

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

FILED  
U.S. DISTRICT COURT  
DISTRICT OF NEBRASKA  
2008 NOV 10 PM 2:36  
OFFICE OF THE CLERK

**UNITED STATES OF AMERICA,** )  
 )  
 **Plaintiff,** )  
 )  
 v. )  
 )  
 **MARK A. FREDERICK,** )  
 )  
 **Defendant.** )

**Civil Action No.**  
*4:08CV3226*

**FINAL JUDGMENT BY CONSENT**

Plaintiff, the United States of America, having filed its Complaint herein, and Defendant, Mark A Frederick, having consented to the making and entry of this final judgment without trial, hereby agree as follows:

1. This Court has jurisdiction over the subject matter of this litigation and over all parties thereto. The Complaint herein states a claim upon which relief can be granted.
2. Defendant hereby admits all the allegations of Plaintiff's Complaint and therefore agrees to entry of a consent judgment in the sum of \$ 64,504.33 principal, plus interest at the legal rate computed daily and compounded annually from the date of judgment until paid in full, and court costs in the amount of \$ 370.00.
3. The parties agree that all sums paid in accordance with this judgment after the \$370.00 court costs shall be credited to the balance of the outstanding restitution ordered in United States v. Mobility Specialists, 4:08CR 3157.
4. This judgment amount shall be paid through monthly installment payments to be determined by the Financial Litigation Unit of the United States Attorney's Office based on the

information to be provided by Defendant in an updated Financial Statement of Debtor. The monthly installment payments will be due on the 1<sup>st</sup> day of every month until the debt is paid in full.

5. This judgment shall constitute an admission that the sum of \$ 64,504.33 is not dischargeable in bankruptcy, pursuant to 11 U.S.C. § 523(a)(2)(A). This sum or the balance thereof will remain a personal liability of Mark A. Frederick in any bankruptcy filed by Defendant.

6. In return for Defendant's consent to entry of judgment, the United States agrees to accept the amount set forth in paragraph two in full satisfaction of Defendant's civil liability.

7. Defendant shall submit financial data to Plaintiff on the anniversary date of this judgment, each year this judgment remains outstanding.

8. Defendant agrees to notify the United States Attorney's Office within thirty days of any change of address or employment until the judgment debt is paid in full.

9. In the event Defendant defaults on the payment of any installment, the balance of the judgment, including post-judgment interest, shall immediately become due and payable, and the United States may proceed with available administrative and judicial remedies to enforce the judgment debt, upon notice to Defendant.

10. Notice pursuant to the preceding paragraph shall be deemed due and sufficient notice if sent by first class mail, postage prepaid, to Defendant's address at the time of the filing of the Complaint or to any new address provided by Defendant.

11. The district court shall retain jurisdiction over this case for purposes of enforcing the Final Judgment by Consent.

12. Costs shall be paid by Defendant.

UNITED STATES OF AMERICA,  
Plaintiff,

JOE W. STECHER  
United States Attorney  
District of Nebraska

Date 11/10/2008

By:   
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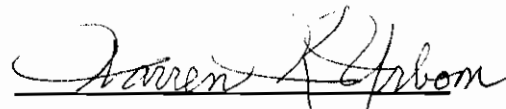
Date 11/10/2008

  
MARK FREDERICK  
DEFENDANT

Date 11/10/2008

  
ROBERT CREAGER  
ATTORNEY FOR DEFENDANT

APPROVED THIS 10<sup>th</sup> day of November, 2008, interest accruing at the legal rate of 7.24% per annum from the date of this judgment until paid in full, and court costs.

  
WARREN K. GIBSON  
JUDGE, U.S. DISTRICT COURT