

The Hon. Ricardo S. Martinez

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ONE (1) 2000 VOLVO COMMERCIAL  
TRUCK/TRACTOR  
(VIN 4V4ND4RH4YN780677),

Defendant.

NO. C08-1340RSM

DEFAULT JUDGMENT  
OF FORFEITURE

Plaintiff, United States of America, filed its verified complaint for forfeiture of the defendant one (1) 2000 Volvo commercial truck/tractor (VIN: 4V4ND4RH4YN780677) (“defendant vehicle”) on September 8, 2008, pursuant to Title 19, United States Code, Section 1595a(a), alleging that the defendant vehicle was used, or intended to be used, to facilitate the importation, bringing in, concealing, harboring, and/or subsequent transportation of 36,222 pills of methylenedioxymethamphetamine (MDMA), commonly known as “ecstasy”, an “article” contrary to law, into commerce of the United States, in violation of Title 19, United States Code, Section 1595a(a). Also, on September 8, 2008, a Warrant of Arrest in rem was issued to arrest the defendant vehicle.

On September 9, 2008, pursuant to Rule 4(h)(2) and 4(f)(2)(C)(ii), Federal Rules of Civil Procedure, Plaintiff requested that the United States District Court Clerk for the

1 Western District of Washington perfect foreign service of the Verified Complaint for  
2 Forfeiture in rem, Notice of Complaint for Forfeiture in rem, and Warrant of Arrest in  
3 rem (hereinafter referred to as the “complaint and related documents”) upon Rajnish  
4 Grewal and Trican Transport Ltd., a person and an entity the United States believed  
5 might have an interest in the defendant vehicle, at their last known addresses. On  
6 September 12, 2008, the District Court Clerk mailed the complaint and related documents  
7 to said potential claimants via foreign service with return receipt requested. See Docket  
8 No. 4.

9 On September 9, 2008, Plaintiff sent registered mail, return receipt requested, copies of  
10 the complaint and related documents to attorney Jill Bernstein, last known counsel for  
11 Rajnish Grewal. On September 12, 2008, the United States Attorney’s Office received a  
12 letter from attorney Jill Bernstein stating that she is “no longer representing Mr. Grewal  
13 and will not be acting as his counsel in this matter.” See Exhibit A, which is attached  
14 hereto and incorporated as if fully set forth herein.

15 On October 27, 2008, the District Court Clerk filed a Return Receipt for  
16 International Mail, addressed to Rajnish Grewal, regarding Plaintiff’s attempt to deliver  
17 the complaint and related documents, which was returned as “Mail Returned as  
18 Undeliverable/unclaimed”, on October 27, 2008. See Docket No. 5.

19 The United States District Court Clerk has not received the return receipt for the  
20 copies of the complaint and related documents which were mailed to Trican Transport  
21 Ltd., via foreign service with return receipt requested. However, the United States Postal  
22 Service’s “Track and Confirm” feature verified that the complaint and related documents  
23 were delivered to Trican Transport, Ltd. on September 22, 2008. See Exhibit B, which is  
24 attached hereto and incorporated as if fully set forth herein

25 Pursuant to Title 21, United States Code, Section 853(n), the United States  
26 published notice on www.forfeiture.gov, for at least thirty (30) consecutive days,  
27 beginning with September 26, 2008. All interested persons were advised to file their  
28 claims pursuant to Supplemental Rule G(5) of the Federal Rules of Civil Procedure with

1 the Clerk of the Court within thirty (30) days after the date of publication and to serve  
2 their answers to the complaint within twenty (20) days after the filing of a claim. See  
3 Docket No. 6.

4 On December 8, 2008, the United States filed a Return of Service wherein the  
5 United States Department of Treasury verified that the Warrant of Arrest in rem was  
6 executed on October 24, 2008. See Docket No. 7.

7 On December 8, 2008, pursuant to Rule 4(h)(2) and 4(f)(2)(C)(ii), Federal Rules  
8 of Civil Procedure, Plaintiff requested that the United States District Court Clerk for the  
9 Western District of Washington perfect foreign service of the complaint and related  
10 documents upon Rajnish Grewal at one of his last known addresses, from his recently  
11 updated driver's license. On December 15, 2008, the District Court Clerk mailed the  
12 complaint and related documents to said potential claimant via foreign service with return  
13 receipt requested. See Docket No. 9.

14 On January 30, 2009, the District Court Clerk filed a Return Receipt for  
15 International Mail, addressed to Rajnish Grewal, regarding Plaintiff's attempt to deliver  
16 the complaint and related documents, which was returned as "Mail Returned as  
17 Undeliverable/Unclaimed", on January 30, 2009. See Docket No. 10.

18 No claim of interest has been received or filed with the Court from Rajnish  
19 Grewal, Trican Transport Ltd., or from any other person or entity, and the time allowed  
20 for filing of such a claim has expired.

21 On March 17, 2009, the Clerk of the Court issued an Order of Default against  
22 Rajnish Grewal, Trican Transport, Ltd., and any unknown persons who have failed to  
23 plead, answer or otherwise submit a claim to the defendant vehicle. See Docket No. 15.

24 Now, therefore on motion by the Plaintiff, United States of America, for a Default  
25 Judgment for Forfeiture, it is hereby

26 ORDERED, ADJUDGED and DECREED as follows:

- 27 1. This Court has jurisdiction over this action pursuant to Title 28, United  
28 States Code, Sections 1345 and 1355.

