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8 UNITED STATES DISTRICT COURT
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA
10 WESTERN DIVISION

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 ARTUR AYVAZYAN,
15 Defendant.
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No. CR 20-00579-SVW-3
[PROPOSED] PRELIMINARY ORDER OF
FORFEITURE AS TO PERSONAL
PROPERTY AGAINST DEFENDANT
ARTUR AYVAZYAN

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18 Upon consideration of the application of Plaintiff, United
19 States of America, for a preliminary order of forfeiture and the
20 jury's special verdict determination on forfeiture with respect
21 to questions 1 through 24 and defendant's guilty conviction on
22 Counts One, Two through Twelve, Thirteen through Twenty, Twenty-
23 four and Twenty-six of the First Superseding Indictment, Rule
24 32.2(b) of the Federal Rules of Criminal Procedure, and good
25 cause appearing thereon, IT IS HEREBY ORDERED:

26 **I. FORFEITABLE PROPERTY**

27 For the reasons set out below, any right, title and
28 interest of defendant Artur Ayvazyan in the following described

1 property (hereinafter, the "Forfeitable Property") is hereby
2 forfeited to the United States. The Court finds that the
3 government has established the requisite nexus between the
4 Forfeitable Property and the offenses described in Counts One,
5 Two through Twelve, Thirteen through Twenty, Twenty-four and
6 Twenty-six of the First Superseding Indictment, which charge
7 defendant with 18 U.S.C. § 1349 (conspiracy to commit wire fraud
8 and bank fraud), 18 U.S.C. § 1343 (wire fraud), 18 U.S.C. §
9 1028A(a)(1) (aggravated identity theft), 18 U.S.C. § 1344(2)
10 (bank fraud and attempted bank fraud), and 18 U.S.C. § 1956(h)
11 (conspiracy to commit money laundering). The Forfeitable
12 Property is more particularly described as:

13 a. \$74,557.79 in bank funds seized from Bank of America
14 account number ending in 7695 held in the name of Allstate
15 Towing & Transport LLC; and

16 b. \$65,990.43 in bank funds seized from Bank of America
17 account ending in 9700 held in the name of Runyan Tax Service
18 Inc.

19 **II. IMPLEMENTATION**

20 IT IS FURTHER ORDERED as follows:

21 A. Upon the entry of this Order, and pursuant to Fed. R.
22 Crim. P. 32.2(b)(3) and 21 U.S.C. § 853, the United States
23 Attorney General (or a designee) is authorized to seize the
24 Forfeitable Property.

25 B. Upon entry of this Order, the United States is further
26 authorized to conduct any discovery for the purpose of
27 identifying, locating, or disposing of the Forfeitable Property
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1 subject to forfeiture pursuant to this Order, 21 U.S.C. § 853(m)
2 and Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure.
3 "Any discovery" shall include all methods of discovery permitted
4 under the Federal Rules of Civil Procedure.

5 C. Upon entry of this Order (and at any time in the
6 future after amendment of the applicable order of forfeiture in
7 this matter), the United States Attorney General (or a designee)
8 is authorized to commence any applicable proceeding to comply
9 with statutes governing third party rights, including giving
10 notice of this and any other Order affecting specific property.
11 The following paragraphs shall apply to any ancillary proceeding
12 conducted in this matter:

13 (1) Pursuant to 21 U.S.C. § 853(n)(1) and
14 Supplemental Rule G(4)(a)(iv)(C) of the Supplemental Rules for
15 Admiralty or Maritime Claims and Asset Forfeiture Actions, the
16 government shall forthwith publish for at least thirty (30)
17 consecutive days on an official government website notice of
18 this order and any other Order affecting the Forfeitable
19 Property, and notice that any person, other than the defendant,
20 having or claiming a legal interest in the property must file a
21 petition with the Court within thirty (30) days of the
22 publication of notice or receipt of actual notice, whichever is
23 earlier. The United States shall also, to the extent
24 practicable, provide written notice to any person known to have
25 an alleged interest in the Forfeitable Property.

26 (2) Any person other than defendant ARTUR AYVAZYAN
27 ("defendant") asserting a legal interest in the Forfeitable
28 Property may, within thirty days of the publication of notice or

1 receipt of notice, whichever is earlier, petition the court for
2 a hearing without a jury to adjudicate the validity of his or
3 her alleged interest in the property, and for an amendment of
4 the order of forfeiture, pursuant to 21 U.S.C. § 853(n)(2).

5 (3) Any petition filed by a third party asserting an
6 interest in the Forfeitable Property shall be signed by the
7 petitioner under penalty of perjury and shall set forth the
8 nature and extent of the petitioner's right, title, or interest
9 in such property, the time and circumstances of the petitioner's
10 acquisition of the right, title or interest in the property, any
11 additional facts supporting the petitioner's claim, and the
12 relief sought. 21 U.S.C. § 853(n)(3).

13 (4) The United States shall have clear title to the
14 Forfeitable Property following the Court's disposition of all
15 third-party interests or, if no petitions are filed, following
16 the expiration of the period provided in 21 U.S.C. § 853(n)(2)
17 for the filing of third party petitions.

18 D. Pursuant to Fed. R. Crim. P. 32.2(b)(3) and
19 defendant's consent, this Preliminary Order of Forfeiture shall
20 become final as to defendant ARTUR AYVAZYAN upon entry and shall
21 be made part of his sentence and included in his judgment.

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1 E. The Court shall retain jurisdiction to enforce this
2 Order, and to amend it as necessary, pursuant to Fed. R. Crim.
3 P. 32.2(e).

4 DATED: _____
5 HONORABLE STEPHEN V. WILSON
UNITED STATES DISTRICT JUDGE

6 PRESENTED BY:

7 TRACY L. WILKISON
8 Acting United States Attorney

9 SCOTT M. GARRINGER
Assistant United States Attorney
10 Chief, Criminal Division

11 /s/Brent A. Whittlesey
12 BRENT A. WHITTLESEY
Assistant United States Attorney
13 Asset Forfeiture Section

14 Attorneys for Plaintiff
UNITED STATES OF AMERICA
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