

UNITED STATES DISTRICT COURT IN AND FOR
EASTERN DISTRICT OF NEW YORK
BROOKLYN DIVISION

UNITED STATES OF AMERICA
Plaintiff

)
)
) Case No. 19-cv-00377
)
) Hon. William F. Kuntz
)

vs.

DELTORA ENTERPRISES GROUP CO. LTD,
GONZALO EDUARDO MONTEVERDE BUSSALLEU)
MARIA ISABEL CARMONA BERNASCONI)
Claimants)

All Assets Held in the Raymond James)
& Associates account number 29394539)
in the name of beneficial account holder)
Deltora Enterprises Group Co. Ltd.)

Defendant *in rem*)

_____)

CLAIMANTS’ MOTION TO LIFT THE STAY

CLAIMANTS, through undersigned counsel, and pursuant to Local Rule 7.1
file this Motion to Lift the Stay and incorporated Memorandum of Law.

The Government first took possession and control over Claimants assets in
June of 2017, nearly 3 years ago. The Government then filed the instant civil

forfeiture action 19 months later, which was approximately 14 months ago and then promptly moved for a stay of the action which has now lasted close to a year.

Within the last few weeks, the COVID-19 virus has infected Thousands of people, including in the United States and in New York posing a global health crisis to every citizen. Courts have closed or have rigorous procedures intact for visitors, for good reason. Naturally, such closures deprive litigants of any access to the courts or trial dates or pre-trial motion hearings. This is especially true in the instant case given that Claimants, who reside in Peru, have had no meaningful opportunity to challenge the seizure of their property in this action due to the stay which has been intact for approximately one year, staying the entire proceeding. Further, at least one pending *dispositive* motion, which raises constitutional concerns, was filed more than a year ago and has been the subject of the stay. Dkt. 14 (filed 3/13/19).

Accordingly, for the reasons set forth herein and in the incorporated Memorandum of Law, Claimants respectfully submit that this Honorable Court lift the stay on the entire proceeding as soon as the Eastern District of New York resumes normal trial procedures in civil cases and that this Honorable Court lift the stay to hear Claimants pending Motion to Dismiss (Dkt. 14), order the Government to respond to the pending Due Process Motion (Dkt. 14) in Fourteen (14) days, and schedule a date in the future during which the parties may appear telephonically to argue the Motion (Dkt. 14) on a date set by the court. Further, your Honor should

set a briefing schedule for all pre-trial motions, including motions to dismiss so that those motions may be heard in the next 45-90 days.

Respectfully submitted,

s/Andrew S. Feldman
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing was filed this day via CM/ECF and served on all counsel of record appearing on CM/ECF.

s/Andrew S.Feldman