

1 BENJAMIN B. WAGNER
 United States Attorney
 2 ROBIN R. TAYLOR
 Assistant U.S. Attorney
 3 501 I Street, Suite 10-100
 Sacramento, CA 95814
 4 Telephone: (916) 554-2700

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

9 UNITED STATES OF AMERICA,) 2:10-MC-00044-JAM-KJN
 10)
 Plaintiff,)
 11)
 v.)
 12) CONSENT JUDGMENT
 APPROXIMATELY \$2,147.00 IN) OF FORFEITURE
 13 U.S. CURRENCY, and)
)
 14 MISCELLANEOUS COUNTERFEIT)
 GOODS LISTED IN EXHIBIT A,)
 15)
 Defendants.)
 16)
 17)

18 Pursuant to the Stipulation for Consent Judgment of
 19 Forfeiture, the Court finds:
 20 1. On November 13, 2008, a Grand Jury in the Eastern
 21 District of California charged Yi Niu with a violation of 18
 22 U.S.C. § 2320(a) - Trafficking in Counterfeited Goods. The
 23 Indictment also contained a forfeiture allegation. On April 16,
 24 2010, Niu plead to misprision of a felony in violation of 18
 25 U.S.C. § 4.
 26 2. If this matter proceeded to trial in a civil forfeiture
 27 proceeding the government would show that from on or about April
 28 2008, through on or about October 28, 2008, in the Eastern
 District of California, Niu intentionally trafficked and attempted

1 to traffic in goods, namely counterfeited sunglasses, jewelry and
2 other items, knowingly using a counterfeited mark on and in
3 connection with such goods, to wit, the spurious marks of Chanel,
4 LaCoste, BeBe, Ed Hardy, Ray Ban, Gucci, Louis Vuitton, Coach,
5 Versace, and others, which counterfeit marks were identical with
6 and substantially indistinguishable from genuine marks in use and
7 registered for those goods on the principal register in the United
8 States Patent and Trademark Office, the use of which marks was
9 likely to cause confusion, to cause mistake, and to deceive, in
10 violation of 18 U.S.C. § 2320(a).

11 3. The Approximately \$2,147.00 in U.S. Currency ("defendant
12 currency") constitutes or is derived from proceeds obtained
13 directly or indirectly as a result of the commission of a
14 violation of 18 U.S.C. § 2320(a). The Miscellaneous Counterfeit
15 Goods listed in Exhibit A attached hereto and incorporated herein,
16 constitute property used, in any manner or part to commit or
17 facilitate the commission of a violation of 18 U.S.C. § 2320(a).

18 4. Without admitting the truth of the factual assertions
19 contained herein, Niu specifically denying the same, and for the
20 purpose of reaching an amicable resolution and compromise of this
21 matter, Niu agrees that an adequate factual basis exists to
22 support forfeiture of the defendant currency and the Miscellaneous
23 Counterfeit Goods listed in Exhibit A. Niu hereby acknowledges
24 that he is the sole owner of the defendant currency and the
25 Miscellaneous Counterfeit Goods listed in Exhibit A, and that no
26 other person or entity has any legitimate claim of interest
27 therein. Should any person or entity institute any kind of claim
28 or action against the government with regard to its forfeiture of

1 the defendant currency and the Miscellaneous Counterfeit Goods
2 listed in Exhibit A, Niu agrees to hold harmless and indemnify the
3 United States.

4 5. This Court has jurisdiction in this matter pursuant to 28
5 U.S.C. §§ 1345 and 1355, as this is the judicial district in which
6 acts or omissions giving rise to the forfeiture occurred.

7 6. This Court has venue pursuant to 28 U.S.C. § 1395, as
8 this is the judicial district in which the defendant currency and
9 the Miscellaneous Counterfeit Goods listed in Exhibit A were
10 seized.

11 7. The parties herein desire to settle this matter pursuant
12 to the terms of a duly executed Stipulation for Consent Judgment
13 of Forfeiture.

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

16 8. The Court adopts the Stipulation for Consent Judgment of
17 Forfeiture entered into by and between the parties.

18 9. All right, title, and interest in the defendant currency
19 and the Miscellaneous Counterfeit Goods listed in Exhibit A shall
20 be forfeited to the United States pursuant to 18 U.S.C. § 2323(a),
21 to be disposed of according to law. Pursuant to 18 U.S.C. §
22 2323(a)(2), the Court shall order that any forfeited article or
23 component of an article bearing or consisting of a counterfeit
24 mark be destroyed or otherwise disposed of according to law.

25 10. Plaintiff United States of America and its servants,
26 agents, and employees and all other public entities, their
27 servants, agents and employees, are released from any and all
28 liability arising out of or in any way connected with the seizure

1 and forfeiture of the defendant currency and the Miscellaneous
2 Counterfeit Goods listed in Exhibit A. This is a full and final
3 release applying to all unknown and unanticipated injuries, and/or
4 damages arising out of said seizure and/or forfeiture, as well as
5 to those now known or disclosed. The parties have agreed to waive
6 the provisions of California Civil Code § 1542.

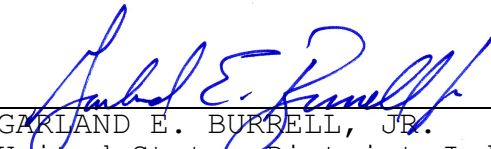
7 11. Pursuant to the Stipulation for Consent Judgment of
8 Forfeiture filed herein, the Court finds that there was reasonable
9 cause for the seizure of the defendant currency and the
10 Miscellaneous Counterfeit Goods listed in Exhibit A and a
11 Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465 shall
12 be entered accordingly.

13 12. No portion of the stipulated settlement, including
14 statements or admissions made therein, shall be admissible in any
15 criminal action pursuant to Rules 408 and 410(4) of the Federal
16 Rules of Evidence. The settlement was entered into by plaintiff
17 United States and potential claimant Niu for the purpose of
18 compromising disputed claims under 18 U.S.C. § 2323, and should
19 not be construed as, an admission of guilt or criminal culpability
20 on the part of potential claimant Niu.

21 13. All parties will bear their own costs and attorneys'
22 fees.

23 IT IS SO ORDERED.

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25 Dated: May 18, 2010

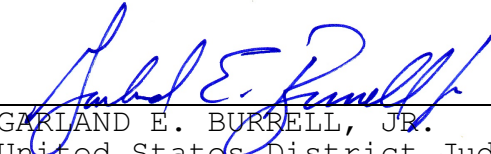
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GARLAND E. BURRELL, JR.
United States District Judge

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CERTIFICATE OF REASONABLE CAUSE

Pursuant to the Stipulation for Consent Judgment of Forfeiture filed herein, the Court enters this Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause for the seizure of the above-described defendant currency and the Miscellaneous Counterfeit Goods listed in Exhibit A.

Dated: May 18, 2010



GARLAND E. BURRELL, JR.
United States District Judge

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Exhibit A

1. Approximately 8 Baby Phat Sunglasses,
2. Approximately 45 Bebe Sunglasses,
3. Approximately 2 Chanel Earrings,
4. Approximately 24 Chanel Key Chains,
5. Approximately 1 Chanel Necklace,
6. Approximately 1 Chanel Ring,
7. Approximately 17 Chanel Sunglasses,
8. Approximately 1 Christian Dior Bracelet,
9. Approximately 3 Christian Dior Sunglasses,
10. Approximately 11 Coach Key Chains,
11. Approximately 69 Coach Sunglasses,
12. Approximately 2 DKNY Necklaces,
13. Approximately 15 Dolce & Gabbana Sunglasses,
14. Approximately 34 Ed Hardy Belts,
15. Approximately 43 Ed Hardy Handbags,
16. Approximately 33 Ed Hardy Hats,
17. Approximately 312 Ed Hardy Shirts,
18. Approximately 20 Ed Hardy Sunglasses,
19. Approximately 76 Ed Hardy Sweat Shirts,
20. Approximately 1 Pair Escada Sunglasses,
21. Approximately 5 Fendi Sunglasses,
22. Approximately 10 Gucci Sunglasses,
23. Approximately 3 Juicy Couture Earrings,
24. Approximately 4 Juicy Couture Necklaces,
25. Approximately 29 Juicy Couture Sunglasses,
26. Approximately 1 Pair Lacoste Sunglasses,
27. Approximately 1 Pair Oakley Sunglasses,
28. Approximately 9 Ray Ban Sunglasses,
29. Approximately 1 Sanrio Key Chain,
30. Approximately 10 Tiffany & Co. Bracelets,
31. Approximately 2 Tiffany & Co. Necklaces, and
32. Approximately 7 Versace Sunglasses.