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9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,)

14 Plaintiff,)

15 v.)

16 DEFENDANT COUNTERFEIT)
17 MERCHANDISE AND PROCEEDS FROM)
18 SALES OF COUNTERFEIT MERCHANDISE,)
INCLUDING:)

19 (1) APPROXIMATELY \$3,987 IN U.S.)
20 CURRENCY FROM A RESIDENCE)
LOCATED AT 558 UNION ST., SAN)
FRANCISCO, CA; AND)

21 (2) APPROXIMATELY \$29,353 IN U.S.)
22 CURRENCY FROM A RESIDENCE)
LOCATED AT 15584 TILDEN ST., SAN)
LEANDRO, CA,)

23 Defendants.)

24 _____)
25 HUI JIN CHEN, IRENE MEI, CHIEN CHUAN)
26 MEI AND ALAN MEI,)

27 Claimants.)
28 _____)

No. 10-CV-3054 JSW

ORDER APPROVING
SETTLEMENT AGREEMENT BETWEEN THE
UNITED STATES AND THE THREE MEI
CLAIMANTS – IRENE MEI, CHIEN CHUAN MEI
AND ALAN MEI
AND TERMINATING MOTIONS TO STRIKE
(Docket Nos. 68 and 70.)

1 The United States and the three, remaining claimants who claim an interest in defendant \$29,353
2 Seized from the residence at 15584 Tilden Street, San Leandro, California, agree as follows:

3 1. Plaintiff is the United States of America ("United States") and defendant is \$29,353.

4 2. Claimants Irene Mei, Chien Chuan Mei and Alan Mei ("Claimants") are the only remaining
5 parties to have filed a timely claim and answer in order to appear and defend defendant \$29,353. The
6 United States and Claimants are hereafter referred to as the "Parties" in this document which is
7 hereinafter referred to as the "Settlement Agreement" or "Agreement."

8 3. Claimants Irene Mei and Alan Mei each represents that he or she is of sound mind, at or past
9 the age of majority and able to read and understand English such that both have read this Settlement
10 Agreement. As attested to below, Claimant Irene Mei and faithfully and accurately interpreted this
11 document into Cantonese for her father, Chien Chuen Mei, who understands this document and based on
12 that understanding has signed below.

13 4. After full and open discussion, the Parties have agreed to resolve any and all remaining
14 claims. Specifically, to avoid continued and protracted litigation, the parties have agreed to resolve any
15 and all claims asserted or which could have asserted against defendant \$29,353, as well as against any
16 and all claims asserted or which could have been asserted against past and present officials, employees
17 and agents of the United States, including those at the United States Department of Justice, as well as at
18 other Federal agencies and all state and local law enforcement officers and agents, arising out of the
19 seizure of defendant \$29,353, the allegations in the civil complaint for forfeiture underlying this action
20 and the forfeiture contemplated by this Settlement Agreement.

21 5. The Parties agree the resolution of claimants' claims is based solely on the terms stated in
22 this Settlement Agreement. It is expressly understood that this Agreement has been freely and
23 voluntarily entered into by the Parties. The Parties further agree that there are no express or implied
24 terms or conditions of settlement, whether oral or written, other than those set forth in this Agreement.
25 This Agreement shall not be modified or supplemented except in writing signed by the Parties. The
26 Parties have entered into this Agreement in lieu of prolonged litigation and District Court adjudication.

27 6. This Settlement Agreement is expressly understood by the Parties not to be an adjudication
28 on the merits of any factual or legal issue involving claims which were brought, or could have been

1 brought. As such, the Parties agree that the Settlement Agreement does not constitute an admission that
2 either Claimants or the United States, or any past or present official, employee or agent of the United
3 States, including the United States Department of Justice and other Federal agencies, have in any way
4 violated any law, including the Constitution, any statute or regulation. The Parties further agree that this
5 Settlement Agreement does not constitute precedent on any legal issue for any purpose.

6 7. The Parties agree that 90% (\$26,417.70) of defendant \$29,353 will be forfeited to the United
7 States without further notice to Claimants and disposed of in accordance with law. The Parties further
8 agree that the remaining 10% (\$2,935.30) of defendant \$29,353 will be returned to Claimants Irene Mei,
9 Chien Chuan Mei, and Alan Mei plus interest accrued, under 28 U.S.C. §1961, from the date that the
10 defendant \$29,353 was seized on February 10, 2010. The \$2,935.30 plus accrued interest will be paid
11 by wire transfer to the account designated by Claimants on an ACH form after Claimants provide a
12 properly filled out ACH form and W9 form to the United States. The United States will provide copies
13 of both forms to be completed to counsel for Claimants. Upon receipt of the properly completed forms
14 from counsel for Claimants and the entry of this Settlement Agreement as an order, the United States
15 will commence processing the payment to Claimants under this Agreement.

16 8. Payment of the \$2,935.30 to Claimants shall be in full settlement and complete satisfaction of
17 any and all claims which Claimants, their heirs, representatives and assignees made, or could have
18 made, in this case. Further, upon signing this Agreement, Claimants release and discharge the United
19 States, as well as any past and present officials, employees, agents, attorneys, their successors and
20 assigns, and those of the state and local law enforcement officers from any and all claims which were
21 made or could have been made in this case.

22 9. Claimants also agree to hold harmless the United States, its agencies, agents, and
23 representatives and those of the state and local law enforcement officers, for any and all claims arising
24 out of the seizure of defendant \$29,353, the allegations in the civil complaint for forfeiture underlying
25 this action and the forfeiture contemplated by this Settlement Agreement.

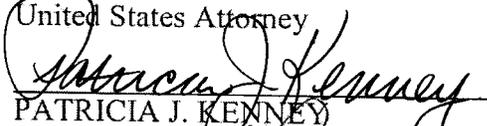
26 10. The United States and each of the Claimants agrees to bear its or his own attorney fees and
27 costs related to this action.

28 ///

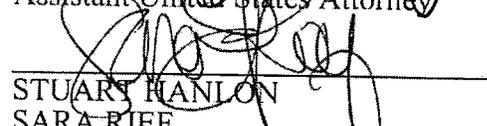
1 11. The Parties agree, if any dispute arises with respect to the implementation of the terms of
2 this Settlement Agreement, that no party shall seek to rescind the Agreement but can apply to the Court,
3 if necessary, for enforcement of the Agreement. The Parties agree that the Court retains jurisdiction for
4 purposes of enforcing this Settlement Agreement. In any such enforcement proceeding, however, each
5 Party agrees in advance to bear its, his or her own attorney fees and costs.

6 12. Based on the foregoing, the parties agree that this action be dismissed and that the
7 Parties' proposed Judgment be entered by the Court.

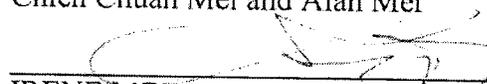
8 IT IS SO STIPULATED:

MELINDA HAAG
United States Attorney

PATRICIA J. KENNEY
Assistant United States Attorney

9 Dated: September 24, 2014


STUART HANLON
SARA RIEF
Attorneys for Claimants Irene Mei,
Chien Chuan Mei and Alan Mei

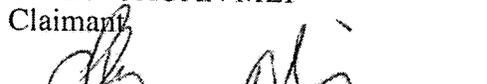
11 Dated: September 24, 2014


IRENE MEI
Claimant

15 Dated: September 22, 2014

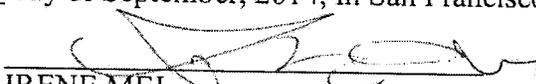

CHIEN CHUAN MEI
Claimant

17 Dated: September 22, 2014


ALAN MEI
Claimant

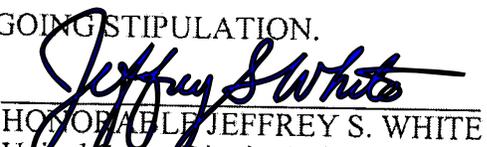
19 Dated: September 22, 2014

21 I, Irene Mei, declare under penalty of perjury that I am fluent in Cantonese and in English and that I
22 faithfully and accurately translated the entire, foregoing Agreement in Cantonese to my father, Chien
23 Chuan Mei, and that my father told me he understood all the terms contained in this document before
24 signing above on lines 14-15. Executed on this 22 day of September, 2014, in San Francisco, CA.


IRENE MEI
Claimant

26 IT IS SO ORDERED PURSUANT TO THE FOREGOING STIPULATION.

27 September 26, 2014


HONORABLE JEFFREY S. WHITE
United States District Judge