

1 THOMAS P. O'BRIEN
 United States Attorney
 2 CHRISTINE C. EWELL
 Assistant United States Attorney
 3 Chief, Criminal Division
 BRUCE H. SEARBY (SBN 183267)
 4 Assistant United States Attorney
 1100 United States Courthouse
 5 312 North Spring Street
 Los Angeles, California 90012
 6 Telephone: (213) 894-5423
 Facsimile: (213) 894-6269
 7 bruce.searby@usdoj.gov

8 Attorneys for Plaintiff
 9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT
 11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12
 13 UNITED STATES OF AMERICA,) CR No. 08-59(A)-GW
)
 14 Plaintiff,)
) POST-INDICTMENT RESTRAINING ORDER
 15 v.)
)
 16 GERALD GREEN and)
 PATRICIA GREEN,)
 17)
 Defendants.)
 18)
)
 19 _____)

20 The United States has made an ex parte application to this
 21 Court, pursuant to 21 U.S.C. § 853(e)(1)(A), for a restraining
 22 order to preserve the availability of certain property that is
 23 subject to forfeiture in the above-styled criminal action. Upon
 24 consideration of the Government's application and the First
 25 Superseding Indictment of defendants GERALD GREEN and PATRICIA
 26 GREEN ("defendants"), it appears to the Court that there is
 27 reasonable cause to enter a restraining order to preserve the
 28 subject property based upon the following:

1 1. That on October 1, 2008, a federal grand jury of this
2 district returned a First Superseding Indictment ("FSI") against
3 defendants for conspiring to make corrupt payments to a foreign
4 official for the purposes of retaining business in violation of
5 the Foreign Corrupt Practices Act ("FCPA"), in violation of 18
6 U.S.C. § 78dd-2, and 18 U.S.C. § 371, and ten counts of
7 substantive FCPA violations.

8 2. That the FSI also alleges criminal forfeiture under 18
9 U.S.C. § 981, 28 U.S.C. § 2461(c), and 21 U.S.C. § 853 of
10 defendants' right, title, and interest in certain property, to-
11 wit: assets held in, or benefits paid from, the Artist Design
12 Corp. dba Creative Ignition Defined Benefit Pension Plan (95-
13 4870059).

14 3. That the federal grand jury's return of the FSI, which
15 charges defendants and specifies their assets to be forfeited
16 under 21 U.S.C. § 853, establishes sufficient probable cause for
17 the issuance of this restraining order.

18 4. That in the event defendants are convicted of the
19 charges alleged in the Superseding Indictment, the subject funds
20 would be subject to forfeiture under 21 U.S.C. § 853.

21 5. That the need to preserve the availability of the
22 subject funds through the entry of the order requested herein
23 outweighs the hardship on any party against whom the order is to
24 be entered.

25 6. That any third party claims to the subject funds may be
26 properly brought and resolved in ancillary proceedings conducted
27 by this Court following the execution of a Preliminary Order of
28 Forfeiture in accordance with the provisions of federal

1 forfeiture law.

2 THEREFORE, IT IS HEREBY ORDERED AND DECREED:

3 That, effective immediately, defendants, their agents,
4 servants, employees, attorneys, family members and those persons
5 in active concert or participation with them, and those persons,
6 financial institutions, or other entities who have any interest
7 or control over the subject property are hereby

8 RESTRAINED, ENJOINED, AND PROHIBITED, without prior approval
9 of this Court and upon notice to the United States and an
10 opportunity for the United States to be heard, from attempting or
11 completing any action that would affect the availability,
12 marketability or value of said property, including but not
13 limited to selling, transferring, assigning, pledging,
14 distributing, encumbering, wasting, secreting, depreciating,
15 damaging, or in any way diminishing the value of, all or any part
16 of their interest, direct or indirect, in the following property:
17 All right, title, and interest of defendants GERALD GREEN and
18 PATRICIA GREEN in assets held in, or benefits paid from, the
19 Artist Design Corp. dba Creative Ignition Defined Benefit Pension
20 Plan (95-4870059).

21 IT IS FURTHER ORDERED that any financial institutions,
22 custodians, and administrators holding any funds subject to this
23 Order shall take no offsets against such funds. They shall
24 continue to credit any deposits, interest, dividends, or other
25 credits to the accounts holding the funds in the normal course of
26 business, and such deposits, interest, dividends, and other
27 credits shall be subject to this Order. In addition, upon
28 receiving notice of this Order, each financial institution,

1 custodian, and administrator shall:

- 2 a. Determine the portion(s) of the Pension Plan in
3 which Gerald Green and Patricia Green hold any
4 right, title, or interest, and notify the
5 Government in writing of such determination
6 (including a full description of the value of such
7 portion(s)) within 2 calendar days of receiving
8 notice of this order;
- 9 b. Promptly inform the Government during the lifetime
10 of this order of any changes (in value or
11 otherwise) to the portion(s) in which Gerald Green
12 and Patricia Green hold any right, title, or
13 interest; and
- 14 c. Respond promptly to requests by the Government for
15 information on the status of the assets.

16 IT IS FURTHER ORDERED that the United States or any
17 defendant may seek modifications of this Order if it is deemed
18 necessary by them to preserve their interest in the subject
19 property.

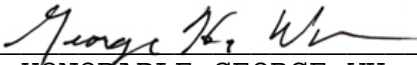
20 IT IS FURTHER ORDERED that any defendant shall be permitted
21 to execute a satisfactory performance bond pursuant to 21 U.S.C.
22 § 853(e)(1) as an alternative to the restraint of the subject
23 property. After notice to the United States and an opportunity
24 to be heard, the Court shall determine whether any proposed bond
25 is a satisfactory performance bond.

26 IT IS FURTHER ORDERED that the Government shall promptly
27 serve a copy of this Restraining Order upon defendants and all
28

1 financial institutions, custodians, and administrators, and shall
2 make a return thereon reflecting the date and time of service.

3 THIS RESTRAINING ORDER shall remain in full force and effect
4 until further order of this Court.

5 DATED: November 6, 2008

6 
7 THE HONORABLE GEORGE WU
8 UNITED STATES DISTRICT JUDGE

9 PREPARED BY:

10 _____
11 BRUCE H. SEARBY
12 Assistant United States Attorney
13 Attorney for Plaintiff
14 UNITED STATES OF AMERICA
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