

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

In Re: ENFORCEMENT OF A SEIZURE)
ORDER BY THE 7th FEDERAL CRIMINAL)
COURT OF PORTO ALEGRE, THE STATE OF)
RIO GRANDE DO SUL, THE FEDERATIVE)
REPUBLIC OF BRAZIL, TO SEIZE:)
)
THE VIRTUAL CURRENCIES ASSOCIATED)
WITH MARCOSROMA@GMAIL.COM AND)
MARCOSMARRA56@GMAIL.COM)
CONTROLLED BY AND IN THE NAME OF)
MARCOS ANTONIO FAGUNDES, AT THE)
VIRTUAL CURRENCY EXCHANGE)
FORMERLY POLONIEX LLC OR POLO)
DITIGAL ASSETS)

Case: 1:20-mc-00011
Assigned To : McFadden, Trevor N.
Assign. Date : 2/24/2020
Description: MISC.

**ORDER PURSUANT TO
28 U.S.C. § 2467(d)(3)(A) AND 18 U.S.C. §983(j)(1)(A) TO SEIZE PROPERTY**

TO: Any authorized law enforcement officer

This matter having come before this Court on the application of the United States of America for a seizure order, pursuant to 28 U.S.C. § 2467(d)(3)(A), (d)(3)(B)(ii) and 18 U.S.C. § 983(j)(1)(A), which provides U.S. district courts with jurisdiction to register and enforce foreign confiscation related 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 Seizure Order Pursuant to 28 U.S.C. § 2467(d)(3)(A), (d)(3)(B)(ii) and 18 U.S.C. §983(j)(1)(A), asking for enforcement of the seizure order dated December 10, 2019 entered by the 7th Federal Court of Porto Alegre, State of Rio Grande Do Sul, Brazil against the

virtual currency associated with marcosroma56@gmail.com and marcosmarra56@gmail.com controlled by and in the name of Marcos Antonio Fagundes, at the virtual currency exchange previously known as Poloniex LLC, now being acquired by Polo Digital Assets (the “Property”), the United States has established that:

- a. Pursuant to 28 U.S.C. § 2467, 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 Brazil, are parties to a Mutual Legal Assistance Treaty which entered into force on February 21, 2001, providing for mutual forfeiture assistance, U.S.-Braz., Oct. 14, 1997, S. TREATY DOC. NO. 105-42 (1998);
- d. The seizure order issued by the 7th Federal Court of Porto Alegre, State of Rio Grande Do Sul, attached as Exhibit 1, establishes that criminal proceedings are pending in Brazil against Marcos Antonio Fagundes, the owner and account holder of the Property which is subject to forfeiture due to Marcos Antonio Fagundes’ involvement in operating financial institution without authorization, securities violations, organized crime, embezzlement, and money laundering in violation of Brazilian law;
- e. The conduct giving rise to forfeiture under the Brazilian law constitutes conduct that would give rise to forfeiture under 18 U.S.C. § 981(a)(1)(A) and 18 U.S.C. § 981(a)(2)(8) or 28 U.S.C. § 2461(c), if committed in the United States;
- f. The Chief of the United States Department of Justice, Criminal Division, Money Laundering and Asset Recovery Section, in the interest of justice, has certified the attached Brazilian seizure order for enforcement against the Property;
- g. The Brazilian seizure order appears to have been rendered under a system of law compatible with the requirements of due process;
- h. There is no apparent basis to believe that the 7th Federal Court of Porto Alegre, State of Rio Grande Do Sul that entered the seizure order lacks jurisdiction over the subject matter;
- i. There is no indication that the 7th Federal Court of Porto Alegre, State of Rio Grande Do Sul order 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)(A), THAT:

1. The seizure order issued by the Brazilian the 7th Federal Court of Porto Alegre, State of Rio Grande Do Sul, which is attached as Exhibit 1 to this order is hereby registered and enforced by this Court;
2. **YOU ARE COMMANDED**, to execute this Court's Order and seize the Property in the daytime (6:00 a.m. to 10:00 p.m.);
3. **YOU ARE FURTHER COMMANDED**, to provide a copy of this Court's Order and the Brazilian seizure order to the person from whom the Property was taken;
3. **YOU ARE FURTHER COMMANDED**, promptly after execution of this Court's Order to attempt to provide a copy of this Court's Order and the underlying Brazilian order to anyone else known to the United States as holding a protected interest in the Property in a manner reasonably calculated to apprise them of their right to be heard;
4. The terms of this Court's Order shall remain in full force and effect until the Brazilian criminal cases against the criminal defendants whose interest are affected by this order are concluded and any forfeiture or confiscation judgments obtained therein have been presented for enforcement to this Court, or the Property subject to this Order is sought by Brazilian authorities to be released.
5. The United States shall maintain the Property in manner, at its discretion, that best maintains the value of the Property until such time this Order is vacated.
6. The United States may serve a copy of this Order on any affected entities by facsimile or electronic mail.

Dated this 4th day of March 2020.


United States District Court Judge