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7
8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 LESLIE SLUGA,
15 Defendant and Judgment Debtor.
16
17 BANK OF AMERICA, N.A.,
18 Garnishee.

Case No.: 1:14-MC-00070-LJO

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

CRIMINAL CASE. NO.: 1:10-CR-00002-LJO

No Hearing Requested

19
20 Plaintiff United States and defendant Leslie Sluga and her spouse, Kevin Patrick Sluga, hereby
21 stipulate to the resolution of the United States' pending garnishment action against defendant Leslie
22 Sluga's interest in her Bank of America, N.A. (BoA) bank and retirement accounts as follows:

23 1. The Court convicted and sentenced Defendant in the above referenced criminal case as
24 stated in the Judgment in a Criminal Case filed on August 22, 2014. CR ECF No. 56. The Judgment
25 ordered Defendant to pay a \$200 special assessment and \$912,556.18 in restitution. To date, the
26 assessment and restitution remain unpaid.

27 2. The United States sought, and the Clerk issued, a writ of garnishment on November 7,
28

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. checking account ending in numbers 1870 with an \$82.26 balance; and 2. retirement
4 account ending in numbers 5177 with a \$29,526.77 balance. Misc. ECF No. 7. The answer also
5 identifies a business checking account and retirement account maintained in the name of Defendant's
6 spouse, Kevin Patrick Sluga, who is the subject of a separate garnishment action in *United States v.*
7 *Sluga*, Case No. 1:14-MC-00069-LJO.

8 4. Defendant Leslie Sluga represents that she is the owner of the BoA accounts referenced
9 in paragraph 3, above, as numbers 1870 and 5177.

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

14 A. Garnishing \$15,000 from Defendant's retirement account ending in number 5177 and
15 directing the payment of this amount to the Clerk of the Court for the Eastern District of California;

16 B. That upon BoA's payment of the \$15,000 to the Clerk, BoA may release the balance
17 of the retirement account and the business checking account to Defendant's control;

18 C. Directing Defendant to segregate \$12,000 from the \$14,526.77 balance remaining in
19 the retirement account so that Defendant is able to pay any state and federal taxes due from the
20 distribution of the \$15,000 garnished retirement monies for tax year 2015; and

21 D. Directing Defendant to pay the Clerk by April 30, 2016, the difference between the
22 amount Defendant pays in taxes pursuant to paragraph 3C, above, and the \$12,000 segregated amount.

23 Respectfully submitted,

24 FOR THE UNITED STATES OF AMERICA:

25 BENJAMIN B. WAGNER
26 United States Attorney

27 Dated: January __, 2015

28 /s/
KURT A. DIDIER
Assistant United States Attorney

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FOR THE DEFENDANT AND JUDGMENT DEBTOR:

Dated: January __, 2015

/s/
LESLIE SLUGA, Personally

FOR THE DEFENDANT'S SPOUSE:

Dated: January __, 2015

/s/
KEVIN PATRICK SLUGA, Personally

APPROVED AS TO FORM AND CONTENT:

Dated: January __, 2015

/s/
GEORGE W. BUEHLER, Esq.,
Counsel for Leslie Sluga and Kevin Patrick Sluga

1 **ORDER**

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

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

5 1. The United States' application for an order of garnishment in the amount of \$15,000 is
6 GRANTED;

7 2. Bank of America shall DELIVER, within twenty (20) days of the date of this Order, a
8 cashier's check, money order or company draft in the sum of \$15,000 drawn from defendant Leslie
9 Sluga's retirement account ending in numbers 5177, and made payable to the "Clerk of the Court" at the
10 Office of the Clerk, United States District Court, Eastern District of California, 501 I Street, Suite 4-200,
11 Sacramento, California 95814. Bank of America shall also state the docket number (Case No.: 1:10-CR-
12 00002-LJO) on the payment instrument and, if it desires a payment receipt, shall include a self-addressed,
13 stamped envelope with the payment;

14 3. Upon its payment of the \$15,000 to the Clerk, Bank of America shall RELEASE its hold
15 on any amount exceeding \$15,000 in account No. 5177 and on any other accounts for which Bank of
16 America has previously identified defendant Leslie Sluga as the owner;

17 4. From the ungarnished amount remaining in account No. 5177, Defendant shall segregate
18 \$12,000 to pay any state and federal taxes due on the Defendant's 2015 tax returns arising from the
19 distribution of the amount garnished by this order;

20 5. By April 30, 2016, Defendant shall pay to the Clerk of the Court the difference between
21 the \$12,000 segregated amount and the state and federal taxes paid arising from the distribution of the
22 amount garnished by this order; and

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

25
26 IT IS SO ORDERED.

27 Dated: **January 29, 2015**

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

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