

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 07-21791-CIV-UNGARO/O'SULLIVAN

UNITED STATES OF AMERICA

Plaintiff,

vs.

PROCEEDS OF CRIME
TRANSFERRED TO CERTAIN
DOMESTIC FINANCIAL
ACCOUNTS,

Defendant.

_____ /

EX PARTE RESTRAINING ORDER

THIS MATTER came before the Court on the *Ex Parte* motion of the United States of America for entry of a restraining order pursuant to 18 U.S.C. § 983(j)(1), to secure, maintain and preserve the availability of property subject to civil forfeiture. The Court, having reviewed the *Ex Parte* Motion and Memorandum of Law, and the Complaint filed in this matter, makes the following findings:

1. On July 12, 2007, the United States filed a verified civil forfeiture complaint against a number of brokerage and bank accounts pursuant to 18 U.S.C. §§ 981(a)(1)(A), 981(a)(1)(B), 981(a)(1)(C), and 984, as proceeds, property traceable to proceeds and property involved in foreign public corruption offenses, fraud against a foreign bank, U.S. money laundering offenses, and violations of 18 U.S.C. § 2314.

2. The Verified Complaint for Forfeiture specifically states the circumstances from

which the claim arises, identifies the property as being subject to forfeiture under 18 U.S.C. §§ 981 and 984, and establishes sufficient probable cause for the issuance of the requested restraining order.

3. Pursuant to 18 U.S.C. § 983(j)(1), the Court is authorized to enter a restraining order to preserve the availability of property subject to forfeiture in civil forfeiture cases.

4. The United States seeks the restraining order to secure, maintain and preserve the availability of property subject to civil forfeiture in this case.

5. The need to preserve the availability of the subject property through the entry of the restraining order outweighs the hardship of any party against whom the order is entered.

Accordingly, it is hereby

ORDERED and ADJUDGED that:

1. The property identified in Attachment A is restrained pursuant to 18 U.S.C. § 983(j)(1)(A).
2. Pierfrancesco Munari and all persons, agents, servants, employees, attorneys, family members and those persons acting in concert or participation with him, and anyone holding the property, both real or personal, including bank investment accounts, for him or others for whom he acts, be and are hereby enjoined and restrained from selling, assigning, pledging, distributing, giving away, encumbering or otherwise participating in the disposal of (by transfer of stock or otherwise) or removal from the jurisdiction of this Court, with the intent to conceal and hide, or removing from any checking, savings or investment account, all or part of any direct or indirect interest in the property identified in Attachment A.
3. If after this Order is entered, any of the property identified in Attachment A is transferred or disposed of by any means, Pierfrancesco Munari and all persons, agents, servants, employees, attorneys, family members and those persons acting in concert or participation with him, shall account to the Court for the disposition and location of the property. Further, this Order applies with

equal force and effect to restrain the transfer or disposition of the proceeds or income from said property.

4. All financial institutions or brokers holding any accounts or property identified in Attachment A are directed to prevent and otherwise are enjoined from transferring (by wire-transfer or other means), conveying, diminishing, or disposing of any such property and monies held in the accounts identified in Attachment A, to any account outside of the financial institution. Such financial institutions or brokers shall continue to receive and credit monies and interest to the accounts identified above, which additional funds shall be subject to this Order and restrained pursuant to its terms, and such brokers may trade, sell, buy any securities held to avoid significant losses, or reinvest term investments that may mature during the pendency of this order, or liquidate any asset that may be losing value, under the same terms, authority and fiduciary duties that the broker has under any contract entered into with the persons or entities that control or own the accounts, but in no case may such brokers follow instructions by any account holder or persons, agents, servants, employees, attorneys, family members and any persons acting in concert with the account holder.

5. The Court directs Special Agents of the United States Immigration and Customs Enforcement to serve a copy of this Order on the financial institutions named in Attachment A, make a return thereon reflecting the date and time of service, and to provide notice to persons known to the United States to have a property interest in said property.

6. All financial institutions holding any accounts identified on Attachment A shall immediately inform the notifying law enforcement agents of each account balance at the time of such service and thereafter at the request of such agents during the pendency of this Order.

7. This Restraining Order shall remain in full force and effect until further Order of this Court.

DONE AND ORDERED in Chambers on this 26th day of July, 2007 *nunc pro tunc* for July 17, 2007.



URSULA UNGARO
UNITED STATES DISTRICT JUDGE

Certified copies furnished to:

Michelle Alvarez, Assistant United
States Attorney
A.J. De Kluiver, Senior Trial
Attorney, AFMLS
United States Immigration and
Customs Enforcement (ten copies)