

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

FILED
U.S. DIST. COURT
MIDDLE DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

2009 DEC -7 P 2:18

Plaintiff

BY DEPUTY CLERK

versus

CIVIL ACTION NO. 09-455-JJB-CN

TIMOTHY E. DeCLOUET, SR.

Defendant

CONSENT JUDGMENT

The parties hereto having jointly moved for the entry of this Consent Judgment and this Court having previously granted said motion,

I.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that plaintiff, the United States of America, do have and recover judgment against defendant, Timothy E. DeClouet, Sr., for the principal amount of THREE THOUSAND EIGHT HUNDRED TWENTY TWO AND NO/100 DOLLARS (\$3,822.00), together with interest thereon from the date of judgment until paid at the rate provided under 28 U.S.C. § 1961, and all allowable costs.

II.

The defendant agrees, consents and stipulates that the indebtedness owed under this Judgment, as aforesaid, is not dischargeable under 11 U.S.C § 523(a)(2)(A), or any other bankruptcy statute or provision. The defendant further agrees, consents and stipulates that

this indebtedness is separate and independent from the restitution that he paid in Criminal Action No. 06-186-JJB-CN, and that no part of the restitution payment shall be applied to this civil judgment.

III.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the payment terms of this judgment will be determined by the United States, in its sole discretion, following entry of this Consent Judgment and an evaluation of a completed, signed and dated Financial Statement from defendant, and a review of the defendant's Federal Income Tax Returns for the preceding two years. The Financial Statement and a copy of defendant's Federal Income Tax Returns, including all attachments thereto, shall be submitted by defendant to the United States Attorney's Office (attention: Financial Litigation Unit) within 30 days following the entry of this Consent Judgment. Thereafter, a signed and completed Financial Statement shall be submitted by the defendant to the United States Attorney's Office on each anniversary date of the Consent Judgment until this Consent Judgment is paid in full. Payment terms may be reevaluated periodically and will be modified as appropriate, at the discretion of the United States, to take into account changed economic circumstances of the defendant, and such other factors the United States deems relevant and appropriate.

IV.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that notwithstanding any existing payment terms, this Consent Judgment may be demanded in full and immediately by the United States upon 1) defendant's filing for bankruptcy relief, 2)

defendant's failure to comply with the terms of the payment schedule established by the United States, 3) the initiation of any collection action or procedure against defendant by any other creditor, or 4) defendant's violation of any terms of this Consent Judgment.

V.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that defendant shall keep the United States fully and currently informed in writing of any material change in his financial situation or ability to pay, and of any change in employment, place of residence or telephone number. Defendant shall provide such information to the United States Attorney's Office within ten (10) days of such change.

VI.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED the action upon which this Consent Judgment is based seeks treble damages and penalties. The Consent Judgment, however, sets forth a total sum payable by the Defendant. Plaintiff, in its sole discretion, shall have the right to allocate for bookkeeping, accounting and other purposes, all or any portion of the total judgment debt to (1) damages, (2) penalties, or (3) any combination of both.

Baton Rouge, Louisiana, this 7th day of December, 2009.



JAMES J. BRADY
UNITED STATES DISTRICT JUDGE