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2 BULLIVANT HOUSER BAILEY PC
3 11335 Gold Express Drive, Suite 105
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7 Attorneys for Claimant

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10 SACRAMENTO DIVISION

11 UNITED STATES OF AMERICA,
12 Plaintiff,

13 vs.

14 APPROXIMATELY \$177,695.11 IN
15 FUNDS CONNECTED TO A
16 TRANSFER TO THE UNITED
STATES OF AMERICA FROM
BULLIVANT HOUSER BAILEY,

17 Defendant.

18 BULLIVANT HOUSER BAILEY, PC,
19 JOHN W. HOLLIS, JUDITH L.
20 HOLLIS, and ROBERT LEWIS
BROWN, a.k.a. MATTHEW
SCHACHTER,

21 Claimants.

Case No.: CIV-S-05-0149 WBS KJM

**STIPULATION AND [PROPOSED]
ORDER FOR FINAL JUDGMENT
REGARDING \$22,304.89 IN
EARNED ATTORNEYS' FEES
AND COSTS**

22
23 It is hereby stipulated by and between plaintiff United States of America
24 and claimants Bullivant Houser Bailey, PC, John W. Hollis and Judith L. Hollis,
25 and Robert Lewis Brown a.k.a. Matthew Schachter (Mr. Brown), by and through
26 their respective counsel of record, as follows:

27 1. On or about October 12, 2004, the United States of America provided
28 notice to the law firm of Bullivant Houser Bailey, PC, that \$200,000 held in the

1 law firm's trust account on behalf of its then-client, Mr. Brown, was alleged to be
2 the proceeds of illegal activity and subject to forfeiture pursuant to Title 18 U.S.C.
3 §§ 981(a)(1)(A) and (C).

4 2. On October 18, 2004, Bullivant Houser Bailey voluntarily delivered
5 to the United States Attorney's Office a check in the amount of \$200,000,
6 representing the entire trust balance held by Bullivant Houser Bailey on behalf of
7 Mr. Brown. The \$200,000 check was delivered to the United States Attorney's
8 Office in lieu of the United States taking formal action to seize such funds.

9 3. On or about December 9, 2004, Bullivant Houser Bailey and the
10 United States entered a stipulation extending the United States' time to file a
11 complaint for forfeiture regarding the \$200,000 check that had been delivered by
12 Bullivant Houser Bailey noting, among other things, that the parties, through their
13 respective counsel, had been actively engaged in discussions in an attempt to
14 resolve the issues surrounding the seizure of these funds.

15 4. Claimant Bullivant Houser Bailey contends that \$22,304.89 of the
16 \$200,000 it returned to the United States Attorney's Office represented earned
17 attorneys' fees and expended costs representing Mr. Brown prior to receiving
18 notification from the government that the funds it held in trust could be subject to
19 forfeiture. Consistent with the representations of claimant Bullivant Houser
20 Bailey, the United States of America filed a Verified Complaint for Forfeiture *In*
21 *Rem* on January 24, 2005, against \$177,695.11 in funds connected to a transfer to
22 the United States of American from Bullivant Houser Bailey. This complaint
23 sought forfeiture of the entire sum of money transferred from Bullivant Houser
24 Bailey to the United States Attorney's Office, less the amount of money claimed
25 by Bullivant Houser Bailey as earned fees and costs in the matter prior to its
26 receipt of notice that the funds it held in trust could be subject to forfeiture.

27 5. To avoid the uncertainty and expense of further litigation, the United
28 States and claimants Bullivant Houser Bailey, PC, John W. Hollis and Judith L.

1 Hollis, and Robert Lewis Brown a.k.a. Matthew Schachter, desire to stipulate to
2 the entry of a final judgment on the following terms:

3 (a) Upon entry of this Stipulation for Final Judgment, but no later
4 than thirty (30) days thereafter, \$22,304.89, shall be returned to claimant Bullivant
5 Houser Bailey, PC, through their attorney, M. Taylor Florence. The United States
6 Department of Treasury shall issue a check in the amount of \$22,304.89, made
7 payable to Bullivant Houser Bailey, PC, 11335 Gold Express Drive, Suite 105,
8 Sacramento, California 95670-4491.

9 (b) Claimants John W. Hollis, Judith L. Hollis, and Robert Lewis
10 Brown a.k.a. Matthew Schachter, through their respective counsel, hereby waive
11 any claim as to the \$22,304.89 that shall be returned to Bullivant Houser Bailey,
12 PC.

13 (c) Claimants Bullivant Houser Bailey, PC, John W. Hollis, Judith
14 L. Hollis, Robert Lewis Brown a.k.a. Matthew Schachter, hereby release plaintiff
15 United States of America, and its servants, agents, and employees and all other
16 public entities, their servants, agents, and employees, from any and all liability
17 arising out of or in any way connected with the \$22,304.89 that is subject to this
18 Stipulation. This is a full and final release applying to all unknown and
19 unanticipated injuries, and/or damages arising out of said transfer or forfeiture, as
20 well as to those now known or disclosed. The parties to this agreement agree to
21 waive the provisions of California Civil Code § 1542, which provides: "A general
22 release does not extend to claims which the creditor does not know or suspect to
23 exist in his favor at the time of executing the release, which if known by him must
24 have materially affected his settlement with the debtor."

25 (d) Claimant Bullivant Houser Bailey hereby waives any and all
26 claim or right to interest that may have accrued on the \$22,304.89 which the
27 United States has agreed to return to claimant Bullivant Houser Bailey.
28

1 (e) Bullivant Houser Bailey waives any claim or right to any other
2 assets identified in the Verified Complaint for Forfeiture In Rem in cause number
3 Civ.S-05-0149 WBS KJM (E.D. Cal.) and consents to the entry of a forfeiture
4 judgment against it in that cause with respect to such assets.

5 (f) Bullivant Houser Bailey and the United States agree to bear
6 their own costs and attorneys' fees.

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8
9 DATED: 9/20, 2005. McGREGOR W. SCOTT
United States Attorney

10
11 /s/ Courtney J. Linn
12 COURTNEY J. LINN,
Assistant United States Attorney

13
14 DATED: 4/22, 2005. /s/ Matthew R. Jacobs
15 MATTHEW R. JACOBS, Attorney for
16 Potential Claimants John W. Hollis and
Judith L. Hollis

17 DATED: 6/28, 2005. /s/ Matthew Bockmon
18 MATTHEW BOCKMON,
19 Assistant Federal Public Defender
20 Attorney for Potential Claimant Robert
Lewis Brown a.k.a. Matthew Schachter

21 DATED: 6/28, 2005. /s/ Matthew Schachter
22 Matthew Schachter

23 DATED: 9/21, 2005. /s/ M. Taylor Florence
24 M. TAYLOR FLORENCE, Attorney for
25 Potential Claimant Bullivant Houser Bailey,
26 PC

27 (original signatures retained by attorney)

28

ORDER FOR FINAL JUDGMENT


The Court finding the facts as stipulated by the parties;

IT IS HEREBY ORDERED that Final Judgment be entered with respect to

\$22,304.89 that is the subject of the Stipulation of the parties. No later than thirty (30) days from the date of entry of this Order, that sum shall be returned to claimant Bullivant Houser Bailey, PC, through its attorney, M. Taylor Florence. The United States Department of Treasury shall issue a check in the amount of \$22,304.89, made payable to Bullivant Houser Bailey, PC, 11335 Gold Express Drive, Suite 105, Sacramento, California 95670-4491.

IT IS FURTHER ORDERED that Final Judgment be entered against Claimant Bullivant Houser Bailey with respect to all other assets identified in the Verified Complaint for Forfeiture In Rem in Cause Number Civ.S-05-0149 WBS KJM (E.D. Cal.).

DONE this 21st day of September, 2005.


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

Presented by:

/s/ M. Taylor Florence
M. Taylor Florence
Attorney for Bullivant Houser Bailey, PC

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United States Attorney

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ORDER FOR FINAL JUDGMENT

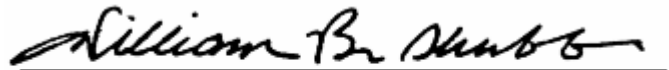
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