

*Rakoff, J*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :

Plaintiff, :

- v. - :

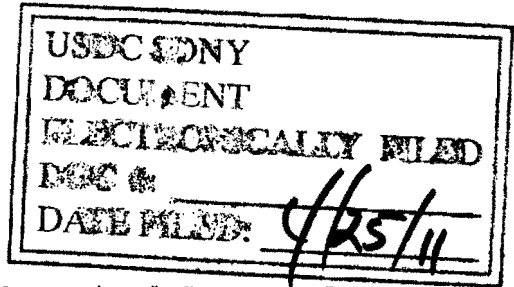
STIPULATION AND ORDER

\$7,870,530.02 FORMERLY ON DEPOSIT AT :  
BBVA COMPASS BANK IN ACCOUNT NUMBER :  
2525668196, HELD IN THE NAME OF QUAD :  
GRAPH, and :

11 Civ. 2187 (JSR)

\$47,137.91 FORMERLY ON DEPOSIT AT :  
BBVA COMPASS BANK IN ACCOUNT NUMBER :  
2525763350, HELD IN THE NAME OF ANDY :  
SURFACE; :

Defendants-in-rem. :  
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WHEREAS, on March 30, 2011, the United States of  
America brought this action pursuant to Title 18, United States  
Code, Section 981(a)(1)(A) by the filing of a Verified Complaint  
seeking the forfeiture of the following:

\$7,870,530.02 FORMERLY ON DEPOSIT AT BBVA  
COMPASS BANK IN ACCOUNT NUMBER 2525668196,  
HELD IN THE NAME OF QUAD GRAPH (the "Quad  
Graph Account"), and

\$47,137.91 FORMERLY ON DEPOSIT AT BBVA  
COMPASS BANK IN ACCOUNT NUMBER 2525763350,  
HELD IN THE NAME ANDY SURFACE (the "Surface  
Account")

(together, the "Defendant Funds");

WHEREAS, the Quad Graph Account was opened by Andy  
Surface, who represented himself as the sole proprietor of Quad  
Graph and who was the sole signatory for the account;

WHEREAS, account opening records for the Quad Graph Account include a "Certificate of Ownership for Unincorporated Business or Profession" filed with the Count Clerk of the County of Galveston, Texas identify Andy Ray Surface as the owner of Quad Graph and having the same address as Quad Graph;

WHEREAS, the United States Attorney's Office for the Southern District of New York and Andy Surface agree that Andy Surface shall waive any claim to the Defendant Funds;

IT IS HEREBY STIPULATED, ORDERED AND AGREED that:

1. Andy Surface waives any claim to the Defendant Funds. In any administrative or judicial forfeiture proceedings concerning the Defendant Funds, Andy Surface shall not (a) file any petition or claim concerning the Defendant Funds, (b) cause a claim or petition concerning the Defendant Funds to be filed on his behalf, or (c) assist any other person in filing or asserting a petition or claim concerning the Defendant Funds.

2. Andy Surface is hereby barred from asserting, or assisting others in asserting, any claim against the United States or any of its agents and employees (including, without limitation, the United States Attorney's Office for the Southern District of New York ("USAO-SDNY") and the United States Secret Service ("USSS"), and any agents and employees of the the USAO-SDNY and the USSS), in connection with or arising out of the seizure, restraint, and/or constructive possession of the

Defendant Funds, including, but not limited to, any claim that there was no probable cause to seize the Defendant Funds, that Andy Surface is a prevailing party, or that Andy Surface is entitled to attorney's fees or any award of interest.

3. Andy Surface agrees to hold harmless and indemnify the United States or any of its agents and employees (including but not limited to the USAO-SDNY and the USSS, and any agents and employees of the USAO-SDNY and the USSS), from any and all claims arising from any acts, incidents, and/or occurrences in connection with the seizure and/or possession of the Defendant Funds, including but not limited to any third-party claims of ownership of the Defendant Funds.

4. The parties hereby waive all rights to challenge or contest the validity of this Stipulation and Order.

5. This Stipulation and Order shall in no way be deemed an admission of culpability, liability, or guilt on behalf of Andy Surface, or of the United States or any of their respective agents, officers, or employees, past and present.

6. Further, this Stipulation and Order shall in no way constitute any reflection upon the merits of any claim and defenses that may be asserted respectively by the United States and Andy Surface.

7. Each party to this Stipulation and Order shall bear its own costs and attorney's fees.

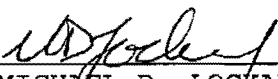
8. This Stipulation may be executed in counterparts, each of which shall be deemed an original, and all of which, when taken together, shall be deemed the complete Stipulation and Order. Signature pages may be by fax or by .pdf and such signatures shall be deemed as valid originals.

9. This Stipulation and Order constitutes the complete agreement between the parties hereto and may not be amended except by written consent thereof.

Agreed and consented to:

PREET BHARARA  
United States Attorney for the  
Southern District of New York  
Attorney for Plaintiff

By:

  
\_\_\_\_\_  
MICHAEL D. LOCKARD  
Assistant United States Attorney  
One St. Andrew's Plaza  
New York, New York 10007  
(212) 637-2193

4/15/2011  
\_\_\_\_\_  
DATE

ANDY SURFACE  
County Road 133A  
Alvin, Texas 77511

\_\_\_\_\_

\_\_\_\_\_  
DATE

SO ORDERED:

\_\_\_\_\_  
HONORABLE  
UNITED STATES DISTRICT JUDGE,  
PART I

\_\_\_\_\_  
DATE

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Agreed and consented to:

PREET BHARARA  
 United States Attorney for the  
 Southern District of New York  
 Attorney for Plaintiff

By:

MICHAEL D. LOCKARD  
 Assistant United States Attorney  
 One St. Andrew's Plaza  
 New York, New York 10007  
 (212) 637-2193

DATE

ANDY SURFACE  
 County Road 133A  
 Alvin, Texas 77511

Andy Surface

DATE

4-15-2011

SO ORDERED:

J. S. Rakoff  
 HONORABLE JUDGE S. RAKOFF  
 UNITED STATES DISTRICT JUDGE,  
 PART \*

DATE

4-23-11

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