

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Civil No. 11-cv-13397

Honorable George C. Steeh

Magistrate Paul J. Komives

THIRTY THREE THOUSAND FIFTY ONE
DOLLARS (\$33,051) IN U.S. CURRENCY,

Defendant *in rem*.

**STIPULATED CONSENT JUDGMENT AND
FINAL ORDER OF FORFEITURE**

NOW COMES the Plaintiff, the UNITED STATES OF AMERICA (hereinafter the “United States” or the “government”), by and through its counsel, BARBARA L. McQUADE, United States Attorney, and GJON JUNCAJ, Assistant United States Attorney, and Claimants, AVI MORDECHAI and LEAH MORDECHAI, by and through their attorney, DAVID GRIEM, ESQ., who enter into this Stipulation for Entry of a Consent Judgment and Final Order of Forfeiture as evidenced by their signatures below, under the terms and conditions hereinafter set forth:

WHEREAS, on or about February 17, 2011, Thirty Three Thousand Fifty One Dollars (\$33,051.00) in U.S. Currency (hereinafter “defendant currency”) was seized by officers of the Oak Park Police Department (“OPPD”) from LA Wireless, LLC, located in Oak Park, Michigan;

WHEREAS, the Department of Homeland Security, Homeland Security Investigations (“HSI”) subsequently adopted the seizure from OPPD and processed the seizure of the defendant currency for federal forfeiture;

WHEREAS, administrative claims contesting the forfeiture were filed with HSI by

Claimants AVI MORDECHAI and LEAH MORDECHAI, and thereafter, the matter was referred by HSI to the United States Attorney's Office for judicial forfeiture;

WHEREAS, a Complaint for Forfeiture in this matter was filed on August 4, 2011 by the United States alleging that the defendant currency was subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A) and/or 18 U.S.C. § 981(a)(1)(C);

WHEREAS, notice by publication has been completed in this case;

WHEREAS, Claimants AVI MORDECHAI and LEAH MORDECHAI filed their individual Claims of Interest as to the defendant currency on October 13, 2011, and filed a joint Answer, on December 22, 2011;

WHEREAS, no other verified claims of interest have been filed by any other party with the United States District Court under the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, and the time for filing such pleadings has expired; and

WHEREAS, the parties are aware of their respective rights in this matter and wish to resolve this matter without further litigation and expense;

NOW, THEREFORE, the parties hereby stipulate and agree as follows:

1. This is an *in rem* civil forfeiture action brought pursuant to 18 U.S.C. § 981(a)(1)(A) and 18 U.S.C. § 981(a)(1)(C).
2. The Court has jurisdiction and venue over this matter pursuant to 28 U.S.C. §§ 1345, 1355, 1391 and 1395.
3. The allegations of the Complaint for Forfeiture are well taken, the United States and its agents had reasonable cause for the seizure of the defendant currency as provided in 28 U.S.C. § 2465, and the position of the United States in this action is and has been substantially justified as

set forth in 28 U.S.C. § 2412.

4. The parties agree that upon entry of this Consent Judgment and Final Order of Forfeiture, \$10,000.00 of the defendant currency **SHALL BE DISBURSED** to Claimant AVI MORDECHAI. The United States agrees to release this sum to claimant AVI MORDECHAI less any debt owed to the United States, any agency of the United States, or any other debt the United States is authorized to collect from claimant AVI MORDECHAI including but not limited to any debts collected through the Treasury Offset Program. Following entry of this Stipulation and Order and receipt by the U.S. Attorney's Office, and after claimants' attorney has supplied Automated Clearing House (ACH) information to the government for electronic fund transfer, the United States Department of Treasury or its delegate shall disburse the funds through the Electronic Payment System (EPS). Funds will only be disbursed after the United States Department of Homeland Security, Customs and Border Protection ("CBP") has received the claimant's social security number and the ACH information for electronic deposit of the funds into the attorney's IOLTA account.

5. Claimant AVI MORDECHAI hereby withdraws his claim to the remaining \$23,051.00 in U.S. Currency, plus any interest accrued on the defendant currency since the date of seizure.

6. Claimant LEAH MORDECHAI hereby withdraws her claim to the total \$ 33,051.00 in U.S. Currency, plus any interest accrued on the defendant currency since the date of seizure.

7. Claimants AVI MORDECHAI and LEAH MORDECHAI agree that the \$23,051.00 in U.S. Currency, plus any interest accrued since the date of seizure on the defendant currency, (collectively, "forfeited currency") shall be **FORFEITED** to the United States of America pursuant

to 18 U.S.C. § 981(a)(1)(A) and/or 18 U.S.C. § 981(a)(1)(C). Further, any right, title or interest of Claimants AVI MORDECHAI and LEAH MORDECHAI, their successors and assigns, and any right, title and ownership interest of all other persons in the forfeited currency is hereby and forever **EXTINGUISHED**, and that clear title to the forfeited currency shall hereby be **VESTED** in the United States of America, and that the United States Department of Treasury, or its delegatee, is **AUTHORIZED** to dispose of the forfeited currency according to law.

8. Upon signing below, Claimants AVI MORDECHAI and LEAH MORDECHAI release, remise and forever discharge the plaintiff, United States of America, and its agents, officers, employees, past and present, and all other persons, including but not limited to agents and employees of the Department of Homeland Security, the United States Attorneys Office, any individual local law enforcement officers or departments or agencies, and any other persons who participated in or assisted in any aspect of this forfeiture action and underlying investigation, from any and all claims or causes of action which claimants, and their agents, officers, employees, past and present, and which claimants and their assigns, agents, officers employees and successors in interest hereafter can, shall or may have for, or on account of the incidents or circumstances giving rise to the above-captioned action.

9. Claimants AVI MORDECHAI and LEAH MORDECHAI have discussed this settlement with their attorney and are aware of their rights in this matter. Claimants AVI MORDECHAI and LEAH MORDECHAI hereby agree to waive any conflicts pertaining to their respective forfeiture claims and are allowing attorney DAVID GRIEM to represent them both. The Claimants have discussed the issue regarding conflicts with their attorney, do not believe any conflicts exist, and, if any conflicts do exist, Claimants waive the conflicts.

10. The parties agree that each party shall bear its own costs and attorneys fees in this matter.

11. Upon entry of the Stipulated Consent Judgment and Final Order of Forfeiture, this case shall be **DISMISSED WITH PREJUDICE** and closed.

S/GJON JUNCAJ
GJON JUNCAJ
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S/DAVID GRIEM (with consent)
DAVID GRIEM, ESQ.
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(P23187)

Dated: June 7, 2012

Dated: June 6, 2012

S/AVI MORDECHAI (see attached page)
AVI MORDECHAI
Claimant

Dated: June 6, 2012

S/LEAH MORDECHAI (see attached page)
LEAH MORDECHAI
Claimant

Dated: June 6, 2012

IT IS SO ORDERED.

Dated: June 8, 2012


S/George Caram Steeh
Honorable George C. Steeh
United States District Judge

10. The parties agree that each party shall bear its own costs and attorneys fees in this matter.

11. Upon entry of the Stipulated Consent Judgment and Final Order of Forfeiture, this case shall be **DISMISSED WITH PREJUDICE** and closed.

GJON JUNCAJ
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Dated:



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(P23187)

Dated: 6/6/12



AVI MORDECHAI
Claimant

Dated: 06/06/12



LEAH MORDECHAI
Claimant

Dated: 6/6/12

IT IS SO ORDERED.

Dated:

Honorable George C. Steeh
United States District Judge