

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No.	CV 99-02829-RGK (CWx)	Date	February 26, 2013
Title	<b>JOHN GARAMENDI v. ALTUS FINANCE S.A. et al.</b>		

Present: The Honorable	R. GARY KLAUSNER, UNITED STATES DISTRICT JUDGE		
Sharon L. Williams (Not Present)	Not Reported	N/A	
Deputy Clerk	Court Reporter / Recorder	Tape No.	
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:		
Not Present	Not Present		

**Proceedings: (IN CHAMBERS) Order Re: Restitution Award**

In the 2005 trial of this matter, the jury found that Artemis had knowingly joined the conspiracy to defraud the Commissioner. The jury concluded that the Commissioner had not proved that he was entitled to compensatory damages, but awarded the Commissioner \$700 million in punitive damages. Judge Matz vacated the punitive damages award and awarded to the Commissioner \$241 million in restitution (\$131 million, after offsetting \$110 million previously received pursuant to a settlement between Artemis and the U.S. Attorney). See *Garamendi v. Altus Finance S.A., et. al.*, 2005 U.S. Dist. LEXIS 39273 (C.D. Cal. Nov. 21, 2005).

On appeal, the Ninth Circuit affirmed Judge Matz’s decision vacating the punitive damages award, and remanded the case for a new damages phase trial based solely on the NOLHGA Premise. *State of California, et. al. v. Altus Finance S.A., et. al.*, 540 F.3d 992. In doing so, the Ninth Circuit vacated the restitution award with leave to reinstate, if warranted, at the close of the new damages phase trial. *Id.* at 1011.

This Court conducted the new damages phase trial in October 2012. On October 29, 2013, the jury rendered a verdict in favor of Artemis, finding no damages based on the NOLHGA Premise. As such, the issue of restitution resurfaced, and the Court allowed the parties to submit briefs on the issue.

After review and consideration of the relevant law and facts, and the parties arguments, the Court finds restitution in the amount awarded by Judge Matz appropriate. Therefore, for the same reasons stated by Judge Matz, the Court hereby reinstates the award of \$241 million in restitution, offset by the previously received \$110 million, in favor of the Commissioner.

The Commissioner shall file a Proposed Judgment consistent with this Order no later than **March 5, 2013**.

**IT IS SO ORDERED.**

Initials of  
Preparer

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