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8 IN THE UNITED STATES DISTRICT COURT FOR THE
 9 EASTERN DISTRICT OF CALIFORNIA

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11 UNITED STATES OF AMERICA,)	1:09-CV-01550-OWW-GSA
12 Plaintiff,)	FINAL JUDGMENT OF FORFEITURE
13 v.)	
14 2007 CHEVROLET SILVERADO)	
PICKUP TRUCK,)	
15 VIN:2GCEC13C381336170,)	
CALIFORNIA LICENSE NO. 8R62926,)	
16 Defendant.)	
17)	

18 Pursuant to the Stipulation for Final Judgment of Forfeiture filed herein, the Court finds:

19 1. This is a civil forfeiture action against defendant 2007 Chevrolet Silverado Pickup
 20 Truck, VIN: 2GCEC13C381336170, California License No. 8R62926 (hereafter “defendant
 21 vehicle”).

22 2. A Verified Complaint for Forfeiture *In Rem* was filed on September 1, 2009, seeking
 23 the forfeiture of the defendant vehicle, alleging said vehicle is subject to forfeiture to the United
 24 States of America pursuant to 21 U.S.C. § 881(a)(6) because the defendant vehicle constitutes
 25 moneys or other things of value furnished or intended to be furnished in exchange for a controlled
 26 substance or listed chemical, all proceeds traceable to such an exchange and/or was used or intended
 27 to be used to facilitate one or more violations of 21 U.S.C. § 841 *et seq.*

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1 3. On September 14, 2009, in accordance with said Complaint, a Warrant for Arrest of
2 Articles *In Rem* for the defendant vehicle was issued and duly executed on October 27, 2009.

3 4. Beginning on September 16, 2009, for at least 30 consecutive days, the United States
4 published notice of the forfeiture action on the official internet government forfeiture site
5 www.forfeiture.gov. A Declaration of Publication was filed on November 16, 2009.

6 5. In addition to the public notice of forfeiture having been completed, actual notice was
7 personally served upon potential claimant Frank Bertao and his business Full Throttle Suspension.
8 To date no parties have filed claims or answers in this matter, and the time for which any person or
9 entity may file a claim and answer has expired.

10 6. The Clerk of the Court entered a Clerk's Certificate of Entry of Default against Full
11 Throttle Suspension on December 7, 2009. Pursuant to Local Rule 540, the United States and
12 potential claimant Frank Bertao thus join in a request that as part of the Final Judgment of Forfeiture
13 in this case the Court enter a default judgment against the interests if any, of Full Throttle
14 Suspension.

15 7. Potential claimant Frank Bertao represents and warrants that he is the sole owner of
16 the defendant vehicle.

17 Based on the above findings, and the files and records of the Court, it is hereby

18 ORDERED AND ADJUDGED:

19 1. The Court adopts the Stipulation for Final Judgment of Forfeiture entered into by and
20 between the parties to this action.

21 2. Judgment is hereby entered against Frank Bertao, Full Throttle Suspension, and all
22 other potential claimants who have not filed claims in this action.

23 3. Upon entry of a Final Judgment of Forfeiture, the defendant vehicle, shall be forfeited
24 to the United States pursuant to 21 U.S.C. § 881(a)(6), to be disposed of according to law.

25 4. Plaintiff United States of America and its servants, agents, and employees, and all
26 other public entities, their servants, agents, and employees, are released from any and all liability
27 arising out of or in any way connected with the arrest, seizure, or forfeiture of the defendant
28 currency. This is a full and final release applying to all unknown and unanticipated injuries, and/or

1 damages arising out of said arrest, seizure, or forfeiture, as well as to those now known or disclosed.

2 The parties waive the provisions of California Civil Code § 1542.

3 5. There was reasonable cause for the seizure and arrest of the defendant vehicle, and
4 the Court may enter a Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465.

5 6. All parties shall bear their own costs and attorneys' fees.

6
7 SO ORDERED THIS 13th day of July, 2010.

8
9 /s/ OLIVER W. WANGER
10 UNITED STATES DISTRICT JUDGE

11 CERTIFICATE OF REASONABLE CAUSE

12 Based upon the allegations set forth in the Complaint for Forfeiture *In Rem* filed September
13 1, 2009, and the Stipulation for Final Judgment of Forfeiture filed herein, the Court enters this
14 Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause for
15 the seizure and arrest of the defendant vehicle.
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18 Dated: July 13, 2010

19 /s/ OLIVER W. WANGER
20 UNITED STATES DISTRICT JUDGE