

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$59,980.00 U.S. CURRENCY,

Defendant in rem.

Case No. 23-13217

Honorable Laurie J. Michelson

**OPINION AND ORDER DENYING CLAIMANT QUALITY COLLISION PARTS
INC.'S MOTION TO DISMISS WITHOUT PREJUDICE [8]**

In July 2022, Homeland Security Agents executed a search warrant at Quality Collision Auto Parts in Warren, Michigan. (ECF No. 1, PageID.2.) The government had been investigating Quality Collision for three years for the suspected importation of counterfeit auto parts bearing the Ford, Chrysler, and General Motors trademarks. (*Id.* at PageID.4.) When agents searched the auto parts store, they found and seized over two million dollars' worth of alleged counterfeit parts and a plastic bank deposit bag with \$59,980 in cash—the defendant *in rem.* (*Id.* at PageID.5.)

In December 2023, the government filed this civil forfeiture action, seeking to forfeit the \$59,980 under 18 U.S.C. § 2323 because the government alleged it was “involved in” the intentional trafficking of counterfeit goods, “a knowing violation . . . of 18 U.S.C. § 2320.” (*Id.*) Quality Collision contests the forfeiture. It says the cash was proceeds of lawful business operations and is not traceable to proceeds of illegal activity. (ECF No. 6, PageID.24.) And it contends that the

government's complaint fails to meet the pleading requirements under supplemental rule G. (ECF No. 8, PageID.36.) So it filed a motion to dismiss. (ECF No. 8.)

The Court held a hearing on this motion on October 21, 2024. For the reasons stated more fully on the record during the hearing, the Court grants the government leave to amend the complaint and DENIES WITHOUT PREJUDICE to refiling Quality Collision's motion to dismiss.

IT IS FURTHER ORDERED that the government shall defer the refiling of the amended complaint for 60 days from the entry of this order while the parties explore possible avenues of resolution.

SO ORDERED.

Dated: October 22, 2024

s/Laurie J. Michelson
LAURIE J. MICHELSON
UNITED STATES DISTRICT JUDGE