

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

BOEING 747-300 AIRCRAFT, BEARING
TAIL NUMBER YV-3531 AND
MANUFACTURER SERIAL NUMBER
23413,

Defendant.

Civil Action No. 22-3208 (RDM)

ORDER

On October 20, 2022, the United States filed a verified complaint for forfeiture *in rem* against the Defendant property: a U.S.-origin Boeing 747-300 Aircraft, bearing tail number YV-3531 and manufacturer serial number 23413 (“Aircraft”). Dkt. 1 (Compl.). The verified complaint alleges that the Aircraft is subject to forfeiture pursuant to 50 U.S.C. § 4820 because it was transferred from Iran to Venezuela and from Iran to Russia without U.S. government authorization and in violation of U.S. Department of Commerce regulations governing the export and reexport of U.S.-origin commodities. 50 U.S.C. § 4820(a)(5); *see* Dkt. 1 at 13 (Compl. ¶ 40). Before the Court is the government’s motion for default judgment and a final order of forfeiture, Dkt. 8; Dkt. 10.

It appearing that process was fully issued in this action and returned according to law:

1. The Warrant of Arrest *In Rem*, issued on October 24, 2022, was executed on October 31, 2022 through its “transmi[ssion] to an appropriate authority for serving of process where

the property is located,” that is, the Central Authority of the Republic of Argentina. Fed. R. Civ. P. Suppl. R. G(3)(c)(iv).¹ See Dkt. 6-2; Dkt. 6-3.

2. In accordance with Fed. R. Civ. P. Suppl. R. G(4)(b)(i) and (iii), notice of this forfeiture action was given to Empresa de Transporte Aérocargo del Sur, S.A. (“EMTRASUR”) on November 14, 2022 in four manners:

- a. Notice to EMTRASUR’s legal counsel in Argentina, *see* Dkt. 4 at 2;
- b. Notice to EMTRASUR’s corporate address in Maiquitia, Venezuela, *see id.* at 3;
- c. Notice to EMTRASUR’s corporate address in Caracas, Venezuela, *see id.*; and
- d. Notice to the Embassy of the Bolivarian Republic of Venezuela in Washington, D.C., *see id.*

3. In accordance with Fed. R. Civ. P. Suppl. R. G(4)(a)(iv)(C), notice was posted on an official internet government forfeiture site on November 15, 2022 for 30 consecutive days. *See* Dkt. 6-1; Dkt. 4 at 1.

All persons interested in the Defendant Property were required to file their claims with the Clerk of the Court at least thirty-five days after notice was sent, or no later than sixty days after the first day of publication on the official internet government forfeiture site. Dkt. 4 at 3 (“Th[e] notice indicated [EMTRASUR] had 35 days from the date of the notice . . . to file a verified claim in this action”); *see also* Fed. R. Civ. P. Suppl. R. G(5)(a)(ii) (explaining that

¹ Pursuant to the Committee Notes to Supplemental Rule G(3)(c)(iv), that subparagraph “reflects the uncertainty surrounding service of an arrest warrant on property not in the United States” and, accordingly, “requires only that the warrant be transmitted to an appropriate authority.” A treaty between the United States and Argentina governs mutual legal assistance in criminal matters and requires that the “Requested State shall use its best efforts to effect service of any documents related to or forming part of any request for assistance made by the Requesting State under the provisions of this Treaty.” Art. 13(1), Treaty on Mutual Legal Assistance in Criminal Matters, Arg.-U.S., Dec. 4, 1990.

the claim must be filed “by the time stated in a direct notice sent under Rule G(4)(b)” or “no later than 60 days after the first day of publication on an official internet government forfeiture site”). On March 1, 2023, the Clerk of Court entered default in this action. Dkt. 7.

In light of the above, it is hereby **ORDERED** that Plaintiff’s motion for default judgment and final order of forfeiture, Dkt. 8; Dkt. 10, is **GRANTED**.

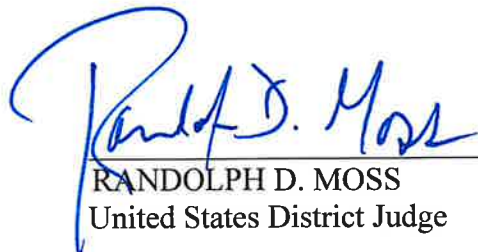
It is further **ORDERED** that default judgment is hereby entered against Empresa de Transporte Aérocargo del Sur, S.A. (“EMTRASUR”) and all persons or entities claiming an interest in the Defendant Property.

It is further **ORDERED** that Defendant Property, the Boeing 747-300 Aircraft bearing tail number YV-3531 and manufacturer serial number 23413, shall be forfeited to the United States of America and that no right, title, or interest in the property shall exist in any other party.

It is further **ORDERED** that the Defendant Property shall be disposed of according to law.

It is further **ORDERED** that no additional action is required in this matter. The Clerk of Court is hereby directed to terminate the case.

SO ORDERED.


RANDOLPH D. MOSS
United States District Judge

Date: May 3, 2023