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SOUTHERN DISTRICT OF CALIFORNIA
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s/ dominicfrank

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

February 2023 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

JORDAN JOSEPH QSAR (1),
GRANT LEE WITHERSPOON (2),
AUSTIN LANE BERNARD (3),

Defendant.

Case No. '24 CR0385 DMS

I N D I C T M E N T

Title 18, U.S.C., Sec. 371 -
Conspiracy; Title 15, U.S.C.,
Secs. 78j(b), 78ff, and Title 17,
C.F.R., Secs. 240.10b-5 and
240.10b5-1 - Securities Fraud;
Title 18, U.S.C., Sec. 1343 - Wire
Fraud; Title 18, U.S.C., Sec. 2-
Aiding and Abetting; Title 18,
U.S.C., Sec. 981(a)(1)(C) and
Title 28, U.S.C., Sec. 2461(c) -
Criminal Forfeiture

The grand jury charges:

INTRODUCTORY ALLEGATIONS

Relevant Entities and Individuals

1. Jack in the Box, Inc. ("Jack") was an American fast food restaurant chain, headquartered in San Diego, California.

2. Del Taco Restaurants, Inc. ("DelTaco") was an American fast food restaurant chain, based in Lake Forest, California.

3. Robinhood Markets, Inc. ("Robinhood") was an American financial services company that allows commission-free trades of stocks using a mobile application.

1 4. TD Ameritrade Holding Corporation ("TD Ameritrade") was a
2 stockbroker that offered an electronic trading platform to trade stocks,
3 options, and other assets along with cash management services.

4 5. Defendant JORDAN JOSEPH QSAR ("QSAR"), GRANT LEE WITHERSPOON
5 ("WITHERSPOON"), and AUSTIN LANE BERNARD ("BERNARD") were former and
6 current baseball minor league players who were drafted in 2017 and 2018.

7 6. Individual 1 was QSAR's former Pepperdine baseball teammate.
8 From August 2021, Individual 1 worked for Jack as its senior associate
9 in the strategic finance department. The acquisition of DelTaco was one
10 of his main projects. As a member of Jack's financial department,
11 Individual 1 had a fiduciary duty, among other obligations, to maintain
12 the confidentiality of all of Jack's confidential information. In
13 accordance with Jack's written code of business conduct and ethics, Jack
14 prohibited any employee or board member from buying or selling company
15 stock while in possession of material, non-public information about
16 Jack, or from disclosing such information to another person (including
17 relatives and friends) except when such disclosure was necessary to
18 fulfill a business objective of Jack. On August 10, 2021, Individual 1
19 signed a non-disclosure agreement which forbade disclosing confidential
20 information concerning Jack, using such information to trade securities,
21 and tipping others who may use such information to trade securities. On
22 September 21, 2021, Individual 1 signed a confidentiality agreement
23 relating to the acquisition of DelTaco which forbade Individual 1 from
24 disclosing confidential information with anyone except other employees
25 working on the same project.

26 7. On December 6, 2021, Jack publicly announced its plans to
27 acquire DelTaco for approximately \$575 million. Following this
28

1 announcement, DelTaco's stock increased from \$7.53 to \$12.51 at closing
2 price.

3 **The Relationship Between QSAR and Individual 1.**

4 8. QSAR, BERNARD, and Individual 1 were friends while they were
5 on the Pepperdine University's baseball team in 2015, 2016, 2017. BERNARD
6 was drafted by the Colorado Rockies in 2017. QSAR and WITHERSPOON were
7 drafted in the same year to the Tampa Bay Rays in 2018. Individual 1
8 became acquainted with WITHERSPOON through QSAR. During their time
9 together in college and afterwards, QSAR and Individual 1 were close
10 friends and shared confidences in areas ranging from personal life,
11 career goals, and finance management.

12 **The Insider Trading Scheme**

13 Overview

14 9. From approximately September 2021 to at least October 2021,
15 Individual 1 provided to QSAR, directly and indirectly, material non-
16 public information regarding Jack. From at least as early as October
17 2021 through at least December 6, 2021, QSAR, WITHERSPOON, and BERNARD
18 participated in a scheme in which they used, material non-public
19 information obtained from Individual 1 regarding Jack's acquisition of
20 DelTaco to purchase and sell DelTaco securities based on such
21 information.

22 10. In furtherance of the scheme, QSAR obtained material, non-
23 public information from Individual 1 as a close friend and confidant-
24 knowing that Individual 1's role as a member of Jack's finance team
25 allowed Individual 1 access to material non-public information related
26 to Jack's review, analysis, discussions, and negotiations surrounding a
27 potential acquisition of DelTaco (the "Acquisition Inside Information").
28 Subsequently, QSAR provided this information, directly and indirectly,

1 to WITHERSPOON, BERNARD, and others, in violation of (i) the duty of
2 trust and confidence owed by QSAR to Individual 1; (ii) fiduciary and
3 duties of trust owed by Individual 1 to Jack and its shareholders; (iii)
4 expectations of confidentiality held by Jack; (iv) written policies of
5 Jack regarding the use and safekeeping of confidential business
6 information; and (v) agreements between Jack and Individual 1 to maintain
7 Jack's business information in confidence.

8 11. QSAR, WITHERSPOON, and BERNARD, knowing that Individual 1
9 worked at Jack and had disclosed the Acquisition Inside Information in
10 violation of duties of trust and confidence, used the Acquisition Inside
11 Information to execute profitable trades in DelTaco securities. Such
12 trades earned QSAR, WITHERSPOON, and BERNARD trading profits of
13 approximately \$56,400, \$41,800, and \$64,600, respectively.

14 12. QSAR and Individual 1 maintained their close relationship from
15 college in 2018 and afterwards through 2021. They sought advice from
16 each other regarding personal and financial issues.

17 13. QSAR, WITHERSPOON, and BERNARD knew that Individual 1 worked
18 in finance for Jack. They knew or should have known that Individual 1
19 breached his duty to Jack and Jack's shareholders not to disclose
20 material non-public information belonging to Jack when Individual 1
21 shared material non-public information with QSAR.

22 14. WITHERSPOON and BERNARD knew or had reason to know that the
23 Acquisition Inside Information was obtained by QSAR and transmitted
24 improperly.

25 15. By providing the Acquisition Inside Information to QSAR,
26 Individual 1 received significant benefits, including (i) reputational
27 benefit, and (ii) providing a gift of confidential information to a
28 trading friend.

1 The Acquisition Inside Information

2 16. In approximately July 2021, DelTaco contacted potential
3 buyers. In October 2021, Jack conveyed to DelTaco their interest to
4 purchase. While Jack prepared for this significant purchase, its
5 employees conducted analyses using financial and legal experts to gauge
6 the health and trajectory of DelTaco's finances to determine whether the
7 purchase made economic sense for Jack. These discussions took place in
8 diligence calls and meetings that occurred from at least October 2021
9 through December 2021.

10 17. In approximately November 2021, Jack and one other candidate
11 submitted bids to DelTaco. On or about December 1, 2021, to December 3,
12 2021, both candidates submitted their final bids to DelTaco and DelTaco
13 selected Jack. Jack and DelTaco negotiated final terms and executed the
14 acquisition on December 5, 2021. The companies made a joint public
15 announcement of the acquisition agreement on December 6, 2021.

16 Individual 1 Learned of Acquisition Inside Information

17 18. As Jack's senior associate in its strategic finance
18 department, Individual 1 learned of the Acquisition Inside Information
19 before it was announced or otherwise known to the public.

20 19. On or about September 21, 2021, Individual 1 signed a non-
21 disclosure agreement with Jack that prohibited him from sharing any
22 information about its planned acquisition of DelTaco with anyone outside
23 of Jack. Additionally, Individual 1 participated in and facilitated
24 discussions, due diligence calls, and meetings regarding the acquisition
25 of DelTaco.

26 Individual 1 Shared Acquisition Inside Information with QSAR

27 20. Individual 1 shared the Acquisition Inside Information with
28 QSAR sometime between approximately September 2021 and October 15, 2021.

1 21. From at least October 15, 2021, QSAR used the Acquisition
2 Inside Information to purchase DelTaco options to capitalize on the
3 Acquisition Inside Information.

4 QSAR Tipped WITHERSPOON and BERNARD, who Purchased DelTaco Stocks
5 based on the Acquisition Inside Information

6 22. QSAR fraudulently disclosed the Acquisition Inside Information
7 to WITHERSPOON and BERNARD, who, in turn, fraudulently disclosed the
8 Acquisition Inside Information to others.

9 23. Specifically, while socializing in San Diego, California, QSAR
10 disclosed the Acquisition Inside Information to BERNARD. On or about
11 October 17, 2021, through text messages, QSAR disclosed further
12 information to BERNARD about the Acquisition Inside Information.
13 Specifically, BERNARD asked when the acquisition was going to happen and
14 QSAR told him that it would be in December. On or about October 21,
15 2021, through text messages, QSAR told WITHERSPOON that QSAR and
16 Individual 1 were to have a four-hour call, hopefully about the "good
17 good." This four-hour call was one of Jack's diligence call that
18 Individual 1 participated in while he was on a car ride from San Diego
19 to Los Angeles, California. QSAR was present and listened to the call.

20 24. QSAR, WITHERSPOON, and BERNARD, through text messages,
21 communicated with each other about which options they would get, how
22 many they bought, and what price. QSAR and WITHERSPOON used their
23 respective Robinhood and TD America accounts to purchase DelTaco call
24 options. BERNARD used his Robinhood account to purchase DelTaco call
25 options.

26 25. On or about December 6, 2021, following the acquisition
27 announcement, DelTaco's stock increased in price, from \$7.53 and closed
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1 at \$12.51 per share, representing a 66% increase from the prior trading
2 day's closing price.

3 The Tippees Sold DelTaco Options for Illegal Profits

4 26. On or about the same day, December 6, 2021, shortly after the
5 acquisition announcement, QSAR sold all his DelTaco options, realizing
6 a profit of approximately \$56,400 as a result of the trades he placed
7 on the basis of the Acquisition Inside Information.

8 27. On or about November 3, 16, 22, 26, 2021 and finally December
9 6, 2021, shortly after the merger announcement, WITHERSPOON sold his
10 DelTaco options, realizing a profit of approximately \$41,800 as a result
11 of the trades he placed on the basis of the Acquisition Inside
12 Information.

13 28. On or about December 6, 7, 10, and 14, 2021, BERNARD sold his
14 DelTaco options, realizing a profit of approximately \$64,600 as a result
15 of the trades he placed on the basis of the Acquisition Inside
16 Information.

17 COUNT 1 - CONSPIRACY TO COMMIT OFFENSES

18 (18, U.S.C., Sec., 371)

19 29. Introductory Allegations in paragraphs 1 through 8 of this
20 Indictment are realleged as if fully set forth herein.

21 30. Beginning in approximately October 2021 and continuing through
22 at least December 6, 2021, within the Southern District of California
23 and elsewhere, defendants JORDAN JOSEPH QSAR ("QSAR"), GRANT LEE
24 WITHERSPOON ("WITHERSPOON"), AUSTIN LANE BERNARD ("BERNARD") and others
25 known and unknown to the grand jury, knowingly and willfully conspired
26 and agreed together and with each other to commit offenses against the
27 United States, to wit:

1 a. Securities fraud, in violation of Title 15, United States
2 Code, Sections 78j(b) and 78ff, and Title 17, Code of Federal
3 Regulations, Sections 240.10b5 and 240.10b5-1; and

4 b. Wire fraud, in violation of Title 18, United States Code,
5 Section 1343.

6 Manner and Means

7 31. Introductory allegations 8 through 28 of this Indictment are
8 realleged as if fully set forth herein as more fully describing the
9 manner and means of the conspiracy.

10 Overt Acts

11 32. On or about the dates set forth below, within the Southern
12 District of California and elsewhere, QSAR, WITHERSPOON, BERNARD and
13 others committed the following overt acts, and others, in furtherance
14 of the conspiracy:

15 a. In or about October 2021, Individual 1 disclosed
16 Acquisition Inside Information related to Jack's expected acquisition
17 of DelTaco to QSAR.

18 b. In or about October 2021, QSAR disclosed that Acquisition
19 Inside Information to WITHERSPOON and BERNARD, who, in turn, disclosed
20 it to other co-conspirators.

21 c. From approximately October 15, 2021, to November 29,
22 2021, QSAR purchased approximately 258 DelTaco call options in order to
23 capitalize on Acquisition Inside Information by selling at a profit
24 after the eventual public announcement of Jack's acquisition of DelTaco.

25 d. From approximately October 15, 2021, to November 29,
26 2021, WITHERSPOON purchased approximately 329 DelTaco call options in
27 order to capitalize on Acquisition Inside Information by selling at a
28

1 profit after the eventual public announcement of Jack's acquisition of
2 DelTaco.

3 e. From approximately October 20, 2021, to December 2, 2021,
4 BERNARD purchased approximately 370 DelTaco call options in order to
5 capitalize on Acquisition Inside Information by selling at a profit
6 after the eventual public announcement of Jack's acquisition of DelTaco.

7 f. On or about December 6, 2021, after Jack's DelTaco
8 acquisition announcement, QSAR sold the options he had purchased on
9 between October 15, 2021, to November 29, 2021, thereby obtaining
10 approximately \$56,400 in illegal proceeds.

11 g. On or about December 6, 2021, after Jack's DelTaco
12 acquisition announcement, WITHERSPOON sold the options he had purchased
13 on between October 15, 2021, to November 29, 2021, thereby obtaining
14 approximately \$41,800 in illegal proceeds.

15 h. On or about December 6, 2021, after Jack's DelTaco
16 acquisition announcement, BERNARD sold the options he had purchased on
17 between October 20, 2021, to December 2, 2021, thereby obtaining
18 approximately \$64,600 in illegal proceeds.

19 All in violation of Title 18, United States Code, Section 371.

20 **COUNT 2 - SECURITIES FRAUD**

21 (15 U.S.C. Secs. 78j(b), 78ff; 17 C.F.R. Secs. 240.10b-5, 240.10b5-1)

22 33. Introductory Allegations as set forth in paragraphs 1 through
23 28 of this Indictment are realleged and incorporated by reference.

24 34. On or about from October 15, 2021 to December 6, 2021, within
25 the Southern District of California and elsewhere, defendants JORDAN
26 JOSEPH QSAR ("QSAR"), GRANT LEE WITHERSPOON ("WITHERSPOON"), and AUSTIN
27 LANE BERNARD ("BERNARD") willfully and knowingly, directly and
28 indirectly, by the use of the means and instrumentalities of interstate

1 commerce, and of the facilities of national securities exchanges, in
2 connection with the purchase and sale of securities, used and employed
3 manipulative and deceptive devices and contrivances, in violation of
4 Title 17, Code of Federal Regulations, Sections 240.10b-5 and 240.10b5-
5 1, by: (a) employing devices and schemes to defraud; (b) making untrue
6 statements of material facts and omitting to state material facts; and
7 (c) engaging in acts, practices, and courses of business which operated
8 as a fraud and deceit upon any person - to wit, on the basis of
9 Acquisition Inside Information that Individual 1 provided in breach of
10 a fiduciary duty of trust and confidence owed directly, indirectly and
11 derivatively, to Jack, its shareholders, and any other person who was
12 the source of the Acquisition Inside Information, QSAR, WITHERSPOON, and
13 BERNARD executed and caused to be executed the purchase and sale of 258,
14 329, 370, and 114 options, respectively, in DelTaco stock.
15 All in violation of Title 15, United States Code, Sections 78j(b) and
16 78ff, and Title 17, Code of Federal Regulations, Sections 240.10b-5 and
17 240.10b5-1, and Title 18, United States Code, Section 2.

18 **COUNTS 3 to 50 - WIRE FRAUD**

19 (18 U.S.C. Sec., 1343)

20 35. Introductory Allegations 1 through 8 of this Indictment are
21 realleged and incorporated by reference.

22 **The Scheme**

23 36. Beginning in approximately October 2021 and continuing until
24 at least December 6, 2021, within the Southern District of California
25 and elsewhere, defendants JORDAN JOSEPH QSAR ("QSAR"), GRANT LEE
26 WITHERSPOON ("WITHERSPOON"), and AUSTIN LANE BERNARD ("BERNARD") did
27 knowingly devise and intend to devise, with the intent to defraud, a
28 material scheme and artifice to defraud Jack, and to obtain property

1 from Jack by means of materially false and fraudulent pretenses,
 2 representations, and promises, and by the omission of material facts.
 3 Such property consisted of Jack’s confidential, proprietary information
 4 concerning Jack’s review, analysis, discussions (internal and external)
 5 and negotiations surrounding a potential acquisition DelTaco.

6 Method and Means

7 37. Among the methods and means by which QSAR, WITHERSPOON,
 8 BERNARD, and others would and did carry out the scheme were those alleged
 9 in Introductory Paragraphs 8 through 28 of this Indictment, which are
 10 realleged and incorporated by reference.

11 Wire Transmission in Furtherance of the Scheme

12 38. On or about the dates set below, within the Southern District
 13 of California and elsewhere, JORDAN JOSEPH QSAR, in furtherance of the
 14 above-described scheme, transmitted and caused to be transmitted by
 15 means of wire communication in interstate commerce certain writings,
 16 signs, and signals for the purpose of executing such scheme - that is,
 17 the placement of an online internet order to commit the following
 18 transactions in DelTaco call options:

Counts	Defendant	On or about	Transaction
3	QSAR	October 15, 2021	Purchased 15 Call Options via his Robinhood Account: XXXXXX9195
4	QSAR	October 20, 2021	Purchased 2 Call Options via his Robinhood Account: XXXXXX9195
5	QSAR	October 22, 2021	Purchased 65 Call Options via his Robinhood Account: XXXXXX9195

1	6	QSAR	October 25, 2021	Purchased 3 Call Options via his Robinhood Account: XXXXXX9195
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4	7	QSAR	October 29, 2021	Purchased 2 Call Options via his Robinhood Account: XXXXXX9195
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7	8	QSAR	November 9, 2021	Purchased 38 Call Options via his Robinhood Account: XXXXXX9195
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10	9	QSAR	November 15, 2021	Purchased 2 Call Options via his Robinhood Account: XXXXXX9195
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13	10	QSAR	November 18, 2021	Purchased 40 Call Options via his Robinhood Account: XXXXXX9195
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16	11	QSAR	November 22, 2021	Purchased 52 Call Options via his TD Ameritrade Account: XXX-XX2751
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19	12	QSAR	November 23, 2021	Purchased 2 Call Options via his TD Ameritrade Account: XXX-XX2751
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21				
22	13	QSAR	November 29, 2021	Purchased 37 Call Options via his TD Ameritrade Account: XXX-XX2751
23				
24				
25	14	QSAR	December 6, 2021	Sold 167 Call Options via his Robinhood Account: XXXXXX9195
26				
27				
28	15	QSAR	December 6, 2021	Sold 91 Call Options

			via his TD Ameritrade Account: XXX-XX2751
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39. On or about the dates set below, within the Southern District of California and elsewhere, GRANT LEE WITHERSPOON, in furtherance of the above-described scheme, transmitted and caused to be transmitted by means of wire communication in interstate commerce certain writings, signs, and signals for the purpose of executing such scheme - that is, the placement of an online internet order to commit the following transactions in DelTaco call options:

Count	Defendant	On or about	Transaction
16	WITHERSPOON	October 15, 2021	Purchased 113 Call Options via his Robinhood Account: XXXXX3439
17	WITHERSPOON	October 18, 2021	Purchased 1 Call Option via his Robinhood Account: XXXXX3439
18	WITHERSPOON	October 20, 2021	Purchased 12 Call Options via his Robinhood Account: XXXXX3439
19	WITHERSPOON	November 2, 2021	Purchased 58 Call Options via his Robinhood Account: XXXXX3439
20	WITHERSPOON	November 3, 2021	Purchased 18 Call Options via his Robinhood Account: XXXXX3439
21	WITHERSPOON	November 3, 2021	Sold 20 Call Options via his Robinhood Account:

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			XXXXX3439
22	WITHERSPOON	November 4, 2021	Purchased 19 Call Options via his TD Ameritrade Account: XXX-XX5945
23	WITHERSPOON	November 9, 2021	Purchased 57 Call Options via his TD Ameritrade Account: XXX-XX5945
24	WITHERSPOON	November 10, 2021	Purchased 1 Call Option via his TD Ameritrade Account: XXX-XX5945
25	WITHERSPOON	November 12, 2021	Purchased 8 Call Options via his TD Ameritrade Account: XXX-XX5945
26	WITHERSPOON	November 16, 2021	Sold 57 Call Options via his TD Ameritrade Account: XXX-XX5945
27	WITHERSPOON	November 18, 2021	Purchased 50 Call Options via his TD Ameritrade Account: XXX-XX5945
28	WITHERSPOON	November 22, 2021	Purchased 15 Call Options via his TD Ameritrade Account: XXX-XX5945
29	WITHERSPOON	November 23, 2021	Purchased 1 Call Option via his Robinhood Account: XXXXX3439
30	WITHERSPOON	November 23, 2021	Purchased 3 Call Options via his TD Ameritrade

1			Account: XXX-XX5945
2	31	WITHERSPOON	November 23, 2021
3			Sold 25 Call Options
4			via his TD Ameritrade
5			Account: XXX-XX5945
6	32	WITHERSPOON	November 22, 2021
7			Purchased 15 Call Options
8			via his TD Ameritrade
9			Account: XXX-XX5945
10	33	WITHERSPOON	November 26, 2021
11			Sold 27 Call Options
12			via his TD Ameritrade
13			Account: XXX-XX5945
14	34	WITHERSPOON	November 29, 2021
15			Purchased 21 Call Options
16			via his TD Ameritrade
17			Account: XXX-XX5945
18	35	WITHERSPOON	December 6, 2021
19			Sold 183 Call Options
20			via his Robinhood Account:
21			XXXXX3439
22	36	WITHERSPOON	December 6, 2021
23			Sold 204 Call Options
24			via his TD Ameritrade
25			Account: XXX-XX5945
26	37	WITHERSPOON	December 7, 2021
27			Sold 44 Call Options
28			via his TD Ameritrade
			Account: XXX-XX5945

40. On or about the dates set below, within the Southern District of California and elsewhere, AUSTIN LANE BERNARD, in furtherance of the above-described scheme, transmitted and caused to be transmitted by means of wire communication in interstate commerce certain writings, signs, and signals for the purpose of executing such scheme - that is,

1 the placement of an online internet order to commit the following
 2 transactions in DelTaco call options:

Count	Defendant	On or about	Transaction
38	BERNARD	October 20, 2021	Purchased 7 Call Options via his Robinhood Account: XXXXX0214
39	BERNARD	November 4, 2021	Purchased 50 Call Options via his Robinhood Account: XXXXX0214
40	BERNARD	November 18, 2021	Purchased 40 Call Options via his Robinhood Account: XXXXX0214
41	BERNARD	November 19, 2021	Purchased 112 Call Options via his Robinhood Account: XXXXX0214
42	BERNARD	November 22, 2021	Purchased 94 Call Options via his Robinhood Account: XXXXX0214
43	BERNARD	November 26, 2021	Purchased 15 Call Options via his Robinhood Account: XXXXX0214
44	BERNARD	November 29, 2021	Purchased 7 Call Options via his Robinhood Account: XXXXX0214
45	BERNARD	December 1, 2021	Purchased 15 Call Options via his Robinhood Account: XXXXX0214
46	BERNARD	December 2, 2021	Purchased 30 Call Options

1			via his Robinhood Account:
2			XXXXX0214
3	47	BERNARD	December 6, 2021
4			Sold 306 Call Options
5			via his Robinhood Account:
6			XXXXX0214
7	48	BERNARD	December 7, 2021
8			Sold 56 Call Options
9			via his Robinhood Account:
10			XXXXX0214
11	49	BERNARD	December 10, 2021
12			Sold 5 Call Options
13			via his Robinhood Account:
14			XXXXX0214
15	50	BERNARD	December 14, 2021
16			Sold 3 Call Options
17			via his Robinhood Account:
18			XXXXX0214

All in violation of Title 18, United States Code, Section 1343.

FORFEITURE ALLEGATIONS

41. Introductory Allegations contained in paragraphs 1 through 28 of this Indictment and Counts 1 through 50 are realleged as if fully set forth herein for purposes of alleging forfeitures to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

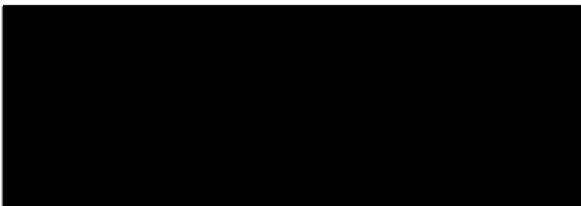
42. Upon conviction of one and more of the offenses set forth in Counts 1, 2, and 3 of this Indictment, and pursuant to Title 18, United States Code, Section 981(a)(1)(C), Title 28, United States Code, Section 2461(c), and Rule 32.2, Federal Rules of Criminal Procedure, defendants JORDAN JOSEPH QSAR, GRANT LEE WITHERSPOON, and AUSTIN LANE BERNARD shall forfeit to the United States any property, real or personal, which constitutes and was derived from proceeds traceable to

1 such violations. The property to be forfeited includes, but is not
2 limited to a forfeiture money judgment in the approximate amount of
3 \$162,800.


4 43. If any of the above-described forfeitable property, as a
5 result of any act or omission of defendants JORDAN JOSEPH QSAR, GRANT
6 LEE WITHERSPOON, and AUSTIN LANE BERNARD, cannot be located upon the
7 exercise of due diligence; has been transferred or sold to, or deposited
8 with, a third person; has been placed beyond the jurisdiction of the
9 Court; has been substantially diminished in value; or has been commingled
10 with other property which cannot be subdivided without difficulty, it
11 is the intent of the United States, pursuant to Title 28, United States
12 Code, Section 2461(c), to seek forfeiture of any other property of the
13 defendants up to the value of the property described above subject to
14 forfeiture.

15 All pursuant to Title 18, United States Code, Sections 981(a)(1)(C)
16 and Title 28, United States Code, Section 2461(c).

17 DATED: March 1, 2024.



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22 TARA K. MCGRATH
United States Attorney

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24 By: 
RONALD SOU
Assistant U.S. Attorney
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