

1 DEBORAH CONNOR, Chief
Money Laundering and Asset Recovery Section (MLARS)
2 MARY BUTLER, Chief, International Unit
WOO S. LEE, Deputy Chief, International Unit
3 BARBARA Y. LEVY, Trial Attorney
JOSHUA L. SOHN, Trial Attorney
4 JONATHAN BAUM, Sr. Trial Attorney
Criminal Division
5 United States Department of Justice
1400 New York Avenue, N.W., 10th Floor
6 Washington, D.C. 20530
Telephone: (202) 514-1263
7 Email: Woo.Lee@usdoj.gov

8 NICOLA T. HANNA
United States Attorney
9 STEVEN R. WELK
Assistant United States Attorney
Chief, Asset Forfeiture Section
10 JOHN J. KUCERA (CBN: 274184)
MICHAEL SEW HOY (CBN: 243391)
Assistant United States Attorneys
11 Asset Forfeiture Section
312 North Spring Street, 14th Floor
12 Los Angeles, California 90012
Telephone: (213) 894-3391/(213) 894-3314
13 Facsimile: (213) 894-0142
Email: John.Kucera@usdoj.gov
14 Michael.R.Sew.Hoy@usdoj.gov

15 Attorneys for Plaintiff
16 UNITED STATES OF AMERICA

17 UNITED STATES DISTRICT COURT
18 FOR THE CENTRAL DISTRICT OF CALIFORNIA

19 UNITED STATES OF AMERICA,

20 Plaintiff,

21 v.

22 REAL PROPERTY LOCATED IN
BEVERLY HILLS, CALIFORNIA,

23 Defendant.

24
25 LAUREL BEVERLY HOLDINGS LLC,
26 ATLANTIC PROPERTY TRUST, and
27 GUARDIAN AD LITEM FOR MINOR
28

No. 2:16-CV-5379-DSF-PLA

**STIPULATION AND REQUEST TO
ENTER CONSENT JUDGMENT OF
FORFEITURE**

The [PROPOSED] Consent Judgment of
Forfeiture Lodged Contemporaneously
Herewith Is Dispositive of This Action]

1 CHILDREN BENEFICIARIES,

2 Claimants.

3
4 **I. INTRODUCTION**

5 1. By the signatures of their counsel hereunder, Plaintiff United States of
6 America (“United States” or the “government”) and claimants Laurel Beverly Holdings
7 LLC, Atlantic Property Trust, and Minor Children Beneficiaries¹ through their guardian
8 Safeya Ahmed Kulaib Al Hameli (“S.A.K.A.”) (collectively, the “Qubaisi Claimants”) (all together, the “Parties”) respectfully request that the Court enter the [PROPOSED]
9 Consent Judgment of Forfeiture (the “[Proposed] Consent Judgment”) lodged
10 contemporaneously herewith, to carry into effect the terms of this stipulation (the
11 “Stipulation”), which is dispositive of this action.
12

13 **II. PROCEDURAL HISTORY**

14 **A. The Related Forfeiture Cases**

15 2. From 2016 through 2019, the government commenced more than 30 related
16 civil forfeiture cases in the Central District of California against a wide variety of real
17 and personal property defendants located in the United States and abroad, including the
18 instant action (the “Action”). On July 20, 2016, the government commenced this Action
19 (Docket Number (“DN”) 1) alleging that the Qubaisi Claimants acquired the defendant
20 real property through or in connection with the alleged illicit conduct of Khadem
21 Abdulla Al Qubaisi (“Qubaisi”). A First Amended Complaint (“FAC”) was filed on
22 August 4, 2017. (DN 52). The legal description of the defendant real property is
23 attached hereto as Exhibit A, and incorporated herein by this reference. Notice was
24 given and published according to law. The Qubaisi Claimants filed a verified claim in
25 response to the Complaint on October 7, 2016 (DN 16), an answer to the Complaint on
26 October 28, 2016 (DN 30), and a verified claim in response to the FAC on October 11,
27

28 ¹ Pursuant to Fed. R. Civ. P. 5.2 and Local Rule 5.2-1, the Minor Children Beneficiaries are identified by their initials Mo.Q., Ab.Q., Al.Q., and Ma.Q.

1 2017 (DN 59). Aside from the Qubaisi Claimants, no other individual or entity has filed
2 a claim or answer in the Action, and the time for doing so has expired.

3 3. On December 8, 2016, this Court entered an Order authorizing an
4 interlocutory sale of the defendant real property. (DN 34). In January 2017, the
5 defendant real property was sold pursuant to the interlocutory sale order, and the net sale
6 proceeds were substituted as the defendant *res* in this Action.

7 4. The Parties, collectively and individually, and with the authority and intent
8 of their respective predecessors, assigns, subsidiaries, parent companies, and affiliated
9 entities, have entered into this Stipulation in order to reach an agreement that forever
10 resolves this Action. A similar (and related) Stipulation and [Proposed] Judgment
11 between the government, the Qubaisi Claimants, and one other claimant in another of the
12 related actions, *United States v. Real Property Located in New York, New York*, CV 16-
13 5376 DSF (PLAx) (the “Walker Tower Action”), are being filed contemporaneously in
14 that action.

15 5. This Stipulation does not constitute an admission of guilt, fault, liability
16 and/or any form of wrongdoing on the part of the Qubaisi Claimants. Furthermore, upon
17 entry of the [Proposed] Consent Judgment, the U.S. Attorney’s Office for the Central
18 District of California and the United States Department of Justice, Criminal Division,
19 acknowledge and agree that they shall be bound by the terms of the Consent Judgment
20 and the doctrines of *res judicata* and collateral estoppel. Entry of the [Proposed]
21 Consent Judgment shall resolve all of the government’s asset forfeiture actions or
22 proceedings relating to the defendant real property/substitute *res* as they relate to the
23 Qubaisi Claimants, arising from any acts or omissions alleged in the Action, or any
24 related action. Nothing in this Stipulation constitutes a waiver or release by the
25 government of criminal claims.

26 //

27 //

28

1 **III. JURISDICTION AND TERMS**

2 **A. Jurisdiction**

3 6. Solely for purposes of this Stipulation and [Proposed] Consent Judgment,
4 the Parties agree that this Court has jurisdiction over the Parties and over the subject
5 matter of this Action. The Parties further agree that the government has given and
6 published notice of the Action as required by law, including Supplemental Rule G for
7 Admiralty or Maritime Claims and Asset Forfeiture Actions, Federal Rules of Civil
8 Procedure, and the Local Rules of this Court; and, if taken as true, the allegations set out
9 in the FAC are sufficient to state a claim for forfeiture of the defendant real
10 property/substitute *res*.

11 **B. Disposition of Forfeited Defendant *Res***

12 7. Upon entry of the [Proposed] Consent Judgment, all right, title, and interest
13 of the Qubaisi Claimants in the defendant *res* shall be forfeited to the United States, and
14 no other right, title, or interest shall exist therein, unless otherwise provided in this
15 Stipulation.

16 **C. Released Funds**

17 8. The [Proposed] Consent Judgment provides that in consideration of the
18 government’s release of the total sum of USD \$870,000.00, without interest (the
19 “Released Funds”), the Qubaisi Claimants shall forfeit to the government any right, title
20 or interest in the defendant assets in both this Action and the Walker Tower Action.

21 9. The Released Funds shall be drawn from a portion of the funds held in the
22 United States Marshals Service’s Seized Asset Deposit Fund (“SADF”), representing the
23 net sales proceeds from the sale of the defendant real property in this Action, and shall
24 be paid to one or more account(s) as directed by Troutman Sanders LLP (“Troutman
25 Sanders”), who shall provide all information required to facilitate the payment, including
26 personal identification information required by federal law or regulation, and complete
27 all required documents. The payment of the Released Funds shall be made to Troutman
28

1 Sanders no later than 30 days from the sale of the defendant real property in the Walker
2 Tower Action.

3 10. The government agrees that it shall not now nor in the future institute any
4 action against Troutman Sanders, or seek the seizure, freezing, return, forfeiture, or
5 restraint of any kind of any of the Released Funds, nor any interest earned on the
6 Released Funds, for any acts or omissions relating to the Released Funds preceding the
7 date of its receipt of the Released Funds.

8 **D. Other Terms**

9 11. The Claimants, and each of them, agree that none will contest or assist any
10 other individual or entity in contesting the forfeiture of the defendant *res*.

11 12. By the signatures of their attorneys hereunder, the Qubaisi Claimants
12 release the government, its agencies, agents, officers, and attorneys, including employees
13 and agents of the Federal Bureau of Investigation, Internal Revenue Service, and the
14 Department of Justice, from any and all claims, actions, or liabilities arising out of or
15 related to this action, including any claim for attorneys' fees or costs that may be
16 asserted on behalf of said Claimants against the government, whether pursuant to 28
17 U.S.C. § 2465 or otherwise. If any Claimant submitted a petition for remission in this
18 action, such petition is hereby withdrawn, and the Claimants waive any rights any of
19 them may have, individually or collectively, to seek remission or mitigation of the
20 forfeiture of the defendant real property or the proceeds of its sale.

21 13. The Parties stipulate and agree that the Court's entry of the respective
22 [Proposed] Consent Judgment and execution of said Judgment shall constitute the final
23 and complete satisfaction of all claims asserted by the Parties in this action.

24 14. Should any dispute arise about the interpretation of or compliance with the
25 terms of this Stipulation or resulting Consent Judgment, the Parties shall attempt in good
26 faith to resolve any such disputes. However, should the Parties be unable to resolve a
27 dispute, either party may move the Court to resolve the dispute and to impose any
28

1 remedy this Court deems necessary to enforce the terms of this Stipulation and
2 [Proposed] Consent Judgment.

3 15. The Parties agree that this Stipulation is entered into for the sole purpose of
4 serving as a comprehensive resolution agreement forever resolving the competing
5 interests of the Parties in this action, so as to avoid the expenses and risks associated
6 with continued litigation. Each of the Parties shall bear its own fees and costs in
7 connection with the action in a manner consistent with the terms of the Stipulation.

8 //
9 //
10 //

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 16. There was reasonable cause for the institution of this action. Entry of the
2 [Proposed] Judgment shall constitute a certificate of reasonable cause pursuant to 28
3 U.S.C. § 2465.

4
5 Dated: May 6, 2020

Respectfully submitted,

6 DEBORAH CONNOR
7 Chief, MLARS

8 NICOLA T. HANNA
9 United States Attorney

10 /s/Barbara Levy

MICHAEL R. SEW HOY
11 JOHN J. KUCERA
12 Assistant United States Attorneys

13 BARBARA Y. LEVY
14 Trial Attorney, MLARS

15 Attorneys for Plaintiff
16 UNITED STATES OF AMERICA

17 Dated: May 6, 2020

 /s/(per e-mail confirmation)

18 PETER N. VILLAR
19 SHARIE A. BROWN
20 Troutman Sanders LLP
21 Attorneys for Claimants
22 Laurel Beverly Holdings LLC, Atlantic
23 Property Trust, and Minor Children
24 Beneficiaries through their guardian
25
26
27
28