

1 MELINDA HAAG (CABN 132612)
United States Attorney

2 J. DOUGLAS WILSON (DCBN 412811)
3 Chief, Criminal Division

4 GREGG W. LOWDER (CABN 107864)
Assistant United States Attorney

5 450 Golden Gate Avenue, Box 36055
6 San Francisco, California 94102-3495
7 Telephone: (415) 436-7200
8 Fax: (415) 436-7234
9 Email: Gregg.Lowder@usdoj.gov

10 Attorneys for United States of America

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 OAKLAND DIVISION

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 APPROXIMATELY \$86,520 IN UNITED
18 STATES CURRENCY,

19 Defendant.

20 DA LEE and SENG LEE,

21 Claimants.

CV 13-5641 SBA (EDL)

**SETTLEMENT AGREEMENT AND
[PROPOSED] JUDGEMENT OF
FORFEITURE, AND DISMISSAL OF THE
CLAIM AND ANSWER, AS TO
CLAIMAINT DA LEE**

22 The parties stipulate and agree as follows:

23 1. Plaintiff is the United States of America ("United States"). Defendant is approximately
24 \$86,520 in United States Currency seized on June 5, 2013 ("defendant currency"). After proper
25 notification and publication was given, Da Lee filed a claim and answer in this action, being the sole
26 claimant to \$42,020 of the defendant currency. The United States and Da Lee are hereafter referred to
27 as the "parties" in this Settlement Agreement.

28 2. The parties agree that this resolution in this action is based solely on the terms stated in
this Settlement Agreement. It is expressly understood that this Settlement Agreement has been freely

1 and voluntarily entered into by the parties. The parties further agree that there are no express or implied
2 terms or conditions of settlement, whether oral or written, other than those set forth in this Settlement
3 Agreement. This Settlement Agreement shall not be modified or supplemented except in writing signed
4 by the parties. The parties have entered into this Settlement Agreement in lieu of continued protracted
5 litigation and District Court adjudication.

6 3. This settlement is a compromise over disputed issues and does not constitute any
7 admission of wrongdoing or liability by any party.

8 4. Da Lee asserts that he is the sole owner of the \$42,020 of the defendant currency, an
9 amount which he solely claimed in his claim and answer.

10 5. Da Lee admits and agrees that sufficient evidence exists to establish the judicial forfeiture
11 of the \$42,020 of the defendant currency (plus all interest accrued on that amount) pursuant to Title 21,
12 United States Code, Section 881(a)(6), to which Da Lee made sole claim. Da Lee now consents to its
13 forfeiture to the United States, without further notice to him. Da Lee relinquishes all right, title, and
14 interest in \$42,020 of the defendant currency and agrees that \$42,020 of the currency to which he made
15 sole claim shall be forfeited to the United States and disposed of according to law by the United States.

16 6. Da Lee, his heirs, representatives and assignees, shall hold harmless the United States,
17 any and all agents, officers, representatives and employees of same, including all federal, state and local
18 enforcement officers, for any and all claims, defenses, actions, or liabilities arising out of or related to
19 this action against the defendant currency.

20 7. The parties agree that each party shall pay its own attorneys' fees and costs.

21 8. This Settlement Agreement does not address the claim of Seng Lee, the brother of Da
22 Lee, who has made sole claim, and filed answer in this action, to the remaining \$44,500 of the defendant
23 currency. Seng Lee is entering a separate settlement agreement.

24 9. Based on the foregoing Settlement Agreement between the United States and Da Lee, the
25 parties agree that, subject to the Court's approval, the proposed Judgment of Forfeiture

26 ///

27 ///

28 ///

1 that is submitted below with this Settlement Agreement be entered and that Da's Lees claim and answer
2 in this action be dismissed.

3 **IT IS SO STIPULATED:**

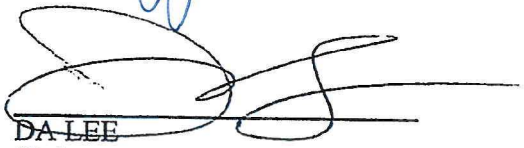
4 MELINDA HAAG
5 United States Attorney

6 Dated:

10/9/2014


7 
8 GREGG W. LOWDER
9 Assistant United States Attorney

10 Dated: October 8, 2014

11 
12 DA LEE
13 Claimant

13 Dated:

10/9/14

14 
15 SHARMI SHAH
16 Attorney for Da Lee

17 **PROPOSED JUDGMENT OF FORFEITURE**

18 UPON CONSIDERATION of the Settlement Agreement and the record, and for good cause
19 shown, it is by the Court on this 14th day of October, 2014,

20 ORDERED, ADJUDGED AND DECREED that \$42,020 of the defendant currency be, and
21 hereby is, FORFEITED to the United States for disposition by the Attorney General in accordance with
22 law; and it is FURTHER ORDERED that the claim and answer of Da Lee in this action be, and hereby
23 is, DISMISSED.

24 
25 SAUNDRA BROWN ARMSTRONG
26 United States District Judge