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13 UNITED STATES DISTRICT COURT

14 FOR THE CENTRAL DISTRICT OF CALIFORNIA

15 WESTERN DIVISION

16 UNITED STATES OF AMERICA,	)	CR No. 08-59(B)-GW
	)	
17 Plaintiff,	)	<u>GOVERNMENT'S APPLICATION FOR</u>
	)	<u>GENERAL ORDER OF FORFEITURE AS</u>
18 v.	)	<u>TO DEFENDANTS GERALD GREEN AND</u>
	)	<u>PATRICIA GREEN; MEMORANDUM OF</u>
19 GERALD GREEN and	)	<u>POINTS AND AUTHORITIES</u>
20 PATRICIA GREEN,	)	
	)	
21 Defendants.	)	Sent. Date: January 21, 2010
	)	Sent. Time: 8:00 a.m.
	)	
	)	

22  
 23 TO THE DEFENDANTS AND THEIR ATTORNEYS OF RECORD:

24 Pursuant to Fed. R. Crim. P. 32.2, plaintiff United States of  
 25 America, by its attorneys, hereby respectfully applies to the  
 26 Court for issuance of a General Order of Forfeiture in this matter  
 27 against defendants Gerald Green and Patricia Green (collectively,  
 28 "defendants"), pursuant to Fed. R. Crim. P. 32.2(b)(2)(C) and the

1 guilty verdicts against the defendants.


2 The United States further requests that, as part of the  
3 General Order of Forfeiture, the Court authorize the government to  
4 conduct discovery in order to identify and locate assets subject  
5 to forfeiture under the Order, including substitute assets. Fed.  
6 R. Crim. P. 32.2(b)(3). The government requests that the General  
7 Order be entered at or prior to sentencing, as required by Rule  
8 32.2(b).

9 This Application is supported by the guilty verdicts; the  
10 evidence introduced at the trial of this matter; the matters set  
11 forth in the accompanying Memorandum of Points and Authorities;  
12 and such other and further proof as may be presented at any  
13 hearing on this matter.

14 DATED: January 20, 2010

15 Respectfully submitted,

16 GEORGE S. CARDONA  
17 Acting United States Attorney  
18 CHRISTINE C. EWELL  
19 Assistant United States Attorney  
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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I.

3 INTRODUCTION

4 The Second Superseding Indictment ("SSI") in this case  
5 charged that defendants GERALD GREEN and PATRICIA GREEN, among  
6 other crimes, conspired to violate the Foreign Corrupt Practices  
7 Act ("FCPA") and committed substantive FCPA violations by paying  
8 \$1.8 million in bribes to a Thai public official. On September  
9 11, 2009, a jury convicted defendants of these FCPA-related  
10 violations.

11 Count 22 of the SSI notified the defendants that the  
12 government would seek the forfeiture of property and money  
13 judgments in the event of convictions on any of the above  
14 offenses. Pursuant to Rule 32.2(b), Federal Rules of Criminal  
15 Procedure,<sup>1</sup> the government now moves for entry of a general order  
16 of forfeiture and will ultimately seek entry of a money judgment  
17 against the defendants. The Court is required to determine the  
18 factual aspects of the forfeiture determination (i.e., the amount  
19 of the money judgment to be entered). See Fed. R. Crim. P.  
20 32.2(b)(1)(A). However, where a specific determination cannot be  
21 made prior to sentencing, the Court may enter a general order of  
22 forfeiture at or before sentencing describing the property subject  
23 to forfeiture in general terms and stating that the order will be  
24 amended under Rule 32.2(e)(1) when the specific property is  
25 identified or the amount of the money judgment has been  
26

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27 <sup>1</sup> Amendments to Rule 32.2(b) that took effect on December  
28 1, 2009 apply to this proceeding.

1 calculated. Rule 32.2(b)(2)(C). As explained below, that is the  
2 situation presented here. The government intends ultimately to  
3 seek a money judgment in the amount of \$1,049,465 plus the amount  
4 of defendants' share of the Artist Design Corp. Defined Benefit  
5 Plan (which share has yet to be determined pending dissolution of  
6 the Plan). The government also requests that the general order of  
7 forfeiture be stated orally at sentencing and set forth in the  
8 Judgment and Commitment Order(s).

9 II.

10 **FACTS SUPPORTING THE FORFEITURE ORDER AND MONEY JUDGMENT AMOUNTS**

11 **A. The Bribery Scheme for Thai Government Contracts**

12 Defendants, who are U.S. citizens and residents, engaged in a  
13 conspiracy to offer and make corrupt payments to a foreign  
14 official and to money launder, in connection with approximately  
15 \$1.8 million in payments between 2002 and 2006 to secure several  
16 lucrative Thai government contracts with the Tourism Authority of  
17 Thailand ("TAT"). Defendants made the payments from a group of  
18 entertainment and advertising-related businesses in Beverly Hills,  
19 California, which they owned and controlled,<sup>2</sup> for the benefit of  
20 Juthamas Siriwan ("Juthamas"), the TAT Governor.

21 The payments, which totaled approximately \$1.8 million over  
22 more than four years were in connection with Juthamas' award of,  
23

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24 <sup>2</sup> Defendants' businesses included: Film Festival  
25 Management, Inc. ("FFM"); SASO Entertainment ("SASO"); Artist  
26 Design Corp. ("Artist Design"); International Fashion Consultant,  
27 Inc. ("IFC"); Flying Pen, Inc. ("Flying Pen"); and entities doing  
28 business as "Creative Ignition," "Ignition," and "International  
Festival Consultants." The "Green Businesses" also included  
Festival of Festivals ("FOF"), a business entity belonging to an  
associate of defendants, but in the name of which defendants did  
business and received and transferred funds.

1 and support for, TAT and TAT-related contracts for promotion of  
2 tourism that resulted in approximately \$13.5 million in revenue to  
3 defendants' businesses.

4 The payments usually took place between defendants'  
5 businesses' Los Angeles-area bank accounts and overseas accounts  
6 in the name of of Juthamas' daughter, Jittisopa Siriwan  
7 ("Jittisopa"), aka "Jib," Juthamas' friend, Kitti Chambundabongse  
8 ("Kitti"), and occasionally by cash delivery to Juthamas in  
9 person. Defendants owed Juthamas these corrupt payments as a  
10 variable percentage of revenue on TAT-related contracts and  
11 subcontracts including, but not limited to, the Bangkok  
12 International Film Festival ("BKKIFF"), the Thai Privilege Card,  
13 calendars, a book, a website, public relations consulting, a  
14 video, and a logo.

15 Defendants were found guilty at trial of Counts One through  
16 Ten of the SSI charging defendants with conspiracy, in violation  
17 of 18 U.S.C. § 371, and bribery of a foreign official, in  
18 violation of 15 U.S.C. §§ 78dd-2(a), (g)(2)(A).

19 **B. Property Subject to Forfeiture and Amount of Money**  
20 **Judgment Against Defendants**

21 Criminal forfeiture is part of a defendant's sentence (see  
22 *Libretti v. United States*, 516 U.S. 29, 38-39 (1995) and may take  
23 several forms (money judgment of forfeiture, directly forfeitable  
24 property, and substitute assets - see *United States v. Candelaria-*  
25 *Silva*, 166 F.3d 19, 42 (1<sup>st</sup> Cir. 1999)). Federal Rule of Criminal  
26 Procedure 32.2(b)(1) specifically allows courts to determine the  
27 amount of money a defendant will be ordered to pay under a money  
28



1 judgment of forfeiture based on evidence already in the record.

2 A money judgment of forfeiture is a personal judgment that  
3 requires the defendant to pay the total amount derived from the  
4 criminal activity (see *United States v. Ginsburg*, 773 F.2d 798,  
5 801-02 (7<sup>th</sup> Cir. 1985) (en banc); *United States v. Casey*, 444 F.3d  
6 1071, 1074-76 (9<sup>th</sup> Cir. 2006)), and are commonly entered<sup>3</sup>

7 Pursuant to the notice provided in Count Twenty-two of the  
8 SSI, the government sought forfeiture (pursuant to 18 U.S.C. §  
9 981(a)(1)(C), 28 U.S.C. § 2461(c) and 21 U.S.C. § 853) of all  
10 right, title and interest in any and all property which  
11 constitutes or is derived from proceeds traceable to the  
12 violations alleged in Counts One through Ten, including the real  
13 property located at 9019 Lloyd Place, West Hollywood, California  
14 90069 (the "Residence"); one 2001 BMW 740I, California license  
15 plate 4SVJ686, Vehicle Identification Number (VIN)

16

17

18 <sup>3</sup> See, e.g., *Ginsburg* at 801-802 (money judgment requires  
19 the defendant to pay the total amount derived from the criminal  
20 activity, "regardless of whether the specific dollars received  
21 from that activity are still in his possession"); *Casey*; *United*  
22 *States v. Baker*, 227 F.3d 955 (7<sup>th</sup> Cir. 2000) (forfeiture order  
23 may include a money judgment for the amount of money involved in  
24 the money laundering offense, which acts as a lien against the  
25 defendant personally); *Candelaria-Silva*; *United States v. Conner*,  
26 752 F.2d 566, 576 (11<sup>th</sup> Cir. 1985) (because criminal forfeiture  
27 is *in personam*, it follows defendant; the money judgment is in  
28 the amount that came into his hands illegally; government not  
required to trace the money to any specific asset); *United States*  
*v. Amend*, 791 F.2d 1120, 1127 (4<sup>th</sup> Cir. 1986) (same); *United*  
*States v. Robilotto*, 828 F.2d 940, 949 (2<sup>d</sup> Cir. 1987) (following  
*Conner* and *Ginsburg*, court may enter money judgment for the  
amount of the illegal proceeds regardless of whether defendant  
retained the proceeds); *United States v. Voigt*, 89 F.3d 1050,  
1084, 1088 (3<sup>d</sup> Cir. 1996) (government entitled to personal money  
judgment equal to the amount of money involved in the underlying  
offense); and *United States v. Corrado*, 227 F.3d 543 (6<sup>th</sup> Cir.  
2000) (*Corrado I*) (ordering entry of money judgment for the  
amount derived from a RICO offense).

1 WBAGG83441DN86460 (the "BMW"); and defendants' interests in, or  
2 benefits paid or payable from, the Artist Design Corp. dba  
3 Creative Ignition Defined Benefit Pension Plan (95-4870059) (the  
4 "Defined Benefit Plan"). Alternatively, the government gave  
5 notice that it was entitled to a money judgment for the total  
6 amount of proceeds derived from each offense.

7 The BMW has been administratively forfeited to the  
8 government, so no further order is needed with respect to that  
9 asset. The government has opted not to seek forfeiture of the  
10 Residence directly, but to seek a money judgment of forfeiture  
11 instead. The defendants' interests in the Defined Benefit Plan  
12 are sought for forfeiture, but have yet to be determined. The  
13 defendants do not dispute that the amount of the money judgment  
14 should be \$1,049,465 plus the amount of defendants' share of the  
15 Defined Benefit Plan. The figure of \$1,049,465 represents salary  
16 and bonuses paid to defendants for 2003-2006 net of a credit for  
17 \$75,000 in untainted revenue and a credit for income taxes paid on  
18 this income, plus the payments for defendants' BMW.

19 What is left to do is dissolve the Defined Benefit Plan,  
20 determine the defendants' respective interests therein, and enter  
21 a final money judgment of forfeiture incorporating the amount  
22 stated above plus the amount resulting from the dissolution of the  
23 Defined Benefit Plan.

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1 III.

2 ARGUMENT

3 A. Procedure for Entering A General Order of Forfeiture

4 Rule 32.2 of the Federal Rules of Criminal Procedure

5 provides, in pertinent part:

6 As soon as practical after a verdict or finding of  
7 guilty, or after a plea of guilty or nolo contendere is  
8 accepted, on any count in an indictment or information  
9 regarding which criminal forfeiture is sought, the court  
10 must determine what property is subject to forfeiture  
11 under the applicable statute. If the government seeks  
12 forfeiture of specific property, the court must  
13 determine whether the government has established the  
14 requisite nexus between the property and the offense.  
15 If the government seeks a personal money judgment, the  
16 court must determine the amount of money that the  
17 defendant will be ordered to pay.

18 Fed. R. Crim. P. 32.2(b)(1) (2009). The standard of proof  
19 regarding the forfeitability of property in a criminal case,  
20 including the amount of any money judgment to be imposed, is  
21 preponderance of the evidence. See United States v.  
22 Garcia-Guizar, 160 F.3d 511, 518 (9th Cir. 1998). "The court's  
23 determination may be based on evidence already in the record,  
24 including any written plea agreement, and on any additional  
25 evidence or information submitted by the parties and accepted by  
26 the court as relevant and reliable." Fed. R. Crim. P.  
27 32.2(b)(1)(B) (2009).  
28

29 Here, forfeiture is available for all of the counts of  
30 conviction for violations of the FCPA and the conspiracy to  
31 violate the FCPA, namely, Counts One through Ten.

1 B. The Requested Forfeiture Order Is Justified For The  
2 First Ten Counts of Conviction

3 1. Count One: Forfeiture of Proceeds of Conspiracy to  
4 Commit Violations of the Foreign Corrupt Practices  
5 Act [15 U.S.C. § 78dd-2(a)(1)

6 Violation of the Foreign Corrupt Practices Act is a  
7 "specified unlawful activity" as defined at 18 U.S.C. § 1957  
8 (c)(7). Proceeds of specified unlawful activity are subject to  
9 civil forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C). Pursuant  
10 to 28 U.S.C. § 2461(c),

11 If a person is charged in a criminal case with a  
12 violation of an Act of Congress for which the civil  
13 forfeiture of property is authorized, the government may  
14 include notice of the forfeiture in the indictment . . .  
15 . If the defendant is convicted of the offense giving  
16 rise to the forfeiture, the court shall order the  
17 forfeiture of the property as part of the sentence in  
18 the criminal case pursuant to Federal Rule of Criminal  
19 Procedure and section 3554 of Title 18, United States  
20 Code. The procedures in [21 U.S.C. § 853] apply to all  
21 stages of a criminal forfeiture proceeding . . . .

22 Notice of the forfeiture was duly given, as noted above.

23 Forfeiture of the proceeds of the offenses for which the  
24 defendants were convicted is therefore proper pursuant to the  
25 referenced statutes.<sup>4</sup>

26 Money the defendants would not have obtained but for their  
27 participation in the conspiracy constitutes proceeds of the  
28 offense. See, e.g., United States v. DeFries, 129 F.3d 1293, 1313  
(D.C. Cir 1997) (adopting "but for" test for proceeds, citing  
adoption by several other circuits; interpreting 18 U.S.C. § 1963  
(a)(3), the RICO forfeiture statute); United States v. Hoffman-  
Vaile, 568 F.3d. 1335, 1344 (11<sup>th</sup> Cir. 2009) (applying "but for"

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27 <sup>4</sup> 18 U.S.C. § 3554 provides general authority for the entry  
28 of criminal forfeiture orders.

1 proceeds test to forfeiture under 18 U.S.C. § 982(a)(7)). Had  
2 they not been part of the conspiracy, the defendants would not  
3 have received the salary, bonuses and Plan benefits sought for  
4 forfeiture.

5           **2. Counts Two through Ten: Individual Violations of**  
6           **the Foreign Corrupt Practices Act**

7           To the extent that any proceeds of the charged offenses are  
8 not captured in connection with Count One, the government is  
9 entitled to an order of forfeiture with respect to those proceeds.

10           **C. An Order of Forfeiture Must be Entered Prior to or at**  
11           **Sentencing**

12           Once the government's right to forfeit property has been  
13 established, forfeiture is mandatory. United States v. Hill, 167  
14 F.3d 1055, 1073 (6th Cir. 1999). Therefore, even though the  
15 precise amount of the property constituting the offense proceeds  
16 is not currently identifiable, a general order of forfeiture  
17 should issue, forfeiting generally all proceeds of the conspiracy  
18 and the individual counts. Fed. R. Crim. P. 32.2(b)(2)(C)(ii).  
19 The general order of forfeiture should also set forth the  
20 government's statutory right to forfeit substitute property under  
21 the circumstances set forth in 21 U.S.C. § 853(p) (made applicable  
22 by 28 U.S.C. §2461(c)).

23           The government is entitled to personal money judgments  
24 against the defendants in the amount argued above. United States  
25 v. Casey, 444 F.3d 1071, 1076-77 (9th Cir. 2006) (ordering  
26 criminal forfeiture money judgment pursuant to 21 U.S.C. § 853);  
27 Fed. R. Crim. P. 32.2(b)(2)(A) (referring to entry of money  
28 judgment). For each defendant, the money judgment should be set

1 forth in a separate document. However, rather than request the  
2 entry of a money judgment for \$1,049,465 against each defendant,  
3 to be amended upon dissolution of the Defined Benefit Plan, the  
4 government requests that the entry of the money judgments be  
5 deferred until the total amount of the money judgment is  
6 determined. Nevertheless, entry of the general order of  
7 forfeiture and the contemplated future amendment of the order,  
8 should be announced at sentencing and referenced in the Judgment  
9 and Commitment Order.

10 IV.

11 THE MECHANICS OF SATISFYING THE FORFEITURE JUDGMENTS

12 The proposed general order of forfeiture provides for the  
13 dissolution or unwinding of the Plan, and the submission of a  
14 report describing the defendants' respective interests in the  
15 Plan. Once that determination has been made, the government will  
16 apply to amend the general order of forfeiture, seeking entry of  
17 individual money judgments reflecting the \$1,049,465 described  
18 herein plus each defendant's interest in the dissolved Plan.

19 Thereafter, if the government at any time (a) recovers  
20 specific property constituting proceeds, (b) collects on the money  
21 judgments, or (c) seeks to forfeit substitute assets pursuant to  
22 21 U.S.C. § 853(p), the outstanding money judgment amounts shall  
23 be reduced to the extent any specific property is successfully  
24 forfeited. See Fed. R. Crim. P. 32.2(e).<sup>5</sup> This prevents  
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26  
27 <sup>5</sup> Thus, the defendants will immediately be credited for the  
28 amounts resulting from the dissolution of the Plan, as those  
monies will be paid to the government upon dissolution pursuant  
to the proposed order.

1 double-counting.

2 To aid in collection, the general order should grant the  
3 government the authority to conduct discovery to locate other  
4 assets belonging to defendants, in accordance with 21 U.S.C. §  
5 853(m) (applicable pursuant to 28 U.S.C. § 2461(c) and Rule  
6 32.2(b)(3). Rule 32.2(b)(3) in particular states that the entry  
7 of a forfeiture order authorizes the government to "conduct any  
8 discovery the court considers proper in identifying, locating, or  
9 disposing of the property." The government submits that "any  
10 discovery" includes all methods of discovery available under the  
11 Federal Rules of Civil Procedure, to give the government maximum  
12 flexibility in carrying out the order of forfeiture.

13 Rule 32.2(c)(1) provides that "no ancillary proceeding is  
14 required to the extent that the forfeiture consists of money  
15 judgment" because a money judgment of forfeiture is not a  
16 forfeiture of any specific property and a petition for ancillary  
17 proceeding is used to determine a third party's interest in a  
18 specific property to be forfeited. Under Rule 32.2(b)(3), a money  
19 judgment of forfeiture becomes a final order of forfeiture at the  
20 time of sentencing because there are no ancillary proceedings in  
21 connection with such a judgment.<sup>6</sup>

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27 <sup>6</sup> To the extent specific property is ever recovered, the  
28 proposed general order sets forth the procedures that would apply  
to the determination of third party rights in such property.  
Fed. R. Crim. P. 32.2(c).

V.

**FORFEITURE MUST BE PRONOUNCED AT SENTENCING**

At sentencing, the order of forfeiture becomes final as to the defendant. Fed. R. Crim. P. 32.2(b)(4)(A). The Court must pronounce the forfeiture conditions orally as part of the sentence imposed on the defendant, and must include the forfeiture in the judgment and commitment order. Rule 32.2(b)(4)(B). The government recommends the following language be read as to each defendant and modified as necessary for inclusion in the judgment and commitment order:

Pursuant to 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c) and 21 U.S.C. § 853, all right, title, and interest of the defendant in any property constituting, or derived from, proceeds obtained directly or indirectly from Counts One through Ten of the Second Superseding Indictment is forfeited to the United States. The defendant shall be subject to a money judgment of forfeiture in the amount of \$1,049,465 plus the amount of defendants' share of the Artist Design Corp. Defined Benefit Plan, which share is to be determined at such time its dissolution becomes effective.

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VI.


CONCLUSION

For the foregoing reasons, the requested General Order of Forfeiture should be entered.

DATED: January 20, 2010

Respectfully submitted,

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11 Attorneys for Plaintiff  
 12 United States of America

13 UNITED STATES DISTRICT COURT  
 14 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
 15 WESTERN DIVISION

16 UNITED STATES OF AMERICA,	)	CR No. 08-59(B) -GW
	)	
17 Plaintiff,	)	<u>[PROPOSED] GENERAL ORDER OF</u>
	)	<u>FORFEITURE AS TO DEFENDANTS</u>
18 v.	)	<u>GERALD GREEN AND PATRICIA GREEN</u>
	)	
19 GERALD GREEN and	)	
20 PATRICIA GREEN,	)	
	)	
21 Defendants.	)	
	)	
	)	
	)	

23 Upon consideration of the application of plaintiff United  
 24 States of America for a general order of forfeiture pursuant to  
 25 Counts One through Ten of the Second Superseding Indictment, the  
 26 guilty verdicts on these counts, and such evidence or information  
 27 presented at any forfeiture hearing in this matter, the court  
 28 ORDERS as follows:

1 I. FORFEITABLE PROPERTY

2 The following property is subject to forfeiture to the United  
3 States:

4 A. General Criminal Forfeiture Order: each defendant shall  
5 forfeit all right, title, and interest in

6 (1) any and all property constituting, or derived from,  
7 proceeds obtained directly or indirectly from defendants'  
8 violations of 18 U.S.C. §§ 371 and 15 U.S.C. § 78dd-2(a)(1),  
9 pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. 2461(c);

10 (2) substitute property, if by any act or omission of  
11 defendant the property described above, or any portion thereof,  
12 cannot be located upon the exercise of due diligence; has been  
13 transferred, sold or deposited with a third party; has been placed  
14 beyond the jurisdiction of the Court; has been substantially  
15 diminished in value; or has been commingled with other property  
16 that cannot be divided without difficulty.

17 B. Money Judgments: As a result of the crimes set forth in  
18 Counts One through Ten, a personal money judgment of criminal  
19 forfeiture shall be entered against each defendant in the amount  
20 of \$1,049,465 plus the amount of each defendant's share of the  
21 Artist Design Corp. Defined Benefit Plan (said share to be  
22 determined at such time its dissolution becomes effective) (the  
23 Plan"), representing the amount of money defendants obtained as  
24 proceeds of the offenses. Provided, the government shall not  
25 collect a total of more than \$1,049,465 plus the amount of both  
26 defendants' shares of the Plan.

1 **II. IMPLEMENTATION**

2 IT IS FURTHER ORDERED as follows:

3 A. Upon the entry of this Order, and pursuant to Fed. R.  
4 Civ. P. 32.2(b) and 21 U.S.C. § 853(g), the United States Attorney  
5 General (or a designee) is authorized to seize property identified  
6 in Section I above. To the extent the United States at any time  
7 identifies specific property subject to forfeiture, the United  
8 States may apply for a seizure warrant to seize such property in  
9 the manner set forth in 21 U.S.C. § 853(f), and shall move to  
10 amend this or any other then-existing order of forfeiture in this  
11 matter to include such property, pursuant to Fed. R. Crim. P.  
12 32.2(e).

13 B. Upon entry of this Order, the United States is further  
14 authorized to conduct any discovery for the purpose of  
15 identifying, locating, or disposing of property subject to  
16 forfeiture pursuant to Section I, in accordance with 21 U.S.C. §  
17 853(m) and Rule 32.2(b)(3) of the Federal Rules of Criminal  
18 Procedure. "Any discovery" shall include all methods of discovery  
19 permitted under the Federal Rules of Civil Procedure.

20 C. At any time in the future after amendment of the  
21 applicable order of forfeiture in this matter to include  
22 specifically identified property ("Section I.A property"), the  
23 United States Attorney General (or a designee) is authorized to  
24 commence any applicable proceeding to comply with statutes  
25 governing third party rights, including giving notice of this and  
26 any other order affecting specific property. The following  
27 paragraphs shall apply to any ancillary proceeding conducted in  
28

1 this matter:

2 (1) The United States Marshal shall publish notice of  
3 this order and any other order affecting such specific property,  
4 notice of the Marshal's intent to dispose of such property in such  
5 manner as the Attorney General may direct, and notice that any  
6 person, other than the defendants, having or claiming a legal  
7 interest in the property must file a petition with the Court  
8 within thirty (30) days of the publication of notice or receipt of  
9 actual notice, whichever is earlier. Such publication shall be  
10 carried out in the manner specified in Rule 32.2(b)(6) (effective  
11 December 1, 2009). The United States shall also, to the extent  
12 practicable, provide written notice to any person known to have an  
13 alleged interest in the Section I.A property. Provided, no notice  
14 or ancillary proceeding is required to the extent that this order  
15 consists of a money judgment against the defendants. Fed. R.  
16 Crim. P. 32.2(c)(1).

17 (2) Any person, other than defendants, asserting a  
18 legal interest in Section I.A property only, may, within thirty  
19 days of the publication of notice or receipt of notice, whichever  
20 is earlier, petition the court for a hearing without a jury to  
21 adjudicate the validity of his alleged interest in the property,  
22 and for an amendment of the order of forfeiture, pursuant to 21  
23 U.S.C. § 853(n).

24 (3) Any petition filed by a third party asserting an  
25 interest in the Section I.A property shall be signed by the  
26 petitioner under penalty of perjury and shall set forth the nature  
27 and extent of the petitioner's right, title, or interest in such  
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1 property, the time and circumstances of the petitioner's  
2 acquisition of the right, title or interest in the property, any  
3 additional facts supporting the petitioner's claim, and the relief  
4 sought.

5 (4) After the disposition of any motion filed under  
6 Fed. R. Crim. P. 32.2(c)(1)(A) and before a hearing on the  
7 petition, discovery may be conducted in accordance with the  
8 Federal Rules of Civil Procedure if the Court determines that such  
9 discovery is necessary or desirable to resolve factual issues.

10 (5) The United States shall have clear title to the  
11 Section I.A property following the Court's disposition of all  
12 third-party interests, or, if no petitions are filed, following  
13 the expiration of the period provided in 21 U.S.C. § 853(n)(2) for  
14 the filing of third party petitions.

15 D. Pursuant to Fed. R. Crim. P. 32.2(b), this general order  
16 of forfeiture shall become final as to each defendant at the time  
17 of sentencing and shall be made part of each defendant's sentence  
18 and included in each defendant's judgment.

19 E. The Plan shall be dissolved forthwith, and each  
20 defendant's respective interest in the Plan shall be determined,  
21 liquidated, and paid to the government as described herein. The  
22 money representing each defendant's interest in the Plan shall be  
23 paid to the government in the form of an official check made  
24 payable to the "United States Marshals Service," which check shall  
25 be delivered to AUSA Bruce Searby at 312 No. Spring Street, 11<sup>th</sup>  
26 Floor, Los Angeles CA 90012, together with a report detailing how  
27 the respective interests of the defendants were determined,  
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1 defining the interests of each individual defendant, and  
2 describing the distribution of funds from the Plan. To the extent  
3 that further orders of the court are necessary to effect the  
4 dissolution of the Plan, the government shall apply to the Court  
5 for such orders, but need not do so by noticed motion. It is  
6 contemplated that upon dissolution of the Plan and payment of the  
7 defendants' interests as called for herein, the government will  
8 apply to the Court to amend this general order of forfeiture to  
9 provide for money judgments of forfeiture against the individual  
10 defendants in sums certain, pursuant to Federal Rule of Criminal  
11 Procedure 32.2(e)(1).


12 F. The Court shall retain jurisdiction to enforce this  
13 Order, and to amend it as necessary, pursuant to Fed. R. Crim. P.  
14 32.2(e).

15 DATED: \_\_\_\_\_, 2010

THE HONORABLE GEORGE H. WU  
UNITED STATES DISTRICT JUDGE

17  
18 PRESENTED BY:

19 GEORGE S. CARDONA  
United States Attorney

20  
21   
22 BRUCE H. SEARBY  
Assistant United States Attorney

23 Attorneys for Plaintiff  
24 UNITED STATES OF AMERICA  
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