

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No.: 1:10-CR-188
	)	
PETER A. KATZ,	)	
	)	
Defendant.	)	

JOINT MOTION TO CONTINUE SENTENCING

The United States of America and Peter A. Katz, the defendant in this case, through their undersigned counsel move this Court to continue his sentencing date, which is currently scheduled for August 23, 2010. The corporate defendant in this case, Kason Industries, Inc. (“Kason”), is not asking the Court to continue its sentencing date, which is also scheduled for August 23, 2010. In support of their motion, the parties show the following:

1. The defendant pleaded guilty to the above-captioned information, pursuant to a written plea agreement, on May 19, 2010.
2. By the terms of the plea agreement, the defendant is obligated to cooperate with the United States in the prosecution of this case, the conduct of the current federal investigation of violations of federal antitrust and related criminal laws involving the

manufacture or sale of commercial and institutional food service equipment component hardware in the United States, any other federal investigation resulting therefrom, and any litigation or other proceedings arising or resulting from any such investigation to which the United States is a party.

3. The current federal investigation is on-going and will or may result in the prosecution of additional defendants.
4. The United States may find it necessary for the defendant to testify before a grand jury or at trial in such additional prosecutions.
5. The plea agreement contemplates that the United States will file a motion pursuant to U.S.S.G. § 5K1.1 prior to the defendant's sentencing based upon his substantial assistance.
6. The parties request, therefore, that the Court continue the defendant's sentencing until the current federal investigation and any resulting litigation is concluded so that the defendant may have the opportunity to provide substantial assistance by fully cooperating as he has agreed to do in his plea agreement and the

United States may fully assess and advise the Court as to his cooperation and substantial assistance.

WHEREFORE, so that the Court may have the benefit of considering all relevant sentencing information as to the defendant Peter A. Katz, including the full extent of his cooperation and substantial assistance to the United States, which is on-going, the parties jointly request that the sentencing of the defendant Peter A. Katz, be continued for at least 120 days or until such time as the United States may advise the Court that the current investigation is concluded.

DATED: August 3, 2010

s/ Nicholas A. Lotito

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Respectfully submitted,

s/ Justin M. Nicholson, Esq.

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CERTIFICATE OF SERVICE

This is to certify that I have this day electronically served a copy of the JOINT MOTION TO CONTINUE SENTENCING with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorney of record:

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This 3 day of August 2010.

s/ Justin M. Nicholson, Esq.  
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United States Department of Justice  
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CERTIFICATE OF FONT AND POINT SELECTION

Pursuant to Local Rule 7.1D, I hereby certify that the foregoing JOINT MOTION TO CONTINUE SENTENCING, has been prepared with one of the font and point selections approved by the Court in Local Rules 5.1B and 5.1C.

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