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8 Attorneys for Plaintiff
9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 ANDREW MARNELL,

16 Defendant.

No. 2:20-CR-319-RGK

[PROPOSED] RESTITUTION ORDER

[98]

17
18 The Court having considered the parties' stipulation regarding
19 restitution, filed on October 10, 2023, and the other files and
20 records in this case, HEREBY ORDERS the following:

21 1. Pursuant to 18 U.S.C. § 3663A, defendant Andrew Marnell
22 ("defendant") is ordered to pay restitution in the above-entitled
23 action in the total amount of \$5,627,076.33, to the persons and
24 entities and in the amounts on a schedule to be filed separately
25 with the Clerk's Office.

26 2. Restitution shall be due in full immediately. Restitution
27 shall be due during the period of imprisonment, at the rate of not
28 less than \$25 per quarter, and pursuant to the Bureau of Prisons'

1 Inmate Financial Responsibility Program. If any amount of the
2 restitution remains unpaid after release from custody, nominal
3 monthly payments of at least 10% of the defendant's gross monthly
4 income but not less than \$150.00 a month shall be made during the
5 period of supervised release. These payments shall begin 30 days
6 after the commencement of supervision. Nominal restitution payments
7 are ordered as the Court finds that the defendant's economic
8 circumstances do not allow for either immediate or future payment of
9 the amount ordered. This payment schedule supersedes the payment
10 schedule previously ordered in the Judgment and Commitment Order
11 entered on July 11, 2023 [docket no. 91].

12 3. If the defendant makes a partial payment, each victim
13 shall receive approximately proportional payment.

14 4. Pursuant to 18 U.S.C. § 3612(f)(3)(A), interest on the
15 restitution ordered is waived because the defendant does not have
16 the ability to pay interest. All fines are waived as the Court
17 finds that the defendant does not have the ability to pay a fine in
18 addition to restitution. Payments may be subject to penalties for
19 default and delinquency pursuant to 18 U.S.C. § 3612(g).

20 5. The above payment schedule represents a minimum payment
21 obligation and does not preclude the United States Attorney's Office
22 from pursuing all other means by which to satisfy all criminal debt
23 obligations (including restitution) imposed by the Court, including
24 by referring the judgment debt to the Treasury Offset Program.

25 6. Pursuant to 18 U.S.C. § 3664(k): (a) defendant shall
26 notify the Court of any material change in defendant's economic
27 circumstances that might affect defendant's ability to pay
28 restitution within 30 days of the change in circumstances; and

1 (b) the United States or a victim may also notify the Court of such
2 material change.

3 7. Pursuant to 18 U.S.C. § 3664(n), if defendant receives
4 substantial financial resources from any source, including
5 inheritance, settlement, or other judgment, defendant shall be
6 required to apply the value of such resources to any restitution
7 still owed.

8 IT IS SO ORDERED.

9
10 **11/3/2023**

11 _____
12 DATE


11 _____
12 THE HONORABLE R. GARY KLAUSNER
13 UNITED STATES DISTRICT JUDGE

14 Presented by:

15
16 /s/
17 KERRY L. QUINN
18 Assistant United States Attorney
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