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 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 07-8148 DSF (SHx)
)	
16	Plaintiff,)	
)	CONSENT JUDGMENT
17	v.)	
18	ONE 2007 JAGUAR XKR COUPE, ONE)	
	2006 CHEVROLET CORVETTE Z06,)	
19	ONE 2006 MASERATI GRANSPORT,)	
	ONE 2004 DODGE DURANGO LIMITED,)	
20	ONE 2005 ASTON MARTIN DB9; AND)	
	\$58,983.10 IN BANK ACCOUNT)	
21	FUNDS,)	
)	
22	Defendants.)	
)	
23	JAMES D. MELTON,)	
)	
24	Claimant.)	
)	

25
 26 The court having reviewed the accompanying stipulation
 27 between the United States of America and James Melton for entry
 28 of this Consent Judgment,

1 IT IS HEREBY ORDERED AS FOLLOWS:

2 1. James D. Melton ("Melton") has filed a claim to contest
3 the forfeiture of the remaining defendant assets in this case,
4 which are more particularly described as follows:

5 a. One 2006 Chevrolet Corvette Z06, bearing VIN
6 1G1YY26E265126228 and registered to James D. Melton;

7 b. One 2004 Dodge Durango Limited, bearing VIN
8 1D4HB58D44F210253 and registered to James D. Melton;

9 c. \$40,000 seized from an account at Bank of America
10 in the name of James D. Melton, bearing an account number ending
11 in -2396;

12 d. \$9,265.71 seized from an account at Bank of
13 America in the name of Rhonda Melton at Bank of America, bearing
14 an account number ending in -8555;

15 e. \$9,557.39 seized from an account at Regions AM
16 South Bank in the names of Null Perspiration/James D. Melton,
17 bearing an account number ending in -8082; and

18 f. \$160.00 seized from an account at Colonial Bank of
19 Birmingham, Alabama, in the names of TV Delivered LLC, bearing an
20 account number ending in -6284.

21 2. The government's complaint in this action was filed on
22 December 14, 2007, alleging that the defendant assets were
23 subject to forfeiture to the United States pursuant to 21 U.S.C.
24 § 881(a)(6) and 18 U.S.C. §§ 981(a)(1)(C), 984. Plaintiff has
25 notified other potential claimants of this action, including
26 Rhonda Melton, pursuant to Supplemental Rule G for Admiralty or
27 Maritime Claims and Asset Forfeiture Actions, Federal Rules of
28 Civil Procedure. Notice of forfeiture of the defendants was

1 published on March 14, 21, and 28, 2008 and again on May 1, 8,
2 and 15, 2008 in accordance with Supplemental Rule G(4)(a). No
3 claims or answers have been filed to contest the forfeiture of
4 the defendant funds by anyone other than Melton, and the time for
5 filing claims and answers has expired. All potential claimants
6 to the defendants other than Melton are deemed to have admitted
7 the allegations of the complaint.

8 3. It is the intent of the United States and Melton to
9 resolve all of their competing claims to the defendants by their
10 accompanying Stipulation and this Consent Judgment.

11 4. This Court has jurisdiction over the subject matter of
12 the present action and over the parties to the accompanying
13 Stipulation.

14 5. The Complaint states a claim for relief against the
15 defendants.

16 6. The parties have agreed to the following disposition
17 of the defendants:

18 a. The United States shall have judgment in the present
19 forfeiture action against the interests of James Melton and all
20 other potential claimants in the following assets (the "Forfeited
21 Defendants"):

22 i. One 2006 Chevrolet Corvette Z06, bearing VIN
23 1G1YY26E265126228 and registered to James D. Melton;

24 ii. \$40,000 seized from an account at Bank of America
25 in the name of James D. Melton, bearing an account number
26 ending in -2396, and all interest earned thereon since the
27 time of seizure;

28 iii. \$9,557.39 seized from an account at Regions AM

1 South Bank in the names of Null Perspiration/James D.
2 Melton, bearing an account number ending in -8082, and all
3 interest earned thereon since the time of seizure; and

4 iv. \$160.00 seized from an account at Colonial Bank of
5 Birmingham, Alabama, in the names of TV Delivered LLC,
6 bearing an account number ending in -6284, and all interest
7 earned thereon since the time of seizure.

8 The Forfeited Defendants shall be condemned and forfeited to the
9 United States of America upon entry of this Consent Judgment.

10 The United States Marshals Service shall dispose of the Forfeited
11 Defendants in accordance with law.

12 b. The United States shall return the following
13 defendants:

14 i. One 2004 Dodge Durango Limited, bearing VIN
15 1D4HB58D44F210253 and registered to James D. Melton;

16 ii. \$9,265.71 seized from an account at Bank of
17 America in the name of Rhonda Melton at Bank of America,
18 bearing an account number ending in -8555, and all interest
19 earned thereon since the time of seizure.

20 The United States Marshals Service ("USMS") shall return the 2004
21 Dodge Durango Limited to Melton not later than 30 days after the
22 entry of this Consent Judgment by delivering custody of the
23 vehicle to Melton, or to such party as such Melton may designate
24 in writing. The USMS shall return the \$9,265.71 to the party
25 from whom it was seized (Rhonda Melton) not later than 30 days
26 after (a) the court enters this Consent Judgment and (b) James
27 Melton provides to government counsel Rhonda Melton's bank
28 routing information and social security number, whichever is

1 later.

2 7. Except as to such rights and obligations created by the
3 parties' Stipulation, Melton has released and agreed to hold
4 harmless the United States, and any agents, servants, and
5 employees of the United States (or any state or local law
6 enforcement agency), including without limitation the Drug
7 Enforcement Administration, acting in their individual or
8 official capacities, from all claims, actions or proceedings,
9 including, but not limited to, any claim for attorney's fees
10 and/or costs, or interest, which may hereafter be asserted or
11 brought by him or on his behalf which arise out of the present
12 action.

13 8. Each party shall bear its own costs of litigation and
14 attorney's fees. Each party has waived its right to appeal.
15 This Consent Judgment constitutes a certificate of reasonable
16 cause pursuant to 28 U.S.C. § 2465(a)(2).

17 9. At the time this case was filed, the complaint named as
18 defendants in the case three additional vehicles encumbered by
19 large liens held by third parties: One 2007 Jaguar XKR Coupe,
20 bearing VIN SAJWA43C779B17296; One 2006 Maserati GranSport,
21 bearing VIN ZAMEC38A360026690; and One 2005 Aston Martin DB9,
22 bearing VIN SCFAD01A25GA00844 (collectively, the "Lien
23 Vehicles"). Melton and the United States previously stipulated
24 and agreed (the "Lien Stipulations") that the lienholders would
25 sell the Lien Vehicles. No net proceeds remained from the sale
26 of the Lien Vehicles after the payment of the amount owed to the
27 lienholders. To the extent not already accomplished by the Lien
28 Stipulations and the Orders entered thereon, the Lien Vehicles

1 are hereby dismissed from this action.

2 10. The Court retains jurisdiction over this case and the
3 parties hereto to effectuate the terms of this settlement.

4 **IT IS SO ORDERED.**

5 8/30/10



6 DATED: _____

7 THE HONORABLE DALE S. FISCHER
8 UNITED STATES DISTRICT JUDGE

8 PRESENTED BY:

9 ANDRÉ BIROTTE JR.
10 United States Attorney

11 by: /s/ Monica E. Tait
12 MONICA E. TAIT
13 Assistant United States Attorney
14 Attorneys for plaintiff
15 UNITED STATES OF AMERICA
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