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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Case No. 12-cv-639-L(NLS)
)	
Plaintiff,)	ORDER GRANTING JOINT MOTION FOR
)	JUDGMENT OF FORFEITURE [DOC. 16]
v.)	
)	
NINE ASSORTED FIREARMS,)	
)	
Defendants.)	
)	

Having reviewed the Joint Motion For Judgment of Forfeiture and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED and DECREED:

The Joint Motion is approved;

1. The defendants to wit: (1) one Browning 12 gauge shotgun, serial number 391999; (2) one Remington Arms Browning 16 gauge shotgun, serial number 206972; (3) one Remington Arms 30-06 caliber rifle, serial number 75684; and (4) one Winchester Model 61 22 caliber rifle, serial number 18021 shall be returned to claimant Sheri Stewart as follows:

A. The above-referenced defendant five firearms shall, at claimant Sheri Stewart's expense, be transferred directly from the custody of the U.S. Marshal for the Southern District of California

1 to a federally licensed firearms dealer in the Middle District of
2 Florida where claimant Sheri Stewart resides.

3 B. Claimant Sheri Stewart shall, in her district of
4 residence in Florida and at her expense, take possession, custody, and
5 control of the above-referenced firearms from the federally licensed
6 firearms dealer.

7 2. The remaining defendants, to wit: (1) one Remington Arms 7mm
8 magnum caliber rifle, serial number 6428380; (2) one U.S.A. Military
9 Surplus M1 Carbine 30 caliber rifle, serial number 2661551; (3) one
10 Smith & Wesson 38 caliber revolver, serial number 399697; (4) one
11 Smith & Wesson 22 caliber revolver, serial number 495601; and (5) one
12 flare gun, serial number 3861110/70 shall be forfeited to the
13 United States.

14 3. Claimant Stephen McLaren has abandoned his claims to each
15 and all of the defendants NINE ASSORTED FIREARMS. As provided above,
16 each of the defendants NINE ASSORTED FIREARMS shall either be returned
17 to claimant Sheri Stewart or forfeited to the United States.

18 4. Any costs incurred by the United States incident to the
19 seizure, custody, and forfeiture of the defendants NINE ASSORTED
20 FIREARMS shall be borne by the United States.

21 5. Claimants have agreed that by entering into this
22 stipulation, neither of them have "substantially prevailed" within the
23 meaning of Title 28, United States Code, Section 2465.

24 6. The person or persons who made the seizure or the prosecutor
25 shall not be liable to suit or judgment on account of such seizure in
26 accordance with Title 28, United States Code, Section 2465.

27 7. Claimants have warranted and represented as a material fact
28 that they are the sole owners of each and all of the defendants

1 NINE ASSORTED FIREARMS and further warranted that no other person or
2 entity has any right, claim or interest in any or all of the
3 defendants NINE ASSORTED FIREARMS, and that they will each defend and
4 indemnify the United States against any and all claims made against
5 the defendants or any of them on account of the seizure and forfeiture
6 of one or more of the defendants NINE ASSORTED FIREARMS.

7 8. The terms of this settlement do not affect the tax
8 obligations, fines, penalties, or any other monetary obligations
9 claimants, or either of them, may owe to the United States.

10 9. The parties to this settlement have agreed that each will
11 bear their own attorney's fees and costs.

12 10. Claimants, their agents, employees, or assigns, shall hold
13 and save harmless the United States of America, its agents and
14 employees, from any and all claims which might result from the seizure
15 of one or all of the defendants NINE ASSORTED FIREARMS.

16 11. This case is hereby ordered closed. Let judgment be entered
17 accordingly.

18 DATED: June 29, 2012

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20 
21 HON. M. JAMES LORENZ
United States District Judge