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JS-6

12 UNITED STATES DISTRICT COURT
 13 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 14 WESTERN DIVISION

15	UNITED STATES OF AMERICA,)	NO. CV 08-1545 VBF (FFMx)
)	
16	Plaintiff,)	JUDGMENT IN FAVOR OF UNITED
)	STATES AND ORDER RECOGNIZING
17	v.)	LIEN OF MANHEIM AUTOMOTIVE
)	FINANCIAL SERVICES, INC.
18	TWO 2007 NISSAN ALTIMAS, ONE)	
	2007 CADILLAC CTS, ONE 2007)	
19	FORD MUSTANG, ONE 2007)	
	CHEVROLET AVEO LS, AND ONE 2007)	
20	CHEVROLET TAHOE,)	
)	
21)	
	Defendants.)	
22)	
	JOSE G. ESCOBAR, LINDA ESCOBAR,)	
23	AND MANHEIM AUTOMOTIVE)	
	FINANCIAL SERVICES, INC.,)	
24)	
	Claimants.)	
25)	

26 The court having reviewed the STIPULATION FOR ENTRY OF
 27 JUDGMENT IN FAVOR OF UNITED STATES AND RECOGNIZING LIEN OF
 28 MANHEIM AUTOMOTIVE FINANCIAL SERVICES, INC. by and between

1 Plaintiff United States of America and claimant Manheim
2 Automotive Financial Services, Inc. ("Manheim"), and having
3 reviewed and previously entered in this action a Consent Judgment
4 as to the Interests of Jose Escobar, Sr., Linda Escobar, and All
5 Other Potential Claimants Other than Manheim Automotive Financial
6 Services, Inc., IT IS HEREBY ORDERED AS FOLLOWS:

7 1. Pursuant to the Consent Judgment previously entered in
8 this matter, all right, title, and interest of Jose Escobar Sr.,
9 Linda Escobar, Best Value Auto Body, Jose Arcesio Perez Jarrin,
10 Eddie Avakian, Pedro Partida, Jose Gregorio Escobar, Jr.,
11 Alejandro Nunez-Aviles, Southern California Auto Auction,
12 Enterprise Rent-a-car, PV Holding Corporation, and all other
13 potential claimants other than Manheim, has been declared
14 forfeited to the United States. The defendant vehicles are more
15 particularly described as follows:

16 a. One 2007 Nissan Altima, VIN 1N4AL21E77N412114, and
17 Nevada license no. 543UCG;

18 b. One 2007 Nissan Altima, VIN 1N4AL21E97C124297, and
19 California license no. 5XEG229;

20 c. One 2007 Cadillac CTS, VIN 1G6DM57T070179785 and
21 California license no. 5YQM911;

22 d. One 2007 Chevrolet Aveo LS, VIN KL1TD56637B066056 and
23 California license no. 5VJS189;

24 e. One 2007 Ford Mustang, VIN 1ZVFT84NX75253715 and
25 California license no. 5WIG112; and

26 f. One 2007 Chevrolet Tahoe, VIN 1GNFC13J97R167188 and
27 California license no. 5UGT757.

28 3. Manheim has a valid, pre-existing lien on the defendant

1 vehicles which is not contested by plaintiff. The lien is
2 described in paragraph 2 and Exhibit A of the *Stipulation*
3 *Recognizing Lien of Manheim Automotive Financial Services, Inc.*
4 filed in a related matter, United States v. Vehicles Seized from
5 Brooklyn Auto Sales Business Locations, CV 08-00035 (the "Related
6 Case Stipulation"). The single lien applies both to the
7 defendant vehicles in this action and to the substantially larger
8 number of vehicles described in the Related Case Stipulation.

9 4. The defendant vehicles having been declared forfeited
10 to the United States as to all interests other than Manheim's by
11 the earlier Consent Judgment, the United States Marshals Service
12 shall dispose of the defendants in accordance with law and in the
13 same manner as provided in paragraph 3 of the Related Case
14 Stipulation for the disposition of forfeited vehicles, as if the
15 defendant vehicles had been part of the pool of forfeited
16 vehicles described in the Related Case Stipulation.

17 5. If the funds generated by the sale of defendant vehicles
18 and forfeited "BAS Premises Vehicles" are sufficient to pay in
19 full the "Amount Owed to Manheim" (as those terms are defined in
20 the Related Case Stipulation), payments to Manheim from the sales
21 proceeds shall be in full settlement of all claims against the
22 United States resulting from the incidents or circumstances
23 giving rise to this forfeiture action. Moreover, as long as the
24 United States sells all the defendant vehicles and all the
25 forfeited BAS Premises Vehicles, and if the funds generated by
26 the sale of the vehicles are not sufficient to pay in full the
27 Amount Owed to Manheim, the above-described payments to Manheim
28 from the sales proceeds of the vehicles sold shall nevertheless

1 be in full settlement of all claims against the United States
2 resulting from the incidents or circumstances giving rise to this
3 forfeiture action. *Provided*, except as otherwise specifically
4 set forth herein, Manheim is not prevented from taking action to
5 collect any remaining part of the Amount Owed to Manheim from any
6 person or entity other than the United States.

7 6. Upon full payment of the Amount Owed to Manheim, Manheim
8 shall assign and convey its security interest in any unsold
9 defendant vehicles via recordable documents.

10 7. Upon full payment of the Amount Owed to Manheim, or
11 upon the sale of all the defendant vehicles and all the forfeited
12 BAS Premises Vehicles, Manheim agrees to release and hold
13 harmless the United States, and any agents, servants, and
14 employees of the United States (or any state or local law
15 enforcement agency) acting in their individual or official
16 capacities, from any and all claims by Manheim and its agents
17 which currently exist or which may arise as a result of the
18 government's action against the defendants.

19 8. Manheim shall not pursue against the United States any
20 other rights that it may have under Exhibits A and B to the
21 Related Case Stipulation, including, but not limited to, the
22 right to take possession of the defendant vehicles, without the
23 consent of the United States Attorney's Office or this Court.

24 9. Manheim understands and agrees that by entering into
25 the stipulation as to its interests in the defendants, it waives
26 any rights to further litigate against the United States its
27 interest in such vehicles. The court hereby relieves Manheim of
28 the obligation to file an answer in this matter, releases Manheim

1 from further participation in this litigation, and vacates status
2 conference set for September 21, 2009.

3 10. The parties shall execute further documents, to the
4 extent necessary, to convey clear title to any defendant vehicle
5 to further implement the terms of their stipulation and this
6 order.

7 11. Each side waives any right to appeal the terms of their
8 stipulation and this order. The clerk is directed to enter this
9 Order, which constitutes a final judgment resolving this action.

10 **IT IS SO ORDERED.**

11
12 DATED: August 10, 2009



13 THE HONORABLE VALERIE BAKER FAIRBANK
14 United States District Judge

15 Presented by:

16 THOMAS P. O'BRIEN
17 United States Attorney

18 /s/ [REDACTED] [REDACTED]
19 MONICA E. TAIT
20 Assistant United States Attorney
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