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6 UNITED STATES DISTRICT COURT  
 7 DISTRICT OF NEVADA

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 vs.

11 PETER B. LAZARE, INDIVIDUALLY, AND  
 AS TRUSTEE OF THE JON J. EDELMAN  
 12 TRUST; IAN WILLIAMS, AS TRUSTEE OF  
 THE AURORA BOREALIS TRUST; PREMIER  
 13 TRUST, INC., AS TRUSTEE OF THE  
 AURORA BOREALIS TRUST,

14 Defendants.  
 15

CASE NO. 2:14-cv-001075-APG-VCF

**STIPULATION AND ORDER TO  
 MOTION FOR RELIEF FROM ORDER  
 PURSUANT TO FED.R.CIV.P.60(a)  
 (Dkt 33)**

16 Plaintiff United States of America (“Plaintiff”), and Defendants Peter B. Lazare,  
 17 Individually, and as Trustee of the Jon J. Edelman Trust; Ian Williams, as Trustee of the Aurora  
 18 Borealis Trust,; and Premier Trust, Inc., as Trustee of the Aurora Borealis Trust, (“Defendants”),  
 19 hereby stipulate to amend the Preliminary Injunction, entered in this action on July 11, 2014, as  
 20 follows:  
 21

22 Whereas, according to the Verified Complaint, the Federal District Court for the District  
 23 of New Mexico, on January 29, 2014, entered a Memorandum Opinion Order concluding that the  
 24 United States was entitled to a \$1,601,000 constructive trust against the Jon J. Edelman Trust and  
 25 making permanent an injunction against the Jon J. Edelman Trust liquidating, disbursing, or  
 26 encumbering any assets of the Jon J. Edelman Trust up to the amount of the constructive trust,  
 27 \$1,601,000; and  
 28

1           Whereas, the District Court of New Mexico entered a Judgment to that effect on  
2 February 6, 2014; and

3           Whereas, the United States commenced this action against the Jon J. Edelman Trust, the  
4 Aurora Borealis Trust, and Peter Lazare, on July 1, 2014, by filing a Verified Complaint (Doc.#  
5 1) averring, *inter alia*, fraudulent transfer of income received from the Estate of Mildred Ash  
6 and the personal liability of Peter Lazare under 31 U.S.C. 3713(b); and

7           Whereas, this Court entered a Preliminary Injunction (Doc. # 18), on July 11, 2014, *inter*  
8 *alia*, compelling the Aurora Borealis Trust to deposit the income from the Estate of Mildred Ash  
9 into the Court's registry and enjoining the Defendants from liquidating and distributing any part  
10 of the income or principal of the Aurora Borealis Trust, pending a hearing on the motion for  
11 preliminary injunction or further order of the Court; and

12           Whereas, the Preliminary Injunction of this Court (Doc.#18) does not contain the amount  
13 of the constructive trust adjudged by the New Mexico District and alleged in the Verified  
14 Complaint in this action, i.e. \$1,601,000, and is therefore ambiguous as to the extent and the  
15 duration of the injunction; and

16           Whereas, the Defendants moved for relief from the injunction to correct this oversight,  
17 pursuant to Fed. R. Civ. Pro. 60(b) (Doc. # 33); and

18           Whereas, the Plaintiff filed a response stating it had no opposition to the Motion for  
19 Relief from Order Pursuant to Fed. R. Civ. Pro. 60(b) (Doc. # 33); and

20           Whereas, the parties, without waiving any claims, defenses or rights, agree to the  
21 amendment of the Preliminary Injunction to correct this oversight, pursuant to Fed. R. Civ. Pro.  
22 60(a) and LR 7-1,

23           It is hereby stipulated and requested that the Court order the paragraphs 1 and 2 of the  
24 Preliminary Injunction (Doc. # 18) be amended to provide as follows:  
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1 1. The defendants and all agents, representatives, attorneys, entities or persons acting on  
2 their behalf or in concert with them, are hereby compelled to deposit the Aurora Borealis Trust's  
3 income from the Estate of Mildred Ash, up to the amount of \$1,601,000, less any amounts  
4 collected from any source pursuant to the constructive trust, pending a judgment or further order  
5 of this Court.

6 2. The defendants and all agents, representatives, attorneys, entities or persons acting on  
7 their behalf or in concert with them, are hereby enjoined from liquidating and distributing any  
8 part of the income or principal of the Aurora Borealis Trust, up to the amount of \$1,601,000, less  
9 any amounts collected by the Plaintiff from any source pursuant to the constructive trust,  
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1 a judgment or further order of this Court.

2 Dated: this 23<sup>rd</sup> day of June, 2015.

Dated: this 23<sup>rd</sup> day of June, 2015.

3 GARMAN TURNER GORDON LLP

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Acting Assistant Attorney General  
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4  
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17 Dated: this 23<sup>rd</sup> day of June, 2015

18 KOLESAR & LEATHAM

19  
20 /s/ Kenneth A. Burns

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*Attorneys for Premier Trust, Inc.,*

*Individually and as Trustee of the Aurora Borealis Trust*

24  
25 IT IS HEREBY ORDERED this 24th day of June, 2015.

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UNITED STATES DISTRICT COURT JUDGE