

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA :
 :
 v. : **Criminal No. 21-367-3**
 :
MICHAEL BARONE :

ORDER OF FORFEITURE

AND NOW, this 11th day of January, 2023, upon consideration of the Government's Motion for Order of Forfeiture, the Court concludes that it should grant the motion, and, therefore, it is hereby ORDERED as follows:

1. The Government's Motion for Order of Forfeiture is GRANTED.
2. As result of his guilty plea, Michael Barone is required, and has agreed, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), to forfeit his right, title and interest, in the proceeds that the defendant obtained as part of his participation in a conspiracy to steal copyrighted cable television shows and movies from legitimate video content providers and then record and sell access to this programming via the internet-based video delivery service, as charged in Counts 1 superseding indictment.
3. All property that constitutes or is derived from proceeds traceable to the commission of such offense is forfeited to the United States.
4. Based upon the defendant's guilty plea, and the facts set forth at the plea hearing and in the record as a whole, the sum of \$122,402.50 represents the value of property that constitutes or is derived from proceeds traceable to the commission of such offense which the defendant obtained.

5. Based upon the guilty verdict, and the facts set forth in the change of plea memo and in the record as a whole, the defendant dissipated or otherwise spent the proceeds that he obtained, and the government cannot locate the proceeds upon the exercise of due diligence, and one or more of the conditions in 21 U.S.C. § 853(p) have been met. Accordingly, pursuant to 21 U.S.C. § 853(p) and Federal Rule of Criminal Procedure 32.2(e)(1)(B), the government is authorized to seek forfeiture of substitute assets of the defendant up to the amount of \$122,402.50. The government may move at any time, pursuant to Federal Rule of Criminal Procedure 32.2(e)(1)(B), to amend this Order to forfeit specific property belonging to the defendant having a value up to the amount of the uncollected money judgment, as substitute assets.

6. Upon entry of this Order, the Attorney General or a designee, is authorized to seize any specific property subject to forfeiture that is identified in this Order, pursuant to Federal Rule of Criminal Procedure 32.2(b)(3).

7. Upon entry of this Order, the Attorney General or a designee, pursuant to Federal Rule of Criminal Procedure 32.2(b)(3) and 21 U.S.C. § 853(m), is authorized to conduct any discovery to identify, locate, and dispose of property subject to this Order and to address any third-party claims, including depositions, interrogatories, requests for production of documents, and subpoenas pursuant to Federal Rule of Civil Procedure 45.

8. Pursuant to Federal Rule of Criminal Procedure 32.2(b)(4), this Order shall become final as to the defendant at the time of sentencing and shall be made part of the defendant's sentence and included in the Judgment and Commitment Order.

9. The Court shall retain jurisdiction to enforce this forfeiture Order, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

10. The Clerk of Court shall provide a certified copy of this Order to counsel for the government and the Federal Bureau of Investigations.

/s/Harvey Bartle III
HONORABLE HARVEY BARTLE, III
United States District Judge