



United States Attorney
District of New Jersey
Civil Division

970 Broad Street, Suite 700
Newark, New Jersey 07102

general number: (973) 645-2700
telephone: (973)645-2736
fax: (973) 297-2010
e-mail: leah.bynon@usdoj.gov

October 23, 2014

The Honorable Cathy L. Waldor
United States Magistrate Judge
District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

Re: *United States v. Boye*, Mag. No. 14-7086 (CLW)

Your Honor:

I am the Assistant United States Attorney assigned to the Financial Litigation Unit, whose responsibilities include the enforcement and collection of criminal and civil monetary obligations. I have been assisting the criminal AUSA assigned to the above-referenced case, AUSA Shirley Emehelu, with a matter that was raised in a related State Court matrimonial matter.

By way of background, on June 20, 2014 defendant Bobby W. Boye posted property located at 720 Apple Ridge Road, Franklin Lanes, New Jersey 07417 (hereinafter "Apple Ridge Road property") to secure his \$1.5 million appearance bond in the above-referenced matter. Unbeknownst to the USA and the Court at the time bail was posted, it appears that the property was already encumbered by a *lis pendens* filed with the Bergen County clerk on March 5, 2014. This *lis pendens* results from the matrimonial matter pending in Bergen County, Family Part, in which defendant's wife is seeking a divorce and equitable distribution of the marital property. The Honorable Bonnie J. Mizdol had previously determined that this property was to be sold, with the proceeds held in trust by attorney Lou Lamatina (attorney for plaintiff wife, Ediltruda Kalikawe). It was anticipated that the funds from that property would be held in trust for the benefit of Mr. Boye's ex-wife and minor children, subject to a final equitable distribution determination. Per Judge Mizdol's prior Orders, Mr. Boye was not to further encumber the property prior to sale. A contract for sale of the property has been negotiated, but the bail bond lien affects title to the property.

Upon learning that the property was posted for bail in the above-referenced matter, Mr. Lamatina filed an Amended Complaint seeking to quiet title and an Order to Show Cause in the matrimonial matter, seeking release of the property from the bail lien. The parties thereafter negotiated a proposed modification of Defendant's Bail Conditions, which we now submit to the Court for Your Honor's review and endorsement.¹ In sum, the modification proposes the following terms: the bail bond lien on the Apple Ridge Road property will be cancelled and removed to allow for the sale of the property. The proceeds from the sale of the Apple Ridge Road property shall be held by attorney Lou Lamatina in his trust account, per the Order of the matrimonial Court. Within one week of the closing, the surety (Ediltruda Kalikawe and children, via the trust account) shall post \$500,000 in cash as a surety to secure defendant Boye's \$1.5 million appearance bond.

Thank you for your review and consideration of the proposed Consent Order Modifying Defendant's Bail Conditions.

Respectfully submitted,
PAUL J. FISHMAN
United States Attorney

S/ Leah Bynon Farrell
By: LEAH BYNON FARRELL
Assistant United States Attorney

Shirley Emehelu (by email)
Assistant United States Attorney

Joseph P. Rem, Jr., Esq. (by email)
25 E Salem Street, Suite 400
Hackensack, NJ 07601
jrem@remlawgroup.com

Louis J. Lamatina, Esq. (by email)
Attorney for plaintiff Ediltruda Kalikawe

¹ Attached as Exhibit A is a copy of the Order Adjudicating Plaintiff's Order to Show Cause, issued by the Honorable Bonnie J. Mizdol, P.J.F.P., in the matter of *Kalikawe v. Boye*, Docket No. FM-02-786-14, Superior Court of New Jersey, Chancery Division: Bergen County, Family Part. Civil AUSA Leah A. Farrell appeared before the State Court with respect to this matter. Attached as Exhibit B is a copy of the August 1, 2014 Order issued by the Honorable Bonnie J. Mizdol, P.J.F.P., in which the Court determined that the property was to be sold, with proceeds held in trust pending a final equitable distribution determination. Attached as Exhibit C is a copy of the proposed Surety agreement to post the \$500,000 cash.