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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 13-8684 GHK (RZx)
16 Plaintiff,)	[PROPOSED]
17 vs.)	CONSENT JUDGMENT OF
18 ONE PARCEL OF RAW PROPERTY)	FORFEITURE
19 LOCATED IN PARK CITY, UTAH,)	
20 Defendant.)	
21)	
22)	

23 This matter was commenced on November 26, 2013, against the defendant One
 24 Parcel of Raw Property located in Park City, Utah (the “Utah Raw Property”). The
 25 Assessor’s Parcel Number for the Utah Raw Property is DC-51. A legal description of
 26 the Utah Raw property is:

27 Lot 51, Deer Crossing Subdivision, according to the official plat thereof
 28 on file and of record in the Summit County Recorder’s Office.

1 Absolute Activist Value Master Fund Limited, Absolute East West Fund
2 Limited, Absolute East West Master Fund Limited, Absolute European Catalyst Fund
3 Limited, Absolute Germany Fund Limited, Absolute India Fund Limited, Absolute
4 Octane Fund Limited, Absolute Octane Master Fund Limited, and Absolute Return
5 Europe Fund Limited (collectively, “The Absolute Funds”) claim interests in the
6 defendant Utah Raw Property. No claimants other than The Absolute Funds remain as
7 parties in this case and the time for filing statements of interest has expired.

8 On February 19, 2014, the Court issued an Order Re Stipulation re Withdrawal of
9 Claims between the United States, Todd M. Ficeto, and Christina Ficeto (Todd Ficeto
10 and Christina Ficeto are referred to collectively as “the Ficeto Claimants”). Docket
11 Number (“DN”) 27. The Order provided that the Ficeto Claimants had agreed to
12 withdraw their claims and not contest forfeiture of the Utah Raw Property. On March
13 25, 2014, the Court issued an Order Authorizing Interlocutory Sale of the Utah Raw
14 Property and Substitute Res. DN 32. As of July 30, 2014, the Utah Raw Property
15 remains on the market to be sold by the United States Marshals Service or its
16 designated representatives.

17 Plaintiff United States of America (“the United States” or “the government”) and
18 The Absolute Funds have reached an agreement that is dispositive of the action. The
19 parties hereby request that the Court enter this Consent Judgment of Forfeiture
20 (“Consent Judgment”).

21 WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

- 22 1. This Court has jurisdiction over the parties and the subject matter of this
23 action.
- 24 2. Notice of this action has been given in accordance with law. All potential
25 claimants to the defendant Utah Raw Property, other than The Absolute Funds, Todd
26 M. Ficeto, and Christina Ficeto, are deemed to have admitted the allegations of the
27 Complaint. The allegations set out in the Complaint are sufficient to establish a basis
28

1 for forfeiture. The Absolute Funds are relieved of their obligations to file an answer in
2 this litigation.

3 3. The United States of America shall have judgment as to the Utah Raw
4 Property, and no other person or entity shall have any right, title or interest therein. The
5 United States Marshals Service is ordered to dispose of said property in accordance
6 with law.¹

7 4. The Absolute Funds, on behalf of themselves and their agents and
8 representatives, hereby release and hold harmless the United States, its agencies, agents,
9 officers, employees and representatives, including, without limitation, all agents,
10 officers, employees and representatives of the Federal Bureau of Investigation, as well
11 as all agents, officers, employees and representatives of any state or local government
12 or law enforcement agency involved in the investigation of this matter, from any and all
13 claims, including claims for interest, actions or causes of action, damages, expenses,
14 and costs, known and unknown, which may hereafter be asserted or brought by or on
15 behalf of The Absolute Funds or any of their agents or representatives, arising out of the
16 seizure and/or forfeiture of the defendant Utah Raw Property and the institution of this
17 matter.

18 5. Each of the Parties to this Consent Judgment shall bear its own attorney's
19 fees and other costs in connection with this matter.

20 6. Each of the signatories to this Consent Judgment represents that he or she
21 has the full power and authority (without further approvals or consents) to enter into
22 this Consent Judgment and perform the obligations set forth herein.

23 7. This Consent Judgment may be signed in counterparts and shall be deemed
24 to have been equally drafted by the parties hereto.


25 _____
26 ¹ The Absolute Funds submitted a petition for remission to the United States
27 Department of Justice (the "DOJ") for the defendant asset and other related assets. On
28 or about July 11, 2014, the DOJ issued a preliminary determination to grant the
petition for remission of certain assets, including the defendant asset, conditioned on
the entry of final order(s) of forfeiture against the asset(s).

1 8. Based on the DOJ's preliminary determination to grant the petition for
2 remission referenced in footnote 1, *supra*, The Absolute Funds waive all appeal rights
3 with respect to this matter.

4 9. The Court finds that there was reasonable cause for the seizure of the
5 defendant Utah Raw Property and institution of these proceedings. This judgment shall
6 be construed as a certificate of reasonable cause pursuant to 28 U.S.C. § 2465.

7 IT IS SO ORDERED.

8
9 DATED: 8/7, 2014



10 THE HONORABLE GEORGE H. KING
11 UNITED STATES DISTRICT JUDGE

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13 **[Signatures of counsel appear on the next page.]**
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1 **Approved as to form and content:**

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3 Dated: August 4, 2014

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7 Assistant United States Attorney
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12 _____
13 /s/

14 KATHARINE SCHONBACHLER
15 Assistant United States Attorney
16 Attorneys for Plaintiff
17 United States of America

18
19 DATED: August 4, 2014

20 _____
21 /s/

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28
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Absolute East West Master Fund Limited,
Absolute European Catalyst Fund Limited,
Absolute Germany Fund Limited,
Absolute India Fund Limited,
Absolute Octane Fund Limited,
Absolute Octane Master Fund Limited, and
Absolute Return Europe Fund Limited