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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,) 1:12-CV-01260-AWI-SMS
12)
Plaintiff,) **FINAL JUDGMENT OF FORFEITURE**
13)
v.)
14)
APPROXIMATELY \$158,000.00 IN U.S.)
CURRENCY,)
15)
Defendant.)
16)

17 Pursuant to the Stipulation for Final Judgment of Forfeiture, the Court finds:

- 18 1. This is a civil forfeiture action against the defendant approximately
19 \$158,000.00 in U.S. Currency (hereafter “defendant currency”) seized on or about February
20 22, 2012.
- 21 2. A Verified Complaint for Forfeiture *In Rem* (“Complaint”) was filed on August
22 2, 2012, alleging that said defendant currency is subject to forfeiture to the United States of
23 America pursuant to 18 U.S.C. § 981(a)(1)(A), 31 U.S.C. §§ 5317, 5332, and 21 U.S.C. §
24 881(a)(6).
- 25 3. On August 15, 2012, the Clerk issued a Warrant for Arrest for the defendant
26 currency. The warrant for the defendant currency was duly executed on August 24, 2012.
- 27 4. Beginning on August 8, 2012, for at least 30 consecutive days, the United
28 States published notice of this action on the official government forfeiture site

1 www.forfeiture.gov. A Declaration of Publication was filed on September 13, 2012.

2 5. In addition to the public notice on the official internet government forfeiture
3 site www.forfeiture.gov, actual notice or attempted notice was given to the following
4 individuals:

- 5 a. James Choe
- 6 b. Steve Yun Lee
- 7 c. Lyndon Jin Ahn
- 8 d. Young Kim
- 9 e. Genie Choe
- 10 f. Mark A. Broughton, attorney

11 6. On September 21, 2012, James Choe and Steve Lee filed their claims to the
12 defendant currency. Their answer was filed on April 19, 2013. To date, no other parties
13 have filed claims or answers in this matter, and the time in which any person or entity may
14 file a claim and answer has expired.

15 7. The Clerk of the Court entered a Clerk's Certificate of Entry of Default against
16 Lyndon Jin Ahn, Young Kim, and Genie Choe on October 24, 2012. Pursuant to Local Rule
17 540, the United States and Claimants James Choe and Steve Lee thus join in a request that
18 as part of this Final Judgment of Forfeiture in this case the Court enter a default judgment
19 against the interest, if any, of Lyndon Jin Ahn, Young Kim, and Genie Choe.

20 Based on the above findings, and the files and records of the Court, it is hereby
21 ORDERED AND ADJUDGED:

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

24 2. That judgment is hereby entered against James Choe, Steve Lee, Lyndon Jin
25 Ahn, Young Kim, Genie Choe, and all other potential claimants.

26 3. Upon entry of a Final Judgment of Forfeiture herein, \$88,000.00 of the
27 defendant approximately \$158,000.00 in U.S. Currency, together with any interest that has
28 accrued on the entire \$158,000.00, shall be forfeited to the United States pursuant to 18

1 U.S.C. § 981(a)(1)(A), 31 U.S.C. §§ 5317, 5332, and 21 U.S.C. § 881(a)(6), to be disposed of
2 according to law.

3 4. Upon entry of a Final Judgment of Forfeiture herein, but no later than 45 days
4 thereafter, \$70,000.00 of the defendant approximately \$158,000.00 in U.S. Currency shall
5 be returned to Claimants James Choe and Steve Lee through their attorney Mark A.
6 Broughton, Hammerschmidt Broughton, Law Corporation, 2445 Capitol Street, Suite 150,
7 Fresno, California 93721, telephone (559) 233-5333.

8 5. That the United States of America and its servants, agents, and employees
9 and all other public entities, their servants, agents, and employees, are released from any
10 and all liability arising out of or in any way connected with the seizure, arrest, or forfeiture
11 of the defendant currency. This is a full and final release applying to all unknown and
12 unanticipated injuries, and/or damages arising out of said seizure, arrest, or forfeiture, as
13 well as to those now known or disclosed. Claimants agree to waive the provisions of
14 California Civil Code § 1542.

15 6. That pursuant to the stipulation of the parties, and the allegations set forth in
16 the Complaint filed on August 2, 2012, the Court finds that there was probable cause for
17 arrest and seizure of the defendant currency, and for the commencement and prosecution of
18 this forfeiture action, and a Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465
19 shall be entered accordingly.

20 7. All parties shall bear their own costs and attorney's fees.

21 8. The U.S. District Court for the Eastern District of California shall retain
22 jurisdiction to enforce the terms of this Stipulation for Final Judgment of Forfeiture and
23 Final Judgment of Forfeiture.

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CERTIFICATE OF REASONABLE CAUSE

Based upon the allegations set forth in the Complaint filed August 2, 2012, and the Stipulation for Final Judgment of Forfeiture filed herein, the Court enters this Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause for the seizure or arrest of the defendant currency, and for the commencement and prosecution of this forfeiture action.

IT IS SO ORDERED.

Dated: November 25, 2013



SENIOR DISTRICT JUDGE