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12 Attorneys for Plaintiff

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO VENUE

16 UNITED STATES OF AMERICA,	)	No. C 08-4777 SC
)	
17 Plaintiff,	)	EX PARTE REQUEST TO
	)	CONTINUE CASE MANAGEMENT
18 v.	)	CONFERENCE AND PROPOSED
	)	ORDER
19 REAL PROPERTY AND IMPROVEMENTS AT))	
20 671 MAUD AVENUE, SAN LEANDRO,))	
21 CALIFORNIA, APN #077-0520-024-02,))	
)	
22 Defendant.))	

23 This matter is set for a Case Management Conference before the Court on December 4,
24 2009. However, pursuant to the attached stipulation between the United States and potential
25 claimant, Dan Xia, the parties have entered into a settlement agreement. *See*, Attachment A. No
26 other parties have appeared in the case and no issues have been joined. However, Chase Home
27 Finance LLC (“Chase”) holds a note on the property. The United States and the attorneys for
28 **EX PARTE REQ. TO CONT. CMC & PO**

1 Chase are negotiating an additional stipulation and Order of Forfeiture which they expect to be
2 able to submit to the court within the next two weeks. Thereafter, the United States will seek a
3 dismissal of this action. Accordingly, the United States requests the Court to continue the Case
4 Management Conference until February 5, 2010, or until such other time is convenient for the
5 Court.
6

7 Respectfully submitted,

8 JOSEPH P. RUSSONIELLO
9 United States Attorney

10 Dated: 11/25/09

11 
12 SUSAN B. GRAY
13 Assistant United States Attorney

14 GOOD CAUSE APPEARING, the Case Management Conference currently set for
15 December 4, 2009, is continued to February 5, 2010, at 10.00 a.m.
16

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19
20 IT IS SO ORDERED.

21 Dated: November 30, 2010



ATTACHMENT A

1 JOSEPH P. RUSSONIELLO (CSBN 44332)
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4 Chief, Criminal Division

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14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA

16 SAN FRANCISCO VENUE

17	UNITED STATES OF AMERICA,	)	No. C 08-4777 SC
18)	
19	Plaintiff,	)	FINAL SETTLEMENT
20		)	STIPULATION RE: 1) JOINING
21	v.	)	ISSUE; 2) WAIVER OF CLAIMS
22		)	BY DAN XIA
23	REAL PROPERTY AND IMPROVEMENTS AT))	
24	671 MAUD AVENUE, SAN LEANDRO,)	
25	CALIFORNIA, APN #077-0520-024-02,)	
26)	
27	Defendant.)	
28)	

29 This Agreement is by and between plaintiff, United States of America (hereinafter
30 "Plaintiff"), and Dan Xia, owner of record of the defendant real property, (hereinafter "Parties")
31 to compromise and settle any possible claims by Dan Xia in the above-captioned action.¹ The

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1 parties hereby stipulate and agree as follows:

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3 1. On or about October 17, 2008, Plaintiff filed its Complaint for Forfeiture against the
4 defendant real property more commonly known as 671 Maud Avenue, San Leandro, California

5 \$4577, APN #077-0520-024-02 (hereinafter "defendant real property") which is more fully

6 described in Exhibit 1.

7

8 2. Dan Xia is the owner of record of defendant property.

9

10 3. Dan Xia does not dispute the Plaintiff's allegations that the defendant real property

11 represents: (1) property involved in or traceable to a transaction or attempted transaction in

12 violation of Title 18, United States Code, Sections 1956 and 1957-money laundering, and thus is

13 subject to forfeiture to the United States pursuant to Title 18, United States Code, Section

14

15 981(a)(1)(A); and (2) property representing the proceeds of narcotics trafficking in violation of

16 Title 21, United States Code, Section 841, 843(b) and 846, and thus is subject to forfeiture to the

17 United States pursuant to Title 21, United States Code, Section 881(a)(6).

18

19 4. Dan Xia consents to the forfeiture and sale of the defendant property and agrees to the

20

21 entry of an Order of Forfeiture as to the defendant property by this Court. He waives all right title

22

23 and interest in the defendant property and agrees that said property shall be forfeited to the United

24 States and disposed of according to law by the United States. He agrees to release and hold

25 harmless the United States, and any agents, servants, and employees of the United States (and any

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27 involved state or local law enforcement agencies and their agents, servants, or employees), in their

28

29 individual or official capacities, from any and all claims that currently exist or that may arise as a

30

31 result of the Government's actions against and relating to the defendant property.

32

33 5. This settlement is a compromise over disputed issues and does not constitute any

34

35 STIPULATED SETTLEMENT AGREEMENT
C-08-4777 SC

1 admission of wrongdoing or liability by any party.


2 6. The terms of this settlement agreement shall be subject to approval by the United States
3 district court and any violation of any terms and conditions shall be construed as a violation of an
4 order of the court.

6 7. Each party agrees to bear its own costs and attorneys' fees.


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

11 9. Based on the foregoing Settlement Agreement between the United States and Dan
12 Xia, the Parties agree that, subject to the Court's approval, JUDGMENT OF FORFEITURE may
13 be entered.
14

15
16 Dated: November 30, 2009
17

JOSEPH P. RUSSONIELLO
UNITED STATES ATTORNEY

Susan B. Gray
Assistant United States Attorney

18
19 Dated: November 23, 2009
20


Dan Xia, owner of record

21
22 
23 Geoffrey Rotwein
Attorney for Dan Xia

24 **ORDER**

25 IT IS SO ORDERED.

26
27 SAMUEL CONTI
United States District Judge