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ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 9/21/15

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
UNITED STATES OF AMERICA  
:  
- v. -  
:  
GALEN MARSH,  
:  
Defendant.  
:  
----- X

CONSENT PRELIMINARY  
ORDER OF FORFEITURE AS TO  
SPECIFIC PROPERTIES

15 Cr. (KTD)

WHEREAS, on or about September 21, 2015, GALEN MARSH (the “Defendant”) was charged in a one-count Information, 15 Cr. \_\_\_ (KTD) (the “Information”), with exceeding authorized access to a computer, in violation of Title 18, United States Code, Sections 1030(a)(2)(A) and 2;

WHEREAS, the Information included a forfeiture allegation as to Count One of the Information seeking, pursuant to Title 18, United States Code, Section 1030(i)(1), the forfeiture of any property, real and personal, constituting, or derived from, any proceeds that the Defendant obtained, directly or indirectly, as a result of the offense charged in Count One of the Information and the Defendant’s interest in any personal property that was used or intended to be used to commit or to facilitate the offense charged in Count One of the Information, including but not limited to the following specific property:

- a. One (1) Synology DS211J network attached storage (“NAS”) device with serial number B2HCN08755;
- b. One (1) Toshiba WL916XBKC3SWA hard drive with serial number 49IVTKVZT;
- c. One (1) Lenovo ThinkPad x220 with serial number R9-GPXV4 11/09;
- d. One (1) Samsung 830 Series Media Center Server with serial number S0Z3NSAC947261;

- e. One (1) Kingston Data Traveler 2.0 USB device with serial number C86000886357CE804A1F375E;
- f. One (1) Kingston Data Traveler 2.0 USB device with serial number C8600088614FCE804A2CF387;
- g. One (1) Kingston Data Traveler 3.0 USB device with serial number 00190F0C029BBE70D966970A;
- h. One (1) Kingston Data Traveler 2.0 USB device with serial number C860008862F1CE805A0F266F; and
- i. Three (3) Western Digital hard drives with the following serial numbers: WCAV90083385, WMAVU3247235, and WCCIT0448276;

(collectively, the “Specific Properties”);

WHEREAS, on or about September 21, 2015, the Defendant pled guilty to Count One of the Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Information and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 1030(i)(1), all property, real and personal, constituting or derived from, any proceeds that the Defendant obtained, directly or indirectly, as a result of the offense charged in Count One of the Information, and the Defendant’s interest in any personal property that was used or intended to be used to commit or to facilitate the offense charged in Count One of the Information, including but not limited to the Specific Properties;

WHEREAS, the Defendant consents to the forfeiture of all of his right, title, and interest in the Specific Properties;

WHEREAS, the Defendant agrees that the Specific Properties are forfeitable to the United States because the Specific Properties were used or intended to be used to commit or to facilitate the offense charged in Count One of the Information;

WHEREAS, pursuant to Federal Rule of Criminal Procedure 32.2(b)(4)(A), the Defendant consents to this Consent Preliminary Order of Forfeiture as to Specific Properties becoming final as to his interests prior to sentencing;

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 and all persons who reasonably appear to be a potential claimant of their interest herein;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Preet Bharara, United States Attorney, Assistant United States Attorney Christine I. Magdo, of counsel, and the Defendant and his counsel, Robert C. Gottlieb, Esq., that:

1. As a result of the offense charged in Count One of the Information, to which the Defendant pled guilty, 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. The Defendant agrees that he will not file a claim or a petition for remission or mitigation in any forfeiture proceeding involving the Specific Properties and will not assist anyone else in doing so.

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 Properties, this Consent Preliminary Order of Forfeiture as to Specific Properties is final as to the Defendant, GALEN MARSH, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. Upon entry of this Consent Preliminary Order of Forfeiture as to Specific Properties, the United States Marshals Service (or its designee) is authorized to seize the Specific Properties and hold the Specific Properties in its secure custody and control.

4. 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. Any person, other than the Defendant in this case, claiming an interest in any of 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.

5. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in any of 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 any of 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).

6. Pursuant to Rule 32.2(b)(6)(A) 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.

7. 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.

8. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture as to Specific Properties, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

9. 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, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of 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.


10. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture as to Specific Properties to Assistant United States Attorney, Jason H. Cowley, Chief of Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007.

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11. The signature page of this Consent Preliminary Order of Forfeiture as to Specific Properties 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

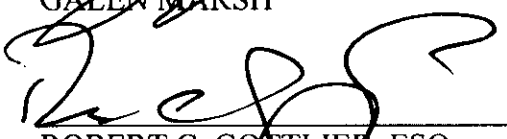
By:   
CHRISTINE I. MAGDO  
Assistant United States Attorney  
One St. Andrew's Plaza  
New York, New York 10007  
Tel.: (212) 637-2297

9/18/15  
DATE

GALEN MARSH  
DEFENDANT


By:   
GALEN MARSH

9/21/15  
DATE

By:   
ROBERT C. GOTTLIEB, ESQ.  
Attorney for Defendant  
Gottlieb & Gordon, LLP  
Trinity Building  
111 Broadway, Suite 701  
New York, New York 10006  
Tel.: (212) 566-7766

9/21/15  
DATE

SO ORDERED:

  
HONORABLE KEVIN THOMAS DUFFY  
UNITED STATES DISTRICT JUDGE

9/21/2015  
DATE