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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,
12 Plaintiff,

1:13-CV-00640-AWI-BAM

FINAL JUDGMENT OF FORFEITURE

13 v.

14 APPROXIMATELY \$28,120.00 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 \$28,120.00 in U.S. Currency (hereafter "Defendant Currency") seized on or about
20 November 14, 2012.

21 2. A Verified Complaint for Forfeiture *In Rem* ("Complaint") was filed on May 2,
22 2013, alleging that said Defendant Currency is subject to forfeiture to the United States of
23 America pursuant to 21 U.S.C. § 881(a)(6).

24 3. On May 6, 2013, the Clerk issued a Warrant for Arrest for the Defendant
25 Currency. The warrant for the Defendant Currency was duly executed on May 29, 2013.

26 4. Beginning on May 7, 2013, for at least 30 consecutive days, the United States
27 published notice of this action on the official government forfeiture site
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1 www.forfeiture.gov. A Declaration of Publication was filed on June 7, 2013.

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. Jean Carlo Labanda
- 6 b. Marina Vorontsova
- 7 c. Marquis Sutton
- 8 d. Timothy Wayne Wolfe
- 9 e. James Bryan Wolfe
- 10 f. Jacek W. Lentz, attorney

11 6. On July 2, 2013, Jean Carlo Labanda filed his claim to the Defendant
12 Currency. His answer was filed on August 22, 2013. To date, no other parties have filed
13 claims or answers in this matter, and the time in which any person or entity may file a
14 claim and answer has expired.

15 7. The Clerk of the Court entered a Clerk's Certificate of Entry of Default
16 against Marina Vorontsova, Marquis Sutton, Timothy Wayne Wolfe, and James Bryan
17 Wolfe on June 18, 2013. Pursuant to Local Rule 540, the United States and Claimant thus
18 join in a request that as part of this Final Judgment of Forfeiture in this case the Court
19 enter a default judgment against the interest, if any, of Marina Vorontsova, Marquis
20 Sutton, Timothy Wayne Wolfe, and James Bryan Wolfe.

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

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

25 2. That judgment is hereby entered against Jean Carlo Labanda, Marina
26 Vorontsova, Marquis Sutton, Timothy Wayne Wolfe, James Bryan Wolfe, and all other
27 potential claimants.

28 3. Upon entry of a Final Judgment of Forfeiture herein, \$23,902.00 of the

1 Defendant Approximately \$28,120.00 in U.S. Currency, together with any interest that
2 has accrued on the entire \$28,120.00, shall be forfeited to the United States pursuant to
3 21 U.S.C. § 881(a)(6), to be disposed of according to law.

4 4. Upon entry of a Final Judgment of Forfeiture herein, but no later than 45
5 days thereafter, \$4,218.00 of the Defendant Approximately \$28,120.00 in U.S. Currency
6 shall be returned to Claimant through his attorney Jacek W. Lentz, 1055 Wilshire Blvd.,
7 Suite 1996, Los Angeles, California, 90017, telephone (213) 250-9200.

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
11 forfeiture of the Defendant Currency. This is a full and final release applying to all
12 unknown and unanticipated injuries, and/or damages arising out of said seizure, arrest, or
13 forfeiture, as well as to those now known or disclosed. Claimant agrees to waive the
14 provisions of California Civil Code § 1542.

15 6. That pursuant to the stipulation of the parties, and the allegations set forth
16 in the Complaint filed on September 16, 2013, the Court finds that there was probable
17 cause for arrest and seizure of the Defendant Currency, and for the commencement and
18 prosecution of this forfeiture action, and a Certificate of Reasonable Cause pursuant to 28
19 U.S.C. § 2465 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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25 IT IS SO ORDERED.

26 Dated: January 29, 2015


SENIOR DISTRICT JUDGE

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CERTIFICATE OF REASONABLE CAUSE

Based upon the allegations set forth in the Complaint filed May 2, 2013, 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: January 29, 2015



SENIOR DISTRICT JUDGE