

**U.S. District Court
District of New Hampshire (Concord)
CIVIL DOCKET FOR CASE #: 1:17-cv-00333-JL**

USA v. \$46,000.00 US Currency
Assigned to: Judge Joseph N. Laplante
Cause: 21:881 Forfeiture Property-Drugs

Date Filed: 07/25/2017
Date Terminated: 08/10/2018
Jury Demand: Both
Nature of Suit: 625 Drug Related Seizure of
Property
Jurisdiction: U.S. Government Plaintiff

Plaintiff

USA

represented by **Robert J. Rabuck**
US Attorney's Office (NH)
James C Cleveland Federal Bldg
53 Pleasant St, 4th Flr
Concord, NH 03301
603 225-1552
Email: Rob.Rabuck@usdoj.gov
ATTORNEY TO BE NOTICED

V.

Defendant

\$46,000.00 US Currency
*more or less, seized from Alex Temple
other*
Alex Temple

Claimant

Edward Phipps
P.O. Box 744
Bridgeton, ME 04009

represented by **Brian Silber**
Law Offices of Brian Silber, P.A.
916 South Andrews Ave.
Fort Lauderdale, FL 33316
954-462-3636
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*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

Jonathan Cohen
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Date Filed	#	Docket Text
07/25/2017	1	NEW CASE/FORFEITURE COMPLAINT with Jury Demand (No fee paid, USA or IFP) filed by USA. (Attachments: # 1 Exhibit A - Whole Foods Bag, # 2 Exhibit B - Opened Bag Currency Photo, # 3 Exhibit C - Currency Photo, # 4 Civil Cover Sheet, # 5 Summons Warrant of Arrest in Rem)(Rabuck, Robert) (Entered: 07/25/2017)
07/25/2017		Case assigned to Chief Judge Joseph N. Laplante. The case designation is: 1:17-cv-333-JL. Please show this number with the judge designation on all future pleadings. (mc) (Entered: 07/28/2017)
07/28/2017		NOTICE. This case has been designated for Electronic Case Filing. All further submissions shall be filed in compliance with the Administrative Procedures for Electronic Case Filing. Pro se litigants are not required to file electronically and may continue to file documents in paper format. Persons filing electronically are strongly encouraged to complete the interactive training modules available on the courts website. To access these modules, click HERE. (mc) (Entered: 07/28/2017)
07/28/2017		Summons and Warrant of Arrest in Rem issued as to \$46,000.00 US Currency. (mc) (Entered: 07/28/2017)
08/24/2017	2	AFFIDAVIT of Service of Forfeiture Complaint served on Alex Temple , filed by USA. Forfeiture Complaint served on 8/8/2017. The court only follow up date DOES NOT include 3 additional days that may apply per FRCP 6(d) and FRCrP 45(c). Claim due on 9/7/2017. The court only follow up date DOES NOT include 3 additional days that may apply per FRCP 6(d) and FRCrP 45(c).(Rabuck, Robert) (Entered: 08/24/2017)
08/24/2017	3	AFFIDAVIT of Service of Forfeiture Complaint served on Brian Silber, Esq., counsel for Edward Phipps , filed by USA. Forfeiture Complaint served on 8/4/2017. The court only follow up date DOES NOT include 3 additional days that may apply per FRCP 6(d) and FRCrP 45(c). Claim due on 9/5/2017. The court only follow up date DOES NOT include 3 additional days that may apply per FRCP 6(d) and FRCrP 45(c).(Rabuck, Robert) (Entered: 08/24/2017)
09/18/2017	4	CLAIM for \$46,000 U.S. Currency.. Answer Follow Up on 10/10/2017. The court only follow up date DOES NOT include 3 additional days that may apply per FRCP 6(d) and FRCrP 45(c).(cmp) (Entered: 09/19/2017)
10/17/2017	5	ANSWER to 1 Forfeiture Complaint with jury demand filed by Edward Phipps.(jb) (Entered: 10/25/2017)
10/26/2017	6	SERVICE by Publication filed by USA. Last publication date 8/31/2017. Claim due on 10/2/2017. The court only follow up date DOES NOT include 3 additional days that may apply per FRCP 6(d) and FRCrP 45(c). (Attachments: # 1 Legal Notice, # 2 Advertisement Certification Report)(Rabuck, Robert) (Entered: 10/26/2017)
11/06/2017		NOTICE OF PRETRIAL CONFERENCE. If the preliminary pretrial conference is not canceled, at least one counsel for each party will be required to attend. When counsel file their Joint Discovery Plan in accordance with Fed. R. Civ. P. 26(f), they shall agree to a summary judgment deadline which falls after the close of discovery, but at least 120 days before the Final Pretrial Conference. Pretrial Conference set for 12/7/2017 10:30 AM before Magistrate Judge Andrea K. Johnstone. Follow up on Discovery Plan 12/1/2017. Please note pursuant to Title 28 USC 636(c) and Local Rule

		73.1, the parties may consent to have the case reassigned to the Magistrate Judge, but are free to withhold consent without adverse consequences.(kad) (Entered: 11/06/2017)
11/30/2017	7	Proposed Discovery Plan filed by USA. (Rabuck, Robert) (Entered: 11/30/2017)
12/06/2017		Deadlines terminated. Pretrial Conference set for 12/7/2017 10:30 AM before Magistrate Judge Andrea K. Johnstone is CANCELED. An order on the discovery plan will issue. (kad) (Entered: 12/06/2017)
12/07/2017	8	ORDER approving (with changes) 7 Discovery Plan. Length of Trial 3-4 days. Case Track: Standard. So Ordered by Magistrate Judge Andrea K. Johnstone. Summary Judgment Motions due by 8/13/2018. Discovery deadline 8/3/2018. Mediation Follow Up on 8/13/2018. (cmp) (Entered: 12/11/2017)
12/11/2017		TRIAL NOTICE: LR 16.2(d) Objections due 11/20/18. Jury Selection/Trial set for two week period beginning 12/11/2018 at 09:30 AM before Chief Judge Joseph N. Laplante. Final Pretrial Conference set for 12/4/2017 02:00 PM before Chief Judge Joseph N. Laplante. Pretrial Statements due 11/12/2018.(cmp) (Entered: 12/11/2017)
05/21/2018	9	Assented to MOTION for Brian Silber to Appear Pro Hac Vice (Filing fee \$ 100, Receipt # 0102-1663876.) filed by Edward Phipps. Attorney Jonathan Cohen added to party Edward Phipps(pty:clm).(Cohen, Jonathan) (Entered: 05/21/2018)
05/21/2018	10	NOTICE of Attorney Appearance by Jonathan Cohen on behalf of Edward Phipps (Cohen, Jonathan) (Entered: 05/21/2018)
05/26/2018		ENDORSED ORDER granting 9 Motion to Appear Pro Hac Vice. Text of Order: Granted on the condition that Brian Silber complete an online ECF Registration Form within 10 days. Local counsel shall comply with all obligations required by L.R. 83.2(b) absent order of the court. So Ordered by Chief Judge Joseph N. Laplante. ECF Registration Deadline set for 6/5/2018.To access the online registration form, click HERE. Persons filing electronically are strongly encouraged to complete the interactive training modules available on the courts website. To access these modules, click HERE.(jb) (Entered: 05/29/2018)
06/06/2018	11	NOTICE of Unavailability of Counsel by Edward Phipps.(Silber, Brian) (Entered: 06/06/2018)
06/12/2018	12	Assented to MOTION to Continue and Extend Deadlines Trial & Discovery Deadlines filed by Edward Phipps.(Silber, Brian) (Entered: 06/12/2018)
06/12/2018	13	Exhibit <i>Civil Form 3 Attachment to Assented Motion to Extend Deadlines</i> to 12 Assented to MOTION to Continue and Extend Deadlines Trial & Discovery Deadlines by Edward Phipps.(Silber, Brian) (Entered: 06/12/2018)
06/18/2018		ENDORSED ORDER denying without prejudice 12 Motion to Continue and Extend Deadlines Trial & Discovery Deadlines. Text of Order: Denied without prejudice. The motion contains no explanation for the delays in completing discovery and trial preparation. Counsel should not assume that trial of this matter will be continued. So Ordered by Chief Judge Joseph N. Laplante.(jb) (Entered: 06/19/2018)
07/27/2018	14	///STIPULATION re: Settlement Agreement by USA(Rabuck, Robert) Modified on 8/10/2018 to add /// (jb). (Entered: 07/27/2018)
08/07/2018	15	Assented to MOTION for Order of Forfeiture of \$39,000.00 from Defendant in Rem \$46,000.00 in U.S. Currency and Dismissal of \$7,000.00 filed by USA. (Attachments: # 1 Proposed Order of Forfeiture)(Rabuck, Robert) (Entered: 08/07/2018)
08/08/2018		///ENDORSED ORDER granting 15 Assented to MOTION for Order of Forfeiture of

		\$39,000.00 from Defendant in Rem \$46,000.00 in U.S. Currency and Dismissal of \$7,000.00. Text of Order: Granted. So Ordered by Chief Judge Joseph N. Laplante.(jb) (Entered: 08/09/2018)
08/08/2018	16	///FINAL ORDER OF FORFEITURE OF \$39,000.00 FROM THE DEFENDANT IN REM AND DISMISSAL OF THE REMAINING \$7,000.00. So Ordered by Chief Judge Joseph N. Laplante.(jb) (Entered: 08/09/2018)
08/10/2018	17	JUDGMENT is hereby entered in accordance with 16 Final Order of Forfeiture. Signed by Daniel J. Lynch, Clerk of Court. (Case Closed) (cmp) (Entered: 08/13/2018)

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