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7 By: Gary J. Cohen, # 15002
8 2-16/lav

9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT

11 DISTRICT OF ARIZONA

12 STARWOOD MANAGEMENT, LLC,

13 Plaintiff,

14 -vs-

15 UNITED STATES OF AMERICA:
16 DEPARTMENT OF JUSTICE DRUG
17 ENFORCEMENT AGENCY,

18 Defendant.

No.

COMPLAINT
(Asset ID: 12-DEA-559787)

19
20 Plaintiff STARWOOD MANAGEMENT, LLC, a Nevada limited liability company
21 (“Starwood”), files this its Original Complaint against Defendant UNITED STATES OF
22 AMERICA: DEPARTMENT OF JUSTICE DRUG ENFORCEMENT AGENCY (the
23 “Government”), and for its causes of action and claims for relief would respectfully show
24 the Court as follows:
25
26

1 **PARTIES**

2 1. Plaintiff Starwood Management, LLC is a limited liability company duly organized
3 according to the laws of the State of Nevada, with its principal place of business located in
4 Las Vegas, Nevada.

5 2. Defendant United States of America: Department of Justice Drug Enforcement
6 Agency may be served with process pursuant to Rule 4(i) of the Federal Rules of Civil
7 Procedure by serving (1) the Office of the Secretary of Commerce, Gary Locke, U.S.
8 Department of Commerce, 1401 Constitution Ave., NW, Washington, DC 20230; (2) the
9 Office of U.S. Attorney General Department of Justice, Eric H. Holder, 950 Pennsylvania
10 Avenue, NW, Washington, DC 20530-0001; and (3) the U.S. Attorney for the District of
11 Arizona, Ann Birmingham Scheel, Two Renaissance Square, 40 N. Central Avenue, Suite
12 1200, Phoenix, AZ 85004-4408.

13 **JURISDICTION AND VENUE**

14 3. This Court has subject matter jurisdiction pursuant to 28 U.S.C.A. §1331, and 28
15 U.S.C. §1332(a), as this is a civil action arising under the Constitution, and as the matter in
16 controversy exceeds the sum of \$75,000, exclusive of interest and costs, and is between
17 citizens of different countries.

18 4. This Court also has subject matter jurisdiction pursuant to 18 U.S.C. §983 as this is a
19 petition contesting the forfeiture of an asset pursuant to 18 U.S.C. §983.

20 5. Venue is proper in this district pursuant to 28 U.S.C. §1395(b) and 18 U.S.C. §981.

21 **FACTS**

22 6. On or about February 3, 2012, a 1982 Gulfstream American Corporation G-1159,
23 Serial Number 347, **Asset ID # 12-DEA-559787** (the "Aircraft"), was seized in Tuscon,
24 Arizona for an alleged violation of 49 U.S.C. §46306.
25
26

1 7. The owner of the seized Aircraft is Starwood Management, LLC. Starwood was the
2 owner when the aircraft was initially registered with the FAA and at the time the Aircraft
3 was seized. The only member of Starwood Management, LLC is its manager, Norma
4 Gonzalez.

5 8. When the Aircraft was formerly registered with the FAA by Starwood Management,
6 LLC, the documents were signed by Mr. Ed Nunez, operating through a power of attorney
7 given to Mr. Nunez by Starwood. Mr. Nunez is not a United States citizen. Starwood has
8 submitted a new application for registration with the FAA, signed by Ms. Gonzalez, on
9 behalf of Starwood Management. (See Exhibit A). Ms. Gonzalez is a United States citizen.

10 **COUNT ONE**
11 **CONTEST OF FORFEITURE**

12 9. Starwood contests the forfeiture of the Aircraft because it is innocent within the
13 meaning of the innocent owner standard as provided in Title 18 U.S. Code Section 983(d).
14 Upon learning of the conduct giving rise to the forfeiture, Starwood did all that reasonably
15 could be expected under the circumstances to terminate such use of the property.
16 Specifically, when Starwood learned that the signing of the FAA registration document by
17 Ed Nunez was a possible violation of federal law, Starwood re-submitted registration
18 documents executed by the sole member of Starwood, Norma Gonzalez.

19 10. Starwood requests that the Government promptly file a complaint for forfeiture
20 establishing, by a preponderance of the evidence, that the Aircraft is subject to forfeiture,
21 and if the Government's theory of forfeiture is that the property was used to commit or
22 facilitate the commission of a criminal offense, or was involved in the commission of a
23 criminal offense, that the Government establish that there was a substantial connection
24 between the property and the offense.

25 11. Starwood requests that the Government return the property pending the filing of any
26 complaint.

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12. WHEREFORE, STARWOOD MANAGEMENT LLC respectfully requests that the Court enter judgment that the forfeiture be overturned and the Aircraft be returned to Starwood, and for such other and further relief, general and special, at law or in equity, to which the Court finds Starwood Management, LLC lawfully entitled.

Dated April 18, 2012.

MESCH, CLARK & ROTHSCHILD, P.C.

By s/Gary J. Cohen
Gary J. Cohen
Attorneys for Plaintiff

VERIFICATION

1
2 I, Norma Gonzalez, understand that the information provided in support of this
3 Original Complaint will be relied upon for purposes of determining my right to return of
4 the forfeited property. I hereby declare under penalty of perjury under the laws of the
5 United States of America that I have fully reviewed the Original Complaint and that it is
6 truthful and accurate in every respect.
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9 
10 Starwood Management, LLC
11 By: Norma Gonzalez, sole member

12 Executed on: April 18, 2012

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CIVIL COVER SHEET

The JS 44 civil coversheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
(b) County of Residence of First Listed Plaintiff
(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS
County of Residence of First Listed Defendant
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1 Incorporated or Principal Place of Business In This State
2 2 Incorporated and Principal Place of Business In Another State
3 3 Foreign Nation
4 4
5 5
6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)
CONTRACT
110 Insurance
120 Marine
130 Miller Act
140 Negotiable Instrument
150 Recovery of Overpayment & Enforcement of Judgment
151 Medicare Act
152 Recovery of Defaulted Student Loans (Excl. Veterans)
153 Recovery of Overpayment of Veteran's Benefits
160 Stockholders' Suits
190 Other Contract
195 Contract Product Liability
196 Franchise
TORTS
PERSONAL INJURY
310 Airplane
315 Airplane Product Liability
320 Assault, Libel & Slander
330 Federal Employers' Liability
340 Marine
345 Marine Product Liability
350 Motor Vehicle
355 Motor Vehicle Product Liability
360 Other Personal Injury
362 Personal Injury - Med. Malpractice
PERSONAL INJURY
365 Personal Injury - Product Liability
367 Health Care/Pharmaceutical Personal Injury Product Liability
368 Asbestos Personal Injury Product Liability
370 Other Fraud
371 Truth in Lending
380 Other Personal Property Damage
385 Property Damage Product Liability
FORFEITURE/PENALTY
625 Drug Related Seizure of Property 21 USC 881
690 Other
LABOR
710 Fair Labor Standards Act
720 Labor/Mgmt. Relations
740 Railway Labor Act
751 Family and Medical Leave Act
790 Other Labor Litigation
791 Empl. Ret. Inc. Security Act
BANKRUPTCY
422 Appeal 28 USC 158
423 Withdrawal 28 USC 157
PROPERTY RIGHTS
820 Copyrights
830 Patent
840 Trademark
SOCIAL SECURITY
861 HIA (1395ff)
862 Black Lung (923)
863 DIWC/DIWW (405(g))
864 SSID Title XVI
865 RSI (405(g))
FEDERAL TAX SUITS
870 Taxes (U.S. Plaintiff or Defendant)
871 IRS—Third Party 26 USC 7609
OTHER STATUTES
375 False Claims Act
400 State Reapportionment
410 Antitrust
430 Banks and Banking
450 Commerce
460 Deportation
470 Racketeer Influenced and Corrupt Organizations
480 Consumer Credit
490 Cable/Sat TV
850 Securities/Commodities/Exchange
890 Other Statutory Actions
891 Agricultural Acts
893 Environmental Matters
895 Freedom of Information Act
896 Arbitration
899 Administrative Procedure Act/Review or Appeal of Agency Decision
950 Constitutionality of State Statutes
REAL PROPERTY
210 Land Condemnation
220 Foreclosure
230 Rent Lease & Ejectment
240 Torts to Land
245 Tort Product Liability
290 All Other Real Property
CIVIL RIGHTS
440 Other Civil Rights
441 Voting
442 Employment
443 Housing/Accommodations
445 Amer. w/Disabilities - Employment
446 Amer. w/Disabilities - Other
448 Education
PRISONER PETITIONS
510 Motions to Vacate Sentence
Habeas Corpus:
530 General
535 Death Penalty
540 Mandamus & Other
550 Civil Rights
555 Prison Condition
560 Civil Detainee - Conditions of Confinement
IMMIGRATION
462 Naturalization Application
463 Habeas Corpus - Alien Detainee (Prisoner Petition)
465 Other Immigration Actions

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from another district (specify)
6 Multidistrict Litigation

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Brief description of cause:

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
DEMAND \$
CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY
(See instructions): JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.**

Example: U.S. Civil Statute: 47 USC 553
Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

EXHIBIT "A"



Federal Aviation Administration
P.O. Box 25504
OKC, OK 73125
Attn: Linda Ayasch

February 16, 2012

Reference: N39LF, Gulfstream American Corp G-1159A, S/n 347

To whom it May Concern:



The Application for Registration that was filed on May 31, 2011 with the FAA has the wrong signature as the person signing was not the correct signor. Please accept this Application for Registration in its place.

Thanks,


Aundrea Jones
Document Specialist

FILED WITH FAA
AIRCRAFT REGISTRATION BR
2012 FEB 16 AM 11 00
OKLAHOMA CITY
OKLAHOMA

FORM APPROVED
OMB No. 2120-0042

UNITED STATES OF AMERICA DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION-MIKE MONRONEY AERONAUTICAL CENTER AIRCRAFT REGISTRATION APPLICATION		CERT: ISSUE DATE	
UNITED STATES REGISTRATION NUMBER N 39LF			
AIRCRAFT MANUFACTURER & MODEL Gulfstream American Corp. G-1159A			
AIRCRAFT SERIAL No. 347		FOR FAA USE ONLY	
TYPE OF REGISTRATION (Check One box)			
<input type="checkbox"/> 1. Individual <input type="checkbox"/> 2. Partnership <input checked="" type="checkbox"/> 3. Corporation <input type="checkbox"/> 4. Co-Owner <input type="checkbox"/> 5. Government <input type="checkbox"/> 8. Non-Citizen Corporation <input type="checkbox"/> 9. Non-Citizen Corporation Co-Owner			
NAME OR APPLICANT (Person(s) shown on evidence of ownership. If individual, give last name, first name, and middle initial.)			
 Starwood Management, LLC			
TELEPHONE NUMBER: ()			
ADDRESS (Permanent mailing address for first applicant on list) (If P.O. Box is used, physical address must also be shown.)			
Number and street: 3540 W. Sahara Ave., Suite 202			
Rural Route:		P.O. Box:	
CITY Las Vegas	STATE NV	ZIP CODE 89102-5816	
<input type="checkbox"/> CHECK HERE IF YOU ARE ONLY REPORTING A CHANGE OF ADDRESS ATTENTION! Read the following statement before signing this application. This portion MUST be completed. A false or dishonest answer to any question in this application may be grounds for punishment by fine and/or imprisonment (U.S. Code, Title 18, Sec. 1001).			
<u>CERTIFICATION</u>			
I/WE CERTIFY:			
(1) That the above aircraft is owned by the undersigned applicant, who is a citizen (including corporations) of the United States. (For voting trust, give name of trustee: _____), or:			
CHECK ONE AS APPROPRIATE:			
a. A resident alien, with alien registration (Form 1-151 or Form 1-551) No. _____			
b. A non-citizen corporation organized and doing business under the laws of (state) _____ and said aircraft is based and primarily used in the United States. Records or flight hours are available for inspection at _____			
(2) That the aircraft is not registered under the laws of any foreign country; and (3) That legal evidence of ownership is attached or has been filed with the Federal Aviation Administration.			
NOTE: If executed for co-ownership all applicants must sign. Use reverse side if necessary.			
TYPE OR PRINT NAME BELOW SIGNATURE			
EACH PART OF THIS APPLICATION MUST BE SIGNED IN INK.	SIGNATURE 	TITLE Manager	DATE 2-16-12
	SIGNATURE Norma Gonzalez	TITLE	DATE
	SIGNATURE	TITLE 120471107185 \$5.00 02/16/2012	DATE
NOTE Pending receipt of the Certificate of Aircraft Registration, the aircraft may be operated for a period not in excess of 90 days, during which time the PINK copy of this application must be carried in the aircraft.			

FILED WITH FAA
AIRCRAFT REGISTRATION BR
2012 FEB 16 AM 11 00
OKLAHOMA CITY
OKLAHOMA