

\*E-Filed 9/6/11\*

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12 Attorneys for United States of America

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA, )  
16 Plaintiff, )  
17 v. )  
18 APPROXIMATELY \$46,710 IN UNITED )  
19 STATES CURRENCY, )  
20 Defendant. )

No. 08-04247 RS  
SETTLEMENT AGREEMENT

21 The parties stipulate and agree as follows:

22 1. Plaintiff is the United States of America ("United States"). Defendant is  
23 approximately \$46,710 in United States Currency (the "defendant \$46,710"). After proper  
24 notification and publication was given, Daniel Kizziah was th onyl party to file a claim. As such,  
25 Kizziah is the only claimant in this action. The United States and Kizziah are hereafter referred  
26 to as the "parties" in this document, which is hereinafter referred to as the "Settlement  
27 Agreement" or "Agreement."

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1           2.     The parties agree that the resolution of the lawsuit is based solely on the terms  
2 stated in this Settlement Agreement. It is expressly understood that this Agreement has been  
3 freely and voluntarily entered into by the parties. The parties further agree that there are no  
4 express or implied terms or conditions of settlement, whether oral or written, other than those set  
5 forth in this Agreement. This Agreement shall not be modified or supplemented except in  
6 writing signed by the parties.

7           3.     The parties further agree that this Settlement Agreement does not constitute  
8 precedent on any legal issue for any purpose whatsoever, including all administrative  
9 proceedings and any lawsuits.

10          4.     Kizziah agrees that sufficient evidence exists to establish forfeiture of the  
11 defendant \$46,710 (plus all interest accrued on that portion) pursuant to Title 21, United States  
12 Code, Section 881(a)(6), and consents to its forfeiture to the United States without further notice  
13 to him. Kizziah relinquishes all right, title and interest in the defendant \$46,710 and agrees that  
14 said property shall be forfeited to the United States and disposed of according to law by the  
15 United States.

16          5.     The United States and Kizziah agree that each party shall pay its own attorneys'  
17 fees and costs.

18          6.     Kizziah, his heirs, representatives and assignees, shall hold harmless the United  
19 States, any and all agents, officers, representatives and employees of same, including all federal,  
20 state and local enforcement officers, for any and all acts directly or indirectly related to the  
21 seizure, forfeiture, or restraint of the defendant \$46,710, or any of the acts referred to in the  
22 Complaint for Forfeiture filed on or about September 9, 2008.

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7. Based on the foregoing Settlement Agreement between the United States and Kizziah, the Parties agree that, subject to the Court's approval, this action be and hereby is DISMISSED and that the proposed JUDGMENT OF FORFEITURE which is submitted with this Settlement Agreement be entered.


IT IS SO STIPULATED:

MELINDA HAAG  
United States Attorney

Dated: 9/11/11

  
DAVID COUNTRYMAN  
Assistant United States Attorney

Dated: August 11, 2011

  
SHARI WHITE, ESQ.  
Attorney for Daniel Kizziah

Dated: August 11, 2011

  
DANIEL KIZZIAH  
Potential Claimant

BASED ON THE FOREGOING STIPULATION, IT IS SO ORDERED ON THIS 6th DAY OF September, 2011.

  
HONORABLE RICHARD SELBORG  
United States District Judge