

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 13-cr-20600

v.

Paul D. Borman
United States District Judge

FARID FATA,

Defendant.

ORDER (1) CONTINUING RESTITUTION PROCESS; and
(2) PRECLUDING FURTHER SUBMISSION/PROCESSING
OF LATE FILED CLAIMS FOR RESTITUTION AND
LATE REQUESTS FOR RECONSIDERATION OF DENIED CLAIMS

On November 21, 2017, the Court held a hearing on the status of the restitution proceedings in this action that have been ongoing pursuant to the Court's April 11, 2016 Order Establishing a Restitution Plan and Review of Claims for Restitution. (ECF No. 186.) The Claims Facilitator, Ms. Randi Ilyse Roth, presented the details of her Final Report to the Department of Justice Regarding the Restitution Process (ECF No. 207) and responded to questions posed by the Court. The government also responded to several inquiries by the Court regarding the claims filing and appeal process and regarding the procedures governing the ultimate payment of finally

approved claims.

Ms. Roth explained to the Court that there were two issues regarding late submissions of claims and late requests for reconsideration of denied claims that required the Court's resolution. The Court has read the materials submitted by Ms. Roth in her Final Report, and has considered the comments made both by Ms. Roth and the government during the November 21, 2017 hearing regarding these late-filed submissions and requests. The Court has determined that granting any further exceptions to claimants filing late claims and/or late requests for reconsideration after the date of Ms. Roth's November 7, 2017 Final Report would necessarily disrupt the established December 11, 2017 deadline for filing appeals to this Court and would be fundamentally unfair to those claimants who filed timely claims and timely requests for reconsideration. Accordingly, the Court has determined that:

1. Late claims and late reconsideration requests that pre-dated Ms. Roth's November 7, 2017 Final Report shall be processed and paid in the same manner as timely filed claims;¹ and

¹ With respect to any late claim that was filed after Ms. Roth issued her November 7, 2017 Report but before the November 21, 2017 hearing, any request to cure or for reconsideration of a denial of such a claim shall be filed with the Magistrate Judge on or before December 11, 2017, as part of the established process for appealing the Claims Facilitator's determination to this Court. Such claimant(s) will receive instructions to this effect in a letter from the Claims Facilitator.

2. No further late claims or late reconsideration requests will be accepted for processing by the Claims Facilitator or the Court.

Pursuant to *United States v. Dolan*, 130 S. Ct. 2533, 2542 (2010), the Court finds that the continuing complex restitution process necessitates moving back the restitution deadline for six months to May 22, 2018.

IT IS SO ORDERED.

s/Paul D. Borman
Paul D. Borman
United States District Judge

Dated: November 22, 2017

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on November 22, 2017.

s/Deborah Tofil
Case Manager