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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.

14 APPROXIMATELY \$7,573.00 IN U.S.
CURRENCY,

15 1991 MERCEDES 500SL,
16 VIN: WDBFA66E7MF036394, LICENSE
NUMBER: 3LKE699,

17 1993 FORD EXPLORER XLT,
18 VIN: 1FMDU34X7PUA50181, LICENSE
NUMBER: 3NIU965, and

19 MISCELLANEOUS ELECTRONIC
20 EQUIPMENT,

21 Defendants.

2:14-MC-00027-WBS-AC

CONSENT JUDGMENT OF
FORFEITURE

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

23 1. On April 11, 1996, the Federal Bureau of Investigation (“FBI”) seized
24 Approximately \$7,573.00 in U.S. Currency; 1991 Mercedes 500SL, VIN:
25 WDBFA66E7MF036394, License Number: 3LKE699; 1993 Ford Explorer XLT,
26 VIN: 1FMDU34X7PUA50181, License Number: 3NIU965; and Miscellaneous Electronic
27 Equipment (the “defendant assets”).
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1 2. The FBI commenced administrative forfeiture proceedings, sending direct
2 notice to all known potential claimants and publishing notice to all others. On August 26,
3 1996 and October 18, 1996, Linda Chan filed claims to the defendant assets and submitted
4 cost bonds to the FBI pursuant to 19 U.S.C. §§ 1607 and 1608.

5 3. An Indictment was filed on August 2, 1996 in *United States v. John That*
6 *Luong, et al.*, 2:96-CR-00350-WBS, charging Mady Chan, Linda Chan, and others with
7 violations of 18 U.S.C. § 1956(h) - conspiracy to launder monetary instruments; 18 U.S.C.
8 § 1956(a)(1)(B)(i) and (ii) - laundering of monetary instruments; and 18 U.S.C. § 1957(a) -
9 engaging in monetary transactions in property derived from specified unlawful activity.
10 On July 10, 1998, a Superseding Indictment was filed charging Mady Chan, Linda Chan,
11 and others with violations of 18 U.S.C. § 1956(h), 18 U.S.C. § 1956(a)(1)(B)(i) and (ii), and
12 18 U.S.C. § 1957(a).

13 4. The United States represents that it could show at a forfeiture trial that
14 Mady Chan and Linda Chan conspired with others to launder monetary instruments from
15 approximately June 1994 to August 1996 using the proceeds of specified unlawful
16 activity, specifically, proceeds from microchip robberies and illegal drug sales. In
17 addition, Mady Chan and Linda Chan conducted financial transactions affecting
18 interstate commerce with proceeds obtained from these two sources, knowing that the
19 transactions were designed in whole or in part to conceal and disguise the nature,
20 location, source, ownership, and control of the proceeds¹. The defendant assets were
21 involved in or are traceable to violations of 18 U.S.C. §§ 1956(h), 1956(a)(1)(B)(i) and (ii),
22 and 1957(a).

23 5. The United States could further show at a forfeiture trial that the defendant
24 assets are forfeitable to the United States pursuant to 18 U.S.C §§ 981(a)(1)(A) and
25 (a)(1)(C).

26 6. Without admitting the truth of the factual assertions contained above, Mady
27 Chan and Linda Chan aka Linda Luong specifically denying the same, and for the

28 ¹ A further factual basis is attached to the plea agreement of Mady Chan, 2:96-CR-00350-WBS.

1 purpose of reaching an amicable resolution and compromise of this matter, Mady Chan
2 and Linda Chan aka Linda Luong agree that an adequate factual basis exists to support
3 forfeiture of the defendant assets. Mady Chan and Linda Chan aka Linda Luong
4 acknowledged that they are the sole owners of the defendant assets, and that no other
5 person or entity has any legitimate claim of interest therein. Should any person or entity
6 institute any kind of claim or action against the government with regard to its forfeiture
7 of the defendant assets, Mady Chan and Linda Chan aka Linda Luong shall hold
8 harmless and indemnify the United States, as set forth below.

9 7. This Court has jurisdiction in this matter pursuant to 28 U.S.C. §§ 1345 and
10 1355, as this is the judicial district in which acts or omissions giving rise to the forfeiture
11 occurred.

12 8. This Court has venue pursuant to 28 U.S.C. § 1395, as this is the judicial
13 district in which the defendant assets were seized.

14 9. The parties herein desire to settle this matter pursuant to the terms of a duly
15 executed Stipulation for Consent Judgment of Forfeiture.

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

18 10. The Court adopts the Stipulation for Consent Judgment of Forfeiture entered
19 into by and between the parties.

20 11. All right, title and interest in defendant Approximately \$7,573.00 in U.S.
21 Currency, together with any interest that may have accrued; 1991 Mercedes 500SL, VIN:
22 WDBFA66E7MF036394, License Number: 3LKE699; 1993 Ford Explorer XLT,
23 VIN: 1FMDU34X7PUA50181, License Number: 3NIU965; and Miscellaneous Electronic
24 Equipment shall be forfeited to the United States pursuant to 18 U.S.C §§ 981(a)(1)(A)
25 and (a)(1)(C), to be disposed of according to law.

26 12. The cost bonds submitted by Linda Chan shall be forfeited to the United
27 States, to be disposed of according to law.

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

8 14. No portion of the stipulated settlement, including statements or admissions
9 made therein, shall be admissible in any criminal action pursuant to Rules 408 and
10 410(a)(4) of the Federal Rules of Evidence.


11 15. All parties will bear their own costs and attorneys' fees.

12 CERTIFICATE OF REASONABLE CAUSE

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

16 IT IS SO ORDERED.

17 Dated: March 5, 2014

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19 WILLIAM B. SHUBB
20 UNITED STATES DISTRICT JUDGE
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