

The Hon. Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT ALAN SOLOWAY,

Defendants.

NO. CR07-187 MJP

PRELIMINARY
ORDER OF FORFEITURE

Pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure and based upon the guilty plea of Robert Alan Soloway to Mail Fraud, as charged in Count 8 of the Second Superseding Indictment, in violation of Title 18, United States Code, Section 1341; Fraud in Connection with Electronic Mail, as charged in Count 18 of the Second Superseding Indictment, in violation of Title 18, United States Code, Sections 1037(a)(3) and (b)(1)(A); Willful Failure to File Return, as charged in Count 26 of the Second Superseding Indictment, in violation of Title 18, United States Code, Section 7203; upon the plea agreement filed in this matter between Robert Alan Soloway and the United States, and upon the witness testimony and exhibits presented at the sentencing hearing, it is hereby

ORDERED, ADJUDGED and DECREED that pursuant to Title 18, United States Code, Sections 1037(c)(1) and (c)(2), Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), the following properties are hereby forfeited to the United States of America:

1 a) Money Judgment

2 The sum in the amount determined by the Court to represent the gross
3 proceeds obtained as a result of the offenses to which Defendant has pleaded guilty,
4 specifically:

5 \$704,886.79 U.S. Funds.

6 b) Computer

7 1) Sony Vaio desktop computer, SN# 3014916, subject to forfeiture
8 as property used to commit the violation of Title 18, United States Code, Section 1037.

9 IT IS FURTHER ORDERED that the United States Department of Treasury shall
10 seize the properties, and maintain such seized properties in their custody and control until
11 further order of this Court, or until this Order becomes final pursuant to Federal Rule of
12 Criminal Procedure 32.2(c)(2).

13 IT IS FURTHER ORDERED that pursuant to Title 21, United States Code, Section
14 853(n) the United States shall publish notice of this Preliminary Order of Forfeiture and of
15 the United States' intent to dispose of the properties in accordance with law. The notice
16 shall run for one (1) day each week for three (3) consecutive weeks in The Daily Journal
17 of Commerce and/or any other appropriate newspaper of general circulation. The notice
18 shall state that any person, other than the defendant, having or claiming a legal interest in
19 the properties must file a petition with the Court within thirty (30) days of the final
20 publication of notice or of receipt of actual notice, whichever is earlier.

21 The notice shall advise such interested persons that: 1) the petition shall be for a
22 hearing to adjudicate the validity of the petitioner's alleged interest in the properties; 2)
23 the petition shall be signed by the petitioners under penalty of perjury; and 3) the petition
24 shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited
25 properties. The petition shall also set forth any additional facts supporting the petitioner's
26 claim and the relief sought.

1 The United States shall also, to the extent possible, provide direct written notice as
2 a substitute for published notice to any person known to have an alleged interest in the
3 properties that are the subject of this Preliminary Order of Forfeiture. Upon adjudication
4 of any third-party claims, this Court will enter a Final Order of Forfeiture pursuant to Title
5 21, United States Code, Section 853(n), in which all such claims will be addressed.

6 IT IS FURTHER ORDERED that pursuant to Rule 32.2(b)(3), Federal Rules of
7 Criminal Procedure, this Preliminary Order of Forfeiture shall become final as to the
8 defendant at the time of sentencing and shall be made part of the sentence and included in
9 the judgment. Based upon the Plea Agreement and the guilty pleas entered by the
10 defendant herein, the Court finds that the defendant had an interest in the forfeited
11 property. If no third party files a timely claim, this Order shall become the Final Order of
12 Forfeiture as provided by Rule 32.2(c)(2), Federal Rules of Criminal Procedure.

13 IT IS FURTHER ORDERED that after the disposition of any motion filed under
14 Rule 32.2(c)(1)(A), Federal Rules of Criminal Procedure and before a hearing on any third
15 party petition, discovery may be conducted in accordance with the Federal Rules of Civil
16 Procedure upon a showing that such discovery is necessary or desirable to resolve factual
17 issues.

18 IT IS FURTHER ORDERED that the United States shall have clear title to the
19 properties following the Court's disposition of all third party interests, or, if none,
20 following the expiration of the period provided in Title 21, United States Code, Section
21 853(n) for the filing of third party petitions.

22 IT IS FURTHER ORDERED that the Court shall retain jurisdiction to enforce this
23 Order, and to amend it as necessary, pursuant to Rule 32.2(e), Federal Rules of Criminal
24 Procedure.

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1 The Clerk of the Court is directed to send a copy of this Preliminary Order of
2 Forfeiture to all counsel of record and six (6) "raised sealed" certified copies to the office
3 of the United States Attorney for the Western District of Washington.

4 DATED this _____ day of July, 2008

5
6 UNITED STATES DISTRICT JUDGE

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8 Presented by:

9 

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