

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,
c/o United States Attorney's Office
555 Fourth St., N.W.,
Washington, D.C. 20530,

Plaintiff,

v.

8 GILCREASE LANE, QUINCY
FLORIDA 32351,

and,

ONE CONDO LOCATED ON
NORTH OCEAN BOULEVARD IN
MYRTLE BEACH, SOUTH
CAROLINA,

and,

ALL FUNDS, INCLUDING
APPROXIMATELY \$53 MILLION,
HELD ON DEPOSIT AT BANK OF
AMERICA ACCOUNTS IN THE NAMES
(1) THOMAS A. BOWDOIN, JR.,
SOLE PROPRIETOR, DBA
ADSURFDAILY, (2) CLARENCE
BUSBY JR. AND DAWN STOWERS,
DBA GOLDEN PANDA AD BUILDER,
AND (3) GOLDEN PANDA
AD BUILDER,

Defendants, and

GOLDEN PANDA AD BUILDER, AND
CLARENCE BUSBY, JR.

Claimants.

**EMERGENCY MOTION FOR
RELEASE OF PROPERTY
PENDING FORFEITURE, AND FOR
EVIDENTIARY HEARING**

Civil Action No: 1:08-cv-01345
Hon. Rosemary M. Collyer

**EMERGENCY MOTION FOR RELEASE OF PROPERTY PENDING FORFEITURE,
AND FOR EVIDENTIARY HEARING**

Claimant Clarence Busby Jr. d/b/a Golden Panda Ad Builder, by counsel and pursuant to 18 U.S.C. § 983(f) and Fed. R. Civ. Pro Rule G(8)(d), hereby petitions this Court for release of seized property pending civil forfeiture proceedings. On August 1, 2008, the Government seized five Bank of America accounts under Golden Panda's exclusive ownership. That seizure prevents Golden Panda from conducting business. Golden Panda suffers a substantial hardship as it is unable to pay employees, has been forced to terminate half of its staff, and will be forced to close if its property is not soon returned. The balance of factors under 18 U.S.C. § 983(f) weighs in favor of release. Accordingly, Golden Panda respectfully requests that this Court order the immediate release and restoration of the following five bank accounts owned by Golden Panda Ad Builder:

1. All funds held in account # 334011130192 at Bank of America, in the name of Clarence Busby Jr. and Dawn Stowers, DBA Golden Panda Ad Builder Deposit Account;
2. All funds held in account # 334011130200 at Bank of America, in the name of Clarence Busby Jr. and Dawn Stowers, DBA Golden Panda Ad Builder Operating Account;
3. All funds held in account # 334015765704 at Bank of America, the name of Clarence Busby Jr. and Dawn Stowers, DBA Golden Panda Ad Builder Cashout Account;
4. All funds held in account # 91000113401039 at Bank of America, in the name of Golden Panda Ad Builder; and
5. All funds held in account # 91000113404188 at Bank of America, in the name of Golden Panda Ad Builder.

Golden Panda requests an evidentiary hearing on the merits of this Petition for Release. The Government intends to oppose this motion. In support of its Motion for Release, Claimant Golden Panda provides the attached Memorandum of Points of Law and Authorities.¹

Respectfully submitted,

CLARENCE BUSBY JR. AND GOLDEN
PANDA AD BUILDER

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By: _____/s/_____
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Its Counsel

* Counsel of Record

Date submitted: August 29, 2008

¹ Today, on August 29, 2008, Golden Panda filed a Motion to Sever and Transfer this cause of action to the United States District Court for the Northern District of Georgia. Golden Panda's Motion to Sever and Transfer did not waive any objections or rights in this Court. Under Fed. R. Civ. Pro 20 and 42, Golden Panda can request a severance or transfer through the completion of discovery.

Because of the exigent circumstances attending the instant motion, Golden Panda submits this Motion for Release to preserve its call for prompt relief. The motion is filed immediately after word was received from opposing counsel that the Government had not completed its review of evidence supplied by Golden Panda and, thus, could not consent to release of the funds at this time. If this Court rules expeditiously on Golden Panda's Motion for Severance and Transfer, Golden Panda will raise this instant motion in the District Court for the Northern District of Georgia. However, if this Court anticipates a lengthy period of response, Golden Panda requests that its instant Motion for Release be adjudicated by this Court forthwith to prevent destruction of Golden Panda's business.