

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION**

In Re:

GENESYS RESEARCH INSTITUTE, INC.

DEBTOR

Chapter 11

Case No. 15-12794-JN

**U.S. BANKRUPTCY COURT
2017 FEB 14 3:21**

Objection to Claim of DAH and Associates, Inc., and Motion for the Trustee to Avoid a Prior Payment to that Entity as a Fraudulent Transfer, and Motion for Sanctions under 18 U.S.C. § 152(4) and the Racketeering Statutes

Clare Lamont ("Movant"), a Creditor and Interested Party to this proceeding, submits this Objection ("Objection") to the claim of an entity identified as "DAH and Associates, Inc." ("DAH") for \$5,000, and moves for the Trustee to consider, pursuant to his avoidance powers under 11 U.S.C. § 544(b)(1), the clawback of a prior transfer (occurring, as per the Schedules, within 90 days of filing bankruptcy) to that entity in the amount of \$28,125. Aside from the expenses being unallowable under the Code of Federal Regulations ("CFR") that govern GRI's federal funding base, the underlying work agreement was fraudulent, insofar as DAH and Associates, Inc. did not exist for the period it was contracted to provide, and allegedly did provide, the consulting work for which it was compensated the \$28,125.

It is here contended the application of federal funds drawn down for this fictitious purpose, while not disclosing same to the government, also implicates either false statements to the government (18 U.S.C. § 287), or the failure to disclose material facts to the government relating to a government payment to GRI (18 U.S.C. § 1001), as the case may be. Further, given these actions and the layered, interstate laundering of the federal assets being done in conjunction with other unallowable activity also not supportable by federal grant funds, as per the Codes of Federal Regulations, involving Mr. Horowitz and fellow GRI Member Mr. Charles J. Newman, in which Newman improperly benefited personally, it is argued the aggregate activity of the controlling GRI Membership reaches the threshold for a racketeering operation as per 18 U.S.C. §§ 1956 and 1957, respectively.

The ability of a creditor to object to an uncontested claim (for which no proof of claim

has been filed) has been affirmed in the case of *In re 3333 Main, LLC*, Case No. 13-51533 (ECF No. 172) (Bankr. D. Conn. May 29, 2014) (Shiff, J.). That court found that under 11 U.S.C. § 1111(a), a proof of claim in a chapter 11 case “is deemed filed” under §501(a) of the Bankruptcy Code for any claim that appears on the debtor’s schedules, as long as it is not scheduled as disputed, contingent or unliquidated. The Bankruptcy Court further ruled that because proofs of claim were “deemed” to be filed for these undisputed claims by §1111(a), an objection to the “deemed filed” proofs of claim could be asserted on the basis of §502(a), which states that “[a] claim...proof of which is filed under section 501 of this title, is deemed allowed *unless a party in interest...objects.*” (emphasis added). The court went on to note that, once a challenge has been made in such a case, the burden of proof falls to the one being challenged to support the “*bona fides*” of his claims, since he has yet to file a proof of claim.

A. Statements of Facts

1) An agreement (“Agreement”) between DAH, represented by Mr. David A. Horowitz, and Genesys Research Institute, Inc. (“GRI”), represented by Thomas Dahl, was entered into (*see* “Agreement”, Exhibit A), to pay \$28,125 compensation to DAH for consulting services for the period January 1, 2015 through May 15, 2015, the scope of which was the “maintenance and marketing of GRI’s intellectual property (IP), as outlined in Attachment A, of Exhibit A.”

2) David A. Horowitz has continuously been one of the three controlling Members of GRI (*see* Schedules, Doc. 50, p.91) since the non-profit entity, GRI, was spun-off from Steward Health Care System LLC on December 31, 2012. Mr. Horowitz was also President of GRI at the time of the making of this Agreement to pay himself through DAH. At that time, Thomas Dahl was a director at GRI, but contrary to his representation in the signature portion of the Agreement, was not then an officer (*see* “Mass. Secy. of State record for GRI dated May 21, 2015”, Exhibit B).

3) Mr. Dahl was not then and has never been a Member of GRI.

4) The Agreement terms and the \$28,125 payment received within 90 days of the bankruptcy filing were for a retroactive compensation payment to DAH calculated at the rate of \$6,250 per month for the first 4-1/2 months (from January 1, 2015 through May 15, 2015), totaling the \$28,125, after which compensation would be at the rate of \$75/hr, “with a cap not to exceed 80 hours a month without prior approval, though June 30, 2015”.

5) DAH received the retroactive compensation for services payment of \$28,125,

according to the Schedules (Doc. 50).

6) The incorporation record obtained from the Office of the Minnesota Secretary of State indicates “DAH and Associates, Inc.” was formed April 29, 2015 (*see* “Incorporation Certificate”, Exhibit C, p.1). It shows the Registered Office address to be 2560 North Rice St., St. Paul MN, Mr. David A. Horowitz to be the Incorporator, and Mr. Bernard Brodkorb to be the Registered Agent (*see* Exhibit C, p.2). The email address recorded with the Minnesota Secretary of State, horowitz.da@gmail.com, matches that in the GRI Agreement.

B. Contract is Fraudulent

7) DAH & Associates, Inc. *did not exist* until April 29, 2015, four months into the agreed-upon 4-1/2-month performance period of January 1, 2015 through May 15 for which DAH received compensation in the amount of \$28,125. As written, the Agreement with DAH & Associates, Inc. was therefore fraudulent, insofar as it called for *a services payment that included four months of work performed by a nonexistent entity*.

8) Since DAH & Associates, Inc. had not been in existence to perform the alleged consulting work that Mr. Horowitz represented had already been performed at the time of the signing of the Agreement, the retroactive “hiring” by GRI to consult on IP constituted a willful act by Mr. David A. Horowitz to redirect GRI funds by deceptive means, and, at the very least, gross negligence on the part of Mr. Dahl for not exercising due diligence as a GRI director in his duty to formally verify any new business vendor. This is also required where federal funds are involved; a failure aggravated by the illegitimacy of the application of those funds to the patent marketing activity here proposed (*see Part E, infra*).

C. Horowitz was in a Position to Unilaterally Authorize His Own Contract

9) Beyond the inherent illegitimacy of the Agreement terms themselves, Mr. David A. Horowitz, being a GRI Member and then GRI President, was in a position to effectively authorize his own payment through Dahl, an individual answerable to Horowitz in Horowitz’s capacity as a GRI Member with the power to terminate Dahl. Such terms as pay “with a cap not to exceed 80 hours a month without prior approval”, designed to suggest the required independent review, are accordingly devoid of meaning, as the “approval” of Horowitz’s pay would by the chain of command fall to Horowitz himself.

10) Pertinent to this point, as of the May 14, 2015 date of the Agreement, Thomas Dahl was a director, but was not an officer, despite his signing as “CEO” (*see* “Mass. Secy. of

State record for GRI dated May 21, 2015”; **Exhibit B**), whereas Horowitz was at all times a Member (and a director) of GRI, and was GRI President at the time when the contract was executed (*see* **Exhibit B**).

11) Importantly, where Members exist in a Massachusetts nonprofit corporation, by state law (*see* “Mass. Gen. Laws ch. 180, § 3”, **Exhibit D**), all voting power for the corporation is vested with the Members, and only if there are *no* Members does voting power fall to the directors of the nonprofit. This is evident as well from the checkboxes of the Articles of Amendment Form furnished from the Secretary of State’s office that refer to said law (*see* “Articles of Amendment Form”, **Exhibit E**). It is also reflected in the Bylaws of GRI as they were when GRI was spun off from Steward Health Care System LLC. Section 3 of Article II reads:

“Section 3: Reserved Powers of the Member. Notwithstanding any other provision of these By-laws to the contrary, the actions of the Corporation listed below shall be reserved exclusively to the Member in its sole discretion:
(a) Appoint, remove or suspend any director of the Corporation; ...”

12) The previous facts obviously compromise the “arm’s length” standard expected of any compensation arrangement involving a governing individual in a nonprofit, 501(c)(3), organization. Thus, any arrangement whereby a so-called ‘disqualified person’ (one in governance, within the meaning of Internal Revenue Service regulations) controlling a transaction in which that same party stands to benefit, directly or ultimately, results in an unallowable “excess benefit transaction”:

26 CFR §53.4958-6 (c)(1)(iii)(E):

“A member of the authorized body [Horowitz] does not have a conflict of interest with respect to a compensation arrangement or property transfer *only if the member [Horowitz] does not approve a transaction providing economic benefits to any ‘disqualified person’ [Horowitz, Dahl, or Newman] participating in the compensation arrangement or property transfer, who in turn has approved or will approve a transaction providing economic benefits to the member [Horowitz].*”
(italics added).

D. Self-Dealing May Extend to Fellow GRI Member, Charles J. Newman

13) The incorporation of DAH in Minnesota, a state where Mr. Newman’s various business entities originate, along with DAH’s Registered Office being at 2560 North Rice St., St. Paul Minnesota and the use of Mr. Bernard Brodkorb as the Registered Agent for DAH, extends

the historic link to fellow GRI Member Charles J. Newman by way of Mr. Brodkorb and of Mr. Newman's operation of businesses out of the North Rice St. address. Some of the many examples include:

- a) the Newman-Lakka Cancer Foundation ("NLCF") with both its business address, and the address of its principal officer, Mr. Charles J. Newman, listed as 2560 North Rice St., St. Paul Minnesota (see p.1 of the 2012 Federal Nonprofit Tax Form 990, filed by Brodkorb as tax preparer, **Exhibit F**);
- b) the Max & Gertrude Newman – Charles & Phyllis Newman Foundation, whose Registered Office address is 2560 North Rice St., St. Paul Minnesota, with Mr. Brodkorb as agent (see **Exhibit G**); and
- c) Mr. Charles J. Newman's own company, Builders Holding Co., Inc., whose "Principal Executive Office" address is Mr. Newman's home address, 10002 E. Calle De Las Brisas, Scottsdale, AZ and whose "Registered Office" address is 2560 North Rice St., St. Paul Minnesota, with Mr. Brodkorb as agent (see **Exhibit H**).

14) In addition, consistent with previous and ongoing allegation these GRI Members intentionally engaged in "self-dealing" of GRI federal funds devoid of any gain to GRI (see Doc. 221), no value was obtained for GRI through any effort of DAH & Associates, Inc. with respect to marketing the IP. Further, in a Rule 2004 exam conducted of Mr. Horowitz by this Movant, Mr. Horowitz confirmed that DAH & Associates has no other employees but himself, begging the question of who the "Associates" are?

June 10, 2016 Transcript, Page 73, Lines 17-21:

Q. Are there any other employees besides yourself at DAH & Associates?

A. Not at the moment, no.

Q. Have there been other employees?

A. Not yet.

E. Pay is Unauthorized Under the Terms of the Funding Supporting GRI

15) As discussed previously (see Doc. 221), income for Mr. Horowitz by this mechanism, as consultant, was fundamentally unallowable due to the CFR governing the source of the funds being redirected:

- a) GRI was funded by restricted funds from federal grants, and a *consultant* who is also an officer in a nonprofit (as Horowitz was by way of being a GRI Member and a director for the purposes of the Code, and, as it so happens, GRI President

at the time) cannot draw any income from GRI's federal grant funding base, as per 2 CFR § 230 App B, 37(a); and

- b) *marketing patents*, the goal of the DAH contract (Exhibit A), is an unallowable expense under GRI's federal grant funding base, as per 2 CFR § 230 App B, 34(b)(1), which states any "cost of preparing disclosures, reports, and other documents and of searching the art to the extent necessary to make disclosures not required by the award" is unallowable, and as per 2 CFR § 230 App B, 45, which states any "costs of selling and marketing any products or services of the non-profit organization" are unallowable.

16) Attesting to the restricted federal money comprising virtually all of the assets available to GRI, the Department of Justice for the United States commented (Doc. 336, p.2, ¶ 1), "[i]ndeed, it is unclear whether the Debtor ever received any significant revenue outside of federal grant funding", with no other source of significant funding since identified.

F. Summary

In sum, given that DAH was not in existence at the time of the paid "work", for which no value for GRI was derived, claims no employees other than Mr. Horowitz, and uses: a) the Registered Office address at 2560 North Rice St., St. Paul, Minnesota; b) Mr. Brodkorb as agent; and c) a Minnesota incorporation, not used by Mr. Horowitz apart from Mr. Newman, it is reasonable to conclude the effect, if not the intent, of the creation of DAH was to obscure the Member's self-dealing purpose of money inappropriately taken from GRI accounts.

This concern over the purpose of DAH is amplified by the similarities to previous actions of GRI Members Horowitz and Newman with respect to the movement of GRI federal funds, via cashier's checks Mr. Horowitz had made out to himself, which were deposited into a Newman-owned bank account (Wells Fargo xxx6074) in the name of Newman's company Builders Holding Co., Inc. (**Exhibit H**), after Mr. Newman forged Mr. Horowitz's name on these checks.

Starting in summer of 2013, and continuing at least through 2014, GRI funds, in form of cashier's checks made payable to Horowitz, and drawn from GRI Bank of America account xxx2743 (an account having only restricted federal funds, over which Horowitz and Newman maintained exclusive control, and which was concealed from GRI accounting personnel), were deposited into Newman's Builder's Holding Co. Inc., account xxx6074. Example cashier's checks made out to David Allan Horowitz from "Remitter" GRI, which were deposited into Newman's account xxx6074 are attached (**Exhibit I**). Not only are the cashier's checks devoid

of any indication of purpose for payment to Horowitz, and the Horowitz signature forged, but additionally, the Federal Nonprofit Tax Form 990 filed by GRI for period October 1, 2012 to September 30, 2013, showing Horowitz's name in the signature block (*shockingly the last 990 filed by GRI*) (*see* p.1 of GRI 990 for 2012; **Exhibit J**), explicitly indicates on p. 7 that *no payments or compensation* were made to Horowitz, in frank contradiction to the many cashier's checks Horowitz directed the bank to make out to himself using GRI funds. (In the margin of Exhibit J, one notes the Massachusetts Attorney General indeed received the document. This copy came from the Attorney General's charities site <http://charities.ag.state.ma.us>, where Federal Tax Form 990s submitted by a Massachusetts charitable organization must be mounted). Furthermore, Horowitz did not file any Massachusetts tax returns for any income received in 2013 or 2014 (including no income from GRI), according to state records as of July 27, 2015. Thus, no income was declared during the period where Mr. Horowitz had cashier's checks made out to himself from GRI and sent these checks to Mr. Newman to forge his name and deposit into an out-of-state bank account owned by Mr. Newman. In 2008 Mr. Horowitz declared himself indigent (**Exhibit K**) after the financial collapse of other companies he ran with Mr. Newman—events presaging what is to come of GRI.

Also in the Rule 2004 exam conducted of Mr. Horowitz by this Movant, Mr. Horowitz explained the handling of GRI funds via cashier's checks he personally had made out to himself and then sent to Mr. Newman, stating simply, "I did it because I had creditors". Not only does the statement affirm the intent *was indeed* to obscure the asset trail, it does nothing to refute the central allegation the purpose was to camouflage the movement of misappropriated funds to a fellow GRI Member.

In early January 2014, misappropriation of the non-profit, federal funds by the GRI Members (who had also appointed themselves as officers and the only GRI directors) was reported to the Attorney General's Office by about a dozen GRI employee whistleblowers. Specifically, complaints were made to Attorney Mary Beckman, Chief Non-Profit Organizations/Public Charities Division. **Exhibit I** shows a movement of \$29,000 in GRI funds to GRI Member, David Allan Horowitz, within the period December 6-17, 2013, which were deposited into GRI Member Charles J. Newman's account xxx6074 in the name of Builder's Holding Co. Inc. The movements of these non-profit funds out of GRI and into the control of Charles J. Newman was also challenged as 'self-dealing' in this Court (*see* Doc. 221), and that, considering the third Member, Boris Epshteyn, is a family relation of Member Mr. Newman, these Horowitz and Newman-facilitated diversions (explicitly involving a two-Member majority

of the controlling 3-Member leadership) lend support to this being a racketeering operation, as per 18 U.S.C. §§ 1956, 1957 and as Dr. Hahnfeldt has argued in Doc. 221, p. 6, Lines 2-7.

WHEREFORE, meanwhile, given that the claim of \$5,000 DAH & Associates, Inc.: a) derives from a knowingly fraudulent Agreement; b) is fundamentally unallowable as a patent marketing effort under federal funding restrictions; and c) involves a pre-petition payment of a fraudulent \$28,125 compensation made within the 90-day window of bankruptcy filing, this Movant objects to the current uncontested claim of DAH & Associates, Inc. for \$5,000 and moves that the Trustee consider a clawback of the prior compensation payment of \$28,125 for the net benefit of \$33,125 for the estate. She further moves, in light of the knowingly fraudulent component of Mr. Horowitz's proof of claim against the estate and the offenses connected with this and other actions of said GRI Members, that the Court consider action, or referral for action, against Mr. Horowitz, or Horowitz and Newman jointly, pursuant to 18 U.S.C. § 152(4), the racketeering statutes, or other actions, as it deems just and proper.

Respectfully,

A handwritten signature in cursive script, reading "Clare Lamont", followed by a horizontal line extending to the right.

Clare Lamont
93 E. Central St. #22
Natick, MA 01760

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION**

In Re:

GENESYS RESEARCH INSTITUTE, INC.

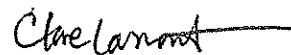
DEBTOR

Chapter 11

Case No. 15-12794-JNF

CERTIFICATE OF SERVICE

I, Clare Lamont, do hereby certify that I have sent through postal mail notice and copies of the **Objection to Claim of DAH and Associates, Inc., and Motion for the Trustee to Avoid a Prior Payment to that Entity as a Fraudulent Transfer, and Motion for Sanctions under 18 U.S.C. § 152(4) and the Racketeering Statutes, Chapter 11, Case No. 15-12794-JNF** to the parties listed on the annexed service list.



Clare Lamont
lamont.clare@gmail.com
93 E. Central St. #22
Natick, MA 01760
781-929-8316

DATED: February 14th, 2017

Postal Mail Notice List

John P. Fitzgerald

Assistant U.S. Trustee
United States Department of Justice
John W. McCormack Courthouse and Post Office
5 Post Office Square, Suite 1000
Boston, MA 02109-3945

Harold B. Murphy

Chapter 11 Trustee
Murphy & King, P.C.
One Beacon Street, 21st Floor
Boston, MA 02108

Paula R. C. Bachtell

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Boston, MA 02108

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62 Meacham Rd.
Somerville, MA 02144

Philip Hahnfeldt

12 Russell Rd Unit 405
Wellesley, MA 02482

EXHIBIT A



14 May, 2015

DAH & Associates, Inc.
33 Pond Ave. #1019
Brookline, MA 02446

Attn: David Horowitz
via email: horowitz.da@gmail.com

Dear David,

This letter is provided to memorialize our agreement, by which DAH & Associates provides consulting services to GeneSys Research Institute (GRI), at the direction of and reporting to GRI's CEO. The scope of the agreement is maintenance and marketing of GRI's intellectual property (IP), as outlined in Attachment A.

Compensation will be a retainer at the rate of \$6250/month, prorated as necessary, from January 1, 2015 to May 15, 2015. After that time compensation will be based on an hourly rate of \$75/hour, with a cap not to exceed 80 hours per month without prior approval, through June 30, 2015 with an option to extend beyond that time by mutual agreement. Approved expenses will be reimbursed, with the additional understanding that travel expenses to attend required meetings at GRI are automatically considered pre-approved. Payments will be made within 15 days after receiving invoices for time and expenses.

You will provide updates on status and activities surrounding the different tasks identified in Attachment A on Friday of each week, supplemented *ad hoc* as warranted by breaking news.

In the interest of well-integrated communication between us we both commit to responding to each other's emails and phone calls within 1 day. In the event a full response will take longer, a response within 1 day identifying the time constraints will be provided and followed up on later.

Thank you, and I look forward to continuing to work together on this important activity.

A handwritten signature in black ink, appearing to read "Thomas Dahl".

Thomas Dahl, PhD

CEO

Attachment A

IP Commercialization and Maintenance

IMMEDIATE

- Baxter clinical data – close deal, obtain data
- NeoStem - go back to them with clinical data or file an IPR in the next 3-4 week;

ON-GOING

- Identify companies interested in our IP
- Pitch, negotiate and close licensing deals
- Identify companies interested in SRA's;
- Pitch and negotiate SRA's
- Market our facilities and services; e.g., animal facility and operating room
Licensing with China partners (Jufeng mainly)
- Oversee filing new IP (evaluate disclosures, assess marketability and value esp vis a vis costs, determine jurisdictions)
- Maintain on-going office actions
- Filing PCT WO of already filed patents;
- Review existing patent maintenance expenses and decide which ones to keep active and which ones to let go.
- Identify other fund raising opportunities;

EXHIBIT B



William Francis Galvin
Secretary of the Commonwealth of Massachusetts



Corporations Division

Business Entity Summary

ID Number: 273896009[Request certificate](#)[New search](#)**Summary for: GENESYS RESEARCH INSTITUTE, INC.****The exact name of the Nonprofit Corporation:** GENESYS RESEARCH INSTITUTE, INC.**The name was changed from:** STEWARD RESEARCH AND SPECIALTY PROJECTS CORPORATION
on 12-31-2012**Entity type:** Nonprofit Corporation**Identification Number:** 273896009**Old ID Number:****Date of Organization in Massachusetts:** 11-03-2010**Last date certain:****Current Fiscal Month/Day:** 01/0**Previous Fiscal Month/Day:** 01/0**The location of the Principal Office in Massachusetts:**

Address: 736 CAMBRIDGE ST., STE CBR-112

City or town, State, Zip code, BOSTON, MA 02135 USA
Country:**The name and address of the Resident Agent:**

Name: C T CORPORATION SYSTEM

Address: 155 FEDERAL ST., STE 700

City or town, State, Zip code, BOSTON, MA 02110 USA
Country:**The Officers and Directors of the Corporation:**

Title	Individual Name	Address	Term expires
PRESIDENT	DAVID A. HOROWITZ	33 POND AVE., APT. 1019 BROOKLINE, MA 02445 USA	ONE YEAR
TREASURER	ROBERT STEMPLE	53 KENDALL RD. BOXBOROUGH, MA 01719 USA	
CLERK	ROBERT STEMPLE	53 KENDALL RD. BOXBOROUGH, MA 01719 USA	
DIRECTOR	DAVID A. HOROWITZ	33 POND AVE., APT. 1019 BROOKLINE, MA 02445 USA	ONE YEAR

- Page B1 -

DIRECTOR	CHARLES J. NEWMAN	10002 CALLE DE LAS BRISAS SCOTTSDALE, AZ 85255 USA	ONE YEAR
DIRECTOR	MARK S. ZUROFF	ONE NATHANIEL GUILD RD. SHARON, MA 02067 USA	ONE YEAR
DIRECTOR	THOMAS A. DAHL	P. O. BOX 404 GUILFORD, CT 06437 USA	ONE YEAR

Consent Confidential Data Merger Allowed Manufacturing

View filings for this business entity:

ALL FILINGS
Annual Report
Application For Revival
Articles of Amendment
Articles of Consolidation - Foreign and Domestic

[View filings](#)

Comments or notes associated with this business entity:

[New search](#)

EXHIBIT C

Office of the Minnesota Secretary of State Certificate of Incorporation

I, Steve Simon, Secretary of State of Minnesota, do certify that: The following business entity has duly complied with the relevant provisions of Minnesota Statutes listed below, and is formed or authorized to do business in Minnesota on and after this date with all the powers, rights and privileges, and subject to the limitations, duties and restrictions, set forth in that chapter.

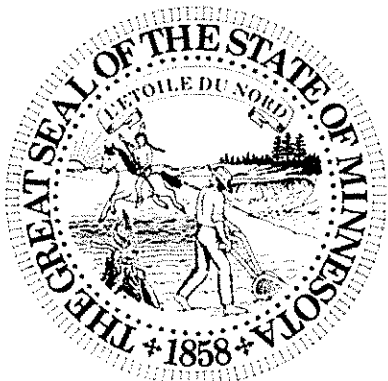
The business entity is now legally registered under the laws of Minnesota.

Name: DAH AND ASSOCIATES, INC.

File Number: 824558000027

Minnesota Statutes, Chapter: 302A

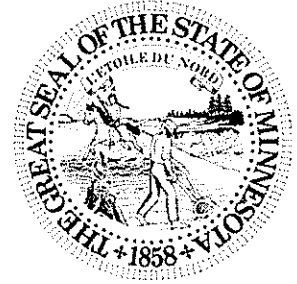
This certificate has been issued on: 04/29/2015



Steve Simon

Steve Simon
Secretary of State
State of Minnesota

Office of the Minnesota Secretary of State
Minnesota Business Corporation/Articles of Incorporation
Minnesota Statutes, 302A



The individual(s) listed below who is (are each) 18 years of age or older, hereby adopt(s) the following Articles of Incorporation:

Article 1 CORPORATE NAME:

DAH AND ASSOCIATES, INC.

Article 2 REGISTERED OFFICE AND AGENT(S), IF ANY AT THAT OFFICE:

Name

Address:

Bernard Brodtkorb

2560 North Rice Street St. Paul MN 55113 USA

Article 3 MAXIMUM SHARES THE CORPORATION MAY ISSUE: 1000

Article 4 INCORPORATOR(S):

Name:

Address:

David A. Horowitz

**33 Pond Avenue Suite B1019 Brookline MA
02445**

DURATION: PERPETUAL

If you submit an attachment, it will be incorporated into this document. If the attachment conflicts with the information specifically set forth in this document, this document supersedes the data referenced in the attachment.

By typing my name, I, the undersigned, certify that I am signing this document as the person whose signature is required, or as agent of the person(s) whose signature would be required who has authorized me to sign this document on his/her behalf, or in both capacities. I further certify that I have completed all required fields, and that the information in this document is true and correct and in compliance with the applicable chapter of Minnesota Statutes. I understand that by signing this document I am subject to the penalties of perjury as set forth in Section 609.48 as if I had signed this document under oath.

SIGNED BY: David A. Horowitz

MAILING ADDRESS:

None Provided

EMAIL FOR OFFICIAL NOTICES:

horowitz.da@gmail.com

Part I ADMINISTRATION OF THE GOVERNMENT**Title XXII** CORPORATIONS**Chapter 180** CORPORATIONS FOR CHARITABLE AND CERTAIN OTHER
PURPOSES**Section 3** INCORPORATORS; MANNER OF INCORPORATION; CLASSES OF
MEMBERS; PERSONAL LIABILITY OF OFFICERS AND DIRECTORS
TO CORPORATION

Section 3. One or more persons, of the age of eighteen years or more in the case of natural persons, may act as incorporators to form a corporation for any of the purposes mentioned in section four. The corporation shall be formed in the manner prescribed in and subject to section thirty of chapter sixty-nine, section two B of chapter one hundred and fifty-five and sections eleven, twelve and thirteen of chapter one hundred and fifty-six B, except that the corporation shall have no capital stock, the articles of organization shall omit references to stock and stockholders, the articles of organization shall specify the purposes for which the corporation is formed and the corporation may not assume a name that is misleading as to its corporate purposes.

A corporation may have one or more classes of members. If the corporation has one or more classes of members, the designation of such class or classes, the manner of election or appointment, the duration of membership and the qualification and rights, including voting rights, of the members of each class shall be set forth in the articles of organization or the by-laws. If a corporation does not have members, any action or vote required or permitted by this chapter to be taken by members of the corporation shall be taken by action or vote of the same percentage of the directors of the corporation.

The articles of organization, in addition, may state a provision eliminating or limiting the personal liability of officers and directors to the corporation or its members for monetary damages for breach of fiduciary duty as an officer or director notwithstanding any provision of law imposing such liability; provided, however, that such provision shall not eliminate or limit the liability of an officer or director (i) for any breach of the officer's or director's duty of loyalty to the corporation or its members, (ii) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, or (iii) for any transaction from which the officer or director derived

an improper personal benefit. No provision adopted pursuant to the provisions of this paragraph shall eliminate or limit the liability of an officer or director for any act or omission occurring prior to the date upon which such provision becomes effective.

EXHIBIT E

no. _____

Filing Fee: \$15.00

The Commonwealth of Massachusetts**William Francis Galvin**

Secretary of the Commonwealth

One Ashburton Place, Room 1717, Boston, Massachusetts 02108-1512

ARTICLES OF AMENDMENT
(General Laws, Chapter 180, Section 7)

Examiner _____

Name
Approved _____

We, _____, *President / *Vice President,

and _____, *Clerk / *Assistant Clerk,

of _____,
(Exact name of corporation)located at _____,
(Address of corporation in Massachusetts)

do hereby certify that these Articles of Amendment affecting articles numbered:

(Number those articles 1, 2, 3, and/or 4 being amended)

of the Articles of Organization were duly adopted at a meeting held on _____ 20_____, by vote of:

_____ members, _____ directors, or _____ shareholders**,

☐ Being at least two-thirds of its members legally qualified to vote in meetings of the corporation; OR☐ Being at least two-thirds of its directors where there are no members pursuant to General Laws,
Chapter 180, Section 3; OR☐ In the case of a corporation having capital stock, by the holders of at least two-thirds of the capital stock having
the right to vote therein.C ☐
P ☐
M ☐
R.A. ☐

*Delete the inapplicable words.

**Check only one box that applies.

Note: If the space provided under any article or item on this form is insufficient, additions shall be set forth on one side only of separate 8 1/2 x 11 sheets of paper with a left margin of at least 1 inch. Additions to more than one article may be made on a single sheet so long as each article requiring each addition is clearly indicated.

P.C. _____

The foregoing amendment(s) will become effective when these Articles of Amendment are filed in accordance with General Laws, Chapter 180, Section 7 unless these articles specify, in accordance with the vote adopting the amendment, a *later* effective date not more than *thirty days* after such filing, in which event the amendment will become effective on such later date.

Later effective date:_____ .

SIGNED UNDER THE PENALTIES OF PERJURY, this _____ day of _____, 20 _____
,

_____, *President / *Vice President,

_____, *Clerk / *Assistant Clerk.

THE COMMONWEALTH OF MASSACHUSETTS

ARTICLES OF AMENDMENT

(General Laws, Chapter 180, Section 7)

I hereby approve the within Articles of Amendment and, the filing fee in the amount of \$ _____ having been paid, said articles are deemed to have been filed with me this _____ day of _____ 20____ .

Effective date: _____

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth

TO BE FILLED IN BY CORPORATION

Contact information:

Telephone: _____

Email: _____

A copy this filing will be available on-line at www.state.ma.us/sec/cor once the document is filed.

EXHIBIT F

453956797X 05/23/2014 9:57 AM

Form **990**

Return of Organization Exempt From Income Tax

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation)

▶ The organization may have to use a copy of this return to satisfy state reporting requirements.

OMB No. 1545-0047

2012

Open to Public Inspection

A For the 2012 calendar year, or tax year beginning 11/01/12, and ending 10/31/13

B Check if applicable:

☐ Address change☐ Name change☐ Initial return☐ Terminated☒ Amended return☐ Application pending

C Name of organization

NEWMAN-LAKKA CANCER FOUNDATION

C/O CHARLES NEWMAN

Doing Business As

Number and street (or P.O. box if mail is not delivered to street address)

2560 NORTH RICE ST

City, town or post office, state, and ZIP code

ST PAUL

MN 55113

F Name and address of principal officer:

CHARLES NEWMAN

2560 RICE ST

ST PAUL

MN 55113

D Employer identification number

45-3956797

E Telephone number

G Gross receipts \$ 469,112

H(a) Is this a group return for affiliates? ☐ Yes ☒ NoH(b) Are all affiliates included? ☐ Yes ☐ No

If "No," attach a list (see instructions)

I Tax-exempt status: ☒ 501(c)(3) ☐ 501(c) () (insert no.) ☐ 4947(a)(1) or ☐ 527

J Website: www.newmanlakka.org

H(c) Group exemption number ▶

K Form of organization: ☐ Corporation ☐ Trust ☐ Association ☒ Other ▶ FOUNDATION

L Year of formation: 2011

M State of legal domicile: MN

Part I Summary

Activities & Governance	1 Briefly describe the organization's mission or most significant activities:	See Schedule O	
	2 Check this box <input type="checkbox"/> If the organization discontinued its operations or disposed of more than 25% of its net assets.		
	3 Number of voting members of the governing body (Part VI, line 1a)	3	6
	4 Number of independent voting members of the governing body (Part VI, line 1b)	4	0
	5 Total number of individuals employed in calendar year 2012 (Part V, line 2a)	5	0
	6 Total number of volunteers (estimate if necessary)	6	0
	7a Total unrelated business revenue from Part VIII, column (C), line 12	7a	0
b Net unrelated business taxable income from Form 990-T, line 34	7b	0	
Revenue	8 Contributions and grants (Part VIII, line 1h)	Prior Year	Current Year
	9 Program service revenue (Part VIII, line 2g)	325,100	469,110
	10 Investment income (Part VIII, column (A), lines 3, 4, and 7d)	3	2
	11 Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e)		0
	12 Total revenue - add lines 8 through 11 (must equal Part VIII, column (A), line 12)	325,103	469,112
Expenses	13 Grants and similar amounts paid (Part IX, column (A), lines 1-3)	212,500	263,904
	14 Benefits paid to or for members (Part IX, column (A), line 4)		0
	15 Salaries, other compensation, employee benefits (Part IX, column (A), lines 5-10)		0
	16a Professional fundraising fees (Part IX, column (A), line 11e)		0
	b Total fundraising expenses (Part IX, column (D), line 25) ▶	0	
	17 Other expenses (Part IX, column (A), lines 11a-11d, 11f-24e)	67,967	187,454
	18 Total expenses. Add lines 13-17 (must equal Part IX, column (A), line 25)	280,467	451,358
19 Revenue less expenses. Subtract line 18 from line 12	44,636	17,754	
Net Assets or Fund Balances	20 Total assets (Part X, line 16)	Beginning of Current Year	End of Year
	21 Total liabilities (Part X, line 26)	46,376	68,964
	22 Net assets or fund balances. Subtract line 21 from line 20	1,741	6,575

Part II Signature Block

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Sign Here

Signature of officer

Date

CHARLES NEWMAN

PRESIDENT

Type or print name and title

Paid

Preparer

Use Only

Print/Type preparer's name

Preparer's signature

Date

Check ☐ if

PTIN

Bernard L. Brodtkorb

Bernard L. Brodtkorb

05/23/14

self-employed

P00955862

Firm's name ▶ Bernard L. Brodtkorb CPA

Firm's EIN ▶ 26-3807402

Firm's address ▶ 2560 N Rice St

Phone no. 651-489-6941

Firm's address ▶ St. Paul, MN 55113

May the IRS discuss this return with the preparer shown above? (see instructions)

☐ Yes ☒ No

For Paperwork Reduction Act Notice, see the separate instructions.

Form 990 (2012)

DAA

Business Record Details »

Minnesota Business Name

MAX & GERTRUDE NEWMAN - CHARLES & PHYLLIS NEWMAN FOUNDATION

Business Type

Nonprofit Corporation (Domestic)

MN Statute

317A

File Number

11-423

Home Jurisdiction

Minnesota

Filing Date

12/09/1992

Status

Active / In Good Standing

Renewal Due Date

12/31/2017

Registered Office Address

2560 N Rice Str
St Paul, MN 55113
USA

Registered Agent(s)

Bernard L Brodkorb

President

Charles J Newman
10002 E Calle De Las Brisas
P O Box 25610
Scottsdale, AZ 85255-0110
USA

Filing History

Filing History

Select the item(s) you would like to order: Order Selected Copies

Filing Date	Filing	Effective Date
12/09/1992	Original Filing - Nonprofit Corporation (Domestic)	
12/09/1992	Nonprofit Corporation (Domestic) Business Name (Business Name: MAX & GERTRUDE NEWMAN - CHARLES & PHYLLIS NEWMAN FOUNDATION)	

04/17/2002	Involuntary Dissolution - Nonprofit Corporation (Domestic)
09/27/2002	Nonprofit Corporation (Domestic) Other
09/27/2002	Registered Office and/or Agent - Nonprofit Corporation (Domestic)
08/02/2006	Registered Office and/or Agent - Nonprofit Corporation (Domestic)

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Business Record Details »

Minnesota Business Name

Builders Holding Co., Inc.

Business Type

Business Corporation (Domestic)

MN Statute

302A

File Number

Y-351

Home Jurisdiction

Minnesota

Filing Date

08/31/1960

Status

Active / In Good Standing

Renewal Due Date

12/31/2017

Registered Office Address

2560 N Rice Str
St Paul, MN 55113
USA

Number of Shares

100

Registered Agent(s)

Bernard L Brodkorb

Chief Executive Officer

Charles J Newman
10002 E Calle De Las Brisas
P O Box 25610
Scottsdale, AZ 85255-0110
USA

Principal Executive Office Address

10002 E Calle De Las Brisas
P O Box 25610
Scottsdale, AZ 85255-0110
USA

Filing History

Filing History

Select the item(s) you would like to order: Order Selected Copies

Filing Date

Filing

Effective Date

08/31/1960

Original Filing - Business Corporation (Domestic)

08/31/1960	Business Corporation (Domestic) Business Name (Business Name: Builders Holding Co., Inc.)
06/29/1982	Business Corporation (Domestic) Active Status Report
06/29/1982	Registered Office and/or Agent - Business Corporation (Domestic)
03/24/1989	Registered Office and/or Agent - Business Corporation (Domestic)
09/25/2000	Administrative Dissolution - Business Corporation (Domestic)
01/10/2008	Annual Reinstatement - Business Corporation (Domestic)
01/10/2008	Registered Office and/or Agent - Business Corporation (Domestic)

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Bank of America

Cashier's Check

No. 1428500969

Notice to Purchaser - In the event that this check is lost, misplaced or stolen, a seven business and 90-day waiting period will be required prior to replacement. This check should be negotiated within 90 days.

Void After 90 Days

30-1/1140

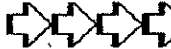
Date 12/06/13 02:07:17 PM

NTX

BRIGHTON

0001 0081070 0069

Pay



BANK OF AMERICA ONE TWO FIVE ZERO ZERO DOLLARS

***\$12,500.00

To The Order Of DAVID ALLAN HOROWITZ

Remitter (Purchased By): GENESYS RESEARCH INSTITUTE, INC

Bank of America, N.A.
SAN ANTONIO, TX

AUTHORIZED SIGNATURE

⑈1428500969⑈ ⑆114000019⑆ 001641005388⑈

THE ORIGINAL DOCUMENT HAS A REFLECTIVE WATERMARK ON THE BACK. HOLD AT AN ANGLE TO VIEW WHEN CHECKING THE ENDORSEMENTS.

005476212

www.bankofamerica.com

www.bankofamerica.com

4947041783

www.bankofamerica.com

www.bankofamerica.com

ENDORSE CHECK HERE
DO NOT WRITE OR SIGN BELOW THIS LINE
DEPOSITORY BANK ENDORSEMENT
005476212 11-2010

Bank of America

Cashier's Check

No. 1428501008

Notice to Purchaser - In the event that this check is lost, misplaced or stolen, a seven business and 90-day waiting period will be required prior to replacement. This check should be negotiated within 90 days.

Void After 90 Days

30-1/1140

Date 12/17/13 02:51:55 PM

NTX

BRIGHTON

0900 0081070 0051

Pay



BANK OF AMERICA ONE SIX FIVE ZERO ZERO DOLLARS

***\$16,500.00

To The Order Of DAVID ALLAN HOROWITZ

Remitter (Purchased By): GENESYS RESEARCH INSTITUTE, INC

Bank of America, N.A.
SAN ANTONIO, TX

AUTHORIZED SIGNATURE

⑈1428501008⑈ ⑆114000019⑆ 001641005388⑈

THE ORIGINAL DOCUMENT HAS A REFLECTIVE WATERMARK ON THE BACK. HOLD AT AN ANGLE TO VIEW WHEN CHECKING THE ENDORSEMENTS.

005476271

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4947041784

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www.bankofamerica.com

ENDORSE CHECK HERE
DO NOT WRITE OR SIGN BELOW THIS LINE
DEPOSITORY BANK ENDORSEMENT
005476271 11-2010

complete filing 09/07

OMB No. 1545-0047

2012

Open to Public Inspection

Form 990

Department of the Treasury
Internal Revenue Service

Return of Organization Exempt From Income Tax

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation)

The organization may have to use a copy of this return to satisfy state reporting requirements.

A For the 2012 calendar year, or tax year beginning OCT 1, 2012 and ending SEP 30, 2013

B Check if applicable:

- ☐ Address change
☐ Name change
☐ Initial return
☐ Terminated
☐ Amended return
☐ Application pending

C Name of organization
**GENESYS RESEARCH INSTITUTE, INC. F.K.A
STEWART RESEARCH AND SPECIALTY PROJECTS**

Doing Business As

Number and street (or P.O. box if mail is not delivered to street address) Room/suite
736 CAMBRIDGE STREET CBR415City, town, or post office, state, and ZIP code
BRIGHTON, MA 02135F Name and address of principal officer: **DAVID HOROWITZ
SAME AS C ABOVE**

D Employer identification number

27-3896009

E Telephone number
650-278-9429G Gross receipts \$ **7,821,503.**H(a) Is this a group return for affiliates? ☐ Yes ☒ NoH(b) Are all affiliates included? ☐ Yes ☐ No

If "No," attach a list. (see instructions)

H(c) Group exemption number

I Tax-exempt status: ☒ 501(c)(3) ☐ 501(c)() (insert no.) ☐ 4947(a)(1) or ☐ 527J Website: **HTTP://CANCER-SYSTEMS-BIOLOGY.ORG/**K Form of organization: ☒ Corporation ☐ Trust ☐ Association ☐ OtherL Year of formation: **2010** M State of legal domicile: **MA**

Part I Summary

Activities & Governance	1 Briefly describe the organization's mission or most significant activities: GENESYS RESEARCH INSTITUTE, INC. WAS ORGANIZED FOR THE PURPOSE OF CONDUCTING MEDICAL AND SCIENTIFIC		
	2 Check this box <input type="checkbox"/> if the organization discontinued its operations or disposed of more than 25% of its net assets.		
	3 Number of voting members of the governing body (Part VI, line 1a)	3	3
	4 Number of independent voting members of the governing body (Part VI, line 1b)	4	2
Revenue	5 Total number of individuals employed in calendar year 2012 (Part V, line 2a)	5	0
	6 Total number of volunteers (estimate if necessary)	6	0
	7a Total unrelated business revenue from Part VIII, column (C), line 12	7a	0.
	7b Net unrelated business taxable income from Form 990-T, line 34	7b	0.
Expenses	8 Contributions and grants (Part VIII, line 1h)	Prior Year	Current Year
	9 Program service revenue (Part VIII, line 2g)	7,968,337.	7,821,503.
	10 Investment income (Part VIII, column (A), lines 3, 4, and 7d)	120,797.	0.
	11 Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e)	0.	0.
	12 Total revenue - add lines 8 through 11 (must equal Part VIII, column (A), line 12)	8,089,134.	7,821,503.
	13 Grants and similar amounts paid (Part IX, column (A), lines 1-3)	0.	0.
	14 Benefits paid to or for members (Part IX, column (A), line 4)	0.	0.
	15 Salaries, other compensation, employee benefits (Part IX, column (A), lines 5-10)	4,580,804.	4,750,978.
	16a Professional fundraising fees (Part IX, column (A), line 11e)	0.	0.
	16b Total fundraising expenses (Part IX, column (D), line 25)	0.	0.
Net Assets or Fund Balances	17 Other expenses (Part IX, column (A), lines 11a-11d, 11f-24e)	5,416,884.	4,356,968.
	18 Total expenses. Add lines 13-17 (must equal Part IX, column (A), line 25)	9,997,688.	9,107,946.
	19 Revenue less expenses. Subtract line 18 from line 12	-1,908,554.	-1,286,443.
	20 Total assets (Part X, line 16)	Beginning of Current Year	End of Year
	21 Total liabilities (Part X, line 26)	8,717,867.	6,054,377.
	22 Net assets or fund balances. Subtract line 21 from line 20	9,814,025.	8,423,671.
		-1,096,158.	-2,369,294.

Part II Signature Block

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Sign Here Signature of officer
DAVID HOROWITZ, PRESIDENT
Type or print name and titlePaid Preparer Print/Type preparer's name
DOUGLAS FARRINGTON
Preparer's signature
Date
Check if self-employed ☐ PTIN **P00370668**
Firm's name **MARCUM LLP**
Firm's EIN **11-1986323**
Firm's address **53 STATE STREET, FLOOR 38
BOSTON, MA 02109**
Phone no. **(617) 742-9666**May the IRS discuss this return with the preparer shown above? (see instructions) ☒ Yes ☐ No

232001 12-10-12 LHA For Paperwork Reduction Act Notice, see the separate instructions.

Form 990 (2012)

SEE SCHEDULE O FOR ORGANIZATION MISSION STATEMENT CONTINUATION
11210815 756977 GENESYSRI 2012.05090 GENESYS RESEARCH INSTITUTE, GENESYS1

Form 990 (2012)

STEWART RESEARCH AND SPECIALTY PROJECTS

27-3896009

Page 7

Check if Schedule O contains a response to any question in this Part VII

1a Complete this table for all persons required to be listed. Report compensation for the calendar year ending with or within the organization's tax year.

- ☐ Check this box if neither the organization nor any related organization compensated any current officer, director, or trustee.

232007 12-19-12

Form 990 (2012)

08H84CV000811 Horowitz, David v. Equity Residential Management Managing Agent C/O Longfellow Place

Case Type Housing Court Civil
Status Date: 10/10/2008
Case Judge:
Next Event:
Property Address
4 Longfellow Place 2505
Boston MA 02114

Case Status Active
File Date 10/08/2008
DCM Track:

All Information Party Event Docket Disposition

Party Information

Horowitz, David - Plaintiff

Alias

Attorney/Bar Code
Pro Se, . (PROPER)

Phone Number

[More Party Information](#)

Equity Residential Management - Defendant

Alias

Attorney/Bar Code

Cirace, Esq., E. Richard (543036)

Phone Number

[More Party Information](#)

Events

Date	Session	Locality	Location	Type	Result
10/10/2008 09:30 AM	First Session		Courtroom 15 - 5th Floor	Hearing on Application for TRO	Allowed - TRO or PI

Docket Information

Docket Date Docket Text

10/08/2008 Request for Temporary Restraining Order filed

10/08/2008 CIVIL FEE: MGL CHAPTER 185c SECTION 19; CHAPTER 262 SECTION 2

Dismissed Amount: 120.00
Dismissed Date: 08-oct-2008
Dismissed Type: INDIGENCY
Dismissed By: ROGOWICZK
Comments:

10/08/2008 SURCHARGE 185C:Entry of Action filed (Section 466 - M.G.L. c. 185C, §19) SURCHARGE

Dismissed Amount: 15.00
Dismissed Date: 08-oct-2008
Dismissed Type: INDIGENCY
Dismissed By: ROGOWICZK
Comments:

10/08/2008 Affidavit of Indigency FILED

10/08/2008 Scheduled
Event: Hearing on Application for TRO
Date: 10/10/2008 Time: 09:30 AM
Result: Allowed - TRO or PI
Result: Allowed - TRO or PI

10/08/2008 Affidavit of Indigency APPROVED per J. Winik