there is evidence of this.
- that "Motorauto Marbella" was linked to Attorney Juan Ramirez Balboteo (the brother of Dean Judge Pilar Ramirez) and to Mafia members.
- that once the enterprise "Motorauto Marbella" "legally disappeared" "Milauto Marbella" appeared.
- that "Motorauto Marbella" "legally disappeared" right after the four Ferraris were stolen and transported to Lisbon and when the legal problems began.
- that "Milauto Marbella" is linked to the Ramirez Balboteo family and to Italian Mafia members.
- that "Milauto Marbella" is recognized by the Spanish Police as a car trafficking enterprise.

- that the sole administrator of "Milauto Marbella" (Antonio Eladio Amaral Santos) is the man who "ordered the transportation" of the four Ferraris to Lisbon (as a "favor" for his friend Kelvin Fisher, the administrator and manager of "Motorauto Marbella")
- that "Milauto Marbella" is linked to the very same people as "Motorauto Marbella" and is actually located in the same street in Marbella (Avenida Ricardo Soriano).
- that Pilar Ramirez, the Dean Judge of Marbella, was corrupted and expelled from office because she gave benefit to her family and their businesses.
- that the brother (Juan Carlos Ramirez Balboteo) and the cousin (Diego Jimenez Balboteo) of Dean Judge Pilar Ramirez were involved in the case, which appears on many of the court documents (regarding the Ferrari case).
- that Dean Judge Pilar Ramirez made sure she "instructed" some of the cases (concerning her family and the Mafia partners) herself; and the way she acted with "Milauto Marbella", in which her brother was involved, in this selling stolen cars business, was considered a crime by the Anticorruption Prosecutor (see article El Mundo from 23 February 2000 / attachment A10).
- that the Mafioso applied the same modus operandi to other victims besides Mr. Friedli respectively Dr. Gerber (see attachment A13).

Additionally it is to point out:

- that a lot of evidence about the corruption and the activities of the Mafia in Marbella was discovered after the court rulings in the Ferrari case from 1993, 1994, and 1995
- that a serious judge would have most probably decided otherwise in 1993, 1994 and 1995 if he had known about the whole dimensions of the Mafia activities in Marbella, the corruption, the nature of the bogus company "Motorauto Marbella" and the role and character of Mr. Fisher, Mr. Giannino and their lawyers.

Attachment A1

This article from 13 April 2006 in the newspaper SUR (The Newspaper for Southern Spain) gives a good overview about the corruption among public servants in Marbella during the 1990ies. The article makes clear that almost every public institution in Marbella was corrupt (court, mayor, police etc.), with the consequence that the national government of Spain had to intervene and enacted an Anticorruption Investigative Judge. The most important passages of the article are the following:

Corruption at the Town Hall of Marbella 1991-2003

"The mayor of Marbella Jesus Gil was found guilty of embezzlement, the perversion of justice and the falsification of public documents and had to go to prison in January 1999. He was also disqualified from holding public office for 28 years. With a full-time team of expensive lawyers behind him, he managed to postpone the inevitable and hold on to office until May 2002, when Julian Muñoz was elected the new mayor of Marbella."

"For a man who spent so little time as mayor of Marbella - 15 months - Julián Muñoz has the distinction of being the ex-mayor in Spain charged with the longest list of offences: about a hundred. Many of them, in fact, date from his time as deputy mayor at Marbella Town Hall. He was sentenced to various terms in prison in 2005, two years after having been ousted as mayor in a vote of no confidence by fellow-party member Marisol Yagüe."

The corrupt Justice system of Marbella from 1991-2001

"In Marbella, the justice system was somewhat tarnished by the suspicion that the decisions of some judges were influenced by factors other than the pursuit of justice. Such was the case of Judge Pilar Ramírez of Marbella, whose father, Juan Ramírez, was a civil servant in the Marbella courts. He had apparently gained power beyond his position in the system, and was the subject of a report by the famous Judge Baltasar Garzón in 1987. This report warned of the power and influence of the civil servant, who had acted as intermediary in a property deal involving the then vice-president of the General Council for Judicial Power, the highest judicial body in the land. In 1993, Marbella Judge Blanca Díez charged Ramírez with corruption and ordered him to be imprisoned. She, in turn, was accused of irregularities of form in the case, and a year later, was suspended by the Andalusian Superior Court of Justice. A year after that, the Supreme Court reinstated her."

"In 1999, Judge Pilar Ramírez was declared unsuitable to be a judge by the General Council for Judicial Power and suspended for four years by the Supreme Court, accused of having

failed to act in a matter relating to Marbella Town Hall and being a judge in a town of fewer than 100,000 inhabitants in which her father had "important businesses." Judge Ramírez also opposed the jailing of Jesús Gil by Judge Santiago Torres in 1999 for the Atlético de Madrid shirts case. Ramírez left Marbella shortly afterwards. In 2001, 13 files relating to cases involving the corrupt mayor Jesús Gil were stolen from the courthouse in Marbella. The principal suspect, another courthouse official, committed suicide by jumping from the window of his apartment while the police were searching it."

Remark:

Another suspected regarding the disappearance of the mentioned 13 files was Judge Antonio Ruiz Villen, who was one of the Judge rulling on the Ferrari case (see decision from "Court #5 of First Instance of Marbella," listed as "Pre-Trial Proceedings 677/93C", possible date November 2, 1995; in the files of Connecticut State Police)

Corruption at the Marbellan Police Station

"During the anti-corruption investigations the Chief of the Local Police (Rafale del Pozo) had been accused of not investigating crimes. Rafael del Pozo left the court after putting up 20,000 Euros as bail."

"The concession to run the Marbella municipal tow truck service provides a clear example of the council's unorthodox dealings. The chief of the Local Police force, Rafael del Pozo, was called in for questioning by Judge Torres. He left several hours later having been charged with failure to investigate an offence, covering up following an offence and illegal possession of firearms. According to sources Del Pozo was aware that the businessman Ismael P.P., currently being held in jail, had given the Mayor Marisol Yagüe several cars in exchange for being granted the contract for the tow truck service. Del Pozo apparently did nothing to stop this deal. The firearms charge refers to three unlicensed weapons found at the Local Police station. These are thought to have been gifts from a retired military man to the late Jesús Gil y Gil when he was mayor of the town. The town's tow truck service was suspended on Wednesday due to the alleged irregularities in the granting of the contract."

Attachment A2

The article in "*The Independent*" from 14 March 1994 shows the difficulties of anti-corruption judge Blanca Esther Diez to investigate and fight corruption and the Italian Mafia in Marbella. Her investigations focused especially on Juan Ramirez the father of Attorney Juan Carlos Ramirez (representing Kelvin Fisher and the Mafia members) and of Dean Judge Pilar Ramirez.

Attachment A3

The article from *"the Guardian"* dated on 1 August 1999 describes the activities of Jesus Gil, the corrupt Mayor of Marbella. The article also mentions the suspension of Dean Judge Pilar Ramirez and the probable links between the Ramirez family, Mayor Jesus Gil and the Mafia. The prosecutor, Carlos Jiménez Villarejo, alleged Gil had links with Italian mobsters and Colombian drug lords.

Attachment A4

This article from the newspaper *"El Mundo"* dated on 13 July 1999 describes the criminal behaviour of Mafioso Gianni Meninno. The article was translated from Spanish into English. Gianni Meninno was the criminal who offered Ferrari VIN 0799 for sale and who managed the transfer of the car to Mr. Triarsi, New Jersey, USA, in 1994.

The article points out the links between Gianni Meninno and the Mafia boss Felice Cultrera and the Ramirez family. Meninno appeared in several of Felice Cultrera's enterprises which were later administered by Juan Ramirez, father of the Marbella judge Pilar Ramirez. This way, the Italian mafia members appeared as shareholder or administrator of societies such as Giamar, Menimar, Larashe Investment, Mardesol, Promociones Urbanas etc. Additionally it is said in the mentioned article that Gianni Meninno had several open cases in Spain for fraud and sale of stolen cars.

Attachment A5

This article was also published in the newspaper *"El Mundo"* on 13 July 1999. The article was translated from Spanish into English. Again the link between the Jesus Gil (Mayor of Marbella) and the Mafioso Gianni Meninno is shown in the article. The connection between Jesús Gil and the Italian Mafia members residing at the Costa del Sol was confirmed by the Anti-Corruption Prosecutor Jimenez Villarejo. Additionally the article points out that Gianni Meninno's car dealer office was the lid of an international net for the theft of luxury cars in European countries. It is also said in the article that Gianni Meninno was the front man of Felice Cultrera (the Mafia boss).

I consider the following passage of the article as very important:

"The documents that link Gil with the Italian mafia members were found by the Spanish police in a search that took place in 1993 in the offices of (Gianni) Meninno's society "Milauto Marbella". This car dealing establishment was, in reality, a lid for an international net for the sale of luxury cars that had been stolen in European countries. According to the police documents, Meninno's organization substituted the original registry numbers, gave new documentation (also false) and sold the vehicles."

“Among the documents intercepted to Meninno, the agents found various documents that proved that the lawyer Juan Carlos Ramirez Balboteo [representing Kelvin Fisher of “Motorauto Marbella” and brother of the Dean Judge] and his father Juan Ramirez Balboteo were in the mafia member’s payslip. In this search other documents of the Italian clan’s societies linked to the Marbella Town hall and the Ramirez family, were found.”

Attachment A6

This article in the newspaper “*Epoca*” from 12 July 1999 explains the construction of the family holding of Dean Judge Pilar Ramirez. The article was translated from Spanish into English and contains some remarks of the Spanish lawyer who translated the text for me. The article establishes and proves the connections between Juan Ramirez Balboteo (Mr. Kelvin Fisher’s lawyer), his sister Judge Pilar Ramirez, his cousin Diego Jimenez Balboteo on one hand and the Italian Mafioso Ugo Giovanni Gianinno, Gianni Mennino and Antonio Eladio Amaral Santos (who is probably a Portuguese) on the other hand. The structure of the family holding will be visualized in a separate document.

Attachment A7

This recent article from the newspaper “*20 minutos*” (23 February 2009) shows that trafficking of luxury stolen cars is a serious problem in Spain until today.

Attachment A8 and A9

These two attachments contain two extracts from the E-Infirma database regarding the companies “Motorauto Marbella” and “Milauto Marbella”. Both companies were involved in the car trafficking business. The administrators of the companies are John Kelvin Fisher, Ugo Giovanni Gianino, and Antonio Eladio Amaral Santos, the Portuguese who “managed” the transport of the Ferrari cars from Marbella to Lisbon on 6/7 July 1993.

Attachment 10 / Newspaper *El Mundo*: 23 February 2000

This is one of the most important articles as it shows the links between Dean Judge Pilar Ramirez (respectively her brother Attorney Juan Carlos Ramirez Balboteo) and the Mafia. The Anti Corruption Judge also links Juan Carlos Ramirez Balboteo (the lawyer of Kelvin Fisher) to a net for stolen cars.

The most important passages of this article have been translated and are mentioned below:

Headline: The ex Judge Ramirez favored mafia members linked to her family

"The Anti Corruption Prosecutor links her brother (this is Attorney Juan Carlos Ramirez Balboteo, Mr. Fisher's lawyer) with a net for stolen cars."

"The Main Public Prosecutor, Carlos Jiménez Villarejo, denounces that Pilar Ramirez irregularly instructed a case for a business of stolen cars sales, of which her brother Juan Carlos Ramirez and various members of Felice Cultrera's mafia clan, were members."

"Now it goes further, it confirms that the brother of the ex dean judge (this is Attorney Juan Carlos Ramirez Balboteo) was associated with Ugo Giovanni Gianino from the Cultrera Clan, in a stolen cars business. Another relative, Diego Jiménez Balboteo, was this Italian citizen's lawyer."

"And, above all, Villarejo describes in detail the decisions made by the judge to instruct the case and benefit her relatives. The public prosecutor states that Juan Carlos Ramirez, brother of the Dean Judge of Marbella, was a founder associate of Milauto SL, which was under investigation by the Examining Magistrate's Court number 7 of Marbella for the sale of stolen cars"

"Why was Ramirez interested in knowing the proceedings, inspite of the recusal? (A term used when a board member has a conflict of interest and must abstain from voting on any issues relating to that private interest. The board member is said to be recusing himself from all deliberations on the matter). The Anti corruption prosecutor questions her brother, Juan Carlos, who was not only Gianino's lawyer, he was also his associate, precisely in Milauto" Villarejo answers himself. The heart of the matter, continues Villarejo, was Benoit Chatel's statement; this is the charging evidence against Gianino."

Attachment 11 / Newspaper "El Mundo" 23 June 1999

This article in the newspaper "El Mundo" unveils again the links between Dean Judge Pilar Ramirez respectively her family and the mafia. The most important passages were translated and are mentioned below:

Headline: The Anti Corruption Prosecution links the dean judge's family with the mafia

"In the same claim, the public prosecutor manifests, based on police and judicial documents that "the dean magistrate's father (Juan Ramirez) and brother (Juan Carlos Ramirez Balboteo) have been representatives, assistants and associates of a group linked to the San-

tapoola clan, main family of the Sicilian mafia in Catania, named cosa nostra" and which has "laundered huge amounts of money at the Costa del Sol."

"(...) other societies, such as Desjipo, Promociones Urbanas, Bahía de Bellantoni, Talent Management Services, Kermosa, Motorauto Marbella, Osais de Bellantoni, Kueris, Asbal, Jucamar, Fisher Island, are represented or participated by the dean judge's family members, and at the same time include as shareholders or administrators the mentioned Italian citizens and another one named Angelo Salamini."

Attachment 12

This article from the internet site <http://80sreborn.blogspot.com> published on 12 December 2007 was already mentioned in my "request for seizure". It describes the mafia activities at the costa del sol in Marbella/Spain as well as the role of the Mafioso Felice Cultrera and Gianni Meninno.

Attachment 13 / Telegraph.co.uk, 20 October 2007

Headline: 'International sharks stole \$18m from widow'

This article is very interesting because it shows a lot of similarities to the Ferrari case. The similarities are: Same modus operandi, same criminals involved (Gianni Meninno), use of invalid checks/commercial papers, Marbella as place of crime et cetera.

The modus operandi was:

1. choosing a wealthy victim
2. pretending interest to acquire assets from that victim
3. emphasising this "interest" in presenting invalid commercial papers (cheques, bank guarantees et cetera)
4. Involvement of third persons/parties (Notary-public, bogus companies, consulate, garages etc.) to pretend seriousness
5. managing the transfer of the assets from the victim to the criminal
6. disappearing with the assets without payment

Attachment 14

Source: www.citymayors.com; Date: 16 November 2006

Title: Marbella awaits new elections after most local politicians are accused of corruption

This article from the internet site citymayors.com describes the corruption in Marbella from 1991 until 2006. The article shows that the mayors elected after Jesus Gil y Gil were also suspected to be corrupt. This article proves that corruption in Marbella is a problem which even occurs today.

Attachment 15 / Attachment 16

Internet center for corruption research, CPI ranking 1995:

In this publication about corruption, Switzerland reaches 8.76 points of 10 points (ranking: 8) and was and is one of the states with the fewest corruption worldwide. Spain on the other side only reached 4.35 points of 10 (ranking: 26) in 1995.

Corruption perception Index 2008, Transparency International:

According to this index Switzerland had a CPI score of 9 points (rank: 5) compared with Spain which had 6.5 points (rank: 28).

Conclusion: Based on these reports the integrity of Swiss authorities and especially of the Swiss police can hardly be questioned. On the other hand corruption among law enforcement (and other authorities) in Spain was a widespread and severe problem as shown above.

Attachment 17 / Newspaper "El Mundo", 30 January 1995

This article shows the dimension of the car trafficking nets in Spain in 1994. The most important passages were translated as follows:

"Headline: In 1994 an average of 6.500 cars were stolen each month in our country, of which 1.000 were never retrieved"

"Subtitle: Spain, a paradise for car stealing gangs"

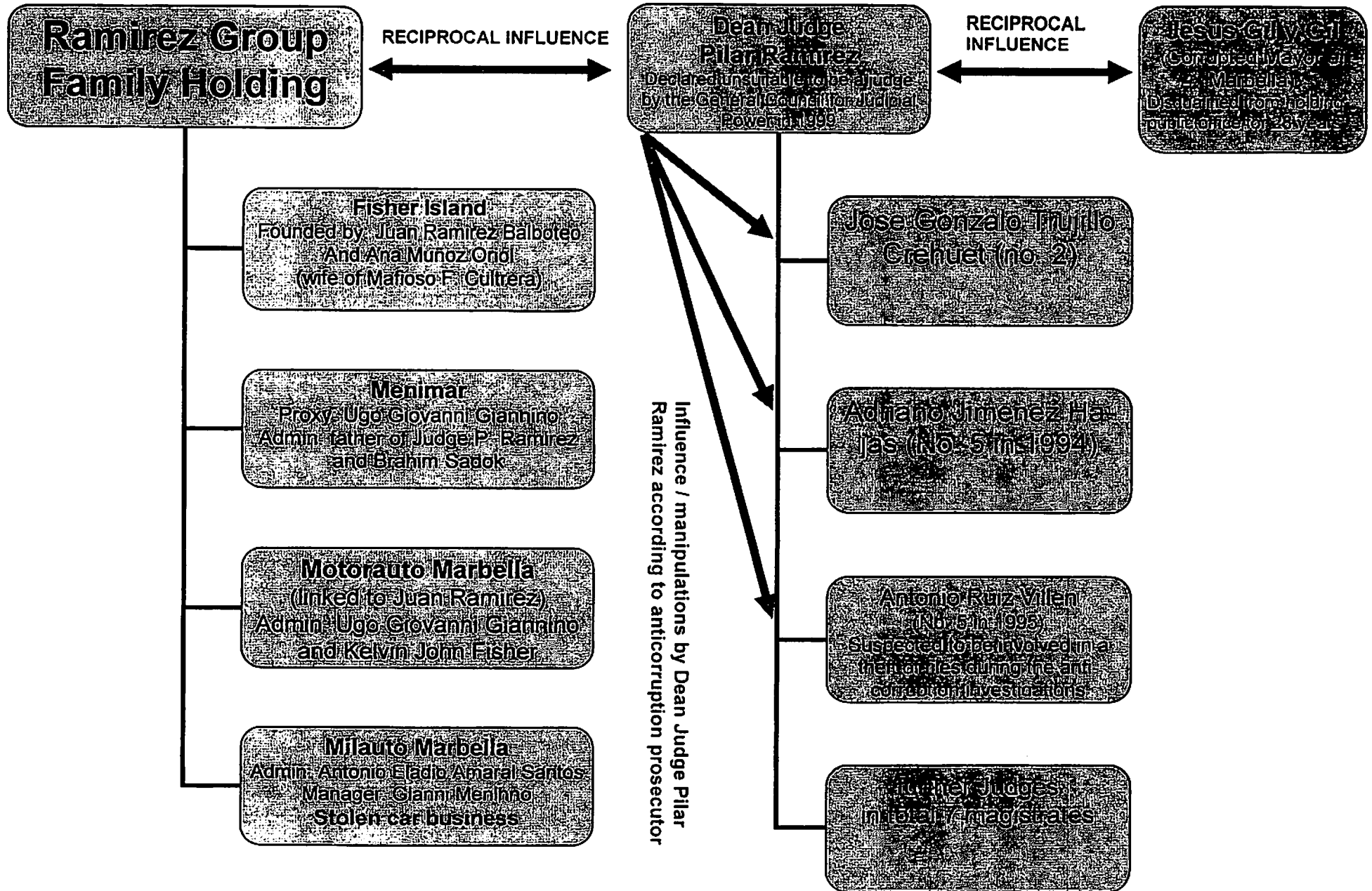
“During 1994, an average of 6.500 vehicles a month were stolen in Spain. Approximately a thousand of them will not be retrieved. Mercedes, Audi, BMW, to mention some of the luxury brands, are a clear objective for these organized gangs in our country and they don't stop before the big brands”.

“Subtitle: This is the way the big international mafias work”

“The main groups that steal cars in Spain to export them, are the big international mafias, their aim are elite cars: Ferrari Testarossa, Lamborghini Diablo, Mercedes high range... Samuel Gómez, in charge of the Section for the Illegal Traffic of Cars explained this newspaper that “the thinking minds and the forgers that work in our country have their location in Milán”

“In Spain, they specially act in Marbella, Costa del Sol, and Barcelona (..)”

Attachments 18 – 27 are uniquely written in Spanish and have not been translated. Its content is mostly the same as the one in attachment 1 – 17.



**Ramirez Group
Family Holding**

Diska Corporation Limited
Representative: Juan Carlos Ramirez Balboto
linked to the Mayor of Marbella: Jesus Gil y Gil

Kueris
Administrator: Juan Carlos Ramirez Balboto
(brother of Judge Pilar Ramirez)

Kermosa
Administrator: Mafioso Angelo Salamin

Mardesol
Admin: Father of the Judge
Shareholder: Mafioso Gianni Meninno

Jucamar 18
Administrator: Juan Carlos Ramirez Balboto
(brother of Judge Pilar Ramirez)

Giamar
Admin: Juan Carlos Ramirez Balboto
Proxies: Mafioso Ugo Giovanni Giannino and Dr. Stefania
Simondelli (wife of Mafioso Gianni Meninno)

Ramirez Group Family Holding

Bahia de Bellantoni

Administrators: Father of Judge Pilar Ramirez and
Anniina Teia Uusmaa of the enterprise Fidesco S.L.

Oasis de Bellantoni

Admin: Father of Judge Pilar Ramirez and Victoria He-
lena Leibar Echevarria and Manuel Exposito Pelado

Mapira (real estate dealership)

Administrators: Father, mother and brother
of Judge Pilar Ramirez

Alcazaba Garden (real estate dealership)

Administrators: Father of Judge Pilar Ramirez
This enterprise had legal problems with the tax office

**Ramirez Group
Family Holding**

Asbal

(real estate dealership)
Administrators: Father and mother of Judge Pilar Ramirez

Marshall

Administrators: Juan Carlos Ramirez Balboa
(brother of Judge Pilar Ramirez)

Incar S.R.L. (real estate dealership)

linked to the Ramirez family and to Mayor Jesus Gil

Fig

Admin: Diego Jimenez Balboa (brother's cousin and
Attorney of Matoso Ugo Giovanni and other partner of the judges)
Director: Juan Ramirez Balboa

Desjipo (real estate dealership)

Admin: Graciela Garcia Simoncelli (wife of Matoso Gil and Mariano
Proxos, brother and father of Judge P. Ramirez and N. Manríquez)

Panomar

Administrator: Diego Jimenez Balboa
(Cousin of Judge Pilar Ramirez)

**Ramirez Group
Family Holding**

Snoerham Investment Limited

Belonging to the group of the Marjoso, Felice, Gutierrez and Gianni Mannino (with empowerment in favor of the father of Judge Pilar Ramirez)

Larashel Investment Limited

Manager: Matiosofeifce Cullera
(Who participated at the creation of various businesses on the holding)

Bellantonio Puerto

(real estate dealership)
Admin. father of Judge Juan Ramirez Acosta
linked to the Mayor Jesus Gil y Gil

Navegara

(real estate deal) SLD
Admin. father and mother of Judge Pilar Ramirez

CORRUPTION IN MARBELLA/SPAIN

DIRECTORY OF EVIDENCE DOCUMENTS

Ferrari VIN #0799GT

July, 2009

1. **SUR**, Newspaper for Southern Spain, "*Corruption in Marbella*", attachment A1
13 April 2006
2. **The Independent**, "*Marbella's anti-corruption judge has made enemies on the Costa del Crime*", 14 March 1994 attachment A2
3. **Guardian**, "*Can Marbella's Mr Big slip the noose again?*" 1. August 1999 attachment A3
4. **El Mundo**, "*GIANNI MENNINO MEMBER OF THE SANTAPAOLA CLAN*", 13 July 1999 (including translation) attachment A4
5. **El Mundo**, "*The ANTI-CORRUPTION PROSECUTOR EXTENDS THE FORMAL COMPLAINT BEFORE THE GENERAL COUNCIL OF JUDICIAL POWER WITH DOCUMENTAL EVIDENCE*", 13 July 1999 (including translation) attachment A5
6. **Epoca**, "*The family holding of judge Ramirez*", 12 July 1999 attachment A6
(including translation)
7. **20 minutos** "*Cae una red de tráfico de vehículos de lujo robados con bienes de más de 26 millones*", 23 February 2009 (an article about car trafficking in Spain in general / including translation) attachment A7
8. **E-Infirma database**, extract about "*Motorauto Marbella*", 12 June 2009 attachment A8
9. **E-Infirma database**, extract about "*Milauto Marbella*", 12 June 2009 attachment A9
10. **El Mundo**, "*The ex judge Ramirez favored mafia members linked to her family*", 23 February 2000 (including partial translation) attachment A10
11. **El Mundo**, "*The Anti Corruption Prosecution links the dean judge's family with the mafia*", 23 June 1999 (including partial translation) attachment A11
12. **www.80sreborn.com**, "*King of the costa del sol*", 12 December 2007 attachment A12

13. **Telegraph.co.uk**, "*International sharks stole \$18m from widow*", 20 October 2007 **attachment A13**
14. **www.citymayors.com**, "*Marbella awaits new elections after most local politicians are accused of corruption*", 16 November 2006 **attachment A14**
15. **Internet Center for Corruption Research**, **www.icgg.org**, "*THE CPI RANKING 1995*" **attachment A15**
16. **Transparency International**, **www.icgg.org**, "*The 2008 Corruption Perceptions Index*" **attachment A16**
17. **El Mundo**, "*In 1994 an average of 6.500 cars were stolen each month in our country, of which 1.000 were never retrieved*", 30 January 1995 (including partial translation) **attachment A17**
18. **El Mundo** "*La Fiscalía Anticorrupción vincula a la familia de la juez decana de Marbella con la mafia*" 23 June 1999 (article in Spanish) **attachment A18**
19. **El Mundo** "*GIANNI MENINNO / MIEMBRO DEL «CLAN SANTAPAOLA*" 13 July 1999 (article in Spanish) **attachment A19**
20. **El Mundo**, "*Una familia de juzgado*" (the judge's family), 27 June 1999 (article in Spanish) **attachment A20**
21. **El Mundo**, "*La ex juez Ramírez favoreció a mafiosos vinculados a su familia*", 23 February 2000 (article in Spanish) **attachment A21**
22. **El Mundo**, "*El mafioso italiano Gianni Meninno se fuga de España*", 4 April 2001 (article in Spanish) **attachment A22**
23. **Spanish Ministry of Inner Affairs**, "*La Policía de Málaga arresta a tres individuos promotores de una red internacional de estafadores a gran escala*", 2 February 2001 **attachment A23**
24. **La Opinión de Málaga**, "*El italiano detenido ya fue investigado por blanqueo de dinero procedente de la mafia*", 12 November 2006 **attachment A24**
25. **El Pais**, "*El fiscal anticorrupción documenta la relación de Gil y la familia Ramírez con la Mafia italiana*", 13 July 1999 **attachment A25**
26. **El Pais**, "*El Poder Judicial abre expediente a la decana de Marbella e inicia los trámites para suspenderla*", 20 July 1999 **attachment A26**
27. **El Pais**, "*Chantaje familiar*", 18 July 1999 **attachment A27**



APRIL 7th to APRIL 13th 2006

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VOCENTO

General News**Corruption in Marbella**
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Jesús Gil y Gil and his party. Four absolute majorities for the GIL group, with three different mayors, has led to the biggest case of political corruption in recent times

MIGUEL NIETO/SUR

A culebrón, in Spanish, is a long-running television drama of the kind we English-speakers know as a soap-opera. The Spaniards love the South American imports, filled with larger-than-life personalities, love, hate, betrayal, power and money. And corruption. But Spain has its own home-grown culebrón, and it has been running non-stop for the past 15 years. It's called Marbella. The pilot show featured a wealthy property speculator and football club owner who was to change - literally - the face of Marbella over the decade of the 1990s, and whose election as mayor of the town in 1991 would be the beginning of the long process of the milking of Marbella. The show survived his disqualification from public office in 2001 and his death in 2004, and with some necessary cast changes, continued to both delight and horrify viewers all over the country right up to the present day. But the script changed suddenly last week, and the Marbella culebrón, which also means a very large grass snake in Spanish, looks as if it might finally come to an end.

Grey skies

It is generally accepted that the successive Socialist administrations in Marbella throughout the 1980s were a disaster, especially the last administration headed by Francisco Parra. The glitter of the sixties and early seventies had faded, economic recession had set in, and by the beginning of the 1990s, Marbella, like most urban areas throughout southern Spain at that time, was suffering a plague of petty street crime that was frightening away the tourists. The unfortunate word of every revolution was on everybody's lips. "Something has to be done. It can't get any worse." As always, everybody was wrong. It can always get worse, and sometimes, the best to be done is nothing. But the wisdom of hindsight is what defines us all as slow on the up-take.

One sunny day, a group of Marbella businessmen (who, almost by definition, are seldom from Marbella) meet in a well-known fish restaurant in the town to discuss the future well-being of Marbella, which is, of course, the future well-being of their investments. It is decided to approach local aristocrat Jaime de Mora y Aragón with a view towards persuading him to accept the candidature of mayor. Don Jaime knows better.

So somebody jokes about the possibility of Jesús Gil y Gil running instead. Gil has many unsold properties in Marbella, many of them of dubious legality, and he sees the light. In the great political tradition of if-I-got-rich-I-can-make -you-all-rich-too, Jesús Gil y Gil creates his own political party and becomes a candidate for mayor of Marbella. And he wins.

Operation Clean-up

Early 1990s. Early hours of the morning on the road to Ojén. Still dark, and the alleged driver, mayor of a mountain town, notices an alleged car in front stop at the mine. A group of allegedly young men get out, dragging a badly beaten Moroccan behind them. They toss him in the mine and drive away. He goes to the Moroccan's assistance, taking him to hospital for treatment. He presumes to have recognised some of the men as local policemen from Marbella, but he can prove nothing, despite subsequent investigations. His name cannot be given, nor can he name names, because of the presumption of innocence in Spanish law.

A Marbella prostitute is picked up by a group of men whose uniforms identify them as local policemen in Marbella. She is brought far out on a mountain road, relieved of her shoes and left to walk home, wherever that might be. The story is hearsay, as are dozens of other such stories about prostitutes and petty criminals in Marbella at that time. The story of a well-known journalist who was taken from a bar in the full light of day in Marbella and badly beaten in the local police station is also hearsay, because the local police got to report him in the National Police station for resisting arrest before he could make a complaint against them, because he was being beaten up in the local police station.

Operation Clean-up, it was called, and to some extent, it worked. The prostitutes and petty criminals went elsewhere, even if far more dangerous criminals moved in. At the same time, the process of icing the cake began in earnest. The old mayor's house, bottlenecking the natural end of Avenida Ricardo Soriano, was bulldozed down within a week of Gil taking office. The old Moorish walls were tidied up, even if that meant knocking down the houses at its base without informing their owners. The perfectly adequate tiles on the town's sidewalks were changed at inflated cost to

fit in with the new colours of Marbella, sky blue and white. Palm trees, plants and flowers decorated available green spaces everywhere, new public monuments were erected and the beautiful old town park was dug up and concreted over to make way for a new underground car park and suspect Dall sculpture park. Two huge entrance arches, more suited to the new capital of some emerging central African republic than to a sophisticated European town, were built at each municipal border, east and west of Marbella. Much of this work was contracted out to local companies and not fully paid for, leaving the same companies easy targets for take-over by newly-created municipal companies. Promises were made of a new Costa del Sol monorail system, new people's parks, new culture centres, new sports centres, a new casino on an artificial island off the beach, an old Russian aircraft carrier to be used as a luxury hotel, new luxury housing for the poor, new jobs for everybody, the dawn of a bright new future for Marbella.

Some few new public buildings went up, but in the main, it was private and profitable. Marbella was being milked for all it could offer, and most of its residents failed to notice. Gil claimed responsibility for reduced crime (the spate of petty crime was reduced elsewhere too), increased employment (the overall Costa del Sol employment rate had risen) and increased tourism (the overall level of tourism on the Costa del Sol had risen).

Before the second municipal elections in Marbella. An apartment in the town centre. A knock on the door. "This is for you, courtesy of your Town Hall," says a well-dressed man holding out a generous Christmas hamper that includes expensive ham. "Isn't Jesús Gil wonderful!" says the happy housewife. "I'm going to vote for him in the elections."

Gil, the biography

Jesús Gil had a gift for words. In an era of talk-show soundbites, he had bite. "For the delinquents, the stick. For the prostitutes, the door." "Politics is a shelter for incompetents. I wouldn't have them as my bellboys." Racial slurs and insults so lacking in subtlety that he was admired for his honesty. The audiences applauded him, regarding him as a loveable rogue. And if he appeared to be a little bit over the top at times, sitting half naked in a jacuzzi surrounded by half-naked beautiful women in full view of millions, he also gave the appearance of getting things done.

Gil first came to public attention in 1969, when a restaurant and hotel complex he had built in San Rafael, Segovia, collapsed as a result of its use before the cement on the first floor had fully set. Gil had stepped outside the restaurant with a client while the roof fell in, killing 58 people. He was fined 400,000 pesetas and was pardoned by Franco after spending 18 months in prison.

He was elected president of the Atlético de Madrid Football Club in 1987, changing trainers as the rest of us change mobile phones these days and winning a handful of titles before driving it into the Second Division. He had been operating in property speculation in Marbella since 1984.

The GIL administration

The new GIL (Grupo Independiente Liberal) party, headed by Gil himself, won 20 of the 25 seats on the municipal council in 1991 and left the mainstream political parties with their hands in their pockets. In the first plenary session of the Town Hall, in August of 1991, he bulldozed his way through 124 points for discussion without discussion, setting the tone of his new all-powerful administration. Appointing his own people in key positions, including a certain Juan Antonio Roca, he seldom appeared in the Town Hall in person, preferring to do business from his own home in Avenida Ricardo Soriano or from Madrid.

He set about promoting the name of Marbella worldwide as the cleanest and safest tourist town in the world, increasing the municipal budget for parks and street-cleaning and tripling the size of the local police force. And granting building licences for any patch of ground in the municipality, regardless of its legal designation. This brought him into direct conflict with the planners in the Junta de Andalucía, and with the few opposition members of the town council. They took him to court, but the courts work slowly in Spain. The first flagrant abuse of municipal planning that was successfully fought in the courts took eight years to get there, and since then, more than 400 building projects have been passed and 30,000 illegal houses and apartments built in the town. Meanwhile, only three planning cases have come before the courts.

Gil made constant references to Miami, excusing the proliferation of cranes in the town and the invasion of green spaces by claiming that Marbella was now a city that needed the infrastructure of a city, even if infrastructure seemed to mean more and more apartments blocks all the time. It was at this time, too, that he made the mistake of using the name 'Marbella' on the shirts of his footballers in Atlético de Madrid. The people of the town were led to believe this to be free publicity, but the amount being charged by Gil to his own Town Hall was, as it happened, the reason for his eventual disqualification from holding public office for 28 years. Municipal money that did not exist was spent like water, much of it on grandiose projects that never saw the light of day. But the blank cheques could be filled in later. The time was now ripe for expansion.

Going nationwide

The apparent success of Gil's first term as mayor of Marbella prompted him to launch a regional campaign throughout much of Andalucía, and in the enclaves of Ceuta and Melilla, in North Africa. He was successful in Estepona, where his son was elected mayor, and in Manilva, Casares, and La Línea, while his GIL party was the most voted in Ronda and the two cities of Ceuta and Melilla. He lost in Ojén, the mountain village just north of Marbella, and thus lost its relative abundance of water and succulent municipal territory. He made veiled references to a possible national campaign, but in the event, he had moved too far too soon. The number of cases against his cavalier urban planning decisions was piling up in the courts, while the wheels of justice seemed to be moving faster when it came to the Atlético de Madrid shirts case. Gil was found guilty of embezzlement, the perversion of justice and the falsification of public documents, and in January 1999, went to prison, only to be released shortly afterwards on health grounds. He was also disqualified from holding public office for 28 years. With a full-time team of expensive lawyers behind him, he managed to postpone the inevitable and hold on to office until May 2002, when Julian Muñoz was elected the new mayor of Marbella.

Julian the Brief

For a man who spent so little time as mayor of Marbella - 15 months - Julián Muñoz has the distinction of being the ex-mayor in Spain charged with the longest list of offences: about a hundred. Many of them, in fact, date from his time as deputy mayor at Marbella Town Hall. He was sentenced to various terms in prison in 2005, two years after having been ousted as mayor in a vote of no confidence by fellow-party member Marisol Yagüe. The main reason, apparently, was his sacking of Juan Antonio Roca as head of planning, although there were others, such as his desire to distance himself from Gil. Since then, Muñoz has continued to attract media attention for his love affair with singer Isabel Pantoja, much to the disgust of his former wife and children. He has made much of the fact that, before joining the GIL party, he had worked as a barman and been on the dole.

The size of his current bank account is not known, but he likes to collect expensive watches and drive luxury cars.

It must be a source of pleasure to Muñoz that the woman who had him voted out of office, and the woman who helped her do it, are now sharing a prison cell in Alhaurín de la Torre. The puppet mayor

Marisol Yagüe, who was born in La Línea de la Concepción, in the province of Cadiz, began her political career as Citizen Participation chief at the Marbella Town Hall in 1995. She had been a member of the Socialist party, but had supported the GIL party from the start. It is now clear, however, that the real power in the Town Hall resided in the man Julián Muñoz had tried to get rid of: Juan Antonio Roca, who had controlled town planning throughout the GIL years and would continue to control it up to his arrest last week. Without his backing, the curious mixed group made up of Marisol Yagüe, Socialist (PSOE) Isabel García Marcos and Andalusian Party member Carlos Fernández, could never have worked. As it happened, Fernández fell by the wayside quickly, later being disqualified by the courts from holding public office for irregularities during his time as Sports councillor in the Gil administration. Marcos, the most vocal political enemy of Jesús Gil in the past, became deputy mayor, and was, of course, expelled from the PSOE party immediately.

Marbella was now a monstrous building site, safe to walk if one did not fall foul of the inflated local police force (a Belgian man was allegedly beaten to death by them in broad daylight and in full view of witnesses some months ago). The number of court cases pending against the Town Hall, almost all for town planning irregularities, had reached ridiculous proportions and the Town Hall was technically bankrupt. But building licences were still being handed out to whomever would pay for them, regardless of the Town Master Plan passed by the Junta de Andalucía in 1986. And the money kept flowing all the time.

Promises, promises

Marisol Yagüe made all the usual promises on taking office, as did her new henchwoman, Isabel García Marcos, both insisting that there had been nothing underhand in the no-confidence vote that got rid of Muñoz. Yagüe promised full 'transparency', as she put it, in all business relating to the Town Hall. She insisted that the days of easy building licences had ended, and that the terms of the Town Master Plan of 1986 would be complied with. But the reality was very different.

Since 1995, the Public Works Department at the Andalusian Government has challenged 389 building licences issued by Marbella Town Hall which are contrary to the Master Town Plan. Of these, 138 were issued during Marisol Yagüe's term of office. This leaves many thousands of houses and apartments in Marbella in a state of legal limbo, having been purchased in good faith but with illegally granted building licences.

Meanwhile, Marisol separated from her husband and began having an affair with her bodyguard, her husband being left with the consolation prize of a job at the Town Hall at a salary of more than 7,000 euros per month. Her suitability as mayor of an important tourist town can best be judged from a remark she made on being arrested and accused of bribery, alteration of prices, perversion of the course of justice and other offences: "But I sign hundreds of documents every week without knowing what I'm signing," she said.

She had, apparently, used a number of cars supplied by the municipal tow-away company in Marbella in part exchange for the licence to operate the service. But her biggest mistake was more personal. She decided to have work carried out on her sumptuous villa in Marbella, presumably using materials belonging to the Town Hall and then neglecting to pay the builder almost 600,000 euros she owed. The villa was seized by the court just days before she was arrested in last week's Operation Malaya.

The justice system

In Spain, police investigations of this type are carried out under the direct orders of a judge or a public prosecutor. In Marbella, the justice system was somewhat tarnished by the suspicion that the decisions of some judges were influenced by factors other than the pursuit of justice. Such was the case of Judge Pilar Ramírez of Marbella, whose father, Juan Ramírez, was a civil servant in the Marbella courts. He had apparently gained power beyond his position in the system, and was the subject of a report by the famous Judge Baltasar Garzón in 1987. This report warned of the power and influence of the civil servant, who had acted as intermediary in a property deal involving the then vice-president of the General Council for Judicial Power, the highest judicial body in the land. In 1993, Marbella Judge Blanca Díez charged Ramírez with corruption and ordered him to be imprisoned. She, in turn, was accused of irregularities of form in the case, and a year later, was suspended by the Andalusian Superior Court of Justice. A year after that, the Supreme Court reinstated her.

In 1999, Judge Pilar Ramírez was declared unsuitable to be a judge by the General Council for Judicial Power and suspended for four years by the Supreme Court, accused of having failed to act in a matter relating to Marbella Town Hall and being a judge in a town of fewer than 100,000 inhabitants in which her father had "important businesses." Judge Ramírez also opposed the jailing of Jesús Gil by Judge Santiago Torres in 1999 for the Atlético de Madrid shirts case. Ramírez left Marbella shortly afterwards.

In 2001, 13 files relating to cases involving Jesús Gil were stolen from the courthouse in Marbella. The principal suspect, another courthouse official, committed suicide by jumping from the window of his apartment while the police were searching it.

It was reported that Rafael del Pozo, head of the Local Police in Marbella, had been using local police to spy on National Police and Guardia Civil cars possibly spying on the man with the real power in Marbella all these years, Juan Antonio Roca, in the months leading up to his arrest.

All this may partly answer the question on everybody's lips these last few days: why did it take so long? They had to get it right this time, and this time, the police had more firepower at their disposal, assisted as they were by the Unit against Drugs and Organised Crime and the Anti-corruption Prosecutors Office.

The real mayor

Like Louis XIV before him, Juan Antonio Roca recognised where the power lay. "I am the Town Hall", he is reported to have said recently. But he would never have signed his name to such a statement, because he never signed anything. He used specific mobile phones for specific conversations, the most-used piece of equipment in his office was a paper shredder, he had his own bodyguards and used a vast network of companies and go-betweens to take care of the immense fortune he had accumulated as urban planning boss in Marbella over the best part of 15 years. In the end, it was the sheer size of his fortune that gave him away.

So how did a man like Roca manage to hold so much power in Marbella for so long? The answer has to do with the structure of local politics in this country, the power Town Halls have over local planning decisions and the fact that power tends to breed power everywhere. But it could also be that Marbella, for too long, was considered not to be part of the real Spain, but a different place whose problems were not thought to be the business of ordinary Spaniards everywhere. The usual comment made in conversation about Marbella has always been: "But Marbella is a case apart".

If that mentality can change, perhaps Marbella too can change.

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Marbella corruption: council dissolved and in new hands by next week

This weekend the provincial government is due to appoint a provisional administering committee whose members will take care of the town until next year's local elections

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There's no turning back this time, the dubious business at Marbella Town Hall has reached the Central Government and José Luis Rodríguez Zapatero and his ministers have said enough is enough. The Prime Minister even held back his meeting with the Lehendakari (Basque president), Juan José Ibarretxe, to discuss the new peace process on Tuesday morning to make time for an extraordinary Cabinet meeting. The Marbella issue was the only point on the agenda and the decision to dissolve the town council was made. The meeting took place shortly after the Government Council at the Junta de Andalucía had agreed to ask the Central Government to take this unprecedented step on the grounds that the work of the present town council has been "seriously harmful to general interests", the constitutional rights of the local people have been violated and the Town Hall is technically bankrupt.

At a press conference after the Cabinet meeting the Deputy Prime Minister, María Teresa Fernández de la Vega, announced that the first steps towards the dissolution of the local authority had already been taken. A report had been formerly requested from the National Commission of Local Administration and the matter would be put to the Senate so that the Cabinet could approve a special decree at its meeting this morning.

Fast action

Things can move quickly within the Spanish administration when necessary. First thing on Wednesday morning a commission at the Senate had analysed and approved the Government's proposal to dissolve Marbella council and it was put to vote that afternoon.

The next step is the creation of an administering committee to run the Town Hall until next spring. The responsibility for setting up this committee falls to the Provincial Government (Diputación) whose President, Salvador Pendón, said that the perfect candidate to head such a body would be an independent person, preferably from the judiciary, chosen

with the consensus of the main political parties. A meeting is planned for tomorrow, Saturday, to discuss the matter among representatives of the four main parties in the provincial government, PSOE, PP, IU and PA. What is certain is that the council will be in fresh hands as present councillors cannot be members of the committee, irrespective of whether or not they are involved in the corruption case. The members must however be resident in Marbella.

Salvador Pendón explained that the aim of the provisional administrators would be to "turn the clock back to zero ready for the new council next year" although he added that it would be naïve of him to think that the situation could be put to rights in a year.

In theory the provincial authority has a month to establish the committee but plans are for the new administrators to start their difficult and complex task next week.

Prosecution

Meanwhile the Junta de Andalucía has announced that it will present its own private case for the prosecution in the Malaya cases and has called for the 2,400 million euros seized by police to be returned to the Marbella Town Hall coffers.

Too late to call elections

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The question of calling new local elections immediately was ruled out by the central and regional governments this week. María Teresa Fernández de la Vega explained that there was no time; the law states that extraordinary elections cannot be held less than a year before the normal election date, which in this case is May next year. With the necessary time period between the calling of elections and the date of the poll itself this would be impossible.

The Partido Popular does not agree however and quotes an article in the law that states that the time schemes for the electoral process could be cut to half under special circumstances. The leader of the opposition, Mariano Rajoy, was in Marbella yesterday. There he announced that he would call for the Electoral Law to be reformed so that early elections could be called.

To clear up any doubts De la Vega called for an urgent report on the matter to be drawn up by the State Council (Consejo de Estado), who agreed that it would not be correct to call elections now in Marbella.

1 Malaya arrests go up to 25

Twelve are in prison, including Yagüe, Roca and García Marcos

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This has been a busy week for Judge Miguel Ángel Torres Segura, the young magistrate in charge of "Operación Malaya". Last weekend the main protagonists of the case, the Mayor of Marbella, Marisol Yagüe, her deputy, Isabel García Marcos, and the Town Hall's planning consultant, thought to be the brains behind the corruption in the local authority, Juan Antonio Roca, were all questioned and sent to prison without bail. Yagüe was described by the judge as a "puppet" while the man really pulling the strings in Marbella Town Hall has been Juan Antonio Roca. While the Mayor - who, according to sources, has not ruled out the option of resigning - has been charged with bribery, perversion of the course of justice and influence peddling, Roca's list of alleged crimes includes all these plus money laundering, fraud, altering prices, embezzlement and offences against the environment. (The latter refers to his collection of stuffed exotic animals). Sharing Yagüe's cell is her deputy, Isabel García Marcos (once the head of the Socialist opposition and Jesús Gil's fiercest critic before joining forces with the former "Gilistas"), who is charged with bribery and altering prices.

"Silly and naïve"

Meanwhile Yagüe's lawyer has called for her to be released on the grounds that the offences she is charged with do not entail serious penalties and that now there is no risk of her obstructing the course of justice. From her cell Yagüe has stated that she does not understand what is happening at the Town Hall and admits she was "silly and naïve" when she heard accusations of corruption at Marbella Town Hall.

The two other councillors arrested, José Antonio Jaén and Victoriano Rodríguez, have been charged and released on bail and imprisoned respectively. The municipal secretary, Leopoldo Barrantes, has also been released with charges. Already over 65, he has taken holiday and has asked to retire.

Lawyers

The rest of the group arrested in "Operación Malaya" are businesspeople, lawyers and frontmen linked to Juan Antonio Roca. The businessmen are accused of offering gifts to the council members in exchange for municipal contracts, a good example being the car driven by Marisol Yagüe worth nearly 50,000 euros. Meanwhile the lawyers are allegedly responsible for helping Roca to filter his immense fortune gained from all these illegal dealings through the system.

Further arrests this week have included Torremolinos businessman, Rafael L., who had the contract for Marbella's advertising billboards, as well as the Chief of the Local Police.

Local Police Chief accused of not investigating crimes

Rafael del Pozo left the court on Wednesday after putting up 20,000 euros as bail

SUR

The concession to run the Marbella municipal tow truck service provides a clear example of the council's unorthodox dealings. On Wednesday morning the chief of the Local Police force, Rafael del Pozo, was called in for questioning by Judge Torres. He left several hours later having been charged with failure to investigate an offence, covering up following an offence and illegal possession of firearms.

According to sources Del Pozo was aware that the businessman Ismael P.P., currently being held in jail, had given the Mayor Marisol Yagüe several cars in exchange for being granted the contract for the tow truck service. Del Pozo apparently did nothing to stop this deal.

The firearms charge refers to three unlicensed weapons found at the Local Police station. These are thought to have been gifts from a retired military man to the late Jesús Gil y Gil when he was mayor of the town.

The town's tow truck service was suspended on Wednesday due to the alleged irregularities in the granting of the contract.

Meanwhile around 50 employees of the town's Planning Department have been called in for questioning by the National Police.

Liposuction and thoroughbreds

The Marbella story has all the glitter and glam of a TV saga: luxury vehicles, plastic surgery and vast estates

SUR

Operation "Malaya" has all the ingredients of the plot of an eighties American soap. In fact scriptwriters would probably have thought some of the details too far-fetched to be believable.

The idea of the two glamorous women once at the helm of the Town Hall now sharing a cell together in Alhaurín jail has left everyone imagining the dialogues within those four walls, one hoping for a visit from her husband of just three weeks and the other wondering when the 57 stitches left after a recent liposuction operation would be removed. Deputy mayor, Isabel García Marcos, explained away part of the 370,000 euros found in cash in her home as wedding gifts. Mayor, Marisol Yagüe's family had previously alleged she had had a cyst removed from her back although after much speculation the aesthetic nature of her operation has been revealed.

The similarities to a "Dynasty" plot do not stop there. We only have to look at the incalculable fortune of the alleged ringleader, Juan Antonio Roca. In one of his many properties, police have discovered 30 old carriages each with a value of between 30,000 and 48,000 euros and a number vintage cars. Furthermore 103 thoroughbred horses and 100 bulls are on the list along with small stately homes, one on a Murcia estate with its own heliport and another decorated with the stuffed heads of giraffes, elephants and rhinos, not to mention the 275 works of art. Compare this to the image of a bankrupt Roca who arrived in Marbella at the end of the eighties in a Seat Panda. That was before he was chosen as a disciple of Jesús Gil, the deceased "godfather" figure whose shadow still hangs over his old territory.

Another twist in the plot is provided by the second female character, Isabel García Marcos, who was once Jesús Gil's worst enemy and now shares a cell with one of his disciples. "This will be the only green zone left in Marbella by the time you've finished" she once told Gil, holding up a pot plant. Now she appears to have been helping fulfil her prophecy.

Cheers, under what conditions?

Sur

This particular saga is not without its extras. When Yagüe was taken from the courthouse last Friday cries of "We love you" and "Don't worry" could be heard from a group of applauding onlookers. Rumours that the Town Hall recruits its own "applauders" go back to the days of Jesús Gil when apparent supporters would often prevent him being filmed in this sort of delicate situation. Or perhaps we are looking at a genuine case of spontaneous devotion for the stars of the town's own soap opera which could even be described as light entertainment if it did not involve public money.

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Andreas Whittam Smith: It is not only Brown who is losing all authority

Spain's female Wyatt Earp in the dock: Marbella's anti-corruption judge has made enemies on the Costa del Crime. Phil Davison reports

PHIL DAVISON

Monday, 14 March 1994

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FOR Blanca Esther Diez, a 31-year-old judge from Marbella, tomorrow's will be her toughest case and the outcome is out of her hands. The judge will be in the dock, challenged by a system she has fought to prove is riddled with corruption.

Formally, she is charged with dereliction of duty and revealing details of a case. If found guilty, she would be the first judge condemned on such charges in Spain's modern history. That could mean two months in jail, suspension for three years and a fine of 100 million pesetas (nearly pounds 500,000). Her Marbella home has already been 'embargoed' - held as collateral - to cover the possible costs of the trial.

Effectively, someone is trying to run her out of town. When Judge Diez, from the northern Asturias region, then only 27, hit Marbella four years ago, it was as though a young female Wyatt Earp had blown in to clean up the town. Thousands of Marbellans have marched in her support and five leading citizens are approaching one month on hunger strike, demanding an end to judicial corruption.

'The Spanish Inquisition continues, quite literally,' said one of the hunger strikers, a retired businessman, Fernando Rosado, 62. 'Justice in Spain is the best money can buy. There must be some honourable judges but they are cowards. By being cowardly, they're protecting the corrupt.'

For once, when the British tabloid press refer to the Costa del Sol with their favoured Costa del Crime headlines, they are not wrong. British, Italian, Arab and other high-flying criminals, live and operate here in style, flaunting their wealth with large yachts at the nearby Puerto Banus marina. Judge Diez believes she has found out some of the reasons why.

She compiled dossiers that she said linked former judicial officials here with the Sicilian Santapaola Mafia clan. Her dossiers suggested illegal laundering of Italian Mafia money through the purchase of art works, antiques and, especially, property.

Based on investigation of past cases and judgements, as well as sworn statements from witnesses who wrote to her supporting her anti-corruption stand, Judge Diez's dossier centred on one of Marbella's most influential figures, a former judicial official called Juan Ramirez. Mr Ramirez's exact profession has never been clear, but he worked in the local courts and often acted as a legal adviser to accused persons.

Mr Ramirez, in his sixties and known to some business associates as 'el flaco' (Skinny), is also the father of one of Ms Diez's fellow Marbella judges, Pilar Ramirez, and of a local lawyer, Juan Carlos Ramirez. Judge Diez's lawyer, Luis Bertelli, contends that, under Spanish law, such family ties are illegal in a town of fewer than 10 judges. Marbella has seven judges, including Ms Diez. Mr Bertelli also says Mr Ramirez has acted as a lawyer illicitly since, according to Mr Bertelli, he has no qualifications.

Mr Ramirez has long been a friend of Carmen Proetta, 50, a resident of San Pedro de Alcantara, near Marbella, and the key witness in the 1988 SAS killing of three IRA terrorists. Ms Proetta has said she acted as an interpreter for Mr Ramirez in cases involving Britons.

Acting on witnesses' allegations, Judge Diez ordered Mr Ramirez's phone legally 'bugged' in January last year. She later ordered him jailed in 'preventive detention' pending trial, on suspicion of involvement in the fraudulent sale of a Marbella casino.

After two months inside, another judge - not his daughter - ordered Mr Ramirez freed without bail. Mr Ramirez made a formal complaint against Judge Diez, a move that automatically led to her suspension and tomorrow's trial. He accused her of dereliction of duty and of revealing details of his case. She denies both accusations, saying Mr Ramirez and corrupt colleagues are trying to get her off their patch.

According to Mr Bertelli, the phone tap revealed a close friendship between Mr Ramirez and Jose-Luis Manzanares, vice-president of Spain's General Council of Judicial Power, the legal watchdog body appointed by parliament.

That relationship has turned the judge's trial into an event of national importance.

(Photograph omitted)

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guardian.co.uk

Can Marbella's Mr Big slip the noose again?

Football club boss eyes Senate as way to outstrip justice, writes
Emma Daly

guardian.co.uk, Sunday 1 August 1999 23.28 BST

The controversial mayor of Marbella, already accused of diverting funds from the resort's treasury, now faces charges in Spain's highest court that he used worthless paper to take over the famous football club of which he is president, Atlético Madrid. His enemies in the Spanish establishment warn that Jesús Gil, a corpulent figure sometimes compared to Robert Maxwell, hopes to put himself beyond the court's reach. From the political base he has built on his popularity among football fans and Marbella locals he may seek election to the Senate, giving him immunity from prosecution or, at least, complicating any process against him.

The latest allegations are not to be confused with charges of embezzlement and forgery laid against Gil in the Marbella courts (he is said to have used almost £2 million of the city's money to plaster its name over the Atlético players' shirts). He spent several days in jail, telling reporters at the gate it was 'no big deal'. He was released on bail in January, having suffered heart problems.

The attention of the National Court, which deals only with the most serious crimes of drug-trafficking, terrorism and corruption, is far more significant, but proceedings are likely to take months, if not years.

State prosecutors allege Gil bought 94.5 per cent of shares in the club when it was floated in 1991 with credit notes issued by a bank just as the deadline for flotation was running out. The notes are said to have been returned to the bank uncashed after the authorities had approved the establishment of the limited company. It is also alleged that money paid by fans for the remaining shares went into Gil's pocket rather than the club's coffers.

A Marbella judge, Pilar Ramírez, was suspended last week following an investigation into allegations of links between the Ramírez family, Gil and the Mafia. Gil denounced her suspension as 'lamentable' but said the case had nothing to do with him. The prosecutor, Carlos Jiménez Villarejo, alleged Gil had links with Italian mobsters and Colombian drug lords. Gil says he will sue him.

The property and construction tycoon created his party, the Independent Liberal Group (GIL for short), and stood for office in Marbella simply to bypass tedious planning laws. He was re-elected mayor in June and his candidates were victorious along the Costa del Sol and in Ceuta and Melilla, Spain's enclaves in Morocco. Many believe he is eyeing the Senate seat there.

Now he vows he will 'go after [José María] Aznar', the Spanish Prime Minister. 'I will take away 500,000 votes from him,' he boasted, pledging to field candidates for the regional governments of Andalusia and Madrid.

Gil is a bumptious bully who gives jobs to his children, and alternates between charming and terrorising his staff. To describe him as 'Maxwellian' scarcely does him justice. Maxwell never wielded such power, nor aroused (while alive) such establishment hostility.

Once elected mayor, he set about restoring Marbella's tarnished image. He expelled prostitutes, beggars and (impoverished) drunks and developed the resort with environmentally unfriendly abandon.

The return of King Fahd earlier this year seemed an endorsement of Gil's reign in Marbella. It is the first time in 12 years that the Saudi monarch had spent his holidays there. Locals are drooling over the boost to the economy from the king and his 600 aides. They have reserved 200 suites and rooms in the most luxurious hotels for the staff who will not fit into King Fahd's palace and commandeered every rental limousine in town. King Juan Carlos even called to welcome him.

Gil has been basking in all this but is said to have another 80 court actions pending against him.

His only previous term in jail was in 1969 for negligence, after 58 people were killed when a roof in a restaurant he built collapsed. Gil spent 18 months in prison before receiving a pardon from General Franco.

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Martes, 13 de julio de 1999 EL MUNDO periodico

GIANNI MENINNO/MIEMBRO DEL «CLAN SANTAPAOLA»

Todo un clásico en los archivos policiales europeos

M.C/ A.R

La policía española sigue los pasos de Meninno desde principios de los años 80, época en la que ya elaboró, con la ayuda de sus colegas italianos, un informe sobre la llegada a Marbella de una sección del Clan Santapaola.

Meninno, que nació en Capri el 17 de julio de 1952 -dentro de unos días cumple 47 años- llegó a España como lugarteniente y testaferro de Felice Cultrera, señalado por la policía como el jefe del clan italiano en la Costa del Sol. Meninno aparece en varias de las sociedades de Cultrera, que luego fueron administradas por Juan Ramírez, el padre de la juez de Marbella. Así, el mafioso italiano figura como accionista o administrador de sociedades como Giamar, Menimar, Larashe Investment, Mardesol, Promociones Urbanas, que pasó a llamarse Talent Management...Estas sociedades constituyen un entramado financiero con conexiones con Gibraltar y otros paraísos fiscales.

Una nota informativa sobre Meninno, elaborada por el grupo de Delincuencia Internacional de Málaga, dice de él que «se trata de un individuo peligroso por sus actividades fraudulentas y relaciones con la Mafia, desde la óptica que podría tratar de evadirse, para lo cual podría poseer infraestructura en la Costa del Sol».

La Fiscalía Anticorrupción dejó muy claro, en su escrito enviado al CGPJ, quiénes eran los integrantes del clan Santapaola: «Felice Cultrera tiene antecedentes por el control de diversos casinos de juego, organización internacional de tráfico de estupefacientes, estafa, falsedad de títulos, extorsión, chantaje, amenazas, coacciones, blanqueo de dinero procedente del tráfico de heroína, tráfico de armas y es considerado en España responsable del clan Santapaola de la Mafia, ayudado de Meninno y Salamini».

El ciudadano italiano tiene abiertos en España varios procesos judiciales por estafa y venta de coches robados. En 1991, la juez Blanca Esther Díez lo procesó en el caso Casino por estafar a un empresario italiano a quien pretendió vender el casino de Marbella sin ser propietario de la sociedad. En este proceso judicial también están implicados Cultrera y el padre de la juez Pilar Ramírez.

En 1995, fue nuevamente detenido, acusado por la policía italiana de participar en una organización que se dedicaba al tráfico de armas. El proceso se sigue en Italia.

Recordemos que la pobre jueza B.E.Diez fué poco menos que tratada como una delincuente por querer desenmarañar la maraña.

GIANNI MENNINO MEMBER OF THE SANTAPOLA CLAN

Quite the classic in the European police dossiers

MC/AR

The Spanish police follow Mennino steps since the beginning of the 80's, when it made, with the help of their Italian colleagues, a dossier on the arrival to Marbella of a portion of the Santapola clan

Mennino, born in Capri the 17th of July (je. je ☺) of 1952, he will be 47 in a few days; arrived to Spain as real estate owner (this can also mean deputy) and front man for Felice Vultrera, appointed by the police as the chief of the Italian clan in the Costa del Sol. Mennino appears in various of Cultrera's societies (enterprises) which were later administered by Juan Ramirez, father of the Marbella judge. This way, the Italian mafia member appears as the shareholder or administrator of societies such as Giamar, Menimar, Larashe Investment, Mardesol, Promociones Urbanas, later called Talent management... These societies constitute a financial network with links with Gibraltar and other countries

An informative note on Meninno, made by the group International Crimes of Malaga says that "he is a dangerous individual because of fraudulent activities and relationship with the mafia, from the point of view that he could try to evade (I assume this means to escape). and to this aim he may have infrastructure in the Costa del Sol"

The Anti Corruption Prosecutor stated very clearly, in the document sent to the General Council of Judicial Power, who were the member of the Santapola clan. "Felice Cultrera has a criminal record for the control of various casinos, international organization of drug trafficking, fraud, title forger, extortion, blackmail, threats, coactions, laundering of money from heroin trafficking, weapon trafficking and is considered to be responsible in Spain for the mafia Santapola clan, aided by Meninno and Salamini"

The Italian citizen has several open cases in Spain for fraud and sale of stolen cars. In 1991, the judge Blanca Esther Diez prosecuted him in the casino case for fraud to an Italian businessman to whom he intended to sell the casino of Marbella without being the society's owner. Cultrera and the Judge Pilar Ramirez's father (the father of the lawyer Mr. Ramirez Balboteo) are also involved in this process

In 1995 he was detained again, accused by the Italian police of being part of an organization for the traffic of weapons. The process continues in Italy

Let's remember that poor judge B E Diez was almost treated as a criminal because she wanted to untangle the mess

LA FISCALIA ANTICORRUPCION AMPLIA SU DENUNCIA ANTE EL CGPJ CON PRUEBAS DOCUMENTALES

Gil designó al mafioso Meninno como mediador del Ayuntamiento de Marbella

«MARBELLA CONNECTION» : El alcalde ofreció por escrito a un jeque árabe futuras recalificaciones -incluida la de Puerto Banús- designando como su representante en la negociación económica al lugarteniente del «capo» Cultrera - El propio Meninno envió una carta al jeque -con copia al alcalde- transmitiéndole el enfado de Gil por la aparición de otros intermediarios - Al final, los italianos se quedaron con 850.000 dólares del jeque y Gil le convenció de que no se los reclamara

MARBELLA, CAPITAL DE LA MAFIA (II) El alcalde marbellí ofreció a un jeque de Arabia Saudí futuras recalificaciones urbanísticas a través del lugarteniente del capo Felice Cultrera. El propio Meninno remitió una carta al inversor saudí para hacerle llegar el malestar de Gil porque habían aparecido otros mediadores en la operación inmobiliaria. Un estrecho colaborador del primer edil ratificó por medio de un fax remitido desde el Club Financiero, donde Gil tiene sus oficinas, que «Meninno continuará en las operaciones financieras en los términos conocidos por ambas partes». Los documentos en poder de la Fiscalía Anticorrupción fueron intervenidos en 1993 en un registro en las oficinas de un concesionario de automóviles de Meninno, que era la tapadera de una red internacional que se dedica al robo de coches de lujo en países europeos. .

MANUEL CERDAN / ANTONIO RUBIO

MADRID.- Nuevos documentos en poder de la Fiscalía Anticorrupción confirman las conexiones de Jesús Gil con los miembros de la Mafia italiana afincados en la Costa del Sol.

El fiscal Carlos Jiménez Villarejo ha remitido al Consejo General del Poder Judicial una serie de documentos en los que se demuestra que el alcalde de Marbella designó al mafioso Gianni Meninno como intermediario del Ayuntamiento en una operación inmobiliaria con el jeque Hasán Enani, ex secretario de la casa real de Arabia Saudí.

Meninno, a quien la policía italiana acusa de pertenecer al clan Santapaola de la Mafia siciliana de Catania, remitió una carta, con el visto bueno del alcalde de Marbella, al jeque árabe manifestándole el enfado de Gil por la presencia de otros interlocutores en las negociaciones.

En la misiva, escrita en inglés y fechada el 27 de mayo de 1992, el mafioso Meninno traslada al jeque el malestar de Gil. La carta dice: «He recibido una llamada telefónica de Jesús Gil, quien estaba preocupado y enfadado porque después de todas las conversaciones que ha tenido con usted, el señor Cruz Conde [un abogado marbellí] visitó ayer, a las 8 p.m al señor Roca, el encargado de Urbanismo, con una propuesta extraña y diferente relativa a la transacción entre usted y Gil».

Meninno expone al jeque árabe que el Ayuntamiento no necesita ningún intermediario y le recuerda que está tratando con una institución oficial: «Usted -le dice- sólo necesita comprobar que los documentos a firmar son correctos porque usted está en contacto directo con Gil, que es quien toma las decisiones. Si otras propuestas llegan a la mesa de Gil se produce la confusión, pues eso es incomprensible para Gil».

La carta del mafioso italiano está escrita en un folio con el membrete «Gianni Meninno» y, a pie de página, figuran sus domicilios de Marbella y Bolonia. Debajo de su firma aparece la anotación: «Copy for information: Mr. Jesús Gil».

Como complemento a esta misiva, la Fiscalía Anticorrupción también dispone de otro documento en el que el alcalde de Marbella, por medio de uno de sus colaboradores, ofrece al jeque Enani la futura recalificación urbanística de varios complejos turísticos de Marbella, incluido el de Puerto Banús. Para llevar a cabo estas gestiones, Gil confirma como representante en las negociaciones a Meninno, el lugarteniente y testaferro de Felice Cultrera, otro de los italianos investigados por sus actividades en la Costa del Sol.

Juan Antonio Roca, un íntimo colaborador de Gil y en aquellas fechas encargado de la gestión y planeamiento municipal del urbanismo de Marbella, envió por fax, el 1 de junio de 1992, al jeque Enany otro documento en el que se plasmaban los acuerdos alcanzados y las revisiones del Plan General de Ordenación Urbana (PGOU).

Según reconoce Roca en el escrito, en el que aparecen las marcas del fax del Club Financiero de Marbella, donde Gil tiene sus oficinas, y la leyenda: «C.C. J. Menino», el acuerdo pasa por las recalificaciones de los proyectos Holandalucía y Casa Blanca y otros reordenamientos urbanísticos como los de Puerto Deportivo Marina Marbella, Puerto Banús y Portillo. La inversión en todas estas operaciones, según se recoge en el documento, alcanza 9.000 millones de pesetas.

Juan Antonio Roca, un colaborador del Ayuntamiento que nunca asume una decisión sin el consentimiento de Gil, reafirma una vez más el apoyo del alcalde al mafioso Meninno: «Independientemente de este contrato, el señor Meninno seguirá de común acuerdo con las partes en las operaciones de financiación en los términos conocidos por ambas partes».

Al final, la operación con el jeque no se realizó, pero los italianos se quedaron con 850.000 dólares que anticipó el inversor. Enani reclamó el dinero, pero Meninno y su socio Cultrera se negaron a devolvérselo. Gil tuvo que intermediar en el contencioso convenciendo al jeque de que no se los reclamara.

Los documentos que relacionan a Gil con los mafiosos italianos fueron hallados por la policía española en un registro que realizó en 1993 en las oficinas de la sociedad de Meninno, Milauto Marbella. Este concesionario de automóviles, en realidad, era una tapadera de una red internacional que se dedicaba a la venta de coches de lujo sustraídos en países europeos. Según los informes de la policía, la organización de Meninno sustituía las matrículas originales por otras falsas, proporcionaba una nueva documentación también falsificada y ponía los vehículos a la venta.

Entre la documentación intervenida a Meninno los agentes encontraron varios papeles que demostraban que el letrado Juan Carlos Ramírez Balboteo y su padre Juan Ramírez Rodríguez estaban en la nómina del mafioso.

En el registro se encontró también documentación de las sociedades del clan de los italianos, que aparecen relacionadas con el Ayuntamiento de Marbella y con la familia Ramírez.

Otro de los documentos intervenidos ratifica las conexiones de Gil con los mafiosos. Se trata de una propuesta de contrato de joint venture, con fecha 12 de agosto de 1992, con los mombres de Shoreham Investments y de Gianni Meninno, para la constitución de un holding que se denominaría Marbella España SA. En el negocio participaría un inversor extranjero con el 90% y el Ayuntamiento de Marbella con el 10%.

I am translating this newspaper clip for you, it is a reputable newspaper, not a tabloid, you can find it online at the link above, it states the well known corruption in Marbella in 1993 and there is mention of the people involved in your case:

The ANTI-CORRUPTION PROSECUTOR EXTENDS THE FORMAL COMPLAINT BEFORE THE GENERAL COUNCIL OF JUDICIAL POWER WITH DOCUMENTAL EVIDENCE:

Gil appointed the mafia member Meninno as a mediator with the Marbella City Hall

"MARBELLA CONNECTION" The Mayor offered an Arabian sheik in writing future re-appraisals (this refers to the estimated use of the land and is very relevant for its value and leads to much corruption), including Puerto Banús – appointing as his representative in the economic negotiation the real state owner of the capo (the way mafia members are named in Spain) Cultrera. Meninno himself sent a letter to the sheik—with a copy to the Mayor - communicating his anger for the appearance of other intermediaries- In the end, the Italians kept 850.000 US dollars from the sheik and Gil convinced him not to reclaim them

MARBELLA, THE MAFIA CAPITAL (II) The Mayor of Marbella offered a sheik from Arabia Saudi future urban re-appraisals, through the real state owner of the capo Felipe Cultrera. Meninno himself sent a letter to the sheik investor to communicate him Gil's annoyance for the appearance of other intermediaries in the real state operation. A close helper of the first town councilor ratified by a fax sent from the Financial Club, where Gil has his offices, that "Meninno will carry on the financial transactions on the terms known to both parties". The documents in the power of the Anti-Corruption Prosecutor, were intercepted in 1993 during a search of Meninno's car dealer offices, which was the lid of an international net for the theft of luxury cars in European countries

MANUEL CERDAN/ANTONIO RUBIO

MADRID. New documents in the power of the Anti-Corruption Prosecutor confirm the connection between Jesús Gil and the Italian Mafia members residing in the Costa del Sol

The public prosecutor Jimenez Villarejo has referred the General Council of Judicial Power a number of documents which prove that the Marbella mayor appointed the mafia member Gianni Meninno as the City Hall's intermediary in a real estate transaction with the sheik Hasán Enani, ex secretary of the Royal Household of Arabia Saudi

Meninno, accused by the Italian police of being a member of the Santapola clan of the Sicilian mafia of Catania, sent a letter, with the mayor of Marbella's approval, to the Arabian sheik communicating Gil's anger for the presence of other intermediaries in the negotiations.

In the letter, written in English and with date the 27th of may 1992, the mafia member Meninno refers to the sheik Gil's annoyance. The letter says "I have received a phone call from Jesús Gil, who was worried and angry because after all the conversations he has had with you, Mr Cruz

Conde (a Marbella lawyer) visited yesterday, at 8.00pm Mr. Roca, in charge of Town Planning, with an strange and different proposal in regards to the transaction between you and Gil”

Meninno manifests to the Arabian sheik that the City Hall doesn't need any intermediary and reminds him that he is dealing with an official institution “you, he says, only need to verify that the documents to sign are right, because you are in direct contact with Gil, who makes the decisions. If other proposals make it to Gil's desk, confusion happens, since this is incomprehensible to Gil”

The Italian mafia member letter is written in a page with the headline “Gianni Meninno” and at the bottom of the page his addresses in Marbella and Bologna are stated. Underneath his signature there is the note “Copy for information: Mr. Jesús Gil”

Complementing this letter the Anti-Corruption Prosecution also has another document in which the Marbella mayor, through one of his assistants, offers Sheik Enani the future re-appraisal of various touristic developments in Marbella, including Puerto Banús. To make this operations, Gil confirms Menninno, the real state owner , who is Felice Cultrera front man, another one of the Italians under investigation for his activities in the Costa del Sol, as the representative

Juan Antonio Roca, Gil's close assistant, and on that date in charge of the management and planning of the town planning in Marbella, send via fax the 1st of june of 1992, to sheik Enany another document containing the agreements reached and the revisions for the Town Planning General Plan

As Roca acknowledges in the document, where the mark of the fax of the Financial Club in Marbella where Gil has his offices and the note “CCJ Menino” appear, the agreement implies the modification of Holandalucia and Casa Blanca projects and a reorganization of the town planning, like the ones of Puerto Deportivo marina Marbella, Puerto Banús and Portillo. The investment in all these operations reaches 9.000 millions of pesetas, according to the document

Juan Antonio Roca, a City Hall assistant who never makes a decision without gils consent, reaffirms the mayor's support to the mafia member Mennino : “Independently of this contract, Mr. Meninno will carry on as commonly agreed between the parties, in the financial transactions in the terms known to the parties”

In the end. The transaction with the sheik didn't take place, but the Italians kept 850.000 dollars that the investor anticipated. Enani claimed the money, but Meninno and his associate Cultrera refuse to give it back, convincing the sheik not to claim it to them

The documents that link Gil with the italian mafia members were found by the Spanish police in a search that took place in 1993 in the offices of Meninno's society Milauto Marbella. This car dealing establishment was, in reality, a lid for an international net for the sale of luxury cars that had been stolen in European countries. According to the police documents, Meninno's organization substituted the original registry numbers, gave new documentation (also false) and sold the vehicles.

Among the documents intercepted to Meninno, the agents found various documents that proved that the lawyer Juan Carlos Ramirez Balbotoe and his father Juan Ramirez Balbotep were in the mafia member's payslip

In this search other documents of the Italian clan's societies linked to the Marbella Town hall and the Ramirez family, were found

Another one of the documents intercepted ratifies the link between Gil and the mafia members. It is a proposal for a joint venture contract, dated the 12th of august of 1992, with the headings of Shoreham Investments and Gianni Meninno, to constitute a holding which would be named Marbella España SA. In this business there would be a foreign investor with the 90% and the Marbella City Hall with the 10%

I think this may be relevant to you too . to establish the connection between Mr. Fischer's lawyer Ramirez Balboteo and corruption. It refers to a "familiar holding" by the Ramirez Judge, her father, mother brother and cousins and the relationship with the mafia. It is very clear that he is as corrupted as they get, and that he has a close relationship with Gianino. I am going to translate what I think is relevant in red after each paragraph. if you want to use it and want a complete translation just let me know

<http://www.articlearchives.com/1649337-1.html>

El holding familiar de la jueza Ramírez.

(The Family holding of the Judge Ramirez)

Publication: Epoca

Date: Monday, July 12 1999

Estas son las principales empresas situadas en la Costa del Sol y vinculadas a la familia de la jueza decana de Marbella, Pilar Ramírez; así como a integrantes del clan Santapaola, grupo dominante de la mafia siciliana en la región italiana de Catania:

These are the main enterprises situated in Costa del Sol and linked to the Dean Judge of Marbella Pilar Ramirez, as well as to members of the Santapola clan, main group of the Sicilian mafia in the italian region of Catania

Fishr Island. Creada el 17 de octubre de 1996 entre el hermano de la jueza, el abogado Juan Carlos Ramírez Balboteo, y Ana Muñoz Oriol, esposa del presunto capo italiano Felice Cultrera. Tiene su domicilio en Estepona (Málaga), en el edificio Alborán, piso cuarto, letra D, donde se encuentra el despacho profesional del hermano de la jueza Ramírez. Se dedica al negocio inmobiliario, con un capital social de 500.000 pesetas.

Created by the Judge's brother . the lawyer Juan Carlos Ramirez Balboteo and Ana Muñoz Oriol, wife of the alleged mafia member Felice Cultrera (...)

Kermosa. Sociedad de origen panameño, vinculada al padre de la jueza Ramírez. Aparece como administrador único desde 1993 el presunto capo italiano Angelo Salamini. Tiene su domicilio en San Pedro de Alcántara (Marbella). Se dedica "al comercio al por menor de bienes de segunda mano". Ha firmado convenios urbanísticos con el Ayuntamiento de Jesús Gil. Son múltiples sus problemas judiciales y embargos por impagos.

(...) the sole administrator is the alleged mafia member Angelo Salamini (...)

Kueris. Creada el 10 de octubre de 1992, con un capital de 25 millones de pesetas. Tiene su domicilio en Estepona (Málaga), en el edificio Alborán. Se dedica al negocio inmobiliario. Figuró como administrador único hasta marzo de 1998 el hermano de la jueza Ramírez. A partir de esa fecha le sustituyó en el cargo René Dechamps Azanza.

(...) the sole administrator until march 1998 is the judge's brother (...)

Bellantoni Puerto. Creada el 5 de agosto de 1991, con un capital de 300 millones de pesetas. Tuvo su domicilio en Marbella hasta marzo de 1999, que se trasladó a Bilbao. Se dedica al negocio inmobiliario. Su primer administrador único fue el padre de la jueza Ramírez, Juan Ramírez Rodríguez. Actualmente figura Philip Guy Friedli. Ha firmado convenios urbanísticos con el Ayuntamiento de Jesús Gil.

Bahía de Bellantoni. Se creó el 30 de septiembre de 1990, con un capital de 35 millones de pesetas. Se dedica al negocio inmobiliario. Tiene su domicilio en Marbella. Su único accionista es la sociedad opaca Moredum Park Limited. El primer administrador fue el padre de la jueza Ramírez, que estuvo en el cargo hasta junio de 1996. En esta empresa han figurado también como administradores únicos Annina Tea Uusmaa y la sociedad Fideso S.L.

Oasis de Bellantoni. Se creó el 30 de septiembre de 1990, con un capital de un millón de pesetas. Se dedica al negocio inmobiliario. Tiene su domicilio en Marbella. Su primer administrador único fue el padre de la jueza Ramírez. Han sido también administradores Victoria Helena Leibar Echevarría y Manuel Expósito Pelado. Esta sociedad tiene múltiples impagos con Hacienda.

Navegara. Dedicada al negocio inmobiliario. Tiene su domicilio en Marbella. Han figurado en su consejo de administración el padre, la madre (Ascensión Balboteo Piña) y el hermano de la jueza Ramírez.

(...) the father, mother and brother of the Judge have been members of the administration(...)

Menimar. Creada en el otoño de 1990 y liquidada en la actualidad. Dedicada al negocio inmobiliario. Tuvo su domicilio en Marbella. Han figurado como administrador único el padre de la jueza Ramírez, junto a Brahim Sadok. El apoderado de la sociedad ha sido el presunto capo Ugo Giovanni Giannino.

(...) the society's proxy has been the alleged mafia member Ugo Giovanni Giannino

Mapira. Sociedad inmobiliaria de la familia Ramírez. Constituida en 1993. Son administradores solidarios el padre, la madre y el hermano de la jueza.

Alcazaba Garden. Sociedad inmobiliaria, con domicilio en Marbella. Ha figurado en su consejo de administración el padre de la jueza. Su presidente es David Ouaknine. Esta sociedad tiene problemas judiciales por impagos, varios con la Hacienda Pública española.

Motorauto Marbella. Creada el 20 de noviembre de 1991, con un capital social de 500.000 pesetas. Sociedad vinculada al hermano de la jueza. Tiene su domicilio en Marbella. Se dedica a la compra-venta de vehículos, así como al negocio de los repuestos. Aparece como administrador mancomunado el presunto mafioso Ugo Giovanni Gianinno y John Fisher Kelvin. Created the 20th of November of 1991, with a social capital of 500.000 pesetas. Society linked to the judge's brother. The domicile is in Marbella. It deals with the buying-selling of vehicles, as well as the business of spare parts. The joint administrator is the alleged mafia member Ugo Giovanni Gianinno and John Fisher Kelvin

Milauto Marbella. Creada el 16 de diciembre de 1992, con un capital social de 500.000 pesetas. Tiene su domicilio en Marbella. Se dedica a la compraventa de vehículos y recambios. Aparece como administrador único Antonio Eladio Amaral Santos. Es una de las empresas señaladas por la Fiscalía Anti-corrupción.

Created the 16th of December of 1992, with a social capital of 500.000 pesetas. It has the domicile in Marbella. It deals with the buying and selling of vehicles and spare parts. The sole administrator is Antonio Eladio Amaral Santos (I think this proves that Motruato and Milauto really had the very same purpose and since Milauto was already accepted as a society that sold stolen cars . I think you have the proof you need right here!!!). It's one of the enterprises signaled by the Anti-Corruption Prosecution

Mardesol. Creada el 8 de junio de 1992, con un capital de 5 millones de pesetas. Se dedica al negocio inmobiliario. Tiene su domicilio en Estepona (Málaga), en el edificio Alborán. Aparece como administrador único el padre de la jueza Ramírez. Como accionista figura el presunto capo italiano Gianni Mennino.

(...) one of the shareholders is the alleged itaian mafia member Gianni Mennino

Jucamar 18. Creada el 28 de noviembre de 1995, con un capital de un millón de pesetas. Se dedica al negocio inmobiliario. Tiene su domicilio en Estepona, en el edificio Alborán. Figura como administrador único el hermano de la jueza, el abogado Juan Carlos Ramírez Balboteo.

(...) the sole administrator is the judge's brother Juan Carlos Ramírez Balboteo

Giamar. Sociedad inmobiliaria y de importación-exportación. Está situada en Marbella. Figura como administrador único el hermano de la jueza. Como apoderados de la empresa figuran el presunto capo Ugo Giovanni Giannino y Cristina Clara Simoncelli, esposa del italiano Gianni Mennino, que es el principal accionista de la empresa. Esta sociedad firmó un convenio

urbanístico con el Ayuntamiento de Jesús Gil, que afectaba a una superficie de 4.197 metros cuadrados. Tiene varios embargos por impagos con Hacienda y con particulares.

(..) The sole administrator is the judge's brother. As the society's proxies there are the alleged mafia members Ugo Giovanni Ginnino and Cristina Clara Simoncelli, wife of the Italian Gianni Mennino(...)

Asbal. Creada el 16 de junio de 1989, con un capital de 3 millones de pesetas. Se dedica al negocio inmobiliario. Tiene su domicilio en la calle Ana Teresa, de Aravaca (Madrid). Sociedad patrimonial de los Ramírez, aparecen como administradores solidarios el padre, la madre y el hermano de la jueza.

(...) the joint and severally administrators are the father, mother and brother of the judge

Marshagal. Creada el 2 de agosto de 1991, con un capital de 25 millones de pesetas. Se dedica al negocio inmobiliario. Tiene su domicilio en Marbella. Figura como administrador único el hermano de la jueza Ramírez, que sustituyó en el cargo a su padre 1993.

(...) the sole administrator is the judge Ramirez's brother(..)

Incar S.R.L. Sociedad inmobiliaria radicada en Marbella y vinculada al clan Ramírez por parte de la Fiscalía Anticorrupción. Firmó un convenio urbanístico con el Ayuntamiento de Jesús Gil, que afectaba a una parcela de 31.043 metros cuadrados.

Diska Corporation Limited. Sociedad panameña cuyo representante legal en España es el hermano de la jueza Ramírez. Participó en la constitución de Bellantoni Puerto S.L., una de las empresas que firmó convenios con el Ayuntamiento de Gil.

(..) the judge's brother is it's representative in Spain(...)

Desjipo. Sociedad inmobiliaria situada en Marbella. Vinculada al padre y al hermano de la jueza, como apoderados. Su administradora única es Cristina Carla Simoncelli, mujer del presunto capo Gianni Mennino, que figura como apoderado de la sociedad.

(...) linked to the father and the brother of the judge as proxies. The sole administrator is Cristina Carla Simoncelli, wife of the alleged mafia member Gianni Mennino, who appears as the society's proxy

IF18. Creada el 10 de noviembre de 1995, con un capital de 4,5 millones de pesetas. Se dedica al negocio inmobiliario. Tiene su domicilio en Marbella. Su administrador único es Diego Jiménez Balboteo, primo hermano de la jueza y a quien la Fiscalía Anticorrupción también señala como integrante del clan. Este ejerce de abogado del presunto capo Ugo Giovanni Giannino. Comparte despacho profesional con el hermano de la jueza.

(...) the sole administrator is Diego Jimenez Balboteo, the judge's cousin, and which the Anti-Corruption Prosecutor considers to be part of the clan. He acts as a lawyer for the alleged mafia member Ugo Giovanni. He shares a professional office with the Judge's brother

Panomar. Creada en marzo de 1991, con un capital de 10 millones de pesetas. Se dedica al negocio inmobiliario. Tiene su domicilio en la urbanización Panorama de Marbella. Su administrador único es el primo hermano de la jueza, Diego Jiménez Balboteo.

Shoerham Investment Limited. Sociedad radicada en Gibraltar. Matriz del grupo empresarial de los italianos Felice Cultrera y Gianni Mennino. El 18 de marzo de 1993 se otorgó un poder a favor del padre de la jueza Ramírez.

Larashe Investment Limited. Sociedad situada en Gibraltar, que tiene como manager al presunto mafioso Felice Cultrera. Ha participado accionarialmente en la creación de varias empresas del holding.

I think this document can help prove that the trafficking of luxury stolen cars has taken and takes place in Marbella with the help of societies that sell cars. This case is unrelated but it does show that there is a huge market for luxury cars and a very well established organization in this sense

<http://www.20minutos.es/noticia/452297/0/trafico/coches/lujo/>

Cae una red de tráfico de vehículos de lujo robados con bienes de más de 26 millones

- Empresas, bares y porteros de discoteca colaboraban con este grupo.
- Sustraían los coches, los revendían y cobraban indemnizaciones.
- [CONSULTA AQUÍ MÁS NOTICIAS DE MÁLAGA](#)

EFE. 23.02.2009

Una organización dedicada al tráfico de vehículos de lujo robados ha sido desmantelada en Málaga. La Guardia Civil ha arrestado a 15 personas y relaciona con los hechos a otras cinco. El valor de los bienes intervenidos asciende a unos 26 millones de euros.

An organization for the trafficking of luxury cars has been dismantled in Málaga. The Guardia Civil (Police) has arrested 15 persons and links another 5 with the facts. The value of the intercepted goods goes up to around 26 millions of euros

La red falsificaba la documentación y los bastidores de los vehículos robados y después los introducía en el mercado con la ayuda de empresas dedicadas a la compraventa de vehículos y de un grupo de porteros de discotecas que captaban a los clientes, según ha informado este lunes la Guardia Civil.

The net committed forgery of the documentation and chassis of the stolen cars and introduced them back on the market with the help of car selling enterprises and disco bouncers which got clients, as the Guardia Civil has informed this Monday

Una vez obtenida la documentación necesaria para la legalización de los vehículos que simulaba su importación, eran vendidos en España y otros países. Posteriormente los integrantes de la red los denunciaban como robados para cobrar el seguro.

Once the necessary documentation to legalize the vehicles was obtained which simulated their import, they were sold in Spain and other countries. Later the net members claimed them as stolen to get the insurance money

Las investigaciones se iniciaron a raíz de informaciones recibidas y de los análisis de la documentación intervenida a otros grupos desmantelados en operaciones desarrolladas en la Costa del Sol.

The investigation started as a result of information received and the analysis of documents intercepted to other groups in operations that took place in Costa del Sol

Ayudados por porteros y empresarios de bares de copas

La organización, con el apoyo de un grupo de porteros de discotecas y de propietarios de locales de copas de la provincia de Málaga, contactaba con "personas del mundo de la noche" para ofrecerles vehículos de alta gama.

Cuando los clientes les encargaban un vehículo, la red lo sustraía con arreglo a la marca y modelo solicitado.

Posteriormente, los vehículos eran trasladados a almacenes o garajes para falsificar las matrículas o **cambiarles los números de bastidores** con la colaboración de empresas dedicadas a la compraventa de vehículos, que les entregaban matrículas y documentación de vehículos de idénticas características a los sustraídos.

Later, the vehicles were transported to warehouses or garages to forge the registration numbers and change the chassis numbers with the help of enterprises in the business of car selling, which handed them registration numbers and documentation for vehicles of the same traits as the stolen ones

Cobran por la venta y por la indemnización

Los vehículos eran declarados como siniestrados, después de haberlos incendiado, para cobrar las indemnizaciones del seguro, o se vendían a otros países y se denunciaba posteriormente su robo, con lo que la red conseguía un doble beneficio por la venta del vehículo y por el cobro de la indemnización.

70 delitos se han esclarecido gracias a esta operación

En la operación se han llevado a cabo **cuatro registros domiciliarios en la provincia de Málaga** en los que se han intervenido diez vehículos valorados en un millón de euros preparados para ser distribuidos en el mercado, documentación falsificada, material electrónico para el robo y pegatinas con números de bastidor doblados.

También se han embargado inmuebles valorados en 15 millones de euros y de ocho empresas con vehículos de lujo por valor de unos 10 millones de euros.

En el transcurso de la operación, dirigida por el juzgado de instrucción número 4 de Torremolinos (Málaga), se han podido esclarecer hasta la fecha **más de 70 delitos**.

Los detenidos e imputados están acusados de los delitos de asociación ilícita, falsificación de documentos y delitos contra la propiedad.

PERFIL DE EMPRESA**Empresa: MOTORAUTO MARBELLA SL**

Denominación MOTORAUTO MARBELLA SL
Domicilio Social AVENIDA RICARDO SORIANO, 2 - ED ESTE,
Localidad 29601 MARBELLA (MALAGA)

Fecha 12/06/2009

E-INFORMA, S.A
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1 Datos Generales

.: C.I.F.	B29487337
.: Denominación	MOTORAUTO MARBELLA SL
.: Domicilio Social	AVENIDA RICARDO SORIANO, 2 - ED ESTE,
.: Localidad	29601 MARBELLA (MALAGA)
.: Forma Jurídica	SOCIEDAD LIMITADA
.: Fecha Constitución	20/11/1990
.: Capital Social	3.005,06 EUROS
.: Actividad	1654100 - Comercio al por menor de vehiculos terrestres
.: CNAE:	5010 - Venta de vehículos de motor. COMPRA Y VENTA DE VEHICULOS NUEVOS Y USADOS, IMPORTACION Y EXPORTACION DE VEHICULOS, COMPRA, VENTA E IMPORTACION DE ACCESORIOS, REPUESTOS U OTROS ELEMENTOS RELACIONADO CON EL AUTOMOVIL.
.: Objeto Social	

2 BORME (Boletín Oficial del Registro Mercantil)

Actos Publicados	Fecha	Nº Anuncio	Provincia
Deposito de cuentas (1991)	17/09/1992	121406	MALAGA
Constitucion de la sociedad	18/06/1991	139159	MALAGA
Nombramientos	18/06/1991	139159	MALAGA

3 Administradores, Dirigentes y Auditor de Cuentas

Cargo	Nombre	Fecha Nombramiento
ADMINISTRADOR	FISHER KELVIN JOHN	18/06/1991
ADMINISTRADOR	GIOVANNI UGO GIANINO	18/06/1991

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PERFIL DE EMPRESA

Empresa: **MILAUTO MARBELLA SOCIEDAD LIMITADA.**

Denominación MILAUTO MARBELLA SOCIEDAD LIMITADA.

Domicilio Social AVENIDA RICARDO SORIANO, 59

Localidad 29601 MARBELLA (MALAGA)

Fecha 12/06/2009

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1 Datos Generales

.: C.I.F.	B29593167
.: Denominación	MILAUTO MARBELLA SOCIEDAD LIMITADA.
.: Domicilio Social	AVENIDA RICARDO SORIANO, 59
.: Localidad	29601 MARBELLA (MALAGA)
.: Forma Jurídica	SOCIEDAD LIMITADA
.: Fecha Constitución	16/12/1992
.: Capital Social	3.005,06 EUROS
.: Actividad	1654100 - Comercio al por menor de vehiculos terrestres
.: CNAE:	5010 - Venta de vehículos de motor. LA COMPRA, VENTA, IMPORTACION, EXPORTACION Y EXPOSICION DE AUTOMOVILES, MOTOCICLETAS Y VEHICULOS A MOTOR, ASI COMO DE SUS ACCESORIOS Y RECAMBIOS.
.: Objeto Social	

2 BORME (Boletín Oficial del Registro Mercantil)

Actos Publicados	Fecha	Nº Anuncio	Provincia
Constitucion de la sociedad	25/02/1993	068501	MALAGA
Nombramientos	25/02/1993	068501	MALAGA

3 Administradores, Dirigentes y Auditor de Cuentas

Cargo	Nombre	Fecha Nombramiento
ADMINISTRADOR UNICO	AMARAL SANTOS ANTONIO ELADIO	25/02/1993

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<http://www.elmundo.es/2000/02/23/espana/29N0037.html>

La ex juez Ramírez favoreció a mafiosos vinculados a su familia
The ex judge Ramirez favored mafia members linked to her family

El fiscal Anticorrupción relaciona a su hermano con una red de coches robados
The Anti Corruption Prosecutor links her brother (this is Juan Carlos Ramirez Balboteo, Mr Fisher's lawyer) with a net for stolen cars

MANUEL CERDAN. ANTONIO RUBIO. EDUARDO INDA

MADRID.- La Fiscalía Anticorrupción acusa a la ex juez decana de Marbella Pilar Ramírez de un nuevo delito de prevaricación, presuntamente cometido para proteger los negocios comunes de su familia y la mafia.

El fiscal jefe, Carlos Jiménez Villarejo, denuncia que Pilar Ramírez se quedó irregularmente con la instrucción del caso que se siguió por un negocio de compraventa de coches robados del que era socio su hermano Juan Carlos Ramírez y varios miembros del clan mafioso de Felice Cultrera.

The Main Public Prosecutor, Carlos Jiménez Villarejo, denounces that Pilar Ramirez irregularly intructed (*) a cese for a business of stolen cars sales, of which her brother Juan Carlos Ramirez and varios members of Felice Cultrera mafia clan, were members

La Fiscalía denuncia que Ramírez encarceló en 1993 al principal testigo de cargo en este caso para proteger al grupo de su hermano. Así consta en un texto firmado por el propio Jiménez Villarejo, que amplía la denuncia que presentó en junio pasado contra la ex juez decana marbellí.

Villarejo acusó entonces a la familia de la juez de mantener relaciones mercantiles con dos mafiosos italianos, Cultrera y Gianni Meninno, y con Jesús Gil.

Ahora va más allá. Confirma que un hermano de la ex juez decana era socio de Ugo Giovanni Gianino, del clan de Cultrera, en un negocio de vehículos robados. Otro pariente, Diego Jiménez Balboteo, era el abogado de este ciudadano italiano.

Now it goes further, it confirms that a brother of the ex dean judge (this is Juan carlos Ramirez Balboteo) was associated with Ugo giovanni Gianino, of the Cultrera Clan, in a stolen cars business. Another relative. Diego Jiménez Balboteo, was this italian citizen's lawyer

Y, sobre todo, Villarejo describe pormenorizadamente las decisiones que tomó la juez para usurpar la instrucción y así beneficiar a sus familiares. El fiscal relata que Juan Carlos Ramírez, hermano de la por aquel entonces juez decana marbellí, «era socio fundador de Milauto SL, que estaba siendo investigada por el Juzgado de Instrucción número siete de Marbella por la compraventa de coches robados».

And, above all, Villarejo describes in detail the decisions made by the judge to instruct(*) the case and benefit her relatives. The public prosecutor states that Juan Carlos Ramírez, brother of the then Dean judge of Marbella, was "a founder associate of Milauto SL, which was under investigation by the Examining Magistrate's Court number 7 of Marbella for the sale of stolen cars"

Testimonio comprometedor

Pilar Ramírez se arrogó el caso el 19 de noviembre de 1993 y, acto seguido, tomó declaración al italiano Fortunato Basile y al ciudadano belga Benoit Chatel. El testimonio de este último comprometía a los Ramírez, ya que fue quien denunció toda la trama de la red de coches robados.

Pilar Ramírez, expulsada de la carrera judicial, incoó diligencias previas el 22 de noviembre de 1993, aun a sabiendas de «que el Juzgado número siete de Marbella seguía con anterioridad diligencias por los mismos hechos, personas y automóviles».

«Y seguidamente», rememora Villarejo, «el mismo 22 de noviembre, y sin haber realizado actuación procesal alguna desde el día 19, Pilar Ramírez decretó la prisión provisional comunicada y sin fianza de Benoit Chatel [denunciante de todo el entramado] y Fortunato Basile».

En las semanas posteriores, Pilar Ramírez se dedicó a rechazar sistemáticamente, con los argumentos más peregrinos, las sucesivas recusaciones formuladas por las defensas de los encarcelados.

El caso dio un vuelco al irrumpir el fiscal el 21 de enero de 1994. El ministerio público tomó cartas en el asunto, se adhirió al recurso de Fortunato Basile e indicó que debía tramitarse la recusación. Pilar Ramírez reaccionó: «Resulta aconsejable, en aras de esa transparencia de la Justicia, estimar el recurso».

Recusación

El fiscal dio un nuevo paso y, el 3 de febrero de aquel año, informó a favor de la inhibición de Pilar Ramírez en favor del Juzgado de Instrucción número siete, legítimo titular del caso.

Chatel y Basile fueron puestos en libertad por orden del titular del Juzgado de Instrucción número siete de Marbella, casi tres meses después de haber sido encarcelados irregularmente a instancias de Pilar Ramírez.

«No existe justificación alguna para que la magistrada retuviera las diligencias durante casi tres meses, ni para que mantuviese en prisión a Chatel y Basile, sin aceptar como cierta la causa de recusación, sin ni siquiera admitir a trámite ésta a pesar de que existía constancia de que los imputados habían dado personal y expresamente instrucciones para que se procurara su apartamiento [el de Pilar Ramírez] de la causa», abunda en su escrito Carlos Jiménez Villarejo.

«¿Por qué tenía Ramírez interés en seguir conociendo las diligencias, a pesar de la recusación?», cuestiona el fiscal anticorrupción. «Su hermano, Juan Carlos, no era solamente abogado de Gianino, era, además, socio del mismo, y precisamente, en Milauto», se responde Villarejo. El quid de la cuestión, remacha Villarejo, era la declaración de Benoit Chatel, es decir, la prueba de cargo contra Gianino.

¿Why was Ramirez interested in knowing the proceedings, inspite of the recusal(A term used when a board member has a conflict of interest and must abstain from voting on any issues relating to that private interest. The board member is said to be recusing himself from all deliberations on the matter.)? the Anti corruption prosecutor questions. "Her brother, Juan Carlos, was not only Gianino's lawyer, he was also his associate, precisely in Milauto" Villarejo answers himself. The heart of the matter, continues Villarejo, was Benoit Chatel's statement, this is the charging evidence against Gianino

<http://www.elmundo.es/elmundo/1999/junio/23/nacional/gil.html>

Miércoles, 23 de junio de 1999. Actualización: 23.30 horas

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EUROPA PRESS

MADRID.- La Fiscalía Anticorrupción ha presentado una denuncia ante el Servicio de Inspección del Consejo General del Poder Judicial contra la juez decana de Marbella, Pilar Ramírez Balboteo, por considerar que la misma es responsable de faltas muy graves y se encuentra en situación de incompatibilidad por ejercer su cargo en una ciudad de menos de 100.000 habitantes en la que su familia desarrolla actividades profesionales y económicas.

En la misma denuncia la Fiscalía expone, basándose en informes policiales y judiciales, que "tanto el padre como el hermano de la magistrada decana han estado sirviendo como representantes, asesores y socios de un grupo vinculado al clan de Santapaola, familia dominante en Catania de la mafia siciliana, denominada Cosa Nostra" y que se dedica a "blanquear ingentes cantidades de dinero en la Costa del Sol".

In the same clame, the public prosecutor manifests, based on police and judicial documents that "the dean magistrate's father and brother have been representatives, assistants and associates aof a group linked to the santapola clan, main family of the sicilian mafia in Catania, named cosa nostra" and which has "laundered huge amounts of money in Costa del Sol"

También expone que el alcalde de Marbella, Jesús Gil y Gil, ha mantenido importantes relaciones con el hermano y el padre de la decana, así como con sus clientes, especialmente los italianos vinculados a la mafia.

Según el fiscal Anticorrupción, el desempeño del cargo de Pilar Ramírez es contrario a derecho porque lo ejerce en una plaza en la que su hermano Juan Carlos ejerce de abogado directamente y a través de su primo Diego Jiménez Balboteo, y también su padre, Juan Ramírez Rodríguez, sin titulación. Además, todos ellos, incluida su madre, Ascensión Balboteo Piña, poseen

participaciones en sociedades mercantiles y realizan inversiones inmobiliarias, según expone el fiscal.

La denuncia explica que la Fiscalía denunció ya en 1996 a Pilar Ramírez ante el CGPJ por estos mismos hechos. Sin embargo, el Consejo archivó el expediente, porque ella alegó que Marbella tenía más de cien mil habitantes en un informe que presentó. Una semana después de presentar este informe, el Ayuntamiento de Marbella rectificó el padrón municipal y situó el número de habitantes en 102.050. Sin embargo, el Instituto Nacional de Estadística rechazó esta revisión y volvió a situar el censo en 98.377 personas.

La Fiscalía también denuncia que la magistrada ha incumplido el deber de abstención en las causas en las que existían intereses vinculados a sus familiares más próximos, oponiéndose a dar trámite a las recusaciones planteadas por este motivo por las partes.

Paraísos fiscales

En el escrito presentado ante el CGPJ se explica que la actividad profesional de la familia de la magistrada ha sido denunciada en reiteradas ocasiones dando lugar a actuaciones de carácter disciplinario. Sin embargo, añade que dicha actividad no ha cesado, pero sí "se ha sumergido", sobre todo a partir de 1993, cuando el padre de la juez fue detenido por un delito de estafa junto a sus socios italianos que presuntamente están vinculados a la mafia siciliana.

La Fiscalía precisa que "todo parece indicar" que el padre, "al igual que su hijo y sobrino, mantienen la misma actividad profesional y mercantil en Marbella", pero "realizada mediante sociedades 'off shore' domiciliadas en Gibraltar, Panamá y otros paraísos fiscales" para "garantizar la máxima opacidad".

"Las relaciones comerciales -dice el escrito- de las sociedades asesoradas, administradas, participadas o representadas por Juan Carlos Ramírez y demás personas de su entorno profesional o familiar, se han desarrollado, en buena medida, con el Ayuntamiento" de Marbella. Entre ellas, cita a Giamar, Kermosa, Incar y Bellantoni Puerto.

Esta última, en la que figuraba como administrador único el padre de la juez decana, suscribió en 1993 un convenio con el Consistorio que afectaba a una superficie de 118.875 metros cuadrados, valorados en 1.262 millones de pesetas por la sociedad Tasaciones y Valoraciones, vinculada a Jesús Gil y Gil y presidida por el concejal marbellí del G.I.L. Sampietro Casarramona. El hermano de la magistrada figuraba como accionista de Bellantoni y de la sociedad panameña Diska Corporation Ltd.

Anticorrupción destaca, además de distintas operaciones urbanísticas, los socios de las empresas en las que los familiares de la magistrada prestaban servicios profesionales o eran accionistas.

Así por ejemplo explica que en Giamar, de la que era administrador único Juan Carlos Ramírez, el principal accionista es el ciudadano italiano Gianni Meninno. También aparecen como accionistas la mujer de éste y Ugo Giovanni Giannio.

En cuanto a Menimar, otra sociedad en la que el padre es administrador único, la Fiscalía afirma que está participada por la sociedad gibraltareña Larashe Investments, cuyo representante es el italiano Felice Cultrera. Otras sociedades, como Desjipo, Promociones Urbanas, Bahía de Bellantoni, Talent Management Services, Kermosa, Motorauto Marbella, Osais de Bellantoni, Kueris, Asbal, Jucamar, Fisher Island, aparecen representadas o participadas por familiares de la juez Decana, y a su vez, incluyen como accionistas o administradores a los ciudadanos italianos ya citados y a otro más, llamado Angelo Salamini.

(...) other societies, such as Desjipo, Promociones Urbanas, Bahía de Bellantoni, Talent Management Services, Kermosa, Motorauto Marbella, Osais de Bellantoni, Kueris, Asbal, Jucamar, Fisher Island, are represented or participated by the dean judge's family members, and at the same time include as shareholders or administrators the mentioned italian citizens and another one named Angelo Salamini

Según la Fiscalía, estos últimos "han sido policial y judicialmente vinculados al clan de Santapaola. Así pues, parece que tanto el padre como el hermano y otros parientes de la magistrada decana han estado sirviendo como representantes, asesores y socios del grupo vinculado a la mafia siciliana destinado a blanquear ingentes cantidades de dinero de 'Cosa Nostra'".

Antecedentes

Además, el fiscal precisa que Gianinno tiene antecedentes por estafa y receptación y está relacionado con Felice Cultrera y Monzer Al Kassar. Cultrera, al que se considera responsable del clan de Santapaola, junto con su lugarteniente, Meninno, y Salamini, tiene antecedentes por el control de casinos de juego, tráfico de estupefacientes, estafa, falsedad de títulos, extorsión, chantaje, amenazas, coacciones, blanqueo de dinero y tráfico de armas.

Por su parte, Mennino tiene antecedentes por delitos contra la libertad de expresión, insolvencia punible y estafa. Los antecedentes de Salamini se deben a bancarrota fraudulenta, estafa y tráfico de drogas.

Vinculado a los italianos también estaría, según la Fiscalía, Bernardino Torres Hernández, cliente de Juan Carlos Ramírez y vinculado por la Policía al cártel colombiano de Medellín. Torres realizó inversiones multimillonarias en la Costa del Sol, auxiliado por Ramírez, y fue condenado a quince años de prisión por introducir un alijo de 500 kilos de cocaína en España.

Otro cliente de los Ramírez, al que el padre avaló para obtener un préstamo bancario, fue Albert Chamas o Shamas, reclamado por las autoridades de Egipto por tráfico de drogas y por Francia por asesinato. Según la denuncia del

fiscal, la relación de la familia de la decana con los ciudadanos italianos mencionados se mantiene en la actualidad, pero a través del despacho de su primo, Diego Jiménez, como lo pone de manifiesto la demanda presentada por éste en nombre de Gianinno el 25 de abril de 1998 en el Juzgado de Primera Instancia de Marbella.

Recurso de la fiscalía del "caso Atlético"

Hoy también se ha hecho público que el fiscal Anticorrupción adscrito al "caso Atlético", Carlos Castresana, recurrirá el auto de la juez decana de Marbella, Pilar Ramírez, en el que se determina que el juez que instruye el caso, Santiago Torres, debía enviar a reparto la querrela que se presentó contra Jesús Gil mientras él desempeñaba funciones de guardia, según fuentes jurídicas.

El recurso, que se interpondrá ante el Pleno del Consejo General del Poder Judicial, se basará en que el titular del Juzgado de Instrucción número 7 de Marbella, que investiga el supuesto desvío de 450 millones de pesetas del Ayuntamiento de Marbella al Atlético de Madrid, actuó correctamente al no enviar a reparto la querrela que se presentó en su Juzgado el pasado 13 de octubre, puesto que ese mismo día registró el Consistorio marbellí y el estadio Vicente Calderón.

Según las fuentes citadas, la única forma de concluir que Torres actuó incorrectamente es determinar que los registros fueron improcedentes, puesto que, según las normas de reparto de los Juzgados marbellíes, cuando se realiza una diligencia mientras el Juzgado está en funciones de guardia, el caso pasa a ser asumido por él.

Además, la Fiscalía criticará en su recurso que la juez decana de Marbella no diera traslado a las partes para que informaran al respecto, antes de resolver que el juez Torres asumió indebidamente el caso.

Por otra parte, es posible que la Fiscalía replantee la cuestión de la imparcialidad de la juez Pilar Ramírez al dictar el auto, puesto que ya fue recusada por el fiscal jefe de la Fiscalía Anticorrupción, Carlos Jiménez Villarejo, por las presuntas relaciones existentes entre su familia y Jesús Gil.

En este sentido, el propio Gil negó ayer haber tenido más relación con la juez decana de Marbella que el haber sido la única magistrada que le ha sentado en el banquillo por "un asunto de calumnias contra los comunistas".

WEDNESDAY, 12 DECEMBER 2007

Insider View translated from the Spanish

Marbella, a beach resort for the "jet set" now emerging as the hub for every mafia connection in Spain. Finally, there is a Swiss connection in the form of the Cultrera-Meninno scandal, which only leads back to Marbella, a beach resort for the "jet set" now emerging as the hub for every Mafia connection in Spain. Felice Cultrera and Gianni Meninno are under investigation in Genova for fraud and money laundering. Felice Cultrera and Gianni Meninno are under investigation in Geneva for fraud and money



laundering. They are also under investigation in Marbella by Judge Blanca Esther Diez, who has uncovered a group of attorneys and judges protecting them. They are also under investigation in Marbella by Judge Esther Blanca Diez, who has uncovered a group of attorneys and judges protecting them. Cultrera and Meninno, who are currently at large, set up corporate fronts in Gibraltar and then made a fortune by selling property that did not belong to them. Cultrera and Meninno, who are currently at large, set up corporate fronts in Gibraltar and then made a fortune by selling property that did not belong to them. Using forged documents, and protected by the Santapaola family of the Italian mafia, they sold the Marbella casino to Italian financier Gioachino del Din, as well as hotels and other real estate on the Costa del Sol. Using forged documents, and protected by the Santapaola family of the Italian Mafia, they sold the Marbella Casino to Italian financier of Gioachino Din, as well as hotels and other real estate on the Costa del Sol. When Spanish police seized Cultrera's address book, they found not only the names of Al-Kassar and Khashoggi, but also that of Philippe Junot, ex-husband of Princess Caroline of Monaco. When Spanish police seized Cultrera's address book, they found not only the names of Al-Kassar and Khashoggi, but also that of Philippe Junot, ex-husband of Princess Caroline of Monaco. Junot's former lawyer, the Argentinean Alberto Mondino, has now become one of Al-Kassar's attorneys. Junot's former lawyer, the Argentinean Alberto Mondino, has now become one of Al-Kassar's attorneys. Also in the address book is the name of Marc Rich, a wealthy Hispanic-American businessman living in Switzerland and sought by the US Internal Revenue Service for tax evasion. Also in the address book is the name of Marc Rich, a wealthy Hispanic-American businessman living in Switzerland and sought by the U.S. Internal Revenue Service for tax evasion. Rich, too, has a villa in Marbella. Rich, too, has a villa in Marbella. Prosecutor Ansermet would like to know whether he can confiscate the frozen funds belonging to Al-Kassar in Switzerland, but neither Spanish judge Garzon, nor his colleague Carlos Bueren, has ever responded to Ansermet's legal query as to whether the Synan's money is the fruit of drug trafficking. Prosecutor Ansermet would like to know whether he can confiscate the frozen funds belonging to Al-Kassar in Switzerland, but neither Spanish judge Garzon, nor his colleague Carlos Bueren, has ever responded to Ansermet's legal query as to whether the Synan's money is the fruit of drug trafficking. Ansermet would also like to coordinate his investigations into Cultrera and Meninno with the Spanish judge handling that affair, but has yet to receive a response from Spain. Ansermet would also like to coordinate his investigations into Cultrera and Meninno with the Spanish judge handling that affair, but has yet to receive a response from Spain. This silence may point to problems with the Spanish investigation, or to a lack of confidence in Genevan investigators. This silence may point to problems with the Spanish investigation, or to a lack of confidence in Genevan investigators.

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'International sharks stole \$18m from widow'

By Henry Samuel in Paris

Last Updated: 2:32AM BST 20/10/2007

Five men described as a bunch of "international sharks" stood trial in Nice yesterday for defrauding the widow of a wealthy British man - described as a lord - of more than 18 million dollars.

Elsa Cooper, 69, prosecutors claimed, fell victim to group of international con men in the late 1990s. Bogus financial advisors put her in touch with a fake Arab prince interested in buying her two hotels, three apartments in Beaulieu-sur-Mer on the Cote d'Azur, a London flat and a Rolls Royce.

Her unnamed husband - a businessman and reportedly an aristocrat - had left Mrs Cooper, a former psychiatrist, a fortune when he died five years after their marriage in 1972.

The alleged mastermind of the operation, an Italian called Gianni Meninno, died in 2004.

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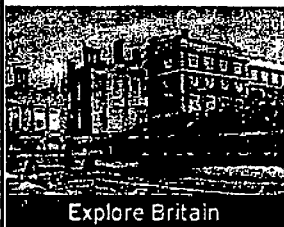
- **Science** He had put Mrs Cooper in touch with a man he described as a Swiss notary, as well as a fake Arab prince
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Described as odd and eccentric, Elsa believed the "financiers" who said they had a bona fide buyer but that she would have to give them power of attorney over the sale of the property and goods.

At first she believed their promises of payment, meeting them in Madrid, Lisbon, Liechtenstein and Marbella in Spain to receive her money. She only realised she had been tricked when she finally tried to cash in ten cheques only for them to be bounced. The bank said the money came from an armed robbery.

The prosecuting judge, Olivier Caracotch, described the group as a bunch of "international sharks," who "chose a rich widow who knows nothing about business, who they managed to flatter by serving her champagne and playing on her emotions."

He called for two and three year jail terms for the men.

The trial continues.

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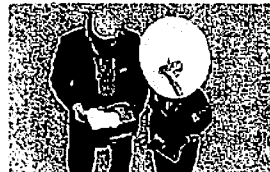
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CITYMAYORS POLITICS



Marbella's disgraced Mayor Marisol Yagüe

Marbella awaits new elections after most local politicians are accused of corruption

By Daniel González Herrera, Spain Editor

16 November 2006: The sleaze scandal, which hit the southern Spanish resort city Marbella in spring 2006, soon proved to be only the tip of a massive corruption iceberg. During the spring operation, codenamed Operation Malaya, the police arrested the city's mayor and deputy mayor amid allegations of money laundering, property development offences, including building on land protected from development, manipulation of public tenders, the acceptance of bribes as well as schemes to alter the price of municipal services.

During a second investigation, 'Operation Malaya 2' new offences came to light, resulting in some 30 city councillors and business people being accused of massive corruption. These accusations were in addition to the arrests made earlier in the year. Then, 29 people were arrested, including Mayor Marisol Yagüe, her deputy, Isabel García Marcos and José Antonio Roca, who was town planning advisor. During the investigation, Judge Miguel Ángel Torres said of Mr Roca that he was the driving force in Marbella City Hall and that the Mayor performed a mere symbolic role. In September 2006, the former mayor and her deputy were released from custody on 60,000-euro bail.

Those arrested as part of 'Malaya 2' included the former chief of Marbella's police Rafael del Pozo and Tomás Reñones, the city's second deputy mayor. Mr Reñones became acting mayor after the arrest of the mayor and the first deputy mayor. However, his involvement in the scandals became clear during the following-up investigations and Judge Torres ordered his unconditional detention. Tomás Reñones was football player and captain of Atlético de Madrid, the football club owned by the late Jesús Gil, the first of the big corrupted mayors of Marbella and founder of GIL, the political party whose members included the disgraced mayor Marisol Yagüe.

Also arrested during this summer was Julián Muñoz,, another former mayor of Marbella, on charges of bribery and misappropriation of public funds. Mr Muñoz, also a member of the GIL party, became mayor in 2002. During his short term of office he fell publicly out with the all-powerful town planner José Antonio Roca. Mr Roca was dismissed only to organise a 'coup' one month later, which resulted in Mayor Muñoz being expelled from City Hall on a vote of censure.

In the latest move in Operation Malaya on 14 November 2006, Mayte Zaldivar, ex-wife of the former mayor of Marbella Julián Muñoz, was detained in her home. She is accused of having helped her former husband to hide the money that he supposedly misappropriated from Marbella City Council. She is not the only one arrested: her brother, five businessmen, a judicial employee and the director of a bank branch are also being detained.

Today, until the forthcoming local elections in May 2007, Marbella is governed by an administrative commission appointed by Malaga's provincial government.

Marbella: Corruption, sleazy politics and shady real estate developments

5 April 2006: The southern Spanish city of Marbella, often described as the tourist jewel of Andalusia, is again in the centre of a political scandal, with the mayor and deputy mayor having been arrested amid allegations of bribery and corruption. Since the late Jesús Gil became its mayor in 1991, the city has gained a reputation for corruption, sleazy politics and dubious real estate developments.



Town planner José Antonio Roca, said to have been Marbella's power broker

Introducing Marbella

Marbella is a city in Andalusia, Spain, on the Mediterranean coast, situated in the region of Málaga, beneath the Sierra Blanca. In 2000 the city had 98,800 inhabitants, in 2004, 116,200.

Marbella is an important beach resort of the Costa del Sol. The town is famous for being a favourite destination for wealthy tourists from northern and eastern Europe as well as the Middle East. The area around Marbella is particularly popular with golfers.

During Spain's Islamic rule, Muslims built a castle in the city, and they surrounded it by walls. The name Marbella, which is derived from Marbil-la, dates from this Islamic era. In 1485, the Spanish Crown reconquered the city, and during the centuries that followed, the city grew.

Government dissolves Marbella town council

Madrid, 5 April 2006: Spain's socialist government dissolved the local council of the Mediterranean resort of Marbella on Tuesday, 4 April, following the arrest of Marbella Mayor Marisol Yagüe, her deputy and 20 other town officials implicated in a multi-billion-dollar corruption scandal last week. The decision, unprecedented in Spain's history, was taken by an extraordinary cabinet meeting. A caretaker administration will run the town until the next nationwide municipal elections, scheduled for May 2007. The dissolution is subject to a number of constitutional steps, which should be concluded by Friday, 7 April.

The country's deputy prime minister, María Teresa Fernández de la Vega, said the government's action followed a request from the regional government of Andalucía, in which Marbella is located. "This government will neither tolerate nor support corruption," the minister warned.

"The measure is based on the constitution which allows the dissolution of a local body whose management is considered against the general interest and its constitutional obligations," the Deputy Prime explained. She said it was the first time since Spain returned to democracy in 1978 that a government had taken such a step.

Police arrested Mayoress Marisol

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The latest scandal has its origin in Operation White Whale (Operación Ballena Blanca). In March 2005, Spain's national police force set out to put an end to the laundering of profits made from drug trafficking. The examining magistrate, overseeing the operation, allowed phone tapping of some of the suspects. During the recordings, the investigators intercepted another possible case of money laundering, this time related to Marbella City Hall. Judge Miguel Ángel Torres consequently ordered a parallel investigation into possible cases of corruption and bribery.

This investigation, codenamed 'Operation Malaya', was overseen by court authorities in Marbella and the public prosecutor's office against corruption. Investigators soon discovered a structure of companies, which were in a position to carry out illegal activities with potentially million-euro profits. On 29 March 2006, some 150 police officers carried out searches in Marbella City Hall and other municipal offices. Searches were also carried out at the home of Marbella Mayor Marisol Yagüe as well as at addresses in other Spanish cities.

As part of the operation the police froze more than 1,000 bank accounts and seized a large number of valuables among them paintings by Salvador Dalí and Pablo Picasso as well as luxury cars. The police also took over several large houses, including a small palace in Madrid. The investigators are now examining huge quantities of paper and computer-based records to gain an idea about the spread of the alleged corruption plot. By 31 March, some 21 arrests had been made, including those of the Marbella Mayor Marisol Yagüe and her deputy Isabel García Marco, who had just returned from a honeymoon in Russia. A spokesman for the Andalusia regional government said that more arrests were possible.

Background

The individuals arrested by the police are being investigated of alleged criminal activities such as money laundering, property development offences, including building on land protected from development, manipulation of public tenders, the acceptance of bribes as well as schemes to alter the price of municipal services. Any profits from these activities, which could run into millions of euros, are suspected to be laundered by shady companies, which are often headed by front men to give them some respectability.

Because of the frequency of property development scandals in Marbella, the regional government of Andalusia has stripped the city of its jurisdiction over building projects.

The most prominent person to be arrested in Marbella's latest scandal is Mayor Marisol Yagüe. A member of the Independent Liberal Group (GIL), she is the first woman to lead the city and heads a coalition administration made up of the PSOE (Socialist Party of Spain), PP (People's Party) and the regional Pro-Andalusia Party. She took over the post of Mayor in August 2003 after her predecessor, Julián Muñoz (GIL), was censured by the city council. GIL was founded by the late Jesús Gil.

Between 1991 and 2002, GIL had the absolute majority on the city council. In 2002, Mr Gil resigned after numerous financial and influence peddling scandals. Shortly before his resignation Spain's Supreme Court issued a judgment, barring him from carrying out any public office for 28 years. He was accused of diverting more than 270,000 euro of public funds, belonging to Marbella, to Atlético de Madrid, a football club he managed. Jesús Gil died in Madrid on 14 May 2004.

Jesús Gil was succeeded by Julián Muñoz, whose time in office only lasted a little more than one year. Even a change of mayor did not bring an end to the string of property development scandals. The new mayor was also constantly in the media spotlight because of his association with the Spanish singer Isabel Pantoja. In March 2005, a court in Malaga sentenced Mr Muñoz to six months in prison and barred him from holding a public office for eight years because he allowed illegal building in Banana Beach, an area of Marbella.

Yagüe and several councillors on 29 March over charges of embezzlement of public funds, bribery, conspiracy, influence peddling, and illegal price fixing as they probed a long-standing housing boom at the sea resort. Police have seized property worth more than 2.4 billion euro in connection with the probe. About 1,000 bank accounts have been frozen.

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In August 2003, Marisol Yagüe became Mayor of Marbella, after councillors from the PSOE and the Pro-Andalusia Party succeeded in a censure vote against Julián Muñoz. The vote was also supported by some members of GIL, who felt more loyal to the party founder than the then mayor.

Marisol Yagüe, who was being described as a populist, was the chosen successor of the disgraced GIL founder Jesús Gil. After her election, she became quickly accused of distancing herself from the people. Visitors had to wait for hours before being allowed into the mayor's office. She also attracted unfavourable publicity for extended and luxurious holidays.

Mayor Yagüe also became involved in a dispute with a building company working on her own house in an up-market development of Marbella. The company accused her of non-payment of one million euro. The company owner also alleged that Ms Yagüe tried to pay him out of public funds and that the Mayor suggested the use of municipal construction material for her private residence.

Attention of the current investigation is also again focusing on Juan Antonio Roca, advisor on urban development to the city council. It has been said that Mr Roca pulls all the string in Marbella and is the real power in the city after the death of Jesús Gil. Apparently, no major business deal can be done in Marbella without his approval. It has also been suggested that he profits from many such deals. The fortune he amassed during the past 15 years, is said to be one of the largest in Andalusia. Nevertheless, Mr Roca came through the investigation unscathed after Jesús Gil's fall from grace.

Mayor Gil's successor, Julián Muñoz, dismissed Juan Roca, believing that he had been too closely linked to too many property scandals. Politically, however, this proved to be a bad mistake. Soon after his dismissal, Juan Roca became the driving force behind the censure vote against the mayor and within two months Marisol Yagüe replaced Julián Muñoz as city leader.

In a sign that the people of Marbella had finally enough of their local politicians, citizens groups, supported by the main political parties, staged a large demonstration on 30 March 2006. It's motto: 'For our dignity – against corruption'.



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The CPI ranking 1995

Many countries scored similarly in the 1995 and in the 1996 Ranking. Comparing the 1995 and the 1996 ranking, a lower score indicates a worse performance, whereas a higher number indicates a perception of improvements. However, keep in mind the following reminders:

- Differences in the two scores which are close to zero are not capable of indicating a significant change.
- In case a different score is accompanied with a high variance, this may be due to a stochastic outlier (a misperception by one source).
- A different score does not necessarily indicate a different performance. It may also be due to a larger set of sources and a more precise measurement of the subjective evaluations provided by our contributors.
- A changing performance may be due to actual regime shifts and a trend towards increasing or decreasing corruption over time. However, conclusions in this regard should be based on the comparison of the historical data.

As such, the 1995 ranking is out of date !!

The ranking for 1995 presents a list of 41 countries. The index has been prepared as a "poll of polls" by using seven surveys. Into the ranking three surveys (1992-1994) have been included from the World Competitiveness Report, Institute for Management Development, Lausanne. These results were "drawn from a unique survey of more than 2800 business executives worldwide". A subjective evaluation has been obtained by asking for the degree of "improper practices" in the respective home countries. Three more surveys (1992-1994) for Asia have been added from Political & Economic Risk Consultancy Ltd., Hong Kong. These surveys evaluate the degree of corruption by questioning more than seventy senior asian banks executives every year. They were asked to "rate on a scale of zero to 10 what they perceive to be the level of corruption of the countries of Asia with which they have first hand experience." Finally, the 1980 survey from Business International, New York, was added to the list. This survey rests on evaluations made by an unspecified number of BI Correspondents. Though it is out of date, the data appeared to be useful to us. Its validity is shown also by the fact, that it is highly correlated to the other rankings. Keep in mind, that all surveys measure corruption by gathering data about the subjective perception of corruption. This is due to the fact that objective data about corruption cannot be obtained. Note also, that the index does not necessarily reflect our personal opinion.

The following list contains three figures for every country. The first number indicates the average score in the surveys. For some data the scale had to be adjusted but we avoided any further manipulation. A "10" indicates a perfectly clean country whereas a "0" refers to a country where business transactions are entirely penetrated by corruption involving immense sums of kickbacks, extortion, fraud etc.

The second number is the amount of surveys in which the particular country has been included (2-7). Note that countries which have only been ranked in a single survey have not been included in our ranking. The third number is the variance of the rankings. A high number indicates a high degree of deviating opinions. A variance of 0.01 for Denmark (9.32) indicates that the majority of the scores value will range between 9.22 to 9.42 (take the square root of the variance and add (subtract) the value for the upper (lower) value for a 68% interval). For South Africa, on the other hand, the high variance of 2.35 indicates rankings between 4.1 and 7.1. Apparently, the evaluation is quite diversified in this case.

Country	Score	Number of used Surveys	Variance
New Zealand	9,55	4	0,07
Denmark	9,32	4	0,01
Singapore	9,26	7	0,21
Finland	9,12	4	0,07
Canada	8,87	4	0,44
Sweden	8,87	4	0,11
Australia	8,8	4	0,54
Switzerland	8,76	4	0,52
Netherlands	8,69	4	0,63
Norway	8,61	4	0,78
Ireland	8,57	4	0,61
United Kingdom	8,57	4	0,17
Germany	8,14	4	0,63
Chile	7,94	3	0,97
USA	7,79	4	1,67
Austria	7,13	4	0,36
Hong Kong	7,12	7	0,48
France	7	4	3,32
Belgium/Lux.	6,85	4	3,08
Japan	6,72	7	2,73
South Africa	5,62	4	2,35
Portugal	5,56	4	0,66
Malaysia	5,28	7	0,36
Argentina	5,24	2	5,86
Taiwan	5,08	7	1,03
Spain	4,35	4	2,57
Korea	4,29	7	1,29
Hungary	4,12	3	0,69
Turkey	4,1	4	1,33
Greece	4,04	4	1,65
Colombia	3,44	2	1,12
Mexico	3,18	4	0,06
Italy	2,99	4	6,92
Thailand	2,79	7	1,69
India	2,78	5	1,63
Philippines	2,77	5	1,13
Brazil	2,7	4	3,11

Venezuela	2,66	4	3,18
Pakistan	2,25	4	1,62
China	2,16	4	0,08
Indonesia	1,94	7	0,26

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This Excel-sheet provides the 2008 Corruption Perceptions Index and additional background data. For information on data and methodology please consult the press release and the methodology paper at www.transparency.org or www.ICGG.org

Abbreviations are:

- ADB: Country Performance Assessment Ratings by
- AFDB: Country Policy and Institutional Assessment
- BTI: Bertelsmann Transformation Index
- CPIA: Country Policy and Institutional Assessment
- EIU: Economist Intelligence Unit
- FH: Freedom House, Nations in Transit
- GI: Global Insight
- IMD: World Competitiveness Report of the Institute for Development
- MIG: Merchant International Group
- PERC: Political and Economic Risk Consultancy, Hc
- WEF: Global Competitiveness Report of the World Economic Forum

Country Rank	Country / Territory	2008 CPI Score	Surveys Used	Standard Deviation	High-Low Range	Confidence range	ADB 2007	AFDB 2007	BTI 2007	CPIA 2007	EIU 2008	FH 2008	GI 2008	IMD 2007	IMD 2008
1	Denmark	9.3	6	0.2	8.9 - 9.6	9.1 - 9.4					#		#	#	#
1	New Zealand	9.3	6	0.2	8.9 - 9.6	9.2 - 9.5					#		#	#	#
1	Sweden	9.3	6	0.1	9.1 - 9.4	9.2 - 9.4					#		#	#	#
4	Singapore	9.2	9	0.3	8.4 - 9.6	9.0 - 9.3			#		#		#	#	#
5	Finland	9.0	6	0.8	7.5 - 9.4	8.4 - 9.4					#		#	#	#
5	Switzerland	9.0	6	0.4	8.5 - 9.4	8.7 - 9.2					#		#	#	#
7	Iceland	8.9	5	0.9	7.3 - 9.5	8.1 - 9.4					#		#	#	#
7	Netherlands	8.9	6	0.5	8.0 - 9.4	8.5 - 9.1					#		#	#	#
9	Australia	8.7	8	0.7	7.2 - 9.4	8.2 - 9.1					#		#	#	#
9	Canada	8.7	6	0.5	8.0 - 9.4	8.4 - 9.1					#		#	#	#
11	Luxembourg	8.3	6	0.8	7.3 - 9.2	7.8 - 8.8					#		#	#	#
12	Austria	8.1	6	0.8	7.3 - 8.9	7.6 - 8.6					#		#	#	#
12	Hong Kong	8.1	8	1.0	6.3 - 9.3	7.5 - 8.6					#		#	#	#
14	Germany	7.9	6	0.6	7.3 - 8.5	7.5 - 8.2					#		#	#	#
14	Norway	7.9	6	0.6	7.3 - 8.9	7.5 - 8.3					#		#	#	#
16	Ireland	7.7	6	0.3	7.3 - 8.0	7.5 - 7.9					#		#	#	#
16	United Kingdom	7.7	6	0.7	6.6 - 8.4	7.2 - 8.1					#		#	#	#
18	Belgium	7.3	6	0.2	7.1 - 7.6	7.2 - 7.4					#		#	#	#
18	Japan	7.3	8	0.5	6.3 - 8.1	7.0 - 7.6					#		#	#	#
18	USA	7.3	8	0.9	5.3 - 8.2	6.7 - 7.7					#		#	#	#
21	Saint Lucia	7.1	3	0.4	6.6 - 7.5	6.6 - 7.3			#		#		#		
22	Barbados	7.0	4	0.5	6.3 - 7.5	6.5 - 7.3					#		#		
23	Chile	6.9	7	0.5	5.9 - 7.6	6.5 - 7.2			#		#		#	#	#
23	France	6.9	6	0.7	5.9 - 7.7	6.5 - 7.3					#		#	#	#
23	Uruguay	6.9	5	0.5	6.4 - 7.5	6.5 - 7.2			#		#		#		
26	Slovenia	6.7	8	0.5	6.1 - 7.5	6.5 - 7.0			#		#	#	#	#	#
27	Estonia	6.6	8	0.7	5.3 - 7.2	6.2 - 6.9			#		#	#	#	#	#
28	Qatar	6.5	4	0.9	5.3 - 7.5	5.6 - 7.0					#		#		
28	Saint Vincent and the Grenadines	6.5	3	1.5	4.7 - 7.5	4.7 - 7.3				#			#		
28	Spain	6.5	6	1.0	4.6 - 7.3	5.7 - 6.9					#		#	#	#
31	Cyprus	6.4	3	0.8	5.9 - 7.3	5.9 - 6.8					#		#		
32	Portugal	6.1	6	0.9	5.2 - 7.3	5.6 - 6.7					#		#	#	#
33	Dominica	6.0	3	1.3	4.7 - 7.3	4.7 - 6.8			#		#		#		
33	Israel	6.0	6	0.6	5.3 - 6.7	5.6 - 6.3					#		#	#	#
35	United Arab Emirates	5.9	5	1.4	3.9 - 7.5	4.8 - 6.8			#		#		#		
36	Botswana	5.8	6	1.0	4.6 - 7.3	5.2 - 6.4	#	#			#		#		

Bosnia and											
92 Herzegovina	3.2	7	0.6	2.6 - 3.9	2.9 - 3.5		#	#	#	#	#
92 Lesotho	3.2	5	1.6	1.6 - 4.6	2.3 - 3.8	#	#	#		#	#
92 Sri Lanka	3.2	7	0.5	2.5 - 3.9	2.9 - 3.5	#	#	#	#		#
96 Benin	3.1	6	0.5	2.7 - 3.9	2.8 - 3.4	#	#	#			#
96 Gabon	3.1	4	0.3	2.7 - 3.4	2.8 - 3.3	#			#		#
96 Guatemala	3.1	5	1.2	1.8 - 5.1	2.3 - 4.0		#		#		#
96 Jamaica	3.1	5	0.3	2.7 - 3.4	2.8 - 3.3		#		#		#
96 Kiribati	3.1	3	0.5	2.5 - 3.4	2.5 - 3.4	#			#		#
96 Mali	3.1	6	0.4	2.6 - 3.4	2.8 - 3.3	#	#	#			#
102 Bolivia	3.0	6	0.3	2.7 - 3.3	2.8 - 3.2		#	#	#		#
102 Djibouti	3.0	4	0.7	1.9 - 3.4	2.2 - 3.3	#			#	#	#
102 Dominican Republic	3.0	5	0.4	2.6 - 3.4	2.7 - 3.2		#		#		#
102 Lebanon	3.0	4	1.0	1.8 - 4.2	2.2 - 3.6		#		#		#
102 Mongolia	3.0	7	0.5	2.0 - 3.4	2.6 - 3.3	#			#	#	#
102 Rwanda	3.0	5	0.4	2.5 - 3.3	2.7 - 3.2	#	#	#	#		#
102 Tanzania	3.0	7	0.6	1.8 - 3.4	2.5 - 3.3	#	#	#	#		#
109 Argentina	2.9	7	0.7	1.8 - 3.5	2.5 - 3.3		#		#		# #
109 Armenia	2.9	7	0.4	2.3 - 3.4	2.6 - 3.1	#	#	#		#	#
109 Belize	2.9	3	1.2	1.8 - 4.2	1.8 - 3.7				#		#
109 Moldova	2.9	7	1.1	1.8 - 5.3	2.4 - 3.7		#	#	#	#	#
109 Solomon Islands	2.9	3	0.5	2.5 - 3.4	2.5 - 3.2	#			#		#
109 Vanuatu	2.9	3	0.5	2.5 - 3.4	2.5 - 3.2	#			#		#
115 Egypt	2.8	6	0.7	2.0 - 3.5	2.4 - 3.2	#	#		#		#
115 Malawi	2.8	6	0.6	1.8 - 3.3	2.4 - 3.1	#	#	#	#		#
115 Maldives	2.8	4	1.7	1.5 - 5.3	1.7 - 4.3	#			#	#	#
115 Mauritania	2.8	7	1.2	1.8 - 5.3	2.2 - 3.7	#	#	#	#		#
115 Niger	2.8	6	0.5	1.9 - 3.3	2.4 - 3.0	#	#	#	#		#
115 Zambia	2.8	7	0.4	2.1 - 3.3	2.5 - 3.0	#	#	#	#		#
121 Nepal	2.7	6	0.5	1.8 - 3.4	2.4 - 3.0	#			#		#
121 Nigeria	2.7	7	0.5	1.9 - 3.3	2.3 - 3.0	#	#	#	#		#
Sao Tome and											
121 Principe	2.7	3	0.6	2.1 - 3.3	2.1 - 3.1	#			#		#
121 Togo	2.7	6	1.4	1.5 - 5.3	1.9 - 3.7	#	#	#	#		#
121 Viet Nam	2.7	9	0.7	1.8 - 3.9	2.4 - 3.1	#			#	#	#
126 Eritrea	2.6	5	1.3	1.4 - 4.6	1.7 - 3.6	#	#	#			#
126 Ethiopia	2.6	7	0.6	1.9 - 3.3	2.2 - 2.9	#	#	#	#		#
126 Guyana	2.6	4	0.2	2.3 - 2.7	2.4 - 2.7				#		#
126 Honduras	2.6	6	0.5	1.8 - 3.5	2.3 - 2.9		#	#	#		#
126 Indonesia	2.6	10	0.6	1.8 - 3.6	2.3 - 2.9	#			#		# #
126 Libya	2.6	5	0.6	1.8 - 3.4	2.2 - 3.0		#		#		#
126 Mozambique	2.6	7	0.4	2.1 - 3.3	2.4 - 2.9	#	#	#	#		#
126 Uganda	2.6	7	0.7	1.8 - 3.5	2.2 - 3.0	#	#	#	#		#
134 Comoros	2.5	3	0.8	1.9 - 3.4	1.9 - 3.0	#			#		#
134 Nicaragua	2.5	6	0.4	1.8 - 2.9	2.2 - 2.7		#	#	#		#
134 Pakistan	2.5	7	0.7	1.3 - 3.3	2.0 - 2.8	#			#		#
134 Ukraine	2.5	8	0.5	1.8 - 3.2	2.2 - 2.8		#		#	#	# #
138 Liberia	2.4	4	0.7	1.8 - 3.2	1.8 - 2.8	#	#		#		#
138 Paraguay	2.4	5	0.5	1.8 - 2.9	2.0 - 2.7		#		#		#
138 Tonga	2.4	3	0.4	1.9 - 2.7	1.9 - 2.6	#			#		#
141 Cameroon	2.3	7	0.7	1.8 - 3.3	2.0 - 2.7	#	#	#	#		#
141 Iran	2.3	4	0.5	1.8 - 2.7	1.9 - 2.5		#		#		#
141 Philippines	2.3	9	0.4	1.8 - 2.7	2.1 - 2.5		#		#		# #
141 Yemen	2.3	5	0.7	1.8 - 3.4	1.9 - 2.8		#	#	#		#
145 Kazakhstan	2.2	6	0.7	1.7 - 3.4	1.8 - 2.7		#		#	#	#
145 Timor-Leste	2.2	4	0.4	1.8 - 2.7	1.8 - 2.5	#			#		#

147 Bangladesh	2.1	7	0.5	1.4 - 2.7	1.7 - 2.4	#	#	#	#	#		
147 Kenya	2.1	7	0.4	1.8 - 2.7	1.9 - 2.4		#	#	#	#		
147 Russia	2.1	8	0.6	1.6 - 3.4	1.9 - 2.5			#	#	#	#	#
147 Syria	2.1	5	0.6	1.3 - 2.7	1.6 - 2.4			#	#	#		
151 Belarus	2.0	5	0.7	1.3 - 3.2	1.6 - 2.5			#	#	#		
Central African												
151 Republic	2.0	5	0.3	1.8 - 2.5	1.9 - 2.2		#	#	#	#		
151 Côte d'Ivoire	2.0	6	0.7	1.5 - 3.3	1.7 - 2.5		#	#	#	#		
151 Ecuador	2.0	5	0.3	1.8 - 2.5	1.8 - 2.2			#	#	#		
151 Laos	2.0	6	0.5	1.5 - 2.7	1.6 - 2.3	#		#	#	#		
151 Papua New Guinea	2.0	6	0.6	1.0 - 2.7	1.6 - 2.3	#		#	#	#		
151 Tajikistan	2.0	8	0.5	1.5 - 2.9	1.7 - 2.3	#		#	#	#	#	
158 Angola	1.9	6	0.5	1.0 - 2.7	1.5 - 2.2		#	#	#	#		
158 Azerbaijan	1.9	8	0.4	1.3 - 2.5	1.7 - 2.1	#		#	#	#	#	
158 Burundi	1.9	6	0.7	1.0 - 2.9	1.5 - 2.3		#	#	#	#		
158 Congo, Republic	1.9	6	0.1	1.8 - 2.1	1.8 - 2.0		#	#	#	#		
158 Gambia	1.9	5	0.6	1.4 - 3.0	1.5 - 2.4		#	#	#	#		
158 Guinea-Bissau	1.9	3	0.2	1.8 - 2.1	1.8 - 2.0		#	#	#	#		
158 Sierra Leone	1.9	5	0.1	1.8 - 2.1	1.8 - 2.0		#	#	#	#		
158 Venezuela	1.9	7	0.1	1.8 - 2.1	1.8 - 2.0			#	#	#	#	#
166 Cambodia	1.8	7	0.2	1.5 - 1.9	1.7 - 1.9	#		#	#	#		
166 Kyrgyzstan	1.8	7	0.2	1.5 - 2.0	1.7 - 1.9	#		#	#	#	#	
166 Turkmenistan	1.8	5	0.5	1.1 - 2.7	1.5 - 2.2			#	#	#	#	
166 Uzbekistan	1.8	8	0.7	1.1 - 3.2	1.5 - 2.2	#		#	#	#	#	
166 Zimbabwe	1.8	7	0.5	0.9 - 2.7	1.5 - 2.1		#	#	#	#		
Congo, Democratic												
171 Republic	1.7	6	0.2	1.5 - 2.1	1.6 - 1.9		#	#	#	#		
171 Equatorial Guinea	1.7	4	0.2	1.4 - 1.9	1.5 - 1.8		#	#	#	#		
173 Chad	1.6	6	0.2	1.4 - 1.9	1.5 - 1.7		#	#	#	#		
173 Guinea	1.6	6	0.4	1.0 - 2.1	1.3 - 1.9		#	#	#	#		
173 Sudan	1.6	6	0.2	1.3 - 1.9	1.5 - 1.7		#	#	#	#		
176 Afghanistan	1.5	4	0.3	1.0 - 1.8	1.1 - 1.6			#	#	#		
177 Haiti	1.4	4	0.4	1.0 - 2.0	1.1 - 1.7			#	#	#		
178 Iraq	1.3	4	0.3	1.0 - 1.8	1.1 - 1.6			#	#	#		
178 Myanmar	1.3	4	0.4	1.0 - 1.8	1.0 - 1.5			#	#	#		
180 Somalia	1.0	4	0.6	0.3 - 1.8	0.5 - 1.4		#	#	#	#		

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<http://www.elmundo.es/papel/hemeroteca/1995/01/30/motor/25913.html>

En 1994 fueron sustraídos en nuestro país una media de 6.500 vehículos al mes, de los que 1.000 nunca se recuperaron

In 1994 an average of 6.500 cars were stolen each month in our country, of which 1.000 were never retrieved

España, un paraíso para las bandas dedicadas al robo de automóviles

Spain, a paradise for car stealing gangs

ESPECIAL PARA EL MUNDO

MADRID.- Durante 1994 se robaron en España una media de 6.500 vehículos al mes. De ellos, aproximadamente mil no serán recuperados. Mercedes, Audi, BMW por citar algunas de las marcas de lujo, son claros objetivos para una serie de grupos organizados que operan en nuestro país y que no se detienen sólo ante las grandes marcas.

During 1994, an average of 6.500 vehicles a month were stolen in Spain, Aproximately a thousand of them will not be retrieved. Mercedes, Audi, BMW, to mention some of the luxury brands, are a clear objective for this organized gangs in our country and they don't stop before the big brands

Para Samuel Gómez, responsable de la Sección de Tráficos Ilícitos en su área de Vehículos, «antes de la caída del telón de acero, en España perdíamos un 18% de los coches robados, pero ahora este porcentaje ha ascendido al 23%».

La razón para Samuel Gómez está clara. En España han comenzado a actuar importantes grupos de polacos, búlgaros y rusos que sustraen un importante número de automóviles para alimentar ilegalmente los mercados de los países del este. La preferencia de estos grupos se centra en los coches de Seat (Toledo e Ibiza), y sobre todo, en la gama Audi. Fiat, Lancia y Alfa Romeo son también marcas muy apreciadas, y en los últimos seis o siete meses se ha incrementado espectacularmente el número de monovolúmenes y todo terreno robados en nuestro país, especialmente el Terrano II.

Estos grupos «están muy bien preparados, funcionan muy organizadamente y pueden ser peligrosos, porque muchos van armados» explica Samuel Gómez. Normalmente, un coche robado a las cuatro de la mañana está a mediodía en la frontera de Alemania y Polonia. Sin embargo, los conductores llegan frescos a la frontera: se relevan entre sí para poder responder adecuadamente a las inspecciones policiales.

Estos grupos tienen un alto grado de sofisticación: pueden hacer una llave en dos minutos y sobre el terreno, sacando el bombín de la cerradura de una puerta o del depósito de gasolina. A continuación abandonan rápidamente el país con placas y documentación falsificada. En muchas ocasiones los coches ya han salido del país cuando el particular interpone la denuncia.

Por esta razón, la colaboración entre la Policía alemana y la española se ha intensificado, con acceso inmediato a cada uno de los respectivos sistemas informáticos que se intentan introducir en Polonia, principal puerta de entrada de estos vehículos.

«Lo que más nos preocupa de este tipo de robos, que tiene como objetivo vender los coches en los países del este, es que están creciendo de forma alarmante», explica Samuel Gómez. Gracias a la colaboración alemana, un elevado número de vehículos se intercepta antes de entrar en Polonia. «Los alemanes están correspondiendo ahora al trabajo de la policía española que ha controlado durante muchos años los coches alemanes robados que iban al mercado africano», explicó Samuel Gómez.

La magnitud de este tráfico de vehículos robados viene reflejada por este dato: pasado el filtro de la policía alemana, sólo en Varsovia la policía polaca tenía 10.000 coches intervenidos, y en toda Polonia había 30.000 en los depósitos judiciales.

Otro importante grupo que opera en nuestro país lo constituye la mafia marroquí y argelina, cuyo centro de operaciones radica en Francia -París y Marsella- e Italia -Módena y Milán-. Estos grupos destinan los vehículos robados a Marruecos y Argelia.

Hace algunos años, Alemania proporcionaba el 40% de los coches sustraídos con destino a Africa. Actualmente son Francia -entre 33% y 35% del total robado-, Italia -27% al 30%- y España -20%- los países preferidos para estos grupos. Estas mafias transportan los automóviles a través del Estrecho de Alicante, Almería, Málaga y Algeciras.

«Dado el elevadísimo número de vehículos que atraviesan el Estrecho cada año es muy difícil interceptarlos» explica Samuel Gómez. «Aún así en 1993 interceptamos 1.700 coches, y en el 94 la cifra ha sido aún superior». Uno de los problemas más graves con los que se encuentra la Policía española es el hecho de que «aunque la policía marroquí coopera, los estamentos aduaneros en Marruecos y Argelia no quieren saber nada de devolver los coches» indica Gómez.

Así operan las grandes mafias internacionales

This is the way the big international mafias work

Su principal objetivo son los vehículos de gran lujo, cuyo valor en el mercado sobrepasa los quince millones de pesetas

Their main aim are the vehicles of great luxury, their value in the market goes over 15.000.000 pesetas

Los principales grupos que roban vehículos en España para la «exportación» lo constituyen las grandes mafias internacionales cuyo objetivo son los vehículos de élite: Ferrari Testarossa, Lamborghini Diablo, la gama alta de Mercedes, etc. Samuel Gómez, responsable de la Sección de Vehículos de Tráficos Ilícitos explicó a este periódico que «las cabezas pensantes y los falsificadores que operan en nuestro país tienen su sede en Milán».

The main groups that steal cars in Spain to export them, are the big international mafias, their aim are elite cars: Ferrari Testarossa, Lamborghini Diablo, Mercedes high range... Samuel Gómez, in charge of the Section for the Illegal Traffic of Cars explained this newspaper that "the thinking minds and the forgers that work in our country have their location in Milán"

La singularidad de este tipo de vehículos, automóviles deportivos y de lujo cuyo valor en el mercado sobrepasa los quince millones de pesetas, exige que sean «maquillados» inmediatamente tras su robo.

El «maquillaje», en argot de la Policía, consiste en cambiar su identidad. Por ejemplo, primero se localiza un vehículo idéntico en Italia al que se pretende robar en España. A continuación, el coche robado en nuestro país se sitúa en un punto intermedio -Francia- para no ser localizado. Paralelamente se crea una documentación falsificada para el coche robado que coincide con los mismos datos del primer coche localizado en Italia. Por tanto, habrá dos coches con la misma identidad, un «doblete», en gráfica expresión policial.

Por último, será necesario alterar el número de chasis del vehículo. En un bastidor se encuentra el «VIN» (Vehicle Identification Number), o número de identificación del vehículo, que tiene 17 caracteres. Los tres primeros son WMI (World Manufacturing Identification). Después vienen seis u ocho cifras correspondientes a la Sección Descriptiva del Vehículo (VDS). Las últimas cifras pertenecen al Número de Identificación (VIS) que son las que individualizan al vehículo: alterando estas últimas de acuerdo con la documentación falsificada el coche nunca aparecerá en los ordenadores como sustraído y aparentemente tendrá sus papeles en regla.

A continuación, el vehículo robado y maquillado será «exportado» a los Emiratos Arabes Unidos y a Japón, donde se cotizan a precios muy elevados, y donde las autoridades policiales, muy especialmente en los países árabes, no colaboran en absoluto con las policías occidentales.

En España, éstas operan especialmente en Marbella, en la Costa del Sol y en Barcelona. Según Samuel Gómez, «hace cuatro años, una fracción de la banda de Madame Brian robó en tres meses casi trescientos coches de élite de los aeropuertos de El Prat en Barcelona y Barajas en Madrid».

In Spain, they specially act in Marbella, Costa del Sol, and Barcelona (..)

A la espera de las cifras definitivas de coches robados en España durante 1994, un cálculo aproximado hasta la fecha por la Sección de Tráficos Ilícitos de la Policía Nacional podría situar la cifra entre los setenta y los ochenta mil. Según Samuel Gómez, responsable del departamento, un 22% de los coches sustraídos no serán recuperados nunca.

Su destino es desconocido. Para Samuel Gómez, «la mayoría sale al extranjero. Sin embargo, en España también hay un mercado de salida para los coches robados, que son camuflados para su posterior venta».

Según el responsable de la Sección de Vehículos de Tráficos Ilícitos, «es difícil dar con un grupo de falsificadores que funcionen como una red perfectamente estructurada». Cada «experto» funciona en su campo. La clave para «camuflar» los vehículos robados radica primero en conseguir la documentación de automóviles siniestrados antes de que sean dados de baja en el Registro de Tráfico. Para ello, los traficantes acuden a las compañías de seguros, o bien al propietario del vehículo accidentado, a quien se compran los restos del vehículo con la documentación incluida.

Diario EL MUNDO
ULTIMAS NOTICIAS: ESPAÑA

Miércoles, 23 de junio de 1999. Actualización: 23.30 horas

TRIBUNALES

La Fiscalía Anticorrupción vincula a la familia de la juez decana de Marbella con la mafia

También aporta pruebas de las relación económica directa de Jesús Gil con el padre y el hermano de la magistrada

EUROPA PRESS

MADRID.- La Fiscalía Anticorrupción ha presentado una denuncia ante el Servicio de Inspección del Consejo General del Poder Judicial contra la juez decana de Marbella, Pilar Ramírez Balboteo, por considerar que la misma es responsable de faltas muy graves y se encuentra en situación de incompatibilidad por ejercer su cargo en una ciudad de menos de 100.000 habitantes en la que su familia desarrolla actividades profesionales y económicas.

En la misma denuncia la Fiscalía expone, basándose en informes policiales y judiciales, que "tanto el padre como el hermano de la magistrada decana han estado sirviendo como representantes, asesores y socios de un grupo vinculado al clan de Santapaola, familia dominante en Catania de la mafia siciliana, denominada Cosa Nostra" y que se dedica a "blanquear ingentes cantidades de dinero en la Costa del Sol".

También expone que el alcalde de Marbella, Jesús Gil y Gil, ha mantenido importantes relaciones con el hermano y el padre de la decana, así como con sus clientes, especialmente los italianos vinculados a la mafia.

Según el fiscal Anticorrupción, el desempeño del cargo de Pilar Ramírez es contrario a derecho porque lo ejerce en una plaza en la que su hermano Juan Carlos ejerce de abogado directamente y a través de su primo Diego Jiménez Balboteo, y también su padre, Juan Ramírez Rodríguez, sin titulación. Además, todos ellos, incluida su madre, Ascensión Balboteo Piña, poseen participaciones en sociedades mercantiles y realizan inversiones inmobiliarias, según expone el fiscal.

La denuncia explica que la Fiscalía denunció ya en 1996 a Pilar Ramírez ante el CGPJ por estos mismos hechos. Sin embargo, el Consejo archivó el expediente, porque ella alegó que Marbella tenía más de cien mil habitantes en un informe que presentó. Una semana después de presentar este informe, el Ayuntamiento de Marbella rectificó el padrón municipal y situó el número de habitantes en 102.050. Sin embargo, el Instituto Nacional de Estadística rechazó esta revisión y volvió a situar el censo en 98.377 personas.

La Fiscalía también denuncia que la magistrada ha incumplido el deber de abstención en las causas en las que existían intereses vinculados a sus familiares más próximos, oponiéndose a dar trámite a las recusaciones planteadas por este motivo por las partes.

Paraísos fiscales

En el escrito presentado ante el CGPJ se explica que la actividad profesional de la familia de la magistrada ha sido

denunciada en reiteradas ocasiones dando lugar a actuaciones de carácter disciplinario. Sin embargo, añade que dicha actividad no ha cesado, pero sí "se ha sumergido", sobre todo a partir de 1993, cuando el padre de la juez fue detenido por un delito de estafa junto a sus socios italianos que presuntamente están vinculados a la mafia siciliana.

La Fiscalía precisa que "todo parece indicar" que el padre, "al igual que su hijo y sobrino, mantienen la misma actividad profesional y mercantil en Marbella", pero "realizada mediante sociedades 'off shore' domiciliadas en Gibraltar, Panamá y otros paraísos fiscales" para "garantizar la máxima opacidad".

"Las relaciones comerciales -dice el escrito- de las sociedades asesoradas, administradas, participadas o representadas por Juan Carlos Ramírez y demás personas de su entorno profesional o familiar, se han desarrollado, en buena medida, con el Ayuntamiento" de Marbella. Entre ellas, cita a Giamar, Kermosa, Incar y Bellantoni Puerto.

Esta última, en la que figuraba como administrador único el padre de la juez decana, suscribió en 1993 un convenio con el Consistorio que afectaba a una superficie de 118.875 metros cuadrados, valorados en 1.262 millones de pesetas por la sociedad Tasaciones y Valoraciones, vinculada a Jesús Gil y presidida por el concejal marbellí del G.I.L. Sampietro Casarramona. El hermano de la magistrada figuraba como accionista de Bellantoni y de la sociedad panameña Diska Corporation Ltd.

Anticorrupción destaca, además de distintas operaciones urbanísticas, los socios de las empresas en las que los familiares de la magistrada prestaban servicios profesionales o eran accionistas.

Así por ejemplo explica que en Giamar, de la que era administrador único Juan Carlos Ramírez, el principal accionista es el ciudadano italiano Gianni Meninno. También aparecen como accionistas la mujer de éste y Ugo Giovanni Giannio.

En cuanto a Menimar, otra sociedad en la que el padre es administrador único, la Fiscalía afirma que está participada por la sociedad gibraltareña Larashe Investments, cuyo representante es el italiano Felice Cultrera. Otras sociedades, como Desjipo, Promociones Urbanas, Bahía de Bellantoni, Talent Management Services, Kermosa, Motorauto Marbella, Osais de Bellantoni, Kueris, Asbal, Jucamar, Fisher Island, aparecen representadas o participadas por familiares de la juez Decana, y a su vez, incluyen como accionistas o administradores a los ciudadanos italianos ya citados y a otro más, llamado Angelo Salamini.

Según la Fiscalía, estos últimos "han sido policial y judicialmente vinculados al clan de Santapaola. Así pues, parece que tanto el padre como el hermano y otros parientes de la magistrada decana han estado sirviendo como representantes, asesores y socios del grupo vinculado a la mafia siciliana destinado a blanquear ingentes cantidades de dinero de 'Cosa Nostra'".

Antecedentes

Además, el fiscal precisa que Gianinno tiene antecedentes por estafa y receptación y está relacionado con Felice Cultrera y Monzer Al Kassar. Cultrera, al que se considera responsable del clan de Santapaola, junto con su lugarteniente, Meninno, y Salamini, tiene antecedentes por el control de casinos de juego, tráfico de estupefacientes, estafa, falsedad de títulos, extorsión, chantaje, amenazas, coacciones, blanqueo de dinero

y tráfico de armas.

Por su parte, Mennino tiene antecedentes por delitos contra la libertad de expresión, insolvencia punible y estafa. Los antecedentes de Salamini se deben a bancarrota fraudulenta, estafa y tráfico de drogas.

Vinculado a los italianos también estaría, según la Fiscalía, Bernardino Torres Hernández, cliente de Juan Carlos Ramírez y vinculado por la Policía al cártel colombiano de Medellín. Torres realizó inversiones multimillonarias en la Costa del Sol, auxiliado por Ramírez, y fue condenado a quince años de prisión por introducir un alijo de 500 kilos de cocaína en España.

Otro cliente de los Ramírez, al que el padre avaló para obtener un préstamo bancario, fue Albert Chamas o Shamas, reclamado por las autoridades de Egipto por tráfico de drogas y por Francia por asesinato. Según la denuncia del fiscal, la relación de la familia de la decana con los ciudadanos italianos mencionados se mantiene en la actualidad, pero a través del despacho de su primo, Diego Jiménez, como lo pone de manifiesto la demanda presentada por éste en nombre de Gianinno el 25 de abril de 1998 en el Juzgado de Primera Instancia de Marbella.

Recurso de la fiscalía del "caso Atlético"

Hoy también se ha hecho público que el fiscal Anticorrupción adscrito al "caso Atlético", Carlos Castresana, recurrirá el auto de la juez decana de Marbella, Pilar Ramírez, en el que se determina que el juez que instruye el caso, Santiago Torres, debía enviar a reparto la querrela que se presentó contra Jesús Gil mientras él desempeñaba funciones de guardia, según fuentes jurídicas.

El recurso, que se interpondrá ante el Pleno del Consejo General del Poder Judicial, se basará en que el titular del Juzgado de Instrucción número 7 de Marbella, que investiga el supuesto desvío de 450 millones de pesetas del Ayuntamiento de Marbella al Atlético de Madrid, actuó correctamente al no enviar a reparto la querrela que se presentó en su Juzgado el pasado 13 de octubre, puesto que ese mismo día registró el Consistorio marbellí y el estadio Vicente Calderón.

Según las fuentes citadas, la única forma de concluir que Torres actuó incorrectamente es determinar que los registros fueron improcedentes, puesto que, según las normas de reparto de los Juzgados marbellíes, cuando se realiza una diligencia mientras el Juzgado está en funciones de guardia, el caso pasa a ser asumido por él.

Además, la Fiscalía criticará en su recurso que la juez decana de Marbella no diera traslado a las partes para que informaran al respecto, antes de resolver que el juez Torres asumió indebidamente el caso.

Por otra parte, es posible que la Fiscalía replantee la cuestión de la imparcialidad de la juez Pilar Ramírez al dictar el auto, puesto que ya fue recusada por el fiscal jefe de la Fiscalía Anticorrupción, Carlos Jiménez Villarejo, por las presuntas relaciones existentes entre su familia y Jesús Gil.

En este sentido, el propio Gil negó ayer haber tenido más relación con la juez decana de Marbella que el haber sido la única magistrada que le ha sentado en el banquillo por "un asunto de calumnias contra los comunistas".

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ESPAÑA

Martes, 13 de julio de 1999

EL MUNDO
PERIÓDICO

GIANNI MENINNO/MIEMBRO DEL «CLAN SANTAPAOLA»

Todo un clásico en los archivos policiales europeos

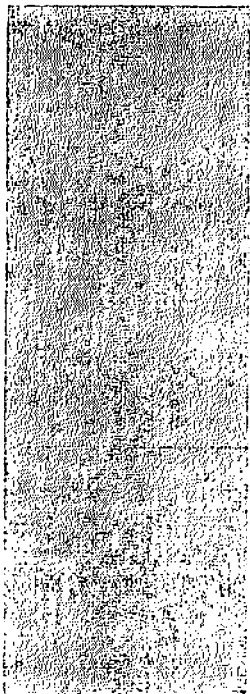
M.C/ A.R

La policía española sigue los pasos de Meninno desde principios de los años 80, época en la que ya elaboró, con la ayuda de sus colegas italianos, un informe sobre la llegada a Marbella de una sección del Clan Santapaola.

Meninno, que nació en Capri el 17 de julio de 1952 -dentro de unos días cumple 47 años- llegó a España como lugarteniente y testaferro de Felice Cultrera, señalado por la policía como el jefe del clan italiano en la Costa del Sol. Meninno aparece en varias de las sociedades de Cultrera, que luego fueron administradas por Juan Ramírez, el padre de la juez de Marbella. Así, el mafioso italiano figura como accionista o administrador de sociedades como Giamar, Menimar, Larashe Investment, Mardesol, Promociones Urbanas, que pasó a llamarse Talent Management... Estas sociedades constituyen un entramado financiero con conexiones con Gibraltar y otros paraísos fiscales.

Una nota informativa sobre Meninno, elaborada por el grupo de Delincuencia Internacional de Málaga, dice de él que «se trata de un individuo peligroso por sus actividades fraudulentas y relaciones con la Mafia, desde la óptica que podría tratar de evadirse, para lo cual podría poseer infraestructura en la Costa del Sol».

La Fiscalía Anticorrupción dejó muy claro, en su escrito enviado al CGPJ, quiénes eran los integrantes del clan Santapaola: «Felice Cultrera tiene antecedentes por el control de diversos casinos de juego, organización internacional de tráfico de estupefacientes, estafa, falsedad de títulos, extorsión, chantaje, amenazas, coacciones, blanqueo de dinero procedente del tráfico de heroína, tráfico de armas y es considerado en España responsable del clan Santapaola de



la Mafia, ayudado de Meninno y Salamini».

El ciudadano italiano tiene abiertos en España varios procesos judiciales por estafa y venta de coches robados. En 1991, la juez Blanca Esther Díez lo procesó en el caso Casino por estafar a un empresario italiano a quien pretendió vender el casino de Marbella sin ser propietario de la sociedad. En este proceso judicial también están implicados Cultrera y el padre de la juez Pilar Ramírez.

En 1995, fue nuevamente detenido, acusado por la policía italiana de participar en una organización que se dedicaba al tráfico de armas. El proceso se sigue en Italia.

EL MUNDO

Domingo, 27 de junio de 1999. AÑO XI. NUMERO 3.502. PRECIO: 125 PTS. / 0,75 EUROS. CON LA REVISTA: 275 PTS
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URGENTE

Jamenei califica las elecciones de Irán de 'terremoto político' y 'fiesta histórica'

Tendremos el destino que hayamos decidido (Albert Einstein)

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CRONICA

Una familia de juzgado

Los Ramírez de Marbella: la hija, juez decana, sospechosa; el hermano, un abogado bajo la sombra de los «narcos» colombianos; y el padre, el amigo de Gil, supuesto compinche de mafiosos sicilianos

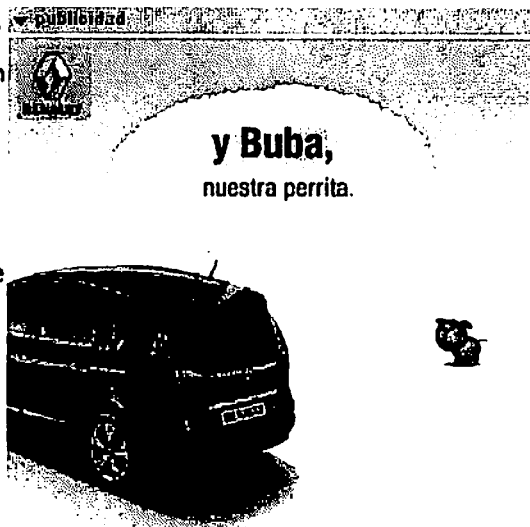
ILDEFONSO OLMEDO

JOSE CARLOS VILLANUEVA

Siempre fue muy flaco. Aún ahora, pese a los muchos años transcurridos, sigue siendo el vivo retrato de aquel niño esmirriado que un día, allá en la década de los años 50, entró como ordenanza en el Juzgado de Marbella. Entonces, la ciudad no era lo que hoy ni aquel niño era nadie. Su padre, el abuelo Ramírez, venido del vecino Gaucín tras la guerra, sacaba a la familia adelante a duras penas como guarda del vivero forestal. De aquello le queda a Juan Ramírez, el todopoderoso progenitor de la juez decana de la capital de la Costa del Sol, el apodo con el que viejos conocidos, y no muy amigos, aún lo llaman: «Juanito Vivero». Y en justicia él ha sido la sementera que durante años plantó de allegados el aparato judicial marbellí. No le bastó con ser él, hasta su jubilación voluntaria, oficial mandamás de los juzgados. Su hija mayor, Pilar, es juez con mando en la plaza costera; Juan Carlos, el varón, es abogado, y Alicia, la pequeña, que falleció en accidente de tráfico en 1986, era procuradora en tribunales. Juan Ramírez barajó bien los naipes hasta hacer póquer en familia. Ahora, toda la obra que levantó amenaza con venirse abajo de confirmarse las acusaciones del fiscal especial anticorrupción, que en un informe presentado al Consejo General del Poder Judicial (CGPJ) vincula a los Ramírez con la mafia siciliana y con oscuras tramas judiciales que soterradamente vendrían trabajando para garantizar la impunidad de Jesús Gil y Gil, el gran jeque de Marbella.

La juez Ramírez y toda su familia están bajo sospecha. La andanada de la Fiscalía Anticorrupción se precipitó después de que la magistrada intentara apartar, del llamado caso Atlético, al juez Santiago Torres, que se atrevió a encarcelar al alcalde de Marbella por un presunto desvío de 450 millones de pesetas de las arcas municipales hacia el Atlético de Madrid.

El serio aviso a los Ramírez coincidió con la víspera del santo del patriarca de la familia. Y es que los días de San Juan se han convertido en nefastos para Juan Ramírez y los suyos. También fue un 24 de junio, pero de 1994, cuando una ciudadana francesa le acusó de cuatro presuntas violaciones entre los años 1980 y 1982. Después la mujer desapareció.


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A los Ramírez nunca les han faltado querellas judiciales en las que batirse. Siempre, o casi, han salido victoriosos hasta ahora. La historia se remonta años atrás. Ya en 1987, un joven jurista en labores de inspección para el órgano de gobierno de los jueces, Baltasar Garzón, hacía constar en un informe: «Hay rumores de la negativa influencia del Sr. oficial D. Juan Ramírez respecto de la marcha del juzgado... Habida cuenta de los enfrentamientos personales y de la actuación negativa para la administración de Justicia del oficial Juan Ramírez... se puede llegar a una situación muy peligrosa de alcance difícilmente previsible».

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Transcurrieron seis años hasta que un segundo informe, esta vez firmado por la juez Blanca Esther Díez, solicitara la declaración «del estado de peligrosidad social de Juan Ramírez... con prohibición de residir en Marbella e incautación de todo el dinero y bienes obtenidos de su permanente proceder delictivo».

El «caso Casino»

Aquellos fueron los años del llamado caso Casino, un sonado intento de estafa en la compraventa del casino Nueva Andalucía por parte de un grupo italiano.

Ahora, la denuncia del fiscal Jiménez Villarejo no viene sino a ser un revival amplificado de aquel culebrón judicial. Allí figuraban ya Pilar Ramírez y su padre. También la sombra del entorno de Jesús Gil y la omnipresente mafia llegada desde Italia para quedarse.

El padre y el hermano de la juez salieron a la palestra como personas vinculadas a sociedades de Gianni Meninno, Felice Cultrera y Ugo Gianino, todos ellos presuntamente relacionados con el clan mafioso de Santapaola de la Cosa Nostra italiana y citados ahora en la denuncia de Anticorrupción.

La juez Blanca Díez ordenó la intervención del teléfono de Juan Ramírez en febrero del 93 y dos meses después decretaba su ingreso en prisión, pero los fiscales de la Audiencia de Málaga no respaldaron sus tesis sobre la supuesta corrupción judicial.

Un escalofriante auto de Blanca Díez que nunca llegó a prosperar decía textualmente: «La juez Ramírez, con su hermano abogado, su padre, ex oficial de juzgados, y un primo han creado una infraestructura útil para presuntos delincuentes y, en connivencia con ellos, realizan presuntos actos delictivos tales como estafas, falsedades, prevaricación, que tienen además un modus operandi muy similar (...). La falta de actividad instructora por parte del órgano judicial, deliberada y en connivencia con los culpables, hace que se archiven las actuaciones (...), creándose con ello un caldo de cultivo idóneo para que la delincuencia organizada se asiente en Marbella, a la sombra de la evidente corrupción judicial».

Lo que parecía el principio del infierno para los Ramírez se convirtió, en cambio, en un calvario para la juez acusadora. Blanca Díez había llegado incluso a citar en el sumario a José Luis Manzanares, ex vicepresidente del Consejo General del Poder Judicial, que lo desmintió y emprendió acciones legales contra ella.

A pesar del revés judicial, esta juez, leonesa de nacimiento y casada con un inspector de Policía que participó en las investigaciones, recibió el apoyo popular de diez mil marbellíes que, con sus firmas, se unieron en torno a la Plataforma Ciudadana por la Justicia, liderada por el ginecólogo de profesión Germán Saénz de Santamaría, que junto a otros miembros del colectivo llegó a protagonizar una huelga de hambre en solidaridad con Díez.

Tras un juicio celebrado en 1994 en el Tribunal Superior de Justicia de Andalucía, en el que la Fiscalía pidió su inhabilitación y se la acusó de revelar secretos a la prensa, Blanca Díez quedó apartada de la judicatura durante seis meses. Finalmente regresó a los juzgados de Marbella en 1996, donde actualmente es titular del Juzgado Número 2. Ahora prefiere callar. O a lo sumo, quejarse ante los allegados: «La justicia llega tarde».

El caso Casino, a la postre, también acarrearía la única condena judicial recaída sobre Juan Ramírez. Su actitud con los policías que le fueron a detener, a los que agredió, lo sentó en el banquillo de los acusados años más tarde, en 1996. La sentencia le impuso 18 meses de prisión, y siete fines de semana de arresto domiciliario, por los delitos de atentado, lesiones y maltrato a los agentes.

Ahora otro nuevo coletazo de las investigaciones de la juez Blanca Esther Díez amenaza a Juan Ramírez con más condena. La Fiscalía de la Audiencia Provincial de Málaga solicita para el padre de la juez tres meses de arresto como cómplice de un intento de estafa en la compraventa del referido local de juego. Para los italianos Felice Cultrera y Gianni Meninno, de los que Ramírez acaba de decir «son y serán amigos míos hasta que se acredite que son unos mafiosos», la pena solicitada asciende a tres años de prisión como autores de la presunta estafa del casino Nueva Andalucía.

Los hechos pendientes de juicio aparecen profusamente en el texto de la denuncia contra la juez decana del fiscal Villarejo: «En la investigación del procedimiento por estafa se pudo comprobar el cobro de cantidades multimillonarias por parte de Juan Ramírez Rodríguez, en efectivo, mediante cheques al portador, y otros nominativos, por importe muy superior al que correspondería a sus ingresos como oficial jubilado de la Administración de Justicia».

Ninguno de estos procedimientos, ni la condena por el atentado contra los policías, han llevado al padre de la juez Ramírez a alterar sus costumbres. Siguió su vida sin mayores complicaciones. Aunque ya estaba jubilado, nunca ha dejado de trabajar. Y a su vera siempre ha tenido a los suyos. En la finca de la calle Valentuñana, con sus tres chalés entre palmeras y arbolado, hay terreno para todos. Ese es el territorio de los Ramírez, su coto privado, y además está a sólo un paseo de la oficina de negocios que orilla junto a la principal avenida de la ciudad. Una placa sigue recordando a la hija trágicamente fallecida: «Alicia Ramírez Balboteo. Procuradora de los Tribunales. 5 Derecha».

Como muñidor del clan familiar, nadie duda de la influencia que ejerce la figura del patriarca sobre la hija magistrada. Lo tiene más que claro, y denunciado, la concejal del PSOE Isabel García Marcos: «Logró hacer abogados a sus hijos Pilar y Juan Carlos para que heredaran el boyante negocio que tenía montado en las dependencias judiciales, que incluía hasta el derecho de pernada».

De todos los Ramírez es Pilar la que ha conseguido ascender más peldaños en la carrera de las leyes. Sus destinos como juez antes de regresar a casa la llevaron a Lucena (Córdoba), Ceuta y Estepona. En ninguna de estas tres plazas se le conocen quejas contra su hacer judicial. Todo, también para ella, comenzó en Marbella, un territorio que paradójicamente controló su padre durante décadas. Y sólo como oficial de juzgado, aunque hubiera hasta quien le llamara juez Ramírez. Ahora, el verdadero juez Ramírez, su hija, es algo más que simple juez: es la decana y se encarga del reparto de los sumarios.

En sus manos cayó un polémico caso relacionado con Jesús Gil, cuando éste intentaba a toda costa hacerse con el control del famoso y rentable Puerto Banús, su gran sueño. Pilar Ramírez decretó la intervención judicial del recinto portuario para que un administrador vinculado al Ayuntamiento asumiera la gestión. Finalmente, la Audiencia Provincial de Málaga revocó el auto de Ramírez y el control del puerto, frecuentado por magnates de dudosa reputación como Adnan Kashoghi y Monzer Alkassar, volvió a manos privadas.

Otra disputa sobre la instrucción de un caso -el llamado Atlético- y el intento de Pilar Ramírez por apartar a toda costa al juez Santiago Torres, al que ya consiguió retirar de otro sumario también vinculado con Jesús Gil, ha motivado que los Ramírez se vean las caras de nuevo con el fiscal Anticorrupción, Carlos Jiménez Villarejo, al que papá Juan no ha dudado en tachar de «indeseable... capo de la mayor mafia del mundo».

El primer choque entre ambas partes tuvo lugar en 1997. Entonces, Villarejo denunció la supuesta incompatibilidad de Pilar Ramírez para desempeñar labores de juez en la misma ciudad donde ejercían actividades jurídicas y mercantiles varios de sus familiares directos. El Consejo General del Poder Judicial terminó dando la razón a Ramírez, lo que espoleó al hermano de la juez, Juan Carlos Ramírez, para arremeter contra Villarejo sin mucho éxito.

Esta misma semana ha sido testigo de los dos últimos lances de la batalla judicial entre el fiscal anticorrupción y los Ramírez. Primero golpeó la juez, en su penúltimo intento por eliminar al único magistrado, Santiago Torres, que se ha atrevido a poner al alcalde Gil contra las cuerdas. La respuesta de la Fiscalía ha conmocionado a la opinión pública de todo el país, con revelaciones que situarían a Marbella en las coordenadas de la película El Padrino.

Y a los Ramírez en un importante papel de reparto.

Cita en el tribunal

Mañana mismo, como si de un casting se tratara, todos tienen una cita con el pasado más oscuro. La juez, su padre, su madre, su hermano y su primo han sido llamados a declarar por el titular del Juzgado de Instrucción número 4, Antonio Navas Hidalgo, para que aclaren sus supuestas relaciones empresariales con el Ayuntamiento de Gil. Todo proviene de una recusación presentada contra la juez por un colectivo ciudadano tras archivar numerosas denuncias urbanísticas que interpusieron contra Gil y varios de sus concejales.

Ya no bastará sólo la palabra de los Ramírez. El magistrado que les tomará testimonio, uno de los siete que tiene la ciudad, también requerirá informes complementarios a la Agencia Tributaria. Y al Ayuntamiento marbellí, copia compulsada de los convenios urbanísticos suscritos con 10 sociedades -Villarejo atribuye a los Ramírez hasta 17- por si éstas están o han estado participadas por los familiares de la juez decana Pilar Ramírez.

La juez tendrá que romper definitivamente su silencio. Ante el último informe de la Fiscalía Anticorrupción ha preferido callar. Sí se sabe que lamentó tanto mal fario ante su propio padre: «Qué venganza, papá, pero voy a seguir trabajando».

Porque para los Ramírez todo cuanto les viene sucediendo no es sino una gran confabulación. «Ojalá tuviera al menos un 20% de lo que me atribuyen», ha llegado a bromear el cabeza de familia, el hijo del guarda forestal.

Juan Ramírez, a quien todavía hay guardias que se le cuadran cuando entra en los juzgados, nunca fue dado a la ostentación. «Siempre ha ido con su camisita y sus hombros encogidos», dice un vecino que lo trató antaño. Y añade: «Pese al gran poder que tenía siempre fue de aspecto sumiso, como algunos personajes del cuadro La rendición de Breda. Ahora, eso sí, en los juzgados, de puertas para adentro, parecía un rey».

El retrato que ha trascendido esta semana a la opinión pública de él y los suyos es mucho menos amable. Su propio hijo, el espigado Juan Carlos Ramírez Balboteo, aparece relacionado con el entorno del cartel colombiano de Medellín, uno de las más peligrosas y sangrientas redes del narcotráfico internacional. Y todos, la familia casi al completo, como una gran lavandería al servicio de la Cosa Nostra.

En la Marbella de Jesús Gil y Gil todos saben que tan verdad como que tras los muros blancos de la calle Valentuñana se levanta la obra visible de aquel niño flaco al que llamaban Juanito Vivero, igual de cierto es que la sombra de la corrupción judicial planea desde hace más de una década sobre la ciudad.

Don Nitto, el terror de Catania

MARTA IORATO

Radicado en Catania (este de Sicilia), el clan Santapaola, vinculado por la Fiscalía Anticorrupción a las actividades empresariales de la juez Ramírez, se impuso, por su poder intimidatorio y económico, en esta zona de Italia tras encarnizadas luchas con clanes rivales en los 80. El fundador de esta familia mafiosa es Benedetto Nitto Santapaola, alias El cazador, por su pasión por este deporte. Hasta 1972, Don Nitto trabajó como vendedor ambulante de calzado. Su actividad comercial fue creciendo, ayudado por sus hermanos Salvatore, Giuseppe, Grazia y Antonino, hasta montar un concesionario de coches. En aquellos años, Santapaola tuvo roces con la Justicia por asuntos de poca monta, como contrabando de tabaco. Siempre salió indemne. Las acusaciones contra Santapaola empezaron a hacerse más graves en los 80, cuando fue implicado en el asesinato del alcalde de Castelvetro, Vito Lipari, y del general Carlo Alberto Dalla Chiesa. En 1982, el capo, que estableció fuertes vínculos con Totò Riina, gran padrino de Cosa Nostra, decidió desaparecer.

En la clandestinidad perpetró un atraco multimillonario a una oficina postal de Catania. Santapaola permaneció prófugo durante 11 años, hasta que el 18 de mayo de 1993 los carabinieri le arrestaron en una casa de campo mientras dormía con su esposa. Tenía 54 años.

En la cárcel desde entonces, Nitto sigue siendo el capo, aunque su puesto de mando haya sido ocupado por otros miembros del clan, hasta que fueron arrestados. Se desconoce quién manda ahora. La familia ha alargado su campo de acción hasta el tráfico de armas. A Felice Cultrera, arrestado el año pasado en España, se le considera cercano al clan. Según el diario La Sicilia, debía blanquear dinero de la familia comprando 5.000 apartamentos en Tenerife.

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ESPAÑA

Miércoles, 23 de febrero de 2000

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La ex juez Ramírez favoreció a mafiosos vinculados a su familia

El fiscal Anticorrupción relaciona a su hermano con una red de coches robados

MANUEL CERDAN. ANTONIO RUBIO. EDUARDO INDA

MADRID.- La Fiscalía Anticorrupción acusa a la ex juez decana de Marbella Pilar Ramírez de un nuevo delito de prevaricación, presuntamente cometido para proteger los negocios comunes de su familia y la mafia.

El fiscal jefe, Carlos Jiménez Villarejo, denuncia que Pilar Ramírez se quedó irregularmente con la instrucción del caso que se siguió por un negocio de compraventa de coches robados del que era socio su hermano Juan Carlos Ramírez y varios miembros del clan mafioso de Felice Cultrera.

La Fiscalía denuncia que Ramírez encarceló en 1993 al principal testigo de cargo en este caso para proteger al grupo de su hermano. Así consta en un texto firmado por el propio Jiménez Villarejo, que amplía la denuncia que presentó en junio pasado contra la ex juez decana marbellí.

Villarejo acusó entonces a la familia de la juez de mantener relaciones mercantiles con dos mafiosos italianos, Cultrera y Gianni Meninno, y con Jesús Gil.

Ahora va más allá. Confirma que un hermano de la ex juez decana era socio de Ugo Giovanni Gianino, del clan de Cultrera, en un negocio de vehículos robados. Otro pariente, Diego Jiménez Balboteo, era el abogado de este ciudadano italiano.

Y, sobre todo, Villarejo describe pormenorizadamente las decisiones que tomó la juez para usurpar la instrucción y así beneficiar a sus familiares. El fiscal relata que Juan Carlos Ramírez, hermano de la por aquel entonces juez decana marbellí, «era socio fundador de Milauto SL, que estaba siendo investigada por el Juzgado de Instrucción número siete de Marbella por la compraventa de coches robados».

Testimonio comprometedor

Pilar Ramírez se arrogó el caso el 19 de noviembre de

1993 y, acto seguido, tomó declaración al italiano Fortunato Basile y al ciudadano belga Benoit Chatel. El testimonio de este último comprometía a los Ramírez, ya que fue quien denunció toda la trama de la red de coches robados.

Pilar Ramírez, expulsada de la carrera judicial, incoó diligencias previas el 22 de noviembre de 1993, aun a sabiendas de «que el Juzgado número siete de Marbella seguía con anterioridad diligencias por los mismos hechos, personas y automóviles».

«Y seguidamente», rememora Villarejo, «el mismo 22 de noviembre, y sin haber realizado actuación procesal alguna desde el día 19, Pilar Ramírez decretó la prisión provisional comunicada y sin fianza de Benoit Chatel [denunciante de todo el entramado] y Fortunato Basile».

En las semanas posteriores, Pilar Ramírez se dedicó a rechazar sistemáticamente, con los argumentos más peregrinos, las sucesivas recusaciones formuladas por las defensas de los encarcelados.

El caso dio un vuelco al irrumpir el fiscal el 21 de enero de 1994. El ministerio público tomó cartas en el asunto, se adhirió al recurso de Fortunato Basile e indicó que debía tramitarse la recusación. Pilar Ramírez reaccionó: «Resulta aconsejable, en aras de esa transparencia de la Justicia, estimar el recurso».

Recusación

El fiscal dio un nuevo paso y, el 3 de febrero de aquel año, informó a favor de la inhibición de Pilar Ramírez en favor del Juzgado de Instrucción número siete, legítimo titular del caso.

Chatel y Basile fueron puestos en libertad por orden del titular del Juzgado de Instrucción número siete de Marbella, casi tres meses después de haber sido encarcelados irregularmente a instancias de Pilar Ramírez.

«No existe justificación alguna para que la magistrada retuviera las diligencias durante casi tres meses, ni para que mantuviese en prisión a Chatel y Basile, sin aceptar como cierta la causa de recusación, sin ni siquiera admitir a trámite ésta a pesar de que existía constancia de que los imputados habían dado personal y expresamente instrucciones para que se procurara su apartamiento [el de Pilar Ramírez] de la causa», abunda en su escrito Carlos Jiménez Villarejo.

«¿Por qué tenía Ramírez interés en seguir conociendo las diligencias, a pesar de la recusación?», cuestiona el fiscal anticorrupción. «Su hermano, Juan Carlos, no era solamente abogado de Gianino, era, además, socio del mismo, y precisamente, en Milauto», se responde Villarejo. El quid de la cuestión, remacha Villarejo, era la declaración de Benoit Chatel, es decir, la prueba de cargo contra Gianino.



Miércoles, 4 de abril de 2001
AÑO XIII.
NUMERO 4.144.

La prueba de la justicia consiste en determinar hasta qué punto es uno justo con aquellos que no lo son (Malcolm Forbes)

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El mafioso italiano Gianni Meninno se fuga de España

JOSE CARLOS VILLANUEVA. Corresponsal

MARBELLA.- Seis meses de intensas investigaciones de la policía española se han ido al traste después de que el presunto mafioso italiano Gianni Meninno -detenido el pasado 1 de febrero- se haya fugado de España. La titular del Juzgado Central 3 de la Audiencia Nacional, Teresa Palacios, decretó su libertad bajo fianza de dos millones de pesetas, a pesar de que sobre él pesaba una orden internacional de busca y captura por parte de la Fiscalía suiza, que había solicitado su extradición.

El fiscal no se opuso en ningún momento a la solicitud de los abogados del italiano, al estimar que éste tenía esposa y cinco hijos en España, así como «medios de vida y situación de arraigo» en este país, por lo que aparentemente no apreciaba riesgo de fuga.

Palacios sustituyó aquel día al titular del Juzgado Central 6, Juan del Olmo, que instruía todas las diligencias desde la detención de Meninno y otros miembros de la organización delictiva a la que las autoridades suizas le vinculan.

Gianni Meninno tenía la obligación de personarse todos los miércoles en la Audiencia Nacional y, de hecho, lo hizo en un par de ocasiones, pero cuando fue citado el pasado 22 de marzo para declarar ante el fiscal suizo de Lugano, Emanuele Stauffer, Meninno no acudió porque el día anterior se fugó, supuestamente a Italia, con documentación falsa.

La defensa de Meninno justificó que la salida de España del italiano se debió a que voluntariamente había viajado a Italia, aconsejado por su abogada italiana, para acatar una orden de extradición dictada por un tribunal de aquel país.

La puesta en libertad de este presunto miembro del clan mafioso de Santa Paolo, a quien el fiscal jefe anticorrupción, Carlos Jiménez Villarejo, incluyó en un informe como socio y cliente de algunos familiares de la ex juez decana de Marbella, Pilar Ramírez, ha provocado una gran sorpresa y malestar en la Fiscalía suiza del cantón italiano de Ticino.

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arresta a tres individuos
promotores de una red
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POLICIA madrid ,
02/02/2001

*Dos de ellos están
reclamados por Interpol*

**La Policía de
Málaga arresta a
tres individuos
promotores de una
red internacional
de estafadores a
gran escala**

Agentes del Cuerpo Nacional de Policía de la UDYCO de la Comisaria Provincial de Málaga, han detenido al italiano Gianni Meninno de 48 años y al finlandés Cedric R. A.Wrede de 40 años, así como del italiano Francesco Maneri de 49 años. Los dos primeros están reclamados por la autoridad suiza, a través de Interpol.

La Orden de Detención expedida por el Ministerio Público de Lugano (Suiza) por delito de estafa prevé una pena de hasta cinco años de reclusión. Meninno y Wrede, están acusados de haber estafado en 1999 en Lugano, Luxemburgo y Marbella, en el marco de una operación inmobiliaria millonaria a un empresario del que consiguieron una garantía de dos millones y medio de dólares USA por medio de un cheque a favor de otro implicado que fue ingresado en parte en una cuenta de Mennino, mientras que Cedric preparó los contratos falsos.

Las investigaciones policiales realizadas en Málaga han permitido determinar que estas operaciones se diseñaban con minuciosidad, incluyendo falsificaciones de documentos, usurpación de personalidad, cargos, títulos, etc., atribuyéndose la calidad de notario, abogado y financiero. Incluso en Suiza, intervinieron profesionales de esos gremios en complicidad con esta red.

Durante los casi seis meses que estuvieron los detenidos y sus colaboradores embaucando a las víctimas, no escatimaban lujos, despliegue de medios para deslumbrar y dar mayor apariencia de realidad al objeto de fingir que representaban los intereses de grandes empresas extranjeras (a veces de origen árabe). Como señuelo marcaban la necesidad de realizar la mayor parte de las gestiones económicas fuera de España con el fin de eludir impuestos.

Los responsables de esta organización delictiva, si el perjudicado descubría

finalmente sus intenciones no dudaban, en utilizar las amenazas y coacciones o agresiones físicas si lo consideraban necesario.

Otro de los perjudicados fue un empresario español propietario de una finca de Marbella valorado en mas de mil millones de pesetas, al cual consiguieron engañar, utilizando todos los implicados nombres falsos y desempeñando diferentes papeles para hacer más creíble la operación, presentando documentos notariales. En Enero de 1999 cuando Mennino tuvo conocimiento que el empresario vendía la finca comenzó a diseñar la operación de estafa contando para ello con la complicidad de al menos nueve personas mas, entre ellas los otros dos detenidos Francesco Maneri, alias Franco (cuñado de Mennino) y Cedric Wrede, así como un notario suizo que garantizaba el pago de la operación en aquel país. Para ganar la confianza de la víctima fueron en muchas ocasiones a hoteles de lujo en Madrid y Suiza.

A Meninno le constan antecedentes por estafa, insolvencia punible y contra la salud pública.

Ha sido conocida por los investigadores otra estafa por valor de mil millones de pesetas, contra un empresario italiano al que han perjudicado apropiándose de una fabrica, terreno y efectivos.

La operación policial continua abierta esperándose el arresto de los restantes responsables de esta red organizada.

Los detenidos han pasado a disposición Judicial, tramitándose la extradición de los dos primeros.

Para más información Gabinete de Prensa de la Comisaría Provincial de Málaga (teléfono: 95-204-63-07)

Esta información puede ser usada en parte o en su integridad sin necesidad de citar fuentes

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OPERACIÓN 'MALAYA' | Implicado en una trama de blanqueo en Málaga y Granada
El italiano detenido ya fue investigado por blanqueo de dinero procedente de la mafia

MIGUEL ÁNGEL REINA. MÁLAGA Las investigaciones que han concluido con el desarrollo de las operaciones 'Ballena Blanca' y 'Malaya' tienen su génesis en el año 2000, cuando el entonces titular del juzgado de instrucción número 7 de Marbella, Santiago Torres, comenzó a acumular información sobre las tramas de corrupción en la ciudad. Ya entonces le fue entregado un informe elaborado por la Udyco Costa del Sol en el que se relacionaba a uno de los detenidos el martes en el curso de la tercera fase de la operación 'Malaya', Giovanni Piero Montaldo, consejero de la promotora Royal Holiday Internacional, con el blanqueo de dinero procedente de la mafia italiana.

El citado informe, al que ha tenido acceso La Opinión, sitúa a Montaldo como miembro de un grupo mafioso liderado por su compatriota Gianni Merinno, detenido por una reclamación internacional suiza por la policía malagueña en febrero de 2002 junto a Francesco Maneri (cuñado de Merinno) y el finlandés Cedric R. Alexandre Wrede.

Las pesquisas de la policía malagueña se apoyaron en comunicaciones procedentes de servicios policiales de Italia, Alemania y Estados Unidos, entre otros países, que calificaban a Merinno y a su círculo próximo de "grupo mafioso, grupo organizado con extrema importancia en el tráfico de cocaína desde Sudamérica a Europa, grupo delictivo con implantación en el blanqueo de capitales procedentes del narcotráfico, organización delictiva con implantación en el tráfico de armas a nivel internacional y red internacional con especial implantación en temas de juego ilegal.

Informes policiales vinculan a Merinno y a su grupo con Fran Colombo, perteneciente a una importante familia mafiosa de Nueva York dedicada a "servicios de seguridad"; con los empresarios del juego de Miami Rosario Spadaro y Gaetano Corallo, vinculado a la mafia italiana; y con el blanqueo de dinero procedente del clan mafioso de Santapaola, entre otros.

Estafas. Giovanni Piero Montaldo está relacionado directamente, según el informe policial, con el grupo de Merinno, del que también formarían parte Ugo Giovanni Gianino, Cristina Carla Simoncelli y Ana María Jiménez, que fuera secretaria del también italiano Felice Cuñtrera.

Montaldo, casado con la italiana Giuseppina Carenini, fue denunciado por estafa en Valencia en 1994, aunque las diligencias instruidas por el juzgado número 15 de esa capital fueron finalmente sobreseídas. Ese mismo año aparece implicado en diligencias policiales remitidas al juzgado de instrucción número 1 de Estepona por presunta estafa en la venta de apartamentos en régimen de multipropiedad a través de la empresa 'Feeling Vacances'.

En 1997 fue investigado por la Brigada de Delitos Monetarios por su supuesta implicación en una red de blanqueo de fondos en operaciones bancarias. Según la policía, la operativa utilizada por Montaldo consistía en presentar como clientes a italianos que contrataban cuentas a nombre de personas físicas y jurídicas en diversas sucursales bancarias de Málaga y Granada, para luego realizar transferencias de dinero, cuyo origen era Lugano (Suiza) y su destino Gibraltar.

Vínculos comerciales. Las pesquisas policiales revelaron que Montaldo mantenía fluidas relaciones empresariales y comerciales con Ugo Giovanni Gianino, considerado el nexo de unión del grupo de Gianni Merinno con organizaciones y personas implicadas en otras actividades delictivas. Según el referido informe, "bajo la apariencia de actividades inmobiliarias legales, ocultan otras actividades ilícitas como estafas inmobiliarias, falsificación de documentos, tráfico de estupefacientes, amenazas, coacciones, etc".

El informe establece vínculos, al menos comerciales, entre el grupo de Merinno y el Ayuntamiento de Marbella presidido entonces por Jesús Gil y Gil. Igualmente se les relaciona con los financieros árabes Adnam Kashoggi y Monzer Al Kassar.

Pruebas. Varios funcionarios transportan cajas de documentación intervenida en los registros. arcinlega

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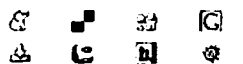
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El fiscal anticorrupción documenta la relación de Gil y la familia Ramírez con la Mafia italiana

Ampliada la denuncia contra la juez de Marbella Pilar Ramírez ante el Poder Judicial

JOSÉ YOLDI - Madrid - 13/07/1999

Vota

Resultado ★★★★★ 24 votos



El fiscal jefe anticorrupción, Carlos Jiménez Villarejo, documentó ayer la relación existente entre Jesús Gil, los mafiosos italianos de la familia Santapaola Felice Cultrera, Gianni Meninno y Ugo Giovanni Gianino y los familiares de la juez decana de Marbella, Pilar Ramírez, que asesoran jurídicamente a éstos. Jiménez Villarejo presentó ayer una ampliación de la denuncia interpuesta contra la magistrada Ramírez ante el Consejo General del Poder Judicial, cuyo Servicio de Inspección ya ha concluido una primera investigación con una propuesta verbal de separación del servicio y apertura de expediente por cinco faltas muy graves. La comisión disciplinaria se reunirá el lunes día 19.

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La magistrada Ramírez, en su calidad de decana, ha intentado por vía administrativa apartar al juez Santiago Torres del denominado *caso Atlético*, en el que Gil está acusado de estafa y malversación. El fiscal anticorrupción la ha recusado sin éxito y finalmente la ha denunciado ante el CGPJ. La

ampliación de la denuncia señala: "La relación entre M^a del Pilar Ramírez Balboteo y Jesús Gil y Gil, a través de los negocios entablados entre éste, a título particular, y también como Alcalde de Marbella, con los ciudadanos italianos Felice Cultrera, Gianni Meninno y Ugo Giovanni Gianino, quienes están asesorados jurídicamente por Juan Ramírez Rodríguez [padre de la juez], Juan Carlos Ramírez Balboteo [hermano de la magistrada] y Diego Jiménez Balboteo [primo carnal], está sobradamente acreditada y se desprende sin duda alguna del contenido de las Diligencias Previas 365/91 del Juzgado Central nº 5 de la Audiencia Nacional".

Tras señalar que también está acreditado que los familiares de la juez han venido apareciendo como socios, administradores o apoderados de las sociedades pertenecientes al grupo de los italianos, destaca que la relación entre Gil y la familia Ramírez se ha prolongado en el tiempo y se ha confirmado con los convenios urbanísticos suscritos entre el Ayuntamiento marbellí y las sociedades regentadas por éstos. De ahí infiere el fiscal anticorrupción el deber de la juez de abstenerse en los asuntos que afecten a Gil, lo que no hizo.

El fiscal recuerda que la relación entre Gil, los italianos y los familiares de la juez decana ha sido públicamente desmentida por el propio Gil y el padre de la magistrada en fechas recientes.

Sin embargo, según escrito presentado por Jiménez Villarejo, la información de la policía responde a la realidad y las vinculaciones por negocios "no sólo se desprende de la investigación seguida en su día por la Audiencia Nacional, sino que también encuentra acreditación documental".

Recalificación sospechosa

El fiscal anticorrupción precisa en el escrito que en las investigaciones policiales de la sociedad Milauto Marbella, por delito de receptación (venta de objetos robados) de coches de lujo se realizaron varios registros en locales de la empresa donde intervinieron numerosos documentos, muchos de los cuales pertenecían a Cultrera, Meninno y Gianino. La gerencia de Milauto correspondía a Gianino y su defensa jurídica a Diego Jiménez Balboteo. Entre la documentación incautada figuran las de sociedades del grupo: Giamar, Menimar, Bellantoni Puerto, Talent Management Services, Desjipo,

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Shoreman, Hythe, Larashe,... También, un informe-propuesta sobre un contrato de fecha 12 de agosto de 1992, con el membrete Shoreham Investments y el de Gianni Meninno, para la constitución de un holding que se denominaría Marbella España, entre un inversor extranjero que participaría con el 90% y el Ayuntamiento de Marbella, "cuyo Alcalde es Mr. Jesús Gil", con el restante 10%.

A los italianos les fue incautada igualmente una carta, que el fiscal aporta en la denuncia. Está escrita en inglés, con un encabezamiento del Club Financiero Inmobiliario, empresa de Gil, fechada el 1 de junio de 1992, dirigida al jeque Hassan Enany, y firmada por Juan Antonio Roca, persona de máxima confianza de Gil, y encargado de la gestión y planeamiento municipal del urbanismo.

La carta dice: "Su Excelencia, siguiendo la conversación telefónica mantenida entre Mr. Jesús Gil y HE Scheick Hassan Enany y en presencia de Mr. Meninno Gianni, Pastor Ramón y Roca Juan Antonio, le exponemos los puntos sobre el acuerdo alcanzado para su aprobación".

Entre los proyectos que se mencionan figuran:

- 1.- Recalificación de Holandalucía. Importe, 1.000 millones de pesetas.
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 - a) Puerto Deportivo Marina de Marbella, 4.000 millones.
 - b) Puerto Banús, 4.000 millones de pesetas.
 - c) Portillo, 400 millones.

También se ha aportado otra carta de Meninno a Enany con copia para Gil, en la que le explica que no necesita intermediarios para tratar con Gil, porque "es quien toma las decisiones".

En la denuncia se cita también el *asunto Belmosa*, una recalificación de un edificio de apartamentos situado en zona verde, en el que la decana apartó del caso al juez número 7 de Marbella.

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


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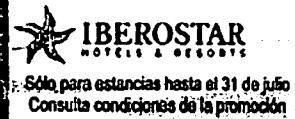
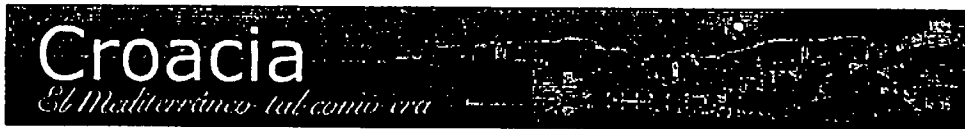
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El Poder Judicial abre expediente a la decana de Marbella e inicia los trámites para suspenderla

El juez Torres no vulneró la ley para quedarse con el caso del Atlético de Madrid

JOSÉ YOLDI - Madrid - 20/07/1999

Vota

Resultado ★★★★★ 25 votos



La comisión Disciplinaria del Consejo General del Poder Judicial acordó ayer por unanimidad abrir un expediente disciplinario a la juez decana de Marbella, Pilar Ramírez, e iniciar los trámites para suspenderla cautelarmente en sus funciones antes de fin de mes. El expediente abarcará todas las propuestas formuladas por la Inspección del Consejo, salvo la relativa a su participación en una decisión de la junta electoral en relación con un vídeo del Partido Andalucista en el que se le acusaba de vinculaciones con Jesús Gil. El traslado forzoso de la juez corresponde a la Comisión Permanente.

El caso del vídeo electoral del PA queda fuera de la investigación porque Ramírez no actuó como juez

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El expediente disciplinario abarcará las siguientes conductas de la magistrada: no comunicar al Consejo que es incompatible para ejercer su cargo en Marbella (Málaga), donde su familia tiene importantes intereses económicos, y la vulneración o incumplimiento del deber de abstención en casos en los que tenía interés, como el nombramiento de comisario y administrador en la quiebra de Banús Andalucía la Nueva.La

decisión de la Comisión Disciplinaria del órgano de Gobierno de los jueces tiene su base en el informe elaborado por el Servicio de Inspección del CGPJ, que desplazó tres inspectores a Marbella para investigar la denuncia formulada por el jefe de la Fiscalía Anticorrupción, Carlos Jiménez Villarejo, contra la juez decana. -

Incompatibilidad.

Los inspectores constatan en los primeros 29 folios de su informe la importante actividad económica de miembros de la familia de la juez, en especial de su padre, Juan Ramírez Rodríguez; su hermano, Juan Carlos Ramírez Balboteo; o su primo Diego Jiménez Balboteo, con representación en una treintena de sociedades con sede en Marbella, en algunas de las cuales intervienen como socios, propietarios o apoderados los italianos Felice Cultrera, Gianni Meninno, Ugo Gianino, vinculados al Clan Santapaola, de la Mafia de Catania (Italia). Se incluye un proceso por estafa tramitado en el juzgado 4 de Marbella contra Meninno, Cultrera y el padre de la juez, y cuyo juicio está previsto para mayo del año que viene en el Juzgado de lo Penal número 6 de Málaga. Esas sociedades, que otorgan poderes casi siempre a las mismas personas -los familiares de la juez Ramírez- han participado en importantes operaciones de alto valor económico en Marbella. El informe destaca también lo insólito de que un oficial de los juzgados jubilado, como es el caso del padre de la juez, Juan Ramírez, tenga tanta intervención en sociedades salvo que tenga intereses económicos.

Y la ley establece que los jueces no podrán desempeñar sus cargos en una población de menos de 100.000 habitantes en la que parientes en segundo grado tengan intereses económicos, para que no obstaculice su imparcialidad como juez.

El informe señala que esa situación que afloró en el pasado continúa hoy, y que los intereses tanto del padre como del hermano de la juez Ramírez siguen siendo muy importantes. Además, incluye que Marbella nunca ha superado los 100.000 habitantes, en contra del certificado del Ayuntamiento aportado por la magistrada en el anterior expediente iniciado en 1996. El Ayuntamiento de Marbella, en sesión urgente pretendió modificar el censo en 1998 con un resultado de 102.050 habitantes, pero el Instituto

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Nacional de Estadística revocó la decisión por haber personas cuyos datos aparecían duplicados dentro del padrón de Marbella, o en los padrones de otros municipios, así como difuntos que no habían sido dados de baja. El censo quedó fijado en 98.377 personas a fecha 18 de marzo pasado y continúa vigente.

Ese dato fue determinante para el archivo del anterior expediente, por lo que al ser falso, la inspección considera que debe reabrirse o incoarse uno nuevo. La inspección, en cualquier caso, considera que la juez está incurso en un caso de incompatibilidad sobrevenida. Pilar Ramírez tenía la obligación de haber comunicado su incompatibilidad al Poder Judicial y no lo hizo, lo que constituye un falta muy grave. Dentro del expediente que se abra, señala el informe, debería investigarse la actividad económica del marido de la magistrada, el farmacéutico Nicolás Navarro Abadía. -

Vínculos con Jesús Gil.

El informe constata el malestar social refrendado por el resto de los jueces de Marbella por las relaciones económicas entre la familia de la decana y el alcalde Jesús Gil y su entorno. Destaca el trato de favor, al menos aparente, que la magistrada ha dado al Ayuntamiento marbellí, cuyo alcalde es precisamente Gil, en casos que ha tramitado. Entre estos casos, llama la atención el de la quiebra de la sociedad Banús Andalucía la Nueva SA, instada por el Ayuntamiento de Marbella. La juez designó depositario y administrador judicial a Antonio Calleja, cuyo nombramiento había sido reiteradamente solicitado por el Ayuntamiento. También nombró administrador a Antonio Sampietro, concejal del grupo político de Gil, sin argumentar la necesidad y proporcionalidad de la medida. La decisión fue revocada por la Audiencia de Málaga.

El informe de la inspección señala que la gravedad de la actitud procesal de la juez, tras nombrar administrador e interventor de la quiebra a los designados por el Ayuntamiento y la inactividad tendente a comprobar si el designado había sido recusado en la quiebra podría dar lugar a la depuración de las responsabilidades correspondientes, no sólo disciplinarias, sino también penales.

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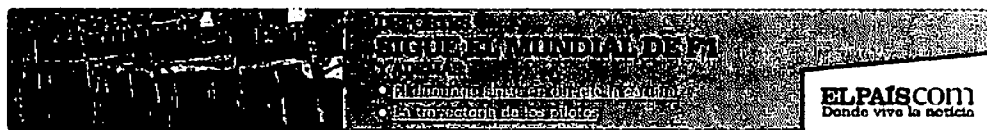
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'CASO PILAR RAMÍREZ' La amistad y consanguinidad con el padre, el hermano o el primo de la juez Ramírez sirvió, a veces, como arma contra los demandantes o los demandados de los casos que tramitaba la decana de Marbella. Es el caso de Ugo Giannino, relacionado con Felice Cultrera y socio de Gianni Mennino en la empresa Giamar, SA, en la que Juan Carlos Ramírez, hermano de la magistrada, fue administrador único.

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Giannino, vinculado presuntamente a la Mafia siciliana, constituyó una sociedad llamada Milauto Marbella, SA, también con Juan Carlos Ramírez, hermano de la juez. La sociedad se vio envuelta en un procedimiento penal por importación y compra-venta de coches robados. La instrucción de una parte del caso correspondió a la juez Ramírez.

Dos de los imputados la recusaron y alegaron que Giannino les había asegurado que si declaraban

en su contra seguirían como acusados por ser su abogado Juan Carlos Ramírez, el hermano de la magistrada. Pilar Ramírez se negó a admitir a trámite el incidente de los imputados.

Giannino volvió a encontrarse con la juez. En 1990 presentó una demanda contra Roberto Petrus Smit por una deuda reconocida de nueve millones de pesetas. En esta ocasión le representó como letrado Diego Jiménez Balboteo, primo carnal de la magistrada y su actual abogado. La decana dictó sentencia favorable al cliente de su primo. Giannino tiene antecedentes por estafa y receptación. La policía le relaciona con Al Kassar.

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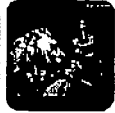
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Canal de la Sociedad de la Información

STATEMENT OF FACTS (final report)

Ferrari VIN #0799GT: The Spanish Episode

PHASE ONE 1991 – 1993: The trap

Relevant crimes: defraud and forgery of documents

Year 1991

1. Reconstruction of happenings:

Mr. Bernhard Friedli, a Swiss citizen and entrepreneur of the city of Thun, was a member of the board of the Swiss Post and of ARAL Oil Company. Mr. Friedli was an honorable and wealthy man when he died in 1996. Mr. Friedli owned a real estate property in Spain and owned six Ferrari cars. In the beginning of the 1990ies he decided to sell the real estate property in Spain. In the course of the negotiations he had met several dubious Italians (most probably members of the organized crime), which pretended to be interested in buying his real estate property in Spain. I am not informed in details what happened in the process of this deal, but I know that Mr. Friedli and his family lost a lot of money in this respect. I suppose that the Italians accomplished the transfer of the real estate property together with a notary public, but never paid the granted price. I am informed that the Friedli was involved in civil trials in Spain until 1999 in this respect. Additionally, I know that a certain Mr. Felice Cultrera (the boss of the Italians) and a Mr. Gianni Meninno, represented by an Attorney called Juan Ramirez, were also involved in that real estate deal. Regarding the criminal conduct and the modus operandi of Mr. Felice Cultrera, Gianni Meninno and Juan Ramirez I am referring to the newspaper articles according to attachment 32-38 of my "request for seizure" from July 2008.

During the negotiations regarding the real estate deal Mr. Friedli met the Italians Mr. G. Giudice and Gianni Meninno. They had a meeting at the house of Mr. Giudice in Marbella in July 1991. During this meeting Mr. Friedli mentioned his Ferrari cars and told the Italians, that he would be interested in selling four Ferrari cars for USD 2.1 millions. Mr. Giudice pretended to buy all four cars for USD 1.9 million. They had a verbal agreement on the price of USD 1.9 million, no written sales contract was concluded. Mr. Giudice assigned Mr. Friedli to deliver the four Ferrari cars to a garage called "Motorauto Marbella"

(in Marbella/Spain) which was managed by Mr. Kelvin Fisher. Mr. Friedli and Dr. Gerber never met Mr. Kelvin Fisher personally (except at court later on). Mr. Friedli had to cover costs of transportation and insurance personally. On the other hand, Mr. Giudice paid customs. Mr. Giudice asked Mr. Friedli to transport the cars with pro forma invoices for the customs declaring lower car prices (the Italians probably wanted to save on VAT). So Mr. Friedli did. As it will be shown later this was a trap.

To underline his interest and to convince Mr. Friedli, Mr. Giudice presented a letter of credit (bank order) in favor of Mr. Friedli at the Italian Consulate in Malaga/Spain on 18 July 1991 in the presence of the alleged Italian Vice-Consul. The letter of credit had a stamp of the Italian Consulate on it. It was agreed to deposit that document at the Italian Consulate in Malaga/Spain on the name of Mr. Friedli. It was Mr. Gianni Meninno, who was in charge to obtain the mentioned letter of credit on behalf of Mr. Giudice. As it will be shown later no money was ever paid to Mr. Friedli (and his family) or to Dr. Gerber until this day.

- Evidence**
1. Mr. Friedli's note regarding his negotiations with Mr. Giudice and Mr. Gianni Meninno in German and Spanish (Spanish version: 12 November 1991 / German version with fax date: 19 March 1992) **No. 1**
 2. Mr. Friedli's note concerning his problems and negotiations with Mr. Meninno and Attorney Juan Ramirez, August 29, 1991 **No. 2**
2. Mrs. Friedli and Mr. Gerber agreed on transporting the Ferrari VIN 0799GT to Marbella/Spain in order to sell the car. Ferrari 0799 was transported to Spain along with the three other Ferrari cars (VIN 1893GT, 365GT13811, 2925GT) which belonged to Mr. Friedli. The four cars were transported from Berne, Switzerland, to Marbella, Spain on 26 July 1991 by the carrier "Somatra AG" in 3001 Bern, Switzerland. The four cars were transported with three Swiss registrations certificates and four reports, confirming the take over of the cars by the carrier "Somatra AG". For the transport of the cars, and only for its transport, an insurance policy was concluded. The insured value was CHF 2.926 millions (about USD 2 millions); the insurance premium was fixed at CHF 13,167 (about USD 8,800).

According to the instruction of Mr. Giudice, Mr. Friedli declared the following prices at the customs which were far below market value. Dr. Gerber was not informed about these declarations:

Ferrari VIN 0799:	USD 180,000
Ferrari VIN 13811:	USD 40,000
Ferrari VIN 2925:	USD 40,000
Ferrari VIN 1893:	USD 90,000

Remark:

According to Ferrari expert Marcel Massini, proforma-invoices are only used for customs declarations. Furthermore, proforma-invoices cannot be qualified as a title.

- Evidence**
1. Insurance policy (and bill) of the carrier "Somatra", CH-3001 Bern, dated 7 August 1991 **No. 3**
 2. Bill of lading "Somatra AG", Bernhard Friedli / Kelvin J. Fisher, August 28, 1991 **No. 4**
 3. "Certificate of Insurance for car only", regarding Ferraris VIN 1893GT, 0799GT, 365GT13811, 2925GTE, issued by the carrier "Somatra AG", Bern, Switzerland, July 26, 1991 **No. 5**
 4. Three Swiss registration certificates, Ferrari 1893GT, 2925GTE, 365GT13811 **No. 6**
 5. Pro forma invoice regarding all four Ferraris, signed by Mr. Friedli on July 23, 1991, declaring a price below market value for Ferrari VIN 0799: USD 180,000 instead of approximately USD 1.15 million **No. 7**

3. After the delivery of the cars to Spain, Mr. Friedli noticed that no money had been paid to him. Therefore, his Spanish lawyer, Attorney Torrabadella, instructed Mr. Kelvin Fisher by fax message dated 16 August 1991 not to hand over the Ferrari cars to Mr. Giudice or to any other person.

On 21 August 1991 Attorney Marc Stucki from Berne, Switzerland, (Mr. Bernhard Friedli's Swiss Lawyer) was informed by Attorney Torrabadella (Mr. Friedli's Spanish Lawyer in Marbella) on the phone, that the latter had serious doubts concerning the seriousness of Mr. Kevin Fisher (the manager of "Motorauto Marbella") and Mr. G. Giudice. Attorney

Marc Stucki and Attorney Torrabadella planned to bring the cars to a safe place according to a file note of the former, dated 21 August 1991.

The reason for this caution was a remark of Mr. Kelvin Fisher, who told Attorney Torrabadella and Mr. Friedli, that he would have the right to sell the four Ferrari cars to anyone, because the cars were not explicitly designated to Mr. Giudice. Mr. Fisher threatened furthermore to sell the four Ferrari cars for the too low price of USD 350'000 according to the transport documents (pro forma invoice), to deduct his expenses and then to transfer the rest of the money to Mr. Friedli's bank account. Even Attorney Juan Ramirez, the lawyer of Mr. Kelvin Fisher (and a family member of the Marbellan Judge Pilar Ramirez) told Attorney Torrabadella, that Mr. Kelvin Fisher could not be considered as a serious businessman (!) and recommended to bring the cars to a safe place.

On 21 August 1991 Mr. Friedli gave Mr. Fisher the clear instruction by fax message not to hand out his cars to anybody except to his lawyer Mr. Jaime Torrabadella or to himself. Mr. Friedli had – as already mentioned – severe doubts about the seriousness of Mr. Fisher and his potential client Mr. Giudice. The same instruction was expressed by Attorney Torrabadella to Mr. Kelvin Fisher on 21 August 1991 via registered mail.

- | | | |
|-----------------|--|--------------------|
| Evidence | 1. File note of Attorney Marc Stucki on 21 August 1991 | No. 8 |
| | 2. Letter of Attorney Torrabadella to Mr. Kelvin Fisher, dated 16 August 1991, instructing the latter not to move the cars | No. 9 |
| | 3. Fax message of Mr. Bernhard Friedli to Mr. Kelvin Fisher, dated 21 August 1991, instructing the latter not to dispose any of Mr. Friedli's cars | No. 10 |
| | 4. Letter / fax message from Mr. Kelvin Fisher / Attorney Jaime Torrabadella, dated 21 August 1991, claiming that the former would be allowed to sell the cars to anyone and not just to Mr. Giudice | No. 11 |
| | 5. Letter (registered mail) and fax message from Attorney Torrabadella to Mr. Kelvin Fisher, dated 21 August 1991, instructing the latter not to move the cars | No. 12 / 13 |

Attorney Torrabadella tried to store the four Ferrari cars at a safe place. Mr. Kelvin Fisher illegally refused to hand over the cars to Attorney Torrabadella. On 28 August 1991 Attorney Jaime Torrabadella filed a criminal complaint on behalf of Mr. Bernhard Friedli against Mr. Kelvin Fisher and probably against Giuseppe Giudice and Ugo Giannino at the Police Commissariat in Marbella/Spain. The reasons for this legal step were the manipulations by

Mr. Kelvin Fisher, Mr. Giudice and Mr. Giannino regarding the purchase price and the unlawful appropriation / retention of the cars. Attorney Jaime Torrabadella additionally requested the Instruction Judge No. 2 to deposit the four Ferrari cars at a safe place. The criminal complaint of 28 August 1991 is difficult to read. A fax message in French dated 29 August 1991 from Attorney Torrabadella to Attorney Marc Stucki informs about the undertaken legal steps and also mentions the missing confidence in Mr. Kevin Fisher. Attorney Torrabadella told Attorney Marc Stucki in this fax message, that he worries about the insurance policy, which only covered the risks *during the transport* from Switzerland to Spain, *but not any further risk or potential damage, which could happen after the transport*. Nevertheless, Attorney Torrabadella recommended Mr. Friedli to "keep" his insurance policy, because of the obvious missing confidence in Mr. Kelvin Fisher.

Additionally, Attorney Torrabadella wrote a letter to Attorney Juan Ramirez (who is representing Mr. Kelvin Fisher) on 6 September 1991. In this letter Attorney Torrabadella complains about the illegal behavior of Mr. Kelvin Fisher (especially about the retention of the cars) and about the manipulation of the car prices/values. He asked Attorney Juan Ramirez to provide the claimed authorization, which would have given Mr. Fisher the right to negotiate and sell the cars.

Attorney Diego Jimenez Balboteo (also representing Mr. Fisher and cousin of Attorney Juan Ramirez) replied on 6 September 1991, that no car will be given to anyone without previous payment. No authorization document was provided by Attorney Balboteo to legitimate the claimed right of Mr. Fisher to sell the cars.

Attorney Torrabadella informed Attorney Diego Jimenez Balboteo in a fax message on 8 September 1991 clearly, that Mr. Fisher is not legitimated to sell or dispose any of the cars and herewith asked to the return the cars.

- | | | |
|-----------------|--|-----------------------------|
| Evidence | 1. Criminal complaint of Attorney Torrabadella, filed against Mr. Kelvin Fisher and Motorauto Marbella at the commissariat of Marbella, dated 28 August 1991 (including summon of 23 August 1991 written by Attorney Torrabadella) | No. 14 /
No. 14a |
| | 2. Fax message from Attorney Torrabadella to Attorney Stucki and Dr. Bratschi (in French) on 29 August 1991 mentioning the missing confidence in Mr. Kelvin Fisher and the obvious insurance problems | No. 15 |

3. Fax message from Attorney Torrabadella to Attorney Juan Ramirez (representing Mr. Kelvin Fisher) on 6 September 1991 complaining about the illegal retention of the cars and about the manipulation regarding the car values **No. 16**
4. Fax message of Attorney Diego Jimenez Balboteo (also representing Mr. Kelvin Fisher) to Attorney Torrabadella on 6 September 1991 **No. 17**
5. Fax message of Attorney Torrabadella to Attorney Diego Jimenez Balboteo (representing Mr. Kelvin Fisher) on 8 September 1991 **No. 18**
6. Statement of Mr. Fisher at the Notary Public on 22 August 1991 **No. 19**
7. Fax message from Attorney Torrabadella to Mr. Kelvin Fisher, warning the latter, on 27 August 1991 **No. 20**
8. Letter from Mr. Kelvin Fisher to Attorney Torrabadella on 28 August 1991 **No. 21**
9. Statement of Attorney Torrabadella at the Notary Public on 30 August 1991 **No. 22**

4. Manipulations at the Italian Consulate in Malaga/Spain

Prior to the transport of the Ferraris from Switzerland to Spain a letter of credit (bank order of USD 1.9 million) was allegedly issued by the "Banca d'America d'Italia" in Rom. As mentioned before, this document was presented to Mr. Friedli by the Italians Mr. Giuseppe Giudice and Mr. Gianni Meninno to emphasize (and pretend) their interest "in buying" the Ferrari cars and to convince (and trap) Mr. Friedli. It was agreed to deposit this letter of credit at the Italian Consulate in Malaga/Spain on the name of Mr. Friedli. This letter of credit was one of the traps set out for Mr. Friedli by Mr. Giudice and his partners. After the delivery of the four Ferraris to Spain, Mr. Friedli went to the Italian Consulate to pick up his letter of credit on 14 August 1991. At the Italian Consulate he noticed that there was indeed a sealed envelope deposited for him, but the said letter of credit was not in there! The lawyer of Mr. Friedli, Dr. Bratschi (from Berne, Switzerland) contacted the Italian Vice-Consul in Malaga (who should have legalized the bank orders) in order to find out, what had exactly happened. It later turned out that the bank orders presented to Mr. Friedli were forged. Later Mr. Friedli found out that the man, whom the Italians (Mr. Giudice) presented to him as the Italian Vice-Consul, was in fact not a real consul, but the secretary of the Mafia boss Mr. Felice Cultrera, called Mr. Ugo Giannino;

he was only "playing" a vice-consul. How and why they had access to the Italian Consulate in Malaga/Spain remains unclear.

- Evidence**
1. Letter from Attorney Dr. Peter Bratschi (representing **No. 23** Mr. Friedli) to the Italian Vice Consul in Malaga/Spain on 12 September 1991
 2. Letter from the Italian Vice-Consul to Attorney Dr. Peter **No. 24** Bratschi on 23 September 1991 (in Italian)
 3. Declaration of Mr. Friedli to the Instruction Judge No. 2, **No. 34** Marbella, on 12 December 1991

5. No money was ever paid (but a lot of false promises were made) to Mr. Friedli. This is the reason, why Mr. Friedli asked Mr. Kelvin Fisher to return the cars, which the latter illegally refused as mentioned above. On October 23, 1991, the Instruction Judge No. 2 of Marbella ordered to deposit and to seal all four Ferrari cars at the official Mercedes garage/agency in San Pedro de Alcantrara, Marbella, Spain. Mr. Friedli was informed about this judicial order by his other Spanish Attorney Javier Febregat (Madrid), who sent a fax message to Attorney Dr. Peter Bratschi (Swiss lawyer of Mr. Friedli, besides Attorney Marc Stucki) on 23 October 1991.

In this fax message Attorney Febregat also informed Dr. Bratschi (and Mr. Friedli) about the other legal procedures regarding the problems of the sale of Mr. Friedli's real estate property in Spain (probably to the Ramirez group). The "Ramirez Group" was also holding the bogus company "Motorauto Marbella S.L". The family Ramirez was very powerful in the 1990ies in Marbella. A member of this family (and family holding) was the dean of the Marbella court (Mr. Pilar Ramirez), as well as Attorney Juan Carlos Ramirez, who was representing Mr. Kelvin Fisher. Thus, there was a direct link between the Court of Marbella and the bogus company "Motorauto Marbella S.L". The criminal activities of the family Ramirez and the corruption in Marbella will be shown in a separate document.

It is important to know, for any future procedures, that the original car documents like the Swiss registration documents (which were transported together with the cars from Switzerland to Spain) were kept by Mr. Kevin Fisher. During the procedure lead by the Instruction Judge No. 2, Mr. Kelvin Fisher (represented by Attorney Diego Jimenez) started (to the surprise of Mr. Friedli) to claim, that the company "Motorauto Marbella S.L." would "own" the four Ferraris and that he would be willing to pay the (ridiculous low) price of

USD 350'000.00 according to the custom documents (the market price of the four cars was according to an expertise about USD 2 millions / the cars were insured for 2,926 millions Swiss Francs during the transport from Switzerland to Spain). In fact, Mr. Kelvin Fisher's job was only to receive and to store the Ferraris as agreed with Mr. Giudice. Mr. Fisher's claim to buy or to have bought the cars for USD 350,000.00 was the result of a trap, set out for Mr. Friedli, when the latter was instructed by Mr. Giudice to fix the car value too low in the customs documents.

Remark 1:

Dr. Gerber never gave an approval to sell Ferrari 0799 to a concrete buyer as such one was never presented to him or to Mr. Friedli.

Remark 2:

According to Ferrari Expert Marcel Massini it is the practice in the old-timer community (not only in the Ferrari scene) to sign the car title in order to transfer the car from the seller to the buyer and to confirm that the car is free from any liens or encumbrances. Mr. Friedli and Dr. Gerber never signed any title or car registration document and thus never approved a transfer of the cars (see evidence No. 31).

Remark 3:

The Swiss car registration certificate is not comparable to the US title to a motor vehicle. The Swiss car registration certificate only lists the holder of the car, who is not necessarily the owner. Additionally the Swiss registrations certificates were not valid anymore as the stamp "ungültig" and "annuliert" proves.

In order to counter the argument of Mr. Kelvin Fisher regarding the manipulated value/price of the cars (USD 350'000), Mr. Friedli ordered an expertise about the value of the cars. This expertise was conducted by the Ferrari garage "Graber Automobile AG", in Wichtrach, Switzerland, on 11 December 1991. This expertise was notarized by Martin Ruefennacht (Notary Public of the Canton Berne) on 6 January 1992. The maximum value of all four cars was estimated at 2,180,000.00 Swiss Francs (about USD 1,450,000.00). The market prices for Ferrari cars already started to drop due to the overheated Ferrari market.

The reason why Dr. Gerber was not involved as plaintiff in this criminal procedure, initiated by Mr. Friedli against Mr. Kelvin Fisher (and probably against Mr. Giuseppe Giudice), was to avoid delays and unnecessary complications of this criminal procedure.

On the other hand, Dr. Gerber and his lawyer, Dr. Reto Ruoss from Zurich, were constantly informed about the proceedings in Spain by Dr. Bratschi and Mr. Marc Stucki (Swiss Attorneys of Mr. Friedli).

- Evidence**
1. Judge Order, Instruction Judge No. 2 from Marbella, **No. 25**
23 October 1991, instructing the deposit and sealing of all four Ferrari cars at the official Mercedes garage at San Pedro de Alcantara, Marbella/Spain
 2. Fax message from Attorney Javier Febregat (Madrid) to Dr. Peter Bratschi (Berne, Switzerland), both representing Mr. Friedli, dated 23 October 1991, informing about the judge's order of 23 October 1991 **No. 26**
 3. Notarized expertise regarding the real value of the cars, "Graber Automobile AG, Wichtrach, Switzerland, dated 11 December 1991 (legalized by notary Martin Ruefenacht) **No. 27**
 4. Letter from Mr. B. Friedli to Attorney Torradadella, dated 12 September 1991, sending him the copy of the Ferrari Swiss registration documents and informing the latter, that the original Swiss registration documents are in the hands of Mr. Kelvin Fisher **No. 28**
 5. Translated (erroneous) statement of Attorney Diego Jimenez, (cousin of Attorney Juan Ramirez who is representing Mr. Kelvin Fisher), dated 20 September 1991. Attorney Jimenez claims that Motorauto Marbella would be the owner of the four Ferraris and that the agreed price would be USD 350'000 **No. 29**
 6. Fax message from Attorney Torradadella to Dr. Bratschi and Mr. Stucki (in Berne/Switzerland), all of them representing Mr. Friedli's interests, dated 24 September 1991, explaining the erroneous statements of Attorney Diego Jimenez **No. 30**

6. Court proceeding (criminal procedure) in Marbella / interrogations and declarations:

Mr. Bernhard Friedli made a declaration to the Instruction Judge No. 2 (police commissariat) in Marbella on 26 September 1991. In this declaration, Mr. Friedli describes the criminal conduct and manipulations of Mr. Fisher and Mr. Giudice. The most important statements are underlined in the translated text. During this interrogation Mr. Friedli made it clear, that he

was still the owner of the cars and no transfer (of ownership) had happened due to the fact, that no payment was ever made to him. He stated explicitly at court: *"but without signing the transfer because the purchase price/amount was not paid yet"* (*"sin firmar la transferencia porque todavia no ha percibido el importe de la venta"*; see evidence No. 31, page 2). He also made clear, that the cars were in perfect condition and no restoration was needed as Mr. Fisher claimed.

Another declaration was done by Mr. Friedli to the Instruction Judge No. 2 in Marbella on 12 December 1991. In this statement, Mr. Friedli explained the manipulations regarding the letter of credit at the Italian Consulate in detail.

Mr. Kelvin Fisher declared his point of view to the Instruction Judge No. 2 of Marbella on 12 December 1991. He made a lot of false allegations during this interrogation. When it came to delicate questions, Mr. Fisher often did not answer the question or claimed not to know anything, although he was the manager of "Motorauto Marbella" as he claimed.

Furthermore, Mr. Antonio Moreno Canovas made a declaration to the Instruction Judge No. 2 of Marbella on 12 December 1991. Mr. Antonio Moreno Canovas was the manager of the official Mercedes garage, where the four Ferraris were deposited, based on the judge's order on 23 October 1991.

The Italians, Mr. Giuseppe Giudice and Mr. Ugo Giannino, did not attend this interrogation.

District Attorney Don Guillermo Leal Aragoncillo requested the Instruction Judge No. 2 of Marbella on 19 December 1991 to order an interrogation of the Italian Vice-Consul of Italy in Malaga, Mr. Jimenez. According to my information this interrogation of the Italian Vice-Consul curiously never took place.

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| Evidence | 1. Declaration of Mr. Friedli to the Instruction Judge No. 2, Marbella, 26 September 1991 | No. 31 |
| | 2. Declaration of Mr. Kelvin John Fisher to the Instruction Judge No. 2, Marbella, 12 December 1991 | No. 32 |
| | 3. Declaration of Mr. Antonio Moreno Canovas to the Instruction Judge No. 2, Marbella, 12 December 1991 | No. 33 |
| | 4. Declaration of Mr. Friedli to the Instruction Judge No. 2, Marbella, 12 December 1991 | No. 34 |
| | 5. Statement and Request of the District Attorney to the Instruction Judge No. 2 of Marbella, 19 December 1991 | No. 35 |

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7. Mr. Friedli and his Attorney Jaime Torrabadella tried to reinsure the four Ferrari cars in Spain. According to a fax message from Attorney Torrabadella to Mr. Friedli on 28 January 1992 it was impossible to insure the four cars in a satisfying way in Spain. The insurance companies required an alarm system, which had to be connected to the police. Attorney Torrabadella recommended Mr. Friedli to contact his Swiss insurance in order to reinsure the four Ferraris.

Additionally, Attorney Torrabadella reminded Mr. Friedli in this fax message in a very clear way not to forget that they were dealing with "gangsters" (regarding the case against Mr. Kelvin Fisher and the Italians).

- Evidence**
1. Fax message from Attorney Torrabadella to Mr. Friedli, **No. 36** 28 January 1992 (in French), informing about the search regarding a new insurance policy
 2. Fax message of the Insurance Company "Lloyd Adriatico **No. 37** España" to Attorney Vicente Ortiz Alvarez (also representing Mr. Friedli), dated 4 March 1992

8. In a fax message from 12. March 1992 to Attorney Marc Stucki, Attorney Vicente Ortiz Alvarez is referring to the letter of the Italian Vice-Consul in Malaga. This letter was not helping to clarify the happenings at the Italian Consulate in respect to the manipulated/forged "bank order".

On March 17, 1992 a new court hearing and confrontation between Mr. Friedli and Mr. Kelvin Fisher took place at the Instruction Judge No. 2 of Marbella. During this hearing the "magic trick" with the empty envelope (as Attorney Marc Stucki calls it) at the Italian Consulate in Malaga was examined in detail. The Instruction Judge No. 2 had the opinion, that this incident with the empty envelope had such an importance, that the competent court would be the one in Malaga instead of the court in Marbella. Nevertheless, the Instruction Judge No. 2 of Marbella continued the procedure and did not transfer the case to the court of Malaga (*where the family Rodriguez could probably not have controlled respectively influenced the court proceeding anymore*). During this court hearing, Mr. Friedli also tried to convince the judge, that the true value of the four cars is about CHF 2 millions and not USD 350,000 as claimed by Mr. Fisher. For that purpose, he obtained a document from the Tax Administration of the Canton Berne, Switzerland, (con-

firming the car values of CHF 2 millions in 1992) and insurance papers regarding the transport insurance policy (car values of CHF 2,926 millions in 1991).

In a fax message from 12 April Attorney Vicente Ortiz Alvarez replies to the letter of Marc Stucki from 20 March 1992 (and not 20 April 1992 as Mr. Alvarez falsely wrote). In this fax message Attorney Alvarez explains the possible course of the criminal procedure as well as the civil procedure, which was to be started.

The confirmation of the Tax Authority was translated into Spanish and legalized by the Chancellery of the Canton Berne with the Apostil according to the Den Hague convention on 5 May 1992/5 June 1992. The VIN number of Ferrari 0799GT was written incorrectly in this confirmation of the Tax Authority (Nr. 0/99 GT instead of 0799 GT). This evidence was important in the criminal procedure, in order to prove the manipulations of Mr. Giudice and Mr. Fisher. It was also necessary to show to the investigative Judge, that the claim of Mr. Fisher/the Italians regarding the allegedly agreed price of USD 350,000.00 was wrong and stands in no relation to the real value of the four Ferrari cars.

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| Evidence | 1. Summon of the Instruction Judge No. 2 of Marbella, regarding the court hearing on 17 March 1992 (dated 5 March 1992) | No. 38 |
| | 2. Fax message from Attorney Vicente Ortiz Alvarez to Attorney Marc Stucki, dated 12 March | No. 38a |
| | 3. Fax message of Attorney Vicente Ortiz Alvarez (representing Mr. Friedli) to Attorney Marc Stucki, informing about the new court hearings (dated 5 March 1992) | No. 39 |
| | 4. Letter from Attorney Marc Stucki to Attorney Vicente Ortiz Alvarez (representing Mr. Friedli), dated 20 March 1992 | No. 40 |
| | 5. Fax message from Attorney Vicente Ortiz Alvarez to Attorney Marc Stucki, dated 12. April 1992, referring to the letter of Marc Stucki from 20. March 1992 (and answering his questions) | No 40a |
| | 6. Confirmation of the head of the Tax Authority (Mr. H. Zuercher) of the Canton Berne, Switzerland, dated 5 Mai 1992, stating that the <u>correct value of all four Ferraris was fixed at ca. CHF 2,000,000.</u> The confirmation was legalized by the Chancellery of the Canton Berne on 6 May 1992. The confirmation was also translated into Spanish | No. 41 |

7. Fax message from Attorney Stucki to Attorney Rafael No. 42 Cortabarría (partner of Attorney Torrabadella) dated 6 May 1992 commenting the real value of the cars

9. In a fax message from Attorney Torrabadella (who was still working for Mr. Friedli) on 22 April 1992 the latter expressed his concerns to Attorney Dr. Peter Bratschi about his impression, that the Instruction Judge No. 2 may not continue the criminal procedure anymore and cease it in favor of the "Italians". Attorney Torrabadella therefore recommended Attorney Dr. Peter Bratschi to lodge a civil action and to request the retention of the seizure of the four cars. Attorney Torrabadella asked Attorney Mr. Rafael Cortabarría to take care of this civil matter.

According to a fax message from Attorney Dr. Peter Bratschi to Mr. Friedli (in German), the former expressed his concern about the criminal procedure and the criminal complaint in Marbella, which was at risk to end in talk. Attorney Dr. Bratschi also realized, that Attorney Juan Ramirez (Attorney of Mr. Fisher and Mr. Giudice) had excellent contacts to the court of Marbella, which were much better than the ones of Mr. Friedli's Spanish lawyers. This was a serious problem for Mr. Friedli. Attorney Bratschi therefore proposed to Mr. Friedli to file the suggested civil action and to charge Attorney Vicente Ortiz Alvarez with this mandate.

- Evidence**
1. Fax message from Attorney Jaime Torrabadella to Attorney Dr. Bratschi, 22 April 1992 **No. 43**
 2. Letter from Attorney Bratschi (p.p. Marc Stucki) to Mr. Friedli, 23 April 1992 **No. 44**

10. Attorney Dr. Peter Bratschi was told, that Attorney Ortiz Alvarez (Mr. Friedli's Spanish lawyer) also represented Mr. Felice Cultrera earlier, who was the (Mafia) boss of the opposing party (the Italian gangsters). Due to this potential conflict of interests Dr. Bratschi decided to terminate the mandate given to Attorney Ortiz Alvarez and charged Attorney Rafael Cortabarría with the defense of Mr. Friedli's interests in Spain.

In a fax message on 6 May 1992 Dr. Bratschi expresses his concern about the influence of Attorney Juan Ramirez (representing the opposing party) in Marbella and how everyone is connected somehow in Marbella. Dr. Bratschi was told by Attorney Torrabadella

"I believe that a local and highly respected lawyer such as Andrés Olivia will not be taken for a ride by Juan Ramirez (Attorney of Mr. Kelvin Fisher and the Italians, and the brother of the dean judge of Marbella) in the Ferraris' case as he is constantly trying to do – often successfully – with Rafael (Attorney Cortabarría) in the property case in view of Rafael's limited influence outside the Judge's office, where most parts of the proceedings take place" (page 2, paragraph 4)".

Remark:

In no state under the rule of law legal proceedings take place outside of a Judge's office. It is obvious, that the main criterion in Marbella to be successful in legal matters was to have a great influence on the judge outside of his office, instead of having legal arguments. In other words: The court system in Marbella/Spain was corrupted and unfit in the beginning of the 1990ies.

Evidence Fax message from Attorney F. Javier Fabregat to Attorney **No. 46**
Dr. Peter Bratschi dated 11 Mai 1992

12. Despite of Attorney Fabregat's advice, Attorney Rafael Cortabarría continued to represent the interests of Mr. Friedli in Marbella. Additionally, Attorney Torrabadella continued to contact Mr. Friedli and Attorney Dr. Peter Bratschi and informed them with "the latest news" of the court.

In a letter from 29 October 1992 Mr. Friedli asked Attorney Torrabadella to request the Investigative Judge No. 2 to authorize the transfer of his four Ferrari cars ("los 4 Ferraris de mi propiedad" / "the 4 Ferraris of my property") from the garage "Hermanos Moreno Canovas" to the garage "Bel-Air Motor Cars".

In a fax message from Attorney Torrabadella (in French), dated 3 November 1992, the former informed Mr. Friedli that Investigative Judge No. 2 of Marbella had completely changed his mind and decided to pursue the penal procedure by means of a "procedimiento abreviado" (= summary procedure). The judge ordered a term of only 5 days to hand in the accusations (and to file the applications). Attorney Torrabadella recommended charging Attorney Ortiz Alvarez in preparing these legal papers. (The mandates with Attorney Torrabadella and Attorney Ortiz Alvarez were terminated by Mr. Friedli before).

Remark 1:

It is important to point out, that the order of the Investigative Judge No. 2 of Marbella to choose the "summary procedure" and to order a term of five days to hand in the applications and accusations was not notified to Attorney Rafael Cortabarría, the official Attorney of Mr. Friedli. Only the Prosecutor was informed about this court order, notified on 30 October 1992. Without the orientation of Attorney Torrabadella, Mr. Friedli would have missed this term. This lack of notification of the court order on 30 October 1992 to Mr. Friedli's lawyer, underlines the doubtfulness of the Court of Marbella.

Remark 2:

The court of Marbella was proceeding contradictorily. In a first phase the Investigative Judge No. 2 realized the weight of the manipulations, which took place at the Italian Consulate in Malaga/Spain (forgery of documents). For that reason, he first considered the court of Malaga as competent. Later the Investigative Judge decided, not to transfer the case to the court of Malaga and to continue the investigations in Marbella himself. Lastly, the Investigative Judge decided to apply the summary procedure (procedimiento abreviado) and implicitly declared the case of minor importance. It is obvious, that the criminal procedure was influenced behind the scene.

- Evidence**
1. Fax message from Attorney J. Torrabadella to Mr. Friedli, No. 47
3. November 1992 (in French)
 2. Letter from Mr. Friedli to Attorney Torrabadella, 29. October 1992 No. 47a
 3. Fax message from Attorney J. Torrabadella to Mr. Friedli, No. 48
3 November 1992 (in French)
 4. Fax message from Attorney Marc Stucki to Attorney Rafael Cortabarría, 3 November 1992 (in English) No. 49
 5. Fax message from Attorney Marc Stucki to Attorney Rafael Cortabarría, 3 November 1992 (in English) No. 50
 6. Fax message from Attorney Marc Stucki to Attorney Rafael Cortabarría, 3 November 1992 (in English) No. 51
 7. Fax message from Attorney Marc Stucki to Attorney Rafael Cortabarría, 4 November 1992 (in English) No. 52
 8. Fax message of Attorney Marc Stucki to Attorney Rafael Cortabarría, 4. November 1992 (in English) No. 52

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13. On 23 March 1993 Mr. Friedli was informed by Mr. Moreno, the owner of the garage (in San Pedro de Alcantara, Spain), where the four Ferraris were deposited, and that he had received a judge order to hand out the Ferraris to Mr. Kelvin Fisher.

Mr. Friedli and his lawyers in Switzerland (Marc Stucki) became very nervous. Most probably the Spanish lawyers of Mr. Friedli had not been informed – again – by the Investigative Judge No. 2 of Marbella about the mentioned court order to hand out the cars to Mr. Kelvin Fisher.

In two fax messages on 23 and 24 March 1993 Attorney Marc Stucki asked Attorney Rafael Cortabarría and F. Fabregat about the actual situation of the procedure in Marbella. In this fax message he also told Attorney Rafael Cortabarría and F. Fabregat his doubts regarding Attorney Torrabadella, who was always informed *in advance* about the tendencies regarding the Ferrari case.

Attorney Rafael Cortabarría informed Attorney Stucki clearly in a fax message on 25 March 1993 (5 pages) about the status of the procedure and about the legal questions. It became true that the Investigative Judge No. 2 of Marbella ordered to hand out the Ferrari cars to Mr. Kelvin Fisher. Pursuant to the explanations of Attorney Cortabarría, the Investigative Judge No. 2 had according to Spanish law no other choice than to return the cars to the place and to the person, in which possession they were at the moment when the criminal complaint was filed. The speculations of Attorney Marc Stucki, that Attorney Cortabarría might have failed to inform the investigative Judge No. 2, turned out to be incorrect. Mr. Friedli trusted in Attorney Cortabarría.

The consequences of the court order of the Investigative Judge No. 2 on 20 March 1993 was, that the cars remained judicially seized, but had to be deposited at the garage “Motorauto Marbella” of Mr. Kelvin Fisher. Additionally, a term of three months started to run, during which the parties could file a civil action, in order to maintain the seizure of the cars or to request for its return.

Nevertheless, it is not understandable why the prosecuting procurator (“Fiscal”) did not consider the behavior of Mr. Kelvin Fisher and the Italians as an obvious crime. Attorney Marc Stucki expresses his lack of understanding about the Spanish law enforcement in the fax message on 25 March 1993 (in fine). In this fax message Attorney Marc Stucki

also informs Attorney Cortabarría, that Mr. Kelvin Fisher is being accused for having built false engines into old-timer cars and afterwards having sold them as original cars.

- Evidence**
1. Statement and request of the Prosecuting Attorney to the Investigation Judge No. 2 of Marbella, 28 January 1993 **No. 53**
 2. Court order, Investigative Judge No. 2 of Marbella, Spain, 20 March 1993 **No. 54**
 3. Court order, Investigative Judge No. 2 of Marbella, Spain, 20 March 1993 **No. 55**
 4. Urgent fax message from Attorney Marc Stucki to Attorney R. Cortabarría and F. Febregat, 23 March 1993 **No. 56**
 5. Fax message from Attorney Marc Stucki to Attorney R. Cortabarría and F. Febregat, 24 March 1993 **No. 57**
 6. Fax message from Attorney R. Cortabarría to Attorney Marc Stucki, explaining the judge order and the legal situation, 25 March 1993 **No. 58**
 7. Fax message from Attorney Marc Stucki to Attorney R. Cortabarría, 25 March 1993, wondering why the Spanish law enforcement does not consider the behavior of Kelvin Fisher and the Italians as an obvious crime! **No. 59**

14. On 28 April 1993 Attorney Jose Luis Sanz Arribas filed an extensive application to the Court of First Instance of Marbella as a response to the negative judge order dated 20 March 1993 of Investigative Judge No. 2 (see evidence no. 55). This application was aimed to have the cars returned or at least stored at a safe place, which was obviously not the case at the garage "Motorauto Marbella". The application of Attorney Sanz Arribas gives a good overview about the criminal behavior of the involved people of the adverse party. He made it clear that Mr. Giudice, according to newspaper articles, was involved in illicit traffic of vehicles. Attorney Sanz Arribas also pointed out that Mr. Ugo Giannino (or Gianino), the administrator of "Motorauto Marbella", (who pretended to be the Italian Vice-Consul and who was the secretary of Mafia boss Felice Cultrera) as well as Attorney Juan Ramirez were in jail because of alleged crimes of stolen car sales. Attorney Sanz Arribas underlined additionally, that it was a grave risk to have the cars returned to Mr. Fisher and he expressed his serious doubts and fears in this respect. The following paragraph of Attorneys Sanz Arribas' application is to be pointed out:

"In this situation, and with these precedents (background), we have serious doubts and fears on whether the vehicles given to Mr. Fisher can be found or not in the Motorauto Marbella SL establishment , and that's the reason for which we request with urgency the exhibition of said movable goods (personal property), that is, of the vehicles that have, undoubtedly, been obtained, and it would be more correct to say stolen by evil means from my principal (mandatory), and that so that the declarative lawsuit (clarifying statement, certification, petition for declarative judgment) for their recovering can be effective.

Because of the same reasons we request the deposit of the vehicles, because of the risk to disappear if they continue in the power of what appears to be a true organized gang, and there is evidence to think that Motor Marbella SL and Mr. Fisher are links of this chain.

In a letter on 5 May 1993 from Attorney Marc Stucki to Attorney Dr. Reto Ruoss (representing Dr. Gerber) the former informed Dr. Gerber about the situation in Spain. He informed Attorney Ruoss, that a civil action was being prepared and that all four Ferraris remained judicially seized, until it was decided about the civil claims.

Attorney Marc Stucki also informed in this letter about newspaper articles in Spain. According to the latest news, several members of the organized crime were arrested in Marbella. For example, Mr. Juan Ramirez (Attorney of Kelvin Fisher and judicial officer at the Marbellan Court who is related to a Marbellan judge) and Mr. Ugo Giannino were arrested. Mr. Ugo Giannino was also involved in the criminal procedure regarding the Ferraris. According to Attorney Marc Stucki, Mr. Ugo Giannino was involved in several professionally organized car crimes (and he was the administrator of "Motorauto Marbella").

- Evidence**
1. Letter from Attorney Marc Stucki to Attorney Dr. Thomas No. 60
Ruoss, 5 May 1993
 2. Application of Attorney Jose Luis Sanz Arribas to the Court No. 60a
of First Instance of Marbella, on 28. April 1993

15. Court Order from 17 Mai 1993 / prolongation of deposit / bank guarantee

Although Mr. Friedli did not trust Attorney Jaime Torrabadella, the latter was much more successful than Attorney Rafael Cortabarría.

On 17 May 1993 Marbella Judge "Itma Torres Donaire" ordered the prolongation of the deposit of the four Ferrari cars (which were still seized and judicially deposited at "Motorauto Marbella"). This judgment was not ruling on the civil legal questions. In order to have this court order executed, Mr. Friedli had to provide a bank guarantee of 12 millions Pesetas (= ca. USD 97,920). The required bank guarantee of 12 millions Pesetas is modest, considering the value of the cars. This modest bank guarantee manifested signals in favor of Mr. Friedli.

In two fax messages of Attorney Torrabadella (in French), on 9 June 1993, he informed Mr. Friedli and Attorney Marc Stucki about this new and positive development and about how to provide the required bank guarantee to the court of Marbella. Attorney Torrabadella also warned Mr. Friedli to be careful, *because Attorney Juan Ramirez would still be dangerous, even if he is in prison!*

On 11 June 1993 Dr. Bratschi (Mr. Friedli's lawyer) advised the Swiss Bank Union in Berne/Switzerland to issue a bank guarantee. For that purpose, Dr. Bratschi sent a Spanish bank guarantee form (which he received from Attorney Torrabadella) to the Swiss Bank Union in Berne. The Swiss Bank Union issued the bank guarantee, most probably already on 11 June 1993. In a fax message from Dr. Bratschi to Attorney Torrabadella (on 11 June 1993), the former confirmed the bank guarantee issued by the Swiss Bank Union, which came into effect on 14 June 1993.

Mr. Friedli has thus respected all judicial requirements in order to get his cars deposited, most probably in a garage of his choice. For reasons which I don't know, the cars remained in the garage "Motorauto Marbella" until July 1993.

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| Evidence | <ol style="list-style-type: none">1. Judge order of 17 May 1993, Marbella Court, ordering the exhibition of the four Ferrari cars to Mr. Friedli and ordering a bank guarantee of 12 millions Pesetas (= USD 97'920) No. 612. Fax message from Attorney Torrabadella to Mr. Friedli, 9 June 1993, informing about the judgment of 17 May 1993 No. 623. Fax message from Attorney Torrabadella to Attorney Marc Stucki, 9 June 1993, informing about the judgment of 17 May 1993 and about the bank guarantee to be provided and warning of the danger of Attorney Juan Ramirez, even though he was in prison. No. 63 |
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4. Fax message from Attorney Dr. Bratschi to Swiss Bank Union, on 11 June 1993, referring to a phone call and asking for the discussed bank guarantee in accordance to the Spanish form **No. 64**
5. Spanish form regarding the bank guarantee (provided by Attorney Torrabadella on 10 June 1993 by fax) **No. 65**
6. Fax message from Attorney Dr. Bratschi to Attorney Torrabadella, dated 11 June 1993, confirming the issuance of the bank guarantee by the Swiss Bank, coming into effect on 14 June 1993 **No. 66**

PHASE TWO: July 1993 - 1999

The theft

16. On 20 July 1993 Attorney Torrabadella checked the depot of the garage "Motorauto Marbella S.L." and had to notice, that all four Ferrari cars had disappeared. He immediately informed Attorney Marc Stucki. In a letter to Attorney Torrabadella (on 21 July 1993) Attorney Stucki suggested to inform all judges of Marbella about the defalcation (and theft) of the Ferrari cars by the Italians, which was also an act against an official order of the Court of Marbella.

Attorney Stucki and his Spanish partners noticed that the garage "Motorauto Marbella" was shut down from one day to another and that Mr. Kelvin Fisher had disappeared. The Marbellan police was immediately informed about the theft of the cars.

A **second criminal complaint** was lodged at the Police Commissariat of Marbella on 21 July 1993. Attorney Jaime Torrabadella declared at the Police that the four Ferrari cars, property of his client, had disappeared and that they were deposited by order of the Investigative Court No. 2 at its disposal at the firm "Motorauto Marbella".

The police found out that the cars were transported to Lisbon by the tow truck's owner Mr. Alvaro Ferreira Texeira on 6 July 1993. The person who ordered the transport was **Mr. Antonio Eladio Amaral de Santos** (Mr. Amaral was the administrator of the com-

pany **Milauto** in Marbella, which belonged to the group and family holding of Judge Pilar Ramirez, the sister of Attorney Juan Ramirez, the latter was representing Mr. Fisher. "Milauto" was managed by the Mafioso Gianni Meninno. According to the Spanish Police the company "**Milauto**" was involved in an international net of sales of luxury cars, which had been stolen in European countries (see my report on corruption in Marbella in this respect). Mr. Amaral is a Portuguese who was detained for a short time by the Marbellan Police. The Marbellan Police then had the impression that Mr. Amaral's participation was of minor importance, as he apparently hired the tow truck **as a favor to and on order of his friend Mr. Kelvin John Fisher.**

The tow truck's owner Mr. Alvaro Ferreira Texeira declared at the Marbellan Police, that he had received a phone call from Motorauto Marbella on 5 July 1993 from one of the three associates of the enterprise "Motorauto" to transport four vehicles to Portugal. His son then collected the four Ferrari cars and transported them to Lisbon, where they were handed over to Mr. Pedro Poyares (Poiares) at the Hotel Ritz. The company "Pierre Motors", belonging to Mr. Texeira, charged 425,000 Pesetas (ca. USD 3,500) for this transport. Mr. Texeira was able to provide the bill for "Motorauto Marbella" (dated 7 July 1993) to the Spanish Police. Mr. Kelvin John Fisher could not be localized by the Spanish Police according to the criminal complaint.

According to a fax message from Attorney Torrabadella (on 30 July 1993) Interpol Madrid was asked for help as well as Interpol Lisbon on 29 July 1993. Additionally, the Spanish Embassy in Lisbon intervened at the Minister of Internal Affairs of Portugal.

Attorney Marc Stucki contacted Attorney J. P. Concalves Comes in Lisbon by fax (on 11 August 1993) and asked him to represent the interests of Mr. Friedli in Portugal. In this fax message Attorney Stucki informed Attorney Comes about the investigations of Interpol. A criminal complaint and penal claim to be filed at the Criminal Court of Lisbon was being prepared.

Letter to the Swiss Ambassador in Lisbon / 11 August 1993

In a letter on 11 August 1993 the Swiss Ambassador in Lisbon was contacted by Attorney Marc Stucki and asked for help. This letter gives a good overview about the happenings

in Marbella during the last two years. The letter of Attorney Stucki will, therefore, be summarized hereafter:

- Firstly, Attorney Stucki described in this letter the problems regarding the real estate property of Mr. Friedli in Spain. Mr. Friedli was the owner of a real estate property of 120'000m² at the "Costa de Sol". Its value was officially estimated at CHF 17 millions (about USD 11 millions). This real estate property was sold to the Italians in July 1991 (the ownership transferred in the cadastral register) but the purchase price was never paid by the Italians.
- A similar modus operandi was used with the Ferrari cars.
- In 1991 Mr. Friedli realized that the Italians were members of the Sicilian Mafia clan "Santapaolo". A first criminal complaint was filed in October 1991.
- The justice of Marbella was - probably due to bribery and threats by the Mafia - completely corrupted. The people of Marbella demonstrated several times against the Court of Marbella already. Despite of the intervention from "Sevilla" and from Madrid and despite of the arrests of several judges, the situation had not been improved.
- The Mafiosi were not satisfied in just not paying the purchase prices, but they also accused our client at court and used forged documents and self-produced contracts.
- Besides of our client, about a dozen of well honorable people from Spain and from abroad became the victim of the same gangsters, which often used a comparable modus operandi.
- The local newspapers informed about the activities of the organized crime in Marbella under the headline of "El Trama de Marbella".

Additionally, Attorney Stucki informed Ambassador Erich Lang, that the four Ferrari cars were judicially deposited at a garage from where they had got stolen. Mr. Friedli was right before receiving his cars back, after depositing a bank guarantee at the court of Marbella.

Based on first investigations by Interpol Marbella, the cars were stolen on 7 July 1993. The same night they were transported to Lisbon, where a Mr. Renato Poyares took them over. The keys of the cars were handed over to him in the Hotel Ritz in Lisbon. Mr. Poyares is

supposed to be a famous dealer for luxury cars. Attorney Stucki then asked the Ambassador for help.

Letter from Attorney Stucki to Attorney Dr. Ruoss (representing Dr. Gerber), on 12 August 1993:

- In this letter Attorney Stucki informed Dr. Gerber's Attorney about the negative development in Spain. Again he pointed out, that the Ferrari cars were judicially deposited and that Mr. Friedli was right before about getting his cars back (after depositing a bank guarantee at the Court of Marbella).
- On 20 July 1993 the correspondent attorney (Attorney Torrabadella) noticed in the depot of "Motorauto Marbella", that all four cars had disappeared. The garage "Motorauto Marbella" was shut down from one day to another.
- The arrest and interrogation of a former employee of the garage "Motorauto Marbella" did not provide new information (about the theft).
- Further on, Attorney Stucki informed Dr. Ruoss, that he was trying by all means – together with his correspondent attorney – to find the cars and to get them back. He told Attorney Ruoss, that Interpol Lisbon and Marbella had been activated and that they were also examining possible claims against the State of Spain.
- Attorney Stucki additionally explained the problems regarding the bribable judges in Marbella, against whom people and journalists of Marbella were demonstrating in the streets several times. Attorney Stucki mentioned that it was very difficult to achieve good results with legal measures in a legal process in Marbella.

Letter from Attorney Stucki to Attorney Torrabadella, on 12 August 1993

Attorney Stucki informed Attorney Torrabadella that the theft was an offence liable to public prosecution in Portugal (and that the criminal procedure would also be addressed against the Spanish Justice), therefore it would be sufficient to inform the Portuguese police in order to initiate a public action. In order to put the judges of Marbella under pressure (to localize the cars) and to accelerate the legal assistance on diplomatic level, Attorney Stucki advised At-

torney Torrabadella to announce a liability suit against the Marbellan Judges (to the court of Marbella).

Remark:

Because of the planed liability suit of Mr. Friedli against judges of the Marbellan Court (due to the lack of diligence when handing over the cars to the Italian criminals and to "Motorauto Marbella" on 20 March 1993), the Court of Marbella and the judges had their very own interests, not to consider the happenings in Marbella as a crime and as relevant for civil claims. Another motive of the Marbellan Court and its judges to possibly deny a crime was the ongoing criminal procedure in Portugal which was also focusing on Marbellan judges.

Letter from the Swiss Ambassador of Portugal to Attorney Marc Stucki / 6 September 1993:

The Ambassador (represented by his assistant Stephan Nellen) recommends Attorney Stucki a lawyer called José Barros Sales in Lisbon. Additionally, he informed that the name Renato Poiares is written with an "l" and not with a "y". The Embassy was not able to localize Renato Poiares in Lisbon.

- Evidence**
1. Fax message from Attorney Marc Stucki to Attorney Torrabadella, 21. July 1993 **No. 67**
 2. Criminal complaint, Police Commissariat of Marbella, 21 July 1993 **No. 67a**
 3. Fax message from Attorney Torrabadella to Attorney Marc Stucki, informing about the criminal Poyares and the police investigations, 30 July 1993 **No. 68**
 4. Fax message from Attorney Marc Stucki to Attorney J.P. Concalves Comes, 11 August 1993, asking him to represent the interests of Mr. Friedli in Portugal **No. 69**
 5. Letter from Attorney Marc Stucki to Ambassador Erich Lang, Swiss Embassy in Portugal, 11 August 1993, informing the latter about Mr. Friedli's nightmare in Spain and asking for support **No. 70**
 6. Letter of Attorney Marc Stucki to Attorney Dr. Ruoss (representing Dr. Gerber) informing the latter about the theft of the cars, about the ongoing criminal procedures and about the corruption and the Mafia-activities in Marbella **No. 71**
 7. Letter of Attorney Marc Stucki to Attorney Torrabadella, 12 August 1993 **No. 72**

8. Letter from the Swiss Embassy in Portugal to Attorney Marc Stucki, 6 September 1993 No. 73

17. In a fax message (on 16 September 1993) from Attorney Marc Stucki, Attorney Torrabadella was informed about a new court hearing in Marbella. Mr. Friedli was told that the "Italians" had offered to pay the amount USD 350,000.00 for the cars and that they were intending to deduct USD 100,000.00 as their "fees".

Attorney Stucki qualified this offer as ridiculous and dangerous, especially if considering that the Italians had already stolen the cars. Attorney Stucki therefore gave the instruction to Attorney Torrabadella to make it very clear to the judge, that the value of the car was estimated between CHF 1,500,000.- and CHF 2,180,000.-. He also pointed out that the "pro-forma-invoices" were only designated for customs and would not reflect a contract between the parties.

Additionally, Attorney Stucki made it clear in that fax message, that the offer of the Italians would be an insult to the authority of the judge, after the Italians had ignored the court order and defalcated the four cars. He gave Attorney Torrabadella the instruction to speak in a "clear language" to the judge.

Evidence Fax message from Attorney Marc Stucki to Attorney Torrabadella, 16 September 1993 No. 74

18. On 17 September 1993 Attorney Marc Stucki contacted Attorney José Barros Sales (who speaks German) in Lisbon by fax and asked him to represent the interests of Mr. Friedli. In this message Attorney Stucki explained the history of the case and details about the theft of the cars. He also mentioned the corruption among the Marbellan Judges and the activities of the organized crime in Marbella. Further on, Attorney Stucki mentioned the name of two Portuguese police officers (one from Interpol Lisbon), who were investigating the case in Portugal. The names of these police officers are Joaquin Augusto Perreira and Alfredo Esverarde (Chief Commissioner of Interpol Lisbon).

Evidence Fax message from Attorney Marc Stucki to Attorney Dr. José Sales, 17 September 1993 No. 75

19. On 27 September 1993 and thus more than two months after the theft of the cars, Mr. Kelvin John Fisher could finally be interrogated by the investigative Judge No. 5 of the Court of Marbella.

During this interrogation Mr. Fisher was assisted by his lawyer Diego Jimenez Balboto (cousin of Attorney Juan Ramirez). Both lawyers were involved in illegal car trafficking business as will be shown in my report on corruption in Marbella. Attorney José Luis Sanz Arribas, representing Mr. Friedli, was also attending this interrogation.

During the interrogation Mr. Fisher claimed that the four cars would have been sold and that he was allowed to dispose of the cars.

Remarks:

With no word it was mentioned and examined during this interrogation, that according to the decision of the Marbellan Court on 17 May 1993 (see evidence no. 61) the judicial seizure of the cars was maintained and "Motorauto Marbella" was probably obliged to return the cars to Mr. Friedli (for another deposit / which appears not clear from the mentioned decision), after the latter had provided a bank guarantee of 12 millions Pesetas, which came into effect on 14. June 1993 according to Attorney Dr. Peter Bratschi.

Mr. Fisher was unable or refused to answer all critical questions during the interrogation. For example, he claimed the conclusion of a sale agreement with a third party but "didn't know" who this person was. Furthermore, he did not know the vehicle's current location although he had ordered the transport of the cars from Marbella to Lisbon in July 1993. He refused suspiciously to say who the director of "Motorauto Marbella" was (he was the manager and administrator!) and which other persons were part of it, too. It is also suspicious that the entity "Motorauto Marbella" had legally "disappeared" as Mr. Fisher claims, exactly at the moment when legal problems occurred. It is according to my understanding quite obvious that Mr. Fisher had something to hide and that the entity "Motorauto Marbella" was most probably only a bogus company.

Evidence Minutes of the interrogation of Mr. Kelvin John Fisher by the No. 75a
examining magistrate's court no. 5 of Marbella, 27. September 1993

20. During the rest of the year 1993 no progress could be achieved regarding the stolen Ferraris. Most of the documents I have found for this period of time are of less importance and concern the empowering of Attorney Dr. Sales and the payment of the lawyer's fees. I am not in the possession of any other document from the Court of Marbella regarding the period of September 1993 – December 1993.

YEAR 1994

21. Most of my documents from 1994 concern the investigations of the Portuguese police about which Attorney Dr. José Barros informed Attorney Marc Stucki some few times. When reading the documents, I have had the impression that the Portuguese police and Attorney Dr. José Sales were not very ambitious in solving the Ferraris' case.

In a letter from Attorney José Sales (dated 6 January 1994) to Attorney Marc Stucki, the former asked several questions about the theft of the cars. Police officer Esberardo asked for this information for the interrogation of Mr. Poiares. Attorney José Sales wanted to know from Attorney Stucki, how he had received the information about the date of the theft, how Mr. Friedli was informed about the handing over of the car keys in the Hotel Ritz, how the cars were transported to Lisbon and who had transferred the car keys to Mr. Poiares.

Attorney Stucki answered the questions of Attorney José Sales in a letter on 11 January 1994 as follows:

- (1) Mr. Friedli had received all information from the Police Commissariat in Marbella.
- (2) The date of the transport of the cars was written on the bill of lading of the company "Pierre Motors", located on Carretera de Almeria 21, in Motril (Grenada), which belongs to Mr. Alvaro Perreira Teixeira.
On the bill of lading it was only written "Ferrari cars, various matriculations", the carrier *knew exactly why not to mention the VIN's of the cars!* The price of the transport was 425'000.00 Pesetas.
- (3) The carrier (Mr. A. Perreira) was interrogated at the Police Commissariat in Motril/Spain on 21 July 1993 at 17:00h (5 pm). The case numbers are 16.277 and 26.855.

(4) The criminal complaint (a new one) filed at the Police Commissariat of Marbella has the file number 14.349.

(5) It was the carrier Mr. A. Perreira who told the police that he had handed the car keys over to Mr. Pedro Poyares (correctly written Poiares). The contact phone number 07-351-1-457.39.97 was given to him.

When Mr. Perreira arrived in Lisbon on 8 July 1993 (with his truck and the Ferrari cars) he called the mentioned number at the Hotel Ritz and a Mr. Pedro Poyares answered the call.

(6) The receptor of the cars was probably Mr. Poyares himself; Attorney Marc Stucki was not sure about this element.

- Evidence**
1. Letter from Attorney José Sales to Attorney Marc Stucki on **No. 76**
6 January 1994
 2. Fax message from Attorney M. Stucki to Attorney J. Sales, **No. 77**
11 January 1994 (answering the question of Mr. Sales)

22. On 28 January 1994 Attorney Marc Stucki provided more detailed information to Attorney José Sales by fax message. He informed him about the detailed chassis number as well as about the statements of the carrier Mr. Perreira (or Pereira) at the Police in Marbella. When asked about the orderer of the transport of the cars, Mr. Perreira (Pereira) said to the Police, that it was one of the three associates of the company "Motorauto". He could not specify, if the associate was a Portuguese or an Italian.

Attorney Marc Stucki commented these statements of Mr. Pereira. He had the impression that the Mafioso and Kelvin Fisher had knowingly presented an auxiliary person (Mr. Pereira) in order to blur their own traces.

- Evidence**
- Fax message from Attorney M. Stucki to Attorney J. Sales, **No. 78**
28 January 1994

23. In a letter on 7 March 1994 Attorney Sales confirmed the reception of the above mention information from Attorney Stucki. Furthermore, Attorney Sales wrote to have forwarded

this information to the Portuguese Police, which was undertaking further steps. The concrete investigations of the Portuguese Police remain unclear in this letter.

Evidence Letter from Attorney José Sales to Attorney Marc Stucki on **No. 79**
7 March 1994

24. On 19 August 1994 Attorney Marc Stucki asked Attorney Sales by fax message for an update regarding the case. On 3 October 1994 (!) Attorney Sales answered and informed Attorney Marc Stucki having talked to the responsible Police Officer of this case. This Police Officer told him, that he had forwarded the case to the responsible prosecuting Attorney and its decision must be awaited.

On 30 November 1994 Attorney Peter Keller (replacing Mr. Stucki) asked Attorney Sales for a new update, which he did not receive in the year 1994 anymore.

Evidence

1. Fax message from Attorney M. Stucki to Attorney J. Sales, **No. 80**
19 August 1994
2. Letter from Attorney José Sales to Attorney Marc Stucki **No. 81**
from 3 October 1994
3. Fax message from Attorney Peter Keller (replacing Mr. **No. 82**
Stucki) to Attorney J. Sales, 30 November 1994

Polizei-kommando

Commandement
de la police

Polizei- und
Militärdirektion
des Kantons Bern

Direction de la police et
des affaires militaires
du canton de Berne

Police
Department

Police Departm. &
Director of Military
Affairs of the
Canton of Berne

[Stamp]
Receipt:
15 June
2009

Waisenhausplatz 32
Postfach (PO box) 7571
3001 Berne
Phone 031 634 40 10
Fax 031 634 40 39

Hohler Tröhler Heim, Attys-at-Law Dr. iur.
Christoph Hohler, esq. Badenerstr. 75 /
Stauffacher 8004 Zurich

The Deputy Commander

109'787/108'210/pmyc

Berne, June 11, 2009



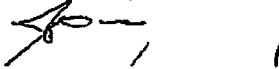
Your letter dated May 26, 2009

Dear Mr. Hohler,

I write to you in reference to the above-captioned letter and can herewith confirm to you that the listing for the vehicle in question (Ferrari 250 GT Spider, VIN 0799) has been revoked.

Kindly acknowledge receipt of this information.

Best regards,
The Deputy Commander


P. Baumgartner

For information:

P. Thoma, URA I Berner Jura-Seeland
(Magistrate Judge, Berne Jura-Seeland)

Polizeikommando

Commandement
de la police

Polizei- und
Militärdirektion
des Kantons Bern

Direction de la police
et des affaires militaires
du canton de Berne

EINGEGANGEN

15. Juni 2009

Waisenhausplatz 32
Postfach 7571
3001 Bern
Telefon 031 634 40 10
Telefax 031 634 40 39

Hohler Tröhler Heim Rechtsanwälte
Dr. iur. Christoph Hohler
Badenerstr. 75 / Stauffacher
8004 Zürich

Der Kommandant-Stv.

109'787/108'210/pmyc

Bern, 11. Juni 2009

Ihr Schreiben vom 26. Mai 2009

Sehr geehrter Herr Hohler



Ich beziehe mich auf Ihr oben erwähntes Schreiben und kann Ihnen bestätigen, dass die Ausschreibung des in Frage stehenden Fahrzeuges (Ferrari 250 GT Spider, VIN 0799) revoziert wurde.

Ich ersuche Sie höflich um Kenntnisnahme.

Mit freundlichen Grüssen

Der Kommandant-Stellvertreter


P. Baumgärtner

z K an
P. Thoma, URA | Berner Jura-Seeland

STROOCK & STROOCK & LAVAN LLP
180 MAIDEN LANE
NEW YORK, NEW YORK 10038
(212) 806-5400
Attorneys for Plaintiff

'09 CIV 2223

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUDGE CEDARBAUM

----- x
PAUL "BARNEY" HALLINGBY,

ECF CASE

Plaintiff,

Civ. No. _____

v.

**COMPLAINT FOR DEFAMATION
(LIBEL)**

ROUSH PUBLICATIONS, INC., GERALD L.
ROUSH, CAVALLINO, INC., and JOHN W.
BARNES, JR.,

JURY TRIAL DEMANDED

Defendants.
----- x

FILED
U.S. DISTRICT COURT
2009 MAR 10 PM 3:49
CLERK

Plaintiff Paul "Barney" Hallingby, by and through his undersigned counsel of record,
respectfully states his complaint for libel as follows:

THE PARTIES

1. Plaintiff Paul ("Barney") Hallingby is a long-time resident of the State of New York. Hallingby also sometimes resides in the small community of Sharon, Connecticut. The reputational injury sustained as a result of the defamatory publication complained of herein was sustained in large part in the State of New York but also in Connecticut and elsewhere.

2. Defendant Roush Publications, Inc. (Roush, Inc.) is a corporation doing business in the City of Stone Mountain, State of Georgia, under the name "Ferrari Market Letter" (the Letter). Published 26 times per year, the Letter is a special interest publication devoted to the

purchase and sale of Ferrari automobiles, with particular emphasis on rare Ferraris. Roush, Inc. regularly distributes the Letter among Ferrari buyers, sellers, collectors and enthusiasts in the State of New York, and elsewhere worldwide. Roush, Inc. published the defamatory material complained of herein in three separate editions of the Letter.

3. Plaintiff is informed and believes and thereupon alleges that defendant Gerald L. Roush is a resident of the State of Georgia. Roush is the editor and publisher of the Letter.

4. Defendant Cavallino, Inc. is a corporation doing business in the City of Boca Raton, State of Florida, under the name "Cavallino" (the Magazine). Published once every two months, the Magazine is a special interest publication devoted to Ferrari automobiles, with particular emphasis on rare Ferraris. Cavallino, Inc. regularly distributes the Magazine among Ferrari buyers, sellers, collectors and enthusiasts in the State of New York, and elsewhere worldwide. Cavallino, Inc. published the defamatory material complained of herein in the Magazine.

5. Plaintiff is informed and believes and thereupon alleges that defendant John W. Barnes, Jr. (Barnes) is a resident of the State of Florida. Barnes is the publisher of the Magazine.

JURISDICTION AND VENUE:

6. Hallingby is a citizen of the State of New York for purposes of diversity jurisdiction under 28 U.S.C. § 1332.

7. Roush Publications, Inc. a corporation doing business in the State of Georgia for the purposes of diversity jurisdiction under 28 U.S.C. § 1332.

8. Cavallino, Inc. a corporation doing business in the State of Florida for the purposes of diversity jurisdiction under 28 U.S.C. § 1332.

9. This Court has original subject matter jurisdiction with respect to this action pursuant to 28 U.S.C. § 1332 as there exists complete diversity of citizenship between Plaintiff

and Defendants and the amount in controversy exceeds Seventy Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.

10. Defendants are subject to the jurisdiction of this Court pursuant to 28 U.S.C. § 1332 with proper venue pursuant to 28 U.S.C. § 1391.

FACTS COMMON TO BOTH CAUSES OF ACTION:

11. In or about 2000, Hallingby purchased a rare and valuable 1957/58 Ferrari 250 PF, Cabriolet, Pinin Farina Series 1, Chassis No. 0799 GT (the Automobile). The Automobile is silver in color. It is unique because, *inter alia*, it is one of only 36 cars in the Pinin Farina Series 1. For that reason, it is well known to serious Ferrari Collectors and others. The Automobile has appeared at a number of major vintage auto shows and has been featured in several automobile magazines. From the time of purchase onward, Hallingby maintained the Automobile in the community of Sharon, Connecticut. Over the years, rare Ferrari buyers, sellers, collectors and enthusiasts (collectively, the "Rare Ferrari Community") came to know that Hallingby owned the Automobile and maintained it in Sharon, Connecticut.

12. Members of the Rare Ferrari Community are aware that it is customary for a buyer to conduct a thorough due diligence process before purchasing a rare and valuable vehicle like the Automobile. In that regard, members of the Rare Ferrari Community know that the provenance of such a vehicle is extensively researched. They know that such a vehicle's title is carefully checked and any clouds on title are investigated, and diligent efforts are made to resolve them. They know that domestic and international records of stolen vehicles are consulted and any outstanding claims or charges are investigated and resolved before the sale is finalized. Accordingly, individuals in the Rare Ferrari Community understand that it is virtually impossible for a buyer to purchase a stolen rare Ferrari like the Automobile without being aware that it is stolen.

FIRST CAUSE OF ACTION:

For Defamation Against Cavallino, Inc. and Barnes

13. In its April/May 2008 issue (issue No. 164), the Magazine published the following statements of and concerning plaintiff:

STOLEN FERRARI

**Ferrari 250 PF, Cabriolet, Silver Colored,
Pinin Farina, Series 1, 1957/58, Chassis No. 0799 GT**

Please be informed that the above-mentioned Ferrari oldtimer car with Chassis No. 0799 GT has been stolen on July 7, 1993 in Marbella, Spain from a Swiss citizen. Please also take notice that this car is on the active list of the police and further legal action will follow. Investigations by Interpol are involved. This Ferrari car has last reported to be in the custody of a Ferrari collector in Sharon 06069, Connecticut, U.S.A.

14. Members of the Rare Ferrari Community and others read the above-quoted statements in the Magazine and recognized from the detailed description, that the “stolen Ferrari” referred to therein was the Automobile.

15. Members of the Rare Ferrari Community and others read the above-quoted statements in the Magazine and understood that the reference to a “Ferrari collector in Sharon 06069, Connecticut” was a reference to Hallingby.

16. The above quoted statements are false in that the Automobile is not and was not “stolen” – either at the time of publication or at the time it was purchased by Hallingby. The statements are further false insofar as they impute to Hallingby the crime of knowingly receiving and/or maintaining possession of stolen property.

17. The above-quoted statements are defamatory per se in that they falsely impute immoral and/or criminal conduct to Hallingby, specifically the knowing receipt and/or possession of stolen property.

18. At the time Barnes and Cavallino, Inc. published the statements, they knew that reasonable readers in the Rare Ferrari Community and others would interpret them to mean that Hallingby had committed the criminal and/or immoral act of receiving and/or maintaining possession of stolen property.

19. Said defendants had no reliable or credible source for the defamatory statements and/or they knew, prior to publication, that said statements were unreliable.

20. Said defendants knew they had no true facts in support of the defamatory statements, and indeed knew that they were no more than unsubstantiated and unverified gossip.

21. Said defendants were grossly negligent in publishing the defamatory statements.

22. Said defendants published the defamatory statements with knowledge of their falsity or reckless disregard for the truth.

23. As a direct and proximate result of defendants' publication of the defamatory statements, plaintiff has suffered public ridicule, hatred and contempt.

24. As a further direct and proximate result of defendants' publication of the defamatory statements, plaintiff has suffered emotional distress, mental pain and anguish and the adverse physical consequences of these conditions.

25. As a further direct and proximate result of defendants' wrongful conduct, plaintiff has suffered special damages, the precise amount of which has not yet been ascertained but which include substantial costs incurred by plaintiff in defending baseless charges brought against him as a result of the defamatory publication.

26. Said defendants' conduct in publishing the defamatory statements disregarded plaintiff's rights and interests, was willful, intentional and sufficiently malicious to raise a presumption of conscious indifference to consequences.

27. Plaintiff is entitled to an award of punitive damages in order to punish said defendants for their wrongful conduct.

28. Following publication, plaintiff requested that said defendants retract the above-quoted falsehoods. Defendants refused to comply with that request.

SECOND CAUSE OF ACTION:

For Libel Per Se Against Defendants Roush and Roush Publications, Inc.

29. In or about March 22, 2008, the Letter published the following statements of and concerning plaintiff:

STOLEN FERRARI

**Ferrari 250 PF, Cabriolet, Silver Colored, Pinin Farina,
Series 1, 1957/58, Chassis No. 0799 GT**

Please be informed that the above-mentioned Ferrari oldtimer car with Chassis No. 0799 GT has been stolen on July 7, 1993 in Marbella, Spain from a Swiss citizen. Please also take notice that this car is on the active list of the police and further legal action will follow. Investigations by Interpol are involved. This Ferrari car has last reported to be in the custody of a Ferrari collector in Sharon 06069, Connecticut, U.S.A.

30. Members of the Rare Ferrari Community and others read the above-quoted statements in the Letter and recognized from the detailed description, that the “stolen Ferrari” referred to therein was the Automobile.

31. Members of the Rare Ferrari Community and others read the above-quoted statements in the Letter and understood that the reference to a “Ferrari collector in Sharon 06069, Connecticut” was a reference to Hallingby.

32. The above quoted statements are false in that the Automobile is not and was not “stolen” – either at the time of publication or at the time it was purchased by Hallingby. The statements are further false insofar as they impute to Hallingby the crime of knowingly receiving and/or maintaining possession of stolen property.

33. The above-quoted statements are defamatory per se in that they falsely impute immoral and/or criminal conduct to Hallingby, specifically the knowing receipt and/or possession of stolen property.

34. At the time Roush and Roush, Inc. published the statements, they knew that reasonable readers in the Rare Ferrari Community and others would interpret them to mean that Hallingby had committed the criminal and/or immoral act of receiving and/or maintaining possession of stolen property.

35. Said defendants had no reliable or credible source for the defamatory statements and/or they knew, prior to publication, that said statements were unreliable.

36. Said defendants knew they had no true facts in support of the defamatory statements, and indeed knew that they were no more than unsubstantiated and unverified gossip.

37. Following the March, 2008 publication, said defendants acquired information that gave them serious reason to doubt the truth of the defamatory statements. Nevertheless, they republished said statements in the April and May, 2008 editions of the Letter.

38. Said defendants were grossly negligent in publishing the defamatory statements.

39. Said defendants published the defamatory statements with knowledge of their falsity or reckless disregard for the truth.

40. As a direct and proximate result of defendants' publication of the defamatory statements, plaintiff has suffered public ridicule, hatred and contempt.

41. As a further direct and proximate result of defendants' publication of the defamatory statements, plaintiff has suffered emotional distress, mental pain and anguish and the adverse physical consequences of these conditions.

42. As a further direct and proximate result of defendants' wrongful conduct, plaintiff has suffered special damages, the precise amount of which has not yet been ascertained but which includes costs incurred in defending baseless charges brought against him as a result of the defamatory publication.

43. Said defendants' conduct in publishing the defamatory statements disregarded plaintiff's rights and interests, was willful, intentional and sufficiently malicious to raise a presumption of conscious indifference to consequences.

44. Plaintiff is entitled to an award of punitive damages in order to punish said defendants for their wrongful conduct.

45. Following publication, plaintiff requested that said defendants retract the above-quoted falsehoods. Defendants refused to comply with that request.


PRAYER FOR RELIEF:

WHEREFORE, PLAINTIFF prays for judgment on each cause of action as follows:

1. For trial by jury.
2. For general damages in an amount of not less than \$5,000,000;
3. For punitive and/or exemplary damages in an amount to be proved at trial;
4. For costs of suit incurred herein; and
5. For such other and further relief as to the Court seems just and proper.

Dated: March 10, 2009
New York, New York

STROOCK & STROOCK & LAVAN LLP

By: 
Sandra Rampersaud (SR-1234)
180 Maiden Lane
New York, New York 10038
Telephone: (212) 806-5400
Facsimile: (212) 806-6006

-and-

Barry B. Langberg
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Facsimile: (310) 556-5959

Attorneys for Plaintiff

TO: ROUSH PUBLICATIONS, INC., and GERALD L. ROUSH
4380 Fallow Field Lane
Lilburn, Georgia 30047

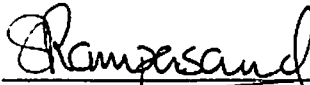
CAVALLINO, INC., and JOHN W. BARNES, JR.
1140 Holland Drive #3
Boca Raton, Florida 33487

PLAINTIFF HEREBY DEMANDS A JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby makes its demand for a jury trial.

Dated: March 10, 2009
New York, New York

STROOCK & STROOCK & LAVAN LLP

By: 
Sandra Rampersaud (SR 1234)
180 Maiden Lane
New York, New York 10038
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-and-

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Attorneys for Plaintiff

TO: ROUSH PUBLICATIONS, INC., and GERALD L. ROUSH
4380 Fallow Field Lane
Lilburn, Georgia 30047

CAVALLINO, INC., and JOHN W. BARNES, JR.
1140 Holland Drive #3
Boca Raton, Florida 33487

DIRECTORY OF EVIDENCE DOCUMENTS

Ferrari VIN #0799GT: 1991 - 1999

June, 2009

1. Mr. Friedli's note regarding his negotiations with Mr. Giudice and Mr. Gianni Meninno in German and Spanish (Spanish version: 12 November 1991 / German version with fax date: 19 March 1992) **attachment 1**
2. Mr. Friedli's note concerning his problems and negotiations with Mr. Meninno and Attorney Juan Ramirez, August 29, 1991 **attachment 2**
3. Insurance policy (and bill) of the carrier "Somatra", CH-3001 Bern, dated 7 August 1991 **attachment 3**
4. Bill of lading "Somatra AG", Bernhard Friedli / Kelvin J. Fisher, August 28, 1991 **attachment 4**
5. "Certificate of Insurance for car only", regarding Ferraris VIN 1893GT, 0799GT, 365GT13811, 2925GTE, issued by the carrier "Somatra AG", Bern, Switzerland, July 26, 1991 **attachment 5**
6. Three Swiss registration certificates, Ferrari 1893GT, 2925GTE, 365GT13811 **attachment 6**
7. Pro forma invoice regarding all four Ferraris, signed by Mr. Friedli on July 23, 1991, declaring a price below market value for Ferrari VIN 0799: USD 180,000 instead of approximately USD 1.15 million **attachment 7**
8. File note of Attorney Marc Stucki on 21 August 1991 **attachment 8**
9. Letter of Attorney Torrabadella to Mr. Kelvin Fisher, dated 16 August 1991, instructing the latter not to move the cars **attachment 9**
10. Fax message of Mr. Bernhard Friedli to Mr. Kelvin Fisher, dated 21 August 1991, instructing the latter not to dispose any of Mr. Friedli's cars **attachment 10**
11. Letter / fax message from Mr. Kelvin Fisher / Attorney Jaime Torrabadella, dated 21 August 1991, claiming that the former would be allowed to sell the cars to anyone and not just to Mr. Giudice **attachment 11**
12. Letter (registered mail) of Attorney Torrabadella to Mr. Kelvin Fisher, dated 21 August 1991, instructing the latter not to move the cars. **attachment 12**

13. Fax message of Attorney Torrabadella to Mr. Kelvin Fisher, dated 21. August 1991, instructing the latter not to move the cars. **attachment 13**
14. Criminal complaint of Attorney Torrabadella, filed against Mr. Kelvin Fisher and Motorauto Marbella at the commissariat of Marbella, dated 28 August 1991 (including summon of 23 August 1991 written by Attorney Torrabadella) **attachment 14 and 14a**
15. Fax message from Attorney Torrabadella to Attorney Stucki and Dr. Bratschi (in French) on 29 August 1991 mentioning the missing confidence in Mr. Kelvin Fisher and the obvious insurance problems **attachment 15**
16. Fax message from Attorney Torrabadella to Attorney Juan Ramirez (representing Mr. Kelvin Fisher) on 6 September 1991 complaining about the illegal retention of the cars and about the manipulation regarding the car values **attachment 16**
17. Fax message of Attorney Diego Jimenez Balboteo (also representing Mr. Kelvin Fisher) to Attorney Torrabadella on 6 September 1991 **attachment 17**
18. Fax message of Attorney Torrabadella to Attorney Diego Jimenez Balboteo (representing Mr. Kelvin Fisher) on 8 September 1991 **attachment 18**
19. Statement of Mr. Fisher at the Notary Public on 22 August 1991 **attachment 19**
20. Fax message from Attorney Torrabadella to Mr. Kelvin Fisher, warning the latter, on 27 August 1991 **attachment 20**
21. Letter from Mr. Kelvin Fisher to Attorney Torrabadella on 28 August 1991 **attachment 21**
22. Statement of Attorney Torrabadella at the Notary Public on 30 August 1991 **attachment 22**
23. Letter from Attorney Dr. Peter Bratschi (representing Mr. Friedli) to the Italian Vice Consul in Malaga/Spain on 12 September 1991 **attachment 23**
24. Letter from the Italian Vice-Consul to Attorney Dr. Peter Bratschi on 23 September 1991 (in Italian) **attachment 24**
25. Judge Order, Instruction Judge No. 2 from Marbella, 23 October 1991, instructing the deposit and sealing of all four Ferrari cars at the official Mercedes garage at San Pedro de Alcantara, Marbella/Spain **attachment 25**
26. Fax message from Attorney Javier Febregat (Madrid) to Dr. Peter Bratschi (Berne, Switzerland), both representing Mr. Friedli, dated 23 October 1991, informing about the judge's order of 23 October 1991 **attachment 26**

27. Notarized expertise regarding the real value of the cars, "Graber Automobile AG, Wichtrach, Switzerland, dated 11 December 1991 (legalized by notary Martin Ruefenacht) **attachment 27**
28. Letter from Mr. B. Friedli to Attorney Torrabadella, dated 12 September 1991, sending him the copy of the Ferrari Swiss registration documents and informing the latter, that the original Swiss registration documents are in the hands of Mr. Kelvin Fisher **attachment 28**
29. Translated (erroneous) statement of Attorney Diego Jimenez, (cousin of Attorney Juan Ramirez who is representing Mr. Kelvin Fisher), dated 20 September 1991. Attorney Jimenez claims that Motorauto Marbella would be the owner of the four Ferraris and that the agreed price would be USD 350'000 **attachment 29**
30. Fax message from Attorney Torrabadella to Dr. Bratschi and Mr. Stucki (in Berne/Switzerland), all of them representing Mr. Friedli's interests, dated 24 September 1991, explaining the erroneous statements of Attorney Diego Jimenez **attachment 30**
31. Declaration of Mr. Friedli to the Instruction Judge No. 2, Marbella, 26 September 1991 **attachment 31**
32. Declaration of Mr. Kelvin John Fisher to the Instruction Judge No. 2, Marbella, 12 December 1991 **attachment 32**
33. Declaration of Mr. Antonio Moreno Canovas to the Instruction Judge No. 2, Marbella, 12 December 1991 **attachment 33**
34. Declaration of Mr. Friedli to the Instruction Judge No. 2, Marbella, 12 December 1991 **attachment 34**
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96. Fax message from Attorney Lukas Wyss (representing Dr. Bratschi) to Attorney Sanz Arribas, 26. June 1998 **attachment 96**
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Evidence documents: Translations from Spanish into English

Evidence No. 1

Note of Mr. Friedli regarding the negotiations of the Ferrari sale, dated 12 November 1991

Ferraris Sale

During the discussion on the land sale in Marbella, I have come to know Mr. GG (Giuseppe Giudice)

During the last discussions I have been alone with GG at his home

Mr. GM was under the obligation to go to Ramires in the matter of the sale of the land and bank obligations.

GG and I have gone for a walk in GG's garden speaking about cars

GG has told me that he drives a Mercedes in Italy and when he has bought the house in Marbella he has also taken a Daimler-Jaguar. And he also has a Maserati

So I spoke of my Ferraris

I have told GG that I had 6 Ferraris and that two of these were already sold.

GG has told me that he is very interested in buying the cars

- I have presented him with the photos and GG has been passionate about these cars

I have spoken of a 2.1 million dollars price

After a few discussions we have agreed on a 1.9 million dollars price, the transportation cost and the insurance at BF' (Mr. Friedli's) expense, all other costs, like customs rights (costs?), the farrago (this I don't know the meaning of, I looked it up and it says that it's a mixture of superfluous things) at GG's expense

GG has spoken to me about doing a proforma for customs with lower prices to save on IVA (VAT)

GG has been the one to come with the prices for the proforma

GG has assigned GM (Gianni Meninno) the making of another bank obligation (bond), just as he did with the land sale

They have presented it to me along with the bank obligation for the land

This happened the 18th of July 1991

The 19th of July 1991 this obligation/bond was deposited along with the land obligation

The Italian vice-consulate in Malaga GG has given me Marbella Auto, K Fisher's address. Fisher is in charge of receiving the cars and deals with customs

Evidence No. 9:

Letter of Attorney Torrabadella to Mr. Kelvin Fisher on 16 August 1991

Dear Sir

In Mr. Friedli's name and representation, whose legal interests we represent in Spain, we require you not to give, under no circumstances, to Mr. Giudice or any other person the four Ferrari cars that Mr. Friedli sent you the 20th (¿26th?) of July 1991, through the Somatra AG Enterprise in Bern, until you receive such instructions from Mr. Friedli himself. This is obeys to the fact that Mr. Giudice, the said cars consignee, has not made their payment

We ask you to send immediately an acknowledgement of this telefax receipt, confirming the vehicles retention

Awaiting news from you, sincerely

Ps The original version of the present follows via registered mail

Evidence No. 11

Letter / fax message from Mr. Kelvin Fisher / Attorney Jaime Torrabadella, dated 21 August 1991

Dear Sir

We received via fax your letter from the 16th of the current (of this month) and which I also registered, in regards to the four Ferrari vehicles sent by Mr. Friedli

Already from our lawyer Jimenez Balboteo, you must have had information about the matter which is not how you have been told.

The four cars are not Mr. Giudice's not for Mr. Giudice, so all reference to said gentleman is unnecessary.

We will hand the cars as we sell them to the person who acquires them, and always and in every case previous payment of the amounts stated by Mr. Friedli en each of the four bills he sent, and those photocopies I enclose, and which we will put in an account at his disposal in the form they state.

However if Mr. Friedli wishes to relinquish his commitment, he can do so and retry the cars, previous payment of all costs, damages and torts.

Evidence No. 12 and 13

Letter (registered mail) and fax message of Attorney Torrabadella to Mr. Kelvin Fisher, dated 21 August 1991

Dear Sirs

By the present I confirm that I received your fax this morning with regards to the referred matter, and my personal visit to you on this date

In agreement with Mr. Jimenez Balboteo, your lawyer, we have asked you to detail the sums in which you might have incurred during the sending and receiving of the vehicles

I also remind you that in your own letters you agree to dismiss all previous commitment to pay the cost and torts produced.

To follow the aim of paying you the concepts (in the sense of amounts) that you reclaim you must send us the settlements that we have asked for and that you told me that you had to ask from Madrid and would give me in an hour.

In any case, I reaffirm that Mr. Friedli's instructions no to get rid (it says get rid, but may be let go would be more appropriate) of any of the 4 vehicles under no circumstances without his authorization

I m sending a copy of the present (document) to Mr. Jimenez Balboso

Yours, sincerely

Evidence No. 14a

Summon by Attorney Torrabadella, 23 August 1991

SUMMONS

Appears in court: Torrabadella... lawyer, with his professional address ii Marqués del Duero Avenue... and ID number...

Acts: verbally empowered by Mr. Friedli

Summoned: Motorauto Marbella SL Society, through its representative Mr. Fisher, with address in Marbella, Ricardo Soriano Avenue...

The appearer summons (requires) me, the Notary to present myself at said society's, named Motorauto Marbella SL, address, to summon (require) Mr. Fisher or another entity's representative, and state the following:

THAT the appearer acts as Mr. Friedli's lawyer and legal representation in Marbella , as it has been confirmed by Mr. Friedli in the correspondence addressed to Mr. Fisher via fax, the 21st of august of the current year

THAT in agreement with Mr. Fisher's own statement, in the document to the appearer the 21st of august of the current year, it acknowledges to hold at Mr. Friedli's expense the four F vehicles, of Ferrari make, sent in expedition by the already mentioned Mr. Friedli from Thun (Switzerland) on the 23rd of July of the current year, and received on the 28th of the same month and year

THAT being Mr. Friedli's intention, to retrieve said vehicles from Motorauto SL's premises in Marbella, is why he is summoned (required) to give them to the appearing empowered, stating previously the costs and honoraries in which he has incurred and are debited by MR. friendly for the handing, reception and stay of the already mentioned vehicles

Evidence No. 16

Fax message of Attorney Torrabadella to Attorney Juan Ramirez (representing Mr. Kelvin Fisher), dated 6 September 1991

Date: 6 September 1991

To the attention of: Don Juan Ramirez

From: Torrabadella

Matter: Friedli-Ferraris

Dear Juan

I will be grateful if, in spite of the agreements we may reach of the referred matter, you mail me via fax, before the Sunday (or eventually Monday) meeting, the document, contracts or whatever, by which Mr. Friedli authorized Mr. Fisher to negotiate in some way the sale of these cars. Since I don't see a legal justification otherwise, except your better opinion, *for the holding and even manipulation of these cars, whose value, as you know, is very high*

Although it relaxes me that through your Office you have their legal disposal, I would like to inform my Swiss colleagues of the eventual commitments acquired by Mr. Friedli, in regards to these cars

Affectionately

Evidence No. 17

Fax message of Attorney Diego Jimenez Balboteo (also representing Mr. Kelvin Fisher) to Attorney Torrabadella, dated 6 September 1991.

Dear Jaime

In reply to the letter you have sent today via fax to my cousin JUAN CARLOS in regards to the Ferrari cars that Mr. Fisher, my client, has:

Firstly, I enclose the documents by which virtue I think that Mr. Fischer is more than legitimized enough to have the cars at his power and disposal

I, just like my cousin, have assured you and we repeat so in writing, that no car will ever be give, without our previous control and previous payment of the amount stated for each of them, which we will put at your disposal by putting it, through you, in the account stated by Mr. Friedli

Awaiting your news, affectionately

Ps The original car documents are in Mr. Fisher's power; Mr. Friedli sent them to him (!!!)

Evidence No. 18

Fax message of Attorney Torrabadella to Attorney Diego Jimenez Balboteo (representing Mr. Kelvin Fisher), dated 8 September 1991.

FAX

To: Diego Jimenez Balboteo, Attorney

From: Jaime Torrabadella Pare, Attorney

Date: 8. September 1991

Matter: Ferraris

Dear Diego

Thank you for the letter (when I say letter in most cases it is correspondence, it may be a fax) you sent the 6th of this month

Once again, I regret that the announced documents are nowhere to be seen, since I have waited in vain to see them come out of the fax

I must repeat what I have already stated: Nor Mr. FISCHER (nor anyone else) is legitimized to sell or dispose of these vehicles, from the moment Mr. Friedli expressed his unequivocal (unmistakable) will to get them back

For my part I will not be able to accept any amount without my client's express authorization

Mr. FISCHER must express the expeditionary costs (this is the reception) and those that the cars stay may have caused, to be reimbursed if they are reasonable

On the other hand, I have already said that the proforma invoices for customs purposes, that were with the cars (and which prices were infinitely lower than their real value) cannot be considered commitments to sale, so if Mr. Fischer has no other, more consistent, documents, I will be grateful if you let him know that his attitude is taking as to a no-end street

Affectionately

Evidence No. 19

Statement of Mr. Fisher at the Notary Public, 22 August 1991.

Reply to notarial requirement

Mr. Fisher, Motorauto Marbella SL's legal representative

Appear before the notary Mr. Tejuca Pendas, to answer the requirement/summons made the 22nd of August at Mr. Torrebadella's urging

ANSWER/REPLY

That he does not reconcile (abide) the practiced requirement, and he fully rejects it, because of the requirer's unilateral and arbitrary decision, without abiding to what was agreed between both parties. (I can't read what comes here) and which will certainly not give to this gentleman nor to any other person, if it is not put at the same time in Mr. Friedli's account in the Bank of Urban Andalucia number 5 of Puente Romano, the amount stated by said gentleman for each vehicle, just as agreed between the requirer (summoner/petitioner) and the required (summoned), he may intervene, if he so wishes, through the person of his choice in the act of handing the vehicles, so that he can verify the reality of the whole thing, and meanwhile he can even keep watch on the cars and that the restorations that are being made on them. But what I do not give my consent to is that Mr. Friedli plays with his commitments and terminates his obligations unilaterally, in oblivion to what has been agreed as it is his custom, XXXX

Evidence No. 20

Fax message of Attorney Torrabadella to Mr. Kelvin Fisher, warning the latter, dated 27 August 1991

To: Motorauto Marbella, Kelvin Fisher
From: Attorney Jaime Torrabadella Pare
Date: 27. August 1991

Fax

Number of pages (including this one)

Matter: Friedli / Fischer Motorauto

Dear Sir

In my client Mr. Friedli's name and representation of, we repeat that ???

Since in the reply to the notarial summons/requirement addressed to you, you state ???

As a consequence, we must warn of the civil and criminal lawsuit that may result from your actions, since multiple times, by this Office as well as by Mr. Bratschi, it has been brought to his attention (the literal expression would be evidenced) the owner's clear will to retrieve said cars from Motorauto, previous payment of the costs in which you may have incurred

Sincerely

Evidence No. 21

Letter of Mr. Kelvin Fisher to Attorney Torrabadella, dated 28 August 1991

Dear Sir (..) Marbella

Once again and I hope this is the last time, I get back to you (literally I participate you) in reply to your fax from the 27th of the current August, that I do not accept any of Mr. Friedli's summons with regards to the four Ferrari vehicles

There is a contract and it cannot be annulled or terminated by Mr. Friedli sole decision who now intends to breach (not abide) it.

As an act of good faith, I once again express that none of the four cars will be handed (given) to anyone unless there is previous payment (this word doesn't appear in the original, but the phrase makes no sense without it) of the agreed amounts. For each one of them in the account that Mr. Friedli has appointed and you or another person can intervene in the above mentioned deliveries, I state this clearly for future reference (para que constate cuanto lo manifiesto means for it to be stated this I manifest, it is a very odd and difficult way to say I state this clearly for future reference, he doesn't quite say this, and I interpreted it freely, but this is what I understand from this)

The four cars are already committed (or compromised) (this assuming the word is comprometidos, in the promise of selling and buying the word would be prometidos, so I am not sure if it's referring to the promise of selling and buying, literally as I said it means compromised) for sale to Mr. Albanes, and received from him the amount (sum) of 19600000 for their restoration on behalf of the existing compromise, and a time period has been set for the delivery of the cars, previous payment of the respective amounts that I will previously give to Mr. Friedli

Mr. Torrabadella, you can state or designate a person in order to state (I think verify will be more fitting) the reality of what I say and even take care of the agreed sums for each car, and what is more you can (piefde is not a word, puede makes more sense, pierde is lose, which doesn't fit here) even guarantee (vouch) their amount if needed, but what I will never do is agree (reconcile, a little in the sense of submitting) to what your client thinks in every case (this is an expression that means, I am not going to constantly agree and adapt myself to what you think each time, it's usually said to people who change their minds a lot and expect others to adapt to their new mind frame). Contracts exist to be honored and I am going to carry out the existing contract with regards to the cars

I offer any explanations, guarantees or information through my attorney D Diego (...), to whom I have passed (given) this matter and given instruction and with whom you will be dealing (addressing) in the future, as I have given both and sufficient and you know my position (take in the matter)

Yours, sincerely

Evidence No. 22

Statement of Attorney Torrabadella at the Notary Public, dated 30 August 1991

BILL FOR THE NOTARIAL SUMMONS

Jaime Torrabadella Peré, lawyer (attorney) with domicile (address) in Marques del Duero 66, San Pedro, Marbella appears in court

He acts. In name and representation of Mr. Hans (...), by virtue of the proxy (power of attorney) for lawsuits granted in Switzerland before the consulate of Spain in Berne, on the 26th of August, 1991, under the number 237

And he requires me (asks me) to make a notarial request to the Director (chief) of the ¿? Puente Romano Branch, Urban Agency number 5, Marbella, the following:

That it's the proxy's will (principal, constituent) to refuse any payment or transfer, for any concept, to be paid into Mr. Hans account or any of the societies that he represents, and that may (could) ¿? relation with the claimed sale (pretendida can mean claimed, but also so-called sale) of the vehicles of the Ferrari make, in number of 4 units (or simply put the four Ferrari cars), that Mr. Friedli has deposited in the Motorauto Marbella SL premises

Evidence No. 25

Judge Order, Instruction Judge No. 2 from Marbella, 23 October 1991

El Magistrado Juez de instrucción

Sr. Comisario-Jefe de Policía-Marbella

In the proceedings of the annotations of the margin, I write the present (Vs stands for your lordship, I think, this would be equivalent to may it please the court or something similar, literally it means I free this to your lordship so that..) so that, to the major briefness, and today if possible the deposit and seal of the vehicles Ferrari 250gt, spider, II series, year 1960, chassis number 1893, Ferrari 250 GTE, coupe2-2-,model 1961, chassis number 2925, Ferrari, 365 GT, coupe, de 1970, chassis 13811 y Ferrari, 230 GT, spider, I series, model, 1957, chassis number 0799-gt take place, which can currently be found, two of them, one black and the other a sky blue color, in a garage of the concessionaire Nissan, situated in the Industrial Estate, property of Federico Magnoni and the other two models cabriole convertible in the establishment "Motive Cars Marbella SL " (SL stands for limited corporation in US English or limited company in British English) situated in the Soriano Avenue, building. Estela-II, and where they will have to be taken to the Mercedes concessionaire in San Pedro of Alcántara. For their seal (binding) and deposit (warehousing)

The lawyer Sr. Torradabella is authorized, to make the police favor easier, and he will take charge of all the expenses originated to the effect.

What has been agreed will have to be taken to effect without excuse or any pretext, proceeding to the detention of any person who prevents the fulfillment of what has been ordered, once there has been sufficient notice by that (person)

The corresponding record of the stated above will be remanded (sent)

Marbella 23 of august of 1991

The Magistrate

Commissioner - chief of Police-Marbella

Evidence No. 31

Declaration of Mr. Friedli to the Instruction Judge No. 2, Marbella, 26 September 1991

First Instance Criminal Court (Examining Magistrates Court) number two of Marbella

Bernard Hans Friedli's Declaration (statement)

ID (DNI stands for National Identification Document) Swiss passport number 7463613

In the city of Marbella on September, the twenty-sixth, 1991

Before the magistrate, assisted by my secretary (court clerk) the person annotated on the margin appears in court, who urged in form (duly urged) and having the legal warnings been made said: to be named as stated, of (2-8-1937) years, civil state married, profession industrial, son of Hans and of Charlota, native of Dreisieben, Administrative area (county) of idem (ditto), province of idem , and neighbor of Heimberg, with domicile in Ackerfluhweg 7-3627, instruction and that – he has been tried.

Represented (assisted) by the lawyers D Vicente Ortiz (...)

Suitably interrogated said: that he affirms and ratifies in the complaint-statement that made before the city's police station, in his name and representation by the lawyer D Jaime Torrabadella, which has been read in this case without any variations, adding to new questions:

That the sale was made by means of a verbal contract, with a gentleman called Giuseppe Giudice. For the amount of 1.900.000 dollars, presenting a bank guarantee (surety) for the above mentioned quantity, although (solera means nothing, I am thinking it was a miswritten ahora, which in this context could mean this) the above mentioned guarantee document was exhibited (shown) but said guarantee document was never given to him.

That after seeing the guarantee he has sent the cars to Spain.

That the cars were sent to Mr. Fischer, by so called Giudice's assignment, without a personal knowledge of Mr. Fischer.

That he agreed with Mr. Giudice that as soon as the cars were in Spain, Mr. Friedli would be simultaneously charged (paid) by means of a sum being credited in his Swiss bank, this is the appearer

That the above mentioned transfer has never made it to the appearer's power, nor has??

That Mr. Giudice asked him to send to the deponent pro-forma invoices for a total amount of 350.000 dollars, and that the appearer did so.

That exhibited the number 1 document, presented by the denounced, he says: ¿that he has never received? nor by fax nor by the ordinary means said document

Exhibited the other documents contributed as number 3(*the title), he says that he sent the above mentioned documents because its necessary that they accompany the vehicles, **but without signing the transfer because he still has not perceived the amount of the sale**

That the vehicles were in mint (perfect) condition and that they were under control the same day that they left Switzerland for Spain, no repairs needed, and that he will give the court photographs of them where their excellent condition (state) of conservation can be appreciated (seen)

That he insists that up to date he has not perceived a single peseta for the sale of the above mentioned vehicles

He answers the following questions to denouncer's lawyer's questions:

Asked if he has done a verbal contract for the sale of mentioned cars, he says: that yes, he did so with Mr. Giudice.

Asked if he recognizes the companies (firms, signatures) stated in the invoices and in the fax sent him, Mr. Fisher, giving him notice (knowledge) of the brand (mark), model, color of the four cars and giving him instructions to pay the stated sums into his account in the bank of Andalucia, number 5 Agency of the Puente Romano (Marbella), he answers this question in the following way: yes, he recognizes the companies (signatures) but always according to the instructions received from Giudice. That the aim of pro-forma invoices is to inform (report) customs only of the exact description of the vehicles to allow them to go through customs

Asked if giving the cars documentation gives their possession, he states that it is not equivalent to the possession, and that the cars are registered to his name. That the cars were bought by a Swiss society specialized in the sale of the above mentioned cars

Asked whether the four vehicles are his property, he says that yes, they are

Asked, concretely (specifically) about one of them because it doesn't appear in the certificate of the title that appears as document 3(*), to the name of another person, since as he states for the property or to have the property (domain, ownership) of the cars the signature of transference is needed, (the underlining in this document is mine, it does not appear on the original text) he answers that he has bought the cars and has paid in Switzerland to a society which specializes in the sale of collection cars named Elite Car Diffusion, whose domicile is in Frscherls, in the Canton of Friburg (Switzerland). That said society is the person responsible or in charge of making the transfers to Spain

Asked how he can explain that after four or five years he has not yet legalized the property of the cars putting them to his name he says: that these cars are like a picture or a sculpture and it is not an indispensable requirement that the transfer is carried out.

Asked whether by sending the documents together with the cars for the sale, he was also giving ownership, he answers: that he sent them to Mr. Giudice, who had to pay him the agreed price, which has not taken place.

Once readen the above I certify the exactness of the above document and sign it with your honorable and those present, of which I give faith (literally readen and ratified and signed with your Honorable, of which I give faith, witness. I assume SS^a stands for su señoría, your honorable)

EXTENSION In this act he exhibits and encloses (unites) a document in German, by photocopies, - its translation will be added later, which states (from which it can be inferred) that those vehicles were ¿insured? by the Elite Diffusion Company in two million nine hundred twenty thousand ¿Swiss? Francs, equivalent to 310.000.000 pesetas

Read again, I certify the exactness of the above document and sign it with your honorable and assistants and those present, of which I give faith (which I witness)

Evidence No. 32

Declaration of Mr. Kelvin John Fisher to the Instruction Judge No. 2, Marbella, 12 December 1991

Examining magistrate's court n ° 2 of Marbella

Kelvin John Fisher's Statement

ID residence card number. X-0183812-L

In the city of Marbella on December, the twelfth, 1991

Before the magistrate, assisted by my secretary (clerk)the person annotated on the margin, appears before the court, who sworn in legal form in form, (this again is a consequence of the form-like structure of the paragraph) and having the legal warnings been made he said: that he is named as stated above, of - years,-, profession-, son of - and of-, native of-, Administrative area of---, province of-, and neighbor of-, with domicile in- other personal circumstances already stated -instruction - has been tried.

Represented (assisted) by the lawyers D Vicente Ortiz (...)

Suitably questioned he said: that he confirms and ratifies completely the statements previously made before this court

Asked by the lawyer Sr. Ortiz, how he got in touch (contact) with Mr. Friedli for the selling and buying that he affirms to have carried out with the four cars, according to his statement, he answers that the contact wasn't (originally) made by the deponent, since they are a society and the direct contact was made by another manager (the word used is manager and not administrator) named Ugo Gianino.

Asked did the sale of the cars take place, he says: that when he got in the development of the sale (this doesn't make a lot of sense but this is what it says), he got a call from Mr. Friedli at the society, and the deponent answered the call, and then Mr. Friedli

asked him if everything was alright for the sale, answering that everything was in agreement with the operation and that he had already talked to Mr. Ugo Gianino, and that he had news (the word is news, not instructions nor information) on what ought to be done

Asked who took? who actually paid the price and arrived? who took the business? who contracted?

Asked on what terms (as whom) he acts in the society Motorauto SL, he says: that as a manager (manager, not administrator), with proxy since he is an associate

Asked if he has intervened (been part of) or knows Mr. Giudice, he says: that he was the initial contact between Mr. Friedli and Mr. Gianino, and that he hadn't met him before the operation, and that has not had any other relationship than the already mentioned

Asked, with the exhibition of the document number 5, given (contributed) by his representation (it says representation but I think it means representatives) which is on sheet 47, to state whether he has been part of the operation as the document says: that since it is a society's matter, he does indeed know it.

Asked to say whether it is true "Motorauto SL" Society has paid (into an account) the amount of 19.600.000 to which the documents refers, he says: that on principle (it says on principle, and not at the beginning, but they both use the same word principio), but as a consequence of the present proceedings it is pending

Asked to say whether he has knowledge (le consta is an expression which really means that he has knowledge, it's a synonym really) that what appears to be the buying society "Elmhurst Hotel Ltd" has applied for (requested) an authorization from the General Management of External Transactions for the payment to be paid, he says: that he ignores (is unaware) of this matter

Asked to say if it's true that Motorauto SL society, and himself are a mere intermediary and not a firm buyer, he says, that this is false, as the operation (transaction) was made directly between Mr. Friedli and "Motorauto Marbella" and such operation's agreements are stated in the documents

Asked to say if it is true whether him personally and his legal representation for these proceedings have offered the claimant to give the cars back if Mr. Friedli pays 40.000.000 to cancel (terminate) the commitment made by " Elmhurst Hotel Ltd "society, plus damages (torts) and the theoretical benefit that Motorauto would no longer perceive as a consequence of the contract's termination, implying an amount over 100.000.000 million of pesetas (I think this is really just 100 million), for all these concepts, he replies: that does not know (ignores) this agreement

Asked whether it is true that he receives instructions from other people to appear as the buyer, when in reality those cars were acquired by Mr. Giudice from Mr. Friedli for a million nine hundred thousand dollars, he says: that Motorauto Marbella Society, negotiated buying the four vehicles directly from Mr. Friedli, as he has already said.

Asked if he has knowledge of the existence of a guarantee (endorsement) or a letter of guarantee emitted by the Bank of America in Italy for the amount of 1.900.000 dollars to be withdrawn by Mr. Friedli once the cars were in Marbella, he says: that he hasn't heard nor known of such an agreement as he says. (I am not sure if this he says refers to the said agreement, or he if he just insists that this is what he says)

Asked if it is true that four vehicles have a market value of one million nine hundred thousand dollars and that the proforma invoices for an amount of 350.000 dollars only had regularizing as purpose regularize the payment through customs (it says payment, pago, but paso is passing, way, so it could mean that too if there has been a typo) as an aim (purpose). That is not true in his opinion

Asked whether he thinks it is strange that Mr. Fisher acquires vehicles of such great value without paying any amount and that he is allowed to pay the price once he sells them to a third party, he says: that in each case there is an agreement and in this case the agreement was the purchase of the 4 vehicles for an amount of 350.000 dollars to be put on the sale of the above mentioned vehicles in an account that he thinks it was the bank of Andalucía, even though it appears in the proceedings with the documents given under Mr. Friedli's name.

Asked by his lawyer, for the record, what was Mr. Giudice's performance (implication) in these cars selling-buying, he says: that was just the person who introduced Mr. Gianino and Mr. Friedli and that he didn't have any other involvement nor has he had any (other future involvement)

Once read the present, I certify and sign it with you Honor and those present, I hereby witness it

Evidence No. 33

Declaration of Mr. Antonio Moreno Canovas to the Instruction Judge No. 2, Marbella, 12 December 1991

Examining magistrate's Court n ° 2 of Marbella

Antonio Moreno Cánovas's statement

ID 24685048

In the city of Marbella on December, the twelfth, 1991

Before the magistrate, assisted by my secretary (court clerk) the annotated on the margin, appears in court, who sworn (certified) in legal form in form (this is just a repetition from the form), and having the legal warnings been made, he said: that he is named as mentioned above, of (March 29, 1944) years, civil state married, profession industrial, son of Francisco and of Maria, native of Monda, administrative area (county)

of Malaga, province of idem , and neighbor of Marbella, with domicile in the street Sevilla Velasco 2-8 number17, instruction and that - has been tried.

Represented (assisted) by the lawyers D Vicente Ortiz (...)

Suitably interrogated he said: that the police deposited Ferrari vehicles in his business the company "Hermanos Moreno Cánovas, SL" situated in the N-340, Cadiz - Barcelona, km 162,200, and he signed their deposit (warehouse) to the police, but he wants to state that an insurance be made for the vehicles, for whatever it may happen, because his insurance is small and will not be able to cover them, should anything happen, and he assumes they won't take responsibility for them

Asked by the lawyer Mr. Ortiz, if that same day or the following a Franjul security guard appeared, he said: that he has been there up until 15 days ago and for the 24 hours of the day

Asked by the lawyer Sr. Jimenez, (this paragraph is not very clear with regards to structure; but basically it says:) to be informed of his obligations as the deponent (depositor) of the mentioned vehicles, in this act by your Honor, he is informed of those obligations, and he is considered informed

Asked who ordered him to take the cars to his business, they say that a gentleman came from Madrid, ¿from the Ferrari (firm) to see them and get some data and that he had to give them? and he (literally that who is saying, exposing, the sayer (or under-signed) made him sign a document as consequence of that, but this gentleman left half an hour after entering his business and examining them, and came back 15 days after the cars arrived, he clarifies that Mr. Torradabella came earlier and told him if he had space to leave some cars in his business, to which he replied that he did, and he later collected him and took them to his business where they are currently deposited

Asked how he took the cars to his business, he says: that as he has said, Mr. T called him and told him if he could leave them there, when he called him later, he ordered (arranged for) his employees to collect them, he doesn't know where they went, but he knows that it was Marbella, and from there they took them to their business where they are, that the police came later and certified said deposit and signed the minutes (record, drafted statement) mentioned before and that is part (not the word used, but that's the meaning) of this proceedings

Asked that if he is a concessionaire of the Mercedes house (firm, brand) he says that he is a ¿Benet SA agent

And finally asked where the cars are deposited specifically, he says: that they are in their warehouse, under ceiling or cover and the building is 4 km away from San Pedro, having security with dogs, but that doesn't guarantee theft in his business. (Regardless of what is said, I think this really means that it doesn't guarantee that theft won't occur)

Once the present has been read, I certify the exactness of the above document and sign it with your honorable (Honor), of which I give faith

Evidence No. 34

**Declaration of Mr. Friedli to the Instruction Judge No. 2, Marbella,
12 December 1991**

Examining magistrate's court n ° 2 of Marbella

Bernhard Hans Friedli's Statement

ID card Swiss passport number. 7463613

In the city of Marbella on December the 12th, 1991

Before the magistrate and assisted by my secretary (court clerk), the person annotated on the margin, appears in court, who previous oath in duly from and having the legal warnings been made says: that he is named as mentioned above, of - years,-, profession-, son of - and of-, native of-, Administrative area (county) of---, province of-, and neighbor of-, with domicile in - his personal circumstances are already stated, instruction and - has been tried.

Represented (assisted) by the lawyers D Vicente Ortiz (...)

D^a Josefa (...) as interpreter

Suitably interrogated (questioned) he said: that he affirms and completely ratifies the statements made before this court in the present proceeding

Asked by his lawyer to explain from the beginning the operation which took place on the cars, object of these proceedings, and other information (data) that took place later on the above mentioned topic (matter) up to before the formulated complaint, he answers: that on the 18th of July, 1991 a meeting took place at Mr. Giudice's in Marbella, and among the topics discussed that they talked about the sale of the client's four vehicles, that Mr. Giudice reaches an agreement on the price, because has was interested in their acquisition, the deponent asks him for a guarantee and he presents it to him, reminding him that it was from bank of America in Italy, that coinciding that the deponent will be going to make another operation with Mr. Giudice about different objects they agree to introduce in an envelope both guarantees for the mentioned two operations, another document with regards to another operation, not relative to these related to the vehicles, in the presence of the Italian Vice-Consul in Malaga and before a gentleman who he thought was the Vice-Consul, but who, as he later found out was Mr. Felice Cutrera's secretary, whose name is Ugo Gianino and the reason to believe that he was the Vice-consul is because he was in his office (personal office). Forthwith (thereupon) he introduces (it, them, it doesn't say) inside an envelope and it is signed by the deponent and Mr. Giudice stamping it with the Vice-Consulate stamp

When the 14th of August arrives, he presents himself at the Vice-Consulate in order to receive the envelope he an Mr. Giudice had signed from the mentioned Vice-Consul, being surprised that the Vice-Consul, was not the person who acted as such before, being able to verify that there was nothing but the document pertaining a business different from the present and that the bank guarantees from the bank of America in Italy introduced before the vice-consul, on July the 19th of the present year could not

be found. Asking him for a certificate as a guarantee that the envelope was opened before him and that it only contained the mentioned document, being the mentioned document requested by the deponent drafted

Communicating this to his lawyer (attorney) in Switzerland

Asked if he has had news from Mr. Giudice after this, he says: that yes, telling him what had happened and that would ask his lawyer, who was Mr. Merino

Asked by the lawyer Mr. Jimenez Balboteo, to manifest where it was deposited the envelope on the 19th in the consulate of Italy in Malaga he says: that ignores (doesn't know) it, but that since he was the vice-consulate it ought to be there and he didn't worry about anything else

Asked how does the authentic vice-consul know where the letter or envelope is (should be are but it says is) when he went to collect and found out that person who was there when it was signed was not the vice-consul, he answers that Mr. Merino called him to tell him if he has collected the said envelope, that the envelope was given to him by Mr. Jimenez himself and that he opened on his office, that the deponent went with his daughter and that he asked for it on a window and that they wanted to give it to him at that time, but he asked for it to be given at the vice-consul's office and by him, that the person that was going to give it to him on the window was a different person from Mr. Jimenez, I say it is Mr. JIMENEZ, which the deponent ignored (didn't know) because he was at the window, the deponent asked for the vice-consul Mr. Jimenez to hand it, being answered by the person on the window that that was Mr. Jimenez and the vice-consul, so he could give it to him but in his office

That he does not know where Mr. Jimenez got the envelope from when he gave it to him

Asked: that has never been at the „Motorauto SL "premises

Asked to says if he has ever had telephone conversations with Mr. Ugo Gianino from the Motorauto SL Society he answers: no, and nobody has introduced himself neither on the telephone nor personally, saying that he is Mr. Gianino

Once the present, has been read, I certify the exactness of the above document and sign it with your honorable (Honor), and the people present, of which I give faith

Evidence No. 35

Statement and Request of the District Attorney to the Instruction Judge No. 2 of Marbella, 19 December 1991

To the Examining magistrate's court number two of Marbella

Don Guillermo Leal Aragoncillo, district attorney, in name and representation of Mr. Hans Bernard Friedli's (..), as he has credited in the preliminary proceedings number 14 0? 1/91-0, he appears in court and says:

That on the date 10/18? of the currents (I assume it means of the current month, as long as the plural is a typo), the decision (ruling) of December the 12th, has been notified to this party by which it was appointed for today 19th, a confrontation between the represented one and the defendant Kelvin John Fisher

This party, could obviously not get in touch with (contact) his client (represented), since he does not have his domicile in Marbella but in Switzerland, this is the reason why a new appointment of date and hour is requested

At the same time, it is requested that the vice-consul of Italy in Malaga, Mr. Jimenez, gives a statement about the facts to which my client's s statement refers on the 12th of the current December, issuing to this effect a rogatory letter to the Dean First Instance Court of Malaga , for him to appear in court on the date and hour appointed to this effect

By its virtue (in virtue of which, because of which)

I hereby plead the Court: that considering this pleading presented (filed) and it will be enclosed to the proceedings (it really says diligencias which means proceedings and "de su razón" from his reason-motive, which I have tried to look up, but I have no idea what it is, I don't know if its an archaic expression or an actual procedure, but I doubt it) and proceed in conformity what the request

Marbella, 19th of December, 1991

Evidence No. 37

Fax message of the Insurance Company "Lloyd Adriatico España" to Attorney Vicente Ortiz Alvarez (also representing Mr. Friedli), dated on 4. March 1992

Dear Sir

Before anything I beg you to forgive the delay in answering the referred matter

My Central (Office) tells me I could accept the risk to cover fire and theft in rest for the four vehicles valued in 200.000.000 pesetas, for a total yearly amount of 822.450 pesetas, but under the condition of an alarm connected with the Police or an insurance company being installed at the place where they are.

With no further notice, and awaiting your news

Sincerely

Evidence No. 38

Summon of the Instruction Judge No. 2 of Marbella, regarding the court hearing on 17. March 1992 (dated on 5. March 1992)

Examining Magistrate's court number 2 of Marbella

Preliminary Proceedings number 1451/91-0

Claimant: D Hans B Friedli

Denounced: D Kelvin Fisher

Lawyer Mr. Vicente Ortiz Álvarez

Magistrate: Judge Mr. Trujillo

Marbella, on March 5, 1992

Given (account) (or is a given): The previous writings will be considered presented (filed), with their copies, behind (or after, I don't know if r/ is an act or a document) the denounced/ (I have no clue what r/ might mean) and one from the claimant (or one of the claimant's ones), giving each of the parties the copies given (joined) by the other (contrary), the allegations will be considered done. And, before the corresponding resolution, it is fitting to proceed to a confrontation between the denounced and the claimant, which had been previously agreed on, and which could not take place because of their lack of appearance, to this end the following 17th of the current month at 11.00 am is appointed, each party must take care for Mr. Friedli and Mr. Fisher's presence. This provision (it's really a legal term and not a provision, but this is the meaning less) is to be notified to the parties for their knowledge. And it shall be agreed

I hereby order and sign your Honor, to which I give faith

Providence: it is abided, this I witness

Evidence No. 38a

Fax message from Attorney Vicente Ortiz Alvarez to Attorney Marc Stucki, dated 12 March 1992

Dear colleague

I acknowledge the reception of your communication the 5th of the current March, via fax, with which you sent me 5 letters sent between that office and the Italian Vice-consul in Málaga

I know the letters content and I appreciate that the Vice-Consul won't give a lot of clarity to the facts. However I don't think it can damage us, just state (make clear) the plot devised by the denounced to avoid the payment of the vehicles price

On the other hand, we have no consistent proof that may incriminate the denounced, since they maintain that the vehicles price is the one stated in the proforma invoices (bills) and they agree to pay that price, and giving a contract appearance to be discussed in a procedure of a civil nature

I enclose you a copy of the ruling, in which the magistrate calls our client and Mr. Fisher to practice a confrontation proceeding. Please tell me if the client can come that day, so I can communicate it to the court

I already tell you that this proceeding is of little importance and won't clarify anything, since it is mainly a matter of the judge taking note of the disagreements between the taken statements and that any of them ratifies a conflicted point. As it is logical, each party will ratify their statements

Awaiting your news

Sincerely

Vicente Ortiz Alvarez

Evidence No. 39

Fax message of Attorney Vicente Ortiz Alvarez (representing Mr. Friedli) to Attorney Marc Stucki, informing about the new court hearings (dated 5 March 1992)

Dear colleague

As a continuation to fax on the 2nd of the current March, and in regards to the matter of reference, I am happy to inform you that:

The procedure is going on again.

Taking Giudice's statement, practice the confrontation proceeding between our client and the denounced Kelvin John Fisher, are pending, these statements will take place at the end of this month, although I do not know the exact day yet

I send you a copy of this fax and the Lloyd Adriatico Company's letter that I send the client on this date. The cars insurance was the current depositary's demand/requirement, since his company has a very small insurance

Mr. Friedli, was talking with the Lloyd, last Christmas, to be given a budget, which is the one I send

Sincerely

Evidence No. 40a

Fax message from Attorney Vicente Ortiz Alvarez to Attorney Marc Stucki, dated 12 April 1992, referring to the letter of Marc Stucki from 20. March 1992 (and answering his questions)

Fax

To Marc Stucki's attention

Dear colleague

In reply to your 20th of April fax, and in relation to the matter of reference and what you ask me, I am happy to inform you of the following:

1. At this time the public prosecutor has the dossier/file in his power, and he is studying whether to ask or not for the criminal process to continue, and, in that case, against whom.
2. If he asks for the closing of the process and the judge agrees with this petition, we will have to appeal this ruling for the Supreme Court to examine it. The norm is that the closing is maintained
3. If this event takes place, the aim of our appeal is to gain time to prepare the civil process where we would ask for the precautionary measures of the vehicles deposit to be maintained, while it is civilly decided whether a buying-selling contract exists and who is the owner
4. The civil process, obviously, has some risks, but in my opinion we can win it and get the vehicles back (retrieve the vehicles) since there has really been a verbal contract of buying and selling for a price that has not been paid. The disagreement (difference) with the 350.000 dollars for which they affirm they bought the cars is very high in regards to the cars real value

The deposit will have to carry on until the civil process is over, since in these kind of process it's the validity and efficacy of a buying and selling contract that is discussed, and ultimately, the cars ownership and therefore they have to be deposited in a third party until the judge decides on the matter. The bank guarantees do not proceed in this case

Hoping to have answered all that was asked, sincerely

Vicente Ortiz Alvarez

Evidence No. 47a

Letter from Mr. Friedli to Attorney Torrabadella, 29 October 1992

Dear Sir

I beg you to ask from the examining magistrate's court number 2, the necessary authorization to transfer the 4 Ferraris of my property (I own), deposited in the HERMANOS MORENO CANOVAS garage (agencia Ford) to the BEL-AIR MOTOR CARS garage, situated in the Bel-Air estate (development), Cadiz road, kilometer 100 of Estepona.

To that end, you can use the services of any lawyer or attorney (district attorney) of your choice

With nothing else to add for the time being, sincerely

Hans B. Friedli

Evidence No. 53

Statement and request of the Prosecuting Attorney to the Investigation Judge No. 2 of Marbella, 28 January 1993

To the Examining magistrate's court number two of Marbella

Guillermo Leal Aragoncillo, prosecuting attorney in name and representation of don Hans B Friedli's (..) s as duly verified in the abridged criminal proceedings (Procedimiento Abreviado in general is in Spanish Law a sort of simplified proceedings for less major offences characterized by its abridged procedure, I am not sure if in criminal law it is also used for minor offences or also for those that require a quick and simplifies procedure) number 154/92-C, against Don Kelvin John Fisher, I appear before the court, and in the best way to proceed by law(this is probably just an archaic and formal expression) I SAY

That having been the original proceedings notified (literally transferred) to proceed to qualify (legal description) or file the charging instrument, if considered appropriate, by the present document, this party wont file charges with regards to the General attorney's Office's criterion, and not having been able to bring the people directly involved in the criminal facts originally reported as they are away from Spain

We do however ask, just as the General Attorney's Office can, for an express reserve to be made for this party's pertinent civil lawsuit, and for the vehicles deposit to be maintained, with all legal guarantees, for a period of THREE MONTHS, from the moment the judicial resolution that might happen is final, within which this party will file the pertinent civil lawsuit to retrieve said vehicles and ask for the damages and torts caused

Therefore

I HEREBY PLEAD THE COURT, that considering this document filed, together with its copies, it is considered to be answered (evacuar el traslado conferido which literally means to evacuate the given transfer means to answer the given notification according to legal forums. A traslado or transfer is a proceeding in which one of the party receives the other party's pleas to make the allegations that it sees fit or prepare the appropriate proceeding) and agree, in agreement with previous demands (in the sense of what has been previously asked, not in the sense of complaints), because doing so in justice, I ask in Marbella 28th of January 1993 (again this appears to be another archaic expression that makes no sense in Spanish, it probably means because this is what happens if justice is made)

EVEN MOREOVER (This is a second petition, the otrosi expression has already been discussed earlier) In the event that the maintenance of the precautionary measures is not agreed, the right of appeal is considered announced within the valid period, against the resolution eventually pronounced, therefore

I PLEAD THE COURT that considering the current pleading as filed, it is admitted to the needed effects, because doing so is justice, I reaffirm in the place and date stated

Evidence No. 54

Court order, Investigative Judge No. 2 of Marbella, Spain, 20 March 1993

Examining magistrate's court number 2 of Marbella

Against Kelvin John Fisher

Claimant Friedli

HEARING

In the city of Marbella, on March the 20th, 1993

Given: the present proceedings returned (devueltas means returned, it's an effect appeals have, so that they are entrusted to the organ above the one which solved it in the first instance) by the private prosecution, with their previous document, enclosed to them. It is considered to be evacuated (this means to go through a proceeding, file a report or make a transfer), by said representation, the conferred proceeding, with the pleas contained in said document and

FACTS

ONE AND ONLY That the present abridged procedure was sent to the Attorney General's Office by virtue of the article 790 and following of the Criminal Procedure Law,

giving it back with the following report: THE DISTRICT ATTORNEY has interest on the provisional DISMISSAL of article 641.1 of the Criminal Procedure Law, WITH EX-PRESE RESERVE OF CIVIL LAWSUIT. With order to LEAVE WITHOUT EFFECT the cautionary measures adopted (deposit and seizure (literally intervention) of the vehicles) reinstating immediately whomever had their possession when it took place, where they will remain seized and deposited (warehoused) at the court's disposal for a period of THREE MONTHS, period in which the pertinent civil lawsuit should be filed (Article 635, 4th paragraph of the Criminal Procedure Law) (This law can also be named Law of Criminal Prosecution)

For the private prosecution's representation, during the answer to said proceeding, was totally in agreement with the petition to the General Attorney's Office.

GROUNDS OF LAW

ONLY Since it cannot be inferred from the proceedings, enough elements (signs, evidence, indication) to duly justify the commitment of the denounced crime and which has lead to the current (proceedings) district attorney's pleas, (there are way too many comas in the original, it says which have lead to the current proceedings, although proceedings is not said, and after a coma it starts talking about the district attorney's petitions, I think the coma is a typo and it simply states that it has lead to the current district attorney's pleas) to whom it has expressed his total agreement the private prosecutor's representation, in the proceeding in which it was conferred. (I really think this is a full stop, not a coma) It is the case to rule the provisional dismissal requested measures, and which will be expressed in the dispositive part of this resolution

DISPOSITIVE PART

Your Honor SAID that he had rule, had he ruled, the provisional DISMISSAL (nonsuit) in article 641-1 of the law of Criminal Prosecution, in the present lawsuit. Leaving the precautionary measures previously adopted with no effect, and reinstating immediately the possession of the vehicles to which this proceeding refers to the denounced, where they will be intervened (seized) and deposited in such person with the legal formalities, at the disposal of the court during a THREE MONTHS period, period in which the pertinent civil lawsuit should be filed by the private accuser's representation (Article 635, 4th paragraph of the Criminal Procedure Law)

An express reserve for the civil lawsuit to be made to the parties and the period stated to the private prosecution's representation

The official letter to be issued will be given to Mr. Fisher's representation to take it to its destination (aim), and carry what has been ordered to effect, being the cars transport to the authorized place at his expense: the police station must issue the pertinent certificate (official document) to this end

This shall be notified to the general Attorney's Office and the interested parties

I hereby order and signed your Honor Mr. Jose Gonzalo Trujillo, magistrate of the Examining magistrate's court n ° 2 of Marbella and its county, this I witness

Evidence No. 55

Court order, Investigative Judge No. 2 of Marbella, Spain, 20 March 1993

Examining magistrate's court number two of Marbella

In the PA (I don't know what this stands for) number 154/92-C, that I instruct (instruir un sumario: prepare the groundwork of criminal prosecution: collect evidence and specify charges, The instrucción is peculiar to the systems deriving from Roman Law, and has no equivalent in Engl. or American legal practice, where the judge's role is rather that of umpire than of pursuer, investigator, accuser or inquisitor. The judge of first instance or, in more serious matters the judge of the senior court with jurisdiction has absolute power and discretion to interview, examine, detain and indict persons whom there are reasonable grounds for proceeding against, as well as to examine witnesses and make other relevant orders. The evidence thus collected, the writs issued and the record of all the proceedings are collectively known as the sumario -approx "process" which is sent on to the trial court if and when the case comes up. All such procedure, except the formal matters of bringing charges -which is the English "committal proceedings"- is handled in the Anglo-American tradition by the prosecution services of the DPP). I write the present so that the vehicles

FERRARI 230GT spider, series I, model 1957 with chassis number 0799GT

FERRARI 250GT spider, series II, year 1960 with chassis number 1893

FERRARI 250GT coupe, series II, model 1961 with chassis number 2925, and

FERRARI 365Gt coupe, year 1970 and with chassis number 13811, that are currently deposited nowadays, on this court's order, at the establishment called " Hermanos Moreno Cánovas C.B?", situated at the N 40 road in San Pedro of Alcántara, to be MOVED, to the major possible briefness, to another place of similar characteristics, which will be stated to the carrier of the present (document), where they will remain intervened (the word is intervened and not seized, but I think that is the meaning) and deposited, in the denounced Mr. Kelvin John Fisher's person, at the COURT's disposal for a period of THREE MONTHS, as agreed

The legal warnings will be made to the above mentioned depository, and all the expenses originated will be at his expense or his representation's

The pertinent STATEMENT will be drafted (the pertinent minutes will be taken), which duly signed will be sent to this court

Marbella on March the 20th, 1993

The magistrate

Chief Commissariat of Marbella Police

Evidence No. 58

Fax message of Attorney R. Cortabarría to Attorney Marc Stucki, explaining the judge order and the legal situation, 25. March 1993

Saenz Cortabarría lawyers (...)

Facsimile transmission

Total number of pages 9

Including this cover page

If you don't receive this fax, please call my office

Transmitting to Dr Peter Bratschi

Attention of

From Rafael Saenz Cortabarría

Matter Friedli

Message

My dear friend

I have received yesterday's fax and the one you sent today. I couldn't reply before because yesterday night I had to go to San Sebastian, and I just came back, and after the mentioned faxes on top of the phone conversations that I had yesterday afternoon with Mr. Friedli, I think it is necessary to clarify the facts to the extent and dimension that I know them, and at the same time state very clearly our takes on the matter

The facts related to the vehicles, in chronological order and succinctly stated are as follows:

Previously: I confirm and ratify myself fully on the content of the fax sent the 1st February 1993

Once that is stated, and so that it is clear that there is no contradiction between what I once said and what I still express today, I clarify:

1-In the month of November I am asked to take part on the vehicles matter

This proceeding was being handled by Mr. Ortiz and I asked him for the *venia* (this term is usually used to speak to the Honor and means "may it please the court" really it's just permission) to intervene. Mr. Ortiz gave me permission (*venia*) letting me know that he hadn't perceived his minute (bill, payment), sent it to me and I sent it to you in the opportune fax

2-The moment I take charge, the proceedings were not in Marbella because the district attorney had taken them to Málaga to study the summary (indictment)

3-In December, we find out extraofficially (unofficially) that the district attorney was asking for the motion to be dismissed, because he understood that the facts entailed no crime. However, since its content hadn't been officially notified to our prosecuting attorney, we didn't know exactly what the district attorney states, although we didn't know that he asked the judge (magistrate) for the car deposit to be maintained. We were also extraofficially told that the judge was going to give four months of time keeping the deposit to give us time for the appropriate civil procedure to claim ownership of the vehicles

4-However, all these unofficial news could neither be confirmed nor denied, since the judge could not reach a decision until the following took place:

- The court had to serve notice to us, notifying of all the proceedings (everything that took place) and ask us if we agreed or not with the district attorney's petition for the motion to be dismissed

- We were given notice by the 28th of January 1993, this is, immediately, we filed the opportune proceeding (writing) in which we agreed to the general attorney's office's petition, the express reserve of the appropriate legal lawsuits (keeping the right to legal lawsuit), and for the deposit (warehousing) of the vehicles to be maintained

5- In this situation, the magistrate will have to decide with a court order on the dismissal and the closing of the case and on the deposit of the vehicles

I will get back to this later,

6- As I am writing this fax, I have not yet received a call from Mr. Leal Aragoncillo to let me know if the judicial resolution, in the mentioned sense, has been notified,

In the light of the news I received from Mr. Friedli, I called Mr. Leal Aragoncillo, and let him know what was stated by the Police Inspection of Estepona, and repeated that the magistrate had had to have come to a resolution on the matter and to please go to the court to be notified, so he could let me know the resolution's terms

I therefore want to state very clearly that I have not been notified on what terms the resolution took place

7- I repeat that the judicial resolution has not yet happened and it is the one that will end the criminal procedure as an answer to our pleading dated on the 28th of last January (the copy of said pleading has to be part of the proceeding, but I am sending its copy so we can have a full knowledge to express our views on this matter)

8-In conformity with what is stated in article 111 and concordant of the Criminal Procedure Law it is inferred that "while the criminal lawsuit is pending, the civil lawsuit will not be exercised" (filed)

This means that, when a criminal procedure is already started, no criminal proceedings can be started, based on the facts to which the criminal procedure refers (the underlining and bold letters in this document are not mine)

This is the situation in which we are or I am are right now BECAUSE NOBODY HAS NOTIFIED US THAT THE CRIMINAL PROCEDURE HAS ENDED, so we cannot file a civil complaint with regards to the vehicles

9- Now, at this point, we should remember part of what I have states. I have said, I have been saying, and this I have transmitted, that it seemed that the magistrate was going to decide to KEEP THE VEHICLES DEPOSIT IN THE SITUATION IN WHICH THEY WERE DURING THE CRIMINAL PROCEDURE

Obviously, the magistrate, may take a stance not completely in accordance with the law, he may somehow avoid damage. I have always thought from the impressions that have been transmitted to me, that the judge's position (stance), after meeting Mr. Friedli by his statement before the court, may have been favorable to the one I state. This is, that it may be favorable to a fair action, even if it was not completely in accordance to the rules prescribes in the law

To this effect I am referring to the document added

But the truth is that the magistrate ordered the vehicles deposit as a consequence of a complaint, and their seizure by Mr. Fishers hand (I am not sure if this reference to Mr. Friedli means seized in his hands or seized because of his action, it is not very clear, the second option makes more sense)

Article 635 of the Criminal Procedure Law (Code) states "the presumption of ownership for the person in possession of the thing at the time it was seized by the magistrate", and therefore, if we apply the article literally, the magistrate will have to give the vehicle back to the person in whose power they were when the criminal proceedings were started, when he decides on the dismissal

However, the stated article also stated that the evidentiary exhibits (the vehicles) WILL BE KEPT WITHHELD "IF A THIRD PARTY ASKS FOR IT" We are this third party to the law, and we have asked for them to be withheld

The stated article also stated that the judge or court if he "AGREES TO WITHHOLD" will give time to prepare the civil lawsuit, this is, to prepare the complaint

As you can see it is optional for the judge to agree the withholding, and it is therefore optional for the judge to give a time period

Our client must realize that having had the judge agreeing to the withholding and giving a time period happened because even though the facts do not entail crime, he nonetheless appreciates enough reasons to be able to think that the vehicles (which appear to be owned by Mr. Fisher because of the presumption previously mentioned) are owned by Mr. Friedli or at least Mr. Friedli has founded rights over them.

From everything that has been mentioned it is inferred that according to law, if the magistrate wants to act in accordance to it, once the criminal procedure is over, has to give the vehicles to the person that had them at the time the procedure began

Therefore, it might hurt us, it might make us uncomfortable, it might disturb us, but if we are really conscious, the magistrate has done, if things are the way Mr. Moreno informed me yesterday by phone, the only thing he could legally do

As a consequence, the current situation in the worst case scenario can be summarized as follows:

1 The RETURN OF THE VEHICLES is ordered

2 The WITHHOLDING OF THE VEHICLES IS ORDERED, so the magistrate and the police will adopt the appropriate measures for it to be EFFECTIVE

The fact that the withholding has been ordered means that NOBODY CAN DISPOSE OF THE VEHICLES, BUT HAVE THEM IN DEPOSIT by its disposition (deposit as a contract is also called bailment contract)

3. That we are given a PERIOD (we would ask for THREE MONTHS) TO PROMOTE THE CIVIL LAWSUIT

And this is the situation; I think we should deal with it with most serenity, even if it is not agreeable to us. I obviously think that what the judge seemed to think of doing would have been better, however, as I say, I assume he must have thought twice about it, knowing that it was not in accordance to the law, and who he is standing in front of, he has opted for the literal binding of the law

I repeat that I am doing an imagination exercise, accepting all that Mr. Moreno told me yesterday as known and accepting it all as true

I consider the received faxes regarding explaining the vehicles situation as answered, WITH REGARDS TO THE FIRST PARAGRAPH OF THIS DOCUMENT, I CLARIFY

It is now my turn to express my stance, which is the following

A- I thought I had proven to the extent that can be humanly requested, how I have lead Mr. Friedli's interest's defense

B- The faxes and the phone conversation I had yesterday afternoon with Mr. Friedli give me the impression that I have lost your trust

C- I will therefore be grateful if you appoint another lawyer for the defense of all of Mr. Friedli's interests, this is, the criminal proceedings and out of court relations (settlements)

D- I will also be grateful if you appoint a SOLE ADMINISTRATOR as soon as possible for the Bellantoni Puerto SL Society, for the purpose of handing all of the documentation

E- I will naturally continue during this inter-regnum with the defense of all of the interest entrusted to me

F- I also want to state that all the DELAYS that have taken place during the criminal proceedings, although I am personally and professionally alien to them certainly not responsible, I assume as my matter what has happened to our prosecuting attorney

I want to reflect on something: I am certain that if Mr. Ramirez and company knew this letter's content, tonight they would be toasting with champagne

Finally a favor: I will be grateful not to be compared with anybody, because I respect all opinions, but I am reticent to comparisons, even if it's to colleagues of great prestige who are above me on everything

Sincerely

PS While correcting this letter, I receive the prosecuting attorney's fax. It's from 19.05 as you can see it; it completely ratifies my letter's assumptions. I enclose it for your knowledge. It has been NOTIFIED TODAY 23.03.93 Good to go (vale can mean ok or it is good to go, in both cases it is either slang or a common practice I don't know of) (comment: For some odd reason I find it very amusing that such a clear document is written by the Bilbao lawyer)

Evidence No. 60a

Application of Attorney Jose Luis Sanz Arribas to the Court of First Instance of Marbella, on 28 April 1993 (one page probably missing)

To the Court of First Instance (Crown's Court, magistrate's Court)

Don Guillermo Leal Aragoncillo, district attorney, in Mr. Hans Bernard Friedli Von Muhlenen's name, whose representation I prove with a copy of the proxy given to my favor, which I enclose in duly from, I appear before the court and as it's best to proceed in the Law, I SAY

That in the mentioned representation and by the present document, on behalf of what is stated in the article 497-2º and article 499-2nd paragraph, of the from the Civil Procedure Law, I promote judicial preliminary proceedings, for the exhibition and deposit of personal property (movable good), basing said petition on the following:

FACTS

FIRST By reason of the buying and selling contract agreed, at least apparently between, my represented Mr. Friedli and the Italian citizen Giuseppe Giudice, a Marbella resident, the first mentioned sent four collection cars of the Ferrari brand to this city, whose identification data are as follows

- Ferrari 250GT spider serial II, year 1960, chasis 1893
- Ferrari 25º GTE coupe 2-2, model 1961, chasis 2925
- Ferrari 365 GT coupe 2-2, 10970, chasis 13811
- Ferrari 230 GT spider, serial I, model 1957, chasis 0799

These vehicles, as the collection cars they are, have no registration number

SECOND The price agreed between both parties in the contract was 1.900.000 US dollars, to this aim Mr. Giudice exhibited and presented the buyer with a bank guaran-

tee, which he did not give, agreeing that the payment would be made with a cash payment in one transaction and the payment of a sum or a transfer to Mr. Friedli's bank in Switzerland, once the vehicles were in Marbella, to that end it was established as the cars destination the firm "Motorauto Marbella SL" establishment in this city, situated at the Ricardo Soriano Avenue, building Estela II, to this aim, and as it is usual (customary) in these cases and for the import operation effect, the cars traveled with a proforma invoice for the inferior (lower) amount of 350.000 US dollars

THIRD Once the cars were in Marbella, Mr. Giudice disappears and there is no way to find him (know where he is), speak with him, and much less receive the buying-selling price. Establishing contact then with who, apparently, manages said establishment "Motorauto Marbella SL" and is the legal representative of the society (trading company), Mr. Kelvin John Fisher, who, surprisingly, states (manifests. expresses) that the cars have been sold to him or his society, and for the 350.000 US dollars. In view of such incredible take and attitude, Mr. Friedli's lawyer and proxy (representative. agent), Mr. Jaime Torradella Paré, files a complaint (lawsuit) at the police station on the 28th of august 1991, which starts the preliminary proceedings 1451/91-C of the Examining Magistrate's Court number 2 of Marbella, a full photocopy of which accompany (are enclosed) this document as a precedent (background record) and for a better knowledge of the Court who must now solve this claim.

FOURTH Without considering, now, (although we will logically do so in the later declarative lawsuit (clarifying statement, certification, petition for declarative judgment)) in the Examination and Assessment (evaluation) of these criminal proceedings content and the facts in general, it is interested to state, because of its importance to the claim we now deduce, that, after the lawsuit (claim), the Examining magistrate's court number 2 agreed to the deposit in an establishment adequate to the effect, of the mentioned vehicles, which took place, not without many difficulties and troubles, and after a certainly difficult, complex, and even confusing criminal investigation, the Court ruled on the 20th of March 1993, the provisional dismissal of the proceedings, and in the dispositive part it is literally stated the following:

"Your Honor SAID that he had rule, had he ruled, the provisional DISMISSAL (nonsuit) in article 641-1 of the law of Criminal Prosecution, in the present lawsuit. Leaving the precautionary measures previously adopted with no effect, and reinstating immediately the possession of the vehicles to which this proceeding refers to the denounced, where they will be intervened (seized) and deposited in such person with the legal formalities, at the disposal of the court during a THREE MONTHS period, period in which the pertinent civil lawsuit should be filed by the private accuser's representation (Article 635, 4th paragraph of the Criminal Procedure Law)

An express reserve for the civil lawsuit to be made to the parties and the period stated to the private prosecution's representation

The official letter to be issued will be given to Mr. Fisher's representation to take it to its destination (aim), and carry what has been ordered to effect, being the cars transport to the authorized place at his expense: the police station must issue the pertinent certificate (official document) to this end"

As a consequence of said judicial agreement, and in agreement with article 635 of The Criminal Procedure Law, the four vehicles were given back, in regards to their custody or provisional deposit, to the person that was in their possession at the time the Examining Magistrate's Court seized them, this is, Mr. Fischer, by a minutes (certificate. statement) dated on the 24th on march 1995, but at the court's disposal for a period of three months, so that this party could file the pertinent civil lawsuits that are expressly recognized (acknowledged) and reserved

-----Missing page-----

with all respect, in a wrong and rushed manner, against what is stated by the law, and by the 20th of march 1993 Court Order, the vehicles were given back to Mr. Fisher, with the very grave risk this entails that they disappear definitely, and this is what makes us have recourse to the right that in the civil field gives us the paragraph 2 of article 499 of the Criminal Procedure Law, so that the deposit of said movable goods (personal property, as opposed to real state property) is ruled, as the requirements to rule a precautionary seizure establishes article 1.4000 of the same law to which article 499 refers to, concur in this case in an obvious and evident manner, as:

a-)From the documents that accompany this document and that are the criminal proceedings 1.451/91 of the Court number 2 themselves, it comes away blatantly that the original owner and titleholder of the cars in question, was my represented Mr. Friedli, who believed in good faith he was selling them, and for that reason they left his possession, but he didn't receive for said buying-selling, and this is as notorious as it is relevant and grave, a single cent, which means that the substantial concurrence (existence) of the first circumstance required by article 1400 takes place (exists). as pertinent and "mutatis mutandi" in who is going to request civilly the termination or the declaration of inexistence (non-existence) of that supposed contract and the retrieving of the movable goods (personal property) that are its object

b-) The second legal requirement for the deposit is, if possible, more conclusive. Mr. Fisher is a foreigner no citizen of Spain, but who is also not the real "buyer", since, him, Mr. Giudice, also a foreigner, has disappeared from Marbella, just as, after recent and well known events that took place in this place, other known members of the "organization" to which, as we have known later (and it is stated (certified) by press clips we enclose) he belongs, dedicated among other "activities" to the illicit traffic of vehicles, in which it seems evident that Motorauto Marbella SL and their managers, could be a part of

Quite so, if we trust (consider) the attestation from the Companies House which is equally enclosed to this document, said society is constituted the 20th of November 1990 by Mr. Ugo GIANINO GIOVANNI, and by the Portuguese citizens MR. MANUEL LOURENCO NEVES ALVES and MR. BERNARDO MANUEL RATTON, these last ones represented by their proxies (representatives) Mr. Juan Carlos Ramirez Balboteo and Mr. Diego Jimenez Balboteo, being society administrators with a joint (concurrent) character Mr. KELVIN JOHN FISHER and Mr. Ugo Gianino himself

Well, according to those newspaper clips that we enclose, and as it is publicly and notoriously known in this city, Mr. Gianino is in unconditional jail by order of the Examining Magistrate's Court number 4 of this city, in a cause followed equally against Mr. Juan Ramirez, being the first one already detained by order of a Court in Seville and for an alleged crime of stolen cars sale, having known, through this information, that their domicile (address) and the mercantile establishment for car sale, have been the object of a search by a judicial order (search warrant)

In this situation, and with these precedents (background), we have serious doubts and fears on whether the vehicles given to Mr. Fisher can be found or not in the Motor auto Marbella SL establishment, and that's the reason for which we request with urgency the exhibition of said movable goods (personal property), that is, of the vehicles that have, undoubtedly, been obtained, and it would be more correct to say stolen by evil means from my principal (mandatory), and that so that the declarative lawsuit (clarifying statement, certification, petition for declarative judgment) for their recovering can be effective

Because of the same reasons we request the deposit of the vehicles, because of the risk to disappear if they continue in the power of what appears to be a true organized gang, and there is evidence to think that Motor Marbella SL and Mr. Fishers are links of this chain

To the mentioned facts are of application the following:

GROUNDS OF LAW

I

Article 497-2 of the Civil Procedure Law that, among the called "preliminary proceedings" establishes that "every trial could be prepared asking for the exhibition of the personal property (movable good) that, in the case, has to be the object of the action in rem or the mixed lawsuit which he tries to initiate against who has the thing in his power"

II

Article 499 of the Criminal Procedure Law establishes that in the case of number 2 of article 497, after the exhibition and outline of the personal property (movable good), and according to the second paragraph, "it can also be ruled, at the claimant's (plaintiff) request, the deposit of said personal property (movable good), if the requirements demanded by article 1400 to rule the precautionary seizing, concur" and, as we have seen previously do concur plentifully in the present case, in which that deposit seems to be completely necessary and indispensable

III

That same article 499, paragraph 3, establishes that that deposit will be at the risk and expense of the asker, as this party assumes, and it commits itself to pay the cost that it causes and that the cars are adequately custodied (watched, monitored), guarded (kept) and taken care of, except if the court has a different criteria, at the following place:

Bel Air Motors SA (Bel Air development) Malaga - Cadiz road, km. 168

Therefore

I HEREBY PLEAD THE COURT to consider filed and admits this document, along with the proxy and documents that accompany it, and by their virtue considers filed in duly time and form, in my mandator's (principal) name, in whose representation I will be considered a party, judicial preliminary and preparatory proceedings, that are initially addressed against Mr. Kelvin Fisher and also the entity "Motorauto Marbella SL", in its legal representation, both with domicile in Ricardo Soriano Avenue, building Estela II, ground floor, to which place, and previous appointment of day and date, the court clerk will be moved, accompanied by this party with the aim to proceed, firstly, with the exhibition and outline of the four Ferrari vehicles outlined in the first fact of this document, who must be found in that establishment, and if they are not, that proceeding must take place in the place where they are, and that Mr. Fisher must express, ruling equally the deposit of the four vehicles, at this party's risk and expense, and so that the effective judicial hold agreed by the Examining Magistrate's Court number 2 of Marbella AUTO dated on the 20th of March 1993 in an adequate establishment to the effect previously expressed, or in another that the court may consider to be more convenient, is abided. And all of this as a result of the claim that this party intends to file and will be filed during the 30 day legal period, as the expressed article 499 of the Criminal Procedure Law demands and establishes, because it is according to Justice that I ask

Evidence No. 61

Judge order from 17 Mai 1993, Marbella Court, ordering the restitution of the four Ferrari cars to Mr. Friedli and ordering a bank guarantee of 12 Millions pesetas (= USD 97'920)

RULING

Marbella, 17th of May 1993

Given account (statement): as turned in rotation the previous document along with the documents that accompany it (the previous document along with the documents that accompany it will be considered turned/rotated in the rotation), the attorney prosecutor Mr. Leal Aragoncillo, in Mr. Hans Bernard Friedli Von Muhlenen's name and representation is considered to appear in court and be a party as it can be inferred from the true copy of the proxy deed, duly sufficient and accepted that is enclosed, which once it was stated in the ruling was given back, rulings for the preliminary proceedings of the court to be formed, and as it was pleaded the cause in which its founded is admitted as just/fair, and we agree (literally access) to the pretension (pleading), because it is contained in article 497 of the Criminal Procedure Law number 2 in relation to article 499,

second paragraph of the same code, and to that aim the exhibition of the Ferrari vehicles 250 GT, II serial, year 1960, chassis number 1893, Ferrari 250 GT, coupe, 2-2-mode 1961, chassis number 2925, Ferrari 365 GT coupe 2-2, from 1970, chassis number 13811 and Ferrari 230 GT Spider I serial m model 1957, chassis number 0799 GT, is ruled, which are in the power of the Motorauto Marbella SL entity, with address in Marbella, Ricardo Soriano Avenue, Building Estella II, and in regards to the deposit which is pleaded (asked for) at the same time, after the petitioner gives bail (deposit?) in the amount of 12 million pesetas in any form admitted by the law, to be held responsible for the torts and costs (really its costas and not costes, so its referring to the cost of the process) that may arise, it will be agreed (which is a very untidied sentence in Spanish and rearranged would say the in regards to the deposit it is agreed as long as the petitioner pays a 12 million pesetas bail for any eventual damages and costs)

This is hereby ordered and signed by your honor, which I, the court clerk, witness

Proceeding- - Next, having Mr. Leal Aragoncillo before me, for him to notify the ruling in legal form and to be in knowledge and notified he signs with me and this I witness (this is what it really says, but I would say: next, Mr. Leal Aragoncillo, who is before me, is to notify the ruling in legal form, and he is considered to be in knowledge and notified, he signs with me and this I witness)

Evidence 67a

Criminal complaint, Police Commissariat of Marbella, 21 July 1993

PROCEEDING

The present (document) is taken at the Police Station of Marbella, at hour thirteen, of the 21st of July, 1992, by the Chief Inspector, holder of the professional card number 14.349 to

STATE:

That the present (proceedings) are supplementing (enlarging) of proceedings number 3.585 of the 17th of the current (month), instruidas (* the instrucción matter has already been discussed) by this Police Station and referred to the Examining Magistrate's Court number SIX of Marbella on (guard) duty (Police court) , in which the lawyer Mr. Jaime Torradellas Paré, in representation of the Swiss citizen Mr. Hans Bernard FRIELI MUHLENEN, denounced the disappearance of four Ferrari cars, property of his client, and that they were deposited by order of the Examining Magistrate's Court number TWO, at it's disposal, in the firm (enterprise, company) MOTORAUTO MARBELLA, situated in Ricardo Soriano, number 59

That by (as a result of) steps (formalities, work) practiced by the premises employees, we have come to the knowledge that the aforementioned vehicles were transported the past 6th of the current (month) from Marbella to Lisbon by a tow truck owned by the

enterprise PIERRE MOTORS of Motril (Granada), so Mr. Instructor (* I assume this is the Juez Instructor, this is the Magistrate, however as it says above that these proceedings are being instruidas, I am not sure if it means the judge, so I am choosing not to translate it) orders that the person responsible for that enterprise to be heard in a Minutes of Evidence (record of statement) that are joined to the presents (present documents)

(Signature)

PROCEEDING

To state that in a telephone conversation with the tow truck's owner Mr. Alvaro FERREIRA TEXEIRA, he manifests that the person who ordered him the Ferrari transportation to Lisbon, was Antonio Eladio AMARAL DE SANTOS, Mr. Instructor orders his localization (finding, tracking down) and detainment to the aim of being heard in statement (statement as a proceeding) I STATE AND I CERTIFY (state in the sense of putting something on record)

(Signature)

ANOTHER

To state that at hour nineteen of the date, was turned in this police station , as detained Antonio Eladio AMARO DE SANTOS, born in Lisbon (Portugal), the 12th of December 1954, son of Antonio and Maria, with domicile (address) in this city, Development Altos del Rodeo, block 20, number 10, he is informed of his rights in agreement to article 520 of the Criminal Procedure Law, and he is heard in statement, in a separate statement (certificate, minutes) that will be joined to the presents. I STATE AND I CERTIFY

(Signature)

PROCEEDING

To state that once the detained has been heard in statement (given evidence), and because Mr. Instructor estimates that he hasn't had a direct participation in the matter that motivates the presents (proceedings), being it limited to hiring a tow truck as favor to his friend Mr. Kelvin John FISCHER orders his immediate release at 21 hours of the day of the date. I STATE AND I CERTIFY

(Signature)

ANOTHER

To state that the Police Station of Motril , via fax, enclosed to the presents, has received the Minutes of Evidence (record of statement) for the tow truck in charge of the vehicles transportation to Lisbon, and in which it is expressed that the recipient of the four vehicles was Pedro POYARES, with whom the person in charge of the transportation (the transportation manager) got in touch via the phone 07-351-1 457 39 97, information that has been given to the Interpol with the aim of knowing the location the denounced vehicles , and which result will be communicated to Your Authority. I STATE AND I CERTIFY

(Signature)

ANOTHER

To state that the localization of the already mentioned Kelvin John FISCHER has not been possible, since they express in his current enterprise A.D. AUTOMOVILES SL, situated in Ricardo Soriano, building Valladolid, he is on a trip, outside of Marbella. I STATE AND I CERTIFY

(Signature)

DILIGENCIA DE TERMINACIÓN Y REMISION

In this state, the presents are referred to Your Honor Mr. Magistrate of the Examining Magistrate's Court number SEVEN, o (guard) duty (Police court) , referring an Acta de (I can't read this. is the last line of the second page of document 24) Minutes of Evidence (record of statement) of Antonio Amaral de Santos

(The third page of document 24 starts with . I am not fully sure if this is part of the paragraph above or if there is a page missing. Maybe knowing the content of that last line it'll be easier to assess that)

A Minutes of Evidence (record of statement) of Alvaro Ferreira Teixeira and a bill for a tow truck service, meaning that the steps (work) to know the location of the denounced vehicles are still being carried out by employees (public servants) of this Police Station, and which result will be communicated to Your Authority. I STATE AND I CERTIFY

(Signature)

Minutes of Evidence (record of statement) of Antonio Eladio AMARAL DE SANTOS

Taken in Marbella (Malaga) at the Police Station at 19.45 hours of the 21st of July 1993, acting as instructor (*) the inspector with professional number 14.349, and as (--tario , I can't read this word, if it's secretary by analogy of the document below it would be Secretary/clerk) the policeman with a professional card number 91.334, with the aim of hearing the statement of the man stated on the margin, whose other affiliation data are born in Lisbon (Portugal) the 12th of December 1954, (something I don't understand either. I guess son to ?) and Maria, who has been informed of his rights as established by article 520 of the Criminal Procedure law, and before the lawyer Mr. Diego Jimenez Barbosa, professional number 1.775, the detained freely MANIFESTS (states):

That he can't neither read nor write (this if it says que no sabe leer y escribir, if it says que sabe leer y escribir then it would be that he can) , that he has been detained in a (¿casa?) and ¿menos/ nunca? has been tried

That asked about the four Ferrari vehicles, which were deposited at the Court's disposal in the ¿? Motorauto of Marbella, situated in Ricardo Soriano, and more specifically if on day five of the current (month) he hired the services of the towing truck ¿-autos, motor? with domicile in the Almeria Road ¿number? 21 of Motril ¿? for their transportation (here, in the middle of the sentence there is a DIGO in capital letters. I SAY) to Lisbon, he says, that yes, he did receive an order from ¿Mr. Fisher?

That in regards to the recipient in Lisbon of the mentioned vehicles he ignores (identidad ¿? Si dichos vehiculos se encontraban a disposición judicial) identity ¿? if those vehicles were at the Court's disposal.

(Que asimismo quiere significar que el detenido) That he equally wants to state that the detained only knows that his friend Mr. ¿? stated that the vehicles had been sold, asking as a favor for him to take care of their transportation

That he has nothing else to add, so that read in the lawyer's presence, Mr. Instructor (*) signs it in agreement, which I, the Court clerk CONFIRM (verify)

(I am sorry; I can barely read this document, I have guessed but I can only do so to a certain extent, if you can see it more clearly and tell me the words and phrases that I can't see properly I will be happy to fill it in for you)

Motril Police Station

Minutes of Evidence (record of statement) of Alvaro FERREIRA TEXEIRA

Taken at the Judicial Police Squad Police Station of Motril (Granada) premises , at 17.00 hours of the 21st of July 1993, by the employees(public servants) of the mentioned squad, holders of professional ID cards number 16.227 and 26.885, acting as Instructor and (Court Clerk), respectively, with the aim of taking the aforementioned (it doesn't exactly use this word, but that's the meaning) statement, whose other affiliation data are: holder of DNI (National Identification Number) number 23.795, born in ?havas (Portugal), the 27th of august 1983, son of Alvaro y Maria Adelaida, married, industrial (profession), with domicile (address) in Motril (Granada), Manuel Peña Alta Street, number 22, who, in regards to the facts that motivate the present, MANIFESTS (states)

ASKED to say whether he has any contact with the MOTORAUTO MARBELLA SL enterprise, with domicile in that city, in Ricardo Soriano Avenue, building Estrella, HE REPLIES: That yes, on many occasions has brought in his trucks vehicles from different locations in Europe, and lately he has taken for them four Ferrari vehicles from Marbella to Portugal

ASKED to say how this last transaction (operation) took place, HE REPLIES:

That the past day 5th of the current (month), he received a telephone call from one of the three associates of the enterprise MOTORAUTO, without being able to specify whether it was the Portuguese or the Italian, who asked him if he could load four vehicles the morning of the following day which he had to collect in said business (establishment) to transport them to Portugal. Once they reached an agreement, the day 6th in the morning, his son collected the vehicles, four Ferrari cars, made in the 60's, and transported them to Lisbon. Once (they were) in said city, he contacted by phone with a number that he had previously been given by MOTORAUTO enterprise, with Pedro POYARES, who told him to meet for the delivery at the Ritz Hotel, situated in the Marques of Fombale Square, as the agreed amount was not made effective (there was no payment), they got in touch with the enterprise's owners, who on the 8th paid him in cash what was agreed, this last transaction was made in his son's person, in the city of Marbella

In this act he hands the invoice for the given service

The telephone of contact was 07-351-1-457.39.97

Having nothing else to add, he signs in agreement, along Mr. Instructor, which I the clerk (secretary). CERTIFY

<p>PIERRE MOTORS TRANSPORTATION OF VEHICLES TO SPAIN AND ABROAD Almeria Road 21 Phone 60 13 06 Part 60 21 71 Telex 78513 PIMO-E MOTRIL (Granada)</p>	<p>ALVARO FERREIRA TEXEIRA</p>	<p>BASE ALGECIRAS TOW TRUCK Maestro Santiago 4-2º Phone 80 37 11 . 60 38 01 Part 65 56 69</p>
	<p><u>PERMANENT</u> <u>SERVICE</u></p>	

Date: 7th of July 1993

Vehicle: Tourism Kind: Ferraris registration number: various

Mr. Motorauto Marbella SL Ricardo Soriano Avenue, building Estrella 29600 Marbella (Malaga) 8? B 29487337

Total: 42500

Evidence 75a

Minutes of the interrogation of Mr. Kelvin John Fisher by the examining magistrate's court no. 5 of Marbella, 27 September 1993

EXAMINING MAGISTRATE'S COURT NUMBER 5 MARBELLA

KELVIN JOHN FISCHER STATEMENT

In Marbella, the 27th of September 1993

Before Your Honor, being I, the Court Clerk present, the person stated at the beginning appears before the court, who after (blank space in the original) in duly form , and having been the legal warnings made, manifests

That he is named as said, born on the 6th of March of 1947, son of Marry ad B  trica, civil estate (blank), profession (blank), citizen of (born in) Leicester (United Kingdom), with residence in Marbella, with domicile (address) in Ricardo Soriano Avenue, number 66, building Valladolid, AF Autom  viles (Cars) with DNI (National Identification Document) number 700741644, instrucci  n(*) and that (blank) has been tried

Assisted by the lawyer Mr. Diego Jimenez Balboteo. In the presence of the reporter party's lawyer Mr. Jos   Luis Sanz Arribas

Conveniently questioned, he said

That in this act he is informed of the content of article 118 of the Criminal Procedure law, and he manifests he is informed

That the deponent has acted with the entity Motorauto Marbella, which no longer exists as its administrator. That because of this duty he had conversations with Mr. Friedli for the sale of the vehicles outlined in the claim, having come to an agreement with said gentleman so that, once the vehicles were sold, the pertinent price would be paid to their owner. That he sent the vehicles to Spain and to the entity Motorauto and that quite so, there was a previous criminal proceeding in which the vehicle were at the Court's disposal (this appears to be highlighted in the original). That once the criminal proceedings were effectively over, the corresponding Court gave the vehicles back to the entity Motorauto, but it stated that during a three month period the entity could not dispose of the aforementioned vehicles. That the entity Motorauto had to pay 2.500.000 pesetas for the cost of the deposit of the vehicles and since the matter was already (taking) two years there was already an agreement with a third party for the sale of the vehicles, but the deponent at this moment does not know the person to whom they have been sold (also highlighted in the original). Asked by Your Honor if, immediately after the three month period was over, the sale of the vehicles took place and equally (if) they were taken out of Spanish territory (also highlighted), he manifests that he knows nothing of the vehicles current location, but that Motorauto already had the buyer for some time, but the sale was formalized once that said entity could dispose of the vehicles.

Asked about who makes the sale, if he had told before Motorauto had already disappeared (I understand that the original says "si habia dicho anta que Motorauto ya habia desaparecido" anta is not a word, assuming it's antes (before) it would be "if he had told before Motorauto had already disappeared", however it would make more sense if dicho was a typo meant to be sido, which would translate to "if it had taken place before Motorauto had already disappeared") he manifests that the sale was formalized 10 or 15 days after the three month period established by the Marbella Court not to dispose of the vehicles was over, and that on that date Motorauto Marbella did still exist as an entity, that once that operation (in the sense of transaction) and others that were still pending took place, was when the entity Motorauto legally disappeared, ignoring the date in which it took place. That once the sale had been made and gotten (In the original it appears to say cote ido, neither word exists, I am translating it as conseguido) the money for it, giving the money to Mr. Friedli was tried. That he wants to add that when the three month period took place, the deponent spoke to his lawyer, and he manifested that there were no inconvenient for the sale of the vehicles, since the period

established by the Magistrate had already passed, and that he was told this by the lawyer Mr. Diego Jimenez Balboteo.

Asked by the reporter's lawyer, he manifests that the deponent spoke with Mr. Friedli after he had already arranged with Motorauto the sale and that he doesn't know exactly who was the person that spoke directly with the owner of the vehicle to arrange the conditions (terms). That he doesn't know that it was Mr. Giuseppe Giudice, who is not known by the deponent. That the new sale took place once he was told that it was possible to dispose of the vehicles and the buyer and all other conditions of the sale were made by the deponent, but that he has no knowledge of who formalized the sale on Motorauto's part and that he doesn't want to say either who was the Director of the entity, and he doesn't want to say either the name of the persons (people) who were part of it,

That the deponent has known Pedro Poyares for a long time, he is Portuguese and he knows him from the automobile field. That he didn't know that the vehicles had traveled to Portugal in this person's name and that he doesn't know either the price obtained by the sale of the vehicles, nor does he know the amount that the deponent has received, nor does he know the person that has made it. That currently the entity Motorauto is in settlement (liquidation). And he doesn't know who is in charge (taking care of) said settlement.

With nothing else to add, the present is considered finished, found in agreement he signs it, by Your Honor and me. I hereby witness this (I give faith)



JEANGUENIN & WEBER

Advokaturbüro • étude d'avocats • Attorney-at-Laws

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Avocat
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Email: weberlaw@gmx.ch

Murtenstrasse 7
P.O. Box 811
CH-2501 Biel-Bienne
Switzerland
Telefax +41 32 322 68 04

Connecticut State Police
Detective Mr. Richard Van Tine
Troop G
149 Prospect Street
Bridgeport, CT 06604
United States of America (USA)

Biel, January 22, 2009

Documents from the Police of the Canton of Berne / Ferrari VIN 0799GT

Hello Richard,

I hope you are fine and that you can finally see the light in the tunnel of your investigations regarding our case!

As promised in my last email, I am sending you attached the original documents from the Police of the Canton of Berne, confirming the international search for Ferrari 0799GT. I hope this evidence will help for your investigations.

If I can help you with other information, please feel free to contact me anytime.

With best regards from Switzerland

Oliver

Attachments:

- Confirmation of the Police of the Canton of Berne, 12.10.2008
- Printout from the Swiss Search Facility for Motor Vehicles, including a confirmation of the Police of the Canton of Berne, 12.10.2008

0800265932

BACIGA

Baciga Inc.
P. O. Box 1469, Frutigenstrasse 16
CH-3601 Thun

A g r e e m e n t

between

Dr. Gerber
Bassbeltweg 26
2542 Pieterlen

and

Mr. B. Friedli
Ackerfluweg 7
3627 Heimberg

1. We have purchased Ferrari 250 Pinin Farina Spider Series I, cabriolet, silver-grey, black interior, year 1957, chassis No. 0799 GT, as co-owner; each one holds one half.

2. The purpose of the following business is the best possible resale of the car, which shall be carried out after a mutual agreement.

3. If no agreement can be achieved regarding the conditions and the moment of the resale, the car shall be sold to the highest bidder, if one of the co-owner asks for it.

4. During the custody of the car, Dr. Gerber maintains the car and is appointed as its holder. He is allowed to drive the car personally and he is responsible to conclude the necessary insurance policy including a fully comprehensive cover at the market price of the car.

In Thun, on 27. April 1989

Dr. Andreas Gerber

Bernhard Friedli

.....

.....

BACIGA

BACIGA AG
Postfach 1469 Frutigenstrasse 16
CH-3601 Thun

A B M A C H U N G

zwischen

Herrn Dr. Gerber
Bassbeltweg 25

2542 Pieterlen

und

Herrn B. Friedli
Ackerfluhweg 7

3627 Heimberg

BACIGA

BACIGA AG
Postfach 1469 Fröngenstrasse 16
CH-3601 Thun

I. Wir haben den Ferrari 250 Pinin Farina Spider Serie I, cabriolet silbergrau, Interieur schwarz, Jahrgang 1957, Chassis Nr. 0799 GT als Miteigentümer je zur Hälfte erworben.

II. Zweck des Geschäftes ist der bestmögliche Wiederverkauf der nach beidseitiger Absprache erfolgt.

III. Kann keine Einigung über die Verkaufskonditionen oder den Zeitpunkt des Verkaufs gefunden werden, ist das Fahrzeug dem meistbietenden zu verkaufen sobald es ein Miteigentümer verlangt.

IV. Während der Halterzeit, verwaltet Herr Dr. Gerber das Fahrzeug und gilt als dessen Halter. Er ist berechtigt dasselbe persönlich zu fahren und sorgt für die üblichen Versicherungen inklusiv Vollkasko zum Handelswert.

In Thun, am 1989

Dr. Andreas Gerber

qu
.....

Bernhard Friedli

Bernhard Friedli
.....

BACIGA

BACIGA AG
Postfach 1469 Frutigenstrasse 16
CH-3601 Thun

A B M A C H U N G

zwischen

Herrn Dr. Gerber
Bassbeltweg 26

2542 Pieterlen

und

Herrn B. Friedli
Ackerfluhweg 7

3627 Heimberg

BACIGA

BACIGA AG
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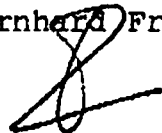
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In Thun, am 27.4 1989

Dr. Andreas Gerber

.....
ger
.....

Bernhard Friedli


.....

Agreement

between

Dr. Andreas Gerber, Bassbeltweg 26, 2542 Pieterlen

„Gerber“

and

**Mrs. Annerose Friedli-von Mühlennen, Ackerfluhweg 7, 3627 Heimberg
as heiress and legal successor of Mr. Bernhard Friedli**

“Friedli”

Gerber and Bernhard Friedli (†) agreed to jointly purchase and resell a Ferrari 250 Pininfarina Spider, Series 1, Cabriolet (“Ferrari”) in 1989.

The Ferrari disappeared in Marbella under unclear circumstances.

Dr. Gerber made claims against Friedli, which Mr. Friedli declined.

For the purpose to settle all claims of the parties relating the agreement from 1989, the parties agree to following:

1. “Friedli” quits the co-owner partnership which was founded based on the agreement from 1989 between Gerber and Friedli and transfers all rights on the Ferrari to Gerber. These rights are thus exclusively hold by Gerber. No compensation is owed by Geber; on the other hand Gerber renounces the alleged claims against Friedli.
2. With the conclusion of this agreement the parties have settled all claims against each other which are based on or related to the agreement from 1989.
3. Possible disputes regarding this agreement are to be settled at the ordinary courts in Bern.

Pieterlen, 04.29.07

Heimberg, 03.20.07

Dr. Andreas Gerber

Annerose Friedli-von Mühlennen

Vereinbarung

zwischen

Herrn Dr. Andreas Gerber, Bassbeltweg 26, 2542 Pieterlen

„Gerber“

und

**Frau Annerose Friedli-von Mühlenen, Ackerfluhweg 7, 3627 Heimberg
als Rechtsnachfolgerin infolge Erbgang und Erbteilung von Herrn Bernhard Friedli
sel.**

„Friedli“

Gerber und Bernhard Friedli sel. haben 1989 eine Vereinbarung betreffend des gemeinsamen Erwerbs bzw. Verkaufs eines Ferrari 250 Pininfarina Spider, Serie 1, Cabriolet („Ferrari“), abgeschlossen.

Der Ferrari kam in Marbella unter ungeklärten Umständen abhanden.

Dr. Gerber hat gegen Friedli Ansprüche erhoben, welche von Friedli abgelehnt werden.

Zur definitiven Erledigung aller gegenseitigen Ansprüche welche sich aus oder im Zusammenhang mit der Vereinbarung von 1989 ergeben könnten, vereinbaren die Parteien was folgt:

1. Friedli scheidet aus dem mit der Vereinbarung von 1989 begründeten Gesellschaftsverhältnis zwischen Gerber und Friedli aus und tritt Gerber alle Rechte am oder auf den Ferrari ab. Diese stehen somit allein Gerber zu. Eine Entschädigung ist von Gerber nicht geschuldet, hingegen verzichtet Gerber auf alle behaupteten Ansprüche gegen Friedli.
2. Mit dem Abschluss dieser Vereinbarung sind die Parteien per Saldo aller gegenseitigen Ansprüche aus oder im Zusammenhang mit der Vereinbarung von 1989 auseinandergesetzt.

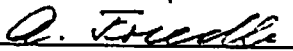
3. Allfällige Streitigkeiten aus oder im Zusammenhang mit dieser Vereinbarung werden durch die ordentlichen Gerichte in Bern beurteilt.

Pieterlen, den^{29.04.07}.....

Heimberg, den 20.03.07.



Dr. Andreas Gerber



Annerose Friedli-von Mühlener

Kantonspolizei Bern Police cantonale
 bernoise
Kriminalabteilung Police judiciaire



Max Geissbühler
FGC Fahrzeugfahndung
Nording 30
3013 Bern
Tel ++41 31 634 74 50
Fax ++41 31 634 74 59

Jeanguenin & Weber
Advokaturbüro
z. Hd. Herrn Fürsprecher Oliver Weber
Murtenstrasse 7
2501 Biel-Bienne

Nr./No GK 0232

Seiten/Pages 1

Berne, Switzerland, 10. December 2008

To whom it may concern

International search for Ferrari 250 GT Spider, Cabriolet, Silver Colored, VIN 0799GT

I, Max Geissbuehler, Group Chief of the Crime Unit Motor Vehicles of the Cantonal Police of Berne, Switzerland, hereby state and confirm that Ferrari Car 250 GT, VIN 0799GT, in the ownership of Dr. Andreas Gerber from CH-2542 Pieterlen, Switzerland, stolen in Marbella (Spain) in July 1993, was internationally searched and listed as stolen in the international database of our Automobile Search Facility during the period from 20. March 1995 (date of reception of the criminal complaint) until 30. September 2003. The international search for the above mentioned Ferrari car was later reactivated; the car is still listed as stolen in the Interpol database until this day.

Max Geissbuehler


Group Chief Crime Unit Motor Vehicles
Cantonal Police of Berne

Allgemeine Angaben

Fahrzeug Nr.	08409220	Verfall	01.09.2008
Erfasser	45239	Mutierender	45239
Ausschreibendes Land	CH		
Aktenzeichen			
Handlungsdatum	01.09.1993		
Handlungsort	XX, Marbella	ES	
Ermittlung			
Berichterstatter Land			

Fahrzeug

Marke	FERRARI I
Typ	250 GT
Farbe	grau
VIN	0799GT
Inverkehrssetzung	0000
Sicherheits-Nr.	
Motoren-Nr.	
Getriebe-Nr.	

Kennzeichen

Kennzeichen:

F A L L

Fall-Nr.: RBEK081266857
Dienststelle: Biel
Aktiver Besitzer: RBEK Original Besitzer:RBEK
Erfasser: 45239/18.05.2008/07:28

Verbreitung: CH
Gesetzesartikel: F a h r z e u g d i e b s t a h l (F Z , V I N)
Verjährung: 01.09.2008
Handlungsort: Marbella (ES),Spanien
Handlungsdatum: Dienstag,01.06.1993 00:01-Mittwoch,01.09.1993 23:59

G E S C H Ä D I G T E USW.

Fall-Nr.: RBEK081266857

Geschädigte-Nr.: 793482 Geschädigter
Aktiver Besitzer: RBEK Original Besitzer:RBEK
Erfasser: 45239/18.05.2008/07:33
Name: G e r b e r
Vorname: Andreas
Geburtsdatum: 28.02.1947 Geschlecht:M
Wohnort: 254200 Pieterlen,BE,Bassbeltweg 26

F A H R Z E U G E / K E N N Z E I C H E N

Fall-Nr.: RBEK081266857
FZ-System-Nr. 321989 Fahrzeug Code :gesucht

Aktiver Besitzer: RBEK Original Besitzer:RBEK
Erfasser: 45239/18.05.2008/07:32 Mutierender:45792/19.05.2008/07:17
Verjährung : 01.09.2008
Fahrzeugart : Personenwagen
Karosserieform : Offen mit Verdeck/Hardtop
Marke /Typ : FERRARI I,250 GT
Farbe : grau
VIN: 0799GT

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BUPSTE
VICENTE ORTIZ ALVAREZ

AVDA. RICARDO SORIANO, 29
EDIF. AZAJIANA, ESCALERA DCHA. 1.º - 1
TELF. 82 62 96
FAX: 860555
29600 MARBELLA

COMUNICACION POR FAX

Sr. D. Marc Stucki
Fax nº: 07-41 31 22 95 38

Marbella, a 12 de Marzo de 1992

Rfa.: Friedli-Vehiculos

Estimado Colega:

Acuso recibo a tu comunicacion de fecha 5 de Marzo actual, enviada por fax, con la que me envias 5 cartas cruzadas entre ese despacho y el vice-consul italiano en Malaga.

Conozco el contenido de dichas cartas y aprecio que el vice-consul no va a dar mucha claridad a los hechos. Sin embargo, considero que no nos puede perjudicar, sino poner de manifiesto la trama urdida por los denunciados para evitar pagar el precio de los vehiculos.

De otro lado, no tenemos prueba consistente que pueda incriminar a los denunciados, dado que ellos sostienen que el precio de los vehiculos es el que se refiere a las facturas proforma, y estan dispuestos a pagar tal precio, dando una apariencia de contrato a discutir en un proceso de naturaleza civil.


A continuacion le envio copia de la resolucion recaida, por la que el Jucz convoca a nuestro cliente y a Fisher, para practicar una diligencia de careo. Te ruego me indiques si el cliente puede venir ese dia a fin de comunicarlo al

38a

Te adelanto que esta diligencia es de escasa importancia y no va a aclarar nada, ya que esencialmente se trata de que el Juez haga anotar las discrepancias en las declaraciones prestadas y se trate de que alguna de ellas rectifique algun punto controvertido. Como es logico, cada parte se ratificara en sus respectivas declaraciones.

En espera de tus noticias,

Atentamente



Vicente Ortiz Alvarez

40a

VICENTE ORTIZ ALVAREZ
ABOGADO

Mr. Berni Berni

AVDA. RICARDO SORIANO, 20
EDIF. AZAHARA, ESCALERA DCHA. 1º-1
TELF. 822926
FAX: 80688
29000 MARBELLA

TRANSMISION POR FAX

Marbella, 12 Abril 92

BRATSCHI - ABOGADOS
BERNA (Suiza)

A la atención de D. Marc Stucki

RF: Sr. Friedli / Coches Ferrari

Estimado Colega:

Contesto a su Fax de fecha 29 de Abril pasado y en relación con el asunto de referencia y lo que me pregunta, me es grato informarle lo siguiente:

1º.- En estos momentos el Fiscal (Acusador Público) tiene el expediente en su poder estudiando si va o no a solicitar la continuación del proceso penal y, en su caso, contra qué personas.

2º.- Si solicita el archivo del proceso y el Juez accede a esta petición, nosotros tendremos que recurrir esta resolución para que el Tribunal Superior la examine. Lo normal es que se mantenga el archivo.

3º.- Si se produce ese evento, el objeto de nuestro recurso es ganar tiempo para preparar el proceso civil donde solicitaríamos el mantenimiento de las medidas precautorias de depósito de los vehículos mientras se decide civilmente si existe contrato de compraventa y quien es el dueño. ?

4º.- El procedimiento civil obviamente tiene sus riesgos, pero mi parecer es que se puede ganar y recuperar los vehículos ya que realmente existió un contrato verbal de compraventa por un precio que no ha sido pagado. La discrepancia entre los 350.000 dolares en que ellos dicen que han comprado es muy acusada con respecto al valor real de los coches.

El depósito tendrá que prolongarse hasta que el pleito civil termine, ya que en este tipo de procesos lo que se discute es la validez y eficacia de

un contrato de compraventa y, en definitiva, la propiedad de los vehiculos y por ello tienen que quedar depositados en un tercero hasta que el Juez decida sobre el asunto. No procede, en este caso, las garantias bancarias.

Esperando haber contestado a todo lo solicitado, reciba un cordial saludo de



Fdo: ~~Vicente Ortiz Alvarez~~

(47a)

SR. D. JAIMÉ TORRABADILLA PARE
ABOGADO
AVDA. MARQUES DEL DUERO 68
EDIFICIO BANCO DE ANDALUCIA-32
DE. 319 SAN PEDRO DE ALBANTARA
MÁLAGA

29 de Octubre 1.992

Muy Sr. mío:

Lo ruego proceda a solicitar del Juzgado de Instrucción Número DOS, la autorización necesaria para transferir los 4 Ferraris de mi propiedad, depositados en el garage **HERNANOS MIRRO CANOVAS - Agencia Ford -**, al garage **BO AIR MOTOR CARE** sito en Urbanización **Hel-Air**, Ctra. de **Cádiz** Km. 100 de **Istapona**.

Para ello, puede Vd. utilizar los servicios de cualquier Letrado y Procurador de su elección.

Sin otro particular por el momento, aprovecho la ocasión para saludarle atentamente,

HANS B. FRIOLI

60a

①

AL JUZGADO DE PRIMERA INSTANCIA

DON GUILLERMO LEAL ARAGONCILLO, Procurador de los Tribunales, en nombre de DON HANS BERNARD FRIEDLI VON MUILLENEN, cuya representación acredito con la copia de escritura de poder otorgado a mi favor que en forma acompaño, ante el Juzgado comparezco y como mejor proceda en Derecho, DIGO:

Que en la representación indicada y por medio del presente escrito, al amparo de lo dispuesto en el artículo 497-2º y artículo 499- párrafo 2º, ambos de la Ley de Enjuiciamiento Civil, promuevo DILIGENCIAS PRELIMINARES DE JUICIO, sobre exhibición y depósito de cosa mueble, basando tal solicitud en los siguientes

HECHOS

PRIMERO.- En razón de contrato de compra-venta concertado, al menos aparentemente, entre mi representado Sr. Friedli y el súbdito italiano Giuseppe Giudice, a la sazón residente en Marbella, el primero envió a esta localidad cuatro valiosos automoviles de colección, marca Ferrari, cuyos datos de identificación son los siguientes:

- 1.- Ferrari 250 GT Espider, serie II, del año 1.960, chasis num. 1.893.
- 2.- Ferrari 250 GTE, Coupé 2-2, modelo 1.961, nºchasis 2925.
- 3.- Ferrari 365 GT Coupé, 2-2, de 1.970 nºchasis 13811.
- 4.- Ferrari 230 GT Espider. serie I, modelo 1.957 nºde chasis 0799 GT.

Dichos vehiculos, como automoviles de colección que son, carecen de matrícula.



SEGUNDO.- El precio convenido entre ambas partes contratantes fué el de 1.900.000 Dólares USA, con cuya finalidad el Sr. Giudice exhibió y presentó al comprador una garantía bancaria, que no entregó, conviniéndose que el pago se haría al contado y mediante ingreso o transferencia al Banco en Suiza del Sr. Friedli, una vez que los vehículos estuvieran en Marbella, con cuya finalidad se facilitó como destino de los automóviles el establecimiento en esta ciudad de la Firma "Motorauto Marbella S.L.", sita en la Avenida de Ricardo Soriano, Edificio Estela -II, por cuyo motivo, y como es habitual en estos casos y a efectos de la operación de importación, los automóviles viajaron con una factura proforma por el importe inferior de 350.000 dólares USA.

TERCERO.- Una vez los coches en Marbella el Sr. Giudice desaparece y no hay forma de poder localizarle, hablar con él y mucho menos cobrar el precio de la compra-venta, estableciéndose entonces contacto con quien, al parecer, regenta dicho establecimiento "Motorauto Marbella S.L." y es representante legal de la Sociedad, Don Kelvin John Fischer, quien sorprendentemente manifiesta que a quien se le han vendido los automóviles es a él o a su sociedad, y en el precio de 350.000 dólares USA, ante cuya increíble postura y actitud, el Abogado y Apoderado del Sr. Friedli D. Jaime Torrabadella Parc, presenta una denuncia en Comisaría el día 28 de agosto de 1.991 que dá origen a las diligencias previas nº 1.451/91-C, del Juzgado de Instrucción nº 2 de Marbella, fotocopia íntegra de las cuales acompaño a este escrito como antecedente y para mejor ilustración del Juzgado que ha de resolver ahora esta pretensión.

CUARTO.- Sin entrar, por ahora, (aunque lo haremos lógicamente en la posterior demanda declarativa correspondiente) en el exámen y valoración del contenido de esas diligencias penales y de los hechos en general, sí interesa resaltar, por lo que importa a la pretensión que ahora deducimos, que tras la denuncia, el Juzgado de Instrucción nº 2 acordó el depósito en un establecimiento adecuado al efecto, de los refe-

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ridos vehiculos, lo que se llevó a cabo, no sin muchas dificultades e incidencias, y tras la práctica de una investigación penal ciertamente difícil, compleja e incluso confusa, dicho Juzgado dictó en fecha 20 de marzo de 1.993 por el que se decretaba el sobreseimiento provisional de las actuaciones, y en cuya parte dispositiva se establece textualmente lo siguiente:

"SSª DIJO: Que debía decretar como decreto el SOBRESSEIMIENTO provisional del artículo 641-1º de la Ley de Enjuiciamiento Criminal, de la presente causa. Dejándose sin efecto las medidas cautelares adoptadas anteriormente, y reintegrándose de inmediato la posesión de los vehículos a que se refiere este procedimiento, al denunciado, donde quedarán intervenidos y depositados, en tal persona, con las formalidades legales, a disposición del Juzgado durante el plazo de TRES MESES, término en que deberá entablarse la correspondiente acción civil por la representación del denunciante. (Artículo 635, párrafo 4º de la Ley de Enjuiciamiento Criminal.

Hagase expresa reserva de las acciones civiles a las partes y el plazo señalado a la representación del acusador privado.

El oficio a expedir se entregará a la representación del SR. FISCHER para que haga llevar a su destino, y poder llevar a efecto lo ordenado, siendo de su costa el traslado de los vehiculos al lugar habilitado; debiendo expedir la Comisaría el correspondiente acta a tales fines".

Como consecuencia de tal acuerdo judicial, y de conformidad con lo establecido en el artículo 635 de la Ley de Enjuiciamiento Criminal, los cuatro vehiculos fueron reintegrados, en cuanto a su custodia o depósito provisionalmente, a la persona que estaba poseyendolos al tiempo de incautarse de ellos el Juzgado de Instrucción, es decir, al SR. FISCHER mediante acta de fecha 24 de marzo de 1.993, pero a disposición del Juzgado y durante el plazo de tres meses para que esta parte pudiera entablar las correspondientes acciones civiles que expresamente se le reconocen y reservan.

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con todos los respetos, de forma errónea y precipitada, contra lo dispuesto en la Ley y lo establecido en el propio Auto de 20 de marzo de 1.993, se han devuelto los vehículos al Sr. Fischer, con el gravísimo riesgo que ello comporta de que los coches desaparezcan definitivamente, y ello es lo que nos obliga a acogernos al derecho que en el ámbito civil nos confiere el segundo párrafo del artículo 499 de la L.E.C. para que se decreta el depósito de tales cosas muebles, por concurrir en este caso, obvia y evidentemente, los requisitos que en orden a decretar el embargo preventivo, establece el artículo 1.400 de la propia Ley al que se remite el 499, por cuanto:

a) de la documentación que se acompaña a este escrito, y que son las propias diligencias penales 1.451/91 del Juzgado nº 2, se desprende paladinamente que el primitivo propietario y titular de los coches en cuestión, era mi representante Sr. Fridli, que creyó de buena fé venderlos, y por tal motivo salieron de su posesión, pero no ha recibido por tal compra-venta --y ello es tan notorio como trascendente y grave-- ni un solo centavo, con lo que la sustancial concurrencia de la circunstancia primera que exige el artículo 1.400 se da, en lo pertinente y "mutatis mutandi", en quien va a solicitar civilmente la resolución o declaración de inexistencia de ese supuesto contrato, y la recuperación de las cosas muebles objeto del mismo.

b) El segundo requisito legalmente exigido para el depósito es, si cabe, más concluyente. El Sr. Fischer es un extranjero no naturalizado en España, pero que además no es el verdadero "comprador", pues éste, el Sr. Giudice, también extranjero, ha desaparecido de Marbella, como lo han hecho, tras recientes y bien conocidos acontecimientos acaecidos en esta ciudad, otros conocidos miembros de la "organización" a la que, según hemos venido a saber después (y se constata por recortes de prensa que acompañamos), el mismo pertenece, dedicada entre otras "actividades" al tráfico ilícito de vehículos, dentro del cual parece evidente que tanto "Motorauto

-5 BIS-

Marbella, S.L." como sus gestores, podrían estar implicados.

En efecto, si nos atenemos a la certificación del Registro Mercantil que igualmente se une a este escrito, dicha sociedad se constituye el 20 de Noviembre de 1.990 por Don Ugo GIANINO GIOVANNI, y por los súbditos portugueses DON MANUEL LOURENCO NEVES ALVES, y DON BERNARDO MANUEL RATTON, estos últimos representados por sus Apoderados Don Juan Carlos Ramirez Balbotco y Don Diego Jimenez Balboteo, siendo Administradores de la Sociedad con caracter mancomunado tanto Don KELVIN JOHN FISHER y el propio Ugo Gianino.

Pués bien, según esos recortes de prensa que acompañamos y como es público y notorio en esta localidad, el Sr. Gianino se encuentra en prisión incondicional por orden del Juzgado de Instrucción nº 4 de esta ciudad, en causa seguida igualmente contra Don Juan Ramirez, estando el primero de ellos ya detenido por orden de un Juzgado de Sevilla y por presunto delito de venta de coches robados, habiendo conocido a través de tales informaciones que tanto su domicilio como su establecimiento mercantil de venta de automóviles, han sido objeto de registro por orden judicial.

En esta situación, y con tales antecedentes, nos caben serias dudas y temores sobre si los vehículos entregados al Sr. Fisher se encuentran o no en el establecimiento de MOTOR AUTO MARBELLA, S.L., y de ahí la razón de que pidamos con urgencia la exhibición de tales cosas muebles, es decir, de los vehículos que, indudablemente, han sido obtenidos, y sería mas propio decir sustraídos con malas artes a mi mandante, y ello para que su acción declarativa tendente a la recuperación de los mismos pueda tener efectividad.

Por las mismas razones se solicita el depósito de los vehículos, por el riesgo que corren de desaparecer si continúan en poder de lo que parece una verdadera banda organizada y de la que existen indicios para pensar que tanto Motor

6

Marbella S.L." como el Sr. Fischer, son eslabones de esa cadena.

A los anteriores hechos son de aplicación los siguientes

FUNDAMENTOS DE DERECHO

- I -

Artículo 497-2° de la Ley de Enjuiciamiento Civil en el que, dentro de las denominadas "diligencias preliminares", se establece que "todo juicio podrá prepararse pidiendo la exhibición de la cosa mueble que, en su caso, haya de ser objeto de la acción real o mixta que se trate de entablar contra el que tenga la cosa en su poder".

- II -

El artículo 499 de la Ley de Enjuiciamiento Civil establece que en el caso del número 2° del artículo 497, tras la exhibición y reseña de la cosa mueble, y según su párrafo segundo, "también podrá decretarse, a instancia del actor, el depósito de dicha cosa mueble, si concurrieren los requisitos exigidos por el artículo 1.400 para que pueda decretarse el embargo preventivo" y que, como hemos visto precedentemente, se dan sobradamente en el presente caso, en el que tal depósito parece de todo punto necesario e imprescindible.

- III -

El mismo artículo 499, párrafo 3° establece que dicho depósito será de cuenta y riesgo del que lo pidiere, como así lo asume esta parte, quien se compromete a abonar los gastos que de ello se ocasionen y a que los coches queden adecuadamente custodiados, guardados y cuidados, salvo distinto criterio del Juzgado, en el siguiente lugar:

7

BEL-AIR MOTORS, S.A. (Urbanización Bel Air)
- Carretera Málaga-Cádiz, km. 168.

Por lo expuesto

SUPLICO AL JUZGADO tenga por presentado y se sirva admitir este escrito, junto con el poder y documentos que al mismo se acompañan y en su virtud tenga por interpuestas en tiempo y forma, en nombre de mi mandante, en cuya representación se me tendrá por parte, DILIGENCIAS PRELIMINARES Y PREPARATORIAS DE JUICIO, que inicialmente se dirigen tanto contra Don Kelvin John Fischer y la entidad "MOTORAUTO MARBELLA S.L.", en su representación legal, con domicilio ambos en Avda. de Ricardo Soriano, Edificio Estela II, bajo, a cuyo lugar y previo señalamiento de día y hora, se desplazará el Actuario, acompañado de esta parte a fin de que se proceda, en primer término, a la exhibición y reseña de los cuatro vehículos marca Ferrari reseñados en el hecho primero de este escrito, que deben encontrarse en ese establecimiento, y de no ser así, dicha diligencia deberá llevarse a cabo en el lugar donde se hallen, y que el Sr. Fischer deberá manifestar, decretándose igualmente el depósito de dichos cuatro vehículos, por cuenta y riesgo de esta parte, y para que se cumpla también así la retención judicial efectiva acordada por el Auto del Juzgado de Instrucción nº 2 de Marbella de fecha 20 de marzo de 1.993 en el establecimiento adecuado al efecto que queda designado precedentemente, o en aquel otro que el Juzgado pudiera estimar como más conveniente, y todo ello a resultas de la demanda que esta parte se propone entablar y que presentará dentro del término legal de treinta días, tal y como el citado artº 499 LEC, exige y determina, por ser todo ello procedente en Justicia que pido.

Marbella, 28 de abril de 1.993.



Ministerio del Interior

DIRECCION GENERAL DE LA POLICIA

67a

21.7.92

R. de S.

Nº 7.717

D I L I G E N C I A.- Se extiende la presente en la Comisaría del Cuerpo Nacional de Policía de Marbella, siendo las trece horas del día veintiuno de julio de mil novecientos noventa y dos, por el Inspector Jefe, titular de carnet profesional número 14.349, para hacer

CONSTAR: - Que las presentes son ampliatorias a las diligencias número 3.585 de fecha diecisiete de los corrientes, instruidas por esta Comisaría, y remitidas al Juzgado de Instrucción número SEIS de marbella en funciones de Guardia, en las que el letrado don Jaime Torradellas Paré, en representación del subdito suizo Hans Bernard ERIELI MUHLENEN, denunciaba la desaparición de cuatro vehículos de la marca Ferrari, propiedad de su cliente, y que se encontraban depositados por orden del Juzgado de Instrucción número DOS a su disposición, en la empresa MOTOR AUTO MARBELLA, sita en Ricardo Soriano, número cincuenta y nueve. -

---Que por gestiones practicadas por funcionarios de esta Dependencia, se ha llegado al conocimiento de que los citados vehículos fueron trasladados el pasado día seis de los corrientes desde Marbella a Lisboa por un camión grúa propiedad de la empresa PIERRE MOTORS de Motril, (Granada), por lo que el señor Instructor ordena que el responsable de dicha empresa sea oído en Acta Declaración que se unen a las presentes. -

---CONSTE Y CERTIFICO.



*Heche
Recepcion
es talpe.*

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D I L I G E N C I A.- Para hacer constar que como quiera que en conversación telefónica mantenida con el propietario de la Grúa, don Alvaro FERREIRA TEIXEIRA, este manifiesta que la persona que le encargó el transporte de los Ferrari a Lisboa, fue el llamado Antonio Eladio AMARAL DE SANTOS, el señor Instructor ordena se proceda a su localización y detención al objeto de ser oído en declaración. -CONSTE Y CERTIFICO.

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O T R A.- Para hacer constar que a las diecinueve horas del día de la fecha, es presentado en esta Comisaría, en calidad de detenido, Antonio Eladio AMARA DE SANTOS, nacido en Lisboa, (Portugal), el doce de diciembre

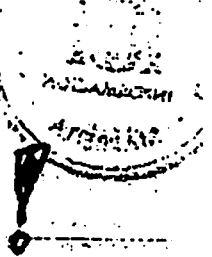
...../.....
de mil novecientos cincuenta y cuatro, hijo de Antonio y de Maria, con domicilio en esta ciudad, Urbanización Altos del Rodeo, manzana 20, n.º 10, él que es informado de los derechos que le asisten conforme a lo estipulado en el artículo 520 de la Ley de Enjuiciamiento Criminal, siendo oído en declaración, en Acta aparte que se unen a las presentes. CONSTE Y CERTIFICO.



D I L I G E N C I A. - Para hacer constar que, una vez ha sido oído en declaración el detenido y, por estimar el señor Instructor que el mismo no ha tenido una participación directa en el asunto que motiva las presentes, limitándose a contratar una grúa, como favor a su amigo el señor Kelvin John FISCHER, ordene su inmediata puesta en libertad a las 21 horas del día de la fecha. CONSTE Y CERTIFICO.



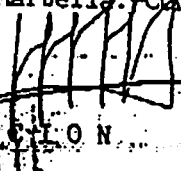
O T R A. - Para hacer constar que de la Comisaria de Motril, via fax, que se adjunta a las presentes, se recibe el Acta de Declaración del propietario de la grúa encargada del transporte de los vehículos a Lisboa, y en la que se manifiesta que el receptor de los cuatro coches fue un tal Pedro POYARES, con el que se puso en contacto en encargado del transporte, a través del tño 07-351- 1 457.39.97, información que ha sido facilitada al Servicio de Interpol al objeto de la localización de los vehículos denunciados, de cuyo resultado se dará oportuna cuenta a su Autoridad.



CONSTE Y CERTIFICO.



O T R A. - Para hacer constar que no ha sido posible la localización del ya citado Kelvin John FISCHER, ya que según manifiestan en su actual empresa "A.F. AUTOMOVILES S.L.", sita en Ricardo Soriano, Ed. Valladolid, se encuentra de viaje, fuera de Marbella. CONSTE Y CERTIFICO.



D I L I G E N C I A D E T E R M I N A C I O N Y R E M I S I O N.

En este estado las presentes se remiten al Ilustrísimo Señor Magistrado Juez de Instrucción, del Juzgado número SIETE, en funciones de Guardia, remitiéndose un Acta de in-



Ministerio del Interior

DIRECCION GENERAL DE LA POLICIA

FOLIO II

~~750708~~

.....////.....
 ...un Acta declaracion de Alvaro Ferreira Teixeira y factra del sevico de
 grua, significandose que por funcionarios de esta Comisaria se continuan
 las gestiones tendentes a la localización de los vehiculos denunciados,
 de cuyo resultado se dará oportuna cuenta a su Autoridad. - CONSTE Y CER-
 TIFICO.



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D.G.P. 0-004



Ministerio del Interior

DIRECCION GENERAL DE LA POLICIA

21.7.97

R. de S.

Nº 7.717

D I L I G E N C I A.- Se extiende la presente en la Comisaría del Cuerpo Nacional de Policía de Marbella, siendo las trece horas del día veintiuno de julio de mil novecientos noventa y dos, por el Inspector Jefe, titular de carnet profesional número 14.349, para hacer

CONSTAR: -
Que las presentes son ampliatorias a las diligencias número 3.585 de fecha diecisiete de los corrientes, instruidas por esta Comisaría, y remitidas al Juzgado de Instrucción número SEIS de marbella en funciones de Guardia, en las que el letrado don Jaime Torrabadellas Paré, en representación del subdito suizo Hans Bernhart FRIELI MUHLENEN denunciaba la desaparición de cuatro vehículos de la marca Ferrari, propiedad de su cliente, y que se encontraban depositados por orden del Juzgado de Instrucción número DOS, a su disposición, en la empresa MOTOR AUTO MARBELLA, sita en Ricardo Soriano, número cincuenta y nueve.-

Que por gestiones practicadas por funcionarios de esta Dependencia, se ha llegado al conocimiento de que los citados vehículos fueron trasladados el pasado día seis de los corrientes desde Marbella a Lisboa por un camión grúa propiedad de la empresa PIERRE MOTORS de Motril, (Granada), por lo que el señor Instructor ordena que el responsable de dicha empresa sea oído en Acta Declaración que se unen a las presentes.-

CONSTE Y CERTIFICO.



*Heche
Recebo
v. al p.*

D I L I G E N C I A.- Para hacer constar que como quiera que en conversación telefónica mantenida con el propietario de la Grúa, don Alvaro FERREIRA TEIXEIRA, este manifiesta que la persona que le encargó el transporte de los Ferrari a Lisboa, fue el llamado Antonio Eladio AMARAL DE SANTOS, el señor Instructor ordena se proceda a su localización y detención al objeto de ser oído en declaración.-CONSTE Y CERTIFICO.

O T R A.- Para hacer constar que a las diecinueve horas del día de la fecha, es presentado en esta Comisaría, en calidad de detenido, Antonio Eladio AMARAL DE SANTOS, nacido en Lisboa, (Portugal), el doce de diciembre

.....////.....
de mil novecientos cincuenta y cuatro, hijo de Antonio y de Maria, con domicilio en esta ciudad, Urbanización Altos del Rodeo, manzana 20, n.º 10, él que es informado de los derechos que le asisten conforme a lo estipulado en el artículo 520 de la Ley de Enjuiciamiento Criminal, siendo oído en declaración, en Acta aparte que se unen a las presentes. **CONSTE Y CERTIFICO.**



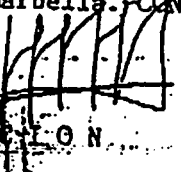
D I L I G E N C I A. - Para hacer constar que, una vez ha sido oído en declaración el detenido y, por estimar el señor Instructor que el mismo no ha tenido una participación directa en el asunto que motiva las presentes, limitándose a contratar una grúa, como favor a su amigo el señor Kelvin John FISCHER, ordena su inmediata puesta en libertad a las 21 horas del día de la fecha. **CONSTE Y CERTIFICO.**



O T R A. - Para hacer constar que de la Comisaria de Motril, via fax, que se adjunta a las presentes, se recibe el Acta de Declaración del propietario de la grúa encargada del transporte de los vehículos a Lisboa, y en la que se manifiesta que el receptor de los cuatro coches fue un tal Pedro POYARES, con el que se puso en contacto en encargado del transporte, a través del tño 07-351- 1 457.39.97, información que ha sido facilitada al Servicio de Interpol al objeto de la localización de los vehículos denunciados, de cuyo resultado se dará oportuna cuenta a su Autoridad. **CONSTE Y CERTIFICO.**

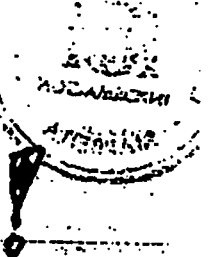


O T R A. - Para hacer constar que no ha sido posible la localización del ya citado Kelvin John FISCHER, ya que según manifiestan en su actual empresa "A.F. AUTOMOVILES S.L.", sita en Ricardo Soriano, Ed. Valladolid, se encuentra de viaje, fuera de Marbella. **CONSTE Y CERTIFICO.**



D I L I G E N C I A D E T E R M I N A C I O N Y R E M I S I O N .

En este estado las presentes se remiten al Ilustrísimo Señor Magistrado Juez de Instrucción, del Juzgado número SIEITE, en funciones de Guardia, remitiéndose un Acta de in-
... declaración de Antonio Amaral de Santos.





Ministerio del Interior

DIRECCION GENERAL DE LA POLICIA

FOLIO II

~~55555~~

.....////.....
...un Acta declaracion de Alvaro Ferreira Teixeira y factra del sevico de
grua, significandose que por funcionarios de esta Comisaria se continuan
las gestiones tendentes a la localización de los vehículos denunciados,
de cuyo resultado se dará oportuna cuenta a su Autoridad.- CONSTE Y CER-
TIFICO.

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D.G.P. 0-004

DIRECCION GENERAL DE LA POLICIA

ACTA DE DECLARACION DE : Antonio Eladio/... Se celebró en Madrid:
ALVARO DE SANTOS/ (Malaga); y en su Cor
saria de Policia, el
de las 19'45 horas (
dia veintinueve de Julio

de mil novecientos noventa y tres, actuando como Instructor el i
pensor con Número de Fines Profesional 14.349, y como secretario
el Policia con carnet Profesional Número 51.334, al objeto de dar
en declaración al engravado al margen cuyos restantes datos de
filiação son el/ en Lisboa (Portugal) el dia 12/12/1.954, N/ntc
y Maria, al cual ha sido informado de los Derechos que le asisten
conforme a lo establecido en el Artículo 520 de la Ley de Enjuic
miento Criminal, y en presencia del Jefe de Estado D. Diego Jimenez
Barbosa, con Documento Profesional N.º 1.775, al detenido libromer

MANIFIESTA...
... que ha estado detenido en una casa
y mano ha estado procesado.
... Que preguntado sobre cuatro vehiculos de la marca Ferrari, lo
cuales se encontraban depositos a disposición Judicial, en la ca
compranta Motor Autos de Marbella vida en Ricardo "Oriano N
y mas concretamente sobre el el dia cinco de los corrientes cont
de los servicios de la Gran Plaza e notes una domicilio "ocial
la Carretera de Almorá N.º 21 de Marbell "renada, para su traslado
manifestó (N.º) a Lisboa, dice, que el que recibió la orde
del Sr. Pichon.
... que en cuanto al destino de los vehiculos de los mencionados
vehiculos ignora su identidad nacional si dichos vehiculos se encuent
ran a disposición Judicial.
... no ha sido que quiere significar que el detenido solo sabe
que lo manifestó al amigo el Sr. Pichon, que los vehiculos habi
sido vendidos, manifestando al favor que se anulara de su traslado
... que no tiene mas que manifestar por lo que se leida en presencia
del Señor Estado el Señor Instructor la firma de conformidad.
Lo que como Secretario CERTIFICO.

D.G.P. O. 004

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DIRECCION GENERAL DE LA POLICIA

ACTA DE DECLARACION DE : Antonio Eladio/ Se existiendo en Herbol
ALARAZ DE SANTOS/ (Malaga); y en su Car
cerin de Policia, n
de las 19'45 horas (
dia veintidós de Jul

de 1911 noventa y tres, notando como Instructor el i
pector con Número de Fianza Profesional 44.349, y como secretario
el Policia con carnet Profesional Número 51.334, al objeto de dar
en declaración al mencionado al margen cuyos restantes datos de
filiancion son: en Lisboa (Portugal) el dia 12/12/1.954; N/ntc
y Maria, el cual ha sido informado de los derechos que le asisten
conforme a lo establecido en el Artículo 520 de la Ley de Enjuic
niento Criminal, y en presencia del Señor Letado D-Diego Jimenez
Barbosa, con Documento Profesional N°1.773, el detenido libromar
BARTIBESTI.

que se le ha leído y explicado, que ha estado detenido en una ceca
y manca ha estado procesado.

que preguntado sobre cuatro vehículos de la marca Ferrari, lo
cual se encuentran depositados a disposición Judicial, en la ca
comprada Motor Arco de Marbella sido en Ricardo "Oriano R
y una concretamente sobre el el día cinco de los corrientes cont
té los servicios de la Gran Plaza y sobre una domicilio social
la Carrubosa de Almería N° 21 de Motril "remada", para su trasla
manifestar (DGO) a Lisboa, dice, que al que recibió la orde
del Sr. Michon.

que en cuanto al destinatario de Lisboa de los mencionados
vehículos ignora su identidad únicamente al dichos vehículos se encue
ben a disposición Judicial.

que no ha estado quiere significar que el detenido solo sabe
que lo manifestó su amigo el Sr. Michon, que los vehículos habi
sido vendidos, añadiendo al favor que se encargara de su trasla

que no tiene nada que manifestar por lo que se leida en presencia
del Señor Letado el Señor Instructor la firma de conformidad,
lo que como Secretario CERTIFICO.

D.G.P. 0-004

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PIERRE MOTORS

ALVARO FERREIRA TEIXEIRA

BASE ALGEIRAS

TRANSPORTES VEHICULOS ESPAÑA Y EXTRANJERO

TELEGRUA

Ctra. de Almería 22

Maestro Sancho, 4, 2º

Teléfono 80 37 08 Part. 60 21 71

Teléfono 80 37 11 30 39 01

Tel. Fax 78518 PIMO-E

Part. 65 58 69

M.O.T.R.I.L (Granada)

SERVICIO PERMANENTE

Fecha: 1 de Julio 1992

N.º 45748

Vehículo: Ferraris Tipo: Ferraris Matrícula: Jara

Don: Estimado La Sella S.L. Avda. Ricardo Ariano, El Estrella

Placa: 09605-Jara Sella (Granada) C. 29487337

Extracción

Extra (Nocturno, Festivo, Péso)

Subtotal

I. V. A. 12 %

TOTAL 425000

Conforme el Cliente

La Empresa

TRANSPORTES PIERRE MOTORS
 ALVARO FERREIRA TEIXEIRA
 C.I.E.S.P. 12.244.400
 Transportes Vehiculos España y Extranjero
 Ctra. de Almería 22 - Tel. 80 37 08 - 80 21 71
 Fax: 82 09 57 - 18600 MÓRIL (Granada)

J.F. 5/200



Ministerio del Interior

DIRECCION GENERAL DE LA POLICIA

COMISARIA DE MOTRIL

Transporte

NOTA DE DECLARACION DE ALVARO FERREIRA TELHEIRA. Se extiende en las Dependencias de la Brigada de Policía Judicial de la Comisaria de Motril (Granada), siendo las 17,00 horas del día 21 de Julio de 1.993, por los funcionarios adscritos a la referida Brigada, titulares de los carnés profesionales números 16.277 y 26.855, que actúan como Instructor y Secretario, respectivamente, con el fin de recibir declaración al epígrafado, cuyos restantes datos de filiación, son: titular del D.N.I. número 23.795.216, nacido en Huelva (Portugal), el 27 de Agosto de 1.938, hijo de Alvaro y María Adelaida, casado, industrial, con domicilio en Motril (Granada), Calle Manuel Peña Alta, número 22, quien en relación a los hechos motivo de la presente, H A N T E S T A:

--- PREGUNTADO para que diga si tiene algún contacto con la empresa MOTORAUTO MARBELLA S.L., con domicilio en aquella ciudad, en la Avenida Ricardo Soriano, edificio la Estrella, COM- FESTA: Que sí, que en varias ocasiones la ha traído en sus camiones vehículos desde distintos puntos de Europa, y últimamente les ha llevado desde Marbella a Portugal, cuatro vehículos de la marca Ferrari.

--- PREGUNTADO para que diga como se realizó esta última operación, CONFESTA:

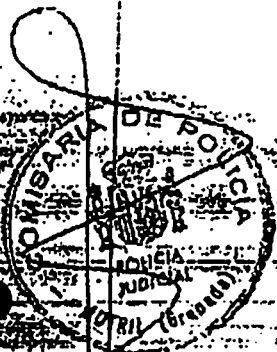
--- Que el pasado día cinco de los corrientes, recibió llamada telefónica de uno de los tres socios de la empresa MOTORAUTO sin poder precisar si se trataba del portugués o el italiano, quien le preguntó que si a la mañana del día siguiente podía cargar cuatro vehículos que debería recoger en dicho negocio para trasladarlos a Portugal. Una vez llegaron a un acuerdo, el día seis por la mañana, su hijo recogió los vehículos, cuatro de la marca Ferrari, de fabricación de los años sesenta, y los trasladó a Lisboa. Una vez en aquella ciudad, contactó telefónicamente a un número que previamente le había facilitado la empresa MOTORAUTO, con un tal Pedro FOXARES, quien le dijo de verse para la entrega en el Hotel Ritz, sito en la Plaza Marqués de Pombal; como quiera que no le hizo efectiva el importe acordado, se pusieron en contacto con los propietarios de la empresa, quienes el día ocho le pagaron en dinero lo acordado, operación esta última que se realizó en la persona de su hijo en la localidad de Marbella.

--- En este acto hace entrega de albarán del servicio prestado.

--- Que el telefono de contacto era 07-351-1-457.39.97.

--- No teniendo más que añadir, firma de conformidad en unión del Señor Instructor, de lo que como Secretario, CERTIFICO.

D.G.P. 0-304



8.7.93

Handwritten signatures and stamps at the bottom of the document.



Ministerio del Interior

DIRECCION GENERAL DE LA POLICIA

COMISARIA DE MOTRIL

Transportes

ACTA DE DECLARACION DE ALVARO FERREIRA TEIXEIRA. Se extiende en las Dependencias de la Brigada de Policia Judicial de la Comisaria de Motril (Granada), siendo las 17,00 horas del día 21 de Julio de 1.993, por los funcionarios adscritos a la referida Brigada, titulares de los carnés profesionales números 16.277 y 26.855, que actúan como Instructor y Secretario, respectivamente, a fin de recibir declaración al epígrafado, cuyos restantes datos de filiación, son: titular del D.N.I. número 23.795.216, nacido en Lhavana (Portugal) el 27 de Agosto de 1.938, hijo de Alvaro y María Adelaide, casado, industrial, con domicilio en Motril (Granada), Calle Manuel Peña Alta, número 22, quien en relación a los hechos motivo de la presente, **U N T I F I C A**:

--- PREGUNTADO para que diga si tiene algún contacto con la empresa MOTORAUTO MARBELLA S.L., con domicilio en aquella ciudad, en la Avenida Ricardo Soriano, edificio la Estrella, COMARCA: Que sí, que en varias ocasiones le ha traído en sus camiones vehículos desde distintos puntos de Europa, y últimamente les ha llevado desde Marbella a Portugal, cuatro vehículos de la marca Ferrari.

--- PREGUNTADO para que diga como se realizó esta última operación, CONTESTA:

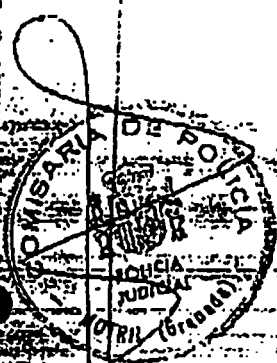
--- Que el pasado día cinco de los corrientes, recibió llamada telefónica de uno de los tres socios de la empresa MOTORAUTO sin poder precisar si se trataba del portugués o el italiano, quien le preguntó que si a la mañana del día siguiente podía cargar cuatro vehículos que debería recoger en dicho negocio para trasladarlos a Portugal. Una vez llegaron a un acuerdo, el día seis por la mañana, su hijo recogió los vehículos, cuatro de la marca Ferrari, de fabricación de los años sesenta, y los trasladó a Lisboa. Una vez en aquella ciudad, contactó telefónicamente a un número que previamente le habían facilitado la empresa MOTORAUTO, con un tal Pedro ROXARIS, quien le dijo de verse para la entrega en el Hotel Ritz, sito en la Plaza Marqués de Rubale; como quiera que no le hizo efectiva el importe acordado, se pusieron en contacto con los propietarios de la empresa, quienes el día ocho le pagaron en dinero lo acordado, operación esta última que se realizó en la persona de su hijo en la localidad de Marbella.

--- En este acto hace entrega de albarán del servicio prestado.

--- Que el telefono de contacto era 07-351-1-457.39.97.

--- No teniendo más que añadir, firma de conformidad en unión del Señor Instructor, de lo que como Secretario, CERTIFICO.

D.G.P. 0-004



Handwritten signatures and stamps at the bottom of the document.



Ministerio del Interior

DIRECCION GENERAL DE LA POLICIA

COMISARIA DE MOTRIL

Transporteur

ACTA DE DECLARACION DE ALVARO FERREIRA TELHEIRA }.- Se extiende en las Dependencias de la Brigada de Policia Judicial de la Comisaria de Motril (Granada), siendo las 17,00 horas del día 21 de Julio de 1993, por los funcionarios adscritos a la referida Brigada, titulares de los carnés profesionales números 16.277 y 26.855, que actúan como Instructor y Secretario, respectivamente, con el fin de recibir declaración al epígrafado, cuyos restantes datos de filiación, son: titular del D.N.I. número 23.795.216, nacido en Mhava (Portugal), el 27 de Agosto de 1938, hijo de Alvaro y María Adelaide, casado, industrial, con domicilio en Motril (Granada), Calle Manuel Peña Alta, número 22, quien en relación a los hechos motivo de la presente, **H A N T I P I S T A**:

--- PREGUNTADO para que diga si tiene algún contacto con la empresa MOTORAUTO MARBELLA S.L., con domicilio en aquella ciudad, en la Avenida Ricardo Soriano, edificio la Estrella, **CONTESTA:** Que sí, que en varias ocasiones le ha traído en sus camiones vehículos desde distintos puntos de Europa, y últimamente le ha llevado desde Marbella a Portugal, cuatro vehículos de la marca Ferrari.

--- PREGUNTADO para que diga como se realizó esta última operación, **CONTESTA:**

--- Que al pasado día cinco de los corrientes, recibió llamada telefónica de uno de los tres socios de la empresa MOTORAUTO sin poder precisar si se trataba del portugués o el italiano, quien le preguntó que si a la mañana del día siguiente podía cargar cuatro vehículos que debería recoger en dicho negocio para trasladarlos a Portugal. Una vez llegaron a un acuerdo, el día seis por la mañana, su hijo recogió los vehículos, cuatro de la marca Ferrari, de fabricación de los años sesenta, y los trasladó a Lisboa. Una vez en aquella ciudad, contactó telefónicamente a un número que previamente le habían facilitado la empresa MOTORAUTO, con un tal Redro ROYARES, quien le dijo de verse para la entrega en el Hotel Ritz, sito en la Plaza Marqués de Embale; como quiera que no le hizo efectiva el importe acordado, se pusieron en contacto con los propietarios de la empresa, quienes el día ocho le pagaron en dinero lo acordado, operación esta última que se realizó en la persona de su hijo en la localidad de Marbella.

--- En este acto hace entrega de albarán del servicio prestado.

--- Que el telefono de contacto era 07-351-1-457.39.97.

--- No teniendo más que añadir, firma de conformidad en unión del Señor Instructor, de lo que como Secretario, **CERTIFICO.**

8.7.93

D.G.P. 0-304



Firmas manuscritas de los funcionarios y el declarante.

PIERRE MOTORS

ALVARO FERREIRA TEIXEIRA

BASE ALGECIRAS

TRANSPORTES VEHICULOS ESPAÑA Y EXTRANJERO

TELEGRUA

Ctra. de Almería 21
Teléfono 80 97 11 Part. 80 21 71
Telax 178518 PIMO-E

Maestro Santiago 4 - 2º
Teléfono 80 97 11 - 80 38 01
Part. 65 58 89

MOTRIL (Granada)

SERVICIO PERMANENTE

Recibo 1 de Julio 1993

Nº 40548

Vehículo: Mercedes Tipo: Ferraris Matrícula: Sarias

Don: Esteban José Jorjella S.J. Ayda: Ricardo Briano El Estrella

Calificación: 0962 - Jorjella (Málaga) B. 29487337

Extracción

Extra (Nocturno, Festivo; Peso)

Subtotal

I.V.A. 12%

TOTAL 42.500

Conforme el Cliente.

La Empresa.

TRANSPORTES PIERRE MOTORS
ALVARO FERREIRA TEIXEIRA

Transporte Vehículos España y Extranjero
Ctra. de Almería 21 - Tel. 80 97 11 - 80 21 71
Fax: 82 09 57 - 18600 MOTRIL (Granada)

5/20

DOC. Nº 2 - PAGE 1

75a

2V1550919



JUZGADO DE INSTRUCCION Nº5 MARBELLA
Avda. del Mayorazgo s/n - 1ª Planta

DECLARACION DE KELVEN JOEN FISCHER

En Marbella a día veintisiete de septiembre de mil novecientos noventa y tres.

Ante S.Sz, presente yo el Secretario Judicial, comparece el anotado al principio que después de en legal forma, y hechas las advertencias legales, manifiesta:

Llamarse como queda dicho, nacido el 6 de marzo de 19 47, hijo de Marry y de Beatrice de estado , de profesión natural de Leicester (Reino Unido) y vecino de Marbella con domicilio en Av. Ricardo Soriano, nº 66. Edif. Vallacolid. Af Automóviles con D.N.I. nº 700741644 instrucción y que ha estado procesado.

Astistido por el Letrado D. Diego Jiménez Balboto. A presencia del Letrado de la parte denunciante D. José Luis Sanz Arribas.

Interrogado convenientemente, dijo:

En este acto es le instruye del contenido del art. 118 de la L.E. Cr., manifestando quedar enterado.

Que el declarante ha actuado con la entidad Motorauto Marbella, que ya no existe como administrador de la misma. Que en virtud de esta función mantuvo conversaciones con el Sr. Frieli para la venta de los vehículos que se reseñan en la denuncia, habiendo llegado a un acuerdo con dicho señor, de que una vez vendidos los vehículos, se abonaría el precio correspondiente a su propietario. Que éste remitió los vehículos a España y a la entidad Motorauto, y que efectivamente con anterioridad, existió un procedimiento penal en el que los vehículos estuvieron a disposición del Juzgado. Que efectivamente concluido el procedimiento penal el Juzgado al que le correspondió entrego nuevamente los vehículos a la entidad Motorauto, si bien se dispuso que en periodo de tres meses la entidad no podía disponer de los mencionados vehículos. Que la entidad Motorauto tuvo que abonar 2.500.000 pts. por el coste del depósito de los vehículos y como la cuestión ya llevada dos años se había llegado ya a un acuerdo con una tercera persona para la venta de los vehículos, si bien el declarante en este momento no conoce la persona a la que han sido vendidos. Preguntado por S.Sz. si inmediatamente...

DOC. Nº 2 - PAGE 2

currido el plazo de tres meses se procedió a [redacted] de lo [redacted] a [redacted] los mismos fueron llevados fuera del [redacted] español. Manifiesta que no sabe en la actualidad el paradero de los vehículos, pero el comprador ya lo tenía [redacted] hace tiempo, pero que la venta se formalizó una vez que dicha entidad pudo disponer de los vehículos. Preguntado sobre quien realiza la venta, si había dicho ante que [redacted] ya había desaparecido, manifiesta que la venta se formalizó diez o quince días después de que concluyera el periodo de tres meses fijado por el Juzgado de Barbella para que no se pudiera disponer de los vehículos y usó en esa fecha si existía aún como tal la entidad Motorauto Barbella, que una vez efectuada esta operación y otras que quedaban pendientes, fue cuando cesó legalmente la entidad Motor auto, ignorando la fecha en que esto sucedió. Que una vez realizada la venta y cobrado el dinero por la misma se intentó entregar el precio al Sr. Friedli. Que quiere añadir que cuando transcurrió el periodo de tres meses, al declarante habló con su abogado y éste le manifestó que no existía ningún tipo de inconvenientes para la venta de los vehículos ya que había transcurrido el periodo estipulado por el Juzgado y que quien le dijo esto fue el abogado [redacted] Jiménez del [redacted].

Preguntado por el Letrado de la parte denunciante, manifiesta que al declarante habló con el Sr. Friedli des ués de que este ya hubiera concertado con Motorauto la venta y que no sabe exactamente quien fue la persona que habló directamente con el propietario del vehículo para concertar las condiciones. Que no sabe que fuese el Sr. Giuseppe Giudice, el cual no es conocido por el declarante. Que la nueva venta se realizó una vez que le dijeron que se podía disponer de los vehículos y el comprador y todas las demás condiciones de la venta fueron realizadas por el declarante, pero que no conoce quien formalizó la venta por parte de Motorauto y que tampoco quiere decirlo quien fuese el directivo correspondiente de la entidad, ni tampoco quiere decir el nombre de las personas que integraban la misma.

Que el declarante conoce desde hace mucho tiempo a Pedro Foyares, el cual es portugués y lo conoce del ámbito del automóvil. Que no conocía que los vehículos habían viajado a Ferugal a nombre de esta persona y que tampoco conoce el precio que se ha obtenido por la venta de los vehículos, ni tampoco le ha cobrado el declarante ni sabe la persona que lo ha hecho. Que en la actualidad la entidad Motorauto esta en liquidación y desconoce quien sea el encargado de dicha liquidación.

Sin otra cosa que añadir se da por terminada la presente, que sellada con forma la firma junto a S.S., y con fe,

The bottom of the page contains several handwritten signatures and stamps. On the left, there is a large, stylized signature. In the center, there is another signature. On the right, there is a signature that appears to be 'D. López' and a rectangular stamp with illegible text inside. Below the stamp, there is a horizontal line and another signature.

DOC. Nº 2 - PAGE 1

2V1550919



JUZGADO DE INSTRUCCION Nº5 MARBELLA
Avda. del Mayorazgo s/n - 1ª Planta

DECLARACION DE KELVEN JOHN FISCHER

En Marbella a día veintisiete de septiembre de mil novecientos noventa y tres.

Ante S.S.E., presenta yo el Secretario Judicial, comparece el anotado al principio que después de en legal forma, y hechas las advertencias legales, manifiesta:

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Aristido por el Letrado D. Diego Jiménez Balboto. A presencia del Letrado de la parte denunciante D. José Luis Sanz Arribas.

Interrogado convenientemente, dijo:

En este acto es le instruye del contenido del art. 118 de la L.E. Cr., manifestando quedar enterado.

Que el declarante ha actuado con la entidad Motorauto Marbella, que ya no existe como administrador de la misma. Que en virtud de esta función mantuvo conversaciones con el Sr. Frieli para la venta de los vehículos que se reseñan en la denuncia, habiendo llegado a un acuerdo con dicho señor, de que una vez vendidos los vehículos, se abonaría el precio correspondiente a su propietario. Que éste ramitio los vehículos a España y a la entidad Motorauto, y que efectivamente con anterioridad ya existió un procedimiento penal en el que los vehículos estuvieron a disposición del Juzgado. Que efectivamente concluido el procedimiento penal el Juzgado al que le correspondió entregar nuevamente los vehículos a la entidad Motorauto, si bien se dispuso que en periodo de tres meses la entidad no podía disponer de los mencionados vehículos. Que la entidad Motorauto tuvo que abonar 2.500.000 pts. por el coste del depósito de los vehículos y como la cuestión ya llevada dos años se había llegado ya a un acuerdo con una tercera persona para la venta de los vehículos, si bien el declarante en este momento no conoce la persona a la que han sido vendidos. Preguntado por S.S.E. si inmediatamente tras-

83

95-2774337

SANZ-ARRIBAS & CID

913 P01

03.02.95

13:53

SANZ-ARRIBAS & CID
ABOGADOS

Cca Bermúdez, 51 - 2º E
Tfno. (91) 549 14 87
Fax (91) 549 15 69
28003 Madrid

Ricardo Soriano, 50-3º 3
Tfno. (95) 277 59 00
Fax (95) 277 43 37
29600 Marbella

/ Adaga

TELEFAX
FACSIMILE TRANSMISSION

Fecha: 02/02/95
Date:

Nº Total páginas (incluyendo ésta): 2
Nº of Pages (including this cover):

DE: DON EDUARDO SANZ MARQUEZ
FROM:

PARA: DON HANS BERNHARD FRIEDLI
TO:

Nº DE FAX:
DESTINATION FAX NUMBER: 07/41/33 23 3855

MENSAJE:
MESSAGE:

Dear Mr. Friedli:

Regarding the civil procedure being carried out at the Marbella Law Courts number 5 in which the Ferrari cars are involved, and since next February 11th the necessary documentary evidence is to be produced, it is why I kindly ask you to send me as much evidence as possible out of the items mentioned below:

1) Original papers together with translation and Hague Apostille on the insurance taken for the transportation of the cars by Somatra, A.G. in Bern. Notarial certification if possible, of the company who transported the cars stating their perfect condition.

2) Photographs of the cars as well as a Notarial certification if possible stating the date the photographs were taken.

3) Original document or copy certified by Notary Public together with its translation and Hague Apostille of the contract by means of which you purchased the cars from Elite Car Diffusion as well as the insurance established with the said

..... as per the information established with the said
Company. If possible a statement certified by Notary Public of an expert appraiser and representative of the said Company including the estimated value of the cars at the time you purchased them and their value in July-August 1991. SEITE 02-02 &

cc de + mass

(P4)

SANZ-ARRIBAS & CID
ABOGADOS

Cen Be múdez, 51 - 2º E
Tlfo. (91) 549 14 87
Fax. (91) 549 15 69
28003 Madrid

Ricardo Soriano, 50-3º,3
Tlfo. (95) 277 59 00
Fax. (95) 277 43 37
29600 Marbella

TELEFAX
FACSIMILE TRANSMISSION

Fecha: 20/04/95
Date:

Nº Total páginas (incluyendo ésta): 2
Nº of Pages (including this cover):

DE: DON EDUARDO SANZ MARQUEZ
FROM:

PARA: DON PETER BRATSCHI
TO:

Nº DE FAX: 07/41/31-311 95 38
DESTINATION FAX NUMBER:

MENSAJE:
MESSAGE:

Dear Mr. Bratschi,

According to Mr. Friedli's requirements I am pleased to inform you about the legal actions carried out to the present date in relation to the Ferrari cars.

A) As a result from the undue taking of the vehicles by Motorauto Marbella, S.L. and the swindle done by the Italians a complaint was lodged which caused the "diligencias penales 1451/-C" before Marbella Law Courts nº 2.

The vehicles were seized by the Law Courts, but the penal proceedings were filed (because the Judge thought no offence was committed), and according to the Spanish Law the cars were to be kept at the Law Courts disposal during a period of three months within which a civil complaint was to be lodged.

In that way the cars would not disappear. However, although the civil complaint was started within the legal settled term, the Law Courts gave the vehicles to the Italians who made them disappear.

Due to this enormous carelessness of the Law Courts, we have lost the cars and we believe we are facing a supposed irresponsibility of the Department of Justice to whom a compensation could be claimed.

B) Because of the disappearance of the cars, which took place when the Law Courts, at last and late, decided to store the vehicles once the penal proceedings were stayed and the civil ones started, a new complaint was lodged before the Marbella Law Court n° 5 as "diligencias previas n° 677/93".

There seems to be problems regarding a rogatory commission sent to Portugal in order to intercept the vehicles (which we believe to be in Portugal), since it was sent more than a year ago and so far an answer has not been obtained.

C) Preliminary Trial Proceedings.- The aforementioned proceedings were given in order to keep the vehicles stored in the Law Courts once the penal proceedings were filed.

D) "Juicio Declarativo Ordinario de Mayor Cuantía n° 334/93-Bis" before the Marbella Law Courts n° 5.

The lawsuit mentioned in this item is the main one, and by means of it we are going to try to recover the cars or in case they do not appear (which is most likely), to make Mr Friedli to be reimbursed the amount of 1,900,000 U.S. \$.

At present, this lawsuit is within the pleadings period once the "Demanda, Contestación y Reconvención, Réplica y Contestación a la Reconvención, Dúplica y Proposición de Medios de Prueba" have taken place.

Should you require any documents please do not hesitate to contact us and we will then mail you any copies you might need.

Yours sincerely,



Eduardo Sanz Márquez

85

REICHENBACH & PARTNER**RECHTSANWÄLTE**

MITGLIEDER DES SCHWEIZ. ANWALTSVERBANDES

DR. FRANZ REICHENBACH 01 221 26 53
 DR. CURT TUCHSCHMID 01 221 38 25
 DR. DONALD REICHENBACH 01 212 44 77
 DR. ALFRED MEILI 01 211 70 07
 DR. AUGUST SCHUBIGER 01 211 96 20
 DR. RETO THOMAS RUOSS 01 211 96 22
 DR. FELIX ZULLIGER 01 212 14 15
 DR. ANDREAS HÄFFTER 01 221 04 70
 THOMAS HÄLO 01 212 23 84
 HANSPETER KASPAR 01 212 44 77
 PIO RUOSS 01 211 96 22
 TELEFAX 01 211 96 18

TALACKER 50

8001 ZÜRICH

26. April 1995 /RR/pc

Herrn

Peter Keller

Fürsprecher

Bratschi Emch & Partner

Bollwerk 15

3001 Bern

Dr. Andreas Gerber / Bernhard Friedli

Sehr geehrter Herr Kollege

Namens meines Mandanten komme ich zurück auf unsere Besprechung von gestern, mit welcher wir unsererseits unpräjudizierbar um weiteren Aufschluss über die von Ihrem Klienten eingeleiteten Verfahren ersuchten und andererseits Ihnen eine Mitteilung über den Verbleib des im Miteigentum unserer Klientschaften stehenden Fahrzeugs machten.

Wie Ihnen gestern in Aussicht gestellt, erhalten Sie nachfolgend noch die genauen Angaben, welche mein Klient erst kürzlich über private Kontakte in Erfahrung bringen konnte, wobei er für die Richtigkeit dieser Angaben keinerlei Gewähr übernehmen kann:

1. Der Ferrari 0799 GT soll im letzten Sommer von einem Italiener namens Mennino in Bologna zum Kauf angeboten worden sein. Wo sich das Fahrzeug damals befand und ob es Mennino je nach Italien einführte, ist nicht bekannt.
2. Direkt oder über weitere Zwischenstationen ging der Verkauf des Wagens dann an eine Classic Coach Ltd., bei der ein gewisser Herr Joe Triarcy tätig sein soll. Ob diese Gesellschaft das Fahrzeug tatsächlich übernommen und jemals besessen hat, ist ebenfalls nicht bekannt. Sofern es meinem Mandanten

Seite 2

gelingt, die Adresse dieser Classic Coach Ltd. ausfindig zu machen, wird er Ihnen diese direkt mitteilen.

3. Endabnehmer und offenbar heutiger Besitzer des Ferrari 0799 GT soll ein gewisser Dr. Scott Rosen sein. Er ist Zahnarzt und Sammler von exklusiven Wagen. Seine genauen Daten lauten: 182 Succabone, Bedford, New York, USA, Tel. G: 001 516 489 3300; Tel. P: 001 201 564 8524; Fax G: 001 516 489 0204; Mobiltelefon: 001 516 384 7112. Der von Dr. Rosen für das Fahrzeug bezahlte Preis soll USD 300'000.-- betragen haben.

Wie ich Ihnen gestern bereits erklärte, wäre es wohl sinnvoll, durch einen amerikanischen Kollegen abklären zu lassen, ob die Rechtsposition von Dr. Rosen unanfechtbar ist und, falls nicht, eventuell vorsorglich eine Blockierung des Wagens zu erreichen. Dies, um allenfalls verhindern zu können, dass das Fahrzeug wieder verschwindet, sollte Dr. Rosen von den Bemühungen von Interpol etc. Kenntnis erhalten.

Abschliessend halte ich sodann wieder einmal fest, dass die Wiederbeschaffung des gemeinsamen Fahrzeugs in die ausschliessliche Verantwortung Ihres Klienten fällt und aus der mit diesen Informationen geleisteten Hilfestellung keinerlei Mitverantwortung meines Mandanten für das Verschwinden oder die Genehmigung der bisher unternommenen Massnahmen zur Wiederbeschaffung abgeleitet werden kann. In diesem Sinne steht es denn auch im alleinigen Entscheid Ihres Klienten, welche Schritte er unternehmen will; sie sind - wie allfällige Unterlassungen - von ihm allein zu verantworten.

Da indessen auch mein Klient selbstredend an einer Wiederbeschaffung des Ferrari interessiert ist, wünscht er unpräjudizierlich, über die von Ihrem Mandanten unternommenen Schritte zeitgerecht und so vollständig wie möglich orientiert zu sein, weshalb ich Sie bitte, den bisher sehr spärlichen Informationsfluss zu verbessern.

Gerne stehe ich Ihnen für allfällige Fragen zur Verfügung und verbleibe

mit freundlichen,
kollegialen Grüssen

sig. Dr. Reto Thomas Ruoss

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ADVOKATURBUREAU
BRATSCHI EMCH & PARTNER

DR. PETER BRATSCHI
DR. URS EMCH
DR. CHRISTIAN SCHMID M.C.L.
DR. MARKUS HÖNIG
FRANZ SZOLANSKY
URS GASCHE
DR. CHRISTOPH BORN
DR. JÜRGEN BRÖNNIMANN
MARK INEICHEN LL.M.

MARC STUCKI
DIETER HAAS
HERMANN BECHTOLD
PETER KELLER
RENÉ ZAHND

3001 BERN
BOLLWERK 15
POSTFACH 5576
TELEFON 031 312 01 33
TELEFAX 031 311 95 38

8023 ZÜRICH
BAHNHOFSTRASSE 106
POSTFACH 7689
TELEFON 01 211 16 64
TELEFAX 01 211 16 69

Sanz-Arribas & CID
Abogados
attn. Mr. José Luis Sanz Arribas
Ricardo Soriano 50-3, 3
E - 29600 Marbella

Berne, April 27, 1995 PK/nm

Bernhard Friedli / Ferraris

Dear Mr. Sanz Arribas

Please find enclosed a copy of the fax letter of Dr. Reto Thomas Ruoss, which we received yesterday.

As you know Mr. Friedli bought the Ferrari 0799 GT together with Dr. Andreas Gerber. However, only Mr. Friedli was engaged for the sale of the vehicle. Dr. Andreas Gerber believes to know that the mentioned Ferrari is located at the moment with Dr. Scott Rosen in New York. We do not know whether this information is right or not.

We thank you for taking note of this letter.

Yours sincerely



Peter Keller, Esq.

Encl.: Fax letter Dr. Gerber of 26.4.1995
cc. client

This letter is sent by fax first: 0034 52 77 43 37

ADVOKATURBUREAU
BRATSCHI EMCH & PARTNER

DR. PETER BRATSCHI
DR. URS EMCH
DR. CHRISTIAN SCHMID M.C.L.
DR. MARKUS HÖNIG
FRANZ SZOLANSKY
URS GASCHÉ
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TELEFAX 01 211 16 69

FAX MESSAGE

Fax-No.: 001 212 888 7587

No. of pages: 3

Mr. Peter Briger
300 Park Avenue
24th floor
New York

May 11, 1995 PK/rs

Dear Sir,

Dr. Peter Bratschi suggested I might contact you in the following matter.

We are the legal advisors of Mr. Bernhard Friedli-Mühlenen living in Switzerland, near Thun. For several years, Mr. Friedli has owned an apartment in Marbella (Spain). In the late eighties, he also invested money in real estate at the Costa del Sol. When he wanted to sell one of his Spanish properties in July 1991, Italian "businessmen" showed a keen interest. The deal was supposed to include furthermore four Ferrari oldtimers (built between 1957 and 1970) with a market value of about SFr. 3 mio at the time.

The property and the cars were formally transferred to the Italiens, the latter, however, never paid the amount due. Consequently, upon request of Mr. Friedli the four cars were officially taken into custody; the place, however, a local garage, was designated by the Italiens according to Spanish law. He handed in a bank guarantee to the Court of Justice and expected to shortly get his cars back. Matters dragged on, however. When his Spanish lawyer wanted to have a look at the cars in June 1993, the supposedly secured cars had mysteriously disappeared.

According to the subsequent investigations of Interpol Marbella, the four Ferraris were transported to Lisbon on July 7, 1993. At the local "Ritz", the car keys shall have been given to Mr. Renato Poyares, a well-known Portuguese dealer of luxury cars and oldtimers.

Due to his private investigations, an acquaintance of our client's got the following information about one of the missing cars:

- Ferrari 230 GT Spider (built in 1957), chassis no. 0799

In the summer of 1994, this car was offered in Bologna by an Italian called Mennino. Where the car was at the time or whether Mennino ever imported it to Italy at all is unknown.

Directly or by some intermediaries, the car was then sold to a company called Classic Coach Ltd., which employs a certain Joe Triarcy. Whether the company was ever in possession of the car is not known. We do not have the address of Classic Coach Ltd. either.

This Ferrari was finally sold to a Dr. Scott Rosen, who still seems to be in possession of the car today. Dr. Rosen, who lives at 182 Succabone, Bedford NY (T: 516 489-3300, F: 516 489-0204), is a dentist and a collector of exclusive cars having reportedly paid USD 300'000.- for the Ferrari.

No further information is available on the other three cars:

- a Ferrari 250 GT Spider II, (built in 1960), chassis no. 1893
- a Ferrari 250 GTE Coupé 2+2, (built in 1961), chassis no. 2925
- a Ferrari 365 GT Coupé 2+2, (built in 1970), chassis no. 13811.

In this context, we should like to find out:

1. Who is the official owner of the Ferrari 230 GT: Dr. Scott Rosen, Mr. Friedli or somebody else?
2. Has our client, Mr. Friedli, a right to get back his Ferrari from Dr. Rosen
 - a) without paying the USD 300'000.-- that Dr. Rosen paid for it?
 - b) if he agrees to pay the USD 300'000.--?
3. Can the Ferrari be seized in the State of New York?
4. Does it make sense to take legal action in the State of New York and what would be the appropriate steps? What are the chances that Mr. Friedli is successful and - last but not least - what costs would he have to expect, if he takes the appropriate legal action in the State of New York?

We would very much appreciate your looking into the matter and sending us your short estimate concerning your fees at your earliest convenience. If there are any questions, please do not hesitate to contact us.

Looking forward to hearing from you, we remain

sincerely yours,



Peter Keller, Esq.

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Briger & Associates
Attorneys-at-Law
3110 Park Avenue
New York, N.Y. 10022-7402

(212) 758-4000

Genl. Peter Briger

Telefax: (212) 488-7587

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DATE: May 23, 1995
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ATTENTION: Peter Keller, Esq.
COMPANY: Bratschi Erich & Panner
CITY, STATE: Zurich, Switzerland
TELECOPIER NO: 011-41-1-211-1659
COMMENTS:

Briger & Associates
Attorneys-at-Law
310 Park Avenue
New York, N.Y. 10022-7102

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EDIFICIO CENTRO CANDIDO MENDES
RUA DA ASSEMBLEIA 10-08, 21500
RIO DE JANEIRO-RJ
BRAZIL
TELEPHONE (21) 221-1175
TELEX 21-5709
TELECOPIER (21) 215-0347

May 23, 1995

VIA TELECOPIER

Peter Keller, Esq.
Bratschi Emch & Partner
Bahnhofstrasse 108
Postfach 7689
8023 Zurich, Switzerland

Re: Bernhard Friedli-Mühlencu

Dear Mr. Keller:

Thank you for your fax dated May 11, 1995, requesting our advice regarding the rights of Mr. Friedli in the 1957 Ferrari 230 GT Spider now in the possession of Dr. Scott Rosen in New York.

Assuming that Dr. Rosen purchased the vehicle from Classic Coach Ltd. in New York (or elsewhere in the United States), his interest in the vehicle would be determined under the Uniform Commercial Code (the "UCC"). Under the UCC, a purchaser of goods acquires from the seller only such title as the seller had in the goods.¹ A thief does not have title to property he has stolen and thus cannot convey title to another through a sale or otherwise. The rightful owner of the property thus retains rights to the property superior to someone who purchased the property from the thief.

¹The one exception to this rule applies when goods are entrusted to a merchant who deals in goods of that kind. In such a case, UCC §2-403 gives the merchant the power to transfer all rights of the entruster to a buyer in the ordinary course of business. However, even under this provision, because the merchant can convey only the rights of the entruster, if stolen property is entrusted to a merchant by the thief (or someone else not having title), the merchant cannot convey to a buyer in the ordinary course title superior to that of the rightful owner.

Briger & Associates

Peter Keller, Esq.

May 23, 1995

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It appears from your fax, however, that this may not be a simple case of determining ownership in stolen property. In this respect, your fax states that the subject vehicle was "formally transferred" by Mr. Friedli to the Italians, but that the Italians then failed to pay the purchase price. This raises an important issue regarding Mr. Friedli's rights to the vehicle under the UCC, namely, whether, under Spanish law, the Italians obtained title to the vehicle, notwithstanding their non-payment of the purchase price, leaving Mr. Friedli only with a cause of action for damages from their breach of contract.²

If the Italians did obtain title to the vehicle, they could transfer such title to a purchaser and that purchaser could thus "cut off" the rights of Mr. Friedli. On the other hand, if the Italians did not acquire title to or rights in the vehicle, then Mr. Friedli would have the superior claim. Before we can answer your first question regarding whether Mr. Friedli or Dr. Rosen now owns the vehicle, the issue of the rights acquired by the Italian purchasers under Spanish law must be answered.

If it is determined that Mr. Friedli has title to the vehicle, he would be entitled to return of the vehicle without having to make any payment to Dr. Rosen. To obtain possession of the vehicle, Mr. Friedli would have to bring an action for conversion against Dr. Rosen. The fact that Dr. Rosen's conduct may have been wholly innocent in that he purchased the vehicle in good faith without knowledge that it was stolen would not be a defense to such an action. Provided Mr. Friedli could establish that he was the true owner of the vehicle and that the vehicle was stolen from him, Dr. Rosen would be a converter and liable to return the vehicle to Mr. Friedli or, if elected by Mr. Friedli, to pay him the fair value of the vehicle at the time and place of its conversion. Dr. Rosen's remedies would be against his seller, Classic Coach Ltd.

When commencing his lawsuit against Dr. Rosen, if Mr. Friedli could establish that there existed a risk that Dr. Rosen might assign, dispose of, hide or remove the vehicle from New York before the lawsuit could be concluded, Mr. Friedli would likely be able to obtain a prejudgment order of attachment on the vehicle and/or a temporary restraining order and preliminary injunction prohibiting Dr. Rosen from moving or transferring the vehicle. The local sheriff could then seize the vehicle or a temporary receiver could be appointed to hold the vehicle upon such conditions as the court would direct.

²Your statement that the vehicle was not returned to Mr. Friedli in 1991, when the Italians defaulted, but placed in "official custody," and that Mr. Friedli had to post a bond (in the form of a bank guarantee) in favor of the Italians, suggests to us that the Italians may have acquired an ownership interest in the vehicle.

Briger & Associates

Peter Keller, Esq.

Page 3

May 23, 1995

It is hoped that the foregoing answers your questions. As soon as you can advise us of the legal consequences of the Spanish transaction between Mr. Friedli and the Italians, we would be better able to give you an estimate of the likelihood of success and the approximate costs.

Sincerely,

Peter L. Briger

Peter L. Briger

PLB/sw

SANZ-ARRIBAS & CID
ABOGADOS

Cas Berns dez, 51 - 2º E
Tfno. (91) 349 14 87
Fax. (91) 349 15 69
28003 Madrid

Ricardo Soriano, 30-3º 3
Tfno. (95) 277 59 00
Fax. (95) 277 43 37
29600 Marbella

89

TELEFAX
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DE: FERNANDO ANTUNEZ
FROM:

PARA: SR. D. HANS BERNHARD FRIEDLI
TO:

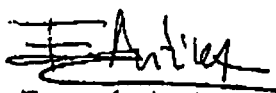
Nº DE FAX: 07- 41-33-23 38 55
DESTINATION FAX NUMBER:

MENSAJE:
MESSAGE:

Estimado Sr. Friedli:

Para su conocimiento y el del Sr. Bratschi le adjunto, siguiendo instrucciones de D José Luis, las traducciones (no oficiales ni certificadas) que hemos efectuado de la declaración prestada por Pedro Poyares y del Informe de la Policía de Lisboa en relación al asunto de los Ferraris.

Un cordial saludo,


Fernando Antunez

MINISTERIO DE JUSTICIA
POLICIA JUDICIAL

NUIPC 11065/93.OJDLSB
Sección 7ª, Brigada 3ª

ACTA DE INTERROGATORIO DE IMPUTADO

Fecha de la diligencia: 28/3/94

Hora: 11

Lugar: Jefatura de Lisboa

Autoridad que preside la diligencia: Dr. Alfredo Esberard, Inspector de la Sección 7ª

Funcionario que la ejecuta: Filipe Cardia, Agente

Abogado defensor (de oficio/designado) Declara que prescinde de abogado defensor.

Iniciado el acto, fue advertido de que la falta o falsedad de la respuesta sobre su identidad y sobre sus antecedentes penales lo hará incurrir en responsabilidad penal.

Igualmente le fue comunicado que debe considerarse imputado en estos autos, habiéndole sido indicados y explicados sus derechos y deberes de conformidad con el art. 61 del Código de Procedimiento Penal.

El imputado se identificó de la forma siguiente:

Nombre: Pedro Manuel Poiars Serra;

Hijo de: Francisco Jorge Poiars Serra y Maria Eugénia Francisco Poiars Serra

Natural de la parroquia de Lousa; municipio de Lousa.

Nacionalidad: portuguesa; Fecha de nacimiento: 16/4/61

Estado civil: soltero; Profesión: Comerciante de automóviles

Domicilio: Avda. Columbano Bordalo Pinheiro, nº 108-6ºD. 1000 Lisboa

Tel: 7271102

Lugar de trabajo: su domicilio

D.N.I.: no lo presenta

En cuanto a sus antecedentes penales manifiesta:

Que compareció ante el Tribunal de la Boa-Hora en 1987 por el delito de falsificación de vehículos, habiendo sido absuelto.

Que en 1982 compareció ante el Tribunal Judicial de Oeiras por el delito de difamación, habiendo sido condenado al pago de una multa por importe de 12.000 escudos.

preguntado si quería responder sobre los hechos que se le imputan, manifiesta:

Que sí. Que desea esclarecer estos hechos.

Que su actividad profesional consiste en la compraventa de automóviles, nuevos o de segunda mano. Que dichos vehículos, por lo general, se venden al extranjero, España, Suiza y Alemania. Habiendo sido informado de los hechos que se le imputan manifestó que, efectivamente, en julio de 1993 adquirió cuatro vehículos de la marca Ferrari, antiguos, a la empresa Motorauto Marbella, sita en Avda. Ricardo Soriano, nº 59 - Marbella.

Que venían celebrándose conversaciones entre el declarante y el stand en Marbella desde 1991 para la compra de los vehículos, pero como éstos habían sido incautados por orden de un Tribunal español, no fue posible realizar el negocio hasta julio de 1993, después de una autorización de dicho Tribunal para que los vehículos se vendiesen en el plazo de 90 días, como así se hizo. Que adquirió los vehículos a la empresa mencionada por unos 70 u 80.000.000 de escudos (ochenta millones de escudos). Que solicitó la entrega de los vehículos en Portugal, lo que se hizo durante el mes de julio. Que la entrega se realizó frente al Hotel Ritz en Lisboa, habiendo sido efectuado el transporte por la empresa "Pierre Motors" con sede en Motril- Granada- España. Que los vehículos se encontraban en mal estado de conservación, por lo que mandó efectuar algunas reparaciones en un taller de reparaciones en Odivelas, llamado "taller de reparaciones Carlos Mendes", cuya localización exacta es Olival de Basto- Odivelas. Una vez concluidas las reparaciones, exportó los vehículos a EE.UU., a través de una empresa inglesa llamada "E.H. Harms", a través de su filial en Amberes- Bélgica. Desconoce el destino dado a los vehículos a partir de aquel momento. Que la venta de los vehículos no se efectuó a cambio de una suma de dinero, sino a través de un negocio que implicó la adquisición de varios vehículos, por lo que no puede precisar el importe recibido por la venta, aunque puede presentar documentos que acreditan la venta y los vehículos que le fueron entregados como pago de los "Ferrari".

Que posee documentos que acreditan la legalidad del negocio efectuado por él con el stand "Motorauto Marbella", comprometiéndose a realizar su entrega en el espacio de tiempo más breve posible.

Respondiendo a una pregunta que se le formula, manifiesta que todos los vehículos de la marca "Ferrari" que adquirió venían acompañados de la documentación y de una fotocopia del auto del Tribunal español que autorizaba su venta.

Que todas las gestiones relativas a la compra de los vehículos se efectuaron por su abogado en Marbella, el cual tiene en su poder todos los documentos, y que el declarante va a solicitarlos con el fin de presentarlos ante esta Policía. Manifiesta que los vehículos no tenían matrícula, pero por medio de los documentos comprobó que había tres de origen suizo y uno de EE.UU. Que todo el negocio se realizó de forma legal y con el consentimiento previo del Tribunal en España para que fuese efectuada la venta.

El interrogatorio se dio por concluido a las 11.55 h.

No declaró nada más. Leídas sus manifestaciones, las encontró conformes, se ratifica y firma.

<Firma: ilegible>

para que conste se extiende la presente acta, que es firmada.

<Firma: Filipe Cardia>

MINISTERIO DE JUSTICIA
POLICIA JUDICIAL

AUTO DE INTERROGATORIO DE "ARGUIDO"

Fecha de la diligencia: 28/3/94, Hora: 11, Local: Directoría de Lisboa.

Preside: Dr. Alfredo Esberard, Inspector de la Sección 7ª.

Funcionario ejecutante: El Agente Filipe Cardia.

Defensor: (nombrado/constituido): Declara prescindir.

Abierto el acto fue advertido que la falta o falsedad de respuesta sobre su identidad y sobre sus antecedentes penales le hará incurrir en responsabilidad penal.

Se le comunica que debe considerarse imputado en estos autos, habiéndosele explicado e indicado los derechos y obligaciones relacionados en el artículo 61 del Código Penal.

El declarante se identifica de la siguiente forma:

Nombre: Pedro Manuel Poiars Serra. "Alcunha"

Filiación: Francisco Jorge Poiars Serra y María Eugenia Francisco Poiars Serra.

Natural de Lousa, concejo de Lousa.

Nacionalidad: Portuguesa. Fecha de nacimiento: 16/04/61

Estado civil: Soltero. Profesión: Comerciante de automóviles.

Dirección: Avda. Columbano Bordalo Pinheiro, 108, 6º D. 1000 Lx.

Teléfono: 7271102

Local de trabajo: Dirección arriba mencionada.

Teléfono:

B.I./Pasaporte/Permiso de conducir: no presentado. expedido en

fecha:.....

En cuanto a sus antecedentes penales dice:

Que respondió al Tribunal de Boa-Hora en 1987 por delito de falsificación de vehículos, siendo absuelto.

En 1982 respondió al Tribunal de Justicia de Oeiras, por delito de difamación habiendo sido condenado a pagar una multa de 12.000 escudos portugueses.

Preguntado si desea responder sobre los actos que se le imputan dice:

Ser su voluntad el esclarecimiento de los mismos. Que su actividad profesional consiste en la compra y venta de vehículos automóviles nuevos o de segunda mano. Que dichos vehículos, por regla general, son vendidos al extranjero, España, Suiza y Alemania. Cuando ha tenido conocimiento de los hechos imputados dice, que, efectivamente, adquirió en julio de 1993 cuatro vehículos marca "Ferrari" antiguos, a la firma Motor Auto Marbella, sita en la Avda. Ricardo Soriano, 59, Marbella.

Que ya habían entablado conversaciones entre el interrogado y la entidad de Marbella desde 1991 para la compra de los vehículos, pero como dichos vehículos se encontraban confiscados por orden de un Tribunal español, sólo fue posible concretar el negocio en julio de 1993, tras una autorización de este

Tribunal para que los vehículos fueran comercializados en un plazo de 90 días, lo que sucede. Que adquirió los vehículos a la empresa antes mencionada por unos 70 u 80 millones de escudos. Que pidió la entrega de los vehículos en Portugal, lo que ocurrió en el mes de julio. Que la entrega fue hecha junto a Hotel Ritz de Lisboa, habiéndose efectuado el transporte por la compañía Pierre Motors con sede en Motril, Granada, España. Que los vehículos se encontraban en mal estado de conservación, pero que mandó efectuar algunas reparaciones a un taller de reparaciones de Odivelas llamado: "Taller de reparaciones Carlos Mendes", cuya localización exacta es Olival de Basto-Odivelas. Después de efectuar las reparaciones, exportó los vehículos a los EEUU a través de una compañía inglesa denominada "L.H. Harms", por medio de su filial en Amberes, Bélgica. Desconoce el rumbo tomado por los vehículos desde entonces. Que la venta de los vehículos no fue efectuada a cambio de una suma de dinero, sino que se hizo a través de un negocio que implicó retomar varios vehículos pero que no se puede precisar la cuantía recibida por la venta. Ofrece presentar documentos que prueben la venta de los vehículos que le fueron entregados para pagar los Ferraris.

Que posee documentos que prueban la legalidad del negocio por él efectuado con la compañía "MotorAuto Marbella", comprometiéndose a hacer su entrega en el más corto espacio de tiempo posible. Dice que todos los vehículos de la marca "Ferrari" que adquirió iban acompañados por la documentación y por una fotocopia del despacho del Tribunal español que autoriza la venta. Que todos los asuntos relativos a la venta de los vehículos fueron realizados por su Abogado en Marbella, el cual tiene en su poder todos los documentos, que el interrogado los va a pedir a fin de ser presentados a esta Policía. Refiere que los vehículos no tenían matrícula, pero que por los documentos verificó que eran de origen suizo y uno estadounidense. Que todo el negocio fue llevado a cabo de

forma legal y con el consentimiento del Tribunal en España para que fuese efectuada la venta.

El interrogatorio concluyó a las 11:55 horas.

No dice nada más. Unido a los autos, es hallado conforme, ratificado y firmado.

<Firma: ilegible>

para que conste se exticnde la presente acta, que es firmada.

<Firma: Filipe Cardia>

POLICIA JUDICIAL
JEFATURA DE LISBOA

Sr. Inspector

I N F O R M E

Los presentes autos tuvieron su origen en la solicitud de localización e incautación de 4 vehículos de marca "Ferrari", efectuada por la Policía española, ver folio 16. Dichos vehículos fueron robados en España y traídos a nuestro país, donde fueron entregados a PEDRO MANUEL POLARES SERRA, ver folio 14.

A través de diligencias efectuadas se averiguó que el citado Pedro Serra es negociante de automóviles de lujo, usados, que adquiere preferentemente en el extranjero. El citado Pedro Serra sitúa dichos vehículos en garajes de hoteles de Lisboa, donde pueden ser vistos por los potenciales compradores. En las diligencias realizadas en dichos locales, ver folio 28, no figura ningún vehículo de la marca mencionada.

Dada la escasez de datos enviados por las autoridades españolas, se solicitaron informaciones más completas, ver folios 29 y 30.

Estas informaciones, en folios 41 y 42, permitieron concluir que:

- Los vehículos habían sido intervenidos en Marbella-España, por orden del Juzgado de Instrucción nº 2 de Marbella, y entregados a Kelvin John Fisher, en calidad de depositario.

- Los vehículos se transportaron a Lisboa el 6/07/93 y se entregaron a Pedro Serra, frente al Hotel Ritz, en esta ciudad, guardándose en el garaje de esta unidad hotelera por Pedro Serra.

Pero en fecha anterior a la llegada de la información arriba indicada, nos contactó D. Joao Boto, representante de la Embajada suiza en nuestro país, a quien se solicitaron diligencias sobre el mismo asunto, el cual comunicó lo siguiente:

- Que los vehículos "Ferrari" se guardaron en un garaje en Marbella-España por parte de su propietario de nacionalidad suiza, cuyo nombre desconoce, hasta que fueron vendidos a un individuo italiano, cuya identidad desconoce igualmente.

- Que el vendedor solicitó una garantía bancaria por el importe de la venta. Dicha garantía le fue entregada y cuando fue presentada a la institución bancaria, cuyo nombre desconoce, se comprobó que era falsa.

- El propietario de los vehículos se trasladó de inmediato al lugar donde estos se encontraban, habiendo constatado su desaparición.

- Indicó igualmente el medio de transporte de los vehículos a Lisboa, fotocopia de las declaraciones de Alvaro Teixeira, propietario de la empresa que realizó el transporte, en la Comisaría de Motril-España, ver folios 34 a 36.

Oído en declaraciones Pedro Manuel Poiaras Serra, en los folios 49 y 50, se averiguó que efectivamente había adquirido los vehículos "Ferrari" antiguos a la empresa "Motorauto Marbella", sita en la Avenida Ricardo Soriano nº 59, en Marbella, España, por una cantidad que oscila entre los 70 y los 80.000.000 escudos (ochenta millones de escudos).

Que, ya desde 1991, se venían realizando negociaciones con vista a la compra de los vehículos, pero que el negocio no se llevó a cabo hasta julio de 1993, ya que el Tribunal español que había ordenado la intervención de los vehículos no autorizó su venta hasta la citada fecha.

Que le hicieron entrega de los vehículos frente al Hotel Ritz en Lisboa, durante el mes de julio de 1993, habiendo sido efectuado el transporte por la empresa "Pierre Motors", con sede en Motril -Granada- España.

Que procedió a la reparación de los vehículos y los vendió a los EE.UU., a través de la filial en Amberes- Bélgica de la firma inglesa "E.H. Harms", desconociendo su paradero desde entonces.

Todos los vehículos iban acompañados de la documentación correspondiente y de fotocopia del documento del Tribunal español, a través del cual se autorizaba su venta (documento que no presentó).

Presentó fotocopia de los contratos de venta de los vehículos de la empresa "Motorauto Marbella" a la "Sociedad Shoreham Investments Ltd." y de esta empresa a Pedro Manuel Poiaras Serra, según consta en los folios 52 a 56 y en la traducción de los folios 87 a 93, así como fotocopia de la documentación de los vehículos, que figura en los folios 57 a 63 y en la traducción de los folios 94 a 105.

Todos los documentos llevan el sello del Viceconsulado de Italia en Málaga.

En dichos contratos de venta se dice que la empresa "Motorauto Marbella S.L." transfiere la propiedad de los 4 (cuatro) vehículos de la marca "Ferrari" a nombre de la "Sociedad Shoreham Investments Ltd" para el pago de una deuda por importe de 400.000 \$ USA, sin que en el contrato se mencione el hecho de que dichos vehículos habían sido intervenidos por orden judicial.

Por su parte, la "Sociedad Shoreham Investments" autorizó a Pedro Serra a efectuar la venta de los vehículos, en un plazo de 90 días, con la obligación de pagar a dicha Sociedad el importe de 900.000\$ USA, del cual descontaría el 20%, correspondiente a su comisión por la venta.

Sobre estos mismos hechos, el Juzgado de Instrucción nº 5 de Marbella-Málaga-España envió posteriormente a esta Policía la comisión rogatoria nº 164625, a la cual se le atribuyó el D.P. nº 24160100 de esta Policía.

Dado que la investigación que en ella se solicita ya ha sido realizada en las citadas Diligencias, propongo que se extraiga testimonio para que se una a la misma con el fin de evitar la duplicación de las actuaciones.

En vista de lo expuesto someto los autos a su consideración para que se sirva ordenar lo que tenga por conveniente, por lo que hago entrega de los mismos a esa autoridad para que resuelva.

Lisboa, 14 de julio de 1994

El Agente

Fdo.: Filipe Cardia

[Manuscrito: Remítanse los autos al DIAP (Departamento de Investigación y Acción Penal) con la propuesta de que se proceda a su archivo ya que, de existir algún delito, en nuestra opinión, no se habrá consumado en Portugal ni por ciudadano nacional.

Previamente, según lo acordado personalmente con el Sr. Fiscal de la sección 10ª del DIAP, extraígame testimonio de los folios 34 y 34 vuelto, 49 y 50 vuelto, 52 a 63 y del presente informe y únase a la comisión rogatoria 2/94 -(ilegible), que obra en esta misma Sección y Brigada.

Tramítese.

Lisboa, fecha ut-supra.
<Firma: ilegible>

POLICIA JUDICIAL
JEFATURA DE LISBOA

Sr. Inspector

Cumplida la resolución precedente, que figura en el folio 14, hago:

ENTREGA DE LOS PRESENTES AUTOS

Lisboa, 18 de julio de 1994
El Agente
Fdo.: Filipe Cardia

(manuscrito:) Remítase al DIAP (Departamento de Investigación y Acción Penal)
Tramítese

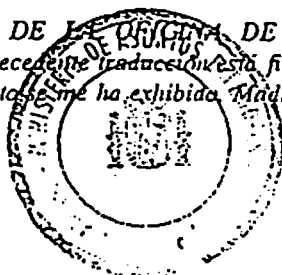
Lisboa, fecha ut-supra

=DECLARACION DE AUTENTICIDAD=

Certifico que las presentes fotocopias, que se componen de diecinueve hojas, concuerdan fielmente con su original, están debidamente numeradas y autenticadas con mi firma y el sello en seco en uso en esta Jefatura y han sido extraídas del NUIPC 11065/93.OJDLSB.

7ª Sección
El Inspector
Fdo.: Alfredo Esberard

LA JEFE DE AREA DE LA OFICINA DE INTERPRETACION DE LENGUAS.
CERTIFICA: Que la precedente traducción está fiel y literalmente hecha de un original en portugués, que a tal efecto me ha exhibido Madrid, a catorce de junio de mil novecientos noventa y cinco.



P.A.
[Handwritten signature]

INTERPRETACION DE LENGUAS
Registrado el nº 313/95
Despachado el 14 de Julio de 1995

**POLICIA JUDICIARIA
DIRECTORIA DE LISBOA**

Excmo. Sr. Inspector

RELATORIO

Los presentes autos tuvieron su origen en la petición de la localización y confiscación de 4 vehículos marca "Ferrari", efectuado por la Policía española cfr. fls. 16. Dichos vehículos fueron robados en España y traídos a nuestro país deonde fueron entregados a Pedro Manuel Pioares Serra, cfr. fls. 14.

Por diligencias efectuadas se averiguó que el referido Pedro Serra es comerciante de automóviles de lujo, usados, que adquiere preferentemente en el extranjero. Dichos vehículos son colocados en garajes de hoteles en Lisboa, donde son examinados por posibles compradores. En las diligencias efectuadas en esos locales, (cfr. fls. 28), no se referenció ningún vehículo de la marca mencionada.

Por la escasez de datos enviados por las Autoridades españolas, se solicitaron informaciones más completas, (cfr. fls. 29 y 30).

Estas informaciones, en los fls. 41 y 42, permitirán concluir que:

- Los vehículos estaban confiscados en Marbella, España, por orden del Juzgado de Instrucción nº 2 de Marbella y entregados a Kelvin John Fischer en calidad de fiel depositario.

- Que los vehículos fueron transportados a Lisboa el 6/7/93 y entregados a Pedro Serra, junto al Hotel Ritz de esta ciudad. Los vehículos fueron guardados en el garaje de este hotel por Pedro Serra.

- Pero en fecha anterior a la llegada de información, fuimos contactados por el Dr. Joao Boto, representante de la Embajada Suiza en nuestro país, a quien fueron solicitadas todas las diligencias sobre el mismo asunto, el cual informó lo siguiente:

- Que los vehículos "Ferrari" fueron guardados en un garaje en Marbella, España, por su propietario de nacionalidad suiza cuyo nombre desconoce, para la conclusión de su venta a un individuo italiano cuya identidad igualmente desconoce.

- Que el vendedor pidió una garantía bancaria sobre el monto de la venta. Esta garantía fue entregada, cuando fue entregada a la institución bancaria, cuya denominación desconoce, se verificó ser falsa.

El propietario de los vehículos se desplazó de inmediato al lugar donde éstos se encontraban constatando su desaparición.

- Indicó cómo los vehículos fueron transportados a Lisboa, teniendo fotocopia de las declaraciones de Alvaro Teixeira, propietario de la compañía que efectuó el transporte, en la Comisaría de Motril, España, cfr. fls. 34 a 36.

Pedro Manuel Poiars Serra, a fls. 49 y 50 dijo que efectivamente adquirió los vehículos "Ferrari" antiguos a la empresa "MotorAuto Marbella", sita en la Avda. Ricardo Soriano, 59 de Marbella, España, por una suma que oscila entre los 70 y 80 millones de escudos.

- Que ya había negociaciones con vista a la compra de los vehículos desde 1991 pero que el negocio se concretaría en julio de 1993, en virtudal Tribunal español, por orden del cual los vehículos se encontraban confiscados, después de haber dado autorización para su comercialización.

Que los vehículos le fueron entregados junto al Hotel Ritz de Lisboa, durante el mes de julio de 1993 habiendo sido efectuado el transporte por la compañía "Pierre Motors" con sede en Motril, Granada, España.

Que procedió a la reparación de los vehículos, habiendo vendido los vehículos a EEUU, a través de la filial en Amberes, Bélgica, de la compañía inglesa "E.H. Harms", desconociendo el paradero actual de los mismos desde entonces.

Que los vehículos venían acompañados por sus respectivas documentaciones y fotocopia del Tribunal español (que presentó) para autorizar la venta.

Aporta las fotocopias de los contratos de venta de los vehículos de la compañía "MotorAuto Marbella" a "Sociedad Shoreham Investments, Ltd." y de esta compañía a Pedro Manuel Poiars Serra, de fls. 52 a 56 y traducción de folios 87 a 93.

....."MotorAuto Marbella, S.L." transfiere la propiedad de los 4 (cuatro) vehículos de marca "Ferrari" a nombre de la "Sociedad Shoreham Investments, Ltd.", por el pago de 400.000 dólares USA, sin existir en el contrato referencia alguna al hecho de que éstos se encontraban incautados por el Juzgado.

Por su vez, la "Sociedad Shoreham Investments, Ltd." autorizó a Pedro Serra a efectuar la venta de los vehículos en un plazo de 90 días con la obligación de pagar a aquella sociedad 900.000 dólares USA, de los que se quedaría con un 20% en concepto de comisión de venta.

Sobre los mismos hechos fue enviada posteriormente a esta Policía una Carta Rogatoria nº 164625 por el Juzgado de Instrucción nº 5 de Marbella, Málaga, España, a la que se le atribuyó las DP nº 24160100 de esta Policía.

Someto los autos a la apreciación de V.E. para que se digne ordenar lo que estime más conveniente.

Lisboa, 14 de julio de 1994

El Agente

POLICIA JUDICIAL
DIRECTORIA DE LISBOA

Excmo. Sr. Inspector

Cumplimentado el despacho.....por V.E. a folio 14,

CONCLUSION

Lisboa, 18 de julio de 1994

El Agente

AUTENTICIDAD

Certifico que las presentes fotocopias, en número de diecinueve,

concuerdan con los originales, van debidamente numeradas y autenticadas con mi firma y.....de esta Directoría y fueron extraídos de NUIPC 11065/93.

H.-BERNHARD FRIEDLI
Sekretariat
Postfach 1469
3601 THUN

Monsieur
Jaime Torrabadella Paré
avocat

Marbella - SAN Pedro

Thun, 24. Juli 1995

Cher Monsieur Torrabadella

le dossier des Ferrari est dans le bureau de Mr. Bratschi
est on peut pas le toucher.

Les informations en dessous je vous envoie très
c o n f i d e n t i e l :

Le Ferrari, 1957, Nr. 0799 GT, était offert par un
italien avec le nom Mennino à Bologna.
Directement ou ev. par des autres stations la Ferrari
est allé à une société Classic Coach Ltd, un Monsieur
Joe Triarcy.
Le propriétaire ou l'acheteur à la fin est un Dr.Scott Rosen,
182 Succabone, Bedford, New York, USA. Dr. Rosen est un
dentiste.
Très confidentiel j'ai entendu, qu'on a ou on va déposé
une plainte par un avocat à New York pour avoir acheter une
voiture d'une crime. Le prix qu'il a payé doit être de
300'000 US .
On recevra des informations des autres voitures à fure et
à mesure.

Je vous envoie aussi encore une foie la valoration des voitures
dans laquelle vous pouvez voire les prix.

Je vous contact par telephone.

*Meilleurs salutations
Humbert Friedli*

Interloji S.L.
ASESORIA JURIDICA Y FINANCIERA
GESTION FISCAL Y ADMINISTRATIVA

MARQUES DEL DUERO, 68
EDIF. BANCO ANDALUCIA, 3º
29670 SAN PEDRO ALCANTARA
MARBELLA
TELEFS.: (34 - 5) 278 00 18
(34 - 5) 278 00 50
TELEFAX: (34 - 5) 278 53 98

217/96 JT/PR

Monsieur HANS B. FRIEDLI

Postfach 1469

SCHERZLIGWAG 22

CH - 3601 - THUN

SUISSE

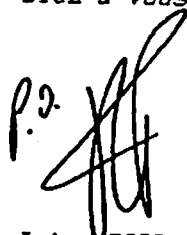
4 Mars 1996

Cher Monsieur.

Sans aucune nouvelle de votre part depuis plusieurs mois je me permets de vous adresser ci-joint copie des dernières peripeties judiciaires et policières concernant le vol des voitures FERRARIS.

Vous voudrez bien me transmettre vos commentaires éventuellement.

Bien à vous.

P.S. 

Jaime TORRABADELLA

N.I.F.B - 29.710.175

93

Interloi S.L.
Mr. Jaime Torrabadella
per Fax

San Pedro - Marbella

Thun, 11. März 1996

Cher Monsieur

Je vous remercie de votre lettre du 4 mars 1996.

Nous attendos le jugement.

Meilleurs salutations
B. Friedli

PK

Never?

ADVOKATURBUREAU
BRATSCHI EMCH & PARTNER

DR. PETER BRATSCHI
DR. URS EMCH
DR. CHRISTIAN SCHMID M.C.L.
DR. MARKUS HÜNIG
FRANZ SZOLANSKY
URS GASCHÉ
DR. CHRISTOPH BORN
DR. JÜRGEN BRÖNNIMANN
MARK INEICHEN LL.M.
DR. DANIEL GLASL H.E.E.

MARC STUCKI
DIETER HAAS
HERMANN BECHTOLD
PETER KELLER
RENÉ ZAHND
DR. RETO ARPAGAUS

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8023 ZÜRICH
BAHNHOFSTRASSE 106
POSTFACH 7689
TELEFON 01 211 16 64
TELEFAX 01 211 16 69

FAX MESSAGE

Fax-No.: 0034 5 277 43 37

Number of pages: 7

SANZ-ARRIBAS & CID
Abogados
Mr. Eduardo Sanz Marquez
Ricardo Soriano, 50-300,3
E-29600 Marbella

Bern, 10. Juli 1996 PK/cc

Friedli, Ferrari cars

By fax dated 20 April 1995 you informed us about the legal actions carried out in relation to the Ferrari cars.

José Luis Sanz-Arribas sent us the "escrito de 28 marzo de 1996" concerning the "Juicio Declarativo Ordinario de Mayor Cuantia nº 334/93-Bis" before the Marbella Law Courts nº 5. Therefore we understand that the different legal actions have not yet been decided. We would be thankful if you could send us an actual summary of the legal actions carried out to the present date in relation to the Ferrari cars.

As we do not know if Mr. Friedli has sent you our fax from 11 May 1995 to Peter Briger, a correspondent lawyer in New York, we send you this fax and the response of Mr. Briger dated 23 May 1995. If you are able to response to any questions of Mr. Briger, please advice. (For your information: Mr. Friedli had not carried out any legal action against Mr. Scott Rosen in New York, the "owner" of one of the Ferrari cars).

Yours sincerely



Peter Keller, Esq.

cc: clients

95

ADVOKATURBUREAU
BRATSCHI EMCH & PARTNER

DR. PETER BRATSCHI
DR. URS EMCH
DR. CHRISTIAN SCHMID M.C.L.
DR. MARKUS HÜNIG
FRANZ SZOLANSKY
URS GASCHE
DR. CHRISTOPH BORN
DR. JÜRGEN BRÖNNIMANN
MARK INEICHEN LL.M.
DR. DANIEL GLASL H.E.E.

MARC STUCKI LL.M.
DIETER HAAS
PETER KELLER
RENÉ ZAHND
DR. RETO ARPAGAU
DR. MARTIN KOCHER
LUKAS BÜHLER LL.M.

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TELEFON 01 211 16 64
TELEFAX 01 211 16 69

FAX MESSAGE

Fax-No.: 0034 5 277 43 37

Number of pages: 1

SANZ-ARRIBAS & CID
Abogados
Mr. Eduardo Sanz Marquez
Ricardo Soriano, 50-300,3
E-29600 Marbella

August 15, 1997 AP

Friedli Ferrari Cars

Dear Mr. Sanz

We herewith inform you, that Mr. Peter Keller has left our office end of July 97 for further studies. As from August 1997 the case will be handled by our new employee Mr. Andreas Poell.

As it was suggested by Mr. Jose-Luiz Sanz there remains the possibility to claim damages from the state for handing out the cars too early. We kindly ask you to ensure that the claims concerning this state liability will not come under the statute of limitations.

Yours sincerely,


Dr. Peter Bratschi

cc: client

per telefax 0034 95 277 43 37 ✓

Mr. José Luis Sanz Arribas
Lawyer
Cea Bermúdez, 51 - 2º E
E-28003 Madrid

DR. PETER BRATSCHI
DR. URS EMCH
DR. CHRISTIAN SCHMID M.C.L.
DR. MARKUS HÖNIG
FRANZ SZOLANSKY
URS GASCHÉ
DR. CHRISTOPH BORN
DR. JÜRGEN BRÖNNIMANN
MARK INEICHEN LL.M.
DR. DANIEL GLASL H.E.E.

DIETER HAAS
DR. RETO ARPAGAU LL.M.
CAROLE BÖHRER
STEFAN BURRI
DOMINIK HASLER
DR. ROBERT L. ROM
LUKAS WYSS
MARC ZULIAN

Berne, June 26, 1998

Friedli Bernhard - Ferraris

Dear Colleague

We refer to the matter mentioned above and kindly ask you to inform us about the actual situation regarding the cars. We take it that there are still no traces in Spain, but on the other hand we might still have the right to sue the State for damages.

Please advice.

Yours sincerely,



Dr. Peter Bratschi
b.o. Lukas Wyss, lawyer

97

[Handwritten signature]

SANZ-ARRIBAS & CID
ABOGADOS

Cea Bermúdez, 51 - 2º E
Tfno. (91) 549 14 87
Fax. (91) 549 15 69
28003 Madrid

Ricardo Soriano, 50-3º,3
Tfno. (95) 277 59 00
Fax. (95) 277 43 37
29600 Marbella

TELEFAX
FACSIMILE TRANSMISSION

Fecha: 01/07/98
Date:

Nº Total páginas (incluyendo ésta): 1
Nº of Pages (including this cover):

DE: EDUARDO SANZ MARQUEZ
FROM:

PARA: DR. PETER BRATSCHI
TO:

Nº DE FAX: 07-41-31-311.95.38
DESTINATION FAX NUMBER:

MENSAJE:
MESSAGE:

Dear Colleague,

Acknowledge receipt of your fax dated the 26 of June. The situation regarding the cars is the following:

Our claim was dismissed by the Judge of Marbella, so we have interposed the remedy of appeal. We are now waiting for the hearing.

If we win, the italians surely will interponse an appeal to the Supreme Court, and if we loose, we will interpose this appeal.

In both cases, we will have to wait for a final judgment. If the judgement estimate our claim, we will interpose another one against the State for damages, but if not, we will have lost this option.

Yours sincerely,

[Handwritten signature]
Eduardo Sanz Marquez.

98

ADVOKATURBUREAU

BRATSCHI EMCH & PARTNER

per telefax 0034 95 277 43 37 ✓
Mr. Eduardo Sanz Márquez
Lawyer
Cea Bermúdez, 51 - 2º E
E-28003 Madrid

DR. PETER BRATSCHI
DR. URS EMCH
DR. CHRISTIAN SCHMID M.C.L.
DR. MARKUS HÖNIG
FRANZ SZOLANSKY
URS GASCHE
DR. CHRISTOPH BORN
DR. JÜRGEN BRÖNNIMANN
MARK INEICHEN LL.M.
DR. DANIEL GLASL H.E.E.

DIETER HAAS
DR. RETO ARPAGAU LL.M.
CAROLE BÖHRER
STEFAN BURRI
DOMINIK HASLER
DR. ROBERT L. ROM
LUKAS WYSS
MARC ZULIAN

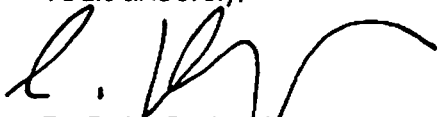
Berne, July 6, 1998

Friedli Bernhard - Ferraris

Dear Colleague

Please let us know if the claim you mention in your fax dated July 1, 1998 refers to the release of the cars, or to any other claim.

Yours sincerely,



Dr. Peter Bratschi
b.o. Lukas Wyss, lawyer

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BERNEOFFICE @ BRATSCHI-EMCH-PARTNER.CH

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BAHNHOFSTRASSE 106, POSTFACH 7689

POY
Foi Sanz/Arribas
Cid
99

SANZ-ARRIBAS & CID
ABOGADOS

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TELEFAX
FACSIMILE TRANSMISSION

Fecha: 20/07/98
Date:

Nº Total páginas (incluyendo ésta):
Nº of Pages (including this cover):

DE: EDUARDO SANZ MARQUEZ
FROM:

PARA: DR. PETER BRATSCHI.
TO:

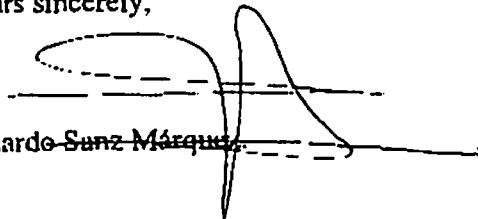
Nº DE FAX: 07-41-31-311.95.38
DESTINATION FAX NUMBER:

MENSAJE:
MESSAGE:

Dear Colleague,

The action I refered in my fax dated July, 7, is the one that claimed for the resolution of the verbal contract, and the consequential return of the cars, or the price of these if they are disappeared, plus damages and prejudicial consequences.

Yours sincerely,


Eduardo Sanz Márquez

100

ADVOKATURBUREAU

BRATSCHI EMCH & PARTNER

per telefax 0034 95 277 43 37

**Mr. Eduardo Sanz Marquez
Lawyer
Cea Bermúdez, 51 - 2º E
E-28003 Madrid**

DR. PETER BRATSCHI	DIETER HAAS
DR. URS EMCH	DR. RETO ARPAGAU LL.M.
DR. CHRISTIAN SCHMID M.C.L.	CAROLE BÜHRER
DR. MARKUS HÜNIG	STEFAN BURRI
FRANZ SZOLANSKY	DOMINIK HASLER
URS GASCHE	DR. ROBERT L. ROM
DR. CHRISTOPH BORN	LUKAS WYSS
DR. JÜRGEN BRÖNNIMANN	MARC ZULIAN
MARK INEICHEN LL.M.	
DR. DANIEL GLASL H.E.E.	

Berne, December 22, 1998

Friedli Bernhard (†)- Ferrari cars

Dear Colleague

Please let us know the latest status quo regarding the legal suit and the criminal proceedings in the matter mentioned above.

We are looking forward to hearing from you soon.

We wish you a Merry Christmas and a Happy New Year.

Yours sincerely,



**Dr. Peter Bratschi
b.o. Lukas Wyss, lawyer**

Frau A. Friedli
Ackerfluhweg 7
3627 Heimberg

DR. PETER BRATSCHI
DR. URS EMCH
DR. CHRISTIAN SCHMID M.C.L.
DR. MARKUS HÜNIG
FRANZ SZOLANSKY
URS GASCHKE
DR. CHRISTOPH BORN
DR. JÜRGEN BRÖNNIMANN
MARK INEICHEN LL.M.
DR. DANIEL GLASL H.E.E.

DIETER HAAS
DR. RETO ARPAGAU LL.M.
CAROLE BÜHRER
STEFAN BURRI
DOMINIK HASLER
DR. ROBERT L. ROM
LUKAS WYSS
MARC ZULIAN

Bern, 14. Januar 1999/LW

Strafangelegenheiten in Sachen Gatoo und Ferraris

Sehr geehrte Frau Friedli

Nachdem wir Ende des letzten Jahres bei den Anwälten in Spanien und Portugal den Stand der Angelegenheit nachgefragt haben, können wir Ihnen wie folgt Auskunft geben:

1. In Sachen Gatoo hat der Staatsanwalt aufgrund derselben Delikte wie gegen Hr. Rodriguez Anklage erhoben (Schreiben von Frau Montero vom 24.12.1998).
2. In Sachen Ferraris wurden durch Herrn Anwalt José Barros Sales in Portugal seit April 1995 keine weiteren Schritte mehr unternommen (sein Schreiben vom 23.12.1998). Er verfügt über keine neuen Informationen betreffend den Ferraris.

Ueber die weitere Entwicklung in diesen Angelegenheiten werden wir Sie auf dem Laufenden halten.

Mit freundlichen Grüssen


Lukas Wyss, Fürsprecher

Beilagen

*Nicht annehmen - Gemein
PB Hasler*

Telefax 033/438 17 82

Frau A. Friedli
Ackerfluhweg 7
3627 Heimberg

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Bern, 18. Januar 1999/LW

Strafangelegenheiten in Sachen Gatoo und Ferraris

Sehr geehrte Frau Friedli

Nachdem wir Ende des letzten Jahres bei den Anwälten in Spanien und Portugal den Stand der Angelegenheit nachgefragt haben, können wir Ihnen wie folgt Auskunft geben:

1. In Sachen Gatoo hat der Staatsanwalt aufgrund derselben Delikte wie gegen Hr. Rodriquez Anklage erhoben (Schreiben von Frau Montero vom 24.12.1998).
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3. Herr Rechtsanwalt Sanz teilte uns mit, dass das Strafverfahren folgenlos eingestellt wurde. Die Zivilforderung wurde abgewiesen, da nach Ansicht der Richter weder der Erwerb noch der Erwerbspreis der Ferraris rechtsgenügend nachgewiesen sei. Gegenwärtig wartet RA Sanz auf die Terminansetzung der oberen Instanz, an welche er den Zivilprozess weitergezogen hat.

Ueber die weitere Entwicklung in diesen Angelegenheiten werden wir Sie auf dem Laufenden halten.

Mit freundlichen Grüßen

A handwritten signature in black ink, appearing to read 'L. Wyss', written in a cursive style.

Lukas Wyss, Fürsprecher

Beilagen

ADVOKATURBUREAU
BRATSCHI EMCH & PARTNER

cc of per fax
1/19/73 ✓
69

DR. PETER BRATSCHI
DR. URS EMCH
DR. CHRISTIAN SCHMID M.C.L.
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TELEFAX 01 211 16 69

Telefax Message

Date: 11. August 1993
To: J.P. Concalves Comes
From: Marc Stucki
Total Pages:
Fax no.: 0035 1497 31 55

Message

Dear AIJA-Colleague

I have found your name in the actual AIJA-directory.

One of our clients got in trouble: He had 4 cars deposited in Marbella (E) and some days ago these cars had been stolen by some gangsters belonging to the organized crime. Afterwards, the gangsters shipped the cars to Lissabon. Of course, INTERPOL is already investigating the case. Our correspondant attorney in Marbella, Jaime Torradabella, informed us, that he will probably deposit a complaint at the local police in Lissabon, and that afterwards, it could be possible that we should file a penal claim to the Criminal Court of Lissabon.

Therefore our colleague needs urgently a standard text of a power of attorney in Portugese, which would allow him to legitimate himself towards the police as well as towards the court. I would be very grateful if you could send me per telefax the blanco text of such a power. Our client will sign it and have his signature legalized by the Embassy of Portugal in Berne.

If you would be able to and interested in collaborating with our colleague in this matter, please let us know. Thank you very much in advance.

Sincerely yours,


Marc Stucki, Esq.

Our telefax no. from Lissabon: 0041 31 22 95 38

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Vertraulich & Persönlich

S.E.
Herrn Erich Lang
Botschafter der Schweiz in Portugal
Travessa do Patrocinio, 1
P-1399 Lissabon
Portugal

Bern, 11. August 1993 MS/cd

Exzellenz,

Wir vertreten Herrn Hans-Bernhard Friedli-von Mühlernen aus Heimberg (bei Thun) in diversen rechtlichen Angelegenheiten. Herr Friedli-von Mühlernen führte jahrelang eigene Unternehmungen in der Schweiz und auch in Madrid. Heute, nachdem er diese Unternehmungen veräussert hat, ist unser Klient immer noch in wichtigen Positionen tätig, so amtet er u.a. als Verwaltungsrat der PTT und der Aral GmbH (Bochum).

Seit mehreren Jahren besitzt Herr Friedli-von Mühlernen ein Appartement in Marbella, an der Costa del Sol. In den späten achtziger Jahren investierte er auch in Grundstücke. Im Zuge einer gewissen Desinvestitionstätigkeit verkaufte er im Juli 1991 ein Bauterrain, umfassend über 120'000 m² und mit einem amtlich geschätzten Verkehrswert von ca. SFr. 17 Mio., an italienische "Geschäftspartner". Mit dem Grundstück verkaufte er denselben Käufern noch vier Oldtimer-Ferraris (Baujahre 1957 - 1970), welche zu jenem Zeitpunkt einen Verkehrswert von ca. SFr. 3 Mio. hatten.

Nachdem die vorgesehene Kaufpreistransaktion - nach Uebereignung des Grundstücks und der Wagen - nicht erfolgte, ahnte unser Klient bereits, dass etwas nicht mit rechten Dingen zugegangen sein musste.

Nach nun mehr als zweijährigem Verhandeln und Prozedieren, in dessen Rahmen mehrere spanische Anwälte eingeschaltet worden sind, präsentiert sich die Situation als dramatisch:

1. Die seinerzeitigen Käufer und deren "Berater", gegen welche bereits im Oktober 1991 Strafanzeige eingereicht worden ist, entstammen dem Clan "Santapaolo" der sizilianischen Mafia.
2. Die Justiz in Marbella ist - wohl infolge von Bestechung und Bedrohung durch die Mafia - dermassen korrumpiert, dass die Bevölkerung von Marbella schon mehrmals gegen die dortigen "Juzgados" auf der Strasse demonstriert hat. Trotz Interventionen aus Sevilla und Madrid, trotz Verhaftungen einiger Richter, hält dieser Zustand weiterhin an.
3. Die "Mafiosi" begnügten sich nicht damit, die Kaufpreise nicht zu zahlen, sondern sie klagten ihrerseits unseren Klienten vor Gericht ein, dies unter Zuhilfenahme von gefälschten Dokumenten, selbstverfassten Verträgen und dergleichen.
4. Zusammen mit unserem Klienten wurden ein gutes Dutzend weitere ehrenhafte Personen aus Spanien oder dem Ausland Opfer von Verbrechen derselben Täter, welche durchwegs nach einem vergleichbaren modus operandi vorgingen.

Ueber die Machenschaften des organisierten Verbrechens in Marbella und den dortigen Justizskandal wurde, jeweils mit der Schlagzeile "EL TRAMA DE MARBELLA" in sämtlichen grösseren Zeitungen und Zeitschriften Spaniens etwa seit April dieses Jahres ausführlich berichtet. Möglicherweise schlugen die "journalistischen Wellen" auch bis nach Portugal.

Wir erlauben uns, aus folgendem Grund an Sie zu gelangen:

Obwohl die erwähnten vier Ferraris in einer privaten Garage in Marbella gerichtlich deponiert worden waren, wurden sie aus dem Depot gestohlen. Herr Friedli-von Mühlönen, welcher zuvor dem Gericht eine Bankgarantie eingereicht hatte, stand kurz davor, die Wagen zurückzuerhalten. Als unser spanischer Korrespondenzanwalt die Wagen im Juni ein letztes Mal - inspizieren wollte, konnte er nur noch feststellen, dass die Garage über Nacht ausgeräumt worden war.

Aufgrund der ersten Ermittlungen durch Interpol Marbella steht mittlerweile fest, dass die Wagen am 7. Juli 1993 nach Lissabon transportiert worden sind, wo sie, kurz darauf, von einem Herrn Renato Poyares in Empfang genommen worden sein sollen. Die Schlüssel der Wagen seien im Hotel Ritz in Lissabon übergeben worden.

Dieser Herr Poyares ist dem Vernehmen nach ein in Lissabon bekannter Händler von Luxuswagen und Oldtimern.

Bei den Wagen handelt es sich um die folgenden wertvollen "Oldtimer":

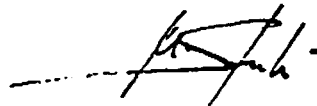
1. Ferrari 250 GT Spider II, Baujahr 1960, Chassis Nr. 1893
2. Ferrari 250 GTE Coupé 2+2, Baujahr 1961, Chassis Nr. 2925
3. Ferrari 365 GT Coupé 2+2, Baujahr 1970, Chassis Nr. 13811
4. Ferrari 230 GT Spider, Baujahr 1957, Chassis Nr. 0799

Angesichts der derzeitigen Gerichtsferien wird das internationale Rechtshilfeverfahren (Marbella-Lissabon) wohl nicht vor Oktober überhaupt erst eingeleitet. Möglicherweise werden wir deshalb in Lissabon direkt eine - weitere - Strafanzeige einreichen müssen. Dies ist jedoch, wie uns unsere bisherigen Erfahrungen auf der iberischen Halbinsel vermuten lassen, mit Zeit und Kosten verbunden.

Wir gelangen deshalb hiermit an Sie, Exzellenz, mit der Bitte um Unterstützung. Falls Sie uns irgendwelche Empfehlungen oder Hinweise geben könnten, welche zur Auffindung der Wagen führen könnten, wären wir Ihnen ausserordentlich dankbar. Falls Ihnen eine Intervention bei den lokalen Behörden angebracht erscheint, und Sie hierzu weitere Informationen oder Unterlagen benötigen, stehen wir Ihnen selbstverständlich zur Verfügung.

Im Namen unseres Klienten bedanken wir uns bestens für Ihre Kenntnisnahme und Unterstützung.

Mit vorzüglicher Hochachtung



Marc Stucki, Fürsprecher

cc. Klient

Unsere Anschlüsse von Portugal aus:

Telefon: ++41 31 21 01 33 (ab 25.9.1993: ++41 31 312 01 33)

Telefax: ++41 31 22 95 38 (ab 25.9.1993: ++41 31 311 95 38)

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ADVOKATURBUREAU
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VORAB PER TELEFAX
01 221 26 56

Herrn
Dr. Reto Thomas Ruoss
Rechtsanwalt
Reichenbach, Tuchschnid & Partner
Talacker 50
8001 Zürich

Bern, 12. August 1993 MS/cd

Dr. Andreas Gerber / Bernhard Friedli

Sehr geehrter Herr Kollege

Wir nehmen Bezug auf Ihr Schreiben vom 8. Juli 1993 und das vor Wochenfrist geführte Telefongespräch.

Wir haben Sie mit Schreiben vom 5. Mai 1993 darüber orientiert, dass

- a) der zuständige spanische Untersuchungsrichter am 20. März 1993 die Parteien auf den Zivilweg verwiesen hat, und
- b) dass die Wagen in diejenige Garage zurücktransportiert wurden, in welcher sie sich vor Einleitung des Strafverfahrens befunden hatten.

Damit die Wagen weiterhin als gerichtlich hinterlegt galten, leistete unser Klient eine Bankgarantie über 12 Millionen Pesetas (= ca. Fr. 146'000.--).

Seither hat sich die Angelegenheit höchst unerfreulich entwickelt:

- 1. Am 17. Mai 1993 verfügte der Richter die gerichtliche Hinterlegung der Wagen.
- 2. Anfangs Juni organisierte unser Klient die bereits erwähnte Bankgarantie, mittels welcher unser Korrespondenzanwalt vor Ort versucht hätte, die 4 Wagen freizubekommen.

3. Als unser Korrespondenzanwalt am 20. Juli 1993 die Wagen im Depot inspizieren wollte, musste er feststellen, dass die Garage ("Motorauto Marbella S.L.") von einem Tag auf den anderen geschlossen worden war.
4. Unverzüglich wurde die Polizei eingeschaltet, welche in der Folge feststellen musste, dass sämtliche 4 Wagen verschwunden waren.
5. Im Rahmen der laufenden polizeilichen Untersuchungen stellte sich heraus, dass die 4 Wagen nach Lissabon transportiert worden waren, wo sie bis zum heutigen Zeitpunkt noch nicht lokalisiert werden konnten.
6. Die Verhaftung eines früheren Angestellten der erwähnten Garage brachte keine weiteren Aufschlüsse zu Tage.
7. Selbstverständlich sind wir, zusammen mit unserem Korrespondenzanwalt, daran, mit allen Mitteln zu versuchen, die Wagen aufzufinden und zurückzuschaffen. Interpol Lissabon und Interpol Marbella sind eingeschaltet, ebenso das zuständige Gericht in Marbella. Im weiteren werden auch allfällige Haftungsansprüche gegen den Staat geprüft.

Diese neusten Entwicklungen zeigen deutlich, dass auf der Gegenseite nicht "Amateur-Autodiebe" stehen, sondern professionelle Verbrecher, welche vor nichts zurückschrecken. In den jüngsten Presseberichten über die Situation in Marbella, welche als "el trama de Marbella" bezeichnet werden, ist denn auch zu lesen, dass es sich bei den Herren Giudice, Cultrera und Mennino um Angehörige des sog. "Santapaolo-Clans" der sizilianischen Mafia handelt.

Den Zeitungen ist im weiteren auch zu entnehmen, dass es um die Justiz in Marbella sehr schlecht bestellt ist: Gegen die "korrupten Richter" wurde bereits mehrfach auf den Strassen demonstriert. Für unseren Klienten, welcher nicht nur hinsichtlich der Wagen ein Opfer der Mafia ist, ist es deshalb - trotz des enormen bisherigen Aufwandes an Zeit und Geld - sehr schwierig, mit legalen Mitteln und auf gerichtlichen Wegen (die einzige offenstehende Möglichkeit!) etwas zu erreichen.

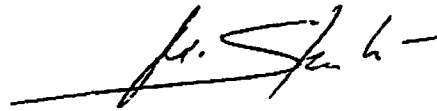
Bezüglich der von Ihnen aufgeworfenen Frage eines Darlehens an Ihren Klienten teilen wir Ihnen mit, dass unser Klient, bedingt durch den in Marbella eingetretenen Vermögensschaden und die enormen in diesem Zusammenhang entstandenen und weiter anstehenden Kosten schon gar nicht in der Lage ist, Ihrem Ansuchen stattzugeben. Im weiteren müssen wir Ihre Feststellung, wonach

unser Klient die Situation ohne Mitwirkung Ihres Klienten verursacht hat und ihm deshalb zumindest ein moralischer Anspruch auf das Darlehen zustehe, entschieden bestreiten.

Wie immer erfolgen diese Auskünfte ohne Präjudiz.

Für weitere Fragen stehen wir Ihnen gerne zur Verfügung.

Mit freundlichen und
kollegialen Grüßen

A handwritten signature in black ink, appearing to read 'M. Stucki', with a horizontal line underneath.

Marc Stucki, Fürsprecher

Im Doppel
cc. Klient

72

ADVOKATURBUREAU
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PAR TELEFAX
027 41 91 55

Me Jaime Torradella Paré
c/o Hotel Crans Ambassador
Chambre 539
3963 Crans-sur-Sierre

Berne, le 12 août 1993 MS/cd

B. F.

Cher Confrère,

Nous nous référons à notre conversation téléphonique de hier. Entretemps nous avons adressé une lettre à l'ambassadeur de la Suisse à Lissabon en lui priant de son assistance.

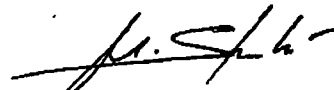
En ce qui concerne une éventuelle procédure pénale contre M.P. (le "garagier" à Lissabon) et contre inconnu, B.F. nous a instruit expressément de ne pas encore déposer une plainte auprès les autorités juridiques. Nous partageons tout à fait cette opinion, car il est bien clair que B.F. a lancé maintenant assez de procès.

Selon les informations obtenues hier d'un confrère à Lissabon, il n'y a pas de problème de pouvoir, si une plainte serait déposée devant les autorités policières à Lissabon.

S'agissant ici d'un délit officiel (contre la justice espagnole même!), il suffit d'informer formellement la police pour provoquer une action public. La procuration établie en votre faveur en espagnol devrait être aussi suffisante pour cela. S'il serait une fois nécessaire de mandater un avocat portugais, une procuration pourrait être établie, signée, légalisée et apostillée dans les 24 heures.

Pour exercer une certaine pression sur le juge à Marbella (qui était responsable du dépôt des voitures, et qui est maintenant responsable de les localiser) et pour accélérer la procédure d'aide judiciaire internationale, vous pourriez entrevoir une plainte de responsabilité à ce juge.

Espérant que vous passerez une soirée agréable et intéressante avec le commissaire d'Interpol genevois, nous vous prions d'agréer, cher Confrère, nos sincères salutations.



Marc Stucki, avocat

cc. client

06/09/93

16:38

001

1. ZK à PPS ✓

→ 2. letor à MJ



cc. cl

73

AMBASSADE DE SUISSE
AU PORTUGAL

1399 LISBONNE CODEX 6. September 1993
Travessa do Patrocínio 1
Telephons: 397.31.21/22

Réf: 436.200 - NS/BK

Herrn Marc Stucki
Fürsprech
Bratschi, Emch & Partner
Bollwerk 15

3001 Bern

Per Telefax gesandt
(0041.31.22.95.38)

Sehr geehrter Herr Stucki

Ich beziehe mich auf Ihren Brief vom 11.8.1993 an Herrn Botschafter E.-R. Lang in der Angelegenheit Hans-Bernhard Friedli-von Mühlener, den dieser mir aus seinen Ferien übermittelt hat.

Nach Lektüre Ihres Berichtes über die Angelegenheit muss ich Ihnen leider mitteilen, dass die Botschaft nicht sehr viel selbst unternehmen kann, da sie nur im Rahmen eines Rechts-hilfieverfahrens zwischen der Schweiz und Portugal für die Aktenübermittlung und eventuelle Interventionen beim Aussenministerium eingeschaltet wird. Ich habe zudem in den hiesigen Telefonbüchern versucht, die Adresse von Herrn Renato Póiares (der Name schreibt sich mit i und nicht mit y) zu eruieren. Er ist jedoch weder in Lissabon noch in Sintra, Cascais oder Estoril (die wahrscheinlichsten Wohnorte für wohlhabende Portugiesen) verzeichnet. Eine weitergehende Suche wäre dagegen zu aufwendig.

Ich schlage Ihnen jedoch vor, einen hiesigen Rechtsanwalt zu kontaktieren und mit ihm das mögliche Vorgehen zu besprechen. Sie haben natürlich die freie Wahl, doch empfehle ich Ihnen den Vertrauensanwalt dieser Botschaft:

- 2 -

Dr. José Barros Sales
Av. Pontes Pereira de Melo 47-3E
1000 LISBOA
Tel.: 00351.1.315.26.42/43
Fax.: 353.76.66

Dr. Sales korrespondiert auch auf Deutsch.

Schliesslich möchte ich Sie darauf hinweisen, in Zukunft ähnliche Briefe an die Botschaft und nicht an eine bestimmte Person zu adressieren. Da Botschafter Lang ferienhalber abwesend ist, haben wir ihm Ihren "Vertraulich und Persönlich" markierten Brief in die Schweiz weitergeleitet. Aus diesem Grund hat sich leider eine Verzögerung in der Beantwortung ergeben.

Mit freundlichen Grüssen
Der Schweizerische Geschäftsträger a.i.



(Stephan Nellen)

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FAX MESSAGE

Fax-No.: 0034 52 78 53 98

**Me Jaime Torrabadella Paré
Avocat
Marqués del Duero, 66
E-29670 San Pédro Alcàntara**

Berne, le 16 septembre 1993 MS/cd

M. Friedli/"Los coches"

Cher Confrère,

Notre client vient de nous informer qu'il y aura une audience à la cour de Marbella (Juge d'Instruction) lundi prochain à 11.00 heures. Nous avons appris que les "Italiens" proposent officiellement de payer US\$ 350'000.-- pour les voitures et de déduire de cette somme leurs "frais" de US\$ 100'000.--.

Inutile de vous dire que cette proposition de payer US\$ 250'000.-- pour les voitures que les "Italiens" ont déjà "volées" du tribunal est aussi ridicule que dangereuse. Avec notre client, nous sommes d'avis qu'il faudrait clarifier que selon l'expertise de la "Graber Automobile SA" du 11 décembre 1991 la valeur réelle des quatre Ferraris doit être estimée entre SFr. 1'500'000.-- et 2'180'000.--, et que, si on trouvait un acheteur très intéressé (amateur ou collecteur), on pourrait réaliser un "prix affectif" encore beaucoup plus élevé.

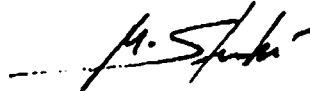
En outre, il est parfaitement clair que même un juge d'instruction devrait comprendre que les fameuses "factures pro-forma" étaient destinées pour le dédouanement et ne reflétaient certainement pas le contrat entre les parties.

En vue de la soustraction des Ferraris mis sous main de l'autorité judiciaire, la proposition des "Italiens" n'est pas seulement dangereuse et ridicule mais aussi une insolence envers le juge! Conséquemment, il faudra parler net avec le Juge d'Instruction à ce sujet-la. S'il ne nous aide pas,

s'il n'avance pas avec la commission rogatoire, il se rendra complice des "Italiens". Nous nous demandons même si l'avocat de Fisher, le fameux Diego Jimenez Balboto, ne viole pas le code de procédure pénal ou au moins les us et coutumes du Barreau de Malaga, car il n'empêche pas sa clientèle de commettre un crime envers la justice.

Pour finir, nous vous prions, cher Confrère, de nous informer des résultats de la voyage du confrère Sanz à Madrid chez J. Fabregat, et de nous contacter après l'audience de lundi prochain.

Avec nos remerciements anticipés, nous vous prions d'agréer, cher Confrère, notre parfaite considération.



Marc Stucki, avocat

cc. client

D
75

ADVOKATURBUREAU
BRATSCHI EMCH & PARTNER

DR. PETER BRATSCHI
DR. URS EMCH
DR. CHRISTIAN SCHMID M.C.L.
DR. MARKUS HÖNIG
FRANZ SZOLANSKY
URS GASCHÉ
DR. CHRISTOPH BORN
DR. JÜRGEN BRÖNNIMANN

MARK INEICHEN
MARC STUCKI
DIETER HAAS
HERMANN BECHTOLD
ALAIN ROHRBACH

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8023 ZÜRICH
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TELEFON 01 211 16 64
TELEFAX 01 211 16 69

Vorab per Telefax
00351 1 53 76 66

Herrn
Dr. José Barros Sales
Advogado
Av. Fontes Pereira de Melo 47-3E
P-1000 Lisboa
Portugal

Bern, 17. September 1993

Hans-Bernhard Friedli-von Mühlönen

Sehr geehrter Herr Kollege

Die Botschaft der Schweiz in Portugal hat Sie uns als ihr Vertrauensanwalt empfohlen, und wir erlauben uns deshalb, an Sie zu gelangen.

Wir vertreten Herrn Hans-Bernhard Friedli-von Mühlönen, welcher zur Zeit grosse Probleme in Spanien hat. Wir bitten Sie, Umfeld und Sachverhalt dieses Falles dem in Kopie beiliegenden Schreiben an den Botschafter der Schweiz, S.E. Erich Lang, vom 11. August 1993 zu entnehmen.

Konkret und was den "portugiesischen Ausläufer" des Falles anbelangt, geht es darum, dass die vier im beiliegenden Schreiben spezifizierten Ferraris von unserem Klienten im Sommer 1991 einem Garagier aus Marbella (Kelvin Fisher von der Garage Motorauto Marbella S.L.), welche inzwischen geschlossen wurde, verkauft worden waren. Zwischen den Parteien war ein mittels Bankgarantie zu leistender Kaufpreis von US\$ 1,9 Mio. für alle 4 Wagen vereinbart worden (der minimale Verkaufswert der 4 Wagen wurde in einer Expertise auf ca. SFr. 1,5 - 2,2 Mio. geschätzt). Die Bankgarantie stellte sich als gefälscht heraus, und unserem Klienten wurde demzufolge der Kaufpreis bis heute nicht geleistet. Da - ausschliesslich aufgrund zolltechnischer Ueberlegungen - sog. "Pro Forma-Rechnungen" ausgestellt worden waren (über nur US\$ 350'000.--); witterten die Mafiosi die "günstige Gelegenheit" und beriefen sich im Straf- wie auch im Zivilverfahren darauf, dass dieser - wohlverstandenen simulierte - Kaufpreis auch dem Parteiwillen entspreche, was mittels gefälschter Telefaxmitteilungen und -bestätigungen zu beweisen versucht wurde.

Wie Sie, sehr geehrter Herr Kollege, möglicherweise dem "Diario 16", dem "El Pais" oder auch der portugiesischen Presse entnehmen konnten, ist die Justiz in Marbella ebenso korrupt wie langsam (Stichwort "El Trama de Marbella"), was durch die Infiltrierung der Costa del Sol durch die sizilianische Mafia bewirkt wurde. Aus diesem Grunde war es möglich, dass die 4 Ferraris - trotz gerichtlicher Hinterlegung - offenbar ohne weiteres durch die Mafiosi entwendet und am 7. Juli 1993 nach Lissabon verfrachtet worden sind.

Der zuständige Richter in Marbella hat selbstverständlich Kenntnis von der Entwendung der Wagen aus dem gerichtlich angeordneten Depot. Dessenungeachtet steht zur Zeit in den Sternen, ob und wann er ein Rechtshilfeersuchen an seinen Kollegen in Lissabon richten wird.

Aus diesem Grunde gelangen wir denn auch an Sie, sehr geehrter Herr Kollege: Zusammen mit unserem Klienten erachten wir es als dringend geboten, ebenfalls vor Ort aktiv zu werden, auch wenn sich möglicherweise gewisse Doppelspurigkeiten ergeben könnten.

Unseres Wissens sind bei der Polizei in Lissabon folgende Personen mit diesem Fall befasst:

1. Herr Joaquin Augusto PERRIRA
2. Herr Alfredo ESVERARDE, Chefkommisсар des nationalen INTERPOL-Bureaus.

Wir ersuchen Sie hiermit, die Ihnen richtig erscheinenden Massnahmen, z.B. die Deponierung einer Strafanzeige gegen Unbekannt o.ä. zu ergreifen. Zu diesem Zweck wollen Sie uns ein Anwaltsvollmachts-Formular zustellen, welches wir durch unseren Klienten werden unterzeichnen und anschliessend legalisieren und apostillisieren lassen.

Hier die Personalien unseres Klienten:

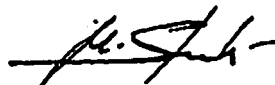
Hans-Bernhard FRIEDLI-von Mühlönen
Heimatort: Thun & Rohrbach, Schweiz
Geboren am 2. August 1937
Wohnhaft in 3627 Heimberg, Ackerfluhweg 7, Schweiz

Last but not least teilen wir Ihnen mit, dass unserem Klienten bereits erhebliche Aufwendungen für Anwaltshonorare auf der iberischen Halbinsel entstanden sind und er deshalb Ihre Aktivitäten auf ein notwendiges Minimum zu beschränken wünscht.

Das Ihnen zu erteilende Mandat ist deshalb, zumindest vorläufig, strikte auf ein Honorar von max. SFr. 2'000.- beschränkt.

Wir danken Ihnen bereits im voraus für Ihre Bemühungen bestens. Sollten Sie Fragen haben, stehen wir Ihnen selbstverständlich jederzeit zur Verfügung.

Mit freundlichen und
kollegialen Grüßen



Marc Stucki, Fürsprecher

cc. Klient

Barros Sales & Associados
Sociedade de Advogados

José Barros Sales
João Boto

EINGEGANGEN

11. Jan 1994

Erl.

76

N.REF. 257

BRATSCHI EMCH & PARTNER
ATT.DR.MARC STUCKI
3001 BERN
BOLLWERK 15
SUISSE

LISSABON, 6.1.94

Sehr geehrter Herr Kollege,

Mein Buero ist schon mit Herrn Esberardo in Verbindung.

Er hat den Herrn Poiares schon zu der Kriminalpolizei eingeladen.

Er moechte aber mehr Einzelheiten wissen:

Wie hat der Klient das Datum 7. Juli 1993 erfahren?

Wie hat er ueber die Uebergabe der Schluessel in Hotel Ritz gewusst?

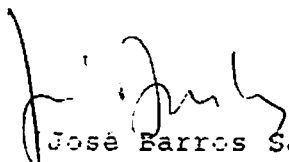
Wie wurden die Wagen nach Lissabon transportiert?

Wer hat die Schluessel dem Herrn Poiares gegeben?

Herr Esberardo ist der Meinung dass, mit dieser Auskunft, wurde das Verhoer des Herrn Poiares zweckmaessiger sein.

Ich warte auf Ihrer Antwort und verbleibe,

Mit freundlichen kollegialen Gruessen,


(José Barros Sales)

77

ADVOKATURBUREAU
BRATSCHI EMCH & PARTNER

DR. PETER BRATSCHI
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URS GASCHÉ
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FAX MITTEILUNG

Fax-Nr.: 00351 1353 76 66

Anzahl Seiten: 2

Herrn
Dr. José Barros Sales
P - 1000 Lissabon

Bern, 11. Januar 1994 MS/rl

Hans-Bernhard Friedli-von Mühlennen / Ferraris

Sehr geehrter Herr Kollege

Haben Sie besten Dank für Ihr Schreiben vom 6. Januar 1994, welches heute sowohl per Fax als auch per Post eingetroffen ist.

Die von Ihnen aufgeworfenen Fragen beantworten wir gerne wie folgt:

1. Unser Klient hat sämtliche von Ihnen erwähnten Tatsache von der Polizei (Comisaria de Policia de Marbella) erfahren.
2. Das Transportdatum (7. Juli 1993) geht einerseits aus dem Lieferschein der Transportfirma "Pierre Motors", Carretera de Almeria 21, Motril (Granada), welche einem Alvaro Perreira Teixeira gehört, hervor.

Das Transportgut wurde auf diesem Lieferschein wohl weislich nur mit "Vehiculos tipo Ferrairs, varios matriculos" (!) bezeichnet. Der Preis der Verfrachtung betrug 425'000 ptas.

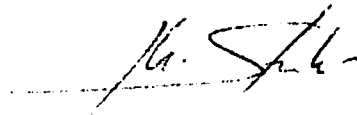
3. Der Transporteur (A. Perreira) wurde am 21. Juli 1993 um 17.00 Uhr von Comisaria de Motril (Telefax + 958 605 400) einvernommen. Der Fall wird dort unter den Geschäftsnummern 16.277 und 26.855 geführt.
4. Die in Marbella (Comisaira de Policia) deponierte Anzeige trägt die Geschäftsnummer 14.349.
5. Dass die Schlüssel der Wagen einem Herrn Pedro Poyares übergeben worden sind, sagte ebenfalls A. Perreira aus. Im weiteren sagte A. Perreira, dass ihm als Kontakttelefonnummer 07-351-1-457.39.97 angegeben worden sei.

Am 8. Juli 1993 in Lissabon angekommen, habe er Perreira vom Hotel Ritz an der Plaza Marqués de Pombale aus die oben erwähnte Nummer angerufen und einem Herrn Pedro Poyares gemeldet, dass er angekommen sei.

6. Wer genau die Schlüssel oder die Wagen Herrn Poyares übergeben hat, ist uns nicht bekannt. Mangels genauer Angaben zu diesem Punkt muss jedoch davon ausgegangen werden, dass Herr Poyares selbst der Empfänger war.

Wir hoffen, Ihnen mit diesen Angaben gedient zu haben.

Mit freundlichen und
kollegialen Grüßen



Marc Stucki, Fürsprecher

cc. Klient

ADVOKATURBUREAU
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TELEFAX 01 211 16 69

Telefax Mitteilung

Datum: 28. Januar 1994
An: Dr. José Barros Sales
Von: Marc Stucki
Total Seiten: 3
Faxnummer: 00 351 1353 76 66

Mitteilung

Sehr geehrter Herr Kollege

Bezugnehmend auf Ihren heutigen Fax können wir Ihre Fragen wie folgt beantworten:

1. Chassis-Nummern der Ferraris

Sicherheitshalber erlauben wir uns, nachstehend nochmals sämtliche Chassisnummern anzugeben:

- 250 Cabrio 2+2 Serie II (1960): Chassisnummer 1893
- 250 Spider Serie I (1958): Chassisnummer 0799
- 365 GTE 2+2 (1973): Chassisnummer 13811
- 250 GTE 2+2 (1960): Chassisnummer 2925

Es existiert kein Ferrari 230 GTE !

2. Aussagen Pereira

Sie finden eine Kopie des Protokolls in der Beilage. Die Qualität ist auch bei der uns vorliegenden Protokollkopie sehr schlecht. Gegebenenfalls müssen Sie sich direkt mit dem Kommissariat von Motoril in Verbindung setzen, um eine bessere Kopie zu erhalten.

J.

3. Besteller des Transports

Hierzu sagte Pereira aus (vgl. Beilage, ca. in der Mitte):

“Que el pasado dia cinco de los corrientes, recibí llamada telefónica de uno de los tres socios de la empresa MOTORAUTO, sin poder precisar si se trataba del portugués o el italiano.”

Offenbar haben die “Mafiosi” wie auch Kelvin Fisher (Garagier) bewusst Hilfspersonen vorgeschoben, um Spuren zu verwischen.

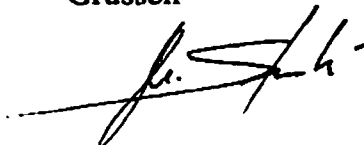
4. Ort der Lieferung der Wagen

Die Wagen wurden nach Aussagen Pereira vor dem Hotel Ritz, Plaza Marqués de Pombale, Lissabon, ausgeladen. In diesem Punkt ist jedoch die Aussage Pereira (vermutlich wiederum sehr bewusst !) keineswegs präzise.

Wir hoffen, Ihnen mit diesen Angaben gedient zu haben, und wir benützen die Gelegenheit, Sie höflich um einen kurzen Zwischenbericht in dieser Angelegenheit zu ersuchen.

Für Ihre Bemühungen danken wir Ihnen bestens.

Mit freundlichen, kollegialen
Grüssen



Marc Stucki, Fürsprecher

Beilage

CC: Klient (per Fax 033 23 38 55)

Barros Sales & Associados
Sociedade de Advogados

79

José Barros Sales
João Beto

DATE: 7.3.94

FROM: DR. JOSÉ BARROS SALES

TO: DR. MARC STUCKLI

BETR: HANS-BERNHARD FRIEDLI-VON MUHLENEN/FERRARIS

Sehr geehrter Herr Kollege,

Wir haben der Polizei die von Ihnen geschickte Auskunft gegeben.

Jetzt finden neue Schritte der Polizei statt.

Während dieser Woche, werde ich suchen, Ihnen ueber den Erfolg dieser Schritten zu unterrichten.

Mit freundlichen Kollegialen Gruessen,

J. Barros Sales

80

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BRATSCHI EMCH & PARTNER

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URS GASCHE
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PETER KELLER

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FAX MITTEILUNG

Fax-Nr.: 00351 1353 7666

Anzahl Seiten: 1

Herrn
Dr. José Parros Sales
P - 1000 Lissabon

Bern, 19. August 1994 MS/rl

Bernhard Friedli / Ferraris

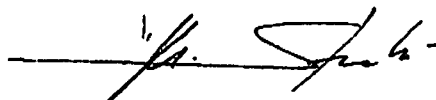
Sehr geehrter Herr Kollege

Mit Telefax vom 4. März 1994 haben wir Sie um einen Zwischenbericht in der rubrizierten Angelegenheit ersucht. Sie haben am 7. März 1994 geantwortet und uns in Aussicht gestellt, noch während der damaligen Woche einen Bericht über den Stand der Angelegenheit zu liefern. In der Zwischenzeit (immerhin mehr als ein halbes Jahr) haben wir von Ihnen überhaupt nichts mehr gehört.

Wir ersuchen Sie nun ebenso höflich wie dringend, uns den längst fälligen Zwischenbericht zu liefern.

Für Ihre Bemühungen danken wir Ihnen bestens.

Mit freundlichen und
kollegialen Grüßen



Marc Stucki, Fürsprecher

cc. Klient (per Telefax: 033 22 38 55)

SENT BY: BARROS SALES ADV

: 3-10-94 3:09PM :

3E3766E1

+41 31 311 95 3874 1

Barros Sales & Asociados
Sociedad de Abogados

José Barros Sales
José Barros

81

DATE: 3.10.94

FROM: DR. JOSÉ BARROS SALES

TO: DR. MARC STUCKLI

BETR: HANS-BERNHARD FRIEDLI-VON MUHLENEN/FERRARIS

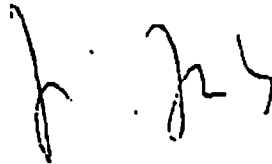
Sehr geehrte Herr Kollege,

Nur in den letzten Tagen könnten wir mit dem
 Polizeiaгент dieses Falles sprechen.

Er hat uns gesagt dass das Verfahren schon dem
 Staatsanwalt geschickt würde, aber wollte uns nicht den
 Erfolg der Untersuchung mitteilen.

Jetzt sollen wir auf der Entscheidung des Staatsanwaltes
 warten.

Mit freundlichen kollegialen Grüßen,



82

ADVOKATURBUREAU
BRATSCHI EMCH & PARTNER

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FRANZ SZOLANSKY
URS GASCHE
DR. CHRISTOPH BORN
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FAX MITTEILUNG

Fax-Nr.: 00351 1353 7666

Anzahl Seiten: 1

Herrn
Dr. José Parros Sales
P - 1000 Lissabon

Bern, 30. November 1994 PK/nc

Bernhard Friedli / Ferraris

Sehr geehrter Herr Kollege

Mit Telefax vom 3.10.1994 haben wir Ihren letzten kurzen Zwischenbericht in der rubrizierten Angelegenheit erhalten. Wir bitten Sie um Mitteilung, ob sich der Stand der Dinge zwischenzeitlich verändert hat und ob möglicherweise eine Entscheidung des Staatsanwaltes vorliegt.

Für Ihre Bemühungen danken wir Ihnen bestens.

Mit freundlichen und
kollegialen Grüßen



Peter Keller, Fürsprecher

cc. Klient

EX-2010/11

21

Motorauto Marbella, s.l.

A DON WAYNE TORREADELLA PARE.
MARBELLA

Muy señor mío

Una vez más y espero sea la última, vuelvo a pedirle el pago de las facturas que le he ido enviando.

Respecto a los coches que le he vendido, le informo que ninguno de ellos ha sido vendido a nadie, sin que previamente se le haya avisado de lo que tiene de pagar los respectivos coches.

Yo como antes le dije ya le expreso una vez más que ninguno de los cuatro coches está entregado a nadie, sin que previamente se le haya avisado de lo que tiene de pagar. Vd. u otra persona pueda intervenir en dichas entregas para que constate cuanto le manifiesto.

Los cuatro coches ya están comprometidos su venta con el Sr. [redacted] y de él recibidos para su restauración y a cuenta del compromiso contraído la suma de [redacted] fijado un plazo para la entrega de los coches previo pago de sus respectivos importes que entregare previamente al Sr. FRIEDLE.

Usted Sr. Torreadella puede constatar o designar una persona para que constate la realidad de cuanto le digo o incluso hacerse cargo de las sumas fijadas a cada coche y de más hasta puede avisarlo si necesario fuese el importe de los mismos pero lo que nunca voy a hacer es avenirme a lo que en cada momento piense su cliente. Los contratos son los contratos y el que exige con respecto a los coches voy a cumplirlos.

Quien quiera aclaración, garantía o información le ofrezco darle a través de mi abogado D. Diego Jimenez Balboteo, a quien he pasado toda esta cuestión y dado instrucciones y en el que en su caso se dirige, pues yo ya he dado ambas y suficientes explicaciones y Vd. conoce mi postura.

Atentamente

MOTORAUTO MARBELLA, S.L.
 Av. Ricardo Solano 50, Edif. 2
 Telf: (952) 87 26 55 (2 líneas)
 MARBELLA (Málaga)

ADVOKATURBUREAU
DR. PETER BRATSCHI DR. URS EMCH
DR. RUDOLF VON GRAFFENRIED
UND PARTNER

23

DR. PETER BRATSCHI
DR. URS EMCH
DR. RUDOLF VON GRAFFENRIED

AUGUST HOEGGER
DR. CHRISTIAN SCHMID (M.C.L.)
DR. MARKUS HÜNIG
FRANZ SZOLANSKY

MARK INEICHEN
URS GASCHÉ
DR. JÜRGEN BRÖNNIMANN
RETO GASSER
MARC STUCKI

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TELEX 814088 PBRA
TELEFAX 01 211 16 69

Vice Consolato
d'Italia
à l'att. de M. Juan Jimenez
Calle Palestina 3
E-29007 Malaga

le 12 septembre 1991/PB/bs

Friedli/Diska

Monsieur le Vice-Consul,

J'ai discuté en détail votre lettre du 23 août avec notre client qui vient cependant d'ajouter les précisions suivantes:

1. Le cachet figurant au verso de la lettre déposée au Consulat fut affixé par le secrétaire de M. Cultrera et non pas par vous-même.
2. Vous auriez également légalisé les 2 avis bancaires au verso. Les 2 avis émanaient de la Banca d'America e d'Italia, subsidiary of Deutsche Bank, 8, via Borgogna, 20122 Milan.

Je me permets donc de vous demander si vous pouvez vous souvenir de ces détails dans la suite des événements et, au surplus, si vous tenez un contrôle des légalisations faites auprès de votre Consulat.

Je vous saurais gré de bien vouloir nous répondre à votre plus
proche convenance.

Je vous prie de croire, M. le Vice-Consul, à l'expression de
mes sentiments distingués.


Dr. Peter Bratschi



248.13.08

(24)

Vice Consolato d'Italia
Málaga

- RACCOMANDATA -

Advokaturbureau
Dr. P. Bratschi
Postfach 6376
3001 BERN

Málaga, 23. SET. 1991

Nº 644.1

Egregio Sig. avvocato Peter Bratschi,

con la presente rispondo alle sue due lettere del 3.9.91 e 12.9.91 arrivate il 11.9.91 e 16.9.91.

Mi sorprende molto tutto quello che dice nelle due lettere. Quello della confusione di persona non era possibile perché ricordo molto bene che quando il Sig. Friedli ed il Sig. Giudice sono entrati accompagnati dal Sig. Gianni Meninno, questi mi ha presentato ai signori come il Vice Console ed il Sig. Ugo Gianino come segretario del Sig. Felice Cultrera ed io pure mi sono presentato come il Vice-Console. Il Sig. Ugo Gianino é arrivato prima perché, mi disse che non ci stavano su una sola macchina e questi portava con se i due contratti che i signori Giudice e Friedli dovevano firmare.

Ripeto, perché lo già detto nella prima lettera, che il Sig. Giudice ed il Sig. Friedli venivano solo a firmare i due contratti ed a fare nessun'altra operazione, come lei mi sta dicendo dei due ordini di pagamento che io non ho mai visto e non ho mai autenticato, anche perché l'autentica di un documento rilasciato fuori dalla mia circoscrizione consolare é una cosa completamente assurda.

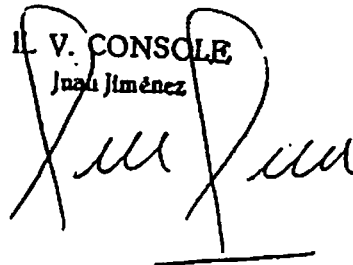
Dicendomi che il segretario di Felice Cultrera aveva un bollo in mano quando é entrato nella sala dove c'erano i signori Giudice, Friedli e Meninno, mi fa solo pensare, se é vero come lei dice, che detto segretario potesse avere non lo so un bollo falso perché

.../...

il bollo del Vice Consolato c'è lo in un cassetto e l'ho tirato fuori solo per bollare le due autentiche di firme e la busta chiusa che il segretario di Felice Cultrera mi aveva chiesto di conservare, nella quale mise dentro un contratto in mia presenza, e che per la fretta dei signori, detto Signor Ugo Gianino la fece firmare dai due interessati che si trovavano nell'altro ufficio e quindi me la dette di nuovo alla quale io le misi il bollo dopo aver confrontato le firme con quelle che avevo apposte nell'altro contratto che stavo autenticando e la conservai. Riguardo al deposito della busta è stato fatto, perché mi è stato richiesto dagli interessati attraverso il segretario di Felice Cultrera, ed io accettai in base a quello che ho detto nella prima lettera e perché è contemplato dalle norme consolari. Riguardo alla sua domanda della necessità del deposito di un contratto ho solo fatto quello che mi è stato richiesto in base all'accordo che avevano preso le parti e lo confermano le firme apposte sulla busta dagli interessati che volevano il deposito in questo Vice Consolato di un contratto che rimaneva a disposizione del Sig. Friedli al quale si doveva consegnare solo dopo il 02 agosto 1991.

Con la presente approfitto per porgerle distinti saluti.

IL V. CONSOLE
Juan Jiménez





ADMINISTRACION DE JUSTICIA

REVIAS núm. 451/91-C.-

JUZGADO DE 1.ª INSTANCIA 013549562
E INSTRUCCION N.º 2
MARBELLA

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En las diligencias de las anotaciones del margen libro a V.S. el presente a fin de que, a la mayor brevedad posible, y a ser posible en el día de hoy, se proceda al precinto y DEPOSITO de los vehículos FERRARI, 250GT, Espider, Serie II, año 1960, chasis - número 1893; FERRARI, 250 GTR, Coupe 2-2, modelo 1961, chasis número 2925; FERRARI, 365 GT, Coupe, de 1970, chasis 13811 y FERRARI, 230GT, Espider, serie I, modelo, - 1957, chasis número 0799-GT, que se encuentran actualmente, dos de ellos, uno de color negro y otro azul celeste, en un garage del concesionario Nissan, sito en el Polígono Industrial I, propiedad de Federico Magnoni y los otros dos modelos cabriolé descapotables, en el establecimiento "Motor Autos Marbella, S.L.:" sito en la Avenida de Ricardo Soriano, Edf. Estela-II, y dónde deberán ser llevados para su precinto y depósito al Concesionario de la Casa Mercedes en SAN PEDRO DE ALCANTARA. Se faculta al Letrado Sr. Torrabadella, para que facilite la favor policial, y el cual se hará cargo de todos los gastos que se originen al efecto.

Lo acordado deberá llevarse a efecto SIN EXCUSA NI PRETEXTO ALGUNO, procediéndose a la detención de cualquier persona que obstaculice el cumplimiento de lo ordenado, una vez se le ha notificado suficientemente por ésa.

De lo anterior se levantará la correspondiente acta.

Marbella, 23 de octubre de 1991.-

EL MAGISTRADO DE INSTRUCCION:



SR. COMISARIO JEFE DE POLICIA - MARBELLA.

Papel de Oficio - UHE A5

WHITE O'FARRELL
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VIA TELEFACSIMILE
(07-41-31) 229538

Madrid, October 23, 1991

DR. PETER BRATSCHI
Bollwerk, 16
Postfach 8376
3001 Bern
SWITZERLAND

Attention: Dr. Peter Bratschi

Re.: Diska/Friedli

Dear Dr. Bratschi,

As an advance of my telephone call to you later on tonight or not later than tomorrow morning, let me fax to you the Judicial Order issued today by the Marbella Judge instructing the deposit and sealing of the automobiles also on this date, with the instructions to the Police that they should take into prison or police quarters anyone attempting to prevent the enforcement of the Judge's Order.

There will be some delay in the lifting/clearing of the charges/lien placed on record at the Registry because the Ramirez group have managed to insert on record a preliminary annotation for the purpose of preventing the sale of the property to a third party - as you well indicated to me in your fax of today. However, there should not be any problem to remove such a lien from the Registry either through another Court Proceeding or, alternatively, through the much more expeditious solution such as a bank guarantee. Needless to say that the bank guarantee would then be removed through the legal proceeding referred to before.

I will have further information from Rafael Saenz de Cortabarría on the status of the case and shall report to you later on tonight or tomorrow morning again.

Thank you and regards.

Yours sincerely,


F. Javier Fabregat

0002H-1.15

GRABER AUTOMOBILE AG



Ferrari-Direktvertretung
3114 Wichtrach BE
Bernstrasse 13
Telefon 031 781 16 11
Telefax 031 781 28 51
Bank: Schweiz. Bankverein, Münsingen

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- am 7.1.92 an TO
gel. JS

Herrn
H.-Bernhard Friedli-von Mühlenen
Frutigenstrasse 16
Postfach 1469

3601 Thun

Wichtrach, 11. Dezember 1991

WERTGUTACHTEN

Sehr geehrter Herr Friedli

Zurückkommend auf Ihre gestrige Vorsprache und der uns überlassenen Dokumentation der betreffenden Fahrzeuge können wir Ihnen die zurzeit aktuellen Marktwerte wie folgt bestätigen:

Durchschnittlicher Marktwert

basierend auf Verkaufsergebnissen
von Auktionen und Privatverkäufen,
welche in den vergangenen Monaten
in Europa realisiert wurden

min.

max.

Ferrari 250 GT Spider Serie I

Jahrgang	: 1957		
Chassis-Nr.	: 0799 GT		
Farbe	: grau mét.		
Interieur	: Leder rot		
Produktion	: 36 Stück 4-4 Prot.	Fr. 800'000.--	Fr. 1'200'000.--

Ferrari 250 GT Spider Serie II

Jahrgang	: 1960		
Chassis-Nr.	: 1893		
Farbe	: rot		
Interieur	: Leder Schwarz		
Produktion	: 200 Stück	Fr. 400'000.--	Fr. 550'000.--

Ferrari 365 GT 2 + 2

Jahrgang : 1970
Chassis-Nr. : 13811
Farbe : blau mét.
Interieur : Leder schwarz
Produktion : 800 Stück Fr. 180'000.-- Fr. 250'000.--

Ferrari 250 GT/E 2+2

Jahrgang : 1961
Chassis-Nr. : 2925
Farbe : schwarz
Interieur : Leder hellbeige
Produktion : 950 Stück Fr. 120'000.-- Fr. 180'000.--

Wir hoffen, Ihnen mit diesen Angaben zu dienen und stehen für weitere Auskünfte jederzeit gerne zur Verfügung.

Mit freundlichen Grüssen

GRABER AUTOMOBILE AG


Ulrich Guggisberg

Reg. B. Nr. 5127

BEGLAUBIGUNG

Martin Rüfenacht, Notar des Kantons Bern mit Büro in Bern, beglaubigt hiermit, dass die vorstehende Unterschrift "U. Guggisberg" von dem ihm persönlich bekannten und handlungsfähigen Herrn Ulrich Guggisberg, geb.. 1950, von Zimmerwald, Justingerweg 4, Bern, eigenhändig beigesetzt worden ist.

Beurkundet im Büro des Notars in Bern, am dreissigsten Dezember eintausendneuhunderteinundneunzig.

d.d. 30. Dezember 1991

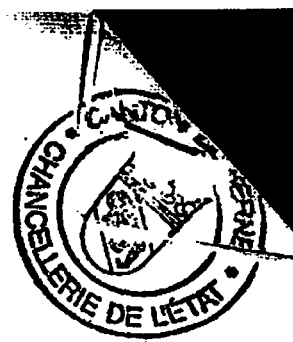




APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Etat SUISSE
- Cet acte officiel
2. est signé par Martin Rüfenacht
3. en sa qualité de notaire
4. est muni du sceau/timbre de notaire
du canton de Berne
5. à Berne Certifié exact
6. le 6.1.1992
7. par Peter Weber
8. sous No. 0001
9. Sceau/timbre: 10. Signature [Signature]



Emolument Fr. 15.-

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H. BERNHARD FRIEDL VON MÜHLENEN

SEKRETARIAT

Me
Jaime Torrabadella Paré
avocat

San Pedro - Marbella

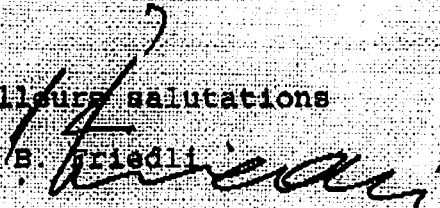
Mun, 12.9.1991

Cher Maître

selon conversation tel. avec Me Stucki vous recevrez
en annexe les papiers des Ferrari. Les originaux sont
chez K. Fisher. Il est important que ces papiers sont
toujours avec les voitures.

Meilleures salutations

B. Friedli



A MONSIEUR LE JUGE D'INSTRUCTION NUMERO DEUX

Dans le dossier d'instruction numero 1451291-C, l'Avocat soussigné a l'honneur de comparaître et DECLARE

Ce jour à 12 heures 30 minutes, mon client, Monsieur Kelvin FISCHER me prévient par téléphone que dans le bureau de la Société "MOTORAUTO MARBELLA S.L.", se trouve l'Avocat du plaignant, Maître Jaime TORRABADILLA PARE et deux autres personnes qui déclarent être Agents de Police, et ce, avec l'intention de prendre possession des "Ferraris" dont ladite Société en est la propriétaire, suivant ordres du Juge N° 2.

L'Avocat soussigné a été très étonné, car étant partie en cause dans la procédure mentionnée, comme il a déclaré dans sa Constitution du 15 courant, il n'a pas été notifié de la moindre résolution judiciaire ordonnant cette procédure. Il était encore plus étonné quand lors de sa Comparution devant Monsieur le Juge, il apprend que le Greffe, avec une rapidité inhabituelle et sans avoir écouté la déclaration du défendeur, aurait pris une décision concernant ces voitures.

Si ce ne fut par telles circonstances, que le Juge accorde localiser les voitures à titre conservatoire jusqu'à ce qu'une résolution intervienne, cela n'aurait aucune importance, car il est de l'intérêt de toutes les parties d'agir de la sorte. Cependant, tant que cette intervention se fasse avec le but de permettre à un plaignant de nationalité étrangère de prendre les voitures en résiliant de la sorte un contrat de vente, ceci est vraiment lamentable, préjudiciable pour mon client et sérieusement inquiétant de voir un Juge agir de cette manière, quoique nous ayons la certitude que la bonne foi du Magistrat a été surprise par la simple exposition des faits présentée par le plaignant et qui est, bien entendu, entièrement fausse.

Aucun professionnel du Droit ne saurait admettre qu'une mesure conservatoire devienne la résolution d'un contrat, car si, en effet, les voitures sont remises, étant donné la condition de l'étranger qui porte plainte sans entendre le défendeur, il est évident que ce dernier est mis en état d'indéfension.

Mais l'Avocat souligné à la conviction que Monsieur le Juge, une fois qu'il aura lu nos allégations ainsi que nos preuves, ne remettra jamais les voitures au plaignant, par autrement cette mesure conservatoire deviendrait un acte contraire à la Loi, ceci dit avec tous nos respects. C'est à dire il s'agirait d'une exécution qui causerait à mon client des préjudices très graves, sans la possibilité pour nous de nous retourner contre le plaignant étant donné sa condition d'étranger.

Qui est la partie plaignante et qu'est-ce qu'elle aurait raconté à Monsieur le Juge pour qu'aussi rapidement on puisse faire droit à ce qu'elle a demandé ?

Nous savons qui est le plaignant, mais nous ne pouvons pas savoir ce qu'il a pu raconter à Monsieur le Juge. Mais, nous savons qu'il ne peut s'agir que de mensonges, car au vu des faits, aucun Tribunal dans un Etat de Droit peut enlever les voitures à celui qui aujourd'hui les possède, avec un juste titre, pour les rendre à celui qui les lui a remises en vertu d'un contrat de vente qui n'a pas été résilié.

EXPOSE DES FAITS

PREMIER. - En vertu des pourparlers entre Monsieur BERNHARD FRIEDLI et "MOTORAUTO MARBELLA S.L.", vers la mi-Juillet 1991, on accorde la vente par FRIEDLI à ma cliente de 4 voitures "Ferrari", pour un prix forfaitaire de 350,000 Dollars USA.

Ainsi, le 22 Juillet 1991, "MOTORAUTO MARBELLA S.L." envoie par Fax à Monsieur FRIEDLI la lettre ci-joint avec le texte qui suit :

"Cher Monsieur,

SUIVANT vos instructions, nous sommes disposés à recevoir information au sujet des voitures mentionnées.

S'il vous plaît, aussitôt que possible, veuillez nous adresser tous les détails concernant la marque, modèle et prix de chaque voiture.

Nous sommes d'accord pour que la somme totale soit de 350,000 Dollars.

Cardialement votre,

(Signé Kelvin FISCHER).

En-joint DOCUMENT NUMERO UN, ladite lettre, les justificatifs de sa remise via Fax avec traduction.

Après acceptation par Monsieur FRIEDLI de cette offre, ce dernier fait parvenir à "MOTORAUTO MARELLA S.L." la lettre et les factures de chaque voiture, ce qui est joint à la présente libellés DOCUMENT NUMERO 2, avec leur traduction, leur texte étant comme suit :

"Monsieur KELVIN J. FISCHER
MOTORAUTO
MARELLA

Cher Monsieur,

Voici, en-joint, quatre factures proformat pour les quatre "Ferraris". Les voitures font partie de ma collection. Elles ne sont pas immatriculées.

Les voitures quitteront Berne Vendredi matin et arriveront samedi soir ou dimanche matin. Le transporteur compte rouler sans arrêt pour éviter des risques. Le transporteur étant : SOMATRA AG, à Berne - TEL : 07.41.31.25.53.93; FAX : 07.41.31.25.78.73.

Bien à vous, (signé FRIEDLI)"

En ce qui concerne les factures, on indique le prix de chaque véhicule, à savoir : 40.000, 40.000, 90.000 et 180.000 Dollars USA, soit au total les 350.000 Dollars qui est le prix établi pour les quatre voitures tel qu'il apparaît dans le document précédent. En outre, il est indiqué aussi sur chacune de ces factures, que le prix sera payé cash par versement au Compte Courant de Monsieur FRIEDLI, au BANCO DE ANDALUCIA - Urb. N° 5 - PUENTE ROMANO - MARELLA. Toutes ces factures étant signées par le vendeur "MOTORAUTO MARELLA S.L."

Il est certain que "MOTORAUTO MARELLA S.L." a acheté les quatre voitures mentionnées pour le prix forfaitaire de 350.000 Dollars USA.

DEUXIEME - En accord avec ce qui a été convenu, Monsieur FRIEDLI envoie le 26 Juillet à "MOTORAUTO MARELLA S.L." les quatre voitures et il envoie également une enveloppe qui contient les quatre titres de propriété de ces voitures. Ces documents sont annexés aux présentes, sous NUMERO TROIS.

Tel qui résulte de ce qui a été exposé ainsi que des documents, ainsi que de la remise des voitures, entre les deux parties il y a eu un contrat de vente de ces quatre véhicules que personne ne saurait contester.

- TROISIEME. - "MOTORAUTO MARBELLA S.L." aussitôt qu'elle a reçu les voitures, a initié les démarches et a obtenu la pertinente Licence d'importation en payant les droits correspondants. Il est certain néanmoins, que à tels affais et comme il peut être vérifié, il a été indiqué un prix très inférieur à celui des 380.000 Dollars USA qui ont été fixés pour la vente. Ceci résulte des DOCUMENTS sous NUMERO QUATRE.

- QUATRIEME. - Le 21 Août 1991, "MOTORAUTO MARBELLA S.L." signe un contrat de vente avec la Société anglaise "ELHMURST HOTEL LTD" ayant son Siège : 205 de Kings Road - LONDRES SW3 - ANGLETERRE, pour le prix de 38.000.000 Pesetas, pour être remis à l'acheteur après leur réparation. Le client ayant reçu un acompte de 19.000.000 Pesetas et commença aussitôt les travaux de réparation. Il s'agit de voitures anciennes et chacune de ses pièces devant être fabriquées à la main. Le contrat et devis figurant en annexe sous le NUMERO 5.

- CINQUIEME. - Voici les péripéties concernant l'achat de ces voitures. Il a été établi que le montant du prix fixé par Monsieur FRIEDLI lui serait remis au fur et à mesure des ventes à des tiers, avec versement à son compte : le BANCO DE ANDALUCIA de PUENTE ROMANO. Nous allons maintenant relater ce qui est arrivé avec postériorité et qui peut être résumé en disant que Maître Jaime TORRABADILLA FARE, Avocat de Monsieur FRIEDLI, a commencé avec insistance, par lettre et sommation notariée en demandant à "MOTORAUTO MARBELLA S.L." la restitution des voitures à Monsieur FRIEDLI. Et ayant été manifesté depuis le début par Monsieur Kelvin FISCHER qui n'est pas d'accord avec les prétentions de Monsieur FRIEDLI qu'il estime arbitraires et unilatérales, et parcequ'il a déjà convenu leur vente en ayant reçu un acompte de 19.500.000 Pesetas, et qu'il a commenté également les travaux pour la réparation desdits véhicules qui doivent être remis en bréf. Mais en précisant tel qu'il résulte de la dernière sommation notariée du 22 Août qu'il ne remettra ces voitures ni au nouvel acheteur, ni à toute autre personne, sans avoir en même temps versé au compte de Monsieur FRIEDLI le montant établi pour chaque voiture, tel qu'il a été agréé. Il est indiqué en outre, qu'il pourrait désigner une personne qui soit présente au moment de la remise, pour vérifier la réalité des faits et pour vérifier également les voitures et les réparations qui ont été faites. Monsieur FISCHER a

également offert de payer le prix de la vente d'avance ou avaisier le paiement. Mais, il n'est pas disposé à admettre que Monsieur FRIEDLI puisse jouer avec ses engagements en résiliant ses obligations de façon unilatérale.

En annexe, sous couvert de DOCUMENT NUMERO 6, la dernière sommation notariée ainsi que la réponse donnée et nous faisons offre de mettre à la disposition du Juge, le restant de la documentation échangée entre les parties à ce sujet, dans laquelle on fait également état d'être disposé à restituer les voitures pourvu que Monsieur FRIEDLI se subroge dans l'engagement déjà pris avec le nouvel acheteur et qu'il prenne l'engagement de l'indemniser de tous les dommages et intérêts, car il ne faut pas oublier que les droits des quatre importations, le transport, la garde et les réparations ont été faits par "MOTORAUD MARBELLA S.L." et à ce titre, elle est en droit de réclamer une quantité considérable de millions de Pesetas, les uns déjà payés, les autres dans l'attente d'être remboursés.

-SIXIEME.- Enfin, le soussigné, pour mettre plus en évidence la légalité de ces agissements, porte à la connaissance de Monsieur le Juge que les quatre voitures se trouvent à partir du 23 Septembre, à la disposition du Juge dans les locaux de "MOTORAUD MARBELLA S.L.", pour qu'ils puissent être examinés, mis sous-scellé et déposés par le Juge, si ce dernier l'estimerait nécessaire malgré tout ce qui a été exposé avec documents à l'appui, mais, tout en faisant état qu'il s'agit de voitures anciennes de collection et qu'elles doivent être gardées dans un endroit qui offre toute garantie pour leur conservation. Mais ce que nous prions à Monsieur le Juge est de ne pas les remettre d'aucune manière au plaignant, car il serait très risqué de résilier ou d'exécuter une vente lors d'une procédure pénale.

Le continuant n'a le moindre doute sur la correcte façon de Monsieur le Juge d'envisager cette affaire. Mais, il appréhende qu'on puisse surprendre la bonne foi de Monsieur le Juge ou des demandes basées sur des faits frauduleux. Par conséquent et avant de prendre une résolution sur cette mesure conservatoire, nous demandons à ce que le dossier soit transmis à Monsieur le Procureur du Roi, en raison de très graves et irréparables dommages que produirait une décision prise par l'Instructeur, en vue de retirer la possession de ces voitures à ma cliente qui les détient avec toute légitimité.

Cette procédure pénale ne doit pas résoudre s'il y a ou non un contrat de vente, si la vente a eu lieu ou non, ou s'il y a lieu de la résilier, mais cependant, si on

remettrait les voitures au vendeur étranger demeurant en Suisse, nous pouvons vraiment être sûrs que tout serait déjà résolu et qu'il y a lieu d'oublier tout ce qui est établi par le Code Civil en la matière. Ceci serait vraiment lamentable et pour cette raison, nous tenons à le manifester sur ces lignes.

Par ces motifs :

Donner acte au concilient des manifestations qui viennent d'être faites.

Révoker toute mesure concernant ces voitures et subsidiairement ordonner le dépôt des véhicules dans les propres locaux de "MOTORAUTO MARBELLA S.L." en sa qualité de dépositaire, à la disposition de Monsieur le Juge, en la personne de son représentant légal, mais sous scellé, jusqu'à ce que le Juge avec meilleure connaissance, si cette exposition qui vient d'être faite ne lui suffirait pas. Ce sera justice que nous demandons respectueusement à Marbella, le vingt septembre 1991.

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LAVALLE 1971 7° PISO
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TELEX No 17745 FEGART

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DATE: May 23, 1995
SENDER'S NAME: Peter L. Briger
ATTENTION: Peter Keller, Esq.
COMPANY: Bratschi Emch & Pinner
CITY, STATE: Zurich, Switzerland
TELECOPIER NO: 011-41-1-211-1659
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RIO DE JANEIRO-RJ
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TELEPHONE (21) 221-1175
TELEX 21-51070
TELECOPIER (21) 249-8347

May 23, 1995

VIA TELECOPIER

Peter Keller, Esq.
Bratschi Emch & Partner
Bahnhofstrasse 108
Postfach 7689
8023 Zurich, Switzerland

Re: Bernhard Friedli-Mühlener

Dear Mr. Keller:

Thank you for your fax dated May 11, 1995, requesting our advice regarding the rights of Mr. Friedli in the 1957 Ferrari 230 GT Spider now in the possession of Dr. Scott Rosen in New York.

Assuming that Dr. Rosen purchased the vehicle from Classic Coach Ltd. in New York (or elsewhere in the United States), his interest in the vehicle would be determined under the Uniform Commercial Code (the "UCC"). Under the UCC, a purchaser of goods acquires from the seller only such title as the seller had in the goods.¹ A thief does not have title to property he has stolen and thus cannot convey title to another through a sale or otherwise. The rightful owner of the property thus retains rights to the property superior to someone who purchased the property from the thief.

¹The one exception to this rule applies when goods are entrusted to a merchant who deals in goods of that kind. In such a case, UCC §2-403 gives the merchant the power to transfer all rights of the entruster to a buyer in the ordinary course of business. However, even under this provision, because the merchant can convey only the rights of the entruster, if stolen property is entrusted to a merchant by the thief (or someone else not having title), the merchant cannot convey to a buyer in the ordinary course title superior to that of the rightful owner.

Briger & Associates

Peter Keller, Esq.
Page 2

May 23, 1995

It appears from your fax, however, that this may not be a simple case of determining ownership in stolen property. In this respect, your fax states that the subject vehicle was "formally transferred" by Mr. Friedli to the Italians, but that the Italians then failed to pay the purchase price. This raises an important issue regarding Mr. Friedli's rights to the vehicle under the UCC, namely, whether, under Spanish law, the Italians obtained title to the vehicle, notwithstanding their non-payment of the purchase price, leaving Mr. Friedli only with a cause of action for damages from their breach of contract.²

If the Italians did obtain title to the vehicle, they could transfer such title to a purchaser and that purchaser could thus "cut off" the rights of Mr. Friedli. On the other hand, if the Italians did not acquire title to or rights in the vehicle, then Mr. Friedli would have the superior claim. Before we can answer your first question regarding whether Mr. Friedli or Dr. Rosen now owns the vehicle, the issue of the rights acquired by the Italian purchasers under Spanish law must be answered.

If it is determined that Mr. Friedli has title to the vehicle, he would be entitled to return of the vehicle without having to make any payment to Dr. Rosen. To obtain possession of the vehicle, Mr. Friedli would have to bring an action for conversion against Dr. Rosen. The fact that Dr. Rosen's conduct may have been wholly innocent in that he purchased the vehicle in good faith without knowledge that it was stolen would not be a defense to such an action. Provided Mr. Friedli could establish that he was the true owner of the vehicle and that the vehicle was stolen from him, Dr. Rosen would be a converter and liable to return the vehicle to Mr. Friedli or, if elected by Mr. Friedli, to pay him the fair value of the vehicle at the time and place of its conversion. Dr. Rosen's remedies would be against his seller, Classic Coach Ltd.

When commencing his lawsuit against Dr. Rosen, if Mr. Friedli could establish that there existed a risk that Dr. Rosen might assign, dispose of, hide or remove the vehicle from New York before the lawsuit could be concluded, Mr. Friedli would likely be able to obtain a prejudgment order of attachment on the vehicle and/or a temporary restraining order and preliminary injunction prohibiting Dr. Rosen from moving or transferring the vehicle. The local sheriff could then seize the vehicle or a temporary receiver could be appointed to hold the vehicle upon such conditions as the court would direct.

²Your statement that the vehicle was not returned to Mr. Friedli in 1991, when the Italians defaulted, but placed in "official custody," and that Mr. Friedli had to post a bond (in the form of a bank guarantee) in favor of the Italians, suggests to us that the Italians may have acquired an ownership interest in the vehicle.

Briger & Associates

Peter Keller, Esq.
Page 3

May 23, 1995

It is hoped that the foregoing answers your questions. As soon as you can advise us of the legal consequences of the Spanish transaction between Mr. Friedli and the Italians, we would be better able to give you an estimate of the likelihood of success and the approximate costs.

Sincerely,

Peter L. Briger

Peter L. Briger

PLB/sw

SANZ-ARRIBAS & CID
ABOGADOS

Cca Berna dez, 51 - 2º E
Tfno. (91) 349 14 87
Fax. (91) 149 15 69
28003 Madrid

Ricardo Soriano, 50-3º 3
Tfno. (95) 277 59 00
Fax. (95) 277 43 37
29600 Marbella

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TELEFAX
FACSIMILE TRANSMISSION

Fecha: 23/06/95
Date:

Nº Total páginas (incluyendo ésta): 11
Nº of Pages (including this cover):

DE: **FERNANDO ANTUNEZ**
FROM:

PARA: **SR. D. HANS BERNHARD FRIEDLI**
TO:

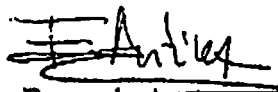
Nº DE FAX: **07- 41-33-23 38 55**
DESTINATION FAX NUMBER:

MENSAJE:
MESSAGE:

Estimado Sr. Friedli:

Para su conocimiento y el del Sr. Bratschi le adjunto, siguiendo instrucciones de D José Luis, las traducciones (no oficiales ni certificadas) que hemos efectuado de la declaración prestada por Pedro Poyares y del Informe de la Policía de Lisboa en relación al asunto de los Ferraris.

Un cordial saludo,


Fernando Antunez

MINISTERIO DE JUSTICIA
POLICIA JUDICIAL

NUIPC 11065/93.OJDLSB
Sección 7ª, Brigada 3ª

ACTA DE INTERROGATORIO DE IMPUTADO

Fecha de la diligencia: 28/3/94

Hora: 11

Lugar: Jefatura de Lisboa

Autoridad que preside la diligencia: Dr. Alfredo Esberard, Inspector de la Sección 7ª

Funcionario que la ejecuta: Filipe Cardia, Agente

Abogado defensor (de oficio/designado) Declara que prescinde de abogado defensor.

Iniciado el acto, fue advertido de que la falta o falsedad de la respuesta sobre su identidad y sobre sus antecedentes penales lo hará incurrir en responsabilidad penal.

Igualmente le fue comunicado que debe considerarse imputado en estos autos, habiéndole sido indicados y explicados sus derechos y deberes de conformidad con el art. 61 del Código de Procedimiento Penal.

El imputado se identificó de la forma siguiente:

Nombre: Pedro Manuel Poiars Serra;

Hijo de: Francisco Jorge Poiars Serra y Maria Eugénia Francisco Poiars Serra

Natural de la parroquia de Lousa; municipio de Lousa.

Nacionalidad: portuguesa; Fecha de nacimiento: 16/4/61

Estado civil: soltero; Profesión: Comerciante de automóviles

Domicilio: Avda. Columbano Bordalo Pinheiro, nº 108-6ºD. 1000 Lisboa

Tel: 7271102

Lugar de trabajo: su domicilio

D.N.I.: no lo presenta

En cuanto a sus antecedentes penales manifiesta:

Que compareció ante el Tribunal de la Boa-Hora en 1987 por el delito de falsificación de vehículos, habiendo sido absuelto.

Que en 1982 compareció ante el Tribunal Judicial de Oeiras por el delito de difamación, habiendo sido condenado al pago de una multa por importe de 12.000 escudos.

preguntado si quería responder sobre los hechos que se le imputan, manifiesta:

Que sí. Que desca esclarecer estos hechos.

Que su actividad profesional consiste en la compraventa de automóviles, nuevos o de segunda mano. Que dichos vehículos, por lo general, se venden al extranjero, España, Suiza y Alemania. Habiendo sido informado de los hechos que se le imputan manifestó que, efectivamente, en julio de 1993 adquirió cuatro vehículos de la marca Ferrari, antiguos, a la empresa Motorauto Marbella, sita en Avda. Ricardo Soriano, nº 59 - Marbella.

Que venían celebrándose conversaciones entre el declarante y el stand en Marbella desde 1991 para la compra de los vehículos, pero como éstos habían sido incautados por orden de un Tribunal español, no fue posible realizar el negocio hasta julio de 1993, después de una autorización de dicho Tribunal para que los vehículos se vendiesen en el plazo de 90 días, como así se hizo. Que adquirió los vehículos a la empresa mencionada por unos 70 u 80.000.000 de escudos (ochenta millones de escudos). Que solicitó la entrega de los vehículos en Portugal, lo que se hizo durante el mes de julio. Que la entrega se realizó frente al Hotel Ritz en Lisboa, habiendo sido efectuado el transporte por la empresa "Pierre Motors" con sede en Motril- Granada- España. Que los vehículos se encontraban en mal estado de conservación, por lo que mandó efectuar algunas reparaciones en un taller de reparaciones en Odivelas, llamado "taller de reparaciones Carlos Mendes", cuya localización exacta es Olival de Basto- Odivelas. Una vez concluidas las reparaciones, exportó los vehículos a EE.UU., a través de una empresa inglesa llamada "E.H. Harms", a través de su filial en Amberes- Bélgica. Desconoce el destino dado a los vehículos a partir de aquel momento. Que la venta de los vehículos no se efectuó a cambio de una suma de dinero, sino a través de un negocio que implicó la adquisición de varios vehículos, por lo que no puede precisar el importe recibido por la venta, aunque puede presentar documentos que acreditan la venta y los vehículos que le fueron entregados como pago de los "Ferrari".

Que posee documentos que acreditan la legalidad del negocio efectuado por él con el stand "Motorauto Marbella", comprometiéndose a realizar su entrega en el espacio de tiempo más breve posible.

Respondiendo a una pregunta que se le formula, manifiesta que todos los vehículos de la marca "Ferrari" que adquirió venían acompañados de la documentación y de una fotocopia del auto del Tribunal español que autorizaba su venta.

Que todas las gestiones relativas a la compra de los vehículos se efectuaron por su abogado en Marbella, el cual tiene en su poder todos los documentos, y que el declarante va a solicitarlos con el fin de presentarlos ante esta Policía. Manifiesta que los vehículos no tenían matrícula, pero por medio de los documentos comprobó que había tres de origen suizo y uno de EE.UU. Que todo el negocio se realizó de forma legal y con el consentimiento previo del Tribunal en España para que fuese efectuada la venta.

El interrogatorio se dio por concluido a las 11.55 h.

No declaró nada más. Leídas sus manifestaciones, las encontró conformes, se ratifica y firma.

<Firma: ilegible>

para que conste se extiende la presente acta, que es firmada.

<Firma: Filipe Cardia>

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MINISTERIO DE JUSTICIA
POLICIA JUDICIAL

AUTO DE INTERROGATORIO DE "ARGUIDO"

Fecha de la diligencia: 28/3/94, Hora: 11, Local: Directoría de Lisboa.

Preside: Dr. Alfredo Esberard, Inspector de la Sección 7ª.

Funcionario ejecutante: El Agente Filipe Cardia.

Defensor: (nombrado/constituido): Declara prescindir.

Abierto el acto fue advertido que la falta o falsedad de respuesta sobre su identidad y sobre sus antecedentes penales le hará incurrir en responsabilidad penal.

Se le comunica que debe considerarse imputado en estos autos, habiéndosele explicado e indicado los derechos y obligaciones relacionados en el artículo 61 del Código Penal.

El declarante se identifica de la siguiente forma:

Nombre: Pedro Manuel Poiars Serra. "Alcunha"

Filiación: Francisco Jorge Poiars Serra y María Eugenia Francisco Poiars Serra.

Natural de Lousa, concejo de Lousa.

Nacionalidad: Portuguesa. Fecha de nacimiento: 16/04/61

Estado civil: Soltero. Profesión: Comerciante de automóviles.

Dirección: Avda. Columbano Bordalo Pinheiro, 108, 6º D. 1000 Lx.

Teléfono: 7271102

Local de trabajo: Dirección arriba mencionada.

Teléfono:

B.I./Pasaporte/Permiso de conducir: no presentado. expedido en

fecha:.....

En cuanto a sus antecedentes penales dice:

Que respondió al Tribunal de Boa-Hora en 1987 por delito de falsificación de vehículos, siendo absuelto.

En 1982 respondió al Tribunal de Justicia de Oeiras, por delito de difamación habiendo sido condenado a pagar una multa de 12.000 escudos por ugueses.

Preguntado si desea responder sobre los actos que se le imputan dice:

Ser su voluntad el esclarecimiento de los mismos. Que su actividad profesional consiste en la compra y venta de vehículos automóviles nuevos o de segunda mano. Que dichos vehículos, por regla general, son vendidos al extranjero, España, Suiza y Alemania. Cuando ha tenido conocimiento de los hechos imputados dice, que, efectivamente, adquirió en julio de 1993 cuatro vehículos marca "Ferrari" antiguos, a la firma Motor Auto Marbella, sita en la Avda. Ricardo Soriano, 59, Marbella.

Que ya habían entablado conversaciones entre el interrogado y la entidad de Marbella desde 1991 para la compra de los vehículos, pero como dichos vehículos se encontraban confiscados por orden de un Tribunal español, sólo fue posible concretar el negocio en julio de 1993, tras una autorización de este

Tribunal para que los vehículos fueran comercializados en un plazo de 90 días, lo que sucede. Que adquirió los vehículos a la empresa antes mencionada por unos 70 a 80 millones de escudos. Que pidió la entrega de los vehículos en Portugal, lo que ocurrió en el mes de julio. Que la entrega fue hecha junto a Hotel Ritz de Lisboa, habiéndose efectuado el transporte por la compañía Pierre Motors con sede en Motril, Granada, España. Que los vehículos se encontraban en mal estado de conservación, pero que mandó efectuar algunas reparaciones a un taller de reparaciones de Odivelas llamado: "Taller de reparaciones Carlos Mendes", cuya localización exacta es Olival de Basto-Odivelas. Después de efectuar las reparaciones, exportó los vehículos a los EEUU a través de una compañía inglesa denominada "L.H. Harms", por medio de su filial en Amberes, Bélgica. Desconoce el rumbo tomado por los vehículos desde entonces. Que la venta de los vehículos no fue efectuada a cambio de una suma de dinero, sino que se hizo a través de un negocio que implicó retomar varios vehículos pero que no se puede precisar la cuantía recibida por la venta. Ofrece presentar documentos que prueben la venta de los vehículos que le fueron entregados para pagar los Ferraris.

Que posee documentos que prueban la legalidad del negocio por él efectuado con la compañía "MotorAuto Marbella", comprometiéndose a hacer su entrega en el más corto espacio de tiempo posible. Dice que todos los vehículos de la marca "Ferrari" que adquirió iban acompañados por la documentación y por una fotocopia del despacho del Tribunal español que autoriza la venta. Que todos los asuntos relativos a la venta de los vehículos fueron realizados por su Abogado en Marbella, el cual tiene en su poder todos los documentos, que el interrogado los va a pedir a fin de ser presentados a esta Policía. Refiere que los vehículos no tenían matrícula, pero que por los documentos verificó que eran de origen suizo y uno estadounidense. Que todo el negocio fue llevado a cabo de

forma legal y con el consentimiento del Tribunal en España para que fuese efectuada la venta.

El interrogatorio concluyó a las 11:55 horas.

No dice nada más. Unido a los autos, es hallado conforme, ratificado y firmado.

<Firma: ilegible>

Para que conste se extiende la presente acta, que es firmada.

<Firma: Filipe Cardia>

POLICIA JUDICIAL
JEFATURA DE LISBOA

Sr. Inspector

I N F O R M E

Los presentes autos tuvieron su origen en la solicitud de localización e incautación de 4 vehículos de marca "Ferrari", efectuada por la Policía española, ver folio 16. Dichos vehículos fueron robados en España y traídos a nuestro país, donde fueron entregados a PEDRO MANUEL POLARES SERRA, ver folio 14.

A través de diligencias efectuadas se averiguó que el citado Pedro Serra es negociante de automóviles de lujo, usados, que adquiere preferentemente en el extranjero. El citado Pedro Serra sitúa dichos vehículos en garajes de hoteles de Lisboa, donde pueden ser vistos por los potenciales compradores. En las diligencias realizadas en dichos locales, ver folio 28, no figura ningún vehículo de la marca mencionada.

Dada la escasez de datos enviados por las autoridades españolas, se solicitaron informaciones más completas, ver folios 29 y 30.

Estas informaciones, en folios 41 y 42, permitieron concluir que:

- Los vehículos habían sido intervenidos en Marbella-España, por orden del Juzgado de Instrucción nº 2 de Marbella, y entregados a Kelvin John Fisher, en calidad de depositario.

- Los vehículos se transportaron a Lisboa el 6/07/93 y se entregaron a Pedro Serra, frente al Hotel Ritz, en esta ciudad, guardándose en el garaje de esta unidad hotelera por Pedro Serra.

Pero en fecha anterior a la llegada de la información arriba indicada, nos contactó D. Joao Boto, representante de la Embajada suiza en nuestro país, a quien se solicitaron diligencias sobre el mismo asunto, el cual comunicó lo siguiente:

- Que los vehículos "Ferrari" se guardaron en un garaje en Marbella-España por parte de su propietario de nacionalidad suiza, cuyo nombre desconoce, hasta que fueron vendidos a un individuo italiano, cuya identidad desconoce igualmente.

- Que el vendedor solicitó una garantía bancaria por el importe de la venta. Dicha garantía le fue entregada y cuando fue presentada a la institución bancaria, cuyo nombre desconoce, se comprobó que era falsa.

- El propietario de los vehículos se trasladó de inmediato al lugar donde estos se encontraban, habiendo constatado su desaparición.

- Indicó igualmente el medio de transporte de los vehículos a Lisboa, fotocopia de las declaraciones de Alvaro Teixeira, propietario de la empresa que realizó el transporte, en la Comisaría de Motril-España, ver folios 34 a 36.

Oído en declaraciones Pedro Manuel Poiars Serra, en los folios 49 y 50, se averiguó que efectivamente había adquirido los vehículos "Ferrari" antiguos a la empresa "Motorauto Marbella", sita en la Avenida Ricardo Soriano nº 59, en Marbella, España, por una cantidad que oscila entre los 70 y los 80.000.000 escudos (ochenta millones de escudos).

Que, ya desde 1991, se venían realizando negociaciones con vista a la compra de los vehículos, pero que el negocio no se llevó a cabo hasta julio de 1993, ya que el Tribunal español que había ordenado la intervención de los vehículos no autorizó su venta hasta la citada fecha.

Que le hicieron entrega de los vehículos frente al Hotel Ritz en Lisboa, durante el mes de julio de 1993, habiendo sido efectuado el transporte por la empresa "Pierre Motors", con sede en Motril -Granada- España.

Que procedió a la reparación de los vehículos y los vendió a los EE.UU., a través de la filial en Amberes- Bélgica de la firma inglesa "E.H. Harms", desconociendo su paradero desde entonces.

Todos los vehículos iban acompañados de la documentación correspondiente y de fotocopia del documento del Tribunal español, a través del cual se autorizaba su venta (documento que no presentó).

Presentó fotocopia de los contratos de venta de los vehículos de la empresa "Motorauto Marbella" a la "Sociedad Shoreham Investments Ltd." y de esta empresa a Pedro Manuel Poiars Serra, según consta en los folios 52 a 56 y en la traducción de los folios 87 a 93, así como fotocopia de la documentación de los vehículos, que figura en los folios 57 a 63 y en la traducción de los folios 94 a 105.

Todos los documentos llevan el sello del Viceconsulado de Italia en Málaga.

En dichos contratos de venta se dice que la empresa "Motorauto Marbella S.L." transfiere la propiedad de los 4 (cuatro) vehículos de la marca "Ferrari" a nombre de la "Sociedad Shoreham Investments Ltd" para el pago de una deuda por importe de 400.000 \$ USA, sin que en el contrato se mencione el hecho de que dichos vehículos habían sido intervenidos por orden judicial.

Por su parte, la "Sociedad Shoreham Investments" autorizó a Pedro Serra a efectuar la venta de los vehículos, en un plazo de 90 días, con la obligación de pagar a dicha Sociedad el importe de 900.000\$ USA, del cual descontaría el 20%, correspondiente a su comisión por la venta.

Sobre estos mismos hechos, el Juzgado de Instrucción nº 5 de Marbella-Málaga-España envió posteriormente a esta Policía la comisión rogatoria nº 164625, a la cual se le atribuyó el D.P. nº 24160100 de esta Policía.

Dado que la investigación que en ella se solicita ya ha sido realizada en las citadas Diligencias, propongo que se extraiga testimonio para que se una a la misma con el fin de evitar la duplicación de las actuaciones.

En vista de lo expuesto someto los autos a su consideración para que se sirva ordenar lo que tenga por conveniente, por lo que hago entrega de los mismos a esa autoridad para que resuelva.

Lisboa, 14 de julio de 1994

El Agente

Fdo.: Filipe Cardia

[Manuscrito: Remítanse los autos al DIAP (Departamento de Investigación y Acción Penal) con la propuesta de que se proceda a su archivo ya que, de existir algún delito, en nuestra opinión, no se habrá consumado en Portugal ni por ciudadano nacional.

Previamente, según lo acordado personalmente con el Sr. Fiscal de la sección 10ª del DIAP, extraíase testimonio de los folios 34 y 34 vuelto, 49 y 50 vuelto, 52 a 63 y del presente informe y únase a la comisión rogatoria 2/94 -(ilegible), que obra en esta misma Sección y Brigada.

Tramítase.

Lisboa, fecha ut-supra.
<Firma: ilegible>

POLICIA JUDICIAL
JEFATURA DE LISBOA

Sr. Inspector

Cumplida la resolución precedente, que figura en el folio 14, hago:

ENTREGA DE LOS PRESENTES AUTOS

Lisboa, 18 de julio de 1994
El Agente
Fdo.: Filipe Cardia

(manuscrito:) Remítase al DIAP (Departamento de Investigación y Acción Penal)
Tramítese

Lisboa, fecha ut-supra

=DECLARACION DE AUTENTICIDAD=

Certifico que las presentes fotocopias, que se componen de diecinueve hojas, concuerdan fielmente con su original, están debidamente numeradas y autenticadas con mi firma y el sello en seco en uso en esta Jefatura y han sido extraídas del NUIPC 11065/93.OJDLSB.

7ª Sección
El Inspector
Fdo.: Alfredo Esberard

LA JEFE DE AREA DE LA OFICINA DE INTERPRETACION DE LENGUAS.
CERTIFICA: Que la precedente traducción está fiel y literalmente hecha de un original en portugués, que a tal efecto se me ha exhibido. Madrid, a catorce de junio de mil novecientos noventa y cinco.



P.A.
[Handwritten signature]

INTERPRETACION DE LENGUAS
Registrado el 30/95
Despachado el 17 de Julio de 1995

**POLICIA JUDICIARIA
DIRECTORIA DE LISBOA**

Excmo. Sr. Inspector

RELATORIO

Los presentes autos tuvieron su origen en la petición de la localización y confiscación de 4 vehículos marca "Ferrari", efectuado por la Policía española cfr. fls. 16. Dichos vehículos fueron robados en España y traídos a nuestro país deonde fueron entregados a Pedro Manuel Pioares Serra, cfr. fls. 14.

Por diligencias efectuadas se averiguó que el referido Pedro Serra es comerciante de automóviles de lujo, usados, que adquiere preferentemente en el extranjero. Dichos vehículos son colocados en garajes de hoteles en Lisboa, donde son examinados por posibles compradores. En las diligencias efectuadas en esos locales, (cfr. fls. 28), no se referenció ningún vehículo de la marca mencionada.

Por la escasez de datos enviados por las Autoridades españolas, se solicitaron informaciones más completas, (cfr. fls. 29 y 30).

Estas informaciones, en los fls. 41 y 42, permitirán concluir que:

- Los vehículos estaban confiscados en Marbella, España, por orden del Juzgado de Instrucción nº 2 de Marbella y entregados a Kelvin John Fischer en calidad de: fiel depositario.

- Que los vehículos fueron transportados a Lisboa el 6/7/93 y entregados a Pedro Serra, junto al Hotel Ritz de esta ciudad. Los vehículos fueron guardados en el garaje de este hotel por Pedro Serra.

- Pero en fecha anterior a la llegada de información, fuimos contactados por el Dr. Joao Boto, representante de la Embajada Suiza en nuestro país, a quien fueron solicitadas todas las diligencias sobre el mismo asunto, el cual informó lo siguiente:

- (Que los vehículos "Ferrari" fueron guardados en un garaje en Marbella, España, por su propietario de nacionalidad suiza cuyo nombre desconoce, para la conclusión de su venta a un individuo italiano cuya identidad igualmente desconoce.

- (Que el vendedor pidió una garantía bancaria sobre el monto de la venta. Esta garantía fue entregada, cuando fue entregada a la institución bancaria, cuya denominación desconoce, se verificó ser falsa.

El propietario de los vehículos se desplazó de inmediato al lugar donde éstos se encontraban constatando su desaparición.

- Indicó cómo los vehículos fueron transportados a Lisboa, teniendo fotocopia de las declaraciones de Alvaro Teixeira, propietario de la compañía que efectuó el transporte, en la Comisaría de Motril, España, cfr. fls. 34 a 36.

Pedro Manuel Poiars Serra, a fs. 49 y 50 dijo que efectivamente adquirió los vehículos "Ferrari" antiguos a la empresa "MotorAuto Marbella", sita en la Avda. Ricardo Soriano, 59 de Marbella, España, por una suma que oscila entre los 70 y 80 millones de escudos.

- Que ya había negociaciones con vista a la compra de los vehículos desde 1991 pero que el negocio se concretaría en julio de 1993, en virtudal Tribunal español, por orden del cual los vehículos se encontraban confiscados, después de haber dado autorización para su comercialización.

Que los vehículos le fueron entregados junto al Hotel Ritz de Lisboa, durante el mes de julio de 1993 habiendo sido efectuado el transporte por la compañía "Pierre Motors" con sede en Motril, Granada, España.

Que procedió a la reparación de los vehículos, habiendo vendido los vehículos a EEUU, a través de la filial en Amberes, Bélgica, de la compañía inglesa "E.H. Harms", desconociendo el paradero actual de los mismos desde entonces.

Que los vehículos venían acompañados por sus respectivas documentaciones y fotocopia del Tribunal español (que presentó) para autorizar la venta.

Aporta las fotocopias de los contratos de venta de los vehículos de la compañía "MotorAuto Marbella" a "Sociedad Shoreham Investments, Ltd." y de esta compañía a Pedro Manuel Poiars Serra, de fs. 52 a 56 y traducción de folios 87 a 93.

....."MotorAuto Marbella, S.L." transfiere la propiedad de los 4 (cuatro) vehículos de marca "Ferrari" a nombre de la "Sociedad Shoreham Investments, Ltd.", por el pago de 400.000 dólares USA, sin existir en el contrato referencia alguna al hecho de que éstos se encontraban incautados por el Juzgado.

Por su vez, la "Sociedad Shoreham Investments, Ltd." autorizó a Pedro Serra a efectuar la venta de los vehículos en un plazo de 90 días con la obligación de pagar a aquella sociedad 900.000 dólares USA, de los que se quedaría con un 20% en concepto de comisión de venta.

Sobre los mismos hechos fue enviada posteriormente a esta Policía una Carta Rogatoria nº 164625 por el Juzgado de Instrucción nº 5 de Marbella, Málaga, España, a la que se le atribuyó las DP nº 24160100 de esta Policía.

Someto los autos a la apreciación de V.E. para que se digne ordenar lo que estime más conveniente.

Lisboa, 14 de julio de 1994

El Agente

POLICIA JUDICIAL
DIRECTORIA DE LISBOA

Excmo. Sr. Inspector

Cumplimentado el despacho.....por V.E. a folio 14,

CONCLUSION

Lisboa, 18 de julio de 1994

El Agente

AUTENTICIDAD

Certifico que las presentes fotocopias, en número de diecinueve,

concuerdan con los originales, van debidamente numeradas y autenticadas con mi firma y.....de esta Directoría y fueron extraídos de NUIPC 11065/93.

H.-BERNHARD FRIEDLI
Sekretariat
Postfach 1469
3601 THUN

Monsieur
Jaime Torrabadella Paré
avocat

Marbella - SAN Pedro

Thun, 24. Juli 1995

Cher Monsieur Torrabadella

le dossier des Ferrari est dans le bureau de Mr. Bratschi
est on peut pas le toucher.

Les informations en dessous je vous envoie très
c o n f i d e n t i e l :

Le Ferrari, 1957, Nr. 0799 GT, était offert par un
italien avec le nom Mennino à Bologna.

Directement ou ev. par des autres stations la Ferrari
est allé à une société Classic Coach Ltd, un Monsieur
Joe Triarcy.

Le propriétaire ou l'acheteur à la fin est un Dr.Scott Rosen,
182 Succabone, Bedford, New York, USA. Dr. Rosen est un
dentiste.

Très confidentiel j'ai entendu, qu'on a ou on va déposé
une plainte par un avocat à New York pour avoir acheter une
voiture d'une crime. Le prix qu'il a payé doit être de
300'000 US .

On recevra des informations des autres voitures à fure et
à mesure.

Je vous envoie aussi encore une foie la valoration des voitures
dans laquelle vous pouvez voire les prix.

Je vous contact par telephone.

*Meilleurs salutations
H. Bernhard Friedli*

Interloji S.L.
ASESORIA JURIDICA Y FINANCIERA
GESTION FISCAL Y ADMINISTRATIVA

MARQUES DEL DUERO, 68
EDIF. BANCO ANDALUCIA, 3º
28670 SAN PEDRO ALCANTARA
MARBELLA
TELEFS.: (34 - 5) 278 00 16
(34 - 5) 278 00 60
TELEFAX: (34 - 5) 278 53 88

217/96 JT/PR

Monsieur HANS B. FRIEDLI
Postfach 1469
SCHERZLIGWAG 22
CH - 3601 - THUN

SUISSE

4 Mars 1996

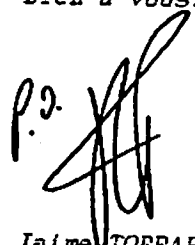
N.I.F. B - 29.710.175

Cher Monsieur,

Sans aucune nouvelle de votre part depuis plusieurs mois je me permets de vous adresser ci-joint copie des dernières peripeties judiciaires et policières concernant le vol des voitures FERRARIS.

Vous voudrez bien me transmettre vos commentaires éventuellement.

Bien à vous.

P.S. 

Jaime TORRABADELLA

93

Interloi S.L.
Mr. Jaime Torrabadella
per Fax

San Pedro - Marbella

Thun, 11. März 1996

Cher Monsieur

Je vous remercie de votre lettre du 4 mars 1996.

Nous attendos le jugement.

Meilleurs salutations
B. Friedli

PK

Nues?

ADVOKATURBUREAU
BRATSCHI EMCH & PARTNER

DR. PETER BRATSCHI
DR. URS EMCH
DR. CHRISTIAN SCHMID M.C.L.
DR. MARKUS HÜNIG
FRANZ SZOLANSKY
URS GASCHÉ
DR. CHRISTOPH BORN
DR. JÜRGEN BRÖNNIMANN
MARK INEICHEN LL.M.
DR. DANIEL GLASL H.E.E.

MARC STUCKI
DIETER HAAS
HERMANN BECHTOLD
PETER KELLER
RENÉ ZAHND
DR. RETO ARPAGAUŠ

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TELEFON 01 211 16 64
TELEFAX 01 211 16 69

FAX MESSAGE

Fax-No.: 0034 5 277 43 37

Number of pages: 7

SANZ-ARRIBAS & CID
Abogados
Mr. Eduardo Sanz Marquez
Ricardo Soriano, 50-300,3
E-29600 Marbella

Bern, 10. Juli 1996 PK/cc

Friedli, Ferrari cars

By fax dated 20 April 1995 you informed us about the legal actions carried out in relation to the Ferrari cars.

José Luis Sanz-Arribas sent us the "escrito de 28 marzo de 1996" concerning the "Juicio Declarativo Ordinario de Mayor Cuantia nº 334/93-Bis" before the Marbella Law Courts nº 5. Therefore we understand that the different legal actions have not yet been decided. We would be thankful if you could send us an actual summary of the legal actions carried out to the present date in relation to the Ferrari cars.

As we do not know if Mr. Friedli has sent you our fax from 11 May 1995 to Peter Briger, a correspondent lawyer in New York, we send you this fax and the response of Mr. Briger dated 23 May 1995. If you are able to response to any questions of Mr. Briger, please advice. (For your information: Mr. Friedli had not carried out any legal action against Mr. Scott Rosen in New York, the "owner" of one of the Ferrari cars).

Yours sincerely



Peter Keller, Esq.

cc: clients

95

ADVOKATURBUREAU
BRATSCHI EMCH & PARTNER

DR. PETER BRATSCHI
DR. URS EMCH
DR. CHRISTIAN SCHMID M.C.L.
DR. MARKUS HÜNIG
FRANZ SZOLANSKY
URS GASCHÉ
DR. CHRISTOPH BORN
DR. JÜRGEN BRÖNNIMANN
MARK INEICHEN LL.M.
DR. DANIEL GLASL H.E.E.

MARC STUCKI LL.M.
DIETER HAAS
PETER KELLER
RENÉ ZAHND
DR. RETO ARPAGAUŠ
DR. MARTIN KOCHER
LUKAS BÜHLER LL.M.

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POSTFACH 7689
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TELEFAX 01 211 16 69

FAX MESSAGE

Fax-No.: 0034 5 277 43 37

Number of pages: 1

SANZ-ARRIBAS & CID
Abogados
Mr. Eduardo Sanz Marquez
Ricardo Soriano, 50-300,3
E-29600 Marbella

August 15, 1997 AP

Friedli Ferrari Cars

Dear Mr. Sanz

We herewith inform you, that Mr. Peter Keller has left our office end of July 97 for further studies. As from August 1997 the case will be handled by our new employee Mr. Andreas Poell.

As it was suggested by Mr. Jose-Luiz Sanz there remains the possibility to claim damages from the state for handing out the cars too early. We kindly ask you to ensure that the claims concerning this state liability will not come under the statute of limitations.

Yours sincerely,


Dr. Peter Bratschi

cc: client

per telefax 0034 95 277 43 37 ✓

Mr. José Luis Sanz Arribas
Lawyer
Cea Bermúdez, 51 - 2º E
E-28003 Madrid

DR. PETER BRATSCHI
DR. URS EMCH
DR. CHRISTIAN SCHMID M.C.L.
DR. MARKUS HÖNIG
FRANZ SZOLANSKY
URS GASCHE
DR. CHRISTOPH BORN
DR. JÜRGEN BRÖNNIMANN
MARK INEICHEN LL.M.
DR. DANIEL GLASL H.E.E.

DIETER HAAS
DR. RETO ARPAGAUSS LL.M.
CAROLE BÖHRER
STEFAN BURRI
DOMINIK HASLER
DR. ROBERT L. ROM
LUKAS WYSS
MARC ZULIAN

Berne, June 26, 1998

Friedli Bernhard - Ferraris

Dear Colleague

We refer to the matter mentioned above and kindly ask you to inform us about the actual situation regarding the cars. We take it that there are still no traces in Spain, but on the other hand we might still have the right to sue the State for damages.

Please advise.

Yours sincerely,



Dr. Peter Bratschi
b.o. Lukas Wyss, lawyer

97

[Handwritten signature]

SANZ-ARRIBAS & CID
ABOGADOS

Cea Bermúdez, 51 - 2º E
Tfn. (91) 549 14 87
Fax. (91) 549 15 69
28003 Madrid

Ricardo Soriano, 50-3º,3
Tfn. (95) 277 59 00
Fax. (95) 277 43 37
29600 Marbella

TELEFAX
FACSIMILE TRANSMISSION

Fecha: 01/07/98
Date:

Nº Total páginas (incluyendo ésta): 1
Nº of Pages (including this cover):

DE: EDUARDO SANZ MARQUEZ
FROM:

PARA: DR. PETER BRATSCHI
TO:

Nº DE FAX: 07-41-31-311.95.38
DESTINATION FAX NUMBER:

MENSAJE:
MESSAGE:

Dear Colleague,

Acknowledge receipt of your fax dated the 26 of June. The situation regarding the cars is the following:

Our claim was dismissed by the Judge of Marbella, so we have interposed the remedy of appeal. We are now waiting for the hearing.

If we win, the italians surely will interponse an appeal to the Supreme Court, and if we loose, we will interpose this appeal.

In both cases, we will have to wait for a final judgment. If the judgement estimate our claim, we will interpose another one against the State for damages, but if not, we will have lost this option.

Yours sincerely,

[Handwritten signature]
Eduardo Sanz Márquez.

98

ADVOKATURBUREAU

BRATSCHI EMCH & PARTNER

per telefax 0034 95 277 43 37 ✓
Mr. Eduardo Sanz Márquez
Lawyer
Cea Bermúdez, 51 - 2° E
E-28003 Madrid

DR. PETER BRATSCHI
DR. URS EMCH
DR. CHRISTIAN SCHMID M.C.L.
DR. MARKUS HÖNIG
FRANZ SZOLANSKY
URS GASCHÉ
DR. CHRISTOPH BORN
DR. JÜRGEN BRÖNNIMANN
MARK INEICHEN LL.M.
DR. DANIEL GLASL H.E.E.

DIETER HAAS
DR. RETO ARPAGAU LL.M.
CAROLE BÜHRER
STEFAN BURRI
DOMINIK HASLER
DR. ROBERT L. ROM
LUKAS WYSS
MARC ZULIAN

Berne, July 6, 1998

Friedli Bernhard - Ferraris

Dear Colleague

Please let us know if the claim you mention in your fax dated July 1, 1998 refers to the release of the cars, or to any other claim.

Yours sincerely,


Dr. Peter Bratschi
b.o. Lukas Wyss, lawyer

3001 BERN
BOLLWERK 15, POSTFACH 5576
TELEFON 031 310 19 19, TELEFAX 031 310 19 20
BERNEOFFICE @ BRATSCHI-EMCH-PARTNER.CH

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BAHNHOFSTRASSE 106, POSTFACH 7689

→ P...
F...
C...
99

SANZ-ARRIBAS & CID
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Fax. (95) 277 43 37
29600 Marbella

TELEFAX
FACSIMILE TRANSMISSION

Fecha: 20/07/98
Date:

Nº Total páginas (incluyendo ésta):
Nº of Pages (including this cover):

DE: EDUARDO SANZ MARQUEZ
FROM:

PARA: DR. PETER BRATSCHI.
TO:

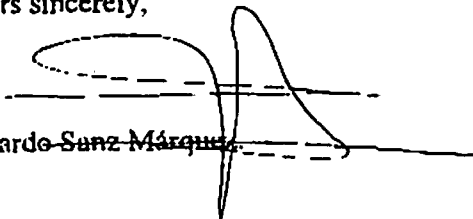
Nº DE FAX: 07-41-31-311.95.38
DESTINATION FAX NUMBER:

MENSAJE:
MESSAGE:

Dear Colleague,

The action I refered in my fax dated July, 7, is the onc that claimed for the resolution of the verbal contract, and the consequential return of the cars, or the price of these if they are disappeared, plus damages and prejudicial consequences.

Yours sincerely,


Eduardo Sanz Márquez

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ADVOKATURBUREAU
BRATSCHI EMCH & PARTNER

per telefax 0034 95 277 43 37

**Mr. Eduardo Sanz Marquez
Lawyer
Cea Bermúdez, 51 - 2º E
E-28003 Madrid**

- | | |
|------------------------------------|--------------------------------|
| DR. PETER BRATSCHI | DIETER HAAS |
| DR. URS EMCH | DR. RETO ARPAGAU LL. M. |
| DR. CHRISTIAN SCHMID M.C.L. | CAROLE BÜHRER |
| DR. MARKUS HÜNIG | STEFAN BURRI |
| FRANZ SZOLANSKY | DOMINIK HASLER |
| URS GASCHÉ | DR. ROBERT L. ROM |
| DR. CHRISTOPH BORN | LUKAS WYSS |
| DR. JÜRGEN BRONNIMANN | MARC ZULIAN |
| MARK INEICHEN LL. M. | |
| DR. DANIEL GLASL H. E. E. | |

Berne, December 22, 1998

Friedli Bernhard (†)- Ferrari cars

Dear Colleague

Please let us know the latest status quo regarding the legal suit and the criminal proceedings in the matter mentioned above.

We are looking forward to hearing from you soon.

We wish you a Merry Christmas and a Happy New Year.

Yours sincerely,



**Dr. Peter Bratschi
b.o. Lukas Wyss, lawyer**

Frau A. Friedli
Ackerfluhweg 7
3627 Heimberg

DR. PETER BRATSCHI	DIETER HAAS
DR. URS EMCH	DR. RETO ARPAGAU LL.M.
DR. CHRISTIAN SCHMID M.C.L.	CAROLE BÜHRER
DR. MARKUS HÖNIG	STEFAN BURRI
FRANZ SZOLANSKY	DOMINIK HASLER
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DR. CHRISTOPH BORN	LUKAS WYSS
DR. JÜRGEN BRÖNNIMANN	MARC ZULIAN
MARK INEICHEN LL.M.	
DR. DANIEL GLASL H.E.E.	

Bern, 14. Januar 1999/LW

Strafangelegenheiten in Sachen Gatoo und Ferraris

Sehr geehrte Frau Friedli

Nachdem wir Ende des letzten Jahres bei den Anwälten in Spanien und Portugal den Stand der Angelegenheit nachgefragt haben, können wir Ihnen wie folgt Auskunft geben:

1. In Sachen Gatoo hat der Staatsanwalt aufgrund derselben Delikte wie gegen Hr. Rodriguez Anklage erhoben (Schreiben von Frau Montero vom 24.12.1998).
2. In Sachen Ferraris wurden durch Herrn Anwalt José Barros Sales in Portugal seit April 1995 keine weiteren Schritte mehr unternommen (sein Schreiben vom 23.12.1998). Er verfügt über keine neuen Informationen betreffend den Ferraris.

Ueber die weitere Entwicklung in diesen Angelegenheiten werden wir Sie auf dem Laufenden halten.

Mit freundlichen Grüssen



Lukas Wyss, Fürsprecher

Beilagen

*nicht anwaltlich - Gemäss
PS WSK*

Telefax 033/438 17 82

Frau A. Friedli
Ackerfluhweg 7
3627 Heimberg

- DR. PETER BRATSCHI
- DR. URS EMCH
- DR. CHRISTIAN SCHMID M.C.L.
- DR. MARKUS HÜNIG
- FRANZ SZOLANSKY
- URS GASCHÉ
- DR. CHRISTOPH BORN
- DR. JÜRGEN BRÖNNIMANN
- MARK INEICHEN LL.M.
- DR. DANIEL GLASL H.E.E.
- DIETER HAAS
- DR. RETO ARPAGAU LL.M.
- CAROLE BÜHRER
- STEFAN BURRI
- DOMINIK HASLER
- DR. ROBERT L. ROM
- LUKAS WYSS
- MARC ZULIAN

Bern, 18. Januar 1999/LW

Strafangelegenheiten in Sachen Gatoo und Ferraris

Sehr geehrte Frau Friedli

Nachdem wir Ende des letzten Jahres bei den Anwälten in Spanien und Portugal den Stand der Angelegenheit nachgefragt haben, können wir Ihnen wie folgt Auskunft geben:

1. In Sachen Gatoo hat der Staatsanwalt aufgrund derselben Delikte wie gegen Hr. Rodriquez Anklage erhoben (Schreiben von Frau Montero vom 24.12.1998).
2. In Sachen Ferraris wurden durch Herrn Anwalt José Barros Sales in Portugal seit April 1995 keine weiteren Schritte mehr unternommen (sein Schreiben vom 23.12.1998). Er verfügt über keine neuen Informationen betreffend den Ferraris.
3. Herr Rechtsanwalt Sanz teilte uns mit, dass das Strafverfahren folgenlos eingestellt wurde. Die Zivilforderung wurde abgewiesen, da nach Ansicht der Richter weder der Erwerb noch der Erwerbspreis der Ferraris rechtsgenügend nachgewiesen sei. Gegenwärtig wartet RA Sanz auf die Terminsetzung der oberen Instanz, an welche er den Zivilprozess weitergezogen hat.

Ueber die weitere Entwicklung in diesen Angelegenheiten werden wir Sie auf dem Laufenden halten.

Mit freundlichen Grüßen

A handwritten signature in black ink, appearing to read 'L. Wyss', written in a cursive style.

Lukas Wyss, Fürsprecher

Beilagen

ADVOKATURBUREAU
BRATSCHI EMCH & PARTNER

cc ci per fax
1/8/73 ✓
69

DR. PETER BRATSCHI
DR. URS EMCH
DR. CHRISTIAN SCHMID M.C.L.
DR. MARKUS HÖNIG
FRANZ SZOLANSKY
URS GASCHÉ
DR. CHRISTOPH BORN
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TELEFAX 01 211 16 69

Telefax Message

Date: 11. August 1993
To: J.P. Concalves Comes
From: Marc Stucki
Total Pages:
Fax no.: 0035 1497 31 55

Message

Dear AIJA-Colleague

I have found your name in the actual AIJA-directory.

One of our clients got in trouble: He had 4 cars deposited in Marbella (E) and some days ago these cars had been stolen by some gangsters belongig to the organized crime. Afterwards, the gangsters shipped the cars to Lissabon. Of course, INTERPOL is already investigating the case. Our corredpondant attorney in Marbella, Jaime Torrabadella, informed us, that he will probably deposit a complaint at the local police in Lissabon, and that afterwards, it could be possible that we should file a penal claim to the Criminal Court of Lissabon.

Therefore our colleague needs urgently a standard text of a power of attorney in Portugese, which would allow him to legitimate himself towards the police as well as towards the court. I would be very grateful if you could send me per telefax the blanco text of such a power. Our client will sign it and have his signature legalized by the Embassy of Portugal in Berne.

If you would be able to and interested in collaborating with our colleague in this matter, please let us know. Thank you very much in advance.

Sincerely yours,


Marc Stucki, Esq.

Our telefax no. from Lissabon: 0041 31 22 95 38

70

ADVOKATURBUREAU

BRATSCHI EMCH & PARTNER

DR. PETER BRATSCHI
DR. URS EMCH
DR. CHRISTIAN SCHMID M.C.L.
DR. MARKUS HÜNIG
FRANZ SZOLANSKY
URS GASCHÉ
DR. CHRISTOPH BORN
DR. JÜRGEN BRÖNNIMANN

MARK INEICHEN
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TELEFAX 01 211 16 69

Vertraulich & Persönlich

S.E.
Herrn Erich Lang
Botschafter der Schweiz in Portugal
Travessa do Patrocinio, 1
P-1399 Lissabon
Portugal

Bern, 11. August 1993 MS/cd

Exzellenz,

Wir vertreten Herrn Hans-Bernhard Friedli-von Mühlänen aus Heimberg (bei Thun) in diversen rechtlichen Angelegenheiten. Herr Friedli-von Mühlänen führte jahrelang eigene Unternehmungen in der Schweiz und auch in Madrid. Heute, nachdem er diese Unternehmungen veräussert hat, ist unser Klient immer noch in wichtigen Positionen tätig, so amtet er u.a. als Verwaltungsrat der PTT und der Aral GmbH (Bochum).

Seit mehreren Jahren besitzt Herr Friedli-von Mühlänen ein Appartement in Marbella, an der Costa del Sol. In den späten achtziger Jahren investierte er auch in Grundstücke. Im Zuge einer gewissen Desinvestitionstätigkeit verkaufte er im Juli 1991 ein Bauterrain, umfassend über 120'000 m² und mit einem amtlich geschätzten Verkehrswert von ca. SFr. 17 Mio., an italienische "Geschäftspartner". Mit dem Grundstück verkaufte er denselben Käufern noch vier Oldtimer-Ferraris (Baujahre 1957 - 1970), welche zu jenem Zeitpunkt einen Verkehrswert von ca. SFr. 3 Mio. hatten.

Nachdem die vorgesehene Kaufpreistransaktion - nach Uebereignung des Grundstücks und der Wagen - nicht erfolgte, ahnte unser Klient bereits, dass etwas nicht mit rechten Dingen zugegangen sein musste.

Nach nun mehr als zweijährigem Verhandeln und Prozedieren, in dessen Rahmen mehrere spanische Anwälte eingeschaltet worden sind, präsentiert sich die Situation als dramatisch:

30

JAIMÉ TORRABADILLA FARE
ABOGADO

MARQUES DEL DURO N° 28
EDF. BALDO DE ANDALUCIA, 17
TELES. 71 00 10 71 00 00
TELEX 71589 JATO
TELEFAX 71 00 10
SAN PEDRO ALCANTARA
MÁLAGA

T E L E F A X

N. REF.

DESTINATAIRE : Maître BRATSCHI/STUCKI

FAX : 07 21 31 22 35 38

EXPÉDITEUR : Maître Jaime TORRABADILLA FARE

DATE : 24 Septembre 1991

NOMBRE TOTAL DE PAGES (y compris celle-ci)

CONCERNE : Dossier FRIEDLI
Affaire "Ferrari"

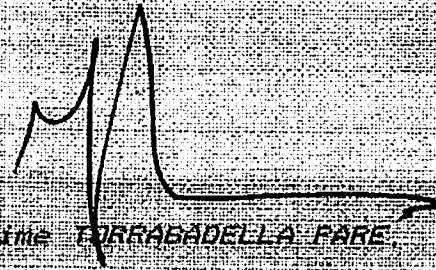
Mes Chers Confrères,

Afin de gagner du temps, je me permets de vous faire parvenir pour votre connaissance et à l'attention de Monsieur FRIEDLI, le texte des conclusions qui ont été déposées par Maître Diego JIMENEZ (neveu, comme vous le savez, de Monsieur Juan RAMIREZ) dans l'affaire des tentatives de captation des 4 voitures "Ferrari".

Je pense qu'il est intéressant que Monsieur FRIEDLI en prenne profondément connaissance, car il est évident que lors de sa prochaine comparution devant le Juge d'Instruction, je souhaite qu'il soit très ferme et très formel dans ses conclusions.

Je vous en communique donc la traduction en langue française et lors de notre entretien demain, à "Puente Romano", vous ou Monsieur FRIEDLI pourrez me faire les commentaires que vous estimerez indiqués.

Bien à vous,



Jaime TORRABADILLA FARE

31

63
OM4806653

JUZGADO DE INSTRUCCIÓN NÚM. DOS
DE
MARBELLA

DECLARACION de Requena En la Ciudad de Marbella, a veinticuatro
de Septiembre de mil novecientos
noventa y tres. Ante el Sr. Magistrado
Jefe de Instrucción asistido de mí el Secretario comparece el anotado al margen
el que cohortado en forma,
y héchole las advertencias legales, dijo: llamarse como queda dicho, de veinte años,
estado (2-8-1937) casado, profesión Industrial,
hijo de Rans y de Charlota,
natural de Dreisieben, Partido Judicial de Idem,
Provincia de Idem y vecino de HEIMBERG,
con domicilio en Ackerflurweg 7- 3627.

instrucción y que ha estado procesado:
Asistido los letrados D. VICENTE ORTIZ ALVAREZ, DIEGO JIMENEZ DALBOVIO.

Interrogado convenientemente, Dijo: Que se afirma y ratifica en la denuncia de
claración que puso ante la Comisaría de Policía de esta ciudad, en su nombre el
letrado D. Jaime Torrabadella pare, de la cual se le ha dado lectura en este acto
y sin que haga nada que variar, añadiendo a nuevas preguntas:

Que la venta se realizó mediante contrato verbal, con un señor llamado Guin-
seppe GIUDICE, por la cantidad de 1.900.000 DOLARES, presentándole una garantía
bancaria por dicha cantidad, a la que le exhibió dicho documento de garantía,
lo que nunca se le entregó dicho documento de garantía.
Que después de ver la garantía ha enviado los coches a España.

Que los coches los envió al Sr. Fisher, por encargo del llamado Giudice, sin
que conozca al Sr. Fisher personalmente.

Que convino con el Sr. Giudice que una vez que estuviera los coches en España,
el Sr. Friedli, mediante ingreso en su banco de Suiza,

Que el Sr. Giudice le pidió que enviara el declarante facturas proformas por importe total de 450.000 dólares, haciéndolo así el compareciente.

Que exhibido el documento 1, presentado por el denunciado, dice: Que el mismo fue recibido via fax ni de forma ordinaria tal documento.

Exhibidos los demás documentos aportados como números 3, dice: Que envió dichos documentos porque son necesarios que acompañen a los vehículos, pero sin firmar la transferencia porque todavía no ha percibido el importe de la venta.

Que los vehículos estaban en perfecto estado y estaba controlados en el mismo día que salieron de Suiza para España, sin que fuese preciso haberles ninguna reparación y que aportará al Juzgado fotografías de los mismos donde se puede apreciar su excelente estado de conservación..

Que insiste en que hasta el día de la fecha no a percibido ninguna pesetas por la venta de dichos vehículos.

A preguntas del Letrado del denunciado, contesta, a las siguientes preguntas:

Preguntado que si no ha hecho un contrato verbal para la venta de citados coches, dice: Que sí, que lo hizo con el Sr. Giudice.

Que si reconoce las firmas que constan en las facturas y en el fax que le envía el Sr. Ficher, dándole conocimiento de la marca, modelo, color de los coches y demás instrucciones para que ingrese las cantidades establecidas en dicha facturas en su cuenta del banco de Andalucía, Agencia núm. 1 de Puente Romano (Marbella), contesta a dicha pregunta de la forma siguiente:

Que sí, que reconoce las firmas, pero siempre según las instrucciones que recibió del Sr. Giudice. Que las facturas pro-formas tienen por objeto informar a la Aduana solamente de la descripción exacta de los vehículos para permitir el paso de la aduana a los mismos.

Preguntado si la entrega de la documentación de los coches da la posesión de los mismos, dice: Que no equivale a la posesión, y que los coches están inscritos a su nombre. Que los coches los compró en una sociedad suiza especializada en la venta de dichos automóviles.

Preguntado que si son de su propiedad los cuatros vehículos, dice: Que sí.

Preguntado en concreto por uno de los mismos porque no aparece en el certificado del título del vehículo, dice: Que como el Sr. Ficher no es el propietario de otro persona, puesto que como el Sr. Ficher no es el propietario de otro persona, puesto que como el Sr. Ficher no es el propietario de otro persona...

Que el Sr. Giudice le pidió que enviara el declarante facturas proformas por importe total de 850.000 dólares, haciendolo así el compareciente.

Que exhibido el documento 1, presentado por el denunciado, dice: Que nunca ha recibido vía fax ni de forma ordinaria tal documento.

Exhibidos los demás documentos aportados como números 3, dice: Que envió dichos documentos porque son necesarios que acompañan a los vehículos, pero sin firmar la transferencia porque todavía no ha percibido el importe de la venta.

Que los vehículos estaban en perfecto estado y estaba calculando en el mismo día que salieron de Suiza para España, sin que fuese preciso hacerles una reparación y que aportará al Juzgado fotografías de los mismos donde se puede apreciar su excelente estado de conservación..

Que insiste en que hasta el día de la fecha no ha percibido ninguna peseta por la venta de dichos vehículos.

A preguntas del Letrado del denunciado, contesta, a las siguientes preguntas:

Preguntado que si no ha hecho un contrato verbal para la venta de citados coches, dice: Que sí, que lo hizo con el Sr. Giudice.

Que si reconoce las firmas que constan en las facturas y en el fax que le envía al Sr. Fischer, dándole conocimiento de la marca, modelo, color de los cuatro coches y dándole instrucciones para que ingrese las cantidades - establecidas en dicha facturas en su cuenta del banco de Andalucía, Agencia n.º 5 de Puente Romano (Marbella), contesta a dicha pregunta de la forma siguiente:

Que sí, que reconoce las firmas, pero siempre según las instrucciones que recibió del Sr. Giudice. Que las facturas pro-formas tienen por objeto informar a la Aduana únicamente de la descripción exacta de los vehículos para permitir el paso de la aduana a los mismos.

Preguntado si la entrega de la documentación de los coches da la posesión de los mismos, dice: Que no equivale a la posesión, y que los coches están inscritos a su nombre. Que los coches los compró en una sociedad suiza especializada en la venta de dichos automóviles.

Preguntado que si son de su propiedad los cuatro vehículos, dice: Que sí.

Preguntado en concreto por uno de los mismos porque no aparece en el certificado del título del vehículo, que aparece como doc. 3, está a nombre de otra persona, puesto que como él dice para la propiedad o tener la propiedad de los coches hace falta la firma de la transferencia, contesta: Que él ha comprado

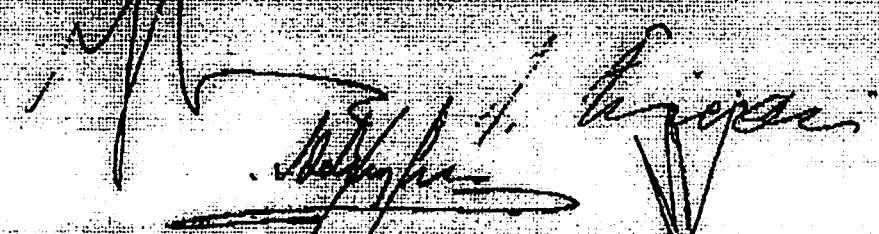
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de coches de colección denominada ELITE CAR DIFFUSION, cuyo domicilio se encuentra en FRASCHÉLIS, en el cantón de Friburgo (Suiza). Que dicha sociedad es la responsable o encargada de realizar las transferencias para España.

Preguntado cómo puede explicar que habiendo transcurrido cuatro o cinco años no ha legalizado la propiedad de los coches poniéndolos a su nombre, - dice: Que estos coches son como un cuadro o una escultura, y no es requisito indispensable que la transferencia se efectúe.

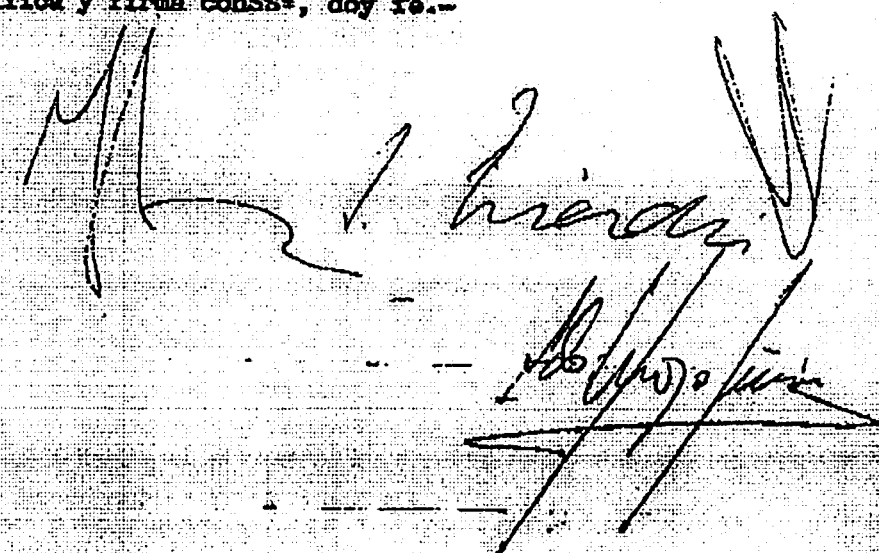
Preguntado que si al enviar los documentos junto con los coches para la venta entregaba así ya la propiedad, contestando: Que si que él los mandó al Sr. Gudin al cual le tenía que pagar el precio convenido, cosa que no ha tenido lugar.

Leída la ratifica y firma conSS², y asistentes, de lo que doy fé.-



AMPLIACION. En este acto exhibe y deja unido un documento en alemán, por fotocopia, la traducción se aportará posteriormente, del cual resulta que dichos vehículos fueron guardados por la Compañía Elite Diffusion en dos millones novecientos veinte mil francos vno. equivalentes a 210.000.000 de pesetas.

Leída nuevamente la ratifica y firma conSS², doy fé.-



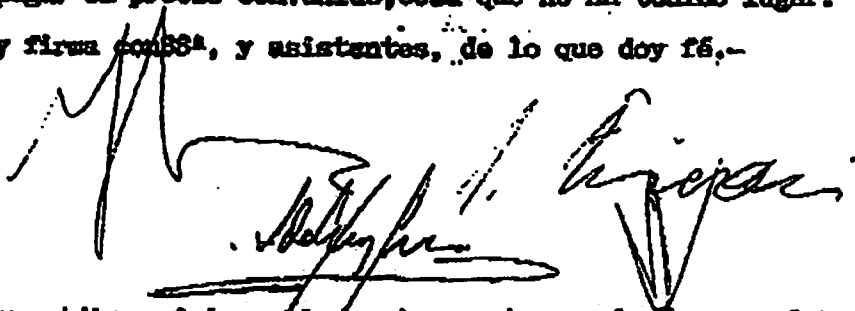
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de coches de colección denominada ELITE CAR DIFFUSION, cuyo domicilio se encuentra en FRASCHERLS, en el Cantón de Friburgo (Suiza). Que dicha sociedad es la responsable o encargada de realizar las transferencias para España.

Preguntado cómo puede explicar que habiendo transcurrido cuatro o cinco años no ha legalizado la propiedad de los coches poniéndolos a su nombre, - dice: Que estos coches son como un cuadro o una escultura, y no es requisito indispensable que la transferencia se efectúe.

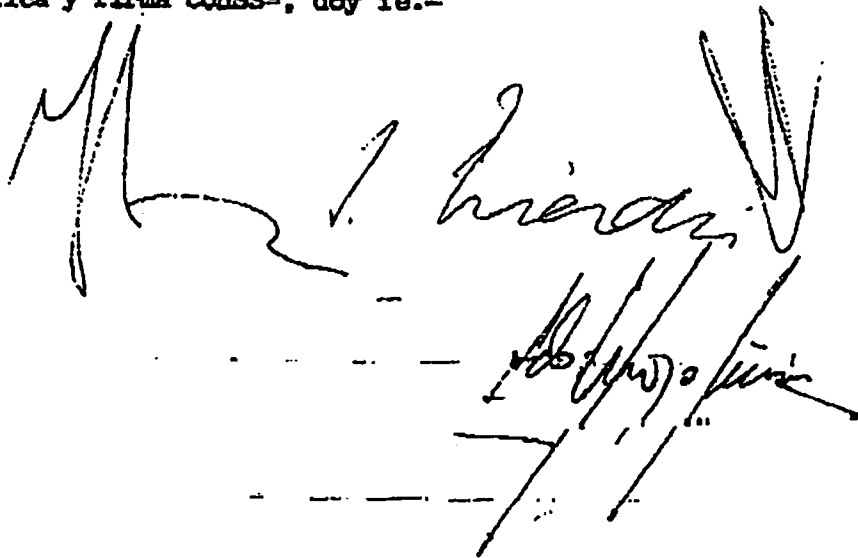
Preguntado que si al enviar los documentos junto con los coches para la venta entregaba así ya la propiedad, contestando: Que sí, que él los mandaba al Sr. Giudic al cual le tenía que pagar el precio convenido, cosa que no ha tenido lugar.

Leída la ratifica y firma con SS^a, y asistentes, de lo que doy fé.-



DECLARACION. En este acto exhibe y deja unido un documento en alemán, por fotocopia, a la traducción se aportará posteriormente, del cual resulta que dichos vehículos fueron comprados por la Compañía Elite Diffusion en dos millones novecientos veinte mil francos suizos, equivalentes a 210.000.000 de pesetas.

Leída nuevamente la ratifica y firma con SS^a, doy fé.-





INSTRUCCION
JUSTICIA

JUZGADO DE INSTRUCCION NÚM. DOS
DE
MARBELLA:

DECLARACION de Kelvin En la Ciudad de Marbella, a doce
John FISHER de diciembre de mil novecientos

D.N.I. Tarjeta de residencia noventa y uno. Ante el Sr. Magistrado
n.º X-0183812-L
Juez de Instrucción asistido de mi el Secretario comparece el anotado al margen

el que juramentado en forma legal, en forma,

y héchole las advertencias legales, dijo: Llamarse como queda dicho, de años,
estado , profesión ,

hijo de y de ,

natural de , Partido Judicial de

Provincia de y vecino de ,

con domicilio en -YA CONSTAN SUS DEMAS CIRCUNSTANCIAS PERSONALES-

instrucción y que ha estado procesado:

Asisten los Letrados D. Vicente Ortiz Alvarez y D. Diego Jiménez Balbotao.

Interrogado convenientemente, DIJO: que se afirma y ratifica íntegramente en las manifestaciones que tiene realizadas por este hecho ante este mismo Juzgado,

Preguntado por el Letrado Sr. Ortiz, para que diga cómo contacto con el Sr. Friedli para realizar la compraventa que según su declaración dice haber llevado a efecto de los cuatro vehículos, contesta: Que el contacto en principio no lo hizo el dicente, ya que ellos son una sociedad y el contacto directo lo hizo otro Gerente, llamado Ugo Gianino.

Preguntado cómo se desarrollo la venta de los coches, dice: que cuando empezó en el desarrollo de la venta, recibió una llamada del Sr. Friedli en la sociedad y el dicente contestó a dicha llamada y entonces el Sr. Friedli le preguntaba si todo estaba correcto para la venta, contestó que sí estaba conforme con la operación ya que había hablado con el Sr. Ugo Gianino y él tenía noticia de todo lo que se debía hacer.

Handwritten notes and signatures on the left margin.

Preguntado que en qué calidad actúa en la sociedad "Motorauto, S.L.", dice: Que Gerente, con poderes ya que es socio.

Preguntado si ha intervenido o conoce al Sr. Giudice, dice: Que fué el contacto inicial entre el Sr. Friedli y el Sr. Gianino; y que no lo conocía - antes de la operación, y que no ha tenido ninguna otra relación que la dicha.

Preguntado con el exhibición del documento núm. 5 aportado por su representación y que obra el folio 47, para que diga si ha intervenido en la operación que se dice en el documento a que se refiere, manifiesta: Que como es un asunto de la sociedad, efectivamente lo conoce.

Preguntado para que diga si es cierto que la sociedad "Motorauto, S.L." ha ingresado la suma de 19.600.000 ₧ a que se refiere el documento, dice: Que que principio sí, pero por las presentes diligencias, está en suspensión.

Preguntado para que diga si tiene conocimiento o le consta que se haya solicitado por la que aparece como sociedad compradora "Elmhurst Hotel Ltd" se haya obtenido autorización de la Dirección General de Transacciones Exteriores para efectuarse en pago, dice: Que desconoce ese tema.

Preguntado para que diga si es cierto que la sociedad "Motorauto, S.L." y él personalmente es un mero intermediario y no un comprador en firme. manifiesta: Que es falso ya que la operación se hizo directamente entre el Sr. Friedli y "Motorauto Marbella" y los acuerdos de tal operación consta en la documentación.

Preguntado para que diga si es cierto que él personalmente y su representación legal en estas actuaciones han ofrecido al denunciante a devolver los coches si el Sr. Friedli paga 40.000.000 ₧ para resolver el compromiso hecho con la sociedad "Elmhurst Hotel Ltd, más abono de perjuicios y el beneficio teórico que Motorauto dejaría de percibir por la resolución del contrato, suponiendo todo esto una cantidad superior a 100.000.000 millones de pesetas, por todos los conceptos, contesta: Que desconoce tal acuerdo.

Diga sino es mas cierto que él recibe instrucciones de otras personas para aparecer como comprador, cuando en realidad dichos vehículos fuerón adquiridos por el Sr. Giudice al Sr. Friedli por un millón novecientos mil dólares y dice: Que la sociedad Motorautos Marbella como vuelve a repetir hizo la negociación de la compra de los cuatro vehículos directamente con el Sr. Friedli.

Preguntado si tiene conocimiento de la existencia de un aval o carta de garantía emitida por el Banco de América en Italia por importe de 1.900.000 dólares para ser retirada por el Sr. Friedli una vez se hallare los coches en Marbella, manifiesta: Que no ha oído ni conoce tal acuerdo como hay dice.



ADMINISTRACION
JUSTICIA
MADRID

Preguntado si es cierto que los cuatro vehículos tienen un valor en el mercado de un millón novecientos mil dólares y que las facturas proformas emitidas por importe de 350.000 dólares sólo tenían como finalidad regularizar su pago - por la Aduana, dice: Que no es cierto en su opinión.

Preguntado sino le parece extraño al Sr. Fisher que adquiriera unos vehículos de tan considerable valor sin pagar ninguna cantidad y que se le permita pagar el precio una vez él los venda a terceros, dice: Que en cada caso hay un acuerdo y en este caso el acuerdo era la compra de los 4 vehículos en la cantidad de 350.000 dólares para ser abonados a la venta de dichos vehículos en una cuenta - que cree que era en el Banco de Andalucía, aunque consta en las diligencias con los documentos aportados, a nombre del Sr. Friedli.

Preguntado por su Letrado, para que deje constancia de que la actuación del Sr. Giudice cual fué en esta compraventa de los coches, dice: Que era nada más y nada menos como entre introductor entre el Sr. Gianino y el Sr. Friedli y notuvo ninguna otra participación ni ha tenido más.

Leida la presente la ratifica y firma con SS^{as} y asistentes, de lo que doy fé.-
M/.-

ledo: (u) (D)

JUZGADO DE INSTRUCCIÓN NÚM. DOS
DE
MARBELLA

→ M3

DECLARACION de ANTONIO MORENO CANOVAS.- En la Ciudad de Marbella, a doce de diciembre de mil novecientos noventa y uno.- Ante el Sr. Magistrado Juez de Instrucción asistido de mi el Secretario comparece el anotado al margen el que juramentado en forma legal, en forma, y héchole las advertencias legales, dijo: Llamarse como queda dicho, de (29 de marzo 1944) años,

estado casado, profesión industrial, hijo de Francisco y de María, natural de RONDA, Partido Judicial de MÁLAGA, Provincia de idem, y vecino de MARBELLA, con domicilio en calle Sevilla Velasco 2-B, núm. 17.

Instrucción y que ha estado procesado: existen los Letrados D.VICENTE ORTIZ ALVAREZ y D.DIEGO JINENEZ BALBOTEC.

Interrogado convenientemente, DIJO: Que en su negocio sito en la N-340, Cádiz-Barcelona, Km. 162,200, empresa Hermanos Moreno Canovas, S.L. la Policía depositó cuatro vehículos Ferrari, y firmó a la policía en depósito de los mismos, pero quiere hacer constar que se le haga un seguro a los vehículos por lo que pueda suceder porque su seguro es pequeño y no podrá cubrir los mismos si sucede algo, y señale que no se haría cargo él.

Preparado por el Letrado Sr. Ortiz, si el mismo día o el siguiente se presentara en la Compañía de Seguridad Franjul, dice: Que si que ha estado allí hasta hace unos días durante las 24 horas del día.

Preparado por el Letrado Sr. Jiménez, dícese que por SSª, se le haga notificar la obligación de depositar los vehículos, en este acto por SSª, se le informan las obligaciones. Cíandose por enterado.

Preparado por orden de... en allí a su negocio... de Madrid...

y el dicente le hizo firmar un documento por ello; que este señor se marchó a la media hora de estar en su negocio y de examinar los mismos, y vino a los quince días de entrar los coches; aclara que antes vino el Sr. Torrabadella y le dijo si tenía espacio para dejar unos coches en su negocio, constándole que sí, y después lo recogió y los llevó a su negocio dónde están actualmente depositados.

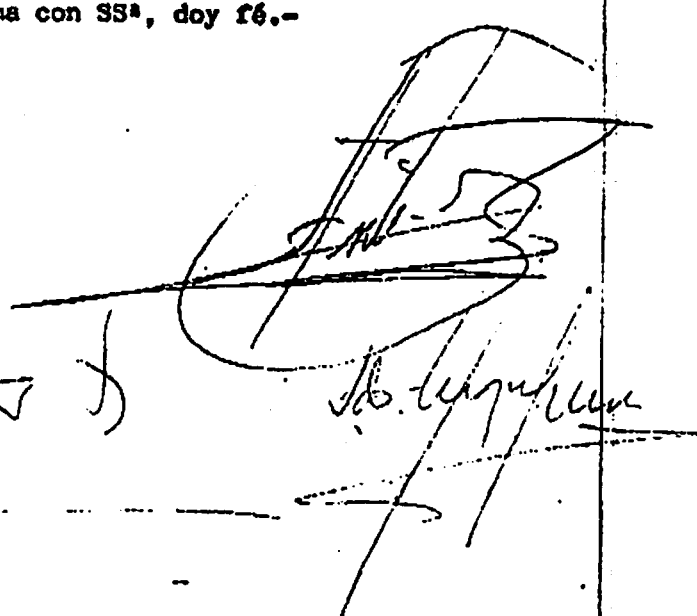
Preguntado cómo se llevó los coches a su negocio, dice: Que cómo ha dicho le llamó el Sr. Torrabadella, y le dijo que si podía dejarlos allí, que cuando le llamó posteriormente, ordenó a sus empleados para que fuera a recogerlos, que no sabe a dónde fueron, pero sabe que era a Marbella y de allí lo llevarón a su negocio, dónde están, que luego vino la Bolicía y dejó constancia de dicho depósito y firmó el acta antes aludida y que obra en estas diligencias.

Preguntado que si es Concesionario de la Casa Mercedes, dice: Que es Agente

● BENET, S.A.

Y por último se le pregunta dónde concretamente están depositados los coches, dice: Que estan en su nave, bajo techo ó cubierto y el local se encuentra a 4Km. de San Pedro, teniendo vigilancia, con perros; pero que no garantizar el robo en su negocio.
Leída la presente la ratifica y firma con SSª, doy fé.-

M/.-

A large, stylized handwritten signature is written in the lower right quadrant of the page. The signature is heavily scribbled over with multiple overlapping lines, making it difficult to decipher. To the left of the signature, there are some faint, illegible handwritten marks and a horizontal line.



ADMINISTRACION DE JUSTICIA

JUZGADO DE INSTRUCCION NÚM. DOS DE MARBELLA

Vertical handwritten notes on the left margin, including 'L. O. N. O.' and 'D. N. I. N.º 7463613'.

DECLARACION de Bernard En la Ciudad de Marbella, a doce de
Hans FRIEDLI, de diciembre de mil novecientos
PASAPORTE Suizo noventa y uno. Ante el Sr. Magistrado
D.N.I. n.º 7463613.

Juez de Instrucción asistido de mi el Secretario comparece el anotado al margen
el que previo juramento que prestó en forma en forma,
y héchole las advertencias legales, dijo: Llamarse como queda dicho, de años,
estado , profesión ,
hijo de y de ,
natural de , Partido Judicial de
Provincia de y vecino de ,
con domicilio en -YA CONSTAN SUS DEMAS CIRCUNSTANCIAS PERSONALES-

instrucción y que ha estado procesado:
Asisten los Letrados D. VICENTE ORTIZ ALVAREZ y D. DIEGO JIMENEZ BALBOTE.
Así como la interprete D. JOSEFA MOROTE VALVERDE.

interrogado convenientemente, DIJO: Que se afirma y ratifica íntegramente en las
manifestaciones que tiene realizada ante este mismo Juzgado en el presente
procedimiento.

Preguntado por su letrado para que explique desde el principio la operación
realizada sobre los vehículos objetos de estas diligencias y demás datos que
fueron realizadas posteriormente sobre dicho tema hasta antes de la denuncia formu-
lada, contesta: Que el día 18 de Julio de 1991 tuvo lugar una reunión en la casa
del Sr. Giudice en Marbella, y entre las cosas que hablarón de la venta de cuatro
vehículos del Sr. Giudice, que el Sr. Giudice llega a un acuerdo en el precio, porque
su adquisición; el declarante le presta una garantía y se
lo que era del Banco de América en Italia, que coincidiendo que
a realizar otra operación con el Sr. %Giudice sobre otro objeto
se acuerdan introducir en sobre ambas garantías para dichas dos opera-

vehículos, delante del despacho del Vice-Consul Italia en Málaga y ante un señor que pensaba que era el Vice-Consul, pero luego se ha enterado de que era un señor ^{que era} secretario del Sr. Cutrera y que se llama Ugo Gianino y que la razón de pensar de que era el Vice-Consul es porque estaba en su despacho. Acto seguido introduce en un sobre y lo firman el declarante y el Sr. Giudice, poniéndole el sello del Vice-consulado.

Que llegado el día 14 del mes de Agosto se persona el declarante en el Vice-Consulado al objeto de que el citado Vice-Consul le hiciera entrega del sobre firmado por él y el Sr. Giudice, sorprendiéndose de que la persona que era el Vice-Consul, no era la persona que hizo las veces antes, no obstante el citado señor Vice-Consul le hace entrega del sobre, abriéndolo, pudiendo comprobar que no existía nada más que el documento relativo a un negocio distinto del presente y no se encontraban las garantías bancarias del Banco de América en Italia - que se introdujeron en su día delante del vice-consul, el día 19 de Julio del presente año. Pidiéndole como garantía un certificado de que el sobre lo abre en su presencia y que solamente contine el documento antes dicho, extendiéndosele el citado solicitado por el dicente.

Comunicádoselo a su Abogado en Suiza?

Preguntado si ha tenido noticias con el Sr. Giudice, posteriormente, dice: Que sí, contándole lo que le había ocurrido y que le preguntara al Abogado suyo que era el Sr. Menino.

Preguntado por el Letrado Sr. Jimenez Balboteo, para que manifieste dónde quedó el sobre el día 19 en el Consulado de Italia en Málaga, - dice: que no sabe pero que como era el Vice-Consulado debía de estar allí, y no se preocupó de otra cosa.

Preguntado cómo sabe el Vice-Consul auténtico dónde esta la carta ó sobre cuando se encontró de que la persona que estaba allí cuando se firmó el sobre no era el Vice-consul que ahora se presentaba como dicho Vice-Consul, contesta que el Sr. Menino le ha llamado para decirle si ha recogido ya dicho sobre. Que el sobre lo firmó el propio Sr. Jiménez y que lo abrió en su despacho; que el dicho sobre iba con su hija y que lo pidió a través de una ventanilla y se lo querían dar en dicho momento, pero pidió que se lo diera en el despacho del Sr. Vice-Consul y por dicha persona; que el que se iba a dar a través de la ventanilla era una persona distinta del Sr. Jimenez, cuyo nombre es JIMENEZ, cosa que el declarante desconocía porque se encontraba en la ventanilla, el declarante pide que sea el Vice-Consul Sr. Jimenez quien se lo entregue, contactándole con la persona de la ventanilla que Sr. Jimenez es el Vice-Consul, por lo que se le entregara



REGISTRACION
JUSTICIA
REPUBLICA DE CUBA

Que no sabe de dónde sacó el sobre el Sr. Jimenez cuando se lo dió.
Preguntado: Que nunca ha estado en la entidad "Motorauto, S.A."

Preguntado para que si diga si ha tenido conversaciones por teléfono con el Sr. Ugo Gianino de la sociedad "Motorauto, S.L.", contesta: Que nó, y que nadie se le ha presentado por teléfono o personalmente diciendole que era el Sr. Gianino.

Leida la ratifica y firma con SS^{as}, y asistentes, de lo que doy fé.-
M/.-

He leído
He: n.c. f
SS^{as} [Signature]

35

AL JUZGADO DE INSTRUCCION NUMERO DOS DE MARBELLA

DON GUILLERMO LEAL ARAGONCILLO, Procurador de los Tribunales, en nombre y representacion de DON HANS BERNARD FRIEDLI VON MUHLENEN, como tiene acreditado en las Diligencias Previas numero 1481/91-0, al Juzgado comparece y dice:

Que con fecha 10 de los corrientes se ha notificado a esta parte la providencia de fecha 12 de Diciembre, mediante la cual se señala para el día de hoy 19, prueba de careo entre el representado y el denunciado KELVIN JOHN FISHER.

Esta parte obviamente, no ha podido contactar con su representado, ya que este no tiene su domicilio en Marbella, sino en Suiza, motivo por el cual se solicita se efectue nuevo señalamiento de día y hora.

Al propio tiempo, se solicita se reciba declaracion al Vice consul de Italia en Malaga, Sr. Jimenez, sobre los hechos a que se refiere la declaracion prestada por el representado con fecha 12 de Diciembre actual, librandose al efecto exhorto al Juzgado Decano de Malaga a fin de que comparezca ante el Juzgado el día y hora que al efecto se señale.

En su virtud,

AL JUZGADO SUPLICO: Que teniendo por presentado este escrito, se sirva unirle a las diligencias de su razon, y acordar de conformidad con lo pedido.

Marbella, a diecinueve de Diciembre de mil novecientos noventa y uno.

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* REPORTE DE ACTIVIDAD * '92 01/28 18:10

952 785398 J. TORRABADELLA

MODO	TELEFONO CONECTADO	ID CONEXION	HORA INICIO	T.USADO	PHMINHS
TX	07PP4133233855	6-3	01/28 18:09	01'06	01(00)

SAN PEDRO ALCANTARA
MARBELLA

T E L E F A X
=====

N.REF. : 92.110 - JT/MR

DESTINATAIRE : Mr. H. BERNHARD FRIEDLI

FAX : 07-41-33-23-38-55

EXPEDITEUR : Mr. Jaime TORRABADELLA PARE

DATE : 28 Janvier 1992

NOMBRE DE PAGE (Y COMPRIS CELLE-CI) : 1

REF. : VOITURES "FERRARIS".


TEXTE :

Cher Monsieur,

Je tiens à vous préciser que d'après plusieurs Compagnies d'Assurance contactées dans ce pays, il est impossible d'assurer convenablement ces voitures avec une Police d'Assurance en Espagne. Je m'empresse de vous le communiquer, afin que vous essayiez de maintenir la Police d'Assurance que vous avez en Suisse sans être ainsi des surprises désagréables.

Nous ne devons jamais oublier que nous avons à faire à des "gangsters".

Bien à vous.


Jaime TORRABADELLA PARE.

IAE Lloyd Adriatico España

28020 MADRID - G/ Orense, 81

TEL. 871 00 12 - TELEX 48177

FAX 670 18 12

MENSAJE POR FACSIMIL/FACSIMIL TRANSMISSIONN.º FAX 86-05-55 FECHA/DATE: 4-3-92 N.º PAGINAS/N. PAGES: 1
(INCLUIDA ESTA/INCLUDING THIS PAGE)A/TO D. Vicente Ortiz Alvarez ATT. _____DE/FROM LLOYD ADRIATICO ESPAÑA ASUNTO/SUBJET Presupuesto Vehiculos en deposito en la Mercedes de Estepona

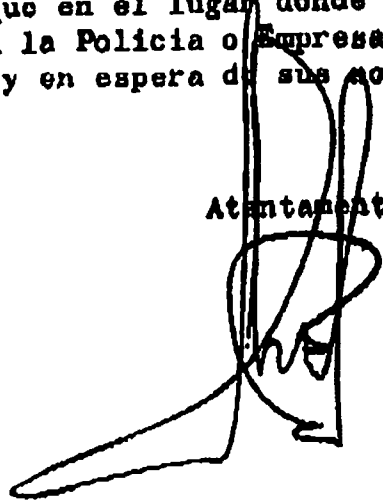
Muy Sr. nuestro!

Ante todo le ruego me disculpe la tardanza en contestarle sobre el asunto de referencia.

Mi Central me indica que podría aceptar el riesgo de cobertura de incendio y robo en reposo de los cuatro vehículos valorados en 200.000.000 Ptas., por un importe total anual de Ptas. 822.450.-, pero con la condición de que en el lugar donde se encuentran se instalara una alarma conectada con la Policia o Empresa de Seguridad.

Sin otro particular, y en espera de sus noticias,

Atentamente,



09/03 '92 18:18 0952 880919

LEAL-PROCURADOR J. TORRABADILLA

SR: LEAL:

2A1764748



Ldo. Sr. D. *Vicente Ortiz Alaraz*

PROVIDENCIA MAGISTRADO | Marbella, cinco de marzo de mil novecientos -
JUEZ Sr. Trujillo.- | noventa y dos.

Dada cuenta; Por presentados los anteriores escritos, -
con sus copias -tres de la r/. del denunciado y uno del denunciante-,
finanse a las diligencias de su razón a los fines oportunos, -
haciendose entrega a cada parte de las copias acompañadas por la
contraria; se tienen por hechas las alegaciones formuladas. Y, antes
de acordar la resolución oportuna, será procedente celebrar diligencia de CAREO entre denunciante y denunciado, que venía acordada anteriormente y que no fué posible por la incomparecencia de
los mismos... para lo cual se señala el viernes día DIECISIETE (17)
DEL ACTUAL MES a las 11,00 horas de su mañana, debiendo oírse
cada parte de presentar al Sr. Friedli y Fisher. Notifíquese este
provido a las partes para su conocimiento y efectos. Y se acordará.

Lo mandó y rubricó SSA, doy fé.-

R/..

DILIGENCIA.- Se cumple, doy fé.-

ES COPIA
SECRETARIO



Guillermo Leal Aragóncillo
PROCURADOR DE LOS TRIBUNALES
Vigen de Gracia, 1. 2.ª A
Tel. 77 86 98 - Fax 88 09 19

28600 - MARBELLA

39

BUPETE
VICENTE ORTIZ ALVAREZ

AVDA. RICARDO SORIANO, 29
EDIF. AZAHARA, ESCALERA DCHA. 1.º-1
TELF. 860555
FAX: 860555
29600 MARBELLA

Sr. D. Marc Stucki
Fax nº: 07-41 31 22 95 38

- 1. PB 2K (El hat puch Fax ant.)
- 2. Don. Friedli i. S. Gerber

Marbella, a 5 de Marzo de 1992

Rfa.: Sr. Friedli-vehiculos.

Estimado Colaga:


Como continuacion a mi fax de fecha 2 de Marzo actual, y en relacion con el asunto de referencia, me es grato informarte:

El procedimiento se ha puesto nuevamente en marcha. Quedo pendiente recibir declaracion a Guidice y practicar diligencia de "careo" entre nuestro cliente y el denunciado Kelvin John Fisher. estas declaraciones se practicaran a finales de este mes, aunque todavia no se el dia exacto. Tambien se ha admitido la prueba testifical, propuesta por mi, del vice-consul Italiano en Malaga, que se llevara a efecto asimismo.

Te envio copia del fax y carta de la Cia. Lloyd Adriatico, que con esta fecha envio al cliente. El seguro de los coches fue una exigencia del actual depositario de los vehiculos, ya que el seguro que su empresa tiene es pequeño.

El Sr. Friedli, en la Navidad pasada, estuvo hablando con la Lloyd, para que dieran un presupuesto, que es el que yo le envio.

Atentamente,

P.O. 

P.V. v.v.

Vicente Ortiz Alvarez

7

5

(40)

ADVOKATURBUREAU
DR. PETER BRATSCHI DR. URS EMCH
DR. RUDOLF VON GRAFFENRIED
UND PARTNER

DR. PETER BRATSCHI
DR. URS EMCH
DR. RUDOLF VON GRAFFENRIED

AUGUST HOEGGER
DR. CHRISTIAN SCHMID (M.C.L.)
DR. MARKUS HÖNIG
FRANZ SZOLANSKY

MARK INEICHEN
URS GASCHÉ
DR. JÖRGEN BRÖNNIMANN
RETO GASSER
MARC STUCKI

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TELEFON 01 211 18 84
TELEX 814068 PBRA
TELEFAX 01 211 16 69

FAX MESSAGE

Date Berne, March 20, 1992
To Mr. Vicente Ortiz Alvarez
From Mr. Marc Stucki
Total No. of pages. -5-

To Fax No.: 0034 52 86 05 55

Message: Mr. Friedli/Ferrari cars

Dear Colleague,

We hope that you had a good return journey back to Marbella. As you certainly already have learnt by your partner, Abogado Antonio Mena Quiros, the confrontation of last Tuesday, March 17, 1992 in the inferior court (Juzgado no 2) of Marbella between our client and Mr. Fisher was obviously as short as pointless. Nevertheless Mr. Friedli has taken again the opportunity to show the magistrate as well as our counterparty that he will not stop to fight for his rights.

At the end of the court hearing Antonio Mena said that the magistrate of Marbella would possibly refuse to recognize the jurisdiction of the court of Marbella. Obviously the judge has the opinion that the meeting at the Vice-Consolato d'Italia in Malaga on July 19, 1991, where the famous "magic trick" with the empty envelope happend has such an importance that the competent court would be the one of Malaga instead of his own in Marbella.

From our point of view - which is, of course, influenced by the Swiss penal procedure system - the events in Malaga are absolutely minor and peripheral and on no account a suitable basis to move the jurisdiction to Malaga.

Please find enclosed a detailed statement, written by Mr. Friedli, which describes the negotiation of the "Ferrari deal" in the house of Mr. Giudice in Marbella. As your secretary, Miss Gil, speaks and reads very good the German language we did not translate this report in English.

In view of the fact that

- a) the negotiations between Mr. Friedli and Mr. Giudice have taken place in Marbella,
 - b) the sale contract on the 4 Ferraris has been closed in Marbella,
 - c) the cars have been sent to a Marbellan Garage
- and
- d) the court of Marbella started with a penal procedure ("forum praeventionis")

we think that it must be possible to convince the "Juzgado no. 2" of Marbella to go on himself with this case.

We would be very grateful, dear Colleague, if you could transmit to us a report on the "status quo" of the procedure and the further steps as soon as possible. Especially we are interested in the following items:

- a) How long will it take until the investigation judge will close the primary evidence process?
- b) Is the "Juzgado no. 2" competent to return the penal verdict or will the case be taken to another court?
- c) Please describe a "best case" and a "worst case scenario".

With regard to the "objective value" of the 4 cars you are already in possession of the following documents:

- Estimation by "Graber Automobile AG" of December 11, 1991.
- Declaration of "Somatra" (transport insurance company) of November 14, 1991.
- New offers of other insurance companies.

In addition to these evidences we will forward to you as soon as possible a confirmation of the Swiss tax authorities that Mr. Friedli had declared the value of his 4 Ferraris on over SFr. 2 Mio.

The main target of these proofs will be to convince the court that our client never would have sold his cars for US\$ 350'000.-- because not just the expert and the insurance companies but he himself, too, have declared the car's value on a much higher amount of money.

We hope to have your reply at your convenience and we thank you for your assistance in this matter.

Yours sincerely,



Marc Stucki, Esq.

encl. ment.

cc. client



3601 Thun, Marktgasse 17
Telefon 033 25 66 66, Telefax 033 25 66 80

Herrn und Frau
B. und M. Friedli-von Mühlönen
Ackerfluhweg 7
3627 Heimberg

Thun, 5.5.1992 hz/bg

Steuerveranlagung 1991/92 / 363.37.333.111

Sehr geehrte Herr und Frau Friedli

Wir bestätigen Ihnen, dass Sie folgende Vermögenswerte in Ihrer Steuererklärung 1991/92 - Stichtag 1.1.1991 - deklariert haben:

- Ferrari Spider Serie 1 Jg 1957, grau met., Nr. 0/99 GT	ca. sFr. 1'155'000.-
- Ferrari Spider Serie 2 Jg 1960, rot, Nr. 1893	ca. sFr. 505'000.-
- Ferrari 365 GT 2+2 Jg 1970, blau, Nr. 13811	ca. sFr. 205'000.-
- Ferrari 250 GT E 2+2 JG 1961, schwarz, Nr. 2925	ca. sFr. 135'000.-
	<u>ca. sFr. 2'000'000.-</u> =====

Wir hoffen, Ihnen mit diesen Angaben zu dienen und grüssen Sie freundlich

VERANLAGUNGSBEHÖRDE OBERLAND

Der Vorsteher:

H. Zürcher

APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Etat... Suisse

Cet acte officiel

2. est signé par M. Fuchs

3. en sa qualité de chef

4. est muni du sceau/timbre de le Canton
Cant. des Impôts

Certifié exact

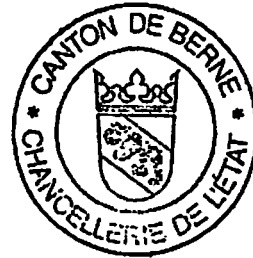
6. à Berne le 16 mai 1992

7. par Verena Ripoll

8. sous No. 1021

9. Sceau/timbre: 10. Signature

V. Ripoll



Emolument TT. A. -

ADVOKATURBUREAU
DR. PETER BRATSCHI DR. URS EMCH
DR. RUDOLF VON GRAFFENRIED
UND PARTNER

42

DR. PETER BRATSCHI
DR. URS EMCH
DR. RUDOLF VON GRAFFENRIED

AUGUST HOEGGER
DR. CHRISTIAN SCHMID (M.C.L.)
DR. MARKUS HÖNIG
FRANZ SZOLANSKY

MARK INEICHEN
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RETO GASSER
MARC STUCKI

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TELEFON 01 211 18 64
TELEX 814068 PBRA
TELEFAX 01 211 16 69

FAX MESSAGE

Date. May 6, 1992
To Mr. Rafael S. Cortabarría
From Mr. Marc Stucki
Total No. of pages 4

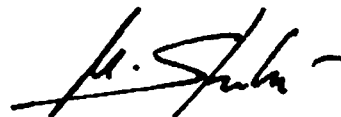
To Fax No.: 0034 4 443 19 98

Message: Friedli/Ferrari cars

Dear Colleague,

Please find enclosed a duly signed and legalized confirmation of the tax authorities of Thun on the value of the 4 Ferrari cars as declared by Mr. Friedli in his tax declaration. A Spanish translation of this confirmation by a official translation office of Berne is enclosed as well. With this forth piece of evidence beside the evaluation by the Swiss Ferrari garage, the new insurance offers and the transport insurance by SOMATRA we can show to the court that the "real value" of the cars is around SFr. 2 mio. (and of course not US\$ 350'000.--). In order to hand out these documents to the court of Marbella as soon as possible, the originals have been sent today by courier to Mr. Torradabella's law office.

Sincerely yours,



Marc Stucki, Esq.

encl. ment.

cc. Mr. Torradabella

01
C.O. 01
43

JAIME TORRABADELLA PARE
ABOGADO

MARQUES DEL DUERO Nº 66
EDIF. BANCO DE AMBALICIA, 37
TELEF.: 78 00 18 - 78 00 60
TELEX: 70880 JATO
TELEFAX: 78 63 08
SAN PEDRO ALCANTARA
MARBELLA

T B L E F A X

N. REF. 1

DESTINATAIRE : Monsieur BRATSCHI

FAX :

EXPEDITEUR : Maître Jaime TORRABADELLA PARE

DATE : 22 Avril 1992

NOMBRE TOTAL DE PAGES (y compris celle-ci) : 1

CONCERNE : FRIEDLI / FERRARIS

Mon Cher Confrère,

J'ai l'impression très nette que le Juge d'Instruction finira par dicter une Ordonnance de NON LIEU en faveur des italiens dans cette affaire.

En tout état de cause, il y a bien entendu une controverse civile dans laquelle notre position est très claire, à mon avis.

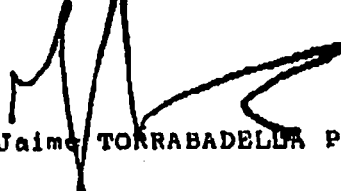
Cependant, il faut préparer une requête devant le Juge Civil et en même temps, nous devons demander que ce Juge Civil maintienne les mesures de saisie en ce qui concerne le dépôt des voitures.

J'ai l'intention de demander à Monsieur Rafaël CORTABARRIA de s'occuper de cette procédure, si vous n'en voyez pas d'inconvénient. J'en est déjà parlé avec notre ami Monsieur FABREGAT.

J'ai rencontré à plusieurs reprises Monsieur FRIEDLI lors de son dernier séjour à Marbella et je pense qu'il vous tiendra au courant de la teneur de nos entretiens.

Une question que j'aimerais élucider est celle qui concerne la remise des 80.000.000 de pesétas qui a eu lieu à l'UNION DES BANQUES SUISSES à Genève. C'est le seul point dont je n'ai pas le moindre détail, sauf ceux très vagues facilités par Monsieur FRIEDLI lui-même au sujet d'éventuels témoignages des employés de la Banque.

Rien à vous.


Jaime TORRABADELLA PARE.

ADVOKATURBUREAU
DR. PETER BRATSCHI DR. URS EMCH
DR. RUDOLF VON GRAFFENRIED
UND PARTNER

44

DR. PETER BRATSCHI
DR. URS EMCH
DR. RUDOLF VON GRAFFENRIED

AUGUST HOEGGER
DR. CHRISTIAN SCHMID (M.C.L.)
DR. MARKUS HÖNIG
FRANZ SZOLANSKY

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TELEFAX 01 211 16 69

FAX MESSAGE

Date 23. April 1992
To Herrn B. Friedli
From Herrn Dr. Peter Bratschi
Total No. of pages 9

To Fax No.: 033 23 38 55

Message: Sehr geehrter Herr Friedli

In der Beilage sende ich Ihnen Kopie der gestern eingegangenen Fax-Schreiben von Herrn Fabregat und Herrn Torrabadella. Offensichtlich hat Ramirez in der Tat den besseren Draht zu den Gerichten in Marbella, so dass die Strafklage betreffend Ferraris im Sande zu verlaufen droht. Gewiss hat Herr Torrabadella recht, indem er darauf hinweist, dass bei Einführung der Zivilklage verhindert werden muss, dass in der Zwischenzeit die Ferraris freigegeben werden. Da Herr Ortiz sich bis anhin mit der Geschichte um die Autos befasst hat, bin ich der Ansicht, dass eher er als der ortsabwesende Herr Cortabarría die Ferrari-Geschichte weiterverfolgen sollte. Sie haben Herrn Ortiz ja kennengelernt und soweit einen guten Eindruck erhalten, das gleiche gilt auch seitens von Herrn Stucki. Ich habe diesen Gedanken auch mit Herrn Fabregat besprochen, und er schliesst sich dem an. Ohne Ihren Gegenbericht würde ich deshalb morgen den Herren Torrabadella und Ortiz entsprechende Mitteilung machen.

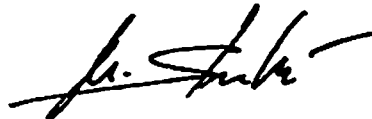
Zum Fax-Schreiben von Herrn Fabregat, welches mehr einen "progress-report" darstellt, gibt es nicht viel zu ergänzen. Einzig bezüglich der gegen uns eingeleiteten Strafuntersuchung werden wir von Andreu Oliva wohl bereits in den nächsten Tagen vernehmen, wie der Hase läuft bzw. wie wir uns darauf einzustellen haben. Seinem am vergangenen Samstag geäußerten Wunsch entsprechend, haben wir jedenfalls bereits eine neue Originalfassung der Strafklage erstellt (in Spanien müssen offensichtlich alle Dokumente im Original eingereicht werden) sowie entsprechende Bestätigungen der vom Untersuchungsrichter in Thun veranlassten Check-Konfiskation veranlasst.

Bezüglich Khashogi habe ich ihn bewusst nicht darauf angesprochen, wir wollen nun sehen, ob und gegebenenfalls was von S. Buez überhaupt eintrifft.

Nachdem Sie ja bereits verschiedentlich mit Herrn Cortabarría direkt Kontakt hatten, habe ich nichts dagegen, wenn Sie ihn direkt auf den Ausgang der Planungssitzung ansprechen.

Im übrigen bestätige ich unseren Termin vom 27. April 1992, 16.30 Uhr.

Mit freundlichen Grüßen



Dr. Peter Bratschi
i.V. Marc Stucki, Fürsprecher

Beilage erwähnt

ADVOKATURBUREAU
DR. PETER BRATSCHI DR. URS EMCH
DR. RUDOLF VON GRAFFENRIED
UND PARTNER

45

DR. PETER BRATSCHI
DR. URS EMCH
DR. RUDOLF VON GRAFFENRIED

AUGUST HOEGGER
DR. CHRISTIAN SCHMID (M.C.L.)
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TELEX 814088 PBRA
TELEFAX 01 211 16 69

FAX MESSAGE

Date May 6, 1992
To Mr. Rafael S. Cortabarría
From Dr. Peter Bratschi
Total No. of pages 2

To Fax No.: 0034 4 443 19 98

Message: Friedli: Ferraris

Dear Colleague,

As you know the Ferrari case was so far handled by Vicente Ortiz Alvarez in Marbella whom we retained upon advice from Mr. Torrabadella. Mr. Ortiz has filed a criminal complaint against Motor Auto Marbella and its manager Mr. Fisher.

Before the case was given to Mr. Ortiz, it was Mr. Torrabadella himself who handled it and obtained that the cars were deposited at the Mercedes garage in Marbella upon instruction of the court.

Mr. Torrabadella is now telling me that the penal judge in Marbella (again under Ramirez' influence) will probably not persue the criminal case because he considers it to be of civil law nature only. On top of that, we (and he himself) only now are being told by Mr. Ortiz, that he represented Mr. Cultrera (the boss of the Italians) in other cases. Although he is no more on good terms with him, Mr. Ortiz still is linked in one matter with Cultrera himself.

Under these circumstances, we wish to terminate our mandate with Mr. Ortiz. I have so informed Mr. Torrabadella and left it with him to find the right time and way to do it. Of crucial importance obviously is that the deposit of the cars will not be relieved.

Since it appears that everybody in Marbella is somehow linked with one another and Ramirez and the Italians apparently have their hands in everything, I would appreciate if you could also take over the case with the Ferraris, in particular because it turns to become a civil matter. Mr. Torrabadella would be available and pleased to help you and follow up "behind the scene". He also would very much welcome if you could take over that case as well.

I am looking forward to hearing from you.

Sincerely yours and
best regards,



Dr. Peter Bratschi

cc. Mr. Friedli
Mr. Fabregat
Mr. Torrabadella

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FABREGAT WHITE O'FARRELLAttorneys at Law
formerly Fabregat & BernojoMadrid Office:
PASEO DE LA CASTELLANA, 8
28046 MADRID-SPAINTel: (01) 578 18 85°
Fax: (01) 578 23 32
Telex: 23802 FALW E
Cable: FASELAW**VIA TELEFACSIMILE**
(07-41-31) 229538

Madrid, May 11, 1992

DR. PETER BRATSCHI
Bollwerk 15
Postfach 8370
3001 Bern
SWITZERLANDc.c. Mr. Bernhard Friedli
Fax No.: (07-41-33) 233855Re: Mr. Friedli's Ferraris

Dear Peter,

I read your fax to Rafael Saenz de Cortabarría concerning the above matter and, in that connection, I take the liberty of making the following comments.

Even though I have the greatest confidence in Rafael and I also realize that his handling of the case in lieu of Mr. Ortiz may entail simpler mechanics, I still believe that Rafael has the following drawbacks:

- (1) His permanent presence in Bilbao has made it possible for Ramirez to have more and freer access to the day-to-day activity in Court, always to the detriment of our client's position in it.
- (2) Although Rafael has friendly access to the Judge he does not seem to be equally welcome by the Secretary and Clerks of the Court, who certainly favour Ramirez's manouvering when it comes to delaying or prejudicing - as often as possible - the course of events in that Court.
- (3) I happen to believe that none of the above would be possible if Mr. Friedli were, in the case of the Ferraris, represented by a local lawyer both honest and equally influential.

.../...

FABREGAT WHITE O'FARRELL
Attorneys at Law

DR. PETER BRATSCHI
Madrid, May 11, 1992

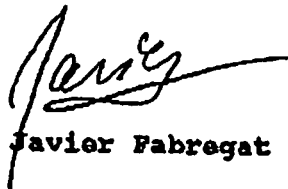
Page 2

- (4) To the extent that a good and respected Málaga lawyer will be always just as "local", effective and familiar with a Marbella Court as Ramírez can be in Marbella, and considering that we have already had two disappointing experiences with Marbella lawyers (Torrabadella and Ortiz), I believe that a local and highly respected lawyer such as Andrés Oliva will not be taken for a ride by Ramírez in the Ferraris' case as he is constantly trying to do - often successfully - with Rafael in the property case in view of Rafael's limited influence outside the Judge's office, where most parts of the proceedings take place.
- (5) This appears to be even more correct when considering that Andrés, through the Málaga case, already works with Rafael, since Rafael needs the substance of and evidence submitted by the "italians" in the Málaga proceedings to better offset the "italian's" allegations in the Marbella property case.
- (6) I may have to agree that the professional fees applicable to the Ferraris' case may be slightly higher if handled by Andrés than by Rafael, at least to the extent that Rafael is already familiar with the case. I do not think however that such a minor economic difference may be of great relevance when considering the difference we anticipate in the handling and outcome of the case, depending on who represents the client. This is even less significant when remembering that the case must be resolved in favour of our client and, therefore, the legal fees will always be borne by the losing party.

I trust all above deserves your consideration when finally appointing one lawyer or the other to the Ferraris' case.

With kind regards.

Yours sincerely,


F. Javier Fabregat

*** SENDEBERICHT ***

AUSDRUCKZEIT 12 MAI '92 08:22 SC:BRATSCHI EMCH CH +41-31-22-95-38

DATUM	START	MODUS	PARTNER	SEITE(N)	DAUER	ERGEBNIS
12 MAI	8:20	G3/S	033 23 38 55	3	1'57"	OK

FEHLER SEITE

KEIN FEHLER

JAIMÉ TORRABADILLA PARRÉ
ABOGADO

MINISTERIO DE JUSTICIA
C/ DE ALFONSO X
TEL. 70018 - 70019
70020 JATO
TEL. 70021
SAN VICENTE
MADRID

E. Ad. Ken

N. ref. 92/1291 - 11/ao

TELEFAX

POUR: MINISTRE DES AFFAIRES

DE : M. JAIMÉ TORRABADILLA

LE 3 Novembre 1992

AFFAIRE: FERRARIS

M. J.

Le Juge d'Instruction chargé de cette affaire a changé
entièrement d'opinion.

Il a rendu une ordonnance (notifiée le 30 Octobre) aux
termes de laquelle il décide de poursuivre la procédure
pénale par la voie dite de PROCEDIMIENTO ABREVIADO.

J'ai tout de suite demandé à ORTIZ de faire le nécessaire
car le Juge nous accorde seulement cinq jours pour déposer
des conclusions de défense. *I'ha a, el q'ha unent plura*
Ortiz ne sollicite la remotion des voitures à un autre
garage (raison de payer 80.000 pesetas par mois au lieu de
170.000).

Malgré que M. ORTIZ avait demandé à être substitué par
cause d'incapacité, je suggère de le garder, étant
donné le tournure des événements jusqu'à ce qu'il décide de
se désister. Pour gagner du temps

Bien à vous,

Jaimé Torrabadilla Parré

47

03/11 '92 11:18

FAX 95 2765398

J.TORRABADELLA --- FRIEDLI

001

JAIME TORRABADELLA PARÉ
ABOGADO

MARQUES DEL DUERO Nº 66
EDIF. BANCO DE ANDALUCIA, 3º
TELEFONO: 78 00 16 - 78 00 60
TELEX: 78603 JATO
TELEFAX: 78 03 98
SAN PEDRO ALCANTARA
MARBELLA

E. Hd. Hans Friedli.

N.ref: 92/1291 - JT/ac

TELEFAX

POUR: MESSIEUR HANS FRIEDLI

DE : MAITRE JAIME TORRABADELLA

FECHA: Le 3 Novembre 1.992

AFFAIRE: FERRARIS

TEXTE:

Le Juge d'Instruction chargé de cette affaire a changé entièrement d'opinion.

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J'ai tout de suite demandé a ORTIZ de faire le nécessaire car le Juge nous accorde seulement cinq jours pour déposer nos conclusions de récusation. J'ai aussi demandé au Juge de solliciter la remise des voitures à un autre garage (raison de payer 60.000 pesetas par mois au lieu de 170.000).

Malgré que M. ORTIZ avait demandé à être substitué par cause d'incompatibilité, je suggère de le garder, étant donné la tournure des événements jusqu'à ce qu'il décide de se désister. Pour gagner du temps

Bien à vous,

JAIME TORRABADELLA

48

SAENZ CORTABARRIA

ABOGADOS

REG. NUM. 11 11 11
48008 BILBAOTRANSMISION POR FAX
FACSIMILE TRANSMISSIONNUMERO TOTAL DE PAGINAS INCLUIDA ESTA CUBIERTA
TOTAL NUMBER OF PAGES 1 INCLUDING THIS COVER PAGEDE NO RECIBIR ESTE FAX, LLAMAR AL (94) 421.19.00
IF YOU DO NOT RECEIVE THIS FAX, PLEASE CALL OUR OFFICEDESTINATARIO:
TRANSMITTING TO: BRATSCHI BMCH & PARTNERA LA ATENCION DE:
ATTENTION OF: Mr. MARC STUCKIREMITENTE:
FROM: RAFAEL SAENZ CORTABARRIAN/REF.
OUR/REF. RSC/AHS/REF.
YOUR/REF.ASUNTO:
MATTER: MR. FRIEDLIMENSAJE:
MESSAGE:

Dear Colleague:

Further to your fax and subsequent telephone conversation you have held with my son this afternoon, I write to let you know that we have been in contact with Mr. Leal who, as you know, is the "Procurador" in Marbella.

He has confirmed us that the Judge has decided to continue the procedure by means of a "procedimiento abreviado".

It would appear that the Court has only notified the aforesaid resolution to the Prosecutor (District Attorney). 6

The Prosecutor has a deadline period of 5 days to file in a written "accusation" (escrito de acusación). However, Mr. Leal says that a month may easily elapse before the "escrito" is handed in by the Prosecutor.

Then, we shall have to be notified to file our "escrito de acusación".

I hope that the above answers your queries but should you need any further information please do not hesitate to contact us again.

Best regards,


49

ADVOKATURBUREAU
BRATSCHI EMCH & PARTNER

DR. PETER BRATSCHI
DR. URS EMCH
AUGUST HOEGGER
DR. CHRISTIAN SCHMID M.C.L.
DR. MARKUS HÜNIG
FRANZ SZOLANSKY
URS GASCHE
DR. CHRISTOPH BORN

MARK INEICHEN
DR. JÜRGEN BRÖNNIMANN
MARC STUCKI
DIETER HAAS
HERMANN BECHTOLD
ALAIN ROHRBACH

3001 BERN
BOLLWERK 15
POSTFACH 6376
TELEFON 031 21 01 33
TELEFAX 031 22 95 38

8023 ZÜRICH
BAHNHOFSTRASSE 106
POSTFACH 7689
TELEFON 01 211 16 64
TELEFAX 01 211 16 69

FAX MITTEILUNG

Datum November 3, 1992
An Messrs. Cortabarría
Marc Stucki, Fürsprecher
Von _____
Total Seiten - 1 -

TO FAX NO: 0034 4 443 1998

Mitteilung: Mr. Friedli / Ferrari cars

Dear colleagues

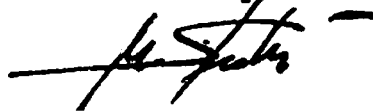
Half an hour ago, Mr. Torrabadella called again Mr. Friedli. As what he mentioned may be quite important, we would like to inform you as follows:

1. Torrabadella said that not (just) the procurador but also Mr. Vicente Ortiz had been notified by the judge !
2. Our reply has to be handed in at the court until Thursday, November 5, 1992 at the latest.
3. Mr. Friedli suggested to Mr. Torrabadella to get in touch either with you or with us. Mr. Torrabadella said that this would be "difficult" for him.
4. Mr. Torrabadella pretended that still Mr. Vicente Ortiz is considered as Mr. Friedli's lawyer by the judge, at least with regard to the 4 Ferrari cars.

At our end and quite far away from you, we have to leave it up to you and your professional diligence to represent Mr. Friedli's interests and still we count on you to succeed in getting back the cars. In view of the fact that the "procedimiento abreviado" may be of some advantage for our purposes, we think that we have to take this chance to come to a positive end of this case.

We thank you very much for all your assistance.

Sincerely Yours



ADVOKATURBUREAU
BRATSCHI EMCH & PARTNER

DR. PETER BRATSCHI
DR. URS EMCH
AUGUST HOEGGER
DR. CHRISTIAN SCHMID M.C.L.
DR. MARKUS HÖNIG
FRANZ SZOLANSKY
URS GASCHE
DR. CHRISTOPH BORN

FAX MITTEILUNG

MARK INEICHEN
DR. JÜRGEN BRÖNNIMANN
MARC STUCKI
DIETER HAAS
HERMANN BECHTOLD
ALAIN ROHRBACH

Datum November 3, 1992
An Messrs. Cortabarría
Von Mr. Marc Stucki
Total Seiten 2

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TELEFAX 031 22 95 38

To Fax No: 0034 4 443 1998

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BAHNHOFSTRASSE 106
POSTFACH 7689
TELEFON 01 211 16 84
TELEFAX 01 211 16 89

Mitteilung: Mr. Friedli/Ferrari cars

Dear Colleagues,

Reference is made to the telephone conversation we had a quarter of an hour ago. I would like to repeat what happened in order to give you an impression of the situation in Marbella. This morning our client, Mr. Friedli, received a telefax message from Mr. Jaime Torrabadella. Mr. Torrabadella says that the investigative judge of Marbella had made a decision (which is said to have been notified on October 30, 1992) to follow up the procedure with regard to the cars by means of a "procedimiento abreviado".

Mr. Torrabadella has already asked our colleague Vicente Ortiz to do the necessary because the judge gave just 5 days for handing in a written "acusacion".

At our end it is not clear why Mr. Torrabadella pretends that this ordinance would have already been notified and we do not agree that Mr. Torrabadella got directly in touch with our client without informing neither you nor us.

BRATSCHI EMCH & PARTNER

2

We will not do anything in this matter before we have talked together again on the telephone.

Thank you very much for your assistance.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'M. Stucki', written over a horizontal line.

Marc Stucki

cc. client

51

ADVOKATURBUREAU
BRATSCHI EMCH & PARTNER

DR. PETER BRATSCHI
DR. URS EMCH
AUGUST HOEGGER
DR. CHRISTIAN SCHMID M.C.L.
DR. MARKUS HÖNIG
FRANZ SZOLANSKY
URS GASCHE
DR. CHRISTOPH BORN

FAX MITTEILUNG

MARK INEICHEN
DR. JÖRGEN BRÖNNIMANN
MARC STUCKI
DIETER HAAS
HERMANN BECHTOLD
ALAIN ROHRBACH

Datum November 3, 1992
An Messrs. Cortabarría
Von Mr. Marc Stucki
Total Seiten 2

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TELEFAX 031 22 95 38

To Fax No: 0034 4 443 1998

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POSTFACH 7689
TELEFON 01 211 16 64
TELEFAX 01 211 16 69

Mitteilung: Mr. Friedli/Ferrari cars

Dear Colleagues,

In addition to our fax of this afternoon we would like to draw your attention to the following items:

- Mr. Torrabadella called Mr. Friedli half an hour ago and told him that the case was urgent because of the short delay of 5 days.
- Mr. Torrabadella said that the investigative judge's ordinance has been officially notified (without saying to whom), so that the deadline has already begun to run.
- Neither do we want any confusion arising by following up this procedure nor, of course, do we want any deadline to be missed. As Mr. Torrabadella insisted on an answer by this evening we would appreciate to receive your comments and suggestions by telephone in the course of this afternoon.

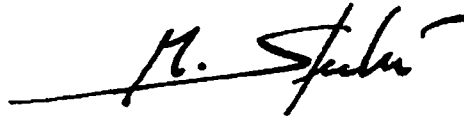
BRATSCHI EMCH & PARTNER

2

- As the costs of depositing the 4 cars with the garage in San Pedro de Alcantara seem very high, Mr. Torrabadella has looked for - and found - another garage to store the cars. In view of the costs and inconveniences of moving the cars, we suggest leaving the cars where they are now. A charge can be discussed after we know more about the further proceedings.

Thank you very much for your assistance.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'M. Stucki', with a long horizontal stroke extending to the left.

Marc Stucki

cc. client

ADVOKATURBUREAU
BRATSCHI EMCH & PARTNER

52

DR. PETER BRATSCHI
DR. URS EMCH
AUGUST HOEGGER
DR. CHRISTIAN SCHMID M.C.L.
DR. MARKUS HÖNIG
FRANZ SZOLANSKY
URS GASCHE
DR. CHRISTOPH BORN

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MARC STUCKI
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POSTFACH 7889
TELEFON 01 211 16 64
TELEFAX 01 211 16 69

FAX MITTEILUNG

Datum November 4, 1992
An Messrs. Cortabarría
Marc Stucki
Von _____
Total Seiten - 1 -

TO FAX NO: 0034 4 443 1998

Mitteilung: Mr. Friedli / Ferrari cars

Dear colleagues

Thank you very much for your telefax message we recieved yesterday evening.

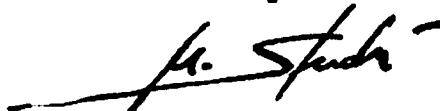
This afternoon we had the occasion to have a short talk with Javier Fabregat and we could inform him on the new aspects of the Ferrari-case. As our client an we are, he is very surprised that Jaime Torrabadella is obviously trying to make a kind of a "come-back" by getting in touch with our client.

Regardless of this, we count on your assistance with regard to the "escrito de accusation", when our procurador will be notified by the Court of Marbella.

In order to prevent this procedure from being confused, we would suggest that you give a short telephone call to Jaime Torrabadella and ask him, why he is still in a way representing our client's interests.

We wish you a pleasant evening.

Sincerely Yours



Marc Stucki

CC: Client

Vorn 28.1.93 ? → S.2

AL JUZGADO DE INSTRUCCION NUMERO DOS DE MARBELLA

GUILLERMO LREAL ARAGONCILLO, Procurador de los Tribunales en nombre y representación de **DON HANS B. FRIEDLI VON MUELENEN**, como tiene acreditado en el PROCEDIMIENTO PENAL ABREVIADO nº 154/92-C, seguido contra Don Kelvin Jonn Fisner, ante el Juzgado comparezco y como mejor proceda en Derecho, D I G O:

Que habiéndose dado traslado de las actuaciones originales para proceder a calificar o presentar escrito de acusación, si se estima oportuno, mediante el presente escrito, esta parte no formulará acusación en atención al criterio sustentado por el Ministerio Fiscal y no haberse podido traer a las personas que resultan directamente implicados en los hechos delictivos inicialmente denunciados por encontrarse fuera de España.

No obstante, solicitamos, tal como pude el Ministerio Fiscal, se haga expresa reserva a esta parte de las acciones civiles pertinentes y se mantenga el depósito de los vehículos, con todas las garantías legales, por el plazo de TRES MESES, contados a partir de la firmeza del auto que pueda recaer, dentro del cual esta parte ejercitará la acción civil pertinente para la recuperación de dichos vehículos y petición de los daños y perjuicios causados.

En su virtud,

SUPLICO AL JUZGADO que teniendo por presentado este escrito, juntamente con sus copias, se sirva tener por evacuado el traslado conferido y acordar de conformidad con lo pedido anteriormente, pues es así de hacer en justicia que pido en Marbella a veintiocho de Enero de mil novecientos noventa y tres.

OTROSI DIGO: Que para el supuesto de que no se accediera al mantenimiento de las medidas cautelares solicitadas, se tenga por anunciado oportuno Recurso de Apelación,

dentro del término hábil al efecto conferido contra la Resolución que en su momento se dicte, por lo que,

SUPLICO AL JUZGADO que teniendo por causada la precedente manifestación, se sirva admitirla a los efectos oportunos, pues es así de hacer en justicia que reitero en el lugar y fecha indicados.

Aut. 84-3-93

-SR: LEAL-

JDO. INSTRUCCION nº 2 de MARBELLA.- (PA. núm. 154/92-C)

Contra: Kelvin John Fisher,

Acusación Particular: Hans B. Friedli Von Muhlenen.

OR6169901



A U T O. / En la ciudad de Marbella veinte de marzo de mil novecientos noventa y tres.-

Dada cuenta; Por devueltas las presentes actuaciones por la Acusación Particular, con su anterior escrito, que se unirá a las mismas. Se tiene por evacuado, por dicha representación, el trámite que le fué conferido, con las alegaciones contenidas en dicho escrito. Y

ANTECEDENTES DE HECHO:

UNICO.-Que el presente procedimiento abreviado fué remitido al Ministerio Fiscal en virtud de lo dispuesto en el art. 790 y siguientes de la L.E.Criminal, devolviendolo con el siguiente informe: "EL FISCAL interesa el SOBRESUMIMIENTO provisional del artículo 641,1º de la Ley de Enjuiciamiento Criminal, con EXPRESA RESERVA DE LAS ACCIONES CIVILES. Debiéndose DEJAR SIN EFECTO las medidas cautelares adoptadas (depósito o intervención de los vehículos), reintegrándose de inmediato a quién los venia poseyendo cuando la misma se produjo, donde quedarán intervenidos y depositados a disposición del Juzgado durante el plazo de TRES MESES, término en que deberá entablarse la correspondiente ACCION CIVIL. (Artículo 635, párrafo 4º de la Ley de Enjuiciamiento Criminal)."

Por la representación de la Acusación Particular, en la evacuación de dicho trámite, se mostraba totalmente de acuerdo a la petición del Fiscal.

FUNDAMENTOS DE DERECHO:

UNICO.- Al no aparecer en las actuaciones practicadas, elementos suficientes para justificar debidamente la perpetración del delito denunciado y que ha dado motivo a la formación de las presentes, petición del Fiscal, al cual ha mostrado su total conformidad la representación de la Acusación Particular, en el trámite que le fué conferido, se está en el caso de decretar el sobresumimiento provisional del artículo 641-1º de la Ley de Enjuiciamiento Criminal, con reserva de las acciones civiles, y con las demás medidas solicitadas y que se expresarán en la parte dispositiva de ésta resolución.

PARTE DISPOSITIVA:

SSª, D I J O: Que debia decretar como decreto el SOBRESUMIMIENTO provisional, del artículo 641,1º de la Ley de Enjuiciamiento Criminal, de la presente causa. Dejándose sin efecto las medidas cautelares adoptadas, anteriormente, y reintegrándose de inmediato la posesión de los vehículos a que se refiere éste procedimiento al denunciado, donde quedarán intervenidos y depositados, en tal persona, con las formalidades legales, a disposición del Juzgado durante el plazo de TRES MES término en que deberá entablarse la correspondiente acción civil por la representación del denunciante. (Artículo 635, párrafo 4º de la Ley de Enjuiciamiento Criminal).

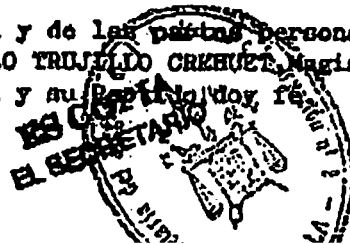
Hágase expresa reserva de las acciones civiles a las partes y el plazo señale do a la representación del acusador privado.

El oficio a expedir se entregará a la representación del Sr. Fisher para que haga llevar a su destino, y poder llevar a efecto lo ordenado, siendo de su costa el traslado de los vehículos al lugar habilitado; debiendo expedir la Comisari el correspondiente acta a tales fines.

Póngase en conocimiento del Ministerio Fiscal y de las partes personadas.

Lo mandó y firma el Ilmo. Sr. D. JOSE-GONZALO TRIUNFERO GARRIGUES, Magistrado-Juez del Juzgado de Instrucción nº 2 de Marbella y su Representador, fernan

E/.-



U A G E N T E

-Página de Oficio- 108

55



ADMINISTRACION DE JUSTICIA

0 D 3834055

JUZGADO DE INSTRUCCION número DOS de MARBELLA

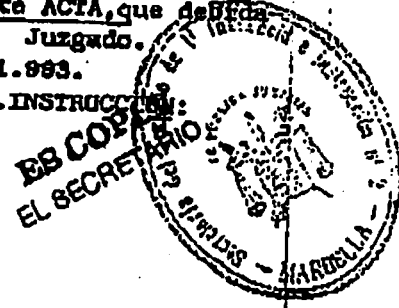
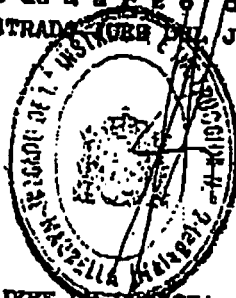
En el PA nº 154/92-C, que instruyo, he acordado /
 librar a V.S. el presente a fin de que los vehículos
 FERRARI-230-GT. Espider, serie I, modelo 1957 con cha-
 sis número 0799GT.
 FERRARI-250-GT, Espider, serie II, año 1960, con chasis
 número 1893.
 FERRARI-250-GTE. Coupe, serie II, año 1961 y con cha-
 sis núm. 2925. y
 FERRARI-365-GT., Coupe, del año 1970 y con chasis -/
 número 19811, que se encuentran actualmente deposi-
 tados, por orden de este Juzgado, en el establecimien-
 to denominado "HNOS. MORENO CANOVAS, C.B.", sito en /
 la Carretera N-340, en San Pedro de Alcántara; sean
 TRASLADADOS, a la mayor brevedad posible, a otro -/
 lugar de similares características, que indicará el
 portador del presente, dónde quedarán intervenidos y
 depositados, en la persona del denunciado Sr. Kelvin
 John Fisher, a disposición del JUZGADO por plazo de
 TRES MESES, conforme a lo acordado.

A dicho depositario se le hará las advertencias
 legales; corriendo a su cargo y su representación -
 todos los gastos que se originen.

Se levantará la correspondiente ACTA, que debida-
 mente firmada, se remitirá a este Juzgado.

Marbella, 20 de marzo de 1993.

EL MAGISTRADO DEL JUZGADO DE INSTRUCCION



SR. COMISARIO JEFE DE POLICIA. - MARBELLA.

Papel sin firma DNE 4 5

56

ADVOKATURBUREAU
BRATSCHI EMCH & PARTNER

DR. PETER BRATSCHI
DR. URS EMCH
AUGUST HOEGGER
DR. CHRISTIAN SCHMID M.C.L.
DR. MARKUS HÖNIG
FRANZ SZOLANSKY
URS GASCHÉ
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8023 ZÜRICH
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TELEFON 01 211 16 64
TELEFAX 01 211 16 69

Telefax Message

Date: 23 March 1993
To: R.S. Cortabarría
F. J. Fabregat
From: Marc Stucki
Total Pages: 2
Fax no.: 0034 4 443 19 98 (CO)
0034 1 576 23 32 (FA)

URGENT !!!

Message

Dear Colleagues

This evening our client received a telephone call from Mr. Francisco Moreno, the owner of the garage where the 4 Ferraris are deposited.

Mr. Moreno informed our client that today he received an official order established by the investigation judge of Marbella stating that the Ferraris are to be handed out to Mr. Kelvin Fisher at once !!!

Since our client had informed already a week ago Mr. Cortabarría that the situation with regard to the 4 Ferraris must have changed dramatically, Mr. Friedli - as well as we - keep asking ourselves what is going on down there. Contrary to Mr. Cortabarría, Mr. Friedli considers the situation as to be taken very seriously !

As our responsible lawyers we kindly and urgently ask you to clarify immediately the situation and - with first priority - to avoid that the cars will be taken away from the garage in San Pedro de Alcantara. It's useless to mention what it would mean if the cars would be transferred in the possession of Mr. Fisher and, like that, in the hands of the "Italians" again.

Please do not hesitate to contact me at my domicile from 20.00 to 23.00 under:

07 41 31 46 07 13

Sincerely yours,


Marc Stucki

CC: Client (per Telefax 033 23 38 55)

ADVOKATURBUREAU
BRATSCHI EMCH & PARTNER

57

DR. PETER BRATSCHI
DR. URS EMCH
AUGUST HOEGGER
DR. CHRISTIAN SCHMID M.C.L.
DR. MARKUS HÜNIG
FRANZ SZOLANSKY
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DR. CHRISTOPH BORN

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8023 ZÜRICH
BAHNHOFSTRASSE 106
POSTFACH 7689
TELEFON 01 211 16 64
TELEFAX 01 211 16 69

Telefax Message

Date: 24. March 1993
To: R.S. Cortabarría
F. J. Fabregat
From: Marc Stucki
Total Pages: 2
Fax no.: 0034 4 443 19 98 (CO)
0034 1 576 23 32 (FA)

U R G E N T !!!

Ferrari Cars

Dear Colleagues

Further to our telefax message of yesterday evening we regret to inform you that the explanations given by Mr. R. S. Cortabarría did not at all satisfy our client.

Neither our client nor we can understand why there would be no reason to worry about the transfer of the cars to Mr. Fisher, who is, as you know, nothing else but the opposite party in the penal procedure.

Of course, the honesty of J. Torrabadella is in considerable doubt. Nonetheless he always informed our client prematurely on new "tendencies" with regard to the Ferraris and, as we have learnt, his predictions came true. If the reason for the order to hand out the cars to Fisher really is that the investigation judge was angry because he did not get any information or apply from your end, the disappointment of our client would be legitimate !

In view of the critical situation we ask you now

1. to undertake immediately everything in order to avoid the transfer of the cars;
2. to inform us as soon as possible by telefax (by the end of this week at the latest) on what is going on and to explain thoroughly the legal situation.

● Please remember that already on November 3, 1992 we asked Mr. R. S. Cortabarría not to miss any deadline in this matter !

Sincerely yours,

A handwritten signature in black ink, appearing to read 'M. Stucki', written over a horizontal line.

Marc Stucki

● CC: Client (per Telefax 033 23 38 55)

25/03/93

14:06

SAENZ CORTABARRIA, ABOGADOS

P.01 CC CI

25.3.93

58

**SAENZ CORTABARRIA
ABOGADOS**

ELCANO, NUM. 28 - 1.º B
48008 BILBAO

**TRANSMISION POR FAX
FACSIMILE TRANSMISSION**

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TOTAL NUMBER OF PAGES INCLUDING THIS COVER PAGE

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IF YOU DO NOT RECEIVE THIS FAX, PLEASE CALL OUR OFFICE

DESTINATARIO: DR. PETER BRATSCHI
TRANSMITTING TO:

A LA ATENCION DE:
ATTENTION OF:

REMITENTE: RAFAEL SAENZ CORTABARRIA
FROM:

N/REF. RSCF/AH/
OUR REF.

S/REF.
YOUR REF.

ASUNTO: FRIEDLI
MATTER:

MENSAJE:
MESSAGE:

Mi querido amigo:

He recibido el fax de ayer y el que me has enviado en el día de hoy. No he podido contestarte antes porque ayer a la noche tuve que desplazarme a San Sebastián, regresando en estos momentos y a la vista de los referidos fax, además de las conversaciones telefónicas que tuve ayer tarde con el Sr. Friedli, creo que es conveniente aclarar los hechos, en la medida y dimensión que son conocidos por mí, al tiempo que deje perfectamente clarificadas nuestras posturas.

Los hechos, en un orden cronológico y sucintamente expuestos, relacionados con el tema DE LOS VEHICULOS son los siguientes:

Con carácter previo: Me ratifico íntegramente en el contenido del fax enviado con fecha 1 de Febrero de 1.993.

Sentado lo que precede y para que se aprecie que no existe contradicción alguna en lo que en su día dije y lo que ahora sigo expresando, signífico:

1.- En el mes de Noviembre me piden que me haga cargo del tema de los vehículos.

Este procedimiento lo llevaba el Sr. Ortiz y yo le pedí la Venia para poder intervenir. El Sr. Ortiz me concedió la Venia indicándome que no había cobrado su Minuta, me envió la misma y yo os la hice llegar a través de oportuno fax.

*Haromar
Ortiz?*

Marbella
↓
FISCAL
↓
Malaga

4 Meses
depat.

2.- En el momento que me hago cargo, las actuaciones no se hallaban en Marbella porque el Fiscal las había llevado a Málaga para estudiar el Sumario.

3.- En Diciembre, de forma ^{dia Tatu} extraoficial, nos enteramos que el Fiscal solicitaba el ~~sobreseimiento~~ ^{de} las diligencias por entender que los hechos no constituían delito. Sin embargo, como oficialmente no se le había notificado a nuestro Procurador el contenido de tal escrito, desconocíamos exactamente lo que decía el Fiscal si bien, también se tenía noticia de que le pedía al Juez que se mantuviera el depósito de los vehículos. También ^{anfractuosita} extraoficialmente se nos dijo que parecía ser que el Juez iba a decidir conceder un plazo de cuatro meses manteniendo el depósito para darnos tiempo a deducir el oportuno procedimiento civil en reclamación de la propiedad de los vehículos.

4.- Sin embargo, todas estas noticias extraoficiales no podían ser confirmadas ni desmentidas porque el Juez no podía tomar ninguna decisión hasta que se produjera lo que a seguido señalo:

- El Juzgado tenía que darnos traslado a nosotros, notificándonos todo lo actuado, y pedirnos si nos hallábamos conformes o no con la petición de sobreseimiento solicitada por el Fiscal.

- ^{Einstellung des Verfahrens.} Se nos dió traslado de las actuaciones y con fecha 28 de Enero de 1.993, es decir, de forma inmediata, se presentó oportuno escrito en el que indicábamos que nos hallábamos conformes con lo solicitado por el Ministerio Fiscal, se hiciera expresa reserva a esta parte de las acciones civiles pertinentes y se mantenga el depósito de los vehículos.

5.- Ante esta situación, el Juez mediante oportuno Auto tiene que resolver si procede el sobreseimiento y archivo de las actuaciones y tiene que resolver sobre el depósito de los vehículos. ^{Autlöschung}

Luego me voy a referir expresamente a este tema.

6.- En este momento en el que estoy escribiendo este fax, todavía no me ~~ha llamado~~ ^{Procurador} el Sr. Leal Aragoncillo para indicarme si le han notificado o no la correspondiente Resolución Judicial en el sentido antes indicado.

Ante las noticias que ayer me dió el Sr. Friedli, yo llamé al Sr. Leal Aragoncillo, le puse en conocimiento de lo expresado por la Inspección de Policía de Estepona y le reiteré que el Juez había tenido que dictar una Resolución sobre el tema y que hiciera el favor de pasar por el Juzgado para darse por notificado y que así pudiera indicarme en qué términos se había producido dicha Resolución Judicial.

Por consiguiente, quiero que quede muy claro que en este momento nadie me ha notificado a mí en qué términos se ha producido la Resolución Judicial.

7.- Reitero que todavía no se ha producido la Resolución Judicial correspondiente y que es la que tiene que poner fin al procedimiento penal como respuesta a nuestro escrito de fecha 28 de Enero pasado (la copia de dicho escrito tiene que obrar en tu expediente pero, en todo caso, remito nueva copia del mismo para que así podamos hallarnos con pleno conocimiento para opinar respecto de este asunto).

Aufhebung
Beschluss
Erkenntnis

CO war
noch nicht
notifiziert!

r.6

8.- De conformidad con lo prevenido en el Artículo 111 y concordantes de la Ley de Enjuiciamiento Criminal resulta que "mientras estuviere pendiente la acción penal, no se ejercitará la civil".

Lo que significa que hallándose un proceso penal abierto no puede promoverse ningún procedimiento civil sobre la base de los hechos a los que se refiere el procedimiento penal.

Y esta es la situación en la que nos encontramos o me encuentro en este momento PORQUE NADIE NOS HA NOTIFICADO QUE SE HAYA CONCLUIDO EL PROCEDIMIENTO PENAL, por lo que no puede presentarse demanda civil sobre los vehículos.

9.- Ahora, en este punto, conviene recordar parte de lo que he indicado. He dicho, he venido diciendo y así lo he transmitido, que extraoficialmente parecía que el Juez iba a decidir MANTENER EL DEPOSITO DE LOS VEHICULOS EN LA SITUACION EN QUE SE HALLABAN EN EL PROCEDIMIENTO PENAL.

Evidentemente, el Juez puede adoptar una postura que no hallándose muy ajustada a derecho puede lograr de alguna manera evitar un daño. Yo he pensado siempre, por las impresiones que se me habían transmitido, que la posición del Juez, después de haber conocido al Sr. Friedli a través de sus declaraciones en el Juzgado, podía ser propicia a la que indico. Es decir, podía ser propicia a una actuación justa aunque no fuera completamente acorde con las normas prescritas en la Ley.

A estos efectos me remito al contenido del escrito que acompaño.

Pero lo cierto es que el Juez ordenó el depósito de los vehículos por virtud de la denuncia, y se incautó de los mismos de manos del Sr. Fisher.

El Artículo 635 de la Ley de Enjuiciamiento Criminal establece que se presume "dueño al que estuviere poseyendo la cosa al tiempo de incautarse de ella el Juez de Instrucción" y consiguientemente, siguiendo al pie de la letra el citado Artículo, el Juez al dictar el Auto de Sobreseimiento tiene que devolver los vehículos a la persona en cuyo poder se encontraron cuando se iniciaron las diligencias penales.

Ahora bien, también establece el citado Artículo que las piezas de convicción (los vehículos) CONTINUARAN RETENIDAS "SI UN TERCERO LAS SOLICITASE". Ese tercero para la Ley somos nosotros y así hemos solicitado que se retengan.

Señala también el citado Artículo que el Juez o Tribunal "SI ACCEDIERE A LA RETENCION" concederá un plazo para preparar la acción civil, es decir, para preparar la demanda.

Como puede apreciarse es facultativo del Juez el ordenar la retención y es facultativo del Juez, por tanto, conceder un plazo.

Debe de darse cuenta nuestro cliente que el haber obtenido que el Juez acceda a la retención y que conceda un plazo es porque aunque los hechos no constituyan delito, sin embargo, si aprecia razones suficientes para poder pensar que los vehículos (por la presunción legal anteriormente citada parecerían ser de propiedad del Fisher) son propiedad del Sr. Friedli o al menos el Sr. Friedli tiene fundados derechos sobre los mismos.

→ Abe wiso
ohne rathl.
Gehör fern
aufgeben?

reclamar

Escrito

Desl. en
F. 111

Zurück

Freie Wahl

De todo lo anterior se deduce que conforme a la Ley, si el Juez quiere obrar según la misma establece, concluido el procedimiento penal, tiene que entregar los vehículos al que los tenía en el momento de iniciarse dicho procedimiento.

Por tanto, podrá dolernos, podrá incomodarnos, podrá de alguna manera perturbarnos o preocuparnos pero, si somos conscientes, el Juez ha hecho, si es que las cosas son como me informó el Sr. Moreno ayer telefónicamente, lo único que legalmente podía hacer.

Consiguientemente, la situación actual puede resumirse, en el peor de los casos de la manera siguiente:

1º.- Que se ordena LA DEVOLUCION DE LOS VEHICULOS. *Richterattung*

2º.- Que se ORDENA LA RETENCION DE LOS VEHICULOS, por lo que el Juez y la Policía adoptarán las medidas oportunas para que aquella SEA EFICAZ. *Bachlegung*

El hecho de ordenarse la retención quiere decir QUE NADIE PUEDE DISPONER DE LOS VEHICULOS SINO TENERLOS EN DEPOSITO a disposición de aquél.

3º.- Que se nos conceda UN PLAZO (nosotros pediríamos TRES MESES) PARA PROMOVER LA DEMANDA CIVIL. *frist*

Y esta es la situación que se nos ha planteado a la que creo debe de hacerse frente con la mayor serenidad, aunque no sea de nuestro agrado. Evidentemente, mejor hubiera sido lo que parecía pensaba el Juez hacer, aunque como digo, supongo se lo ha pensado dos veces y sabiendo que no era adecuado a la Ley y quienes tiene enfrente, ha optado por el cumplimiento literal de la norma.

Repito que estoy haciendo un ejercicio de imaginación, dando por sabido cuanto ayer tarde me dijo el Sr. Moreno y dando todo ello por cierto.

Doy pues por contestado a los fax recibidos en cuanto a explicar la situación de los vehículos, EN CUANTO A LO QUE EN EL PRIMER PARRAFO DE ESTE ESCRITO, LLAMO ACLARAR LOS HECHOS.

Ahora me corresponde plantear mi postura, que es la siguiente:

a).- Creía que había DEMOSTRADO hasta los límites que humanamente pueden ser exigibles cómo he llevado a cabo la defensa de los intereses del Sr. Friedli.

b).- Los fax y la conversación telefónica mantenida en la tarde de ayer con el Sr. Friedli, me dan la impresión que he perdido su confianza.

c).- Consiguientemente les agradeceré que designen otro Abogado para la defensa de todos los intereses del Sr. Friedli, es decir, procedimientos judiciales y relaciones extrajudiciales. *ein Ihre Anwalt, wenn Sie...*

d).- También les agradeceré que lo más pronto posible designen ADMINISTRADOR UNICO de la Sociedad "BELLANTONI PUERTO, S.L." a fin de que pueda entregar toda la documentación de la misma.

e).- Naturalmente, en este inter-regnum, sigo asumiendo la responsabilidad de la defensa de todos los intereses que se me han encomendado.

Worst
CASE

Hecho es not.
Proc. recate.


Verojouye

f).- También quiero significar que todas las "DEMORAS" producidas en los procedimientos judiciales, aunque personal y profesionalmente soy ajeno a todo ello y mucho menos sería responsable, sin embargo, asumo como mía cuanto a nuestro Procurador le haya sucedido.


Solamente me resta hacerles una pequeña reflexión: Estoy seguro que si los Sres. Ramirez y Cia. supieran el contenido de esta carta, esta noche brindaban con champagne. !

Finalmente un favor: Les agradeceré que no me comparen con nadie, porque yo respeto todas las opiniones pero me resisto a las comparaciones aunque se trate de Compañeros de un gran prestigio que en todo se hallan por encima de mí.

Con mi mayor sinceridad, atentamente,



P.S. Estando corrigiendo esta carta me llega el fax del Procurador. Puede verse que es de las 19.05. Ratifica en todo las suposiciones de mi carta. Lo adjunto para su conocimiento. Observen que se HA NOTIFICADO HOY 23.03.93. Vale.



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ADVOKATURBUREAU
BRATSCHI EMCH & PARTNER

DR. PETER BRATSCHI
DR. URS EMCH
AUGUST HOEGGER
DR. CHRISTIAN SCHMID M.C.L.
DR. MARKUS HÜNIG
FRANZ SZOLANSKY
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TELEFAX 031 22 95 38

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POSTFACH 7689
TELEFON 01 211 16 64
TELEFAX 01 211 16 69

Telefax Message

Date: 25. March 1993
To: R.S. Cortabarría
From: Marc Stucki
Total Pages: 1
Fax no.: 0034 4 443 19 98

URGENT !!!

Ferrari Cars

Dear Colleague

Thank you very much for your telefax message we received now completely (this morning, you have send the fax by mistake to the Swiss Life Insurance Company, whose telefax number is very close to ours).

Your survey of the "history" of the "Ferrari-Procedure" since November 1992 is very clear and we appreciate your "aclaraciones".

We now can understand that, according to the rules of the "Ley de Enjuiciamiento Criminal" the investigation judge had no alternative than to hand out the cars to the person in which possession they were before the penal complaint.

Nevertheless we can hardly understand that the "Fiscal" did not consider the behaviour of Kelvin Fisher and the "Italians" simply as an obvious crime. ✓

In view of the acutal situation which approaches more and more to the "worst case", we kindly ask you to understand Mr. Friedli's nervosity as well as ours. Neither Mr. Friedli's telephone calls nor our telefax messages were ment or suitable to call our confidence in you into question. Since Jaime Torrabadella frequently called our client and gave him "latest news directly from the court" it is quite understandable that Mr. Friedli was - and still is - worrying about his cars.

As there is still a lot of work to do Mr. Friedli will, as you have already been informed by him, be in Marbella next week. We would consider it as preferable and necessary if you could go to Andalucia as well, in order to discuss on the spot the pending matters with our client. As Dr. Bratschi stays in India for this and next week, when also the undersigned will be out of office, we regret not to be able to accompany Mr. Friedli down to Marbella.

As usual, Mr. Friedli will directly get in touch with you in order to discuss where and when you and him will meet.

Last but not least we would like to draw your attention to the following:

Mr. Friedli heard that Kelvin Fisher was accused for having built in false engines in oltimer cars and afterwars having sold them as original cars.

Do you think there is a possibility to obtain a "guarantee" from the judge to prevent such manipulations ? Or is it possible that for that reason we can demand the judge not to hand out the cars to Fisher or, if he does so, only in a seperate, locked and sealed room ?

Thank you very much for your assistance and comprehension.

Sincerely yours,



Marc Stucki

CC: - Client (per Telefax 033 23 38 55)
- F. J. Fabregat (per Telefax 0034 1 576 23 32)

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ADVOKATURBUREAU
BRATSCHI EMCH & PARTNER

DR. PETER BRATSCHI
DR. URS EMCH
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Herrn
Dr. Reto Thomas Ruoss
Rechtsanwalt
Reichenbach, Tuchschild & Partner
Talacker 50
8001 Zürich

Bern, 5. Mai 1993 MS/cd

Dr. Andreas Gerber/Bernhard Friedli

Sehr geehrter Herr Kollege

Wir nehmen Bezug auf unser Schreiben vom 5. April 1993 und erlauben uns nun, nach der Rückkehr unseres Klienten aus Marbella, Sie über den Stand der Dinge zu orientieren.

1. Am 20. März 1993 hat der zuständige Untersuchungsrichter von Marbella verfügt, dass die Ansprüche der Streitparteien künftig auf dem Zivilweg abzuklären seien. Unsere spanischen Korrespondenzanwälte werden die entsprechende Zivilklage innert der angesetzten dreimonatigen Frist ausarbeiten und einreichen.
2. Sowohl der im gemeinschaftlichen Eigentum stehende Ferrari wie auch die drei sich im Alleineigentum unseres Klienten befindlichen Wagen können aufgrund der richterlich verfügten Einstellung des Strafverfahrens nicht am unsererseits bezeichneten Ort gerichtlich deponiert bleiben. Die einschlägige strafprozessuale Bestimmung ("Ley de Enjuiciamiento Criminal, Art. 641 Abs. 1") zwingt den Richter, zu verfügen, dass die Wagen dorthin zu bringen sind, wo sie sich vor der Einleitung des Strafverfahrens befanden; dort bleiben sie in der Folge gerichtlich deponiert, bis über die Zivilansprüche entschieden sein wird.
3. Dieser Transfer ist mittlerweile erfolgt. Unser "Procurator" (ein nach spanischem Recht erforderlicher Vermittler zwischen Anwalt und Gericht) hat die Wagen besichtigt.
4. Aufgrund der jüngsten Presseberichte in den regionalen und auch nationalen spanischen Zeitungen scheint nun Licht und Bewegung in die (nicht nur in bezug auf unseren Fall) verworrene Situation in Marbella zu kommen:

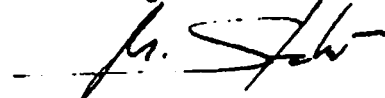
Verschiedene Exponenten aus Kreisen des "organized crime" sind vorletzte Woche verhaftet worden. So zum Beispiel Juan Ramirez (ein ehemaliger Gerichtsdienner, Vater einer Untersuchungsrichterin von Marbella und eines Anwalts) und Ugo Gianino (welcher im Strafverfahren betr. den Ferraris als Zeuge vorgeladen war). Weitere Kriminelle sind z.T. flüchtig. Diese Personen waren mittelbar oder unmittelbar auch in den "Ferrari-Fall" involviert. Insbesondere Gianino muss im grossen Stil an Autoschiebereien beteiligt gewesen sein, befinden sich doch neben den 4 Ferraris noch weitere Wagen in Marbella sichergestellt.

5. Ueber die unmittelbar bevorstehenden weiteren Schritte und die entsprechenden Resultate werden wir Sie orientieren, sobald wir von unseren spanischen Korrespondenzanwälten entsprechend dokumentiert werden.

Abschliessend erlauben wir uns, Sie auf folgenden Umstand hinzuweisen: Im bisherigen Verlauf des Verfahrens haben wir, zusammen mit den Korrespondenzanwälten, bewusst darauf verzichtet, das gemeinschaftliche Eigentum an einem der vier Wagen zu erwähnen; dies, damit die Angelegenheit nicht kompliziert wird und im Bestreben, die Wagen so schnell als möglich zurückzuerhalten. Eine allfällige Intervention von Ihnen oder von durch Sie bezeichnete spanische Anwälte würde nach unserer Auffassung negative Auswirkungen auf die hängige Streitsache haben.

Für Ihre Kenntnisnahme danken wir Ihnen bestens. Falls Sie weitere Fragen haben oder Einsicht in die bei uns vorhandenen Dokumente nehmen möchten, stehen wir Ihnen gerne zur Verfügung.

Mit freundlichen und
kollegialen Grüssen



Marc Stucki, Fürsprecher

Im Doppel
cc. Klient

Reclinatorio 253/93

61

2V15788052
2V1577180



PROVIDENCIA MGDA - JUEZ. IUTMA SRA. TORRES DONAIRE

En Marbella a diecisiete de Mayo de mil novecientos noventa y tres.

Dada cuenta: por turnado en turno de reparto el anterior escrito junto con los documentos que se acompañan; se tiene por comparecido y parte al Procurador Sr. Leal Aragoncillo en nombre y representación de D. Hans Bernard Friedli Von Muhlenen segun se desprende de la copia autentica de escritura de poder debidamente bastantada y aceptados que se acompañan, la que una vez testimoniada en autos le es devuelta; fámese autos de diligencias preliminares de juicio; como se pide estimandose justa la causa en que se funda se accede a la pretension por estar comprendida en el numero 2º del artículo 497 de la Ley de Enjuiciamiento Civil en relacion con el articulo 499 parrafo segundo del mismo cuerpo legal, y a tal fin se decreta la exhibicion de los vehiculos marca Ferrari 250 GT, serie II del año 1960, chasis numero 1.893; Ferrari 250 GTE, Coupe 2-2 modelo 1.961, numero de chasis 2925; Ferrari 365 GT coupe, 2-2 de 1.970 numero de chasis 13811; y Ferrari 230 GT 3spider serie I, modelo 1.957 numero de chasis 0799 GT, los que obran en poder de la entidad Motorauto Marbella S.L. con domicilio en Marbella Avda Ricardo Soriano, Edificio Estela II; y en cuanto al deposito que al propio tiempo se pide, luego que por el solicitante se preste fianza en cuantia de 12.000.000 de pesetas en cualquiera de las formas admitidas en derecho, para responder de los perjuicios y costas que puedan ocasionarse se acordara.

Asi lo acuerda manda y firma S.Sa Iltma de lo que yo la Secretaria Judicial doy fe.

Diligencia.- Seguisemente teniendo a mi presencia al Fro. Sr. Leal Aragoncillo le notifique la anterior resolucio en legal forma y de quedar enterado y notificado firma conmigo de lo que doy fe.

- papel no unico - ENE A-4
- papel de cinta - UJE A-4
- papel de hilo - ENE A-4

62

JAIME TORRABADELLA PARÉ
ABÓGADO

MARQUES DEL DUERO Nº 88
EDIF. BANCO DE ANDALUCÍA, 3º
TELEF.: 78 00 16 - 78 00 60
TELEX: 78691 JATO
TELEFAX: 78 63 88
SAN PEDRO ALCANTARA
MARBELLA

547/93 JT/PR

T E L E F A X

A L'ATTENTION DE : Monsieur HANS B. FRIEDLI

DE : MAITRE JAIME TORRABADELLA

DATE : 9 JUIN 1993

PAGES : - 1 - (celle-ci incluse)

Cher Monsieur Friedli,

d'une banque esp. ?

Le Juge de Marbella vient d'ordonner la restitution des quatre voitures en notre faveur. Pour ce faire, il nous demande également de déposer un aval pour un montant de 12 Millions de pesetas. → 146/m st.

Compte-tenu de la situation et de l'urgence, je vous suggère de prendre les dispositions pour me faire parvenir le plus rapidement possible ce montant afin de nous permettre de retirer les voitures immédiatement, pour éviter les problèmes que vous pouvez imaginer.

Je vais vous faire parvenir l'ordonnance du Juge dans quelques heures.

Bien à vous,

p.p.

Jaime TORRABADELLA PARE

→ *Estadística v. Schmeitzbank*

"Nous avons connaissance de... en ce qui concerne la restitution en faveur du juge ou du procureur qui a chargé."

Nous espérons que vous, James, disposez d'exemple d'une telle procédure pour le moment. 14.6.93. 11. et

63

JAIME TORRABADILLA PARÉ
ABOGADO

MARQUES DEL DUERO N° 68
EDIF. BANCO DE ANDALUCIA, 3°
TELEF.: 78 00 16 - 78 00 60
TELEX: 78589 JATO
TELEFAX: 78 53 88
SAN PEDRO ALCANTARA
MARBELLA

549/93 JT/PR

T E L E F A X

A L'ATTENTION DE : MAITRE STUCKI

DE : MAITRE JAIME TORRABADILLA

DATE : 9 Juin 1993

PAGES : - 2 - (cette-ci incluse)

Cher confrère,

La décision du Juge porte sur la restitution des voitures à M. FRIEDLI mais sans toutefois lui reconnaître la propriété laquelle, comme vous le savez est contestée par nos "amis gangsters". En fait les voitures seront déposées dans un garage que nous indiquerons, mais nous devons fournir l'aval bancaire de DOUZE MILLIONS de Pesetas, pendant la discussion de la propriété de ces voitures devant le Juge Civil.

En principe, l'aval aurait dû être beaucoup plus élevé, étant donné la valeur que nous attribuons aux voitures, en général cet aval aurait dû être de TRENTE MILLIONS de pesetas, cependant, étant donné que les adversaires se contredisent, attribuant une fois une valeur de 35 MILLIONS aux véhicules, une autre de 90 MILLIONS, le Juge a estimé, grâce aussi aux arguments que nous avons développés, qu'une garantie de DOUZE MILLIONS de pesetas pourrait être suffisante.

Cet aval doit être établi par une banque espagnole, qui pourra être couverte par une banque suisse. Mais bien entendu, si un jour le Juge devait écarter cet aval, il le ferait contre la banque espagnole qui paiera étant donné qu'elle sera suffisamment couverte par cette banque suisse.

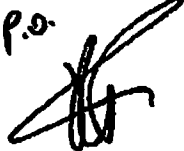
JAIMÉ TORRABADELLA PARÉ
ABOGADO

MARQUES DEL DUERO Nº 66
ENF. BANCO DE ANDALUCIA, 3º
TELEF.: 78 00 18 - 78 00 60
TELEX: 78669 JATO
TELEFAX: 78 63 98
SAN PEDRO ALCANTARA
MARBELLA

Logiquement nous devons profiter du bon moment dans lequel nous nous trouvons et prendre possession des voitures immédiatement. Je ne pense pas me tromper, si je vous dis qu'une fois que ces voitures seront en notre possession elles y seront définitivement. Mais nous devons nous défendre en déposant notre requête en revendiquant et demandant au juge de rendre une sentence définitive d'adjudication de propriété. Mais ce jugement doit être prononcé et est bien entendu susceptible d'Appel. Nous devons prendre toutes les précautions, car comme j'ai déjà eu l'occasion de le dire à Mr. FRIEDLI, Mr. RAMIREZ est dangereux même en prison.

Je reste à votre disposition pour tous renseignements complémentaires.

Bien à vous,

P.D.


Jaime TORRABADELLA PARÉ

cc: el

64

ADVOKATURBUREAU
BRATSCHI EMCH & PARTNER

DR. PETER BRATSCHI
DR. URS EMCH
DR. CHRISTIAN SCHMID M.C.L.
DR. MARKUS HÖNIG
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TELEFAX 01 211 16 69

FAX MESSAGE

Fax-No.: 031 22 41 16

No. of pages: 1

Herr Marthaler
Schweiz. Bankverein
Bärenplatz 8
3011 Bern

11. Juni 1993/PB/bs

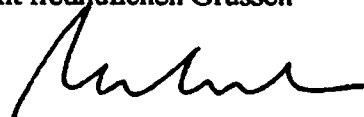
Sehr geehrter Herr Marthaler

Gemäss soeben geführtem Telefongespräch übermitteln wir Ihnen hiermit den Text-Entwurf der Bank-Garantie, welche Ihre Korrespondenz-Bank in Marbella ausstellen und an

Herrn Jaime Torrabadella Paré
Marques del Duero
Edif. Banco de Andalucia
E-29670 San Pedro Alcantara / Marbella

aushändigen sollte.

Mit freundlichen Grüssen



Dr. Peter Bratschi

Beilage erwähnt

65

JAIME TORRABADELLA PARÉ
ABOGADO

MARQUES DEL DUERO N° 68
EDIF. BANCO DE ANDALUCIA, 3º
TELEFS.: 78 00 16 - 78 00 60
TELEX: 79569 JATO
TELEFAX: 78 63 98
SAN PEDRO ALCANTARA
MARBELLA

PROYECTO DE AVAL

El BANCO avala y afianza al Sr.
D. HANS B. FRIEDLI, por la cantidad de PESETAS
(12.000.000) DOCE MILLONES como garantía exigi-
da por el JUZGADO DE PRIMERA INSTANCIA Nº 5 de
MARBELLA en las Diligencias Preliminares 253/93
para responder del depósito acordado en las mis-
mas, de los cuatro vehículos

- FERRARI 250 GT, serie II del año 1.960, chasis número 1.893
- FERRARI 250 GTE, Coupé 2-2, modelo 1.961, número de chasis 2.925
- FERRARI 365 GT, Coupé 2-2 de 1.970, número de de chasis 13.811
- FERRARI 230 GT Espider, serie I, modelo 1.957, número de chasis 0799 GT

y de los perjuicios y costas que como consecuen-
cia del mismo pudieran ocasionarse sobre lo acordado en Providencia de fecha 17.05.93 *
operación de afianzamiento es una de las que conforme a sus estatutos y objeto social puede llevar a cabo la Entidad garante y para la cual está autorizada por el Banco de España (ésta ó la fórmula habitual que emplee el Banco).

El presente aval se mantendrá con caracter indefinido hasta que nos sea devuelto el mismo para su cancelación.

* a los efectos oportunos se hace constar de esta

66 22 87

cc: cl (66)

ADVOKATURBUREAU
BRATSCHI EMCH & PARTNER

DR. PETER BRATSCHI
DR. URS EMCH
DR. CHRISTIAN SCHMID M.C.L.
DR. MARKUS HÖNIG
FRANZ SZOLANSKY
URS GASCHÉ
DR. CHRISTOPH BORN
DR. JÜRGEN BRONNIMANN

MARK INEICHEN
MARC STUCKI
DIETER HAAS
HERMANN BECHTOLD
ALAIN ROHRBACH

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BOLLWERK 15
POSTFACH 6376
TELEFON 031 21 01 33
TELEFAX 031 22 93 39

8023 ZÜRICH
BAHNHOFSTRASSE 106
POSTFACH 7689
TELEFON 01 211 16 64
TELEFAX 01 211 16 69

FAX MESSAGE

Fax-No.: 0034 52 78 53 98

No. of pages: 1

M. Jaime Torrabadella Paré
Marquez del Duero - Edif. Banco Andalucia
E-29670 San Pedro Alcantara, Marbella

le 11 juin 1993/PB/bs

Diska

Mon Cher Confrère,

Nous sommes en train de mettre sur pied la garantie bancaire telle que demandée par vous.

La banque de M. Friedli (SBS, Bern) vient de nous confirmer que la garantie sera émise par Banco de Bilbao y Viscaya, succursale de Marbella.

La contre-garantie de la SBS partira d'ici lundi le 14 juin, 1993. La banque à Marbella sera instruite de prendre contact avec vous pour pouvoir vous remettre la garantie.

Meilleures salutations,



Dr. Peter Bratschi

PS: Copie de notre fax à Javier Fabregat pour votre information.

ADVOKATURBUREAU
BRATSCHI EMCH & PARTNER

DR. PETER BRATSCHI
DR. URS EMCH
DR. CHRISTIAN SCHMID M.C.L.
DR. MARKUS HÜNIG
FRANZ SZOLANSKY
URS GASCHÉ
DR. CHRISTOPH BORN
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TELEFAX 031 22 98 38

8023 ZÜRICH
BAHNHOFSTRASSE 106
POSTFACH 7689
TELEFON 01 211 16 64
TELEFAX 01 211 16 69

Telefax Message

Date: 21 juillet 1993
To: Me Jaime Torrabadella
From: Marc Stucki
Total Pages: 2
Fax no.: 0034 52 78 53 98

Message

Chère Confrère

Les dernières nouvelles montrent qu'il y a des mouvements dans l'affaire "Ferrari", malheureusement ces mouvements concernent les voitures eux-mêmes! Nous nous demandons avec notre client, si maintenant le moment est venu pour informer "officiellement" tous les juges à Marbella de ce qui s'est passé avec les voitures (soustraction d'objets mis sous main de l'autorité, etc.). En vue du comportement des "Italiens" envers la justice il serait peut-être possible de demander des juges d'abandonner toutes les procédures contre M. Friedli car ces plaintes ont été élaborées par des criminels. Si la justice à Marbella (et à Madrid) ne cessera pas immédiatement de s'occuper de tels procédures, elle deviendra pas moins et pas plus qu'un complice de la Mafia.

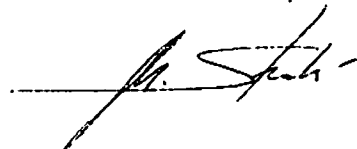
Selon votre demande, veuillez trouver ci-joint la lettre du Procureur du District de Zurich de 27 juin 1993, adressée à l'UBS de Zurich. Le Procureur Cosanday déclare que les Chèques ne sont plus bloquées et que la Banque (pas explicitement l'UBS!) est autorisée à payer le montant respectif à M. Friedli (comme victime). Il est clair que cette lettre est un peu dangereuse pour être utilisé envers le B.d.A.

Si vous avez besoin de quoi que ce soit pendant le séjour de notre client à Marbella, n'hésitez pas de nous contacter.

Nous vous prions d'agréer, Cher Confrère, nos salutations distinguées.

Marc Stucki, avocat

ann. ment.



68

JAIME TORRABADELLA PARÉ
ABOGADO

MARQUES DEL DUERO N° 88
EDIF. BANCO DE ANDALUCIA, 3º
TELEF.: 78 00 18 - 78 00 50
TELEX: 79569 JATO
TELEFAX: 78 03 88
SAN PEDRO ALCANTARA
MARBELLA

735/93 JT/PR

T E L E F A X

A L'ATTENTION DE : Monsieur HANS B. FRIEDLI

DE : Maître TORRABADELLA

PAGE : - 1 - (celle-ci incluse)

DATE : 30 Juillet 1993

TEXTE :

Comme j'ai eu l'occasion de vous le communiquer au téléphone ces derniers jours, les voitures furent transportées à Lisbonne où elles furent remises à un certain X. POYARSS au propre Hotel Ritz.

La police a interrogé le complice portugais de FISHER lequel a avoué que les voitures ont été transportées par des "camions plateforme" d'un garage à Motril (à 200 Kms de Marbella) afin de brouiller les pistes.

À la suite des très rapides démarches de la police de Marbella on a demandé au Bureau d'INTERPOL-Madrid d'intervenir auprès de leurs collègues portugais, ce qui a été fait hier. L'Ambassade espagnole à Lisbonne, à la suite également d'une démarche personnelle du Commissariat, est intervenue auprès du Ministère portugais de l'Intérieur.

Nous espérons avoir des nouvelles dans les prochaines 48 heures.

Bien à vous,

P.O.


Unhr
466J E

①

12.11.91 /ct

Venta de los Ferraris

Durante la discusión sobre la venta del terreno a Marbella he llegado a conocer al señor GG.

En los últimos discusiones he estado solo con GG en su casa.

El señor GM estaba obligado a ir a Ramires en cuestión del contrato de la venta del terreno y obligaciones bancarias.

GG y Yo nos hemos paseado en el jardín de GG hablando de coches.

GG me ha dicho que conduce un Mercedes en Italia y cuando ha comprado la casa a Marbella ha tomado también un Daimler-Jaguar.

Y además tiene un Maserati.

Así he hablado de mis Ferraris.

Yo he dicho a GG que tenía 6 Ferraris y que dos de estos ya están vendidos.

GG me ha dicho que tiene mucho interés en comprar los coches.

Yo le he presentado las fotos y GG se ha apasionado por estos coches.

He hablado de un precio de US \$ 2.1 Mio.

Después de unos discusiones nos hemos poniendo de acuerdo sobre un precio de US \$ 1.9 Mio; los gastos de transporte y el seguro a cargo de BF, los otros gastos como los derechos de aduana, el farrago, etc. a cargo de GG.

GG me ha dicho de hacer unos proformas por la aduana con precios más bajos por causa de economizar I.V.A..

GG ha fijado los precios de los proformas.

GG ha engargado GM de hacer una otra obligación bancaria más, como lo hizo por la venta del terreno.

Ellos me la han presentado junto con la obligación bancaria por el terreno.

Esto fue el 18 de julio 1991.

El 19 de julio 1991 ha sido depositado esta obligación junto con la obligación por el terreno.

En el Viceconsulado italiano a Malaga GG me ha dado la dirección de Marbell-Auto, K. Fisher.

Fisher sea engargado de recibir los coches y hacer el despacho aduanero.



Ablauf der Verhandlungen über den
Verkauf der vier Ferraris an Giudice.

Ich war im Hause, das mir als Liegenschaft von Giudice vorgestellt wurde in Marbella auch Mennino war anwesend. Wir assen zu mittag.

Nach dem Mittagessen verliess uns Mennino. (Mennino wurde als Anwalt von Giudice auch hier genannt.). Giudice erzählte mir, dass er einen Maserati "classico" hätte. Und dass er Interesse habe an ital. Fahrzeugen. Er zeigte mir eine Tabelle an der Wand, welche verschiedene Ferraris enthielt. Er fragte mich was ich für einen Wagen fahre, er hätte in Italien einen Mercedes. Ich sagte ihm, dass auch ich einen Mercedes fahre. Zurückkommend auf das Gespräch über den Maserati sagte ich ihm, dass ich vier Ferraris hätte. Ich zeigte ihm eine kleine Dokumentation über diese Fahrzeuge. Ich habe die immer bei mir, weil ich diese Fahrzeuge bei Gelegenheit verkaufen will. Ich hatte ursprünglich sechs, zwei davon habe ich bereits verkauft. Wir spazierten im Garten des Hauses von Giudice in Marbella und diskutierten weiter über die Ferraris. Wir setzten uns dann auf die Terrasse des Hauses von Giudice in Marbella. Giudice zeigte Interesse an den vier Ferraris. Wir diskutierten über mögliche Preise. Ich verlangte einen Preis von US \$ 2,2 Mio. Er offerierte 1,9 Mio US \$. Zudem bat mich Giudice den Transport nach Marbella zu organisieren und zu bezahlen. Die Kosten in Spanien gehe zu seinen Lasten. Wir sassen immer noch an einem langen Tisch im Hause von Giudice in Marbella. Er sass oben am Tisch ich zu seiner rechten. Dann kam eine Frau hinzu, welche er mir als seine Frau vorstellte. Giudice erzählte ihr, dass er soeben von mir vier Ferraris gekauft hätte. Wir machten erneut einen Spaziergang durch den Garten. Wir gingen dann ins Haus zurück. Da erschien erneut Mennino. Giudice erklärte Mennino, dass er die vier Ferraris von mir gekauft hätte, zu den oben aufgeführten Konditionen. Giudice erklärte mir dann er würde mir die Adresse angeben, wohin die Wagen nach Marbella zu liefern seien. Giudice sagte mir, dann auch welche Werte für die Zollpapiere einzusetzen seien. Mennino brachte dann auch die "Bankzahlungsverpflichtung". Sie lautete auf 1,9 Mio US \$. Sie wurde dann auf dem ital. Consulat in Malaga deponiert, zusammen mit einer anderen "Bankzahlungsverpflichtung". Sie wurden dort deponiert bis die beiden Geschäfte abgewickelt waren. Darauf habe ich die Wagen nach Marbella versandt. Es besteht also kein Zweifel, dass der Verkauf und die Lieferung in Marbella abgewickelt wurden. Ich habe die Wagen "franko" Marbella geliefert.

Telefax <i>H. P. RAFFSCHI & Co. Sueden</i>			
Ref. Nr.	Von		
<i>112244</i>	<i>2 F.</i>		
Datum	Seiten		
<i>29.8.91</i>	<i>2</i>		

2

 Verkauf Land Spanien III

- Nach der Sitzung in Genf soll Ramires Mennino informiert haben, dass die Fides (Herr Voellmin) beträchtliche Guthaben gegenüber mir habe, ca 3 Mio US \$. Ramires hat auch mich in die "Länge" genommen: Er gehe jetzt mit seinen Klienten nach Hause, ich könne dann das Reuegeld bezahlen. Darauf hat Giudice mir gesagt er müsse nun auch von mir eine Garantie haben. Zuerst 3 Mio US \$. Ich habe ihm gesagt, dass ich nicht einsehe wieso. Darauf kamen die 750'000 US \$.
- Schon vor der Unterzeichnung des off. Vertrages hat versuchte Ramires sen. und jun. mich zu verunsichern: Sie hätten im Grundbuch festgestellt, dass nur ein Teil der gesamten Parzelle korrekt registriert sei. Worauf Giudice ein Gegenangebot vollführte, ich versuche ihm etwas zu verkaufen was gar nicht existiere. Ich war absolut ruhig und sicher, dass alles i.O. sei. Ich habe die Papiere. Ramires will nun nocheinmal abklären. Nach ca. 2 Stunden kam der Bescheid von Mennino, dass alles i.O. sei.
- Am 13. August 1991 kam Mennino zu mir in die Wohnung und sagte, dass ein Prozess hängig sei vor dem Obersten Gericht Sevilla gegen die Gemeinde Marbella - San Pedro. Es sei möglich, dass das Land wertlos sei im Moment. Aber er Mennino hatte die Möglichkeit das aus der Welt zu schaffen. Er machte folgende Vorschläge:
 - Ich trete zurück vom Vertrag und bezahle nicht 3 Mio US \$ da ich bereits 750 000 US \$ bezahlt habe. 2 Mio wären dann zurückig.
 - Oder Mennino und ich würden uns in das Reuegeld teilen und würden das Land gemeinsam übernehmen. Dann hätte er die Möglichkeit in ca einem halben bis einem Jahr die Zone so abzuändern, dass wir in einem Jahr 1800 Mio Pstas erhalten würden statt heute 13 700 Mio Pstas.
 Ich teilte ihm mit, dass ich erfüllt habe und dass ich sicher nichts mehr bezahlen werde. Ev Vorschläge soll er mir schriftlich machen.
 Bei diesem Gespräch war meine Tochter Colette dabei.
- Gleichentags später kam Mennino wieder und spielte mir ein Tonband ab, das angeblich zwischen Giudice und Cultrera im Haus von Mennino stattgefunden habe. Die Tonqualität war miserabel. Giudice soll gesagt haben er möchte das Geschäft mir aufgeben. Er hätte kein Vertrauen, da ich ihn informiert hätte, dass selbstverständlich meine Frau und Kinder und der Anwalt über das Geschäft informiert seien.
 Ich soll bis Freitag bleiben. Ich verliess anderen Tags Marbella und holte das Couvert im Vice - Consulat in Malaga ab.

048KN*

Original 1 910829

Seite 2

- Nach dem Zeitungsartikel im "El Pais" ist offenbar bekannt, dass mit dem Land "etwas" passiert sei. Felice Cultrera, den ich nie gesehen habe, soll in Marbella mit dem "off. Vertrag" "hausieren". Er sagt er hätte eine Option auf das Land.

Gedanken: Sollte sich die Gruppe das Land sichern, mich mit einem, nach der eingegangenen Bewertung korrekten Vertrag, festnageln, haben aber das Geld nicht (mind. im Moment) um zu bezahlen. Ev. versuchen sie mich auch am Projekt zu beteiligen zwangsweise. Ich habe das bereits am Anfang klar abgelehnt. Solche Möglichkeiten hätte ich schon lange gehabt.

somatra



Transports Internationaux
Internationale Transporte
International Freight Forwarder

Somatra AG
Weyermannsstrasse 12
Postfach 7922
CH-3001 Bern

Telefon 031 25 53 93
Telex 912 140 somb ch
Telefax 031 25 78 73

Hauptsitz: Genf
Zweigniederlassung: Zürich-Flughafen

RECHNUNG 32292

HERRN
H. BERNHARD VON MUEHLENEN
SEKRETARIAT
POSTFACH 1469
3601 THUN

u/Ref: BE-E-07-200/pv/hs

Bern, 7.8.1991

x ... te & Diffusion, 3284 Fräschels Destination: Kelvin & Fisher, E- Marbella
+ Ferrari's 6000 kgs

SFr

Transportversicherung 0.45% von Sfr 2'926'000.-

Sfr 13'167.00

zu Ihren Lasten

Autoausweis-Kopien
& Uebefahrerapporte

zahlbar netto per sofort. Besten Dank

Schweiz. Bankgesellschaft - Geneve - Konto Nr. 451.113.20 R

CERTIFICATE OF INSURANCE FOR CAR ONLY

Conditions as per open policy No. 10484 (see front cover) covering all risks W.S. & C.C.
This is to certify, that we have insured the undermentioned car in the name of CETI on behalf of:

For the amount of:

Say:

For the transport, from:

To: _____

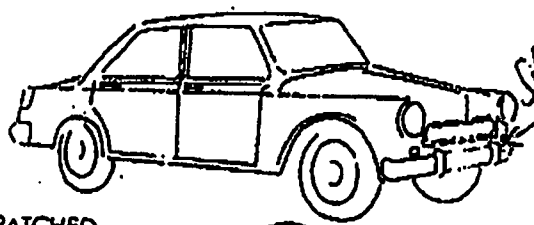
Date of issue:

Date and place of drop off:

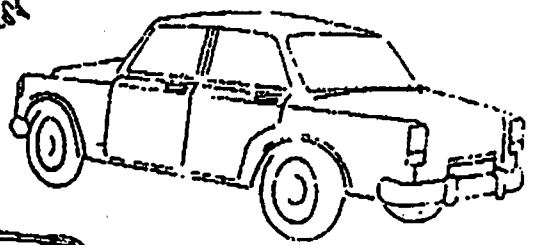
By: ship/airplane/truck/rail (delete terms not applicable)

Make: Ferrari Model: 250 Cabrio 2+2 Serie II Year: 1960
 Lic. plates No.: _____ Chassis No.: 1893 GT
 Color: red/black KM/Mileage: _____

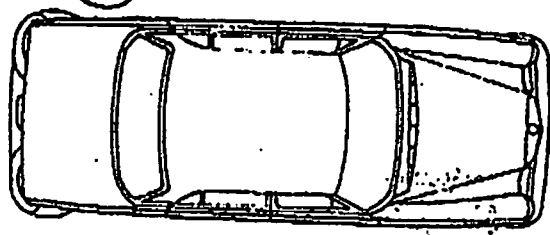
Preshipment damages and/or discrepancies were noted below:



*Steering wheel
Risks*



- SCRATCHED
- o DENTED
- (RUSTED
- } BENT
- Δ BROKEN
- LOOSE
- Δ MISSING



- Heavy dust/mud covered defects, if any, not visible.
- Hairline scratches.

tyre	Yes	No	Radio-antenna	Yes	No	Floor mats	Yes	No
Spare wheel and tire	Yes	No	Make	Yes	No	Windshield wipers	Yes	No
Lock and handle	Yes	No	Time clock	Yes	No	Cigarette lighter	Yes	No
Bolts	Yes	No	Mud-guards	Yes	No			
Hub caps	Yes	No						
Mirrors int. number: _____								

Mirrors ext. number: _____

IMPORTANT NOTICE: Are excluded of the coverage: Mechanical damages and/or mechanical discrepancies, scratches, discoloration, damages due to battery not having been disconnected, damages resulting from the lack of antifreeze protection. No responsibility is accepted for personal effects or loose spare parts left in the car.

Date: _____

Date: _____

Shipper's signature: _____

Signature of original agent: _____

SOMATRA AG
 Intern. Transporte
 Weyermannstr. 12
 Postfach 2171
 3001 BERN

CUSTOMERS ORIGINAL
 COPY FOR U.A.P. - BUTTLER GENEVA
 COPY FOR CETI GENEVA

DESTINATION AGENT'S COPY
 STORAGE EXTENSION REQUEST

CERTIFICATE OF INSURANCE FOR CAR ONLY

Conditions as per open policy No. 10484 (see front cover) covering all risks W.S. & C.C.
 This is to certify, that we have insured the undermentioned car in the name of CETI on behalf of:

For the amount of: _____

Say: _____

For the transport, from: _____ To: _____

Date of issue: _____ Date and place of drop off: _____

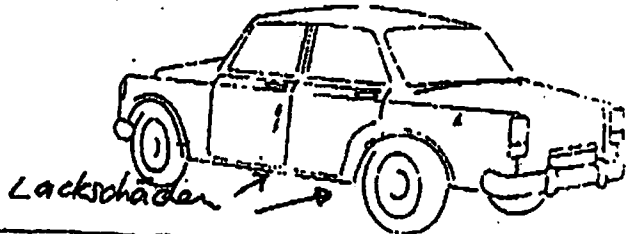
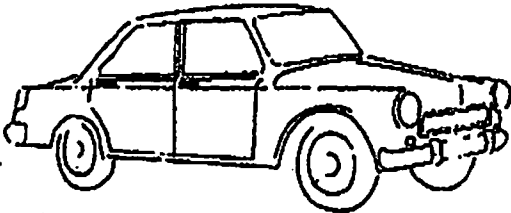
By: ship/airplane/truck/rail (delete terms not applicable)

Make: Ferrari Model: 250 Spider Serie 7 Year: 1958

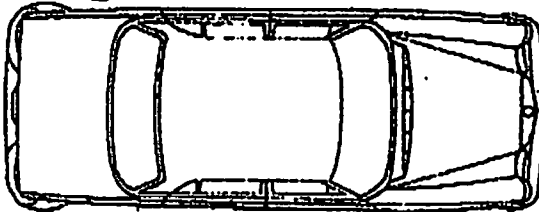
License plates No.: _____ Chassis No.: 0799 GT

Color: red silver KM/Mileage: _____

● Present damages and/or discrepancies were noted below:



- SCRATCHED
- O DENTED
- X RUSTED
- B BENT
- Δ BROKEN
- L LOOSE
- M MISSING



- Heavy dust/mud covered defects, if any, not visible.
- Hairline scratches.

INVENTORY:

Spare wheel and tire	Yes	No	Radio-antenna	Yes	No	Floor mats	Yes	No
Door handle	Yes	No	Make	Yes	No	Windshield wipers	Yes	No
Toolset	Yes	No	Time clock	Yes	No	Cigarette lighter	Yes	No
Hub caps	Yes	No	Mud-guards	Yes	No			

Mirrors int. number: _____ Mirrors ext. number: _____

IMPORTANT NOTICE: Are excluded of the coverage: Mechanical damages and/or mechanical discrepancies, scratches, discoloration, damages due to battery not having been disconnected, damages resulting from the lack of antifreeze protection. No responsibility is accepted for personal effects or loose spare parts left in the car.

Date: _____ Date: 26-7-58
 Shipper's signature: _____ Signature of original agent: _____

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 8001 BERN

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- 5 DESTINATION AGENT'S COPY
- 6 STORAGE EXTENSION REQUEST
- 7 CLAIM FORM
- 8 CLAIMS REPORTING

CERTIFICATE OF INSURANCE FOR CAR ONLY

Conditions as per open policy No. 10484 (see front cover) covering all risks W.S. & C.C.
 This is to certify, that we have insured the undermentioned car in the name of CETI on behalf of:

For the amount of: _____

Soy: _____

For the transport, from: _____ To: _____

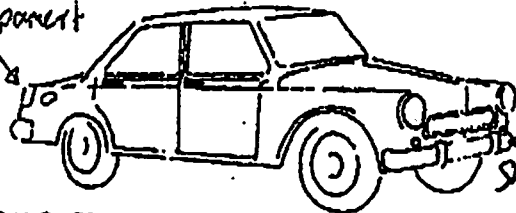
Date of issue: _____ Date and place of drop off: _____

By: ship/airplane/truck/rail (delete terms not applicable)

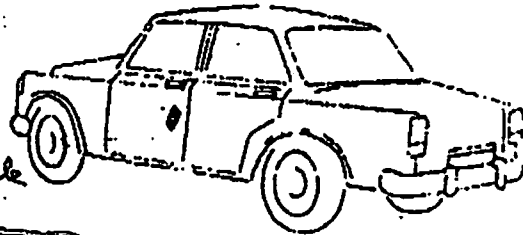
Make: Ferrari Model: 365 GTB 2+2 Year: 1973
 License plates No.: _____ Chassis No.: 365 GT 13811
blue KM/Mileage: _____

Proshipment damages and/or discrepancies were noted below:

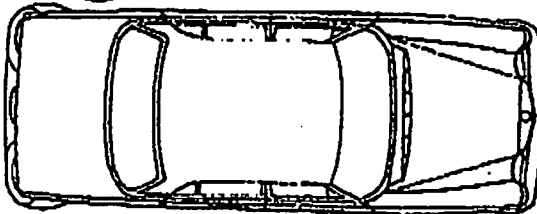
Lock repair



Sosstange Beule



- SCRATCHED
- DENTED
- X RUSTED
- B BENT
- △ BROKEN
- L LOOSE
- M MISSING



- Heavy dust/mud covered defects, if any, not visible.
- Hairline scratches.

VENTORY:

Spare wheel and tire	Yes	No	Radio-antenna	Yes	No	Floor mats	Yes	No
Jack and handle	Yes	No	Make	Yes	No	Windshield wipers	Yes	No
Toolset	Yes	No	Time clock	Yes	No	Cigarette lighter	Yes	No
Hub caps	Yes	No	Mud-guards	Yes	No			

Mirrors int. number: _____

Mirrors ext. number: _____

IMPORTANT NOTICE: Are excluded of the coverage: Mechanical damages and/or mechanical discrepancies, scratches, discoloration, damages due to battery not having been disconnected, damages resulting from the lack of antifreeze protection. No responsibility is accepted for personal effects or loose spare parts left in the car.

Date: _____

Date: _____

Shipper's signature: _____

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- 6 STORAGE EXTENSION REQUEST
- 7 CLAIM FORM

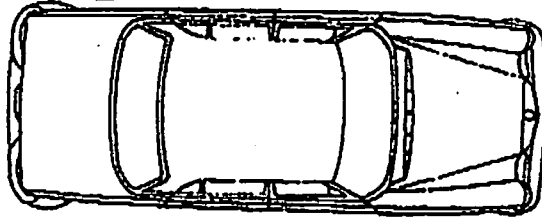
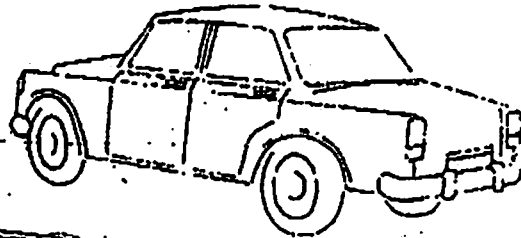
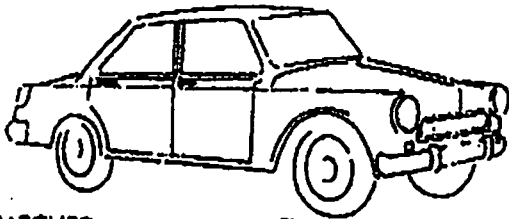
CERTIFICATE OF INSURANCE FOR CAR ONLY

Conditions as per open policy No. 10484 (see front cover) covering all risks W.S. & C.C.
 This is to certify, that we have insured the undermentioned car in the name of CETI on behalf of:

For the amount of: _____
 Say: _____
 For the transport, from: _____ To: _____
 Date of issue: _____ Date and place of drop off: _____
 By: ship/airplane/truck/rail (delete terms not applicable)

Make: Ferrari Model: 250 GTE 2+2 Year: 1960
 License plates No.: _____ Chassis No.: 2925 GTE
 Color: black KM/Mileage: _____

Preshipment damages and/or discrepancies were noted below:



- SCRATCHED
- DENTED
- X RUSTED
- B BENT
- △ BROKEN
- L LOOSE
- M MISSING

- Heavy dust/mud covered defects, if any, not visible.
- Hairline scratches.

INVENTORY:

Spare wheel and tire	Yes	No	Radio-antenna	Yes	No	Floor mats	Yes	No
Lock and handle	Yes	No	Mokey	Yes	No	Windshield wipers	Yes	No
Toolset	Yes	No	Time clock	Yes	No	Cigarette lighter	Yes	No
Tub caps	Yes	No	Mud-guards	Yes	No			

Mirrors int. number: _____ Mirrors ext. number: _____

IMPORTANT NOTICE: Are excluded of the coverage: Mechanical damages and/or mechanical discrepancies, scratches, discoloration, damages due to battery not having been disconnected, damages resulting from the lack of antifreeze protection. No responsibility is accepted for personal effects or loose spare parts left in the car.

Date: _____ Signature of original agent: _____
 Shipper's signature: _____

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 CLAIM FORM

CDM

1470750

01-06 Nom, Vorname Nachname	Friedli		
02 Geburtsdatum Tag, Monat, Jahr Ort	02.09.37	08 Geburtsort Name	CH
03 Geburtsort Name	Bernhard		
04 Geburtsort Name	Ackerfluhweg 7 3627, Heimbreg		
05 Geburtsort Name	Nobilian		
06 Geburtsort Name	URBILTI AUSWIS		
07 Geburtsort Name	2.534.060.50 4 090689-013283		
08 Geburtsort Name	Ce printe, 1971		
09 Geburtsort Name	2.8.109.109		

10 Fahrzeugtyp	11 Fahrzeugnummer	12 Fahrzeugfarbe	13 Fahrzeugmerkmal
14 Fahrzeugtyp	15 Fahrzeugnummer	16 Fahrzeugfarbe	17 Fahrzeugmerkmal
18 Fahrzeugtyp	19 Fahrzeugnummer	20 Fahrzeugfarbe	21 Fahrzeugmerkmal
22 Fahrzeugtyp	23 Fahrzeugnummer	24 Fahrzeugfarbe	25 Fahrzeugmerkmal
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38 Fahrzeugtyp	39 Fahrzeugnummer	40 Fahrzeugfarbe	41 Fahrzeugmerkmal
42 Fahrzeugtyp	43 Fahrzeugnummer	44 Fahrzeugfarbe	45 Fahrzeugmerkmal
46 Fahrzeugtyp	47 Fahrzeugnummer	48 Fahrzeugfarbe	49 Fahrzeugmerkmal
50 Fahrzeugtyp	51 Fahrzeugnummer	52 Fahrzeugfarbe	53 Fahrzeugmerkmal
54 Fahrzeugtyp	55 Fahrzeugnummer	56 Fahrzeugfarbe	57 Fahrzeugmerkmal
60 Fahrzeugtyp	61 Fahrzeugnummer	62 Fahrzeugfarbe	63 Fahrzeugmerkmal
64 Fahrzeugtyp	65 Fahrzeugnummer	66 Fahrzeugfarbe	67 Fahrzeugmerkmal
68 Fahrzeugtyp	69 Fahrzeugnummer	70 Fahrzeugfarbe	71 Fahrzeugmerkmal
72 Fahrzeugtyp	73 Fahrzeugnummer	74 Fahrzeugfarbe	75 Fahrzeugmerkmal
76 Fahrzeugtyp	77 Fahrzeugnummer	78 Fahrzeugfarbe	79 Fahrzeugmerkmal
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88 Fahrzeugtyp	89 Fahrzeugnummer	90 Fahrzeugfarbe	91 Fahrzeugmerkmal
92 Fahrzeugtyp	93 Fahrzeugnummer	94 Fahrzeugfarbe	95 Fahrzeugmerkmal
96 Fahrzeugtyp	97 Fahrzeugnummer	98 Fahrzeugfarbe	99 Fahrzeugmerkmal
100 Fahrzeugtyp	101 Fahrzeugnummer	102 Fahrzeugfarbe	103 Fahrzeugmerkmal

6

01-08		Halter - Détenteur - Detentore	
Nom, Prénoms K. U. P. Y.		Andreas	
N° de profession #153		Reinach	
Adresse Römersstr. 19			
Date de naissance 26.1.1959		N° de profession 08	
Nom de famille Basler		N° de profession 08	
N° de profession 10		N° de profession 08	
N° de profession 12		N° de profession 08	
N° de profession 13		N° de profession 08	
N° de profession 14		N° de profession 08	
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N° de profession 99		N° de profession 08	
N° de profession 100		N° de profession 08	

18. Jan. 1960
ANNUALITE

Netter - Déclarer - Detektor

01 385

CRESCENZI VINICIO
CRUBENEG 16
3286 MURTEN

18 02 41

CONTINENTALE GENERALE

2218

57.666 2275 0 6/00/09/88

VEHICULE USAGE

EMOL CIR 40,00

SEP-6-78 415/88
SEP-6-78 136/88
SEP-6-78 25,00
SEP-6-78 162

16 Marca **FR** 38274

17 Tipo special **PERSONENWAGEN**

18 Marca especial **434.63.056**

19 An der Fertigung General del vehiculo **FERRARI 365GT**

20 Motor (Tipo) **365GT 13011**

21 Marca etype **9251.05**

22 Tipo **BLAU**

23 Cylindros **4**

24 Potencia total (CV) **1690**

25 Potencia total (CV) **140**

26 Potencia total (CV) **2130**

27 Potencia total (CV) **2897,73**

28 Potencia total (CV) **4390**

29 Potencia total (CV) **4390**

30 Potencia total (CV) **4390**

31 Potencia total (CV) **4390**

32 Potencia total (CV) **4390**

33 Potencia total (CV) **4390**

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76 Potencia total (CV) **4390**

77 Potencia total (CV) **4390**

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79 Potencia total (CV) **4390**

80 Potencia total (CV) **4390**

81 Potencia total (CV) **4390**

82 Potencia total (CV) **4390**

83 Potencia total (CV) **4390**

84 Potencia total (CV) **4390**

85 Potencia total (CV) **4390**

86 Potencia total (CV) **4390**

87 Potencia total (CV) **4390**

88 Potencia total (CV) **4390**

89 Potencia total (CV) **4390**

90 Potencia total (CV) **4390**

91 Potencia total (CV) **4390**

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93 Potencia total (CV) **4390**

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95 Potencia total (CV) **4390**

96 Potencia total (CV) **4390**

97 Potencia total (CV) **4390**

98 Potencia total (CV) **4390**

99 Potencia total (CV) **4390**

100 Potencia total (CV) **4390**

7

08130, MOTORAUTO. MAR 952. 822877

TO 033 72 28 55 P.2

HARD FRIEDL-VON MÜNKLEIN
SEKRETARIAT

Mr. Kelvin J. Fisher
Motorauto Marbella S.L.
Av. Ricardo Soriano Ed. Estela 3

Marbella (Malaga)
Tel 82 26 69

Thun, 23. Juli 1991

Proforma - Invoice

we sold you :

1 Ferrari 350 GT Spider Serie I 1957

Chassis Nr 0799 GT
color grau met.
interior rot
12 Zylinder
2953 ccm

US \$ 180'000.--

payabel cash in my account
Banco de Andalucia, Urbana Nr 5
Puente Romano, Marbella

H. Torrabadilla

18131 MOTORAUTO MAR 952 822877
FROM BRISTOL HS CH-1200

TO 033 23 38 55

P.4
P.03

ARD FRIEDRICH-VON MÜLLENEN
SEKRETARIAT

Mr. Kelvin T Fisher
MOTORAUTO Marbella S.L.
Av. Ricardo Soriano Ed. Estala 2
Marbella (Malaga)
Tel 82 26 69

Thun, 23. Juli 1991

Proforma - Invoice

we sold you :

1 Ferrari 365 GTE Coupé 2 + 2 1970

Chassis Nr 13811
color blau met.
interior schwarz
12 Zylinder
4400 ccm

US \$ 40'000.--

payabel cash in my account
Banco de Andalucia, Urbana Nr 5
Puente Romano, Marbella

Thies

18:32 MOTORAUTO MAR 952 822877

TO 6....., 1991 08 00 00 P.O. 84

HARD FRIEDRICH VON MÜLLENBACH
SEKRETARIAT

Mr. Kelvin G. Fisher
MOTORAUTO MARBELLA S.L.
Av. Ricardo Soriano Ed. Estela 2

Marbella (Malaga)
Tel 82 26 69

Thun. 23. Juli 1991

Proforma - Invoice

we sold you :

1 Ferrari 250 GTE Coupé 2 + 2 1961
Motor Typ 126 F
Chassis Nr 2925
color schwarz
interior elfenbein
12 Zylinder
2953 ccm

US \$ 40'000.--

payabel cash in my account
Banco de Andalucía, Urbana Nr 5
Puente Romano. Marbella

H. Müllerbach

8:31 MOTORAUTO MAR 952 822877

P.3

AD FRIEDLI-VON MÜHLENEN
SEKRETARIAT

Mr. Kelvin J. Fisher
MOTORAUTO Marbella S.L.
Av. Ricardo Soriano Ed. Estela 2

Marbella (Malaga)
Tel 82 26 69

Thun, 23. Juli 1991

Proforma - Invoice

we sold you :

1 Ferrari 250 GT Spider Serie II 1960

Chassis Nr 1893 GT
color rot
interior schwarz
12 Zylinder
2953 ccm

US \$ 90'000.--

payabel cash in my account
Banco de Andalucia, Urbana Nr 5
ruente Romano, Marbella

J. Torrada

Aktennotiz

i.S. : Bernhard Friedli

von : MS

Datum : 21. August 1991

Tél de Torrabadella

Heute morgen war Torrabadella bei Kevin Fisher. Torrabadella zweifelt nun an der Seriosität von Fisher und will die 4 Ferraris baldmöglichst an einen sichereren Ort bringen.

Fisher habe ihm 4 "pro-forma-invoices" gezeigt:

- eine über US \$ 180'000.-
- eine über US \$ 90'000.-
- eine über US \$ 40'000.-
- eine über US \$ 40'000.-

} Zoll/Wert

total US \$ 350'000.-.

Fisher habe Torrabadella gesagt, dass die Autos seiner Meinung nach nicht explizit für Giudice bestimmt gewesen seien. Er drohte an, er werde die Autos zu US \$ 350'000.- verkaufen und Friedli diesen Betrag ./.. seine Kosten, etc. überweisen !

Wenn Friedli wolle, könne er - gemäss Fisher - die Autos haben aber er müsse ihm "dommage, frais und interet" ersetzen !

Ramirez, der auch als Anwalt von Fisher fungiere (!) habe Torrabadella selbst gesagt, Fisher sei nicht seriös (!), weshalb Torrabadella nun unbedingt die Autos an einen sicheren Ort bringen will.

Torrabadella ersucht um Veranlassung, dass Friedli einen Fax an Fisher schickt: (Fax 00 34 52 82 28 77

- Bestätigen, dass Fisher die Instruktionen von Torrabadella befolgt
- Ersuchen um Spezifizierung der Fisher angeblich entstandenen Kosten und des angeblichen "Schadens"

Torrabadella werde eine Vollmacht von Friedli vorbereiten, er traue niemandem mehr dort unten und wolle nun gegen diese "messieurs" gerichtlich vorgehen.

Torrabadella ersucht um Mitteilung von Tel/Fax der spanischen Botschaft in Bern. Er werde in unser Büro und an die Botschaft direkt die Vollmacht faxen, damit Friedli diese vor Ort unterzeichnen könne.

el. MSV

Fax to

Mr. Kevin Fisher
Marbella

0034 52 82 28 77

Thun, August 21th 1991

My 4 Ferraris

Dear Mr. Fisher

As my local lawyer in Marbella, Mr. Jaime Torrabadella, informed you lately, you are nor allowed to hand my cars over to anybody else than me or Mr. Torrabadella neither - of course - to sell them !

Mr. Torrabadella will meet you again soon. Please take note that he is my authorized representative and so you have to obey his instructions about what will happen with the four Ferraris carefully.

With regard to the costs of the storage claimed by you, you are required to specify them in a detailed statement which you will hand over to Mr. Torrabadella.

A copy of this letter will go to Mr. Torrabadella and another one to my Swiss lawyer, Dr. Bratschi, Berne.

Sincerely Yours

B. Friedli

Motorauto Marbella, s.l.

21 de agosto de 1991.



Sr. Don Jaime Torrebaddella Pare.-
C/Marques del Duero num. 66
Edif. Banco de Andalucia 30.
SAN PEDRO ALCANTARA.

Muy señor nuestro:

Recibimos por conducto fax su carta de 16 de corriente y tambien esta certificada, referente a los cuatro vehiculos marca FRIEDLI enviados por el Sr. FRIEDLI

Ya por nuestro Abogado D. Diego Jimenez Balboteo, habra tenido informacion de este asunto, que no es como a Vd. le han contado.

Los cuatro coches no son ni del Sr. GIUDICE ni para el Sr. GIUDICE, por lo que huelga toda referencia a dicho señor.

Nosotros entregaremos los coches conforme lo vayamos vendiendo a la persona que los adquiera y siempre y en todo momento previa la entrega de las cantidades fijadas por el Sr. FRIEDLI en cada una de las cuatro facturas enviadas y que por fotocopia le adjunto y que ingresaremos a disposicion del mismo en la forma que en ellas se indica.

No obstante, si el Sr. FRIEDLI desea desistir de su com, pro-
miso puede hacerlo y retirar los coches previo pago de todos los gastos, daños y perjuicios.

Atentamente

Exposición y Venta
Avdo. Ricardo Soriano
Edificio Estela, 2
952-822877 Fax
952-822659 Tel.
29600 MARBELLA (Málaga)

MOTORAUTO MARBELLA, S. L.
Avdo. Ricardo Soriano, Edif. Estela 2
T. 952 822659 82.28.77
MARBELLA (Málaga)

12

a reembolso fije el plazo
estipulado en el respectivo
contrato de seguro o póliza
o en el caso de no haberse
estipulado, el plazo de
sesenta días hábiles.

JAIMÉ TORRABADILLA PARÉ
ABOGADO

MARQUES DEL DUERO N° 65
EDIF. BANCO DE ANDALUCIA, 3º
TELEF: 78 00 18 - 78 00 60
TELEX: 7868 JATO
TELEFAX: 78 63 88
SAN PEDRO ALCANTARA
MARBELLA

C E R T I F I C A D O

21 de Agosto de 1991.

MOTORAUTO MARBELLA S.L.
Att. Sr. D. KELVIN FISCHER
Av. Ricardo Soriano
Edificio ESTELA 2
29600 MARBELLA

N. REF. 1 91.991 - JT/MR

Muy Señores Mios :

Por la presente, confirmo recepción de su correspondencia via FAX recibida esta mañana en relación al asunto de referencia, así como de mi visita personal a ustedes de esta fecha.

De acuerdo con el Sr. JIMENEZ BALBOTE, su Abogado, es por lo que les hemos rogado que nos detallen el importe de las cantidades en que ustedes hayan podido incurrir en el envío y recepción de los 4 vehículos en cuestión.

Asimismo, les recuerdo que en su propia correspondencia estan ustedes de acuerdo en desistir de todo anterior compromiso previo pago de los gastos y perjuicios incurridos.

Con el fin de poderles abonar a ustedes los conceptos que reclaman, deben enviarnos las liquidaciones que les hemos pedido y que ud. me dijo tener que solicitar a Madrid y que me transmitiría en una hora.

En cualquier caso, les reitero las instrucciones del Sr. FRIEDLI de no deshacerse de ninguno de los 4 vehículos "FERRARI" en cuestión por ningún concepto, sin autorización del mismo.

Envío copia de la presente al Sr. JIMENEZ BALBOTE.

Muy atentamente.

13

* REPORTE DE ACTIVIDAD * '91 08/21 15:22

952 785398 J. TORRABADILLA

MODO	TELEFONO CONECTADO	ID CONEXION	HORA INICIO	T.USADO	PAGINAS
TX	822877	0-3	08/21 15:21	00'59	01(00)

N. REF. : 91.095 - JT/MR

DESTINATARIO : MOTORAUTO NARBELLA S.L.
A LA ATENCION DE : Sr. D. KELVIN J. FISCHER

RENITENTE : Sr. D. Jaime TORRABADILLA PARE

FECHA : 21 DE AGOSTO DE 1991

FAX : 82.28.77

Número de páginas transmitidas (incluida ésta) : 1

ASUNTO : FRIEDLI / FISCHER MOTORAUTO

Muy Señores Mios :

Por la presente, confirmo recepción de su correspondencia via FAX recibida esta mañana en relación al asunto de referencia, así como de mi visita personal a ustedes de esta fecha.

De acuerdo con el Sr. JIMENEZ BALBOTE, su Abogado, es por lo que les hemos rogado que nos detallen el importe de las cantidades en que ustedes hayan podido incurrir en el envío y recepción de los 4 vehículos en cuestión.

Asimismo, les recuerdo que en su propia correspondencia estan ustedes de acuerdo en desistir de todo anterior compromiso previo pago de los gastos y perjuicios incurridos.

Con el fin de poderles abonar a ustedes los conceptos que reclaman, deben enviarnos las liquidaciones que les hemos pedido y que ud. me dijo tener que solicitar a Madrid y que me transmitiría en una hora.

En cualquier caso, les reitero las instrucciones del Sr. FRIEDLI de no deshacerse de ninguno de los 4 vehículos "FERRARI" en cuestión por ningún concepto, sin autorización del mismo.

Envío copia de la presente al Sr. JIMENEZ BALBOTE.

Atentamente.

Jaime TORRABADILLA PARE.

14a

Jaime TORRABADILLA PARE
ABOGADO

MARQUES DEL DUERO N.º 66
EDIF. BANCO DE ANDALUCIA, 3.º
TELEF.: 78 00 18 - 78 00 80
TELEX: 70669 JATO
TELEFAX: 78 63 08
SAN PEDRO ALCANTARA
MARBELLA

REQUERIMIENTO

- COMPARECIENTE :** D. JAIME TORRABADILLA PARE, Abogado, con domicilio profesional en Avda. Marqués del Duero nº 66 piso 3º en SAN PEDRO DE ALCANTARA y con D.N.I. nº 24.831.990
- ACTUA :** En calidad de mandatario verbal de D.HANS BERNHARD FRIEDLY-VON MULHENEN
- REQUERIDO :** LA SOCIEDAD "MOTORAUTO MARBELLA S.L", a través del Sr.D. KELVIN FISHER su representante, con domicilio en Marbella en Avenida Ricardo Soriano Edificio ESTELA 2.

El compareciente me requiere a mí el Notario para que personado en el domicilio de la Sociedad mencionada denominada MOTORAUTO MARBELLA S.L., requiera al Sr. KELVIN FISHER u otro representante de dicha Entidad, manifestándole lo siguiente:

QUE el compareciente actúa en su calidad de Abogado y representante legal en Marbella del Sr. HANS BERNHARD FRIEDLY-VON MULHENEN, tal y como le ha sido confirmado por el referido Sr. FRIEDLY en correspondencia dirigida al Sr FISHER vía telefax, el pasado día 21 de agosto del año en curso.

QUE de acuerdo con las manifestaciones del propio Sr. FISHER, en escrito al compareciente el propio día 21 de agosto del corriente reconocen detener por cuenta del Sr. HANS B. FRIEDLY, los cuatro vehículos, marca FERRARI, enviados por el ya mencionado Sr. FISHER en expedición desde THUN (Suiza), el pasado día 23 de Julio de este año, y recibidos el día 28 del propio mes y año.

QUE siendo la intención del SR. HANS B. FRIEDLY, la de retirar dichos vehículos de los locales de MOTORAUTO S.L. en Marbella, es por lo que se le requiere a que entregue al mandatario compareciente los mismos, manifestando previamente los gastos y honorarios en que hubiere incurrido y se le adeuden por el Sr. HANS B. FRIEDLY, en concepto de la entrega, recepción y estancia de los ya mencionados vehículos,

15

JAIME TORRABADELLA PARÉ
ABOGADO

MARQUES DEL DUERO Nº 66
EDIF. BANCO DE ANDALUCÍA, 3º
TELEF.: 78 00 16 - 78 00 50
TELEX: 78000 JATO
TELEFAX: 78 53 98
SAN PEDRO ALCANTARA
MARBELLA

T E L E X

N. REF. : 91.1040 - JI/NK

DESTINATAIRE : Maitres STUCKI - BRAISCHJ

FAX : 07.41.31.22.95.38

EXPEDITEUR : Maître Jaime TORRABADELLA PARÉ

DATE : 29 AOUT 1991

MONDRE POSTAL DE PAYS (y compris services) :

AFFAIRE : FRIEDLI
CONCERNE : VOITURES FERRARI

MESSAGE : Nous avons déposé une plainte au Commissariat de Marbella dont une copie vous a été adressée ce matin.

Normalement, la Police Judiciaire devrait convoquer Mr. FISCHER aujourd'hui ou demain.

Entretemps, et à partir de la semaine prochaine, nous allons entamer une procédure préliminaire en revendication en vue d'obtenir le dépôt judiciaire de ces voitures.

Monsieur FRIEDLI avait assuré ces voitures pour un montant de SFR. 2.960.000, , mais je pense que c'était pour la durée du transport seulement. Je pense qu'il serait prudent que Monsieur FRIEDLI conserve cette assurance, étant donné la mauvaise foi évidente de Mr. FISCHER.

La procédure ainsi que la plainte prendront quelques jours et nous ne sommes pas à couvert d'un vol, d'une perte ou même d'une destruction volontaire de l'une ou de plusieurs de ces voitures.

Salutations pressées.

[Signature]
Jaime TORRABADELLA
P.O. Margarita -Secretaria-

MODA	TELEFONO CONECTADO	ID CONEXION	HORA INICIO	T. USADO	PAGINAS
TR	774765	RAMIREZ BARBOTE	09/86 15:19	00:48	01:00

TELERRAX:

77.47.65

NOM. PAGOS:

N/RAT:

Fecha: 6 Septiembre 1991.

A:

ATENCION DE: DON JUAN RAMIREZ.

DE: Jaime TORRABADILLA PARÉ.

ASUNTO: FRIEDLI-FERRARIS

Estimado Juan:

Te agradeceré que con independencia de los acuerdos a que podamos llegar en el asunto de referencia, me envíes por fax, antes de la reunión del Domingo (o eventualmente del Lunes) los documentos o contratos, o lo que sea, mediante los que el Sr. Friedli autorizaba al Sr. Fischer a negociar de alguna manera la venta de estos vehículos. Ya que de lo contrario no veo justificación jurídica alguna, salvo tu mejor opinión, para la retención o incluso manipulación de estos automóviles, cuyo valor, como tú sabes, es muy elevado.

Aunque me tranquiliza el hecho de que a través de vuestro Despacho tengáis la disposición legal de los mismos, desearía poder informar a mis colegas suizos de los eventuales compromisos adquiridos por el Sr. Friedli, con respecto de estos automóviles.

Un afectuoso saludo,

P.O.



Jaime Torrabadilla Paré.



Dr. Juan Chabán
Alfonso

Oficina de la
Fiscalía de Puerto Rico
Calle 1100
20000, San Juan, P.R.

6 de febrero de 1977

Dr. Juan Chabán
Alfonso

Querido Juan:

Recibe a continuación los documentos que te he enviado por correo aéreo. Los documentos que te he enviado son los que se encuentran en el expediente de la causa que te he mencionado en la última carta que te escribí.

De los documentos que te he enviado, los documentos que te he enviado son los que se encuentran en el expediente de la causa que te he mencionado en la última carta que te escribí.

De los documentos que te he enviado, los documentos que te he enviado son los que se encuentran en el expediente de la causa que te he mencionado en la última carta que te escribí.

Espero que te encuentres bien y te envío un abrazo.

La documentación original de los coches se encuentra en poder del Sr. Bosch, al que se le envió por el Sr. Bosch.

CODIGO	LETRADO CONECTADO	D. CONEXION	KORRELATIVO	T. USADO	PREVIA
12	7776	TRONQUEO	1976	0852	0110

DECLARACION

PARA SEÑOR D. JUAN PABLO TORREBARRERA - ABogado

DE D. JUAN TORREBARRERA PARR - ABogado

PRESENTE

ESTADO LIBRE ASOCIADO DE PUERTO RICO

Yo, el suscrito, D. JUAN TORREBARRERA PARR, Abogado

de la presente declaro que los documentos que se exhiben en esta declaracion son verdaderos y que yo soy el propietario de los mismos.

Debo declarar lo que yo he dicho anteriormente en esta declaracion en ninguna otra persona, en la actualidad o en el futuro, y no permitir que otros hagan lo mismo, desde el momento en que yo he firmado esta declaracion, de manera que yo sea responsable de lo que yo he dicho.

Por la parte de yo no quiero aceptar cualquier responsabilidad alguna en una declaracion alguna del cliente.

Yo, Sr. TORREBARRERA debe exhibir los gastos en que se incurrieron en la preparacion de esta declaracion de estos gastos y el momento en que pueden haber ocasionado para reembolsarlos a sus razonables.

Por otra parte, yo he declarado que las facturas producidas a efectos de esta declaracion que se acompa\u00f1an a los gastos y cuyos precios y valores han sido declarados por los gastos que al del valor de los mismos no pueden ser considerados comprobantes de venta, por lo que el Sr. TORREBARRERA no tiene ningun documento consistente de ningun modo en las horas sobre que el act. No es esta llevando a un callej\u00f3n sin salida.

Yo, el suscrito, declaro

Juan Torrebarra Parr
JUAN TORREBARRERA PARR

27/8/91: Reply to Notarial Requirement

19

**DON KELVIN FISCHER REPRESENTANTE LEGAL DE MOTORAUTO MAR
ARIBA S. L.**

COMPARECE ANTE EL NOTARIO DE TRUJICA PONDAB PARA CONFIRMAR EL REQUERIMIENTO PRACTICADO EN 22 DE AGOSTO A UNA PLANCHA DE DISEÑO TORREBRANCA PARA (RUE 1-915)

CONTENIDO

Que no se dio cumplimiento al requerimiento practicado, que se dio cumplimiento al mismo en forma unilateral y unilaterales, que se dio cumplimiento al mismo en forma unilateral y unilaterales.

[REDACTED SECTION]

se concierne y cuya entrega desde luego no efectuara a dicho señor y a ninguna otra persona, sin que al propio tiempo ingresen en la cuenta del SEÑOR FRIEDLY en el Banco de Avila, Urbana numero 5 de Puente Romano el importe fijado por dicho señor para cada vehiculo, tal y como esta pactado entre el requerente y requerido, pudiendo en caso de que el Sr. FRIEDLY intervenga en el acto de la entrega de los vehiculos para comprobar la realidad de todo ello y mientras dichos vehiculos y las restauraciones que en los mismos se estan haciendo pero lo que no se concierne es que el Sr. FRIEDLY juegue con sus compromisos y resolvas sus obligaciones de maners unilateral olvidando lo contratado como vehicamente es costumbre en el.

MODO	TELEFONO CONECTADO	ID CONEXION	HORA INICIO	T. USADO	CARGO
IR	822877	8-3	08/27 14133	08'58	01(00)

20

N.º 191028 - J/TOR

DESTINATARIO: NOTARIO TORRABADILLA S. I.
A LA ATENCION DE SR. DR. BRATSCH

REMITENTE: SR. DR. JAIME TORRABADILLA PARE

FECHA: 27 DE AGOSTO DE 1991

HAY DEPOSITO

Numero de paginas transcritas (incluida esta): 1

ASUNTO: FRIEDL (RISCHER MOTORAUTO.

Muy Señor Mío:

En nombre y representación de mi cliente el Sr. FRIEDL le reiteramos la

[Redacted text block]


Dado que en la contestación al requerimiento notarial que se le ha dirigido manifiesta

[Redacted text block]

En consecuencia, debemos apercibirle de las acciones tanto civiles como criminales que de su actuación puedan resultar, ya que en reiteradas ocasiones, tanto por parte de este despacho como por parte del Sr. BRATSCH, se le ha puesto en evidencia la clara voluntad del propietario de retirar dichos vehículos de "MOTORAUTO" previo pago de los gastos en que Ud. pudiera haber incurrido.

Atentamente,

Yo,
Jaime TORRABADILLA PARE

State of Connecticut Dept. of Public Safety Narrative Report 	REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input checked="" type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1
	DPS-302-C (Revised 04/03)		

Action Taken: On August 19th, 2009, this Detective completed the arrest warrant application for Paul "Barney" Hallingby DOB: 11-11-46 charging him with one count of Larceny I {C.G.S. §53a-122}.

This investigation has revealed that Hallingby knew that the Ferrari bearing VIN 0799GT was probably stolen when he purchased it in 2000 and through the eight years he possessed it.

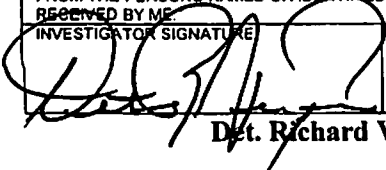
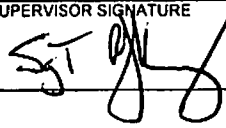
Sergeant Kenney reviewed the application and he agreed that Probable Cause exists that Hallingby knew that the Ferrari bearing VIN 0799GT was probably stolen when he purchased it in 2000 and through the eight years he possessed it.

The application was then forwarded to State's Attorney Shepak at the Bantam Court.

Further reports will be submitted after Mr. Shepak's review of the application.

Attached to this report is a copy of the application.

This Case remains Closed Suspended.

CASE STATUS:			TYPE OF EXCEPTIONAL CLEARANCE:		
<input type="checkbox"/> 1-ACTIVE	<input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A-OFFENDER DECEASED	<input type="checkbox"/> D-VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2-CLEARED ARREST	<input type="checkbox"/> 6-NO CRIMINAL ASPECT	<input type="checkbox"/> B-PROSECUTION DENIED	<input type="checkbox"/> E-JUVENILE-NO CUSTODY		
<input checked="" type="checkbox"/> 3-SUSPENDED	<input type="checkbox"/> F-FUGITIVE	<input type="checkbox"/> C-EXTRADITION DENIED			
<small>THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.</small>					
INVESTIGATOR SIGNATURE 	INVESTIGATOR I.D. 732	REPORT DATE 08-19-09	SUPERVISOR SIGNATURE 	SUPERVISOR I.D. 165	APPROVAL DATE 08/31/2009

Det. Richard Van Tine