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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.

2:13-MC-00053-TLN-EFB
 CONSENT JUDGMENT OF
 FORFEITURE

14 APPROXIMATELY \$237,600.00 SEIZED
 FROM WELLS FARGO BANK ACCOUNT
 15 NUMBER 9553734865, HELD IN THE
 NAME OF TRIPLE A’S SPORTING GOODS,
 16 and
 17 APPROXIMATELY \$1,151.96 SEIZED
 FROM WELLS FARGO BANK ACCOUNT
 18 NUMBER 3445818432, HELD IN THE
 NAME OF ARIS C. TOLEDO,
 19 Defendants.
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 22 Pursuant to the Stipulation for Consent Judgment of Forfeiture, the Court finds:

23 1. On January 3, 2013, the Internal Revenue Service – Criminal Investigation
 24 (“IRS”), executed Federal seizure warrants at Wells Fargo Bank located at 3001 Capitol
 25 Avenue, Sacramento, California. The agents seized Approximately \$237,600.00 from
 26 Wells Fargo Bank Account Number 9553734865, held in the name of Triple A’s Sporting
 27 Goods and Approximately \$1,151.96 from Wells Fargo Bank Account Number
 28 3445818432, held in the name of Aris C. Toledo (hereafter “defendant funds”). The IRS

1 then commenced administrative forfeiture proceedings, sending direct written notice to
2 all known potential claimants and publishing notice to all others. On or about March 1,
3 2013, the IRS received a claim from Aris C. Toledo asserting an ownership interest in the
4 defendant funds.

5 2. The United States represents that it could show at a forfeiture trial that
6 between May 7, 2012 and August 28, 2012, in the Eastern District of California, Aris C.
7 Toledo or another person acting for his benefit, structured transactions by breaking up
8 currency deposits at or below \$10,000.00 to evade the currency transaction requirement
9 in violation of 31 U.S.C. § 5324(a)(3). In particular, and as specified in greater detail in
10 the affidavit in support of seizure warrants 2:13-SW-0001-AC and 2:13-SW-0002-AC,
11 between May 7, 2012 and August 28, 2012, \$207,500 in currency was structured into
12 Wells Fargo Bank personal account number 3445818432 and \$237,600 in currency was
13 structured into Wells Fargo Bank business account number 9553734865.

14 3. The United States could further show at a forfeiture trial that the defendant
15 funds are forfeitable to the United States pursuant to 31 U.S.C. § 5317(c)(2)
16 (incorporating the procedures of 18 U.S.C. § 981(a)(1)(A) and 18 U.S.C. § 984).

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

26 5. This Court has jurisdiction in this matter pursuant to 28 U.S.C. §§ 1345 and
27 1355, as this is the judicial district in which acts or omissions giving rise to the forfeiture
28 occurred.

1 6. This Court has venue pursuant to 28 U.S.C. § 1395, as this is the judicial
2 district in which the defendant funds were seized.

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

5 Based upon the above findings, and the files and records of the Court, it is hereby
6 **ORDERED AND ADJUDGED:**

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

9 9. Upon entry of this Consent Judgment of Forfeiture, \$165,100.00 of the
10 \$237,600.00 seized from Wells Fargo Bank Account Number 9553734865 and \$1,151.96
11 seized from Wells Fargo Bank Account Number 3445818432, together with any interest
12 that may have accrued on the total amount seized, shall be forfeited to the United States
13 pursuant to 31 U.S.C. § 5317(c)(2), 18 U.S.C. § 981(a)(1)(A) and 18 U.S.C. § 984, to be
14 disposed of according to law.

15 10. Upon entry of this Consent Judgment of Forfeiture, but no later than 60
16 days thereafter, \$72,500.00 of the \$237,600.00 seized from Wells Fargo Bank Account
17 Number 9553734865 shall be returned to potential claimant Aris C. Toledo through
18 attorney Dirk L. Manoukian.

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

26 12. Pursuant to the Stipulation for Consent Judgment of Forfeiture filed herein,
27 the Court finds that there was reasonable cause for the seizure of the defendant funds
28 and a Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465 shall be entered

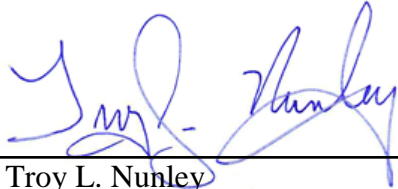
1 accordingly.

2 13. No portion of the stipulated settlement, including statements or admissions
3 made therein, shall be admissible in any criminal action pursuant to Rules
4 408 and 410(a)(4) of the Federal Rules of Evidence.

5 14. All parties will bear their own costs and attorney's fees.

6 IT IS SO ORDERED.

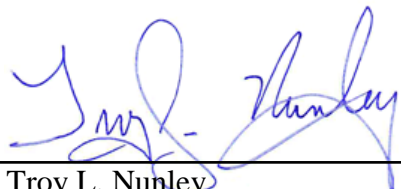
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8 DATED: July 30, 2013


Troy L. Nunley
United States District Judge

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11 **CERTIFICATE OF REASONABLE CAUSE**

12 Pursuant to the Stipulation for Consent Judgment of Forfeiture filed herein, the
13 Court enters this Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465, that
14 there was reasonable cause for the seizure of the above-described defendant funds.

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17 DATED: July 30, 2013


Troy L. Nunley
United States District Judge