Beckman, Shannen (USACAC) [Contractor]

From: Silverman, Nicholas <nsilverman@steptoe.com>
Sent: Friday, September 24, 2021 10:39 AM
To: Whittlesey, Brent (USACAC)
Cc: Beckman, Shannen (USACAC) [Contractor]; Boyle, Daniel (USACAC); jlittrell@bklwlaw.com; rfraser@bklwlaw.com; Ram, Ashwin; Keough, Michael
Subject: RE: [EXTERNAL] RE: Avayzan Tarabelian Real Property

Apologies. Resending with Ashwin and Mike included.

***

Brent,

As you know, we are in a delicate position because we have been ordered to continue representing a client with whom we have no ability to communicate. We are therefore limited in the degree to which we can take a position on Richard Ayvazyan's behalf.

- With respect to 834 Calle La Primavera in Glendale and 74203 Anastacia Lane in Palm Desert, we do not object. Ayvazyan has not asserted any ownership interest in those properties.
- With respect to 4910 Topeka Drive in Tarzana, we would object in the absence of evidence of a defaulted mortgage or tax sufficient to satisfy Fed. R. Civ. P. Supp. R. G(7). In the event that the government supports its filing with evidence of a defaulted mortgage or tax, we would take no position regarding the government's application.

Regards,

Nicholas P. Silverman
Associate
nsilverman@steptoe.com

Steptoe

+1 202 429 8096 direct
+1 617 595 6559 mobile
+1 202 429 3902 fax

Steptoe & Johnson LLP
1330 Connecticut Avenue, NW
Washington, DC 20036
www.steptoe.com

This message and any attached documents contain information from the law firm Steptoe & Johnson LLP that may be confidential and/or privileged. If you are not the intended recipient, please do not read, copy, distribute, or use this information. If you have received this transmission in error, please notify the sender immediately by reply e-mail and then delete this message.

From: Whittlesey, Brent (USACAC) <Brent.Whittlesey@usdoj.gov>
Sent: Thursday, September 23, 2021 11:07 AM
To: Silverman, Nicholas <nsilverman@steptoe.com>
Cc: Beckman, Shannen (USACAC) [Contractor] <Shannen.Beckman@usdoj.gov>
Subject: Re: [EXTERNAL] RE: Avayzan Tarabelian Real Property

I am happy to have you object.

Sent from my iPhone

On Sep 23, 2021, at 8:04 AM, Whittlesey, Brent (USACAC) <BWhittlesey@usa.doj.gov> wrote:

4910 Topeka Drive Tarzana
834 Calle La Primavera Glendale
74203 Anastacia Lane Palm Desert
FedRCrimP 32.2

Sent from my iPhone

On Sep 23, 2021, at 7:04 AM, Silverman, Nicholas <nsilverman@steptoe.com> wrote:

Hi Brent,

Ashwin forwarded me your email. Two quick questions:

1. Your email references three properties: "the Encino, Glendale and Palm Desert properties." I think we are on the same page that you are referencing the three properties from the forfeiture hearing, but can you please clarify the three addresses that you are seeking our position on?

2. Can you please direct me to the applicable statute and/or case law upon which the U.S. Marshal would be relying in conducting such an interlocutory sale? I am happy to take a look and see if we can provide assent.

Regards,

Nicholas P. Silverman
Associate
nsilverman@steptoe.com

Steptoe

+1 202 429 8096 direct
+1 617 595 6559 mobile
+1 202 429 3902 fax

Steptoe & Johnson LLP
1330 Connecticut Avenue, NW
Washington, DC 20036
www.steptoe.com

This message and any attached documents contain information from the law firm Steptoe & Johnson LLP that may be confidential and/or privileged. If you are not the intended recipient, please do not read, copy, distribute, or use this information. If you have received this transmission in error, please notify the sender immediately by reply e-mail and then delete this message.

Begin forwarded message:

From: "Whittlesey, Brent (USACAC)" <Brent.Whittlesey@usdoj.gov>
Date: September 22, 2021 at 10:22:56 AM PDT
To: John Littrell <jlittrell@bienertkatzman.com>, "Ram, Ashwin" <aram@steptoe.com>
Cc: "Boyle, Daniel (USACAC)" <Daniel.Boyle2@usdoj.gov>, "Beckman, Shannen (USACAC) [Contractor]" <Shannen.Beckman@usdoj.gov>
Subject: Avayzan Tarabelian Real Property

As you know, the court has entered preliminary orders of forfeiture with respect to the interest of Avayzan and Tarabelian that are subject to forfeiture, the Encino, Glendale and Palm Desert properties. The entry of the preliminary order of forfeiture terminates the legal interest of the defendants in the properties. We have been advised by the lienholders that all of the loans secured by the properties are in default. Because the defendants are fugitive and their ownership of the properties has been terminated, it seems unlikely that they will cure defaults or make further payments on the loans. The defaults threaten the interest of the United States in the equity in the properties. As a result, we intend to request an ex parte order authorizing the Marshal to conduct interlocutory sales of the properties. The lienholders have advised us that they do not object to interlocutory sale, with the loans secured by the properties paid from the sale proceeds.

Please advise me whether either of you, as counsel for the defendants, objects to an ex parte application for interlocutory sale. We will note your position for the Court when we file the application.

Brent A. Whittlesey
Asset Forfeiture Section – U.S. Attorneys Office
312 North Spring Street, Los Angeles CA 90012
Office (213) 894-5421

Beckman, Shannen (USACAC) [Contractor]

From: John Littrell <jlittrell@bklwlaw.com>
Sent: Friday, September 24, 2021 11:02 AM
To: Silverman, Nicholas; Whittlesey, Brent (USACAC)
Cc: Beckman, Shannen (USACAC) [Contractor]; Boyle, Daniel (USACAC); Ryan V. Fraser; Ram, Ashwin; Keough, Michael
Subject: RE: [EXTERNAL] RE: Avayzan Tarabelian Real Property

We take the same position on behalf of Marietta Terabelian.

John L. Littrell | Partner
Bienert Katzman Littrell Williams LLP
Website | vCard | Profile

From: Silverman, Nicholas <nsilverman@steptoe.com>
Sent: Friday, September 24, 2021 10:39 AM
To: Whittlesey, Brent (USACAC) <Brent.Whittlesey@usdoj.gov>
Cc: Beckman, Shannen (USACAC) [Contractor] <Shannen.Beckman@usdoj.gov>; Boyle, Daniel (USACAC) <Daniel.Boyle2@usdoj.gov>; John Littrell <jlittrell@bklwlaw.com>; Ryan V. Fraser <rfraser@bklwlaw.com>; Ram, Ashwin <aram@Steptoe.com>; Keough, Michael <mkeough@Steptoe.com>
Subject: RE: [EXTERNAL] RE: Avayzan Tarabelian Real Property

Apologies. Resending with Ashwin and Mike included.

***

Brent,

As you know, we are in a delicate position because we have been ordered to continue representing a client with whom we have no ability to communicate. We are therefore limited in the degree to which we can take a position on Richard Ayvazyan's behalf.

- With respect to 834 Calle La Primavera in Glendale and 74203 Anastacia Lane in Palm Desert, we do not object. Ayvazyan has not asserted any ownership interest in those properties.
- With respect to 4910 Topeka Drive in Tarzana, we would object in the absence of evidence of a defaulted mortgage or tax sufficient to satisfy Fed. R. Civ. P. Supp. R. G(7). In the event that the government supports its filing with evidence of a defaulted mortgage or tax, we would take no position regarding the government's application.

Regards,

Nicholas P. Silverman
Associate
nsilverman@steptoe.com

Steptoe

+1 202 429 8096 direct
+1 617 595 6559 mobile
+1 202 429 3902 fax

Steptoe & Johnson LLP
1330 Connecticut Avenue, NW
Washington, DC 20036
www.steptoe.com

This message and any attached documents contain information from the law firm Steptoe & Johnson LLP that may be confidential and/or privileged. If you are not the intended recipient, please do not read, copy, distribute, or use this information. If you have received this transmission in error, please notify the sender immediately by reply e-mail and then delete this message.

From: Whittlesey, Brent (USACAC) <Brent.Whittlesey@usdoj.gov>
Sent: Thursday, September 23, 2021 11:07 AM
To: Silverman, Nicholas <nsilverman@steptoe.com>
Cc: Beckman, Shannen (USACAC) [Contractor] <Shannen.Beckman@usdoj.gov>
Subject: Re: [EXTERNAL] RE: Avayzan Tarabelian Real Property

I am happy to have you object.

Sent from my iPhone

> On Sep 23, 2021, at 8:04 AM, Whittlesey, Brent (USACAC) <BWhittlesey@usa.doj.gov> wrote:
>
> 4910 Topeka Drive Tarzana
> 834 Calle La Primavera Glendale
> 74203 Anastacia Lane Palm Desert
> FedRCrimP 32.2
>
> Sent from my iPhone
>
> > On Sep 23, 2021, at 7:04 AM, Silverman, Nicholas <nsilverman@steptoe.com> wrote:
> >
> > Hi Brent,
> >
> > Ashwin forwarded me your email. Two quick questions:
> >
> > 1. Your email references three properties: "the Encino, Glendale and Palm Desert properties." I think we are on the same page that you are referencing the three properties from the forfeiture hearing, but can you please clarify the three addresses that you are seeking our position on?
> >
> > 2. Can you please direct me to the applicable statute and/or case law upon which the U.S. Marshal would be relying in conducting such an interlocutory sale? I am happy to take a look and see if we can provide assent.
> >
> > Regards,
> >
> > **Nicholas P. Silverman**
> > Associate

nsilverman@steptoe.com

Steptoe

+1 202 429 8096 direct
+1 617 595 6559 mobile
+1 202 429 3902 fax

Steptoe & Johnson LLP
1330 Connecticut Avenue, NW
Washington, DC 20036
www.steptoe.com

This message and any attached documents contain information from the law firm Steptoe & Johnson LLP that may be confidential and/or privileged. If you are not the intended recipient, please do not read, copy, distribute, or use this information. If you have received this transmission in error, please notify the sender immediately by reply e-mail and then delete this message.

Begin forwarded message:

From: "Whittlesey, Brent (USACAC)" <Brent.Whittlesey@usdoj.gov>
Date: September 22, 2021 at 10:22:56 AM PDT
To: John Littrell <jlittrell@bienertkatzman.com>, "Ram, Ashwin" <aram@steptoe.com>
Cc: "Boyle, Daniel (USACAC)" <Daniel.Boyle2@usdoj.gov>, "Beckman, Shannen (USACAC) [Contractor]" <Shannen.Beckman@usdoj.gov>
Subject: Avayzan Tarabelian Real Property

As you know, the court has entered preliminary orders of forfeiture with respect to the interest of Avayzan and Tarabelian that are subject to forfeiture, the Encino, Glendale and Palm Desert properties. The entry of the preliminary order of forfeiture terminates the legal interest of the defendants in the properties. We have been advised by the lienholders that all of the loans secured by the properties are in default. Because the defendants are fugitive and their ownership of the properties has been terminated, it seems unlikely that they will cure defaults or make further payments on the loans. The defaults threaten the interest of the United States in the equity in the properties. As a result, we intend to request an ex parte order authorizing the Marshal to conduct interlocutory sales of the properties. The lienholders have advised us that they do not object to interlocutory sale, with the loans secured by the properties paid from the sale proceeds.

Please advise me whether either of you, as counsel for the defendants, objects to an ex parte application for interlocutory sale. We will note your position for the Court when we file the application.

Brent A. Whittlesey
Asset Forfeiture Section – U.S. Attorneys Office
312 North Spring Street, Los Angeles CA 90012
Office (213) 894-5421