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FILED

JAN 13 2014

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY [Signature]
DEPUTY CLERK

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

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 2003 PONTIAC GRAND PRIX, VIN:
1G2WR52163F114111, CALIFORNIA
15 LICENSE 4ZLC890,

16 Defendant.
17

2:07-CV-01153-WBS-DAD

FINAL JUDGMENT OF
FORFEITURE

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

19 1. This is a civil forfeiture action against a 2003 Pontiac Grand Prix, VIN:
20 1G2WR52163F114111, California License 4ZLC890 (hereafter "defendant vehicle") seized
21 on or about January 17, 2007.

22 2. A Verified Complaint for Forfeiture *In Rem* ("Complaint") was filed on or
23 about June 14, 2007, alleging that said defendant vehicle is subject to forfeiture to the
24 United States pursuant to 18 U.S.C. §§ 981(a)(1)(A) and (a)(1)(C).

25 3. On June 15, 2007, the Clerk issued a Warrant for Arrest for the defendant
26 vehicle, and that warrant was duly executed on June 26, 2007.

27 4. On July 26, 2007, a Notice of Arrest and Seizure of the defendant vehicle
28 appeared by publication in the *Record Searchlight*, a newspaper of general circulation in

1 the county in which the defendant vehicle was seized (Shasta County). The Certificate of
2 Publication was filed with the Court on August 6, 2007.

3 5. In addition to Public Notice of Arrest and Seizure, actual notice or attempted
4 notice was given to the following individuals:

5 a. Gloria Giannini

6 b. Allee Enander

7 6. Claimant Gloria Giannini (hereafter "Claimant") filed a Claim on July 30,
8 2007. A Stay of Further Proceedings was entered on September 6, 2007, staying the case
9 pending the resolution of the related criminal case, U.S. v. Gloria Giannini, 2:07-CR-00018-
10 EJG and related appeal. No other parties have filed claims or answers in this matter, and
11 the time in which any person or entity may file a claim and answer has expired.

12 7. The Clerk of the Court entered a Clerk's Certificate of Entry of Default
13 against Allee Enander on January 10, 2014. Pursuant to Local Rule 540, the United States
14 and claimant request that as part of this Final Judgment of Forfeiture the Court enter a
15 default judgment against the interests, if any, of Allee Enander without further notice.

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

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

20 2. That judgment is hereby entered against Claimant Gloria Giannini and all
21 other potential claimants who have not filed claims in this action.

22 3. Payment of \$5,000.00 as the substitute *res* in lieu of the defendant vehicle was
23 not received by the United States on or before January 2, 2014 at 5 pm.

24 4. Upon entry of this Final Judgment of Forfeiture, the Internal Revenue
25 Service ("IRS") shall be authorized to sell the defendant vehicle. After the sale, the IRS
26 will pay gross proceeds up to \$2,000.00 to Claimant. Such payment shall be made by IRS
27 to Claimant, through her counsel of record Daniel Nicholson, within 60 days of the sale of
28 the defendant vehicle. The United States shall receive all remaining amounts. Claimant

1 understands that while the IRS estimates the value of the car to be in excess of \$2,000,
2 should the IRS receive sale proceeds at auction less than \$2,000.00, the IRS would not be
3 required to pay Claimant funds in excess of the sale proceeds received by the IRS.

4 Claimant's payment of \$2,000.00, however, would be paid out of the sale proceeds first,
5 and before other IRS costs such as the storage costs incurred by the IRS. Upon payment
6 of the \$2,000.00 by IRS to Claimant, Claimant agrees that her interest in the defendant
7 vehicle shall terminate, the defendant vehicle shall be forfeited to the United States
8 pursuant to 18 U.S.C. §§ 981(a)(1)(A) and (a)(1)(C), to be disposed of according to law.
9 Any net sale proceeds shall be forfeited to the United States pursuant to 18 U.S.C. §§
10 981(a)(1)(A) and (a)(1)(C).

11 5. The United States and its servants, agents, and employees and all other
12 public entities, their servants, agents, and employees, are released from any and all
13 liability arising out of or in any way connected with the seizure, arrest, or forfeiture of the
14 defendant vehicle. This is a full and final release applying to all unknown and
15 unanticipated injuries, and/or damages arising out of said seizure, arrest, or forfeiture, as
16 well as to those now known or disclosed. The parties waived the provisions of California
17 Civil Code § 1542.

18 6. Pursuant to the stipulation of the parties, and the allegations set forth in the
19 Complaint filed on June 14, 2007, the Court finds that there was reasonable cause for the
20 seizure and arrest of the defendant vehicle, and for the commencement and prosecution of
21 this forfeiture action, and a Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465
22 shall be entered accordingly.

23 7. All parties are to bear their own costs and attorney's fees.

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1 8. The U.S. District Court for the Eastern District of California, Hon. William B.
2 Shubb, District Judge, shall retain jurisdiction to enforce the terms of this Final Judgment
3 of Forfeiture.

4 SO ORDERED THIS 13th day of January, 2014.

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7 WILLIAM B. SHUBB
8 United States District Judge

9 CERTIFICATE OF REASONABLE CAUSE

10 Based upon the allegations set forth in the Complaint filed June 14, 2007, and the
11 Stipulation for Final Judgment of Forfeiture filed herein, the Court enters this Certificate
12 of Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause for the
13 seizure and arrest of the defendant vehicle, and for the commencement and prosecution of
14 this forfeiture action.

15 Dated: 1/13/2014

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17 WILLIAM B. SHUBB
18 United States District Judge
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