

2010R00453/ZI/DVS/BAW/ms

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon. Anne E. Thompson
	:	
v.	:	Crim. No. 13-619 (AET)
	:	
VIJAY VERMA, and	:	CONSENT JUDGMENT
TARSEM LAL,	:	AND PRELIMINARY ORDER
	:	OF FORFEITURE
	:	<u>(FINAL AS TO THE DEFENDANTS)</u>
Defendants.	:	

BACKGROUND

The Seizure Warrants and the Civil Forfeiture Case

WHEREAS, on or about February 5, 2013, the Honorable Madeline Cox Arleo, United States Magistrate Judge for the District of New Jersey, issued seizure warrants for all right, title and interest in the inventory and other valuable and readily salable assets of Raja Jewelers, located at 820 Newark Avenue, Jersey City, New Jersey 07306, including but not limited to jewelry, precious metals and stones, money and other valuables, based on probable cause that the property is seizure and forfeiture to the United States (i) pursuant to 18 U.S.C. § 981(a)(1)(C), as property, real or personal, constituting or derived from proceeds traceable to conspiracy to defraud financial institutions, contrary to 18 U.S.C. § 1344, in violation of 18 U.S.C. § 1349; and (ii) pursuant to 18 U.S.C. § 981(a)(1)(A), as property involved in money laundering transactions or

attempted transactions in violation of 18 U.S.C. §§ 1956 or 1957, and property traceable to such property (the “Raja Seizure Warrant”);

WHEREAS on or about February 5, 2013, pursuant to the Raja Seizure Warrant, the Federal Bureau of Investigation (“FBI”) and the United States Marshals Service (“USMS”) seized the following property from Raja Jewelers, 820 Newark Avenue, Jersey City, New Jersey 07306 (the “Seized Property”):

ASSET I.D. NUMBER	DESCRIPTION	ASSET VALUE (APPROX.)
13-FBI-001724	Inventory of Raja Jewelers	\$1,651,981.16
13-FBI-002108	Miscellaneous Gold Pieces and Coin / Currency Collection	\$258,769.05
13-FBI-002109	\$374,600.82 U.S. Currency	\$374,600.82

WHEREAS, on or about February 27, 2013, the Government filed a Verified Complaint for Forfeiture in Rem, *United States v. All Right, Title and Interest in the Inventory and Other Valuable and Readily Salable Assets of Raja Jewelers, etc., et al.*, Civil Action No. 13-1175 (JLL) (the “Parallel Civil Forfeiture Case”). The Verified Complaint seeks the forfeiture to the United States of the Seized Property as well as the real property known as 95 Pershing Avenue, Iselin, Woodbridge Township, New Jersey 08830 (“95 Pershing Avenue”), (i) pursuant to 18 U.S.C. § 981(a)(1)(C), as property, real or personal, constituting or derived from proceeds traceable to conspiracy to defraud financial institutions, contrary to 18 U.S.C. § 1344, in violation of 18 U.S.C. § 1349; and (ii) pursuant to 18

U.S.C. § 981(a)(1)(A), as property involved in money laundering transactions or attempted transactions in violation of 18 U.S.C. §§ 1956 or 1957, and property traceable to such property;

WHEREAS, on or about May 24, 2013, defendant TARSEM LAL, as well as Kamla Devi and Reena Rai, filed claims in the Parallel Civil Forfeiture Case asserting interests in and contesting the forfeiture of 95 Pershing Avenue;

WHEREAS, the Government posted notice of the Parallel Civil Forfeiture Case as to the Seized Property on an official government internet site, <http://www.forfeiture.gov>, beginning on April 30, 2013, and running for thirty consecutive days, through May 29, 2013, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure. Proof of publication was filed with the Court in the Parallel Civil Forfeiture Case on August 18, 2014; and

WHEREAS, pursuant to 18 U.S.C. § 981(g), on or about July 30, 2013, the Parallel Civil Forfeiture Case was stayed pending the outcome of the above-captioned criminal case as to all defendants.

The Criminal Proceedings

WHEREAS, on or about September 27, 2013, a federal grand jury in the District of New Jersey returned an indictment (the "Indictment") charging BABAR QURESHI, IJAZ BUTT, QAISER KHAN, AZHAR IKRAM, KHAWAJA IKRAM, VINOD DADLANI, VIJAY VERMA, TARSEM LAL, HABIB CHAUDHRY,

MUHAMMAD NAVEED and AMAR SINGH with conspiracy to commit bank fraud, in violation of 18 U.S.C. §§ 1344 and 1349 (Count One). Some of the defendants, including VIJAY VERMA and TARSEM LAL, were also charged with individual counts of wire fraud, in violation of 18 U.S.C. § 1343. The Indictment gave notice that the Government was seeking forfeiture of all proceeds of the violation of 18 U.S.C. § 1349 charged in Count One, including the Seized Property and 95 Pershing Avenue;

WHEREAS, on or about June 20, 2014, defendant VIJAY VERMA pleaded guilty pursuant to a plea agreement with the United States to a superseding Information which charged the defendant, in one count, with effecting transactions with access devices issued to another person or persons, to receive payment or any other thing of value, in violation of 18 U.S.C. § 1029(a)(5);

WHEREAS, in the plea agreement, defendant VIJAY VERMA:

- (i) consented to the imposition of a criminal forfeiture money judgment in the amount of \$451,258.87, representing the proceeds of the offense charged in the Information; and
- (ii) agreed that the Seized Property is forfeitable to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), and that unless and until defendant VIJAY VERMA satisfies the forfeiture money judgment prior to sentencing, the Seized Property would be forfeited to the United States and applied to the forfeiture money judgment until satisfied in full;

WHEREAS, on or about April 2, 2014, defendant TARSEM LAL pleaded guilty pursuant to a plea agreement with the United States to a superseding Information which charged the defendant, in one count, with conspiracy to

defraud financial institutions and illegally obtain moneys thereby, in connection with a scheme to charge fraudulently-obtained credit cards at TARSEM LAL's place of business and other locations, contrary to 18 U.S.C. § 1344, in violation of 18 U.S.C. § 371;

WHEREAS, in the plea agreement, defendant TARSEM LAL consented to the forfeiture, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, of approximately \$3 million in jewelry seized from 820 Newark Avenue, Jersey City, New Jersey on or about February 5, 2013;

WHEREAS, Rule 32.2(b)(4)(A) of the Federal Rules of Criminal Procedure provides that a preliminary order of forfeiture, including a preliminary order of forfeiture consisting of a money judgment, may become final at any time before sentencing if the defendant consents;

WHEREAS, Rule 32.2(c)(1) of the Federal Rules of Criminal Procedure provides that no ancillary proceeding is required to the extent that the forfeiture consists of a money judgment; and

WHEREAS, the provisions of 21 U.S.C. § 853(n) and Rule 32.2(b) of the Federal Rules of Criminal Procedure require publication and notice to third parties known to have alleged an interest in forfeited property and the disposition of any petitions filed under Section 853(n) before the United States may have clear title to such property.

STIPULATIONS

WHEREAS, in order to satisfy their forfeiture obligations in the above-captioned criminal case, and to resolve the Parallel Civil Forfeiture Case as to the Seized Property and 95 Pershing Avenue, it is hereby stipulated and agreed by and between the United States of America, Paul J. Fishman, United States Attorney for the District of New Jersey (Zach Intrater, Daniel V. Shapiro, and Barbara A. Ward, Assistant United States Attorneys, appearing); and defendants VIJAY VERMA and TARSEM LAL, by and through their respective attorneys, Gerald Krovatin, Esq. and Paul Condon, Esq., as follows:

1. Defendant VIJAY VERMA consents to the forfeiture to the United States of \$451,258.87 as a sum of money representing the proceeds of the offense charged in the Information to which the defendant VIJAY VERMA has pleaded guilty (the "Forfeiture Money Judgment"), which shall run jointly and severally with the Forfeiture Money Judgment to be imposed on defendant TARSEM LAL.

2. Defendant TARSEM LAL consents to the forfeiture to the United States of \$451,258.87 as a sum of money representing the proceeds of the offense charged in the Information to which the defendant TARSEM LAL has pleaded guilty (the "Forfeiture Money Judgment"), which shall run jointly and severally with the Forfeiture Money Judgment to be imposed on defendant VIJAY VERMA.

3. Defendants VIJAY VERMA and TARSEM LAL each agree that the approximately \$374,600.82 in U.S. currency seized on or about February 5, 2013 from 820 Newark Avenue, Jersey City, NJ 07306 (13-FBI-002109) (the "Forfeited Specific Property") pursuant to the Raja Seizure Warrant shall be forfeited to the United States for disposition according to law, and shall be applied to the Forfeiture Money Judgment, in partial satisfaction thereof.

4. Defendants VIJAY VERMA and TARSEM LAL agree to complete all documentation necessary to effect the forfeiture of the Forfeited Specific Property to the United States.

5. Defendant VIJAY VERMA agrees to tender the balance of the Forfeiture Money Judgment within 10 days of the entry of this Order by postal money order, bank or certified check, made payable, in this instance to the United States Marshals Service, and delivered to the United States Attorney's Office, District of New Jersey, Attn: Asset Forfeiture and Money Laundering Unit, 970 Broad Street, 7th Floor, Newark, New Jersey 07102 (Attention: AUSA Barbara Ward), and shall indicate the defendant's name and case number on the face of the check.

6. Defendants VIJAY VERMA and TARSEM LAL understand and agree that the provisions of 21 U.S.C. § 853(n) and Rule 32.2(b) of the Federal Rules of Criminal Procedure require publication and notice to third parties known to have alleged an interest in forfeited property, including the Forfeited Specific Property,

and the disposition of any petitions filed under Section 853(n) before the United States may have clear title to such property.

7. Defendants VIJAY VERMA and TARSEM LAL agree that they will promptly provide the Government with the names and addresses of all individuals and entities known to them to have asserted an interest in all or part of the Forfeited Specific Property, the Seized Property and/or 95 Pershing Avenue accompanied by a detailed description of the item or items in which the individual or entity has asserted an interest, and will provide or identify any and all documentation relevant to the individual's or entity's claim.

8. In the event that (i) no petition is filed with respect to the Forfeited Specific Property within the time period for filing a petition following the publication of notice, or (ii) a petition is filed but is dismissed or denied in its entirety, the United States shall promptly thereafter apply to the Court for a Final Order of Forfeiture; move to dismiss the Parallel Civil Forfeiture Case as against the Seized Property and 95 Pershing Avenue without costs or attorney's fees to any party; release the Notice of Pendency filed with the Clerk of the Court of Middlesex County, New Jersey, with respect to 95 Pershing Avenue; and release the following property to defendant VIJAY VERMA or his duly authorized designee:

ASSET I.D. NUMBER	DESCRIPTION	ASSET VALUE (APPROX.)
13-FBI-001724	Inventory of Raja Jewelers (as more fully described on Exhibit A hereto)	\$1,651,981.16
13-FBI-002108	Miscellaneous Gold Pieces and Coin / Currency Collection (as more fully described on Exhibit B hereto)	\$258,769.05

9. These stipulations and this Consent Judgment and Preliminary Order of Forfeiture is a full and final settlement of the criminal forfeiture and the Parallel Civil Forfeiture Case and shall survive the death of defendants VIJAY VERMA and/or TARSEM LAL and shall not be affected by any reversal or relief from the judgment of conviction against VIJAY VERMA or TARSEM LAL.

10. Pursuant to 18 U.S.C. § 982(a)(2)(B), VIJAY VERMA and TARSEM LAL each agree that this Order is final at the time of its entry by the Court, pursuant to Rule 32.2(b)(4)(A) of the Federal Rules of Criminal Procedure.

11. VIJAY VERMA and TARSEM LAL each agree to consent promptly upon request to the entry of any Orders deemed necessary by the government or the Court to complete the forfeiture and disposition of the Forfeited Specific Property and to satisfy the Money Judgment.

12. VIJAY VERMA and TARSEM LAL each waive the requirements of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice of forfeiture in the charging instrument, announcement of the forfeiture in the defendant's presence at sentencing, and incorporation of the forfeiture in the Judgment of Conviction.

13. VIJAY VERMA and TARSEM LAL each acknowledge that he understands that forfeiture of property will be part of the sentence imposed upon him in this case and waive any failure by the Court to advise him of this, pursuant to Federal Rule of Criminal Procedure 11(b)(1)(J), during the plea hearing.

14. VIJAY VERMA and TARSEM LAL each waive all constitutional and statutory challenges of any kind to any forfeiture carried out pursuant to this Consent Judgment and Preliminary Order of Forfeiture.

15. VIJAY VERMA and TARSEM LAL each waive and agree to hold the United States and its agents and employees harmless from, any and all claims whatsoever in connection with the seizure, forfeiture, and disposal of the property described above.

WHEREAS, good and sufficient cause has been shown,

It is hereby ORDERED, ADJUDGED, AND DECREED:

THAT, as a result of the offense charged in the Information, to which the defendant VIJAY VERMA has pleaded guilty, the defendant shall forfeit to the United States the sum of \$451,258.87. A money judgment in the amount of \$451,258.87 (the "Forfeiture Money Judgment") is hereby entered against the defendant VIJAY VERMA pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) and Federal Rule of Criminal Procedure 32.2(b), with said Forfeiture Money Judgment to run jointly and severally with the Forfeiture Money Judgment imposed upon defendant TARSEM LAL.

THAT, as a result of the offense charged in the Information, to which the defendant TARSEM LAL has pleaded guilty, the defendant shall forfeit to the United States the sum of \$451,258.87. A money judgment in the amount of \$451,258.87 (the "Forfeiture Money Judgment") is hereby entered against the defendant TARSEM LAL pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) and Federal Rule of Criminal Procedure 32.2(b), with said Forfeiture Money Judgment to run jointly and severally with the Forfeiture Money Judgment imposed upon defendant VIJAY VERMA.

IT IS FURTHER ORDERED that, the defendants VIJAY VERMA and TARSEM LAL having given their consent pursuant to Federal Rule of Criminal Procedure 32.2(b)(4)(A), upon entry of this Consent Judgment and Order of Forfeiture, this Order is final as to the defendants VIJAY VERMA and TARSEM LAL, shall be deemed part of the sentence of the defendants VIJAY VERMA and TARSEM LAL, and shall be included in the judgment of conviction therewith.

IT IS FURTHER ORDERED that, pursuant to 21 U.S.C. § 853, the United States Marshals Service is authorized to deposit all payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

IT IS FURTHER ORDERED that, pursuant to Federal Rule of Criminal Procedure 32.2(b)(3), upon entry of this Order, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate, or dispose of property to satisfy the Money Judgment, including depositions,

interrogatories, requests for production of documents and the issuance of subpoenas.

IT IS FURTHER ORDERED that, as a result of the defendants' convictions of the offenses charged in the Informations, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), and Fed. R. Crim. P. 32.2(b)(1) and (b)(2), and based upon the defendants' plea agreements, all of the defendant VIJAY VERMA's and the defendant TARSEM LAL's right, title and interest in the Forfeited Specific Property is hereby forfeited to the United States of America for disposition according to law, subject to the provisions of 21 U.S.C. § 853.

IT IS FURTHER ORDERED that, pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Marshals Service, its agent or designee shall maintain or take possession of the Forfeited Specific Property and hold such property in its secure custody and control.

IT IS FURTHER ORDERED that, pursuant to 21 U.S.C. § 853(n)(1) and Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, the United States shall publish notice of this Order for at least 30 consecutive days on the government internet site www.forfeiture.gov. The United States shall also send notice of this Order to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

IT IS FURTHER ORDERED THAT, pursuant to Fed R. Crim. P. 23.2(b)(6) and 21 U.S.C. § 853(n)(2) and (n)(3), the notice of forfeiture must describe the forfeited property with reasonable particularity, state the times by which a

petition contesting the forfeiture must be filed, and state the name and contact information for the government attorney to be served with the petition. The notice shall also state that the petition (i) shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Forfeited Specific Property, (ii) shall be signed by the petitioner under penalty of perjury, and (iii) shall set forth the nature and extent of the petitioner's right, title or interest in the Forfeited Specific Property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the Forfeited Specific Property, any additional facts supporting the petitioner's claim, and the relief sought.

IT IS FURTHER ORDERED THAT any person, other than the defendant, claiming interest in the Forfeited Specific Property must file a petition within 60 days from the first day of publication of notice on the government internet site, or no later than 35 days from the mailing of direct notice, whichever is earlier, pursuant to Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure and Rule G(4) and G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

IT IS FURTHER ORDERED that, upon adjudication of all third party interests, the Court will enter a final order of forfeiture pursuant to 21 U.S.C. § 853(n)(7) and Fed. R. Crim. P. 32.2(c)(2), in which all interests will be addressed.

IT IS FURTHER ORDERED that the consents to the entry and form of this Order, indicated below, may be executed in counterparts, each of which shall be

deemed an original, and all of which, when taken together, shall be deemed the complete Order.

IT IS FURTHER ORDERED that this Court shall retain jurisdiction to enforce this Order and to amend it as necessary. *See, e.g.,* Fed. R. Crim.

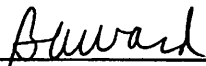
P. 32.2(e).

ORDERED this day of , 2014.

HONORABLE ANNE E. THOMPSON
United States District Judge

The undersigned hereby consent to the entry and form of this order:

PAUL J. FISHMAN
United States Attorney



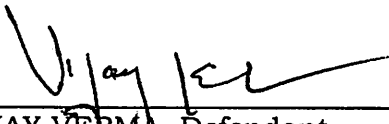
By: ZACH INTRATER
DANIEL V. SHAPIRO
BARBARA A. WARD
Assistant United States Attorneys

Dated: 9/24/14



GERALD KROVATIN, ESQ.
Attorney for Defendant Vijay Verma

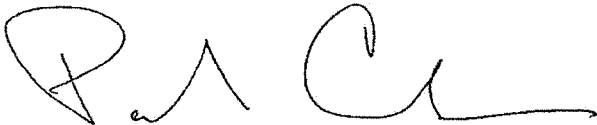
Dated: 9/24/14



VIJAY VERMA, Defendant


Dated: 9/24/2014

Dated:



PAUL CONDON, ESQ.
Attorney for Defendant Tarsem Lal

9/23/14



TARSEM LAL, Defendant

Dated: 9/23/14