

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FILED

UNITED STATES OF AMERICA AUG 11 2014

v.

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

CRIMINAL NO. 14-388

BLAKE RUBIN, et al.

ORDER

After reviewing the government's motion to provide alternative victim notification procedures, pursuant to Title 18, United States Code, Section 3771(d)(2), it is hereby

ORDERED

that the government's motion is GRANTED, and the government is hereby authorized to direct victims in the above-captioned case to a case-specific website where all required notices will be posted. The Government will issue a press release informing individuals who believe they may be victims to access the Justice Department website for more information. Victim notification at the corrections stage will be provided through the Bureau of Prisons' website, www.bop.gov.

BY THE COURT:


/ HONORABLE EDUARDO C. ROBRENO
Judge, United States District Court

offense . . .” 18 U.S.C. § 3771(e). Importantly, the Act recognizes that for crimes involving multiple victims, the Court has discretion to adopt procedures to accord victim rights without unduly interfering with the criminal proceedings. Thus, 18 U.S.C. §3771(d)(2) provides:

In a case where the court finds that the number of crime victims makes it impracticable to accord all of the crime victims the rights described in subsection (a), the court shall fashion a reasonable procedure to give effect to this chapter that does not unduly complicate or prolong the proceedings.

The Act places no limitations on the alternative procedures which a Court may fashion other than that the procedures be reasonable to effectuate the Act and that they not unduly complicate or prolong the proceedings. *Id.*

In this case, the defendants are charged with defrauding more than 70,000 people into buying what they falsely marketed as a general-purpose credit card that customers could use to buy merchandise over the internet and improve their credit. This number of victims make compliance with the notification requirements outlined in section 3771(a), (b) and (c) impracticable. Neither the government nor the Court has the resources to accord all of the victims in this case the notice required by subsection 3771(a). Moreover, many of the victims in this case have previously been notified by the Federal Trade Commission (“FTC”) in connection with a civil enforcement action that they were victims of fraud. The FTC filed that action on January 26, 2012, in the Northern District of Illinois (Docketed at 12-CV-588), and on January 31, 2012, the Court both enjoined the defendants from continuing their operations and appointed a receiver to take over and wind down their business. Among the tasks performed by the receiver, Wayne Geisser of Smart Devine, was to contact as many of the victims that he could locate and advise them of the FTC’s action. The case ultimately settled with the defendants paying more than \$7 million in restitution, which the receiver endeavored to distribute to their

victims. In light of all of these circumstances, the Government proposes to use the Justice Department's website for large cases, <http://justice.gov/largecases/>, to direct victims to a case-specific website where all required notices will be posted. The Government will issue a press release informing individuals who believe they may be victims to access the Justice Department website for more information. Victim notification at the corrections stage will be provided through the Bureau of Prisons' website, www.bop.gov.

CONCLUSION

Based on the foregoing, the government requests the Court grant the motion for alternative victim notification procedures.

Respectfully submitted,
ZANE DAVID MEMEGER
United States Attorney

/s/ Mark B. Dubnoff
MARK B. DUBNOFF
Assistant United States Attorney