

**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.

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**STIPULATION**

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It is hereby stipulated and agreed by the respective parties to this proceeding, the United States of America, and defendant, Joseph P. Nacchio, and Anne Esker, to the following:

1. The defendant, Joseph Nacchio, and Anne Esker represent that \$3,251,604.03 in an account bearing the name of Joseph P. Nacchio, account no. \_\_\_\_\_, which is located at \_\_\_\_\_, and \$48,755,941.69 in accounts bearing the name of Anne Esker, account numbers \_\_\_\_\_ and \_\_\_\_\_, which are located at \_\_\_\_\_ and \_\_\_\_\_, respectively, shall remain in those accounts, and neither defendant nor Anne Esker will remove, transfer, hypothecate, pledge or otherwise alienate the amounts in these three accounts absent further stipulation of the parties, unless permitted by order of the Court.

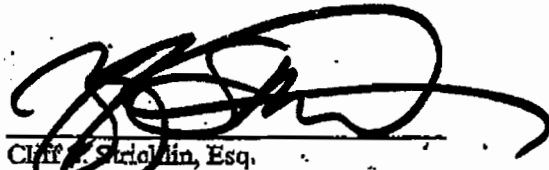
2. The assets in the respective accounts of Defendant Joseph P. Nacchio and Anne Esker, totaling \$52,007,545.47, ("Escrow Funds") are listed in Exhibit A attached hereto.
3. By agreeing to preserve these accounts, defendant Joseph P. Nacchio and Anne Esker do not waive any rights they may have to contest that these funds, or any portion thereof, are subject to the forfeiture in this criminal action, or that the amount, \$52,007,545.47, is the proper amount subject to forfeiture in this proceeding.
4. Joseph P. Nacchio represents that \$28,611,267.65 of the Escrow Funds represent the proceeds he received from the sale of the Qwest stock that are the subject of count 24 through count 42 in this criminal proceeding. The balance of the Escrow Funds were provided by Anne Esker.
5. Joseph P. Nacchio represents that Exhibit B lists all of his assets, as of May 25, 2007, including the account no.
6. The United States notes that it has not verified these account balances or calculations and reserves its rights to change them.
7. Copies of monthly statements of these accounts will be forwarded to the United States Attorney for the District of Colorado upon receipt.
8. The United States of America shall immediately withdraw its Motion for Immediate Restraint and Itemization of Assets, which was filed on May 18, 2007.

Dated: 5/31/07

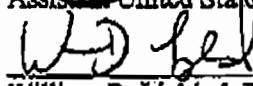
  
Herbert J. Stern, Esq.  
Attorney for Defendant Joseph P. Nacchio

Dated: 6/07

Dated: 5/30/07



Cliff C. Stricklin, Esq.  
Assistant United States Attorney



William D. Lipkind, Esq.  
Attorney for Anne Esker