

2013V00233/dc  
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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

Plaintiff,

v.

APPROXIMATELY 99,400 TUBES OF  
CREAMS AND GELS

Defendant *in rem*.

Hon. Susan D. Wigenton

Civil Action No. 13-1019 (SDW)

DEFAULT JUDGMENT AND  
FINAL ORDER OF FORFEITURE

**WHEREAS**, on February 20, 2013, a Verified Complaint for Forfeiture was filed in the United States District Court for the District of New Jersey against approximately 99,400 tubes of creams and gels valued at \$676,300.00 that was seized on or about June 2, 2011 (the "Defendant Property") to enforce the provisions of 19 U.S.C. § 1595a(c)(1)(A), which subjects to forfeiture to the United States all merchandise which is introduced into the United States that is stolen, smuggled, or clandestinely imported or introduced; and

**WHEREAS** pursuant to the Warrant for Arrest In Rem issued on February 20, 2013, the United States seized the Defendant Property; and

**WHEREAS** on or about February 26, 2013, copies of the Verified Complaint for Forfeiture, Warrant for Arrest In Rem, and a Notice of Forfeiture were sent regular mail and certified mail, return receipt requested, to Capital Hill Carrier Services, 18214 Danby Place, Hagerstown, Maryland 21740-1675; and

**WHEREAS** on or about April 3, 2013, copies of the Verified Complaint for Forfeiture, Warrant for Arrest In Rem, and Notice of Forfeiture that were sent certified mail to Capital Hill Carrier Services, 18214 Danby Place, Hagerstown, Maryland 21740-1675, were returned to the United States Attorney's Office, District of New Jersey, by the post office with the annotation "Return to Sender, Unclaimed, Unable to Forward" (*id.*); and

**WHEREAS** copies of the Verified Complaint for Forfeiture, Warrant for Arrest In Rem, and a Notice of Forfeiture were sent regular mail to Capital Hill Carrier Services, 18214 Danby Place, Hagerstown, Maryland 21740-1675, were not returned to the United States Attorney's Office; 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](http://www.forfeiture.gov) for at least 30 consecutive days, beginning on February 27, 2013, 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; 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 Property; 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 Property, namely approximately 99,400 tubes of creams and gels valued at \$676,300.00 that was seized on or about June 2, 2011, and no right, title or interest in the Defendant Property 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 Homeland Security, Immigration and Customs Enforcement'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 Homeland Security, Immigration and Customs Enforcement 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 4<sup>th</sup> day of September, 2013



HONORABLE SUSAN D. WIGENTON  
UNITED STATES DISTRICT JUDGE