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8 Attorneys for Plaintiff

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

13 UNITED STATES OF AMERICA,)
14 Plaintiff,)
15 v.)

No. CV 08-0496 JF

- 16 1) \$1,774.65 IN WELLS FARGO)
ACCOUNT XXXXXX4687;
- 17 2) \$4,906.28 IN BANK OF AMERICA)
18 ACCOUNT XXXXXX1479;
- 19 3) \$18,944.75 IN E*TRADE FINANCIAL)
ACCOUNT XXX-22920;
- 20 4) 1998 SUZUKI SIDEKICK, VIN)
21 JS3TD21V8W4100132, CALIFORNIA)
LICENSE 4YYF388; AND
- 22 5) MISCELLANEOUS FIREARMS AND)
23 AMMUNITION,

**SETTLEMENT STIPULATION AND
[PROPOSED] ORDER OF FORFEITURE**

24 Defendants.

25 AYSA DONG,
26 Claimant.

1 In full settlement of all claims and disputes arising from and related to the captioned
2 forfeiture action, plaintiff United States of America, and claimant Aysa Dong, hereby stipulate
3 and agree as follows:

4 1. On January 23, 2003, plaintiff commenced a civil action seeking forfeiture of the
5 following defendant properties;

- 6 A. \$1,774.65 in Wells Fargo Account XXXXXX4687
- 7 B. \$4,906.28 in Bank of America Account XXXXXX1479
- 8 C. \$18,944.75 in E*Trade Financial Account XXX-22920
- 9 D. 1998 Suzuki Sidekick, VIN JS3TD21V8W4100132
- 10 E. Miscellaneous Firearms and Ammunition ("hereinafter defendant
11 property")

12 2. Aysa Dong is the sole claimant to the defendant property A-D. No claims were
13 filed to defendant property E.

14 3. Claimant Aysa Dong admits that sufficient evidence exists to establish the
15 forfeiture of \$18,944.75 in E*Trade Financial Account XXX-22920 and the Miscellaneous
16 Firearms and Ammunition, pursuant to Title 18, United States Code, Section 981(a)(1)(G)(iv).
17 Aysa Dong further relinquishes all right, title and interest in said \$18,944.75 in E*Trade
18 Financial Account XXX-22920 and the Miscellaneous Firearms and Ammunition, and agrees
19 that said funds and firearms and ammunition shall be forfeited to the United States and disposed
20 of according to law by the appropriate designated agency without further notice to her

21 4. The remaining funds namely \$1,774.65 in Wells Fargo Account XXXXXX4687
22 (plus any and all interest) and \$4,906.28 in Bank of America Account XXXXXX1479 (plus any
23 and all interest) and the 1998 Suzuki Sidekick shall be returned to Claimant Aysa Dong, in care
24 of ~~her attorney~~ Nicholas Humy, whose business address is 160 West Santa Clara Street, Suite
25 575, San Jose, CA 95113, telephone number (408) 291-7753. Such payment shall be in full
26 settlement and satisfaction of any and all claims by claimant Aysa Dong, her heirs,
27 representatives and assignees to the defendant property indirectly or directly related to this action.

28 5. Claimant Aysa Dong, her heirs, representatives and assignees, shall hold harmless the

1 United States, any and all agents, officers, representatives and employees of same, including all
2 federal and local enforcement officers, for any and all acts directly or indirectly related to the
3 seizure, detention and forfeiture of the defendant property.

4 6. Each party shall pay its own attorney fees and costs.

5 DATED: 8/24/09


6 JOSEPH P. RUSSONIELLO
United States Attorney

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8 STEPHANIE M. HINDS
Assistant United States Attorney

9
10 ~~DATED:~~

11 ~~NICHOLAS HUMY~~
~~Attorney for Claimant Aysa Dong~~

12 DATED: 08/7/09

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14 AYSA DONG
Claimant

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3 **FINAL ORDER OF FORFEITURE**

4 Based upon the above stipulation, all pleadings filed herein, the Court hereby finds that
5 sufficient evidence exists to establish forfeiture of the \$18,944.75 in E*Trade Financial Account
6 XXX-22920 and the Miscellaneous Firearms and Ammunition as alleged in the Complaint for
7 Forfeiture.

8 Accordingly, IT IS HEREBY ORDERED that \$18,944.75 in E*Trade Financial Account
9 XXX-22920 and the Miscellaneous Firearms and Ammunition shall be, and hereby are, forfeited
10 pursuant to Title 18, United States Code, Section 981(a)(1)(G)(iv) without further notice to
11 Claimant Aysa Dong. All right, title and interest in said defendant funds and firearms and
12 ammunition are hereby vested in the United States of America.

13 IT IS FURTHER ORDERED that the remaining funds namely \$1,774.65 in Wells Fargo
14 Account XXXXXX4687 (plus any and all interest) and \$4,906.28 in Bank of America Account
15 XXXXXX1479 (plus any and all interest) and the 1998 Suzuki Sidekick shall be returned to
16 Claimant Aysa Dong, in care of ~~her attorney~~ Nicholas Humy, whose business address is 160
17 West Santa Clara Street, Suite 575, San Jose, CA 95113, telephone number (408) 291-7753.
18 Such payment shall be in full settlement and satisfaction of any and all claims by claimant Aysa
19 Dong, her heirs, representatives and assignees to the defendant property indirectly or directly
20 related to this action.

21 IT IS FURTHER ORDERED that claimant Aysa Dong, her heirs, representatives and
22 assignees, shall hold harmless the United States, any and all agents, officers, representatives and
23 employees of same, including all federal and local enforcement officers, for any and all acts
24 directly or indirectly related to the seizure, detention and forfeiture of the defendant property.

25 IT IS FURTHER ORDERED that each party bear its own costs and attorneys fees.

26 IT IS FURTHER ORDERED that the United States, through the appropriate designated
27 agency, shall dispose of the forfeited property according to law.

28 IT IS SO ORDERED.


JEREMY FOGEL
United States District Judge

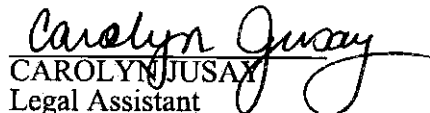
1 DATED: 8/26/09

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3 CERTIFICATE OF SERVICE

4 The undersigned hereby certifies that she is an employee in the Office of the United
5 States Attorney for the Northern District of California and is a person of such age and discretion
6 to be competent to serve papers. The undersigned further certifies that she caused a copy of
7 SETTLEMENT STIPULATION AND [PROPOSED] ORDER OF FORFEITURE to be served
8 this date by U. S. first class mail delivery upon the person below at the place and address which
9 is the last known address:

10 *Aysa Dong*
c/o
11 Nicholas P. Humy, Esq
Assistant Federal Public Defender
12 160 West Santa Clara Street, Suite 575
San Jose, CA 95113

13 I declare under penalty of perjury under the laws of the United States of America that the
14 foregoing is true and correct. Executed this 25th ^{August} day of ~~May~~, 2009 at San Francisco,
15 California.

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17 
18 CAROLYN JUSAY
Legal Assistant
19 Asset Forfeiture Unit