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

10
11 UNITED STATES OF AMERICA,) 2:08-CV-02662-GEB-JFM
12 Plaintiff,) AMENDED CONSENT JUDGMENT
13 v.) OF FORFEITURE
14 APPROXIMATELY \$44,324.54 IN U.S.)
15 CURRENCY SEIZED FROM WELLS FARGO)
16 BANK BUSINESS CHECKING ACCOUNT)
17 #XXXX167498, HELD IN THE NAME OF)
18 ABDUL HIRANI DBA BIG D LIQUOR,)
19 APPROXIMATELY \$6,346.51 IN U.S.)
20 CURRENCY SEIZED FROM WELLS FARGO)
21 BANK BUSINESS CHECKING ACCOUNT)
22 #XXXX326144, HELD IN THE NAME OF)
23 HIRANI VALLEY INVEST LLC DBA)
24 HOWARD JOHNSON EXPRESS INN,)
25 APPROXIMATELY \$3,716.60 IN U.S.)
26 CURRENCY SEIZED FROM WELLS FARGO)
27 BANK PERSONAL CHECKING ACCOUNT)
28 #XXXX823521, HELD IN THE NAMES OF)
29 ABDUL HIRANI AND SONIYA HIRANI,)
30 APPROXIMATELY \$27,766.36 IN U.S.)
31 CURRENCY SEIZED FROM WELLS FARGO)
32 BANK BUSINESS CHECKING ACCOUNT)
33 #XXXX166904, HELD IN THE NAME OF)
34 ABDUL HIRANI DBA GIFTS AND SMOKES)
35 4 LESS, AND)
36 APPROXIMATELY \$22,541.19 IN U.S.)
37 CURRENCY SEIZED FROM WELLS FARGO)
38 BANK BUSINESS CHECKING ACCOUNT)

1 #XXXX151791, HELD IN THE NAME OF)
2 ABDUL HIRANI DBA GIFTS AND SMOKES)
3 4 LESS,)
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5 Defendants.)
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5 Pursuant to the Stipulation for Consent Judgment of
6 Forfeiture, the Court finds:

7 1. On June 17, 2008, Magistrate Judge Kimberly J. Mueller
8 authorized the seizure of funds in the above-captioned bank
9 accounts (hereafter "the defendant funds") based upon a finding of
10 probable cause that the defendant funds were subject to forfeiture
11 to the United States based upon violations of 31 U.S.C. §§
12 5324(a)(1) (causing and attempting to cause a domestic financial
13 institution to fail to file a currency transaction report (CTR) and
14 (a)(3) (structuring). See All funds maintained at Wells Fargo Bank
15 business checking account #xxx166904, held in the name of Abdul
16 Hirani dba Gifts and Smokes 4 Less, 2:08-SW-230-KJM, see also 2:08-
17 SW-231-KJM, 2:08-SW-232-KJM, 2:08-SW-233-KJM, and 2:08-SW-234-KJM.
18 On or about June 17, 2008, the Internal Revenue Service, Criminal
19 Investigation ("IRS") executed the seizure warrants against the
20 defendant funds. IRS then commenced administrative forfeiture
21 proceedings, sending direct written notice to all known potential
22 claimants and publishing notice to all others. On or about August
23 11, 2008, the IRS received claims from Abdul Hirani and Soniya
24 Hirani asserting an ownership interest in the Approximately
25 \$44,324.54 in U.S. Currency seized from Wells Fargo Bank business
26 checking account #XXXX167498, held in the name of Abdul Hirani dba
27 Big D Liquor; the Approximately \$6,346.51 in U.S. Currency seized
28 from Wells Fargo Bank business checking account #XXXX326144, held

1 in the name of Hirani Valley Invest LLC dba Howard Johnson Express
2 Inn; the Approximately \$3,716.60 in U.S. Currency seized from Wells
3 Fargo Bank personal checking account #XXXX823521, held in the names
4 of Abdul Hirani and Soniya Hirani; the Approximately \$27,766.36 in
5 U.S. Currency seized from Wells Fargo Bank business checking
6 account #XXXX166904, held in the name of Abdul Hirani dba Gifts and
7 Smokes 4 Less; and the Approximately \$22,541.19 in U.S. Currency
8 seized from Wells Fargo Bank business checking account #XXXX151791,
9 held in the name of Abdul Hirani dba Gifts and Smokes 4 Less. On
10 or about August 13, 2008, IRS received claims from Zulfikar Hirani
11 and Sofia Hirani asserting ownership interests in the Approximately
12 \$44,324.54 in U.S. Currency seized from Wells Fargo Bank business
13 checking account #XXXX167498, held in the name of Abdul Hirani dba
14 Big D Liquor, and the Approximately \$6,346.51 in U.S. Currency
15 seized from Wells Fargo Bank business checking account #XXXX326144,
16 held in the name of Hirani Valley Invest LLC dba Howard Johnson
17 Express Inn.

18 2. If this matter proceeded to trial in a civil forfeiture
19 proceeding the government would show that between June 27, 2007 and
20 March 7, 2008, in the Eastern District of California and elsewhere,
21 Abdul and Soniya Hirani structured transactions by breaking up
22 currency deposits at or below \$10,000.00 to evade the currency
23 transaction requirement in violation of 31 U.S.C. § 5324(a)(3).
24 The evidence would further show that Abdul and Soniya Hirani
25 conducted currency deposit transactions with the intent to cause or
26 attempt to cause a domestic financial institution to fail to file a
27 CTR in violation of 31 U.S.C. § 5324(a)(1). In particular, and as
28 specified in greater detail in the affidavit in support of seizure

1 warrants 2:08-SW-230-KJM, 2:08-SW-231-KJM, 2:08-SW-232-KJM, 2:08-
2 SW-233-KJM, and 2:08-SW-234-KJM, between June 27, 2007 and March 7,
3 2008 at least \$306,919.00 in funds were structured into Wells Fargo
4 bank accounts XXXX166904, XXXX151791, XXXX167498, XXXX326144 and
5 XXXX823521.

6 3. Without admitting the truth of the factual assertions
7 contained above or in the affidavits in support of the seizure
8 warrants, potential claimants specifically denying the same, and
9 for the purpose of reaching an amicable resolution and compromise
10 of this matter and all civil claims arising out of the factual
11 averments made in said documents described above, potential
12 claimants agree that an adequate factual basis exists to support
13 forfeiture of all of the defendant funds. Potential claimants
14 acknowledge that they are the sole owners of the defendant funds
15 and that no other person or entity has any legitimate claim of
16 interest therein. Should any person or entity institute any kind
17 of claim or action against the government with regard to its
18 forfeiture of the defendant funds, the potential claimants agree to
19 hold harmless and indemnify the United States.

20 4. This Court has jurisdiction in this matter pursuant to 28
21 U.S.C. §§ 1345 and 1355, as this is the judicial district in which
22 acts or omissions giving rise to the forfeiture occurred.

23 5. This Court has venue pursuant to 28 U.S.C. § 1395, as this
24 is the judicial district in which the defendant funds were seized.

25 6. The parties herein desire to settle this matter pursuant
26 to the terms of a duly executed Stipulation for Consent Judgment of
27 Forfeiture.

28 Based upon the above findings, and the files and records of

1 the Court, it is hereby ORDERED AND ADJUDGED:

2 7. The Court adopts the Stipulation for Consent Judgment of
3 Forfeiture entered into by and between the parties.

4 8. All right, title, and interest in the defendant funds
5 shall be forfeited to the United States pursuant to 31 U.S.C. §
6 5317(c)(2), to be disposed of according to law.

7 9. Plaintiff United States of America and its servants,
8 agents, and employees and all other public entities, their
9 servants, agents and employees, are released from any and all
10 liability arising out of or in any way connected with the seizure
11 and/or forfeiture of the defendant funds. This is a full and final
12 release applying to all unknown and unanticipated injuries, and/or
13 damages arising out of said seizure and/or forfeiture, as well as
14 to those now known or disclosed. The parties have agreed to waive
15 the provisions of California Civil Code § 1542, which provides: "**A**
16 **general release does not extend to claims which the creditor does**
17 **not know or suspect to exist in his favor at the time of executing**
18 **the release, which if known by him must have materially affected**
19 **his settlement with the debtor.**"

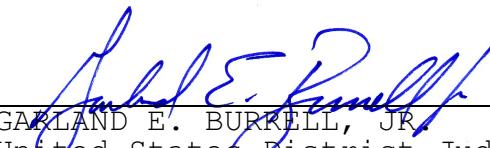
20 10. Pursuant to the Stipulation for Consent Judgment of
21 Forfeiture filed November 10, 2008, the Court finds that there was
22 reasonable cause for the seizure of the defendant funds and a
23 Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465 shall
24 be entered accordingly.

25 11. No portion of the stipulated settlement, including
26 statements or admissions made therein, shall be admissible in any
27 criminal action pursuant to Rules 408 and 410(4) of the Federal
28 Rules of Evidence.

1 12. All parties will bear their own costs and attorneys'
2 fees.

3 IT IS SO ORDERED.

4 Dated: February 4, 2009

5 
6 GARLAND E. BURRELL, JR.
7 United States District Judge

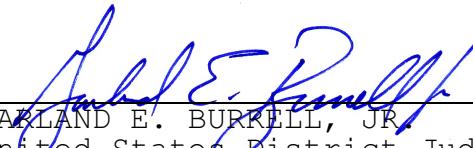
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10 **CERTIFICATE OR REASONABLE CAUSE**

11 Pursuant to the Stipulation for Consent Judgment of Forfeiture
12 filed November 10, 2008, the Court enters this Certificate of
13 Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was
14 reasonable cause for the seizure of the above-described defendant
15 funds.

16 Dated: February 4, 2009

17 
18 GARLAND E. BURRELL, JR.
19 United States District Judge