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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
ORDER

Case No. 17-cv-2002-BAS-JMA

ORDER GRANTING JOINT MOTION FOR SETTLEMENT

[ECF No. 28]

\$52,100 in U.S. CURRENCY, *et al.*,

Defendants.

v.

Before the Court is a joint motion filed by Plaintiff United States and Claimants Henry and Kathy Sayavong regarding Defendant \$52,100 in U.S. Currency. (ECF No. 28.) Having considered the Joint Motion, and good cause appearing, the Court GRANTS the Joint Motion. Further, **IT IS HEREBY ORDERED, ADJUDGED and DECREED** that:

- 1. \$27,500.00 (twenty-seven thousand five hundred dollars) in U.S. currency of the Defendant \$52,100.00 in U.S. Currency ("\$52,100 in currency") shall be returned to claimants Henry Sayavong and Kathy Sayavong through their attorney, Gregory A. Schnitzer.
- 2. The remainder of the Defendant \$52,100 in currency, consisting of \$24,600.00 (twenty-four thousand six hundred dollars) in U.S. currency, shall be condemned and forfeited to the United States.

- 3. Any costs incurred by the United States incident to the seizure, custody, and forfeiture of the Defendant \$52,100 in currency shall be borne by the United States.
- 4. Claimants Henry Sayavong and Kathy Sayavong, jointly and separately, have agreed by entering into this stipulation, they have not "substantially prevailed" within the meaning of 28 U.S.C. § 2465.
- 5. The person or persons who made the seizure or the prosecutor shall not be liable to suit or judgment on account of such seizure in accordance with 28 U.S.C. § 2465.
- 6. Claimants Henry Sayavong and Kathy Sayavong, jointly and separately, have warranted and represented as a material fact they are the sole owners of the Defendant \$52,100 in currency and further warranted no other person or entity has any right, claim or interest in the defendant currency, and they will defend and indemnify the United States against any and all claims made against it on account of the seizure and forfeiture of the Defendant \$52,100 in currency.
- 7. The terms of this settlement do not affect the tax obligations, fines, penalties, or any other monetary obligations claimants Henry Sayavong and Kathy Sayavong, jointly or separately, may owe to the United States.
- 8. The parties to this settlement have agreed each will bear their own attorney's fees and costs.
- 9. Claimants Henry Sayavong and Kathy Sayavong, their joint and separate agents, employees, or assigns, shall hold and save harmless the United States of America, its agents and employees, from any and all claims which might result from the seizure of the Defendant \$52,100 in currency.

In light of the foregoing, this case is **HEREBY ORDERED** closed.

IT IS SO ORDERED.

DATED: August 6, 2018

Hom, Cynthia Bashant United States District Judge