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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,

2:10-CV-02763-JAM-AC

13 v.

FINAL JUDGMENT OF FORFEITURE

14 APPROXIMATELY \$28,580.00 IN U.S.  
 CURRENCY,  
 15 APPROXIMATELY \$16,039.00 IN U.S.  
 16 CURRENCY, and  
 17 APPROXIMATELY \$30,000.00 IN U.S.  
 CURRENCY SEIZED FROM BANK OF  
 18 AMERICA SAFE DEPOSIT BOX 1481C,  
 19 Defendants.

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

21 1. This is a civil action *in rem* brought against Approximately \$28,580.00 in U.S.  
 22 Currency, Approximately \$16,039.00 in U.S. Currency, and Approximately \$30,000.00 in U.S.  
 23 Currency seized from Bank of America Safe Deposit Box 1481C (hereafter collectively “defendant  
 24 currency”), which was seized on April 20, 2010.

25 2. A Verified Complaint for Forfeiture *In Rem* (“Complaint”) was filed on October 12,  
 26 2010, alleging that said defendant currency is subject to forfeiture to the United States pursuant to 21  
 27 U.S.C. § 881(a)(6).  
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1           3.       On October 13, 2010, the Clerk issued a Warrant for Arrest for the defendant currency  
2 and that warrant was duly executed on October 14, 2010.

3           4.       Beginning on October 20, 2010, for at least 30 consecutive days, the United States  
4 published Notice of the Forfeiture Action on the official internet government forfeiture site  
5 [www.forfeiture.gov](http://www.forfeiture.gov). A Declaration of Publication was filed on November 23, 2017.

6           5.       In addition to the public notice on the official internet government forfeiture site  
7 [www.forfeiture.gov](http://www.forfeiture.gov), actual notice or attempted notice was given to the following individual(s):

- 8           a.       Tac Che
- 9           b.       Sally Che
- c.       Sinh Ngo
- 10          d.       Pao Thao

11          6.       Claimants Tac Che, Sally Che, Sinh Ngo and Pao Thao filed claims alleging an interest  
12 in the defendant currency on November 16, 2010 and claimants filed answers on December 6, 2010.

13          7.       No other parties have filed claims or answers in this matter, and the time in which any  
14 person or entity may file a claim and answer has expired.

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

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

19          9.       Judgment is hereby entered against claimants Tac Che, Sally Che, Sinh Ngo and Pao and  
20 all other potential claimants who have not filed claims in this action.

21          10.       Upon entry of a Final Judgment of Forfeiture, the Approximately \$16,039.00 in U.S.  
22 Currency and the Approximately \$30,000.00 in U.S. Currency seized from Bank of America Safe  
23 Deposit Box 1481C, together with any interest that may have accrued on the total amount seized, shall  
24 be forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6), to be disposed of according to law.

25          11.       Upon entry of a Final Judgment of Forfeiture herein, but no later than 60 days thereafter,  
26 Approximately \$28,580.00 in U.S. Currency shall be returned to claimants Tac Che, Sally Che, Sinh  
27 Ngo and Pao Thao, through their attorney Kenny N. Giffard.

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

7           13.     Claimants waive any and all claim or right to interest that may have accrued on the  
8 defendant currency.

9           14.     All parties are to bear their own costs and attorneys' fees.

10          15.     The U.S. District Court for the Eastern District of California, Hon. John A. Mendez,  
11 District Judge, shall retain jurisdiction to enforce the terms of this Final Judgment of Forfeiture.

12          16.     Based upon the allegations set forth in the Complaint filed October 12, 2010, and the  
13 Stipulation for Final Judgment of Forfeiture filed herein, the Court enters this Certificate of Reasonable  
14 Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause for the seizure and arrest of the  
15 defendant currency, and for the commencement and prosecution of this forfeiture action.

16                SO ORDERED THIS 29<sup>th</sup> day of January, 2018.

17    /s/ John A. Mendez  
18    JOHN A. MENDEZ  
19    United States District Court Judge  
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