

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 20-cv-2019
)	
\$1,827,242.65 OF FUNDS ASSOCIATED)	
WITH COMPANY 1, <i>et al.</i> ,)	
)	
Defendants In Rem.)	
_____)	

DECLARATION IN SUPPORT OF DEFAULT

Assistant U.S. Attorney Michael P. Grady, in support of the United States’ request for the entry of default under Rule 55(a) of the Federal Rules of Civil Procedure, hereby states the following:

1. I am the attorney of record for the United States in the above-captioned case.
2. This declaration is executed by me in accordance with Rule 55(a) of the Federal Rules of Civil Procedure, for the purpose of enabling the United States to obtain an entry of default against the above captioned defendants *in rem*, as no potential claimants have claimed an interest or otherwise defended the action.
3. On July 23, 2020, the United States commenced this forfeiture action *in rem* against the defendant property by filing a verified complaint for forfeiture. *See* ECF No. 1.
4. On July 24, 2020, this Court issued a warrant for arrest in rem. *See* ECF No. 3.
5. The United States gave notice of this action to all known potential claimants pursuant to the procedures set forth in Rule G(4) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions (“Supplemental Rule”). Supplemental Rule

G(4)(b) requires the United States to “send notice of the action and a copy of the complaint to any person who reasonably appears to be a potential claimant.”

6. The United States identified all known potential claimants. On or about July 29, 2020, the United States sent notice to the known potential claimants via first class mail.

7. In response to the direct notice, the potential claimants had to file a verified claim with this Court within 35 days after notice was sent, that is, no later than September 2, 2020. The deadline to file a claim based on direct notice has passed without any party filing a claim.

8. Supplemental Rule G(4)(a) also requires the government to publish notice of the forfeiture “to an official internet government forfeiture site for at least 30 consecutive days.” Fed. R. Civ. P. Suppl. R. G(4)(a)(iv)(C). On July 31, 2020, the government began posting such notice on an internet site, <http://www.forfeiture.gov>, and continued posting the notice for 30 consecutive days. *See* ECF 5. Any verified claim in response to the notice by internet publication had to be filed no later than September 29, 2020. *See* Fed. R. Civ. P. Suppl. R. G(5)(a)(ii)(B). The deadline to file a claim based on publication has passed without any party filing a claim.

9. No party may contest the United States’ allegation that the *in rem* defendant property is subject to forfeiture and default judgment, because: (1) there is no claim on the record to the defendant property; (2) the time for filing a claim has expired, and no extensions of time were given, and (3) no person who reasonably appeared to be a potential claimant is an infant or incompetent person.

10. The Clerk is requested to enter default against the defendant property and all parties that might have an interest in it.

11. Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

Executed this 31st day of December 2020.

Respectfully submitted,

MICHAEL R. SHERWIN
ACTING UNITED STATES ATTORNEY

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