

The Hon. Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$74,975.53 IN U.S. FUNDS, AND
ANY ACCRUED INTEREST,

Defendant.

and

ROMAN WASHINGTON,

Claimant.

NO. CV21-1254-RSM

**SETTLEMENT AGREEMENT
AND FINAL ORDER OF
FORFEITURE**

WHEREAS Plaintiff United States of America, by and through Tessa M. Gorman,
Acting United States Attorney for the Western District of Washington, and Krista K.
Bush, Assistant United States Attorney, and Roman Washington, by and through his
counsel, Zenon P. Olbertz, wish to resolve this matter without additional utilization of
judicial resources and without incurring further litigation expenses,

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1 IT IS HEREBY STIPULATED as follows:

2 This civil *in rem* forfeiture proceeding was brought by the United States against
3 \$74,975.53 in United States currency, and any accrued interest, seized on or about
4 October 28, 2020, during the lawful execution of a federal search warrant by the Federal
5 Bureau of Investigation (“FBI”) from a residence located at 17215 Military Road South,
6 SeaTac, Washington, associated with Latrina Elaine Bankston and Roman Washington
7 (the “Defendant Currency”). Dkt. Nos. 1, 4.

8 In its Verified Complaint for Forfeiture *in Rem*, and subsequent Amended Verified
9 Complaint *in Rem*, the United States alleged that the Defendant Currency is proceeds
10 from the sale of controlled substances and/or attempt or conspiracy to distribute
11 controlled substances and, therefore, is forfeitable to the United States pursuant to 21
12 U.S.C. § 881(a)(6) for violations of 21 U.S.C. §§ 841 and 846. *See id.*

13 The United States provided proper notice of this action to all known potential
14 claimants, including Latrina Bankston and Roman Washington. Dkt. Nos. 2, 5. Published
15 notice is also complete, as reflected in the Declaration of Publication. Dkt. No. 8.

16 On or about November 15, 2021, Roman Washington filed a Notice of
17 Appearance and an Answer to the Complaint. Dkt. Nos. 9, 10.

18 On December 9, 2021, the United States and Claimant Washington filed a Joint
19 Motion to Stay the civil forfeiture case until the conclusion of the related criminal
20 investigation. Dkt. No. 12. On December 13, 2021, the Court ordered this civil forfeiture
21 action stayed, pursuant to 18 U.S.C. §§ 981(g)(1) and (g)(2), pending resolution of the
22 related criminal investigation or until further order of the Court. Dkt. No. 13. The Order
23 also provided that persons and entities to whom the United States provided direct notice
24 of this proceeding on or about September 15, 2021, shall have an additional 35 days,
25 from the date the Court lifts the stay, to file a claim in this proceeding. *Id.*; *see also* Dkt.
26 No. 5.

1 At the request of the parties, the Court lifted the stay on August 29, 2023. Dkt.
2 No. 20.

3 All persons and entities believed to have an interest in the Defendant Currency
4 were given proper notice of the intended forfeiture when this civil forfeiture action was
5 filed and were given proper notice when the stay was lifted. Dkt. Nos. 2, 5, 8, 21. No
6 other claimants have come forward to assert an interest in the Defendant Currency, and
7 the time for doing so has expired.

8 NOW THEREFORE, this SETTLEMENT AGREEMENT is entered into among
9 the Parties pursuant to the following terms:

10 1. The Parties acknowledge that this Settlement Agreement is made as a
11 compromise of a disputed claim without adjudication of any issue of fact or law. The
12 parties further acknowledge and agree that this settlement shall not be deemed to
13 constitute an admission by Claimant Washington of fault, liability, or wrongdoing as to
14 any facts or claims alleged or asserted in the Verified Complaint for Forfeiture and the
15 Amended Verified Complaint for Forfeiture and shall not be construed to create rights in,
16 or grant any cause of action to, any third party not covered by this Settlement Agreement.

17 2. The United States agrees to dismiss from this action and return to Claimant
18 Washington \$20,000 of the \$74,975.53 in United States currency seized on or about
19 October 28, 2020, as identified in paragraph 1 of the Verified Complaint for Forfeiture
20 *in Rem* and Amended Verified Complaint (Dkt. Nos. 1, 4).

21 3. Claimant Washington agrees to withdraw his claim to, and consents to the
22 forfeiture of the remaining \$54,975.53 of the \$74,975.53 in United States currency, and
23 any accrued interest, seized on or about October 28, 2020, as identified in paragraph 1 of
24 the Verified Complaint for Forfeiture *in Rem* and Amended Verified Complaint (Dkt.
25 Nos. 1, 4).

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1 4. Claimant Washington recognizes that the Debt Collection Improvement Act
2 of 1996, 31 U.S.C. § 3716, which is administered by the Treasury Offset Program
3 (“TOP”), requires the United States Treasury to offset federal payments to collect certain
4 delinquent debts owed to the United States by a payee. Claimant Washington recognizes,
5 therefore, that the \$20,000 in U.S. currency identified in paragraph 2 for return to him
6 may be reduced by the amount of any delinquent debt TOP is required to collect.

7 5. Claimant Washington’s withdrawal of his claims to, and his consent to
8 forfeiture of, the property set forth in paragraph 3 shall be in full and complete settlement
9 and satisfaction of all civil forfeiture issues relating to the Defendant Currency.

10 6. Claimant Washington agrees to release and hold harmless the
11 United States, its agents, servants, and employees (and any involved state or local law
12 enforcement agencies and their agents, servants, or employees), in their individual or
13 official capacities, from any and all claims he, or his representatives or agents, may
14 possess, or that may arise, as a result of the seizure of the above-identified property and
15 the subsequent forfeiture proceedings, including any claims for interest or attorney’s fees.

16 7. The Parties agree this Settlement Agreement is subject to review and
17 approval by the Court, as provided in the proposed Order submitted below.

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1 8. Upon entry of this Settlement Agreement and Final Order of Forfeiture, this
2 action shall be DISMISSED WITH PREJUDICE, closed, and the property identified in
3 paragraph 2 shall be returned to Claimant Washington within 60 days of entry of the
4 Order.

5 Respectfully submitted,
6 TESSA M. GORMAN
7 Acting United States Attorney

8 DATED: November 1, 2023

9 s/Krista K. Bush
10 KRISTA K. BUSH
11 Assistant United States Attorney
12 700 Stewart Street, Suite 5220
13 Seattle, WA 98101
14 Telephone: (206) 553-2242
15 Fax: (206) 553-6934
16 Email: Krista.Bush@usdoj.gov

17 DATED: November 1, 2023

18 s/Zenon P. Olbertz
19 ZENON P. OLBERTZ *
20 Law Offices of Zenon P. Olbertz
21 Attorney for Claimant
22 Roman Washington
23 1008 South Yakima, #302
24 Tacoma, WA 98405
25 Phone: 253 272-9967
26 Fax: 253 572-1441
27 E-mail: Zenon@olbertzlaw.Net
 * Permission to e-sign and e-file obtained
 via email on November 1, 2023

28 DATED: November 1, 2023

29 s/Roman Washington
30 ROMAN WASHINGTON
31 Claimant

1 **ORDER**

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3 The foregoing Settlement Agreement is hereby approved under the terms and
4 conditions set forth above.

5 1. The following property shall be returned to Claimant Washington within 60
6 days of entry of this Order: \$20,000 of the \$74,975.53 in United States currency seized
7 on or about October 28, 2020, as identified in paragraph 1 of the Verified Complaint for
8 Forfeiture *in Rem* and Amended Verified Complaint (Dkt. Nos. 1, 4).

9 2. The following property is FORFEITED to the United States: \$54,975.53 of
10 the \$74,975.53 in United States currency, and any accrued interest, seized on or about
11 October 28, 2020, as identified in paragraph 1 of the Verified Complaint for Forfeiture *in*
12 *Rem* and Amended Verified Complaint (Dkt. Nos. 1, 4).

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14 Pursuant to this agreement, the Court hereby DISMISSES this action.

15 IT IS ORDERED.

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17 DATED this 2nd day of November, 2023.

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20 RICARDO S. MARTINEZ
21 UNITED STATES DISTRICT JUDGE
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1 **CERTIFICATE OF SERVICE**

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3 I hereby certify that on November 1, 2023, I electronically filed the foregoing with

4 the Clerk of the Court using the CM/ECF system, which sends notice of the filing to all

5 ECF participants of record.

6

7 s/Hannah G. Williams

8 HANNAH G. WILLIAMS

9 FSA Paralegal III, Contractor

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