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14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**

16 UNITED STATES OF AMERICA,
17

18 *Plaintiff,*

19 v.
20

21 RICHARD AYVAZYAN,
22 MARIETTA TERABELIAN,
23 ARTUR AYVAZYAN,
TAMARA DADYAN,

24 *Defendants.*
25
26
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Case No. 20-CR-00579-SVW

**DEFENDANTS ARTUR
AYVAZYAN'S AND TAMARA
DADYAN'S NOTICE OF MOTION
TO SUPPRESS AND RETURN
PROPERTY SEIZED IN SEARCH
OF SUBJECT PREMISES-4 AND
MEMORANDUM IN SUPPORT**

Hon. Stephen V. Wilson

Date: April 12, 2021

Time: 11:00a.m.

**NOTICE OF MOTION TO SUPPRESS AND RETURN PROPERTY
SEIZED IN SEARCH OF SUBJECT PREMISES-4**

TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on Monday, April 12, 2021 or as soon as this counsel may be heard in Courtroom 10A of this Court at 350 W. 1st Street, 10th Floor, Los Angeles, CA 90012, Defendants Artur Ayvazyan (“Ayvazyan”) and Tamara Dadyan (“Dadyan”), through undersigned counsel, will move the Court to suppress and return property seized in search of Subject Premises-4. This motion is based on this notice, the accompanying memorandum of points and authorities, the Declaration of Tamara Dadyan filed concurrently with this motion, any reply that Ayvazyan and/or Dadyan may make, such other evidence and arguments as may be presented at or prior to the hearing, and all records and files in this action.

Dated: March 15, 2021

/s/Thomas A. Mesereau, Jr.

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MEMORANDUM OF POINTS AND AUTHORITIES

Defendants Artur Ayvazyan and Tamara Dadyan, through undersigned counsel, move this Court to suppress evidence collected during the unlawful search of their family's home, Premises-4, and for the return of unlawfully seized property. As discussed below, this relief is necessary because the Warrant lacked particularity, and was overbroad.

I. PRELIMINARY STATEMENT

The search warranted executed on November 5, 2020 in Encino authorized a search of a husband, his wife and the home they share with their two young daughters. The warrant failed to adequately limit those searches. Instead, it allowed agents to seize any item or document they chose to seize. Such overbroad and unparticularized searches violate the abiding belief that a family's home is their sanctuary. Such warrants also violate the 4th amendment which the framers drafted with that exact protection of home and hearth in mind.

The overbreadth, and lack of particularity were not the result of mistake or lack of information about what items may be related to the pending charges. The alleged PPP loan fraud purportedly ran from March 27, 2020 when the CARES Act was passed until approximately July 2020. *See* Affidavit¹ ¶ 16 (stating that the alleged scheme began in or around March 2020 and "continu[ed] through at least in or around July 2020" in the summary of Probable Cause); *see also* Dkt. 1, Complaint, Statement of Facts Constituting the Offense (same). The probable cause statement related to conduct beginning on March 27, 2020 did not justify the seizure of property obtained prior to that date. While the government needs to link supposed proceeds of the alleged offense to property, in this case, they seized items which could obviously not have been proceeds.

¹ The terms "Affidavit" and "Warrant" refer to the Application for a Warrant by Telephone or Other Reliable Electronic Means for Premises-4 issued on November 3, 2020, docketed at *In re Search of [Redacted]*, Tarzana, CA 91356, No. 2:20-mj-5282, Dkt. 1 (C.D. Cal. Nov. 3, 2020) and produced to the defense as DOJ_PROD_0000002552

1 In an exacerbation of the overbreadth and lack of particularity of the Warrant, the
2 agents themselves made no attempt to limit their actions in their execution. Rather, they
3 acted with abandon. They seized a child's pink birthday card and the envelope
4 containing the card and her savings. Because the Warrant's overbreadth and execution
5 in this case was unconstitutional, sections IV.A, and IV.B, below request that the Court
6 suppress the evidence seized from Search Premises-4 and order its return.

7 Setting aside the question of suppression, Section IV.C and Section IV.D request
8 the return of non-responsive physical property and any digital device data that has not
9 been marked responsive now that the time for doing so has expired.

10 11 **II. STATEMENT OF FACTS REGARDING SEARCH OF SUBJECT** 12 **PREMISES-4**

13 **A. Dangerous and Inappropriate Misconduct at a Family Home**

14 At dawn on November 5, 2020, approximately 30 law enforcement officers
15 dressed for war ransacked the home of defendant Artur Ayvazyan and his wife and co-
16 defendant Tamara Dadyan. They did so under the color of law, brandishing a deeply
17 flawed warrant as a hall pass to do whatever they wished.

18 Despite the non-violent, white-collar nature of the allegations in this case, the
19 officers dressed and behaved as though they were soldiers entering a terrorist camp in a
20 war zone instead of officers entering a peaceful family home. From their days of
21 observation, the officers knew who was home: Ayvazyan, Dadyan, their 14-year-old
22 daughter A.A., and their 13-year-old daughter N.A. The affidavit alleged no threat of
23 violence or resistance and of course, the officers encountered none. This was a search
24 of a family home typically conducted by law enforcement in a peaceful manner to avoid
25 injuring or traumatizing children and relatives. The opposite occurred in this case.

26 Approximately 30 agents—many loaded onto a military-style vehicle and
27 accompanied by an armored Humvee—carried assault rifles and wore camouflage body
28

armor and helmets.



Ayvazyan, hearing a loud bang ran to the front door and was standing in front of it when the door exploded inward. Ayvazyan stood there with his hands up pleading “DON’T SHOOT, I’M UNARMED! MY WIFE AND CHILDREN ARE HERE!” In

1 response agents threw a smoke grenade into the hallway where Ayvazyan was standing.
2 Agents, brandishing assault rifles, threw more smoke grenades into the home, one
3 landing inside N.A.'s bedroom, and hitting her in the foot. With laser beams pointed at
4 the chests of Ayvazyan, Dadyan and their terrified young daughters, agents continued
5 shouting "DON'T MOVE, LET ME SEE YOUR HANDS" and "FBI – I'LL SHOOT,
6 LET ME SEE YOUR HANDS" at the terrified family.



19 Despite repeated assurances of compliance, the agents brandished their assault
20 rifles at the children and continued shouting. The terrified family peacefully walked
21 outside with their hands above their heads. The traumatized family was then lead
22 barefoot, and in their pajamas, approximately half a block away in full view of their
23 neighbors.

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The officers' execution of the warrant was unprecedented in its flagrant disregard for the trauma they were inflicting. Ayvazyan and Dadyan's young daughters have since reported suffering from trauma related to the violent raid including nightmares and PTSD brought on by loud noises like a doorbell. The officers inflicted this punishment—at best—in reckless disregard for the fact that the warrant did not authorize it.

B. Seizure of Valuables Unrelated to the Alleged Probable Cause

The officers shot, broke, covered up and redirected the home's security cameras to avoid having their search warrant execution memorialized. They had already used a truck to pull apart the gate surrounding the home - despite lacking probable cause or permission for a no-knock warrant. The destroyed gate was then pulled open by a tow line to allow an armored vehicle into the front area of the yard. The agents then

1 proceeded to break down the front door of the home with a battering ram. Agents
2 appear to have seized anything that looked like it was valuable without probable cause
3 to believe that the valuable items were evidence, instrumentalities, or proceeds of the
4 alleged fraud scheme (which spanned from March 27, 2020 when the CARES Act was
5 passed until approximately July 2020, *see* Affidavit ¶ 16 (stating that the alleged
6 scheme began in or around March 2020 and “continu[ed] through at least in or around
7 July 2020” in the Summary of Probable Cause); Complaint, Statement of Facts
8 Constituting the Offense (same).

9 The officers seized two of Ayvazyan’s navigations system for his truck. These
10 devices function to calculate truck weights, width, and navigation to/from destinations.
11 Agents even took the pink envelope with A.A.’s first name written on it, containing the
12 14year-old’s life savings of \$2,600 from birthdays and other holidays.

13 **C. Underlying Affidavit and Search Warrant for Search of Subject**
14 **Premises-4**

15 As summarized in the Affidavit’s “Statement of Probable Cause,” there was no
16 probable cause justifying these seizures. The Affidavit summarizes an alleged
17 PPP/EIDL loan fraud scheme running from those programs’ initiation on March 27,
18 2020 through approximately July 2020. *See* Affidavit ¶ 16. The probable cause to
19 search Subject Premises-4 is set out in two sections of the Affidavit’s Statement of
20 Probable Cause (Part VI):

- 21 • Part VI Section E (“Statement of Probable Cause” for “Subject Premises-4”)
22 alleges that the premises are occupied by Ayvazyan and Dadyan. And that PPP
23 loans were obtained from companies using the home as an address. Affidavit ¶
24 39.
- 25 • Part VI Section I (“Statement of Probable Cause” “that Evidence, Fruits, and
26 Instrumentalities of the Subject Offenses Will Be Found at Subject Premises 1-7
27

28 ² *In re Search of [Redacted], Tarzana, CA 91356*, No. 2:20-mj-5282, Dkt. 1 (C.D. Cal. Nov. 3, 2020)
and produced to the defense as DOJ_PROD_0000002552

1 and on the Subject Persons”) alleges a variety of practices that the affiant thinks
2 are typical in his experience. No allegations specific to Ayvazyan or Dadyan are
3 included. Affidavit ¶ 62.

4 In short, the Affidavit argues that there is probable cause to believe that since the
5 passage of the CARES Act on March 27, 2020, and that proceeds from these post-
6 March 27, 2020 loans exist in some unspecified form in Ayvazyan and Dadyan’s home.
7 There is no allegation that any proceeds are in the form of truck navigation systems, or
8 a child’s birthday card and savings acquired before March 27, 2020 are evidence,
9 instrumentalities, or proceeds from the alleged scheme.

10 The Warrant for Subject Premises-4 however, goes much further than the
11 Affidavit’s allegations. Instead of cabining the seizures to the evidence,
12 instrumentalities, and proceeds of the alleged March-July 2020 scheme, the Warrant
13 appears to leave officers with discretion to seize whatever they wish.

14 The opening paragraph of the Warrant renders the rest of the document irrelevant
15 by defining all items and records related to Ayvazyan or Dadyan (or either of their co-
16 defendants) as “evidence” to be seized. Paragraph 1.a of the “Items to be Seized”
17 instructs officers to seize all “[r]ecords or items concerning [Ayvazyan and/or Dadyan’s
18 business or a series of businesses affiliated with Ayvazyan, Dadyan, and their co-
19 defendants], or any affiliated ... individuals.” Warrant Attach. B ¶ 1.a. Because
20 Ayvazyan and Dadyan were alleged to be the owners of the referenced companies,
21 Ayvazyan and Dadyan were encompassed within the expansive term “affiliated
22 individuals.” This first paragraph—standing alone—granted officers discretion to seize
23 any item related to Ayvazyan or Dadyan anywhere in their own home without regard to
24 content or time period.

25 The first paragraph, however, does not stand alone. Instead, the Warrant went
26 further—endowing the officers with discretion to seize:

- 27 • Any cash irrespective of whether it was a proceed of the alleged fraud. Warrant
28 ¶ 1.r (noting that as long as there was over \$1,000 in the premises and the

persons to be searched then officers were given discretion to seize any cash on hand).

- Any “financial records” including tax, bank, corporate, and “other financial records” regardless of which person or company they regarded. Warrant ¶ 1.i.
- Any “[b]anking and financial records” regardless of whether they related to the alleged scheme. Warrant ¶ 1.m.
- Any travel records and passports regardless of who they relate to encompassing, for example, the children’s passports. Warrant ¶ 1.p.
- Any digital device capable of storing data regardless of the apparent owner. Warrant ¶ 6.

The warrant defined each item in these categories as evidence, instrumentalities, or proceeds of the alleged scheme despite the patent inaccuracy from that definition. The officers seized upon that discretion to rummage through the Ayvazyan/Dadyan family’s home and seize property with impunity.

III. LEGAL STANDARD

The Legal Standard contained in Section III of Richard Ayvazyan’s Motion to Suppress and Return Property Seized in Search of Subject Premises-1 applies equally to the search warrant and search of Subject Premises-4. We hereby adopt it in full and incorporate it by reference here.³

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³ Notice of Motion and Motion to Suppress and Return Property Seized in Search of Subject Premises -1 and Memorandum in Support by Richard Ayvazyan, No. 2:20-cr-00579-SVW, Dkt. 146, at 12-13. (C.D. Cal. Mar. 11, 2021)

1 **IV. ARGUMENT**

2 **A. The Seized Property Should be Suppressed and Returned Because**
3 **the Search Warrant Lacks Particularity**

4 The unconstitutional lack of particularity summarized in Section IV.A of
5 Richard Ayvazyan's Motion to Suppress and Return Property Seized in Search of
6 Subject Premises-1 applies equally to the search warrant for Subject Premises-4.
7 Indeed, the pertinent language was identical.⁴ We hereby adopt Section IV.A of
8 Richard Ayvazyan's argument in full and incorporate it by reference here.

9 The Warrant authorized seizures lacking the probable cause alleged by the affiant
10 and was therefore unconstitutionally lacking in particularity. The property seized
11 pursuant to that warrant should be suppressed and returned.

12
13 **B. The Seized Property Should Be Suppressed and Returned Because**
14 **the Warrant Was Overbroad**

15 The unconstitutional overbreadth summarized in Section IV.B of Richard
16 Ayvazyan's Motion to Suppress and Return Property Seized in Search of Subject
17 Premises-1 applies equally to the search warrant and search of Subject Premises-4. The
18 pertinent language was identical⁵ and the overseizure was similar. We hereby adopt
19 Section IV.B of Richard Ayvazyan's argument in full and incorporate it by reference
20 here. Further, the warrant allowed for the seizure of a child's birthday card and its
21 envelope containing her savings, and two truck navigation systems that function to aid
22 in weigh-station compliance. The affidavit contains no allegations that proceeds of an
23 alleged offense had been used to purchase trucking implements, nor that somehow a 14-
24 year-old child's savings were in any way related to the allegations.

25 The result of the affiant's choices was a warrant that authorized seizures beyond
26

27 ⁴ *In re Search of [Redacted], Tarzana, CA 91356*, No. 2:20-mj-5282, Dkt. 1 (C.D. Cal. Nov. 3, 2020)
28 and produced to the defense as DOJ_PROD_0000002552

⁵ *Id.*

1 the probable cause alleged by the affiant and was therefore unconstitutionally
2 overbroad. The property seized pursuant to that warrant should be suppressed and
3 returned.

4 **C. All Non-Responsive Property Should be Returned Regardless of**
5 **Suppression**

6 The non-responsive property should be returned regardless of suppression. In
7 this case, the non-responsive property is A.A.'s birthday savings, and two truck
8 navigation systems. It should be returned promptly for the same reasons explained in
9 Section IV.D of Richard Ayvazyan's Motion to Suppress and Return Property Seized in
10 Search of Subject Premises-1.⁶

11 As explained *supra* in section I.B, the warrant fails to establish probable cause to
12 continue the seizure of the following property and it should therefore be returned:

- 13 • A.A.'s Birthday Savings
14 • Two Truck Navigation Systems
15 • Any other property for which the government lacks probable cause or which the
16 government concludes is non-responsive.

17 These items are non-responsive, and their seizure is not justified by the affidavit's
18 claimed probable cause.

19
20 **D. All Digital Device Data Not Marked Responsive by March 5, 2021**
21 **Should Be Returned Regardless of Suppression**

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23 The argument in Section IV.E of Richard Ayvazyan's Motion to Suppress and
24 Return Property Seized in Search of Subject Premises-1 applies equally to the property
25
26

27 ⁶ Notice of Motion and Motion to Suppress and Return Property Seized in Search of Subject Premises
28 -1 and Memorandum in Support by Richard Ayvazyan, No. 2:20-cr-00579-SVW, Dkt. 146, at 12-13.
(C.D. Cal. Mar. 11, 2021)

1 seized from Subject Premises-4. We hereby adopt Section IV.E of Richard Ayvazyan's
2 argument in full and incorporate it by reference here.
3

4 The 120-day period expired on March 5, 2020. As a result, any data from a
5 digital device seized during the search of Premises-4—including laptops, phones,
6 routers, or any other digital device—that was not marked as responsive and segregated
7 when the Warrant's authorization expired on March 5, 2020, must immediately be
8 returned.
9

10 11 12 **V. CONCLUSION**

13 For the foregoing reasons, the Court should grant Artur Ayvazyan and Tamara
14 Dadyan's motion and suppress any evidence seized during the search of Premises-4
15 (and any fruits of that evidence). Separately, all non-responsive property, as well as any
16 data from digital devices that was not marked and segregated as responsive by March 5,
17 2021 should be returned for the reasons set forth above.
18

19 Dated: March 15, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on March 15, 2021, I electronically filed the foregoing document with the clerk of the U.S District Court, Central District of California, using the electronic case filing system of the court to the following parties.

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