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11 IN THE UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 APPROXIMATELY \$19,000.00 IN U.S.
17 CURRENCY,

18 APPROXIMATELY \$10,000.00 IN U.S.
19 CURRENCY,

20 APPROXIMATELY \$16,929.00 IN U.S.
21 CURRENCY,

22 ONE 2005 FORD F-150 TRUCK, VIN:
23 1FTPW14515FB11508, CALIFORNIA
24 LICENSE NUMBER: 8A48619,

25 Defendants.

26 2:10-CV-00496-GEB-DAD

PARTIAL FINAL JUDGMENT OF
FORFEITURE (AS TO SOME BUT
NOT ALL DEFENDANT ASSETS)

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

28 1. This is a civil forfeiture action against the Approximately \$19,000.00 in U.S. Currency
and Approximately \$10,000.00 in U.S. Currency (the “Truong defendant currency”) seized on or about
September 16, 2009. The other assets listed in the caption and subject to forfeiture are not part of this
settlement and will be dealt with separately.

29 2. A Verified Complaint for Forfeiture *In Rem* (“Complaint”) was filed on March 1, 2010,
alleging that said Truong defendant currency is subject to forfeiture to the United States pursuant to 21

1 U.S.C. § 881 (a)(6).

2 3. On March 1, 2010, the Clerk issued a Warrant for Arrest for the Truong defendant
3 currency, and that warrant was duly executed on March 1, 2010.

4 4. Beginning on March 6, 2010, for at least 30 consecutive days, the United States
5 published Notice of the Forfeiture Action on the official internet government forfeiture site
6 www.forfeiture.gov. A Declaration of Publication was filed on April 5, 2010.

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

9 a. Vi Quyen Truong
10 b. Gary Truong
10 c. Michelle P. Chan, also known as Pik Lam Chan
11 d. Sherry Hoang

12 6. Claimant Vi Quyen Truong (“claimant”) filed a claim alleging an interest in the Truong
13 defendant currency on March 23, 2010. Claimant Pik Lam Chan filed a claim alleging an interest in the
14 Approximately \$16,929.00 in U.S. Currency on May 3, 2010. Claimant Gary Truong filed a claim
15 alleging an interest in the defendant 2005 Ford F-150 Truck on May 3, 2010. No other parties have
16 filed claims or answers in this matter, and the time in which any person or entity may file a claim and
17 answer has expired.

18 7. Claimant Vi Quyen Truong represents and warrants that he is the sole owner of the
19 Truong defendant currency. No other parties have filed a claim for the Truong defendant currency.

20 8. The Clerk of the Court entered a Clerk's Certificate of Entry of Default against Sherry
21 Hoang on May 21, 2015. Pursuant to Local Rule 540, the United States and claimant thus join in a
22 request that as part of this Partial Final Judgment of Forfeiture the Court enter a default judgment
23 against the interest, if any, of Sherry Hoang without further notice.

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

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

28 2. Judgment is hereby entered against claimant Vi Quyen Truong and all other potential

1 claimants who have not filed claims in this action.

2 3. Upon entry of this Partial Final Judgment of Forfeiture, \$12,350.00 of the
3 Approximately \$19,000.00 in U.S. Currency and \$6,500.00 of the Approximately \$10,000.00 in U.S.
4 Currency, together with any interest that may have accrued on the total amounts seized, shall be
5 forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6), to be disposed of according to law.

6 4. Upon entry of this Partial Final Judgment of Forfeiture, but no later than 60 days
7 thereafter, \$6,650.00 of the Approximately \$19,000.00 in U.S. Currency and \$3,500.00 of the
8 Approximately \$10,000.00 in U.S. Currency shall be returned to claimant Vi Quyen Truong, through
9 his attorney Douglas Horngard.

10 5. The following defendant assets shall remain part of this case and remain subject to
11 forfeiture:

- 12 a. Approximately \$16,929.00 in U.S. Currency, and
- 13 b. One 2005 Ford F-150 Truck, VIN: 1FTPW14515FB11508, California License
Number: 8A48619.

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

20 7. Claimant waived any and all claim or right to interest that may have accrued on the
21 defendant currency.

22 8. All parties are to bear their own costs and attorneys' fees.

23 9. The U.S. District Court for the Eastern District of California, Hon. Garland E. Burrell,
24 Jr., District Judge, shall retain jurisdiction to enforce the terms of this Partial Final Judgment of
25 Forfeiture.

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1 10. Based upon the allegations set forth in the Complaint filed March 1, 2010, and the
2 Stipulation for Final Judgment of Forfeiture filed herein, the Court enters this Certificate of Reasonable
3 Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause for the seizure and arrest of the
4 defendant currency, and for the commencement and prosecution of this forfeiture action.

5 || IT IS SO ORDERED.

6 || Dated: October 2, 2015

GARLAND E. BURRELL, JR.
Senior United States District Judge