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8 **UNITED STATES DISTRICT COURT**
 9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,)
)
 11 Plaintiff,)
)
 12 v.) 2:13-CV-049-APG-(CWH)
)
 13 \$50,000.00 IN UNITED STATES)
 CURRENCY,)
 14)
 Defendant.)
 15

16 **DEFAULT JUDGMENT OF FORFEITURE**

17 The United States filed a verified Complaint for Forfeiture in Rem (ECF No. 1) on January
 18 10, 2013. The Complaint (ECF No. 1) alleges the defendant property:

- 19 a. was furnished or was intended to be furnished in exchange for controlled
 20 substances in violation of Title II of the Controlled Substances Act, 21 U.S.C.
 21 § 801 *et seq.*, and is subject to forfeiture to the United States pursuant to 21
 22 U.S.C. § 881(a)(6);
- 23 b. is proceeds traceable to exchanges of controlled substances in violation of
 24 Title II of the Controlled Substances Act, 21 U.S.C. § 801 *et seq.*, and is
 25 subject to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(6);
 26 and

1 c. was used or was intended to be used to facilitate violations of Title II of the
2 Controlled Substances Act, 21 U.S.C. § 801 *et seq.*, and is subject to forfeiture
3 to the United States pursuant to 21 U.S.C. § 881(a)(6).

4 On January 22, 2013, the Court entered an Order for Summons and Warrant of Arrest in Rem
5 for the Property and Notice (ECF No. 4) and issued the Summons and Warrant of Arrest in Rem for
6 the Property (ECF No. 5).

7 Public notice of the forfeiture action and arrest was given to all persons and entities by
8 publication on the official government website www.forfeiture.gov from January 24, 2013, through
9 February 22, 2013. Notice of Filing Proof of Publication, ECF No. 6.

10 Pursuant to the Order (ECF No. 4), the Complaint (ECF No. 1), the Order (ECF No. 4), the
11 Summons and Warrant (ECF No. 5), and the Notice of Complaint for Forfeiture (ECF No. 16, p. 3-4,
12 34-35, 51-52; ECF No. 23, p. 3-4) were served on the defendant property and all persons claiming an
13 interest in the defendant property. All persons interested in the defendant property were required to
14 file their claims with the Clerk of the Court no later than 35 days after the notice of this action was
15 sent by mail, followed by the filing of an answer to the Complaint within 21 days after the filing of
16 their respective claims. Complaint, ECF No. 1; Order for Summons and Warrant of Arrest in Rem
17 for the Property and Notice, ECF No. 4; Summons and Warrant Issued by the Clerk, ECF No. 5;
18 Notice of Filing Service of Process, ECF Nos. 16 and 23.

19 On March 21, 2013, the United States Marshals Service served the Complaint, the Order, the
20 Summons and Warrant of Arrest in Rem for the Property, and the Notice on Oliver James Kwan, by
21 and through his counsel David Chesnoff, by personal service. Notice of Filing Service of Process,
22 ECF No. 16, p. 3-16.

23 On May 30, 2013, the United States Marshals Service served the Complaint, the Order, the
24 Summons and Warrant of Arrest in Rem for the Property, and the Notice on Heather Marie Leeman
25 by regular mail and certified return receipt mail. Notice of Filing Service of Process, ECF No. 16, p.
26 32-65.

1 On October 15, 2013, the United States Marshals Service served the Complaint, the Order,
2 the Summons and Warrant of Arrest in Rem for the Property, and the Notice by executing them on
3 the defendant property. Notice of Filing Service of Process, ECF No. 23.

4 On March 13, 2013, an Answer to Civil Complaint for Forfeiture In Rem was filed by Oliver
5 James Kwan with the Court. Answer to Civil Complaint for Forfeiture In Rem, ECF No. 9.

6 On March 13, 2013, a Verified Claim and Demand for Return of Property was filed with the
7 Court by Oliver James Kwan. Verified Claim and Demand for Return of Property, ECF No. 10.

8 On October 8, 2013, a proposed Settlement Agreement, Stipulation for Entry of Judgment of
9 Forfeiture as to Oliver James Kwan and Order was filed with the Court. Settlement Agreement,
10 Stipulation for Entry of Judgment of Forfeiture, ECF No. 21.

11 On October 8, 2013, the Court entered an Order granting the Settlement Agreement,
12 Stipulation for Entry of Judgment of Forfeiture as to Oliver James Kwan. Order, ECF No. 22.

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

15 Heather Marie Leeman is not in the military service within the purview of the
16 Servicemembers Civil Relief Act.

17 On October 16, 2013, the United States filed a Request for Entry of Default against the
18 defendant property and all persons or entities who claim an interest in the defendant property in the
19 above-entitled action. Request for Entry of Default, ECF No. 24.

20 On October 21, 2013, the Clerk of the Court entered a Default against the defendant property
21 and all persons or entities who claim an interest in the defendant property in the above-entitled
22 action. Default, ECF No. 25.

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

26 . . .

1 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
2 Default Judgment of Forfeiture be entered against (1) the \$50,000.00 in United States Currency; (2)
3 Heather Marie Leeman; and (3) all other persons or entities who may claim an interest in the
4 defendant property in the above-entitled action, except for Oliver James Kwan.

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

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

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12 UNITED STATES DISTRICT JUDGE
13 Dated: October 22, 2013
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