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7
8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,

2:12-CV-01322-JAM-KJN

12 Plaintiff,

13 v.

14 APPROXIMATELY \$56,698.35 in U.S.
CURRENCY, SEIZED FROM SAFE
15 CREDIT UNION ACCOUNT NUMBER
486173, HELD IN THE NAME RIVER
16 CITY COOPERATIVE CORP, and

FINAL JUDGMENT OF
FORFEITURE

17 APPROXIMATELY \$23,507.00 in U.S.
CURRENCY, SEIZED FROM SAFE
18 CREDIT UNION ACCOUNT NUMBER
486261, HELD IN THE NAME RIVER
19 CITY COOPERATIVE CORP,,

20 Defendants.

21
22 Pursuant to the Stipulation for Final Judgment of Forfeiture, the Court finds:

23 1. This is a civil forfeiture action against Approximately \$56,698.35 in U.S.
24 Currency seized from Safe Credit Union account number 486173, held in the name
25 River City Cooperative Corp, and \$23,507.00 in U.S. Currency seized from Safe Credit
26 Union account number 486261 (collectively the “defendant funds”), held in the name
27 River City Cooperative Corporation seized on or about September 23, 2011.

28 2. A Verified Complaint for Forfeiture *In Rem* (“Complaint”) was filed on

1 May 16, 2012, alleging that said defendant funds are subject to forfeiture to the United
2 States pursuant to 18 U.S.C. § 984 and 31 U.S.C. § 5317(c)(2), and 21 U.S.C. §
3 881(a)(6).

4 3. On May 16, 2012, the Clerk issued a Warrant for Arrest for the defendant
5 funds, and that warrant was duly executed on May 23, 2012.

6 4. Beginning on May 19, 2012, for at least 30 consecutive days, the United
7 States published Notice of the Forfeiture Action on the official internet government
8 forfeiture site www.forfeiture.gov. A Declaration of Publication was filed on October
9 July 10, 2012.

10 5. In addition to the public notice on the official internet government
11 forfeiture site www.forfeiture.gov, actual notice or attempted notice was given to the
12 following individuals:

13 a. Lino W. Catabran

14 b. Linda M. Catabran

15 6. Claimant Linda M. Catabran filed a Verified Claim on July 16, 2012,
16 alleging an interest in the defendant funds and an Answer to Complaint for Forfeiture
17 on September 19, 2012. No other parties have filed claims or answers in this matter,
18 and the time in which any person or entity may file a claim and answer has expired.

19 Based on the above findings, and the files and records of the Court, it is hereby
20 ORDERED AND ADJUDGED:

21 1. The Court adopts the Stipulation for Final Judgment of Forfeiture entered
22 into by and between the parties to this action.

23 2. That judgment is hereby entered against claimant Linda M. Catabran and
24 all other potential claimants who have not filed claims in this action.

25 3. Upon entry of the Final Judgment of Forfeiture, all right, title, and
26 interest of Linda M. Catabran in the defendant Approximately \$56,698.35 in U.S.
27 Currency seized from Safe Credit Union account number 486173, held in the name
28 River City Cooperative Corp, together with any interest that may have accrued, shall

1 be forfeited to the United States pursuant to 18 U.S.C. § 984, 31 U.S.C. § 5317(c)(2)
2 and 21 U.S.C. § 881(a)(6), to be disposed of according to law.

3 4. Upon entry of a Final Judgment of Forfeiture, \$11,476.20 of the
4 \$23,507.00 in U.S. Currency seized from Safe Credit Union Account Number 486261,
5 held in the name River City Cooperative Corp, together with any interest that may
6 have accrued on that amount, shall be forfeited to the United States pursuant to 18
7 U.S.C. § 984, 31 U.S.C. § 5317(c)(2) and 21 U.S.C. § 881(a)(6), to be disposed of
8 according to law.

9 5. Upon entry of a Final Judgment of Forfeiture herein, but no later than 60
10 days thereafter, \$12,030.80 of the \$23,507.00 in U.S. Currency seized from Safe Credit
11 Union Account Number 486261, held in the name River City Cooperative Corp,
12 together with any interest that may have accrued on that amount, shall be returned to
13 claimant Linda M. Catabran through her attorney Joseph J. Wiseman.

14 6. That the United States and its servants, agents, and employees and all
15 other public entities, their servants, agents, and employees, are released from any and
16 all liability arising out of or in any way connected with the seizure, arrest, or forfeiture
17 of the defendant funds. This is a full and final release applying to all unknown and
18 unanticipated injuries, and/or damages arising out of said seizure, arrest, or forfeiture,
19 as well as to those now known or disclosed. The parties waived the provisions of
20 California Civil Code § 1542.

21 7. Claimant waives any and all claim or right to interest that may have
22 accrued on the defendant funds being forfeited to the United States.

23 8. That pursuant to the stipulation of the parties, and the allegations set
24 forth in the Complaint filed on May 16, 2012, the Court finds that there was reasonable
25 cause for the seizure and arrest of the defendant funds, and for the commencement and
26 prosecution of this forfeiture action, and a Certificate of Reasonable Cause pursuant to
27 28 U.S.C. § 2465 shall be entered accordingly.

1 9. All parties are to bear their own costs and attorneys' fees.

2 10. The U.S. District Court for the Eastern District of California, Hon. John
3 A. Mendez, District Judge, shall retain jurisdiction to enforce the terms of this Final
4 Judgment of Forfeiture.

5 SO ORDERED THIS 23rd day of January, 2013.

6
7 /s/ John A. Mendez
8 JOHN A. MENDEZ
9 United States District Court Judge

10 CERTIFICATE OF REASONABLE CAUSE

11 Based upon the allegations set forth in the Complaint filed May 16, 2012, and
12 the Stipulation for Final Judgment of Forfeiture filed herein, the Court enters this
13 Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was
14 reasonable cause for the seizure or arrest of the defendant funds, and for the
15 commencement and prosecution of this forfeiture action.

16 DATED: 1/23/2013

17 /s/ John A. Mendez
18 JOHN A. MENDEZ
19 United States District Court Judge