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UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

\$190,974.58 SEIZED FROM WELLS

FARGO BANK ACCOUNT NUMBER

XXXXXX8271,

Defendants.

PETER P. NGUYEN,

Claimant.

) NO. CV 11-9759 JGB (PJWx)

) CONSENT JUDGMENT OF FORFEITURE

) Trial: May 21, 2013

) Time: 9:00 a.m.

) Courtroom: 1

1 Plaintiff and Claimants Peter P. Nguyen and Saigon Bakery,  
2 Inc. ("Claimants") have made a stipulated request for the entry  
3 of this Consent Judgment, resolving this action in its entirety.  
4 The defendant bank funds were seized from Claimants, and they  
5 assert an interest in the defendant bank funds and have filed a  
6 claim in this case and have answered the complaint. No other  
7 claims or answers were filed, and the time for filing claims and  
8 answers has expired. No other person is believed to have any  
9 claim to the defendant bank funds.

10 The Court, having considered the stipulation of the  
11 parties, and good cause appearing therefor, **HEREBY ORDERS**

12 **ADJUDGES AND DECREES:**

13 1. The government has given and published notice of this  
14 action as required by law, including Rule G of the Supplemental  
15 Rules for Admiralty or Maritime Claims and Asset Forfeiture  
16 Actions, Federal Rules of Civil Procedure, and the Local Rules  
17 of this Court. Claimants have filed a claim and answer to  
18 contest the forfeiture of the defendant bank funds. No other  
19 claims were filed, and the time for filing claims and answers  
20 has expired. This Court has jurisdiction over the parties to  
21 this judgment and the defendant bank funds. Any potential  
22 claimants to the defendant bank funds other than Claimants are  
23 deemed to have admitted the allegations of the complaint with  
24 respect to the defendant bank funds.

25 2. \$95,487.29 of the defendant bank funds, with any  
26 interest actually earned on that amount, shall be returned to  
27 Claimants through their counsel. The Internal Revenue Service  
28

1 shall return the defendant \$95,487.29, with any interest  
2 actually earned on that amount, not later than 45 days after (a)  
3 the court enters this Consent Judgment and (b) Claimants provide  
4 to the government the bank routing and personal identifiers  
5 needed to effect a wire transfer of the funds, whichever is  
6 later.

7 3. The government shall have judgment against the  
8 interests of Claimants (and any potential claimants) as to the  
9 remaining \$95,487.29 of the defendant bank funds, with any  
10 interest actually earned on that amount, which asset is hereby  
11 forfeited and condemned to the United States, and no other  
12 right, title or interest shall exist therein. The government  
13 shall dispose of the forfeited asset according to law.

14 4. Claimants have agreed to release the United States of  
15 America, its agencies, agents, and officers, including employees  
16 and agents of the Internal Revenue Service ("IRS"), as well as  
17 all agents, officers, employees and representatives of any state  
18 or local government or law enforcement agency involved in the  
19 investigation or prosecution of this matter, from any and all  
20 claims, actions or liabilities arising out of or related to the  
21 seizure and retention of the defendant bank funds and/or the  
22 commencement of this civil forfeiture action, including, without  
23 limitation, any claim for attorneys' fees, costs or interest  
24 which may be asserted on behalf of Claimants against the United  
25 States, whether pursuant to 28 U.S.C. § 2465 or otherwise.

26 5. The court finds that there was reasonable cause for the  
27 seizure of the defendant bank funds and the institution of this  
28 action as to the defendant bank funds. This judgment

1 constitutes a certificate of reasonable cause pursuant to 28  
2 U.S.C. § 2465 as to the defendant bank funds.

3 6. Each of the parties shall bear its own fees and costs  
4 in connection with the seizure, retention and return of the  
5 defendant bank funds.

6  
7 DATED: April 10, 2013



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11 THE HONORABLE JESUS G. BERNAL  
12 UNITED STATES DISTRICT JUDGE

13 Prepared by:

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