

The Hon. Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

NO. CV15-143-RSL

Plaintiff,

v.

**SETTLEMENT AGREEMENT,
JOINT REQUEST FOR DISMISSAL
PURSUANT TO FED. R. CIV. P. 41,
AND PROPOSED ORDER
OF DISMISSAL**

REAL PROPERTY LOCATED AT
2731 BOYLSTON AVENUE EAST, UNIT
301, SEATTLE, WASHINGTON, KING
COUNTY PARCEL NO. 638980-0050;
TOGETHER WITH ITS BUILDINGS,
IMPROVEMENTS, APPURTENANCES,
FIXTURES, ATTACHMENTS AND
EASEMENTS,

NOTE ON MOTION CALENDAR:

February 24, 2017

Defendant.

Plaintiff United States of America and Claimants Corey Greer, Timothy Macke, Entrust Group, Inc., and Joshua Macke, by and through their respective counsel of record, HEREBY AGREE to the following terms in order to settle the interests the Claimants have asserted in the above-captioned real property located at 2731 Boylston Avenue East, Unit 301, Seattle, WA (hereafter "the Defendant Property").

RELEVANT PROCEDURAL FACTS

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3 I. This is a civil *in rem* action seeking to forfeit the Defendant Property based on
4 alleged violations of federal law. See Dkt. No. 26 (Amended Complaint).

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6 2. Four parties have filed claims to the Defendant Property: (a) Corey Greer (on
7 March 5, 2015, Dkt. No. 7); (b) Timothy Macke (on March 11, 2015, Dkt. No. 10); (c)
8 Entrust Group, Inc. (on March 12, 2015, Dkt. No. 12); and, (d) Joshua Macke (on May 11,
9 2016, Dkt. No. 31).

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11 3. No other claims were filed, and the time for doing so has expired. See Fed. R. Civ.
12 P., Supp. R. G(5)(a)(ii).

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14 4. In July 2016, Entrust Group, Inc. settled its claim with the United States,
15 contingent upon the forfeiture of the Defendant Property. See Dkt. No. 36.

AGREEMENT

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17 The United States and the Claimants (collectively, "the Parties") agree to the
18 following terms of settlement:

19
20 1. The Parties agree to dismissal of this civil forfeiture action against the Defendant
21 Property with prejudice. If the Court enters the proposed Order below, the United States will
22 release its *lis pendens* against the Defendant Property by filing a *Release of Lis Pendens* with
23 the King County Recorder's Office within fifteen days of the entry of the Order.

24
25 2. The United States agrees it will take no further action, civil or criminal, against the
26 Defendant Property or any of the Claimants in this action based on any conduct related to the
27 Defendant Property alleged to have occurred before the date on which this Agreement is
28 executed by all parties.

3. The Parties agree that each will bear its own fees and costs incurred as a result of
this litigation. Claimants expressly waive any right to seek attorneys' fees pursuant to 28
U.S.C. § 2465.

4. The Claimants agree to release and hold harmless the United States, its agents,
servants, and employees (and any involved state or local law enforcement agencies and their

1 agents, servants, or employees), in their individual or official capacities, from any and all
2 claims the Claimants and their agents may possess, or that may arise, as a result of the
3 United States' action against the Defendant Property.

4 5. The Parties recognize and agree that the Expedited Settlement Agreement
5 previously entered between the United States and Claimant Entrust Group, Inc. (Dkt. No. 36)
6 will be null and void, since that agreement is expressly contingent upon the forfeiture of the
7 Defendant Property, and – pursuant to this Agreement – the United States will no longer
8 pursue its forfeiture.

9 6. The Parties agree that neither the terms nor the fact of this Agreement constitute
10 any admission as to the merits of this forfeiture case.

11 7. The Parties agree this Agreement is subject to review and approval by the Court, as
12 provided in the proposed Order below. If the Court enters the proposed Order, a violation of
13 any term or condition of this Agreement shall be construed as a violation of that Order.

14
15 Respectfully submitted,

16 ANNETTE L. HAYES
17 United States Attorney

18
19 DATED: 2/24/17

20 

21 MICHELLE JENSEN, WSBA #36611

22 RICHARD E. COHEN

23 Assistant United States Attorneys

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1 ALLEN, HANSEN, MAYBROWN &
2 OFFENBECHER, P.S.

3 DATED: 2/24/17

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12 RICHARD J. TROBERMAN, P.S.

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DATED: 2/24/17

DEMCO LAW FIRM

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Attorney for Claimant Entrust Group, Inc.

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PROPOSED ORDER APPROVING SETTLEMENT AND DISMISSING THIS ACTION PURSUANT TO FED. R. CIV. P. 41

The Court, having reviewed the above Agreement between the United States and Claimants Corey Greer, Timothy Macke, Entrust Group, Inc., and Joshua Macke, as well as the other papers and pleadings filed in this action, HEREBY APPROVES the Agreement, and GRANTS the Joint Request for Dismissal of this action. Now, therefore,

IT IS HEREBY ORDERED that the above entitled matter be, and the same is, hereby dismissed, with prejudice, pursuant to Fed. R. Civ. P. 41.

DATED this 28th day of February, 2017.



ROBERT S. LASNIK
UNITED STATES DISTRICT JUDGE

Presented by:



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