

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Petitioner,

-against-

S1 03 Crim. 308 (LAK) (AJP)

ARNOLD MAURICE BENGIS, *et al.*,

Respondent.
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ORDER

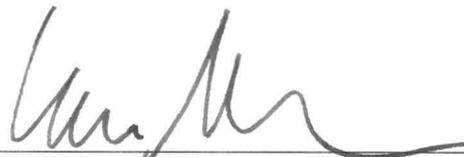
LEWIS A. KAPLAN, *District Judge.*

On April 23, 2013, the Court issued an order [DI 234] restraining the defendants from transferring or disposing of any assets held at SG Hambros Bank in the Channel Islands, except to the extent that such assets exceed \$54,883,550. In view of the Court's June 14, 2013 decision ordering restitution in the amount of \$22,446,720, the amount of assets restrained is greatly in excess of that necessary to satisfy the order of restitution. The Court's April 23 Order therefore is modified as follows: the defendants are hereby enjoined and restrained from transferring or otherwise disposing of any assets held at SG Hambros Bank in the Channel Islands except to the extent that any such assets exceed the sum of \$22,446,720.

On March 11, 2013, the government applied for an order under the All Writs Act [DI 217] directing the defendants to pay \$54,883,550 into the registry of the Court to prevent dissipation of the funds and to make them available for any eventual order of restitution. In light of the Court's restitution order, the government's application for interim relief is denied as moot.

The government's application under the All Writs Act to hold the defendants in civil contempt and to impose a fine for their failure to submit financial affidavits to Magistrate Judge Peck [DI 233] is denied. Judge Peck requested the financial affidavits to create a payment schedule based on the defendants' financial resources. The appropriate sanction for the failure to submit financial affidavits was recommending that the full amount of restitution be paid immediately. Accordingly, this application [DI 233] is denied.

Dated: June 14, 2013



Lewis A. Kaplan
United States District Judge

