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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 2014 PORSCHE PANAMERA S; VIN:
 WP0AB2A75EL056429; LICENSE NUMBER:
 15 7EYU646,

16 Defendant.

2:15-MC-00035-MCE-DAD

CONSENT JUDGMENT OF FORFEITURE

17 Pursuant to the Stipulation for Consent Judgment of Forfeiture (ECF No. 11), the Court finds:

18 1. On October 2, 2014, law enforcement agents with the El Dorado County Sheriff's
 19 Department seized the defendant 2014 Porsche Panamera S, VIN: WP0AB2A75EL056429, License
 20 Number: 7EYU646 (hereafter "defendant vehicle"). Drug Enforcement Administration ("DEA")
 21 adopted the defendant vehicle for federal forfeiture on October 31, 2014. The DEA commenced
 22 administrative forfeiture proceedings, sending direct written notice to all known potential claimants
 23 and publishing notice to all others. On or about January 23, 2015, the DEA received a claim from
 24 Johnny Luong asserting an ownership interest in the defendant vehicle. The defendant vehicle is
 25 registered to Johnny Luong ("claimant" or "Luong").

26 2. The United States represents that it could show at a forfeiture trial that law enforcement
 27 officials led an investigation that targeted, in part, Vi Chi Hoang ("Hoang") and others. Based on their
 28

1 investigation, law enforcement officials believed that Hoang and his associates cultivated, distributed,
2 and/or conspired to distribute marijuana.

3 3. The United States could further show at trial that on October 2, 2014, WENET
4 executed nine State search warrants in connection with the investigation, leading to the discovery of
5 over 786 pounds of processed marijuana, 816 marijuana plants, two loaded handguns with removed
6 serial numbers, and over \$130,000.00 in cash. Hoang and thirteen others were arrested as a result.

7 4. The United States could further show at trial that law enforcement agents searched
8 Hoang's residence located at 4445 78th Street in Sacramento, California, and discovered pay/owe
9 notes, packaging, a duffel bag containing \$123,395.00 in cash, and the defendant vehicle. The
10 defendant vehicle is registered to Johnny Luong; however, indicia belonging to Hoang were located in
11 the vehicle, including a set of keys to the neighboring house located at 4441 78th Street. Further
12 investigation revealed that 4441 78th Street is an indoor marijuana grow. When Luong was asked why
13 his car was parked at Huong's house, he said Huong was storing the car for him. Luong said that
14 Huong had not driven the car, but later admitted he told Huong to get insurance for the car if he
15 planned to drive it.

16 5. The United States could further show at a forfeiture trial that the defendant currency is
17 forfeitable to the United States pursuant to 21 U.S.C. § 881(a)(4).

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

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

28 8. This Court has venue pursuant to 28 U.S.C. § 1395, as this is the judicial district in

1 which the defendant currency was seized.

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

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

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

8 2. Payment of \$10,500.00 as the substitute *res* in lieu of the defendant vehicle shall be
9 paid to the United States within 15 days of signing the Stipulation for Consent Judgment of Forfeiture.
10 Payment shall be made in the form of a cashier's check made payable to the U.S. Marshals Service
11 and shall be sent to the U.S. Attorney's Office, Attn: Asset Forfeiture Unit, 501 I Street, Suite 10-100,
12 Sacramento, CA 95814. All right, title, and interest in the \$10,500.00 shall be substituted for the
13 defendant vehicle and forfeited to the United States pursuant to 21 U.S.C. § 881(a)(4), to be disposed
14 of according to law.

15 3. If payment of the \$10,500.00 is not received within 15 days of signing the Stipulation
16 for Consent Judgment of Forfeiture, the U.S. Marshals Service shall be authorized to sell the defendant
17 vehicle, in the most commercially feasible manner, as soon as reasonably possible, for the maximum
18 price. Through the sale of the defendant vehicle, the United States shall receive the net proceeds up to
19 \$10,500.00, less payments for costs of selling the vehicle, storage, other expenses incurred, and any
20 legitimate liens that exist on the defendant vehicle. Johnny Luong, through attorney John S. Harrison,
21 shall receive all remaining amounts after payment of costs of sale, legitimate liens, and costs incurred
22 by the U.S. Marshals Service.

23 4. Upon payment of the \$10,500.00 within 15 days of signing the Stipulation for Consent
24 Judgment of Forfeiture and entry of this Consent Judgment of Forfeiture, forfeiting those funds to the
25 United States, the U.S. Marshals Service shall return the defendant vehicle to Johnny Luong within 30
26 days of entry of the Consent Judgment of Forfeiture.

27 5. The United States of America and its servants, agents, and employees and all other
28 public entities, their servants, agents and employees, are released from any and all liability arising out

1 of or in any way connected with the seizure or forfeiture of the defendant currency. This is a full and
2 final release applying to all unknown and unanticipated injuries, and/or damages arising out of said
3 seizure or forfeiture, as well as to those now known or disclosed. Claimants waived the provisions of
4 California Civil Code § 1542.


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

8 7. All parties will bear their own costs and attorney's fees.

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

13 IT IS SO ORDERED

14 Dated: October 5, 2015

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16 MORRISON C. ENGLAND, JR., CHIEF JUDGE
17 UNITED STATES DISTRICT COURT