

Issued by the
United States District Court
 NORTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA

THIRD PARTY CITATION TO DISCOVER ASSETS

v.

CASE NUMBER: 02 CR 1050-4

FRANK CALABRESE, SR.

TO: Diane Cimino Calabrese, 14 Meadowood Drive, Oak Brook IL 60523

On September 3, 2009, the court entered judgment in favor of the United States and against Frank Calabrese, Sr., and it remains unsatisfied in the total amount of \$4,378,347.16.

YOU ARE PROHIBITED from making or allowing any transfer or other disposition of, or interfering with, any property not exempt from execution or garnishment belonging to the judgment debtor or to which he may be entitled or which may be acquired by or become due to the judgment debtor and from paying over or otherwise disposing of any money not so exempt, which is due or becomes due to judgment debtor, until further order of court or termination of the proceedings. You are required to withhold the payment or transfer of any money or other property no more than twice the amount of the unsatisfied judgment.

YOUR FAILURE TO APPEAR AND ANSWER AS HEREIN DIRECTED MAY CAUSE YOU TO BE ARRESTED AND BROUGHT BEFORE THE COURT TO ANSWER TO A CHARGE OF CONTEMPT OF COURT, WHICH MAY BE PUNISHABLE BY IMPRISONMENT.

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to be examined under oath to discover assets or income not exempt from the enforcement of the judgment.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☒ YOU ARE COMMANDED to appear in the Office of the United States Attorney at the place, date, and time specified below to be examined under oath to discover assets or income not exempt from the enforcement of the judgment.

PLACE OF TESTIMONY

230 South Dearborn Street, Suite 3948, Chicago, Illinois 60604

DATE AND TIME

April 15, 2010 at 1:00 p.m.

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified above: See attached rider.

CERTIFICATE OF ATTORNEY

The undersigned certifies under penalties of perjury provided by law (735 ILCS 5/1-109) that on September 3, 2009 judgment was entered against the defendant in the amount of \$4,422,572.89 in the **United States District Court for the Northern District of Illinois** in case number 02 CR 1050-4, and the balance now due is \$4,378,347.16.

MICHAEL W. DOBBINS, Clerk of the District Court

Melissa Childs, Assistant United States Attorney, 219 S. Dearborn Street, 5th Floor, Chicago, Illinois 60604; (312) 353-5331.

(By) Deputy Clerk

MAR 22 2010

PROOF OF SERVICE

DATE	PLACE
SERVED <u>3/23/2010</u>	Diane Cimino Calabrese, 14 Meadowood Drive, Oak Brook IL 60523
SERVED ON (PRINT NAME)	MANNER OF SERVICE
Diane Cimino Calabrese	Personal Service
SERVED BY (PRINT NAME)	TITLE
<u>Michael W. Maseth</u>	<u>Special Agent Federal Bureau of Investigation</u>

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that I am over 21 years of age and the foregoing information contained in the Proof of Service is true and correct.

Executed on

3/24/2010

DATE

SIGNATURE OF SERVER

219 S. Dearborn Street, 5th Floor, Chicago, Illinois 60604

ADDRESS OF SERVER

Notice to judgment debtor pursuant to the Illinois Code of Civil Procedure § 2-1402(b)

CITATION NOTICE

In the United States District Court
for the Northern District of Illinois
219 S. Dearborn St., Chicago, Illinois

United States,

Judgment Creditor

v.

Frank Calbrese, Sr.,

Judgment Debtor

Springfield - MCFP¹

P.O. Box 4000

Springfield, MO 65801-4000

Amount of judgment: \$4,422,572.89

This citation is directed to: Diane Cimino Calabrese

NOTICE: The court has issued a citation against the person named above. The citation directs that person to appear at the place designated above to be examined for the purpose of allowing the judgment creditor to discover income and assets belonging to you, the judgment debtor, or in which you, the judgment debtor, has an interest. The citation was issued on the basis of a judgment against you, the judgment debtor, in favor of the judgment creditor in the amount stated above. On or after the date stated above, the court may compel the application of any discovered income or assets toward payment on the judgment.

The amount of income or assets that may be applied toward the judgment for criminal fines and restitution is limited by federal and Illinois law. The JUDGMENT DEBTOR HAS THE RIGHT TO ASSERT STATUTORY EXEMPTIONS AGAINST CERTAIN INCOME OR ASSETS OF THE JUDGMENT DEBTOR WHICH MAY NOT BE USED TO SATISFY THE JUDGMENT IN THE AMOUNT STATED ABOVE.

Under federal law relating to the enforcement of judgments for criminal fines and restitution, the property exempt from levy is:

- (1) Wearing apparel and school books necessary for the debtor or for his family;
- (2) Fuel, provisions, furniture, and personal effects in the debtor's household, and for personal use, livestock, and poultry of the debtor, as does not exceed \$6,250 in value;
- (3) Books and tools of a trade, business, or profession, necessary for the trade, business, or profession of the debtor as do not exceed in the aggregate \$3,125 in value;

(4) Unemployment benefits payable to an individual with respect to his unemployment (including any portion thereof payable with respect to dependents).

(5) Undelivered mail to any person, which has not been delivered to the addressee.

(6) Certain annuity and pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll, and annuities based on retired or retainer pay under chapter 73 of title 10 of the United States Code.

(7) Workmen's compensation payable to an individual (including any portion thereof payable with respect to dependents) under a workmen's compensation law.

(8) Judgments for support of minor children required by judgment of a court of competent jurisdiction, entered prior to the date of levy, to contribute to the support of his minor children

(9) Certain service-connected disability payments payable to an individual as a service-connected (within the meaning of section 101(16) of title 38, United States Code) disability benefit.

(10) Assistance under Job Training Partnership Act, under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) from funds appropriated pursuant to such Act.

(See 18 U.S.C. § 3613(a) and 26 U.S.C. § 6334.)

THE JUDGMENT DEBTOR HAS THE RIGHT AT THE CITATION HEARING TO DECLARE EXEMPT CERTAIN INCOME OR ASSETS OR BOTH. The judgment debtor also has the right to seek a declaration at an earlier date, by notifying the clerk in writing at 219 S. Dearborn, 20th Floor, Chicago, Illinois 60604. When so notified, the Clerk of the Court will obtain a prompt hearing date from the court and will provide the necessary forms that must be prepared by the judgment debtor or the attorney for the judgment debtor and sent to the judgment creditor and the judgment creditor's attorney regarding the time and location of the hearing.

Certificate of Mailing

I certify that within three business days of service on the above-named third party citation respondent a copy of this citation to discover assets and citation notice were sent by first class U.S. Mail to the judgment debtor's last known address, which is Springfield - MCFP¹, P.O. Box 4000, Springfield, MO 65801-4000.

By: / Lianiret Sanchez

**Rider to the Third Party Citation to
Discover Assets served on Diane Cimino Calabrese
in United States v. Frank Calabrese, Sr., Case No. 02 CR 1050-4**

Produce all documents and things in your possession or control concerning the following list of items as they relate to the property, income, or assets of the judgment debtor:

1. Statements of account for the last 3 years, and bankbooks, passbooks, or checkbooks for any type of financial account in which the judgment debtor has any interest and is maintained by or for the judgment debtor in a bank, savings and loan, securities firm, brokerage firm, or any other financial institution.
2. State and federal income tax returns for the last 3 years.
3. Applications for loans or credits.
4. Applications for insurance for real or personal property.
5. Financial statements, both audited and unaudited, for the last 3 years.
6. General ledger and/or accounting records for the last 3 years.
7. Any listing of accounts receivable, including loans or debts payable.
8. Any listing of real or personal property.
9. Safety deposit boxes.
10. Stock certificates, bonds, certificates of deposit and any other security instrument.
11. Promissory notes or any other records of money due.
12. Titles to motor vehicles, boats or any other titled personal property.
13. Titles to real estate.
14. Beneficial interests in trusts.
15. Interests in partnerships.
16. Pay checks or pay stubs for the last 12 months.
17. Any interest in a pension, retirement, deferred compensation or profit-sharing fund.
18. Any life insurance policy in which the judgment debtor is the policy's insured or beneficiary.
19. Any document identified in paragraphs 1 through 18 for any business (*i.e.*, sole proprietorship, LLP, LLC, partnership, or corporation) in which you or your spouse is an owner, member, general partner, or majority shareholder.
20. Any other documents which may contain information concerning the judgment debtor's property, income, or indebtedness due the judgment debtor.