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17 Attorneys for the United States

18 UNITED STATES DISTRICT COURT  
 19 NORTHERN DISTRICT OF CALIFORNIA  
 20 SAN FRANCISCO DIVISION

21 UNITED STATES OF AMERICA

22 v.

23 MOHAMMED REZAIAN,  
 24 Defendant.

)  
 ) CR13-246 CRB  
 )  
 ) **STIPULATION AND**  
 ) **PRELIMINARY FORFEITURE**  
 ) **ORDER**  
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25 The United States of America, acting through its attorneys, and Defendant  
 26 MOHAMMED REZAIAN, by and through counsel Marcus S. Topel and Lyn R. Agre, hereby  
 27 stipulate and agree to the following:

- 28 1. On April 25, 2013, the United States filed an Information charging Defendant  
 Rezaian with two counts of violating 15 U.S.C. § 1 – Bid Rigging, and two counts of violating

1 18 U.S.C. § 1349 – Conspiracy to Commit Mail Fraud. The Information also sought criminal  
2 forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

3 2. On May 2, 2013, Defendant Rezaian pled guilty to the four-count Information  
4 charging him with bid rigging and conspiracy to commit mail fraud in violation of 15 U.S.C. § 1  
5 and 18 U.S.C. § 1349.

6 3. As set forth in Paragraph 13 of the Plea Agreement, Defendant Rezaian agreed to  
7 forfeit to the United States **\$213,277.18**, the amount of proceeds Defendant Rezaian earned from  
8 the conspiracies to commit mail fraud, in violation of 18 U.S.C. § 1349.

9 4. Defendant Rezaian agrees to disclaim, waive, and forfeit any interest in the  
10 proceeds from the conspiracies and consents to entry of any orders to that effect.

11 5. Accordingly, as a result of the conviction of the offenses set forth above, and  
12 pursuant to Fed. R. Crim. P. 32.2(b) and 28 U.S.C. § 2461(c), the parties stipulate that the Court  
13 should enter a money judgment against Defendant Rezaian in the amount of **\$213,277.18**, which  
14 represents proceeds that he earned from the conspiracies to commit mail fraud.

15 6. The parties stipulate that Defendant Rezaian will satisfy the money judgment of  
16 **\$213,277.18** by paying the United States **\$213,277.18** in U.S. currency according to the  
17 following payment plan:

18 (a) Defendant Rezaian shall pay **\$50,000** prior to being sentenced and, in any  
19 event, no later than **January 1, 2014**.

20 (b) Defendant Rezaian shall make additional payments of no less than  
21 **\$30,000** every quarter (i.e., every three months), starting with a quarterly  
22 payment of at least **\$30,000** no later than **April 1, 2014** and continuing  
23 every quarter thereafter until the money judgment is satisfied.

24 7. If the Defendant is sentenced to time in custody, the parties stipulate that the  
25 payment schedule set forth in Paragraph 6 will be suspended upon the commencement of his  
26 custodial term. Defendant agrees to recommence payment towards the money judgment of  
27 **\$213,277.18** pursuant to the payment schedule set forth in Paragraph 6 within 60 days of his  
28 release or the next quarter, whichever is later.

1           8.       In the event Defendant Rezaian fails to comply with any of the terms of the  
2 payment schedule and conditions set forth in Paragraphs 6 and 7, the United States reserves the  
3 right to forfeit Defendant Rezaian's interest in any assets he has and to sell those assets in order  
4 to satisfy the entire money judgment. Those assets specifically include his ownership interest in  
5 19 Brookline Drive, Novato, California.

6           9.       All payments made in satisfaction of this money judgment shall be in the form of  
7 certified or bank check made payable to the "United States," with the criminal docket number  
8 noted on the face of the check, and delivered to the attention of Stephanie Hinds, Assistant  
9 United States Attorney, United States Attorney's Office, 450 Golden Gate Avenue, San  
10 Francisco, California 94102, in accordance with the schedule set forth in Paragraphs 6 and 7.

11           10.       Defendant Rezaian agrees that the terms of this Stipulation and Order shall be part  
12 of his conditions of his release on his personal recognizance and any term of supervised release  
13 imposed by the Court. Defendant Rezaian agrees that a knowing failure to comply with the  
14 terms of the stipulation and Order shall constitute a violation of his conditions of release imposed  
15 by the Court.

16           11.       Pursuant to Fed. R. Crim. P. 32.2(b)(4), this Order of Forfeiture is final as to the  
17 Defendant and shall be made part of the sentence and included in the judgment.

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1 12. The Court shall retain jurisdiction to enforce the Order and to amend it as  
2 necessary pursuant to Fed. R. Crim. P. 32.2(e).

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5 MOHAMMED REZAIAN  
6 Defendant

7 Dated:   
8 \_\_\_\_\_

9 MARCUS S. TOPEL  
10 LYN R. AGRE  
11 Counsel for Defendant Mohammed Rezaian  
12 Kasowitz Benson Torres & Friedman LLP  
101 California Street, Suite 2300  
San Francisco, CA 94111

13 Dated: May 2, 2013  
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MICAHA L. WYATT  
LIDIA MAHER  
E. KATE PATCHEN  
Trial Attorneys  
U.S. Department of Justice  
Antitrust Division

Dated: 5/2/2013  
\_\_\_\_\_

**ORDER**

1  
2 Based on the above stipulation and good cause appearing therefore, IT IS HEREBY  
3 ORDERED THAT:

4 1. Pursuant to Fed. R. Crim. P. 32.2(b); 18 U.S.C. § 981(a)(1)(C), and 28 U.S.C.  
5 § 2461(c), Defendant Rezaian is hereby ordered to pay a forfeiture money judgment in the  
6 amount of **\$213,277.18**.

7 2. Defendant Rezaian disclaims, waives, and forfeits any interest in the proceeds  
8 recovered from the conspiracy and consents to entry of any orders to that effect.

9 3. Defendant Rezaian shall satisfy the money judgment of **\$213,277.18** by paying  
10 the United States **\$213,277.18** in U.S. currency according to the following payment plan:

11 a) Defendant Rezaian shall pay **\$50,000** prior to being sentenced and, in any  
12 event, no later than **January 1, 2014**.

13 (b) Defendant Rezaian shall make additional payments of no less than  
14 **\$30,000** every quarter (i.e., every three months), starting with a quarterly  
15 payment of at least **\$30,000** no later than **April 1, 2014** and continuing  
16 every quarter thereafter until the money judgment is satisfied.

17 4. If the Defendant is sentenced to time in custody, the payment schedule set forth in  
18 Paragraph 3 will be suspended upon the commencement of his custodial term. Defendant will  
19 recommence payment towards the money judgment of **\$213,277.18** pursuant to the payment  
20 schedule set forth in Paragraph 3 of this Order within 60 days of his release or the next quarter,  
21 whichever is later.

22 5. In the event Defendant Rezaian fails to comply with any of the terms of the  
23 payment schedule and conditions set forth in Paragraphs 3 and 4 of this Order, the United States  
24 reserves the right to forfeit Defendant Rezaian's interest in any assets he has and to sell those  
25 assets in order to satisfy the entire money judgment. Those assets specifically include his  
26 ownership interest in 19 Brookline Drive, Novato, California.

27 6. All payments made in satisfaction of this money judgment shall be in the form of  
28 certified or bank check made payable to the "United States," with the criminal docket number

1 noted on the face of the check, and delivered to the attention of Stephanie Hinds, Assistant  
2 United States Attorney, United States Attorney's Office, 450 Golden Gate Avenue, San  
3 Francisco, California 94102, in accordance with the schedule set forth in Paragraphs 3 and 4 of  
4 this Order.

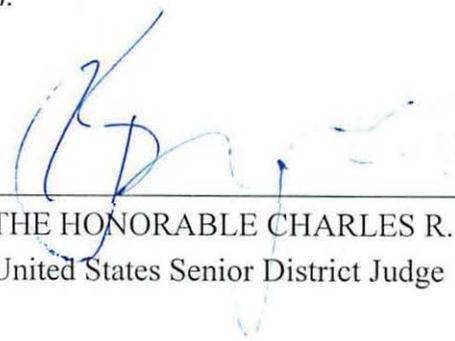
5 7. The terms of this Order shall be imposed as part of Defendant Rezaian's  
6 conditions of his release on his personal recognizance and any term of supervised release  
7 imposed by the Court. Defendant Rezaian's knowing failure to comply with the terms of this  
8 Order will constitute a violation of Defendant Rezaian's conditions of release imposed by this  
9 Court.

10 8. Pursuant to Fed. R. Crim. P. 32.2(b)(4), this Order of Forfeiture is final as to the  
11 Defendant and shall be made part of the sentence and included in the judgment.

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

14 IT IS SO ORDERED.

15  
16 Date: MAY X 2 2013

  
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17 THE HONORABLE CHARLES R. BREYER  
18 United States Senior District Judge  
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