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13 Attorneys for Plaintiff  
 UNITED STATES OF AMERICA

14  
 15 UNITED STATES DISTRICT COURT  
 16 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
 17 SOUTHERN DIVISION

18 UNITED STATES OF AMERICA,  
 19 Plaintiff,  
 20 v.  
 21 MICHAEL JOHN AVENATTI,  
 22 Defendant.

SA CR No. 19-061-JVS

ORDER SETTING FORTH THE CONDITIONS  
 OF TEMPORARY RELEASE FOR DEFENDANT  
 MICHAEL JOHN AVENATTI

23  
 24 Pursuant to 18 U.S.C. § 3142(i), the Court temporarily releases  
 25 defendant MICHAEL JOHN AVENATTI for a period of 90 days under the  
 26 following terms and conditions:

27 1. Defendant release is conditioned upon the submission and  
 28 Court approval of a \$1,000,000 bond signed by Hubert Bromma, with at

1 least \$500,000 of the bond to be secured by the full deeding of real  
2 property or by depositing \$500,000 with the Clerk of the Court.

3 2. As a condition precedent to release, defendant shall submit  
4 to a 14-day quarantine at an appropriate Bureau of Prisons ("BOP")  
5 facility prior to release.

6 3. As a condition precedent to release, defendant shall also  
7 submit to a health screening by the BOP.

8 4. Defendant shall not be released until BOP has determined to  
9 the best of its abilities that defendant has not contracted COVID-19.  
10 If the defendant is found to be exhibiting symptoms consistent with  
11 COVID-19 or is confirmed to have COVID-19, the defendant shall not be  
12 released to the public because of the danger the defendant poses to  
13 the community.

14 5. Following release, defendant shall submit to screening for  
15 COVID-19 as directed by the United States Probation and Pretrial  
16 Services Office ("Pretrial Services"). Should the defendant then or  
17 thereafter exhibit symptoms consistent with COVID-19, the defendant  
18 shall remain in quarantine or isolation as directed by Pretrial  
19 Services in a form directed by Pretrial services, including self-  
20 isolation or self-quarantine.

21 6. During the period of pre-trial supervision, defendant shall  
22 comply with national, state, and local public-health orders regarding  
23 COVID-19, including California's Executive Order N-33-20 (March 19,  
24 2020) and, if applicable, the Los Angeles "Safer At Home" Order,  
25 Public Order Under City of Los Angeles Emergency Authority (March 19,  
26 2020)

27 7. Defendant shall be subject to supervision as directed by  
28 Pretrial Services.

1           8. Defendant shall be released to the custody of third-party  
2 custodian Jay Manheimer. Prior to defendant's release, third-party  
3 custodian Mr. Manheimer must sign, complete, and submit to the Court  
4 an Affidavit of Third-Party Custodian (Form CR-31) acknowledging and  
5 agreeing to (a) supervise defendant, (b) use every effort to assure  
6 defendant's appearance at all court proceedings, and (c) notify  
7 Pretrial Services immediately if defendant violates a condition of  
8 release or is no longer in the custodian's custody. The third-party  
9 custodian's failure to discharge his obligations may result in the  
10 custodian being held in contempt of Court. The United States  
11 Attorney's Office shall review the Affidavit of Third-Party of  
12 Custodian before the Affidavit is filed with the Court.

13           9. Upon defendant's release from the Metropolitan Correctional  
14 Center in New York ("MCC New York"), defendant's counsel, H. Dean  
15 Steward, or another individual expressly authorized by this Court,  
16 shall transport defendant from MCC New York to the residence of the  
17 third-party custodian Jay Manheimer in Venice, California. Defendant  
18 and/or defendant's counsel shall provide Pretrial Services with a  
19 copy of defendant's travel itinerary at least 24 hours in advance and  
20 must immediately notify Pretrial Services upon defendant's arrival at  
21 Mr. Manheimer's residence. Defendant's counsel shall accompany  
22 defendant at all times until defendant arrives at Mr. Manheimer's  
23 residence and is placed in Mr. Manheimer's custody.

24           10. Defendant shall be confined to the personal residence of  
25 Jay Manheimer, in Venice, California (at the address provided to  
26 Pretrial Services), at all times and with no exceptions, other than  
27 for emergency medical treatment after notification to Pretrial  
28

1 Services. Advance permission of the Court shall be required for any  
2 other travel, including for court appearances.

3 11. Defendant shall participate in the Location Monitoring  
4 Program and abide by all requirements of the program, under the  
5 direction of Pretrial Services, which shall include a location  
6 monitoring bracelet. Defendant must pay all of the costs of the  
7 Location Monitoring Program based upon his ability to pay as  
8 determined by Pretrial Services, and will be financially responsible  
9 for any lost or damaged equipment.

10 12. Defendant shall not possess, use, or access any digital  
11 devices that offer or allow internet access. Defendant may, however,  
12 possess and use a non-internet connected telephone, approved by  
13 Pretrial Services, to communicate with his attorneys, family,  
14 friends, and for other basic living needs during the 90-day term of  
15 his temporary release.

16 13. Although defendant may not possess, use, or access any  
17 internet-enabled digital devices, this Order does not preclude  
18 defendant's legal counsel from emailing legal documents to  
19 defendant's third-party custodian, Jay Manheimer, so that defendant's  
20 third-party custodian can print them for defendant to review.  
21 Defendant may also access and use an internet-enabled digital device  
22 while in the presence of defendant's legal counsel, solely for the  
23 purpose of preparing his defense in this case and in the two pending  
24 prosecutions in the Southern District of New York ("SDNY"), United  
25 States v. Avenatti, No. 1:19-cr-373-PGG (SDNY), and United States v.  
26 Avenatti, No. 1:19-cr-374-JMF (SDNY).

27 14. Within 48 hours of defendant's release, defendant shall  
28 disclose to Pretrial Services all bank accounts, credit card

1 accounts, or other financial accounts that defendant controls, either  
2 directly or indirectly, and provide Pretrial Services with a list of  
3 any assets exceeding \$5,000 that defendant owns, possess, or  
4 controls, either directly or indirectly.

5 15. Defendant shall not open, either directly or indirectly,  
6 any new bank accounts, credit card accounts, or other financial  
7 accounts without notifying and obtaining the prior approval of  
8 Pretrial Services.

9 16. Defendant shall not engage in any financial transactions  
10 exceeding \$500, either directly or indirectly, without notifying and  
11 obtaining the prior approval of Pretrial Services.

12 17. Defendant shall not sell, transfer, or give away any asset  
13 valued at \$500 or more, either directly or indirectly, without  
14 notifying and obtaining prior approval of Pretrial Services.

15 18. Defendant shall provide to Pretrial Services every two  
16 weeks a report (or other documentation approved by Pretrial Services)  
17 detailing all of defendant's financial transactions, including any  
18 transactions under \$500, during the prior two-week period.

19 19. Defendant shall avoid all contact (except in the presence  
20 of counsel), directly or indirectly, with any person who the  
21 government has identified as victim or potential witness in this  
22 prosecution and investigation, except for Christine Avenatti Carlin.  
23 Defendant, however, shall not engage in any substantive discussions  
24 with Ms. Carlin regarding this prosecution and investigation (except  
25 in the presence of counsel).

26 20. Defendant shall comply with all court orders, including,  
27 but not limited to, any conditions of release in United States v.  
28

1 Avenatti, No. 1:19-cr-373-PGG (SDNY), and United States v. Avenatti,  
2 No. 1:19-cr-374-JMF (SDNY).

3 21. Defendant shall surrender all passports and travel  
4 documents to Pretrial Services within 24 hours of his release (to the  
5 extent he has not already done so), sign a Declaration re Passport  
6 and Other Travel Documents (Form CR-37), and shall not apply for a  
7 passport or other travel document during the pendency of this case.

8 22. Defendant shall comply with the General Conditions of  
9 Release set forth in the Central District of California Release Order  
10 and Bond Form.

11 23. In order to determine compliance with these conditions of  
12 release, defendant agrees to submit to a search of his person  
13 and/property by Pretrial Services in conjunction with the U.S.  
14 Marshal. Defendant's third-party custodian Jay Manheimer shall also  
15 agree to provide Pretrial Services and the U.S. Marshal with access  
16 to his residence in order to conduct such a search if requested to do  
17 so.

18 24. At the expiration of defendant's 90-day temporary release  
19 period, defendant shall surrender to the United States Marshals  
20 office at 411 W. 4th Street, Second Floor Santa Ana, CA 92701, or the  
21 United States Marshals office in the Southern District of New York at  
22 500 Pearl Street, Suite 400, New York, NY 10007, as directed by  
23 Pretrial Services or the Court. Defendant's counsel, H. Dean  
24 Steward, defendant's third-party custodian, Jay Manheimer, or another  
25 party authorized by the Court, shall transport defendant from  
26 Mr. Manheimer's residence to United States Marshals office, and shall  
27 accompany defendant at all times during transport.

28

1           25. The Court reserves the right to revoke this Order  
2 temporarily releasing defendant prior to the expiration of the 90-day  
3 period in light of changed circumstances after notice to the parties.

4           26. This Order does not withdraw, is not in derogation of, and  
5 does not conflict with this Court's prior finding, and the Ninth  
6 Circuit's affirmance of this Court's finding, that there is probable  
7 cause to believe that defendant committed state and federal crimes  
8 while on pretrial release, that defendant is a danger to the  
9 community, and that defendant failed to rebut the presumption that no  
10 conditions or combination of conditions will assure the safety of the  
11 community. See United States v. Avenatti, C.A. No. 20-50017 (9th  
12 Cir. Mar. 6, 2020).

13           IT IS SO ORDERED.

14  
15           April 10, 2020

16           \_\_\_\_\_  
DATE

  
\_\_\_\_\_  
HONORABLE JAMES V. SELNA  
UNITED STATES DISTRICT JUDGE

17  
18           Presented by:

19           \_\_\_\_\_  
          /s/  
20           JULIAN L. ANDRÉ  
          BRETT A. SAGEL  
21           Assistant United States Attorneys

22  
23           \_\_\_\_\_  
          /s/ via email authorization  
24           H. DEAN STEWARD  
          Attorney for Defendant  
25           MICHAEL JOHN AVENATTI  
26  
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