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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 UNITED STATES OF AMERICA

No. CR 13-00804 CRB

18 v.

PLEA AGREEMENT

19 MICHAEL NAVONE,

20 Defendant.

21 The United States of America and MICHAEL NAVONE ("defendant") hereby enter into
22 the following Plea Agreement pursuant to Rule 11(c)(1)(B) of the Federal Rules of Criminal
23 Procedure ("Fed. R. Crim. P.):

24 RIGHTS OF DEFENDANT

- 25 1. The defendant understands his rights:
26 (a) to be represented by an attorney;
27 (b) to be charged by indictment;
28 (c) to plead not guilty to any criminal charge brought against him;

1 (d) to have a trial by jury, at which he would be presumed not guilty of the
2 charge and the United States would have to prove every essential element of the charged offense
3 beyond a reasonable doubt for him to be found guilty;

4 (e) to confront and cross-examine witnesses against him and to subpoena
5 witnesses in his defense at trial;

6 (f) not to be compelled to incriminate himself;

7 (g) to appeal his conviction, if he is found guilty; and

8 (h) to appeal the imposition of sentence against him.

9 AGREEMENT TO PLEAD GUILTY AND WAIVE CERTAIN RIGHTS

10 2. The defendant knowingly and voluntarily waives the rights set out in Paragraph 1(b)-(g),
11 above. The defendant also knowingly and voluntarily waives the right to file any appeal, any
12 collateral attack, or any other writ or motion, including but not limited to an appeal under 18
13 U.S.C. § 3742 or a motion under 28 U.S.C. § 2241 or § 2255, that challenges the sentence
14 imposed by the Court if that sentence is consistent with or below the Sentencing Guidelines
15 range stipulated by the parties in Paragraph 9 of this Plea Agreement, regardless of how the
16 sentence is determined by the Court. This Agreement does not affect the rights or obligations of
17 the United States as set forth in 18 U.S.C. § 3742(b). Nothing in this paragraph, however, shall
18 act as a bar to the defendant perfecting any legal remedies he may otherwise have on appeal or
19 collateral attack respecting claims of ineffective assistance of counsel or prosecutorial
20 misconduct. Pursuant to Fed. R. Crim. P. 7(b), the defendant will waive indictment at
21 arraignment and will plead guilty to a four-count Information to be filed in the United States
22 District Court for the Northern District of California. Count One of the Information charges the
23 defendant with participating in a conspiracy to suppress and restrain competition by rigging bids
24 to obtain selected properties offered at public real estate foreclosure auctions in San Mateo
25 County, in the Northern District of California (“the San Mateo County selected properties”), in
26 unreasonable restraint of interstate trade and commerce, in violation of the Sherman Act, 15
27 U.S.C. § 1, beginning as early as February 2009 and continuing until in or about January 2011
28 (“relevant period”). Count Two of the Information charges the defendant with conspiracy to

1 commit mail fraud in violation of 18 U.S.C. § 1349, in San Mateo County, California, during the
2 relevant period. Count Three of the Information charges the defendant with participating in a
3 conspiracy to suppress and restrain competition by rigging bids to obtain selected properties
4 offered at public real estate foreclosure auctions in San Francisco County, in the Northern
5 District of California (“the San Francisco County selected properties”), in unreasonable restraint
6 of interstate trade and commerce, in violation of the Sherman Act, 15 U.S.C. § 1, beginning as
7 early as October 2009 and continuing until in or about January 2011 (“second relevant period”).
8 Count Four of the Information charges the defendant with conspiracy to commit mail fraud in
9 violation of 18 U.S.C. § 1349, in San Francisco, California, during the second relevant period.

10 3. The defendant, pursuant to the terms of this Plea Agreement, will plead guilty to
11 the criminal charges described in Paragraph 2 above and will make a factual admission of guilt to
12 the Court in accordance with Fed. R. Crim. P. 11, as set forth in Paragraph 4 below. The United
13 States agrees that at the arraignment, it will stipulate to the release of the defendant on his
14 personal recognizance, pursuant to 18 U.S.C. § 3142, pending the sentencing hearing in this case.

15 FACTUAL BASIS FOR CHARGED OFFENSES

16 4. The defendant agrees that he is guilty of the offenses to which he will plead
17 guilty, and agrees that the following facts are true:

18 (a) As to Count One of the Information:

19 During the relevant period, the defendant participated in a conspiracy to rig bids to obtain
20 the San Mateo County selected properties. The primary purpose of this conspiracy was to
21 suppress and restrain competition to purchase the San Mateo County selected properties at
22 non-competitive prices. To carry out their conspiracy, the defendant and his co-conspirators
23 agreed not to compete to purchase the San Mateo County selected properties, designated which
24 conspirator would win the San Mateo County selected properties at the public auctions for the
25 group of conspirators, and refrained from or stopped bidding on the San Mateo County selected
26 properties at the public auctions.

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1 During the relevant period, the business activities of the defendant and his
2 co-conspirators were within the flow of, and substantially affected, interstate trade and
3 commerce. For example, mortgage holders located in states other than California received
4 proceeds from the public real estate foreclosure auctions that were subject to the bid-rigging
5 conspiracy.

6 During the relevant period, the conspiratorial activities described above took place in the
7 Northern District of California, and the real estate that was the subject of this conspiracy was
8 located in this District.

9 (b) As to Count Two of the Information:

10 During the relevant period, the defendant and his co-conspirators willfully and knowingly
11 agreed to devise and intended to devise and to participate in a scheme and artifice to defraud
12 mortgage holders, other holders of debt secured by the selected properties, and in some cases, the
13 defaulting homeowners (collectively, "beneficiaries"), and to obtain money and property from
14 them by means of materially false and fraudulent pretenses, representations, and promises. The
15 objects of the conspiracy were to fraudulently acquire title to the San Mateo County selected
16 properties, to make and receive payoffs, and to divert money to conspirators that would have
17 gone to the beneficiaries. Among other things, the defendant and his co-conspirators executed a
18 deceptive scheme by negotiating payoffs with one or more conspirators not to compete; in some
19 instances, falsely participating in foreclosure auctions to create the appearance that they were
20 bidding competitively when, in fact, they were not; purchasing the selected properties at public
21 auctions at suppressed prices; paying conspirators monies that otherwise would have gone to the
22 beneficiaries; taking steps to conceal the fact that monies were diverted from the beneficiaries to
23 the conspirators; making and causing to be made materially false and misleading statements on
24 records of public auctions that trustees relied upon to distribute proceeds from the public
25 auctions to the beneficiaries and convey title to properties sold at the public auctions; and
26 causing the suppressed purchase price to be reported and paid to the beneficiaries.

27 The defendant and others, for the purpose of executing the conspiracy described above
28 and attempting to do so, knowingly used and caused to be used the United States Postal Service

1 and private or commercial interstate carriers. For example, trustees used the United States mail
2 and private or commercial interstate carriers to transmit Trustee's Deeds Upon Sale and other
3 title documents to participants in the conspiracy. These mailings were foreseeable to the
4 defendant in the ordinary course of business.

5 During the relevant period, the real estate that was the subject of this conspiracy was
6 located in the Northern District of California.

7 (c) As to Count Three of the Information:

8 During the second relevant period, the defendant participated in a conspiracy to rig bids
9 to obtain the San Francisco County selected properties. The primary purpose of the conspiracy
10 was to suppress and restrain competition to purchase the San Francisco County selected
11 properties at non-competitive prices. To carry out their conspiracy, the defendant and his
12 co-conspirators agreed not to compete to purchase the San Francisco County selected properties,
13 designated which conspirator would win the San Francisco County selected properties at the
14 public auctions for the group of conspirators, and refrained from or stopped bidding on the San
15 Francisco County selected properties at the public auctions.

16 During the second relevant period, the business activities of the defendant and his
17 co-conspirators were within the flow of, and substantially affected, interstate trade and
18 commerce. For example, mortgage holders located in states other than California received
19 proceeds from the public real estate foreclosure auctions that were subject to the bid-rigging
20 conspiracy.

21 During the second relevant period, the conspiratorial activities described above took
22 place in the Northern District of California, and the real estate that was the subject of this
23 conspiracy was located in this District.

24 (d) As to Count Four of the Information:

25 During the second relevant period, the defendant and his co-conspirators willfully and
26 knowingly agreed to devise and intended to devise and to participate in a scheme and artifice to
27 defraud beneficiaries, and to obtain money and property from them by means of materially false
28 and fraudulent pretenses, representations, and promises. The objects of the conspiracy were to

1 fraudulently acquire title to the San Francisco County selected properties. to make and receive
2 payoffs, and to divert money to conspirators that would have gone to the beneficiaries. Among
3 other things, the defendant and his co-conspirators executed a deceptive scheme by negotiating
4 payoffs with one or more conspirators not to compete; purchasing the selected properties at
5 public auctions at suppressed prices; paying conspirators monies that otherwise would have gone
6 to the beneficiaries; taking steps to conceal the fact that monies were diverted from the
7 beneficiaries to the conspirators; making and causing to be made materially false and misleading
8 statements on records of public auctions that trustees relied upon to distribute proceeds from the
9 public auctions to the beneficiaries and convey title to the properties sold at the public auctions;
10 and causing the suppressed purchase prices to be reported and paid to the beneficiaries.

11 The defendant and others, for the purpose of executing the conspiracy described above
12 and attempting to do so, knowingly used and caused to be used the United States Postal Service
13 and private or commercial interstate carriers. For example, trustees used the United States mail
14 and private or commercial interstate carriers to transmit Trustee's Deeds Upon Sale and other
15 title documents to participants in the conspiracy. These mailings were foreseeable to the
16 defendant in the ordinary course of business.

17 During the second relevant period, the real estate that was the subject of this conspiracy
18 was located in the Northern District of California.

19 POSSIBLE MAXIMUM SENTENCE

20 5. The defendant understands that the statutory maximum penalty that may be
21 imposed against him upon conviction for a violation of Count One or Count Three, 15 U.S.C.
22 § 1, is:

- 23 (a) a term of imprisonment for ten years (15 U.S.C. § 1);
24 (b) a fine in an amount equal to the greatest of (1) \$1 million, (2) twice the
25 gross pecuniary gain the conspirators derived from the crime, or (3) twice the gross pecuniary
26 loss caused to the victims of the crime by the conspirators (15 U.S.C. § 1; 18 U.S.C. § 3571(b)
27 and (d)); and

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1 (c) a term of supervised release of not more than three years following any
2 term of imprisonment. If the defendant violates any condition of supervised release, the
3 defendant could be required to serve up to an additional two years in prison (18 U.S.C.
4 § 3559(a)(3); 18 U.S.C. § 3583(b)(2) and (e)(3); and United States Sentencing Guidelines
5 (“U.S.S.G.,” “Sentencing Guidelines,” or “Guidelines”) §5D1.2(a)(2)).

6 6. The defendant understands that the statutory maximum penalty that may be
7 imposed against him upon conviction for a violation of Count Two or Count Four, 18 U.S.C.
8 § 1349, is:

- 9 (a) a term of imprisonment for thirty years (18 U.S.C. § 1349);
10 (b) a fine of not more than \$1 million; and
11 (c) a term of supervised release of not more than five years following any
12 term of imprisonment. If the defendant violates any condition of supervised release, the
13 defendant could be required to serve up to an additional three years in prison (18 U.S.C.
14 § 3559(a)(2); 18 U.S.C. § 3583(b)(1) and (e)(3); and U.S.S.G. §5D1.2(a)(1)).

15 7. In addition, the defendant understands that:

- 16 (a) pursuant to U.S.S.G. §5E1.1 or 18 U.S.C. § 3663(a)(3), the Court may
17 order him to pay restitution to the victims of the offense; and
18 (b) pursuant to 18 U.S.C. § 3013(a)(2)(A), the Court is required to order the
19 defendant to pay a \$100 special assessment upon conviction for each charged crime, totaling
20 \$400.

21 SENTENCING GUIDELINES

22 8. The defendant understands that the Sentencing Guidelines are advisory, not
23 mandatory, but that the Court must consider the Guidelines in effect on the day of sentencing,
24 along with the other factors set forth in 18 U.S.C. § 3553(a), in determining and imposing
25 sentence. The defendant understands that the Guidelines determinations will be made by the
26 Court by a preponderance-of-the-evidence standard. The defendant understands that although
27 the Court is not ultimately bound to impose a sentence within the applicable Guidelines range, its
28 sentence must be reasonable, based upon consideration of all relevant sentencing factors set forth

1 in 18 U.S.C. § 3553(a). Pursuant to U.S.S.G. §1B1.8, the United States agrees that self-
 2 incriminating information that the defendant provides to the United States pursuant to this Plea
 3 Agreement will not be used to increase the volume of affected commerce or loss attributable to
 4 the defendant or in determining the defendant's applicable Guidelines range, except to the extent
 5 provided in U.S.S.G. §1B1.8(b).

6 SENTENCING AGREEMENT

7 9. The United States and the defendant agree that the following Sentencing
 8 Guidelines apply:

9 (a) Counts One and Three (15 U.S.C. § 1):

10 Counts One and Three are grouped under U.S.S.G § 3D1.2(d) by
 11 aggregating the volume of commerce attributable to the defendant in both
 12 counties

13	i.	Base Offense Level, U.S.S.G. §2R1.1(a):	12
14	ii.	Conduct involved agreement to submit non-competitive bids, U.S.S.G. §2R1.1(b)(1):	+1
15	iii.	Volume of Commerce, U.S.S.G. §2R1.1(b)(2) (stipulated to be \$2,908,337):	+2
16			
17		Total:	15

18 Fine calculated as one to five percent of the volume
 19 of commerce, but not less than \$20,000,
 20 U.S.S.G. §2R1.1(c)(1): \$29,083 - \$145,417

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(b) Counts Two and Four (18 U.S.C. § 1349):

Counts Two and Four are grouped under U.S.S.G. §3D1.2(d) by aggregating the fraud loss for the selected properties from both counties

i.	Base Offense Level, U.S.S.G. §2X1.1(a) (incorporates base offense level from Guideline for substantive offense, U.S.S.G. §2B1.1(a)(1))	7
ii.	Adjustments, U.S.S.G. §2X1.1(a) (incorporates adjustments from Guideline for substantive offense)	
	a. Loss > \$120,000, U.S.S.G. §2B1.1(b)(1)(F):	+10
	b. 10 or more victims, U.S.S.G. §2B1.1(b)(2)(A):	+2
	Total:	19
	Fine, U.S.S.G. §5E1.2(c)(3):	\$6,000 to \$60,000

Counts One and Three group with Counts Two and Four under U.S.S.G. §3D1.2(b). According to U.S.S.G. §3D1.3(a), the combined offense level is the highest offense level between these two subgroups. Therefore, the offense level to be applied is the offense level for the subgroup consisting of Counts Two and Four, which results in a combined offense level of 19.

10. The United States agrees that it will make a motion, pursuant to U.S.S.G. §3E1.1, for a downward adjustment of three levels for acceptance of responsibility due to the defendant's timely notification of his intention to enter a guilty plea. Therefore, the ultimate Guidelines calculations result in an adjusted offense level of 16, for a jail term of 21 to 27 months and a fine of \$5,000 to \$50,000.

11. The defendant understands that the Court will order him to pay a special assessment of \$100 per count (\$400 total) pursuant to 18 U.S.C. § 3013(a)(2)(A), in addition to any fine imposed. The parties agree that there exists no aggravating or mitigating circumstance of a kind, or to a degree, not adequately taken into consideration by the U.S. Sentencing Commission in formulating the Sentencing Guidelines justifying a departure pursuant to U.S.S.G. §5K2.0.

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1 12. The Mandatory Victim Restitution Act requires the Court to order restitution to
2 the victims of certain offenses. The government and the defendant agree to recommend that the
3 Court order the defendant to pay no restitution pursuant to U.S.S.G. §5E1.1(a). The defendant
4 understands that this Plea Agreement is voidable by the government if he fails to pay the
5 restitution as ordered by the Court. The defendant further agrees that he will not seek to
6 discharge any restitution obligation or any part of such obligation in any bankruptcy proceeding.

7 13. The United States and the defendant are not aware of any information that would
8 affect the defendant's Criminal History Category. If no other information were discovered, the
9 defendant's Criminal History Category would be I. The parties understand that the defendant's
10 Criminal History Category is determined by the Court.

11 14. The defendant understands that the sentence to be imposed on him is within the
12 sole discretion of the sentencing judge. The United States cannot and does not make any
13 promises or representations as to what sentence the defendant will receive. However, the United
14 States will inform the Probation Office and the Court of (a) this Agreement; (b) the nature and
15 extent of the defendant's activities in this case and all other activities of the defendant that the
16 United States deems relevant to sentencing; and (c) the nature and extent of the defendant's
17 cooperation with the United States. In so doing, the United States may use any information it
18 deems relevant, including information provided by the defendant both prior and subsequent to
19 the signing of this Agreement. The United States reserves the right to make any statement to the
20 Court or the Probation Office concerning the nature of the criminal violations charged in the
21 attached Information, the participation of the defendant therein, and any other facts or
22 circumstances that it deems relevant. The United States also reserves the right to comment on or
23 to correct any representation made by or on behalf of the defendant and to supply any other
24 information that the Court may require.

25 15. If the United States determines that the defendant has provided substantial
26 assistance in any Federal Proceeding, as defined in Paragraph 18 of this Plea Agreement, and has
27 otherwise fully complied with all of the terms of this Plea Agreement, it will file a motion,
28 pursuant to U.S.S.G. §5K1.1, advising the sentencing judge of all relevant facts pertaining to that

1 determination and requesting the Court to sentence the defendant in light of the factors set forth
2 in U.S.S.G. §5K1.1(a)(1)-(5). The defendant acknowledges that the decision whether he has
3 provided substantial assistance in any Federal Proceeding and has otherwise complied with the
4 terms of this Plea Agreement is within the sole discretion of the United States. It is understood
5 that, should the United States determine that the defendant has not provided substantial
6 assistance in any Federal Proceeding, or should the United States determine that the defendant
7 has violated any provision of this Plea Agreement, such a determination will release the United
8 States from any obligation to file a motion pursuant to U.S.S.G. §5K1.1, but will not entitle the
9 defendant to withdraw his guilty plea once it has been entered. The defendant further
10 understands that, whether or not the United States files a motion pursuant to U.S.S.G. §5K1.1,
11 the sentence to be imposed on him remains within the sole discretion of the sentencing judge.

12 16. Subject to the ongoing, full, and truthful cooperation of the defendant described in
13 Paragraph 18 of this Plea Agreement, and before sentencing in the case, the United States will
14 fully advise the Court and the Probation Office of the fact, manner, and extent of the defendant's
15 cooperation and his commitment to prospective cooperation with the United States' investigation
16 and prosecutions, all material facts relating to the defendant's involvement in the charged
17 offenses, and all other relevant conduct. To enable the Court to have the benefit of all relevant
18 sentencing information, the United States may request, and the defendant will not oppose, that
19 sentencing be postponed until his cooperation is complete.

20 17. The United States and the defendant understand that the Court retains complete
21 discretion to accept or reject either party's sentencing recommendation. The defendant
22 understands that, as provided in Fed. R. Crim. P. 11(c)(3)(B), if the Court does not impose a
23 sentence consistent with either party's sentencing recommendation, he nevertheless has no right
24 to withdraw his plea of guilty.

25 DEFENDANT'S COOPERATION

26 18. The defendant will cooperate fully and truthfully with the United States in the
27 prosecution of this case, the conduct of the current federal investigation of violations of federal
28 antitrust and related criminal laws involving the purchase of properties at public real estate

1 foreclosure auctions in the Northern District of California, any other federal investigation
2 resulting therefrom, and any litigation or other proceedings arising or resulting from any such
3 investigation to which the United States is a party ("Federal Proceeding"). The ongoing, full,
4 and truthful cooperation of the defendant shall include, but not be limited to:

5 (a) producing all non-privileged documents, including claimed personal
6 documents, and other materials, wherever located, in the possession, custody, or control of the
7 defendant, requested by attorneys and agents of the United States;

8 (b) making himself available for interviews, not at the expense of the United
9 States, upon the request of attorneys and agents of the United States;

10 (c) responding fully and truthfully to all inquiries of the United States in
11 connection with any Federal Proceeding, without falsely implicating any person or intentionally
12 withholding any information, subject to the penalties of making false statements (18 U.S.C.
13 § 1001) and obstruction of justice (18 U.S.C. § 1503, *et seq.*);

14 (d) otherwise voluntarily providing the United States with any non-privileged
15 material or information, not requested in (a)-(c) of this paragraph, that he may have that is related
16 to any Federal Proceeding; and

17 (e) when called upon to do so by the United States in connection with any
18 Federal Proceeding, testifying in grand jury, trial, and other judicial proceedings fully, truthfully,
19 and under oath, subject to the penalties of perjury (18 U.S.C. § 1621), making false statements or
20 declarations in grand jury or court proceedings (18 U.S.C. § 1623), contempt (18 U.S.C.
21 §§ 401-402), and obstruction of justice (18 U.S.C. § 1503, *et seq.*).

22 GOVERNMENT'S AGREEMENT

23 19. Subject to the full, truthful, and continuing cooperation of the defendant described
24 in Paragraph 18 of this Plea Agreement, and upon the Court's acceptance of the guilty plea
25 called for by this Plea Agreement and the imposition of sentence, the United States will not bring
26 further criminal charges against the defendant for any act or offense committed before the date of
27 this Plea Agreement that was undertaken in furtherance of an antitrust conspiracy or in violation
28 of any related criminal law involving the purchase of properties at public real estate foreclosure

1 auctions in the Northern District of California (“Relevant Offenses”). The non-prosecution
2 terms of this paragraph do not apply to civil matters of any kind, to any violation of the federal
3 tax or securities laws, or to any crime of violence.

4 20. The defendant understands that he may be subject to administrative action by
5 federal or state agencies other than the United States Department of Justice, Antitrust Division,
6 based upon the conviction resulting from this Plea Agreement, and that this Plea Agreement in
7 no way controls whatever action, if any, other agencies may take. However, the United States
8 agrees that, if requested, it will advise the appropriate officials of any governmental agency
9 considering such administrative action of the fact, manner, and extent of the cooperation of the
10 defendant as a matter for that agency to consider before determining what administrative action,
11 if any, to take.

12 REPRESENTATION BY COUNSEL

13 21. The defendant has reviewed all legal and factual aspects of this case with his
14 attorney and is fully satisfied with his attorney’s legal representation. The defendant has
15 thoroughly reviewed this Plea Agreement with his attorney and has received satisfactory
16 explanations from his attorney concerning each paragraph of this Plea Agreement and
17 alternatives available to the defendant other than entering into this Plea Agreement. After
18 conferring with his attorney and considering all available alternatives, the defendant has made a
19 knowing and voluntary decision to enter into this Plea Agreement.

20 VOLUNTARY PLEA

21 22. The defendant’s decision to enter into this Plea Agreement and to tender a plea of
22 guilty is freely and voluntarily made and is not the result of force, threats, assurances, promises,
23 or representations other than the representations contained in this Plea Agreement. The United
24 States has made no promises or representations to the defendant as to whether the Court will
25 accept or reject the recommendations contained within this Plea Agreement.

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VIOLATION OF PLEA AGREEMENT

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2 23. The defendant agrees that, should the United States determine in good faith,
3 during the period that any Federal Proceeding is pending, that the defendant has failed to provide
4 full and truthful cooperation, as described in Paragraph 18 of this Plea Agreement. or has
5 otherwise violated any provision of this Plea Agreement, the United States will notify the
6 defendant or his counsel in writing by personal or overnight delivery or facsimile transmission,
7 and may also notify his counsel by telephone, of its intention to void any of its obligations under
8 this Plea Agreement (except its obligations under this paragraph), and the defendant shall be
9 subject to prosecution for any federal crime of which the United States has knowledge, including
10 but not limited to, the substantive offenses relating to the investigation resulting in this Plea
11 Agreement. The defendant may seek Court review of any determination made by the United
12 States under this paragraph to void any of its obligations under the Plea Agreement. The
13 defendant agrees that, in the event that the United States is released from its obligations under
14 this Plea Agreement and brings criminal charges against the defendant for any Relevant
15 Offenses, the statute of limitations period for such offense shall be tolled for the period between
16 the date of the signing of this Plea Agreement and six months after the date the United States
17 gave notice of its intent to void its obligations under this Plea Agreement.

18 24. The defendant understands and agrees that in any further prosecution of him
19 resulting from the release of the United States from its obligations under this Plea Agreement
20 based on the defendant's violation of the Plea Agreement, any documents, statements,
21 information, testimony, or evidence provided by him to attorneys or agents of the United States,
22 federal grand juries, or courts, and any leads derived therefrom, may be used against him in any
23 such further prosecution. In addition, the defendant unconditionally waives his right to challenge
24 the use of such evidence in any such further prosecution, notwithstanding the protections of Fed.
25 R. Evid. 410.

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ENTIRETY OF AGREEMENT

25. This Plea Agreement constitutes the entire agreement between the United States and the defendant concerning the disposition of the criminal charges in this case. This Plea Agreement cannot be modified except in writing, signed by the United States and the defendant.

26. The undersigned attorneys for the United States have been authorized by the Attorney General of the United States to enter this Plea Agreement on behalf of the United States.

27. A facsimile signature shall be deemed an original signature for the purpose of executing this Plea Agreement. Multiple signature pages are authorized for the purpose of executing this Plea Agreement.




MICHAEL NAVONE
Defendant

Dated: 3/20/14



K.C. MAXWELL
Counsel for Defendant Michael Navone
Law Office of K.C. Maxwell
235 Montgomery Street, Suite 1070
San Francisco, CA 94104

Dated: 3/20/14



DAVID J. WARD
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JEANE HAMILTON
Trial Attorneys
U.S. Department of Justice
Antitrust Division

Dated: 3/20/14