

1 MCGREGOR W. SCOTT
 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

6
 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 \$179,000.00 IN U.S.
 CURRENCY,
 15 Defendant.
 16

2:17-CV-00805-JAM-CKD

FINAL JUDGMENT OF FORFEITURE

17 Pursuant to the Stipulation for Final Judgment of Forfeiture, the Court finds:

18 1. This is a civil action *in rem* to forfeit to the United States Approximately
 19 \$179,000.00 in U.S. Currency (“defendant currency”). The defendant currency was seized on
 20 September 14, 2016.

21 2. A Verified Complaint for Forfeiture *In Rem* (“Complaint”) was filed on April 17, 2017,
 22 alleging that said defendant currency was subject to forfeiture to the United States pursuant to 21
 23 U.S.C. § 881(a)(6).

24 3. Beginning on April 20, 2017, for at least 30 consecutive days, the United States
 25 published Notice of the Forfeiture Action on the official internet government forfeiture site
 26 www.forfeiture.gov. A Declaration of Publication was filed on May 22, 2017.

1 4. In addition to the public notice on the official internet government forfeiture site
2 www.forfeiture.gov, actual notice or attempted notice was given to the following individuals:

- 3 a. James Norman Kerns;
4 b. Corehaus.

5 5. Claimant James Norman Kerns filed a claim alleging an interest in the defendant
6 currency on May 23, 2017 and an answer to the Complaint on June 9, 2017.

7 6. No other parties have filed claims or answers in this matter, and the time in which any
8 person or entity may file a claim and answer has expired.

9 Based on the above findings, and the files and records of the Court, it is hereby ORDERED
10 AND ADJUDGED:

11 7. The Court adopts the Stipulation for Final Judgment of Forfeiture entered into by and
12 between the parties to this action.

13 8. Judgment is hereby entered against claimant James Norman Kerns and all other potential
14 claimants who have not filed claims in this action.

15 9. Upon entry of a Final Judgment of Forfeiture, the Approximately \$145,000.00 of the
16 Approximately \$179,000.00 in U.S. Currency, together with any interest that may have accrued on the
17 total amount, shall be forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6), to be disposed of
18 according to law.

19 10. Upon entry of a Final Judgment of Forfeiture herein, but no later than 60 days thereafter,
20 \$34,000.00 of the Approximately \$179,000.00 in U.S. Currency, shall be returned to claimant James
21 Norman Kerns through his attorney Cameron Heaps Ippolito.

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

28 12. Claimant waives any and all claim or right to interest that may have accrued on the

1 defendant currency.

2 13. All parties are to bear their own costs and attorneys' fees.

3 14. The U.S. District Court for the Eastern District of California, Hon. John A. Mendez,
4 District Judge, shall retain jurisdiction to enforce the terms of this Final Judgment of Forfeiture.

5 15. Based upon the allegations set forth in the Complaint filed April 17, 2017, and the
6 Stipulation for Final Judgment of Forfeiture filed herein, the Court enters this Certificate of Reasonable
7 Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause for the seizure and arrest of the
8 defendant currency, and for the commencement and prosecution of this forfeiture action.

9 SO ORDERED THIS 28th day of February, 2018

10 /s/ John A. Mendez
11 JOHN A. MENDEZ
12 United States District Court Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28