

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

In the Matter of the Deposit of Registry Funds
in Interest-Bearing Accounts

FILED

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U.S. DISTRICT COURT
W.D.N.Y. - BUFFALO

ORDER

Unless otherwise directed by the Chief Judge, this ORDER of the full Court takes precedence over any Order that any judicial officer of the Court issues in any particular case regarding the handling of particular funds by the Clerk.

It is ORDERED that the Clerk need not deposit into interest-bearing accounts, funds which would not earn significant interest; to wit, funds of \$5,000 or less, funds of \$10,000 or less that are expected to be held by the Clerk for less than 90 days, and funds of any amount that are expected to be held by the Clerk for less than 60 days.

It is further ORDERED that all registry funds received by the Clerk may be deposited first with the Treasurer of the United States, without interest, and then redeposited in accordance with and if required by this ORDER, in an administratively timely fashion.

Pursuant to Administrative Order filed March 27, 2002, this Court approved and designated Greater Buffalo Savings Bank of Buffalo, New York as depository of the Court's registry funds. Inasmuch as said depository will merge into First Niagara Bank of Lockport, New York effective February 15, 2008, this Court hereby approves and designates First Niagara Bank of Lockport, New York, as depository of the Court's registry funds, and further ORDERS the following:

1. No account that is not otherwise secured by the full faith and credit of the United States shall exceed Federal Deposit Insurance limits at any time unless First Niagara

Bank shall have pledged sufficient securities to secure the total sum of deposits plus interest in excess of such limits. The Clerk shall utilize other financial institutions if necessary to protect registry funds against loss.

2. First Niagara Bank shall maintain separate interest-bearing accounts for each case and provide periodic statements of all accounts. Deposits involving different cases shall not be aggregated.
3. Funds shall be placed in insured accounts of a type suitable for the amount of deposit, and they shall accrue interest at the prevailing rate for the subject type of account. Rates, terms, base amounts, and account types may vary by agreement of the Clerk and First Niagara Bank without further Order of the Court.
4. When new accounts are opened, the Clerk shall prepare a letter instructing First Niagara Bank to open an account in the name of the United States District Court FBO "Case title or Defendant". The Clerk will receive a receipt for the deposit.
5. No funds may be withdrawn or disbursed except upon presentation to First Niagara Bank of a certified copy of an Order of the Court, which Order shall include the name of the payee in addition to the total amount of principal to be disbursed to said payee and direction as to whether interest is to be paid; provided, however, that such portion of earned interest as is to be paid to the United States as a fee for the handling of registry funds may be paid to the United States at any time, without further Order, as provided in the Court's General Order of December 14, 1990.

6. First Niagara Bank shall furnish information returns (Forms 1099-INT) pursuant to Internal Revenue Service rules for all applicable interest payments. The Clerk shall advise First Niagara Bank of the address and tax identification number or social security number of the payee receiving the interest.

7. These and all related services shall be provided by First Niagara Bank at no service charge or cost to the government.

This Order supersedes the Order of this Court filed March 27, 2002 and governs funds currently on deposit as well as those hereinafter received by the Clerk.

All of the above is SO ORDERED.

/s/Richard J. Arcara
HON. RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

Dated: February 6, 2008
Buffalo, New York