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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 \$75,000.00 IN)
19 UNITED STATES CURRENCY,)
20 Defendant.)

No.CV 09- 2348 MEJ

CONSENT ORDER OF SETTLEMENT

CONSENT ORDER OF SETTLEMENT AND FORFEITURE

21 WHEREAS, on May 28, 2009, the United States filed a complaint for forfeiture of certain
22 currency seized as a result the investigation conducted by DEA Task Force Agent Steve Maes;

23 WHEREAS, notice of this action has been given by publication and the only claim
24 submitted with respect to the defendant currency is that of LUKE MCCANN, submitted on or
25 about March 2, 2009;

26 WHEREAS, pursuant to the settlement negotiations among the parties, LUKE MCCANN
27 agrees to withdraw his claim with respect to \$65,000 of the seized currency in any administrative
28 or judicial forfeiture proceeding;

1 WHEREAS, pursuant to the settlement negotiations among the parties, the United States
2 agrees to return \$10,000 plus accrued interest of the defendant currency to LUKE MCCANN;

3 AND WHEREAS, it appearing to the court from the endorsement of the parties that the
4 parties have agreed to a resolution of this matter with respect to the defendant currency, and
5 deeming it proper so to do;

6 NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

7 1. Notice of this action having been given by publication and there being only the claim
8 filed by LUKE MCCANN, the default of all persons or entities other than LUKE MCCANN is
9 entered.

10 2. A portion of the defendant currency, to wit \$65,000 is forfeited to the United States
11 pursuant to 21 U.S.C. § 881(1)(6), free from the claims of any other party.

12 3. A portion of the defendant currency, to wit \$10,000 plus accrued interest, shall be
13 returned by the United States to LUKE MCCANN, payable through his attorney, Ean Vizzi, in
14 accordance with the claim of LUKE MCCANN, to the \$10,000 plus interest of the defendant
15 currency.

16 4. The United States shall dispose of the forfeited currency in accordance with the law.

17 5. LUKE MCCANN releases the United States of America and all of its respective
18 agencies, officers, agents, and employees from any claims or actions, including that for attorney
19 fees or cost or interest, concerning the seizure and custody of the defendant currency.

20 6. The United States release LUKE MCCANN from any claims or actions, including that
21 for attorney fees or costs or interest, concerning the seizure and custody of the defendant currency.

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1 7. The parties to this action shall execute any documents necessary or proper to effectuate
2 the terms of this Order.

3 This case is hereby DISMISSED.

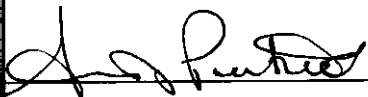
4 September 1, 2009

5 _____


6 Date


MAGISTRATE JUDGE MARIA-ELENA JAMES


7 WE ASK FOR THIS:

8  8/31/09

9 Arvon J. Perteet
10 Special Assistant United States Attorney

11  8/28/09

12 Ean Vizzi
13 Counsel for Claimant, LUKE MCCANN

14  8/22/09

15 LUKE MCCANN
16 Claimant