

1 BENJAMIN B. WAGNER  
 United States Attorney  
 2 KEVIN C. KHASIGIAN  
 Assistant U. S. Attorney  
 3 501 I Street, Suite 10-100  
 Sacramento, CA 95814  
 4 Telephone: (916) 554-2700  
 5 Attorneys for the United States

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 7  
 8 IN THE UNITED STATES DISTRICT COURT  
 9 EASTERN DISTRICT OF CALIFORNIA

10  
 11 UNITED STATES OF AMERICA,

2:14-MC-00114-MCE-AC

12 Plaintiff,

CONSENT JUDGMENT OF FORFEITURE

13 v.

14 APPROXIMATELY \$10,707.87 SEIZED FROM  
 FIRST BANK CHECKING ACCOUNT  
 15 NUMBER 9417915527, HELD IN THE NAME  
 OF COST U LESS CARS, INC.,

16 2008 BMW 528I, VIN: WBANU53538CT09595,  
 17 LICENSE NUMBER: WL33, and

18 2006 BMW 750I, VIN: WBAHL83586DT01002,  
 LICENSE NUMBER: 5PDN702,

19 Defendants.  
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21 Pursuant to the signed Stipulation for Consent Judgment of Forfeiture (ECF No. 9), the Court  
 22 finds:

23 1. On or about June 19, 2014, agents with the Internal Revenue Service – Criminal  
 24 Investigations (“IRS-CI”) executed federal seizure warrants and seized Approximately \$10,707.87 from  
 25 First Bank checking account number 9417915527, held in the name of Cost U Less Cars, Inc. (the  
 26 “defendant funds”); a 2008 BMW 528i, VIN: WBANU53538CT09595, License Number: WL33; and a  
 27 2006 BMW 750i, VIN: WBAHL83586DT01002, License Number: 5PDN702 (the “defendant vehicles”)  
 28 (hereafter collectively the "defendant properties").

1           2.     The IRS-CI commenced administrative forfeiture proceedings, sending direct written  
2 notice to all known potential claimants and publishing notice to all others. On or about August 7, 2014,  
3 the IRS-CI received a claim from Hani Ataya asserting an ownership interest in the defendant  
4 properties.

5           3.     The United States represents that it could show at a forfeiture trial that on or about  
6 June 19, 2014, agents with the IRS-CI executed a federal seizure warrant at First Bank checking  
7 account number 9417915527, held in the name of Cost U Less Cars, Inc. in the Eastern District of  
8 California and seized the defendant funds. Agents believe that the defendant funds were involved in or  
9 are traceable to property involved in violations of 31 U.S.C. § 5324(a)(1) (causing or attempting to  
10 cause a financial institution to fail to file a required report) and 31 U.S.C. § 5324 (a)(3) (structuring)  
11 and are subject to civil forfeiture.

12          4.     The United States could further show at a forfeiture trial that the defendant funds are  
13 forfeitable to the United States pursuant to 31 U.S.C. § 5317(c)(2).

14          5.     The United States represents that it could show at a forfeiture trial that on or about  
15 June 19, 2014, agents with the IRS-CI executed federal seizure warrants in the Eastern District of  
16 California and seized the defendant vehicles. Agents believe that the defendant vehicles were involved  
17 in a transaction or attempted transaction in violation of 18 U.S.C. § 1956(a)(3) (the “Sting” Provision)  
18 and are subject to civil forfeiture.

19          6.     The United States could further show at a forfeiture trial that the defendant vehicles are  
20 forfeitable to the United States pursuant to 18 U.S.C. § 981(a)(1)(A).

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

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

3           9.       This Court has venue pursuant to 28 U.S.C. § 1395, as this is the judicial district in  
4 which the defendant funds and the defendant vehicles were seized.

5           10.      The parties herein desire to settle this matter pursuant to the terms of a duly executed  
6 Stipulation for Consent Judgment of Forfeiture.

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

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

11          12.      Upon entry of this Consent Judgment of Forfeiture, Approximately \$10,707.87 seized  
12 from First Bank checking account number 9417915527, held in the name of Cost U Less Cars, Inc.,  
13 together with any interest that may have accrued on the entire amount seized, shall be forfeited to the  
14 United States pursuant to 31 U.S.C. § 5317(c)(2), to be disposed of according to law.

15          13.      Upon entry of this Consent Judgment of Forfeiture, but no later than 60 days thereafter,  
16 the 2008 BMW 528i, VIN: WBANU53538CT09595, License Number: WL33; and the 2006 BMW  
17 750i, VIN: WBAHL83586DT01002, License Number: 5PDN702, shall be returned to potential  
18 claimant Hani Ataya through his attorney Patrick K. Hanly.

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


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

28          16.      All parties will bear their own costs and attorney's fees.

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

4           IT IS SO ORDERED.

5 Dated: September 8, 2015

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8 MORRISON C. ENGLAND, JR., CHIEF JUDGE  
9 UNITED STATES DISTRICT COURT  
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