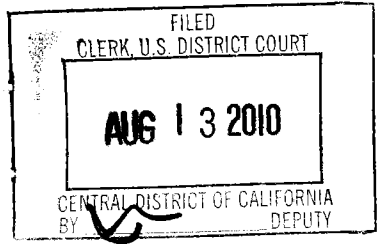


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13 UNITED STATES DISTRICT COURT  
 14 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
 15 WESTERN DIVISION

16	UNITED STATES OF AMERICA,	)	CR No. 08-59(B) -GW
17	Plaintiff,	)	<u><del>PROPOSED</del> GENERAL ORDER OF</u>
18	v.	)	<u>FORFEITURE AS TO DEFENDANTS</u>
19	GERALD GREEN and	)	<u>GERALD GREEN AND PATRICIA GREEN</u>
20	PATRICIA GREEN,	)	
21	Defendants.	)	
22		)	

23 Upon consideration of the application of plaintiff United  
 24 States of America for a general order of forfeiture pursuant to  
 25 Counts One through Ten of the Second Superseding Indictment, the  
 26 guilty verdicts on these counts, and such evidence or information  
 27 presented at any forfeiture hearing in this matter, the court  
 28 ORDERS as follows:

1 I. FORFEITABLE PROPERTY

2 The following property is subject to forfeiture to the United  
3 States:

4 A. General Criminal Forfeiture Order: each defendant shall  
5 forfeit all right, title, and interest in

6 (1) any and all property constituting, or derived from,  
7 proceeds obtained directly or indirectly from defendants'  
8 violations of 18 U.S.C. §§ 371 and 15 U.S.C. § 78dd-2(a)(1),  
9 pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. 2461(c);

10 (2) substitute property, if by any act or omission of  
11 defendant the property described above, or any portion thereof,  
12 cannot be located upon the exercise of due diligence; has been  
13 transferred, sold or deposited with a third party; has been placed  
14 beyond the jurisdiction of the Court; has been substantially  
15 diminished in value; or has been commingled with other property  
16 that cannot be divided without difficulty.

17 B. Money Judgments: As a result of the crimes set forth in  
18 Counts One through Ten, a personal money judgment of criminal  
19 forfeiture shall be entered against each defendant in the amount  
20 of \$1,049,465 plus the amount of each defendant's share of the  
21 Artist Design Corp. Defined Benefit Plan (said share to be  
22 determined at such time its dissolution becomes effective) (the  
23 Plan"), representing the amount of money defendants obtained as  
24 proceeds of the offenses. Provided, the government shall not  
25 collect a total of more than \$1,049,465 plus the amount of both  
26 defendants' shares of the Plan.

1 II. IMPLEMENTATION

2 IT IS FURTHER ORDERED as follows:

3 A. Upon the entry of this Order, and pursuant to Fed. R.  
4 Civ. P. 32.2(b) and 21 U.S.C. § 853(g), the United States Attorney  
5 General (or a designee) is authorized to seize property identified  
6 in Section I above. To the extent the United States at any time  
7 identifies specific property subject to forfeiture, the United  
8 States may apply for a seizure warrant to seize such property in  
9 the manner set forth in 21 U.S.C. § 853(f), and shall move to  
10 amend this or any other then-existing order of forfeiture in this  
11 matter to include such property, pursuant to Fed. R. Crim. P.  
12 32.2(e).

13 B. Upon entry of this Order, the United States is further  
14 authorized to conduct any discovery for the purpose of  
15 identifying, locating, or disposing of property subject to  
16 forfeiture pursuant to Section I, in accordance with 21 U.S.C. §  
17 853(m) and Rule 32.2(b)(3) of the Federal Rules of Criminal  
18 Procedure. "Any discovery" shall include all methods of discovery  
19 permitted under the Federal Rules of Civil Procedure.

20 C. At any time in the future after amendment of the  
21 applicable order of forfeiture in this matter to include  
22 specifically identified property ("Section I.A property"), the  
23 United States Attorney General (or a designee) is authorized to  
24 commence any applicable proceeding to comply with statutes  
25 governing third party rights, including giving notice of this and  
26 any other order affecting specific property. The following  
27 paragraphs shall apply to any ancillary proceeding conducted in  
28

1 this matter:

2 (1) The United States Marshal shall publish notice of  
3 this order and any other order affecting such specific property,  
4 notice of the Marshal's intent to dispose of such property in such  
5 manner as the Attorney General may direct, and notice that any  
6 person, other than the defendants, having or claiming a legal  
7 interest in the property must file a petition with the Court  
8 within thirty (30) days of the publication of notice or receipt of  
9 actual notice, whichever is earlier. Such publication shall be  
10 carried out in the manner specified in Rule 32.2(b)(6) (effective  
11 December 1, 2009). The United States shall also, to the extent  
12 practicable, provide written notice to any person known to have an  
13 alleged interest in the Section I.A property. Provided, no notice  
14 or ancillary proceeding is required to the extent that this order  
15 consists of a money judgment against the defendants. Fed. R.  
16 Crim. P. 32.2(c)(1).

17 (2) Any person, other than defendants, asserting a  
18 legal interest in Section I.A property only, may, within thirty  
19 days of the publication of notice or receipt of notice, whichever  
20 is earlier, petition the court for a hearing without a jury to  
21 adjudicate the validity of his alleged interest in the property,  
22 and for an amendment of the order of forfeiture, pursuant to 21  
23 U.S.C. § 853(n).

24 (3) Any petition filed by a third party asserting an  
25 interest in the Section I.A property shall be signed by the  
26 petitioner under penalty of perjury and shall set forth the nature  
27 and extent of the petitioner's right, title, or interest in such  
28

1 property, the time and circumstances of the petitioner's  
2 acquisition of the right, title or interest in the property, any  
3 additional facts supporting the petitioner's claim, and the relief  
4 sought.

5 (4) After the disposition of any motion filed under  
6 Fed. R. Crim. P. 32.2(c)(1)(A) and before a hearing on the  
7 petition, discovery may be conducted in accordance with the  
8 Federal Rules of Civil Procedure if the Court determines that such  
9 discovery is necessary or desirable to resolve factual issues.

10 (5) The United States shall have clear title to the  
11 Section I.A property following the Court's disposition of all  
12 third-party interests, or, if no petitions are filed, following  
13 the expiration of the period provided in 21 U.S.C. § 853(n)(2) for  
14 the filing of third party petitions.


15 D. Pursuant to Fed. R. Crim. P. 32.2(b), this general order  
16 of forfeiture shall become final as to each defendant at the time  
17 of sentencing and shall be made part of each defendant's sentence  
18 and included in each defendant's judgment.

19 E. The Plan shall be dissolved forthwith, and each  
20 defendant's respective interest in the Plan shall be determined,  
21 liquidated, and paid to the government as described herein. The  
22 money representing each defendant's interest in the Plan shall be  
23 paid to the government in the form of an official check made  
24 payable to the "United States Marshals Service," which check shall  
25 be delivered to AUSA Bruce Searby at 312 No. Spring Street, 11<sup>th</sup>  
26 Floor, Los Angeles CA 90012, together with a report detailing how  
27 the respective interests of the defendants were determined,  
28

1 defining the interests of each individual defendant, and  
2 describing the distribution of funds from the Plan. To the extent  
3 that further orders of the court are necessary to effect the  
4 dissolution of the Plan, the government shall apply to the Court  
5 for such orders, but need not do so by noticed motion. It is  
6 contemplated that upon dissolution of the Plan and payment of the  
7 defendants' interests as called for herein, the government will  
8 apply to the Court to amend this general order of forfeiture to  
9 provide for money judgments of forfeiture against the individual  
10 defendants in sums certain, pursuant to Federal Rule of Criminal  
11 Procedure 32.2(e)(1).

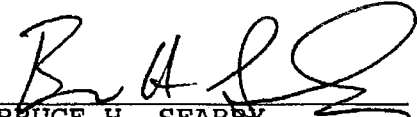
12 F. The Court shall retain jurisdiction to enforce this  
13 Order, and to amend it as necessary, pursuant to Fed. R. Crim. P.  
14 32.2(e).

15 DATED: August 13, 2010

  
THE HONORABLE GEORGE H. WU  
UNITED STATES DISTRICT JUDGE

17  
18 PRESENTED BY:

19 GEORGE S. CARDONA  
20 United States Attorney

21   
22 BRUCE H. SEARBY  
23 Assistant United States Attorney

24 Attorneys for Plaintiff  
25 UNITED STATES OF AMERICA  
26  
27  
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