

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,	:	CIVIL ACTION
Plaintiff,	:	
v.	:	
A LIMITED PARTNERSHIP INTEREST HELD IN THE NAME OF OR FOR THE BENEFIT OF SANG AH PARK IN THE PHILADELPHIA U.S. IMMIGRATION FUND,	:	
Defendant.	:	No. 15-CV-814

DEFAULT JUDGMENT AND FINAL ORDER OF FORFEITURE

AND NOW, this ____ day of _____, 2015, upon consideration of the United States' motion for entry of a Default Judgment, pursuant to Federal Rule of Civil Procedure 55(b)(2), and a Final Order of Forfeiture, pursuant to Federal Rules of Civil Procedure 58(a) and (b), against the Defendant Security, for the reasons set forth in the United States' motion, the Court concludes that it should grant the United States' motion and enter final judgment, and, therefore, it is hereby ORDERED, ADJUDGED and DECREED that:

1. This Court has jurisdiction over the Defendant Security in this action.
2. The Motion of the United States of America for Entry of Default Judgment and Final Order of Forfeiture is GRANTED;
3. All right, title, and interest of all persons, including Sang Ah Park, Jae Yong Chun, and their heirs and assigns, in the Defendant Security, a limited partnership interest held in the name of or for the benefit of Sang Ah Park in the Philadelphia U.S.

Immigration Fund, is hereby fully and finally forfeited to the United States of America pursuant to 18 U.S.C. § 981(a)(1)(A) and (C). The United States of America shall have judgment as to the Defendant Security and no other person or entity shall have any right, title or interest in the Defendant Security; and

4. The United States of America shall dispose of the forfeited property in accordance with law.

HONORABLE ANITA B. BRODY
United States District Judge

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,	:	CIVIL ACTION
Plaintiff,	:	
v.	:	
A LIMITED PARTNERSHIP INTEREST	:	
HELD IN THE NAME OF OR FOR THE	:	
BENEFIT OF SANG AH PARK IN THE	:	
PHILADELPHIA U.S. IMMIGRATION	:	
FUND,	:	
Defendant.	:	No. 15-CV-814

UNITED STATES' MOTION FOR ENTRY OF DEFAULT
JUDGMENT AND FINAL ORDER OF FORFEITURE

The United States of America, by its attorneys, Woo S. Lee and Della Sentilles, Criminal Division, United States Department of Justice, and Zane David Memeger, United States Attorney for the Eastern District of Pennsylvania, and Joseph F. Minni, Assistant United States Attorney, pursuant to Federal Rules of Civil Procedure 55(b)(2) and 58(a) and (b), requests this Court to enter a Default Judgment in plaintiff's favor and Judgment and Final Order of Forfeiture against the defendant security in the above-captioned case on the grounds set forth in the Verified Complaint for Forfeiture *In Rem* (the "Complaint").

The United States filed the Complaint on February 18, 2015, seeking the forfeiture of the defendant security in the above-captioned case. This Court issued an arrest warrant *in rem* for the defendant security that same day. The Clerk entered an order of default against the defendant security on April 29, 2015. The United States now seeks to resolve this litigation by moving for default judgment and a final order of forfeiture against the defendant security. As grounds for its motion, the United States

cites 18 U.S.C. § 983(a)(4)(A), Federal Rule of Civil Procedure 55, and Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

WHEREFORE, for the reasons set forth in the attached memorandum of law, the government respectfully requests that the Court grant this motion and enter the attached proposed order.

Respectfully submitted,

M. KENDALL DAY, CHIEF
ASSET FORFEITURE AND MONEY
LAUNDERING SECTION
Criminal Division
United States Department of Justice

/s/ Della G. Sentilles

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/s/ Joseph F. Minni

JOSEPH F. MINNI
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Attorneys for Plaintiff United States of America

Date: April 29, 2015.

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, :

CIVIL ACTION

Plaintiff, :

v. :

A LIMITED PARTNERSHIP INTEREST :

HELD IN THE NAME OF OR FOR THE :

BENEFIT OF SANG AH PARK IN THE :

PHILADELPHIA U.S. IMMIGRATION :

FUND, :

Defendant. : **No. 15-CV-814**

**MEMORANDUM OF LAW IN SUPPORT OF UNITED STATES' MOTION
FOR ENTRY OF DEFAULT JUDGMENT AND FINAL ORDER OF FORFEITURE**

The United States of America, by its attorneys, submits this memorandum of law in support of its Motion pursuant to Federal Rules of Civil Procedure 55(b)(2) and 58(a) and (b), requesting this Court to enter a Default Judgment in plaintiff's favor and a Judgment and Final Order of Forfeiture against the defendant security in the above-captioned case.

I. BACKGROUND

On February 18, 2015, the United States commenced this civil forfeiture action by filing a Verified Complaint for Forfeiture *in Rem* (the "Complaint") against the above-named defendant security, pursuant to 18 U.S.C. § 981(a)(1)(A) and (C).

As set forth in the Complaint, the defendant security is traceable to corruption proceeds accumulated by Chun Doo-hwan ("President Chun"), the former President of the Republic of Korea ("Korea"). While serving as Korea's president between 1980 and 1988, President Chun solicited and accepted more than \$200 million in bribes from Korean businesses. President Chun and his associates then laundered his corruption proceeds through a web of assets and bank accounts controlled by multiple shell companies and nominees. Some of these proceeds were transported and laundered through conduct

in and affecting the United States in violation of U.S. law. Because notice of this action was properly given to the public and known potential claimants as set forth in the Declaration of Publication (ECF No. 3, Exhibit A), and no claim has been filed with respect to the defendant security, the United States respectfully requests that this Court enter the attached Default Judgment and Final Order of Forfeiture against the defendant security.

II. FACTUAL BACKGROUND AND POINTS OF AUTHORITY

A. Service of the Arrest Warrant *in Rem*

On February 27, 2015, an arrest warrant *in rem* was duly executed on the defendant security by Geoffrey I. Gordon, Special Agent for Homeland Security Investigations.

B. Notice and Publication

Pursuant to Rule G(4)(b) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States sent direct notice of this action to the known potential claimants as set forth herein. The direct notice included copies of the Complaint and a Notice of Complaint for Forfeiture (the "Notice").

The Notice contained detailed instructions advising potential claimants of the procedures required under Supplemental Rule G to file proper claims and answers. The Notice advised that verified claims needed to be filed within thirty-five (35) days of the date of the Notice, or for certain claimants, its receipt. The Notice also identified the contents of a verified claim required under Rule G(5)(a), and advised potential claimants of the need to file answers or Rule 12 motions within 21 days after filing the verified claim.

On March 3, 2015, the Asset Forfeiture and Money Laundering Section of the Criminal Division of the United States Department of Justice sent the Notice and the Complaint via Federal Express to Covington and Burling LLP, counsel for Sang Ah Park and Jae Yong Chun.

Pursuant to Supplemental Rule G(4)(a), the United States must publish notice of this forfeiture action. Supp.R. G(4)(a). On February 21, 2015, the government began posting notice of this forfeiture action on an official forfeiture internet site, <http://www.forfeiture.gov>, for 30 consecutive days. Pursuant

to Supplemental Rule G(5)(a), any claimants to the defendant assets were required to file a claim no later than 60 days after the first publication of notice on the official government website. Thus, any verified claim in response to the notice by publication – other than from someone who received direct notice – had to be filed no later than April 22, 2015.

Accordingly, all process that was due was fully issued in this action and was returned according to law. All notice by publication and to all known potential claimants was properly given, as required by Supplemental Rule G(4).

C. No Claim to the Defendant Security Has Been Filed.

Pursuant to Supplemental Rule G(5)(a), any claimants to the defendant security were required to file a claim no later than 35 days after direct notice was sent to them, or 60 days after the first publication of notice on the official government website. Those time periods have expired. No person or entity has filed a claim to the defendant security in this proceeding, answered the verified complaint, or otherwise appeared to contest the forfeiture of these defendant security, and the time to do so has expired. No extensions of time have been requested, consented to, or granted by this Court.¹

On April 24, 2015, the United States filed a request for entry of default along with a declaration in support of entry of default and declaration of publication because no party had filed a claim against the defendant security, and the time to do so had expired (ECF No. 3).

To date, no claim to the defendant security has been filed. Accordingly, there is no verified claim to the defendant security and the time for filing a claim has expired. *See* 18 U.S.C. § 983(a)(4)(A)(claims due within 30 days after service of government’s complaint or completion of publication notice); Supplemental Rule G(5)(verified claim deadline set within Notice of Forfeiture: deadline may occur 35

¹ On March 4, 2015, the United States and Sang Ah Park (in whose name the defendant security is titled) and her husband Jae Yong Chun executed a settlement agreement in which, among other things, Ms. Park and Mr. Chun consented to the forfeiture of the defendant security and agreed that they would not take any action to challenge, prevent, frustrate or delay the forfeiture of the defendant security in this action. Pursuant to Civil Local Rule 7.1(b), counsel for the United States consulted with counsel for Ms. Park and Mr. Chun and was informed by counsel that Ms. Park and Mr. Chun do not oppose the United States’ Motion for Entry of Default Judgment and For Final Order of Forfeiture against the Above-Named Defendant Security.

days after notice is sent and 30 days after publication notice completed); 18 U.S.C. § 983(a)(4)(A)(mandating the filing of a claim within 30 days of the service of the government's complaint).

On April 29, 2015, the Clerk of the Court entered an order of Default in this matter against the defendant security. As a result, the entry of a default judgment and an order of forfeiture against the defendant security are supported under the circumstances of this case. Indeed, the Clerk of the Court "must enter" the default when there has been a failure to plead timely or otherwise defend an action within the time fixed by law. Fed.R.Civ.P. 55(a).

Whenever a judgment is sought for other than a sum certain from a defendant (for example, as in this Complaint), application for judgment by default shall be made to the Court, and such judgment may be entered by the Court so long as the defaulted party is not an infant or otherwise incompetent. *See* Fed.R.Civ.P. 55(b); *DirectTV, Inc. v. Arnold*, 392 F. Supp.2d 415 (N.D. N.Y. 2005); *Canady, MD v. Erbe Elektromedizin GMBG*, 307 F. Supp.2d 2 (D. D.C. 2004); *United States v. Gant*, 268 F. Supp.2d 29 (D. D.C. 2003). The defendant security is an inanimate asset, and so is neither infant nor incompetent. Further, no person believed to have an interest in the defendant security is an infant, is incompetent, or is presently engaged in military service.

Accordingly, upon consideration of the record in this case, including a showing of compliance with applicable rules regarding service of process and notice by publication, and the default having been entered by the Clerk of the Court, it is respectfully requested that this motion be granted. A proposed Default Judgment and Final Order of Forfeiture is attached to the motion.

III. CONCLUSION

For the reasons explained above, the United States respectfully requests that this Court grant the motion and enter default judgment and a final order of forfeiture against the defendant security.

Respectfully submitted,

M. KENDALL DAY, CHIEF
ASSET FORFEITURE AND MONEY

LAUNDERING SECTION
Criminal Division
United States Department of Justice

/s/ Della G. Sentilles

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/s/ Joseph F. Minni

JOSEPH F. MINNI
Assistant United States Attorney

Attorneys for Plaintiff United States of America

Date: April 29, 2015.

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that a true and correct copy of the MOTION OF UNITED STATES OF AMERICA FOR ENTRY OF DEFAULT JUDGMENT AND FINAL ORDER OF FORFEITURE were served on the following by served on the following by electronic mail, addressed as follows:

Benjamin Razi, Esq.
Caitlin Cottingham, Esq.
Covington and Burling LLP
850 Tenth Street, NW
Washington, D.C.

/s/ Della G. Sentilles
DELLA G. SENTILLES, Trial Attorney
Criminal Division
United States Department of Justice

Date: April 29, 2015.