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 7
 8 IN THE UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA

10
 11 UNITED STATES OF AMERICA,
 12 Plaintiff,
 13 v.

2:08-CV-02752-JAM-CKD
 FINAL JUDGMENT OF
 FORFEITURE

- 14 APPROXIMATELY \$23,770.87 IN U.S.
 CURRENCY SEIZED FROM BANK OF
 15 AMERICA ACCOUNT NO. 0050 1112 8989,
 HELD IN THE NAME OF G&R EMPIRE,
 16 LLC,
 17 APPROXIMATELY \$6,741.29 IN U.S.
 CURRENCY SEIZED FROM BANK OF
 18 AMERICA ACCOUNT NO. 0050 1113 0692,
 HELD IN THE NAME OF PHOENIX CASH
 19 & CARRY, LLC,
 20 APPROXIMATELY \$9,774.73 IN U.S.
 CURRENCY SEIZED FROM BANK OF
 21 AMERICA ACCOUNT NO. 0049 6875 8911,
 HELD IN THE NAME OF IDEAL TOBACCO
 22 WHOLESALE, INC.,
 23 APPROXIMATELY \$7,054.55 IN U.S.
 CURRENCY SEIZED FROM WELLS FARGO
 24 BANK ACCOUNT NO. 671-0134131, HELD
 IN THE NAME OF BITTAR FAMILY
 25 TRUST,
 26 APPROXIMATELY \$31,402.20 IN U.S.
 CURRENCY SEIZED FROM WELLS FARGO
 27 BANK ACCOUNT NO. 091-1704013, HELD
 IN THE NAME OF RAED MOURI AND
 28 LOUDY EGHO,

1 APPROXIMATELY \$29,095.02 IN U.S.
2 CURRENCY SEIZED FROM WELLS FARGO
3 BANK ACCOUNT NO. 071-0335696, HELD
4 IN THE NAME OF BITTAR FAMILY
5 TRUST,

6 APPROXIMATELY 6,954 TOTAL BOXES OF
7 ASSORTED SMOKEABLE OTP EVIDENCE
8 (CONTAINING APPROXIMATELY 431,447
9 UNITS OF SMOKEABLE OTP)
10 RECOVERED FROM IDEAL TOBACCO
11 WHOLESALE,

12 APPROXIMATELY 22 TOTAL BOXES OF
13 SMOKEABLE OTP EVIDENCE
14 (CONTAINING APPROXIMATELY 1,350
15 UNITS OF SMOKEABLE OTP)
16 RECOVERED FROM THE ABF DELIVERY
17 TRUCK AT IDEAL TOBACCO
18 WHOLESALE, AND

19 APPROXIMATELY 87,595 UNITS OF
20 ASSORTED SMOKEABLE OTP EVIDENCE
21 RECOVERED FROM PHOENIX CASH &
22 CARRY,

23 Defendants.

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

25 1. This is a civil forfeiture action against the above captioned assets (hereafter
26 “defendant properties”) seized on or about August 13, 2008.

27 2. A Verified Complaint for Forfeiture *In Rem* (“Complaint”) was filed on
28 November 14, 2008, alleging that the above captioned defendant properties are subject to
forfeiture to the United States pursuant to 18 U.S.C. §§ 981(a)(1)(A) and (a)(1)(C).

1. On or about November 19, 2008, the Clerk issued a Warrant for Arrest for the
defendant properties, and that warrant was executed on November 25, 2008, December 3,
2008, and December 22, 2008.

4. Beginning on December 10, 2008, for at least thirty consecutive days, the
United States published Notice of the Forfeiture Action on the official internet government
forfeiture site www.forfeiture.gov. A Declaration of Publication was filed on February 2,
2009.

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

- 4 a. Raed Mouri
- 5 b. George Bittar
- 6 c. Loudy Egho
- 7 d. Wanda Bittar
- 8 e. Charles Gerken
- 9 f. Phoenix Cash & Carry
- 10 g. Joseph M. Anderson dba Smokin Joes

11 6. Claimants G&R Empire, LLC; Phoenix Cash & Carry, LLC; Raed “Roy” Mouri
12 and Loudy Egho; George Bittar, as trustee of the Bittar Family Trust, dated December 23,
13 2003; George Bittar; and Ideal Tobacco Wholesale, Inc. (“Claimants”), filed Verified Claims
14 on December 23, 2008. This case has been stayed by Court Order pending the resolution of
15 the related criminal case, United States v. Raed Mouri and George Bittar, 2:13-CR-00261-
16 JAM. No other parties have filed claims or answers in this matter, and the time in which
17 any person or entity may file a claim and answer has expired.

18 7. On April 14, 2009, a Stipulation and Order for Interlocutory Sale of Defendant
19 Tobacco Products was entered authorizing the Bureau of Alcohol, Tobacco, Firearms, and
20 Explosives to sell the defendant tobacco products identified in the caption above.

21 8. The Clerk of the Court entered a Clerk’s Certificate of Entry of Default
22 against Charles Gerken on February 25, 2009. The Clerk of the Court entered a Clerk’s
23 Certificate of Entry of Default against Joseph M. Anderson and Wanda Bittar on December
24 12, 2013. Pursuant to Local Rule 540, the United States requests that as part of this Final
25 Judgment of Forfeiture the Court enter a default judgment against the interests, if any, of
26 Charles Gerken, Joseph M. Anderson dba Smokin Joes, and Wanda Bittar without further
27 notice.

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

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

1 2. That judgment is hereby entered against Claimants G&R Empire, LLC;
2 Phoenix Cash & Carry, LLC; Raed “Roy” Mouri and Loudy Egho; George Bittar, as trustee
3 of the Bittar Family Trust, dated December 23, 2003; George Bittar; and Ideal Tobacco
4 Wholesale, Inc., and all other potential claimants who have not filed claims in this action.

5 3. Upon entry of this Final Judgment of Forfeiture, all right, title, and interest
6 of Claimants G&R Empire, LLC; Phoenix Cash & Carry, LLC; Raed “Roy” Mouri and
7 Loudy Egho; George Bittar, as trustee of the Bittar Family Trust, dated December 23,
8 2003; George Bittar; and Ideal Tobacco Wholesale, Inc. in the following defendant
9 properties, together with any interest that may have accrued, shall be forfeited to the
10 United States pursuant to 18 U.S.C. §§ 981(a)(1)(A) and (a)(1)(C), to be disposed of
11 according to law:

- 12 a. Approximately \$23,770.87 in U.S. Currency seized from Bank
13 of America Account No. 0050 1112 8989, held in the name of
 G&R Empire, LLC,
- 14 b. Approximately \$6,741.29 in U.S. Currency seized from Bank of
15 America Account No. 0050 1113 0692, held in the name of
 Phoenix Cash & Carry, LLC,
- 16 c. Approximately \$9,774.73 in U.S. Currency seized from Bank of
17 America Account No. 0049 6875 8911, held in the name of Ideal
 Tobacco Wholesale, Inc.,
- 18 d. Approximately \$1,654.55 of the \$7,054.55 in U.S. Currency
19 seized from Wells Fargo Bank Account No. 671-0134131, held
 in the name of Bittar Family Trust,
- 20 e. Approximately \$31,402.20 in U.S. Currency seized from Wells
21 Fargo Bank Account No. 091-1704013, held in the name of
 Raed Mouri and Loudy Egho,
- 22 f. Approximately \$29,095.02 in U.S. Currency seized from Wells
23 Fargo Bank Account No. 071-0335696, held in the name of
 Bittar Family Trust,
- 24 g. Approximately \$1,122,170.50 in net proceeds from the sale of
25 the approximately 6,954 Total Boxes of Assorted Smokeable
 OTP Evidence (Containing Approximately 431,447 Units of
26 Smokeable OTP) recovered from Ideal Tobacco Wholesale,
- 27 h. Approximately \$3,511.28 in net proceeds from the sale of
28 the approximately 22 Total Boxes of Smokeable OTP Evidence
 (Containing Approximately 1,350 Units of Smokeable OTP)
 recovered from the ABF delivery truck at Ideal Tobacco

Wholesale, and

- 1
2 i. Approximately \$165,811.85 of the \$227,829.89 in net proceeds
3 from the sale of the approximately 87,595 Units of Assorted
4 Smokeable OTP Evidence recovered from Phoenix Cash &
5 Carry and the following tobacco that was not sold:
 - 6
7 1. Approximately 234 full cases, each containing 30 cartons
8 of Smokin Joe's little cigars, assorted flavors and sizes.
9 Each carton contains 12 packs of little cigars with each
10 pack containing 20 individual cigars (7,020 total
11 cartons),
12
13 2. Several partial cases containing a total of 110 cartons of
14 Smokin Joe's little cigars, assorted flavors and sizes,
15
16 3. Approximately 20 and a half cases of American Smokin
17 Joe's cigarette tobacco. Each full case consists of 12
18 aluminum cans containing tobacco weighing 150 grams,
19 and
20
21 4. Approximately 27 cases of Smokin Joe's full flavored
22 cigarette tobacco; each case containing 12-one pound
23 bags of tobacco.

24 4. Upon entry of this Final Judgment of Forfeiture, but no later than 60 days
25 thereafter, the following assets shall be returned to Claimants through their attorney
26 Jeffrey B. Setness:

- 27 a. Approximately \$5,400.00 of the \$7,054.55 in U.S. Currency
28 seized from Wells Fargo Bank Account No. 671-0134131, held in
the name of Bittar Family Trust¹, and
- b. Approximately \$62,018.04 of the \$227,829.89 in net proceeds
from the sale of the approximately 87,595 Units of Assorted
Smokeable OTP Evidence recovered from Phoenix Cash &
Carry.

5. The United States and its 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 seizure, arrest, sale, or forfeiture of
the defendant properties. This is a full and final release applying to all unknown and
unanticipated injuries, and/or damages arising out of said seizure, arrest, sale, or
forfeiture, as well as to those now known or disclosed. The parties waived the provisions of
California Civil Code § 1542.

¹ These funds shall be returned to the children of claimant George Bittar.

