

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

In Re: ENFORCEMENT OF A RESTRAINING
ORDER BY THE NINTH FEDERAL COURT,
FIFTH JUDICIAL SUBSECTION
IN CAMPINAS, SP, THE FEDERATIVE
REPUBLIC OF BRAZIL, TO RESTRAIN:

AN APPROXIMATELY 836-POUND
EMERALD KNOW AS THE BAHIA EMERALD
LOCATED IN LOS ANGELES, CALIFORNIA

1:15-MC- 783

Vladimir Ara
Procurador Regional da
Secretário de Cooperação Jurídica

RESTRAINING ORDER

This matter having come before this Court on the application of the United States of America for an anticipatory restraining order, pursuant to 28 U.S.C. § 2467(d)(3)(A), (d)(3)(B)(ii) and 18 U.S.C. § 983(j)(1), which provides U.S. district courts with jurisdiction to register and enforce foreign restraining orders and take such other action in connection with any property or other interest subject to forfeiture in a foreign proceeding to ensure its availability for forfeiture; and,

IT APPEARING TO THE COURT THAT:

WHEREAS, through the information provided to this Court in the Application by the United States for Restraining Order Pursuant to 28 U.S.C. § 2467(d)(3)(A), (d)(3)(B)(ii) and 18 U.S.C. §983(j)(1), asking for enforcement of a Brazilian restraining order against an approximately 836-pound emerald known as the Bahia Emerald located in Los Angeles, California, the United States has established that:

- a. This Court has jurisdiction over the subject matter of this case;
- b. Pursuant to 28 U.S.C. §2467 (c)(2)(B), venue is appropriate in the United States District Court for the District of Columbia;
- c. The United States and the Federative Republic of Brazil are parties to a Mutual

Legal Assistance Treaty which that entered into force on February 21, 2001. *Treaty Between the Government of the United States of America and the Government of the Federative Republic of Brazil on Mutual Legal Assistance in Criminal Matters*, U.S.-Braz., Oct. 14, 1997, S. TREATY DOC. NO. 105-42 (1998);

- d. The restraint order issued by the Ninth Federal Court, Fifth Judicial Subsection in Campinas, SP, Brazil, on May 14, 2015, establishes that criminal proceedings are pending in Brazil against the Brazilian criminal defendants, Elson Alves Ribeiro ("Ribeiro") and Rui Saraiva Filho ("Saraiva"), who allegedly knowingly received stolen Bahia Emerald and illegally smuggled it into the United States with false declaration made to the custom authorities. The Bahia Emerald is subject to forfeiture under Brazilian law;
- e. The criminal conduct giving rise to forfeiture under Brazilian law constitutes conduct that would give rise to forfeiture under 18 U.S.C. § 981(a)(1)(C) or 28 U.S.C. § 2461(c) if committed in the United States;
- f. The Attorney General, in the interest of justice, has certified the attached Brazilian restraining order for enforcement against the Bahia Emerald for enforcement;
- g. The Brazilian restraining order appears to have been rendered under a system of law compatible with the requirements of due process;
- h. The Ninth Federal Court, Fifth Judicial Subsection in Campinas that entered the restraining order appears to have jurisdiction over the subject matter; and
- i. There is no indication that the restraining order issued by the Ninth Federal Court, Fifth Judicial Subsection in Campinas was obtained by fraud;

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, PURSUANT TO 28 U.S.C. § 2467(d)(3)(A), (d)(3)(B)(ii) and 18 U.S.C. §983(j)(1), THAT:


- 1. The restraint order issued by the Ninth Federal Court, Fifth Judicial Subsection in Campinas, SP, which is attached as Exhibit B, to this order, is hereby registered and enforced with this Court;
- 2. The Bahia Emerald, approximately 836 pounds in weight and presently held at the Los Angeles County Sheriff's Office in Los Angeles, California, is hereby **RESTRAINED UPON OCCURRENCE OF THE FOLLOWING CONDITION:**

Upon the issuance of a judgment in the case captioned as *Ken Conetto v. Kit Morrison and Todd Armstrong*, Superior Court of the State California, County of Los Angeles, Case No. BS 118649..

3. All persons, including the above-named Brazilian criminal defendants and all the parties to the above-referenced state court case, their agents, servants, employees, attorneys, family members and those persons in active concert or participation with them, and anyone holding any interest in the Bahia Emerald, be and are hereby ENJOINED AND RESTRAINED from transferring, selling, assigning, pledging, distributing, giving away, encumbering or otherwise participating in the disposal of or removal from the jurisdiction of this Court, without prior approval of this Court upon notice to the United States and an opportunity for the United States to be heard, except as specified in this Order or any future Orders entered by this Court;
4. The Los Angeles County Sheriff's Office shall maintain custody of the Bahia Emerald, take all reasonable precautions to maintain its present condition and prevent the destruction or diminution in value of the Bahia Emerald. The Los Angeles County Sheriff's Office shall make the Bahia Emerald available for viewing, inspection and appraisal to the United States Department of Justice, Asset Forfeiture and Money Laundering Section, Homeland Security Investigations and their duly authorized representatives, agents or personnel, upon 24 hours notice;
5. The terms of this Order shall remain in full force and effect until the Brazilian criminal cases are concluded and any forfeiture judgments obtained therein have been presented for enforcement to this Court, or the Bahia Emerald is sought by Brazilian authorities to be released; and
6. The United States Department of Justice, Asset Forfeiture and Money Laundering Section, shall make its best efforts to provide a copy of this Court's Order upon individuals and entities affected by this Order, and to anyone else known to the United States as holding a protected interest in the Bahia Emerald;
7. The United States Department of Justice, Asset Forfeiture and Money Laundering Section, may serve a copy of this Order on the Los Angeles County Sheriff's Office by facsimile or electronic communication.

SO ORDERED.

Dated: *June 25, 2015*


UNITED STATES DISTRICT COURT JUDGE