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 12 UNITED STATES OF AMERICA

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

16 UNITED STATES OF AMERICA,) No.: SACV 14-00206-DOC (ANx)
 17)
 Plaintiff,)
 18)

19 vs.)

CONSENT JUDGMENT

19 \$721,701.00 SEIZED FROM MERRILL)
 20 LYNCH BROKERAGE ACCOUNT)
 NO. '2504; \$398,093.00 SEIZED)
 21 FROM CREDIT SUISSE BROKERAGE)
 ACCOUNT NO. '5863; \$234,915.00)
 22 SEIZED FROM FIDELITY BROKERAGE)
 SERVICES, LLC BROKERAGE ACCOUNT)
 23 NO. '5228; \$201,000.00 SEIZED)
 FROM FIDELITY BROKERAGE)
 SERVICES, LLC BROKERAGE ACCOUNT)
 24 NO. '8194; \$150,918.00 SEIZED)
 FROM CITIGROUP GLOBAL MARKETS,)
 25 INC. BROKERAGE ACCOUNT NO.)
 '2856; \$110,344.41 SEIZED FROM)
 26 WELLS FARGO BANK ACCOUNT NO.)
 '3577; \$59,599.00 SEIZED FROM)
 27 CREDIT SUISSE BROKERAGE ACCOUNT)
 NO. '7108; \$59,561.00 SEIZED)
 28 FROM CREDIT SUISSE BROKERAGE)

ACCOUNT NO. `7090; \$59,558.00)
SEIZED FROM CREDIT SUISSE)
BROKERAGE ACCOUNT NO. `7082;)
AND \$59,526.00 SEIZED FROM)
CREDIT SUISSE BROKERAGE ACCOUNT)
NO. `7074,)

Defendants.)

DOUGLAS V. DECINCES; KRISTI)
DECINCES; DECINCES REVOCABLE)
LIVING TRUST, UAD MAY 28, 1986;)
DECINCES REVOCABLE LIVING)
TRUST, UAD FEBRUARY 2, 1994;)
DECINCES REVOCABLE LIVING)
TRUST, UAD JUNE 28, 2001;)
DOUGLAS V. DECINCES AS)
CUSTODIAN FOR B.W.; DOUGLAS V.)
DECINCES AS CUSTODIAN FOR P.D.;)
DOUGLAS V. DECINCES AS)
CUSTODIAN FOR D.D.; AND DOUGLAS)
V. DECINCES AS CUSTODIAN FOR)
R.D.,)

Claimants.)

This civil forfeiture action was commenced on February 12, 2014. Claimants Douglas V. DeCinces ("DeCinces"); Kristi DeCinces; DeCinces Revocable Living Trust, UAD May 28, 1986; DeCinces Revocable Living Trust, UAD February 2, 1994; DeCinces Revocable Living Trust, UAD June 28, 2001; Douglas V. DeCinces as Custodian for B.W.; Douglas V. DeCinces as Custodian for P.D.; Douglas V. DeCinces as Custodian for D.D.; Douglas V. DeCinces as Custodian for R.D. (the "DeCinces Claimants") are deemed to have filed a claims and answers in this action. No other person is believed to have any claims to the defendant assets except for Timothy DeCinces, Melissa DeCinces, Eddie C. Murray, Janice Murray, Roger A. Wittenbach, Janet K. Wittenbach, Thomas Williams, and Amy Williams.

1 Plaintiff and the DeCinces Claimants have made a stipulated
2 request for the entry of this consent judgment of forfeiture
3 resolving the claims of the DeCinces Claimants concerning the
4 following defendant assets:

- 5 a. \$721,701.00 seized from Merrill Lynch Brokerage
6 Account No. '2504 (Asset ID No. 09-IRS-000989);
- 7 b. \$398,093.00 seized from Credit Suisse Brokerage
8 Account No. '5863 (Asset ID No. 09-IRS-000990);
- 9 c. \$234,915.00 seized from Fidelity Brokerage Services,
10 LLC Brokerage Account No. '5228 (Asset ID No. 09-IRS-
11 000995);
- 12 d. \$201,000.00 seized from Fidelity Brokerage Services,
13 LLC Brokerage Account No. '8194 (Asset ID No. 09-IRS-
14 001114);
- 15 e. \$150,918.00 seized from Citigroup Global Markets, Inc.
16 Brokerage Account No. '2856 (Asset ID No. 09-IRS-
17 000996);
- 18 f. \$110,344.41 seized from Wells Fargo Bank Account No.
19 '3577 (Asset ID No. 09-IRS-000994);
- 20 g. \$59,599.00 seized from Credit Suisse Brokerage Account
21 No. '7108 (Asset ID No. 09-IRS-000993);
- 22 h. \$59,561.00 seized from Credit Suisse Brokerage Account
23 No. '7090 (Asset ID No. 09-IRS-000992);
- 24 i. \$59,558.00 seized from Credit Suisse Brokerage Account
25 No. '7082 (Asset ID No. 09-IRS-000991); and
- 26 j. \$59,526.00 seized from Credit Suisse Brokerage Account
27 No. '7074 (Asset ID No. 09-IRS-000988)
- 28

1 Plaintiff and Claimants have made a stipulated request for
2 the entry of this consent judgment of forfeiture in part to
3 establish the rights of the United States to the funds seized
4 from the DeCinces accounts as set forth in the provisions of a
5 consent judgment entered on August 9, 2011, in a civil complaint
6 filed by the Securities and Exchange Commission ("SEC") against
7 DeCinces and others based on the same allegations of insider
8 trading as set forth in the complaint herein. See Securities
9 and Exchange Commission v. DeCinces, No. SA CV 11-01168 DOC
10 (ANx). Specifically, the SEC consent judgment established the
11 liability of DeCinces to the SEC in the amount of \$1,197,998.00
12 under Section 21A of the Exchange Act [15 U.S.C. § 78u-1]; (2)
13 disgorgement of \$1,282,691.00, representing profits gained as a
14 result of the conduct alleged in the SEC's complaint; and (3)
15 prejudgment interest in the amount of \$19,311.00. The final
16 judgment in the SEC action also provides that the liability of
17 DeCinces for the civil penalty and disgorgement amounts shall be
18 offset by the \$1,358,038.00 seized on or about July 20, 2009
19 from the DeCinces Accounts, provided that the \$1,358,038.00 is
20 retained by the United States as a result of the United States'
21 filing of any civil or criminal proceeding for the purpose of
22 establishing the rights of the United States to the
23 \$1,358,038.00. The complaint in this action constitutes a
24 proceeding for the purpose of establishing the rights of the
25 United States to the \$1,358,038.00.

26 The Court has been duly advised of and has considered the
27 matter. Based upon the mutual consent of the parties hereto and
28 good cause appearing therefor, the Court hereby **ORDERS, ADJUDGES**

1 **AND DECREES** that the United States of America shall have
2 judgment against the interests of the DeCinces Claimants (and
3 any other potential claimants other than Timothy DeCinces,
4 Melissa DeCinces, Eddie C. Murray, Janice Murray, Roger A.
5 Wittenbach, Janet K. Wittenbach, Thomas Williams, and Amy
6 Williams, whose interests remain to be adjudicated) as to the
7 defendant assets and no other person or entity shall have any
8 right, title, or interest therein.

9 The Court finds that there was reasonable cause for the
10 seizure of the defendant assets and the institution of this
11 action. This consent judgment shall be construed as a
12 certificate of reasonable cause pursuant to 28 U.S.C. § 2465.
13 Each of the parties shall bear its own fees and costs in
14 connection with the seizure, retention and forfeiture of the
15 defendant assets.

16 DATED: March 30, 2014



18 THE HONORABLE ANDREW J. GUILFORD
19 UNITED STATES DISTRICT JUDGE