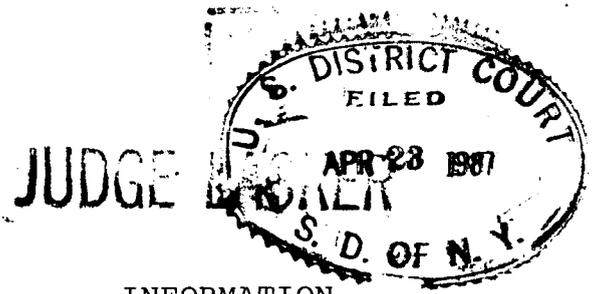


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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UNITED STATES OF AMERICA :
 - v - :
IVAN F. BOESKY, :
 Defendant. :
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INFORMATION

87 CRIM. 0378

The United States Attorney charges:

1. From on or about April 1, 1984 through April 10, 1986 in the Southern District of New York and elsewhere, the defendant IVAN F. BOESKY, and others to the United States Attorney known and unknown, unlawfully, wilfully and knowingly, did combine, conspire, confederate and agree together to commit the following offense against the United States: in a matter within the jurisdiction of the Securities and Exchange Commission ("SEC"), an agency of the United States, to knowingly and wilfully falsify, conceal and cover up by trick, scheme and device a material fact, and make false, fictitious and fraudulent statements and representations in connection with the filing of a Statement on Schedule 13D ("Schedule 13D") in violation of Title 18, United States Code, Section 1001.

Means of the Conspiracy

2. Among the means by which the defendant and his conspirators would and did carry out the conspiracy were the following:

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3. The defendant BOESKY upon instructions from a conspirator caused entities over which he exercised investment control ("Boesky-controlled entities") to acquire a position in the common stock of Fischbach Corp. The conspirator advised BOESKY that he would ensure that the BOESKY-controlled entities would have no loss on the transaction.

4. As required by law after the acquisition of ownership and control of 5% of the outstanding shares of common stock of Fischbach Corp. by the Boesky-controlled entities, BOESKY caused to be filed with the SEC a Schedule 13D. This filing was false, among other ways, because it failed to reveal the secret agreement the conspirators had to ensure the Boesky-controlled entities against loss.

5. A conspirator further instructed BOESKY to have the Boesky-controlled entities acquire ownership and control of over 9.9% of the Fischbach Corp. common stock. The Boesky-controlled entities ultimately beneficially owned and controlled 13.4% of the outstanding common stock of Fischbach Corp.

6. The defendant BOESKY caused amendments to the original Schedule 13D to be filed by the Boesky-controlled entities, reflecting their increased ownership and control.

7. Subsequently, the Fischbach Corp. common stock owned by the Boesky-controlled entities was sold. The conspirators arranged for the stock to be purchased in London for a price above the American market but below what the Boesky-controlled entities had paid for the shares. This did not fully compensate the Boesky-controlled entities for their losses and the cost of carrying the position.

8. Thereafter the conspirators arranged to reimburse the Boesky-controlled entities for their remaining losses and costs. The reimbursement was included in an attempt to reconcile a number of outstanding money differences between the Boesky-controlled entities and a conspirator.

OVERT ACTS

9. In furtherance of the conspiracy and to effect its objects the defendant BOESKY and his conspirators committed the following overt acts, among others, in the Southern District of New York and elsewhere:

a. On or about May 17, 1984, the defendant BOESKY signed a Schedule 13D relating to Fischbach Corp.

b. On or about July 9, 1984, the defendant BOESKY, signed amendment number 4 to a Schedule 13D relating to Fischbach Corp.

c. On or about February 28, 1985 the defendant

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BOESKY caused Fischbach Corp. common stock to be sold in London for a sales prices of \$18,378,000.

d. On or about March 4, 1985, the defendant BOESKY signed amendment number 5 to a Schedule 13D relating to Fischbach Corp.

(Title 18, United States Code, Section 371)


RUDOLPH W. GIULIANI
United States Attorney