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15	IN THE UNITED STAT	TES DISTRICT COURT
16	FOR THE CENTRAL DIS	TRICT OF CALIFORNIA
17		Case No. 2:21-cv-04405-RGK-MAR
18	PAUL SNITKO, JENNIFER SNITKO, JOSEPH RUIZ, TYLER	
19	GOTHIER, JENI VERDON- PEARSONS, MICHAEL STORC,	JOINT SEPARATE STATEMENT OF CONTESTED AND
20	and TRAVIS MAY,	UNCONTESTED FACTS
21	Plaintiffs, v.	
22		
23	UNITED STATES OF AMERICA, TRACY L. WILKISON, in her	
24	official capacity as Acting United States Attorney for the Central	Judges Hon D. Com Klevener
25	District of California, and KRISTI KOONS JOHNSON, in her official	Judge: Hon. R. Gary Klausner Trial: August 23, 2022
26	capacity as an Assistant Director of the Federal Bureau of Investigation,	Complaint Filed: May 27, 2021 Amended Complaint Filed: June 9, 2021
27	Defendants.	
28		

Pursuant to this Court's orders of November 12, 2021 (ECF 82) and May 17,
 2022 (ECF 103), the parties hereby submit the following Joint Separate Statement
 of Contested and Uncontested Facts.

<u>Plaintiffs' Statements of Fact and</u>	<u>Defendants' Responses and</u>
<u>Supporting Evidence</u>	<u>Supporting Evidence</u>
 Agencies had been aware of U.S. Private Vaults (USPV) as early as 2015, and different agencies had conducted investigations of individual USPV customers. (Frommer Decl., ECF 112-19, Ex. K ("Zellhart Dep.") at 874:20– 875:3). 	1. Undisputed. However, Plaintif failed to include this citation in their opening brief; the addition of this fact here violates the 20- page limit.
 2. The government described those earlier investigations as using USPV "as an ant hill, or a honey pot." (Frommer Decl., ECF 112-21, Ex. M ("Zellhart 30(b)(6) Dep.") at 1221:13-19). 	 Undisputed that Lynne Zellhart testified to the following: "And those agencies were conducting different investigations into customers at U.S. Private Vaults So I think they were sort of usin USPV as a as an ant hill, or a honey pot, however you want to think about it. They were they were finding criminals at that business. But they were not investigating the business." (Frommer Decl., ECF 112-21, Ex. M ("Zellhart 30(b)(6) Dep." at 1221:13-19).
3. Special Agent Lynne Zellhart has	3. Undisputed. However, Plaintiff
been a special agent with the	failed to include this citation in
Federal Bureau of Investigation,	their opening brief; the addition
a federal law enforcement	of this fact here violates the 20-
agency, since 2004. (Zellhart	page limit.

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2 3	<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>
1	Dep., ECF 112-19, Ex. K at 784:7–11).	
	 4. After "almost five years" of investigating individual customers, the government began its investigation of US Private Vaults, the company, in about April 2019. (Zellhart Dep., ECF 112-19, Ex. K at 875:3–12). 	4. Undisputed.
	5. The government shifted its focus to the business itself after	5. Undisputed that Zellhart testified to the following: "So basically
	deciding that its initial approach	we concluded that after almost
	of investigating box holders was not "effective." (Zellhart Dep.,	five years of of going after individual customers, we weren't
	ECF 112-19, Ex. K at 875:12;	we weren't doing anything
	Zellhart 30(b)(6) Dep., ECF 112- 21, Ex. M at 1221:20–23).	effective. I mean, there's some good cases, some good
	21, EX. W at 1221.20–25).	individual cases, but the problem
		was the business itself. And so we the three agencies came
		together, along with the U.S.
		Attorney's Office, to try to come up with how do we address the
		real problem." Zellhart also
		testified that the individual investigations were "not
		working," and that they needed
		to figure out how to "take out the
		criminal facilitator, which is U.S. Private Vaults itself, the
		business." (Zellhart Dep., ECF
		112-19, Ex. K at 875:9–16; Zellhart 30(b)(6) Dep., ECF 112-
		21, Ex. M at 1221:20–25).
	6. Inspector Versoza is a postal inspector with the U.S. Postal	6. Undisputed. However, Plaintiffs failed to include this citation in
	Inspection Service, a federal law	their opening brief; the addition

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1 2 3	<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>
	enforcement agency. (Frommer	of this fact here violates the 20-
4	Decl., ECF 112-20, Ex. L	page limit.
5	("Versoza Dep.") at 1076:11–	
6	22).	
7	7. Inspector Versoza was involved	7. Undisputed. However, Plaintiffs
	in investigating USPV as early as about 2015, helped plan to	failed to include this citation in their opening brief: the addition
8	about 2015, helped plan to execute the seizure warrant at	their opening brief; the addition of this fact here violates the 20-
9	USPV, and participated in	page limit.
10	executing the seizure warrant.	
	(Versoza Dep., ECF 112-20, Ex.	
11	L at 1105:7–22, 1110:18–	
12		
13	8. After the government shifted the	8. Undisputed.
14	focus of its investigation from individual box holders to USPV,	
	the business, Inspector Versoza	
15	agreed that the investigation	
16	would "go after U.S. Private	
17	Vaults, the company, and then	
	also, to the extent that there's	
18	criminality by box renters, to identify that and, well, enforce	
19	the law." (Versoza Dep., ECF	
20	112-20, Ex. L at 1122:18–23).	
21	9. Special Agent Zellhart	9. Undisputed.
	"anticipated that there would be	-
22	criminal proceeds in the safe	
23	deposit boxes." (Zellhart Dep.,	
24	ECF 112-19, Ex. K at 873:24– 874:1 800:3 7)	
	874:1, 890:3-7). 10.Inspector Versoza testified that	10. Undisputed in part; Versoza
25	the DEA and USPIS were "doing	testified that DEA was "doing a
26	a lot of the field work, meaning	lot of field work." He clarified
27	they were conducting	that he was supporting DEA as
	surveillance, they were	well, and participated in some
28	conducting enforcement actions"	operations. (Versoza Dep., ECF

1 2 3	<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>
4	as part of the investigation of	112-20, Ex. L at 1120:22–
5	USPV. (Versoza Dep., ECF 112- 20, Ex. L at 1120:22–1121:22).	1121:22). And, Plaintiffs failed to include this citation in their
6 7		opening brief; the addition of this fact here violates the 20-page limit.
8	11.Inspector Versoza testified that	11. Disputed. Versoza did not
9	the FBI was put in charge of the	testify that FBI was "put in
10	USPV investigation. (Versoza Dep., ECF 112-20, Ex. L at 1120:3-9).	charge" of the investigation. ECF 112-20, Ex. L at 1120:3-9).
11	12.Inspector Versoza testified that	12. Undisputed.
12	"generally the reason FBI took	
13	over is because their jurisdiction is larger and does not just cover	
14	drug crimes. FBI also	
15	investigates basically every federal statute. And it was pretty	
16	clear that many box holders were	
17	involved in not just drug crimes,	
18	but other crimes." (Versoza Dep., ECF 112-20, Ex. L at 1116:11–	
19	16).	
	13. The decision to place the FBI in	13.Disputed. Versoza testified that
20	charge was made in consultation with the U.S. Attorney's Office,	there were conversations to which he was not privy, that he
21	FBI management, and DEA	did not "know how it
22	management. (Versoza Dep.,	proceeded," but that at some
23	ECF 112-20, Ex. L at 1118:5–8, 1119:8–1120:1).	point "it was determined FBI would be better suited to
24		spearhead the investigation."
25		(Versoza Dep., ECF 112-20, Ex. L at 1118:5 to 1120:-1). And,
26		Plaintiffs failed to include this
27		citation in their opening brief; the addition of this fact here violates
28		the 20-page limit.

<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>
14. Since 2019, FBI Supervisory	14. Undisputed.
- · ·	
unit of the Los Angeles office of	
Dep.") at 1468:20–22).	
15.The government, through its	15.Undisputed in part. Undisputed
	Agent Murray testified that FBI Special Agent in Charge Moon
that FBI Special Agent in Charge	asked her "if the Los Angeles
	asset forfeiture was capable of handling a possible large-scale
asset forfeiture unit could handle	seizure" and asked whether the
	FBI field office had "the capacity to handle civil forfeiture
renters' property. (Murray	regarding U.S. Private Vaults"
30(b)(6) Dep., ECF 112-23, Ex.	(Murray 20(b)(6) Dep. ECF 112- 23, Ex. O at 1526:15-1526:5.
1527:3, 1527:10–18).	Disputed that the testimony
	states the forfeiture unit could
	handle "the seizure and administrative forfeiture of
	hundreds of box renters'
16 Supervisory Special Agent	property." 16. Undisputed
Murray told Moon that her unit	
could handle a "large-scale	
forfeiture unit was "established"	
and had been in existence "for	
forfeiture employees capable of	
handling and processing this type	
30(b)(6) Dep., ECF 112-23, Ex.	
	Supporting Evidence14.Since 2019, FBI Supervisory Agent Jessie Murray has been the supervisor of the asset forfeiture unit of the Los Angeles office of the FBI. (Frommer Decl., ECF 112-23, Ex. O ("Murray 30(b)(6) Dep.") at 1468:20–22).15.The government, through its designee Supervisory Special Agent Jessie Murray, testified that FBI Special Agent in Charge Matthew Moon asked Murray in the summer of 2020 whether her asset forfeiture unit could handle the seizure and administrative forfeiture of hundreds of box renters' property. (Murray

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2	Plaintiffs' Statements of Fact and	Defendants' Responses and
3	Supporting Evidence	Supporting Evidence
4	O at 1526:16–1527:3).	
	17.The government discussed	17. Undisputed that Zellhart
5	"seizing the nest of the boxes and	testified that she thought she said
6	doing an inventory on them in summer of 2020." (Zellhart	that "we discussed, you know, seizing the nest of the boxes and
7	30(b)(6) Dep., ECF 112-21, Ex.	doing an inventory on them in
8	M at 1239:9-10).	summer of 2020." (Zellhart
9		30(b)(6) Dep., ECF 112-21, Ex. M at 1239:9-10).
10	18. The government also began to	18.Undisputed that Zellhart testified
11	discuss the potential use of civil forfeiture against safe-deposit	that "I think I I think I said that we discussed, you know,
12	box renters' property in the	seizing the nests of the boxes and
13	summer of 2020. ((Zellhart	doing the inventory of them in
	Dep., ECF 112-19, Ex. K at	summer of 2020. And then discussions about asset forfeiture
14	985:14-16); <i>see also</i> Zellhart 30(b)(6) Dep., ECF 112-21, Ex.	took place a little bit later in the
15	M at 1239:15-18 ("In the late	summer or fall." (Zellhart
16	summer or fall of 2020 is when	30(b)(6) Dep. ECF 112-21, Ex.
17	the United States began considering the potential use of	M at 1239:8-12). Dispute the remainder of the Fact.
18	civil forfeiture as to the nest of	
19	safe deposit boxes. A. I think	
20	that's right, yes.")). 19.The FBI's lead agent for the	19.Undisputed that Zellhart testified
20	USPV investigation, Special	she was aware of an FBI policy
	Agent Zellhart, understood that	and testified that the policy is
22	FBI policy requires special agents to use the least intrusive	"sitting there in sub paragraph E." (Zellhart Dep., ECF 112-19,
23	investigative technique that is	Ex. K at 868:7–14, 870:2–871:2).
24	capable of achieving the FBI's	Dispute the remainder of the
25	objective. (Zellhart Dep., ECF 112-19, Ex. K at 868:7–14,	Fact.
26	870:2–871:2)	
27	20.Section 4.1.1(E) of the 2013	20.Undisputed.
28	version of the FBI's Domestic Investigations and Operations	
<u> </u>	my sugations and Operations	

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1 2	<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>
3		
4	Guide states that agents should "Employ the least intrusive	
5	means that do not otherwise	
6	compromise FBI operations.	
6	Assuming a lawful intelligence	
7	or evidence collection objective,	
8	i.e., an authorized purpose,	
	strongly consider the method	
9	(technique) employed to achieve	
10	that objective that is the least	
11	intrusive available (particularly if	
11	there is the potential to interfere	
12	with protected speech and	
13	association, damage someone's	
	reputation, intrude on privacy, or	
14	interfere with the sovereignty of	
15	foreign governments) while still	
16	being operationally sound and effective." (FBI, Domestic	
16	Investigations and Operations	
17	Guide § 4.1.1(e) (2013),	
18	available at	
	https://perma.cc/RWD8-XHDC;	
19	Zellhart Dep., ECF 112-19, Ex.	
20	K at 870:2–871:2).	
21	21.Special Agent Zellhart testified	21.Undisputed that Zellhart testified
<u>کا</u>	that the government did not	she was not aware of a
22	consider appointing a receiver to	discussion of alternatives.
23	wind down USPV's operations	(Zellhart Dep., ECF 112-19, Ex.
	and return box holders' property	K at 899:9–13; Zellhart 30(b)(6)
24	without the need to search the	Dep., ECF 112-21, Ex. M at
25	boxes. (Zellhart Dep., ECF 112-	1230:20–24). And, Plaintiffs
26	19, Ex. K at 899:9–13; Zellhart	failed to include this full citation
20	30(b)(6) Dep., ECF 112-21, Ex. M at 1230:20–24).	in their opening brief; the addition of this fact here violates
27	1×1 at $1230.20 - 24$).	the 20-page limit.
28	22.Inspector Versoza testified that	22.Undisputed that Versoza
· II		

1 2 3	<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>
4	the government did "not really"	answered "not really" when
	consider alternatives to executing	asked if "you all discuss[ed]
5	the seizure warrant and breaking	[m]aybe we should do something
6	open customers' safe-deposit boxes. (Versoza Dep., ECF 112-	that would be a little less – you know, where we're not cracking
7	20, Ex. L at 1132:19–1133:2)	so many eggs." Versoza also
8		testified that this was because
9		discussions were focused on the investigation of the company and
10		investigation of the company and it was "never really about
		seizures." (Versoza Dep., ECF
11		112-20, Ex. L at 1132:19–
12	23.Inspector Versoza explained that	1133:8) 23. Disputed. The cited testimony,
13	when planning to execute the	and the question asked, do not
14	USPV seizure warrant, they	support this fact, as it has nothing
15	"were working on orders above us," meaning instructions from	to do with planning for the warrant execution nor does it
16	the U.S. Attorney's Office or	describe who provided the
17	management of the FBI.	"orders above us."
	(Versoza Dep., ECF 112-20, Ex.	
18	L at 1135:10–25). 24.The government, through its	24.Undisputed Murray testified: "Q.
19	designee Supervisory Special	Okay, And so you needed to
20	Agent Jessie Murray, testified	evaluate the affidavit that was
21	that Murray, as the head of the	submitted in support of the
22	forfeiture unit, "evaluated the seizure warrant [application], the	seizure warrant in order to determine whether you felt that
	finalized version that was going	there was probable cause to
23	to be presented to the	move forward with potential
24	magistrate," to determine	forfeiture actions? Is that
25	whether there was probable cause to proceed with potential	accurate? A. Yes." Dispute the remainder of the Fact.
26	civil forfeiture actions. (Murray	
27	30(b)(6) Dep., ECF 112-23, Ex.	
28	O at 1533:8–14).	25 Undignuted in nort Dignute the
20	25.Supervisory Special Agent Jessie	25. Undisputed in part. Dispute the

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1 2 3	<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>
4 5 6 7 8 9	Murray estimates having reviewed the draft warrant application in early 2021, prior to its submission to Magistrate Judge Kim. (Murray 30(b)(6) Dep., ECF 112-23, Ex. O at 1534:19-24).	date of the review and her reviewing the application for a seizure warrant. Murray testified to the seizure warrant affidavit (not the application for a seizure warrant) in "early 2021, maybe February 2021." (Murray 30(b)(6) Dep. ECF 112-23, Ex. O at 1534:14-24).
10	26.The government admitted that	26. Undisputed, except that the fact
11	"the United States was prepared to move forward with the	omits part of the question. While the fact begins "the United States
	potential use of civil forfeiture as	was prepared to move forward
13	to the nest of safe-deposit boxes,	with the potential use of civil forfeiture as to the nests of safe-
14 15	provided that" Supervisory Special Agent Murray felt that "the seizure warrant affidavit	deposit boxes" the question reads "in the fall of 2020, after this
16	supplied sufficient probable	meeting is it fair to say the
17	cause to do so." (Murray 30(b)(6) Dep., ECF 112-23, Ex.	United States" (Murray 30(b)(6) Dep. ECF 112-23, Ex.
18	O at 1533:23-1534:9)	O at 1533:22-1534:9).
19	27.After evaluating the seizure	27. Undisputed, but this Fact
20	warrant affidavit, Supervisory Special Agent Jessie Murray	contradicts and omits testimony.
21	"made a determination that there	Agent Murray testified "Having evaluated the seizure warrant
22	was probable cause to proceed on	affidavit, <u>the finalized version</u>
23	assets seized in the investigation from U.S. Private Vaults."	that was going to be presented to the magistrate, I made a
24	(Murray 30(b)(6) Dep., ECF	determination that there was
25	112-23, Ex. O at 1535:5-12).	probable cause to proceed on assets seized in the investigation
26		from USPV." (Murray 30(b)(6)
27		Dep. ECF 112-23, Ex. O at 1535:7-12).
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1 2 3	<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>
4	28.The government, through its	28. Undisputed that Murray
	designee Supervisory Special	testified, "I determined that there
5	Agent Murray, testified that	was probable cause to seize the
6	Murray's internal probable cause	assets of U.S. Private Vaults and
7	determination extended to "the	the contents of the boxes at that 1_{0} action " (Marrow 20(b)(6))
	contents of the boxes at that location." (Murray 30(b)(6)	location." (Murray 30(b)(6) Dep., ECF 112-23, Ex. O at
8	Dep., ECF 112-23, Ex. O at	1537:14–16).
9	1537:14–16).	1557.14 10).
10	29. The government has a "minimum	29. Disputed. Murray testified that
	monetary threshold for" its "asset	"we" meaning the FBI (and not
11	forfeiture seizures." The	the government generally) have a
12	threshold for currency is \$5,000.	minimum threshold for
13	(Murray 30(b)(6) Dep., ECF	proceeding with FBI
	112-23, Ex. O at 1493:22–23,	administrative forfeiture
14	<u>1495:1–7).</u>	proceedings.
15	30.The "minimum monetary threshold" exists because, for	30. Undisputed.
16	lower amounts, "the cost [to	
	forfeit] would be more than the	
17	value of the asset." (Murray	
18	30(b)(6) Dep., ECF 112-23, Ex.	
19	O at 1494:3–1495:7).	
	31. The government admitted,	31. Undisputed.
20	through its designee Supervisory	
21	Special Agent Murray, that due	
22	to its probable-cause	
LL	determination, the government "initiated civil administrative	
23	forfeiture against all of the boxes	
24	that met the minimum monetary	
	threshold." (Murray 30(b)(6)	
25	Dep., ECF 112-23, Ex. O at	
26	1562:1–17).	
27	32.The government agreed, through	32. Undisputed.
	its designee Supervisory Special	
28	Agent Murray, that "the FBI	

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2 3	<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>
4	pursued administrative	
	forfeiture" against "basically any	
5	cash that was seized that was	
6	above the that \$5,000 FBI	
7	minimum." (Murray 30(b)(6) Dep., ECF 112-23, Ex. O at	
8	1563:16-21).	
0	33. The government stated, through	33. Undisputed.
9	its designee Supervisory Special	
10	Agent Murray, that it "proceeded	
11	against all of the non-currency	
	valuables [in renters' safe-	
12	deposit boxes] if it looks like it	
13	was worth if the value would meet our minimum monetary	
14	threshold." (Murray 30(b)(6)	
	Dep., ECF 112-23, Ex. O at	
15	1564:4-7).	
16	34.On or about March 17, 2021, the	34. Undisputed.
17	government applied for the	
	seizure warrant for USPV.	
18	(Frommer Decl., ECF 112-14, Ex. E. ("Worment Amplication and	
19	Ex. F, ("Warrant Application and Supporting Affidavit").	
20	35. The affidavit in support of the	35. Undisputed.
	seizure warrant application was	1
21	drafted by the lead FBI case	
22	agent, Lynne Zellhart, and by	
23	AUSA Andrew Brown. (Zellhart	
24	Dep., ECF 112-19, Ex. K at	
	850:17–19, 851:13–16, 884:14– 23, 886:5–8).	
25	36. That affidavit in support of the	36. Disputed. The affidavit made
26	USPV warrant application	allegations against USPV, and
27	alleged acts of wrongdoing by	forfeitures of assets from USPV
	USPV and its principals, but it	customers.
28	made no such allegations against	

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1 2	<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>
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4	the customers. (Warrant	
5	Application and Supporting Affidavit, ECF 112-14, Ex. F;	
	Zellhart Dep., ECF 112-14, EX. F,	
6	K at 879:17-24).	
7	37.Neither the USPV warrant	37. Undisputed the affidavit does
8	application nor the affidavit in	not state that in the future the
9	support disclosed the	government may seek to
9	government's plans to initiate	commence administrative
10	forfeiture proceedings for any	forfeiture proceedings on assets
11	cash seized from the USPV	found in boxholder boxes.
12	boxes meeting the minimum monetary threshold of \$5,000	
12	and for any valuables that looked	
13	like their value would meet the	
14	minimum monetary threshold.	
15	(Warrant Application and	
15	Supporting Affidavit, ECF 112-	
16	14, Ex. F).	
17	38.AUSA Brown wrote the	38. Undisputed.
18	language in paragraph 108 of the affidavit supporting the USPV	
	warrant application. (Zellhart	
19	Dep., ECF 112-19, Ex. K at	
20	884:14-23, 886:5-8).	
21	39.Paragraph 108 of the affidavit in	39. Undisputed.
	support of the USPV warrant	
22	application states that "[t]he	
23	warrants authorize the seizure of	
24	the nests of the boxes	
	themselves, <u>not</u> their contents. By seizing the nests of safety	
25	deposit boxes, the government	
26	will necessarily end up with	
27	custody of what is inside those	
	boxes initially. Agents will	
28	follow their written inventory	

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2 3	<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>
4	policies to protect their agencies	
5	from claims of theft or damage to	
5	the contents of the boxes, and to	
6	ensure that no hazardous items	
7	are unknowingly stored in a	
	dangerous manner. Agents will	
8	attempt to notify the lawful	
9	owners of the property stored in the boxes how to claim their	
10	property, such as by posting that	
10	information on the internet or at	
11	USPV itself, or by contacting the	
12	owners directly. In order to	
	notify the owners directly, agents	
13	will, in accordance with their	
14	policies regarding an unknown	
15	person's property, look for	
13	contact information or something	
16	which identifies the owner. ⁴⁰	
17	(USPV recommends that box	
	renters include their or their	
18	designees' telephone numbers on	
19	a note in the box in the event that USPV removes the contents for	
20	nonpayment of rental fees.)"	
20	(Warrant Application and	
21	Supporting Affidavit, ECF 112-	
22	14, Ex.F at 501:15–502:7).	
	40. Footnote 40 to the government's	40. Undisputed.
23	affidavit in support of the USPV	1
24	warrant application further states	
25	that "The FBI policy regarding	
25	taking custody of an unknown	
26	person's property provides, in	
27	part, that agents 'inspect the	
	property as necessary to identify	
28	the owner and preserve the	

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	[]	
1 2 3	<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>
4	property for safekeeping.' The	
	inspection 'should extend no	
5	further than necessary to	
6	determine ownership."" (Warrant	
7	Application and Supporting	
	Affidavit, ECF 112-14, Ex. F at	
8	502 n.40).	41 Undianuted that the gaizure
9	41.The seizure warrant signed by Judge Kim included limiting	41. Undisputed that the seizure warrant, and the terms of the
10	language regarding the	warrant speak for themselves.
	government's authority to seize	warrant speak for themselves.
11	the "nests of safety deposit boxes	
12	and keys," stating that "[t]his	
12	warrant does not authorize a	
13	criminal search or seizure of the	
14	contents of the safety deposit	
15	boxes. In seizing the nests of	
	safety deposit boxes, agents shall	
16	follow their written inventory	
17	policies to protect their agencies and the contents of the boxes.	
18	Also in accordance with their	
10	written policies, agents shall	
19	inspect the contents of the boxes	
20	in an effort to identify their	
21	owners in order to notify them so	
	that they can claim their	
22	property." (Frommer Decl., ECF	
23	112-13, Ex. E ("USPV Seizure	
	Warrant") at 289).	42 Dispersed 1 (C) 11 (C) 1 (C)
24	42.When Magistrate Kim signed the USPV seizure warrant in March	42. Disputed. Calls for speculation.
25	2021, he was unaware that the	
26	government had already	
	determined that it would initiate	
27	forfeiture proceedings against the	
28	contents of the boxes. (Warrant	

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1]
2 3	<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>
4	Application and Supporting	
5	Affidavit, ECF 112-14, Ex. F at	
	501:15–502:7 & n.40; Murray 30(b)(6) Dep., ECF 112-23, Ex.	
6	O at 1525:15-1526:5, 1526:9–	
7	1527:3, 1527:10–18, 1533:8–14,	
8	1534:21–1535:12, 1537:14–16,	
	1560:2–15, 1562:1–17, 1563:16–	
9	1564:12; Zellhart 30(b)(6) Dep.,	
10	ECF 112-21, Ex. M 1239: 3–18;	
11	Zellhart Dep., ECF 112-19, Ex.	
	K at 985: 9–16).	40 D: 1 TI
12	43.Nothing in the warrant	43. Disputed. The warrant
13	application or supporting	application discusses that an
14	affidavit advised Magistrate Kim that the government planned to	inventory would be conducted and prior forfeitures of boxes at
14	initiate forfeiture proceedings	USPV.
15	against any cash seized from the	
16	USPV boxes meeting the	
17	minimum monetary threshold of	
1/	\$5,000 and for any valuables that	
18	looked like their value would	
19	meet the minimum monetary	
	threshold. (Warrant Application	
20	and Supporting Affidavit, ECF 112-14, Ex. F at 501:15–502:7 &	
21	n.40).	
22	44.The FBI's Domestic	44. Undisputed.
	Investigative and Operations	Chaispairea.
23	Guide states: "Whenever there is	
24	probable cause to believe an	
25	inventory search would also	
	yield items of evidence or	
26	contraband, agents must obtain a	
27	search warrant when feasible."	
28	(Frommer Decl., ECF 112-15, Ex. C ("EPI DIOC") at 527)	
20	Ex. G ("FBI DIOG") at 527).	

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	<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>
	45. The government's lead case agent, Lynne Zellhart, created a document called "Supplemental Instructions on Box Inventory." (Zellhart Dep., ECF 112-19, Ex.	45. Undisputed.
	K at 919:11–16). 46.The government agreed that the "Supplemental Instructions on Box Inventory" served as the "operative policy" that the government used to guide agents' behavior in executing the warrant, including inventorying the contents of renters' safe- deposit boxes. (Zellhart 30(b)(6) Dep., ECF 112-21, Ex. M at 1215:3–9).	46. Disputed. See government's Fact No. 32.
	47.Zellhart stated that, prior to her May 2022 deposition, the last time she had looked at the portion of the FBI's Domestic Investigations and Operations Guide concerning inventory searches was "in the late summer of 2020." (Zellhart Dep., ECF 112-19 Fx K at 847:13-17)	47. Disputed. See government's Fact No. 32.
	 112-19, Ex. K at 847:13–17) 48.Zellhart admitted that she drafted the "Supplemental Instructions on Box Inventory" approximately two weeks before the March 22 execution of the seizure warrant. (Zellhart 30(b)(6) Dep., ECF 112-21, Ex. M 1218:17–21). 	48. Disputed that Zellhart testified the document was prepared approximately "two weeks" before the search, as she testified it took place above "ten days to two weeks" prior to the March 22, 2021 search and the document is dated March 12, 2021. (Zellhart (30)(b)(6) Dep.,
┝	49.Zellhart has helped execute	ECF 112-21, Ex. M 1218:17-21) 49. Undisputed.

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1 2 3	<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>
4	"[l]ots of dozens" of criminal	
5	search warrants. (Zellhart Dep.,	
	ECF 112-19, Ex. K at 822:23– 823:2).	
6	50.Zellhart testified she could not	50. Undisputed. However, Plaintiffs
7	recall ever having conducted an	failed to include this citation in
8	inventory apart from the one at	their opening brief; the addition
9	USPV. (Zellhart Dep., ECF 112- 19, Ex. K at 827:10–19; Zellhart	of this fact here violates the 20- page limit.
10	30(b)(6) Dep., ECF 112-21, Ex.	page mint.
	M at 1220:7-12).	
11	51. The Supplemental Instructions	51. Undisputed.
12	on Box Inventory had a section	
13	on "Cash" that advised that "[a]gents anticipate USPV boxes	
14	to contain a large amount of US	
15	Currency. US Currency over	
	\$5,000 will be placed in an	
16	evidence bag (or bags),	
17	uncounted." (Frommer Decl., ECF 112-12, Ex. D	
18	("Supplemental Instructions on	
19	Box Inventory") at 284).	
	52. The Supplemental Instructions	52. Undisputed.
20	on Box Inventory also instructed that "[s]earch/inventory agents	
21	should note the condition of the	
22	cash and make notes on a	
23	separate piece of paper which	
	will be handed to the Admin	
24	Team with the other completed paperwork. Agents should note	
25	things such as how the cash is	
26	bundled (rubber bands, bank	
27	bands); if it has a strong odor	
28	(marijuana, soil, gasoline, coffee,	
20	chemical, etc.); if there appears	

1	T	
1 2 3	<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>
	to be drug residue present; if a	
4	gun is also present; or anything	
5	else of note. Anything which	
6	suggests the cash may be	
7	criminal proceeds should be	
	noted and communicated to the Admin team." (Supplemental	
8	Instructions on Box Inventory,	
9	ECF 112-12, Ex. D at 284).	
10	53.The Supplemental Instructions	53. Undisputed.
11	on Box Inventory also instructed	
	that "[s]earch/inventory agents	
12	should also note the presence or absence of instructions affixed to	
13	the box regarding contact	
14	information or ownership. This	
	information should also be	
15	communicated to the Admin	
16	team." (Supplemental	
17	Instructions on Box Inventory,	
18	ECF 112-12, Ex. D at 284).	54 Undisputed
10	54.Special Agent Zellhart agreed that the Instructions told agents	54. Undisputed.
19	to note the condition of the cash,	
20	including qualities like odors and	
21	bank tellers notes and how it was	
	bundled, because they are	
22	"potentially indicative of that	
23	money being in the proximity of drugs." (Zellhart Dep., ECF 112-	
24	19, Ex. K at 962:12–16).	
	55. The government admitted it	55. Undisputed. However, Plaintiffs
25	wanted to collect the information	failed to include this citation in
26	identified in the "Cash" section	their opening brief; the addition
27	of its "Supplemental Instructions	of this fact here violates the 20-
	on Box Inventory" for potential	page limit.
28	use in civil forfeiture	

1	ГТ	
1 2 3	<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>
4	proceedings, because once	
5	currency left the facility, the cash	
	would be deposited and the	
6	government's ability to collect	
7	this evidence would disappear. (Zellhart 30(b)(6) Dep., ECF	
8	112-21, Ex. M at 1218:12–16;	
0	see also Murray 30(b)(6) Dep.,	
9	ECF 112-23, Ex. O at 1547:19–	
10	1548:2 (agreeing that the	
11	government wanted this	
11	information because it "could be	
12	probative later on regarding	
13	whether—you think there's	
	probable cause to think this is	
14	forfeitable currency")).	56 Undiamyted that Myrmay testified
15	56.The government explained that, while the head of the forfeiture	56. Undisputed that Murray testified to this fact. However, Plaintiffs
16	unit at the FBI's Los Angeles	failed to include this citation in
	office had already determined	their opening brief; the addition
17	that it would pursue forfeiture	of this fact here violates the 20-
18	against all property above the	page limit.
10	minimum monetary threshold,	
19	collecting additional evidence	
20	from the contents of the boxes	
21	would provide the government	
	with "supplemental information"	
22	to bolster that earlier probable cause determination. (Murray	
23	Dep., ECF 112-23, Ex. O at	
24	1556:13–16, 1557:16–23).	
	57.The Supplemental Instructions	57. Undisputed.
25	on Box Inventory further	- · · · - · · · · · · · · · · · · · · ·
26	explained that "[t]here will be	
27	canine units on scene," and	
	provided instructions on taking	
28	any cash above \$5,000 to a dog	

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<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>
for a drug sniff. (Supplemental Instructions on Box Inventory, ECE 112, 12, Ex. D et 284)	
ECF 112-12, Ex. D at 284). 58.The government arranged with	58. Undisputed.
multiple local police departments to ensure that canine units would	
be on site to conduct drug sniffs of all currency above \$5,000.	
(Zellhart Dep., ECF 112-19, Ex. K at 924:7–20; Versoza Dep.,	
ECF 112-20, Ex. L at 1152:8- 23).	
59. The government testified that multiple local police departments	59. Undisputed. However, Plaintiffs failed to include this citation in
who assisted with execution of	their opening brief; the addition
the seizure warrant have submitted DAG-71 forms, which	of this fact here violates the 20- page limit.
allow the federal government to "equitably share" forfeiture	
proceeds with local partners who assisted with the raid. (Murray	
30(b)(6) Dep., ECF 112-23, Ex. O at 1573:20–1574:2).	
60.For how to conduct the inventory, the "Supplemental	60. Undisputed.
Instructions on Box Inventory"	
stated that agents, while "taking care to preserve possible	
fingerprint evidence," should "identify the contents of each	
box, creating an inventory list," and that "[a] copy of the	
paperwork will go to Asset Forfeiture." (Supplemental	
Instructions on Box Inventory,	
ECF 112-12, Ex. D. at 283). 61.The "Supplemental Instructions	61. Disputed. The Supplemental

1 2 3	<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>
4 5 6 7	on Box Inventory" do not provide guidance about how agents should go about "creating an inventory list." (<i>See</i> Supplemental Instructions on Box Inventory, ECF 112-12, Ex.	Instructions advise that agents are to complete standard forms, such as a FD-597 and chain of custody forms, that are part of the DIOG and thus instruct how agents are to go about creating
8	D. at 282–85).	the inventory list.
9 10	62. The government admitted that "the United States didn't have	62. Undisputed.
11	anything in the supplemental instructions advising	
12 13	inventorying agents about how to do those kinds of counts," stating	
14	that the issue "was not addressed." (Zellhart 30(b)(6)	
15	Dep., ECF 112-21, Ex. M at 1252:2–9).	
16 17	63. The designee for the government testified that "I don't think there's a policy" as to how	63. Undisputed.
18	there's a policy" as to how detailed an inventory description	
19	should be. Instead, if there are 50 gold coins, the agent would not	
20 21	necessarily record that there were 50 gold coins, and might instead	
22	say "miscellaneous coins," "yellow-colored coins," or "box	
23	of coins." (Zellhart 30(b)(6) Dep., ECF 112-21, Ex. M at	
24	<u>1249:24–1250:9, 1251:16–25).</u>	
25	64.FBI Special Agent Justin Palmerton, who helped inventory	64. Disputed. The testimony says that Palmerton could not recall
26	safe-deposit boxes at USPV,	ever having seen <u>continuing</u>
27	could not recall ever receiving any training on how to conduct	training, not training, on how to conduct an inventory.
28	an inventory that was not	

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	<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>
	incident to arrest. (Frommer	
	Decl., ECF 112-18, Ex. J	
	("Palmerton Dep.") at 584:14-	
-	18).	65 Undianuted
	65.The government also specially created another form, "Agent	65. Undisputed.
	Observations and Notes," for use	
	in executing the warrant at	
	USPV. (Frommer Decl., ECF	
	112-23, Ex. Q ("Agent	
	Observations and Notes") at	
	1627; Zellhart 30(b)(6) Dep.,	
	ECF 112-21, Ex. M at 1244:15–	
	20).	
	66.The "Agent Observations and	66. Undisputed.
	Notes" form included space for	
	"Cash Observations," and	
	instructed agents to "note things such as how the cash is bundled	
	(rubber bands, bank bands); if it	
	has a strong odor (marijuana,	
	soil, gasoline, coffee, chemical,	
	etc.); if there appears to be drug	
	residue present; a gun is also	
	present; or anything else of note).	
	(Agent Observations and Notes,	
	ECF 112-25, Ex. Q at 1627).	
	67.The "Agent Observations and	67. Undisputed.
	Notes" form also included space	
	for agents to note a drug dog	
	alert. (Agent Observations and	
	Notes, ECF 112-25, Ex. Q at	
$\ $	1627). 68.Government agents admitted that	68. Undisputed that Versoza so
	a drug dog alert on currency does	testified.
	not help identify the owner or	tostinou.
	forestall claims of theft and loss,	

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<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>
 but it could help facilitate the use	
of administrative or civil	
forfeiture against the property.	
(Versoza Dep., ECF 112-20, Ex.	
L at 1153:22-1154:12).	60 Disputed There were lines
69.The "Agent Observations and Notes" form had no place to	69. Disputed. There were lines where agents could record notes.
record information that would be	where agents could record notes.
used to defend against claims of	
theft and loss. (Agent	
Observations and Notes, ECF	
112-25, Ex. Q at 1627).	
70. The government agreed that it	70. Undisputed.
used the information agents	
collected on the "Agent Observations and Notes" form	
"as part of the as the asset	
forfeiture process and part of the	
probable cause story as	
supplement to the probable	
cause." (Murray 30(b)(6) Dep.,	
ECF 112-23, Ex. O at 1557:16–	
23).	
71.Inspector Versoza testified that he viewed "the seizure warrant is	71. Undisputed. However, Plaintiffs failed to include this citation in
just it's not the end of it, it's	their opening brief; the addition
just another tool in our gathering	of this fact here violates the 20-
of of evidence." (Versoza	page limit.
Dep., ECF 112-20, Ex. L at	
1128:16-19).	
72.On March 22, 2021, the	72. Undisputed.
government executed the US	
Private Vaults seizure warrant.	
(Defs' Amended Answer to First Amended Complaint ECE 80 at	
Amended Complaint, ECF 80 at ¶ 50).	
 73.In doing so, the government	73. Undisputed. However, Plaintiffs

1 2 3	<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>
4	encountered approximately 1,400 safe-deposit boxes, about half of	failed to include this citation in their opening brief; the addition
6	which were empty. (Zellhart 30(b)(6) Dep., ECF 112-21, Ex. M at 1275:15-1276:13).	of this fact here violates the 20- page limit.
7 8	74. The government removed about 700 boxes from the USPV vault	74. Disputed. The government conducted an inventory of the
9	that contained items and searched through those boxes'	boxes' contents. And, Plaintiffs failed to include this citation in
10	contents. (Zellhart 30(b)(6) Dep., ECF 112-21, Ex. M at 1275:15-	their opening brief; the addition of this fact here violates the 20-
11 12	1276:13). 75.Some box holders had taped an	page limit. 75. Undisputed.
12	executor letter—a document identifying both the box renter	, c. chaispatea
14	and his or her beneficiary—to the outside of the box's interior	
15 16	sleeve. (Palmerton Dep., ECF 112-18, Ex. J at 695:15-18,	
17	697:1-4). 76.Special Agent Zellhart testified	76. Undisputed.
18	that the government knew the executor letters existed before	70. Ondisputed.
19 20	execution fetters existed before executing the warrant at USPV. (Zellhart Dep., ECF 112-19, Ex.	
21	K at 950:5-9).	77 Lindianuted
22	77.Many of the government's pictures and written inventory	77. Undisputed.
23	records, in fact, reflect whether the inventorying agent found an	
24 25	executor letter or emergency contact form affixed to the top of	
26	the box. (<i>E.g.</i> , Frommer Decl., ECF 112-9, Ex. A ("Inventory	
27	Records"), at 55, 145, 191). 78.Agents regularly continued the	78. Undisputed.
28	search of USPV boxes after	

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1 2 3	<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>
4	encountering executor letters.	
5	(Palmerton Dep., ECF 112-18, Ex. J at 701:2-7; <i>see also, e.g.</i> ,	
6	Inventory Records, ECF 112-9,	
	Ex. A at 44, 145, 177, 224, 247).	
7	79. Video recordings of the	79. Undisputed.
8	government's inventorying of	
9	boxes confirm that agents would	
10	sometimes open and examine the contents of boxes before	
	examining the affixed executor	
11	letter. (<i>E.g.</i> , Frommer Decl., ECF	
12	112-10 ("Inventory Videos"), Ex.	
13	B.5 at 0:30, 3:30-4:00; <i>id</i> . Ex.	
14	B.7 at 0:20, 1:00-1:25). 80.Agents made photographic and	80. Undisputed.
	video records of personal	oo. endisputed.
15	documents or other possessions	
16	contained within the boxes. (See	
17	<i>generally</i> Inventory Records,	
18	ECF 112-9, Ex. A; <i>see generally</i> Inventory Videos, ECF 112-10,	
	Ex. B).	
19	81.In creating its inventory records,	81. Undisputed with respect to the
20	the government took photographs	Exhibit A pages cited by
21	of password lists for online	Plaintiffs in this Fact, as the
22	accounts. (Inventory Records, ECF 112-9, Ex. A at 176, 178,	photographs assist in identifying box owners.
	223, 227).	UUA UWIICIS.
23	82.In creating its inventory records,	82. Undisputed with respect to the
24	the government took photographs	Exhibit A pages cited by
25	of what appear to be hand-	Plaintiffs in this Fact, as the
26	written notes of financial	photographs assist in identifying
	transactions. (Inventory Records, ECF 112-9, Ex. A at 17, 18, 140,	box owners.
27	144, 215, 217).	
28	83.In creating inventory records, the	83. Undisputed with respect to the

<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>
government took photographs of	Exhibit A pages cited by
debit cards and checks.	Plaintiffs in this Fact, as the
(Inventory Records, ECF 112-9,	photographs assist in identifying
 Ex. A at 170, 172, 173). 84.In creating inventory records, the	box owners. 84. Undisputed with respect to the
government took photographs of	Exhibit A pages cited by
vaccination records. (Inventory	Plaintiffs in this Fact, as the
Records, ECF 112-9, Ex. A at 220).	photographs assist in identifying box owners.
85.In creating inventory records, the	85. Disputed. The pages reflect a
government took photographs of a prenuptial agreement.	single page, which reflect identity of persons, and not the
(Inventory Records, ECF 112-9,	entire agreement, is depicted in
Ex. A at 171).	the photograph.
86.In creating inventory records, the	86. Disputed. The pages reflect a
government took photographs of a will. (Inventory Records, ECF	single page, which reflect identity of persons, and not the
112-9, Ex. A at 175).	entire will, is depicted in the
	photograph.
87.In creating inventory records, the	87. Disputed. The pages reflect a
government took photographs of	single page, which reflect
a letter to a judge in a family-law	identity of persons, and not the
case. (Inventory Records, ECF 112-9, Ex. A at 239).	entire letter, is depicted in the photograph.
 88.In creating inventory records, the	88. Disputed. The pages reflect a
government took photographs of	single page, which reflect
a receipt for goods deposited	identity of persons, and not the
with a pawn shop. (Inventory	entire receipt, is depicted in the
Records, ECF 112-9, Ex. A at 137-39).	photograph.
 89.In creating inventory records, the	89. Disputed. The pages reflect a
government took photographs of	single page, which reflect
a commercial real estate	identity of persons, and not the
agreement. (Inventory Records, ECE 112 9 Ex. A at 174)	entire agreement, is depicted in the photograph
 ECF 112-9, Ex. A at 174).	the photograph.

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1		
2 3	<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>
4	90.In creating inventory records, the government took photographs of	90. Undisputed with respect to the Exhibit A pages cited by
5 6	a personal note concerning the establishment of a financial trust.	Plaintiffs in this Fact, as the photographs assist in identifying
7	(Inventory Records, ECF 112-9, Ex. A at 141).	box owners.
8	91.In creating inventory records, the	91. Disputed. The pages reflect a
9	government took photographs of trust documents, photographed	single page, which reflect identity of persons, and not the
10 11	alongside a receipt from a coin exchange. (Inventory Records, ECF 112-9, Ex. A at 206).	entirety of documents, is depicted in the photograph.
12	92.In creating inventory records, the	92. Disputed. The pages reflect a
13	government took photographs of a newspaper clipping about a	single page, which reflect identity of persons, and not the
14	criminal case, photographed	entire note, is depicted in the
15	alongside a personal note. (Inventory Records, ECF 112-9,	photograph.
16	Ex. A at 143). 93.In creating the inventory record	93. Disputed. The exhibits are in a
17	for one box, the government took	foreign language and are not
18	dozens of close-up photographs	translated.
19	of various personal documents, including receipts and personal	
20	ledgers containing handwritten	
21	notes, pay stubs, immigration paperwork, a marriage license,	
22	and bank statements. (Inventory	
23	Records, ECF 112-9, Ex. A at 48-130).	
24	94.In examining one box—a box	94. Disputed that the pages cited in
25	which had an executor letter	Exhibit A reflect that a sack was
26	affixed to the outside—agents went inside the box and opened a	opened.
27	sack containing a person's cremated remains. (Inventory	
28	Records, ECF 112-9, Ex. A at 7-	

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2	<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>
	10).	
5	95.In examining another box, the	95. Undisputed with respect to the
,	government took a photograph of	Exhibit A pages cited by
)	a "Receipt of Cremated	Plaintiffs in this Fact, as the
	Remains." (Inventory Records, ECF 112-9, Ex. A at 221).	photographs assist in identifying box owners.
	96.For some boxes, the	96. Undisputed.
	government's examination and	yo. onaisputed.
	inventorying of box contents was	
	video recorded, rather than	
	photographed. (See generally	
	Inventory Videos, ECF 112-10,	
	Ex. B).	
	97.In one video, an agent holds each	97. Undisputed.
	document in a large stack up to	
	the camera one-by-one, flipping upside-down documents over so	
	that the camera would capture	
	the front. (See Inventory Videos,	
	ECF 112-10, Ex. B.2 at 5:55-	
	9:15).	
	98.In another, an agent holds up to	98. Undisputed.
	the camera each card in a stack	
	of debit or credit cards, flipping	
	some over so that the camera can	
	capture both sides. (<i>See</i> Inventory Videos, ECF 112-10,	
	Ex. B.8 at 15:15-16:50).	
-	99.In another, the agent captures	99. Undisputed.
	video recordings of password	*
	lists. (See Inventory Videos, ECF	
	112-10, Ex. B.8 at 11:15, 12:30,	
L	12:50).	
	100. In one video, the	100. Undisputed.
	inventorying agent can be seen	
	studying a document found	
I L	inside a box before holding it up	

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<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>	
for the camera. (<i>See</i> Inventory Videos, ECF 112-10, Ex. B.3, at 1:43-1:55).		
101. In other instances, agents filed through and emptied the contents of wallets found inside the boxes. (<i>See</i> Inventory	101.	Undisputed.
Videos, ECF 112-10, Ex. B.4 at 14:00-14:45; Ex. B.8 at 3:00-3:40).		
102. Agents also used the "Agent Observations and Notes" form to document the condition	102.	Undisputed.
of cash found inside boxes. Zellhart 30(b)(6) Dep., Ex. M at		
1246:1-17.	102	TT 1' / 1
103. Agents noted on one form that the cash for one box was	103.	Undisputed.
"\$20 bills bound by rubber bands, partitioned in \$2000 bundles." (Inventory Records,		
ECF 112-9, Ex. A at 11).		
104. For another box, an agent noted the cash was "Assorted	104.	Undisputed.
denomination held in bundles		
and wrapped in paper, with rubber bands." (Inventory		
Records, ECF 112-9, Ex. A at		
15).105.For another box, agents	105.	Undisputed
105. For another box, agents noted that cash was "sealed in	103.	Undisputed.
bank pouches." (Inventory Records, ECF 112-9, Ex. A at		
25).		
106. For another box, agents noted cash was "[p]laced in	106.	Undisputed.

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<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>	
by ~1000, sticky notes		
w/amounts." (Inventory Records, ECF 112-9, Ex. A at 29).		
107. Agents took photographs	107.	Undisputed.
to document the condition of		
cash and, in several instances,		
photographed hand-written notes		
containing apparent financial information that were found		
alongside cash. (See Inventory		
Records, ECF 112-9, Ex. A at		
58, 60, 199, 200, 201, 215, 216).		
108. Agents ran currency seized	108.	Undisputed.
from USPV customers' boxes by		
drug dogs. (Palmerton Dep., ECF		
112-18, Ex. J at 683:21-684:12).	100	Undiamyted
109. The government explained that the drug dogs were located	109.	Undisputed.
in the parking lot outside USPV.		
(Palmerton Dep., ECF 112-18,		
Ex. J at 684:2-7).		
110. The government testified	110.	Undisputed.
that while drug dog agents		
wanted to have their dogs sniff		
unsealed currency, inventorying agents could not take unsealed		
bags of currency outside USPV.		
(Zellhart 30(b)(6) Dep., ECF		
112-21, Ex. M at 1253:16-20).		
111. The government explained	111.	Undisputed.
that to facilitate drug-dog sniffs,		
agents would rub currency found		
in renters' boxes on the outside		
of evidence bags prior to their		
sealing. (Palmerton Dep., ECF 112-18, Ex. J at 687:4-14;		
Zellhart 30(b)(6) Dep., ECF 112-		

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1 2 3	<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>
4	21, Ex. M at 1253:15-23)	
5	112. Agents would note	112. Undisputed.
5	positive drug dog alerts on the	
6	"Agent Observations and Notes"	
7	form. (See, e.g., Inventory	
	Records, ECF 112-9, Ex. A at	
8	11, 15, 19, 25, 29). 113. Agents affixed affidavits	113. Undisputed with respect to
9	from drug-dog handlers to the	the Exhibit A pages cited by
10	government's written inventory	Plaintiffs in this Fact.
	records. (<i>See</i> , <i>e.g.</i> , Inventory	
11	Records, ECF 112-9, Ex. A at	
12	12-13, 20-22, 26, 30-31).	
13	114. In creating inventory	114. Undisputed.
15	records, agents often used	
14	general terms to describe what	
15	had been seized from box	
16	renters' boxes, even for valuable	
16	items. (<i>See</i> , <i>e.g.</i> , Inventory Records, ECF 112-9, Ex. A at	
17	131-133 ("Miscellaneous coins"	
18	and "Miscellaneous jewelry,));	
10	(<i>id.</i> at 134-136 ("Miscellaneous	
19	jewelry" and "Miscellaneous	
20	coins")); (<i>id.</i> at 177 ("assorted	
21	jewelry and packaging" and	
	"miscellaneous cash and coin"));	
22	(<i>id.</i> at 228 ("misc jewelry and metal here/agin"))	
23	metal bars/coin")). 115. Some inventories refer	115. Undisputed.
24	only to "miscellaneous items."	115. Undisputed.
	(Inventory Records, ECF 112-9,	
25	Ex. A at 44 ("Miscellaneous	
26	general items"), at 6	
27	("miscellaneous itmes [sic]")).	
	116. Photographs taken of	116. Disputed. Argumentative.
28	valuable property by agents often	

1 2 3	<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>		<u>dants' Responses and</u> pporting Evidence
4 5 6 7 8 9	failed to display the property in a way that would allow others to subsequently determine the quantity of property that had been seized. One inventory, for instance, lists "uncounted gold coins" and the corresponding photograph depicts a jumble of		
9 10	coins. (Inventory Records, ECF 112-9, Ex. A at 179, 184).		
11	117. Another box's inventory similarly describes "white metal	117.	Disputed. Argumentative.
12	coins" and the corresponding		
13	photograph shows a jumble of coins. (Inventory Records, ECF		
14	112-9, Ex. A at 32-39). 118. Another box's inventory	118.	Disputed. Argumentative.
15	lists "[y]ellow metal coins and	110.	Disputod. Inguinentative.
16 17	silver-colored metal coins- uncounted" and the		
18	corresponding photograph shows stacks of indeterminate height.		
19	(Inventory Records, ECF 112-9, Ex. A at 153-64).		
20	119. Other inventories contain	119.	Disputed. Argumentative.
21	generic descriptors and photographs that do not capture		
22	all the items seized. (<i>E.g.</i>		
23	Inventory Records, ECF 112-9, Ex. A at 185-192 (inventory lists		
24	"Jewelry" and photograph shows		
25	pile of bags)); (<i>id.</i> at 193-197 (inventory lists "Gold Color		
26	metal plates and coins" and		
27	photograph shows stack of plates of indeterminate number)); (<i>id.</i> at		
28	207-212 (inventory lists		

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<u>P</u>]	aintiffs' Statements of Fact and Supporting Evidence	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>
	"precious metals" and	
	photograph shows stack of bars,	
	where only top of stack is visible)); (<i>id.</i> at 229-237	
	(inventory lists coins and	
	jewelry, but no such items are	
	photographed)).	
1	20. Agents closely involved	120. Disputed. The testimony
	with the investigation of US	reflects that protecting agents
	Private Vaults and seizure warrant execution testified that	from claims of theft or lost is one
	one of the primary purposes for	of the purposes of an inventory.
	an inventory search is to protect	
	agents from claims of theft or	
	lost property. (Palmerton Dep.,	
	ECF 112-18, Ex. J at 581:22-	
	582:5; Zellhart 30(b)(6) Dep., ECF 112-21, Ex. M at 1215:19-	
	1216:4; Frommer Decl., ECF	
	112-22, Ex. N, ECF 112-22	
	("Carlson Dep."), at 1343:25-	
	1344:21).	
1	21. The government's Rule	121. Disputed.
	30(b)(6) designee also testified, though, that it is not the "policy"	Mischaracterizes testimony and
	of the government to generate a	argumentative. Zellhart testified that it is correct that it is not the
	complete list of property during	policy of the United States to
	an inventory. (Zellhart 30(b)(6)	have inventorying agents provide
	Dep., ECF 112-21, Ex. M at	a complete list of items seized,
	1249:24-1250:9).	meaning "50 gold coins" versus
		"simply say[ing] that I had miscellaneous gold coins[.]"
		(Zellhart 30(b)(6) Dep., ECF
		112-21, Ex. M at 1249:24-
		1250:9).
1	22. Agents closely involved	122. Disputed. Zellhart
	with the seizure warrant's	testified it was the whole

1 2 3	<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>	
4	execution testified that the FBI	process. Zellhart Dep., ECF	
5	relied on the integrity of its chain-of-custody procedures—	112-19, Ex. K at 861:17-862:11.	
6	<i>not</i> the inventory—to protect		
	against claims of theft and loss.		
7	(See, e.g., Zellhart Dep., ECF		
8	112-19, Ex. K at 861:17-862:11;		
9	Palmerton Dep., ECF 112-18, Ex. J at 623:4-23).		
10	123. After completing its	123. Undisputed.	
	execution of the seizure warrant,	1	
11	the government created a flyer		
12	directing box renters who wanted		
13	to be reunited with their property to fill out a form with their		
14	contact information to the FBI.		
	(Zellhart Dep., ECF 112-19, Ex.		
15	K at 969:16-23); Frommer Decl.		
16	ECF 112-16, Ex. H ("FBI Claim		
17	Form"). 124. A link to the FBI claim	124 Undiamente d	
18	form was posted at US Private	124. Undisputed.	
	Vaults, on the US Private Vaults		
19	website, and on the FBI's		
20	website after the government		
21	completed execution of the		
22	seizure. (FBI Claim Form, ECF 112-16, Ex. H; J. Snitko Decl.,		
	ECF 112-2 at ¶¶ 8-9).		
23	125. Plaintiffs Paul and Jennifer	125. Undisputed.	
24	Snitko stored family heirlooms		
25	and other personal items in their		
	safe-deposit box at USPV,		
26	including items like college class rings and backups of home PC		
27	hard drives. (J. Snitko Decl.,		
28	ECF 112-2 at ¶ 4).		

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<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>	
 126. Upon learning of the seizure from an article in the LA Times, Paul and Jennifer promptly submitted a claim to their property using the FBI's online form. (J. Snitko Decl., ECF 112-2 at ¶ 9). 	126. Undisputed.	
127. On May 27, 2021, just hours after filing this lawsuit, the FBI called Jennifer Snitko offering to return the Snitkos' property. (J. Snitko Decl., ECF 112-2 at ¶ 12.)	127. Undisputed.	
 128. Plaintiff Tyler Gothier stored silver and other personal property in his safe-deposit box at USPV. (Gothier Decl., ECF 112-3 at ¶¶ 4, 7). 	128. Undisputed.	
 129. Soon after learning of the seizure, Tyler submitted a claim form for his property, identifying himself and his preferred contact information, through the FBI's website. (Gothier Decl., ECF 112-3 at ¶ 7). 	129. Undisputed.	
 130. In June 2021, just after Tyler became a Plaintiff in this action, the FBI sent Tyler a letter, signed by Special Agent Lynne Zellhart, indicating that the FBI was willing to return his property. (Gothier Decl., ECF 112-3 at ¶ 8). 	130. Undisputed.	
131. The letter the FBI sent to Tyler went to a prior address that Tyler had never provided to the FBI, which left Tyler feeling	131. Undisputed.	

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<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>		endants' Responses and Supporting Evidence
disturbed and surveilled. (Gothier Decl., ECF 112-3 at ¶ 8).		
132. Plaintiff Joseph Ruiz held approximately \$57,000 in cash in his rented USPV box. (Ruiz Decl., ECF 112-4 at ¶ 4).	132.	Undisputed.
 133. Joseph learned of the seizure when he drove to the USPV facility on the day of the seizure. (Ruiz Decl., ECF 112-4 at ¶ 8). 	133.	Undisputed.
134. Joseph spoke to law- enforcement agents outside USPV, who told him that he could not access his box while the seizure was underway. (Ruiz Decl., ECF 112-4 at ¶ 8).	134.	Undisputed.
 135. Joseph subsequently saw the notice on USPV's door about submitting a claim for his property through the FBI's website, and he followed the instructions to do so. (Ruiz Decl., ECF 112-4 at ¶¶ 8-9). 	135.	Undisputed.
 136. Plaintiff Travis May stored approximately \$63,000 in cash, gold worth approximately \$100,000 and documents in sealed envelopes at the time the time of the government's seizure. (May Decl., ECF 112-7 at ¶ 4). 	136.	Undisputed.
 137. Travis submitted a claim for his property through the FBI's website on June 8, 2021. (May Decl., ECF 112-7 at ¶ 6). 	137.	Undisputed.
138. Plaintiffs Jeni Verdon-	138.	Disputed.

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<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>		ndants' Responses and upporting Evidence
Pearsons and Michael Store held		
approximately \$2,000 cash,		
about \$20,000 worth of silver, and personal documents in their		
rented USPV box. (Pearsons		
Decl., ECF 112-6 at ¶ 4).		
139. Shortly after learning of	139.	Undisputed.
the seizure, Jeni submitted a		
claim to her and Michael's		
property through the FBI's		
online claim form; in so doing, she provided the FBI her contact		
information. (Pearsons Decl.,		
ECF 112-6 at \P 6).		
140. On or about May 20, 2021,	140.	Undisputed.
the government began issuing		•
notices which "initiated civil		
administrative forfeiture against		
all of the boxes that met the minimum monetary threshold" of		
\$5,000. (Murray 30(b)(6) Dep.,		
ECF 112-23, Ex. O at 1562:1-17;		
see also id. at 1563:22-1564:7).		
141. USPV itself received an	141.	Undisputed.
omnibus forfeiture notice		
identifying more than 400 boxes		
for forfeiture. (Frommer Decl.,		
ECF 112-17, Ex. I ("USPV Administrative Forfeiture		
Notice")).		
142. The USPV omnibus	142.	Undisputed.
forfeiture notice included		1
property contained in the boxes		
rented by Plaintiffs Travis May,		
Joseph Ruiz, and Jeni Verdon-		
Pearsons and Michael Storc.		

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1	T	
1 2 3	<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>
4	Notice, ECF 112-17, Ex. I).	
F	143. Some, but not all, of those	143. Undisputed.
5	Plaintiffs also received individual	
6	notice of the administrative	
7	forfeiture proceeding. (May	
0	Decl., ECF 112-7 at ¶ 8; Ruiz Decl., ECF 112-4 at ¶ 14; Storc	
8	Decl., ECF 112-4 at ¶ 14, Store Decl., ECF 112-5 at ¶ 8;	
9	Pearsons Decl., ECF 112-6 at ¶	
10	9).	
	144. USPV, the business, filed	144. Undisputed.
11	a judicial claim to all the box	
12	contents in its capacity as a	
13	bailee. See USPV Claim at	
	https://usprivatevaults.com/	
14	210610_Forfeiture_Claim.pdf (last visited Aug 3, 2022).	
15	145. USPV agreed to withdraw	145. Disputed. Rodgers Decl.
16	that claim on behalf of its	Ex. LL.
17	customers' property as a	
17	condition of its criminal plea	
18	agreement. See United States v.	
19	U.S. Private Vaults, Inc., No.	
	2:21-cr-00106-MCS, ECF No.	
20	85, at 4-5 (Mar. 3, 2022) (plea agreement).	
21	146. On June 22, 2021, this	146. Disputed. The order
22	Court held that the government's	speaks for itself.
	forfeiture notices did not provide	1
23	sufficient notice to property	
24	owners, and enjoined the	
25	government from forfeiting	
	Travis's, Joseph's, or Jeni and	
26	Michael's property based upon	
27	those notices. (ECF 52 (TRO Order)).	
28	147. A few days after entry of	147. Undisputed.
11	A few days after entry of	•

1 2 3	<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>
4	the preliminary injunction, the	
5	government emailed counsel for Plaintiffs a letter stating that it	
6	would not proceed with	
	forfeiture proceedings against	
7	Travis's property. (May Decl.,	
8	ECF 112-7 at ¶ 12).	
9	148. Because Jeni and Michael	148. Undisputed.
9	had filed a claim to their	
10	property, the administrative	
11	forfeiture proceeding against their silver was terminated.	
12	(Pearsons Decl., ECF 112-6 at ¶	
12	9; ECF 58 at 4).	
13	149. In an August 16, 2021	149. Undisputed.
14	filing, the government indicated	I
15	it would no longer be "going	
15	forward" with judicial forfeiture	
16	proceedings as to Jeni and	
17	Michael's silver. (Zellhart Decl.,	
18	ECF 68-1 at ¶ 3). 150. The government has since	150. Disputed. The
10	150. The government has since returned Jeni and Michael's	150. Disputed. The government returned the funds.
19	silver and personal documents,	government returned the runds.
20	but failed to return \$2,000 cash	
21	Jeni and Michael maintain was	
	stored inside their box at the time	
22	of the seizure. (Storc Decl., ECF	
23	112-6 at ¶ 16-17).	
24	151. On July 23, 2021, this	151. Undisputed.
	Court issued a preliminary injunction ordering the	
25	government to either return the	
26	contents of the box Joseph rented	
27	from USPV or show cause "as to	
27	why the Government continues	
28	to seize" those contents. (ECF 60	

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1 2 3	<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>
4	(Order Granting Preliminary	
5	Injunction) at 8).	
	152. The government at first	152. Disputed there was any
6	did not return Joseph's property, instead responding to the show-	"investigation" except to determine, as in any forfeiture
7	cause order by using information	action, whether the evidence was
8	it had acquired from Joseph and	sufficient to prove by a
9	his box to investigate him—	preponderance of the evidence
	including the use of a drug-	that the asset was subject to
10	sniffing dog during the seizure of	forfeiture, within the applicable
11	USPV, as well as its examination of employment records,	90-day deadline.
12	insurance claims records, and	
13	currency transaction reports after	
13	the fact. (Defs' Response to	
14	Show Cause Order (ECF 64);	
15	Zellhart Decl. (ECF 64-1)). 153. The government's	153. Disputed. The testimony
16	investigation of Joseph in	does not support this fact.
	deciding whether to seek judicial	
17	forfeiture of his property was not	
18	unique; as the head of the FBI's	
19	asset forfeiture unit explained, the agency used "evidence it	
20	the agency used "evidence it collected on the agent	
	observation notes form and in	
21	other ways, from box renters'	
22	boxes" as "part of the—as the	
23	asset forfeiture process."	
24	(Murray 30(b)(6) Dep., ECF 112-23, Ex. O at 1557:16-23).	
	154. The lead FBI investigator	154. The administrative agency
25	confirmed that, where box	does not decide whether
26	holders came forward and	sufficient evidence exists to
27	provided their identities, the FBI	pursue judicial forfeiture. Once
	used that information to conduct	a claim is filed, the
28	additional investigation,	administrative agency must refer

2Plaintiffs' Statements of Fact and Supporting EvidenceDefendants' Responses and Supporting Evidence3including by running those individuals through government databases for "criminal history" or other "[s]uspicious activity" that might help agents determine whether "property found inside the box [would] be subject to civil forfeiture." (Zellhart Dep., ECF 112-19, Ex. K at 979:22- 981:11).the box [would] be subject to civil forfeiture." (Zellhart Dep., ECF 112-19, Ex. K at 979:22- 981:11).155. Undisputed.11agreed that the FBI was "investigating the claimant[s] so as to make a determination about whether [it] viewed the contents of the box to be criminal proceeds or not." (Zellhart Dep., ECF 112-19, Ex. K at 981:24- 982:3).156. Undisputed. Howe Plaintiffs failed to include citation in their opening b addition of this fact here v the 20-page limit.17156. DEA Special Agent Justin Carlson likewise testified to his "understanding" that "boxes that arose to the suspicion of any criminal activity would be investigated before being returned." (Carlson Dep., ECF 112-22, Ex. N at 1425:12-25).156. Undisputed. Howe Plaintiffs failed to include citation in their opening b addition of this fact here v the 20-page limit.23investigated before being returned." (Carlson Dep., ECF 112-22, Ex. N at 1425:12-25).157. Undisputed that the government agreed to retur content of the box.24government's submission by submitting documents supporting157. Undisputed that the government agreed to retur content of the box.	
5individuals through government databases for "criminal history" or other "[s]uspicious activity" that might help agents determine whether "property found inside the box [would] be subject to civil forfeiture." (Zellhart Dep., ECF 112-19, Ex. K at 979:22-decide whether to pursue forfeiture, within 90 days claim is filed.7whether "property found inside the box [would] be subject to civil forfeiture." (Zellhart Dep., ECF 112-19, Ex. K at 979:22-155. Undisputed.10155. Special Agent Zellhart agreed that the FBI was "investigating the claimant[s] so as to make a determination about whether [it] viewed the contents of the box to be criminal proceeds or not." (Zellhart Dep., ECF 112-19, Ex. K at 981:24- 982:3).156. Undisputed. Howe Plaintiffs failed to include citation in their opening b addition of this fact here w the 20-page limit.16DEA Special Agent Justin Carlson likewise testified to his "understanding" that "boxes that arose to the suspicion of any criminal activity would be investigated before being returned." (Carlson Dep., ECF 112-22, Ex. N at 1425:12-25).156. Undisputed. Howe Plaintiffs failed to include citation in their opening b addition of this fact here w the 20-page limit.21157. The government later agreed to return Joseph's property after he countered the government's submission by submitting documents supporting157. Undisputed that the government agreed to retur content of the box.	
5databases for "criminal history" or other "[s]uspicious activity" that might help agents determine whether "property found inside the box [would] be subject to civil forfeiture." (Zellhart Dep., ECF 112-19, Ex. K at 979:22- 981:11).forfeiture, within 90 days claim is filed.7whether "property found inside the box [would] be subject to civil forfeiture." (Zellhart Dep., ECF 112-19, Ex. K at 979:22- 981:11).155. Undisputed.10155. Special Agent Zellhart agreed that the FBI was "investigating the claimant[s] so as to make a determination about whether [it] viewed the contents of the box to be criminal proceeds or not." (Zellhart Dep., ECF 112-19, Ex. K at 981:24- 982:3).156. Undisputed. Howe Plaintiffs failed to include citation in their opening b addition of this fact here v the 20-page limit.17Carlson likewise testified to his "understanding" that "boxes that arose to the suspicion of any criminal activity would be investigated before being returned." (Carlson Dep., ECF 112-22, Ex. N at 1425:12-25).156. Undisputed. Howe Plaintiffs failed to include citation in their opening b addition of this fact here v the 20-page limit.21157. The government later agreed to return Joseph's property after he countered the government's submission by submitting documents supporting157. Undisputed that the government agreed to retur content of the box.	for it to
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24 property after he countered the content of the box. 24 government's submission by 25 submitting documents supporting	
submitting documents supporting	
his claim to the legitimacy of his	
26 property. (See Defs.' Resp. (ECF	
27 <u>66)).</u>	
158.Named Plaintiffs are members of the certified class158.Undisputed.	

1 2 3	<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>
4	because property was seized	
	from their rented USPV boxes,	
5	they identified themselves to the	
6	government after the seizure, and	
7	their property has since been	
/	returned to them. (P. Snitko	
8	Decl., ECF 112-1 at ¶¶ 3-5, 9-10,	
9	14; Gothier Decl., ECF 113-3 at	
	¶¶ 3-4, 6-7, 9-11; Ruiz Decl., ECF 112-4 at ¶¶ 3-4, 8-9, 19;	
10	Store Decl., ECF 112-5 at \P 3-4, -9, 19, \mathbb{C}	
11	6, 13-17; May Decl., ECF 112-7	
12	at ¶¶ 3-4, 6, 15-19; see also	
	Frommer Supplemental Decl.,	
13	Ex. A, Govt's Supp. Response to	
14	Pls.' Rog #9 at 5:8, 9:9, 10:6,	
15	13:28, 14:5).	
15	159. Per a government	159. Disputed. The
16	interrogatory response dated	interrogatory response
17	April 19, 2022, the government	specifically provides it was
10	identified 389 unique USPV	unclear whether the government
18	rented boxes (1) from which the government had seized property	knew the actual identify of the owner. USPV was a company
19	in March 2021, (2) for which the	that touted its anonymity, so the
20	government knew the identity of	government does not know that
	the owner, and (3) for which the	whatever identifying information
21	government had returned the	it found in a box is actually that
22	seized contents. (Govt's Supp.	of the true owner.
23	Response to Pls.' Rog #9 at pp.	
23	2-16). Several of these boxes had	
24	multiple listed owners. (<i>Id</i>).	
25	160. In a subsequent response	160. Undisputed.
	to a request for admission that	
26	the government's "best estimate"	
27	that the total number of persons	
28	identified as "Box Holders" in that interrogatory response	
20	that interrogatory response	

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1 2	Plaintiffs' Statements of Fact and	Defendants' Responses and
3	Supporting Evidence	Supporting Evidence
4	"exceeds 360 persons," the	
5	government responded that the interrogatory "responses speak	
6	for themselves." (Frommer	
7	Supplemental Decl., Ex. B, Govt's May 25 Response to Pls.'	
8	RFA No. 5). 161. Lynne Zellhart, the lead	161. Disputed, the testimony
9 10	case agent, later testified at the government's 30(b)(6)	does not support the Fact and there is no indication that the
10 11	deposition that the contents of about 430 boxes had been	testimony applies to box returns for class members. And Plaintiffs
12	returned, though some of these	failed to include this citation in
13	were "unidentified person[s] represented by counsel."	their opening brief; the addition of this fact here violates the 20-
14	(Zellhart 30(b)(6) Dep., ECF	page limit.
15	112-21, Ex. M at 1268:4-13; 1271:9-13).	
16	162. As with the broader class, the government generated	162. Undisputed with respect to the cited Ex. A pages that the
17	records in connection with its	government took photographs
18	search and seizure of the contents of Plaintiffs' rented boxes at	and prepared written documents reflecting the inventorying of
19	USPV, including photographs of	box contents. Dispute the
20	class members' property. (See generally Inventory Records,	remainder of this fact.
21	ECF 112-9, Ex. A (broader	
22	class); <i>see also id</i> . at 32-43, 145-	
23	152, 240-246, 247-256 (named plaintiffs)).	
24	163. The records created by the	163. Undisputed with respect to
25	government also include written records of the condition of class	the cited Exhibit A pages that inventory records included
26	members' property and the drug-	written documents and drug
27	dog sniffs conducted thereon. (See generally Inventory	sniffs. Dispute the remainder of this fact.
28	Records, ECF 112-9, Ex. A	

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1 2 3	<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>
4 5	(broader class); <i>see also id.</i> at 148-149, 250, 254-56 (named plaintiffs)).	
6 7	164. These records additionally include video recordings of the search and seizure of their	164. Undisputed that with respect to the videos produced as Exhibit B, the government
8 9	property. (<i>See generally</i> Inventory Videos, ECF 112-10, Ex. B (broader class)).	videotaped the boxes, and some boxes were videotaped while others were photographed. Dispute remainder of the fact
10		Dispute remainder of the fact.
11 12	165. These records further include information the	165. Undisputed that Jeni Persons and Michael Storc
13	government obtained after—and because of—the government's	submitted an administrative claim that, while not required,
14	seizure of class members' USPV boxes. It contains, for instance,	included information to support their contention that the assets at
15 16	the additional documentary evidence Named Plaintiffs Jeni	issue were legally derived. Dispute remainder of the fact.
10 17	Pearsons and Michael Storc submitted along with the claim to	Dispute remainder of the fact.
18	terminate the government's	
19	administrative forfeiture proceedings against their	
20 21	property. (Pearsons Decl., ECF 112-6, at ¶ 11; Store Decl., ECF	
21	112-5 at ¶ 10). 166. The government's	166 Dignited The testimony
22 23	evidentiary databases also	166. Disputed. The testimony does not support the facts, as
24	include any records the government created—after class	there is no reference to "evidentiary" databases in the
25	members identified themselves to the FBI—in its "investigati[ons	testimony. The Fact is overbroad and unclear in its reference to
26	of] claimants so as to make a	evidentiary databases, as
27	determination about whether [the FBI] viewed the contents of the	including notes generated through criminal or financial
28	box to be criminal proceeds,"	databases. And Plaintiffs failed

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1 2 3	<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>
4	including any notes generated	to include this citation in their
5	from searches through criminal	opening brief; the addition of this
5	or financial databases. (Zellhart	fact here violates the 20-page
6	Dep., ECF 112-19, Ex. K at 979:22-981:11, 981:24-982:3).	limit.
7	167. Plaintiffs fear that, even	167. Undisputed.
8	though their property has been	10/1 Ononsputedi
	returned to them, the government	
9	has copies of their private	
10	information contained in its	
11	evidentiary databases that it can	
	use for investigative purposes. (See P. Snitko Decl. ¶¶ 19-20; J.	
12	Snitko Decl. ¶¶ 18-19; Ruiz	
13	Decl. ¶¶ 21-22, Gothier Decl. ¶¶	
14	12-13; May Decl. ¶¶ 20-21;	
15	Pearsons Decl. ¶¶ 21-23; Storc.	
	Decl. ¶¶ 20-21).	
16	168. Plaintiffs fear that the	168. Undisputed.
17	government will use these files to investigate them again, that the	
18	government may misuse or	
	misplace these files, and that the	
19	government may fail to	
20	adequately guard their private	
21	information from cyberbreaches.	
	(See P. Snitko Decl. ¶¶ 19-20; J.	
22	Snitko Decl. ¶¶ 18-19; Ruiz Decl. ¶¶ 21-22, Gothier Decl. ¶¶	
23	12-13; May Decl. ¶¶ 20-21;	
24	Pearsons Decl. ¶¶ 20-21, Pearsons Decl. ¶¶ 21-23; Storc.	
	Decl. ¶¶ 20-21).	
25	169. The government has	169. Disputed. There is no
26	already described in detail how it	page cited to ECF 64-1, which
27	used the information it gathered	advises that the government
28	from seizing Plaintiff Joseph	conducted a public search and
∠0	Ruiz's box to investigate whether	could not locate any insurance

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1 2 3	<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>
4	the cash seized from his box was	settlement payment as Joseph
	connected to criminal activity,	Ruiz claimed was the source of
5	including by running his	the funds in his box. There was
6	information through various	no criminal investigation, as this
7	databases. (<i>See</i> Zellhart Decl., ECF 64-1; <i>see also</i> Ruiz Decl. ¶¶	Fact presupposes.
8	15-17).	
	170. Plaintiffs feel that the	170. Undisputed.
9	government's retention of	
10	records it gathered because of the	
11	seizure at USPV is an unwarranted invasion on their	
12	privacy, which causes them	
	distress. (P. Snitko Decl. ¶ 17,	
13	19; J. Snitko Decl. ¶ 16, 18; Ruiz	
14	Decl. ¶ 21; Gothier Decl. ¶ 12;	
15	May Decl. ¶ 20; Pearsons Decl. ¶	
16	21-22; Store Decl. ¶ 20).171.The government has used	171. Undisputed.
	the information it gleaned and	171. Ondisputed.
17	retained from the seizure of	
18	USPV boxes to support other,	
19	subsequent warrant applications.	
	(E.g., Application for Warrant, In	
20	the Matter of the Search of 621 E. 99 th Street, Unit 4, Inglewood,	
21	California 90301, No. 2:21-MJ-	
22	03481, ECF 15 at 15 (C.D. Cal.	
23	July 27, 2021)).	
	172. Agents have testified that,	172. Disputed. This statement, about
24	absent an order from this Court,	agents testifying based on a 2014
25	the government will retain Plaintiffs' and the broader class'	website article is not evidence, nor does
26	information on an FBI database	this Fact purport to set forth any page of the article or anything else that
	called Sentinel, a computerized	would allow a response.
27	system that "provides capabilities	ĩ
28	for search and intelligence	

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1 2 3	<u>Plaintiffs' Statements of Fact and</u> <u>Supporting Evidence</u>	<u>Defendants' Responses and</u> <u>Supporting Evidence</u>
4	analysis" and that "can be used	
5	to identify connections between	
	cases and patterns of activity."	
6	(FBI, Privacy Impact Assessment	
7	for the SENTINEL System (2014), https://perma.cc/8D9W-	
0	YFC5).	
8	173. Special Agent Justin	173. Undisputed.
9	Palmerton testified that the case	The second mean
0	file for USPV exists on a "central	
1	server" called Sentinel, and	
1	because the FBI tries "not to get	
2	rid of anything," information	
3	gathered from USPV "would be	
	stored there for a significant	
4	period of time"—"for decades, potentially." (Palmerton Decl.,	
5	ECF 112-18, Ex. J at 715:3-21,	
6	717:23-718:22).	
	174. Special Agent Lynne	174. Undisputed.
7	Zellhart, testifying for the United	1
8	States as a $30(b)(6)$ witness,	
9	likewise agreed that documents	
	or pictures generated during the	
0	seizure of USPV boxes "would	
1	be uploaded into Sentinel, where	
2	they would remain indefinitely." (Zellhart 30(b)(6) Dep., ECF	
	112-21, Ex. M at 1279:23-	
3	12-21, LX. W at 1279.23- 1280:3).	
4	175. Special Agent Zellhart	175. Undisputed.
5	also testified that the FBI's	1
5	"general rule" regarding Sentinel	
5	allows that government officials	
7	will be able to access that	
	information for investigative	
3	purposes unless instructed	

1	Plaintiffs' Statements of Fact and	Defendants' Responses and
3	Supporting Evidence	Supporting Evidence
4	otherwise. (Zellhart 30(b)(6)	
5	Dep., ECF 112-21, Ex. M at	
6	1281:15-22; 1282:4-1283:17 ("the information about that box	
	would be accessible to	
7	somebody who had an	
8	investigative need, yes.")). 176. DEA Special Agent Justin	176. Undisputed.
9	Carlson additionally testified to	170. Ondisputod.
10	his belief that the DEA—in	
11	addition to the FBI—maintained copies of video recordings of the	
12	government's inventorying of	
13	USPV boxes. (Carlson Dep. ECF	
14	112-22, Ex. N at 1415:7-13). 177. Special Agent Carlson	177. Undisputed.
	further testified that the typical	177. Ondisputed.
15	DEA policy is to retain video	
16	recordings until they can "have no evidentiary purpose."	
17	(Carlson Dep. ECF 112-22, Ex.	
18	N at 1417:13-22).	
19	178. Plaintiffs want to secure assurance that the government	178. Undisputed that plaintiffs so testified.
20	will destroy all physical and	ioninu.
21	digital records it acquired in	
22	connection with searching the USPV box, or else segregate	
	those records so they can only be	
23	used to respond to claims for	
24	lost, stolen, or missing property and not for investigative	
25	purposes. (P. Snitko Decl. ¶ 20;	
26	J. Snitko Decl. ¶ 19; Ruiz Decl. ¶	
27	22; Gothier Decl. ¶ 13; May Decl. ¶ 21; Pearsons Decl. ¶ 23;	
28	Store Decl. \P 21, Pearsons Decl. \P 25, Store Decl. \P 21.)	

1		
2	Defendants' Statements of Fact and	Plaintiffs' Responses and Supporting
3	Supporting Evidence	Evidence
	1. The government, through three federal agencies, commenced its	1. Uncontested
4	criminal investigation of USPV, the	
5	business entity, in April 2019.	
6	Rodgers Decl. Ex. GG at 526:17-23;	
7	527:14-528:5; 529:11-19; 530:25-	
	531:3; Ex. FF at 507:21-508:13; 509:1-	
8	25. <u>See also</u> Ex. HH at 551:18-552:23.	
9		
10	2. Before the USPV investigation	2. Plaintiffs do not dispute that the
11	began, law enforcement had	government viewed investigations of individual USPV customers to have
12	investigated individual USPV customers, but those investigations had	been ineffective. The evidence does
	been ineffective at stopping criminal	not establish the degree to which the
13	conduct at USPV. Rodgers Decl. Ex.	earlier investigations were or were not
14	GG at 528:6-12: Ex. II at 561:4-23.	effective, and Zellhart testified that
15		there were "some good cases, some
16		good individual cases." (Zellhart Dep., ECF 112-19, Ex. K at 875:12–13).
	3. Because the investigation of	3. Plaintiffs do not dispute that the
17	individual USPV customers was	government viewed USPV as a money
18	ineffective, the FBI, DEA and USPIS	laundering facilitator. The cited
19	attempted to come up with a strategy to	evidence does not otherwise establish
20	address USPV, the business, as USPV was operating as a money laundering	whether USPV attracted or enabled a "large number" of criminals. To the
	facilitator that attracted, protected and	contrary, the government has returned
21	enabled a large number of criminals.	the property of hundreds of box renters,
22	Rodgers Decl. Ex. GG at 528:12-	many of whom are members of
23	529:10; 532:25-535:22; Ex. II at	Plaintiffs' class. (Declaration of Robert
24	561:23-562:4.	Frommer in Support of Joint SOF and Opening Trial Brief, Ex. R ("Govt's
		Supp. Response to Pls.' Rog #9") at pp.
25		2-16). And in fact, many customers
26		chose to rent from US Private Vaults
27		for innocuous reasons like convenience.
		(<i>E.g.</i> , P. Snitko Decl., ECF 112-1 at ¶¶
28		6-7 (identifying waiting list at bank and

1		security of establishment as reasons to
2		rent from USPV); J. Snitko Decl., ECF
3		112-2 at ¶¶ 6-7 (same); Gothier Decl.,
5		ECF 112-3 at ¶ 5 (choosing USPV
4		because it was at a convenient
5		location); Ruiz Decl., ECF 112-4 at ¶¶
		6-7 (choosing USPV out of concern of bank closures, plus convenient
6		location); Storc Decl., ECF 112-5 at ¶ 5
7		(choosing USPV as a secure location $USPV$
8		outside of home); Pearsons Decl., ECF
0		$112-6 \text{ at } \P 5 \text{ (same)}$).
9	4. USPV was a criminal magnet;	4. Plaintiffs do not dispute that the
10	the company marketed itself to and	government viewed USPV as "a
11	protected criminals and obstructed law	criminal magnet" and that it "marketed
11	enforcement. Rodgers Decl. Ex. GG at	itself to and protected criminals and
12	536:7-537:5.	obstructed law enforcement." The cited
13		evidence does not establish the
		remainder of Defendants' statement of
14		fact. The government has returned the property of hundreds of box renters,
15		many of whom are members of
16		Plaintiffs' class. (Ex. R , Govt's Supp.
		Response to Pls.' Rog #9 at pp. 2-16).
17		And many customers chose to rent from
18		US Private Vaults for innocuous
19		reasons like convenience. (E.g., P.
19		Snitko Decl., ECF 112-1 at ¶¶ 6-7
20		(identifying waiting list at bank and
21		security of establishment as reasons to
22		rent from USPV); J. Snitko Decl., Ex. 112-2 at ¶¶ 6-7 (same); Gothier Decl.,
22		ECF 112-3 at \P 5 (choosing USPV
23		because it was at a convenient
24		location); Ruiz Decl., ECF 112-4 at ¶¶
25		6-7 (choosing USPV out of concern of
23		bank closures, plus convenient
26		location); Store Decl., ECF 112-5 at ¶ 5
27		(choosing USPV as a secure location
n 0		outside of home); Pearsons Decl., ECF
28		112-6 at ¶ 5 (same)).

1	5. During the investigation, the lead	5. Uncontested
2	criminal agents from their respective	
3	agencies, Zellhart, Carlson and Versoza, spoke by telephone about their	
4	activities, and the DEA and USPIS	
5	conducted field surveillance work and	
	undercover operations while the FBI collected data and drafted the affidavit	
6	which would be used to obtain	
7	warrants. Rodgers Decl. Ex. HH at	
8	551:18-552:23; 553:24-554:24; Ex. JJ at 576:14-579:9; 582:19-583:6.	
9	at 570.14-575.5, 562.17-565.6.	
10		
11	6. In 2015, law enforcement agencies learned that criminal	6. Uncontested
12	investigation targets were employing	
13	USPV, a company that rented safe	
14	deposit boxes, to store criminal proceeds. Rodgers Decl. Ex. B ¶¶ 8	
	and 10 at 59-61.	
15		
16	7. By providing and promoting total anonymity, USPV catered to and	7. Plaintiffs do not dispute that the government thought USPV "catered to
17	attracted criminals who sought to keep	and attracted criminals who sought to
18	their identities and cash beyond the	keep their identities and cash beyond
19	reach of banks, the IRS, and law enforcement. Rodgers Decl. Ex B ¶ 11	the reach of banks, the IRS, and law enforcement" by "providing and
20	and 16-19 at 62, 64-66.	promoting total anonymity." The cited
21		evidence does not establish the remainder of Defendants' statement of
22		fact. Plaintiffs will note that the
23		government has returned the property
24		of hundreds of box renters, many of whom are members of Plaintiffs' class.
		(Govt's Supp. Response to Pls.' Rog #9
25 26		at pp. 2-16). And Plaintiffs'
26		declarations demonstrate that they, in fact, chose to rent from US Private
27		Vaults for innocuous reasons like
28		convenience. (E.g., P. Snitko Decl.,
	5	1

1		ECF 112-1 at ¶¶ 6-7 (identifying
2		waiting list at bank and security of
3		establishment as reasons to rent from
		USPV); J. Snitko Decl., Ex. 112-2 at
4		¶¶ 6-7 (same); Gothier Decl., ECF 112- 3 at ¶ 5 (choosing USPV because it was
5		at a convenient location); Ruiz Decl.,
6		ECF 112-4 at ¶¶ 6-7 (choosing USPV
		out of concern of bank closures, plus
7		convenient location); Storc Decl., ECF
8		112-5 at \P 5 (choosing USPV as a
9		secure location outside of home); Pearsons Decl., ECF 112-6 at ¶ 5
10		(same)).
10	8. USPV's primary pitch to	8. Plaintiffs admit that the quoted
11	customers was anonymity, as reflected	language appeared on USPV's website,
12	in its website that provided "Complete	but dispute that USPV's "primary"
13	Privacy; Biometric Identification; No	pitch was anonymity. Plaintiffs'
	ID Required" and boasted "Our	declarations demonstrate that they, in
14	business is one of the very few where	fact, chose to rent from US Private
15	we don't even want to know your name. For your privacy and the	Vaults for innocuous reasons like convenience. (<i>E.g.</i> , P. Snitko Decl.,
16	security of your assets in our vault, the	ECF 112-1 at ¶¶ 6-7 (identifying
	less we know the better." Rodgers	waiting list at bank and security of
17	Decl. Ex. B ¶¶ 11 and 12 at 62	establishment as reasons to rent from
18	(Emphasis in original).	USPV); J. Snitko Decl., Ex. 112-2 at ¶¶
19		6-7 (same); Gothier Decl., ECF 112-3
		at ¶ 5 (choosing USPV because it was at a convenient location); Ruiz Decl.,
20		ECF 112-4 at ¶¶ 6-7 (choosing USPV
21		out of concern of bank closures, plus
22		convenient location); Store Decl., ECF
23		112-5 at ¶ 5 (choosing USPV as a
24		secure location outside of home); Pearsons Decl., ECF 112-6 at ¶ 5
		(same)). $ECF 112-0 \text{ at } \parallel 5$
25	9. The above-referenced	9. Plaintiffs do not dispute that the
26	underscored statement appealed to	government thought that the phrase
27	persons engaged in activities they	"the less we know the better" would
	wished to hide. Rodgers Decl. Ex. B	appeal to individuals who were
28	¶ 12 at 62.	engaging in activities they wished to

1		hide. The cited evidence does not
2		establish whether the underscored
		statement, in fact, appealed to such
3		persons. The desire for financial
4		privacy, standing alone, is not criminal,
5		and many customers rented from USPV
		for reasons other than anonymity. $(E = D S rither Deal ECE 112.1 at \P$
6		(<i>E.g.</i> , P. Snitko Decl., ECF 112-1 at ¶¶
7		6-7 (identifying waiting list at bank and security of establishment as reasons to
0		rent from USPV); J. Snitko Decl., Ex.
8		112-2 at \P 6-7 (same); Gothier Decl.,
9		ECF 112-3 at \P 5 (choosing USPV
10		because it was at a convenient
		location); Ruiz Decl., ECF 112-4 at ¶¶
11		6-7 (choosing USPV out of concern of
12		bank closures, plus convenient
13		location); Store Decl., ECF 112-5 at ¶ 5
13		(choosing USPV as a secure location
14		outside of home); Pearsons Decl., ECF
15	10 USDV mahaita a sta sharra 1.1	112-6 at ¶ 5 (same)).
	10. USPV website posts showed it	10. Plaintiffs do not dispute that the
16	was marketing its services to criminals and those operating outside the law, by	government thought that USPV was "marketing its services to criminals and
17	comparing itself to banks and law-	those operating outside the law." But
18	abiding financial institutions, in order	Plaintiffs dispute the truth of this
	to hide their money and avoid paying	characterization, and its implication
19	taxes. Rodgers Decl. Ex. B ¶¶ 12-14	that they and hundreds of other class
20	and 21 at 62-63 and 76.	members are suspect simply because
21		they chose to rent from USPV. Again,
22		the government has returned the property of hundreds of box renters,
LL		many of whom are members of
23		Plaintiffs' class. And many customers
24		rented from USPV for wholly
		legitimate reasons. (<i>E.g.</i> , P. Snitko
25		Decl., ECF 112-1 at ¶ 6-7 (identifying
26		waiting list at bank and security of
27		establishment as reasons to rent from
20		USPV); J. Snitko Decl., Ex. 112-2 at ¶¶
28		6-7 (same); Gothier Decl., ECF 112-3

1		at ¶ 5 (choosing USPV because it was
2		at a convenient location); Ruiz Decl.,
3		ECF 112-4 at ¶¶ 6-7 (choosing USPV
		out of concern of bank closures, plus convenient location); Storc Decl., ECF
4		112-5 at ¶ 5 (choosing USPV as a
5		secure location outside of home);
6		Pearsons Decl., ECF 112-6 at ¶ 5
7	11. In one post USPV stated "As	(same)). 11. Uncontested.
8	government chartered institutions,	11. Uncontested.
	banks are now required to file	
9	'suspicious activity reports.' U.S.	
10	Private Vaults is not subject to federal	
11	banking laws and would only cooperate with the government under court	
12	order." Rodgers Decl. Ex. B ¶ 14 at 63.	
13	12. In addition, USPV charged	12. Plaintiffs do not dispute that the
	customers a premium for its service	government thought that USPV charged
14	because, unlike legitimate banks, it offered anonymity, assistance in	a premium for its service because, among other things, "it offered
15	avoiding law enforcement, money	anonymity, assistance in avoiding law
16	laundering services, a willingness to	enforcement, money laundering
17	look the other way regarding criminal	services, a willingness to look the other
18	conduct and a place to store illegally obtained cash. Rodgers Decl. Ex. B	way regarding criminal conduct and a place to store illegally obtained cash."
	\P 22 and 27 at 67 and 78.	The cited evidence does not establish
19		the truth or falsity of whether USPV's
20		charges were due to anonymity versus
21		other features such as location, hours, and availability to rent without a
22		waitlist. Moreover, the desire for
23		financial privacy, standing alone, is not
		criminal. This statement runs counter to
24		the fact that the government returned
25		the property of hundreds of box renters, including Plaintiffs. (Ex. R, Govt's
26		Supp. Response to Pls.' Rog #9 at pp.
27		2-16). Moreover, as Plaintiff Paul
		Snitko declared, he rented from USPV
28	5	after learning his bank did not have a

1		safe-deposit box available. (E.g., P.
2		Snitko Decl., ECF 112-1 at ¶ 6.]
3	13. Mark Paul, USPV's owner and founder, told a cooperating witness that	13. Plaintiffs do not dispute that Mr. Paul made the quoted statements. But
4	USPV's best customers were	the government returned the property of
	"bookies," "prostitutes" and "weed	hundreds of box renters, including
5	guys[,]" told a CI in November 2019	Plaintiffs, showing the massive
6	that about one-third of USPV's	overreach caused by the government's
7	business came from the cannabis industry and told a CI in December	blanket seizure of the contents of every safe-deposit box. However, Mr. Paul's
8	2019 "you don't want every drug dealer	statements are irrelevant to the
	in your place either. You need normal	underlying legal issue in this case,
9	people too," thus suggesting USPV	which asks whether the government
10	needed to attract some non-criminal	violated the Fourth Amendment rights
11	clientele to avoid being an obvious haven for criminals. Rodgers Decl. Ex.	of Plaintiffs and the broader class. Insofar as the statements are relevant,
12	B ¶¶ 21, 27 and 29a at 76, 78-80.	they demonstrate that the government
		knew it would not be justified in
13		seizing the contents of every safe-
14		deposit box because most USPV
15		customers had no connection to criminal activity.
16	14. On December 17, 2019, Michael	14. Plaintiffs do not dispute that Mr.
17	Poliak, who became a USPV co-owner	Poliak made the quoted statements.
	of in 2019, told a CI that before he	However, Mr. Poliak's statements are
18	became an owner, USPV made no money, with two thirds of its boxes	irrelevant to the underlying legal issue in this case, which asks whether the
19	empty, but now they were 60-63% full	government violated the Fourth
20	and revenues had increased from	Amendment rights of Plaintiffs and the
21	\$3,000 to \$30,000 monthly from	broader class.
22	referrals he obtained by calling	
	marijuana lawyers, and USPV intended to expand. Rodgers Decl. Ex. B ¶¶ 9b,	
23	29, 29a, 29d at 59-60, 79-81.	
24	15. In July 2019 and while at USPV,	15. Plaintiffs do not dispute this
25	USPV's manager showed a confidential	statement of fact, but believe it is
	informant ("CI") USPV's security	irrelevant to the underlying legal issue
26	monitors and pointed out a number of vehicles the manager believed belonged	in this case, which asks whether the government violated the Fourth
27	to law enforcement and in the area	Amendment rights of Plaintiffs and the
28	because of the CI. Rodgers Decl. Ex. B	broader class.

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1	¶¶ 9c and 98 at 60, 130.	
2	16. While at USPV, USPV's	16. Plaintiffs do not dispute this
3	manager on August 9, 2019 instructed a	statement of fact, but believe it is
5	CI on how to structure a cash purchase	irrelevant to the underlying legal issue
4	of gold. Rodgers Decl. Ex. B ¶¶ 83 and 85-88 at 110-115.	in this case, which asks whether the
5	83-88 at 110-113.	government violated the Fourth Amendment rights of Plaintiffs and the
6		broader class.
	17. While at USPV and on January	17. Plaintiffs do not dispute this
7	13, 2020, another USPV principal	statement of fact, but believe it is
8	instructed a CI on how to structure a	irrelevant to the underlying legal issue
9	jewelry purchase. Rodgers Decl. Ex. B	in this case, which asks whether the
9	¶¶ 83 and 85-88 at 110-115.	government violated the Fourth
10		Amendment rights of Plaintiffs and the broader class.
11	18. While at USPV and on January	18. Plaintiffs do not dispute this
12	28, 29 and February 25, 2020, USPV	statement of fact, but believe it is
13	principals had similar structuring	irrelevant to the underlying legal issue
	conversations, including structuring	in this case, which asks whether the
14	regarding currency derived from methamphetamine sales. Rodgers Decl.	government violated the Fourth Amendment rights of Plaintiffs and the
15	Ex. B ¶¶ 83 and 85-88 at 110-115.	broader class.
16	19. During surveillance at USPV	19. Plaintiffs do not dispute that agents
17	between February 1, 2020 and February	identified many USPV customers, but
	26, 2021, agents identified many USPV	the cited evidence does not establish
18	customers who were likely engaged in	whether those customers "were likely
19	criminal activity and storing criminal	engaged in criminal activity" or were
20	proceeds or evidence of crimes at USPV. Rodgers Decl. Ex. B, ¶ 20j at	"storing criminal proceeds or evidence of crimes at USPV." To the extent that
20	74.	the government believed those persons
		were violating the law, it should have
22		sought and obtained search and/or seizure warrants based on an
23		individualized determination of
24		probable cause. Ultimately, Plaintiffs
		believe this fact is irrelevant to the
25		underlying legal issue in this case,
26		which asks whether the government
27		violated the Fourth Amendment rights of Plaintiffs and the broader class by
28		seizing all of their property wholesale.
11	L	

1	20. Officers seized and forfeited 400	20. Uncontested, but irrelevant to the
2	silver coins and 26 silver bars found	underlying legal issue in this case.
3	September 9, 2015; \$500,000, 22 gold	
	bars and 15 gold coins seized in October 2015; \$200,100 seized	
4	November 3, 2015; \$1,543,400 seized	
5	in November 2015; \$592,450 and	
6	\$435,190 seized in September 2016 and	
7	used to pay restitution to victims;	
7	\$101,080 and 26 gold bars seized	
8	March 6, 2018; and \$1,448,700 seized	
9	in July 2019. Rodgers Decl. Ex. B ¶ 20j at 74, and ¶ 20a-i at 68-74.	
10	$\ 20j \text{ at } /7, \text{ and } \ 20a^{-1} \text{ at } 00^{-}/4.$	
	21. In the summer of 2020, criminal	21. Uncontested.
11	investigative agents and the criminal	
12	major frauds AUSA who would present	
13	the matter to the grand jury discussed indicting USPV and obtaining warrants	
14	as to it. Rodgers Decl. Ex. II at 563:6-	
	564:15.	
15	22. No asset forfeiture agent was	22. Plaintiffs cannot contest this
16	involved in the discussions, as	statement of fact, as Defendants
17	conversations with asset forfeiture	repeatedly instructed witnesses not to
18	agent Murray, the agent in the FBI Los Angeles field office involved in civil	answer questions about those conversations pursuant to the attorney-
	administrative asset forfeiture, occurred	client privilege. Also, Supervisory
19	later in the summer or fall of 2020.	Special Agent Murray testified that she
20	Rodgers Decl. Ex. II at 565:14-16;	spoke with FBI Special Agent in
21	566:3-12.	Charge Matt Moon in the "summer of 2020." As part of determining "what
22		agency was going to lead the seizure of
23		assets in the case," SAC Moon asked
		Murray if "the Los Angeles asset
24		forfeiture unit was capable of handling
25		a possible large-scale seizure." (Murray 30(b)(6) Dep., ECF 112-23, Ex. O at
26		1524-25).
27	23. In the fall of 2020, the FBI	23. Plaintiffs partially dispute the
	forfeiture agent first became involved	timing concerning this statement of
28	in discussions with criminal	fact, but do not believe any such

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1	investigating agents, and spoke with her	dispute to be material. Plaintiffs note
2	supervisor before the discussion.	that Supervisory Special Agent Murray
3	Rodgers Decl. Ex. KK at 586:25-	testified that she spoke with FBI
5	587:19; 589:19-591:25 and 82:9-14;	Special Agent in Charge Matt Moon in
4	Ex. II at 565:17-23.	the "summer of 2020." As part of
5		determining "what agency was going to lead the seizure of assets in the case,"
		SAC Moon asked Murray if "the Los
6		Angeles asset forfeiture unit was
7		capable of handling a possible large-
8		scale seizure." (Murray 30(b)(6) Dep.,
		ECF 112-23, Ex. O at 1524-25).
9	24. The asset forfeiture agent, who	24. Uncontested.
10	was not involved in the criminal USPV	
11	investigation, decided she would need	
11	to see the final affidavit before	
12	concluding there was probable cause to	
13	seize assets in boxes to pursue FBI	
	administrative forfeiture. Rodgers	
14	Decl. Ex. KK at 588:22-581:13; 592:19-593:14.	
15	25. Upon reviewing a draft of the	25. Uncontested. (Murray 30(b)(6)
16	affidavit in February 2021 or some time	Dep., ECF 112-23, Ex. O at 1535:7-12
	later but before the March 2021	(stating that, "[h]aving evaluated the
17	takedown, the asset forfeiture agent	seizure warrant affidavit, the finalized
18	decided that probable cause existed to	version that was going to be presented
19	seize assets within boxes at USPV, but	to the magistrate, I made a
	the agent did not know what was inside	determination that there was probable
20	any of the boxes. Rodgers Decl. Ex.	cause to proceed on assets seized in the
21	KK at 594:14-595:12 and 596:7-16.	investigation from U.S. Private Vaults"); <i>id.</i> at 1537:14-16 (stating that
22		she "determined that there was
22		probable cause to seize the assets of
23		U.S. Private Vaults and the contents of
24		the boxes at that location"); <i>id.</i> at
25		1562:11-17 (stating that the
		government "initiated civil
26		administrative forfeiture against all of
27		the boxes that met the minimum
28		monetary threshold")).
20		

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1	26. FBI administrative forfeiture	26. Uncontested, although Defendants'
2	proceedings against specific assets were	statement of fact fails to state that, by
3	commenced on May 20, 2021, sixty days after the commencement of the	the time of the March 22, 2021 warrant execution at US Private Vaults, the
4	warrants' execution on March 20, 2021,	government had already decided to
	by the FBI sending a notice letter dated	pursue administrative forfeiture against
5	May 20, 2021 to USPV. Rodgers Decl.	every box with contents that exceeded
6	Ex. J at 328-346.	the government's minimum monetary
7		threshold. (Murray 30(b)(6) Dep., ECF 112-23, Ex. O at 1535:7-12 (stating that
8		"[h]aving evaluated the seizure warrant
9		affidavit, the finalized version that was
		going to be presented to the magistrate, I made a determination that there was
10		probable cause to proceed on assets
11		seized in the investigation from U.S.
12		Private Vaults"); <i>id.</i> at 1562:1-9
13		(testifying that "[w]e had already determined that there was probable
14		cause to move forward and the factor
15		whether or not it was going to our shop
16		versus evidence was if it met the minimum monetary threshold")). This
		statement of fact also fails to note that
17		the government sought to forfeit these
18		boxes despite knowing that many of
19		them were not connected to criminal activity. (Zellhart Dep., ECF 112-19,
20		Ex. K at 888:2–5 (describing evidence
21		that many "normal people" rented USPV boxes))
22		
23	27 On Mansh 0, 2021, the ground inter-	27 Uncontexted
24	27. On March 9, 2021, the grand jury returned an indictment against USPV,	27. Uncontested
25	charging USPV with a conspiracy to	
	launder money, distribute controlled	
26	substances and structure financial transactions, and reflected the grand	
27	jury's finding that probable cause	
28	existed to forfeit USPV's business	

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1 equipment. Rodgers Decl. Ex. F. 2 28. The indictment provided that USPV's business was predicated on "attract[ing] customers in possession of ti did by "touting the anonymity of the safety deposit rentals" and "boasting that, unlike banks, its anonymous safety deposit box rentals did not require customer information that 'can be easily accessed by government agencies (such as the IRS)[.]" Rodgers Decl. Ex. F ¶ 3a at 277. 28. Uncontested that the indictmen makes these characterizations, but the evidence cited here and elsewhere of not establish the characterizations at whether USPV's business was "predicated" on certain things. Othe evidence shows that customers cho USPV for a variety of reasons, including location, convenience, availability without a waitlist, and privacy. (<i>E.g.</i> , P. Snitko Decl., ECH 112-1 at ¶¶ 6-7 (identifying waiting at bank and security of establishme reasons to rent from USPV); J. Snit Decl., Ex. 112-2 at ¶¶ 6-7 (same); Gothier Decl., ECF 112-3 at ¶ 5 (choosing USPV because it was at convenient location); Ruiz Decl., E	he loes
2USPV's business was predicated on "attract[ing] customers in possession of proceeds from criminal offenses" which it did by "touting the anonymity of the safety deposit rentals" and "boasting that, unlike banks, its anonymous safety deposit box rentals did not require customer information that 'can be easily accessed by government agencies (such as the IRS)[.]" Rodgers Decl. Ex. F ¶ 3a at 277.makes these characterizations, but the evidence cited here and elsewhere of not establish the characterizations a whether USPV's business was "predicated" on certain things. Other evidence shows that customers cho USPV for a variety of reasons, including location, convenience, availability without a waitlist, and privacy. (<i>E.g.</i> , P. Snitko Decl., ECF 112-1 at ¶¶ 6-7 (identifying waiting at bank and security of establishme reasons to rent from USPV); J. Snitho Decl., EX. 112-2 at ¶¶ 6-7 (same); Gothier Decl., ECF 112-3 at ¶ 5 (choosing USPV because it was at convenient location); Ruiz Decl., E	he loes
 attract[ing] customers in possession of proceeds from criminal offenses" which it did by "touting the anonymity of the safety deposit rentals" and "boasting that, unlike banks, its anonymous safety deposit box rentals did not require customer information that 'can be easily accessed by government agencies (such as the IRS)[.]'" Rodgers Decl. Ex. F ¶ 3a at 277. Ex. F ¶ 3a at 277. Ex. F ¶ 3a at 277. But at the intervent of the safety of the safety of the safety accessed by government agencies (such as the IRS)[.]'" Rodgers Decl. Ex. F ¶ 3a at 277. Ex. F ¶ 3a at 277. But at the intervent of the safety of the safety of the safety accessed by government agencies (such as the IRS)[.]'" Rodgers Decl. Ex. F ¶ 3a at 277. But at the intervent of the safety of the safety of the safety accessed by government agencies (such as the IRS)[.]'" Rodgers Decl. Ex. F ¶ 3a at 277. But at the intervent of the safety of the safety of the safety accessed by government agencies (such as the IRS)[.]'" Rodgers Decl. Ex. F ¶ 3a at 277. But at the intervent of the safety of the safety of the safety of the safety accessed by government agencies (such as the IRS)[.]'" Rodgers Decl. Ex. I 12-1 at ¶¶ 6-7 (identifying waiting at bank and security of establishme reasons to rent from USPV); J. Snithor Decl., Ex. 112-2 at ¶¶ 6-7 (same); Gothier Decl., ECF 112-3 at ¶ 5 (choosing USPV because it was at convenient location); Ruiz Decl., EX. 112-2 at a convenient location); Ruiz Decl. EX. 112-1 a	loes
 autact[ing] customers in possession of proceeds from criminal offenses" which it did by "touting the anonymity of the safety deposit rentals" and "boasting that, unlike banks, its anonymous safety deposit box rentals did not require customer information that 'can be easily accessed by government agencies (such as the IRS)[.]" Rodgers Decl. 9 Ex. F ¶ 3a at 277. 10 11 12 13 13 14 15 12 13 14 15 12 13 15 16 16 16 16 16 16 16 16 16 16 16 16 16	
 it did by "touting the anonymity of the safety deposit rentals" and "boasting that, unlike banks, its anonymous safety deposit box rentals did not require customer information that 'can be easily accessed by government agencies (such as the IRS)[.]" Rodgers Decl. Ex. F ¶ 3a at 277. Ex. F ¶ 3	bout
 safety deposit rentals" and "boasting that, unlike banks, its anonymous safety deposit box rentals did not require customer information that 'can be easily accessed by government agencies (such as the IRS)[.]" Rodgers Decl. Ex. F ¶ 3a at 277. Ex. F ¶ 3a at 277. Ex. F ¶ 3a at 277. Consing USPV because it was at convenient location); Ruiz Decl., ECF Function of the transmission of transmissing transmission of transmission of transmissi	
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11Decl., Ex. 112-2 at ¶¶ 6-7 (same);12Gothier Decl., ECF 112-3 at ¶ 513(choosing USPV because it was at convenient location); Ruiz Decl., E	nt as
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13 (choosing USPV because it was at convenient location); Ruiz Decl., E	
¹³ convenient location); Ruiz Decl., E	ı
14 112-4 at ¶¶ 6-7 (choosing USPV ou	t of
15 concern of bank closures, plus	CI
convenient location); Storc Deci., E	CF
16 112-5 at ¶ 5 (choosing USPV as a secure location outside of home);	
¹⁷ Pearsons Decl., ECF 112-6 at ¶ 5	
18 (same)). And the government has	
returned the property of hundreds of	f
box renters, many of whom are	
20 members of Plaintiffs' class. (Govt	
21 Supp. Response to Pls.' Rog #9 at p 2-16, Ex. R).	p.
22 29. The indictment also noted that 29. Uncontested	
23 USPV conspired with others to launder	
money, and alleged acts between 2019	
24 and November 2020, including	
25 December 2019 structuring and cocaine transactions. Rodgers Decl. Ex. F at	
26 ¶1-11 at 275-284.	
2730. Agent Zellhart prepared an "Operation Order Search Plan" and30. Uncontested	
28 "Supplemental Instructions on Box	

1 Inventory, "dated March 12, 2021, and discussed them with agents in meetings held one week before the search. Rodgers Decl. Exs. GG at 541:12-542:23, G and H. 31. Uncontested that the government made these statements about USPV in its operation order search plan. 5 noted USPV was a "hub of criminal activity" "knowing facilitator" of money laundering and "safe harbor for criminal conduct of every kind." 31. Uncontested that the government made these statements about USPV in its operation order search plan. 6 activity" "knowing facilitator" of money laundering and "safe harbor for criminal conduct of every kind." 32. Contested. Plaintiffs dispute that the "Supplemental Instructions for Box Inventory" comported with the FBI Domestic Investigations and Operations Guide's ("DIOG") inventory policy, stating agents would "search and inventory all boxes according to FBI policies and procedures," and process box contents "as described in this memo[.]" Rodgers Decl. Ex. H at 305; Ex. II at 559:7-560:17; Exs. GG at 523:17-19; 524:11-14: 525:3-19. 32. Contested. Plaintiffs dispute that it "does not authorize a criminal search or seizure of the contents of the safety deposit boxes," (USPV Seizure Warrant, ECF 112-13, Ex. E at 289), but the government admitted it had agents collect information asked for by the Supplemental Instructions for potential use in civil forfeiture proceedings. (Zellhart 30(b)(6) Dep., ECF 112-21, Ex. M at 1218:12–16; see also Murray 30(b)(6) Dep., ECF 112-21, Ex. C at 1548:2 (agreeing that the government wanted this information because it "could be probative later on regarding whether—you think there's probable cause to think this is forfeitable currency")). In addition, although the DIOG requires that the inventory "must include, but is not limited to, a description of the property and the items			
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 24 25 26 27 27 you think there's probable cause to think this is forfeitable currency")). In addition, although the DIOG requires that the inventory "must include, but is not limited to, a description of the property and the items secured for safekeeping," (DIOG, ECF 112-15, Ex. 	23		· · · ·
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 that the inventory "must include, but is that the inventory "must include, but is not limited to, a description of the property and the items secured for safekeeping," (DIOG, ECF 112-15, Ex. 			5 , , ,
27 property and the items secured for safekeeping," (DIOG, ECF 112-15, Ex.	25		
safekeeping," (DIOG, ECF 112-15, Ex.	26		· 1
	27		
I G at 527), the government admitted that	28		G at 527), the government admitted that

1		"the United States didn't have anything
2		in the supplemental instructions
2		advising inventorying agents about how
3		to do those kinds of counts," stating
4		that the issue "was not addressed"
5		(Zellhart 30(b)(6) Dep., ECF 112-21,
		Ex. M at 1252:2–9). The government's 30(b)(6) designee who wrote the
6		Supplemental Instructions testified that
7		"I don't think there's a policy" as to
8		how detailed an inventory description
0		should be. (Zellhart 30(b)(6) Dep., ECF
9		112-21, Ex. M at 1249:24–1250:9,
10		1251:16–25). In fact, that designee did not even look at the DIOG when
11		drafting the Supplemental Instructions
12		for Box Inventory. (Zellhart Dep., ECF
		112-19, Ex. K at 847:13–17). Nor
13		could that designee recall ever having
14		conducted an inventory apart from the
15		one at USPV. (Zellhart Dep., ECF 112-
		19, Ex. K at 827:10–19; Zellhart
16		30(b)(6) Dep., ECF 112-21, Ex. M at 1220:7-12).
17	33. The supplemental inventory	33. Uncontested that the supplemental
18	instructions explained how agents	instructions contain statements like
	should handle and inventory cash, non-	those contained in the statement of fact.
19	cash valuables, digital currency,	But the supplemental instructions also
20	firearms, drugs and hazardous items,	tell agents to collect evidence that the
21	directing agents to create an "inventory	government admits it wanted for
22	list" for each box "bagg[ing [and] label[ing]" the inventoried items and	potential use in civil forfeiture proceedings. (Zellhart 30(b)(6) Dep.,
	completing a FD-597 (receipt of	ECF 112-21, Ex. M at 1218:12–16; see
23	property), FD-886 (evidence log), FD-	<i>also</i> Murray 30(b)(6) Dep., ECF 112-
24	1004 (chain of custody) and FD-302.	23, Ex. O at 1547:19–1548:2). Nor do
25	Rodgers Decl. Ex. H at 306-308.	those supplemental instructions provide
		any detail as to how agents should
26		create that "inventory list." (See
27		Supplemental Instructions, ECF 112- 12, Ex. D at 281-85). That is in part
28		because Special Agent Zellhart, the
•		

1		lead investigative agent, did not even
2		look at the DIOG when drafting the
		Supplemental Instructions for Box
3		Inventory. (Zellhart Dep., ECF 112-19,
4		Ex. K at 847:13–17).
5	34. The supplemental inventory	34. Uncontested that the supplemental
	instructions told agents to note "if the	instructions contain statements like
6	box includes a USPV notification form	those contained in the statement of fact.
7	identifying a contact person for the box. Bag and tag the contents form. Agents	But the supplemental instructions explicitly tell agents to search the boxes
8	cannot search the contents of boxes for	for evidence, as the government
0	evidence, but may examine the contents	admitted wanting that evidence for
9	to identify the box owner." Rodgers	potential use in civil forfeiture
10	Decl. Ex. H at 306.	proceedings. (Zellhart 30(b)(6) Dep.,
		ECF 112-21, Ex. M at 1218:12–16; see
11		<i>also</i> Murray 30(b)(6) Dep., ECF 112-
12		23, Ex. O at 1547:19–1548:2).
13		Moreover, although the government
1.4		promised that its inventory would "extend no further than necessary to
14		determine ownership," (Warrant
15		Application, ECF 112-14, Ex. F at 502
16		n.40), agents regularly continued their
		search of USPV boxes after
17		encountering executor letters.
18		(Palmerton Dep., ECF 112-18, Ex. J at
19		701:2-7; <i>see also, e.g.</i> , Inventory
		Records, ECF 112-9, Ex. A at 44, 145,
20	25 In March 2021 the accomment	177, 224, 247). 35. Uncontested
21	35. In March 2021, the government submitted a common affidavit with	55. Uncontested
22	separate applications for search and	
	seizure warrants as to USPV's business	
23	equipment (<u>i.e.</u> , USPV's business	
24	computers, money counters, nests of	
25	safety deposit boxes, digital and video	
	surveillance and security equipment	
26	and biometric scanners). Rodgers Decl.	
27	Exs. B and D.	26 Uncontexted
28	36. The applications contained the language in the attachments to the	36. Uncontested
20	language in the attachments to the	

1	search warrant (Attachment B) and	
2	seizure warrant (Attachment) regarding	
	the business equipment that the	
3	magistrate judge adopted without	
4	change in issuing them. Rodgers Decl.	
~	Exs. A at 32-33; B at ¶ 1k at 45-46; C	
5	at 163; and D at 165.	
6	37. The warrant attachments to the	37. Uncontested
7	issued search warrant and seizure	
/	warrant both provide:	
8	This warrant does not authorize a	
9	criminal search or seizure of the	
	contents of the safety deposit boxes. In	
10	seizing the nests of safety deposit	
11	boxes, agents shall follow their written	
	inventory policies to protect their	
12	agencies and the contents of the boxes. Also in accordance with their written	
13	policies, agents shall inspect the	
14	contents of the boxes in an effort to	
14	identify their owners in order to notify	
15	them so that they can claim their	
16	property. Rodgers Decl. Ex. A at 32-	
	33; Ex. C at 163.	
17	38. Paragraph 108 of the common	38. Uncontested
18	affidavit the government submitted	
10	with its separate application for a	
19	search, and application for a seizure	
20	warrant, provides as follows:	
21	The search and seizure warrants the	
∠ 1	government seeks list the nests of	
22	safety deposit boxes at USPV among	
23	the items to be seized. These nests of	
	safety deposit boxes are evidence and	
24	instrumentalities of USPV's	
25	criminality. The warrants authorize the	
	seizure of the nests of the boxes	
26	themselves, <u>not</u> their contents. By	
27	seizing the nests of safety deposit	
28	boxes, the government will necessarily	
∠0	end up with custody of what is inside	

1 those boxes initially. Agents will 2 follow their written inventory policies 3 theff or damage to the contents of the 4 boxes, and to ensure that no hazardous 5 dangerous manner. Agents will attempt 6 to notify the lawful owners of the 9 property stored in the boxes how to claim their property, such as by posting 8 that information on the internet or at USPV itself, or by contacting the 0 owners directly. In order to notify the 0 owners directly. agents will, in accordance with their policies regarding an unknown person's property, look for 12 contact information or something which identifies the owner. (footnote 0 mitted their or their designces' telephone numbers on a note in the box 16 contents for nonpayment of rental fees.) Rodgers Decl. Ex. B ¶ 108 at 137-38. 17 39. The omitted footnote referenced above provides "The FBI policy regarding taking custody of an unknown person's property provides, in preserve the property for safekeeping.' <			
ito protect their agencies from claims of theft or damage to the contents of the boxes, and to ensure that no hazardous items are unknowingly stored in a dangerous manner. Agents will attempt to notify the lawful owners of the property stored in the boxes how to claim their property, such as by posting that information on the internet or at USPV itself, or by contacting the owners directly. In order to notify the owners directly. In order to notify the owners directly. agents will, in accordance with their policies regarding an unknown person's property, look for contact information or something which identifies the owner. (footnote omitted). (USPV recommends that box renters include their or their designces' telephone numbers on a note in the box in the event that USPV removes the contents for nonpayment of rental fees.) Rodgers Decl. Ex. B ¶ 108 at 137-38. 39. The omitted footnote referenced above provides. "The FBI policy regarding taking custody of an unknown person's property provides, in part, that agents' inspect the property as necessary to identify the owner and preserve the property for safekeeping.' The	1	those boxes initially. Agents will	
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 ¹⁹ unknown person's property provides, in part, that agents 'inspect the property as necessary to identify the owner and preserve the property for safekeeping.' ²¹ The inspection 'should extend no further than necessary to determine ownership.'" Rodgers Decl. Ex. B ²³ ¶ 108 at 137-38. ²⁴ ¶ 108 at 137-38. ²⁵ USPV between March 22 and 26, 2021, while officers executed the warrants. Rodgers Decl. Ex. FF at 510:2-511:22. 			
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 26 while officers executed the warrants. 27 Rodgers Decl. Ex. FF at 510:2-511:22. 	25		
27 Rodgers Decl. Ex. FF at 510:2-511:22.	26		
	21		41. Uncontested, although Plaintiffs
28inventory documents for about 700dispute whether the resulting	28	inventory documents for about 700	-

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1	boxes during the inventory between	documents can reasonably be described
2	March 22 and 26, 2021. Rodgers Decl.	as "inventories" for many boxes.
2	Ex. GG at 545:1-11.	
3	42. Section 18.6.12.4.1 of the DIOG	42. Uncontested
4	provides:	
5	As a general rule, after lawfully taking	
	custody of property, FBI employees must conduct a prompt and thorough	
6	search of the contents of the property,	
7	including searching any locked or	
8	unlocked containers and inventorying	
	their contents. A written summary	
9	showing the results of the inventory	
10	must be recorded in an FD-302, an FD-	
11	597 ("Receipt for Property"), or an FD-	
	653 ("Motor Vehicle Inspection	
12	Inventory Record"). The written summary must include, but is not	
13	limited to, a description of the property	
14	and the items secured for safekeeping.	
	Agents must provide receipts for all	
15	items retrieved during inventory	
16	searches. Agents should also	
17	memorialize facts pertinent to other	
	activities undertaken during the	
18	inventory process, such as an interview (i.e., FD-302), or a non-inventory-	
19	related search conducted and any	
20	evidence collected (i.e., FD-1087,	
	"Collected Evidence Log" [Sentinel])	
21	that are relevant to the investigation.	
22	* *	
23	*	
	Agents may not perform inventory	
24	searches solely for investigative	
25	purposes. Whenever there is probable cause to believe an inventory search	
26	would also yield items of evidence or	
	contraband, agents must obtain a search	
27	warrant when feasible. Searches	
28	conducted pursuant to a warrant are	

1	presumptively valid. Obtaining a	
2	search warrant eliminates any later	
3	argument that the inventory search was conducted solely for investigative	
4	purposes and thus unjustified. Rodgers Decl. Ex. E at 273-74.	
5	43. Agents encountered many	43. Plaintiffs do not contest that agents
6	executor notification letters during the	encountered many executor letters
7	inventory. While the executor notification letters helped to identify	during the inventory. Per the government's warrant application, its
8	owners, multiple situations existed	search should have ended there, as it
	where agents found photographs of	promised that its inventory would
9	driver's license and passports with	"extend no further than necessary to
10	different names and letters from prior	determine ownership." (Warrant
11	box renters, so while the letters were a great starting point for identifying box	Application, ECF 112-14, Ex. F at 502 n. 40). Indeed, agents noted that, in
12	owners, it was not the last word on the	returning property, they have typically
13	subject. Rodgers Decl. Ex. GG at	used the renter's key to verify
	543:24-544:1.	ownership, thereby showing there was
14		no need to continue further. (Palmerton Dep., ECF 112-18, Ex. J at 723:24-24:2
15		(agreeing that "having the key was an
16		important part of getting property
17		back")). Plaintiffs also contest the
18		government's characterization that it used the letters as a "starting point for
		identifying box owners" at all, as
19		numerous video recordings show agents
20		opening and examining the contents of boxes before bothering to examine
21		executor letters affixed to the outside of
22		the box. (E.g., Inventory Videos, ECF
23		112-10, Ex. B.5 at 0:30, 3:30-4:00; Ex.
24	44. If an executor letter was found,	B.7 at 0:20; 1:00-1:25).44. Plaintiffs do not contest that agents
	the inventory policy, requiring a	continued searching class members'
25	"thorough search of the contents of	boxes after encountering executor
26	property, including searching any	letters during an inventory. This was
27	locked or unlocked containers and	contrary to the government's warrant
28	inventorying the contents," still required agents to continue the	application, which promised that its inventory would "extend no further
- 1		

1	inventory and "everything still needs to	than necessary to determine
2	be bagged and tagged and processed	ownership." (Warrant Application, ECF
	according to our evidence procedures,	112-14, Ex. F at 502 n. 40). Indeed,
3	with all of the redundancies and	agents noted that, in returning property,
4	paperwork." Rodgers Decl. Ex. GG at	they have typically used the renter's
~	544:2-15; and Ex. FF at 514:23-518:21.	key to verify ownership, thereby
5		showing there was no need to continue
6		further. (Palmerton Dep., ECF 112-18,
7		Ex. J at 723:24-24:2 (agreeing that
/		"having the key was an important part
8		of getting property back")).
9	45. Plaintiffs Michael Store and Jeni	45. Uncontested
	Verdon-Pearsons' executor notification	
10	letter that agents found in their USPV box number 4301 is dated September 9,	
11	2017. Rodgers Decl. Ex. U at 412-413.	
12	46. Plaintiff Travis May's executor	46. Uncontested
12	notification letter that was taped to his	10. Cheomested
13	USPV box number 713 when agents	
14	conducted the inventory is dated July	
	29, 2017. Rodgers Decl. Ex. W at 421-	
15	22.	
16	47. Plaintiffs Paul and Jennifer	47. Uncontested
17	Snitko's executor notification letter that	
	Paul Snitko taped to their USPV box	
18	number 7701 is dated April 26, 2017.	
19	Rodgers Decl. Ex. N at 371-372.	
	48. Plaintiffs' remaining claims in	48. Uncontested
20	their first amended complaint ("FAC") are their class claim in Count I under	
21	the Administrative Procedure Act,	
22	Declaratory Judgments Act and	
	Constitution alleging that the	
23	government's search violated the	
24	Fourth Amendment, and their	
25	individual claim in Count VII under	
23	Fed. R. Crim. P. 41(g) and the Court's	
26	equitable power for return of property	
27	that seeks the return the individual	
	plaintiffs' seized property. ECF 33	
28	[FAC] ¶¶ 1, 2, 152-171, 231-241 and	

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1 ¶ L at 52:4-8. 49. All of the individual plaintiffs' admit that their property has been returned, except plaintiffs Michael Storc and Jeni Verdon-Pearsons who assert that \$2,000 was in their USPV box that has not been returned and plaintiffs Travis May and Joseph Ruiz who admit that substitute funds in an amount equaling or exceeding the funds in their box have been returned but the actual bills stored inside their box have not. Rodgers Decl., Exs. M at 361:10- 362:12; Ex. P at 377:23-378:19; Ex. X at 425-426; Ex. Y at 430-433; Ex. S at 398:2-15; Ex. T at 404:16-405:8; 407:23-408:7; Ex. V at 417:9-418:10; 9 9 10 13 50. Section 4.1.1(E) of the DIOG section tilled Privacy And Civil Liberties, And Least Intrusive means that do not otherwise compromise FBI operations. Assuming a lawful intelligence or evidence collection objective (i.e., an authorized purpose), strongly consider the method (technique) employed to achieve that objective that is the least intrusive available (particularly if there is the potential to intrude on privacy) while still being operationally 50. Uncontested			
admit that their property has been returned, except plaintiffs Michaelstill aggrieved by the government's continued retention of their personal information, including information regarding the contents of their safe- deposit boxes and other information obtained only due to the fact that the government ignored the limits of its sorument is detered in the devery and Sci10- 362:12; Ex. P at 377:23-378:19; Ex. X at 425-426; Ex. Y at 430-433; Ex. S at 398:2-15; Ex. T at 404:16-405:8; 407:23-408:7; Ex. V at 417:9-418:10;still aggrieved by the government is retention of his records is a significant invasion of my privacy"); Ruiz Decl. at 121 (stating that the government is retention of his records is "extremely troubling" given that the government is retention of his records is "extremely troubling" given that the government is a "altorized purpose), strongly consider the method (technique) employed to achieve that objective that is the least intrusive available (particularly if there is the potential to intrude onstill aggrieved by the government's retention of his records is "extremely troubling" given that the government is a divertion of his records is "extremely troubling" given that the government is a click the the divertion objective (i	1	¶ L at 52:4-8.	
3 returned, except plaintiffs Michael 4 Storc and Jeni Verdon-Pearsons who assert that \$2,000 was in their USPV 5 box that has not been returned and plaintiffs Travis May and Joseph Ruiz who admit that substitute funds in an amount equaling or exceeding the funds 8 continued retention of their personal information, including information regarding the contents of their safe- deposit boxes and other information obtained only due to the fact that the government ignored the limits of its seizure warrant at US Private Vaults. 7 anount equaling or exceeding the funds 8 in their box have been returned but the actual bills stored inside their box have not. Rodgers Decl., Exs. M at 361:10- 362:12; Ex. P at 377:23-378:19; Ex. X at 425-426; Ex. Y at 430-433; Ex. S at 398:2-15; Ex. T at 404:16-405:8; 407:23-408:7; Ex. V at 417:9-418:10;. Chi, Gothier Decl. at ¶ 12 ("knowing that anonymous government agents have knowledge of and access to my personal details is a significant invasion of my privacy"); Ruiz Decl. at ¶ 21 (stating that the government's retention of his records is "extremely troubling" given that the government ad "already used that information once to investigate me, accuse me of criminal wrongdoing, and cast shade on my name")). 18 50. Section 4.1.1(E) of the DIOG section titled Privacy And Civil Liberties, And Least Intrusive means that do not otherwise compromise FBI operations. Assuming a lawful intelligence or evidence collection objective (i.e., an authorized purpose), strongly consider the method (technique) employed to achieve that objective that is the least in thrus varialable (particularly if there is the potential to intrude on 50. Uncontested	2	-	-
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11at 425-426; Ex. Y at 430-433; Ex. S at 398:2-15; Ex. T at 404:16-405:8; 407:23-408:7; Ex. V at 417:9-418:10;.("knowing that anonymous government agents have knowledge of and access to my personal details is a significant invasion of my privacy"); Ruiz Decl. at ¶ 21 (stating that the government's retention of his records is "extremely troubling" given that the government had "already used that information once to investigate me, accuse me of criminal wrongdoing, and cast shade on my name")).1850. Section 4.1.1(E) of the DIOG section titled Privacy And Civil Liberties, And Least Intrusive Methods (the "LIM") provides:50. Uncontested21Employ the least intrusive means that do not otherwise compromise FBI operations. Assuming a lawful intelligence or evidence collection objective (i.e., an authorized purpose), strongly consider the method (technique) employed to achieve that objective that is the least intrusive available (particularly if there is the potential to intrude on50.		C I	
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 407:23-408:7; Ex. V at 417:9-418:10;. my personal details is a significant invasion of my privacy"); Ruiz Decl. at ¶ 21 (stating that the government's retention of his records is "extremely troubling" given that the government had "already used that information once to investigate me, accuse me of criminal wrongdoing, and cast shade on my name")). 50. Section 4.1.1(E) of the DIOG section titled Privacy And Civil Liberties, And Least Intrusive Methods (the "LIM") provides: Employ the least intrusive means that do not otherwise compromise FBI operations. Assuming a lawful intelligence or evidence collection objective (i.e., an authorized purpose), strongly consider the method (technique) employed to achieve that objective that is the least intrusive available (particularly if there is the potential to intrude on 	11		
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17 my name")). 18 50. Section 4.1.1(E) of the DIOG section titled Privacy And Civil Liberties, And Least Intrusive Methods (the "LIM") provides: 50. Uncontested 20 (the "LIM") provides: 20 21 Employ the least intrusive means that do not otherwise compromise FBI operations. Assuming a lawful intelligence or evidence collection objective (i.e., an authorized purpose), strongly consider the method (technique) employed to achieve that objective that is the least intrusive available (particularly if there is the potential to intrude on			-
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 20 (the "LIM") provides: 21 <u>Employ the least intrusive means that</u> 22 do not otherwise compromise FBI 23 <u>operations.</u> 24 evidence collection objective (i.e., an 25 authorized purpose), strongly consider 26 the method (technique) employed to 26 achieve that objective that is the least 27 intrusive available (particularly if there 28 is the potential to intrude on 	19	•	
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 do not otherwise compromise FBI operations. Assuming a lawful intelligence or evidence collection objective (i.e., an authorized purpose), strongly consider the method (technique) employed to achieve that objective that is the least intrusive available (particularly if there is the potential to intrude on 	21	Employ the least intrusive means that	
 23 <u>operations.</u> 23 Assuming a lawful intelligence or 24 evidence collection objective (i.e., an 25 authorized purpose), strongly consider 26 achieve that objective that is the least 27 intrusive available (particularly if there 27 is the potential to intrude on 	22		
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 26 achieve that objective that is the least 27 intrusive available (particularly if there is the potential to intrude on 	25		
27 intrusive available (particularly if there is the potential to intrude on	26		
is the potential to intrude on		0	
-	27	<u> </u>	
	28	-	

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1	sound and effective. Rodgers Decl. Ex.	
2	Ex. I at 309, 323, 326.	
3	51. Section 4.4.1 of the LIM provides "[t]his [LIM] principle is not	51. Uncontested that this accurately reflects Section 4.4.1 of the LIM
4	intended to discourage FBI employees	contained in the DIOG. But Plaintiffs
5	from seeking relevant and necessary information, but rather is intended to	dispute that the sort of information sought by the government, including
6	encourage investigators to choose the	drug-dog sniffs and information
7	least intrusive-but still reasonable- means from the available options to	regarding the sight and smell of any currency, was "relevant and necessary
8	obtain the information." Rodgers Decl.	information," as its purpose was to
9	Ex. I at 309, 323, 326.	facilitate the use of civil forfeiture, not
10		reuniting box renters with their property. (<i>See, e.g</i> , Versoza Dep., ECF
		112-20, Ex. L at 1153:22-1154:12
11		(admitting that drug dog alert on
12		currency does not help identify the owner or forestall claims of theft and
13		loss)). Likewise, the "Agent
14		Observations and Notes" form had no
15		place to record information that would be used to defend against claims of
16		theft and loss. (Agent Observations and
17		Notes, ECF 112-25, Ex. Q at 1627). Indeed, Inspector Versoza characterized
18		"the seizure warrant is just it's not the
19		end of it, it's just another tool in our gathering of of evidence." (Versoza
20		Dep., ECF 112-20, Ex. L at 1128:16-
21	52. Section 4.4.5 of the LIM	19).52. Uncontested that this accurately
22	provides "[i]n the final analysis,	reflects Section 4.4.5 of the LIM
	choosing the method that must [sic]	contained in the DIOG.
23	appropriately balances the impact on	
24	privacy and civil liberties with	
25	operational needs, is a matter of judgment, based on training and	
26	experience."	
27	Rodgers Decl. Ex. I at 309, 323, 326.	52 Uncontested that the acousts
28	53. Agents considered alternatives to seizing the nests of safety deposit	53. Uncontested that the agents considered some alternatives to seizing
_0	seizing the nests of safety deposit	considered some alternatives to seizing

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1	boxes, including nuisance abatement	the nest, although Plaintiffs dispute the
2	and the FBI taking over USPV, but	seriousness with which these
3	concluded those were not feasible and	alternatives were considered. Inspector
3	less effective than seizing USPV's	Versoza testified, for instance, that the
4	business equipment and immediately terminating USPV's operations.	government did "not really" consider alternatives to executing the seizure
5	Rodgers Decl. Ex. GG at 128:14-	warrant. (Versoza Dep., ECF 112-20,
6	129:13;130:6-24.	Ex. L at 1132:19–1133:2). He
	,	explained that when planning to
7		execute the USPV seizure warrant, they
8		"were working on orders above us,"
9		meaning instructions from the U.S.
		Attorney's Office or management of the FPL (Verseze Den, ECE 112, 20
10		the FBI. (Versoza Dep., ECF 112-20, Ex. L at 1135:10–25) And Special
11		Agent Zellhart testified that the
12		government did not consider the option
13		of appointing a receiver to wind down
15		USPV's operations and return box
14		holders' property without the need to
15		search the boxes. (Zellhart Dep., ECF 112-19, Ex. K at 899:9–13; Zellhart
16		30(b)(6) Dep., ECF 112-21, Ex. M at
		1230:20–24).
17	54. Agents found firearms,	54. Uncontested that agents found the
18	ammunition and fentanyl in boxes	items described here. The government
19	during the inventory at USPV. Zellhart	has also admitted that it has returned
	Decl. ¶ 6; Exs. DD and EE.	the contents of about 430 safe-deposit
20		boxes. (Zellhart 30(b)(6) Dep., ECF 112-21, Ex. M at 1268:4-13; 1271:9-
21		13).
22	55. None of the plaintiffs who have	55. Plaintiffs do not contest that they do
23	claimed they are fearful of a cyber	not have evidence of a cyber breach,
	breach have any evidence that there has	but would note that they would have no
24	been any cyber breach of any of the	way to determine if any such cyber
25	inventory records. Rodgers Decl. Ex. Ex. M at 364:8-19; 365:13-366:2; Ex. P	breach occurred.
26	at 380:18-381:14; Ex. R at 392:2-13.	
	56. None of the plaintiffs who claim	56. Plaintiffs do not contest that they do
27	to be fearful that a rogue agent may	not have evidence of rogue agents
28	misuse the inventory information, are	accessing or misusing their inventory

1	aware of any facts that a rogue agent	information, but would note that they
2	has leaked any information or used the	would have no way to determine if any
3	information from the inventory to	such misuse occurred.
	publicly shame them or to share it with	
4	plaintiffs' business or political rivals. Rodgers Decl. Ex. M at 364:8-19;	
5	365:13-366:2; Ex. P at 380:18-381:14;	
6	Ex. R at 392:2-13	
	57. None of the plaintiffs have any	57. Plaintiffs dispute this statement of
7	personal knowledge of the government	fact. The government has already
8	conducting a criminal investigation	described in detail how it used the
9	against them as a result of the	information it gathered from seizing
	knowledge it gained from the contents of their box. Rodgers Dec. Ex. M at	Plaintiff Joseph Ruiz's box to investigate whether the cash seized
10	364:8-19; 365:13-366:2; Ex. P at	from his box was connected to criminal
11	380:18-381:14; Ex. R at 392:2-13.	activity, including by running
12		information obtained from Ruiz as part
13		of the claim process through various
		databases. (<i>See</i> Zellhart Decl., ECF 64-
14		1; <u>see also</u> Ruiz Decl. ¶¶ 15-17 (describing experience of being
15		investigated), 21 (stating that he is
16		worried, based on government's prior
17		actions that it "may do so again").
	58. None of the plaintiffs have any	58. Plaintiffs do not contest that they do
18	personal knowledge that the	not have evidence that the government
19	government intends in the future to	may intend to criminally investigate
20	conduct a criminal investigation against them as a result of the knowledge it	them in the future, but would note that they would have no way to determine if
	gained from the contents of their box.	such an investigation was occurring.
21	Rodgers Dec. Ex. Ex. M at 364:8-19;	
22	365:13-366:2; Ex. P at 380:18-381:14;	
23	Ex. R at 392:2-13.	
	59. According to plaintiffs Paul and	59. Uncontested that Paul and Jennifer
24	Jennifer Snitko's answers to the government's interrogatories, each of	Snitko, a married couple, both stated the following when asked to state "all
25	them will suffer the exact same harm if	facts to support your contention that
26	the defendants' are allowed to retain the	you have suffered harm as a result of
27	inventory records created during the	defendant's retention of records created
	search at USPV. Rodgers Decl. Ex. Z	during the search at USPV":
28	at 434. 437 and Ex. AA at 441, 443-	

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1	444to Interrog. No. 14).	RESPONSE: Like all Americans, I
2		have a right to not have the government
3		seize and hold private information
		concerning my affairs in violation of the Fourth Amendment. I am injured
4		because the government is retaining
5		information that it has no right to
6		possess and may use that information
		for its criminal investigative purposes.
7		Knowing that the government has
8		copies of very personal information
9		about my family and me—and seems to
9		want to retain that information
10		forever—is very emotionally
11		distressing. My mind races at the
		improper uses the government may
12		make of that information: Will they use
13		it to criminally investigate me again?
1.4		Will a rogue agent use it to publicly shame me, or share it with business or
14		political rivals? What if the records are
15		lost, mishandled, or subject to a
16		cyberbreach? These possibilities cause
		me severe distress. The government
17		should not have these records at all
18		because they are the result of an illegal
19		intrusion into my privacy. The
		government's initial violation of my
20		privacy and investigation of me shook
21		me to my core. I shudder every day at the thought that the government will
22		use what it learned from that improper
23		search and investigation against me in
		some way in the future.
24	60. According to plaintiffs Michael	60. Uncontested that Michael Storc and
25	Store and Jeni Verdon-Pearsons'	Jeni Verdon-Pearsons, a married couple, both stated the following when
26	answers to the government's interrogatories, each of them will suffer	asked to state "all facts to support your
	the exact same harm if the defendants'	contention that you have suffered harm
27	are allowed to retain the inventory	as a result of defendant's retention of
28	records created during the search at	

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1 2	USPV. Rodgers Decl. Ex. BB at 448, 450-51 and Ex. CC at 455, 457-58.	records created during the search at USPV":
3		RESPONSE: Like all Americans, I
4		have a right to not have the government
5		seize and hold private information concerning my affairs in violation of
6		the Fourth Amendment. I am injured
7		because the government is retaining information that it has no right to
8		possess and may use that information
9		for its criminal investigative purposes. I
10		am deeply worried about the government's continued retention of
11		records created during its search and
12		seizure of my safe-deposit box at USPV because I have no way of knowing to
12		what the government will use those
		records for and what the downstream consequences for me will be. The
14		government already conducted a
15		criminal investigation into me and
16		sought to civilly forfeit my legally obtained property after it illegally
17		searched and seized my safe-deposit
18		box. I am a law-abiding citizen, but the government's investigating me was a
19		very scary process. I am fearful that the
20		government will use the records it is retaining—that it never should have
21		obtained in the first place—to
22		wrongfully subject me to investigation
23		all over again.
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	m.0100
1	
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10	UNITEĎ STATES OF AMERICA and
11	TRACY L. WILKISON and KRISTI KOONS JOHNSON IN
12	THEIR OFFICIAL CAPACITY ONLY
13	
14	
15	In compliance with Local Rule 5-4.3.4(a)(2)(i), I hereby attest that all other
16	signatories listed, on whose behalf the filing is submitted, concur in the filing's
17	content and have authorized the filing.
18	DATED: August 9, 2022
19	By: <u>/s/ Robert Frommer</u> Robert Frommer
20	Robert Frommer Attorney for Plaintiffs
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22	
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