

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

DOUGLAS NICKERSON,

Defendant.

ORDER

09-cr-85-bbc

National Union Fire Insurance of Pittsburgh has moved for amendment of the judgment entered against defendant Douglas Nickerson in this case, but has failed to show that any amendment is necessary or appropriate. National Union seeks to replace QBE Insurance Group, defendant's former employer and victim of defendant's fraud, as the first priority payee of any restitution defendant is able to pay. In filing its motion, National Union overlooks 18 U.S.C. § 3664(j)(1), which obligates the court to order payment of restitution to the victim before any restitution is paid to a "provider of compensation." In this case, QBE is the victim; National Union is the provider of compensation. Therefore, National Union must wait until QBE has been paid in full before it will be entitled to receive restitution payments. Of course, depending on the terms of its contract with QBE, it is free

to require QBE to turn over any payments it receives from defendant immediately upon receipt. What it cannot do is require the court to transmit any restitution payments directly to it.

ORDER

IT IS ORDERED that National Union's motion to amend the judgment and commitment order entered against defendant Douglas Nickerson is DENIED.

Entered this 18th day of July, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge