

FILED

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

2015 JUL -7 PM 4:17

UNITED STATES OF AMERICA

v.

CASE NO. 8:15 CR 244 | 23 AEP

15 U.S.C. § 80b-6

GIGNESH MOVALIA  
\_\_\_\_\_ /

**INFORMATION**

The United States charges:

**Overview of the Fraud**

At all time relevant to this Information:

1. The defendant, GIGNESH MOVALIA, was an investment adviser within the meaning of Section 202(a)(11) of the Investment Advisers Act, 15 U.S.C. Section 80-b2(a)(11).

2. Defendant was the managing member of OM Global Investment Fund LLC (the "OM Global Fund"), an unregistered pooled investment vehicle fund formed in 2009. The OM Global Fund operated as a Florida limited liability company with its principal place of business in Tampa, Hillsborough County, Florida, in the Middle District of Florida.

3. Defendant was the principal owner and operator of OM Investment Management LLC, a formerly registered investment advisor. OM Investment Management was a Florida limited liability company with its principal place of business in Tampa, Hillsborough County, Florida, in the Middle District of Florida.

4. Beginning in or about 2011, Defendant began soliciting investments for the OM Global Fund by, among other methods, touting its access to pre-initial public offering shares of Facebook, Inc. By the end of 2012, Defendant had secured investments exceeding \$15 million for the OM Global Fund.

5. As part of the investments for the OM Global Fund, Defendant raised more than \$9 million "side pocket" investments into Facebook based on representations to certain investors that their investments in the OM Global Fund would be used exclusively for the purchase of shares of Facebook.

6. Contrary to these representations and unbeknownst to "side pocket" investors, Defendant used funds designated exclusively for the purchase of Facebook shares for other investments.

7. Defendant made material misrepresentations and omissions through OM Investment Management to investors in order to mislead


investors about the nature and value of their investment in the OM Global Fund and to conceal from “side pocket” investors that he had used their money for investments other than Facebook.

**COUNT 1**  
**(Investment Adviser Fraud – 15 U.S.C. § 80b-6)**

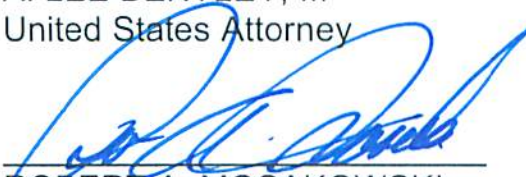
8. From in or about May 2011 through in or about May 2012, within the Middle District of Florida and elsewhere, the defendant, GIGNESH MOVALIA, knowingly and willfully used the mails and instrumentalities of interstate commerce in order to (1) employ a device, scheme, and artifice to defraud a client or prospective client; (2) engage in a transaction, practice and course of business which operates as a fraud and deceit upon any client or prospective client; and (3) engage in an act, practice, and course of business which is fraudulent, deceptive, and manipulative.

All in violation of Title 15, United States Code, Section 80b-6.

ANDREW WEISSMANN  
Chief, Criminal Division, Fraud Section  
United States Department of Justice

By:   
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