

16-132

To Be Argued By:
PAUL MONTELEONI

United States Court of Appeals

FOR THE SECOND CIRCUIT

Docket No. 16-132



UNITED STATES OF AMERICA,

—v.—

Plaintiff-Appellee,

PREVEZON HOLDINGS LTD., PREVEZON ALEXANDER, LLC,
PREVEZON SOHO USA, LLC, PREVEZON SEVEN USA, LLC,
PREVEZON PINE USA, LLC, PREVEZON 1711 USA, LLC,
PREVEZON 1810 LLC, PREVEZON 2009 USA, LLC, PREVEZON
2011 USA, LLC,

Defendants-Appellees,

(Caption continued on inside cover)

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

BRIEF FOR THE UNITED STATES OF AMERICA

PAUL MONTELEONI,
CRISTINE PHILLIPS,
MARGARET GARNETT,
*Assistant United States Attorneys,
Of Counsel.*

PREET BHARARA,
*United States Attorney for the
Southern District of New York,
Attorney for the United States
of America.*

FERENCOI INVESTMENTS, LTD., KOLEVINS, LTD., ANY AND ALL ASSETS OF PREVEZON HOLDINGS, LTD., ANY AND ALL ASSETS OF PREVEZON ALEXANDER, LLC, INCLUDING BUT NOT LIMITED TO ALL RIGHT, TITLE AND INTEREST IN THE REAL PROPERTY AND APPURTENANCES KNOWN AS ALEXANDER CONDOMINIUM, 250 EAST 49TH STREET, NY NY 10017, UNIT COMM3, AND AND ALL FUNDS ON DEPOSIT IN BANK OF AMERICA ACCT #483044568293, HELD, ANY AND ALL ASSETS OF PREVEZON SEVEN USA, LLC, INCLUDING BUT NOT LIMITED TO ALL RIGHT, TITLE AND INTEREST IN THE REAL PROPERTY AND APPURTENANCES KNOWN AS 127 SEVENTH AVE. AKA 166 WEST 18TH STREET RETAIL UNIT #2, NY NY AND ANY AND ALL FUNDS ON DEPOSIT IN BANK OF AMERICA ACCT#483041746021 HELD IN THE NAME OF PREVEZON SEVEN USA L.L.C., THE PREVEZON SEVEN ACCOUNT, ANY AND ALL ASSETS OF PREVEZON PINE USA, LLC, INCLUDING BUT NOT LIMITED TO ALL RIGHT, TITLE AND INTEREST IN THE REAL PROPERTY AND APPURTE- NANCES KNOWN AS THE 20 PINE STREET, NY NY 10005, UNIT 2308 (20 PINE STREET, UNIT 2308), ANY AND ALL ASSETS OF PREVEZON 1711 USA, LLC, INCLUDING BUT NOT LIMITED TO ALL RIGHT, TITLE AND INTEREST IN THE REAL PROPERTY AND APPURTENANCES KNOWN AS THE 20 PINE STREET CONDOMINIUM, 20 PINE STREET, ANY AND ALL ASSETS OF PREVEZON 1810, LLC, ANY AND ALL ASSETS OF PREVEZON 2009 USA, LLC, INCLUDING BUT NOT LIMITED TO ALL RIGHT, TITLE AND INTEREST IN THE REAL PROPERTY AND APPURTENANCES KNOWN AS THE 20 PINE STREET, NY NY 10005, UNIT 1816, ANY AND ALL ASSETS OF FERENCOI INVESTMENTS, LTD., ANY AND ALL ASSETS OF KOLEVINS, LTD., AND ALL PROPERTY TRACEABLE THERETO., ALL RIGHT, TITLE, AND INTEREST IN THE REAL PROPERTY AND APPURTENANCES KNOWN AS THE 20 PINE STREET CONDOMINIUM, 20 PINE STREET, NEW YORK, NEW YORK 10005, UNIT 1816, ANY AND ALL FUNDS ON DEPOSIT IN BANK OF AMERICA ACCOUNT NUMBER 8293 HELD IN THE NAME OF PREVEZON ALEXANDER, LLC, ANY AND ALL FUNDS ON DEPOSIT IN BANK OF AMERICA ACCOUNT NUMBER 8084 HELD IN THE NAME OF PREVEZON SOHO USA, LLC, ANY AND ALL FUNDS ON DEPOSIT IN BANK OF AMERICA ACCOUNT

NUMBER 6021 HELD IN THE NAME OF PREVEZON SEVEN USA, LLC, ANY AND ALL FUNDS ON DEPOSIT IN BANK OF AMERICA ACCOUNT NUMBER 8349 HELD IN THE NAME OF PREVEZON 1711 USA, LLC, ANY AND ALL FUNDS ON DEPOSIT IN BANK OF AMERICA ACCOUNT NUMBER 9102 HELD IN THE NAME OF PREVEZON 2009 USA, LLC, ANY AND ALL FUNDS ON DEPOSIT IN BANK OF AMERICA ACCOUNT NUMBER 8242 HELD IN THE NAME OF PREVEZON PINE USA, LLC, ANY AND ALL FUNDS ON DEPOSIT IN BANK OF AMERICA ACCOUNT NUMBER 5882 HELD IN THE NAME OF PREVEZON 2011 USA, LLC, ANY AND ALL FUNDS ON DEPOSIT IN BANK OF AMERICA ACCOUNT NUMBER 9128 HELD IN THE NAME OF PREVEZON 1810 USA, LLC, APPROXIMATELY \$1,379,518.90 HELD BY THE UNITED STATES AS A SUBSTITUTE RES FOR ALL RIGHT, TITLE AND INTEREST IN THE REAL PROPERTY AND APPURTENANCES KNOWN AS THE 20 PINE STREET CONDOMINIUM, 20 PINE, APPROXIMATELY \$4,429,019.44 HELD BY THE UNITED STATES AS A SUBSTITUTE RES FOR ALL RIGHT, TITLE AND INTEREST IN THE REAL PROPERTY AND APPURTENANCES KNOWN AS ALEXANDER CONDOMINIUM, 250 EAST 49TH STREET, APPROXIMATELY \$1,046,530.04 HELD BY THE UNITED STATES AS A SUBSTITUTE RES FOR ALL RIGHT, TITLE AND INTEREST IN THE REAL PROPERTY AND APPURTENANCES KNOWN AS THE 20 PINE STREET CONDOMINIUM, 20 PINE, APPROXIMATELY \$894,026.21 HELD BY THE UNITED STATES AS A SUBSTITUTE RES FOR ALL RIGHT, TITLE AND INTEREST IN THE REAL PROPERTY AND APPURTENANCES KNOWN AS THE 20 PINE STREET CONDOMINIUM, 20 PINE S, A DEBT OF 3,068,946 EUROS OWED BY AFI EUROPE N.V. TO PREVEZON HOLDINGS RESTRAINED BY THE GOVERNMENT OF THE NETHERLANDS ON OR ABOUT JANUARY 22, 2014, AND ALL PROPERTY TRACEABLE THERETO,

Defendants,

—v.—

HERMITAGE CAPITAL MANAGEMENT LTD.,

Movant-Appellant.

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