

2016V02357/BAW/JT/ms
WILLIAM E. FITZPATICK
Acting United States Attorney
By: BARBARA A. WARD
Assistant United States Attorney
970 Broad Street, Suite 700
Newark, New Jersey 07102
Tel: 973.645.2700
Fax: 973.297.2042
barbara.ward@usdoj.gov

DEBORAH L. CONNOR, Acting Chief
JENNY R. TURNER, Trial Attorney
U.S. Department of Justice
Money Laundering and Asset
Recovery Section
1400 New York Avenue, N.W.
Bond Building, Room 10100
Washington, DC 20005
Tel.: 202.305.6753
jenny.turner2@usdoj.gov

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANY AND ALL SECURITIES AND OTHER
PROPERTY ON DEPOSIT IN ACCOUNT NO.
XXX-XX8024 AT PERSHING LLC, AND ALL
PROPERTY TRACEABLE THERETO,

Defendants *in rem*.

Hon. Kevin McNulty, U.S.D.J.

Civil Action No. 17-01358 (KM)

**DEFAULT JUDGMENT AND
FINAL ORDER OF FORFEITURE**

WHEREAS, on February 27, 2017, a Verified Complaint for Forfeiture was filed in the United States District Court for the District of New Jersey against any and all securities and other property on deposit in account number XXX-XX8024 at Pershing LLC, and all property traceable thereto (the “defendant property”), (i) pursuant to 21 U.S.C. § 881(a)(6) as property

furnished in exchange for a controlled substance and proceeds traceable to such an exchange, in violation of 21 U.S.C. § 801, *et seq.* (narcotics control and enforcement laws); (ii) pursuant to 18 U.S.C. § 981(a)(1)(C) as property which constitutes and is derived from proceeds traceable to a specified unlawful activity as defined in 18 U.S.C. § 1957(c)(7) and a conspiracy to commit such an offense; and (iii) pursuant to 18 U.S.C. 981(a)(1)(A), as property involved in a violation of 18 U.S.C. §§ 1956, 1957, and 1960; and

WHEREAS, pursuant to the Warrant for Arrest In Rem issued by the Clerk of the Court on August 8, 2017, which was served by a Senior Inspector of the United States Marshals Service and filed with the Clerk of the Court on August 11, 2017, the United States obtained *in rem* jurisdiction over the defendant property; and

WHEREAS, on or about March 15, 2017, the Verified Complaint for Forfeiture and a Notice of Complaint for Forfeiture were personally served on Ma Elena Marquez and Maria Guadalupe Chavez Joya by Drug Enforcement Administration Special Agent Kyle Mori (see Declaration of Barbara A. Ward with Exhibits filed August 8, 2017 (hereinafter "Ward Decl."); and

WHEREAS, on or about March 15, 2017, Ma Elena Marquez and Maria Guadalupe Chavez Joya acknowledged receipt of the Verified Complaint for Forfeiture and a Notice of Complaint for Forfeiture (*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 www.forfeiture.gov, for at least 30 consecutive days, beginning on March 4, 2017, 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* Ward Decl., Exhibit B); and

WHEREAS, the only persons who reasonably appeared to be a potential claimant on the facts known to the government (Ma Elena Marquez and Maria Guadalupe Chavez Joya) received direct notice of this action and a copy of the Complaint by personal service; no conforming claim has been filed within the time required by Supplemental Rule G(5)(a) and 18 U.S.C. § 983(a)(4)(A) for the defendant property;

AND the Clerk having entered default on Aug. 14, 2017;
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 any and all securities and other property on deposit in account number XXX-XX8024 at Pershing LLC, and all property traceable thereto; the defendant property is hereby forfeited to the United States of America according to law; 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 interest and income thereon, 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 Assets Forfeiture Fund, in accordance with the law.

The motion for default judgment (ECF No. 7) is GRANTED
The Clerk is hereby directed to send copies to all counsel of record.

ORDERED this *19th* day of *September*, 2017.


HONORABLE KEVIN McNULTY
United States District Judge