

1 BENJAMIN B. WAGNER  
 United States Attorney  
 2 KRISTIN S. DOOR, SBN 84307  
 Assistant United States Attorney  
 3 501 I Street, Suite 10-100  
 Sacramento, CA 95814  
 4 Telephone: (916)554-2723  
 5 Attorneys for Plaintiff  
 United States of America  
 6  
 7

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

11	UNITED STATES OF AMERICA,	)	2:06-CV-02777-FCD-KJM
		)	
12	Plaintiff,	)	FINAL JUDGMENT OF
		)	FORFEITURE
13	v.	)	
		)	
14	APPROXIMATELY \$28,121.22 IN U.S.	)	
	CURRENCY SEIZED FROM BANK OF	)	
15	AMERICA ACCOUNT NO. 03035-08079,	)	
	HELD IN THE NAME OF SMART BUY INC.,	)	
16		)	
	APPROXIMATELY \$1,749.09 IN U.S.	)	
17	CURRENCY SEIZED FROM WASHINGTON	)	
	MUTUAL ACCOUNT NO. 192-009936-3,	)	
18	HELD IN THE NAMES OF TINA MONJAZEB	)	
	AND ALI TAVAF,	)	
19		)	
	APPROXIMATELY \$277.84 IN U.S.	)	
20	CURRENCY SEIZED FROM UNION BANK OF	)	
	CALIFORNIA ACCOUNT NO. 0361162472,	)	
21	HELD IN THE NAME OF LANGROUDI	)	
	FAMILY LIVING TRUST,	)	
22		)	
	APPROXIMATELY \$128,000.00 IN U.S.	)	
23	CURRENCY SEIZED FROM UNION BANK OF	)	
	CALIFORNIA ACCOUNT NO. 797540, HELD	)	
24	IN THE NAME OF LANGROUDI FAMILY	)	
	LIVING TRUST,	)	
25		)	
	APPROXIMATELY \$38,225.00 IN U.S.	)	
26	CURRENCY,	)	
		)	
27	APPROXIMATELY \$4,033.00 IN U.S.	)	
	CURRENCY,	)	
28		)	
	APPROXIMATELY \$1,775.51 IN MONEY	)	

1 ORDERS, )  
2 APPROXIMATELY \$12,520.00 IN U.S. )  
CURRENCY, )  
3 APPROXIMATELY \$1,361.00 IN U.S. )  
4 CURRENCY, AND )  
5 MISCELLANEOUS OTHER TOBACCO )  
PRODUCTS, )  
6 Defendants. )  
7 \_\_\_\_\_ )

8 Pursuant to the Stipulation for Final Judgment of  
9 Forfeiture, the Court finds as follows:

10 1. This is a civil forfeiture action against the above-  
11 captioned assets seized on October 17, 2006, by the Bureau of  
12 Alcohol, Tobacco, Firearms, and Explosives ("ATF").

13 2. A Complaint for Forfeiture In Rem (hereafter  
14 "Complaint") was filed on or about December 8, 2006, seeking the  
15 forfeiture of the defendant assets, alleging that said assets are  
16 subject to forfeiture to the United States pursuant to 18 U.S.C.  
17 §§ 981(a)(1)(A) and 981(a)(1)(C).

18 3. On or about December 8, 2006, the Clerk issued a  
19 Warrant for Arrest of Articles In Rem for the defendant assets,  
20 and that warrant was duly executed on December 22 and 26, 2006,  
21 and January 2, 2007.

22 4. On January 2, 2007, the ATF personally served copies of  
23 the complaint, application and order for publication, warrant for  
24 arrest, order setting status conference, notice of related cases,  
25 court notices, and notice of forfeiture action on Ali Tavaf aka  
26 Ali Langroudi (hereafter "Tavaf") and Tina Monjazez.

27 5. On or about February 1, 8, and 15, 2007, a Public Notice  
28 of Arrest and Seizure of the defendant assets appeared by

1 publication in the Metropolitan News-Enterprise, a newspaper of  
2 general circulation in the county in which the defendant assets  
3 were seized (Los Angeles). The Proof of Publication was filed  
4 with the Court on March 1, 2007.

5 6. Tavaf filed a Statement of Interest on February 3, 2007,  
6 alleging that he has an ownership interest in the defendant  
7 Approximately \$128,000.00 in U.S. currency seized from Union Bank  
8 of California Account No. 797540, held in the name of Langroudi  
9 Family Living Trust.

10 7. Apart from claimant Tavaf, no other parties have filed  
11 claims or answers in this matter and the time for which any  
12 person or entity may file a claim and answer has expired.

13 8. The Clerk of the Court entered a Clerk's Certificate of  
14 Entry of Default against Tina Monjazebe on March 16, 2007.  
15 Pursuant to Local Rule A-540, the United States and claimant  
16 Tavaf thus join in a request that as part of the Final Judgment  
17 of Forfeiture in this case the Court enter a default judgment  
18 against the interest, if any, of Tina Monjazebe without further  
19 notice.

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

22 ORDERED AND ADJUDGED:

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

26 2. That judgment is hereby entered against claimant Tavaf  
27 and all other potential claimants who have not filed claims in  
28 this action.

1           3. That all right, title and interest in the following  
2 defendant assets shall be forfeited to the United States pursuant  
3 to 18 U.S.C. §§ 981(a)(1)(A) and 981(a)(1)(C), to be disposed of  
4 according to law:

5           a. Approximately \$28,121.22 in U.S. currency  
6 seized from Bank of America Account No.  
7 03035-08079, held in the Name of Smart Buy  
8 Inc.,

9           b. Approximately \$1,749.09 in U.S. currency  
10 seized from Washington Mutual Account No.  
11 192-009936-3, held in the names of Tina  
12 Monjazebe and Ali Tavaf,

13           c. Approximately \$277.84 in U.S. currency  
14 seized from Union Bank of California Account  
15 No. 0361162472, held in the name of Langroudi  
16 Family Living Trust,

17           d. Approximately \$128,000.00 in U.S.  
18 currency seized from Union Bank of California  
19 Account No. 797540, held in the name of  
20 Langroudi Family Living Trust,

21           e. Approximately \$38,225.00 in U.S. currency,

22           f. Approximately \$4,033.00 in U.S. currency,

23           g. Approximately \$1,775.51 in Money Orders,

24           h. Approximately \$12,520.00 in U.S. currency,

25           i. Approximately \$1,361.00 in U.S. currency, and

26           j. Miscellaneous Other Tobacco Products.

27           4. That plaintiff United States of America and its  
28 servants, agents, and employees and all other public entities,  
their servants, agents, and employees, are released from any and  
all liability arising out of or in any way connected with the  
arrest, seizure, or forfeiture of the defendant assets. This is  
a full and final release applying to all unknown and  
unanticipated injuries, and/or damages arising out of said  
arrest, seizure, or forfeiture, as well as to those now known or

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

3 5. Claimant Tavaf waives any and all claim or right  
4 to interest that may have accrued on the defendant assets being  
5 forfeited to the United States.

6 6. That pursuant to the stipulation of the parties, and the  
7 allegations set forth in the Complaint filed on or about December  
8 8, 2006, the Court finds that there was reasonable cause for the  
9 seizure and arrest of the defendant assets, and a Certificate of  
10 Reasonable Cause pursuant to 28 U.S.C. § 2465 shall be entered  
11 accordingly.

12 7. That all parties are to bear their own costs and  
13 attorney fees, if any.

14 8. The parties understand that the California State Board  
15 of Equalization may submit a petition for remission to the  
16 Attorney General of the United States, pursuant to the  
17 regulations found at 28 C.F.R. § 9. In the alternative, or in  
18 addition to the petition for remission, the United States  
19 Attorney's Office may submit a restoration request to the  
20 Attorney General of the United States, pursuant to 18 U.S.C. §  
21 981((e)(6), requesting that all or some of the assets being  
22 forfeited be applied to a restitution order, if any, entered  
23 against claimant Tavaf in a related federal criminal prosecution.  
24 Claimant Tavaf understands that the decision to grant the  
25 remission or restoration request lies solely within the Attorney  
26 General's discretion, and that if the Attorney General denies the

27 ///

28 ///

1 remission or restoration request, that decision shall have no  
2 effect on the Stipulation filed herein.

3 SO ORDERED THIS 13th day of November, 2009.

4  
5  
6 

7 \_\_\_\_\_  
FRANK C. DAMRELL, JR.  
UNITED STATES DISTRICT JUDGE

8  
9  
10 CERTIFICATE OF REASONABLE CAUSE

11 Pursuant to the Stipulation for Final Judgment of Forfeiture  
12 filed herein and the allegations set forth in the Complaint filed  
13 December 8, 2006, the Court enters this Certificate of Reasonable  
14 Cause pursuant to 28 U.S.C. § 2465, that there was reasonable  
15 cause for the seizure and arrest of the defendant assets.

16  
17 

18 \_\_\_\_\_  
FRANK C. DAMRELL, JR.  
UNITED STATES DISTRICT JUDGE