

PAUL J. FISHMAN
United States Attorney
By: JORDAN M. ANGER
Assistant United States Attorney
970 Broad Street, Suite 700
Newark, New Jersey 07102
Tel: 973.645.2829
Fax: 973.297.2010
Jordan.Anger@usdoj.gov

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$372,042.54 IN UNITED STATES CURRENCY

and

\$111,967.50 IN UNITED STATES CURRENCY

Defendants-*in-rem*

: Hon. Noel L. Hillman, U.S.D.J.

: Civil Action No. 1:09-cv-5312

: **DEFAULT JUDGMENT AND
FINAL ORDER OF FORFEITURE**

:

WHEREAS, on October 14, 2009, a Verified Complaint for Forfeiture was filed in the United States District Court for the District of New Jersey against \$372,042.54 in United States currency to enforce the provisions of 31 U.S.C. § 5317(c)(2), which subjects to forfeiture to the United States any property involved in or traceable to a violation of 31 U.S.C. § 5324; and

WHEREAS, pursuant to the Warrant for Arrest *In Rem* issued by the Clerk of the Court on October 22, 2009, the United States Department of Treasury, Internal Revenue Service-Criminal Investigation seized the \$372,042.54 in United States currency; and

WHEREAS, on November 2, 2009, the Verified Complaint for Forfeiture *In Rem*, Warrant for Arrest *In Rem*, and a Notice of Forfeiture were sent certified mail, return receipt

requested to Mr. Ronald M. Warren, Esq., attorney for Nicholas Papanier, Regina Papanier, and Nicholas Papanier, Jr., at Kulzer & DiPadova, 76 Euclid Avenue, Haddonfield, New Jersey 08033 (*See* Declaration of Jordan M. Anger with Exhibits, Exhibit A, hereinafter “Anger Decl.” filed herein); and

WHEREAS, on or about November 4, 2009, copies of the Verified Complaint for Forfeiture, Warrant for Arrest *In Rem*, and Notice of Forfeiture were received by Mr. Ronald M. Warren, Esq., attorney for Nicholas Papanier, Regina Papanier, and Nicholas Papanier, Jr., at Kulzer & DiPadova, 76 Euclid Avenue, Haddonfield, New Jersey 08033 (*Id*); and

WHEREAS, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Federal Rules of Civil Procedure, Notice of Civil Forfeiture was posted on an official internet government forfeiture website, namely <http://www.forfeiture.gov>, for at least 30 consecutive days, beginning on November 6, 2009, notifying all third parties of their right to file a claim with the Court within sixty (60) days from the first day of publication for a hearing to adjudicate the validity of their alleged legal interest in the property (Anger Decl., Exhibit B); and

WHEREAS, on or about December 7, 2009, Nicholas Papanier, Regina Papanier, and Nicholas Papanier, Jr., through their attorney, Mr. Ronald M. Warren, Esq., filed a Verified Claim to the \$372,042.54 in United States currency; and

WHEREAS, on September 16, 2010, a Verified Complaint for Forfeiture was filed in the United States District Court for the District of New Jersey against \$111,967.50 in United States currency to enforce the provisions of 31 U.S.C. § 5317(c)(2), which subjects to forfeiture to the United States any property involved in or traceable to a violation of 31 U.S.C. § 5324; and

WHEREAS, pursuant to the Warrant for Arrest *In Rem* issued by the Clerk of the Court on September 16, 2010, the United States Department of Treasury, Internal Revenue Service-Criminal Investigation seized the \$111,967.50 in United States currency; and

WHEREAS, on September 20, 2010, the Verified Complaint for Forfeiture *In Rem*, Warrant for Arrest *In Rem*, and a Notice of Forfeiture were sent certified mail, return receipt requested to Mr. Ronald M. Warren, Esq., attorney for Nicholas Papanier, Regina Papanier, and Nicholas Papanier, Jr., at Kulzer & DiPadova, 76 Euclid Avenue, Haddonfield, New Jersey 08033 (Anger Decl., Exhibit A); and

WHEREAS, on or about September 22, 2010, copies of the Verified Complaint for Forfeiture, Warrant for Arrest *In Rem*, and Notice of Forfeiture were received by Mr. Ronald M. Warren, Esq., attorney for Nicholas Papanier, Regina Papanier, and Nicholas Papanier, Jr., at Kulzer & DiPadova, 76 Euclid Avenue, Haddonfield, New Jersey 08033 (*Id.*); and

WHEREAS, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Federal Rules of Civil Procedure, Notice of Civil Forfeiture was posted on an official internet government forfeiture website, namely <http://www.forfeiture.gov>, for at least 30 consecutive days, beginning on October 7, 2010, notifying all third parties of their right to file a claim with the Court within sixty (60) days from the first day of publication for a hearing to adjudicate the validity of their alleged legal interest in the property (Anger Decl., Exhibit B); and

WHEREAS, on or about October 14, 2010, Nicholas Papanier, Regina Papanier, and Nicholas Papanier, Jr., through their attorney, Mr. Ronald M. Warren, Esq., filed a Verified Claim to the \$111,967.50 in United States currency; and

WHEREAS, on or about February 8, 2011, a proposed order consolidating both above referenced civil judicial forfeiture matters was granted by the Honorable Noel L. Hillman, retaining civil action number 09-5312.

WHEREAS, on or about February 10, 2011, a motion to stay the above referenced consolidated forfeiture matter was granted by the Honorable Noel L. Hillman.

WHEREAS, on or about November 2, 2012, a Withdrawal of the Verified Claims to the \$372,042.54 in United States currency and to the \$111,967.50 in United States currency (hereinafter “defendant properties”) was filed in the United States District Court for the District of New Jersey with the signed consent of Nicholas Papanier, Regina Papanier, and Nicholas Papanier, Jr., and their attorneys, Mr. Ronald M. Warren, Esq., and Robert E. Welsh, Jr., Esq., (hereinafter “defendant properties”); and

WHEREAS, no other conforming Claim has been filed within the time required by Rule G(5)(a) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Federal Rules of Civil Procedure, and 18 U.S.C. § 983(a)(4)(A) for the defendant property in this matter; and

NOW THEREFORE, IT IS HEREBY, ORDERED, ADJUDGED AND DECREED

1. That a Default Judgment and a Final Order of Forfeiture is granted against the defendant properties, namely \$372,042.54 in United States currency and \$111,967.50 in United States currency, and no right, title or interest in the defendant properties shall exist in any other party; and

2. That any and all forfeited funds, including but not limited to currency, currency equivalents and certificates of deposits, as well as any income derived as a result of the United States Department of the Treasury, Internal Revenue Service's management of any property forfeited herein after the payment of costs and expenses incurred in connection with the forfeiture and disposition of the forfeited property, shall be deposited forthwith by the United States Department of the Treasury, Internal Revenue Service into the Department of the Treasury Forfeiture Fund, in accordance with the law.

The Clerk is hereby directed to send copies to all counsel of record.

ORDERED this 11th day of February, 2013

Noel L. Hillman

HONORABLE NOEL L. HILLMAN, U.S.D.J.
UNITED STATES DISTRICT COURT

At Camden, New Jersey