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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 APROXIMATELY \$35,000.00 in U.S.
CURRENCY,

15 Defendant.
16

2:12-MC-00013-GEB-GGH

CONSENT JUDGMENT OF
FORFEITURE

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18 Pursuant to the Stipulation for Consent Judgment of Forfeiture, the Court finds:

19 1. On September 2, 2011, the defendant approximately \$35,000.00 in U.S.
20 Currency ("defendant currency") was seized at the Sacramento Executive Airport on
21 Freeport Boulevard in Sacramento, California. The defendant currency was seized
22 from Edwin Movagharian's satchel bag after he landed his private plane at the
23 Sacramento Executive Airport. The Drug Enforcement Administration ("DEA")
24 commenced administrative forfeiture proceedings, sending direct written notice to all
25 known potential claimants and publishing notice to all others. On or about November
26 29, 2011, the DEA received a claim from Edwin Movagharian asserting an ownership
27 interest in the defendant currency.

28 2. The United States represents that it could show at a forfeiture trial that

1 on September 2, 2011, DEA agents observed the private aircraft land at Sacramento
2 Executive Airport and taxi to the Sacramento Executive Jet Terminal. Movagharian
3 then disembarked the plane with a small bag in his hand, at which point DEA agents
4 approached Movagharian and identified themselves as law enforcement agents.
5 Movagharian spoke with agents who subsequently searched the bag and discovered the
6 \$35,000.00 in bundled cash (the “defendant currency”) in Movagharian’s bag.

7 3. The United States could further show that while at the airport, DEA
8 agents requested a drug dog from the California Highway Patrol (“CHP”). The United
9 States asserts that the CHP drug dog positively alerted to the presence of the odor of
10 narcotics on the defendant currency and the original bag containing the defendant
11 currency.

12 4. The United States asserts that it could further show at a forfeiture trial
13 that the defendant currency is forfeitable to the United States pursuant to 21 U.S.C. §
14 881(a)(6).

15 5. Without admitting the truth of the factual assertions contained above,
16 Edwin Movagharian specifically denying the same, and for the purpose of reaching an
17 amicable resolution and compromise of this matter, Edwin Movagharian agrees that an
18 adequate factual basis exists to support forfeiture of the defendant currency. Edwin
19 Movagharian hereby acknowledges that he is the sole owner of the defendant currency,
20 and that no other person or entity has any legitimate claim of interest therein. Should
21 any person or entity institute any kind of claim or action against the United States
22 with regard to the forfeiture of the defendant currency, Edwin Movagharian shall hold
23 harmless and indemnify the United States, as set forth below.

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

27 7. This court has venue pursuant to 28 U.S.C § 1395, as this is the judicial
28 district in which the defendant currency was seized.

1 8. The parties herein desire to settle this matter pursuant to the terms of a
2 duly executed Stipulation for Consent Judgment of Forfeiture.

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

5 9. The court adopts the Stipulation for Consent Judgment of Forfeiture
6 entered into by and between the parties.

7 10. Upon entry of this Consent Judgment of Forfeiture, \$25,000.00 of the
8 \$35,000.00 in U.S. Currency, together with any interest that may have accrued on that
9 amount, shall be forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6), to be
10 disposed of according to law.

11 11. Upon entry of this Consent Judgment of Forfeiture, but no later than sixty
12 days thereafter, \$10,000.00 of the \$35,000.00 in U.S. Currency, together with any
13 interest that may have accrued on that amount, shall be returned to potential claimant
14 Edwin Movagharian through attorney Janet Sherman.

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

22 13. Pursuant to the Stipulation for Consent Judgment of Forfeiture filed
23 herein, the Court finds that there was reasonable cause for the seizure of the defendant
24 currency and a Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465 shall be
25 entered accordingly.

26 14. No portion of the stipulated settlement, including statements or
27 admissions made therein, shall be admissible in any criminal action.

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