

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

Plaintiff, :

- v. - :

RUDY KURNIAWAN, :

a/k/a "Dr. Conti," :

a/k/a "Mr. 47," :

Defendant. :

- - - - -x

CONSENT PRELIMINARY ORDER  
OF FORFEITURE AS TO  
SPECIFIC PROPERTIES/  
MONEY JUDGMENT

12 Cr. 376 (RMB)

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| <p>USDC SDNY<br/>DOCUMENT<br/>ELECTRONICALLY FILED<br/>DOC #:<br/>DATE FILED: <u>8/5/14</u></p> |
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WHEREAS, on April 8, 2013, RUDY KURNIAWAN, the defendant, was charged in a two-count Superseding Indictment, 12 Cr. 376 (RMB) (the "Indictment") with mail fraud, in violation of Title 18, United States Code, Sections 1341 and 2 (Count One); and wire fraud, in violation of Title 18, United States Code, Sections 1343 and 2 (Count Two);

WHEREAS, the Indictment included forfeiture allegations as to Counts One and Two seeking, pursuant to Title 18, United States Code, Section 982(a)(1)(C), and Title 28, United States Code, Section 2461, the forfeiture of all property, real and personal which constitutes or is derived from proceeds traceable to the commission of the said offenses;

WHEREAS, on or about November 26, 2013, the Court entered a Post-Indictment Restraining Order pursuant Title 18, United States Code, Sections 981 (a) (1) (C), 982 (a) (1) and (b) (1), Title 21, United States Code, Section 853, Title 28, United States Code, Section 2461(c), restraining the following, including but not limited to:

- a) All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 11782 Southampton Court, Los Angeles, California 90077, more particularly described as: Parcel # 4377-48-11, Tract# 43918 and Lot# 14;
- b) All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 9638 East Naomi Ave., Arcadia, California 91007, more particularly described as: Parcel# 8383-005-001, Tract# 52901 and Lot# 4;
- c) All wine stored at Pacific Wine Distributors in Irwindale, California, held in the name of the defendant;
- d) All right, title, and interest in Etienne & Partners investment in vineyards and wines in Burgundy, France;
- e) All right, title, and interest in the Mozza LLC restaurant group in the amount of \$100,000, including any and all dividends issued to the defendant;
- f) All funds on deposit in Wells Fargo Account Number 5488926907;
- g) All right, title, and interest in two Patek Philippe watches purchased from Feel Good Watches in the amount of \$55,160.00;

h) All right, title, and interest in purchases from Chong Hing Jewelers in the amount of \$722,237.86, including, but not limited to, the following:

| Date       | Chong Hing Invoice# | Amount of Invoice | ITEM                           |
|------------|---------------------|-------------------|--------------------------------|
| 4/1/2006   | 50311               | \$50,000.00       | 1 Patek Philippe watch         |
| 4/1/2006   | 50312               | \$15,000.00       | 1 Patek Philippe watch         |
| 4/20/2006  | 39093               | \$33,600.00       | 1 Mikimoto s/s pearl necklace  |
| 4/20/2006  | 39094               | \$17,945.00       | 1 Mont Blanc pen               |
| 9/21/2006  | 56897               | \$332,000.00      | 2 Patek Philippe watches       |
| 10/8/2006  | 56832               | \$17,916.86       | 3 OP Ferrari watches           |
| 10/21/2006 | 57726               | \$28,000.00       | 2 Patek Philippe watches       |
| 10/21/2006 | 57725               | \$4,800.00        | 1 pair of 18k Diamond Earrings |
| 10/22/2006 | 57094               | \$3,300.00        | 1 Omega watch                  |
| 10/22/2006 | 57093               | \$4,500.00        | 1 OP watch                     |
| 12/1/2006  | 57893               | \$2,300.00        | 1 Tag Heuer watch              |
| 6/17/2007  | 63293               | \$150,585.00      | 2 Patek Philippe watch         |
| 2/13/2007  | 55682               | \$7,935.00        | 1 Patek Philippe watch         |
| 7/21/2007  | 62733               | \$54,356.00       | 1 JLC & 3 JWC watches          |

i) All right, title, and interest in Todd Eberle: Detail: 100 Untitled Works in Mill Aluminum by Donald Judd. The Chinati Foundation, Marfa, Texas, August 1993. 1993 Digital C-Print Edition #2/3, purchased from the Gagosian Gallery;

j) All right, title, and interest in Damien Hurst: Acetylnucleic Acid 2006. Household gloss on canvas, purchased from the Gagosian Gallery;

- k) All right, title, and interest in Damien Hurst:  
Beautiful, I Pushed The Controls Ahead of Rockets Blazed,  
I Don't Want To Be A Dead Artist Painting, 2005. Household  
gloss on canvas, purchased from the Gagosian Gallery;
- l) All right, title, and interest in ZHANG XIAOGANG: The  
Sisters (The Grand Family no. 7), 1996 Oil on Canvas,  
purchased from the Gagosian Gallery;
- m) All right, title, and interest in purchases from  
Christies in the amount of \$309,364.94;
- n) All right, title, and interest in purchase of two  
chandeliers from John J. Nelson Antiques in the amount  
of \$259,800;
- o) All right, title, and interest in any accounts at JP  
Morgan Chase Bank Private Client Group Account in the  
amount of \$33,351.50;
- p) All right, title, and interest in any accounts of Golden  
Capital at Oppenheimer Co Inc account # G24-1501258 in  
the amount of \$22,475.00;

((a) through (p) collectively, the "Specific Properties");

WHEREAS, on or about September 16, 2013, the defendant was  
found guilty, after a jury trial, of Counts One and Two of the  
Indictment;

WHEREAS, the defendant consents to a money judgment in the  
amount of \$20,000,000 in United States currency representing the  
amount of proceeds obtained as a result of the offenses charged in  
Counts One and Two of the Indictment and to the forfeiture of all  
of her right, title and interest in the Specific Properties;

WHEREAS, pursuant to Title 21, United States Code, Section 853(g), and Rules 32.2(b)(3), and 32.2(b)(6), of the Federal Rules of Criminal Procedure, the Government is now entitled, pending any assertion of third-party claims, to reduce the Specific Properties to its possession and to notify any person who reasonably appears to be a potential claimant of its interest therein;

IT IS HEREBY STIPULATED AND AGREED, by and between the plaintiff, United States of America, by its attorney Preet Bharara, United States Attorney, Assistant United States Attorney Andrew C. Adams, of counsel, and the defendant, and his counsel, Jerome H. Mooney, Esq., that:

1. As a result of the offenses charged in Counts One and Two of the Indictment, to which the defendant was found guilty at trial, a money judgment in the amount of \$20,000,000 in United States currency (the "Money Judgment"), shall be entered against the defendant. Upon the entry of a Final Order of Forfeiture as to the Specific Properties the Specific Properties shall be applied in partial satisfaction of the Money Judgment.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment, this Order is final as to the defendant, RUDY KURNIAWAN, and shall be deemed part

of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. All of the defendant's right, title and interest in the Specific Properties is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853(n).

4. Upon entry of this Preliminary Order of Forfeiture as to Specific Properties, the United States Marshals Service (or its designee) and the Federal Bureau of Investigation are authorized to seize the Specific Properties and hold the Specific Properties in their secure, custody and control.

5. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States shall publish for at least thirty (30) consecutive days on the official government internet forfeiture site, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Consent Preliminary Order of Forfeiture as to Specific Properties/Money Judgment. Any person, other than the defendant in this case, claiming an interest in the Specific Properties must file a petition within sixty (60) days from the first day of publication of the notice on this official government internet site, or no later than



thirty-five (35) days from the mailing of actual notice, whichever is earlier.

6. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific Properties, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title and interest in the Specific Properties and any additional facts supporting the petitioner's claim and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

7. Pursuant to Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, the Government shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Specific Properties pursuant to Title 21, United States Code, Section 853(n) and Rule 32.2(c)(2) of the Federal Rules of Criminal Procedure, in which all third-party interests will be addressed.

9. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service (or its designee), and delivered by mail to the United States Attorney's

Office, Southern District of New York, Attn: Money Laundering and Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

10. Upon execution of this Consent Preliminary Order of Forfeiture/Money Judgment, and pursuant to 21 U.S.C. § 853, the United States Marshals Service (or its designee) shall be authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

11. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture as to Specific Properties/Money Judgment, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of additional forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

12. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

13. The Clerk of the Court shall forward three certified copies of this Order to Assistant United States Attorney Andrew C. Adams, One St. Andrew's Plaza, New York, New York 10007.

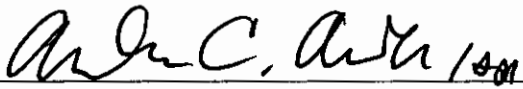


14. The signature pages of this Consent Preliminary Order of Forfeiture as to Specific Properties/Money Judgment order may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

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

By:

  
ANDREW C. ADAMS  
Assistant United States Attorney  
1 Saint Andrew's Plaza  
New York, NY 10007  
(212) 637-2340

07/24/14  
DATE

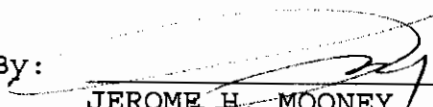
RUDY KURNIAWAN  
DEFENDANT

By:

  
RUDY KURNIAWAN


July 24, 2014  
DATE

By:

  
JEROME H. MOONEY, Esq.  
Weston Garrou & Mooney  
12121 Wilshire Boulevard, #525  
Los Angeles, CA 90025  
(310) 442-0072

July 24, 2014  
DATE

SO ORDERED:

  
HONORABLE RICHARD M. BERMAN  
UNITED STATES DISTRICT JUDGE

7/24/14  
DATE