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2 District of Nevada  
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6 *Attorneys for the United States*

7  
8 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**  
9

10 UNITED STATES OF AMERICA,  
11 Plaintiff,  
12 v.  
13 \$285,450.00 IN UNITED STATES  
CURRENCY,  
14 Defendant.

3:20-CV-

**The United States of America's  
Unopposed Motion to Toll the Time to  
File a Civil Complaint for Forfeiture in  
Rem of the Property  
(First Request)**

15  
16 This is the First Motion to Toll the Time to File a Civil Complaint for Forfeiture in  
17 Rem of the Property (Motion). The United States of America requests that this Court toll  
18 the time for the United States to file a civil complaint for forfeiture in rem of \$285,450.00 in  
19 United States Currency (the property) to and including February 22, 2021 (which is sixty  
20 days after the current approximate filing deadline). The property was seized on or around  
21 June 23 through 24, 2020 from a Federal Express parcel associated with putative Claimant  
22 Thomas Patton.

23 This Motion is made pursuant to 18 U.S.C. § 983(a)(3)(a) and Local Rule LR IA 6-  
24 1. The grounds for this Motion are: (1) the United States and putative Claimant are  
25 engaged in settlement negotiations; (2) the United States and putative Claimant are  
26 conducting additional investigation and gathering additional information to inform those  
27 settlement negotiations; (3) the United States and putative Claimant agree that a sixty-day  
28 extension of the filing deadline for this civil in rem forfeiture matter will provide a fair

1 opportunity to further the additional investigation, additional information gathering, and  
2 settlement negotiations; and (4) tolling the time with respect to all filings stands to save the  
3 United States, putative Claimant, and the Court substantial time and resources. Counsel  
4 for the United States and counsel for putative Claimant have discussed this matter, and the  
5 parties are in agreement that the Court's granting of this Motion would facilitate settlement  
6 negotiations and potential litigation efficiencies. The current deadline for filing a civil  
7 complaint for forfeiture in rem of the property is on or about December 23, 2020.

8 Dated this 18th day of December 2020.

9  
10 NICHOLAS A. TRUTANICH  
United States Attorney

11 /s/ James A. Blum  
12 JAMES A. BLUM  
Assistant United States Attorney

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. STATEMENT OF FACTS**

3 On or about June 23 through 24, 2020, \$285,450 in United States currency was  
4 seized from a Federal Express parcel associated with putative Claimant in Washoe County,  
5 Nevada.

6 The \$285,450 was subject to administrative summary forfeiture proceedings;  
7 however, putative Claimant filed an administrative claim on or about September 24, 2020,  
8 for the property. The government and putative Claimant are engaged in settlement  
9 negotiations.

10 **II. ARGUMENT**

11 This Court should grant this application for an extension of time to file a civil  
12 complaint for forfeiture in rem of the \$285,450 because putative Claimant has agreed to  
13 such an extension. *See* 18 U.S.C. § 983(a)(3)(A); Local Rule LR IA 6-1.

14 [T]he Government shall file a complaint for forfeiture in the manner set forth in the  
15 Supplemental Rules for Certain Admiralty and Maritime Claims . . . , a court in the  
16 district in which a complaint will be filed may extend the period for filing a  
17 complaint for good cause shown or upon agreement of the parties.

18 18 U.S.C. § 983(a)(3)(A) (brackets and ellipsis added).

19 The filing of a civil complaint for forfeiture in rem, pursuant to 18 U.S.C. § 983,  
20 starts a civil forfeiture in rem action. A district court has the authority under 18 U.S.C.  
21 § 983(a)(3)(A) to extend the period of time to file a civil complaint for forfeiture in rem  
22 based on the agreement of the parties. Doing otherwise could interfere with the settlement-  
23 negotiation process and prompt unnecessary litigation.

24 On December 16, 2020, putative Claimant's counsel, Jacek Lentz, agreed to the  
25 extension of time and authorized counsel for the United States to file this unopposed  
26 Motion with this Court. Because the parties have agreed that the United States should be  
27 allowed an extension of time to file its civil complaint for forfeiture in rem, the government  
28 asks this Court to grant its Motion pursuant to 18 U.S.C. § 983(a)(3)(A).

1 This Application is not submitted solely for the purpose of delay or for any other  
2 improper purpose.

3 **III. CONCLUSION**

4 This Court should grant an extension of time to and including February 22, 2021 for  
5 the United States to file a civil complaint for forfeiture in rem of the \$285,450 because the  
6 parties have agreed to the extension and the request for the extension is supported by good  
7 cause.

8 The United States has served putative Claimant, via his attorney, with this Motion  
9 simultaneously upon the filing of the Motion, and the United States will serve putative  
10 Claimant, via his attorney, with any Order issued by this Court on the Motion.

11 Dated this 18th day of December 2020.

12 Respectfully submitted,

13 NICHOLAS A. TRUTANICH  
14 United States Attorney

15 /s/ James A. Blum  
16 JAMES A. BLUM  
17 Assistant United States Attorney

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20 IT IS SO ORDERED:

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22 UNITED STATES DISTRICT JUDGE

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24 DATED: December 21, 2020

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**CERTIFICATE OF SERVICE**

On December 18, 2020, a copy of the foregoing **United States of America’s Unopposed Motion to Toll the Time to File a Civil Complaint for Forfeiture in Rem** was served upon counsel of record via following methods:

**USPS First Class Mail and Electronic Mail:**

Jacek W. Lentz, Esq.  
The Lentz Law Firm, P.C.  
9171 Wilshire Boulevard  
Suite 500  
Beverly Hills, CA 90210  
(213) 250-9200  
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*Attorneys for Claimant*

/s/ Maritess Recinto  
MARITESS RECINTO  
Paralegal Specialist  
US Attorney’s Office

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) James A. Blum, 501 Las Vegas Boulevard South, Suite 1100, Las Vegas, Nevada 89101, 702-388-6336

DEFENDANTS

\$285,450.00 in United States Currency

County of Residence of First Listed Defendant Washoe (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship and business location (This State, Another State, Foreign Country).

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, PRISONER PETITIONS, TORTS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C 1345ff. Brief description of cause: Drug Interdiction.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 12/18/2020 SIGNATURE OF ATTORNEY OF RECORD /s/ James A. Blum

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE