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Attorneys for Defendant MARIETTA TERABELIAN

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD AYVAZYAN, MARIETTA TERABELIAN, *et al.*,

Defendants.

Case No. 2:20-cr-00579-SVW

***EX PARTE* APPLICATION TO STAY MARIETTA TERABELIAN'S SENTENCING AND RESPONSE TO THE PRESENTENCE INVESTIGATION REPORT**

[Proposed Order Filed Concurrently]

Hon. Stephen V. Wilson

Undersigned counsel hereby applies *ex parte* to stay Marietta Terabelian's October 4, 2021, sentencing until four weeks after she is located, and to suspend and toll the present September 13, 2021, deadline for objections to the presentence investigation report ("PSR") until two weeks after she is located. This application is based on the attached declaration of Ryan Fraser and the declaration of Ashwin J. Ram submitted in support of the similar *ex parte* application for similar relief as to Richard Ayvazyan, which was filed today as CM/ECF document number 954.

Dated: September 9, 2021

Respectfully submitted,

BIENERT KATZMAN
LITTRELL WILLIAMS LLP

/s/ Ryan V. Fraser
John L. Littrell
Ryan V. Fraser
Counsel for Defendant Marietta Terabelian

DECLARATION OF COUNSEL

I, Ryan V. Fraser, do declare and state:

1. I am licensed to practice in the State of California, and admitted to practice before this Court.

2. John L. Littrell and I currently represent Marietta Terabelian in this matter. Mr. Littrell and I have filed an application to withdraw from our representation of Ms. Terabelian. (Dkt. 942.)

3. On August 31, 2021, the government applied for a disclosure order seeking information from Probation to assist in searching for Ms. Terabelian and Richard Ayvazyan, who, to my knowledge, still have not been located. Undersigned counsel understands that the government's search for Richard Ayvazyan and Ms. Terabelian is active and ongoing.

4. I have reviewed and discussed with Mr. Littrell the *ex parte* application filed earlier today seeking to continue Richard Ayvazyan's sentencing hearing and PSR response deadline. We believe Ms. Terabelian's similar circumstances call for granting the same relief in her case.

5. In light of the government's ongoing search for Ms. Terabelian, judicial resources will be conserved if her sentencing is stayed until she can be located.

6. Additionally, the deadline to object to the PSR, which is presently September 13, 2021, should also be suspended and tolled until a reasonable time after Ms. Terabelian is located. As noted in motion to withdraw from this representation, present counsel is unable to communicate with her and thus unable to respond adequately and effectively to the PSR. The Sixth Amendment, due process, and fairness require that Terabelian's counsel have the opportunity to review the PSR with her and respond consistently with her desired sentencing approach.

CONCLUSION

For the foregoing reasons, the Court should stay Ms. Terabelian's sentencing from its present October 4, 2021, date until four weeks after she is located, and suspend and toll the present September 13, 2021, deadline for filing her objections to the PSR until two weeks after Ms. Terabelian is located.

Dated: September 9, 2021

Respectfully submitted,

BIENERT KATZMAN
LITTRELL WILLIAMS LLP

/s/ Ryan V. Fraser
John L. Littrell
Ryan V. Fraser
Counsel for Defendant Marietta Terabelian