

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Criminal Action No. 05-cr-00545-EWN

UNITED STATES OF AMERICA

Plaintiff,

v.

JOSEPH P. NACCHIO,

Defendant.

**PARTIAL RESPONSE TO MOTION OF THE UNITED STATES
FOR ENTRY OF MONEY JUDGMENT**

Joseph P. Nacchio, by and through undersigned counsel, hereby opposes the motion of the United States for a money judgment against Defendant Joseph P. Nacchio in the amount of \$52,007,545.47.

As indicated in the United States' Motion for Entry of Money Judgment [Doc. 412], forfeiture is an aspect of the sentence, and to the extent ordered, is done so "as part of the sentence in the criminal case." 28 U.S.C. § 2461; *United States v. Patel* 131 F.3d 1195, 1200 (7th Cir. 1997). On April 30, 2007, the Court entered an order granting the government's motion for clarification, and ordered that sentencing statements are to be filed no later than July 6, 2007. Therefore, Mr. Nacchio hereby reserves his right

to respond more fully to the government's Motion For Entry Of Money Judgment by July 6, 2007.

Respectfully submitted this 8th day of May, 2007.

s/Herbert J. Stern

Herbert J. Stern

hstern@sgklaw.com

Jeffrey Speiser

jspeiser@sgklaw.com

Edward S. Nathan

enathan@sgklaw.com

Alain Leibman

aleibman@sgklaw.com

Mark W. Rufolo

mrufolo@sgklaw.com

Stern & Kilcullen, LLC

75 Livingston Avenue

Roseland, New Jersey 07068

(973) 535-1900

(973) 535-9664 (facsimile)

s/John M. Richilano

John M. Richilano

jmr@rglawoffice.net

Marci A. Gilligan

mgilligan@rglawoffice.net

Richilano & Gilligan, P.C.

633 17th Street, Suite 1700

Denver, CO 80202

(303) 893-8000

(303) 893-8055 (facsimile)

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of May 2007, a true and correct copy of the foregoing **DEFENDANT JOSEPH P. NACCHIO'S PARTIAL RESPONSE TO MOTION OF THE UNITED STATES FOR MONEY JUDGMENT** was served on the following the USDC CM/ECF system:

James O. Hearty
james.hearty@usdoj.gov
victoria.soltis@usdoj.gov
USACO.ECFcriminal@usdoj.gov

Cliff Stricklin
Cliff.stricklin@usdoj.gov

Leo J. Wise
leo.wise@usdoj.gov
dorothy.burwell@usdoj.gov

Colleen Ann Conry
colleen.conry@usdoj.gov

Paul E. Pelletier
paul.pelletier@usdoj.gov

Kevin Traskos
kevin.traskos@usdoj.gov

s/Donna M. Brummett _____
Donna M. Brummett