

## **AFTER THE ORDER OF RESTITUTION**

The United States District Court for the Northern District of California ordered a defendant to pay restitution to you. The purpose of this notice is to advise you regarding your rights and obligations in connection with the Court's restitution order. The Court's restitution order, on your behalf, was made pursuant to the Mandatory Victims Restitution Act of 1996. The statutory provisions pertaining to restitution are found in Title 18 of the United States Code, in particular 18 U.S.C. Sections 3663, 3663A and 3664. You probably will not receive immediate full payment of the restitution. If and when the defendant pays, you most likely will receive a number of small payments over a long period of time.

Restitution payments, received by the United States, will be processed and disbursed to you (and any other restitution victims) by the Clerk of the United States District Court for the Northern District of California. The Clerk's Office disburses money to victims as it receives payments from the defendant. Payments to victims are disbursed on a pro rata basis, meaning each payment will be divided among the victims in proportion to their losses.

If restitution has been ordered to you, it is your responsibility to make sure the Clerk's Office always has your correct mailing address. Business and corporate restitution victims must ensure that the Clerk's Office has the current mailing address, telephone number, tax identification number, the relevant claim or account number, and a contact person. If the Clerk's Office does not have your correct mailing address, your share of payments from the defendant may be sent to other restitution victims. In communicating with the Clerk's Office, you must use this address and telephone number, and you must refer to the Court's criminal case number (your case number is on the letter in this envelope):

**U.S. District Court Clerk's Office**  
**Attn: Finance Department**  
**450 Golden Gate Avenue, 16<sup>th</sup> Floor**  
**San Francisco, CA 94102**  
**Telephone: 415/522-4621**

The Court's restitution order, on your behalf, also acts as a lien in favor of the United States against all property owned by the defendant. The United States Attorney's Office will cause judgment lien notices to be recorded in all counties where we are aware the defendant owns or may own property. The United States is allowed to enforce restitution orders on behalf of the restitution victims. So, if you have knowledge of the defendant's assets or sources of income, you should provide that information to the Financial Litigation Unit, of the U.S. Attorney's Office, at 415/436-6970, to assist our collection efforts on your behalf.

You are entitled to request from the Clerk's office a document called an Abstract of Judgment. When properly recorded, pursuant to state law (such as in a County Clerk's Office in a county where the defendant owns property), the Abstract of Judgment can give you a lien in your own name against the defendant's property. You will then have similar legal rights as any other civil

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judgment lien creditor, and this means you can collect the money from the defendant yourself. You must bear the cost of recording the Abstract of Judgment. If you request an Abstract of Judgment from the Clerk's Office by mail, you must include a self-addressed, stamped envelope. We strongly encourage you to discuss the Court's restitution order and all enforcement mechanisms with your own attorney. If the restitution order does not cover all of your losses or if the restitution order is not due and payable in full immediately, or if the laws of your state provide you an effective means by which to enforce collection of the restitution civilly, your attorney can help you understand your options and, if necessary, formulate a plan for civil enforcement that will complement the government's efforts. **If you enforce a restitution order on your own behalf and collect money from the defendant, you must provide that information to this office and to the Clerk's office.**

For various reasons, collection of Court-ordered restitution in criminal cases is often difficult. If you have any information that will assist our efforts to collect your restitution, please our Financial Litigation Unit. Information about a defendant's assets, income, and employment can be very helpful in collecting money from an unwilling defendant.

If you have questions and/or wish to provide information to assist our collection efforts on your behalf, please contact the Financial Litigation Unit, U.S. Attorney's Office, Northern District of California, at 415/436-6970.

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The United States Attorney's Office will enforce the restitution imposed by the Judgment Order in a Criminal Case, as attorneys for the United States of America. While this enforcement benefits you as a victim of a crime, neither the United States Attorney's Office nor the Department of Justice, nor any employee thereof, is your attorney. The United States Attorney's Office will not seek your consent to any action it may undertake to pursue enforcement of the restitution order.

A restitution order, contained in a Judgment Order, is enforceable for a minimum of twenty (20) years. It is your responsibility to update the Victim Notification System (VNS) (1-866-365-4968) <http://www.notify.usdoj.gov/> of any change of address during this time.

Unless the Court has ordered otherwise, any recovery obtained will be disbursed to all designated victims in proportion to their losses.

Enforcement of the restitution order will be limited by the defendant's economic circumstances.

The United States Attorney's Office cannot consult with you regarding your individual rights to pursue civil litigation against the defendant. You may wish to consult with a private attorney to obtain information about your ability to proceed against a defendant to recover losses or damages you sustained as a result of this crime.