

1 ANDRÉ BIROTTE JR.
 United States Attorney
 2 ROBERT E. DUGDALE
 Assistant United States Attorney
 3 Chief, Criminal Division
 STEVEN R. WELK
 4 Assistant United States Attorney
 Chief, Asset Forfeiture Section
 5 FRANK D. KORTUM
 Assistant United States Attorney
 6 Asset Forfeiture Section
 California Bar No. 110984
 7 1400 United States Courthouse
 312 North Spring Street
 8 Los Angeles, California 90012
 Telephone: (213)894-5710
 9 Facsimile: (213)894-7177
 E-Mail: frank.kortum@usdoj.gov

10 Attorneys for Plaintiff
 11 United States of America

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

16	UNITED STATES OF AMERICA,) NO. SACV 06-617-AHS (ANx)
)
17	Plaintiff,) PARTIAL CONSENT JUDGMENT OF
) FORFEITURE AS TO CLAIMANT DAVID
18	v.) PHAM
)
19	\$528,203.00 IN U.S. CURRENCY,) [THIS PARTIAL CONSENT IS NOT
	ONE ROLEX WATCH, and ONE 2004) CASE DISPOSITIVE]
20	TOYOTA 4-RUNNER SR5,)
)
21	Defendants.)
)
22	_____)
)
23	DAVID PHAM AND NATALE NGUYEN,)
)
24	Claimant.)
)
25	_____)

26 On or about July 6, 2006, plaintiff United States of America
 27 ("the United States") filed a Complaint for Forfeiture alleging
 28 that the defendants: \$200,000.00 in U.S. Currency and \$13,399.00

1 in U.S. Currency were subject to forfeiture pursuant to 21 U.S.C.
2 § 881(a)(6).

3 On or about October 2, 2006, plaintiff filed a First Amended
4 Complaint for Forfeiture alleging the defendants: \$200,000.00 in
5 U.S. Currency, \$13,399.00 in U.S. Currency, \$280,000.00 in U.S.
6 Currency, \$34,204.00 in U.S. Currency and One Rolex Presidential
7 Watch were subject to forfeiture pursuant to 21 U.S.C. §
8 881(a)(6).

9 On or about June 12, 2007, plaintiff filed a Second Amended
10 Complaint for Forfeiture alleging the defendants: \$200,000.00 in
11 U.S. Currency, \$13,399.00 in U.S. Currency, \$280,000.00 in U.S.
12 Currency, \$34,204.00 in U.S. Currency, One Rolex Presidential
13 Watch and One 2004 Toyota 4-Runner SR5 were subject to forfeiture
14 pursuant to 21 U.S.C. § 881(a)(6).

15 Claimant David Pham ("claimant") filed a claim on or about
16 August 14, 2006 and an answer to the complaint on August 31,
17 2006. No other parties have appeared in this case and the time
18 for filing claims and answers has expired. Claimant is relieved
19 of his obligation to file any additional claims or answers.

20 The United States and claimant have now agreed to settle a
21 portion of this action and to avoid further litigation by
22 entering into this Partial Judgment of Forfeiture.

23 The Court having been duly advised of and having considered
24 the matter, and based upon the mutual consent of the parties
25 hereto,

26 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED:**

27 1. This Court has jurisdiction over the subject matter of
28 this action and the parties to this Partial Consent Judgment of

1 Forfeiture.

2 2. The Complaint for Forfeiture states a claim for relief
3 pursuant to 21 U.S.C. § 881(a)(6).

4 3. Notice of this action has been given as required by
5 law. No appearances have been made in this case by any person
6 other than claimant. The Court deems that all other potential
7 claimants admit the allegations of the Complaint for Forfeiture
8 to be true.

9 4. Claimant shall forfeit the following: \$200,000.00 in
10 U.S. Currency (CATS ID # 06-DEA-462776); \$13,999.00 in U.S.
11 Currency (CATS ID # 06-DEA-465202); and \$280,000.00 in U.S.
12 Currency (CATS ID # 06-DEA-464803) to the United States of
13 America. The custodian of the defendants is ordered to dispose
14 of the funds forfeited to the United States plus all interest
15 earned in accordance with law.

16 5. One Rolex Oyster Presidential Watch (CATS ID# 06-DEA-
17 466436) shall be returned to the claimant. Claimant, through his
18 counsel, Kim Nguyen, Esq., shall make arrangements with the
19 United States Marshals Office to pick up the Rolex watch.

20 6. One 2004 Toyota 4-Runner SR5 (CATS ID# 06-FBI-001838)
21 shall be returned to the claimant. Claimant, through his
22 counsel, Kim Nguyen, Esq., shall make arrangements with the
23 United States Marshals Office to pick up the 2004 Toyota 4-Runner
24 SR5.

25 7. Defendant \$34,204.00 in U.S. Currency shall remain in
26 the custody of the United States Marshals Service pending further
27 agreement of the parties or order from the Court.

28 8. Claimant hereby releases the United States of America,

1 its agencies, agents, officers, employees and representatives,
2 including, without limitation, all agents, officers, employees
3 and representatives of the Drug Enforcement Administration,
4 Federal Bureau of Investigation and the Department of Justice and
5 their respective agencies, as well as all agents, officers,
6 employees and representatives of any state or local governmental
7 or law enforcement agency involved in the investigation or
8 prosecution of this matter, from any and all claims, actions, or
9 liabilities arising out of or related to this action, including,
10 without limitation, any claim for attorney fees, costs, and
11 interest, which may be asserted by or on behalf of claimant.

12 9. The Court finds that there was reasonable cause for the
13 seizure of the defendants and institution of these proceedings.
14 This judgment shall be construed as a certificate of reasonable
15 cause pursuant to 28 U.S.C. § 2465.

16 10. The Court further finds that claimant did not
17 substantially prevail in this action, and each of the parties
18 hereto shall bear their own attorney fees and costs.

19 11. The Court shall maintain jurisdiction in this case for
20 the purpose of effectuating the terms of this Partial Consent
21 Judgment of Forfeiture.

22
23 DATED: September 27, 2011.

24
25 ALICEMARIE H. STOTLER
26

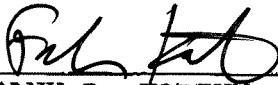
HONORABLE ALICEMARIE H. STOTLER
27 UNITED STATES DISTRICT JUDGE
28

1
2 CONSENT

3 The parties hereto consent to the above Consent Judgment of
4 Forfeiture and waive any right of appeal.

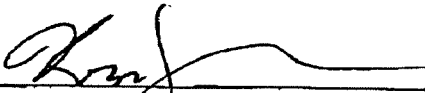
5 DATED: September 21, 2011

6 ANDRÉ BIROTTE JR.
7 United States Attorney
8 ROBERT E. DUGDALE
9 Assistant United States Attorney
10 Chief, Criminal Division
11 STEVEN R. WELK
12 Assistant United States Attorney
13 Chief, Asset Forfeiture Section

14 
15 _____
16 FRANK D. KORTUM
17 Assistant United States Attorney

18 Attorneys for Plaintiff
19 UNITED STATES OF AMERICA

20
21
22
23
24
25
26
27
28 DATED: September 21, 2011



KIM NGUYEN, ESQ.
Attorney for Claimant
DAVID PAHM