

**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

*86 Chambers Street  
New York, New York 10007*

February 2, 2024

**VIA ECF**

Hon. Robyn F. Tarnofsky  
United States Magistrate Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

# MEMO ENDORSED

Re: *United States v. Molyneux*, No. 22 Civ. 10654 (JGLC) (RFT)

Dear Judge Tarnofsky:

This Office represents plaintiff the United States of America (the “Government”) in the above-referenced lawsuit against *pro se* defendant Pilar Molyneux (“Defendant”), who resides in France, to collect unpaid civil penalties for her willful failure to report her financial interest in foreign bank accounts (“FBARs”) in calendar years 2014 and 2015, as required by 31 U.S.C. § 5314 and implementing regulations.

I write respectfully to request that the in-person settlement conference currently scheduled for February 13, 2024, at 10:00 am (ECF No. 21), be adjourned to a date during the week of March 18, 2024, at a time that accounts for the six-hour time difference between New York and France, and be converted to a remote videoconference. I further request that the parties’ obligation to submit *ex parte* settlement positions be extended from February 6, 2024, *id.*, to one week before the rescheduled conference. The Government is mindful that Section V.M of the Court’s Individual Practices requires the parties to submit at least three proposed new dates to the Court as part of an adjournment request, but is unable to do so as of today. Although Defendant’s counsel in France<sup>1</sup> previously informed me that her client consents to an adjournment of the February 6, conference, I have not yet obtained Defendant’s proposed new dates for the conference. The Government, however, is available on March 18, 19, 20, and 21, 2024. Given the uncertainty over Defendant’s availability and the Government’s ongoing efforts to obtain settlement authority, as described below, the Government alternatively requests that the settlement conference be adjourned *sine die*, with the Government to submit a status letter in three weeks regarding the parties’ prospects for settlement without the Court’s assistance, and/or proposed dates and times for the rescheduled conference. This is the Government’s second request for an adjournment of the settlement conference.

The adjournment is requested because the Government does not yet have settlement authority from officials within the Internal Revenue Service (“IRS”) and the Tax Division of the

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<sup>1</sup> All communications between the Government and Defendant have occurred through Nora Newton Muller, Esq., a French lawyer who is also admitted to practice in New York State but is located in Paris. Ms. Muller is not admitted to practice before this Court and has informed the undersigned that she will not be filing a notice of appearance on Defendant’s behalf in this case.

Department of Justice (“DOJ”), and is therefore not in a position to respond to Defendant’s opening proposal or to engage in further monetary settlement discussions. Although the Government has completed its review of financial information provided by Defendant in support of her proposed resolution, it is continuing to confer with the IRS and DOJ to determine what its settlement position should be. Any final settlement position must be approved by officials with settlement authority within the IRS and DOJ before the Government can respond to Defendant’s proposal and appear at a settlement conference. We anticipate that this process will conclude within the next several weeks.

We thank the Court for its consideration of this request.

Sincerely,

DAMIAN WILLIAMS  
United States Attorney

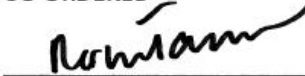
By: /s/ Tomoko Onozawa  
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cc: Nora Newton Muller, Esq. (via electronic mail)

The conference scheduled for February 13, will now take place on Monday, **March 18, at 10 AM**. The Courtroom Deputy will email the log-in details a week before the settlement conference date. The parties are instructed to complete the Ex Parte Settlement Conference Summary Report and prepare pre-conference submissions in accordance with my Individual Rules of Practice. Pre-conference submissions must be received no later than Monday, **March 11th by 5 PM**.

Date: 2/5/2024  
New York, NY

SO ORDERED



ROBYN F. TARNOFSKY  
UNITED STATES MAGISTRATE JUDGE