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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.

Case No. 2:10-cv-00791 GEB GGH  
**FINAL JUDGMENT IN EMINENT  
 DOMAIN**

14 .41 ACRES OF LAND, MORE OR LESS, IN  
 15 THE COUNTY OF SUTTER; ELIZABETH  
 GIANELLA; SEAN CARBERRY; and  
 16 UNKNOWN OWNERS,  
 17 Defendants.

18 Following a stipulation, filed herein, by and between the defendant remaining in this action,  
 19 Elizabeth Gianella (“Defendant”), and the United States of America (“Plaintiff”), the Court is fully  
 20 informed and finds:

21 1. The subject property is situated in the County of Sutter, State of California, as more  
 22 particularly described in the Complaint and Declaration of Taking filed herein.

23 2. On April 2, 2010, plaintiff filed a Complaint and a Declaration of Taking which describe  
 24 the estate and interests in the subject property condemned by this action, and plaintiff deposited into the  
 25 Court registry \$3,140.00 as estimated just compensation for the taking of such estate and interests.

26 3. The use for which the subject property is taken and condemned is one authorized by law.  
 27 The property and its taking are necessary and suited to that use.

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1           4.       All parties interested directly or indirectly in the subject property have been served with  
2 process, or have appeared in this action. The property, and all claimants and parties interested therein,  
3 are within the jurisdiction of this Court, which has the power and authority to enter this Final Judgment.

4           5.       At the time of and immediately preceding the filing of the Complaint and Declaration  
5 of Taking, defendant was the only person or entity entitled to the compensation to be awarded for the  
6 taking of the estate and interests condemned by this action.

7           6.       The parties have entered into a stipulation in which defendant agrees to accept  
8 \$15,000.00 as just compensation. The Court finds that sum to be full, adequate and just compensation  
9 for the taking of the estate and interests condemned by this action, and for any damages resulting  
10 therefrom.

11          7.       A Notice of Lis Pendens gave notice of the filing of the Complaint and Declaration of  
12 Taking was recorded in the Official Records, County of Sutter, as document number 2010-0006042 on  
13 April 28, 2010. The interests described therein are adopted herein by this reference.

14           NOW THEREFORE IT IS ORDERED, ADJUDGED AND DECREED that judgment is hereby  
15 entered against the United States of America in the amount of \$15,000.00.

16           IT IS FURTHER ORDERED, ADJUDGED AND DECREED that title to the interests  
17 condemned in this action vested in the United States of America free and discharged of all claims and  
18 liens of any kind whatsoever on April 2, 2010, which is the date on which the Declaration of Taking  
19 was filed, and the \$3,140.00 estimated just compensation was deposited into the Court's registry.

20           IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the United States shall  
21 deposit the deficiency of \$11,860.00 into the Court's registry. Thereafter, the Clerk shall distribute  
22 \$15,000.00 by check made payable to "Elizabeth Gianella" and mailed to:

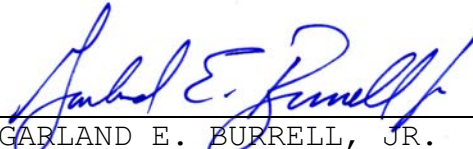
23           Thomas Gianella  
24           Attorney at Law  
25           P.O. Box 881  
26           Yuba City, CA 95992

27           This payment shall be full, adequate and just compensation for the taking of the estate and interests in  
28 the subject property. The Clerk is directed to enter satisfaction of this judgment of record upon the  
payment to defendant.

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the ninety percent of any  
2 interest earned on the estimated just compensation of \$3,140.00 shall be paid to the United States by  
3 check made payable to "Western Area Power Administration" and delivered to the Office of the United  
4 States Attorney for this District, in care of the Civil Division Chief. The Court shall retain the  
5 remaining 10 percent of any interest earned on the estimated just compensation for the Court's registry  
6 fee.

7 The parties shall be responsible for their own legal fees, costs, and expenses.

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9 DATED: 6/14/11

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GARLAND E. BURRELL, JR.  
United States District Judge