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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-02127-GMN-CWH
)
 15 \$844,586.92 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 \$844,586.92 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 \$844,586.92 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 xxxxxx6408 in the name of Beryt Promotion, LLC, located at 2700
6 West Sahara Avenue, Las Vegas, Nevada 89102, seizing \$844,586.92.

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 \$844,586.92 in United
8 States Currency because counsel for the United States, Desage, and Richardson have agreed to the
9 extension of time.

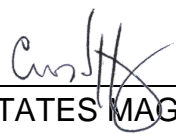
10 DATED this 13th day of December, 2012.

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 _____
22 UNITED STATES MAGISTRATE JUDGE
23 DATED: December 14, 2012
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PROOF OF SERVICE

I, Daniel D. Hollingsworth, certify that the following individuals were served **THE UNITED STATES OF AMERICA’S UNOPPOSED APPLICATION TO EXTEND THE TIME TO FILE A CIVIL COMPLAINT FOR FORFEITURE IN REM AGAINST THE \$844,586.92 IN UNITED STATES CURRENCY (First Request)** on December 13, 2013, by the below identified method of service:

Mail

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

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

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

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff Clark
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
United States Attorney's Office, DANIEL D. HOLLINGSWORTH,
AUSA, 333 Las Vegas Blvd. South, Suite 5000, Las Vegas, NV 89101

DEFENDANTS

\$844,586.92 in United States Currency

County of Residence of First Listed Defendant Clark
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input checked="" type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN

(Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C 1345ff

VI. CAUSE OF ACTION

Brief description of cause:
Asset Forfeiture seeking the forfeiture of the defendant property.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** _____
CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

December 13, 2012

Daniel D. Hollingsworth

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____