

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Civil No. 11-15432

Honorable Gershwin A. Drain

Magistrate Judge Mark A. Randon

ONE 2011 BMW 5 SERIES 535i VIN:
WBAFU7C55BC777710; *et al*;

Defendants *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 JULIE A. BECK, Assistant United States Attorney, and Claimant GEETIKA GOSWAMI, Claimant, by and through her attorney, EDWARD C. WISHNOW, and enter into this Stipulation for Entry of Consent Judgment and Final Order of Forfeiture, as evidenced by their signatures below, under the terms and conditions hereinafter set forth:

AGREEMENT

1. WHEREAS, on December 12, 2011, the United States of America filed a forfeiture complaint against the defendants *in rem* pursuant to 18 U.S.C §§ 881(a)(6) and 981(a)(1)(A) and/or (C);

2. WHEREAS, Claimant Geetika Goswami, filed a verified claim as it relates to Assorted Jewelry valued at \$41,585.00 (11-DEA-552970); and One 2010 Lexus RX 350 VIN:

2T2BK1BA4AC029938 (11-DEA-552650) (hereinafter referred to as the “Defendant Property”);

3. WHEREAS, as it relates to the above described Defendant Property, no other claims of interest have been filed by any party with the United States District Court under the Supplemental Rule for Certain Admiralty and Maritime Claims and the time for filing such pleadings has expired, with the exception of Toyota Motor Credit, who claims to have a third party interest in the 2010 Lexus RX350. The United States will resolve Toyota Motor Credit’s third party claim separately.

4. WHEREAS, notice of publication has been completed in this case;

IT IS HEREBY STIPULATED AND AGREED by and among the parties as follows:

5. This action is a civil in rem forfeiture action brought pursuant to 18 U.S.C §§ 881(a)(6) and 981(a)(A) and/or (C).

6. The Court has jurisdiction and venue over this matter pursuant to 28 U.S.C. §§ 1345 and 1355(b)(1)(A).

7. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b)(2) as a substantial part of the events giving rise to the Government’s claims occurred in the Eastern District of Michigan. Venue is also proper before this Court pursuant to 28 U.S.C. § 1395(b), as the defendants *in rem* were found and seized in the Eastern District of Michigan.

8. The allegations of the Complaint for Forfeiture were well taken and the United States and its agents had reasonable cause for the seizure of the defendant property pursuant to 28 U.S.C. § 2465, and that the position of the United States in this action was substantially justified pursuant to 28 U.S.C. § 2412. Claimant waives any claims for fees and costs in

connection with this matter, whether under the Civil Asset Forfeiture Reform Act of 2000, the Equal Access to Justice Act, any other statute, rule or regulation, or otherwise.

9. Claimant hereby withdraws her claim to the 2010 Lexus RX 350 VIN: 2T2BK1BA4AC029938 (11-DEA-552650).

10. The parties agree that the Assorted Jewelry valued at \$41,585.00 (11-DEA-552970) shall **NOT BE FORFEITED BUT SHALL BE RETURNED** to Claimant.

11. The 2010 Lexus RX 350 VIN: 2T2BK1BA4AC029938 (11-DEA-552650) **SHALL BE FORFEITED** to the United States of America pursuant to 18 U.S.C §§ 881(a)(6) and 981(a)(A) and/or (C). Further, any right, title or interest of Claimant and her successors and assigns in the 2010 Lexus RX 350 VIN: 2T2BK1BA4AC029938 (11-DEA-552650) is hereby and forever **EXTINGUISHED**, and that clear title to vehicle shall hereby be **VESTED** in the United States, and the United States Marshals Service is **AUTHORIZED** to dispose of it according to law. The United States will resolve Toyota Motor Credit's third party claim separately.

12. Following entry of this Consent Judgment and Final Order of Forfeiture, the United States Marshals Service (USMS) for the Eastern District of Michigan will make arrangements to return the Assorted Jewelry valued at \$41,585.00 (11-DEA-552970) upon presentation of identification and a copy of the consent judgment at the USMS, 231 West Lafayette, Room 300, Detroit, Michigan 48226.

13. Upon signing below, Claimant does 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 the DEA, 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, from any and all claims or causes of action which claimant, and/or his agents, officers, employees, past and present, and which claimant and/or his 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.


14. Claimant has discussed this settlement with counsel and is aware of her rights in this matter. The parties shall bear their own costs and attorney fees in this matter.

Agreed as to form and substance:

BARBARA L. McQUADE
United States Attorney

s/Julie A. Beck
Julie A. Beck (P53291)
Assistant United States Attorney
211 W. Fort Street, Suite 2001
Detroit, Michigan 48226
(313) 226-9717
julie.beck@usdoj.gov
Dated: January 31, 2013

s/with consent Edward C. Wishnow
Edward C. Wishnow (P22472)
Attorney for Claimant
240 Daines Street
Birmingham, Michigan 48009
(248) 258-1991
edwishnow@aol.com
Dated: January 25, 2013



Geetika Goswami, Claimant

Dated: January 29, 2013

IT IS SO ORDERED.

Dated: February 8, 2013

/s/Gershwin A Drain

HONORABLE GERSHWIN A. DRAIN
United States District Court Judge