

1 ANDRÉ BIROTTE JR.
 United States Attorney
 2 ROBERT E. DUGDALE
 Assistant United States Attorney
 3 Chief, Criminal Division
 STEVEN R. WELK
 4 Assistant United States Attorney
 Chief, Asset Forfeiture Section
 5 VICTOR A. RODGERS
 California Bar No. 101281
 6 Assistant United States Attorney
 Asset Forfeiture Section
 7 Federal Courthouse, 14th Floor
 312 North Spring Street
 8 Los Angeles, California 90012
 Telephone: (213) 894-2569
 9 Facsimile: (213) 894-7177
 E-mail: victor.rodgers@usdoj.gov

JS 6

10 Attorneys for Plaintiff
 11 UNITED STATES OF AMERICA

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

15 UNITED STATES OF AMERICA,)	No. CV 03-8390-DSF(RCx)
16)	
Plaintiff,)	
17)	CONSENT JUDGMENT OF FORFEITURE
v.)	
18)	
\$77,968.08 IN FUNDS SEIZED)	
19 FROM EAST WEST BANK ACCOUNT)	
NUMBER 81302010,)	
20)	
Defendant.)	
21)	
_____)	
22 CD VIDEO, INC.,)	
23)	
Claimant.)	
24)	

25 On or about March 4, 2003, plaintiff United States of America
 26 ("the United States of America") filed a Complaint for Forfeiture
 27 alleging that the defendant \$77,968.08 in Funds Seized From East
 28 West Bank Account Number 81302010 (the "defendant bank funds") are

1 subject to forfeiture pursuant to 18 U.S.C. §§ 981(a)(1)(A) & (C)
2 and 984.

3 Claimant CD Video, Inc. ("claimant") filed a claim to the
4 defendant bank funds and answered the complaint on or about April
5 23, 2003. No other parties have appeared in this case and the time
6 for filing claims and answers has expired.

7 The United States of America and claimant have now agreed to
8 settle this action and to avoid further litigation by entering into
9 this Consent Judgment of Forfeiture.

10 The Court having been duly advised of and having considered
11 the matter, and based upon the mutual consent of the parties
12 hereto,

13 IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

14 1. This Court has jurisdiction over the subject matter of
15 this action and the parties to this Consent Judgment of Forfeiture.

16 2. The Complaint for Forfeiture states a claim for relief
17 pursuant to 18 U.S.C. §§ 981(a)(1)(A) & (C) and 984.

18 3. Notice of this action has been given as required by law.
19 No appearances have been made in this case by any person other than
20 claimant. The Court deems that all other potential claimants admit
21 the allegations of the Complaint for Forfeiture to be true.

22 4. \$41,993.08 of the defendant bank funds, plus the interest
23 earned by the United States of America on that sum since seizure,
24 shall be returned to claimant. The remainder of the defendant bank
25 funds (i.e., \$35,975.00), plus the interest earned by the United
26 States of America on that sum since seizure, shall be condemned and
27 forfeited to the United States of America. The custodian of the

28 / / /

1 defendant bank funds is ordered to dispose of the funds forfeited
2 to the United States of America in accordance with law.

3 5. The funds to be returned to claimant pursuant to
4 paragraph 4 shall be paid to claimant by electronic transfer
5 directly into the account entitled "Eric Honig, Client Trust
6 Account" within sixty (60) days of the entry of this Consent
7 Judgment of Forfeiture.

8 6. Claimant hereby releases the United States of America,
9 its agencies, agents, officers, employees and representatives,
10 including, without limitation, all agents, officers, employees and
11 representatives of the U.S. Customs & Border Protection (and its
12 predecessor the U.S. Customs Service), the U.S. Bureau of
13 Immigration & Customs Enforcement (and its predecessors), the
14 Department of Homeland Security and their respective agencies, as
15 well as all agents, officers, employees and representatives of any
16 state or local governmental or law enforcement agency involved in
17 the investigation or prosecution of this matter, from any and all
18 claims, actions, or liabilities arising out of or related to this
19 action, including, without limitation, any claim for attorney fees,
20 costs, and interest, which may be asserted by or on behalf of
21 claimant related to the seizure of the defendant bank funds only.

22 7. The Court finds that there was reasonable cause for the
23 seizure of the defendant bank funds and institution of these
24 proceedings. This judgment shall be construed as a certificate of
25 reasonable cause pursuant to 28 U.S.C. § 2465.

26 / / /

27 / / /

28 / / /

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

8. The Court further finds that claimant did not substantially prevail in this action, and each of the parties hereto shall bear their own attorney fees and costs.

9. The Court shall maintain jurisdiction in this case for the purpose of effectuating the terms of this Consent Judgment of Forfeiture. 11/17/10

DATED: _____



THE HONORABLE DALE S. FISCHER
UNITED STATES DISTRICT JUDGE

CONSENT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The parties hereto consent to the above Consent Judgment of Forfeiture and waive any right of appeal.

DATED: November 15, 2010

ANDRÉ BIROTTE JR.
United States Attorney
ROBERT E. DUGDALE
Assistant United States Attorney
Chief, Criminal Division
STEVEN R. WELK
Assistant United States Attorney
Chief, Asset Forfeiture Section

/s/ Victor A. Rodgers
VICTOR A. RODGERS
Assistant United States Attorney

Attorneys for Plaintiff
UNITED STATES OF AMERICA

DATED: November 15, 2010

LAW OFFICE OF ERIC HONIG

/s/ Eric Honig
ERIC HONIG

Attorneys for Claimant
CD Video, Inc.