

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. 07-21791-CIV-UNGARO

UNITED STATES OF AMERICA,

Plaintiff,

v.

PROCEEDS OF CRIME TRANSFERRED
TO CERTAIN DOMESTIC FINANCIAL
ACCOUNTS,

Defendant.

FINAL JUDGMENT OF FORFEITURE

THIS CAUSE having come before the Court upon the motion of the United States of America for a Final Judgment of Forfeiture, and the Court having considered the matter, and being otherwise familiar with the record in this case, makes the following findings of fact:

1. On July 12, 2007, the United States filed a verified civil forfeiture complaint against a number of brokerage and bank accounts identified in the complaint in paragraphs 5.A. through 5.S. (hereafter referred to as the "defendant accounts") pursuant to 18 U.S.C. §§ 981(a)(1)(A), 981(a)(1)(B), 981(a)(1)(C), and 984, as proceeds, property traceable to proceeds, and property involved in foreign public corruption offenses, fraud against a foreign bank, U.S. money laundering offenses, and violations of 18 U.S.C. § 2314. [D.E. 4].

2. On July 18, 19, and 20, 2007, the defendant accounts were served with a copy of the Notice of Action, Verified Complaint for Forfeiture, and *Ex Parte* Restraining Order. [D.E. 10].

3. On July 18, 2007, a copy of the Notice of Action, Verified Complaint for Forfeiture, and Restraining Order was also sent to known potential claimants.

4. On July 27, 2007, August 3, 2007, and August 10, 2007, Public Notice of Action

appeared by publication in the Miami Daily Business Review. The Proof of Publication was filed with the Clerk of the Court on August 14, 2007. [D.E. 11].

5. On August 21, 2007, a Notice of Appearance was filed by counsel on behalf of Oscar Rovelli, Angela Rovelli, and Primarosa Battistella Rovelli (hereafter referred to as the "Rovelli claimants"). [D.E. 12].

6. On August 22, 2007, a Notice of Appearance was filed by counsel on behalf of Swiss Costa Rica Trade Corporation and B.P.C., Sociedad Anonima (hereafter referred to as the "Pacheco claimants"). [D.E. 13]. Verified Claims were also filed by the Pacheco claimants as to defendant accounts 5.C. and 5.F. [D.E. 14 and 16].

7. On August 22, 2007, a Notice of Appearance was filed by counsel on behalf of Pier Francesco Munari and Consejo de Capital Hanne, CCH, S.A. (hereafter referred to as the "Munari claimants"). [D.E. 18].

8. On August 22, September 4, October 1, October 2, and October 24, 2007, unopposed motions for extension of time to file claims and/or answers were filed by the Rovelli, Munari, and Pacheco claimants. [D.E. 19, 20, 31, 38, 39, and 47].

9. On October 4, 2007, the United States dismissed the two defendant accounts identified in the Verified Complaint in paragraphs 5.C. and 5.F., which were claimed by the Pacheco claimants. [D.E. 42].

10. On November 16, 2007, a Stipulation and Settlement Agreement was entered into between the United States and the Rovelli claimants pursuant to which the parties agreed, *inter alia*, to the forfeiture of the defendant accounts identified in the Verified Complaint in paragraphs 5.A., 5.B., 5.D., 5.E., 5.G., 5.H., 5.K., 5.N., 5.O., 5.P., 5.Q., 5.R., and 5.S. to the United States. The Stipulation and Settlement Agreement is being filed with the Clerk of the

Court contemporaneously herewith. [D.E. 49].

11. On November 16, 2007, a Stipulation and Settlement Agreement was entered into between the United States and the Munari claimants pursuant to which the parties agreed, *inter alia*, to the forfeiture of the defendant accounts identified in the Verified Complaint in paragraphs 5.I., 5.J., 5.L. and 5.M. to the United States. The Stipulation and Settlement Agreement is being filed with the Clerk of the Court contemporaneously herewith. [D.E. 50].

12. More than twenty days have passed since the date on which the defendant accounts and potential claimants were served with the Complaint and Notice of Action. No other claim or answer asserting an ownership right to the defendant accounts has been filed and the time for filing a claim and answer has expired. Since the remaining claims in this action have been resolved by agreement of the parties, entry of Judgment of Forfeiture in favor of the United States, in accordance with the terms of the Stipulation and Settlement Agreement, is appropriate.

Based on the foregoing, and for good cause shown, it is hereby

ORDERED AND ADJUDGED that the motion of the United States for Final Judgment of Forfeiture is GRANTED. It is further

ORDERED AND ADJUDGED that all right, title and interest of all parties and/or entities in the following accounts is hereby forfeited to the United States of America pursuant to 18 U.S.C. §§ 981(a)(1)(A), 981(a)(1)(B), 981(a)(1)(C), and 984, as proceeds, property traceable to proceeds, and property involved in foreign public corruption offenses, fraud against a foreign bank, U.S. money laundering offenses, and violations of 18 U.S.C. § 2314:

- a. All assets in account 56X-005609 in the name of East West Bancorporation and in the custody of Atlas One Financial Group, LLC;
- b. All assets in account 56X-007423 in the name of East West

Bancorporation and in the custody of Atlas One Financial Group, LLC;

c. All assets in account 56X-001558 in the name of Rottenberg Corporation and in the custody of Atlas One Financial Group, LLC;

d. All assets in account 56X-005757 in the name of East West Bancorporation and in the custody of Atlas One Financial Group, LLC;

e. All assets in account 56X-001541 in the name of Bactra Corporation and in the custody of Atlas One Financial Group, LLC;

f. All assets in account 56X-001574 in the name of Bactra Corporation and in the custody of Atlas One Financial Group, LLC;

g. All assets in account 15B-07B79 in the name of Romanian Corporation and in the custody of Merrill Lynch;

h. All assets in account 476-159893 in the name of JJ Trading and in the custody of Morgan Stanley Dean Witter;

i. All assets in account 4736-0164 (also known as account 9077049178) in the name of Romanian Bancorporation and in the custody of Wachovia Securities;

j. All assets in account 6387-1147 (also known as account 9077062719) in the name of East West Bancorporation and in the custody of Wachovia Securities;

k. All assets in account 302-00282 in the name of Runneymede and in the custody of Lazard Asset Management LLC;

l. All assets in account AE 82429 SF in the name of Shamah and in the custody of UBS Paine Webber;

m. All assets in account 951-90050 in the name of Alamein Holding and in the custody of First Allied Securities;

n. All assets in account 3106145659 in the name of Pier Francesco Munari and in the custody of Citibank;

o. All assets in account 2606404233 in the name of Pier Francesco Munari and in the custody of Citibank;

p. All assets in account 163-23610 in the name of Pier Francesco Munari and in the custody of Merrill Lynch; and

q. All assets in account 163-07283 in the name of Concejo de Capital Hanne and in the custody of Merrill Lynch.

It is further

ORDERED AND ADJUDGED that all right, title and interest in the forfeited defendant accounts is hereby vested in the United States of America. It is further

ORDERED AND ADJUDGED that the forfeited property shall be disposed of according to law. It is further

ORDERED AND ADJUDGED that the Court will retain jurisdiction to enforce the terms of the Stipulation and Settlement Agreements.

DONE AND ORDERED in Chambers in Miami, Florida on this 20th day of November 2007.

Adellee Jane For

Ursula Ungaro
UNITED STATES DISTRICT JUDGE

cc: Michelle B. Alvarez, AUSA
A.J. de Kluiver, Senior Trial Attorney
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