

1 BENJAMIN B. WAGNER
2 United States Attorney
3 KURT A. DIDIER
4 Assistant United States Attorney
5 501 I Street, Suite 10-100
6 Sacramento, CA 95814
7 Telephone: (916) 554-2700
8 Facsimile: (916) 554-2900
9
10 Attorneys for Plaintiff
11 United States of America

12
13
14 IN THE UNITED STATES DISTRICT COURT
15
16 EASTERN DISTRICT OF CALIFORNIA

17 UNITED STATES OF AMERICA,
18 Plaintiff,
19 v.
20 KEVIN PATRICK SLUGA,
21 Defendant and Judgment Debtor.

22 BANK OF AMERICA, N.A.,
23 Garnishee.

24 Case No.: 1:14-MC-00069-LJO

25 **STIPULATION REGARDING WRIT OF
26 GARNISHMENT; AND ORDER THEREON**

27 CRIMINAL CASE NO.: 1:10-CR-00001-LJO

28 No Hearing Requested

29 Plaintiff United States and defendant Kevin Patrick Sluga and his spouse, Leslie Sluga, hereby
30 stipulate to the resolution of the United States' pending garnishment action against defendant Kevin
31 Patrick Sluga's interest in his Bank of America, N.A. (BoA) bank and retirement accounts as follows:

32 1. The Court convicted and sentenced Defendant in the above referenced criminal case as
33 stated in the Judgment in a Criminal Case filed on August 26, 2014. CR ECF No. 56. The Judgment
34 ordered Defendant to pay a \$400 special assessment and \$3,979,625.43 in restitution. To date, the
35 assessment and restitution remain unpaid.

36 2. The United States sought, and the Clerk issued, a writ of garnishment on November 7,

1 2014 against Defendant's bank and retirement accounts at garnishee BoA. Misc. ECF No. 5.

2 3. BoA filed and served its answer to the writ, identifying two accounts belonging to
3 Defendant: 1. a business checking account maintained by Kevin Sluga dba Kevin Sluga, CPA (ending in
4 numbers 1870); and 2. a retirement account ending in numbers 5643. Misc. ECF No. 7. While BoA's
5 answer states the value of each account as \$0, BoA's answer to the United States' writ of garnishment
6 proceeding against Defendant's spouse, Leslie Sluga, states the value of these same accounts as \$435.31
7 and \$57,657.37, respectively. *See, United States v. Sluga*, Case No. 1:14-MC-00070-LJO, ECF No. 7.

8 4. Defendant Kevin Sluga represents that he is the owner of the BoA accounts referenced in
9 paragraph 3, above, and that to the best of his knowledge, the value of his checking account is \$435.31
10 and his retirement account \$57,657.37, as stated above.

11 5. As set forth below, Defendant agrees that the United States may garnish a portion of his
12 retirement account, and his spouse, Leslie Sluga, agrees to waive and release any interest she may have
13 in the garnished account. Accordingly, the signatories hereto agree that the Court can and should enter
14 an order:

15 A. Garnishing \$45,000 from Defendant's retirement account (ending in number 5643)
16 and directing the payment of this amount to the Clerk of the Court; and

17 B. That upon BoA's payment of the \$45,000 to the Clerk, BoA may release the balance
18 of the retirement account and the business checking account to Defendant's control.

19 FOR THE UNITED STATES OF AMERICA:

20 BENJAMIN B. WAGNER
21 United States Attorney

22 Dated: January __, 2015

23 /s/
24 KURT A. DIDIER
25 Assistant United States Attorney

26 FOR THE DEFENDANT AND JUDGMENT DEBTOR:

27 Dated: January __, 2015

28 /s/
29 KEVIN PATRICK SLUGA, Personally

1 FOR THE DEFENDANT'S SPOUSE:

2
3 Dated: January __, 2015

/s/
4
5 LESLIE SLUGA, Personally

6
7 APPROVED AS TO FORM AND CONTENT:

8 Dated: January __, 2015

9 /s/
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
GEORGE W. BUEHLER, Esq.,
Counsel for Kevin Patrick Sluga and Leslie Sluga

ORDER

The Court, having reviewed the court files and the parties' Stipulation Regarding Writ of Garnishment (the Stipulation), and finding good cause therefor, hereby APPROVES the Stipulation.

ACCORDINGLY, the Court hereby ORDERS, ADJUDGES and DECREES as follows:

1. The United States' application for an order of garnishment in the amount of \$45,000 is
GRANTED;

2. Bank of America shall DELIVER, within twenty (20) days of the date of this Order, a cashier's check, money order or company draft in the sum of \$45,000 drawn from defendant Kevin Patrick Sluga's retirement account ending in numbers 5643, and made payable to the "Clerk of the Court" at the Office of the Clerk, United States District Court, Eastern District of California, 501 I Street, Suite 4-200, Sacramento, California 95814. Bank of America shall also state the docket number (Case No.: 1:10-CR-00001-LJO) on the payment instrument and, if it desires a payment receipt, shall include a self-addressed, stamped envelope with the payment;

3. Upon its payment of the \$45,000 to the Clerk, Bank of America shall RELEASE its hold on any amount exceeding \$45,000 in account No. 5643 and on any other accounts for which Bank of America has previously identified defendant Kevin Patrick Sluga as the owner; and

4. This is a final order of garnishment; upon payment and processing of the garnished amount as ordered above, this writ shall TERMINATE pursuant to 28 U.S.C. § 3205(c)(10)(B).

IT IS SO ORDERED.

Dated: **January 29, 2015**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE