

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 08-364 (RHK/AJB)

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) MOTION FOR RESTITUTION
) SCHEDULE
(1) THOMAS JOSEPH PETTERS,)
)
 Defendant.)

The United States Attorney's Office for the District of Minnesota, by and through B. Todd Jones, United States Attorney, and Joseph T. Dixon III, Assistant United States Attorney, hereby respectfully moves the Court for a Restitution Schedule, pursuant to Local Rule 83.10(h).

Pursuant to the Mandatory Victims Restitution Act, victims are entitled to mandatory restitution for their losses. 18 U.S.C. § 3663A. The restitution order is issued as part of the criminal sentence. In its Order dated January 27, 2010, the Court deferred the issue of restitution for 60 days following sentencing, pursuant to 18 U.S.C § 3664(d)(5) (allowing for a period not to exceed 90 days).

In accordance with its obligations to the victims, the government intends to seek a restitution order issued by the Court with future distributions to victims from the District Court Clerk of Court pursuant to the restitution order to the extent assets become available.

Pursuant to Local Rule 83.10(h), given the complexity and

nature of the claims, and to provide victims with a full and fair opportunity to be considered for purposes of restitution, the government respectfully requests the following scheduling order:

1. The date and time of the restitution hearing (60 days following the sentencing of defendant Petters).

2. A date, 42 days prior to the hearing, for the government to file a preliminary proposed restitution order with the Clerk of Court (which preliminary proposed restitution order will also be posted to the U.S. Attorney's Office website at www.justice.gov/usao/mn).

3. A date, 28 days prior to the hearing, for any victims to provide objections to the preliminary proposed restitution order **to both** of the following:

AUSA Joseph T. Dixon U.S. Courthouse 300 South Fourth Street Suite 600 Minneapolis, MN 55415	Peter I. Madsen U.S. Probation Officer U.S. Courthouse 316 N. Robert Street Suite 600 St. Paul, MN 55101
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The government agrees to provide the defendant with copies of any objections.

4. A date, 14 days prior to the hearing, for the government to file the government's final proposed restitution order with the Clerk of Court (which proposed restitution order will also be posted to the U.S. Attorney's Office website). The government will provide the Court with any victim objections not addressed in the

government's final proposed restitution order.

5. A date, 7 days prior to the hearing, for the defendant to file any objections to the government's final proposed restitution order.

The government has conferred with the probation office and defense counsel regarding this scheduling, and they do not object.

* * *

Distributions to victims pursuant to the restitution order will be made as assets are made available to the Clerk of Court. With regard to forfeited assets (including those assets that are subject of the pending government's Motion for a Preliminary Order of Forfeiture), the United States Attorney's Office intends to pursue restoration of forfeited assets to the Clerk of Court (for distribution to victims pursuant to the restitution order) in accordance with Department of Justice policies and procedures. Thus, as soon as practicable through the restoration process, the United States Attorney's Office would turn over forfeited assets to the Clerk of Court.¹

¹Absent a restitution order and restoration of forfeited assets to the Clerk of Court, in order to make forfeited assets available for victims, the government could avail itself of remissions process by which the Department of Justice remits assets to victims based on individual victim petitions to the Department in Washington, D.C. pursuant to Title 28, Code of Federal Regulations, Part 9. As noted, the United States Attorney's Office intends to pursue restoration of forfeited

In addition, the U.S. Attorney's Office has conferred with the United States Trustee's Office regarding the bankruptcy matters, involving Petters Company, Inc. and Petters Group Worldwide LLC, In re: Petters Company, Inc., et al., Bankruptcy No. 08-45257 (GFK). The U.S. Trustee's Office plans to assist all victims identified in the restitution order in filing a separate bankruptcy claim (if a victim has not filed one already) so that the victim might share in any bankruptcy estate assets distributed as part of the bankruptcy.

Date: March 24, 2010

Respectfully submitted,

B. TODD JONES
United States Attorney

s/ Joseph T. Dixon, III

BY: JOSEPH T. DIXON, III
Assistant U.S. Attorney
Attorney ID No. 0283903
United States Attorneys Office
600 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

assets to the Clerk of Court.

CERTIFICATE OF SERVICE

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Number: 08-364 (1) (RHK/AJB)

THOMAS JOSEPH PETTERS,

Defendant(s).

I hereby certify that on March 24, 2010, I served, or caused to be served, the following documents:

MOTION FOR RESTITUTION SCHEDULE

I certify, further, that I electronically filed the above-listed documents with the Clerk of the Court by using ECF, which constitutes service on the following ECF participants, pursuant to the ECF Procedures for the District of Minnesota:

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United States Attorney

s/ Lana Chambers

BY: LANA CHAMBERS
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