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 United States of America  
 17

18 UNITED STATES DISTRICT COURT  
 19 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
 20 WESTERN DIVISION

21	UNITED STATES OF AMERICA,	)	NO. CV 07-3319 SVW (JTLx)
		)	
22	Plaintiff,	)	
		)	
23	v.	)	<b>CONSENT JUDGMENT OF FORFEITURE</b>
		)	<b>JS - 6</b>
24	3,481 FIREARMS AND ASSORTED	)	
	AMMUNITION,	)	
25		)	
	Defendants.	)	
26	_____	)	
	MICHAEL ANTHONY VIRGILIO;	)	
27	ELIZABETH ANN VIRGILIO;	)	
	RABENSAR, INC;	)	
28		)	

1                    Claimants.                    )  
2                    \_\_\_\_\_ )

3                    This action was initiated on May 21, 2007. (DN 1). Timely  
4 claims and a joint answer were filed by claimants Michael Anthony  
5 Virgilio,<sup>1</sup> Elizabeth Ann Virgilio and Rabensar, Inc.  
6 (collectively, "Claimants") (DN 4-6, 14). A First Amended  
7 Complaint ("FAC") was filed on February 7, 2011. (DN 51).  
8 Notice was given and published in accordance with law. There are  
9 no unresolved claims outstanding other than those of Claimants.  
10 No other claims or answers were filed, and the time for filing  
11 claims and answers has expired. Plaintiff and Claimants, the  
12 only remaining parties, have reached an agreement that is  
13 dispositive of the action. The parties have requested that the  
14 Court enter this Consent Judgment of Forfeiture.

15                    **WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:**

- 16                    1. This court has jurisdiction over the parties and the  
17 subject matter of this action.  
18                    2. Notice of this action has been given in accordance with  
19 law. All potential claimants to the defendants except Claimants  
20 are deemed to have admitted the allegations of the Complaint.  
21 The allegations set out in the Complaint are sufficient to  
22 establish a basis for forfeiture.  
23                    3. The defendant firearms listed below, representing the  
24 personal firearms of claimants Michael Anthony and Elizabeth Ann

25                    \_\_\_\_\_  
26                    <sup>1</sup> Michael Anthony Virgilio died on November 7, 2007. His  
27 interests in this action are being pursued through the Estate of  
28 Michael Anthony Virgilio and the Michael and Elizabeth Virgilio  
Family Trust, which the parties agree are legal successors in  
interest to Michael Anthony Virgilio for purposes of this action.

1 Virgilio, shall not be forfeited to the United States, but shall  
2 be released to a designated Federal Firearms Licensee ("FFL"),  
3 who shall take custody of the listed defendants from the  
4 government and proceed to sell them.<sup>2</sup> The listed firearms shall  
5 not be returned to any of the Claimants, directly or indirectly,  
6 and Claimants shall not purchase or otherwise acquire any of the  
7 listed firearms, either from the designated FFL or any other  
8 person or entity.<sup>3</sup>

9 115-33, 135-55, 871, 873, 897, 980, 987-88, 992-93, 995, 1000,  
10 1152, 1164-65, 1167, 1173, 1205, 1211, 1331, 1348-49, 1354, 1408,  
11 1412-13, 1418-20, 1427-28, 1430, 1535, 1757, 1766, 1768, 1770,  
12 1772-73, 1775, 1777, 1785-86, 1791, 1793, 1796, 1803-05, 1807,  
13 1811, 1839-41, 1843, 1845, 1860-65, 1869, 1882, 1884, 1886, 2194-  
14 96, 2198-99, 2201, 2203, 2205, 2207-08, 2210, 2212-15, 2217,  
15 2226-27, 2229, 2235-37, 2240, 2242-44, 2289-91, 2295-97, 2302,  
16 2405, 2423, 2494, 2500, 2504, 2666-67, 2672-73, 2733, 2742, 2757,  
17 2887, 2899, 2902, 2906, 2978-79, 2988, 2994, 3097, 3104, and  
18 3109-10.<sup>4</sup>

19 Proceeds from the sale of the above firearms shall be paid to  
20 Cruz Saavedra and Elizabeth Ann Virgilio, Co-Trustees of the  
21 Michael and Elizabeth Virgilio Family Trust. All such sales  
22 shall be conducted in accordance with all applicable laws.

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23 <sup>2</sup> Claimants shall, within 10 days of entry of this  
24 Judgment, provide government counsel with the names and addresses  
25 of three FFLs. The government will select one of those three as  
26 the designated FFL.

27 <sup>3</sup> The numbers in the list below correspond to the numbers  
28 assigned to the defendant firearms in exhibits A to the First  
Amended Complaint.

<sup>4</sup> The government has determined that one of the defendant  
firearms (134) was reported stolen by a third party prior to the  
seizure. While none of the claimants is alleged to have been  
involved in or to have known of the theft, it is the government's  
intent to return that firearm to the rightful owner. The firearm  
will either be remitted to the party who reported it stolen or,  
should it be determined that said person is not the proper party  
to receive the firearm, to one of the claimants.

1           4. The remainder of the defendant firearms and the entirety  
2 of the defendant ammunition, representing the entire inventory of  
3 Rabensar, Inc. (doing business as Boulevard Sales and Service in  
4 Compton and Oak View, California), shall be forfeited to the  
5 United States of America, and no other right, title or interest  
6 shall exist therein. The Bureau of Alcohol, Tobacco, Firearms  
7 and Explosives ("ATF") is ordered to dispose of the forfeited  
8 firearms and ammunition in accordance with law.

9           5. Claimants have released the United States of America,  
10 its agencies, agents, and officers, including employees and  
11 agents of the ATF, from any and all claims, actions or  
12 liabilities arising out of or related to this action, including,  
13 without limitation, any claim for attorneys' fees, costs or  
14 interest which may be asserted on behalf of the Claimants,  
15 whether pursuant to 28 U.S.C. § 2465 or otherwise. Each party  
16 waives any right to appeal.

17           6. The Court finds that there was reasonable cause for the  
18 seizure of the defendants and institution of these proceedings.  
19 This judgment shall be construed as a certificate of reasonable  
20 cause pursuant to 28 U.S.C. § 2465.

21           7. The Court retains jurisdiction over this case and the  
22 parties hereto to effectuate the terms of this Consent Judgment.

23 DATED: May 3, 2012



24  
25  
26 THE HONORABLE STEPHEN V. WILSON  
UNITED STATES DISTRICT JUDGE

1 **Approved as to form and content:**

2 DATED: May 1, 2012    ANDRÉ BIROTTE JR.  
3    United States Attorney  
4    ROBERT E. DUGDALE  
5    Assistant United States Attorney  
6    Chief, Criminal Division

7    \_\_\_\_\_  
8    /s/  
9    STEVEN R. WELK  
10    Assistant United States Attorney  
11    Chief, Asset Forfeiture Section

12    Attorneys for Plaintiff  
13    United States of America

14 DATED: May 1, 2012

15    \_\_\_\_\_  
16    /s/  
17    CRUZ SAAVEDRA  
18    BRUCE COLODNY

19    Attorneys for Claimants  
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