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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION
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14 UNITED STATES OF AMERICA,) CIVIL CASE NO. 4:20-CV-07537 DMR
15 Plaintiff,) STIPULATION OF SETTLEMENT
16 v.)
17 TWO ONE-THOUSAND-FIVE-HUNDRED-)
18 POUND, HAND-CARVED LINTELS)
19 REMOVED FROM RELIGIOUS TEMPLES)
20 IN THAILAND,)
21 Defendants.)

22 IT IS HEREBY STIPULATED by and between plaintiff United States of America (“United States”) and claimant, the City and County of San Francisco (“Claimant,” collectively the “parties”), through their
23 respective counsel of record, to stipulate to their interests in the following described defendant properties:

- 25 a. One one-thousand-five-hundred-pound, hand-carved lintel from the Prasat Nong Hong Temple, in Non Din Daeng District, Buriram Province, Thailand; and
- 26 b. One one-thousand-five-hundred-pound, hand-carved lintel from the Prasat Khao Lon Temple, in Ta Phraya District, Sa Kaeo Province, Thailand;

1 hereinafter the “defendant properties.”

2 1. On October 27, 2020, plaintiff United States of America filed its complaint for forfeiture
3 against the defendant properties. The complaint is incorporated by reference and is set forth at docket
4 number 1 in this matter. Notice has been sent to the City and County of San Francisco, as it is the only
5 identifiable claimant to the property besides the Kingdom of Thailand. The Kingdom of Thailand has
6 agreed to seek remission and repatriation of the instant property upon its forfeiture to the United States
7 through the Department of Justice’s administrative petition-and-remission procedures. The parties agree
8 and stipulate to waiver of any further notice or service of a warrant for the arrest of an article *in rem*.

9 2. The parties agree that the resolution of this lawsuit is based solely on the terms stated in this
10 stipulation of settlement. It is expressly understood that this stipulation of settlement has been freely and
11 voluntarily entered into by the parties. The parties further agree that there are no express or implied terms
12 or conditions of settlement, whether oral or written, other than those set forth in this stipulation of
13 settlement. This stipulation of settlement shall not be modified or supplemented except in writing signed
14 by the parties. The parties have entered into this stipulation of settlement in lieu of engaging in protracted
15 litigation.

16 3. Claimant consents to the forfeiture of the defendant properties to the United States without
17 further notice to claimant. Forfeiture of the defendant properties shall occur upon completion of the Asian
18 Art Museum’s deaccessioning process regarding the defendant properties. The deaccessioning process,
19 while not legally required, comports with the protocols and procedures in place at the Asian Art Museum
20 and the parties agree are appropriate in this matter. Upon completion of the deaccessioning process,
21 Claimant will relinquish all right, title, and interest in the defendant properties and agrees that said
22 properties shall be forfeited to the United States and disposed of according to law, with all expenses borne
23 by the United States after the United States takes possession of the defendant properties, which shall occur
24 promptly after Claimant gives notice to the United States that the defendant properties have been
25 deaccessioned.

26 4. This stipulation of settlement and forfeiture of the defendant properties do not constitute
27 any admission of wrongdoing or liability, for any purpose by any party or claimant, and shall have no
28 binding, preclusive, or other effect in any proceeding or for any purpose in any other legal actions or

1 proceedings involving the defendant properties. Forfeiture of the defendant properties is a legal remedy to
2 extinguish all ownership rights and shall not be construed as a punishment or penalty.

3 5. Upon entry of this Stipulation of Settlement by the Court, the action shall be stayed. Upon
4 completion of the Asian Art Museum's deaccessioning process, forfeiture of defendant properties,
5 provision of the defendant properties to the United States, and notice to the Court, the action shall be
6 dismissed with prejudice. If the deaccessioning process is not completed and the lintels are not available
7 for forfeiture by April 9, 2021, this action shall resume. The Court shall retain jurisdiction to enforce the
8 terms of this settlement.

9 6. Claimant is not liable for any damage to the defendant properties after the United States
10 takes possession of the defendant properties. Claimant remains liable for any damage to the defendant
11 properties that occurs prior to the United States taking possession.

12 7. The parties acknowledge their understanding that The Kingdom of Thailand has agreed to
13 seek remission and repatriation of the defendant properties upon their forfeiture to the United States through
14 the Department of Justice's administrative petition-and-remission procedures.

15 8. The parties agree that each party shall pay its own attorneys' fees and costs.

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17 IT IS SO STIPULATED:

18 Dated: February 4, 2021

19 _____
20 /s/
21 KESLIE STEWART
22 LAUREN CURRY
23 KEVIN YEH
24 Attorneys for the City and County of San Francisco

25 Dated: February 4, 2021

26 _____
27 /s/
28 CHRIS KALTSAS
AMANDA M. BETTINELLI
Assistant United States Attorneys

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.

2 Dated:

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HON. DONNA M. RYU
United States Magistrate Judge

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