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

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 APPROXIMATELY \$60,000.00 IN U.S.
CURRENCY,

15 Defendant.
16

1:15-CV-01726-LJO-MJS

FINAL JUDGMENT OF FORFEITURE

17
18 Pursuant to the Stipulation for Final Judgment of Forfeiture filed herewith, the Court
19 finds:

20 1. This is a civil forfeiture action against Approximately \$60,000.00 in U.S. Currency
21 (hereafter "Defendant Currency").

22 2. A Verified Complaint for Forfeiture *In Rem* was filed on November 18, 2015,
23 alleging that said Defendant Currency is subject to forfeiture to the United States of America
24 pursuant to 21 U.S.C. §881(a)(6).

25 3. On December 4, 2015, the Clerk of the Court issued a Warrant for Arrest for the
26 Defendant Currency. The warrant for the Defendant Currency was duly executed on
27 December 8, 2015.

28 4. Beginning on December 6, 2015, for at least 30 consecutive days, the United States

1 published notice of this action on the official government forfeiture site www.forfeiture.gov. A
2 Declaration of Publication was filed with the Court on January 13, 2016.

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

5 a. Ellis Athanas

6 b. Jeffrey Hammerschmidt, Attorney at Law

7 6. Claimant Ellis Athanas states that he is the sole owner of the Defendant
8 Currency and has authority to enter into this agreement.

9 7. No other parties have filed claims or answers in this matter, and the time for which
10 any person or entity may file a claim and answer has expired.

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

12 ORDERED AND ADJUDGED:

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

15 2. That judgment is hereby entered against Claimant Ellis Athanas and all
16 other potential claimants who have not filed claims in this action.

17 3. Upon entry of a Final Judgment of Forfeiture herein, \$25,000.00 in U.S. Currency of
18 the Defendant Currency, together with any interest that may have accrued on the full amount
19 of the Defendant Currency, shall be forfeited to the United States pursuant to 21 U.S.C. §
20 881(a)(6), to be disposed of according to law.

21 4. Upon entry of a Final Judgment of Forfeiture herein, but not later than 60 days
22 after the Court issued the Final Judgment of Forfeiture or 60 days after Claimant has
23 provided the necessary electronic funds transfer paperwork—whichever is later, \$35,000.00 of
24 the Defendant Currency, shall be returned to Claimant Ellis Athanas via his counsel of
25 record, The Hammerschmidt Broughton Law Corporation, and specifically Burton Francis,
26 Esq., Of Counsel.

27 5. The Parties and their servants, agents, and employees, and all other Public
28 entities, their servants, agents, and employees, are released from any and all liability, arising

1 out of or in any way connected with the seizure, arrest, or forfeiture of the Defendant
2 Currency. This is a full and final release applying to all unknown and unanticipated injuries,
3 and/or damages arising out of said seizure, arrest, or forfeiture, as well as to those now
4 known or disclosed. Claimant has waived the provisions of California Civil Code § 1542.

5 6. Pursuant to the stipulation of the parties, and the allegations set forth in the
6 Complaint filed on or about November 18, 2015, the Court finds that there was reasonable
7 cause for the seizure and arrest of the Defendant Currency, and for the commencement and
8 prosecution of this forfeiture action, and a Certificate of Reasonable Cause pursuant to 28
9 U.S.C. § 2465 shall be entered accordingly.

10 7. Pursuant to the Stipulation for Final Judgment of Forfeiture entered into between
11 the parties, no party “substantially prevailed” within the meaning of 28 U.S.C. § 2465. All
12 parties shall bear their own costs and attorney’s fees.

13 8. The Court shall maintain jurisdiction to enforce the terms of this Final Judgment of
14 Forfeiture.

15 IT IS SO ORDERED.

16 Dated: June 1, 2016

/s/ Lawrence J. O’Neill
UNITED STATES CHIEF DISTRICT JUDGE

17
18 **CERTIFICATE OF REASONABLE CAUSE**

19 Based upon the allegations set forth in the Complaint for Forfeiture *In Rem* filed
20 November 18, 2015, and the Stipulation for Final Judgment of Forfeiture filed herewith, this
21 Court enters this Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465, that there
22 was reasonable cause for the seizure or arrest of the Defendant Currency, and for the
23 commencement and prosecution of this forfeiture.

24
25 IT IS SO ORDERED.

26 Dated: June 1, 2016

/s/ Lawrence J. O’Neill
UNITED STATES CHIEF DISTRICT JUDGE