

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

UNITED STATES OF AMERICA	:	
	:	Case No. 5:05-CV-767-FL(3)
Plaintiff,	:	
	:	
v.	:	CLAIMANTS' SUR-REPLY
	:	TO THE GOVERNMENT'S MOTION
\$19, 985.90 in U.S. Currency, etc.	:	TO LIFT THE STAY IN THIS CIVIL
	:	FORFEITURE CASE TO AMEND
Defendant.	:	THE COMPLAINT IN ORDER TO ADD
	:	AN ADDITIONAL PROPERTY

Claimants, Avedis Djeredjian, Carmen Badrian, Ashkhen Djeredjian and Star Tobacco, Inc., through undersigned counsel, file this surreply to briefly point out fallacies in the government's Reply.

These claimants' standing to defend against the forfeiture of the Colorado Street property is not the issue – they are not trying to defend against forfeiture of that property. The government is asking the Court to lift the stay in their case to add a property owned by someone else. As parties to this case, Claimants certainly have standing to oppose the lifting of the stay in their case to add a new property owned by someone else.

The government obtained the stay in the civil forfeiture case over Claimants' objections. Claimants complained that the ongoing criminal forfeiture action against Avedis Djeredjian seeking forfeiture of the same property made the two proceedings duplicative, and that the government should be forced to dismiss one of the duplicative cases. Nevertheless the Court stayed the civil forfeiture case pending the outcome of the criminal forfeiture case. Now, the government seeks to reopen the civil forfeiture case to add a property that belongs to someone

else. Lifting the stay will force these Claimants to resume litigation of the civil and criminal forfeiture cases simultaneously – the very evil which the rule against splitting a cause of action was designed to prevent. Adding this further, unnecessary litigation expense is patently unfair on Claimants – and their attorneys, who are already owed a great deal of money.

Nothing is stopping the government from filing a separate civil forfeiture action against the Colorado Street parcel. That way, civil forfeiture litigation could proceed against the owner of the new parcel without involving claimants here. That solution conserves judicial resources while accommodating the constitutional rights of the separate claimants.

WHEREFORE, for the foregoing reasons the government's motion should be denied.

Respectfully submitted,

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