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DOCUMENT
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA
:
- v. -
:
ROSS COHEN,
:
Defendant.
:
----- X

CONSENT PRELIMINARY ORDER
OF FORFEITURE/
MONEY JUDGMENT

S1 20 Cr. 160 (MKV)

WHEREAS, on or about July 9, 2020, ROSS COHEN (the “Defendant”), was charged in a one-count Information, S1 20 Cr. 160 (MKV) (the “Information”), with drug adulteration and misbranding conspiracy, in violation of Title 18, United States Code, Section 371 (Count One);

WHEREAS, the Information included a forfeiture allegation as to Count One of the Information, seeking forfeiture to the United States, pursuant to Title 21, United States Code, Section 334, of any and all drugs that were adulterated or misbranded when introduced into or while in interstate commerce or while held for sale (whether or not the first sale) after shipment in interstate commerce, or which, under the provisions of Title 21, United States Code, Sections 331(II), 344, or 355, have been introduced into interstate commerce, including but not limited to a sum of money in United States currency representing the value of such property;

WHEREAS, on or about July 9, 2020, 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 21, United States Code, Sections 334, a sum of money in United States currency, representing the value of the forfeitable property the Defendant obtained as a result of the offense charged in Count One of the Information;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$40,000 in United States currency, representing the amount of the forfeitable property involved in the offense charged in Count One of the Information; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the forfeitable property involved in the offense charged in Count One of the Information cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney, Sarah Mortazavi of counsel, and the Defendant, and his counsel, Bruce A. Barket, Esq., that:

1. As a result of the offense charged in Count One of the Information, to which the Defendant pled guilty, a money judgment in the amount of \$40,000 in United States currency (the "Money Judgment"), representing the amount of forfeitable property involved in the offense charged in Count One of the Information, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, ROSS COHEN, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. 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, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment into the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, 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.


7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

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8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment 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:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

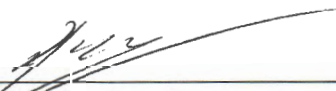
By: 
Sarah Mortazavi
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2520

2-7-2024
DATE

ROSS COHEN


By: 
Ross Cohen

2/7/2024
DATE

By: 
Bruce A. Barkat, Esq.
Attorney for Defendant
Barkat Epstein Kearon Aldea & LoTurco, LLP
666 Old Country Road Suite 700
Garden City, NY 11530

2/7/2024
DATE

SO ORDERED:


HONORABLE MARY KAY VYSKOCIL
UNITED STATES DISTRICT JUDGE

2/7/2024
DATE