

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 19-20693-CR-SEITZ

UNITED STATES OF AMERICA

v.

PETER SOTIS and  
EMILIE VOISSEM,

Defendants.

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ORDER DENYING DEFENDANT SOTIS'S MOTION  
FOR EXTENSION OF TIME TO FILE THIRD PARTY CLAIMS

This matter is before the Court on Defendant Peter Sotis's *pro se* Motion for Extension of Time to File Third-Party Claim for Forfeited Property [DE 219], which seeks additional time beyond statutory allowances for third parties to make a claim to the four forfeited rEvo III rebreathers in this case (the "Rebreathers"). The Government opposes the Motion [DE 221]. Defendant has not replied, and the time for doing so has passed. Because Defendant does not have standing to assert third-party rights in the Rebreathers, whose time for making a claim has long-since passed, Defendant's Motion is DENIED.

Based on his convictions, Defendant forfeited his right to the Rebreathers to the Government pursuant to 19 U.S.C. § 1595a(d) [DE 114, 156]. The Rebreathers, however, remained subject to third-party claims. To assure adequate notice to third parties, the Government was required to provide notice through various means. *See* 21 U.S.C. § 853(n)(1) & 2; Fed. R. Crim. P. 32.2(b)(6)(C); Fed. R. Civ. P. Supp.

G(4)(a)(iv)(C). The Government has satisfied these requirements [DE 212, 216, 217]. The only duly filed third-party claim to title of the Rebreathers has been filed by Ramas LLC [DE 216 at 2].<sup>1</sup>

Defendant Peter Sotis seeks an additional 30 days for the trustee of Kaizen Solutions International, LLC, to potentially file a claim. As the Government points out, however, Defendant does not have standing to assert a forfeiture claim. *See* 21 U.S.C. § 853(n)(2). Moreover, aside from whether the Rebreathers were ever part of the bankruptcy estate, Kaizen received actual notice of the forfeiture in January 2022 and, thus, the time for filing a claim by Kaizen has long-since passed. *See* 21 U.S.C. § 853(n)(2) (describing 30-day filing deadline). Therefore, it is

ORDERED THAT

Defendant Peter Sotis's *pro se* Motion for Extension of Time to File Third-Party Claim for Forfeited Property [DE 219] is DENIED.

DONE AND ORDERED in Miami, Florida, this 14th day of December, 2022.

  
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PATRICIA A. SEITZ  
UNITED STATES SENIOR DISTRICT JUDGE

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<sup>1</sup> Title to the Rebreathers cannot be transferred until Defendant Sotis's appeal of his conviction has been resolved. *See* Fed. R. Crim. P. 32.2(d) (stating, "If the court rules in favor of any third party while an appeal is pending, the court may amend the order of forfeiture but must not transfer any property interest to a third party until the decision on appeal becomes final, unless the defendant consents in writing or on the record.")