

ALBERT B. SAMBAT (CSBN 236472)  
MICHAEL A. RABKIN (ILRN 6293597)  
U.S. Department of Justice  
Antitrust Division  
450 Golden Gate Avenue  
Box 36046, Room 10-0101  
San Francisco, CA 94102  
Telephone: (415) 934-5300  
michael.rabkin@usdoj.gov

Attorneys for the United States

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**JAN 18 2017**

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA

v.

IRMA GALVEZ,

Defendant.

No. CR 13-00414 PJH

**PLEA AGREEMENT**

The United States of America and IRMA GALVEZ ("defendant") hereby enter into the following Plea Agreement pursuant to Rule 11(c)(1)(B) of the Federal Rules of Criminal Procedure ("Fed. R. Crim. P."):

RIGHTS OF DEFENDANT

1. The defendant understands her rights:
  - (a) to be represented by an attorney;
  - (b) to be charged by Indictment;
  - (c) to plead not guilty to any criminal charge brought against her;

1 (d) to have a trial by jury, at which she would be presumed not guilty of the  
2 charge and the United States would have to prove every essential element of the charged offense  
3 beyond a reasonable doubt for her to be found guilty;

4 (e) to confront and cross-examine witnesses against her and to subpoena  
5 witnesses in her defense at trial;

6 (f) not to be compelled to incriminate herself;

7 (g) to appeal her conviction, if she is found guilty; and

8 (h) to appeal the imposition of sentence against her.

9 AGREEMENT TO PLEAD GUILTY AND WAIVE CERTAIN RIGHTS

10 2. The defendant knowingly and voluntarily waives the rights set out in Paragraph  
11 1(b)-(g) above. The defendant also knowingly and voluntarily waives the right to file any  
12 appeal, any collateral attack, or any other writ or motion, including but not limited to an appeal  
13 under 18 U.S.C. § 3742 or a motion under 28 U.S.C. § 2241 or § 2255, that challenges the  
14 sentence imposed by the Court if that sentence is consistent with or below the United States  
15 Sentencing Guidelines range stipulated by the parties in Paragraph 8 of this Plea Agreement,  
16 regardless of how the sentence is determined by the Court. This Agreement does not affect the  
17 rights or obligations of the United States as set forth in 18 U.S.C. § 3742(b). Nothing in this  
18 paragraph, however, will act as a bar to the defendant perfecting any legal remedies she may  
19 otherwise have on appeal or collateral attack respecting claims of ineffective assistance of  
20 counsel or prosecutorial misconduct. Pursuant to Fed. R. Crim. P. 7(b), the defendant will waive  
21 indictment and plead guilty to Count One of the Information filed in this case. Count One of the  
22 Information charges the defendant with participating in a conspiracy to suppress and restrain  
23 competition by rigging bids to obtain selected properties offered at public real estate foreclosure  
24 auctions in Alameda County in the Northern District of California (“the selected properties”), in  
25 unreasonable restraint of interstate trade and commerce, in violation of the Sherman Antitrust  
26 Act, 15 U.S.C. § 1, beginning as early as November 2008 and continuing until in or about May  
27 2010 (the “relevant period”).  
28

1           3.     The defendant will plead guilty to the criminal charge described in Paragraph 2,  
2 above, pursuant to the terms of this Plea Agreement and will make a factual admission of guilt to  
3 the Court in accordance with Fed. R. Crim. P. 11, as set forth in Paragraph 4 below.

4                           FACTUAL BASIS FOR OFFENSE CHARGED

5           4.     The defendant agrees that she is guilty of the offense to which she will plead  
6 guilty and agrees that the following facts are true:

7                   (a)     During the relevant period, the defendant participated in a conspiracy to  
8 rig bids to obtain the selected properties. The primary purpose of this conspiracy was to  
9 suppress and restrain competition in order to purchase the selected properties at noncompetitive  
10 prices. To carry out their conspiracy, the defendant and her co-conspirators agreed not to  
11 compete to purchase the selected properties, designated which conspirator would win the  
12 selected properties at the public auctions, and refrained from or stopped bidding on the selected  
13 properties at the public auctions.

14                   (b)     During the relevant period, the business activities of the defendant and her  
15 co-conspirators were within the flow of, and substantially affected, interstate trade and  
16 commerce. For example, mortgage holders located in states other than California received  
17 proceeds from the public real estate foreclosure auctions that were subject to the bid-rigging  
18 conspiracy.

19                   (c)     During the relevant period, the conspiratorial activities described above  
20 took place in the Northern District of California, and the real estate that was the subject of this  
21 conspiracy was located in this District.

22                           POSSIBLE MAXIMUM SENTENCE

23           5.     The defendant understands that the statutory maximum penalty which may be  
24 imposed against her upon conviction for a violation of Section One of the Sherman Antitrust Act,  
25 15 U.S.C. § 1, is:

26                   (a)     a term of imprisonment for ten (10) years (15 U.S.C. § 1);  
27                   (b)     a fine in an amount equal to the greatest of (1) \$1 million, (2) twice the  
28 gross pecuniary gain the conspirators derived from the crime, or (3) twice the gross pecuniary



1 loss caused to the victims of the crime by the conspirators (15 U.S.C. § 1; 18 U.S.C. § 3571(b)  
2 and (d)); and

3 (c) a term of supervised release of three (3) years following any term of  
4 imprisonment. If the defendant violates any condition of supervised release, the defendant could  
5 be required to serve up to an additional two (2) years in prison (18 U.S.C. § 3559(a)(3); 18  
6 U.S.C. § 3583(b)(2) and (e)(3); and United States Sentencing Guidelines (“U.S.S.G.,”  
7 “Sentencing Guidelines,” or “Guidelines”) §5D1.2(a)(2)).

8 6. In addition, the defendant understands that:

9 (a) pursuant to U.S.S.G. §5E1.1 or 18 U.S.C. § 3663(a)(3), the Court may  
10 order her to pay restitution to the victims of the offense; and

11 (b) pursuant to 18 U.S.C. § 3013(a)(2)(A), the Court is required to order the  
12 defendant to pay a \$100 special assessment upon conviction for the charged crime.

13 SENTENCING GUIDELINES

14 7. The defendant understands that the Sentencing Guidelines are advisory, not  
15 mandatory, but that the Court must consider, in determining and imposing sentence, the  
16 Guidelines Manual in effect on the date of sentencing unless that Manual provides for greater  
17 punishment than the Manual in effect on the last date that the offense of conviction was  
18 committed, in which case the Court must consider the Guidelines Manual in effect on the last  
19 date that the offense of conviction was committed. The Court must also consider the other  
20 factors set forth in 18 U.S.C. § 3553(a) in determining and imposing sentence. The defendant  
21 understands that the Guidelines determinations will be made by the Court by a preponderance-  
22 of-the-evidence standard. The defendant understands that although the Court is not ultimately  
23 bound to impose a sentence within the applicable Guidelines range, its sentence must be  
24 reasonable, based upon consideration of all relevant sentencing factors set forth in 18 U.S.C.  
25 § 3553(a). Pursuant to U.S.S.G. §1B1.8, the United States agrees that self-incriminating  
26 information that the defendant provides to the United States pursuant to this Plea Agreement will  
27 not be used to increase the volume of affected commerce attributable to the defendant or in  
28

determining the defendant's applicable Guidelines range, except to the extent provided in U.S.S.G. §1B1.8(b).

### SENTENCING AGREEMENT

8. The United States and the defendant agree that the following Sentencing Guidelines apply for Count One (15 U.S.C. § 1):

|     |  |    |
|-----|--|----|
| (a) | Base Offense Level, U.S.S.G. §2R1.1(a):  | 12 |
| (b) | Conduct involved agreement to submit noncompetitive bids, U.S.S.G. §2R1.1(b)(1): | +1 |
| (c) | Volume of Commerce (stipulated to be \$1,283,218), U.S.S.G. §2R1.1(b)(2)(A):     | +2 |
| (d) | Mitigating Role in the Offense, U.S.S.G. §3B1.2(b):                              | -2 |
|     | Total:   | 13 |

|  |                      |
|--|----------------------|
| Fine calculated as one to five percent of the volume of commerce, but not less than \$20,000, U.S.S.G. §2R1.1(c)(1): | \$20,000 to \$64,160 |
|--|----------------------|

9. The United States agrees that it will make a motion, pursuant to U.S.S.G. §3E1.1, for a downward adjustment of two levels for acceptance of responsibility due to the defendant's timely notification of her intention to enter a guilty plea. Therefore, the total Guidelines calculations result in an adjusted offense level of 11, for a jail term of 8 to 14 months and a fine of \$20,000 to \$64,160. The United States agrees to recommend a fine between \$3,000 and \$30,000.

10. The defendant understands that the Court will order her to pay a special assessment of \$100 pursuant to 18 U.S.C. § 3013(a)(2)(A), in addition to any fine imposed. The parties agree that there exists no aggravating or mitigating circumstance of a kind, or to a degree, not adequately taken into consideration by the U.S. Sentencing Commission in formulating the Guidelines justifying a departure pursuant to U.S.S.G. §5K2.0.

1           11.     The government and the defendant agree to recommend that the Court order the  
2 defendant to pay no restitution pursuant to U.S.S.G. §5E1.1(a). However, if the Court orders the  
3 defendant to pay restitution, the defendant understands that this Plea Agreement is voidable by  
4 the government if she fails to pay the restitution as ordered by the Court. The defendant further  
5 agrees that she will not seek to discharge any restitution obligation or any part of such obligation  
6 in any bankruptcy proceeding.

7           12.     The United States and the defendant are not aware of any information that would  
8 affect the defendant's Criminal History Category. If no other information were discovered, the  
9 defendant's Criminal History Category would be I. The parties understand that the defendant's  
10 Criminal History Category is determined by the Court.

11           13.     The defendant understands that the sentence to be imposed on her is within the  
12 sole discretion of the sentencing judge. The United States cannot and does not make any  
13 promises or representations as to what sentence the defendant will receive. The United States  
14 will inform the Probation Office and the Court of (a) this Agreement, (b) the nature and extent of  
15 the defendant's activities in this case and all other activities of the defendant that the United  
16 States deems relevant to sentencing, and (c) the nature and extent of the defendant's cooperation  
17 with the United States. In so doing, the United States may use any information it deems relevant,  
18 including information provided by the defendant both prior and subsequent to the signing of this  
19 Agreement. The United States reserves the right to make any statement to the Court or the  
20 Probation Office concerning the nature of the criminal violation charged in the Information, the  
21 participation of the defendant therein, and any other facts or circumstances that it deems relevant.  
22 The United States also reserves the right to comment on or  
23 to correct any representation made by or on behalf of the defendant and to supply any other  
24 information that the Court may require.

25           14.     If the United States determines that the defendant has provided substantial  
26 assistance in any Federal Proceeding, as defined in Paragraph 17 of this Plea Agreement, and has  
27 otherwise fully complied with all of the terms of this Plea Agreement, it will file a motion,  
28 pursuant to U.S.S.G. §5K1.1, advising the sentencing judge of all relevant facts pertaining to that



1 determination and requesting the Court to sentence the defendant in light of the factors set forth  
2 in U.S.S.G. §5K1.1(a)(1)-(5). The defendant acknowledges that the decision whether she has  
3 provided substantial assistance in any Federal Proceeding and has otherwise complied with the  
4 terms of this Plea Agreement is within the sole discretion of the United States. It is understood  
5 that, should the United States determine that the defendant has not provided substantial  
6 assistance in any Federal Proceeding, or should the United States determine that the defendant  
7 has violated any provision of this Plea Agreement, such a determination will release the United  
8 States from any obligation to file a motion pursuant to U.S.S.G. §5K1.1, but will not entitle the  
9 defendant to withdraw her guilty plea once it has been entered. The defendant further  
10 understands that, whether or not the United States files a motion pursuant to U.S.S.G. §5K1.1,  
11 the sentence to be imposed on her remains within the sole discretion of the sentencing judge.

12 15. Subject to the full, truthful, and continuing cooperation of the defendant, as  
13 defined in Paragraph 17 of this Plea Agreement, and prior to sentencing in this case, the United  
14 States will fully advise the Court and the Probation Office of the fact, manner, and extent of the  
15 defendant's cooperation and her commitment to prospective cooperation with the United States'  
16 investigation and prosecutions, all material facts relating to the defendant's involvement in the  
17 charged offense, and all other relevant conduct. To enable the Court to have the benefit of all  
18 relevant sentencing information, the United States may request, and the defendant will not  
19 oppose, that sentencing be postponed until the defendant's cooperation is complete.

20 16. The United States and the defendant understand that the Court retains complete  
21 discretion to accept or reject either party's sentencing recommendation. The defendant  
22 understands that, as provided in Fed. R. Crim. P. 11(c)(3)(B), if the Court does not impose a  
23 sentence consistent with either party's sentencing recommendation, she nevertheless has no right  
24 to withdraw her plea of guilty.

#### 25 DEFENDANT'S COOPERATION

26 17. The defendant will cooperate fully and truthfully with the United States in the  
27 prosecution of this case, the current federal investigation of violations of federal antitrust and  
28 related criminal laws involving the purchase of properties at public real estate foreclosure

1 auctions in the Northern District of California, any other federal investigation resulting  
2 therefrom, and any litigation or other proceedings arising or resulting from any such  
3 investigation to which the United States is a party ("Federal Proceeding"). The ongoing, full,  
4 and truthful cooperation of the defendant shall include, but not be limited to:

5 (a) producing all documents, including claimed personal documents, and  
6 other materials, wherever located, not protected under the attorney-client privilege or the work-  
7 product doctrine in the possession, custody, or control of the defendant, that are requested by  
8 attorneys and agents of the United States in connection with any Federal Proceeding;

9 (b) making herself available for interviews, not at the expense of the United  
10 States, upon the request of attorneys and agents of the United States in connection with any  
11 Federal Proceeding;

12 (c) responding fully and truthfully to all inquiries of the United States in  
13 connection with any Federal Proceeding, without falsely implicating any person or intentionally  
14 withholding any information, subject to the penalties of making a false statement or declaration  
15 (18 U.S.C. §§ 1001, 1623), obstruction of justice (18 U.S.C. § 1503, *et seq.*), or conspiracy to  
16 commit such offenses;

17 (d) otherwise voluntarily providing the United States with any material or  
18 information not requested in (a) - (c) of this paragraph and not protected under the attorney-client  
19 privilege or work-product doctrine that she may have that is related to any Federal Proceeding;  
20 and

21 (e) when called upon to do so by the United States in connection with any  
22 Federal Proceeding, testifying in grand jury, trial, and other judicial proceedings fully, truthfully,  
23 and under oath, subject to the penalties of perjury (18 U.S.C. § 1621), making a false statement  
24 or declaration in grand jury or court proceedings (18 U.S.C. § 1623), contempt (18 U.S.C.  
25 §§ 401-402), and obstruction of justice (18 U.S.C. § 1503, *et seq.*).

26 GOVERNMENT'S AGREEMENT

27 18. Subject to the full, truthful, and continuing cooperation of the defendant, as  
28 defined in Paragraph 17 of this Plea Agreement, and upon the Court's acceptance of the guilty



1 plea called for by this Plea Agreement and the imposition of sentence, the United States agrees  
2 that it will not bring further criminal charges against the defendant for any act or offense  
3 committed before the date of signature of this Plea Agreement that was undertaken in furtherance  
4 of an antitrust conspiracy or in violation of any related criminal law involving the purchase of  
5 properties at public real estate foreclosure auctions in the Northern District of California  
6 (“Relevant Offenses”). The nonprosecution terms of this paragraph do not apply to (a) any acts  
7 of perjury or subornation of perjury (18 U.S.C. §§ 1621-22), making a false statement or  
8 declaration (18 U.S.C. §§ 1001, 1623), obstruction of justice (18 U.S.C. § 1503, *et seq.*),  
9 contempt (18 U.S.C. §§ 401-402), or conspiracy to commit such offenses; (b) civil matters of  
10 any kind; (c) any violation of the federal tax or securities laws or conspiracy to commit such  
11 offenses; or (d) any crime of violence.

12 19. The defendant understands that she may be subject to administrative action by  
13 federal or state agencies other than the United States Department of Justice, Antitrust Division,  
14 based upon the conviction resulting from this Plea Agreement, and that this Plea Agreement in  
15 no way controls whatever action, if any, other agencies may take. However, the United States  
16 agrees that, if requested, it will advise the appropriate officials of any governmental agency  
17 considering such administrative action of the fact, manner, and extent of the cooperation of the  
18 defendant as a matter for that agency to consider before determining what administrative action,  
19 if any, to take.

#### 20 REPRESENTATION BY COUNSEL

21 20. The defendant has reviewed all legal and factual aspects of this case with her  
22 attorney and is fully satisfied with her attorney’s legal representation. The defendant has  
23 thoroughly reviewed this Plea Agreement with her attorney and has received satisfactory  
24 explanations from her attorney concerning each paragraph of this Plea Agreement and  
25 alternatives available to the defendant other than entering into this Plea Agreement. After  
26 conferring with her attorney and considering all available alternatives, the defendant has made a  
27 knowing and voluntary decision to enter into this Plea Agreement.  
28

VOLUNTARY PLEA

21. The defendant's decision to enter into this Plea Agreement and to tender a plea of guilty is freely and voluntarily made and is not the result of force, threats, assurances, promises, or representations other than the representations contained in this Plea Agreement. The United States has made no promises or representations to the defendant as to whether the Court will accept or reject the recommendations contained within this Plea Agreement.

VIOLATION OF PLEA AGREEMENT

22. The defendant agrees that, should the United States determine in good faith, during the period that any Federal Proceeding is pending, that the defendant has failed to provide full, truthful, and continuing cooperation, as defined in Paragraph 17 of this Plea Agreement, or has otherwise violated any provision of this Plea Agreement, the United States will notify counsel for the defendant in writing by personal or overnight delivery, email, or facsimile transmission and may also notify counsel by telephone of its intention to void any of its obligations under this Plea Agreement (except its obligations under this paragraph), and the defendant will be subject to prosecution for any federal crime of which the United States has knowledge, including, but not limited to, the substantive offenses relating to the investigation resulting in this Plea Agreement. The defendant may seek Court review of any determination made by the United States under this paragraph to void any of its obligations under this Plea Agreement. The defendant agrees that, in the event that the United States is released from its obligations under this Plea Agreement and brings criminal charges against the defendant for any Relevant Offense, the statute of limitations period for such offense will be tolled for the period between the date of signature of this Plea Agreement and six (6) months after the date the United States gave notice of its intent to void its obligations under this Plea Agreement.

23. The defendant understands and agrees that in any further prosecution of her resulting from the release of the United States from its obligations under this Plea Agreement because of the defendant's violation of this Plea Agreement, any documents, statements, information, testimony, or evidence provided by her to attorneys or agents of the United States, federal grand juries, or courts, and any leads derived therefrom, may be used against her. In

1 addition, the defendant unconditionally waives her right to challenge the use of such evidence in  
 2 any such further prosecution, notwithstanding the protections of Fed. R. Evid. 410.

3 ENTIRETY OF AGREEMENT

4 24. This Plea Agreement constitutes the entire agreement between the United States  
 5 and the defendant concerning the disposition of the criminal charges in this case and supersedes  
 6 and replaces in its entirety any prior plea agreement between the parties concerning the  
 7 disposition of the criminal charges in this case. This Plea Agreement cannot be modified except  
 8 in writing, signed by the United States and the defendant.

9 25. The undersigned attorneys for the United States have been authorized by the  
 10 Attorney General of the United States to enter this Plea Agreement on behalf of the United  
 11 States.

12 26. A facsimile or PDF signature will be deemed an original signature for the purpose  
 13 of executing this Plea Agreement. Multiple signature pages are authorized for the purpose of  
 14 executing this Plea Agreement.

15  
 16 


17 IRMA GALVEZ  
 18 Defendant

19 Dated: 1/18/17

20 

21 ROGER PATTON  
 22 Counsel for Defendant Irma Galvez

23 Dated: 1/18/2017

24 

25 ALBERT B. SAMBAT  
 26 MICHAEL A. RABKIN  
 27 Trial Attorneys  
 28 U.S. Department of Justice  
 Antitrust Division

Dated: 1/18/2017