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NICHOLAS BEHUNIN

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **COUNTY OF SAN FRANCISCO**

12 CHARLES R. SCHWAB, an individual,  
13 Plaintiff,

14 vs.

15 LEONARD STEINER, an individual;  
STEINER & LIBO, P.C., a California  
16 professional corporation; NICHOLAS  
BEHUNIN, an individual; DOES 1-10,  
17 inclusive,

18 Defendants.  
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**Case No. CGC-14-542436**

**DECLARATION OF NICHOLAS  
BEHUNIN IN SUPPORT OF  
DEFENDANT NICHOLAS BEHUNIN'S  
SPECIAL MOTION TO STRIKE  
STRATEGIC LAWSUIT AGAINST  
PUBLIC PARTICIPATION**

[Filed concurrently with Request for Judicial  
Notice]

Date: February 5, 2015  
Time: 9:30 a.m.  
Dept: 302  
Judge: Hon. Ernest H. Goldsmith  
Reservation Number 121614-01

21  
22 **TO THE HONORABLE COURT, ALL PARTIES AND THEIR ATTORNEYS OF**  
23 **RECORD:**

24 Defendant Nicholas Behunin respectfully submits the following Declaration of Nicholas  
25 Behunin in support of his Special Motion to Strike Strategic Lawsuit Against Public Participation.  
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**DECLARATION OF NICHOLAS BEHUNIN**

I, NICHOLAS BEHUNIN, declare as follows:

1. I am a named defendant in this action. I make this declaration in support of my Special Motion to Strike Strategic Lawsuit Against Public Participation. The facts stated herein are of my personal knowledge and I could competently testify thereto if called upon to do so.

2. As a prefatory matter for the edification of the Court, there are various companies involved that connect Charles Schwab and Michael Schwab, on one hand, and the Suharto family, on the other hand. I have personal knowledge of these companies because I was directly involved with these companies in my business dealings with Charles Schwab and Michael Schwab, as set forth below. I have created a flowchart to aid the Court in understanding the timeline and the relationships between Charles Schwab, Michael Schwab and the Suharto family through all of their companies. A true and correct copy of my flowchart is attached hereto as Exhibit 7, and all of the relationships are described below.

3. In 2007, I and Christopher Jensen founded a limited liability company called “The Grain Collective, LLC” (“TGC”). Since its inception to today, I have been a managing member of TGC.

4. I met Michael Schwab in the early summer of 2009 through a mutual friend, Christopher Jensen, when I accompanied Mr. Jensen to Michael Schwab’s home in Malibu. Mr. Jensen and I were interested in environmentally-conscious coastal real estate development. When the three of us met at Michael Schwab’s house, Michael Schwab discussed with me and Mr. Jensen some of the real estate projects that he was working on with his father Charles Schwab, such as real estate development in Romania and in Hawaii. After discussing those projects, Mr. Jensen and I told Michael Schwab that we were interested in acquiring a company in New Zealand, called ASR (NZ) LTD (“ASR”). We were interested in acquiring ASR because of its expertise concerning the coastal environment, which I believed would be beneficial to further my and Mr. Jensen’s goals to work on coastal real estate development that would be more environmentally friendly. Michael Schwab told me that he was working with Charles Schwab as a partner in a company called “Big Sky Partners.” Michael Schwab said that Big Sky Partners was a

1 company founded by Charles Schwab and Michael Schwab and that it had a real estate and  
2 technology focus. Michael Schwab told me that he and Charles Schwab worked on real estate  
3 deals together through “Big Sky Partners.” Upon hearing about ASR, Michael Schwab  
4 immediately told me that he and Charles Schwab would be interested in working on a project with  
5 me and Mr. Jensen, in which the four of us, Charles Schwab, Michael Schwab, Christopher  
6 Jensen, and I, would go into a partnership to acquire ASR and to begin working on developing  
7 environmentally-conscious real estate.

8           5.       After the initial meeting at Michael Schwab’s house in Malibu, Michael Schwab  
9 came to my office in El Segundo to discuss and confirm Michael Schwab’s and Charles Schwab’s  
10 commitment to starting a company with me and Mr. Jensen to acquire ASR in furtherance of our  
11 long term plan to focus on environmentally-conscious real estate development. During this  
12 meeting, Michael Schwab told me that he will be the front man for Charles Schwab, that Charles  
13 Schwab was committed to the project with me and Mr. Jensen, and that Charles Schwab was  
14 offering to contribute \$500,000 in start-up capital. Michael Schwab also told me that Charles  
15 Schwab instructed him to communicate to me that Charles Schwab would use his fame and  
16 connections in order to get the project off the ground, and that Charles Schwab was fully  
17 committed to this venture.

18           6.       About two weeks after this meeting, in July 2009 Michael Schwab and Charles  
19 Schwab, through their company Big Sky Venture Capital III, LLC (“Big Sky VC”), and me and  
20 Mr. Jensen, through our company TGC, formed Sealutions, LLC (“Sealutions”) by executing a  
21 Memorandum of Understanding (“MOU”). I know that Big Sky VC is a company in which  
22 Charles Schwab and Michael Schwab are the members because they told me the same. Michael  
23 Schwab told me that he executed the MOU on behalf of Big Sky VC. I also executed the MOU as  
24 a managing member on behalf of TGC. Immediately after executing the Sealutions MOU, in  
25 accordance with the promise made to me by Michael Schwab that Charles Schwab would  
26 contribute \$500,000 to Sealutions as start-up capital, a \$500,000 wire transfer was made into the  
27 Sealutions bank account. I knew about the wire transfer because I had access to the bank account  
28 for Sealutions because I was the managing member of TGC, which was a managing member of

1 Sealutions, and I saw an accounting in the bank account that reflected the wire transfer in that  
2 amount.

3           7.       On December 15, 2009, TGC and Big Sky VC entered into an Amended MOU for  
4 Sealutions when Charles Schwab, through Big Sky VC, made an additional capital contribution in  
5 the amount of \$2 million, as stated in the Amended MOU. A true and correct copy of the original  
6 Sealutions MOU dated July 2009 and the Amended and Restated MOU dated December 15, 2009,  
7 are attached hereto collectively as Exhibit 8. Michael Schwab told me that Charles Schwab had  
8 made the additional \$2 million contribution through Big Sky VC. As a result of this new  
9 investment, Big Sky VC increased its interest in Sealutions from 15% to 50%, as stated in the  
10 Amended MOU. I received a copy of the Amended MOU from Christina Byron, who Charles  
11 Schwab personally told me worked for him. A true and correct copy of the email with the MOU  
12 as the attachment is attached hereto as Exhibit 9. Both the MOU and the Amended MOU were  
13 executed by me on behalf of TGC, and by Michael Schwab on behalf of Big Sky VC as a  
14 “Managing-Member”, and by other members. I know that the signature of Michael Schwab  
15 contained in the initial and Amended MOUs to be his true signature because he told me that this  
16 was his signature at the time that he signed this document, and because I saw Michael Schwab  
17 sign his name on other documents and this is what his signature looks like.

18           8.       After the formation of Sealutions in July 2009, Sealutions bought a controlling  
19 interest in ASR. A true and correct copy of Sealutions’ purchase agreement with ASR is attached  
20 hereto as Exhibit 10. I obtained a copy of this purchase agreement from the selling shareholders  
21 of ASR immediately after its execution because I was a managing member of TGC, which was the  
22 managing member of Sealutions pursuant to the MOU and the Amended MOU.

23           9.       After the acquisition of ASR by Sealutions, I had a telephone conference call with  
24 Charles Schwab and Michael Schwab at Michael Schwab’s house in Venice, California. This was  
25 the first time that I had direct contact with Charles Schwab. In that conversation, Charles Schwab,  
26 Michael Schwab and I discussed the next steps needed to continue in our venture. One of the  
27 things we discussed was the formation of a real estate fund. Charles Schwab told me that if we  
28 were going to develop a real estate fund, that a person named Matthew Burwood would be a good

1 fit as an additional partner in the fund, and that Charles Schwab would feel more comfortable  
2 contributing money to a real estate fund and acting as the lead investor if Mr. Burwood was  
3 involved as a partner. Charles Schwab stated that he and Michael Schwab, through their company  
4 Big Sky Partners, were investors in a real estate project in Romania in which Mr. Burwood was  
5 also a partner, and that Charles Schwab liked and trusted Mr. Burwood.

6 10. In June 2010, Michael Schwab and I formed “Seathos, Inc.” (“Seathos”), a not for  
7 profit California corporation to work in conjunction with Sealutions and ASR. Seathos was  
8 formed to educate people about the human impact on the ocean, and to advocate and promote  
9 environmentally-friendly real estate development, especially real estate developments involving  
10 Charles Schwab and Michael Schwab. A true and correct copy of the first company resolution  
11 dated June 10, 2010 passed by the incorporators of Seathos, Inc., electing Michael Schwab and  
12 myself as Directors and Officers of Seathos is attached hereto as Exhibit 11. I obtained a copy of  
13 this resolution because I was an incorporator, director, and officer of Seathos. The first resolution  
14 identifies Seathos as a nonprofit corporation, with an “official filing date” of June 10, 2010, and  
15 the “official filing number” of 33030279.

16 11. In June 2010, after Seathos was founded, and while I was working on a business  
17 plan for ASR, Seathos, and Sealutions, Michael Schwab introduced me to his friend, Gregory  
18 Sarkissian. In my presence, Michael Schwab told Mr. Sarkissian that Michael Schwab and I were  
19 in the process of forming a real estate fund as part of the business plan, and intended to develop  
20 environmentally-friendly coastal real estate globally, using Charles Schwab’s fame and the  
21 Schwab family name in conjunction with ASR and Seathos. Mr. Sarkissian told Michael Schwab  
22 and me that he had some ideas for the business plan for ASR, Sealutions, and Seathos, and that  
23 Mr. Sarkissian was going to introduce Michael Schwab and me to the Suharto family, with whom  
24 Gregory Sarkissian had been working for years.

25 12. In late June 2010, Michael Schwab and I were introduced to some Suharto family  
26 members at a meeting arranged by Gregory Sarkissian. The meeting occurred at the Suharto  
27 family compound in Beverly Park (Los Angeles), California. I was accompanied to this meeting  
28 by Mr. Sarkissian and Michael Schwab. At that time, Michael Schwab and I both met Panji

1 Suharto, whom I was told by Mr. Sarkissian was the grandson of General Suharto, who was  
2 President of Indonesia for more than 30 years (1967-1998). I was introduced to other people at  
3 that same meeting, who told me that they were also Suharto family members, though I do not  
4 recall their first names.

5 13. At the meeting, Panji Suharto and several other members of the Suharto family  
6 expressed to me, Michael Schwab and Mr. Sarkissian their interest in building a business  
7 relationship with Michael Schwab and Charles Schwab because of the prominence of Charles  
8 Schwab and the Schwab family name, as well as because of the Suhartos' personal relationship  
9 with Mr. Sarkissian. Numerous similar meetings followed, attended by Michael Schwab, Gregory  
10 Sarkissian, me, and various members of the Suharto family. For example, I also met with  
11 Bambang Suharto, who told me that he is the son of General Suharto. Bambang Suharto further  
12 told me that he is Panji Suharto's father. Additionally, I met with four other children of General  
13 Suharto – Ari Sigit, "Titiek" Suharto, "Tutut" Suharto, and Tommy Suharto – and numerous  
14 grandchildren of General Suharto such as Panji Suharto and Dandy Rukmana, in their family  
15 homes in Beverly Park (Los Angeles), California, in Jakarta, Indonesia, and in Singapore, at least  
16 75 times over the course of almost two years in the aggregate, wherein this topic was discussed.  
17 During my meetings with Panji Suharto and Bambang Suharto, I was shown family photographs  
18 of Panji Suharto and Bambang Suharto with General Suharto, where it was represented to me by  
19 Panji Suharto and Bambang Suharto that these photographs were family photographs.

20 14. On July 2, 2010, Big Sky VC (which was owned by Charles Schwab and Michael  
21 Schwab) entered into a Memorandum of Understanding ("Suharto MOU") with Panji Suharto,  
22 Gregory Sarkissian, and ASR, which was majority-owned by Sealutions, which was in turn 50%  
23 owned by Charles Schwab and Michael Schwab, to develop a business partnership in Indonesia.  
24 A true and correct copy of the Suharto MOU is attached hereto as Exhibit 12. I was provided with  
25 the executed copy of the Suharto MOU by Christina Byron, who Charles Schwab told me was his  
26 employee, immediately after its execution because I was a managing member of ASR - one of the  
27 parties to the Suharto MOU. The Suharto MOU is executed by Michael Schwab as a "Managing  
28 Member" for Big Sky VC. I know that the signature of Michael Schwab contained in the Suharto

1 MOU is his true signature because he told me that this was his signature at the time that he signed  
2 this document, and because I saw Michael Schwab sign his name on other documents, and this is  
3 what his signature looks like. The MOU provides that Panji Suharto will contribute resources in  
4 Indonesia, Big Sky VC (i.e. Charles Schwab and Michael Schwab) will provide the funding, and  
5 ASR (which was 54% owned by Sealutions, which was in turn 50% owned by Charles Schwab  
6 and Michael Schwab through Big Sky VC) will perform consulting and construction services.

7 15. Around the same time that Charles Schwab and Michael Schwab entered into the  
8 Suharto MOU was when I first met Charles Schwab. I met Charles Schwab in San Francisco, at a  
9 meeting arranged by Michael Schwab. Attending the meeting were Charles Schwab, Michael  
10 Schwab, and me. Charles Schwab asked me and Michael Schwab questions concerning  
11 Sealutions' acquisition of ASR (Sealutions was 50% owned by Big Sky VC, which was in turn  
12 owned by Charles Schwab and Michael Schwab) and the status of the development of a real estate  
13 fund. We discussed the high level of interest that Mathew Burwood, with whom Charles Schwab  
14 had worked previously, had expressed in becoming a partner in the real estate fund because of the  
15 support of Charles Schwab, and Charles Schwab's commitment to being a lead investor in the  
16 fund. We also talked about some of the deal points that we had negotiated with Mr. Burwood on  
17 behalf of Sealutions.

18 16. On numerous occasions, both Charles Schwab and Michael Schwab told me that  
19 Big Sky VC is a subsidiary of Big Sky Partners. On October 22, 2009, Christina Byron, who  
20 Charles Schwab told me was his employee whom I can contact if I needed any assistance, sent me  
21 an email from Ms. Byron's email address at Big Sky Partners, asking me for an update on the  
22 activities of ASR and Sealutions, so that she could prepare a "Q3 report for Big Sky". A true and  
23 correct copy of the October 22, 2009 e-mail is attached hereto as Exhibit 13. Additionally, on  
24 January 17, 2012, I received an e-mail from Ms. Byron, which contained an attached spreadsheet  
25 that detailed all of the various capital contributions to "Sealutions" from "Big Sky" entities and  
26 their subsidiaries, including Big Sky VC and Big Sky Real Estate ("BSRE"). A true and correct  
27 copy of the January 17, 2012 e-mail that was sent to me is attached hereto as Exhibit 14. Christina  
28 Byron also confirmed to me on numerous occasions that she worked for Big Sky Partners and that

1 Big Sky VC was a subsidiary of Big Sky Partners. Ms. Byron also communicated to me that she  
2 had worked for the Schwab family for many years and that Charles Schwab played a large role in  
3 overseeing the investments made by Big Sky Partners which is one of the reasons she was  
4 required to create quarterly reports for Big Sky Partners that included updates on the Big Sky  
5 Partners subsidiary companies.

6 17. In numerous conversations with Charles Schwab between early 2010 and May  
7 2012, Charles Schwab told me that he and Michael Schwab were members of Big Sky Partners. In  
8 numerous conversations with Michael Schwab between July 2009 and May 2012, Michael  
9 Schwab reiterated to me that both Charles Schwab and Michael Schwab were members of Big Sky  
10 Partners. Michael Schwab's "Linked-In" profile page states that he is a "founder and managing  
11 partner of Big Sky Partners ... [s]ince founding Big Sky in 1999..." The profile page further  
12 states that Charles Schwab is a "Venture Partner" and has been since "January 2000" to the  
13 present – which is the same timeframe of the existence of Big Sky Partners, as stated in Michael  
14 Schwab's Linked-In profile. A true and correct copy of Michael Schwab's Linked-In profile is  
15 attached hereto as Exhibit 15. A prior version of Michael Schwab's Linked-In profile indicated  
16 that he is a "Founder at The Seathos Foundation", a "Managing Partner at ASR, Ltd." and a  
17 "Managing Partner, Founder at Big Sky Partners". All of this information has now been removed  
18 from Michael Schwab's current Linked-In profile. A true and correct copy of Michael Schwab's  
19 prior version of his Linked-In profile is attached hereto as Exhibit 16. I obtained a copy of both  
20 versions of the Linked-In profile on the internet on the publicly-accessible website called "Linked-  
21 In".

22 18. In addition to the foregoing, Michael Schwab told me on many occasions that he  
23 had to run major decisions for Big Sky Partners and Big Sky VC by "his dad" – i.e. Charles  
24 Schwab. Michael Schwab told me that he had to do this because Charles Schwab was the ultimate  
25 decisionmaker on all of the projects involving Big Sky Partners and Big Sky VC. One such  
26 occasion occurred on February 17, 2010, wherein Michael Schwab sent me an e-mail asking for an  
27 update on ASR, stating, "Can you please take just a few minutes to right (*sic*) me a 5 sentence  
28 updated (*sic*) on ASR that I can share with my Dad." A true and correct copy of the February 17,

1 2010 email is attached hereto as Exhibit 17. Sealutions had bought a controlling interest in ASR,  
2 and Big Sky VC (owned by Charles Schwab and Michael Schwab) was a 50% member of  
3 Sealutions.

4 19. After the Suharto MOU was signed with Big Sky VC, Panji Suharto, Gregory  
5 Sarkissian, and ASR, a company called “SeaChange, LLC” was founded. SeaChange was a for-  
6 profit company founded in August 2010 by Charles Schwab, through another one of his  
7 companies called “Live Oak Ventures, LLC”; Michael Schwab individually; Matthew Burwood,  
8 through his company called “Somerset Advantage, LLC;” and Sealutions (which consisted of  
9 Charles Schwab and Michael Schwab through Big Sky VC, and me and Mr. Jensen through TGC)  
10 as reflected in the SeaChange Operating Agreement, a true and correct copy of which is attached  
11 hereto as Exhibit 18. I obtained a copy of this document because my company, TGC, was the  
12 managing member of Sealutions, which in turn, was a member of SeaChange. I personally signed  
13 the Operating Agreement on behalf of Sealutions. The Operating Agreement contains the  
14 signature of Charles Schwab on behalf of Live Oak Ventures, LLC, and he personally  
15 acknowledged to me that he signed this Operating Agreement. **Further, “Exhibit C” to the**  
16 **Operating Agreement expressly states that “Beneficial Owners of [the] Entity Members”**  
17 **include “Charles R. Schwab” through “Live Oak Ventures, LLC.”** The Operating Agreement  
18 also contains the signature of Michael Schwab, who also told me that he signed the Operating  
19 Agreement.

20 20. SeaChange then created an investment vehicle called the “SeaChange Opportunity  
21 Fund”, which sought to “place \$10-60 million USD of equity in an Indonesia-located real estate  
22 project.” A true and correct copy of the private placement memorandum is attached hereto as  
23 Exhibit 19. The “SeaChange Opportunity Fund Indonesia Executive Summary 2011”, a private  
24 placement for the fund, identifies some of its business partners as Seathos and ASR.

25 21. Seathos had been founded by me and Michael Schwab as a not for profit  
26 corporation that would educate people about the human impact on the ocean and to promote  
27 environmentally-conscious real estate development. However, after numerous discussions with  
28 Michael Schwab and Charles Schwab about Seathos, it was decided that Seathos would be a

1 branding vehicle used by Sealutions, ASR, SeaChange, and the SeaChange Opportunity Fund to  
2 create awareness and public support for Charles Schwab's and Michael Schwab's profit-making  
3 ventures, especially for the real estate development projects with the Suharto family. The  
4 connection between Seathos, Sealutions, SeaChange, and ASR is confirmed in a marketing  
5 memorandum for Seathos, and a true and correct copy of this memorandum is attached hereto as  
6 Exhibit 20. I received the marketing memorandum for Seathos because I was a founding member  
7 of Seathos, along with Michael Schwab.

8         22.       After Seathos and SeaChange were founded, I met with Charles Schwab again.  
9 Before the meeting with Charles Schwab, on August 19, 2010, I met with Ana Thompson, who  
10 Michael Schwab told me ran the Charles and Helen Schwab Foundation. I received contact  
11 information for Ms. Thompson in an email from Michael Schwab on August 18, 2010, which  
12 provided me with Ms. Thompson's email address - athompson@schwabfoundation.org. A true and  
13 correct copy of the August 18, 2010 email is attached hereto as Exhibit 21.

14         23.       Michael Schwab was with me at the meeting with Ana Thompson on August 19,  
15 2010. During my meeting with Ana Thompson and Michael Schwab we talked about Seathos, and  
16 Ana Thompson told me that the Charles and Helen Schwab Foundation would be making a  
17 donation to Seathos. The Charles and Helen Schwab Foundation ultimately made a \$250,000  
18 donation to Seathos on February 24, 2011, which was confirmed in a February 24, 2011 email that  
19 Michael Schwab forwarded to me from someone who Michael Schwab told me was an employee  
20 for Charles Schwab. The email was sent to Michael Schwab and Helen Schwab stating, "Hi Mike,  
21 The funds from your mother are being wired to the Seathos account at Wells Fargo today. They  
22 will be in the account this afternoon." A true and correct copy of the February 24, 2011 e-mail that  
23 was forwarded to me by Michael Schwab is attached hereto as Exhibit 22.

24         24.       Ana Thompson was also provided with a copy of the Seathos marketing  
25 memorandum attached as Exhibit 20 in an email sent by an ASR member, Brian Keare, that  
26 attached the Seathos marketing memorandum. I was copied on this email, along with Michael  
27 Schwab, and a true and correct copy of the email is attached hereto as Exhibit 23. The following  
28 day, Ana Thompson sent a follow-up email, stating her support for Seathos' plans and suggesting

1 other donors, in addition to the Charles and Helen Schwab Foundation. A true and correct copy of  
2 Ana Thompson's email is attached hereto as Exhibit 24. I and Michael Schwab were both  
3 recipients of Ms. Thompson's email.

4         25.       On August 19, 2010, after my meeting with Ana Thompson, I had a dinner meeting  
5 with both Charles and Helen Schwab at their house in Atherton, California. My dinner meeting  
6 with Charles Schwab, Michael Schwab, and Helen Schwab is confirmed in an email sent by  
7 Michael Schwab to Helen Schwab on August 14, 2010, which states as follows: "Hey Mom [¶]  
8 Are you and Dad free to have dinner with me and Nick Behunin (my partner in ASR and the Sea-  
9 thos Foundation) next Thursday night at your house? We would like to give both of you the full  
10 download on what we are doing. We will have hopefully have met with Ann [Thompson] earlier  
11 in the day, and will meet with Dad the next day regarding the ASR Real Estate fund we are  
12 starting. So I think be good to give you both the full picture with the help of my good friend and  
13 partner Nick." I was blind copied on this email. Helen Schwab responded, "Hi Mike, [¶] We  
14 would love to have you and Nick to dinner on Thursday." I was forwarded this email by Michael  
15 Schwab. A true and correct copy of the August 14, 2010 email is attached hereto as Exhibit 25.

16         26.       Michael Schwab was also present at the dinner. Charles and Helen Schwab both  
17 told me that they were briefed by Ana Thompson about Seathos, and Mr. and Mrs. Schwab told  
18 me that they were going to make a donation to Seathos, which they made on February 24, 2011, as  
19 discussed above. At that same dinner, Charles Schwab and I talked about Sealutions, Seathos, and  
20 the new company that we had most recently founded - SeaChange – as well as the newly-formed  
21 relationship with the Suharto family, and the immense value that the Schwab-Suharto relationship  
22 could create for both families. Michael Schwab was bragging about how wealthy the Suhartos  
23 are, and the power that they wield in Indonesia. Charles Schwab was present at this time and was  
24 listening to me and Michael Schwab talking to him about the Suharto family and Charles  
25 Schwab's newly-formed partnership with the Suhartos through the Suharto MOU with Panji  
26 Suharto and Big Sky VC. Also discussed at this meeting between me, Charles Schwab, and  
27 Michael Schwab were ideas about the best way to set up Sealutions, ASR, Seathos, and

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1 SeaChange to work together with the Suharto family on the Indonesia investment projects  
2 pursuant to the Suharto MOU between Panji Suharto, Big Sky VC and ASR.

3 27. Charles Schwab’s direct involvement with Big Sky VC (party to the Suharto MOU  
4 with Panji Suharto), Sealutions and SeaChange is evidenced in an email on August 25, 2010, sent  
5 by Matthew Burwood – another member of SeaChange – to me, Michael Schwab, and Kevin  
6 Heise, who was the Director of Administration for Emergent Capital Partners regarding the budget  
7 and capital contributions to SeaChange. In this email, Matthew Burwood asks whether “Charles  
8 Schwab or Big Sky Real Estate, LLC” will be contributing \$800,000 to SeaChange. In the e-mail,  
9 Matthew Burwood seeks further clarification as follows: “who will be the capital partner? Charles  
10 Schwab or Big Sky?” To which Michael Schwab replied: “**As for my part, it will be Charles**  
11 **Schwab not BSRE.**” (emphasis added.) A true and correct copy of the August 25, 2010 email is  
12 attached hereto as Exhibit 26. On another occasion, I was asked by Michael Schwab to send  
13 documents concerning Sealutions to Charles Schwab. This is reflected in an email on December  
14 27, 2010 sent by Michael Schwab to me, asking: “So my Dad is doing better and headed home  
15 tomorrow. Can you please have this Sealutions doc printed out on whatever special paper you  
16 choose, and then have it sent to 188 Fair Oaks Lane, Atherton CA 94027.” A true and correct  
17 copy of the December 27, 2010 email is attached hereto as Exhibit 27. I knew this address to be  
18 Charles Schwab’s residence address because I have been there and Charles Schwab told me that it  
19 was his house.

20 28. On multiple other occasions I personally met with Charles Schwab to discuss  
21 Sealutions, ASR, SeaChange, and the relationship with the Suharto family. At least one such  
22 meeting is confirmed in an email between Michael Schwab and Michael Copeland, a writer for  
23 Fortune Magazine, wherein on October 22, 2010, Michael Schwab wrote to Michael Copeland,  
24 “Hope all is well! Lots going on with ASR and love to sit down with you to tell you about it.  
25 Nick and I will actually be up in the Bay Area next week...” Michael Schwab then followed up  
26 with the following reply: “yeah, wednesday works for us, we do have one meeting with my Dad at  
27 3pm...” The “Nick” that is referred to in the email is me, and I was copied on these emails. A  
28 true and correct copy of the October 22, 2010 email is attached hereto as Exhibit 28. Other

1 meetings between me and Charles Schwab are also confirmed in various e-mails attached hereto as  
2 Exhibit 29. During my meetings with Charles Schwab, we discussed Sealutions, ASR, SeaChange,  
3 Seathos, and my efforts to build the relationship between the Schwab family and the Suharto  
4 family to push through the investment deals between the Schwab family and the Suharto family.

5         29.       On September 15, 2010, Gregory Sarkissian, also an MOU signatory, sent me an  
6 email at my ASR e-mail address, stating that Panji Suharto created a company called “PT. Aneka  
7 Solusi & Research” (“Aneka”). Mr. Sarkissian attached the Aneka registration documents to the  
8 same email. Michael Schwab was copied on the e-mail. A true and correct copy of the September  
9 15, 2010 e-mail from Gregory Sarkissian and the accompanying attachments is attached hereto as  
10 Exhibit 30. A true and correct copy of the formation documents related to Aneka are attached  
11 hereto as Exhibit 31. Panji Suharto founded Aneka in furtherance of the Suharto MOU with Big  
12 Sky VC (owned by Charles Schwab and Michael Schwab), ASR, and Gregory Sarkissian.

13         30.       On the same day - September 15, 2010 - I was blind-copied on an e-mail sent by  
14 Michael Schwab to Arun Sarin, stating “**I am actually in Indonesia as I write this working on**  
15 **our newly formed ASR-Indonesia regional partnership with the Suharto family.**” A true and  
16 correct copy of the September 15, 2010 e-mail on which I was blind-copied is attached hereto as  
17 Exhibit 32. Arun Sarin is a member of the Board of Directors of the Charles Schwab Corporation,  
18 where Charles Schwab is Chairman of the Board. This information is publicly available on the  
19 Charles Schwab Corporation website, which states that Arun Sarin has been a director of the  
20 Charles Schwab Corporation since 2009. A true and correct copy of the printout from the  
21 biographical information on Arun Sarin and Charles Schwab contained on the Charles Schwab  
22 Corporation website is attached hereto as Exhibit 33.

23         31.       To further the relationship building between the Schwab family and the Suharto  
24 family, I was instructed by Charles Schwab to go to Indonesia, to meet with members of the  
25 Suharto family, and to advance their investment deal with the Suharto family. In August 2010, at a  
26 dinner meeting at Charles Schwab’s house, I was specifically told by Charles Schwab to promote  
27 the Schwab-Suharto partnership to Suharto family members and to build trust between the two  
28 families, amongst other things, in order to induce the Suharto family to give Charles Schwab

1 access to Suharto-owned real estate in Indonesia. In furtherance to the instructions by Charles  
2 Schwab, in the fall of 2010, as well as numerous times throughout 2011, I made many trips to  
3 Indonesia to meet with, and develop the relationship with, the Suharto family. I was accompanied  
4 by Michael Schwab on many such trips. Michael Schwab's presence on the trips to Indonesia, and  
5 meetings with Panji Suharto and Gregory Sarkissian is reflected in one Facebook post by Panji  
6 Suharto, wherein Panji Suharto posted a photograph on his Facebook page that depicts a trip with  
7 him, Michael Schwab and Gregory Sarkissian. A true and correct copy of Panji Suharto's  
8 Facebook page and posted photograph, with Michael Schwab clicking "Like" on the photograph,  
9 is attached hereto as Exhibit 34. In connection with my trips to Indonesia, per the explicit  
10 instructions of Charles Schwab and Michael Schwab, I did the following:

- 11 • September 1, 2010 – October 9, 2010 – during this trip, I went to Jakarta and met with  
12 Bambang Suharto, Panji Suharto, Greg Sarkissian, and Michael Schwab. The purpose  
13 of these meetings was to gain the trust of Bambang Suharto and Panji Suharto, as  
14 representatives and decisionmakers for the Suharto family, which I was informed holds  
15 numerous assets including undeveloped real estate in Indonesia, as well as cash. The  
16 topics that were discussed during meetings between me and Michael Schwab with  
17 Bambang Suharto and Panji Suharto, were the ongoing development of the business  
18 relationship between the Schwab family and the Suharto family. The main purpose at  
19 this juncture was for Bambang Suharto to demonstrate his support for the joint venture  
20 relationship between the Schwab and Suharto families, and for Michael Schwab to  
21 express to the Suhartos the support of Charles Schwab for the partnership. In my  
22 presence, Michael Schwab told various Suharto family members that Charles Schwab  
23 was in full support of the partnership between the Schwab family and the Suharto  
24 family. This meeting in mid-September 2010 was one of the many meetings that  
25 occurred between us. Later in September 2010, Michael Schwab left Indonesia, and  
26 Panji Suharto, Gregory Sarkissian and me went to Singapore and met with Titiek  
27 Suharto (General Suharto's daughter) at her apartment in Singapore on or about  
28 September 21, 2010. During this meeting, Titiek expressed her support of the Schwab-

1 Suharto family partnership. Titiek mentioned that Hashim Djojohadikusumo is a  
2 family confidante because Titiek was married to Hashim Djojohadikusumo's brother –  
3 Prabowo Subianto. Additionally, I came across two news articles that discussed  
4 Hashim Djojohadikusumo's connections to the Suharto family, as well as his familial  
5 relationship with Titiek Suharto. True and correct copies of those articles are attached  
6 hereto as Exhibit 35 and 36. Hashim Djojohadikusumo has a net worth in the hundreds  
7 of millions of dollars, and ultimately became the co-lead anchor investor on behalf of  
8 the Suhartos, in conjunction with Charles Schwab in the Emergent Indonesia  
9 Opportunity Fund. In the same private placement memorandum, attached as Exhibit  
10 50, for the Emergent Indonesia Opportunity Fund, the document also identifies Hashim  
11 Djojohadikusumo as the co-lead investor alongside Charles Schwab. After I returned  
12 from Singapore, I was invited to a birthday party for Panji Suharto's sister, at Bambang  
13 Suharto's house. Tommy Suharto, Bambang Suharto, Ari Sigit, and other Suharto  
14 family members, including Panji Suharto, and Dandy Rukumana, Tutut Suharto, and  
15 Indra Rukumana were also in attendance. After that party, many other social meetings  
16 took place at various family member houses, which I attended. I met Tommy Suharto  
17 for the first time on or about September 26, 2010 at Bambang Suharto's house at a  
18 Suharto family function. Around this time, the Suharto family provided us with a  
19 penthouse office suite to use, which they furnished. Some of the Suhartos came to our  
20 office to make sure that it was satisfactory.

- 21
- 22 • October 27, 2010 – I met with Charles Schwab in San Francisco. In that meeting I  
23 confirmed to Charles Schwab that the recent Indonesia trip that Michael Schwab and I  
24 had just returned from was successful. I told Charles Schwab about the discussions and  
25 meetings that I had with the Suhartos; about the breadth of opportunity in Indonesia;  
26 and I confirmed to Charles Schwab that all of the matters we discussed with Charles  
27 Schwab regarding the partnership with the Suharto family back in August 2010 during  
28 our dinner meeting, met or exceeded our expectations for opportunities in Indonesia.

1 We also talked about the development of a relationship and project in India that we  
2 were working on with Arun Sarin, which was being modeled on the recently-formed  
3 partnership between the Schwab family and the Suharto family. Later that afternoon,  
4 Michael Schwab and I also met with Arun Sarin, one of the Directors on the Board of  
5 Directors of the Charles Schwab Corporation, at the Schwab corporate box at Giants  
6 Stadium. At this meeting, I told Mr. Sarin, on behalf of Charles Schwab, more about  
7 the project in Indonesia that we were working on with the Suharto family. Arun Sarin  
8 told me that he was working on developing a similar project in India because he  
9 wanted to help Charles Schwab and Michael Schwab try to capitalize on his  
10 relationships in India.

- 11
- 12 • December 5, 2010 – December 20, 2010 - during this trip to Indonesia, I met with  
13 Bambang Suharto and Panji Suharto at various gatherings approximately 10 to 15  
14 times throughout this trip. The meetings took place in Jakarta at the residences of Panji  
15 Suharto and Bambang Suharto. At these meetings, we discussed the formation of an  
16 investment fund between the Schwab and Suharto families.
  - 17
  - 18 • February 8, 2011 – April, 11, 2011 - during this trip to Indonesia, I met with Bambang  
19 Suharto and Panji Suharto again. The purpose of these meetings was to discuss and  
20 solidify the investments to be made between the Schwab and Suharto families in a joint  
21 fund. In March 2011, Bambang Suharto arranged for me and Gregory Sarkissian to  
22 take a trip with Bambang Suharto and his longtime friend, Fabian, to Sumatra to take a  
23 look at some development prospects for the Schwab-Suharto joint venture; to get  
24 acquainted with government officials; to talk about the Suharto real estate holdings;  
25 and to visit a Suharto family tribute building that had a lot of memorabilia of the  
26 Suharto family during General Suharto's rule.
- 27  
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1 • June 18, 2011 – August 1, 2011 – during this trip to Indonesia, I met with Tommy  
2 Suharto again, and we discussed his plans for his Bali real estate project, Bali Pecatu  
3 Graha, and ways in which the Schwab-Suharto family partnership could participate. I  
4 met Tommy Suharto again on June 21, 2011 at a family party for Panji Suharto’s  
5 birthday. Michael Schwab accompanied me to the majority of the meetings that took  
6 place between June 18, 2011 and June 25, 2011. On July 7, 2011, Tim Albinson and  
7 Matthew Burwood arrived in Indonesia and told me that they came to Indonesia on  
8 behalf of Charles Schwab and the SeaChange Opportunity Fund. They told me that  
9 Charles Schwab instructed them to meet with the Suharto family in order to continue  
10 the development of the investment vehicle created for Indonesian real estate and  
11 development by Charles Schwab alongside the Suharto family. I was told by Messrs.  
12 Albinson and Burwood that I was required to introduce them to members of the  
13 Suharto family, as instructed by Charles Schwab. As a result, I accompanied both  
14 Messrs. Albinson and Burwood to dinners with various Suharto family members at  
15 their houses in Jakarta; and an afternoon with Bambang Suharto and Panji Suharto at  
16 Bambang’s shooting range. The three of us, along with Panji Suharto, also visited Bali  
17 to take a look at Tommy Suharto’s resort. In late July 2011, I went on a hunting trip on  
18 Tommy Suharto’s plantation in Java, accompanied by Bambang Suharto and Panji  
19 Suharto.

20  
21 • I have personally met and spoken with Tommy Suharto on several occasions. In those  
22 conversations, Tommy Suharto stated to me that he was the owner of Bali Pecatu  
23 Graha (“BPG”), a resort development owned by Tommy Suharto; that he was the son  
24 of General Suharto; and that BPG owns real estate in Bali. I also met with, and had  
25 conversations with, Made Putrawan, who Tommy Suharto told me was a director of  
26 BPG along with Tommy Suharto. Made Putrawan told me that Tommy Suharto owns  
27 BPG. On one of trips made to Bali regarding development projects for BPG, we were  
28 accompanied by Made Putrawan, who is the signatory to the agreement between ASR

1 and BPG as the director of BPG. Mr. Putrawan told me that he was the director of  
2 BPG, which is a resort development owned by Tommy Suharto. Mr. Putrawan and  
3 Panji Suharto took me on a tour of the development project, and pitched it as a  
4 prospective deal for the Schwab-Suharto partnership via the SeaChange Opportunity  
5 Fund. A true and correct copy of a video that I took during the tour that shows Made  
6 Putrawan giving a property tour is attached hereto as Exhibit 37. Pictured in the video  
7 is Made Putrawan. A photograph was also taken at that time. A true and correct copy  
8 of the photograph that was taken in my presence is also attached hereto as Exhibit 37.  
9 Pictured in the photograph are me, Made Putrawan, Gregory Sarkissian, and Panji  
10 Suharto.

11 32. During the trips described above, I personally met with various Suharto family  
12 members, including Panji Suharto, Bambang Suharto, "Titiek" Suharto, Tommy Suharto, "Tutut"  
13 Suharto, Dandy Rukmana, and Ari Sigit on more than 75 occasions in the aggregate over the  
14 course of almost two years. During one of the trips, Panji Suharto and his father, Bambang  
15 Suharto, took photographs with Panji Suharto wearing a "Seathos" shirt to commemorate their  
16 involvement with the Schwab companies (Seathos was involved with SeaChange in the  
17 SeaChange Opportunity Fund; Seathos worked in conjunction with Sealutions and ASR on land  
18 deals involving the Schwab and Suharto families). A true and correct copy of the photographs is  
19 attached hereto as Exhibit 38. I was personally present when these photographs were taken, and  
20 had personal discussions with Suharto family members regarding investment, development, and  
21 prospective real estate projects with Charles Schwab. I was specifically told by Charles Schwab  
22 and Michael Schwab to emphasize the renown, trustworthiness, and integrity of Charles Schwab  
23 during these meetings, because Charles Schwab was a member, partner, and lead investor in the  
24 deals that were being discussed. I have met Panji Suharto and his father, Bambang Suharto, on  
25 multiple occasions, and I know what they look like. The persons pictured in the photographs  
26 attached as Exhibit 38, are Panji Suharto and his father, Bambang Suharto.

27 33. Further, I worked out of an office in Jakarta owned by a Suharto family member on  
28 behalf of Sealutions, Seathos, and SeaChange, and later on behalf of Emergent Capital Partners.

1 Numerous Suharto family members represented to me on various occasions that the Suhartos  
2 owned the office that I worked out of. Employees of the Schwab-Suharto partnership, as well as  
3 some of the Suharto family members, also worked out of that same office. Also attached hereto as  
4 Exhibit 39 is a true and correct copy of a video that I took during one of my trips to Jakarta. The  
5 video depicts Panji Suharto, one of the Suharto family members, pointing out a tall building that is  
6 owned by his father – Bambang Suharto, another Suharto family member. The purpose of Panji  
7 Suharto pointing out the building was to demonstrate an example of what the Suharto family was  
8 capable of contributing to the Schwab-Suharto family partnership.

9         34. As I was working on building the relationship between the Schwab family and the  
10 Suharto family at the behest of Charles Schwab, in fall of 2010, I began to research the  
11 background of the Suharto family. During my research, I discovered numerous articles that  
12 documented the history of the Suharto family, including the rule of General Suharto and the  
13 enormous wealth acquired by his family during that period. One such article that I came across  
14 was the Time Magazine 1999 exposé of the Suharto family called “Suharto, Inc.” A true and  
15 correct copy of the article that I read is attached hereto as Exhibit 40. In short, this article details  
16 that the Suharto family owns roughly 3.6 million hectares of real estate in Indonesia; that the  
17 Suharto family has equity in 564 companies; and that members of the Suharto family have a  
18 combined net worth in the billions of dollars; that General Suharto and/or members of the Suharto  
19 family obtained their assets through nepotism, corruption, fraud, bribery, and force. Another  
20 article published in the New York Times that I read details the bloodshed that occurred during  
21 General Suharto’s rule in Indonesia. A true and correct copy of the New York Times article is  
22 attached hereto as Exhibit 41 . Another article published in the Washington Post that I read  
23 discusses the atrocities committed by General Suharto, as well as the wealth and holdings of the  
24 surviving Suharto family members and where that wealth comes from. A true and correct copy of  
25 the Washington Post article is attached hereto as Exhibit 42.

26         35. As I was traveling back and forth between Indonesia and the United States, at the  
27 direction of Charles Schwab, in order to work on investment deals between the Schwab family and  
28 the Suharto family through the Suharto MOU between Panji Suharto and Big Sky VC (owned by

1 Charles Schwab and Michael Schwab) and through the SeaChange Opportunity Fund, SeaChange  
2 was restructured. In April 2011, Matthew Burwood, who owned Somerset Advantage, LLC  
3 (“Somerset”) – a member of SeaChange – transferred a part of his share in Somerset to Tim  
4 Albinson. Immediately thereafter, Somerset was renamed as “Emergent Capital Partners”, which  
5 replaced Somerset as a member in SeaChange. A true and correct copy of an e-mail dated April  
6 19, 2011, from Tim Albinson to Michael Schwab, on which I was copied, along with Matthew  
7 Burwood, concerning the change in entities from Somerset to Emergent Capital Partners is  
8 attached hereto as Exhibit 43.

9           36.     On or about May 21, 2011, over several hours prior to and during a round of golf  
10 among Charles Schwab, Michael Schwab, and myself, at the San Francisco Golf Club, where  
11 Charles Schwab was a member, a discussion took place between me and Charles Schwab, wherein  
12 Charles Schwab told me that he wanted to solidify the business relationship with the Suharto  
13 family, and reconfirmed that he would fund the SeaChange Opportunity Fund, later known as the  
14 Emergent Indonesia Opportunity Fund, for the contemplated Indonesian real estate investments.

15           37.     Also discussed during the golf course discussion was a real estate development  
16 project in Bali that Sealutions, through ASR, was pursuing with Tommy Suharto. In response to  
17 Charles Schwab's request for an update on that project, I told Charles Schwab and Michael  
18 Schwab that although project approval was in the works, I did not know when it would be  
19 approved. I also told Charles Schwab and Michael Schwab that I was not personally pushing the  
20 project directly to Tommy Suharto because I was concerned that Tommy Suharto might get  
21 offended, and that I feared Tommy Suharto because I read in an article that he was the convicted  
22 murderer of an Indonesian Supreme Court judge who had accused him of graft and corruption, for  
23 which Tommy Suharto had been sentenced to 15 years imprisonment. I further told Charles  
24 Schwab and Michael Schwab that the project was being developed on land in Bali that the Suharto

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1 family had obtained through military force during Suharto's presidency.<sup>1</sup> Charles Schwab  
2 thereupon instructed me to keep the project moving forward and to make certain that the Suharto  
3 family knew that Charles Schwab had a continued interest in developing a long-term relationship  
4 with the Suharto family in Indonesia, including Tommy Suharto.

5 38. Charles Schwab also instructed me and Michael Schwab to let Matthew Burwood  
6 and Tim Albinson “do their thing.” Matthew Burwood and Tim Albinson were owners of  
7 Emergent Capital Partners, which in turn was a member of SeaChange, and participated in the  
8 SeaChange Opportunity Fund / Emergent Indonesia Opportunity Fund. Charles Schwab directed  
9 me and Michael Schwab to assure the Suharto family that Burwood and Albinson were trusted  
10 associates of Charles Schwab with whom he had done business for many years.

11 39. Shortly after Emergent Capital Partners took over for Somerset as a member of  
12 SeaChange, Sealutions – another member of SeaChange – was defrauded into terminating its  
13 interest in SeaChange. A true and correct copy of the agreement to terminate Sealutions’ interest is  
14 attached hereto as Exhibit 44. I signed the agreement on behalf of Sealutions and was provided  
15 with a copy of the termination agreement because TGC was a member in Sealutions. After  
16 Sealutions terminated its interest in SeaChange, Michael Schwab and Charles Schwab told me that  
17 the assets held by SeaChange were transferred into Emergent Capital Partners. Michael Schwab  
18 also told me that he became a partner in Emergent Capital Partners in addition to Tim Albinson  
19 and Matthew Burwood. Michael Schwab’s involvement with Emergent Capital Partners is  
20 contained in Michael Schwab’s Linked-In profile, attached as Exhibit 16 and in the Emergent  
21 Capital Partners promotional materials, attached as Exhibit 50. Thereafter the name of the  
22 SeaChange Opportunity Fund was changed to the Emergent Indonesia Opportunity Fund. While  
23 Sealutions was no longer a member of SeaChange or the Emergent Indonesia Opportunity Fund,  
24 Michael Schwab told me that my work on the investment deals and partnership development

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26 <sup>1</sup> Exhibits documenting various articles that detail Tommy Suharto’s conviction for murder and alleged wrongdoing  
27 with respect to land in Bali purportedly owned by Tommy Suharto are attached as Exhibits 58 and 59 and described in  
28 paragraphs 51 and 52 of this declaration.

1 would be compensated by my future participation in the Emergent Indonesia Opportunity Fund  
2 through a new company that I was forming with Michael Schwab, which was going to be called  
3 “Big Sky Asia”.

4 40. On June 23, 2011 an e-mail was sent by Tim Albinson on behalf of Emergent  
5 Capital Partners (member in SeaChange and participant in the Emergent Indonesia Opportunity  
6 Fund) to Gregory Sarkissian asking Mr. Sarkissian to setup meetings for Emergent Capital  
7 Partners with Suharto family members, which also contained an attachment created by Albinson  
8 on “Emergent” (i.e. Emergent Capital Partners) letterhead that included the names “Banbang”,  
9 “Panji”, “Siti”, and “Dandi” – all names of Suharto family members. I received a copy of this e-  
10 mail when it was forwarded to me by Gregory Sarkissian – one of the recipients of the e-mail. A  
11 true and correct copy of the e-mail is attached hereto as Exhibit 45.

12 41. Emergent also created a schedule concerning the various meetings and agenda  
13 items for Tim Albinson and Matthew Burwood’s trip to Indonesia. The schedule contains names  
14 of Suharto family members, such as “Bambang” and “Panji”. A true and correct copy of this  
15 agenda is attached hereto as Exhibit 46. In a separate email chain on July 5, 2011, I also provided  
16 Matthew Burwood and Tim Albinson with Suharto family member names and a link to the Time  
17 Magazine “Suharto, Inc.” article, suggesting that they read it as additional background on the  
18 Suharto family before their trip to Indonesia, to which Matthew Burwood replied: “Thanks for the  
19 names.” A true and correct copy of the July 5, 2011 e-mail is attached hereto as Exhibit 47.

20 42. Tim Albinson and Matthew Burwood visited Jakarta in July 2011 in order to be  
21 introduced to the Suharto family. I was in Jakarta at the time when they arrived, and I personally  
22 made the introduction. A true and correct copy of an email confirming their arrival is attached  
23 hereto as Exhibit 48.

24 43. Further, on July 20, 2011, Matthew Burwood and Tim Albinson created and sent a  
25 memorandum to Ferry Kangsadjaja, a local partner of Emergent in Indonesia, concerning the  
26 “partnership between Emergent Capital Partners and Padi Graha to jointly engage in real estate  
27 investment, and related next steps.” A true and correct copy of the July 20, 2011 memorandum is  
28 attached hereto as Exhibit 49. Padi Graha is a company that is owned by several Suharto family

1 members, who told me about the creation of this company for the specific purpose of participating  
2 in the Schwab-Suharto real estate partnership.

3 44. The private placement documentation marketing the Emergent Indonesia  
4 Opportunity Fund states as follows: “The Emergent Indonesia Opportunity Fund was launched in  
5 Q4 2011 to execute a land acquisition and repositioning strategy in Indonesia... [s]pecializing in  
6 acquiring off-market assets to drive a competitive advantage... **Anchor investors are the Charles  
7 Schwab Family and Hashim Djojohadikusomo...**” [Suharto family confidante] (emphasis  
8 added). A true and correct copy of the private placement memorandum for the Emergent  
9 Indonesia Opportunity Fund is attached hereto as Exhibit 50. I received a copy of this private  
10 placement from Michael Schwab as an attachment to an email from Michael Schwab to me. A  
11 true and correct copy of the e-mail in which a copy of the private placement memorandum is  
12 attached hereto as Exhibit 51.

13 45. A further marketing document identifying **Charles Schwab as an “anchor  
14 investor” in the Emergent Indonesia Opportunity Fund** was also prepared, and a true and  
15 correct copy is attached hereto as Exhibit 52. I also received this document from Michael Schwab.

16 46. Michael Schwab stated the same information on his Facebook page when he posted  
17 a photograph on Facebook with the following caption: “If anyone is interested in investing in land  
18 in Indonesia, **this is the team and a few of our anchor investors**. This place is blowing up, and  
19 we have it locked down!...” (emphasis added). **Pictured in the photograph are – Michael  
20 Schwab, Matthew Burwood, Tim Albinson, Hashim Djojohadikusomo, Charles Schwab, and  
21 Panji Suharto**. I know that these are the persons pictured in the photograph because I have met  
22 each one of them and I know what they look like. A true and correct copy of a post on Michael  
23 Schwab’s Facebook profile is attached hereto as Exhibit 53. I know that this is Michael Schwab’s  
24 profile because I was a “friend” with Michael Schwab on Facebook.

25 47. I know that Hashim Djojohadikusumo is a confidante of the Suharto family  
26 because the same information was represented to me by Bambang Suharto and Titiek Suharto –  
27 who was married to the brother of Hashim Djojohadikusumo (Prabowo Subianto) - as well as  
28 Gregory Sarkissian. The same information was communicated to me by Ferry Kangsadjaja, who

1 was an Indonesian partner of Emergent Capital Partners – which was a member of SeaChange, and  
2 which became the entity that later restructured the SeaChange Opportunity Fund into the  
3 Emergent Indonesia Opportunity Fund.

4 48. On November 21, 2011, I, on behalf of ASR, arranged for a contract to be entered  
5 into between Panji Suharto’s company, Aneka, which he founded in September 2010 pursuant to  
6 the July 2, 2010 MOU with Big Sky, and a company called “PT. Bali Pecatu Graha” (“BPG”) to  
7 construct and design a project in Bali, Indonesia. A true and correct copy of the agreement that I  
8 caused to be placed on ASR and BPG letterhead, between Aneka and BPG is attached hereto as  
9 Exhibit 54. I received a signed copy of this agreement from Fairus Siera, who, as a managing  
10 member of ASR, I knew to be an office manager in ASR’s Indonesia office. Ms. Siera also  
11 emailed me a copy of the agreement in its original Bahasa dialect and the translated version in  
12 English.

13 49. I have personally met and spoken with Tommy Suharto on several occasions. In  
14 those conversations, Tommy Suharto stated to me that he was the owner of BPG; that he was the  
15 son of General Suharto; and that BPG owns real estate in Bali. I also met with, and had  
16 conversations with, Made Putrawan, who Tommy Suharto told me was a director of BPG along  
17 with Tommy Suharto. Made Putrawan told me that Tommy Suharto owns BPG.

18 50. Tommy Suharto’s ownership of BPG is further evidenced on the company’s  
19 website [www.pecatuindahresort.com](http://www.pecatuindahresort.com), which is publically-available on the internet, wherein it  
20 contains a press release that identifies “Hutomo Mandala Putra” as the “President Commissioner”  
21 of Bali Pecatu Graha – Made Putrawan told me that “Hutomo Mandala Putra” is Tommy  
22 Suharto’s formal Indonesian name. A true and correct copy of the press release from the  
23 [www.pecatuindahresort.com](http://www.pecatuindahresort.com) website is attached hereto as Exhibit 55. Tommy Suharto’s  
24 Wikipedia page also states that Tommy Suharto’s formal name is Hutomo Mandala Putra.<sup>2</sup> A true  
25 and correct copy of Tommy Suharto’s Wikipedia page, which is publicly available at

26 \_\_\_\_\_  
27 <sup>2</sup> Tommy Suharto’s Wikipedia page also states that Tommy Suharto was convicted of murder and  
28 sentenced to 15 years in jail.

1 [http://en.wikipedia.org/wiki/Tommy\\_Suharto](http://en.wikipedia.org/wiki/Tommy_Suharto), is attached hereto as Exhibit 56. The BPG website  
2 also contains a photograph of Tommy Suharto (along with Made Putrawan, the signatory to the  
3 agreement between Aneka & BPG on behalf of BPG), commemorating one of BPG's construction  
4 projects in Bali.

5           51. I met Made Putrawan many times during my numerous trips to Indonesia, and I  
6 know what Made Putrawan looks like. Similarly, I met Tommy Suharto on multiple occasions,  
7 and I know what Tommy Suharto looks like. Tommy Suharto's ownership of BPG is further  
8 detailed in an article that appeared in the Jakarta Globe on December 27, 2010, which identified  
9 Tommy Suharto as one of the executives of BPG, developing commercial real estate owned by the  
10 company in Bali. I discovered the Jakarta Globe article, which is publically-available online when  
11 I researched the name "Tommy Suharto" in conjunction with "BPG" (an acronym for Bali Pecatu  
12 Graha). A true and correct copy of the Jakarta Globe article is attached hereto as Exhibit 57.

13           52. While I was doing research into the background of Tommy Suharto and his  
14 company, BPG, I came upon a press release that describes a lawsuit by Bali residents against  
15 Tommy Suharto concerning BPG's unlawful taking of the land on which BPG is located in Bali. A  
16 true and correct copy of the press release that describes this lawsuit is attached hereto as Exhibit  
17 58. I also came upon numerous news articles reporting that Tommy Suharto was convicted of  
18 murder and sentenced to 15 years in prison. True and correct copies of these articles are attached  
19 hereto as Exhibit 59.

20           53. I know that Hutomo Mandala Putra, aka Tommy Suharto, is the son of General  
21 Suharto because I personally met Tommy Suharto on more than one occasion, and he told me the  
22 same; because I saw Suharto family photographs that included General Suharto and Tommy  
23 Suharto; and because other members of the Suharto family verified to me that Tommy Suharto is  
24 General Suharto's son during the many visits and meetings that I had with five of the six children  
25 of General Suharto. In addition, this is a matter of common knowledge, and the Court is hereby  
26 requested to take judicial notice of this matter.

27           I declare under penalty of perjury under the laws of the State of California that the  
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1 foregoing is true and correct. Executed this 16th day of December, 2014, in Malibu, California.



Nicholas Behunin

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