

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

-v.-

ANY AND ALL FUNDS UP TO AND
INCLUDING THE SUM OF \$12 MILLION
CONTAINED IN RATHBONES INVESTMENT
MANAGEMENT PORTFOLIO 702461,
ACCOUNTS 5870246110, 5870246120,
587024621, AND 5870246180; and

A 7TH CENTURY BRONZE STATUE
DEPICTING THE FOUR-ARMED GODDESS
DURGA,

Defendants *in Rem*.

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_____, District Judge:

21 Civ. _____

**STIPULATION AND ORDER
OF SETTLEMENT**

This Stipulation and Order of Settlement (“Stipulation and Order”) is entered into by and among Julia Copleston (acting under her married name, the “Claimant”), the current holder of accounts 5870246110, 5870246120, 5870246121, and 5870246180 held at Rathbones Investment Management International Limited, 26 Esplanade, Jersey, JE1 2RB (“Rathbones”) (the “Douglas Latchford Estate Accounts”), and the current possessor of the 7th Century Bronze Statue Depicting the Four-Armed Goddess Durga (the “Durga”), by Nicoleta Timofti, Esq., counsel for Claimant, and the United States of America (the “United States”), by its attorney Damian

Williams, United States Attorney for the Southern District of New York, Assistant United States Attorney Jessica Feinstein, of counsel.

WHEREAS, on June __, 2023, the United States of America commenced this action by filing a Verified Civil Complaint for forfeiture (the "Verified Complaint," ECF No. 1) against the defendants *in rem*, specifically, any and all funds up to and including the sum of \$12 million contained in the Douglas Latchford Estate Accounts (the "\$12 Million"), and the Durga (together with the \$12 Million, the "Defendants *in Rem*");

WHEREAS, through this Stipulation, the Claimant asserts a claim to the \$12 Million pursuant to Rule G(5)(a) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions;

WHEREAS, this Stipulation and Order is being entered into for the purpose of compromising disputed claims and avoiding the expenses and risks of litigation, and nothing contained in this Stipulation shall constitute or be construed to constitute an admission of liability, fault, guilt, or wrongdoing on part of the Claimant, or her immediate family members, who expressly deny any fault, liability, or wrongdoing;

WHEREAS, the United States has not filed any criminal charges against the Claimant or her immediate family members; and

WHEREAS, the United States and the Claimant have agreed to settle the allegations in the Verified Complaint without further litigation on the terms set forth below.

NOW, THEREFORE, IT IS HEREBY STIPULATED, AGREED AND

ORDERED, by and between the United States, by and through its attorneys, Damian Williams, United States Attorney for the Southern District of New York, and Assistant United

States Attorney Jessica Feinstein, and the Claimant, by and through her attorney, Nicoleta Timofti, Esq., that:

1. The Claimant hereby consents to the forfeiture to the United States, for disposition according to law, pursuant to Title 18, United States Code, Sections 981(a)(1)(A) and 981(a)(1)(C)c, of the Defendants *in Rem*, without an admission of liability, fault, guilt, or wrongdoing on part of the Claimant and her immediate family members, who expressly deny any fault, liability, or wrongdoing.

2. The United States hereby agrees not to seek restraint or forfeiture of additional assets of the Claimant on the factual basis for forfeiture set forth in the Verified Complaint, including: (1) any and all funds in excess of the \$12 Million and any interest on the funds in excess of the \$12 Million that accrues from the date of the stipulation and order to the date of entry of a final judgment of forfeiture; and (2) any other funds in any currency contained in any portfolios held in the name of the Claimant at Rathbones (together, the "Remaining Funds").

3. The United States hereby agrees to publish notice pursuant to Rule G(4) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions within one week (7 days) of the entry of this Stipulation and Order. The United States further agrees that after the requisite time periods for notice and claims have passed under Rules G(4) and G(5), that it will promptly file a proposed Judgment of Forfeiture with this Court.

4. Upon the entry of this Stipulation and Order and subsequent entry of a Judgment of Forfeiture, the United States will promptly advise the appropriate authorities in the Bailiwick of Jersey of the entry of the terms of this Stipulation and Order and the Judgment of Forfeiture.

5. Upon the entry of this Stipulation and Order and subsequent Judgment of Forfeiture, the United States will promptly advise the appropriate authorities in the Bailiwick of Jersey that the United States does not object to (1) the lifting of any restraint and/or the lifting of “no consent” in respect of any Remaining Funds; and (2) the transfer, use, or disposition by the Claimant of the Remaining Funds in any lawful manner and for any lawful purpose, including for the payment of legal and consulting fees, and any further fees required to give effect to this settlement (including transportation expenses). However, any interest traceable to the \$12 Million that accrues from the date of the Stipulation and Order shall remain in the account and be forfeited to the United States.

6. The United States and the Claimant agree to cooperate in good faith for the enforcement without delay of the Judgment of Forfeiture in the Bailiwick of Jersey.

7. The Claimant agrees to surrender, transfer, and effect physical transport of the Durga to the United States Department of Homeland Security (“DHS”) in the United Kingdom or its designee in the United Kingdom by a date no later than 90 days after entry of the Judgment of Forfeiture by the Court (the “Due Date”), and to provide necessary logistical assistance in the surrender, transfer, and transportation of the Durga to DHS’s designee in the United Kingdom. The Claimant further agrees to execute a notice of abandonment for the Durga at the time of the transfer. The United States agrees to provide a written confirmation of receivership of Durga to Claimant and the Bailiwick of Jersey within three days after its transfer and surrender. If the transfer and surrender of the Durga to DHS’s designee in the United Kingdom is not completed before the Due Date, and any delay or failure to transfer is within the reasonable control of the Claimant, the parties agree that this Stipulation and Order will be rendered invalid, and the United

States reserves its right to file an Amended Complaint in this forfeiture action. If any delay or failure to transfer the Durga by the Due Date is outside the reasonable control of the Claimant, the Stipulation and Order shall not be rendered invalid, and the parties can mutually agree to extend the Due Date accordingly.

8. The entry of the Judgment of Forfeiture shall resolve all of the United States' forfeiture actions or proceedings relating to the Defendants *in Rem* and allegations in the Verified Complaint pertaining to the Defendants *in Rem*.

9. Notwithstanding any other provision of this Stipulation and Order, the forfeiture of the Defendants *in Rem* does not constitute a fine, penalty, or punitive damages.

10. The Claimant is hereby barred from asserting, or assisting others in asserting, any claim against the United States, or its agencies, agents, or employees, including, but not limited to, the U.S. Attorney's Office for the Southern District of New York ("USAO-SDNY"), the Department of Homeland Security ("DHS"), the United States Marshals Service ("USMS"), or any agents and employees of the United States, the DHS, the USAO-SDNY, or the USMS in connection with or arising out of the seizure, restraint, and/or constructive possession of the Defendants *in Rem*, including, but not limited to, any claim that there was no probable cause to seize and/or forfeit the Defendants *in Rem*.

11. The Claimant agrees that the Claimant will not file a claim or a petition for remission or mitigation, or otherwise contest the civil forfeiture of the Defendants *in Rem*, or assist anyone else in doing so. The Claimant further agrees not to assist anyone else in filing a claim to the Defendants *in Rem* pursuant to Rule G(5)(a) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture.

12. The Claimant represents that the Claimant is the owner and possessor of the cash and funds comprised in the Defendants *in Rem* and agrees to hold harmless the United States, the USAO-SDNY, the DHS, and the USMS as well as any and all employees, officers, and agents of the United States, from any and all claims in connection with or arising out of the seizure, restraint, and/or constructive possession of the cash and funds comprised in the Defendants *in Rem*, including but not limited to any third-party claims of ownership of the cash comprised in the Defendants *in Rem*. For the avoidance of doubt, no such representation or hold harmless commitment is provided by the Claimant in respect of the Durga.

13. Each party shall bear its own costs and attorney's fees.

14. The Claimant hereby agrees to waive all rights to appeal or otherwise challenge or contest the validity of this Stipulation and Order.

15. This Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Stipulation and Order.

16. This Stipulation and Order may be executed in counterparts, each of which shall constitute an original as against the party whose signature appears on it. All executed counterparts shall be deemed to be one and the same instrument. This Stipulation and Order shall become binding when one or more counterparts, individually or taken together, bears the signature of all parties.

17. A facsimile or electronic image of the original signature of any party executing this Stipulation and Order shall be deemed an original signature and shall constitute an original as against the party whose signature appears in the facsimile or electronic image.

AGREED AND CONSENTED TO:


DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York
Attorney for the Plaintiff
United States of America

By: 
JESSICA FEINSTEIN
Assistant United States Attorney
One St. Andrew's Plaza
New York, New York 10007
(212) 637-1946

22 June 2023
DATE

By: 
JULIA COPLESTON

21 JUNE 2023
DATE

By: 
NICOLETA TIMOFTI, ESQ.
Attorney for Julia Copleston
Curtis, Mallet-Prevost, Colt & Mosle LLP
101 Park Avenue
New York, New York 10178-0061
(212) 696-6000

21 June 2023
DATE

SO ORDERED:

**UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK**