

2010v00498/ja

**PAUL J. FISHMAN**  
United States Attorney  
By: **PETER W. GAETA**  
Assistant United States Attorney  
970 Broad Street, Suite 700  
Newark, New Jersey 07102  
Tel: (973) 645-2927  
Fax: (973) 645-3316  
[Peter.Gaeta@usdoj.gov](mailto:Peter.Gaeta@usdoj.gov)

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

**UNITED STATES OF AMERICA,**

**Plaintiff**

**v**

**\$403,402.09 IN UNITED STATES  
CURRENCY CONTAINED IN ACCOUNT  
NUMBER 3570681334 HELD IN THE  
NAME OF GEMILAS CHESD ACH  
TOV, INC., AT SOVEREIGN BANK, 2  
MORRISSEY BLVD., DORCHESTER,  
MASSACHUSETTS**

**Defendant *in rem***

**Hon. William J. Martini**

**Civil Action No. 11-7421**

**DEFAULT JUDGMENT AND FINAL  
ORDER OF FORFEITURE**

**WHEREAS**, on December 20, 2011, a Verified Complaint for Forfeiture was filed in the United States District Court for the District of New Jersey against \$403,402.09 in United States currency contained in account number 3570681334 held in the name of Gemilas Chesed Ach Tov, Inc., at Sovereign Bank, 2 Morrissey Blvd., Dorchester, Massachusetts (hereinafter the "defendant property") to enforce the provisions of Title 18, United States Code, Section 981, et seq., which provides

for the forfeiture of any property, real or personal, involved in a transaction or attempted transaction in violation of Title 18, United States Code, Sections 1956 and 1957; and

**WHEREAS**, pursuant to the Warrant for Arrest *In Rem* issued by the Clerk of the Court on December 23, 2011, the United States Marshals Service seized the defendant property, namely \$403,402.09 in United States currency contained in account number 3570681334 held in the name of Gemilas Chesed Ach Tov, Inc., at Sovereign Bank, 2 Morrissey Blvd., Dorchester, Massachusetts; and

**WHEREAS**, on January 3, 2012, 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. Jacob Lauer, Esq., 65 Broadway, Suite 1005, New York, New York 10006, attorney for Gemilas Chesed Ach Tov, Inc. (*see* Declaration of Peter W. Gaeta with Exhibits, Exhibit A, hereinafter "Gaeta Decl." filed herewith); and

**WHEREAS**, on or about January 12, 2012, copies of the Verified Complaint for Forfeiture, Warrant for Arrest *In Rem*, and Notice of Forfeiture were received by Mr. Jacob Lauer, Esq., attorney for Gemilas Chesed Ach Tov, Inc. (*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 January 24, 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 (Gaeta Decl., Exhibit B); and

**WHEREAS**, in order to avoid forfeiture of the defendant property, any person claiming an interest in, or right against, the defendant property must file a conforming Claim under penalty of perjury identifying the specific property claimed, identifying the claimant and stating the claimant's specific interest in the property in the manner set forth in 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), except that in no event may such Claim be filed later than **February 7, 2012**, or, as applicable, no later than 35 days after the date notice of the complaint is sent, or, as applicable, no later than 30 days after the date of final publication of the notice of the filing of the complaint on the official internet government forfeiture website, namely [http://www.forfeiture.gov.](http://www.forfeiture.gov;); and

**WHEREAS**, on or about February 7, 2012, Josef Hornstein as President of Gemilas Chesed Ach Tov, Inc., through its attorney, Mr. Jacob Lauer, Esq., filed a Verified Claim to the defendant property; and

**WHEREAS**, on or about February 28, 2012, Josef Hornstein as President of Gemilas Chesed Ach Tov, Inc., through its attorney, Mr. Mark Ellis, Esq., filed an Answer to the Verified Complaint for Forfeiture *in rem*; and

**WHEREAS**, on or about May 31, 2013, a Consent Order Withdrawing Claim on Behalf of Gemilas Chesed Ach Tov, Inc., and Joseph Hornstein was entered by the Court; 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.

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

**THAT** a Default Judgment and a Final Order of Forfeiture is granted against the defendant property, namely \$403,402.09 in United States currency contained in account number 3570681334 held in the name of Gemilas Chesed Ach Tov, Inc., at Sovereign Bank, 2 Morrissey Blvd., Dorchester, Massachusetts, and no right, title or interest in the defendant property shall exist in any other party; and

**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 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 Marshals Service into the Department of Justice Forfeiture Fund, in accordance with the law.

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

**ORDERED** this

15<sup>th</sup>

day of

July

, 2013



**Honorable William J. Martini, U.S.D.J.**

UNITED STATES DISTRICT COURT