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Attorneys for Defendant
KIRIT PATEL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

KIRIT PATEL,
Defendant and
Judgment Debtor.

NEW YORK LIFE INSURANCE
COMPANY,
Garnishee.

Case No: 2:16-MC-00012 JAM KJN

**STIPULATION AND ORDER STAYING
GARNISHMENT PROCEEDINGS**

Criminal Case No: 2:12-CR-00306-JAM

I. BACKGROUND

This civil action for Writ of Garnishment arises from an order of restitution issued in Case No. 2:12-cr-00306-JAM. An Indictment returned on August 23, 2012, charged defendant Kirit Patel with mail and wire fraud pursuant to 18 U.S.C. §§1341 and 1343.

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1 Prior to the Indictment, on April 3, 2012, the Federal Trade Commission
2 filed a civil complaint against Mr. Patel in Case No. 2:12-cv-00855-JAM-DAD. A
3 stipulated judgment, reflecting the settlement agreement reached between Mr.
4 Patel and the FTC, was issued on September 10, 2015. As part of the judgment,
5 Mr. Patel was ordered to pay the FTC \$72,002.00 from his personal bank
6 accounts, and to release an additional \$503,089.00 from accounts held in BGM's
7 name. Mr. Patel promptly made the payments.

8 A plea agreement in Case No. 2:12-cr-00306-JAM was filed on October 14,
9 2014, and Mr. Patel pled guilty to two counts each of mail and wire fraud. The
10 Agreement directs that "[a]ny restitution paid by this defendant pursuant to the
11 civil lawsuit *Federal Trade Commission v. Broadway Global Master, et al*, 2:12-cv-
12 00855-JAM-DAD will be credited against restitution owed by this defendant under
13 this agreement." A restitution hearing was held on October 27, 2015. The Court
14 issued a restitution Order on November 9, 2015, in the amount of \$106,443.45.
15 The Order states that the restitution amount is to be "credited, as permitted under
16 18 U.S.C. §3664(j)(2)(A), to reflect any restitution that the same victim receives in
17 the future on account of the settlement of civil case 2:12-cv-855-JAM."

18 On January 26, 2016, the U.S. Attorney filed Case No. 2:16-mc-00012-
19 JAM-KJN, seeking a writ of garnishment to satisfy the restitution obligation.

20 It is the parties' understanding that the FTC has nearly completed the task
21 of processing the settlement payments and final tally regarding those payments is
22 expected to be available once that process concludes.

23 **II. STIPULATION**

24 In light of the circumstances set forth herein above, the defendant, KIRIT
25 PATEL, through his counsel of record, Emily E. Doring and plaintiff United
26 States of America, through its counsel, Assistant United States Attorney Kurt A.
27 Didier, agree and stipulate that the action for Writ of Garnishment, Case No. 2:16-
28 mc-00012-JAM-KJN, shall be stayed for a period of 30 days. The purpose of the

1 stay is to allow the parties additional time necessary to communicate with the
2 Federal Trade Commission concerning the final allocation of settlement payments
3 in Case No. 2:12-cv-00855-JAM-DAD and to determine how those payments
4 affect the remaining restitution balance owed in Case No. 2:12-cr-00306-JAM,
5 and subject to garnishment in Case No. 2:16-mc-00012-JAM-KJN.

6 **IT IS SO STIPULATED.**

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8 Dated: February 26, 2016

SEGAL & ASSOCIATES, PC

9
10 By: /s/ Emily E. Doring
11 EMILY E. DORINGER
12 Attorneys for Defendant
KIRIT PATEL

13 Dated: February 26. 2016

BENJAMIN B. WAGNER
United States Attorney

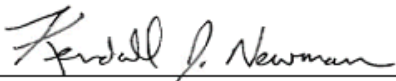
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15 By: /s/ Kurt A. Didier (by permission)
16 KURT A. DIDIER
17 Assistant United States Attorney
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ORDER

GOOD CAUSE APPEARING and pursuant to the stipulation of the parties,
Case No. 2:16-mc-00012-JAM-KJN shall be stayed for a period of 30 days
following the date of this Order.

IT IS SO ORDERED.

Dated: February 29, 2016


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE