

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

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U.S. BANKRUPTCY COURT  
DISTRICT OF DELAWARE

In RE: Syntax-Brilliant Corporation, et al.

Bankruptcy Case No. 08-11407

**Motion to Disqualify and Terminate the Liquidation Trustee and the Professionals of the  
Liquidation Trust for Proceeding on Impeached Evidence**

Filed by Pro Se Movant

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Hearing Date: TBD

Objection date: TBD

**Motion to Disqualify, Sanction and Terminate the Liquidation Trustee and the Professionals of  
the Liquidation Trust for Proceeding on Impeached Evidence**

Denise Warren, Pro se, a victim of the Syntax-Brilliant Ponzi scam, moves for the disqualification of the Liquidation Trust and the termination of the Liquidation Trustee and his professionals for ignoring true testimony, proceeding on impeached evidence and concealment and destruction of forged documentation in their custody, making false utterances about forged documentation in the custody for crushing the due process rights of 29,000 innocent uninformed investors who were victims of the SBC Ponzi scam and making false claims about their role in discovering the very forgeries that they have worked so diligently do conceal and keep out of the record

**A Short History of the Syntax-Brilliant Ponzi scam**

In 2003, Syntax was established as a private company registered in California. In November, 2005, Syntax became a publicly traded company by merging with Brilliant, a Tempe, Arizona publicly trading company. After the merger, the company's name changed to Syntax-Brilliant "SBC." The Principals and founders and financiers of the SBC Ponzi scam was Kolin and TCV. On October 6, 2008 an examiner appointed by the Court reported his findings that the SBC Ponzi scam appeared to be a single company that was trading with itself and exchanging forged sales and purchase orders. The examiner handed sample copies of the forgeries to those present in the Court including David Fournier, Pepper Hamilton's counsel and explained that they represented sales that did not take place.

Had the examiner not been appointed, Pepper Hamilton would have been satisfied to see the forgeries transferred in a sale of assets agreement that would have left the forgeries in the hands of the Taiwan Syndicate that used the forgeries to pull off a billion dollar Ponzi scam. Pepper Hamilton opposed the appointment of the examiner in support of the examiner.

The Liquidation Trustee has repeatedly denied victims of the SBC Ponzi scam access access to the forged documentation in their possession. After seven years, the Liquidation Trustee has only revealed the facts about the forgeries as related to the seven false quarterly SEC filings. The last SEC filing was for the quarter ending September 30, 2007. The book value of the company was listed as \$323 million on September 30, 2007.

The Liquidation Trustee continues to conceal forgeries that were used to back up the fabricated numbers on SBC's Chapter 11 petition which give a grossly exaggerated figure for the assets of SBC on July 8, 2008 when the debtors filed the Chapter 11 petition. The debtors, Silver Point and TCV who voluntarily filed the abusive petition knew with certainty that the number representing the value of the assets was grossly exaggerated. The figure of \$176 million included \$108 in fabricated receivables backed by forged sales invoices and shipping documents. So the real assets of the estate could not have exceeded \$68 million and even that figure cannot be guaranteed to be reliable and might be lower. All one has to do is factor in the \$400 million forged sales invoices, purchase orders and shipping documents.

While pro se litigants have struggled for eight years to enter the evidence of massive prepetition forgery into the record, Pepper Hamilton has obstructed his efforts and filed motion after motion amounting to false utterances about forgeries in its possession.

Even after one of the pro se litigants wrote a book publicly exposing the Ponzi scam, "The Sheep and the Guardians – Diary of A SEC sanctioned Diary", the Liquidation Trustee continued to make false utterances about the forgeries and filed motion after motion incorporating the Rayburn Declaration which has since been impeached. Gregory Rayburn's affidavit remains the evidentiary basis for the proceedings only because the Liquidation Trustee has a vested interest in standing by the fabricated numbers on the Chapter 11 petition. The alternatives would no doubt lead to criminal charges for knowingly misrepresenting falsified books and records of the SBC Ponzi scam as the legitimate books and records of a debtor that could be reorganized. It is beyond comprehension that Pepper Hamilton and Judge Brendan Shannon can so casually discard so much forgery that was not even hinted at in the Rayburn Declaration.

The activist shareholders have set up a website. Mr. Ahmed Amr's recent book on the SBC Ponzi scam. The book is titled "How to Steal A Billion Dollars – The Confessions of James Li." The book gives a detailed description of these forgeries and where they were produced. They were produced in the graphics department of SBC located in the City of Industry, California.

No legitimate company eligible for Chapter 11 would file a petition concealing \$400 million in forged sales invoices and shipping documentation. No legitimate company would use forged documentation to exaggerate its sales by \$400 million for the singular purpose of falsifying their books and records to defraud investors. The authors of this Ponzi scam inflated the assets of the estate throughout the 950 days that they were listed as a publicly traded company.

The authors of this scam falsified the records to sell worthless SBC securities – securities backed by hundreds of millions in forged documentation. The proceeds from these worthless SBC securities allowed the principals of the SBC Ponzi scam to raise over \$600 million in illicit gains. In California and reaps gains from making false utterances about the forgery, they should be charged with forgery in only two jurisdictions – the state courts of California and the Federal Court for the Southern District of California. It tells the story of when these forgeries were produced, where they were produced, how they were used to steal a billion or more dollars, who produced them, who knew about the SBC falsified books and records and when they knew it and how they came to be moved to Tempe, Arizona and how they came to be moved to Houston, Texas.

What is transporting of these forgeries across state lines and the destruction of the falsified books and records adds more legal liabilities for the Liquidation Trustee and anybody who was aware of the existence of the forgeries and knew that they had been illicitly moved across state lines. While the forged documentation was produced in California, the falsification of the seven fraudulent SEC quarterly filing took place in Arizona.

The forgeries were later transported to Arizona to Texas for the purpose of concealment and destruction adds even more legal liabilities. On April 15, 2016, Mr. Ahmed Amr visited the offices

of Diamond McCarthy in Houston, Texas where the forgeries are now located. Mr. Ahmed Amr met with Mr. Max Batty, a partner in Diamond McCarthy located at here offices located at 909 Fannin Street, Two Huston Center, Houston Center, Houston Texas (phone – 713-333-5107). Diamond McCarthy is one of the law firms currently working for the Liquidation Trustee. Mr. Max Batty confessed that Diamond McCarthy had the SBC forgeries and that some of the forgeries were paper documents and some of it was digital. Mr. Max Batty did not make any false utterances about the forgeries. Ahmed Amr asked to inspect the forgeries and was refused access. Max Batty said he would only allow access to the forgeries if Mr. Ahmed Amr had a Court order from the Bankruptcy Court in Delaware. I pointed out to him that as a private party he did not have the right to possession of forgeries especially since the victims of the forgery have yet to be informed. Mr. Ahmed Amr then went to the Houston police station and filed a Police Report. I know this is true because Ahmed Amr has informed me this is true and I am informed that he will file a certification under oath to memorialize the meeting and will request a copy of the police report when he gets it from the Houston Police Department.

We have an extraordinary situation where one professional of the Liquidation Trustee, Max Batty and Diamond McCarthy, presumably acting under the authority of a Liquidation Trustee, confessing that he has possession of the forgeries and knows that they are forgeries. While Max Batty denied Ahmed Amr access to the forgeries – he did not make a false utterance about the forgeries. Two days before that meeting, at a hearing in the Bankruptcy Court, another professional working for the Liquidation Trustee, David Fournier made false utterances about the forgeries and the falsified books and records. When an objection was made by Mr. Ahmed Amr to the false utterance, the Court ignored the objection and David Fournier did not withdraw his false utterances about the forgery because the Court itself was happy to make false utterances about the forgery.

For seven years has concealed the forgeries from the records of these Bankruptcy Proceedings and stuck by the evidence in the Rayburn Declaration and stood by the fabricated and grossly exaggerated numbers on the Chapter 11 petition. The Liquidation Trustee stands accused of bankruptcy fraud, stealing assets from a Ponzi scam, concealing and making false utterances about forgeries in their possession or in the possession of the Liquidation Trustee.

Even James Li and Thomas Chow and the assorted members of the Taiwan based syndicate that operated the SBC Ponzi scam did not destroy any of the falsified books and records. Even Greenberg Traurig and FTI did not destroy any of the falsified books and records. The Liquidation Trustee is the only party that motioned to destroy the Vivitar Records to prevent any inspection of cash transfers from Syntax-Brilliant to Vivitar which ended up being illicitly seized by Silver Point and Citicorp who filed a false \$112 million senior claim when they had no claim because of their collusion with the debtors and their counsel. TCV, Silver Point and the debtors jointly agreed to file the Chapter 11 petition which was authorized by SBC's Board of Directors which included the

officers and executives who were the authors of the SBC Ponzi scam that sold 93 million shares backed by the forgeries produced in the City of Industry, California.

Silver Point had no legal claim and is in receipt of interest and penalties from what remained of the stolen funds in the coffers of SBC. The exact amount of interest and penalties collected by Silver Point is not known because they have been concealed by the Liquidation Trustee who still answers to Silver Point. So while Silver Point has stolen assets from the estate of the SBC Ponzi scam, they are allowed access to the forged documentation that was produced to enable the fraudulent and abusive Chapter 11 filings. The only people who have remained in the dark are the victims of the SBC Ponzi scam. The Liquidation Trustee and Silver Point are the only two parties who want to proceed on the tainted and impeached evidence because without the fabricated evidence they cannot assert the false \$112 million false senior claim.

So while the pro se litigants have fought for eight years for the right to proceed on true evidence, the Liquidation Trustee has worked just as diligently to conceal the forgeries even as he has enriched himself and the professionals of the Liquidation Trust with money stolen from the victims of the SBC Ponzi scam.

Pepper Hamilton was retained by the Liquidation Trustee as their counsel to represent the interests of the Liquidation Trust. They have known about the forgeries since October 6, 2008 when the examiner reported the forgeries to the Court and gave everybody attending the examiner's hearing copies of one of 100 bundles of forgeries currently in the possession of the Liquidation Trustee and his professionals. Pepper Hamilton was happy to allow the Court to label the evidence of forgery as preliminary evidence and even now claim that they only learned about them from the SEC complaint filed in Arizona against James Li, Thomas Chow and Christopher Liu when in fact they knew about them at the examiner's hearing. The Liquidation Trustee has been repeatedly urged to send out letters to the victims of the Ponzi scam to inform them that they had not lost their money by making a bad investment and that they were victims of forgery.

The Liquidation Trustee will not disclose the forgery to the 29,000 victims of the Ponzi scam currently on the register of the shareholders. The Liquidation Trustee will only send a letter if a victim of the Ponzi scam contact him and ask for the letter. I have a copy dated April 20, 2016 signed by Geoffrey L Berman, Trustee for the Liquidation Trustee.

"Since my appointment as Trustee, I have become aware of the egregious financial fraud perpetrated by certain senior management of Syntax-Brilliant Corporation and certain senior management of Syntax-Brilliant Corporation and certain members of the Board of Directors of Syntax-Brilliant Corporation. Specifically, I have learned that such parties engaged in a complex scheme to overstate Syntax-Brilliant Corporation's financial results and transfer millions of dollars out of Syntax-Brilliant Corporation, all the while concealing that prior to the Petition Date Syntax-Brilliant Corporation had negative gross margins and was deeply insolvent. The scheme involved falsification of shipping documents, invoices, purchase orders and other documentation to show

sales and other documentation to show sales overseas that did not actually occur and expenditures not made for the benefit of Syntax-Brilliant Corporation.”

So a week after David Fournier made false utterances about the forgeries in the 4/13/2016 hearing where shareholders argued motions to impeach the evidence, the Liquidation Trustee sent me a letter confirming that one of his professionals made false utterances about Syntax-Brilliant’s falsified books and records. David Fournier, a professional representing the Liquidation Trustee, at the hearing on 4/13/2016 and asserted that they were the property of the debtors.

The Liquidation Trustee and his professionals cannot have it both ways. On the one hand, the Liquidation Trustee admits that the SBC Board of Directors that approved the filing of the abusive petition were unqualified to file the Chapter 11 because they had engaged in a complex scheme to falsify the books and records of SBC .

The Liquidation Trustee omits any reference to the numbers. How many forged invoices and the total amount of these forged invoices and shipping documents. The Liquidation Trustee has been asked to provide information on when the last forged documentation was booked on the falsified books and records. The Liquidation Trustee is withholding that information for an obvious reason – any forged document produced by SBC that was used to falsify the books and records after September 30, 2007 were forged for the purpose of backing up the fabricated numbers on the abusive Chapter 11 petition. An example of this is all the forged documentation related to the sale of TVS to the Chinese Olympics Committee. What was the exact value of the sales to the Chinese Olympics Committee? That is just one of the many numbers that the Liquidation Trustee is concealing and it is a number that is critical to understanding of how forged invoices were produced to distort and grossly exaggerate the assets of the estate as listed on the Chapter 11 petition.

Four months prior to the filing of the Petition, SBC filed a disclosure with the SEC marking down the false sales by \$99 million dollars. And while they were at it, SBC continued to forge documentation to back up \$130 million figure represented as “tooling deposits” when in fact the \$130 million bogus figure was used to falsify SBC’s Books and records.

On July 28, 2008 – three weeks after the filing of the petition – Roberta A DeAngelis, Acting United States Trustee filed a motion to appoint an examiner. The motion was vigorously opposed by Silver Point, Greenberg Traurig acting as counsel for the debtors and by Pepper Hamilton counsel who were then representing the Liquidation Trustee.

The examiner was appointed due to pressure from shareholders (~~SBC~~<sup>DW</sup>). The United States Trustee raise a number of concerns and questions. “Exhibit A to SBC’s Chapter 11 petition indicates that all three Debtors, on a consolidated basis, have total assets of approximately \$175.7 million.” We now know that \$108 million included in the total assets did not reflect any real economic activity and that they were backed by forged documentation. We now know that the real assets of SBC at the time they filed the Chapter 11 could not have exceeded \$68 million which means the

assets represented on Exhibit A to SBC's Chapter 11 petition were exaggerated. The real assets were inflated by 157%.

The total debts were alleged to be \$259 million. That was also a fabricated and grossly inflated figure. For one thing, there are no legal grounds for any person or legal entity to assert a lien on stolen money. Silver Point and Citicorp, even if it had not engaged in misconduct and bankruptcy fraud, filed a false claim of \$112. Affiliates of TCV also filed false unsecured creditor claims in the amount of \$42 million that have were expunged by the Liquidation Trustee long after the bad actors who filed the petition secured a plan based on the now discredited Rayburn Declaration. So the maximum legitimate claims would reduce the alleged \$259 debt by \$154 million which means the SBC's debts listed on the petition could not have exceeded \$105 million. So the real debts were exaggerated by 147%.

Further, the Third Circuit has already ruled in the instant case that if SBC's officers and directors incurred debts for the purpose of defrauding the victims of the SBC Ponzi scam, those claims cannot be asserted against the assets of the Ponzi scam. A Ponzi scam is never be completely insolvent. When Ponzi scams collapse, whatever is in the estate of the Ponzi scam is used to make restitution to the victims not to some other party that lent money to the operators of the Ponzi scam.

The United States Trustee also noted that "The Debtors' unsecured have not filed yet not filed schedules and statements of financial affairs; accordingly, the specific composition of their assets and liabilities are not known at his time." The Liquidation Trustee's counsel at the hearing on 4/13/2016 continued to make blatantly false utterances about the forgeries in that are in his possession. The Liquidation Trustee's counsel opposed the impeachment of the evidence entered on the First Day's Hearing even after Gregory Rayburn and Nancy Mitchell disavowed their sworn affidavits and testimony to avoid making false utterances about the forgeries.

Two days later, on 4/15/2016, Max Batty and Diamond McCarthy admitted to Mr. Ahmed Amr that he is in possession of SBC forged documentation and also admitted that he had not reported them to law enforcement. So that the Liquidation Trustee has, in effect, adjudicated whether someone should or should not be charged with forgery when he had no authority to adjudicate a Title 18 crime and knew that the Bankruptcy Court did not have the mandate to adjudicate forgery charges. The Liquidation Trustee wants to handle the matter of the forged documentation in civil proceedings when the forgers should have been prosecuted under Title 18 federal statutes and under California forgery statutes.

The Liquidation Trustee can't have it both ways. The Third Circuit has already admitted the forgeries as facts in evidence and the Liquidation Trustee has in its possession the forged documentation to validate the Third Circuit's findings.

Like the Court, the Liquidation Trustee is clinging onto fabricated numbers that are derived from forgeries in their possession. The Liquidation Trustee is fully vested in the fabricated numbers and is fully vested in standing by Silver Point's false \$112 million claim which the movant and other pro se litigants have already impeached. The Liquidation Trustee cannot escape accountability for destroying forged documentation in his custody and obstructing justice in other jurisdictions.

The most important number we have impeached is a \$112 million senior claim filed by Silver Point and Citicorp. The Court admitted into evidence my affidavit which proves that Silver Point and Citicorp had no claim for a number of reasons. There is no legal basis for stating a claim or placing a legal lien against money stolen in a Ponzi scam. The absolute priority rule notwithstanding, Silver Point and Citicorp did not have a legal claim and in fact by filing a false claim are guilty of bankruptcy fraud and fraud on the court and must be forced to pay draconian sanctions to deter bankruptcy fraud and fraud on the court and spoliation of evidence and concealment of forgery and concealment of evidence of a Ponzi scam and failure to disclose the evidence of the Ponzi scam to the victims of the Ponzi scam.

The Liquidation Trustee continues to cling onto Silver Point's false claim and continues to assert that it is a valid claim when in fact he knows with absolute certainty that Silver Point and Citicorp had no claim. In fact, Silver Point and Citicorp had stolen from the assets of the Ponzi scam by charging usurious rates of interest and commissions that exceeded 40%. Silver Point also appears to have actively traded in the shares of the debtors. The Liquidation Trustee and his professionals have served themselves a generous portion of the money stolen in the SBC Ponzi scam.

Greenberg Traurig and Nancy Mitchell no longer stand by the impeached fabricated numbers on the Chapter 11 petition that was signed by Victoria Counihan, a former colleague and protégé of Judge Brendan Shannon. Gregory Rayburn no longer stand by his false affidavit that concealed evidence of the forgery and concealed the fact that SBC was a Ponzi scam. James Li and Thomas Chow have agreed not to contest the fact that they falsified seven SEC filings backed by \$400 million in forged sales invoices, forged purchase orders and forged shipping documents. They have also consented to a judgment of \$60 million imposed by the United States District Court – District of Arizona. Greenberg Traurig has also been forced to repay \$3.3 million to the estate for unspecified pre-petition misconduct.

So the only parties embracing the fabricated numbers on the Chapter 11 petition and the associated Purchase Assets agreement is Judge Brendan Shannon and the Liquidation Trustee and Silver Point which currently has a lien against causes of action that rightfully belong to the victims of the Ponzi scam. While asserting the false Silver Point claim and proceeding on the fabricated numbers, the Liquidation Trust has retained legal and physical custody of the forged sales invoices, the forged purchase orders and the forged shipping documents. They have denied access to the forgeries and claimed them as the private property of the estate that was conveyed to the Liquidation Trustee on the basis of a plan that was based on the fabricated numbers in the Chapter 11 petition and the impeached Rayburn Declaration.



The Liquidation Trustee, in full knowledge of the forged documentation and in physical custody of the forged documentation has motioned for the destruction of some of the falsified books and records related to the Vivitar Transaction which involved Silver Point's sale of Vivitar's assets while full cognizant that Vivitar was purchased in exchange for shares of Syntax-Brillion. The proceeds from the Vivitar Transaction were derived from Silver Point's sale of stolen assets.

The Liquidation Trustee must explain why his firm and his professionals destroyed some of the forged documentation without allowing adversaries an opportunity to inspect them. The Court continues to ignore the fact that it had ordered the destruction of forged documentation related to the illicit Vivitar transaction. The Vivitar assets were not the personal property of the Brendan Shannon or Silver Point or the Liquidation Trustee – they were the property of the victims of the SBC Ponzi scam. Silver Point could not have asserted a legal lien against stolen property that was not purchased with the proceeds of the Silver Point loan and was purchased by the Ponzi scam artists in exchange for shares. And Silver Point and the Liquidation Trustee cannot under any cover of law claim exclusive ownership of the forgeries or exclusive claim to causes of action emanating from the discovery of the forgery.

#### The Liquidation Trustee Has No Standing in these Proceedings

The Liquidation Trustee was appointed to implement a plan that was based on the Rayburn Declaration that has now been impeached. The Liquidation Trustee's counsel, Pepper Hamilton, had represented the unsecured creditor committee prior to the plan and had opposed the hiring of an examiner and engaged in concealing the forgeries even after the their attorneys had concrete knowledge that the examiner had discovered forged sales invoices and determined that all the debtors, the buyer and the supplier were one big Ponzi scam exchanging bundles of forged documentation to falsify SBC's books and records.

The Liquidation Trustee has no standing because he was appointed to administer a plan that was based on fabricated numbers. The Liquidation Trustee has danced around the issue of the forgeries in their possession. They have refused to notify law enforcement that they are in possession of forgeries and have asserted the legal right to have exclusive access to the forgeries and they have actually filed motions to destroy some of the falsified books and records related to the Vivitar transaction.

The Liquidation Trustee's legal calculus is based on fabricated numbers backed up by forged documentation. It is a classic case of garbage in and garbage out. No matter how many times you pass the garbage that has passed for evidence in these illicit proceedings – it still comes out as forged documentation – it still comes out as a Ponzi scam that tried to conceal the evidence of forgery by filing an illicit Chapter 11 petition on an outrageous false claim of \$112 million asserted by Edward Mule and Robert O'Shea and Silver Point and Citicorp.

The Liquidation Trustee has used the fabricated numbers and the forged documentation in the same way that James Li, Silver Point and Greenberg Traurig and the Liquidation Trustee has used them. They continue

to conceal forged documentation that was specifically produced to back up the fabricated numbers on the Chapter 11 petition.

No amount of evidence not even evidence admitted by the Third Circuit will convince the Liquidation Trustee that it is time to proceed on a true factual accurate reliable numbers. The Liquidation is sticking to the fabricated numbers even as their counsel continues to make false utterances about the forgeries.

It is outrageous that the Liquidation Trustee insists on proceeding on impeached evidence when the fabricated numbers are not even being supported by the parties that entered them into evidence. Of all the people who have had legal custody of these forged documents – no one has had custody of them for longer than the Liquidation Trustee and by extension, Silver Point. The Liquidation Trustee's counsel has known about the forgeries and the fabricated numbers and the false Silver Point claim since the examiner reported the forgeries to the Court on October 6, 2008. And the Liquidation Trustee has slept on all the causes of action that would have resulted in substantial restitution to victims of the SBC Ponzi scam and he has slept on those causes of action to protect himself and Silver Point. In the process, the Liquidation Trustee has paid himself and his professionals from the stolen assets of the SBC Ponzi scam.

For seven years, the Liquidation Trustee and his counsel have filed hundreds of motions based on the fabricated numbers that have been impeached. While in possession of the forged documentation, the Liquidation Trustee moved the forgeries across state lines from the City of Industry in California to Tempe, Arizona and now are in the custody of Max Beatty, a professional of the Liquidation Trustee. The movant paid a visit to Max Beatty's office on 4/15/2016 and Max Beatty confirmed that his firm had custody of the forgeries and further confirmed that he had not reported them to the police but had reported them to the SEC. I subsequently filed a report with the Houston Police Department on April 15, 2016 (incident no: 48025816). For the record, unlike David Fournier, Max Beatty did not make a false utterance about the forgeries and freely admitted that they were forgeries but refused to report them to law enforcement. So we have one professional of the Liquidation Trustee affirming his possession of forged documentation and we have another professional of the Liquidation Trustee making false utterances about forgeries in a court of law and insisting on proceeding on false facts and fabricated numbers.

The Liquidation Trustee has apparently given his professionals the discretion to admit to the forgeries and even assert the forgeries as evidence when pursuing claims against Preferred Bank while giving other professionals of the Liquidation Trustee the discretion to make false utterances about the forgeries when asserting Silver Point's false \$112 million claim in the bankruptcy court. The decisions of the Liquidation Trustee on whether to embrace the fabricated evidence or make an issue of the forgery is determined by the interest of Silver Point, a party that has no interest and no legal claim on the money stolen from the victims of the SBC Ponzi scam. The Liquidation Trustee has no option but to embrace the fabricated evidence and the only legal authority the Liquidation Trustee has is based on the provisions of a plan that is based entirely on the impeached Rayburn Declaration.

The Liquidation Trustee has enriched himself by stealing from the remaining assets of the Ponzi scam and enriching the professionals of the Liquidation Trust with ill-gotten fees for their tireless efforts in concealing the forgeries and standing by the fabricated evidence. It is no surprise that Judge Brendan Shannon would grant the Liquidation Trustee the right to proceed on fabricated numbers and a plan based on fabricated numbers. The Liquidation Trustee and Judge Brendan Shannon are now circling the wagon to reverse the successful efforts of pro se litigants to impeach Gregory Rayburn's Affidavit and Nancy Mitchell's testimony

and they have to circle the wagon in the company of Edward Mule and Robert O'Shea whose false claim will certainly be expunged once we have a judge who will proceed on true evidence.

The evidence of the Ponzi scam and restitution for the victims of the Ponzi scam could have happened much earlier if the Liquidation Trustee had not opposed pro se litigants many attempts to proceed on true evidence.

The Bankruptcy code does not allow for an assertion of a false claim to conceal evidence of forgery and a Ponzi scam. In the instant case – we have a Liquidation Trustee appointed on a plan that was based on a false impeached affidavit who believes that laws against forgery should only be applied when the Liquidation Trustee thinks they should be applied. The Liquidation Trustee did not have the legal authority to decide whether forged documentation should be destroyed. And yet he has destroyed forged documentation. The Liquidation Trustee does not have the legal authority to decide if forgeries should or should not be reported to law enforcement. The Liquidation Trustee does not have the legal authority to decide which shareholders should know they were victims of forgery when he knows that all shareholders can, at a minimum, derive tax benefits if they are informed of the forgeries. The Liquidation Trustee has acted to protect himself and his professionals who knew about the forgeries since October 6, 2008 and who conspired with Greenberg Traurig to keep the forgeries out of the evidence and proceed on the false evidence. Greenberg Traurig's counsel informed the Court after the examiner's hearing that they would be working in common cause with Pepper Hamilton. Since then, the Liquidation Trustee actively engaged in burying the evidence of massive forgery and concealing it from the victims of the SBC Ponzi.

#### The Liquidation Trustee's Violations of Due Process

In their desperate attempt to conceal the evidence of a Ponzi scam and to hold onto their ill-gotten fees, the Liquidation Trustee and his counsel has violated my due process rights, violated the Federal Rules of Evidence, engaged in misconduct and engaged in bankruptcy fraud, fraud on the court and repeatedly made false utterances about the forgeries. The Liquidation Trustee continues to proceed on false evidence and knows that he was appointed to administer a plan that is based on the false and impeached Rayburn Declaration.

Some informed investors like the movant have managed to recover a portion of their stolen money despite the Liquidation Trustee's obstructionism. The Liquidation Trustee has already sent letters to the fortunate few who know about the forgeries confirming that they were victims of forgery and a Ponzi scam and confirming that we were defrauded by forged sales invoices, purchase orders and forged shipping documents representing sales that never happened. That letter allows victims of this Ponzi scam to get instant tax relief – but only if they are well informed about the forgeries. No attempt has been made by the Liquidation Trustee to inform uninformed unrepresented shareholders that they might be entitled to a tax relief because they were the victims of forgery. If you know – you get substantial tax relief as initial partial restitution. If you don't know – you get no restitution. That is perhaps the most inequitable result of these illicit proceedings. And that result was achieved by wholesale violations of the Federal Rules of Evidence where an illicitly appointed Liquidation Trustee has violated his limited mandate and actively engaged in racketeering by piling on layers and layers of documentation to conceal the forgeries and to allow for dispersing what remained of the stolen money to Silver Point, Citicorp and the professionals of the Liquidation Trust that have worked so diligently to conceal the evidence of the forgery and the evidence of the Ponzi scam.

The Liquidation Trustee continues to cling to the impeached evidence out of self-interest. The only real novel thing about this case is that even when false evidence was impeached, the Liquidation Trustee continues to assert the fabricated numbers on the petition when he knows with absolute certainty that those numbers are grossly misleading and that Silver Point and Citicorp did not have a legal secured claim of \$112 million and when he knew with absolute certainty that the assets listed in the Purchase of Assets agreement did not exist and when he himself has expunged \$42 million in unsecured creditor claims filed by the same bad actors who carried out the Ponzi scam and when he knows with absolute certainty that Michael Wu and John Wu were not arms-length buyers as represented by Silver Point and when he knows with absolute certainty that Silver Point, Greenberg Traurig and FTI filed an abusive Chapter 11 petition to conceal the forgeries and steal whatever was left of the money stolen by the operators of the Ponzi scam who were at once the officers and directors who approved the filing of the abusive Chapter 11 petition. The Liquidation Trustee himself has concealed the forgeries for seven years and proceeded on fabricated numbers for seven years.

The minimal requirements of justice for me and similarly situated victims of the SBC Ponzi scam is to expect that the court to proceed on true evidence and real numbers not the fabricated numbers that the Liquidation Trustee continues to assert. The Liquidation Trustee has a lot of questions to answer and I expect him to show up for examination when this motion is heard.

The Liquidation Trustee knows the documents were forged in California by residents of California for the purposes of falsifying SBC's books and records. The Liquidation Trustee does not want anyone charged with forgery and has decided to not allow any other jurisdiction an opportunity to adjudicate the forgery charges in California court before a California jury. The Liquidation Trustee will not even hand the forgeries to the FBI as he has no interest in any further investigation of the forgeries and has no interest in anybody being ever charged with forgery.

The Liquidation Trustee and Judge Brendan Shannon have for seven years obstructed justice and delayed restitution for the victims of the SBC Ponzi scam by concealing the evidence of forgery from authorities in California, Arizona and Texas.

While the Liquidation Trustee was busy concealing the forgeries and while the Liquidation Trustee and his professionals were enriching themselves from the stolen money and enriching Silver Point with stolen money, many of the victims of the Ponzi scam have passed away without ever knowing that they were victims of a Ponzi scam fueled by hundreds of millions in forged documents stashed away in the offices of Diamond McCarthy in Huston Texas – a few thousand miles from where they were forged. Forgeries are forgeries. If the forged documents were forged in California they do not stop being forged documents when they are transported against state lines to Texas.

#### Conclusion

Whereas, the Liquidation Trustee was appointed to administer a plan that concealed the massive forgery that was used to implement the SBC Ponzi scam

Whereas, The Liquidation continues to asset that Silver Point has a legitimate \$112 million secured claim when he knows with absolute certainty that Silver Point filed a false claim

Whereas, the Liquidation Trustee's counsel, David Fournier, made false utterances about the forged documentation in the April 13, 2016

Whereas, the Liquidation Trustee has proceeded on fabricated numbers that he knows to be fabricated numbers listed on the Chapter 11 petition and false evidence that he knows to be false evidence

Whereas, the Liquidation Trustee has authorized the transfer of these forgeries across state lines to Diamond McCarthy's offices in Houston Texas

Whereas, the Liquidation Trustee knows John and Michael Wu were not arms-length buyers and is perfectly aware that the purchase of assets agreement was designed to transfer the forgeries uninspected to cover up the egregious pre-petition fraud

Whereas, the fabricated numbers in the Purchase of Assets Agreement represented fictional Asian receivables and inventory that did not exist and had a value of zero

Whereas, The Liquidation Trustee have known that the numbers Purchase of Assets Agreement were not \$108 million but zero

Whereas, The Liquidation Trustee has attempted to conceal that the accounts receivables from SCHOT and Olevia Far East were based on forged sales invoices in his possession

Whereas, the Liquidation Trustee transferred the fabricated receivables to a Remedy Asia for collection when he knew that there was nothing to collect

Whereas, the evidence in the First Day's Hearing was already impeached before the hearing on April 13, 2016

Whereas both Nancy Mitchell and Gregory Rayburn did not object to the impeachment of their evidence and the fabricated numbers on the Chapter 11 petition

And Whereas the Liquidation Trustee continues to make false utterances about the forged documentation for the purpose of justifying his obsessive attachment to the fabricated numbers

And Whereas the Liquidation Trustee and his professionals have engaged in racketeering and proceeding on false evidence and fabricated numbers that he knows to be false evidence and fabricated

And Whereas, the Liquidation Trustee has systematically crushed the due process rights of 29,000 shareholders for seven years for the benefit of his former clients, Edward Mule and Robert O'Shea

And Whereas the Liquidation Trustee has made these false claims while simultaneously suppressing the evidence of forgery and embracing Silver Point's false claim and embracing the false figure of \$176 million listed as the assets on the Chapter 11 petition and embracing the false figures for the \$42 million in false unsecured claims by Taiwanese entities related to the buyer, TCV.

And Whereas the Liquidation Trustee has obstructed the course of justice and abused his power in withholding the evidence of massive forgery from other law enforcement agencies in California, where the forged documentation was produced and where the forgers were domiciled

And Whereas the Liquidation Trustee has engaged in fraud on the court, bankruptcy fraud, concealing forgery, making false utterances about forgeries, moving forgeries across state lines for the purpose of

defrauding investors, asserting false and fabricated numbers and false claims and repeated violations of the due process rights of tens of thousands of victims of the SBC Ponzi

And Whereas the Liquidation Trustee has managed to prevail on the Court and reinstate evidence that has already been impeached

And Whereas the Liquidation Trustee and Silver Point now are jointly liable for reinstating false evidence that is no longer supported by the authors of the Rayburn Declaration

Whereas the impeached evidence would have resulted in immediate restitution to shareholders who are involved in the District Court proceedings

And whereas the Liquidation Trustee reinstated the discredited and impeached testimony of Nancy Mitchell and reinstated and reasserted the discredited fabricated numbers that have already been sufficiently and repeatedly impeached. The impeachment of Nancy Mitchell's evidence and the impeachment of the Rayburn Affidavit would have led to the instant granting of the sanctions motion now pending in the District Court. Pro Se litigants have intervened in the District Court and would have immediately gotten restitution if the Liquidation Trustee had not filed a motion to obstruct any kind of recovery by shareholders

And whereas the Liquidation Trustee has subverted our due process while stealing money from the assets of the SBC Ponzi scam

Whereby, I move the Court to disqualify and terminate the Liquidation Trustee and the Professionals of the Liquidation Trust for Proceeding on Impeached Evidence

Whereby, I move the Court to Sua Sponte impose draconian sanctions against the Liquidation Trustee and his counsel, Pepper Hamilton

Whereby, I move the Court to appoint a Chapter 7 Trustee to replace the Liquidation Trustee

Whereby, I move the Court to proceed on true evidence to allow the Chapter 7 Trustee to proceed on true evidence

Whereby, I move the Court for an order to the Liquidation Trustee to cease and desist from making more false utterances to conceal the forgeries

Whereby, I move the Court to refer David Fournier to the Attorney General and the Bankruptcy Fraud task force for making false utterances about the forgeries on 4/13/2016

Whereby, I move the Court to immediately enter an order compelling the Liquidation Trustee to send every shareholder on record a letter confirming that they were victims of a Ponzi scam

Whereby, I move the Court to immediately dismiss the Liquidation Trustee and his professionals and enter an order for them to return the fees they illicitly took out of stolen with draconian penalties and interest to be determined by the Court

Whereby, I move the Court to refer Geoffrey Berman and David Fournier to the Attorney General for bankruptcy fraud, fraud on the court, embezzlement of stolen funds, grand theft, racketeering, violations of the due process rights of 29,000 innocent unrepresented victims of the Ponzi scam and conspiring with others to defraud victims of the Ponzi scam and grant any other relief the Court deems to be just and equitable.

Due to my health condition, I cannot travel to Wilmington and have authorized Ahmed Amr to speak on my behalf at the hearing.

Respectfully,

Denise Warren  
626 Main Street  
Unit 1'  
Edmonds, WA 98020

425-672-1307

montraj@yahoo.com

**Certificate of Service**

This is to certify that I, Denise Warren, mailed the Motion of Disqualify the Liquidation Trustee on 5/18/2016 by Priority Mail

MAY 23 11 09:43  
U.S. BANKRUPTCY COURT  
DISTRICT OF DELAWARE

Clerk of the Court  
The Bankruptcy Court  
District of Delaware  
824 N Market Street  
3<sup>rd</sup> Floor  
Wilmington, DE 19801  
By priority mail

Evelyn J Meltzer  
Hercules Plaza  
Suite 5100  
1313 N Market Street  
PO Box 1709  
Wilmington DE 19899-1709  
By Priority Mail

*Denise Warren*  
*May 17, 2016*



# Schedule A

April 20, 2016

e-mail: gberman@dsi.biz

Denise Warren  
626 Main Street, Unit 1  
Edmonds, WA 98020

Dear Ms. Warren:

On July 9, 2008 (the "Petition Date"), Syntax-Brilliant Corporation, Syntax-Brilliant SPE, Inc. and Syntax Groups Corporation (collectively, the "Debtors") filed voluntary petitions under chapter 11 of title 11 of the United States Code (11 U.S.C. §§ 101 *et seq.* as amended, the "Bankruptcy Code"). The Debtors' chapter 11 cases are pending in the United States Bankruptcy Court for the District of Delaware (the "Bankruptcy Court") and are captioned Syntax-Brilliant Corporation, et al., Case No. 08-11407 (BLS) (Jointly Administered) (the "Chapter 11 Cases").

On July 6, 2009, the Bankruptcy Court entered the Order Confirming the Debtors' Second Amended Chapter 11 Liquidation Plan (Docket No. 1529) (the "Confirmation Order"). The Confirmation Order, among other things, confirmed the Debtors' Second Amended Chapter 11 Liquidation Plan (Docket No. 1016) (as modified, the "Plan"). On July 7, 2009, the effective date (the "Effective Date") occurred under the Plan and the SB Liquidation Trust (the "Liquidation Trust") was formed pursuant to the Plan and came into being. I was appointed to serve as the trustee (the "Trustee") to the Liquidation Trust.

You have advised me that prior to the Petition Date, you purchased equity interests in Syntax-Brilliant Corporation. Pursuant to the Plan, on the Effective Date, all equity interests in any of the Debtors, including, but not limited to, all issued, unissued, authorized or outstanding shares of stock and any and all warrants, options or contract rights to purchase or acquire such interests at any time, (the "Equity Interests") were cancelled. While Equity Interests may hold a contingent residual interest under the Plan, it is not anticipated that there will be any funds available to distribute to holders of Equity Interests.

Since my appointment as Trustee, I have become aware of the egregious financial fraud perpetrated by certain senior management of Syntax-Brilliant Corporation and certain members of the Board of Directors of Syntax-Brilliant Corporation. Specifically, I have learned that such parties engaged in a complex scheme to overstate Syntax-Brilliant Corporation's financial results and transfer millions of dollars out of Syntax-Brilliant Corporation, all the while concealing that prior to the Petition Date Syntax-Brilliant Corporation had negative gross margins and was deeply insolvent. The scheme involved falsification of shipping documents, invoices, purchase orders and other documentation to show sales overseas that did not actually occur and expenditures not made for the benefit of Syntax-Brilliant Corporation.

LOS ANGELES

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I understand that you have requested this letter so that you may pursue a claim for theft loss for federal income tax purposes with respect to your Equity Interests in Syntax-Brilliant Corporation. In providing you with this letter, neither I, the Liquidation Trust, nor its professionals are expressing any opinion as to whether the Internal Revenue Service will recognize your theft loss claim. Your right to pursue any theft loss claim is between you, your tax professionals and the Internal Revenue Service.

Sincerely,



Geoffrey L. Berman

Trustee for the Liquidation Trust

cc: Evelyn Meltzer, Esq. (by mail)

Certificate of Service

This is to certify that I, Denise Warren, mailed the Motion of Disqualify the Liquidation Trustee on 5/18/2016 by Priority Mail

Clerk of the Court  
The Bankruptcy Court  
District of Delaware  
824 N Market Street  
3<sup>rd</sup> Floor  
Wilmington, DE 19801  
By priority mail

Evelyn J Meltzer  
Hercules Plaza  
Suite 5100  
1313 N Market Street  
PO Box 1709  
Wilmington DE 19899-1709  
By Priority Mail

*Denise Warren*  
*May 17, 2016*