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

12 UNITED STATES OF AMERICA, )  
 )  
 13 Plaintiff, )  
 )  
 14 v. ) 2:12-CV-  
 )  
 15 \$158,677.17 IN UNITED STATES CURRENCY, )  
 )  
 16 Defendant. )

17 **THE UNITED STATES OF AMERICA’S UNOPPOSED APPLICATION TO EXTEND**  
 18 **THE TIME TO FILE A CIVIL COMPLAINT FOR FORFEITURE IN REM AGAINST**  
 19 **THE \$158,677.17 IN UNITED STATES CURRENCY**  
 20 **(First Request)**

20 The United States of America (“United States”), by and through Daniel G. Bogden, United States  
 21 Attorney for the District of Nevada, and Daniel D. Hollingsworth, Assistant United States Attorney;  
 22 Ramon Desage (“Desage”), by and through his counsel, Richard A. Wright; and William Richardson  
 23 (“Richardson”), by and through his counsel, David Z. Chesnoff, respectfully apply for an extension of  
 24 time until and including February 19, 2013, pursuant to 18 U.S.C. § 983(a)(3)(A), for the United States  
 25 to file a Civil Complaint For Forfeiture In Rem against the \$158,677.17 in United States Currency. The  
 26 Complaint is currently due December 17, 2012.

1 The grounds for this unopposed application are counsel for the United States, Desage, and  
2 Richardson have agreed to the extension.

3 This Unopposed Application is made and is based on this Unopposed Application and the attached  
4 Memorandum of Points and Authorities.

5 DATED this 13th day of December, 2012.

6 DANIEL G. BOGDEN  
7 United States Attorney

8 /s/DanielD.Hollingsworth  
9 DANIEL D. HOLLINGSWORTH  
Assistant United States Attorney

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. Statement Of Facts**

3 On or about July 6, 2012, the Internal Revenue Service, the Department of the United States  
4 Treasury in Las Vegas, Nevada (“IRS”) executed a civil seizure warrant on any and all funds held in  
5 Bank of Nevada Account Number xxxxxx6157 in the name of Cadeau Express, located at 2700 West  
6 Sahara Avenue, Las Vegas, Nevada 89102, seizing \$158,677.17.

7 On or about September 6, 2012, the IRS mailed the notice of administrative forfeiture by regular  
8 first class mail and certified return receipt requested to Ramon Desage (“Desage”) and William  
9 Richardson (“Richardson”).

10 On or about September 18, 2012, the IRS received claims from Desage and Richardson requesting  
11 a judicial action.

12 On December 12, 2012, Richard A. Wright, counsel for Desage, and David Z. Chesnoff, counsel  
13 for Richardson, agreed to the extension of time and authorized counsel for the United States to file this  
14 Unopposed Application with this Court.

15 **II. ARGUMENT**

16 This Court should grant this application for an extension of time to file the Civil Complaint For  
17 Forfeiture In Rem against the \$158,677.17 in United States Currency.

18 Not later than 90 days after a claim has been filed, the Government shall file a complaint for  
19 forfeiture in the manner set forth in the Supplemental Rules for Certain Admiralty and  
20 Maritime Claims ... except that a court in the district in which a complaint will be filed may  
extend the period for filing a complaint for good cause shown or *upon agreement of the parties.*

21 18 U.S.C. § 983(a)(3)(A) (emphasis added); *United States v. 475 Martin Lane*, 545 F.3d 1134, 1146  
22 (9th Cir. 2008) (holding “that 18 U.S.C. § 983(a)(3)(A) authorizes district courts to grant ex parte  
23 extensions of time in which to file a civil forfeiture complaint.”)

24 A district court has authority under § 983(a)(3)(A) to extend the period for filing a Civil Complaint  
25 For Forfeiture In Rem. On December 12, 2012, Desage’s counsel and Richardson’s counsel agreed to  
26 the extension of time and authorized counsel for the United States to file this Unopposed Application

1 with this Court. Because the parties have agreed to the extension of time to file a Civil Complaint For  
2 Forfeiture In Rem, this Court should extend the time.

3 This Unopposed Application is not submitted solely for the purpose of delay or for any other  
4 improper purpose.

5 **II. Conclusion**

6 This Court should grant an extension of time until February 19, 2013, pursuant to § 983(a)(3)(A),  
7 for the United States to file a Civil Complaint For Forfeiture In Rem against the \$158,677.17 in United  
8 States Currency because counsel for the United States, Desage, and Richardson have agreed to the  
9 extension of time.

10 DATED this 13th day of December, 2012.

11 Respectfully submitted,

12 DANIEL G. BOGDEN  
13 United States Attorney

14 /s/DanielD.Hollingsworth  
15 DANIEL D. HOLLINGSWORTH  
16 Assistant United States Attorney

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18 IT IS SO ORDERED:

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21 UNITED STATES DISTRICT JUDGE

22 DATED: December 17, 2012  
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1 **PROOF OF SERVICE**

2 I, Daniel D. Hollingsworth, certify that the following individuals were served **THE UNITED**  
3 **STATES OF AMERICA’S UNOPPOSED APPLICATION TO EXTEND THE TIME TO FILE**  
4 **A CIVIL COMPLAINT FOR FORFEITURE IN REM AGAINST THE \$158,677.17 IN UNITED**  
5 **STATES CURRENCY (First Request)** on December 13, 2013, by the below identified method of  
6 service:

7 Mail

8 Richard A. Wright  
9 300 South Fourth Street, Suite #701  
10 Las Vegas, Nevada 89101  
11 Counsel for Ramon Desage

12 David Z. Chesnoff  
13 520 South Fourth Street  
14 Las Vegas, Nevada 89101  
15 Counsel for William Richardson

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