

JS-6

1 EILEEN M. DECKER
 United States Attorney
 2 LAWRENCE S. MIDDLETON
 Assistant United States Attorney
 3 Chief, Criminal Division
 STEVEN R. WELK
 4 Assistant United States Attorney
 Chief, Asset Forfeiture Section
 5 VICTOR A. RODGERS
 California Bar No. 101281
 6 Assistant United States Attorney
 Asset Forfeiture Section
 7 Federal Courthouse, 14th Floor
 8 312 North Spring Street
 Los Angeles, California 90012
 9 Telephone: (213) 894-2569
 Facsimile: (213) 894-7177
 10 E-mail: Victor.Rodgers@usdoj.gov

11 Attorneys for Plaintiff
 UNITED STATES OF AMERICA

12 UNITED STATES DISTRICT COURT
 13 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 14 WESTERN DIVISION

15 UNITED STATES OF AMERICA,) Case No. CV 15-3667-MWF(Ex)
 16)
 Plaintiff,)
 17) **CONSENT JUDGMENT OF FORFEITURE**
 v.)
 18)
 \$321,006.35 IN U.S.)
 19 CURRENCY,)
)
 20 Defendant.)
)
 21)
 SON NGUYEN, INDIVIDUALLY)
 22 AND ON BEHALF OF KING)
 CARGO, HONG-KIM NGUYEN)
 23 HUYNH, A.K.A. KIM HUYNH)
 AND LAM HUYNH,)
 24 INDIVIDUALLY AND ON)
 BEHALF OF BENSON AUTO)
 25 BODY AND PAINT, INC.,)
)
 26 Claimants.)
)
 27)
 28)

1 On or about August 11, 2015, Plaintiff United States of
2 America ("the government," "the United States of America" or
3 "plaintiff") filed a First Amended Complaint for Forfeiture
4 alleging that the defendant \$321,006.35 in U.S. Currency (the
5 "defendant currency") is subject to forfeiture pursuant to 18
6 U.S.C. § 981(a)(1)(A) & (C) and 21 U.S.C. § 881(a)(6). The
7 First Amended Complaint provides that the defendant currency is
8 comprised of the following:

9 (a) \$100,000.00 seized during a traffic stop on or
10 about June 26, 2014 of a Honda near Pacific Coast Highway and
11 10th Street in Long Beach, California being operated by Hong Kim
12 Nguyen Huynh and registered to Roanna Huynh;

13 (b) \$100,000.00 seized during the execution of a
14 state search warrant on or about August 26, 2014 at Benson Auto
15 Body & Paint, Inc., 15032 Jackson Street in Midway City,
16 California;

17 (c) \$78,478.35 seized during the execution of a state
18 search warrant on or about August 26, 2014 at King Cargo, 10471
19 Bolsa Avenue in Westminster, California; and

20 (d) \$42,528.00 seized during the execution of a state
21 search warrant on or about August 26, 2014 at the Target parking
22 lot located at 13831 Brookhurst Street in Garden Grove,
23 California during a traffic stop on a 2003 Toyota pickup truck
24 registered to and being operated by Hong Kim Nguyen Huynh.

25 On or about October 14, 2015, Son Nguyen, individually and
26 on behalf of King Cargo filed a claim to \$112,082.35 of the
27 defendant currency, Hong-Kim Nguyen Huynh, a.k.a. Kim Huynh
28 filed a claim to \$108,924.00 of the defendant currency and Lam

1 Huynh, individually and on behalf of Benson Auto Body and Paint,
2 Inc. filed a claim to \$100,000.00 of the defendant currency.
3 Claimants Son Nguyen, King Cargo, Hong-Kim Nguyen Huynh, a.k.a.
4 Kim Huynh, Lam Huynh and Benson Auto Body and Paint, Inc. are
5 collectively referred to herein as "Claimants." On or about
6 October 27, 2015, Claimants filed their respective answers to
7 the First Amended Complaint.

8 On or about September 15, 2015, former claimant Koan You
9 Lay filed a claim to \$20,000.00 and former claimants Koan You
10 Lay and Khmer Sarmey Jewelry Store filed a claim to \$15,118.00,
11 alleging that those funds were part of the defendant currency.
12 The \$20,000.00 claimed by former claimant Koan You Lay and the
13 \$15,118.00 claimed by former claimants Koan You Lay and Khmer
14 Sarmey Jewelry Store are hereinafter referred to as the "Koan
15 You Lay/Khmer Sarmey Jewelry Claimed Funds." On or about
16 October 6, 2015, former claimants Koan You Lay and Khmer Sarmey
17 Jewelry Store filed their answer to the First Amended Complaint.
18 By a consent judgment filed March 22, 2016, former claimants
19 Koan You Lay and Khmer Sarmey Jewelry Store's forfeited their
20 interests to the Koan You Lay/Khmer Sarmey Jewelry Claimed
21 Funds, which they alleged were part of the defendant currency,
22 to the United States of America. Accordingly, Claimants are the
23 sole remaining claimants to the defendant currency in this
24 litigation.

25 No other parties have appeared in this case and the time
26 for filing claims and answers has expired.

27 The government, on the one hand, and Claimants, and each of
28 them, on the other hand, have now agreed to settle this action

1 and to avoid further litigation by entering into this Consent
2 Judgment of Forfeiture.

3 The Court, having been duly advised of and having
4 considered the matter, and based upon the mutual consent of the
5 parties hereto,

6 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

7 1. This Court has jurisdiction over the subject matter of
8 this action and the parties to this Consent Judgment of
9 Forfeiture.

10 2. The First Amended Complaint for Forfeiture states a
11 claim for relief pursuant to 18 U.S.C. § 981(a)(1)(A) & (C) and
12 21 U.S.C. § 881(a)(6).

13 3. Notice of this action has been given as required by
14 law. No appearances have been made in the litigation by any
15 person other than former claimants Koan You Lay and Khmer Sarmey
16 Jewelry Store with respect to the Koan You Lay/Khmer Sarmey
17 Jewelry Claimed Funds and Claimants with respect to the
18 defendant currency. The Court deems that all other potential
19 claimants admit the allegations of the First Amended Complaint
20 for Forfeiture to be true.

21 4. The sum of \$97,000.00 only (without interest) shall be
22 returned to Claimants. The remainder of the defendant currency
23 (i.e., \$224,006.35), plus the interest earned by the United
24 States of America on the defendant currency shall be condemned
25 and forfeited to the United States of America, which shall
26 dispose of those funds in accordance with law.

27 5. The funds to be returned to Claimants pursuant to
28 paragraph 4 above shall be paid to Claimants by electronic

1 transfer directly into the client trust account of Claimants'
2 attorney of record in this case. Claimants (through their
3 attorney of record) shall provide to the United States of
4 America the information necessary for the United States of
5 America to complete the transfer.

6 6. Claimants, and each of them, on behalf of themselves
7 and each of their respective officers, directors, shareholders
8 and employees, if any, hereby release the United States of
9 America, its agencies, agents, officers, employees and
10 representatives, including, without limitation, all agents,
11 officers, employees and representatives of the Drug Enforcement
12 Administration or the Department of Justice and their respective
13 agencies, as well as all agents, officers, employees and
14 representatives of any state or local governmental or law
15 enforcement agency involved in the investigation or prosecution
16 of this matter, from any and all claims (including, without
17 limitation any petitions for remission, which claimants, and
18 each of them, hereby withdraw), actions or liabilities arising
19 out of or related to this action, including, without limitation,
20 any claim for attorney fees, costs and interest, which may be
21 asserted by or on behalf of Claimants, or either of them, on
22 behalf of themselves or any of their respective officers,
23 directors, shareholders or employees, if any, whether pursuant
24 to 28 U.S.C. § 2465 or otherwise.

25 7. The Court finds that there was reasonable cause for
26 the seizure of the defendant currency and institution of these
27 proceedings. This judgment shall be construed as a certificate
28 of reasonable cause pursuant to 28 U.S.C. § 2465.

1 8. The Court further finds that Claimants, and each of
2 them, did not substantially prevail in this action, and each of
3 the parties hereto shall bear their own attorney fees and costs.

4
5 Dated: November 14, 2016



6
7 THE HONORABLE MICHAEL W. FITZGERALD
8 UNITED STATES DISTRICT JUDGE
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

