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

11 UNITED STATES OF AMERICA,)	2:09-CV-02926-KJM-DAD
12 Plaintiff,)	FINAL JUDGMENT
13 v.)	OF FORFEITURE
14 2005 HAULMARK FEATHERLITE)	
TRANSPORT DLX TRAILER,)	
15 VIN: 16HGB18226U049374, CALIFORNIA)	
LICENSE NO: 4GU3271,)	
16 2006 HAULMARK FEATHERLITE)	
TRANSPORT DLX TRAILER,)	
17 VIN: 16HGB18206U049373, CALIFORNIA)	
LICENSE NO: 4GU3031, and)	
18 2004 TOYOTA TACOMA SR5 TRUCK,)	
19 VIN: 5TEWN72N04Z464442, CALIFORNIA)	
20 LICENSE NO: 7P49605,)	
21 Defendants.)	

22
 23 Pursuant to the Stipulation for Final Judgment of Forfeiture, the Court finds:
 24 1. This is a civil forfeiture action against the above-captioned assets (hereafter
 25 “defendant properties”) seized on or about May 4, 2009.
 26 2. A Verified Complaint for Forfeiture *In Rem* (“Complaint”) was filed on
 27 October 21, 2009, alleging that said defendant properties are subject to forfeiture to the
 28

1 United States of America pursuant to 21 U.S.C. § 881(a)(4). An *Amended*¹ Verified
2 Complaint for Forfeiture In Rem, (“*Amended Complaint*”) was filed on November 29,
3 2010, alleging that said defendant properties are subject to forfeiture to the United
4 States of America pursuant to 21 U.S.C. § 881(a)(4).

5 3. On or about October 21, 2009, the Clerk issued a Warrant for Arrest for the
6 defendant properties. The warrant for the 2006 Haulmark Featherlite Transport DLX
7 Trailer, VIN: 16HGB18206U049373, California License No: 4GU3031 and the 2004
8 Toyota Tacoma SR5 Truck, VIN: 5TEWN72N04Z464442, California License No:
9 7P49605 was duly executed on November 18, 2009. On or about November 30, 2010,
10 the Clerk issued an *Amended* Warrant for Arrest for the defendant properties. The
11 warrant for the 2005 Haulmark Featherlite Transport DLX Trailer, VIN:
12 16HGB18226U049374, California License No: 4GU3271 was duly executed on
13 December 17, 2010.

14 4. Beginning on October 29, 2009, for at least 30 consecutive days, the United
15 States published Notice of the Forfeiture Action on the official internet government
16 forfeiture site www.forfeiture.gov. A Declaration for Publication was filed on
17 December 3, 2009. Beginning on December 2, 2010, for at least 30 consecutive days,
18 the United States again published Notice of the Forfeiture Action on the official
19 internet government forfeiture site www.forfeiture.gov. A Declaration for Publication
20 was filed on January 20, 2011.

21 5. In addition to the public notice on the official internet government forfeiture
22 site www.forfeiture.gov, actual notice or attempted notice was given to the following
23 individuals:

- 24 a. Robert Thompson
- 25 b. Jacqueline Thompson
- 26 c. Chris Depesa

27
28 ¹ The *Amended* Complaint was filed solely to correct identifying information for
the first defendant listed in the caption above.

1 6. Claimants Robert Thompson and Jacqueline Thompson filed Claims to the
2 defendant properties on November 16, 2009, and an Answer to Verified Complaint on
3 December 2, 2009. No other parties have filed claims or answers in this matter, and
4 the time in which any person or entity may file a claim and answer has expired.

5 7. The Clerk of the Court entered a Clerk's Certificate of Entry of Default
6 against Chris Depesa on March 8, 2011. Pursuant to Local Rule 540, the United States
7 requests that as part of this Final Judgment of Forfeiture the Court enter a default
8 judgment against the interest, if any, of Chris Depesa without further notice.

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

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

13 2. That judgment is hereby entered against claimants Robert Thompson and
14 Jacqueline Thompson and all other potential claimants who have not filed claims in
15 this action.

16 3. Upon entry of this Final Judgment of Forfeiture, the following defendant
17 properties shall be forfeited to the United States pursuant to 21 U.S.C. § 881(a)(4), to
18 be disposed of according to law:

19 a. 2005 Haulmark Featherlite Transport DLX Trailer, VIN:
20 16HGB18226U049374, California, License No: 4GU3271, and

21 b. 2006 Haulmark Featherlite Transport DLX Trailer, VIN:
22 16HGB18206U049373, California License No: 4GU3031.

23 4. Upon entry of this Final Judgment of Forfeiture, but no later than 60 days
24 thereafter, the 2004 Toyota Tacoma SR5 Truck, VIN: 5TEWN72N04Z464442,
25 California License No: 7P49605 shall be returned to claimant Jacqueline Thompson
26 through her attorney Stephen A. Munkelt.

27 5. That the United States and its servants, agents, and employees and all other
28 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, or forfeiture of


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

5 6. That pursuant to the stipulation of the parties, and the allegations set forth
6 in the *Amended* Complaint filed on or about November 29, 2010, the Court finds that
7 there was reasonable cause for the seizure and arrest of the defendant properties, and
8 for the commencement and prosecution of this forfeiture action, and a Certificate of
9 Reasonable Cause pursuant to 28 U.S.C. § 2465 shall be entered accordingly.

10 7. All parties are to bear their own costs and attorneys' fees.

11 8. The U.S. District Court for the Eastern District of California, Hon. Kimberly
12 J. Mueller, District Judge, shall retain jurisdiction to enforce the terms of this Final
13 Judgment of Forfeiture.


14 SO ORDERED THIS 20th day of April 2011.

15 
16 _____
17 UNITED STATES DISTRICT JUDGE

18 CERTIFICATE OF REASONABLE CAUSE

19 Based upon the allegations set forth in the *Amended* Complaint filed November
20 29, 2010, and the Stipulation for Final Judgment of Forfeiture filed herein, the Court
21 enters this Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465, that there
22 was reasonable cause for the seizure or arrest of the defendant properties, and for the
23 commencement and prosecution of this forfeiture action.

24 DATED: April 20, 2011.

25 
26 _____
27 UNITED STATES DISTRICT JUDGE