

COURT MINUTES OF SENTENCING HEARING

UNITED STATES of AMERICA,

v.

CASE NO.05-CV-486

WILL J. SHERARD

HON. J. P. STADTMUELLER PRESIDING

DATE: June 30, 2008

TIME SCHEDULED: 2:00 p.m.

COURT DEPUTY/CLERK: Melissa Burkland

TIME CALLED: 2:18 p.m.

COURT REPORTER: Cindy Bohman

TIME FINISHED: 2:29 p.m.

INTERPRETER: N/A

GOVERNMENT BY: Stacy Ward

DEFENDANT BY: Stanley L. Lind

Notes:

2:18 Appearances

2:18 Court comments to the background of the case

2:18 Government comments that the defendant has not paid for the risk assessments and that there are several risk assessments that have not been finalized. The government further comments that to modify a consent decree, the defendant must comply with Federal Rules of Civil Procedure, i.e., show a significant change in the facts or in the law, but the defendant is unable to meet this burden. No facts have changed; the defendant continues to own the properties and very little work has been done to advance the goals of the consent decree

2:21 Defense counsel comments that the nature of the properties is unusual; they are inner-city properties and the defendant has worked hard to attempt to conform with the consent decree. However, real estate prices have dropped and he has paid \$15,000 in penalties and \$37,000 to perform the risk assessment on the properties. Defense counsel requests an additional period of time to complete the risk assessments

2:24 Government comments that it has asked the defendant to provide them with financial information and the government would like the record to reflect that they have had those discussions but the defendant has not assisted the government in assessing his financial situation. The government further states that arguments that he cannot pay the fees are disingenuous given the fact that he will not allow the government any insight as to his financial situation

2:25 Government comments that there are 64 properties

2:28 Court comments that there is no basis to vacate or modify the consent decree; the court will assess, beginning tomorrow morning, \$500.00 per day per unit until the abatement is completed.

2:29 Court directs the government to prepare an order for the court's signature

2:29 Court stands in recess