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15 UNITED STATES OF AMERICA

16 UNITED STATES DISTRICT COURT
17 FOR THE CENTRAL DISTRICT OF CALIFORNIA

18 UNITED STATES OF AMERICA,
19 Plaintiff,

20 v.

21 RICHARD AYVAZYAN,
22 aka "Richard Avazian" and
"Iuliia Zhadko,"
23 MARIETTA TERABELIAN,
24 aka "Marietta Abelian" and
"Viktoria Kauichko,"
25 ARTUR AYVAZYAN,
aka "Arthur Ayvazyan," and
TAMARA DADYAN,

26 Defendants.
27
28

No. CR 20-579-SVW

GOVERNMENT'S REPLY IN SUPPORT OF
ITS EX PARTE APPLICATION FOR
(1) CONTINUANCE OF TRIAL DATE AND
(2) FINDINGS OF EXCLUDABLE TIME
PURSUANT TO THE SPEEDY TRIAL ACT;
EXHIBITS

*GOVERNMENT'S REQUEST FOR LEAVE TO
FILE REPLY BRIEF FILED
CONCURRENTLY HERewith*

1 Plaintiff the United States of America, by and through its
2 counsel of record, the United States Attorney for the Central
3 District of California, Assistant United States Attorney Julian L.
4 André, and Department of Justice Trial Attorney Christopher Fenton,
5 hereby submits its reply brief in support of its previously filed ex
6 parte application for entry of an order: (1) continuing the trial
7 date in this matter from January 12, 2021, to May 4, 2021; and
8 (2) excluding time from the Speedy Trial Act calculation for
9 excludable delay.

10 This reply brief responds to certain arguments that defendant
11 RICHARD AYVAZYAN made in his opposition, specifically his arguments
12 requesting that the Court set certain pretrial deadlines, including
13 a discovery cutoff, months before a potential trial date in this
14 matter. This reply is based upon the attached memorandum of points
15 and authorities, the attached exhibits, the files and records in
16 this case, and such further evidence and argument as the Court may
17 permit.

18 Dated: December 21, 2020

Respectfully submitted,

19 NICOLA T. HANNA
20 United States Attorney

21 BRANDON D. FOX
22 Assistant United States Attorney
23 Chief, Criminal Division

24 /s/

25 JULIAN L. ANDRÉ
26 Assistant United States Attorney
27 CHRISTOPHER FENTON
28 Department of Justice Trial Attorney

Attorneys for Plaintiff
UNITED STATES OF AMERICA

MEMORANDUM OF POINTS AND AUTHORITIES

Defendants RICHARD AYVAZYAN ("R. AYVAZYAN"), MARIETTA TERABELIAN, ARTUR AYVAZYAN ("A. AYVAYZAN"), and TAMARA DADYAN are charged with conspiring to personally benefit from the COVID-19 pandemic by fraudulently obtaining millions of dollars in disaster relief funds through two federal loan programs. Although trial in this matter was initially scheduled for January 12, 2021, all trials in this district are currently suspended due to the unprecedented surge of COVID-19 within this district. And, unfortunately, the situation in Los Angeles County appears to be getting worse, not better, as the numbers of active COVID-19 cases, hospitalizations, and deaths in Los Angeles County continue to set new daily records, and projections show further increases through the New Year. See, e.g., L.A. County outlines wrenching moves to ration healthcare if COVID-19 hospital crisis worsens, L.A. Times, Dec. 19, 2020, available at <https://www.latimes.com/california/story/2020-12-19/los-angeles-county-coronavirus-hospitalization-surge-rationing>. For these reasons, the government has moved to continue the trial in this matter to May 4, 2021, by which point the government is hopeful that the Court will have determined it is safe for trials to resume.

Defendant R. AYVAZYAN has objected to this continuance and is instead demanding to go to trial on either January 12, 2021, or February 12, 2021, in the middle of the ongoing pandemic. (CR 96.) The government will not address defendant R. AYVAZYAN's objection to the continuance and the proposed Speedy Trial Act findings, other than to say that defendant's objections are meritless and ignore the unfortunate realities facing the district during this unprecedented public health crisis. As set forth in the government's ex parte

1 application and the Court's General Orders, there is ample factual
2 and legal basis for the Court to both grant the requested
3 continuance and issue the requested findings as to excludable time.
4 And defendants, all of whom are released on bond, have not
5 demonstrated that they would suffer any actual prejudice by the
6 requested continuance.

7 In his opposition to the government's ex parte application,
8 defendant R. AYVAZYAN has also arbitrarily requested that the Court
9 set a discovery-cutoff deadline for December 22, 2020 (i.e., 24
10 hours from the filings of this brief), require the government to
11 immediately disclose its exhibit and witness lists, and then exclude
12 evidence if the government fails to comply with these new pretrial
13 deadlines. (CR 96 at 6-11.) Defendant's request that the Court
14 impose arbitrary and self-serving pretrial deadlines months before
15 any trial in this case will proceed is meritless. And defendant's
16 accusation that the government is seeking to use COVID-19 to gain a
17 "windfall" or "secure a tactical advantage" (CR 96 at 2, 9, 10) is
18 baseless and offensive, particularly in light of the charges in this
19 case.¹ The government is trying to reasonably manage the risks posed
20 by the pandemic, not profit from them.

21 Defendant's request should be rejected for the following five
22 reasons.

23
24
25 ¹ Among other things, defendant R. AYVAZYAN and his wife,
26 defendant TERABELIAN, are currently living in \$3.25 million home
27 which they purchased using COVID-19 disaster relief funds earmarked
28 to save small businesses that would otherwise be forced to lay off
their employees due to the pandemic. (See CR 32, Overt Acts 9, 17,
26, 29 (detailing transfers to Escrow Company 1 to purchase
Residential Property 1).)

1 First, the government has worked diligently to produce
2 discovery to the defendants in a timely manner and is continuing to
3 do so. Defendant R. AYVAZYAN's claim to the contrary is false.

4 Defendant R. AYVAZYAN made his initial appearance in this
5 district and was arraigned on December 4, 2020 -- just over two
6 weeks ago. In anticipation of the defendants' arraignments, the
7 government attempted to reach an agreement with counsel for the
8 defendants regarding an appropriate protective order so that it
9 could immediately begin producing discovery. (CR 65.) Once it was
10 clear that no such agreement would be reached, the government
11 promptly sought relief from this Court. (Id.) Although defendant
12 R. AYVAZYAN disagreed with the government's position regarding a
13 protective order (CR 63) and this Court ultimately ruled in the
14 defendants' favor (CR 90), the government was acting in good faith
15 and consistent with its obligations when it sought to protect the
16 privacy of third-parties and the public in general. Indeed, the
17 protections sought in the government's proposed protective order
18 were consistent with those imposed by the Court in other cases and
19 the defendants' pretrial release conditions. (See CR 65.)

20 More importantly, once the Court resolved the parties' dispute
21 and issued the Protective Order in this case on December 14, 2020,
22 (CR 92), the government immediately began producing the discovery in
23 to defendants, as it had always planned to do so (See CR 63, Exs. E,
24 G). Specifically, to date, the government has made the following
25 three discovery productions totaling 16,827 pages of written
26 materials or other electronic files:

- 27 • On December 14, 2020, the government produced 3,834 pages of
28 discovery, including loan applications, bank records,

1 California Employment Development Division records, the
2 applicable search warrant applications and affidavits,
3 defendants' criminal history reports, law enforcement
4 reports, surveillance photos, and summaries of named-victim
5 M.Z.'s witness interviews.²

- 6 • On December 17, 2020, the government produced an additional
7 12,937 pages of written materials and other electronic files,
8 including additional loan applications, bank records, escrow
9 records relating to the purchase of the properties identified
10 in the indictment, records relating to defendant
11 R. AYVAYZAN's use of disaster relief funds to purchase luxury
12 watches, toll records, and internet service provider
13 subscriber records.

- 14 • On December 18, 2020, the government produced jail call
15 recordings involving the defendants, and correspondence from
16 the IRS indicating that the various entities identified in
17 the indictment had not filed IRS Forms 940 and 941 during the
18 relevant time periods as defendants had claimed in the loan
19 applications.

20 (See Ex. 1-3.) Each discovery production also included a detailed
21 index. (Id.)

22 Additionally, on December 10, 2020 (i.e., before this Court had
23 entered a protective order), the government contacted defendants'
24 counsel to: (1) arrange for defense counsel to inspect at the FBI's
25 offices the physical evidence seized during the execution of seven
26

27 ² The government voluntarily produced this witness interview
28 summary in advance of its obligation to do so under the Jencks Act.

1 search warrants; and (2) arrange to provide defendants with complete
2 copies of any accessible digital devices that had been seized. (Ex.
3 4.) On December 17, 2020, counsel for defendants R. AYVAZYAN and
4 TERABELIAN and two support staff members spent approximately six-
5 and-a-half hours at the FBI's offices reviewing and copying
6 approximately 30 containers of physical and documentary evidence
7 that had been seized. The government will also be producing to
8 defendant complete copies of seven digital devices today, December
9 21, 2020, and will produce copies of the remaining digital devices
10 on a rolling basis as soon as the devices are forensically imaged
11 and copied onto an external hard-drive for the defense.³

12 Thus, at the time of this filing, the government has already
13 produced to defendants a substantial amount of the relevant evidence
14 relating to the current charges. The government, however, is still
15 working to process and produce additional discovery materials,
16 including additional business records, law enforcement reports,
17 witness summaries, and digital devices. The government is working
18 diligently to produce these materials as soon as possible. There
19 are nevertheless some labor-intensive aspects of the discovery
20 process and the government is operating with limited resources due
21 to the ongoing impact of COVID-19. For example, seized digital
22 devices need to be forensically imaged by the FBI's CART Team and
23 then copied to an external hard-drive before they can be produced to
24 the defense. And documentary evidence needs to be organized,
25 processed or scanned, transferred from the case agents to the
26

27 ³ Defendants will likely receive access to most of these
28 digital devices before the devices are reviewed by the government.

1 Department of Justice or U.S. Attorney's Office, loaded into a
2 discovery review platform, Bates-labeled, indexed, and exported for
3 production, before it can be produced to defendants. Restrictions
4 imposed to protect the health and safety of the FBI agents and other
5 government employees limits the number of individuals who may come
6 into the office on a given day to perform these tasks.

7 Second, defendant R. AYVAZYAN's request that the Court set an
8 arbitrary December 22, 2020, discovery cut-off deadline is a
9 transparent attempt to have this Court prospectively exclude
10 otherwise admissible government evidence. Defendant R. AYVAZYAN has
11 not and cannot demonstrate any legitimate basis for the Court to
12 take such action at this time. Nor has he demonstrated that he has
13 or will suffer any actual prejudice if he does not receive
14 additional discovery by December 22, 2020.⁴ If defendants believe
15 that certain evidence was not produced in a timely manner and should
16 be excluded on that basis, defendants should file a properly noticed
17 motion and seek to exclude that specific evidence at trial. The
18 Court can then address those evidentiary issues at that time.

19 Third, defendant R. AYVAZYAN asks the Court to sanction the
20 government for circumstances that are out of the government's
21 control. The decision to suspend trials in this district was made
22

23 ⁴ The government's investigation is ongoing. There is no basis
24 for the Court to preclude the government from investigating
25 additional crimes that may have been committed by the defendants or
26 other coconspirators. See, e.g., Branzburg v. Hayes, 408 U.S. 665
27 (1972); In re Grand Jury Proceedings ("Pressman"), 586 F.2d 724,
28 (9th Cir. 1978). Indeed, the government has an affirmative
obligation to do so. If the Court has any questions regarding the
government's ongoing investigation, the government would request
permission to submit such information in camera and under seal so as
not to jeopardize the investigation.

1 by the Court in light of the health and safety concerns arising from
2 COVID-19, not by the United States Attorney's Office. The
3 government has no control over when trials in the district will be
4 able to resume, but will be prepared to proceed to trial whenever
5 the Court determines it is safe to hold trials in this district.

6 Fourth, defendant R. AYVAZYAN's reliance on The Honorable John
7 F. Walter's ruling in United States v. Cai, No. CR 19-671-JFW (C.D.
8 Cal.) is misplaced. The charges in Cai were filed in December 2019,
9 and the defendant was arraigned just a few days later. Indictment,
10 Cai, Dkt. No. 1 (Dec. 17, 2019); Minutes, Cai, Dkt. No. 15 (Dec. 19,
11 2019). After the parties stipulated to continue the trial date from
12 February 2020 to August 25, 2020, the Court issued an Amended
13 Criminal Trial Order containing very specific deadlines for the
14 parties to disclose its trial exhibits and witness lists, and to
15 file pretrial motions. Amended Criminal Trial Order, Cai, Dkt. Nos.
16 36 (Feb. 4, 2020). As of August 12, 2020, when Judge Walter
17 declined to extend the preexisting pretrial deadlines in advance of
18 the August 25, 2020, trial date, the government and the defense had
19 both been actively preparing for trial for months. Criminal
20 Minutes, Cai, Dkt. No. 143 (Aug. 12, 2020). In fact, many of the
21 relevant pretrial deadlines in Cai had passed; the parties had
22 already exchanged pretrial exhibit lists and defendant had filed his
23 motions in limine. (CR 98, Ex. A at 17-18.) Thus, one of Judge
24 Walter's purposes in maintaining the preexisting deadlines was to
25 "eliminate, to the extent possible, certain of the issues that will
26 make the trial go more smoothly." (CR 98, Ex. A at 24-25.)

27 This case stands in stark contrast to Cai. Whereas the charges
28 in Cai had already been pending for eight months, defendant

1 R. AYVAZYAN made his initial appearance in this district and was
2 arraigned just over two weeks ago. And, unlike in Cai, there are no
3 existing pretrial deadlines in this case to continue. The Court has
4 not set any pretrial deadlines; nor has the government agreed to any
5 such deadlines.⁵ Rather, defendant is requesting that the Court
6 impose entirely new pretrial deadlines tied to a January 12, 2021,
7 trial date, and then sanction the government for failing to comply
8 with those deadlines. Whereas in Cai, the government had months to
9 complete the production of discovery and prepare its pretrial
10 filings, defendant proposes that the Court provide the government 24
11 hours -- until December 22, 2020 -- despite the fact that trial is
12 unlikely to commence for months. This is not what happened in Cai
13 and it should not happen here.

14 Fifth, the actions of defendant R. AYVAZYAN's codefendants in
15 this case call into question the sincerity of the four defendants'
16 purported desire to proceed to trial on January 12, 2021. Defendant
17 A. AYVAZYAN did not retain counsel until December 8, 2020 (see CR
18 60; CR 66; CR 72), and did not even request that the government
19 produce discovery until December 14, 2020 (Ex. 5). Indeed, the
20 government had to affirmatively contact defendant A. AYVAZYAN's
21 counsel to confirm that they were requesting discovery under Rule
22 16. (Ex. 5.) And, just last week, defendant DADYAN's counsel
23 sought the government's position as to whether it would oppose
24

25
26 ⁵ The only case deadline currently in place is the Court's
27 standing requirement that the government provide the Court with
28 three copies of its exhibit and witness list on the first day of
trial, and that the parties submit proposed substantive jury
instructions seven days prior to trial.

1 defendant DADYAN's forthcoming request to travel to Aspen, Colorado
2 from December 30, 2020, through January 4, 2021. (Ex. 6.)

3 In sum, although defendants are within their rights to oppose
4 the continuance of the trial date in this matter, the fact remains
5 that this case will not and cannot proceed to trial on January 12,
6 2021. There is therefore no basis for the Court to impose pretrial
7 deadlines that correspond to a trial date that will not take place,
8 let alone for the Court to prospectively exclude government evidence
9 based on a purported failure to comply with newly imposed deadlines.
10 Once the Court has selected a new trial date, the parties can meet-
11 and-confer regarding reasonable pretrial deadlines, including
12 deadlines for the exchange of exhibit lists, witness lists, and the
13 filing of pretrial motions.

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No. CR 20-579-SVW

GOVERNMENT'S REPLY BRIEF IN SUPPORT OF ITS EX PARTE APPLICATION
FOR (1) CONTINUANCE OF TRIAL DATE AND (2) FINDINGS OF EXCLUDABLE
TIME PURSUANT TO THE SPEEDY TRIAL ACT

EXHIBIT 1



United States Department of Justice

United States Attorney's Office Central District of California

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BY FEDEX & EMAIL

December 14, 2020

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Counsel for Tamara Dadyan

Re: United States v. Ayvazyan et. al.,
No. CR 2:20-cr-00579-SVW
Discovery Production Volume 1

Dear Counsel:

Pursuant to your clients' requests for discovery and the protective order to be entered by the Court (see CR 90), enclosed please find an encrypted disc with discovery bearing Bates Numbers DOJ_PROD_0000000001 to DOJ_PROD_0000003834 and an attached index.¹ These discovery materials are also being uploaded to Steptoe & Johnson's file sharing system as you requested. The government will continue to produce any additional discovery materials to which your clients are entitled on a rolling basis as they are processed and become available for production.

¹ The password to access the discovery materials will be emailed to you separately.

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December 14, 2020

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The government will make available for your inspection any item of evidence referred to above, as well as any other evidence seized from your client and/or which the government intends to offer in its case-in-chief. Please contact me to arrange a mutually convenient time for your inspection of such items.

The government will produce to you any additional Jencks material—including any relevant grand jury transcripts, assuming a Rule 6(e) order has been issued—one week before trial if you agree to the production of reciprocal Jencks material at that time or affirmatively represent that you have no Jencks material to produce. Please inform me whether such an arrangement is acceptable to you.

The enclosed materials and information and any future discovery provided to you may exceed the scope of discovery mandated by the Federal Rules of Criminal Procedure, federal statute or relevant case law, and this discovery is provided voluntarily and solely as a matter of discretion. By producing such materials to you, the government does not waive its right to object to any future discovery requests beyond the scope of its legal obligations.

With this letter the government requests all reciprocal discovery to which it is entitled under Rules 16(b) and 26.2 of the Federal Rules of Criminal Procedure. The government also requests notice of any intention of your client to rely on an entrapment defense, or a defense involving mental condition or duress, and/or an alibi defense. Pursuant to Federal Rule of Criminal Procedure 12.1, the dates, times, and places of the charged offenses are detailed within the documents included within the discovery. Please contact me immediately if you believe that this notice is insufficient.

Please let me know if you have any questions, or would like to further discuss any of the matters raised above.

Very truly yours,



JULIAN L. ANDRÉ
Assistant United States Attorney
Major Frauds Section



Christopher Fenton
Trial Attorney
Department of Justice
Criminal Division

Enclosure

United States v. Ayvazyan et. al
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Description	Production BEGDOC	Production ENDDOC
Bank of America: ABC Realty Advisors, Inc.	DOJ_PROD_0000000001	DOJ_PROD_0000000084
BlueVine: Allstate Towing and Transport LLC	DOJ_PROD_0000000085	DOJ_PROD_0000000119
California Employment Development Department Records	DOJ_PROD_0000000120	DOJ_PROD_0000000154
CDC Small Business: Mod Interiors, Inc. # [REDACTED] 7207	DOJ_PROD_0000000155	DOJ_PROD_0000000193
Celtic Bank: Mod Interiors, Inc. [REDACTED] 7705	DOJ_PROD_0000000194	DOJ_PROD_0000000206
Celtic Bank: Time Line Transport # [REDACTED] 7406	DOJ_PROD_0000000207	DOJ_PROD_0000000216
Celtic Bank: Top Quality Contracting [REDACTED] 7706 Mark Zindroskoi d/b/a Top Quality Contracting # [REDACTED] 7304	DOJ_PROD_0000000217	DOJ_PROD_0000000294
Celtic Bank: Mod Interiors, Inc. [REDACTED] 7705	DOJ_PROD_0000000295	DOJ_PROD_0000000311
Celtic Bank: Time Line Transport # [REDACTED] 7406	DOJ_PROD_0000000312	DOJ_PROD_0000000316
Celtic Bank: Time Line Transport #8007	DOJ_PROD_0000000317	DOJ_PROD_0000000341
Celtic Bank: Mark Zindroskoi d/b/a Top Quality Contracting [REDACTED] 7304	DOJ_PROD_0000000342	DOJ_PROD_0000000345
Celtic Bank: Fiber One Media	DOJ_PROD_0000000346	DOJ_PROD_0000000374
Celtic Bank: Redline Auto Collision	DOJ_PROD_0000000375	DOJ_PROD_0000000414
Celtic Bank: Redline Auto Mechanics	DOJ_PROD_0000000415	DOJ_PROD_0000000443
Celtic Bank: Redline Auto Mechanics	DOJ_PROD_0000000444	DOJ_PROD_0000000448
Celtic Bank: Time Line Transport # [REDACTED] 7406	DOJ_PROD_0000000449	DOJ_PROD_0000000453
Comerica: Secureline Realty and Funding Loan Application and Bank Statements	DOJ_PROD_0000000454	DOJ_PROD_0000000502
Radius Bank: Time Line Transport # [REDACTED] 1035	DOJ_PROD_0000000503	DOJ_PROD_0000000506
Ready Capital: Top Quality Contracting [REDACTED] 7202	DOJ_PROD_0000000507	DOJ_PROD_0000000571
Ready Capital: Fiber One Media (Viktoria Kauichko)	DOJ_PROD_0000000572	DOJ_PROD_0000000652

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TCF National Bank: Letter of No Records	DOJ_PROD_0000000653	DOJ_PROD_0000000655
Wells Fargo Bank: Secureline Realty and Funding, Inc. (Tamara Dadyan) PPP Application	DOJ_PROD_0000000656	DOJ_PROD_0000000785
Cross River Bank: Allstate Towing and Transport LLC	DOJ_PROD_0000000787	DOJ_PROD_0000000832
Cross River Bank: G&A Diamonds	DOJ_PROD_0000000833	DOJ_PROD_0000000877
Newtek Small Business Finance: Timeline Transport (Iuliia Zhadko)	DOJ_PROD_0000000878	DOJ_PROD_0000000948
Newtek Small Business Finance: TM Events (A [REDACTED] K [REDACTED])	DOJ_PROD_0000000949	DOJ_PROD_0000001013
Newtek Small Business Finance: Mod Interiors LLC	DOJ_PROD_0000001014	DOJ_PROD_0000001161
Seattle Bank: Runyan Tax Services (Viktoria Kauichko)	DOJ_PROD_0000001162	DOJ_PROD_0000001232
SBA EIDL - All State Towing [REDACTED] 8101 (Artur Ayyazyan)	DOJ_PROD_0000001233	DOJ_PROD_0000001306
SBA EIDL - Fadehaus Barbershop # [REDACTED] 7904	DOJ_PROD_0000001307	DOJ_PROD_0000001377
SBA EIDL - Fiber One # [REDACTED] 79-00	DOJ_PROD_0000001378	DOJ_PROD_0000001448
SBA EIDL - Fiber One Media # [REDACTED] 79-00	DOJ_PROD_0000001449	DOJ_PROD_0000001522
SBA EIDL - G&A Diamonds # [REDACTED] 7909	DOJ_PROD_0000001523	DOJ_PROD_0000001595
SBA EIDL - Journeymen Construction # [REDACTED] 74-09	DOJ_PROD_0000001596	DOJ_PROD_0000001650
SBA EIDL - Nelson's Nursery # [REDACTED] 7903	DOJ_PROD_0000001651	DOJ_PROD_0000001721
SBA EIDL - Redline Auto Collision # [REDACTED] 7801	DOJ_PROD_0000001722	DOJ_PROD_0000001785
SBA EIDL - Redline Auto Mechanics # [REDACTED] 8009	DOJ_PROD_0000001786	DOJ_PROD_0000001857
SBA EIDL - TM Events - # [REDACTED] 08102	DOJ_PROD_0000001858	DOJ_PROD_0000001930
SBA EIDL - Top Quality Contracting # [REDACTED] 7402	DOJ_PROD_0000001931	DOJ_PROD_0000002000
Selected Photographs from Digital Devices Seized Incident to Arrests of R. AYVAZYAN and TERABELIAN	DOJ_PROD_0000002001	DOJ_PROD_0000002056

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Criminal History Report: Arthur Ayvazyan	DOJ_PROD_0000002057	DOJ_PROD_0000002134
Criminal History Report: Richard Ayvazyan	DOJ_PROD_0000002135	DOJ_PROD_0000002193
Criminal History Report: Tamara Dadyan	DOJ_PROD_0000002194	DOJ_PROD_0000002294
Criminal History Report: Victoria Kauichko	DOJ_PROD_0000002295	DOJ_PROD_0000002329
Criminal History Report: Marietta Terabelian	DOJ_PROD_0000002330	DOJ_PROD_0000002338
CBP Reports - 10.19.2020 Secondary Inspection in Miami	DOJ_PROD_0000002339	DOJ_PROD_0000002358
SBA Loan # [REDACTED] 7903 - Time Line Transport	DOJ_PROD_0000002359	DOJ_PROD_0000002429
SBA App # [REDACTED] 2057 - Top Quality Construction - TCF National Bank	DOJ_PROD_0000002430	DOJ_PROD_0000002439
SBA App # [REDACTED] 1035 - Time Line Transport - Radius Bank	DOJ_PROD_0000002440	DOJ_PROD_0000002449
SBA Loan # [REDACTED] 7202 - Top Quality Construction - Customers Bank	DOJ_PROD_0000002450	DOJ_PROD_0000002457
SBA Loan # [REDACTED] 7406 - Time Line Transport - Celtic	DOJ_PROD_0000002458	DOJ_PROD_0000002465
SBA Loan # [REDACTED] 7706 - Top Quality Contractors	DOJ_PROD_0000002466	DOJ_PROD_0000002473
SBA Loan # [REDACTED] 7304 - Mark Zindroski dba Top Quality Construction - Celtic	DOJ_PROD_0000002474	DOJ_PROD_0000002481
SBA Loan - ReadyCap Lending - Top Quality Contracting - SBA # [REDACTED] 7202	DOJ_PROD_0000002482	DOJ_PROD_0000002546
Search Warrant Application and Affidavit: 2-20-MJ-05282	DOJ_PROD_0000002552	DOJ_PROD_0000002640
Search Warrant Application and Affidavit: 2-20-MJ-05284	DOJ_PROD_0000002641	DOJ_PROD_0000002729
Search Warrant Application and Affidavit: 2-20-MJ-05285	DOJ_PROD_0000002730	DOJ_PROD_0000002818
Search Warrant Application and Affidavit: 2-20-MJ-05286	DOJ_PROD_0000002819	DOJ_PROD_0000002909
Search Warrant Application and Affidavit: 2-20-MJ-05288	DOJ_PROD_0000002910	DOJ_PROD_0000003000
Search Warrant Application and Affidavit: 2-20-MJ-05289	DOJ_PROD_0000003001	DOJ_PROD_0000003091

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Search Warrant Application and Affidavit: 2-20-MJ-05290	DOJ_PROD_0000003092	DOJ_PROD_0000003182
Search Warrant Application and Affidavit: 2-20-MJ-05292	DOJ_PROD_0000003183	DOJ_PROD_0000003269
Search Warrant Application and Affidavit: 2-20-MJ-05293	DOJ_PROD_0000003270	DOJ_PROD_0000003356
Search Warrant Application and Affidavit: 2-20-MJ-05294	DOJ_PROD_0000003357	DOJ_PROD_0000003443
Search Warrant Application and Affidavit: 2-20-MJ-05296	DOJ_PROD_0000003444	DOJ_PROD_0000003530
Search Warrant Application and Affidavit: 2:20-MJ-05484	DOJ_PROD_0000003531	DOJ_PROD_0000003663
Surveillance Photos - Richard Ayvazyan	DOJ_PROD_0000003664	DOJ_PROD_0000003673
Surveillance Photos - Trash Covers	DOJ_PROD_0000003674	DOJ_PROD_0000003752
Surveillance Garbage Pick Up 2020.10.22	DOJ_PROD_0000003753	DOJ_PROD_0000003771
2020.07.21 M [REDACTED] Z [REDACTED] Interview Memo	DOJ_PROD_0000003772	DOJ_PROD_0000003773
2020.08.04 M [REDACTED] Z [REDACTED] Interview Memo and Attachments	DOJ_PROD_0000003774	DOJ_PROD_0000003801
US Bank: Arthur Ayvazyan and Allstate Towing	DOJ_PROD_0000003802	DOJ_PROD_0000003834

United States v. Ayvazyan et al.,
No. CR 20-579-SVW

**GOVERNMENT'S REPLY BRIEF IN SUPPORT OF ITS EX PARTE APPLICATION
FOR (1) CONTINUANCE OF TRIAL DATE AND (2) FINDINGS OF EXCLUDABLE
TIME PURSUANT TO THE SPEEDY TRIAL ACT**

EXHIBIT 2

**United States Department of Justice****United States Attorney's Office
Central District of California**

Julian L. André
Phone: (213) 894-6683
E-mail: Julian.L.Andre@usdoj.gov

1100 United States Courthouse
312 North Spring Street
Los Angeles, California 90012

BY FEDEX & EMAIL

December 17, 2020

Ashwin J. Ram
Michael A. Keough
Nicholas P. Silverman
Steptoe & Johnson LLP
633 West Fifth Street, Suite 1900
Los Angeles, CA 90071

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Los Angeles, CA 90017

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Bienert Katzman PC
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Counsel for Artur Ayvazyan

Fred G. Minassian
Law Offices of Fred G. Minassian, Inc.
101 N. Brand Blvd., Suite 1970
Glendale, CA 91203

Counsel for Tamara Dadyan

Re: United States v. Ayvazyan et. al.
No. CR 2:20-cr-00579-SVW
Discovery Production Volume 2

Dear Counsel:

Pursuant to your clients' requests for discovery and the Court's protective order (see CR 92), enclosed please find an encrypted flash drive with discovery bearing Bates Numbers DOJ_PROD_0000003835 to DOJ_PROD_0000016802 and an attached index.¹ These discovery materials are also being uploaded to Steptoe & Johnson's file sharing system as you requested. The government will continue to produce any additional discovery materials to which your clients are entitled on a rolling basis as they are processed and become available for production.

¹ The password to access the discovery materials will be emailed to you separately.

RE: United States v. Ayvazyan et. al

December 17, 2020

Page 2

The government will make available for your inspection any item of evidence referred to above, as well as any other evidence seized from your client and/or which the government intends to offer in its case-in-chief. Please contact me to arrange a mutually convenient time for your inspection of such items.

The government will produce to you any additional Jencks material—including any relevant grand jury transcripts, assuming a Rule 6(e) order has been issued—one week before trial if you agree to the production of reciprocal Jencks material at that time or affirmatively represent that you have no Jencks material to produce. Please inform me whether such an arrangement is acceptable to you.

The enclosed materials and information and any future discovery provided to you may exceed the scope of discovery mandated by the Federal Rules of Criminal Procedure, federal statute or relevant case law, and this discovery is provided voluntarily and solely as a matter of discretion. By producing such materials to you, the government does not waive its right to object to any future discovery requests beyond the scope of its legal obligations.

With this letter the government requests all reciprocal discovery to which it is entitled under Rules 16(b) and 26.2 of the Federal Rules of Criminal Procedure. The government also requests notice of any intention of your client to rely on an entrapment defense, or a defense involving mental condition or duress, and/or an alibi defense. Pursuant to Federal Rule of Criminal Procedure 12.1, the dates, times, and places of the charged offenses are detailed within the documents included within the discovery. Please contact me immediately if you believe that this notice is insufficient.

Please let me know if you have any questions, or would like to further discuss any of the matters raised above.

Very truly yours,



JULIAN L. ANDRÉ
Assistant United States Attorney
Major Frauds Section



Christopher Fenton
Trial Attorney
Department of Justice
Criminal Division

Enclosure

United States v. Ayvazyan et. al
Discovery Production 2 – Volume 2
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Description	Production BEGDOC	Production ENDDOC
Bank of America: Allstate Towing and Transport LLC	DOJ_PROD_0000003835	DOJ_PROD_0000003910
Bank of America: Iuliia Zhadko dba Top Quality Contracting	DOJ_PROD_0000003911	DOJ_PROD_0000003986
Bank of America: Allstate Towing and Transport LLC	DOJ_PROD_0000003987	DOJ_PROD_0000003987
Bank of America: Runyan Tax Service, Inc.	DOJ_PROD_0000003988	DOJ_PROD_0000004036
Bank of America: Redline Auto Mechanics	DOJ_PROD_0000004037	DOJ_PROD_0000004101
Bank of America: Anton Kudiumov	DOJ_PROD_0000004102	DOJ_PROD_0000004133
AT&T Phone records: [REDACTED] (E [REDACTED] F [REDACTED]) [REDACTED] (A [REDACTED] K [REDACTED])	DOJ_PROD_0000004134	DOJ_PROD_0000004395
Beverly Hills Escrow: 834 Calle La Primavera Glendale, CA	DOJ_PROD_0000004396	DOJ_PROD_0000005305
Charter Communications: IP Address [REDACTED] (Victor Kauichko)	DOJ_PROD_0000005306	DOJ_PROD_0000005311
Google: [REDACTED]@gmail.com [REDACTED]@gmail.com [REDACTED]@GMAIL.COM [REDACTED]@gmail.com	DOJ_PROD_0000005312	DOJ_PROD_0000005336
Radius Bank: Time Line Transport/Iuliia Zhadko	DOJ_PROD_0000005337	DOJ_PROD_0000005357
Radius Bank: Nazar Terabelian/Mod Interiors Inc.	DOJ_PROD_0000005358	DOJ_PROD_0000005378
Wells Fargo Bank: Viktoria Kauichko	DOJ_PROD_0000005379	DOJ_PROD_0000005480
Encore Escrow: Time Line Transport, Inc. and Iuliia Zhadko	DOJ_PROD_0000005481	DOJ_PROD_0000006009
Landmark Escrow: [REDACTED], Woodland Hills, CA 91367; A [REDACTED] M [REDACTED] and R [REDACTED] A [REDACTED]	DOJ_PROD_0000006010	DOJ_PROD_0000006318
Miami Federal Detentions Center Jail Calls: Richard Avazyan and Marietta Terabelian	DOJ_PROD_0000006319	DOJ_PROD_0000006324
Perfect Escrow: Viktoria Kauichko	DOJ_PROD_0000006325	DOJ_PROD_0000007891
Radius Bank: A [REDACTED] K [REDACTED] TimeLine Transport, TM Events, Nazar Terabelian, Fadehaus Barbershop	DOJ_PROD_0000007892	DOJ_PROD_0000008017
Robinhood: Iuliia Zhadko	DOJ_PROD_0000008018	DOJ_PROD_0000008504
T.Mobile Phone Records: [REDACTED] (Iuliia Zhadko) [REDACTED] (Tamara Dadyan) [REDACTED] (Viktoria Kauichko) [REDACTED] (Viktoria Kauichko)	DOJ_PROD_0000008505	DOJ_PROD_0000008522
Verizon Phone Records: [REDACTED] (A [REDACTED] K [REDACTED]) [REDACTED] (M [REDACTED] Z [REDACTED]) [REDACTED] (A [REDACTED] [REDACTED] n/Viktoria Kauichko) [REDACTED] (A [REDACTED] [REDACTED]) 818.644.7103 (Arthur Ayvazyan)	DOJ_PROD_0000008523	DOJ_PROD_0000008607
Yahoo: [REDACTED]@yahoo.com [REDACTED]@yahoo.com [REDACTED]@yahoo.com [REDACTED]@yahoo.com	DOJ_PROD_0000008608	DOJ_PROD_0000008673

United States v. Ayvazyan et. al
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AT& T Phone Records: (G [REDACTED] A [REDACTED]) (O [REDACTED] M [REDACTED]) (Tamara Dadyan) (A [REDACTED] G [REDACTED]) (V [REDACTED] A [REDACTED]) (Tamara Dadyan/A [REDACTED] D [REDACTED]) 818-956-8761 (A [REDACTED] D [REDACTED])	DOJ_PROD_0000008674	DOJ_PROD_0000016626
Charter Communications: IP Address (Victor Kauichko)	DOJ_PROD_0000016627	DOJ_PROD_0000016644
Time Pieces: Iuliia Zhadko and Time Line Transport, Inc.	DOJ_PROD_0000016645	DOJ_PROD_0000016651
LogMein Phone Records: (A [REDACTED])	DOJ_PROD_0000016652	DOJ_PROD_0000016657
US Bank: A [REDACTED] G [REDACTED] and G&A Diamonds	DOJ_PROD_0000016658	DOJ_PROD_0000016802

United States v. Ayvazyan et al.,
No. CR 20-579-SVW

GOVERNMENT'S REPLY BRIEF IN SUPPORT OF ITS EX PARTE APPLICATION
FOR (1) CONTINUANCE OF TRIAL DATE AND (2) FINDINGS OF EXCLUDABLE
TIME PURSUANT TO THE SPEEDY TRIAL ACT

EXHIBIT 3



United States Department of Justice

United States Attorney's Office Central District of California

Julian L. André
Phone: (213) 894-6683
E-mail: Julian.L.Andre@usdoj.gov

1100 United States Courthouse
312 North Spring Street
Los Angeles, California 90012

BY FEDEX & EMAIL

December 18, 2020

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Counsel for Artur Ayvazyan

Fred G. Minassian
Law Offices of Fred G. Minassian, Inc.
101 N. Brand Blvd., Suite 1970
Glendale, CA 91203

Counsel for Tamara Dadyan

Re: United States v. Ayvazyan et. al.,
No. CR 2:20-cr-00579-SVW
Discovery Production Volume 3

Dear Counsel:

Pursuant to your clients' requests for discovery and the Court's protective order (see CR 92), enclosed please find a zip file with discovery bearing Bates Numbers DOJ_PROD_0000016803 to DOJ_PROD_0000016827 and an attached index.¹ These discovery materials are also being uploaded to Steptoe & Johnson's file sharing system as you requested. The government will continue to produce any additional discovery materials to which your clients are entitled on a rolling basis as they are processed and become available for production.

¹ The password to access the discovery materials will be emailed to you separately.

RE: United States v. Ayvazyan et. al

December 17, 2020

Page 2

The government will make available for your inspection any item of evidence referred to above, as well as any other evidence seized from your client and/or which the government intends to offer in its case-in-chief. Please contact me to arrange a mutually convenient time for your inspection of such items.

The government will produce to you any additional Jencks material—including any relevant grand jury transcripts, assuming a Rule 6(e) order has been issued—one week before trial if you agree to the production of reciprocal Jencks material at that time or affirmatively represent that you have no Jencks material to produce. Please inform me whether such an arrangement is acceptable to you.

The enclosed materials and information and any future discovery provided to you may exceed the scope of discovery mandated by the Federal Rules of Criminal Procedure, federal statute or relevant case law, and this discovery is provided voluntarily and solely as a matter of discretion. By producing such materials to you, the government does not waive its right to object to any future discovery requests beyond the scope of its legal obligations.

With this letter the government requests all reciprocal discovery to which it is entitled under Rules 16(b) and 26.2 of the Federal Rules of Criminal Procedure. The government also requests notice of any intention of your client to rely on an entrapment defense, or a defense involving mental condition or duress, and/or an alibi defense. Pursuant to Federal Rule of Criminal Procedure 12.1, the dates, times, and places of the charged offenses are detailed within the documents included within the discovery. Please contact me immediately if you believe that this notice is insufficient.

Please let me know if you have any questions, or would like to further discuss any of the matters raised above.

Very truly yours,



JULIAN L. ANDRÉ
Assistant United States Attorney
Major Frauds Section



Christopher Fenton
Trial Attorney
Department of Justice
Criminal Division

Enclosure

United States v. Ayvazyan et. al
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Description	Production BEGDOC	Production ENDDOC
Broward County Jail Calls: Marietta Terabelian	DOJ PROD 0000016803	DOJ PROD 0000016817
Broward County Jail Calls: Richard Ayvazyan	DOJ PROD 0000016818	DOJ PROD 0000016821
Fact of Filing Letters	DOJ PROD 0000016822	DOJ PROD 0000016827

United States v. Ayvazyan et al.,
No. CR 20-579-SVW

GOVERNMENT'S REPLY BRIEF IN SUPPORT OF ITS EX PARTE APPLICATION
FOR (1) CONTINUANCE OF TRIAL DATE AND (2) FINDINGS OF EXCLUDABLE
TIME PURSUANT TO THE SPEEDY TRIAL ACT

EXHIBIT 4



United States Department of Justice

United States Attorney's Office Central District of California

Julian L. André
Phone: (213) 894-6683
E-mail: Julian.L.Andre@usdoj.gov

1100 United States Courthouse
312 North Spring Street
Los Angeles, California 90012

December 10, 2020

VIA EMAIL

Ashwin J. Ram
Michael A. Keough
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Fred G. Minassian
Law Offices of Fred G. Minassian, Inc.
101 N. Brand Blvd., Suite 1970
Glendale, CA 91203

Re: United States v. Ayvazyan et al.,
No. CR 20-579-SVW

Dear Counsel:

We write regarding discovery in United States v. Ayvazyan et al., No. CR 20-579-SVW. As you are likely aware, the government executed a number of search warrants in connection with its investigation, pursuant to which it seized physical evidence and a number of digital devices. We write to arrange for these materials to be made available to you for your inspection and review as soon as practicable.

Physical Evidence

During the execution of search warrants in this case, the government seized a significant amount of physical evidence. The vast majority of the physical evidence consists of documents and other paper records. Due to the volume of the documentary evidence seized, the FBI will transport this physical evidence to another FBI facility to be scanned and photographed so that electronic copies can then be produced to you in discovery. During the scanning and

Counsel for Defendants

RE: United States v. Ayvazyan, No. CR 20-579-SVW

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photographing process, the physical evidence will be unavailable for the defense to review. This process may take at least a few weeks.

For that reason, before the FBI sends the documentary evidence out to be scanned and photographed for discovery purposes, we would like to make it available to you for your inspection and review at the FBI's office in Los Angeles, California. Please let us know as soon as possible, but no later than the 12:00 pm on Monday, December 14, whether you would like to come view the physical evidence at FBI's offices next week so we can make the necessary arrangements.

Please note that due to current health and safety precautions regarding COVID-19, however, that the FBI will likely only be accommodate one lawyer on behalf each of defendant. If none of the counsel for the defendants are interested in reviewing the physical evidence at the FBI's offices at this time, we will immediately proceed to have the physical evidence scanned and photographed.

Digital Devices

During the execution of search warrants, the government also seized a number of digital devices. The government proposes to produce to all four defendants complete forensic copies of any accessible digital devices that were seized from the four defendants in connection with this investigation. For example, the government proposes that forensic copies of the digital devices seized from defendant Richard Ayvazyan be produced to all four defendants, and forensic copies of the digital devices seized from defendant Tamara Dadyan's residence be produced to all four defendants. If you have an objection to the government's proposal, please let us know immediately so that we can confer as soon as possible.

The FBI is diligently working to image and process these digital devices, so that the digital evidence can then be produced to the defense on a rolling basis. In order to expedite this process, we request you provide the government with at least one 2TB external hard-drive that the FBI can use to load the digital data.¹ Please have the external hard-drive mailed to FBI Special Agent Justin Palmerton at the following address:

Justin Palmerton, Special Agent
Federal Bureau of Investigation
11000 Wilshire Blvd, Suite 1700
Los Angeles, California 90024

¹ The FBI prefers that you each provide a new external hard-drive in sealed packaging, as this could eliminate the need for the FBI to wipe the external hard-drive before loading the data, a process which takes additional time and could cause delay.

Counsel for Defendants

RE: United States v. Ayvazyan, No. CR 20-579-SVW

December 10, 2020

Page 3

Please note that due to a number of factors, including current staffing limitations caused by COVID-19, it may take more time for the FBI to process and copy the digital devices than usual. Accordingly, we plan to produce copies of the digital devices to you on a rolling basis as the evidence becomes available. At this time, we have asked the FBI to prioritize processing the digital devices seized incident to the arrests of defendants Richard Ayvazyan and Marietta Terabelian in Miami, Florida. If there are other digital devices you would like us to prioritize, please let us know and we will do our best to accommodate those requests.

Please let us know if you would like to discuss these issues further or have any questions.

Very truly yours,



JULIAN L. ANDRÉ

Assistant United States Attorney

Major Frauds Section

cc: Christopher Fenton, Trial Attorney, U.S. Department of Justice

United States v. Ayvazyan et al.,
No. CR 20-579-SVW

GOVERNMENT'S REPLY BRIEF IN SUPPORT OF ITS EX PARTE APPLICATION
FOR (1) CONTINUANCE OF TRIAL DATE AND (2) FINDINGS OF EXCLUDABLE
TIME PURSUANT TO THE SPEEDY TRIAL ACT

EXHIBIT 5

From: [Jennifer Wirsching](#)
To: [Andre, Julian L. \(USACAC\)](#)
Cc: mesereau@mesereaulaw.com; [Fenton, Christopher \(CRM\)](#)
Subject: Re: US v. Ayvazyan
Date: Monday, December 14, 2020 12:45:13 PM

Julian and Chris -

We are formally requesting Rule 16 discovery as requested by all other co-defendants in this matter.

Thank you,

Jennifer

Sent from my iPhone

On Dec 14, 2020, at 12:43 PM, Andre, Julian L. (USACAC)
<Julian.L.Andre@usdoj.gov> wrote:

Counsel:

We are preparing to send out the government's first discovery production, but have yet to receive a discovery request from your client, defendant Artur Ayvazyan. Please confirm that you are requesting discovery under Rule 16. Thank you.

Julian

Julian L. André
Assistant United States Attorney
Major Frauds Section
United States Courthouse, Suite 1100
312 N. Spring St. | Los Angeles, California 90012
T: 213.894.6683 | julian.l.andre@usdoj.gov

United States v. Ayvazyan et al.,
No. CR 20-579-SVW

GOVERNMENT'S REPLY BRIEF IN SUPPORT OF ITS EX PARTE APPLICATION
FOR (1) CONTINUANCE OF TRIAL DATE AND (2) FINDINGS OF EXCLUDABLE
TIME PURSUANT TO THE SPEEDY TRIAL ACT

EXHIBIT 6

From: [Andre, Julian L. \(USACAC\)](#)
To: [Law offices of Fred G. Minassian, Inc.](#)
Cc: [Fenton, Christopher \(CRM\)](#)
Subject: RE: US v. Ayvazyan et al., No. CR 20-579-SVW
Date: Monday, December 14, 2020 4:37:00 PM

Fred:

Provided your client completes and files the required bond paperwork by the current December 28, 2020, deadline, the government takes no position regarding the request and would defer to the Court. The government does not believe your client should be permitted to travel unless and until the bond paperwork (other than the certified deed) is complete and has been filed with the Court.

Thank you.

Julian

Julian L. André
Assistant United States Attorney
Major Frauds Section
United States Courthouse, Suite 1100
312 N. Spring St. | Los Angeles, California 90012
T: 213.894.6683 | julian.l.andre@usdoj.gov

From: Law offices of Fred G. Minassian, Inc. <fgminassianlaw@yahoo.com>
Sent: Monday, December 14, 2020 12:00 PM
To: Andre, Julian L. (USACAC) <JAndre1@usa.doj.gov>
Subject: Re: US v. Ayvazyan et al., No. CR 20-579-SVW

Dear Julian,
Hope this email finds you well.
I was inquiring if you would have an objection for my client to travel to Aspen Colorado from 12/30 thru 1/4/21.
Please be advised that these arrangements were made prior to her being indicted in the above referenced case.
Further, pretrial services has no objection to said travel.
Best,
Fred

[Sent from Yahoo Mail for iPhone](#)

On Thursday, December 10, 2020, 4:45 PM, Andre, Julian L. (USACAC) <Julian.L.Andre@usdoj.gov> wrote:

Counsel:

Please see the attached correspondence. Thank you.

Julian L. André

Assistant United States Attorney

Major Frauds Section

United States Courthouse, Suite 1100

312 N. Spring St. | Los Angeles, California 90012

T: 213.894.6683 | julian.landre@usdoj.gov