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 13 UNITED STATES OF AMERICA

14 UNITED STATES DISTRICT COURT
 15 FOR THE CENTRAL DISTRICT OF CALIFORNIA

16 UNITED STATES OF AMERICA,) No. CV 14-3140-RGK-SS
 17 Plaintiff,)
 18 v.) Hon. R. Gary Klausner
)
 19 \$726,951.45 IN UNITI BANK FUNDS)
 20) ~~PROPOSED~~ CONSENT JUDGMENT
 21 Defendants.) OF FORFEITURE
 22)
 23)
 24)
 25)
 26)
 27)

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1 Whereas this action (the “California Action”) was filed on April 24, 2014,
2 against the defendant \$726,951.45 in funds held at Uniti Bank (“Defendant Funds”).
3 Jae Yong Chun, Sang Ah Park, Yoon Yang Ja, and the Port Manleigh Trust
4 (collectively “Claimants”) claim an interest in the Defendant Funds. No other
5 parties other than Claimants have appeared in this case and the time for filing
6 statements of interest and answers has expired. The Defendant Funds are in the
7 custody and control of the United States Marshal Service (“USMS”).
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10 Whereas Plaintiff United States of America and Claimants have reached a
11 Settlement Agreement that is dispositive of the California Action and the parties
12 hereby request that the Court enter this Consent Judgment of Forfeiture (“Forfeiture
13 Judgment”) in the California Action. The Settlement Agreement is filed as Exhibit
14 A to this Consent Judgment of Forfeiture.
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17 **WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:**

- 18 1. This Court has jurisdiction over the Parties and the subject matter of the
19 California Action.
20
21 2. Notice of this California Action has been given in accordance with law.

22 All potential claimants other than Claimants are deemed to have admitted
23 the allegations of the Complaint. The allegations in the Complaint --
24 which, as set forth in the attached Settlement Agreement are neither
25 admitted nor denied by Claimants -- are sufficient to provide a basis for
26 forfeiture on the terms described herein.
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- 1 3. As set forth in the Settlement Agreement, Claimants, jointly and
2 individually, and the United States consent to the entry of this Forfeiture
3 Judgment and agree to take all reasonable steps necessary to execute its
4 terms.
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- 6 4. Claimants, jointly and individually, represent that they are the owners of
7 the Defendant Funds in the California Action. Claimants further represent
8 and warrant, jointly and individually, that they have the legal right to
9 transfer the Defendant Funds without the intervention, consent or approval
10 of any other third party.
11
- 12 5. One hundred thousand dollars (\$100,000.00) of the Defendant Funds,
13 without interest, shall be returned to Claimants through their counsel.
14 Claimants' counsel shall provide any and all information to the United
15 States needed to process the distribution of these funds according to
16 federal law. No funds shall be distributed pursuant to this Paragraph prior
17 to April 27, 2015.
18
- 19 6. The United States of America shall have judgment as to \$626,951.45 of
20 the Defendant Funds and all interest earned on the entirety of the
21 Defendant Funds since seizure, and no other person or entity shall have
22 any right, title or interest therein. The United States is ordered to dispose
23 of said funds in accordance with law, subject to the terms agreed to in the
24 Settlement Agreement. All right, title, and interest of Claimants, and all
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1 other potential claimants, in the Defendant Funds described in this
2 Paragraph is hereby condemned and forfeited to the United States of
3 America. The United States Marshals Service is ordered to dispose of said
4 funds in accordance with law.
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6 7. The Parties agree that this Forfeiture Judgment is conditioned upon
7 satisfaction of the terms set forth in the Settlement Agreement.
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9 8. Upon entry of the Forfeiture Judgment by the Court, the Forfeiture
10 Judgment shall constitute the final judgment between and among the
11 United States and Claimants.
12

13 9. As it pertains to this Forfeiture Judgment, all rights of appeal are hereby
14 waived by all Parties. Notwithstanding the foregoing, the Parties do not
15 waive their rights to enforce the terms of this Forfeiture Judgment, which
16 rights are expressly retained.
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18 10. This Forfeiture Judgment, and any other dispute arising thereof, shall be
19 governed by the laws of the United States and the laws of the State of
20 California. The Parties agree that the exclusive jurisdiction and venue for
21 any dispute arising between and among the Parties under this Forfeiture
22 Judgment is the United States District Court for the Central District of
23 California. This Court shall retain jurisdiction to enforce this Forfeiture
24 Judgment.
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1 11. In the event that any disputes arise about the interpretation of or
2 compliance with the terms of this Forfeiture Judgment, the Parties will
3 endeavor in good faith to resolve any such disputes between themselves
4 before bringing it to the Court for resolution. However, in the event of
5 either a failure by one of the parties to this Forfeiture Judgment to comply
6 with its terms or an act by one of the Parties in violation of any provision
7 hereof, the Parties may move this Court to impose any remedy authorized
8 by law or equity, including awarding attorney's fees, issuing contempt
9 citations and ordering monetary sanctions and penalties.
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13 12. The Court finds that there was reasonable cause for the seizure of the
14 Defendant Funds and institution of these proceedings. This judgment shall
15 be construed as a certificate of reasonable cause pursuant to 28 U.S.C. §
16 2465.
17

18 M. KENDALL DAY, Chief
19 ASSET FORFEITURE AND MONEY
20 LAUNDERING SECTION,
21 Criminal Division
22

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24 By: S/Woo S. Lee
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*Attorneys for Claimants Jae Yong Chun,
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IT IS SO ORDERED.



R. GARY KLAUSNER
United States District Judge

Signed this 16th day of June, 2015.