

2012V00753/ms
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$48,374.21 PREVIOUSLY CONTAINED IN
BENEFICIAL BANK ACCOUNT NUMBER
280207868-1, HELD IN THE NAME OF
PANKAJ H. AGRAWAL, M.D.; AND

\$154,859.00 IN UNITED STATES
CURRENCY

Defendant *in rem*.

Hon. Robert B. Kugler, U.S.D.J.

Civil Action No. 12-3660 (RBK)

DEFAULT JUDGMENT AND
FINAL ORDER OF FORFEITURE

WHEREAS, on June 18, 2012, a Verified Complaint for Forfeiture was filed in the United States District Court for the District of New Jersey against \$48,374.21 previously contained in Beneficial Bank account number 2802078681, held in the name of Pankaj H. Agrawal, M.D., and \$154,859.00 in United States currency (the "Defendant Currency") to enforce the provisions of 21 U.S.C. § 881(a)(6), that subjects to forfeiture to the United States all monies, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or represents proceeds traceable to such an exchange or was used or intended

to be used to facilitate any violation of Title II of the Controlled Substance Act, 21 U.S.C. § 801 *et seq*; and

WHEREAS pursuant to the Warrant for Arrest In Rem issued by the Clerk of the Court on June 18, 2012, the United States seized the Defendant Currency; and

WHEREAS on or about June 28, 2012, the Verified Complaint for Forfeiture, Warrant for Arrest In Rem, and a Notice of Forfeiture were sent certified mail, return receipt requested to Vincent J. Pancari, Esq., Kavish, Pancari, Tedesco & Pancari, PC, 727 Landis Avenue, Vineland, New Jersey 08362, counsel for Pankaj H. Agrawal (See Declaration of Peter Gaeta with Exhibits, hereinafter "Gaeta Decl" at Exhibit A, filed herein); and

WHEREAS on or about June 30, 2012, copies of the Verified Complaint for Forfeiture, Warrant for Arrest In Rem, and Notice of Forfeiture were received by Vincent J. Pancari, Esq., Kavish, Pancari, Tedesco & Pancari, PC, 727 Landis Avenue, Vineland, New Jersey 08362, counsel for Pankaj H. Agrawal (*Id.*); and

WHEREAS on August 7, 2012, a Request of the Clerk of the Court for Entry of Default was filed in the United States District Court for the District of New Jersey against Pankaj Agrawal for any interest he may have in the Defendant Currency (See ECF Docket #4); and

WHEREAS on August 8, 2012, the Clerk for the United States District Court for the District of New Jersey entered a Default against Pankaj Agrawal for any interest he may have in the Defendant Currency; 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 www.forfeiture.gov for at least 30 consecutive days, beginning on June 29, 2012, notifying all third parties of their right to file a claim with the Court within 60 days from the first day of publication for a hearing to adjudicate the validity of their alleged legal interest in the property (See Gaeta Decl. at Exhibit B, filed herein); and

WHEREAS no 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 Currency.

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 Currency, namely \$48,374.21 previously contained in Beneficial Bank account number 2802078681, held in the name of Pankaj H. Agrawal, M.D., and \$154,859.00 in United States currency, and no right, title or interest in the Defendant Currency 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 Treasury, Internal Revenue Service's and the United States Marshals 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 Treasury, Internal Revenue Service into the Department of Treasury Asset Forfeiture Fund and the United States Marshals Service into the Department of Justice Asset Forfeiture Fund, in accordance with the law.

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

ORDERED this 12th day of April, 2013

/s/ Robert B. Kugler
HONORABLE ROBERT B. KUGLER
UNITED STATES DISTRICT JUDGE

