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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

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|---|---|
| UNITED STATES OF AMERICA<br><br>v.<br><br>MOHAMMED REZAIAN,<br>Defendant. | CR13-246 CRB<br><br>**STIPULATION AND PRELIMINARY FORFEITURE ORDER** |

The United States of America, acting through its attorneys, and Defendant MOHAMMED REZAIAN, by and through counsel Marcus S. Topel and Lyn R. Agre, hereby stipulate and agree to the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MOHAMMED REZAIAN
Defendant

Dated:

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

Dated: May 2, 2013

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MICAH L. WYATT
LIDIA MAHER
E. KATE PATCHEN
Trial Attorneys
U.S. Department of Justice
Antitrust Division

Dated: 5/2/2013

**ORDER**

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

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

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

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

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

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

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

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

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

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

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

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

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

IT IS SO ORDERED.

Date: MAY X 2 2013

THE HONORABLE CHARLES R. BREYER
United States Senior District Judge