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11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13

14 UNITED STATES OF AMERICA,
 15
 Plaintiff,
 16
 v.
 17 CHARLES W. MCCALL and JAY M.
 18 LAPINE,
 19 Defendants.

Case No.: CR-00-0505-WHA

**~~PROPOSED~~ AMENDMENT TO
 JANUARY 11 FREEZE ORDER**

The Honorable William H. Alsup
 Courtroom 9, Nineteenth Floor

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WHEREAS, on January 11, 2010, this Court entered an Order freezing the assets of defendant Charles W. McCall (“McCall”) as a condition of release pending sentencing (the “January 11 Freeze Order”); and

WHEREAS, the parties agree that an Amendment to the January 11 Freeze Order is required;

It is hereby ordered that this Court’s January 11 Freeze Order is amended as follows:

1. McCall’s checking account at Bank of America is hereby expressly excluded from the January 11 Freeze Order, and McCall may dispose of or transfer any assets or proceeds in this account without restriction. Bank of America is hereby ordered to make any assets or proceeds in McCall’s checking account available to him without delay.

2. In lieu of paragraph 1(b) of the January 11 Freeze Order, which is hereby stricken, McCall may direct a one-time transfer of \$60,000 from Morgan Stanley to McCall’s Bank of America account, and McCall may also make a one-time withdrawal of \$30,000 from Merrill Lynch for deposit at McCall’s checking account at Bank of America. Morgan Stanley and Merrill Lynch are hereby ordered to comply with any instruction from McCall directing the transfer described in this paragraph without delay. The terms of the January 11 Freeze Order shall otherwise remain in full force and effect.

3. Pending any further order of this Court, McCall and any bank or financial institution that receives actual notice of this Order by personal service or otherwise shall comply with this Order.

4. Service of this Order shall be made by McCall by serving it on Bank of America, Merrill Lynch, and Morgan Stanley by facsimile, hand delivery, overnight courier, mail, or electronic mail. Service shall be made within two (2) business days of the date this Order is issued. McCall shall provide proof of service to the government within two (2) business days of service upon each of Bank of America, Merrill Lynch, and Morgan Stanley.

5. In the event that McCall is sentenced to a term of imprisonment, this Order shall

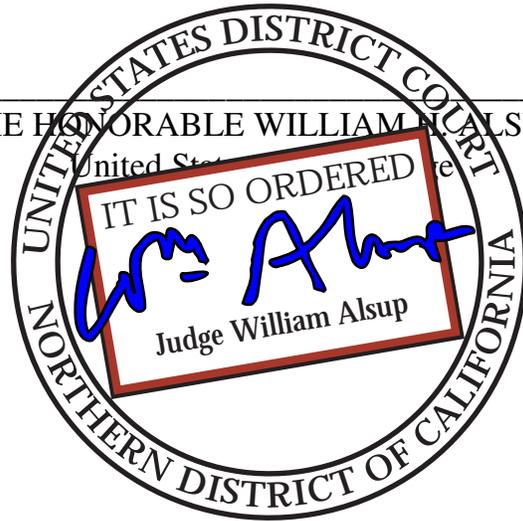
1 expire at the time that McCall begins serving the term of imprisonment.

2 6. This Order may be amended by the Court upon application by any party or other
3 person, bank, or financial institution who receives service of this Order.

4 IT IS SO ORDERED.

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6 DATED: January 20, 2010

7 THE HONORABLE WILLIAM M. ALSUP



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