

2009R00421/gsg/rah/zi

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

*Plaintiff,*

v.

ELIYAHU WEINSTEIN

*Defendant.*

Honorable Joel A. Pisano

Criminal No. 11-701

JUDGMENT AND  
PRELIMINARY ORDER OF  
FORFEITURE

RECEIVED  
FEB 26 2014

AT 8:30  
WILLIAM T. WALSH  
CLERK

**WHEREAS**, on October 27, 2011, the United States filed an Indictment, Criminal No. 11-701, against defendant Eliyahu Weinstein charging him with one count of wire fraud conspiracy, in violation of 18 U.S.C. § 1349, twenty-nine counts of wire fraud, in violation of 18 U.S.C. § 1343; one count of bank fraud, in violation of 18 U.S.C. § 1344; two counts of wire fraud while on pretrial release, in violation of 18 U.S.C. §§ 1343 and 3147; and twelve counts of money laundering in violation of 18 U.S.C. § 1957; and

**WHEREAS**, on December 2, 2012, the United States moved to dismiss counts 2 through 6 (wire fraud), 9 (wire fraud), 34 (money laundering) and 36 (money laundering) of the Indictment, and moved to replace the Indictment in this case with a renumbered, redacted Indictment; and

**WHEREAS**, on December 21, 2012, the Court granted the United States' motion to dismiss counts 2 through 6, 9, 34 and 36 of the Indictment, and replaced the Indictment in this case with a Redacted Indictment; and

**WHEREAS**, on January 3, 2013, defendant Eliyahu Weinstein pled guilty to counts 1 and 36 of the Redacted Indictment; and

**WHEREAS**, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), a person convicted of an offense in violation of 18 U.S.C. § 1349 shall forfeit to the United States any property, real or personal, which constitutes or is derived from proceeds traceable to the commission of the offense; and

**WHEREAS**, pursuant to 18 U.S.C. § 982, a person convicted of an offense in violation of 18 U.S.C. § 1957 shall forfeit to the United States any property, real or personal, that was involved in the offense or is traceable to such property; and

**WHEREAS**, by virtue of the above, the United States is now entitled to possession of the following: a forfeiture money judgment in the amount of \$215,350,459 as well as the assets specified below:

- a) \$822,091.76 from account number 7864181297 in the name of Action Holding held at TD Bank; and
- b) \$13,348.13 from account number 381022014968 held in the name of Citadel Investments at Bank of America; and
- c) \$1,589.43 from account number 381020694762 held in the name of Rivka Bichler at Bank of America; and
- d) \$11.72 from account number 381022014971 held in the name of E & R Developers LLC at Bank of America; and
- e) \$32,373.86 from account number 601213474 held in the name of Watch Hill Funding LLC at Provident Bank; and
- f) \$997.42 from account number 832600555 held in the name of Watch Hill Funding LLC at Provident Bank; and
- g) Assorted Jewelry consisting of:

18kt White Gold and Diamond Collar Necklace – Pave;  
18kt White Gold and Diamond Necklace with Pearl Choker;  
18kt White Gold "Oliva" Diamond and Pink Tourmaline Ring;  
18kt White Gold "de Grisogano" Allegra Ring Cross Over Design;  
18kt Yellow Gold Diamond and Gemstone Ring;  
14kt Yellow Gold Band - Square Edged;  
14kt Yellow Gold Ring - Domed Groove;  
18kt White Gold and Diamond Twist Ring;  
18kt White Gold "Oliva" Diamond and Blue Spinal Ring;  
18kt White Gold "Oliva" Blue and White Diamond Ring - Heart Shaped;  
18kt Yellow and Chocolate Gold "de Grisogano" Diamond Ring – Love Knot;  
14kt White Gold Diamond Band - Bezel Setting;  
18kt White Gold and Diamond Band - Invisible Setting;  
18kt Yellow Gold Diamond Ring - Channel Setting;  
14kt Yellow Gold and Cubic Zirconium Engagement Ring;  
Silver Hebrew Signet Ring;  
18kt White Gold Diamond and Pink Tourmaline Necklace;  
18kt Yellow Gold Diamond and Gemstone Necklace - Abstract Style;  
18kt White Gold Diamond Cluster Necklace;  
18kt White Gold and Diamond Butterfly Necklace;  
14kt 22 inch Yellow Gold Solid Rope Chain;  
14kt White Gold Chain and 18kt White Gold Diamond Heart Pendant;  
18kt White Gold Diamond Pave Heart Necklace;  
Men's Black Jacob & Company POD Watch – New;  
18kt White Gold White Diamond and Blue Diamond Earrings;  
18kt White Gold Diamond Hoop Earrings;  
18kt Yellow Gold Diamond and Citrine Earrings;  
18kt White Gold Diamond and Ruby Earrings;  
18kt White Gold Diamond Dangle Earrings;  
18kt White Gold Diamond Hoop Earrings - huggie style;  
14kt White Gold Round Diamond Stud Earrings - 4 Prong Basket Setting;  
14kt Yellow Gold Heart Shaped Diamond Stud Earrings;  
18kt White Gold Heart Shaped Diamond Stud Earrings;  
18kt White Gold Diamond and Pink Tourmaline Earrings;  
18kt White Gold Heart Shaped Diamond Earrings;  
14kt Yellow Gold Diamond Drop Shaped Earrings;  
Silver and Cubic Zirconium and Freshwater Pearl Dangle Earrings;  
Avi Luvaton 925 Sterling Silver Diamond and Enameled Bangle;

Avi Luvaton 18kt Yellow Gold Open Link Charm Bracelet with 3 Charms;  
Men's 18kt Yellow Gold and Stainless Steel Cartier Balloon Bleu Automatic Watch;  
Ladies 18kt Yellow Gold and Stainless Steel Cartier Balloon Bleu Automatic Watch;  
Ladies 18kt Yellow Gold and Diamond Mauboussin Watch;  
Ladies 18kt White Gold and Diamond Audemars Piguel Watch;  
Loose 2.39CT TW Round Diamond;  
14kt White Gold European Style Band;  
18kt White Gold "Oliva" Diamond Bracelet;  
14kt Yellow Gold Fancy Bracelet engraved With Love Abba & Mommy Tishrei 5756;  
18kt White Gold and Diamond Bangle - Flexible - 1 of 2;  
18kt White Gold and Diamond Bangle - Flexible - 2 of 2;  
Platinum Diamond Tennis Bracelet - 4 Prong Setting;  
18kt Yellow Gold and Diamond Bangle Bracelet - Flexible;  
18kt White Gold and Diamond Bracelet;  
14kt Yellow Gold Mesh and Blue Topaz, Amethyst and Peridot Gemstone Bangle;  
18kt White Gold Blue and White Diamond Bracelet;  
Avi Luvaton 18kt Yellow Gold and Diamond Necklace with Assorted Pendants;  
18kt White Gold Diamond Pendant Necklace;  
Men's Stainless Steel Aviator Watch with Box;  
14kt Yellow Gold Necklace - Hugs and Kisses Style;  
14kt Yellow Gold Flexible Link Ring;  
18kt White Gold and Diamond Necklace;  
18kt Yellow Gold and Diamond Necklace - Heart Shaped Pendant;  
Men's Stainless Steel Miyota Company Watch;  
Men's 14kt Gold "Nobel" Watch;  
Sterling Silver Chain and Synthetic Oval Citrine Pendant;  
Genuine Cultured Pearl Necklace - 16 Inch Strand;  
Genuine Cultured Pearl Necklace - 18 Inch Strand;  
Stainless Steel Cubic Zirconium and Pink Quartz Cuff Links;  
One Single Sterling Silver with Onyx and 14kt Yellow Gold Accents Cuff Link;  
One Single Sterling Silver with Cubic Zirconium Soccer Ball Style Cuff Link;  
One Single 14kt Yellow Gold Cuff Link with Hebrew Letters;  
18kt Yellow Gold Cuff Links;  
Silver Charm Hebrew Pendant ;  
Two Near Round Matched Pearls;  
14kt White Gold Diamond Onyx and Mother of Pearl Cuff Links-Checkerboard Design;

14kt White Gold Diamond and Rutilated Quartz Cuff Links;  
18kt White Gold and Diamond Cuff Links;  
Stainless Steel Zirconium and Blue Zirconium Cuff Links;  
Rose Tone, Zirconium and Hematite Cuff Links;  
Rose Tone, Zirconia and Fancy Quartz Cuff Links;  
Stainless Steel, Zirconia and Fancy Quartz Cuff Links;  
Avi Luvaton Sterling Silver and Rosewood Hebrew Compass;  
Mark Lane Stainless Steel Braided Ball Point Pen; and  
Dolce and Gabbana Sunglasses with Synthetic Cubic Zirconium Accents;

h) Various Judacia articles consisting of:

Silver-Plated Kiddush Cup by Shuki Freiman, 20<sup>th</sup> Century;  
Silver-Plated Kiddush Cup Tray with Hebrew Inscription, 20<sup>th</sup> Century, Jerusalem;  
Grogger (noisemaker) for Purim, 20<sup>th</sup> Century, Jerusalem;  
Omer Calendar Plaque "Sfirat Ha'Omer" with Turning Mechanism, 20<sup>th</sup> Century, Shuki Freiman, Jerusalem;  
Haggadah for Passover, Shuki Freiman, Jerusalem, 1996;  
Complete Havdalah set, Avi Luvaton, circa. 2010;  
Seven Mezuzot, Avi Luvaton, Jerusalem, circa 2007;  
"Shoforot" 8 Branched Chanukah Menorah, Shuki Freiman, Jerusalem, circa 2000;  
Sefer Netzach Yisroel, "The Eternity of Israel," signed 1599;  
Sefer-HaHasidim, Bologna, 19<sup>th</sup> century;  
Sefer Pre-Zedek, Sefer-HaHasidim, Livorno, signed 1848;  
Silver Scroll Case with Megillat Esther;  
Megillah Esther Scroll without Silver accoutrements, Jerusalem;  
Silver Case for Scroll of Esther and Scroll of Esther, Shuki Freiman, Jerusalem, circa 1990s;  
Turntable Scroll of Esther within Silver Plated Shadowbox, Shuki Freiman, Jerusalem, circa 1990s;  
Kettubah (Marriage Contract), Shuki Freiman, circa 1990;  
A Scroll of Esther and Matching case, Shuki Freiman, Jerusalem, circa 2000; and  
A Scroll of Esther, 20<sup>th</sup> century, Jerusalem

(Collectively items "a" through "h" the "Forfeitable Property"); and

**WHEREAS** defendant Eliyahu Weinstein acknowledges that the Forfeitable Property represents property derived from proceeds traceable to the

commission of his wire fraud offenses in violation of 18 U.S.C. § 1349, was involved in an offense in violation of 18 U.S.C. § 1957, represents substitute assets, and that the Forfeitable Property is therefore subject to forfeiture to the United States pursuant to 18 U.S.C. § 981(a)(1)( C); 28 U.S.C. § 2461(c), 18 U.S.C. § 982, and 21 U.S.C. § 853(p); and

**WHEREAS** defendant Eliyahu Weinstein agreed to forfeit the Forfeitable Property;

It is hereby **ORDERED, ADJUDGED, AND DECREED:**

**THAT** a forfeiture money judgment is entered against the defendant in the amount of \$215,350,459;

**THAT** a Preliminary Order of Forfeiture is entered against the herein described forfeitable property as specified below:

- a) \$822,091.76 from account number 7864181297 in the name of Action Holding held at TD Bank; and
- b) \$13,348.13 from account number 381022014968 held in the name of Citadel Investments at Bank of America; and
- c) \$1,589.43 from account number 381020694762 held in the name of Rivka Bichler at Bank of America; and
- d) \$11.72 from account number 381022014971 held in the name of E & R Developers LLC at Bank of America; and
- e) \$32,373.86 from account number 601213474 held in the name of Watch Hill Funding LLC at Provident Bank; and
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Silver Hebrew Signet Ring;  
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14kt 22 inch Yellow Gold Solid Rope Chain;  
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Men's Black Jacob & Company POD Watch – New;  
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Loose 2.39CT TW Round Diamond;  
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Sterling Silver Chain and Synthetic Oval Citrine Pendant;  
Genuine Cultured Pearl Necklace - 16 Inch Strand;  
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One Single Sterling Silver with Onyx and 14kt Yellow Gold Accents Cuff Link;  
One Single Sterling Silver with Cubic Zirconium Soccer Ball Style Cuff Link;  
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Stainless Steel, Zirconia and Fancy Quartz Cuff Links;  
Avi Luvaton Sterling Silver and Rosewood Hebrew Compass;  
Mark Lane Stainless Steel Braided Ball Point Pen; and  
Dolce and Gabbana Sunglasses with Synthetic Cubic Zirconium  
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Century, Jerusalem;  
Grogger (noisemaker) for Purim, 20<sup>th</sup> Century, Jerusalem;  
Omer Calendar Plaque "Sfirat Ha'Omer" with Turning Mechanism,  
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"Shoforot" 8 Branched Chanukah Menorah, Shuki Freiman,  
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Sefer Netzach Yisroel, "The Eternity of Israel," signed 1599;  
Sefer-HaHasidim, Bologna, 19<sup>th</sup> century;  
Sefer Pre-Zedek, Sefer-HaHasidim, Livorno, signed 1848;  
Silver Scroll Case with Megillat Esther;  
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Silver Case for Scroll of Esther and Scroll of Esther, Shuki  
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Turntable Scroll of Esther within Silver Plated Shadowbox, Shuki  
Freiman, Jerusalem, circa 1990s;  
Kettubah (Marriage Contract), Shuki Freiman, circa 1990;  
A Scroll of Esther and Matching case, Shuki Freiman, Jerusalem,  
circa 2000; and  
A Scroll of Esther, 20<sup>th</sup> century, Jerusalem; and

**THAT** the value of the Forfeitable Property will be applied to the  
forfeiture money judgment after liquidation;

**THAT** pursuant to 21 U.S.C. § 853(n)(1), the United States shall publish  
notice of this Order and of its intent to dispose of the Forfeitable Property in

such a manner as the Attorney General may direct, including posting notice on the official internet government forfeiture site, namely [www.forfeiture.gov](http://www.forfeiture.gov), for at least 30 consecutive days; and

**THAT**, pursuant to 21 U.S.C. § 853(n)(2), any person, other than defendant Eliyahu Weinstein, asserting a legal interest in any of the above-listed property must file a petition with the Court within **thirty (30)** days of the final publication of notice or of receipt of actual notice, whichever is earlier, and state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property; and

**THAT**, pursuant to 21 U.S.C. § 853(n)(3), the petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, and any additional facts supporting the petitioner's claim and the relief sought; and

**THAT**, the United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the Forfeitable Property, as a substitute for published notice as to those persons so notified; and

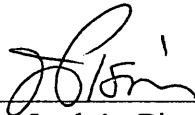
**THAT**, the aforementioned Forfeitable Property is to be held by the appropriate United States agency in its secure custody and control until the appropriate disposition of said Forfeitable Property by the United States; and

**THAT**, it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b) and 28 U.S.C. § 2461(c), to seek forfeiture of any other property of defendant Eliyahu Weinstein up to the value of the property described above, if the Forfeitable Property or any portion thereof, as a result of any act or omission of defendant Eliyahu Weinstein:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty; and

**THAT**, upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

**ORDERED** *2* this day of *Feb*, 2014.

  
\_\_\_\_\_  
Honorable Joel A. Pisano  
United States District Judge