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NICOLA T. HANNA  
United States Attorney

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Environment & Natural Resources Division  
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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT FOR THE  
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, )  
 )  
 PLAINTIFF, )  
 )  
 v. )  
 )  
 20 ACRES OF LAND, MORE OR LESS )  
 SITUATE IN SAN BERNARDINO )  
 COUNTY, STATE OF CALIFORNIA; and )  
 ALEX G. DIEP AND WENDY L. YEH, )  
 et al., )  
 )  
 DEFENDANTS. )

Case No. 5:18-cv-361  
DDP (SPx)  
STIPULATED  
FINAL JUDGMENT

1 **STIPULATED FINAL JUDGMENT**

2 Pursuant to this Stipulation signed and jointly filed herein by the Plaintiff,  
3 United States of America, and the Defendants Alex G. Diep and Wendy L. Yeh,  
4 and San Bernardino County, **IT IS HEREBY ORDERED AND ADJUDGED**  
5 **THAT:**  
6

7  
8 1. On February 20, 2018, the United States filed a Complaint in Condemnation  
9 (Dkt. 1) and a Declaration of Taking (Dkt. 3) against real property owned by the  
10 Defendants.  
11

12 2. The Declaration of Taking provides for the fee simple acquisition of the  
13 property defined in Schedules C and D of the Declaration of Taking (Dkt. 3-3 and  
14 3-4) (hereafter, the “Subject Property”).  
15

16 3. On February 28, 2018, this Court granted the United States’ motion to  
17 deposit a check in the amount of Eight Thousand Dollars (\$8,000) into the registry  
18 of this Court. Dkt. 8. Following this order, the United States deposited estimated  
19 just compensation in the amount of Eight Thousand Dollars (\$8,000) into the  
20 registry of this Court. At the time of the deposit, title to the property, to the extent  
21 set forth in the Declaration of Taking, vested in the United States by operation of  
22 law. 40 U.S.C. § 3114(b).  
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1           4. At the time the United States made the above deposit into the registry of this  
2 Court, the record owners of the subject property were Alex G. Diep and Wendy L.  
3 Yeh.  
4

5           5. Defendants have not requested the Court to withdraw any portion of the  
6 deposit during the pendency of this action. Accordingly, the full deposited amount  
7 of \$8,000, plus any applicable earned interest, remains in the Court's registry.  
8

9           6. On April 16, 2018, defendant **San Bernardino County** disclaimed interest  
10 in this matter and has waived all right to compensation (Dkt. 13). As San  
11 Bernardino County has disclaimed interest in this matter they are hereby dismissed  
12 from this action. Fed. R. Civ. P. 71.1(i)(2).  
13  
14

15           7. To settle this condemnation action, the parties agree that the just  
16 compensation payable by the United States for the taking of the property interests  
17 identified in the Complaint in Condemnation (Dkt. 1) and Declaration of Taking  
18 (Dkt. 3), the title to which has already vested in the United States, shall be the sum  
19 of Sixteen Thousand Dollars (\$16,000).  
20  
21

22           8. The said sum of Sixteen Thousand Dollars (\$16,000) shall be just  
23 compensation and in full satisfaction of any and all claims of whatsoever nature  
24 against the United States by reason of the institution and prosecution of this action  
25 and taking of said interests.  
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1 9. The said sum of Sixteen Thousand Dollars (\$16,000) shall be subject to all  
2 liens, encumbrances, and charges of whatsoever nature existing against the  
3 property at the time of vesting of title thereto in the United States, and all such  
4 liens, encumbrances, and charges of whatsoever nature shall be payable and  
5 deductible from the said sum. This includes any outstanding taxes owed on the  
6 property.  
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9 10. **JUDGMENT** shall be, and hereby is, entered against the United States in  
10 the amount of Sixteen Thousand Dollars (\$16,000), inclusive of interest and costs.  
11

12 11. As the United States has previously deposited \$8,000 as estimated just  
13 compensation, the deficiency amount between the amount deposited and the  
14 stipulated just compensation of \$8,000 is \$8,000. The United States shall pay into  
15 the Registry of the Court, and the Clerk is hereby directed to accept, the deficiency  
16 amount of \$8,000.  
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19 12. Upon the Court's Order entering judgment and the United States' deposit of  
20 the deficiency amount of \$8,000 into the registry of the Court, the Clerk of Court  
21 shall, without further order of this Court, and pursuant to Fed. R. Civ. P. 67 and  
22 L.R. 67-2, promptly disburse all sums related to this case on deposit in the Court's  
23 registry, together with any earned interest, as follows, by issuing a check payable  
24 to:  
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1 Alex Diep  
2 10065 Benton Street  
3 Westminster, CO 80020

4 13. Defendants warrant that they are the sole owner of the subject property at the  
5 date of the taking, and that they have the exclusive right to the compensation  
6 herein, excepting the interest of parties having liens or encumbrances of record and  
7 unpaid taxes and assessments, if any, and that no other party is entitled to the same  
8 or any part thereof by reason of any unrecorded agreement.  
9

10  
11 14. Defendants shall save and hold harmless the United States of America from  
12 all claims or liability resulting from any unrecorded leases or agreements affecting  
13 the Property on the date of taking.  
14

15 15. In the event that any other party is ultimately determined by a court of  
16 competent jurisdiction to have any right to receive compensation for the property  
17 taken in this case, Defendants shall refund into the registry of the Court the  
18 compensation distributed herein, or such part thereof as the Court may direct, with  
19 interest thereon at the rate of 52-week Treasury Bills, calculated in accordance  
20 with the provisions of 40 U.S.C. § 3116, from the date of receipt of the deposit by  
21 Defendant to the date of repayment into the registry of the Court.  
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25 16. Parties shall be responsible for their own legal fees, costs, and expenses  
26 (including attorney's fees, consultant's fees, and any other expenses).  
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17. Following disbursement of the above sums to Defendants, this case shall be  
CLOSED.

18. This Stipulated Judgment may be signed in counterparts.

**IT IS SO ORDERED:**

Dated: July 18, 2019



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DEAN D. PREGERSON  
UNITED STATES DISTRICT JUDGE

cc: Fiscal Dept.

1 THE UNDERSIGNED STIPULATE THAT THEY CONSENT TO THE  
2 ENTRY OF THE PRECEDING JUDGMENT AND ORDER:

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/s/ Benjamin J. Grillot  
BENJAMIN J. GRILLOT  
Trial Attorney  
U.S. Department of Justice

Dated: 5/10/19

Wendy L. Yeh  
WENDY L. YEH. *Landowner*  
10065 Benton Street  
Westminster, CO 80020

Dated: 5/9/19

Alex Diep  
ALEX G. DIEP. *Landowner*  
10065 Benton Street  
Westminster, CO 80020

Dated: 5/9/2019.