

1 TRACY L. WILKISON
Interim United States Attorney
2 SCOTT M. GARRINGER
Assistant United States Attorney
3 Chief, Criminal Division
SCOTT PAETTY (Cal. Bar No. 274719)
4 CATHERINE AHN (Cal. Bar No. 248286)
BRIAN FAERSTEIN (Cal. Bar No. 274850)
5 Assistant United States Attorneys
Major Frauds/Environmental and Community Safety Crimes Sections
6 1100/1300 United States Courthouse
312 North Spring Street
7 Los Angeles, California 90012
Telephone: (213) 894-6527/2424/3819
8 Facsimile: (213) 894-6269/0141
E-mail: Scott.Paetty@usdoj.gov
9 Catherine.S.Ahn@usdoj.gov
Brian.Faerstein@usdoj.gov

10 JOSEPH S. BEEMSTERBOER
Acting Chief, Fraud Section
Criminal Division, U.S. Department of Justice
11 CHRISTOPHER FENTON
Trial Attorney, Fraud Section
12 Criminal Division, U.S. Department of Justice
1400 New York Avenue NW, 3rd Floor
14 Washington, DC 20530
Telephone: (202) 320-0539
15 Facsimile: (202) 514-0152
E-mail: Christopher.Fenton@usdoj.gov

16 Attorneys for Plaintiff
17 UNITED STATES OF AMERICA

18 UNITED STATES DISTRICT COURT

19 FOR THE CENTRAL DISTRICT OF CALIFORNIA

20 UNITED STATES OF AMERICA,

21 Plaintiff,

22 v.

23 ARTUR AYVAZYAN,
aka "Arthur Ayvazyan," and
24 TAMARA DADYAN,

25 Defendants.
26 e

No. CR 20-00579-SVW

GOVERNMENT'S OPPOSITION TO DEFENDANT
ARTUR AYVAZYAN'S THIRD REQUEST TO
DELAY SURRENDER DATE (ECF 1266)

27 Plaintiff United States of America, by and through its counsel
28 of record, the United States Attorney for the Central District of

1 California, Assistant United States Attorneys Catherine Ahn, Scott
2 Paetty, and Brian Faerstein, and Department of Justice Trial Attorney
3 Christopher Fenton, hereby files its opposition to defendant Artur
4 Ayvazyan's third request to the Court to extend his surrender date to
5 the Bureau of Prisons (ECF 1266) for at least three reasons.

6 First, defendant's motion to extend his surrender date is moot
7 because, based on information provided by Special Agent Geffrey
8 Clark, defendant is in custody at the U.S. Marshals Service office at
9 the U.S. Courthouse on 1st Street. Given that he has already
10 surrendered and is in custody, there is no longer any basis to seek
11 the relief requested.

12 Second, defendant's original surrender date was January 3, 2022.
13 He has repeatedly made numerous, last-minute, and continuously
14 rejected attempts to avoid surrendering himself to the custody of the
15 Bureau of Prisons to face justice for his convicted crimes. After
16 twice being denied a continuance of his self-surrender date, having
17 his motion for bail pending appeal denied by this Court, and twice
18 being denied his motions for bail pending appeal by the Ninth
19 Circuit, he now seeks an emergency stay of this Court's still active
20 order that he self-surrender on the basis of a lack of notice.
21 Defendant's motion is spurious and should be rejected.¹

22 Defendant has been on notice of his self-surrender date of
23

24 ¹ See ECF 1206 (first motion to delay self-surrender), 1210
25 (order denying motion), 1216 (second motion to continue surrender
26 date), 1226 (application for bond pending appeal), 1229 (government
27 opposition), 1231 (text-only order denying motions and application),
28 1238 (minute order denying motions and application); see also United States v. Ayvazyan, 9th Cir. Case No. 21-50302, Docket Entries 7 (motion for bail pending appeal), docket order dated January 3, 2022 (denying motion), 9 (renewed motion for bail pending appeal), 11 (government opposition), docket order dated January 27, 2022 (denying renewed motion).

1 January 3, 2022 for more than two months. Prior to that, he was on
2 notice of his impending imprisonment since his convictions at trial
3 on June 24, 2021 - giving him, to date, 217 days to "prepare" for his
4 incarceration. Defendant has not had "four hours" to prepare - he
5 has had 217 days to prepare. The Ninth Circuit's order was issued
6 yesterday, January 27, 2022, and as made clear in the government's
7 opposition to his then-renewed and now-denied motion for bail pending
8 appeal, once the Ninth Circuit denied his motion, this Court's
9 previous order of self-surrender should and would take effect.
10 Defendant's purported lack of preparedness has been a consistent
11 theme throughout his multiple attempts to avoid self-surrender and
12 should be rejected, once more, by this Court.

13 This Court's prior order of self-surrender remains in effect,
14 and defendant is obligated to self-surrender to the Bureau of Prisons
15 immediately. The instructions from the U.S. Probation and Pretrial
16 Services that he self-surrender by noon today are consistent with
17 this Court's order and defendant's motion to set a new self-surrender
18 date is not only unnecessary, it undermines the prior order of this
19 Court and the need for the public to see justice served in this case.

20 Third, for all the reasons previously set forth in the
21 government's prior submissions and made at various hearings, this
22 Court should deny defendant's application because defendant failed to
23 show by clear and convincing evidence that he is not a danger to the
24 community. See 18 U.S.C. § 3143(b)(1)(A). Defendant has shown his
25 danger to the community through the multi-million-dollar conspiracy
26 and substantive offenses for which he was convicted in the instant
27 case, through which he and his co-defendants actually stole more than
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1 \$17 million in funds intended to alleviate the numerous harms
2 resulting from a once-in-a-generation pandemic, all in a matter of
3 mere months. See United States v. Reynolds, 956 F.2d 192, 192 (9th
4 Cir. 1992) (danger includes pecuniary or economic harm). The 133
5 felony-count indictment against defendant in California state court,
6 which is still pending, alleges additional, serious harms on a
7 massive, multi-year scale. Defendant was further arrested for rape
8 just days before his sentencing hearing. Defendant is a danger to
9 the community and his application should be denied.

10 Dated: January 28, 2022

Respectfully submitted,

11 TRACY L. WILKISON
12 United States Attorney

13 SCOTT M. GARRINGER
14 Assistant United States Attorney
Chief, Criminal Division

15 /s/

16 CATHERINE AHN
17 SCOTT PAETTY
18 BRIAN FAERSTEIN
Assistant United States Attorneys
CHRISTOPHER FENTON
Department of Justice Trial Attorney

19 Attorneys for Plaintiff
20 UNITED STATES OF AMERICA
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