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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

No. C 12-02703 JSW

v.

(1) APPROXIMATELY \$35,040 IN UNITED STATES CURRENCY, and (2) APPROXIMATELY \$36,085 IN UNITED STATES CURRENCY,

ORDER TO SHOW CAUSE AND VACATING HEARING AND CASE MANAGEMENT CONFERENCEDefendants.

Now before the Court are: (1) Claimants' motion to dismiss based on the alleged untimeliness of the United States of America's filing of a claim; (2) United States of America's motion to strike the Claimants' claims as untimely filed; (3) United States of America's motion to strike the Claimants' claims for failure to answer special interrogatories; and (4) United States of America's administrative motion to continue the hearing and briefing on the Claimants' motion to dismiss. This matter is also set for an initial case management on the day set for hearing on the Claimants' motion to dismiss, October 5, 2012 at 1:30 p.m.

Pursuant to Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions ("Supplemental Rules"), the government may serve special interrogatories limited to the claimant's identity and relationship to the defendant property without leave of court any time after a claim is filed and before discovery is closed. *See* Supplemental Rule G(6)(a). The effect of service of the interrogatories is a delay of 21 days from the responsive answers to any

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pending motion to dismiss. *See* Supplemental Rule G(6)(c). In addition, failure to serve responses is a basis for a motion to strike a claim. *See* Supplemental Rule G(8)(c)(i)(A).

The United States of America filed an opposition prior to service of responses to their special interrogatories, rendering their administrative motion to extend briefing moot. However, Claimants have failed either to file a reply on their motions to dismiss or to file answers to the special interrogatories. Accordingly, this Court HEREBY ISSUES this Order to Show Cause why the Claimants' claims should not be stricken for either (1) untimeliness in filing their original claims, or (2) failure to respond to the outstanding special interrogatories. Claimants shall file a response in writing to this Order with a reply on their motion to dismiss as well as oppositions to the motions to strike their claims by no later than October 12, 2012. Failure to respond timely to this Order shall result in the granting of the government's motion to strike the claims.

The hearing on the motion to dismiss and the initial case management conference, both set for October 5, 2012 at 1:30 p.m., the motions to strike set for October 12, 2012 and November 9, 2012 are HEREBY VACATED.

IT IS SO ORDERED.

Dated: October 1, 2012



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

USA,

Plaintiff,

v.

1 APPROXIMATELY ,040 IN US
CURRENCY et al,

Defendant.

Case Number: CV12-02703 JSW

CERTIFICATE OF SERVICE


I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 1, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Ahmed Almontaser
703 Carroll Street
Brooklyn, NY 11215

Hemiar Hidais
2021 78th Street #4
Brooklyn, NY 11214

Dated: October 1, 2012


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk