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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,

v.

112 METRIC TONS, MORE OR LESS,
OF COOKED, FROZEN KING CRAB
THAT WAS IMPORTED OR
ATTEMPTED TO BE IMPORTED BY
HARBOR SEAFOOD, INC. IN EIGHT
SEPARATE ENTRIES OCCURRING ON
DECEMBER 27, 2010 AND JANUARY
13, 2011, WITH A TOTAL DECLARED
VALUE OF \$2,753,713,

Defendants.

NO. C11-334 JLR

CONSENT JUDGMENT OF
FORFEITURE



11-CV-00334-JGM

Plaintiff United States of America and Claimant Harbor Seafood, Inc. (collectively "the parties"), by and through their respective counsel, hereby respectfully move the Court for a Consent Judgment of Forfeiture pursuant to the terms and conditions set forth below.

1 This is a civil action to forfeit the defendant 112 metric tons of cooked, frozen
2 king crab. Plaintiff, United States of America, filed its verified complaint in rem on
3 February 24, 201, seeking forfeiture pursuant to 19 U.S.C. § 1595a(c)(2) (Importation
4 Contrary to Law) and 16 U.S.C. § 3374(a) (Lacey Act). The complaint alleges that
5 Harbor Seafood, Inc., introduced the defendant crab for importation into the United
6 States in violation of numerous laws, including: (1) the Lacey Act's prohibition on the
7 acquisition, importation, or transportation of fish that was taken, possessed, transported,
8 or sold in violation of foreign law (here the laws of the Russian Federation); (2) the
9 Lacey Act's prohibition on the making or submission of any false record or identification
10 for any fish intended to be imported or transported in interstate or foreign commerce;
11 (3) NOAA's marking requirements; and (4) and the requirements governing prior notice
12 of imported food shipments established pursuant to the Public Health Security and
13 Bioterrorism Preparedness and Response Act of 2002.

14 On March 22, 2011, Harbor Seafood, Inc., filed a timely claim asserting an interest
15 in the defendant crab. No other party asserted a claim to the defendant crab.
16 Subsequently, on September 7, 2011, the Court entered an order of default against all
17 persons or entities who failed to appear in this action.

18 On June 27, 2011, the Court entered a stipulated order that permitted the National
19 Oceanic and Atmospheric Administration (NOAA) to sell the defendant. See Docket
20 No. 14. On July 19, 2011, NOAA concluded a public auction and sold the defendant crab
21 for \$2,508,634.74. The proceeds of the sale were then substituted as the defendant res in
22

1 this action. Pursuant to a stipulated order, NOAA was reimbursed \$67,559.75 for its
2 costs associated with storing the crab and administering the auction. See Docket No. 34.

3
4 The parties hereby consent to the entry of the following judgment with the
5 understanding that this consent judgment is designed to settle this dispute and does not
6 constitute an admission by any party.
7

8 IT IS HEREBY ORDERED, ADJUDGED and DECREED as follows:
9

10 1. The Court has jurisdiction over this matter, the parties, the defendant crab,
11 and all proceeds therefrom pursuant to Title 28, United States Code, Sections 1345 and
12 1355, Title 19, United States Code, Section 1595a, and Title 16, United States Code,
13 Section 3375(c).
14

15 2. The Court has venue pursuant to Title 28, United States Code, Section
16 1395(b).
17

18 3. Claimant Harbor Seafood shall undertake a review of its internal
19 compliance and training policies. Claimant shall assign responsibility for this review to a
20 person(s) who, by reason of education, training, and experience, is competent to conduct
21 the review. Within one year of the entry of this consent judgment, Claimant shall provide
22 a certification to the United States Attorney's Office for the Western District of
23 Washington that certifies that the review has been completed and identifies the person(s)
24 who conducted the review.
25

26 4. Harbor Seafood shall require all import specialists and employees involved
27 directly with negotiations to purchase international seafood products to each undergo
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1 twelve (12) hours of remedial training on import/entry requirements, Lacey Act
2 requirements, and the laws applying to the importation of food products. Such training
3 shall be provided by an outside person(s) who by reason of education, training, and
4 experience, is competent to provide the training. Within one year of the entry of this
5 consent judgment, Harbor Seafood shall provide a certification to the United States
6 Attorney's Office for the Western District of Washington that certifies that the training
7 has been provided, identifies the person(s) who provided the training, and identifies the
8 employees who received the training.
9

10 5. Three Hundred Thousand dollars (\$300,000.00) of the proceeds from the
11 defendant crab shall be paid by the Clerk of the Court to Claimant Harbor Seafood, by
12 check payable to the Trust Fund Account of its attorneys, Young deNormandie, P.C.
13

14 6. The remaining balance of the proceeds from the defendant crab,
15 approximately Two Million, One Hundred Fourteen Thousand, Nine Hundred and Forty-
16 Two dollars and Thirty-Five Cents (\$2,141,942.35), and all additional proceeds
17 therefrom, are hereby condemned and forfeited to the United States of America, pursuant
18 to Title 19, United States Code, Section 1595a and Title 16, United States Code,
19 Section 3374(a), and no right, title or interest in said funds shall exist in any other person
20 or entity. The Clerk of the Court shall transfer said remaining balance and any additional
21 proceeds to NOAA which shall dispose of the funds in accordance with law.
22

23 7. Claimant Harbor Seafood shall release, forever discharge, and hold
24 harmless the United States of America, its officers, agents, attorneys, servants and
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1 employees, from any and all actions, causes of action, suits, proceedings, debts,
2 judgments, damages, claims or demands whatsoever in law or equity which Claimant, its
3 heirs, successors or assignees ever had, now have or may have, whether known or
4 unknown, in connection with this forfeiture action and the detention and seizure of the
5 defendant property.
6
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8 8. This Consent Judgment represents a full settlement and satisfaction of all
9 ownership and possessory claims to the defendant crab and its proceeds and of any causes
10 of action arising out of the seizure of the defendant crab. The parties shall execute
11 further documents to the extent necessary to implement the terms of this Consent
12 Judgment for Forfeiture. Each party is to bear its own costs and attorney's fees.
13
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15 9. The Clerk of the Court is directed to serve a copy of this Consent Judgment
16 for Forfeiture on each party of record and deliver three (3) certified copies to the NOAA
17 in Seattle, Washington.
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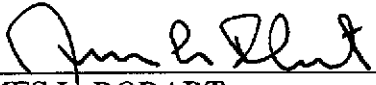
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10. The Court retains jurisdiction to issue such further orders as may be necessary to the proper disposition of this proceeding.

SO ORDERED.

Dated this 24th day of April, 2012.

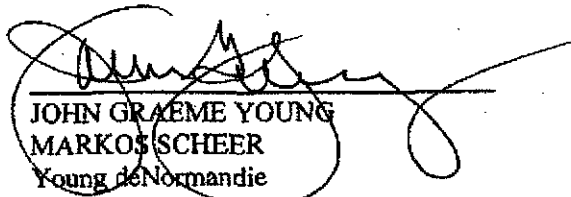


JAMES L. ROBART
UNITED STATES DISTRICT JUDGE

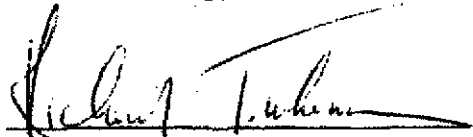
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Claimant Harbor Seafood hereby consents to the entry of the foregoing Consent Judgment. Having agreed to its terms and consented to the entry of this Consent Judgment in full satisfaction of this case and further, we waive any right of appeal.

DATED this 17 day of April, 2011.



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WILLIAM KIENKE
Harbor Seafood, CFO

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CERTIFICATE OF SERVICE

I hereby certify that on April 20, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the claimant(s).

/s/ Francis Franze-Nakamura
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