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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 \$353,877 IN UNITED)
19 STATES CURRENCY,)
20 Defendant.)

No. 08-4308

SEPARATE CASE MANAGEMENT
CONFERENCE STATEMENT

21 Plaintiff hereby submits this Status Conference Statement¹:

22 **1. Nature of Case**

23 This is a forfeiture action. Plaintiff contends that the defendant currency constitutes
24 proceeds of drug trafficking and/or funds to be used to facilitate the sale and distribution of
25 controlled substances and subject to forfeiture, pursuant to Title 21, United States Code, Section
26 881(a)(6).

27 This is a forfeiture action. The defendant \$353,877 was seized during the search of a
28 vehicle. A full recitation of the facts surrounding the seizure of the defendant \$353,877,

¹ At present, there are no other parties in this action.

1 including information gained through wiretaps, is set forth in the complaint filed on September
2 11, 2008.

3 **2. Primary Factual and Legal Issues**

4 Given that no claims nor Answers have been filed in this action, plaintiff contends that
5 there are no issues in dispute. The government anticipates that the following issues would be
6 disputed: (1) whether claimant is an innocent owner of the defendant funds; and (2) whether
7 plaintiff can establish by a preponderance of the evidence that the defendant currency constitutes
8 drug proceeds or was used to facilitate a drug trafficking offense.

9 **3. Anticipated Motions**

10 As two of the potential claimants in this matter are criminal defendants in cases pending
11 before the Court, the United States anticipates that the parties may request a stay of this action
12 until the related criminal cases are resolved.

13 **4. Relief/Damages**

14 The United States seeks a judgment of forfeiture of the defendant currency. This is not a
15 damages case. Claimant seeks the return of the defendant currency.

16 **5. Settlement**

17 At this juncture, matters are far too undeveloped to ascertain the possibility of settlement.

18 **6. Discovery**

19 This is an in rem forfeiture case and is exempt from initial disclosures pursuant to
20 Federal Rule of Civil Procedure 26 (a)(1)(B)(ii).

21 **7. Alternative Means of Disposition**

22 At this juncture, matters are far too undeveloped to ascertain the efficacy of ADR.

23 **8. Pretrial/Trial Issues**

24 The United States is unaware of any trial issues.

25 **9. Class Action**

26 This is not a class action.

27 **10. Related Cases**

28 The United States is aware of one potentially related case: *United States v. Perez, et al.*,

1 09-00103-CRB.

2 **11. Other Matters**

3 Given the recent unsealing and service of process in this matter, the United States
4 suggests that the CMC be continued for 60 days to allow any potential claimants to file their
5 respective verified claims and answers.

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7 DATED: March 13, 2009

Respectfully submitted,

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JOSEPH P. RUSSONIELLO
United States Attorney

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DAVID COUNTRYMAN
Assistant United States Attorney

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The case management conference is continued to 5/22/09 @ 2:30 p.m.
A joint statement shall be filed one week prior to the conference.
Proposed orders shall be submitted to the Court when requests are made.

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