IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 2:19-cr-189
	)	
JAVAID PERWAIZ,	)	
	)	
Defendant.	)	

MEMORANDUM REGARDING OUTSTANDING FORFEITURE AND RESTITUTION ISSUES

Comes now the United States of America, by counsel, and offers its memorandum on the unresolved restitution and forfeiture issues in this case. The government met with defense counsel and was able to narrow the outstanding forfeiture and restitution issues substantially, as evidenced by the previously-submitted proposed consent order of forfeiture (Document 189). Only two assets now remain at issue, which the government now endeavors to collect to maximize recovery for victims consistent with the relevant provisions of the Crime Victims' Rights Act, 18 U.S.C. § 3771(a)(6). The assets that remain for the Court's consideration are: (1) the unearned portion of the appellate retainer; and (2) 1986 Mercedes-Benz 560SL Roadster with VIN # WDBBA48D6GA041644. The government relies on the facts set forth in the presentence report and the previous forfeiture-related filings in this case and will proceed directly to law and argument with respect to the two remaining assets.

The Unearned Portion of the Appellate Retainer—Restitution

The Mandatory Victims Restitution Act ("MVRA") requires restitution be imposed as part of the criminal sentence for certain crimes of violence and crimes against property, including offenses involving fraud like violations of 18 U.S.C. § 1347. *See* 18 U.S.C. §3663A(c)(1). In cases in which restitution is mandatory, like this one, "a district court is *required* to order a

defendant to make restitution to the victim of a covered offense in the full amount of each victim's loss." *United Sates v. Roper*, 462 F.3d 336, 338 (4th Cir. 2006) (emphasis in original). The "MVRA rests on the recognition that '[i]t is essential that the criminal justice system recognize the impact that crime has on the victim, and, to the extent possible, ensure that [the] offender be held accountable to repay these costs.'" *United States v. Novak*, 476 F.3d 1041, 1043 (9th Cir. 2007) (quoting S. Rep. No. 104-179, at 18 (1995)).

Mechanically, an award of restitution is ordered and enforced pursuant to 18 U.S.C. § 3664, *see* 18 U.S.C. § 3663A(d), which directs district courts to "order restitution to each victim in the full amount of each victim's losses as determined by the court and without consideration of the economic circumstances of the defendant." 18 U.S.C. § 3664(f)(1)(A). Once entered, an order of restitution may be enforced in the same manner as a fine or "by all other available and reasonable means." 18 U.S.C. § 3664(m)(1)(A)(i)-(ii).

18 U.S.C. § 3613 describes the civil remedies available for the enforcement of a fine and, by way of 18 U.S.C. § 3664(m), a restitution order. Among those remedies is a broad lien that arises at the time a sentence including restitution is imposed. *See United States v. Kollintzas*, 501 F.3d 796, 802 (8th Cir. 2007 ("An order of payment for restitution becomes a lien on all property and rights to property of the defendant upon entry of judgment."); *see also* 18 U.S.C. § 3613(c) ("The lien arises on the entry of judgment"). A restitution order may be "enforced against all property or rights to property" of a defendant. "… [n]otwithstanding any other Federal law." 18 U.S.C. § 3613(a). Subsection 3613(c) similarly provides for "a lien in favor of the United States on all property and rights to property of the person fined as if the liability of the person fined were a liability for a tax assessed under the Internal Revenue Code of 1986." 18 U.S.C. § 3613(c) "By its use of the '*all* property or rights to property' language,

Congress has made quite clear that the totality of defendants' assets will be subject to restitution orders." *United States v. Novak*, 476 F.3d 1041 (9th Cir. 2007) (emphasis in original). Interpreting this language in the context of a tax lien, the Supreme Court agrees, explaining that it "is broad and reveals on its face that Congress meant to reach every interest in property." *United States v. Nat'l Bank of Commerce*, 472 U.S. 713, 719-20 (1985) (citing 26 U.S.C. § 6321).

Restitution liens have the same scope as a tax lien and may be similarly enforced. 18 U.S.C. § 3613(c) ("an order of restitution… is a lien in favor of the United States on all property and rights to property of the person fined as if the liability of the person fined were a liability for a tax assessed under the Internal Revenue Code of 1986"); *United States v. Berry*, 951 F.3d 632 635 (5th Cir. 2020) ("restitution order enforceable to the same extent as a tax lien") (internal citations and quotations omitted); *United States v. De Cespedes*, 603 F. App'x 769, 771 (11th Cir. 2015) (unpublished) (The "restitution lien was entitled to equal treatment as the federal tax liens"); *United States v. Yielding*, 657 F.3d 722, 726 n. 3 (8th Cir. 2011) ("An order of restitution is also a lien in favor of the United States, which is valid and enforceable in a manner similar to a tax lien"); *United States v. Hoskins*, 567 F.3d 329, 335 (7th Cir. 2009) ("§ 3613 treats a restitution order under the MVRA like a tax liability") (abrogated on other grounds); *United States v. Kollintzas*, 501 F.3d 796, 802 (8th Cir. 2007) ("Liens to pay restitution debts are treated like tax liens… so that they are effective against every interest in property accorded a taxpayer by state law") (citations and quotations omitted); *United States v. Hyde*, 497 F.3d 103, 108 (1st Cir. 2007) (noting the MVRA "invokes a Bankruptcy Code exception by equating a restitution order under the MVRA to a tax lien"); *Novak*, 476 F.3d at 1050-51 (restitution can be enforced to the same extent that tax liens can be enforced pursuant

to 26 U.S.C. § 6334(c); the similarities between 18 U.S.C. § 3613 and 26 U.S.C. 6334(c) support understanding that enforcement operates in the same manner). For this reason, courts looking to understand the enforcement of restitution orders have looked to the case law governing federal tax liens. *See, e.g., Novak*, 476 F.3d at 1051 ("courts generally interpret similar language in different statutes in a like manner when the two subjects address a similar subject matter") (citing *Metro. Life Ins. Co. v. Taylor*, 481 U.S. 58 (1987)).

"In the application of a federal revenue act, state law controls in determining the nature of the legal interest which the taxpayer had in the property." *United States v. Nat'l Bank of Commerce*, 472 U.S. 713, 722 (1985) (internal quotations and citations omitted). "Once it has been determined that state law creates sufficient interests in the [taxpayer] to satisfy the requirements of [the statute], state law is inoperative, and the tax consequences thenceforth are dictated by federal law." *Id*. (internal quotations and citations omitted). When enforcing restitution or tax liens, the government "steps into the [defendant]'s shoes" and acquires whatever rights the defendant has in property. *Novak*, 476 F.3d at 1061.

Under Virginia law, "[c]lients' funds deposited in an attorney's trust account are funds held in trust. …The clients retain an equitable or beneficial ownership interest in the funds. …Thus, the clients are entitled to those funds to the extent their equitable ownership interests can be traced." *Marcus, Santoro & Kozak, PC v. Hung-Lin Wu*, 274 Va. 743, 752 (2007) (quoting *Virginia State Bar v. Goggin*, 260 Va. 31, 33 (2000)). In *Marcus*, the Supreme Court of Virginia found that funds held in an attorney's escrow account for future legal services could be garnished by a creditor of the client. As the court explained, "[a]n attorney who receives funds from a client for the future payment of legal fees for services not yet rendered holds those funds in trust" for the benefit of the client, who may demand their return at any time. *Marcus*, 274 Va. at 750.

In this case, the United States will step into the defendant's shoes at the time the restitution order is entered, having whatever rights to property the defendant has. The funds for future services held in his attorneys' escrow accounts are "interests in property" within the meaning of 18 U.S.C. § 3613 and thus available for application to the restitution in this case. Accordingly, the United States respectfully requests an order directing the balance of the escrow account be paid to the Clerk of Court toward defendant's restitution obligation.

The Unearned Portion of the Appellate Retainer—Forfeiture

In the alternative, the Court also has the option of ordering the forfeiture of the unearned portion of the retainer. The government cannot show that the unearned portion of the retainer is proceeds of the offenses of conviction, leaving the government to seek it as a substitute asset. The defendant has already stipulated in the consent order of forfeiture that the requirements of 21 U.S.C. § 853(p)(1) have been satisfied, thereby allowing the government to collect on its money judgment through substitute assets under 21 U.S.C. § 853(p)(2). Though this is a health care fraud case, the procedures of 21 U.S.C. § 853 nonetheless apply because of 18 U.S.C. § 982(b)(1). Forfeiture of the proceeds of a health care offense, defined at 18 U.S.C. § 24 and including all the offenses of conviction in this case, is mandated pursuant to 18 U.S.C. § 982(a)(7).

As noted in the restitution section above, an attorney holds a retainer paid by a client in trust until the attorney performs work and thereby earns some portion of that retainer. *Marcus*, 274 Va. at 750. Under Virginia state law, the client maintains an interest in the unearned portion of the retainer. *Id*. at 751, 753. For the purposes of asset forfeiture, state law determines what interest a person has in an asset, while federal law determines whether that interest is subject to forfeiture. *See, e.g.*, *United States v. Oregon*, 671 F.3d 484, 490 n.7 (4th Cir. 2012); *United*

States v. Real Property Located at 4527-4535 Michigan Avenue, 489 Fed.Appx. 855, 857 (6th Cir. 2012); *United States v. Letter from Alexander Hamilton*, ---F.Supp.3d---, 2020 WL 6323297, *8-*10 (D.Mass. Oct. 28, 2020), appeal filed, No. 20-2061 (1st Cir. Nov. 10, 2020). Under Virginia law, the attorney's interest in the retainer does not arise until the attorney performs work to earn a portion of that retainer. *Marcus*, 274 Va. at 750. Until that time, the client maintains the superior interest in that unused portion of the retainer. *Marcus*, 274 Va. at 753.

For proceeds, the relation back doctrine provides that the government's interest in those assets arises at the time of the crime giving rise to forfeiture. *United States v. Lazarenko*, 476 F.3d 642, 647 (9th Cir. 2007); *United States v. Marshall*, 872 F.3d 213, 220 (4th Cir. 2017). Of course, nothing stops a third party claimant from asserting an interest in a forfeited asset as contemplated by 21 U.S.C. § 853(n)(6) in the ancillary proceeding, but Fed. R. Crim. P. 32.2(b)(2)(A) makes clear that third party issues are only determined in the ancillary proceeding. For substitute assets, which is the nature of the funds at issue here, the Fourth Circuit has held that the government's interest arises at the time of entry of the order of forfeiture, at the latest. *Marshall*, 872 F.3d 220. By the time the Court enters any second order of forfeiture in this case providing for the forfeiture of the unearned portion of the retainer, it seems little (if any) appellate work will have been performed yet, since the defendant will not yet have noted an appeal. That will leave a substantial portion, if not all, of the appellate retainer available for forfeiture. *Marcus*, 274 Va. at 755 (unearned portion of retainer could be garnished by judgment creditor).

Indeed, forfeiture of an appellate retainer is the very situation the Fourth Circuit analyzed in *United States v. Marshall*, 872 F.3d 213 (4th Cir. 2017), cited above. There, Marshall was

convicted, a money judgment was imposed, and the government later filed a motion for a second order of forfeiture, seeking funds in Marshall's credit union account as a substitute asset. *Id*. at 217. Marshall, however, sought to use the funds in his credit union account for counsel of choice on appeal. *Id*. The District Court granted the government's motion and issued the requested second order of forfeiture. *Id*. Marshall appealed the issue. The Fourth Circuit began by observing that:

> Significantly, the Supreme Court has never held that defendants enjoy the right to counsel of choice on appeal. But even assuming arguendo that Marshall does have that right, and further assuming that the right to appellate counsel of choice mirrors the Sixth Amendment right to trial counsel of choice, the Supreme Court has plainly foreclosed Marshall's request to use his forfeited funds to hire appellate counsel.

Id. at 217-18. After analyzing Supreme Court precedent, the Fourth Circuit concluded that, "[i]n general, if the defendant owns the property, he is entitled to use it for his defense; if he does not own the property, he may not." *Id*. at 220. Ultimately, the Court of Appeals held that Marshall could not use his credit union funds to pay for appellate counsel of choice once the District Court entered an order of forfeiture naming them, even though they were substitute assets. *Id*. at 220-21. Likewise, in this case, the Court has the option of ordering the forfeiture of the unearned portion of the retainer.

In terms of timing, another principle is relevant here: forfeiture of substitute assets is mandatory if the government moves for it and meets the requirements. *United States v. Manlapaz*, 825 Fed.Appx. 109, 116-17 (4th Cir. 2020) ("Section 853(p) is not discretionary" and "there are no limits on what property may be substituted for the proceeds"); *United States v. Alamoudi*, 452 F.3d 310, 314 (4th Cir. 2006). Here, the parties stipulated in the consent order of forfeiture that government has met the substitute asset prerequisites. Thus, whatever portion of the retainer has not been earned should be forfeited as a substitute asset if the Court does not

order it to be paid towards the defendant's restitution.

The 1986 Mercedes-Benz Roadster—Restitution

In addition to seeking either the forfeiture of the unearned portion of the appellate retainer or payment of the same to the Clerk of the Court for restitution, the government also seeks the forfeiture of one 1986 Mercedes-Benz 560SL Roadster with VIN # WDBBA48D6GA041644. In the alternative, the government seeks the turnover of the 1986 Mercedes for restitution. The 1986 Mercedes was a substitute asset previously registered to the defendant. On November 12, 2020, three days after the jury convicted the defendant in this case, the defendant sold the 1986 Mercedes to J.T.S. for $1.00. As explained in the previously-filed declaration of Federal Bureau of Investigation Special Agent Desiree Maxwell, the 1986 Mercedes is considered a collector's car and is often worth more than its quoted National Automobile Dealers Association value of $9,500 (Document 182-1, p. 20).

For restitution, 18 U.S.C. § 3613 describes the civil remedies available for the enforcement of a fine and, by way of 18 U.S.C. § 3664(m), a restitution order. Subsection (c) provides for "a lien in favor of the United States on all property and rights to property of the person fined as if the liability of the person fined were a liability for a tax assessed under the Internal Revenue Code of 1986." 18 U.S.C. § 3613(c). Section 3613(a) dictates that the government's lien may be enforced "in accordance with the practices and procedures for the enforcement of a civil judgment under Federal law or State law… [n]otwithstanding any other Federal law. *Id*. § 3613(a).

The Federal Debt Collection Procedures Act ("FDCPA"), 28 U.S.C. §§ 3001, *et seq*., is one tool the government may use to enforce the restitution lien. The FDCPA outlines uniform civil enforcement mechanisms against "property" belonging to a debtor for judgments in favor of

the United States. 28 U.S.C. § 3004(b). "Property" is defined broadly to include "any present or future interest, whether legal or equitable, in real, personal (including choses in action), or mixed property, tangible or intangible, vested or contingent, wherever located and however held including community property and property held in trust (including spendthrift and pension trusts)." 28 U.S.C. § 3002(12).

Pursuant to 28 U.S.C. §3304, "a transfer made by a debtor is fraudulent as to a debt to the United States, regardless of whether such debt arises before or after the transfer occurred, if the debtor makes the transfer with intent to hinder, delay, or defraud a creditor." *United States v. Kotzev*, 2020 WL 3165968, *8 (E.D. Va. Feb. 20, 2020) (slip copy) (citing 28 U.S.C. § 3304(b)(1)).[1] The statute lays out factors to be considered when determining fraudulent intent, including whether "the transfer was made to an insider; …before the transfer was made… the debtor had been sued or threatened with suit; … the value of the consideration received by the debtor was reasonably equivalent to the value of the asset transferred; …[and] the debtor was insolvent or became insolvent shortly after the transfer was made." 28 U.S.C. § 3304(b)(2).

Even without actual intent to "hinder, delay or defraud a creditor," the statute allows "the government to satisfy a money judgment by clawing back a defendant's fraudulent transfer—defined as one made 'without receiving a reasonably equivalent value ... if the debtor ... believed or reasonably should have believed that he would incur[ ] debts beyond his ability to pay as they became due.'" *United States v. Kinkaid*, 811 F. App'x 362, 367 (7th Cir. 2020) (citing 28 U.S.C. § 3304(b)(1)(B)(ii)). In *Kinkaid*, the Seventh Circuit set aside as fraudulent a transfer of

[1] The government uses the terms "fraudulent conveyance" and "fraudulent transfer" when discussing the 1986 Mercedes. Though it is a sinister sounding term, the government underscores that it does not in any way intend to be accusatory in using the term. As the Court will notice from quoted portions of the applicable statutes and cases, it is simply a legal term of art used to refer to transfers under such circumstances. Prior to filing this memorandum, the government contacted defense counsel to convey this.

property made by a defendant shortly after his initial appearance on charges for production of child exploitation materials where he learned of the large fine he could be facing. The court found the transfer of the defendant's home fraudulent because of the timing and the fact that the defendant transferred his home for a below-market price to an individual with whom he had a close personal relationship. *Id*. The sale was set aside.

In this case, the defendant transferred the subject vehicle after being found guilty at trial. He transferred it to J.T.S., the son of a close personal friend, for negligible consideration. Having been convicted by the time of the transfer, the defendant knew that, at sentencing, he will be ordered to pay a very large sum of mandatory restitution. His conduct satisfies both prongs of Section 3304(b), and the transfer should be set aside as fraudulent for purposes of restitution.

The 1986 Mercedes-Benz Roadster—Forfeiture

Given the factual circumstances described above, the Court likewise has the option of setting aside the transfer of the 1986 Mercedes to J.T.S. as fraudulent for the purposes of forfeiture, even if it is a substitute asset. Courts do not allow defendants to transfer property to third parties to avoid forfeiture, even when the property constitutes a substitute asset. It is, of course, quite sensible to disallow these types of transfers whereby defendants dodge their Court-ordered financial obligations. As noted above with respect to the unearned portion of the appellate retainer, when it comes to forfeiture, state law determines what interest a person has in an asset, while federal law determines whether that interest is subject to forfeiture. *Oregon*, 671 F.3d at 490 n.7.

With the aforementioned principle in mind, Courts cite state law on fraudulent transfers to disallow these sorts of substitute asset transfers. *See, e.g.*, *United States v. Coffman*, 612 F'Appx. 278, 287-89 (6th Cir. 2015) (it makes no difference that the relation back doctrine does

not apply to substitute assets if, in the ancillary proceeding, the claimant cannot rebut evidence that the transfer was fraudulent under state law and that the claimant therefore never acquired an interest); *United States v. 5208 Los Franciscos Way*, 385 F.3d 1187, 1192 (9th Cir. 2004) (applying California fraudulent transfer law to determine that claimant lacked standing); *United States v. Wolas*, ---F.Supp.3d---, 2021 WL 619510, at *12-*18 (D.Mass. Feb. 16, 2021) (finding defendant's transfer of his substitute asset to his ex-wife void as a fraudulent transfer under state law, making it unnecessary to decide when Government's interest vested; that defendant's intent was to defraud his victims, not to defraud the Government, makes no difference), appeal filed (1st Cir. Apr. 27, 2021); *United States v. Peterson*, 820 F.Supp.2d 576, 585-86 (S.D.N.Y. 2011) (to the extent the claimant relied on a transfer of real property form the defendant that is void under state law as a fraudulent conveyance, he has no interest to assert in the ancillary proceeding), aff'd 537 Fed.Appx. 3 (2d Cir. 2013); *United States v. Gallion*, Case No. 2:07-cr-39, 2010 WL 3620257, at *12 (E.D.Ky. Sept. 20, 2010) (defendant's wife lacked standing to assert a claim where she obtained the property from her husband via a fraudulent transfer, applying Kentucky law). As the Sixth Circuit explained, "federal courts *must* apply these statutes if applicable, because state law defines and classifies property interests for the purposes of the forfeiture statutes, while federal law determines the effect of the property interest on the [ancillary proceeding] claimant's standing." *Coffman*, 612 Fed.Appx. 288 (emphasis in the original, internal quotation marks omitted). *Accord Oregon*, 671 F.3d at 490 n.7.

As an aside, the Court will note that the cases cited in the paragraph above all relate to the ancillary proceeding, not the issuance of a preliminary order of forfeiture. That is because Fed. R. Crim. P. 32.2(b)(2)(A)'s rule that the Court must enter preliminary orders of forfeiture "without regard to any third party's interest in the property" and must defer third party issues

"until any third party files a claim in an ancillary proceeding" applies equally to the forfeiture of substitute assets. *United States v. Gordon*, 710 F.3d 1124, 1167-68 (10th Cir. 2013) ("The court does not determine that a substitute asset belongs to the defendant when it includes it in the preliminary order of forfeiture; rather, the requirement in § 853(p)(2) that the substitute asset be 'property of the defendant' is satisfied by allowing third parties to contest the forfeiture of the property in the ancillary proceeding"); *United States v. Coffman*, 574 F'Appx. 541, 564 (6th Cir. 2014) (under Rule 32.2(b)(2), the District Court forfeits substitute assets without regard to potential third party's interest, and defers that issue to the ancillary proceeding; that this prolongs the forfeiture determination is a policy decision Congress was entitled to make); *United States v. Weiss*, 791 F.Supp.2d 1183, 1220 (M.D.Fla. 2011) (defendant's wife lacked standing to challenge the entry of the preliminary order of forfeiture on the ground that the Court erred in finding that the substitute asset was property of the defendant; with substitute assets, the Court must defer ownership issues to the ancillary proceeding where the petitioner can attempt to prove that the property belongs to her). Any other rule or procedure would leave the government unable to collect on its monetary judgment where a defendant is savvy enough to transfer his property to third parties in anticipation of a significant judgment. To the extent J.T.S. wishes to contest the forfeiture of the 1986 Mercedes, he may do so by filing a petition and participating in the ancillary proceeding.

Turning now to Virginia law on fraudulent transfers, Va. Code § 55-80 provides that:

> [e]very gift, conveyance, assignment or transfer of, or charge upon, any estate, real or personal, every suit commenced or decree, judgment or execution suffered or obtained and every bond or other writing given with intent to delay, hinder or defraud creditors, purchasers or other persons of or from what they are or may be lawfully entitled to shall, as to such creditors, purchasers or other persons, their representatives or assigns, be void. This section shall not affect the title of a purchaser for valuable consideration, unless it appear that he had notice of the fraudulent intent of his immediate grantor or of the fraud rendering void the title of such grantor.

"Proof of the fraudulent intent must be 'clear, cogent and convincing,'" and the "[f]raud may be proved not only by direct evidence, but also by circumstantial evidence." *Fox Rest Associates, L.P. v. Little*, 282 Va. 277, 284-85 (Va. 2011) (citing references omitted). The state Supreme Court has gone on to observe that:

> Virginia courts have consequently relied upon presumptions of fraud, known as "badges of fraud," which consist of facts and circumstances that establish a prima facie case of fraudulent conveyance. The badges of fraud include… (3) pursuit of the transferor or threat of litigation by his creditors at the time of the transfer; (4) lack of or gross inadequacy of consideration for the conveyance… Once a party has introduced evidence to establish a badge of fraud, a prima facie case of fraudulent conveyance is established. Once this is done, the burden shifts, and the [non-movant] must establish the bona fides of the transaction.

Id. Further, "[p]roof of a single badge of fraud is sufficient to establish a prima facie case of fraudulent conveyance; once that prima facie showing is made, the burden shifts to the defendant to establish the bona fides of the contested transaction." *La Bella Dona Skin Care, Inc. v. Belle Femme Enterprises, LLC*, 294 Va. 243, 254 (Va. 2017).

Here, the transfer of the 1986 Mercedes bears two badges of fraud under Virginia law, namely pursuit by creditors at the time of transfer and gross inadequacy of consideration. As noted above, the NADA value of the 1986 Mercedes is $9,500, but they often sell for more given that they are a collector's item. J.T.S. paid $1.00 for the 1986 Mercedes and the car was transferred to him three days after the defendant's conviction, when the defendant knew from having sat through the trial evidence (if nothing else) that the government would be seeking substantial restitution and forfeiture in his case. Given these factors, transferee J.T.S. obtained the property at issue via a fraudulent transfer and that transfer must be set aside as void for the purposes of forfeiture.

Conclusion

Based on the foregoing, the government respectfully seeks the unearned portion of the appellate retainer and the 1986 Mercedes, whether the Court so orders for forfeiture or restitution. The government will file a separate, short forfeiture motion and provide a proposed order.

Respectfully submitted,

RAJ PAREKH
ACTING UNITED STATES ATTORNEY

By: /s/

Laura M. Grimes
Assistant United States Attorney
Attorney for the United States
101 West Main Street, Suite 8000
Norfolk, VA 23510
Office Number: (757) 441-6331
Facsimile Number: (757) 441-6689
Email Address: laura.grimes@usdoj.gov

/s/ Kevin Hudson
Kevin Hudson
Assistant United States Attorney
Virginia State Bar No. 81420
Attorney for the United States
101 West Main Street, Suite 8000
Norfolk, VA 23510
Office Number: (757) 441-6331
Facsimile Number: (757) 441-6689
Email Address: kevin.hudson@usdoj.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of May 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of the filing (NEF) to all counsel of record.

By: /s/ Kevin Hudson

Kevin Hudson
Assistant United States Attorney
Virginia State Bar No. 81420
Attorney for the United States
101 West Main Street, Suite 8000
Norfolk, VA 23510
Office Number: (757) 441-6331
Facsimile Number: (757) 441-6689
Email Address: kevin.hudson@usdoj.gov