

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
V.)	CIVIL NO. SA-19-CV-1033-OLG
)	
\$553,117.68 IN UNITED STATES)	
CURRENCY SEIZED FROM CITIBANK)	
ACCOUNT 801667341 IN THE NAME)	
OF CONSTRUCTION LIMITED,)	
)	
Respondent.)	

**JOINT MOTION FOR ORDER ADOPTING STIPULATION AND SETTLEMENT
AGREEMENT AND HOLD HARMLESS AGREEMENT AND FOR FINAL JUDGMENT**

Come not Petitioner, United States of America, by and through the undersigned Assistant United States Attorney, and Claimant City of Coppell, Texas, by and through its attorney of record, M. Shelby Percy, the Parties in the above-styled and numbered civil forfeiture proceeding and make this Joint Motion for Order Adopting Stipulation and Settlement Agreement and Hold Harmless Agreement, and in support thereof would show the Court the following

I.

On August 28, 2019 the United States filed a verified Complaint for Forfeiture (Doc. 2), as to:

**\$553,112.68 in United States Currency Seized from Citibank Bank Account
XXXXXX7341 in the Name of Construction Limited,**

hereinafter referred to as the Respondent Property.

II.

On September 27, 2019, this Honorable Court issued an Order for Warrant of

Arrest of Property (Doc. 3). Accordingly, a Warrant for the Arrest of Property (Doc. 4), was served upon the Respondent Property on September 27, 2019. Additionally, the Notice of Complaint for Forfeiture was duly published on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days, beginning on February 25, 2020, and ending on March 25, 2020, as required by Rule G(4)(a)(iv)(C), Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. The Declaration of Publication was filed on _____2020 (Doc.____).

III.

In addition to the internet publication of public notice, the notice was sent via certified mail, return receipt requested, and regular mail to the following:

- 1. City of Coppell was served by certified mail on 21 October 2019 (Exhibit B);**
- 2. Citibank Legal Intake was served by certified mail on 22 October 2019 (Exhibit C);**
- and**
- 3. CH Construction Limited was served by certified mail on 25 October 2019 (Exhibit D).**

IV.

Claimant City of Coppell, TX filed its Claim (Doc. 5), on October 31, 2019 and its Answer (Doc. 6) on October 31, 2019 as to the Respondent Property. No other claims were filed in this action in regard to the Respondent Property, and the time for filing claims has expired. *See* SUPP. R. G(4)(b)(ii)(B). Therefore, any and all other potential claimants are now in default.

V.

Petitioner United States of America and Claimant Coppell, TX, being all the parties who have appeared herein, hereby move the Court to adopt the Stipulation and Settlement Agreement and Hold Harmless Agreement (which is filed as Appendix A) and to enter final judgment in this matter.

In the interest of justice and judicial economy, the parties to this action have reached a compromise agreement for the disposition of the Respondent Property. In summary fashion, the United States has agreed to the release and return of the Respondent Property to Claimant Coppell, TX without further forfeiture proceedings, and Claimant Coppell, TX has in turn agreed to waive any claims or defenses against the Government and to hold the Government harmless.

Petitioner United States of America and Claimant Coppell, TX hereby move for an Order adopting the parties' Stipulation and Settlement Agreement and Hold Harmless Agreement, which resolves all matters before this Court. Upon entry of an Order adopting the Stipulation and Settlement Agreement and Hold Harmless Agreement, this case is ripe for entry of final judgment.

VI.

WHEREFORE, PREMISES CONSIDERED, the United States and Claimant Coppell, TX, by and through its attorney of record, hereby move this Court to enter the attached, proposed Order and Final Judgment which adopts the terms, provisions, and conditions of the Stipulation and Settlement and Hold Harmless Agreement, which provides that each party will bear its own costs of litigation of this action, including expenses and attorney's fees, and which provides for final judgment of this matter.

Respectfully submitted,

JOHN F. BASH
United States Attorney

By: /s/
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Attorney for Claimant Coppel, Texas

CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2020, the foregoing instrument was electronically filed with the Clerk of the Court using the CM/ECF System which will transmit notification of such filing to the following CM/ECF participant.

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Email: spercy@njdhs.com
Attorney for Claimant Coppel, Texas

/s/ _____
FIDEL ESPARZA III
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
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**ORDER ADOPTING STIPULATION AND SETTLEMENT AGREEMENT AND
HOLDING HARMLESS AGREEMENT**

Come on to be considered this date the Joint Motion for Order Adopting Stipulation and Settlement Agreement and Hold Harmless Agreement and for Final Judgment, and the Court, having considered the same, reviewed the record, being otherwise duly and fully apprised in all the premises, is of the opinion that the Motion is meritorious and should, and hereby is, in all things GRANTED. IT IS THEREFORE

ORDERED that the Stipulation and Settlement Agreement and the Hold Harmless Agreement (hereinafter "Agreement") executed by and between the United States and Claimant Coppell, TX be, and hereby is, approved and adopted. IT IS FURTHER

ORDERED that, by virtue of this Agreement, the United States of America, through the United States Secret Service, shall release and return the Respondent Property, that is:

**\$553,112.68 in United States Currency Seized from Citibank Bank Account
XXXXXX7341 in the Name of Construction Limited,**

to Claimant Coppell, TX, by and through its attorney of record, M. Shelby Percy, on the earliest

date possible after the issuance of this Order and the Final Judgment in the instant case and upon completion and processing of all documentation by the United States Secret Service related to the return of said property, IT IS FURTHER

ORDERED that the United States and Claimant Coppell, TX shall perform any and all acts, execute any and all documents, and perform any actions reasonably necessary in order to carry out the terms and provisions of this Agreement. IT IS FURTHER

ORDERED that this Court shall retain jurisdiction in this cause of action for the purpose of enforcing the terms, provisions, and conditions of this Agreement.

IT IS SO ORDERED

SIGNED this _____ day of _____, 2020.

ORLANDO L. GARCIA
CHIEF UNITED STATES DISTRICT JUDGE

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
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FINAL JUDGMENT

On this day, the Court entered an Order Adopting Stipulation and Settlement Agreement and Hold Harmless Agreement. The Court now enters a Final Judgment pursuant to Federal Rule of Civil Procedure 58.

Accordingly, IT IS HEREBY ORDERED that the above-captioned cause is **DISMISSED WITH PREJUDICE**, costs to be borne by the party incurring same. IT IS FURTHER ORDERED that all other pending motions, if any, are **DENIED AS MOOT**.

SIGNED this _____ day of _____, 2020.

ORLANDO L. GARCIA
CHIEF UNITED STATES DISTRICT JUDGE