

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CASE NO. 13-20600

HONORABLE PAUL D. BORMAN

FARID FATA, M.D.,

Defendant.

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**Application to Partially Vacate and Amend Stipulated Preliminary  
Order of Forfeiture (ECF 154) Regarding Funds from Three  
Accounts, and for Order Directing the Deposit of Funds with  
Clerk of the Court and Restraining Distribution**

The United States of America, by and through its attorneys, submits this Application and requests the Court to (1) partially vacate and amend the Stipulated Preliminary Order of Forfeiture (ECF 154) to remove from forfeiture the funds from three accounts, and (2) order that such funds be deposited with the Clerk of the Court and be held pending further order of the Court. In support of its Application, the government provides the following.

On July 9, 2015, the Court entered a Stipulated Preliminary Order of Forfeiture (SPOF) wherein specific property was forfeited to the United States, including, but not limited to, the following:

- (1) \$136,815.23 in funds from JP Morgan Chase Bank, bank account #695030288, held in the name of Michigan Hematology-Oncology, P.C. (CATS ID 13-FBI-006671);

- (2) \$30,388.93 in funds from CIG Corp. Account #21899934, held in the name of Swan for Life Foundation (CATS ID 14-FBI-000786); and
- (3) \$3,228.56 in funds from COR Clearing Account #20236269, held in the name of Fata Family Foundation (CATS ID 14-FBI-000809),

a total of \$170,432.72 (hereinafter collectively referred to as the “Funds”). (ECF 154). A forfeiture money judgment was also imposed against Defendant Farid Fata in the amount of \$17,601,233.00 (*Id.*). The amount of the money judgment has since been reduced by \$625,000 under (ECF 210) as well as by the amounts that have been forfeited by Defendant in this case.

The SPOF (ECF 154) provided that the United States would seek permission from the proper authority to use the Funds toward the restitution obligation that the Court will impose against Defendant in this case. Rather than proceed in that manner, the government seeks, in the interest of justice, to partially vacate the SPOF with regard to the Funds and to obtain an order from the Court directing the USMS to remit the Funds to the Clerk of the Court to be held pending the final order of restitution.

Given that Defendant agreed in the SPOF to forfeit the Funds, and a defendant is given credit against a forfeiture money judgment for forfeited amounts, Defendant should be given credit toward his forfeiture money judgment for the amount of the Funds. Thus, the government requests the Court to order that the amount *owed* by Defendant on his forfeiture money judgment is reduced by

\$170,432.72, the amount of the Funds. Because Defendant will be given credit toward his forfeiture money judgment in the amount of the Funds, Defendant owes over \$26 million in restitution, and the Funds will be used toward Defendant's restitution obligation, there is no basis for any objection to this Application. The government contacted Defendant's attorney, Mark Kriger, to seek concurrence, and Mr. Kriger advised government counsel that he and Dr. Fata concur with the relief requested herein.

Accordingly, the United States respectfully requests that the Court enter the proposed order, which will be submitted to the Court via ECF utilities

Respectfully submitted,

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Dated: July 25, 2019

**CERTIFICATE OF SERVICE**

I hereby certify that on July 25, 2019, the foregoing was electronically filed using the ECF system which will send notification of such filing to all ECF participants.

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