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Attorneys for Plaintiff

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12
13

14 UNITED STATES OF AMERICA,)
15 Plaintiff,)

16 v.)

17 \$61,505 IN UNITED STATES CURRENCY)

18)
19)
20 UNITED STATES OF AMERICA,)
21 Plaintiff,)

22 v.)

23 \$34,320 IN UNITED STATES CURRENCY)

24)
25 Defendant.)
26)
27)
28)

No. C 07-5413 MMC
C 08-0318 MMC
(Related Cases)

**SETTLEMENT STIPULATION
AND ~~PROPOSED~~ FINAL ORDER
OF FORFEITURE**

1 In full and final settlement of all claims and disputes arising from and related to the captioned
2 forfeiture actions, plaintiff United States of America, and claimant Frank Joseph Alioto, Jr., hereby
3 stipulate and agree as follows:

4 1. This settlement is a compromise over disputed issues and does not constitute any admission
5 of wrongdoing or liability by any party.

6 2. On October 27, 2007, plaintiff filed a civil action C 07-5413 MMC seeking forfeiture of the
7 above-captioned defendant property (\$61,505 in United States currency). On January 7, 2008, plaintiff
8 filed a civil action C 08-0318 MMC seeking forfeiture of the above-captioned defendant property
9 (\$34,320 in United States currency).

10 3. Frank Joseph Alioto, Jr. (hereinafter "Claimant") is the sole claimant to the defendant
11 funds in both cases.

12 4. Claimant does not contest plaintiff's claim that sufficient evidence exists for the seizure
13 and forfeiture of the above-captioned defendant currency.

14 5. Claimant agrees to forfeit to the United States \$47,912.50 of the defendant currency,
15 with interest accrued thereon, to the United States without further notice to him. Claimant further
16 relinquishes all right, title and interest in \$47,912.50 of the defendant currency, and agrees that said
17 funds, with interest accrued thereon, shall be forfeited to the United States and disposed of according to
18 law by the United States Marshals Service.

19 4. \$47,912.50, which represents the balance of the defendant currency, and interest
20 accrued thereon, shall be returned (via check made payable to Frank Joseph Alioto, Jr. and David M.
21 Michael) to Frank Joseph Alioto, Jr., through his attorney, David M. Michael, whose business address is
22 101 California Street, Suite 2450, San Francisco, California, 94111. Such payment shall be in full
23 settlement and satisfaction of any and all claims by Claimant, his heirs, representatives and assignees to
24 the defendant currency indirectly or directly related to this action

25 5. Claimant, his heirs, representatives and assignees, shall hold harmless the United States,
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1 any and all agents, officers, representatives and employees of same, including all federal, state and local
2 enforcement officers, for any and all acts directly or indirectly related to the seizure and forfeiture of the
3 defendant currency.

4 6. Each party shall pay its own attorney fees and costs.

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6 Dated:03/13/09

JOSEPH P. RUSSONIELLO
United States Attorney

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9 _____/S/
SUSAN B. GRAY
Assistant United States Attorney

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11 Dated:03/09/2009

12 _____/S/
DAVID M. MICHAEL
Attorney for Frank Joseph Alioto, Jr.

13
14 Dated:03/06/2009

15 _____/S/
FRANK JOSEPH ALIOTO, JR.
Claimant

1 ~~PROPOSED~~ FINAL ORDER OF FORFEITURE

2 Based upon the above stipulation and all pleadings filed herein,

3
4 IT IS HEREBY ORDERED that \$ 47,912.50 of the defendant funds, with interest
5 accrued thereon, shall be and hereby is forfeited to the United States, pursuant to Title 21,
6 United States Code, Section 881(a)(6). All right, title and interest in said property is hereby
7 vested in the United States of America. The United States Marshals Service shall dispose of the
8 forfeited property according to law.


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10 IT IS FURTHER ORDERED that \$47,912.50 of the defendant funds, and interest
11 accrued thereon, which represents the balance of the defendant funds, shall be returned to
12 Claimant Frank Joseph Alioto, Jr., by and through his attorney David M. Michael, whose
13 business address is 101 California Street, Suite 2450, San Francisco, California, 94111. Said
14 payment shall be in full settlement and satisfaction of any and all claims by claimant, his heirs,
15 representatives and assignees to the defendant funds indirectly or directly related to this action.
16

17 IT IS FURTHER ORDERED that Claimant Frank Joseph Alioto, Jr., his heirs,
18 representatives and assignees, shall hold harmless the United States, any and all agents, officers,
19 representatives and employees of same, including all federal, state and local enforcement
20 officers, for any and all acts directly or indirectly related to the seizure and forfeiture of the
21 defendant currency.
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23 IT IS FURTHER ORDERED that each party shall bear its own costs and attorneys fees.

24 IT IS SO ORDERED.

25 DATED: March 16, 2009

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27 MAXINE M. CHESNEY
28 UNITED STATES DISTRICT JUDGE