

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :

Plaintiff, :

- v. - :

STIPULATION AND ORDER
OF SETTLEMENT

\$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. :
-----x

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;

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

(together, the "Defendant Funds");

WHEREAS, in recognition of potential claims to the
Defendant Funds by Condé Nast and for the purpose of settling
this matter without further litigation, the Office of the United
States Attorney for the Southern District of New York and Condé

Nast agree that the Defendant Funds should be released to Condé Nast on the terms and conditions set forth below.

NOW, THEREFORE, IT IS HEREBY STIPULATED, ORDERED AND AGREED by and between the United States of America, by its attorney Preet Bharara, United States Attorney for the Southern District of New York, Assistant United States Attorney Michael D. Lockard, of counsel, and Condé Nast, by and through its attorney Yvonne Quinn, Esq., Sullivan & Cromwell, LLP, that:

1. The Defendant Funds shall be released to Condé Nast by payment of the sum of \$7,917,667.93 plus interest accrued thereon to an account to be designated by Condé Nast's counsel on Form USM-3881 (ACH Vendor/Miscellaneous Payment Enrollment Form) (Rev.03/10).

2. Condé Nast 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 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 Condé Nast is a

prevailing party, or that Condé Nast is entitled to attorney's fees or any award of interest.

3. Condé Nast 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 third-party claims of any interest in the Defendant Funds.

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

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

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

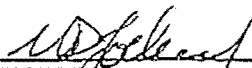
7. This Stipulation and Order constitutes the complete agreement between the parties hereto and may not be amended except by written consent thereof.

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.

Agreed and consented to:

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

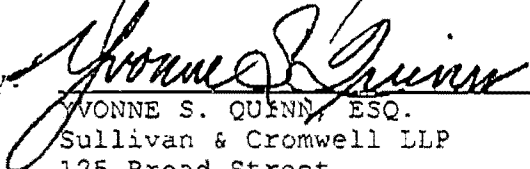
By: 
MICHAEL D. LOCKARD
Assistant United States Attorney
One St. Andrew's Plaza
New York, New York 10007
(212) 637-2193

May 2, 2011
DATE

CONDÉ NAST

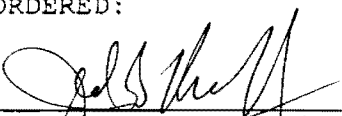
By: 
CONDÉ NAST

4/26/11
DATE

By: 
YVONNE S. QUINN, ESQ.
Sullivan & Cromwell LLP
125 Broad Street
New York, New York 10004
(212) 558-3736
Attorneys for Condé Nast

4/27/11
DATE

SO ORDERED:


HONORABLE JED S. RAKOFF
UNITED STATES DISTRICT JUDGE

6/6/11
DATE