

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

**UNITED STATES OF AMERICA,
PLAINTIFF,**

v.

**CONTENTS OF PNC BANK ACCOUNT
NO. XXX6926 IN THE NAME OF MON
AMOUR, INC., et al.,
DEFENDANTS.**

CASE NO.: 1:11-cv-20

**SENIOR JUDGE WEBER
MAGISTRATE JUDGE LITKOVITZ**

DECREE OF FORFEITURE

The United States filed a Verified Complaint for Forfeiture in Rem on January 7, 2011 (Doc. 1). This is a civil action *in rem* brought to enforce the provisions of 7 U.S.C. § 2024(e), which provides for the forfeiture to the United States of:

... any nonfood items, moneys, negotiable instruments, securities, or other things of value that are furnished by any person in exchange for benefits, or anything else of value obtained by use of an access device, in any manner contrary to this chapter or the regulations issued under this chapter.

and/or 18 U.S.C. § 981(a)(1)(A), which provides for the forfeiture to the United States of:

Any property, real or personal, involved in a transaction or attempted transaction in violation of section 1956, 1957 or 1960 of this title, or any property traceable to such property;

and/or 18 U.S.C. § 981(a)(1)(C), which provides for the forfeiture to the United States of:

Any property, real or personal, which constitutes or is derived from proceeds traceable to a violation of section 215, 471, 472, 473, 474, 476, 477, 478, 479, 480, 481, 485, 486, 487, 488, 501, 502, 510, 542, 545, 656, 657, 842, 844, 1005, 1006, 1007, 1014, 1028, 1029, 1030, 1032, or 1344 of this title or any offense constituting "specified unlawful activity" (as defined in section 1956(c)(7) of this title), or a conspiracy to commit such offense.

The Defendants that are the subject of this forfeiture action¹ are further described in the Verified Complaint (Doc. 1) as:

- a. Defendant 1 is the Contents of PNC Bank Account No. XXX6926 in the name of Mon Amour Inc. On August 5, 2010, the United States Secret Service seized Defendant 1 pursuant to a federal seizure warrant at PNC Bank, 201 Main Street, Cincinnati, Ohio; and
- b. Defendant 2 is Eleven Thousand Six Hundred Fifty One Dollars (\$11,651.00) in United States Currency. On August 5, 2010, the United States Secret Service seized Defendant 2 pursuant to a federal search and seizure warrant at Sutton Pony Keg, located at 1911 Sutton Avenue, Cincinnati, Ohio.

A Warrant of Arrest in Rem, issued by the Court on January 11, 2011, directed the United States Department of Homeland Security for the Southern District of Ohio to arrest Defendants 1 and 2 (Doc. 2). The Warrant also required the plaintiff to publish notice of the arrest of Defendants 1 and 2 and of the right to contest the forfeiture of Defendants 1 and 2 on the official government website, www.forfeiture.gov for 30 consecutive days in accordance with Supplemental Rule G(4)(a)(iv)(C).

In accordance with the Warrant of Arrest in Rem (Doc. 2), the United States Department of Homeland Security arrested Defendants 1 and 2 on January 12, 2011 (Doc. 5), bringing Defendants 1 and 2 within the jurisdiction of the Court.

Pursuant to Rule G(4)(b)(i) and (ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States was required to send Direct Notice of the action with a copy of the complaint to any person who reasonably appeared to be a potential claimant on the facts known to the government before the end of the time for filing a claim under Rule G(5)(a)(ii)(B). The Direct Notice instructed the potential claimant or the potential claimant's attorney of the date the notice was sent; the deadline for filing a claim, at least thirty-

¹ Defendant 3 was previously forfeited to the United States pursuant to a Default Judgment and Decree of Forfeiture issued by this Court on April 29, 2013 (Doc. 39).

five days after the Direct Notice was placed in the mail; that an answer or a motion under Rule 12 must be filed no later than 21 days after filing the claim; and the name of the United States Attorney to be served with the claim and answer. The Direct Notice must be sent by means reasonably calculated to reach the potential claimant.

The United States sent Direct Notice and a copy of the complaint by certified mail to the following potential claimants: Mon Amour Inc. D/B/A Sutton Pony Keg, c/o Richard J. Goldberg; Nazih Shteivi c/o Richard J. Goldberg; Nazih Shteivi as President of Mon Amour Inc. D/B/A Sutton Pony Keg, c/o Richard J. Goldberg; Nazih Shteivi as Registered Agent of Mon Amour Inc. D/B/A Sutton Pony Keg, c/o Richard J. Goldberg; Nabih N. Shteivi c/o Edward C. Perry; Ghada Odeha Shteivi c/o Edward C. Perry; T. S. (a minor) c/o Edward C. Perry; Mon Amour Inc. D/B/A Sutton Pony Keg; Nazih Shteivi; Nazih Shteivi as President of Mon Amour Inc. D/B/A Sutton Pony Keg; Nazih Shteivi as Registered Agent of Mon Amour Inc. D/B/A Sutton Pony Keg; Nabih N. Shteivi; Ghada Odeha Shteivi; T. S. (a minor); and Imad Shteivi (Doc. 4).

The United States posted notice of this civil forfeiture action on the official government internet site (www.forfeiture.gov), beginning on January 23, 2011 for 30 consecutive days (Doc. 6). On February 28, 2011, Claimant Mon Amour, Inc. ("Claimant") filed a claim to the Defendants (Doc. 7), and on March 21, 2011, Claimant was granted a 60-day extension of time to file a responsive pleading in this matter (Doc. 11).

On May 17, 2011, Claimant moved for an unopposed stay in this matter pending court rulings in a related Hamilton County criminal matter involving Nazih Shteivi (Doc. 12), which was granted on September 1, 2011 (Doc. 13). On June 6, 2012, the parties submitted a Joint Status Report to the Court, notifying it that the related Hamilton County criminal matter was

concluded, and requesting that the stay in this matter be lifted (Doc. 14). On June 14, 2012, the Court issued an order lifting the stay in this matter (Doc. 15).

On July 3, 2012, Claimant filed its answer in this matter (Doc. 16). On January 10, 2013, the Court entered a Calendar Order, setting a discovery deadline of July 5, 2013 and a dispositive motion deadline of September 5, 2013 (Doc. 22). After receiving the Court's Calendar Order on January 10, 2013, counsel for the United States sent "Plaintiff United States' First Set of Interrogatories, Requests for Admission, and Requests for Production Propounded to Claimant, Mon Amour, Inc." to Claimant's counsel via e-mail and regular U.S. Mail.


On February 8, 2013, the undersigned agreed to a 20-day extension for Claimant to respond to the discovery requests. On March 4, 2013, counsel for Claimant filed a Motion for Extension of Time, without objection by Plaintiff, to respond to discovery requests in order to permit counsel to withdraw as counsel for the Claimant pursuant to Local Rule 83.4(c) (Doc. 28). Within the Memorandum in Support of the Motion, Claimant's counsel requested an additional 28-day extension, until April 1, 2013, in which to file the appropriate documentation from Claimant to file a motion to withdraw. This document was served by Claimant's counsel to Mon Amour, Inc., c/o Mr. Nazih Shteivi, 1911 Sutton Ave., Cincinnati, Ohio 45230 by regular U.S. mail. The Court granted the Motion to Extend Time on March 5, 2013 (Doc. 29).

On March 22, 2013, Claimant's counsel W. Kelly Johnson filed a Motion to Withdraw as Counsel (Doc. 31). In his Memorandum in Support, Mr. Johnson indicated that the motion to withdraw would not prejudice the Claimant and that the discovery response extension to April 1, 2013, allowed Claimant adequate time to obtain new counsel.

On May 31, 2013, the United States filed a Motion for Summary Judgment in this matter (Doc. 41). The Court filed a Notice to Pro Se Defendant Upon Filing By Plaintiff(s) of Motion

to Dismiss and/or Motion for Summary Judgment on June 3, 2013 (Doc. 42), and an Order to Show Cause on August 2, 2013 (Doc. 43). Claimant did not file a response to any of the filings, and on September 20, 2013 the Honorable Magistrate Judge Karen L. Litkovitz signed a Report and Recommendation (Doc. 45) recommending that the United States' Motion for Summary Judgment be granted. On November 5, 2013, the Court adopted the Report and Recommendation and entered an order granting the United States' Motion for Summary Judgment (Doc. 47).

Therefore, it is hereby ORDERED, ADJUDGED, AND DECREED that all right, title, and interest in Defendants 1 and 2, further described as the Contents of PNC Bank Account No. XXX6926 in the name of Mon Amour Inc. and Eleven Thousand Six Hundred Fifty One Dollars (\$11,651.00) in United States Currency, respectively, are CONDEMNED and FORFEITED to the United States pursuant to 7 U.S.C. § 2024(e), and/or 18 U.S.C. § 981(a)(1)(A) and/or § 981(a)(1)(C). All right, title, and interest in Defendants 1 and 2 are vested in the United States of America and no right, title, or interest shall exist in any other person or entity. The United States Department of Homeland Security shall dispose of Defendants 1 and 2 in accordance with applicable law.



Herman J. Weber, Senior Judge
UNITED STATES DISTRICT COURT