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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,)

13

Plaintiff,)

14

v.)

2:08-CV-1067-RLH (GWF)

15

ONE DIAMOND RING GIVEN BY MICHAEL)

16

JELINSKY TO HIS FIANCÉ KRISTIE GULIA)

17

SEIZED FROM KRISTIE GULIA,)

Defendant.)

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MOTION FOR DEFAULT JUDGMENT OF FORFEITURE

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Pursuant to Fed. R. Civ. P. 55 and Fed. R. Civ. P. Supp. Rule G(4)(b) and (5), the United

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States respectfully moves this Court for entry of a default judgment of forfeiture based on the

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following:

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1. The United States filed a Verified Amended Complaint for Forfeiture in Rem on January

23

29, 2010. Docket #11.¹ The Verified Amended Complaint (#11) alleges the defendant property:

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...

¹The docket # will be to this case. Where the docket number cites to the criminal case, 2:09-CR-28-RLH (GWF), CR will be in front of the document number.

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- a. is involved in a transaction or attempted transaction in violations of 18 U.S.C. § 1956(a)(1), or is property traceable to such property, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A);
 - b. is involved in a transaction or attempted transaction in violations of 18 U.S.C. § 1956(a)(2), or is property traceable to such property, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A);
 - c. is involved in a transaction or attempted transaction in violations of 18 U.S.C. § 1957, or is property traceable to such property, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A);
 - d. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. § 1084 and Nev. Rev. Stat. §§ 199.480, 463.160, 463.430, 464.010, 465.092, and 465.093, specified unlawful activities as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);
 - e. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. § 1341, a specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);
 - f. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. § 1343, a specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);
 - g. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. § 1952(a)(1) and Nev. Rev. Stat. §§ 199.480, 463.160, 463.430, 464.010, 465.092, and 465.093, specified unlawful activities as defined in 18 U.S.C. §§
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1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);

h. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. § 1952(a)(3) and Nev. Rev. Stat. §§ 199.480, 463.160, 463.430, 464.010, 465.092, and 465.093, specified unlawful activities as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);

i. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. § 1955 and Nev. Rev. Stat. §§ 199.480, 463.160, 463.430, 464.010, 465.092, and 465.093, specified unlawful activities as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);

j. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. § 1956(a)(1), a specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);

k. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. § 1956(a)(2), a specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);

l. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. § 1957, a specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);

...
...

1 m. is involved in violations of 31 U.S.C. § 5313, or a conspiracy to commit such
2 violations, or is traceable to any such violations or conspiracy, and is subject
3 to forfeiture pursuant to 31 U.S.C. § 5317(c)(2); and

4 n. is involved in violations of 31 U.S.C. § 5324, or a conspiracy to commit such
5 violations, or is traceable to any such violations or conspiracy, and is subject
6 to forfeiture pursuant to 31 U.S.C. § 5317(c)(2).

7 2. On February 2, 2010, this Court entered an Amended Order for Amended Summons and
8 Warrant of Arrest in Rem for the Property and Amended Notice and issued the Amended Summons
9 and Warrant of Arrest in Rem for the Property. #12 and #13.

10 3. Pursuant to the Amended Order (#12), the Verified Amended Complaint (#11), the
11 Amended Order (#12), the Amended Summons and Warrant of Arrest in Rem for the Property (#13),
12 and the Amended Notice of Complaint for Forfeiture (#15, p. 3-4) were served on the defendant
13 property, and the Notice of Forfeiture Action was published according to law. #14. All persons
14 interested in the defendant property were required to file their claims with the Clerk of the Court no
15 later than 60 days after the first day of publication on the United States's official internet forfeiture
16 site, www.forfeiture.gov, or within 35 days of actual notice of this action, as applicable, followed by
17 the filing of an answer to the Amended Complaint within 21 days after the filing of their respective
18 claims. #11, #12, #13, #14, and #15, p. 3-4.

19 4. Public notice of the forfeiture action was given to all persons and entities on the official
20 government internet forfeiture site, www.forfeiture.gov, from February 4, 2010 through March 5,
21 2010. #14.

22 5. On March 9, 2010, the United States Customs and Border Protection served the Verified
23 Amended Complaint, the Amended Order, the Amended Summons and Warrant of Arrest in Rem for
24 the Property, and the Amended Notice by executing them on the defendant property. #15.

25 6. On March 19, 2010, the Notice of Filing Proof of Publication and Notice of Filing Service
26 of Process were filed. #14 and #15.

1 7. On February 18, 2009, this Court entered a Plea Memorandum as to Jeffrey Jelinsky in
2 the District of Nevada Criminal Court Case 2:09-CR-28-RLH (GWF) where he agreed to the civil
3 judicial forfeiture or the criminal forfeiture and waived service of process of any documents filed in
4 any action or any proceedings concerning the One Diamond Ring Given by Michael Jelinsky to His
5 Fiancé Kristie Gulia Seized from Kristie Gulia. This Court also entered a Preliminary Order of
6 Forfeiture as to Jeffrey Jelinsky forfeiting the One Diamond Ring Given by Michael Jelinsky to His
7 Fiancé Kristie Gulia Seized from Kristie Gulia CR #10 and CR #12.

8 8. On February 18, 2009, this Court entered a Plea Memorandum as to Michael Jelinsky in
9 District of Nevada Criminal Court Case 2:09-CR-28-RLH (GWF) where he agreed to the civil judicial
10 forfeiture or the criminal forfeiture and waived service of process of any documents filed in any action
11 or any proceedings concerning the One Diamond Ring Given by Michael Jelinsky to His Fiancé
12 Kristie Gulia Seized from Kristie Gulia. This Court also entered a Preliminary Order of Forfeiture
13 as to Michael Jelinsky forfeiting the One Diamond Ring Given by Michael Jelinsky to His Fiancé
14 Kristie Gulia Seized from Kristie Gulia. CR #11 and CR #13.

15 9. On March 31, 2010, this Court entered an Order Granting the Settlement Agreement,
16 Stipulation for Entry of Order of Forfeiture as to Barbara Jelinsky, and Order. #19.

17 10. On March 31, 2010, this Court entered an Order Granting the Settlement Agreement,
18 Stipulation for Entry of Order of Forfeiture as to Leigh A. Jelinsky, and Order. #20.

19 11. On March 31, 2010, this Court entered an Order Granting the Settlement Agreement,
20 Stipulation for Entry of Order of Forfeiture as to Kristie Gulia, and Order. #21.

21 12. No other person or entity has filed a claim, answer, or responsive pleading within the
22 time permitted by 18 U.S.C. § 983(a)(4) and Fed. R. Civ. P. Supp. Rule G(4)(b) and (5).

23 13. On April 14, 2010, the United States filed a Request for Entry of Default, Declaration
24 in Support of Request for Entry of Default, and Proposed Default against the defendant property and
25 all persons or entities who claim an interest in the One Diamond Ring Given by Michael Jelinsky to
26 His Fiancé Kristie Gulia Seized from Kristie Gulia in the above-entitled action. #22.

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14. On April 16, 2010, the Clerk of the Court entered a Default against the defendant property and all persons or entities who claim an interest in the defendant property in the above-entitled action. #23.

15. The allegations of the Complaint are sustained by the evidence and should be adopted as findings of fact. The Court should conclude as a matter of law that the United States is entitled to the relief requested in the Complaint.

16. The United States requests that a default judgment of forfeiture be entered against the defendant property and all persons or entities who claim an interest in the defendant property in the above-entitled action. A proposed Default Judgment of Forfeiture is submitted herewith.

17. The United States further requests this Court certify, pursuant to 28 U.S.C. § 2465(a)(2), that there was reasonable cause for the seizure or arrest of the defendant property.

Respectfully submitted this 29th day of April, 2010.

DANIEL G. BOGDEN
United States Attorney

/s/ Daniel D. Hollingsworth
DANIEL D. HOLLINGSWORTH
Assistant United States Attorney

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7 Counsel for the United States of America

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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 UNITED STATES OF AMERICA,)
)
13 Plaintiff,)
)
14 v.) 2:08-CV-1067-RLH (GWF)
)
15 ONE DIAMOND RING GIVEN BY MICHAEL)
JELINSKY TO HIS FIANCÉ KRISTIE GULIA)
16 SEIZED FROM KRISTIE GULIA,)
)
17 Defendant.)

18 DEFAULT JUDGMENT OF FORFEITURE

19 1. The United States filed a Verified Amended Complaint for Forfeiture in Rem on January
20 29, 2010. Docket #11.¹ The Verified Amended Complaint (#11) alleges the defendant property:
21 a. is involved in a transaction or attempted transaction in violations of 18 U.S.C.
22 § 1956(a)(1), or is property traceable to such property, and is subject to
23 forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A);
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¹The docket # will be to this case. Where the docket number cites to the criminal case, 2:09-CR-28-RLH (GWF), CR will be in front of the document number.

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- b. is involved in a transaction or attempted transaction in violations of 18 U.S.C. § 1956(a)(2), or is property traceable to such property, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A);
- c. is involved in a transaction or attempted transaction in violations of 18 U.S.C. § 1957, or is property traceable to such property, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A);
- d. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. § 1084 and Nev. Rev. Stat. §§ 199.480, 463.160, 463.430, 464.010, 465.092, and 465.093, specified unlawful activities as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);
- e. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. § 1341, a specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);
- f. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. § 1343, a specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);
- g. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. § 1952(a)(1) and Nev. Rev. Stat. §§ 199.480, 463.160, 463.430, 464.010, 465.092, and 465.093, specified unlawful activities as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);
- h. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. § 1952(a)(3) and Nev. Rev. Stat. §§ 199.480, 463.160, 463.430, 464.010,

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465.092, and 465.093, specified unlawful activities as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);

i. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. § 1955 and Nev. Rev. Stat. §§ 199.480, 463.160, 463.430, 464.010, 465.092, and 465.093, specified unlawful activities as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);

j. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. § 1956(a)(1), a specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);

k. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. § 1956(a)(2), a specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);

l. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. § 1957, a specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);

m. is involved in violations of 31 U.S.C. § 5313, or a conspiracy to commit such violations, or is traceable to any such violations or conspiracy, and is subject to forfeiture pursuant to 31 U.S.C. § 5317(c)(2); and

n. is involved in violations of 31 U.S.C. § 5324, or a conspiracy to commit such violations, or is traceable to any such violations or conspiracy, and is subject to forfeiture pursuant to 31 U.S.C. § 5317(c)(2).

1 It appearing that process was fully issued in this action and returned according to law;

2 On February 2, 2010, this Court entered an Amended Order for Amended Summons and
3 Warrant of Arrest in Rem for the Property and Amended Notice and issued the Amended Summons
4 and Warrant of Arrest in Rem for the Property. #12 and #13.

5 Pursuant to the Amended Order (#12), the Verified Amended Complaint (#11), the Amended
6 Order (#12), the Amended Summons and Warrant of Arrest in Rem for the Property (#13), and the
7 Amended Notice of Complaint for Forfeiture (#15, p. 3-4) were served on the defendant property, and
8 the Notice of Forfeiture Action was published according to law. #14. All persons interested in the
9 defendant property were required to file their claims with the Clerk of the Court no later than 60 days
10 after the first day of publication on the United States's official internet forfeiture site,
11 www.forfeiture.gov, or within 35 days of actual notice of this action, as applicable, followed by the
12 filing of an answer to the Amended Complaint within 21 days after the filing of their respective
13 claims. #11, #12, #13, #14, and #15, p. 3-4.

14 Public notice of the forfeiture action was given to all persons and entities on the official
15 government internet forfeiture site, www.forfeiture.gov, from February 4, 2010 through March 5,
16 2010. #14.

17 On March 9, 2010, the United States Customs and Border Protection served the Verified
18 Amended Complaint, the Amended Order, the Amended Summons and Warrant of Arrest in Rem for
19 the Property, and the Amended Notice by executing them on the defendant property. #15.

20 On March 19, 2010, the Notice of Filing Proof of Publication and Notice of Filing Service
21 of Process were filed. #14 and #15.

22 On February 18, 2009, this Court entered a Plea Memorandum as to Jeffrey Jelinsky in the
23 District of Nevada Criminal Court Case 2:09-CR-28-RLH (GWF) where he agreed to the civil judicial
24 forfeiture or the criminal forfeiture and waived service of process of any documents filed in any action
25 or any proceedings concerning the One Diamond Ring Given by Michael Jelinsky to His Fiancé
26 Kristie Gulia Seized from Kristie Gulia. This Court also entered a Preliminary Order of Forfeiture

1 as to Jeffrey Jelinsky forfeiting the One Diamond Ring Given by Michael Jelinsky to His Fiancé
2 Kristie Gulia Seized from Kristie Gulia in United States Currency. CR #10 and CR #12.

3 On February 18, 2009, this Court entered a Plea Memorandum as to Michael Jelinsky
4 in District of Nevada Criminal Court Case 2:09-CR-28-RLH (GWF) where he agreed to the civil
5 judicial forfeiture or the criminal forfeiture and waived service of process of any documents filed in
6 any action or any proceedings concerning the One Diamond Ring Given by Michael Jelinsky to His
7 Fiancé Kristie Gulia Seized from Kristie Gulia. This Court also entered a Preliminary Order of
8 Forfeiture as to Michael Jelinsky forfeiting the One Diamond Ring Given by Michael Jelinsky to His
9 Fiancé Kristie Gulia Seized from Kristie Gulia in United States Currency. CR #11 and CR #13.

10 On March 31, 2010, this Court entered an Order Granting the Settlement Agreement,
11 Stipulation for Entry of Order of Forfeiture as to Barbara Jelinsky, and Order. #19.

12 On March 31, 2010, this Court entered an Order Granting the Settlement Agreement,
13 Stipulation for Entry of Order of Forfeiture as to Leigh A. Jelinsky, and Order. #20.

14 On March 31, 2010, this Court entered an Order Granting the Settlement Agreement,
15 Stipulation for Entry of Order of Forfeiture as to Kristie Gulia, and Order. #21.

16 No person or entity has filed a claim, answer, or responsive pleading within the time
17 permitted by 18 U.S.C. § 983(a)(4) and Fed. R. Civ. P. Supp. Rule G(4)(b) and (5).

18 On April 14, 2010, the United States filed a Request for Entry of Default, Declaration in
19 Support of Request for Entry of Default, and Proposed Default against the defendant property and all
20 persons or entities who claim an interest in the defendant property in the above-entitled action. #22.

21 On April 16, 2010, the Clerk of the Court entered a Default against the defendant property
22 and all persons or entities who claim an interest in the defendant property in the above-entitled action.
23 #23.

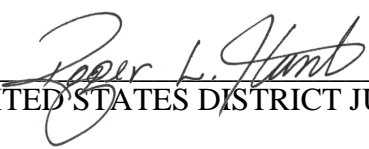
24 The allegations of the Complaint are sustained by the evidence and are adopted as findings
25 of fact. The Court concludes as a matter of law that the United States is entitled to the relief requested
26 in the Complaint.

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NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Default Judgment of Forfeiture be entered against the defendant property and all persons or entities who claim an interest in the defendant property in the above-entitled action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that said property be, and the same is hereby forfeited to the United States of America, and no right, title, or interest in the property shall exist in any other party.

IT IS HEREBY CERTIFIED, pursuant to 28 U.S.C. § 2465(a)(2), that there was reasonable cause for the seizure or arrest of the defendant property.


UNITED STATES DISTRICT JUDGE

DATED: _____ April 30, 2010 _____