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United States of America

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

UNITED STATES OF AMERICA,)	NO. CV 13-2992 MMM (MRWx)
)	
Plaintiff,)	
)	CONSENT JUDGMENT OF FORFEITURE
v.)	
)	
\$261,000.00 IN U.S. CURRENCY,)	
)	
Defendant.)	
)	
MARIO A. LIZARRAGA,)	
)	
Claimant.)	
)	

This action was filed on April 29, 2013. Notice was given and published in accordance with law and the time for filing claims and answers have expired. Claimant Mario A. Lizarraga ("Lizarraga") from whom the defendant currency was seized has

1 filed a claim and answer in this matter. No other claims or
2 answers were filed. Plaintiff and Lizarraga have reached an
3 agreement that is dispositive of the action. The parties hereby
4 request that the Court enter this Consent Judgment of
5 Forfeiture.

6 WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

7 1. This Court has jurisdiction over the parties and the
8 subject matter of this action.

9 2. Notice of this action has been given in accordance
10 with law. All potential claimants to the defendant \$261,000.00
11 in U.S. currency (hereinafter "defendant currency") other than
12 Lizarraga are deemed to have admitted the allegations of the
13 Complaint. The allegations set out in the Complaint are
14 sufficient to establish a basis for forfeiture.

15 3. The United States of America shall have judgment as to
16 \$226,000.00 of the defendant currency, plus all interest earned
17 by the government on the full amount of the defendant currency,
18 and no other person or entity shall have any right, title or
19 interest therein. The United States Marshals Service is ordered
20 to dispose of said assets in accordance with law.

21 4. \$35,000.00 of the defendant currency, without any
22 interest earned by the government on the full amount of the
23 defendant currency, shall be returned to Lizarraga by either
24 check or wire transfer. If the United States elects to make the
25 payment by check, the check will be payable to "Paul L. Gabbert
26 Client Trust Account," and mailed to his attorney Paul L.
27 Gabbert, Esq. at 2115 Main Street, Santa Monica, California
28 90405. If the United States elects to make the payment by wire

1 transfer, the funds will be wire transferred to the Paul L.
2 Gabbert Client Trust Account. Lizarraga and his attorney shall
3 provide any and all information needed to process the return of
4 these funds according to federal law.

5 5. Lizarraga hereby releases the United States of
6 America, its agencies, agents, and officers, including employees
7 and agents of the Drug Enforcement Administration, as well as
8 all agents, officers, employees and representatives of any state
9 or local government or law enforcement agency involved in the
10 investigation or prosecution of this matter, from any and all
11 claims, actions or liabilities arising out of or related to the
12 seizure of the defendant currency or the prosecution of this
13 action, including, without limitation, any claim for attorney's
14 fees, costs or interest which may be asserted on behalf of
15 Lizarraga, whether pursuant to 28 U.S.C. § 2465 or otherwise.

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

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7. The parties stipulate and request that the Scheduling Conference scheduled for August 26, 2013 be taken off calendar if the Court approves and enters this Consent Judgment.

Dated: August 22, 2013

THE HONORABLE MARGARET M. MORROW
UNITED STATES DISTRICT JUDGE

Approved as to form and content:

DATED: August 12, 2013

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/S/
KATHARINE SCHONBACHLER
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United States of America

DATED: August 12, 2013

PAUL L. GABBERT

Attorney for Claimant
MARIO A. LIZARRAGA