

CF

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	No. 06 CR 964
)	
MICHAEL E. KELLY,)	Judge Ronald A. Guzman
)	
Defendant.)	

**SUPERSEDING
CLAIMS PROCEDURE ORDER**

This matter is before the court for status on the claims procedure regarding the restitution to be imposed for victims' losses upon any offense of conviction pursuant to 18 U.S.C. §§ 3663A-3664, the court having declared the "Waiver/Release" mailed to victims on or about June 25, 2010 invalid, and having been fully advised regarding the purpose and intent of the parties to maximize the funds available to make restitution to the victims,

IT IS HEREBY ORDERED the Amended Claims Procedure Order (Dkt. No. 419) entered on June 14, 2010 is superseded as follows:

1. The Claims Processing Agent ("Stenger"), will send a "Substitute Waiver/Release" to the Victim Claim Form that was previously mailed to victims on or about June 25, 2010, and a letter explaining the changes to the Claims Procedure (the "Additional Information and Request"). Attached to this Order are a copy of the Additional Information and Request (Ex. 1) and the new court-approved "Substitute Waiver/Release" (Ex. 2), which applies only to assets that are or may come under the control of this court through the Special Master, and not to any other assets.

2. The "Claims Bar Date" has been changed to "Claims Submission Date" and will be extended from August 25, 2010, to September 24, 2010, as the deadline for the return of completed Victim Claim Forms to Stenger, but failure to submit a Victim Claim Form by that date does not preclude a victim Universal Leaseholder from receiving restitution if appropriate. It may, however, affect the victim's ability to challenge the restitution loss amount calculated by the Special Master to be included in a forthcoming restitution order.

3. Victim Universal Leaseholders are not required to sign the requested Substitute Waiver/Release in order to be eligible to receive restitution, but doing so will likely maximize the amount of money that the Special Master may obtain from the sale of any of the defendant's assets and, thus, the amount of money available for distribution to the victims.

4. As a cost and paper saving measure, a copy of this order will be transmitted to victims through the Department of Justice's Victim Notification System ("VNS"), and posted on Stenger's website www.michaelkelly.com in lieu of mailing a hard copy of this order to each victim with the Substitute Waiver/Release.

5. All other provisions of the Amended Claims Procedure Order (Dkt. No. 419) entered on June 14, 2010 and the original Victim Claim Form mailed by Stenger on or about June 25, 2010 remain valid and will form part of the basis for the calculation of restitution payments made by the Special Master.

6. The court retains jurisdiction to amend and enforce the claims procedure as needed.

Dated this 28 day of July, 2010.


RONALD A. GUZMAN

See attached Ex. 1 (Additional Information and Request), Ex. 2 (Substitute Waiver/Release)