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CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT CALIF.
SANTA ANA

BY: _____

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 11 United States of America

12 UNITED STATES DISTRICT COURT
 13 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 14 SOUTHERN DIVISION

16 UNITED STATES OF AMERICA,)	NO. SACW08-00995 CJC (ANx)
)	
17 Plaintiff)	<u>COMPLAINT FOR FORFEITURE</u>
)	
18 v.)	21 U.S.C. § 881(a)(4).
)	
19 ONE 1993 GULFSTREAM AEROSPACE)	[F.B.I.]
20 G-IV AIRCRAFT)	
)	
21 Defendant.)	

22 For its claims against the defendant aircraft, plaintiff
 23 United States of America alleges:

24 JURISDICTION AND VENUE

- 25 1. This is a civil in rem forfeiture action pursuant to
 26 21 U.S.C. § 881(a)(4).
 27 2. This Court has subject matter jurisdiction under 28
 28 U.S.C. §§ 1345 and 1355.

1 3. Venue lies in this district pursuant to 28 U.S.C.
2 §§ 1355(b) and 1395.

3 PERSONS AND ENTITIES

4 4. Plaintiff is the United States of America
5 ("plaintiff" or the "government")

6 5. The defendant is One 1993 Gulfstream Aerospace G-IV
7 Aircraft, serial number 1211, N-Number N2107Z, (hereafter, the
8 "G-IV").

9 6. The interests of Henry T. Nicholas ("Nicholas"), NS
10 Holdings, LLC ("NS Holdings"), and Air Prestigio, LLC ("Air
11 Prestigio") may be adversely affected by these proceedings.

12 7. The G-IV was seized in this district by the Federal
13 Bureau of Investigation ("FBI") on July 16, 2008. It is
14 presently in the custody of the United States Marshals
15 Service, and will remain subject to the court's jurisdiction
16 during the pendency of this action.

17 FACTS SUPPORTING FORFEITURE

18 8. Broadcom Corporation co-founder Henry T. Nicholas
19 ("Nicholas") distributed ecstasy, cocaine, methamphetamine and
20 other controlled substances from 1999 to 2007, and used the G-
21 IV to transport controlled substances to various locations,
22 both domestically and internationally, for further
23 distribution. In June 2008, Nicholas was indicted and
24 arrested on various drug trafficking charges.

25 9. Broadcom is a publicly held technology company
26 headquartered in Irvine, California. Nicholas co-founded
27 Broadcom and, from approximately 1998 through 2003, served as
28 its Chief Executive Officer and co-chairman of its Board of

1 Directors. Nicholas owns a penthouse in Las Vegas (the "Las
2 Vegas residence") through a holding company (Britz Properties,
3 LLC). In addition, Nicholas owns and maintains a residence in
4 Newport Beach, California (the "Newport Beach residence")
5 through a holding company (Caldicot Properties, LLC). NS
6 Holdings LLC ("NS Holdings"), a holding company owned by
7 Nicholas, owns Air Prestigio, which in turn has owned the G-IV
8 since January 2003. The G-IV was quartered primarily at John
9 Wayne Airport in Orange County, California, where Nicholas
10 resides and works.

11 10. Between 1999 and 2007, Nicholas made regular
12 purchases of controlled substances, including ecstasy,
13 cocaine, and methamphetamine ("meth"). Nicholas distributed
14 these drugs to friends, party guests, and Broadcom customers
15 and employees. Controlled substances were a regular part of
16 Nicholas's business activities at Broadcom. Nicholas hosted
17 parties in connection with technology trade shows at which he
18 supplied Broadcom customers and others with controlled
19 substances. Nicholas also maintained a regular supply of
20 ecstasy, cocaine, and other controlled substances for
21 distribution to others, and to supply premises Nicholas
22 maintained for the purpose of using and distributing such
23 substances. These premises included but were not limited to a
24 warehouse in Laguna Niguel (the "Warehouse"), the Las Vegas
25 residence, and the Newport Beach residence.

26 11. In 2000, Nicholas built out and maintained the
27 Warehouse as a place to party with controlled substances.
28 Nicholas hosted numerous parties at the Warehouse during which

1 he supplied controlled substances such as cocaine, ecstasy,
2 and marijuana to his guests. After the Warehouse was shut
3 down in 2002, Nicholas held similar parties on a regular basis
4 at the Las Vegas residence. On many occasions between 2003
5 and 2007, Nicholas used the G-IV to transport large quantities
6 of controlled substances for use at the parties he conducted
7 at the Las Vegas residence and other locations. Nicholas (or
8 agents acting at his direction) also used the G-IV to
9 transport large of quantities of U.S. Currency to Las Vegas to
10 purchase narcotics for distribution to others at the Las Vegas
11 residence.

12 CLAIM FOR RELIEF

13 12. Plaintiff repeats and realleges each and every
14 allegation set forth in paragraphs 1 through 10, above.

15 13. Based on the above facts, the government alleges
16 that the that the G-IV was used to facilitate multiple
17 violations of 21 U.S.C. §§ 841(a)(1) (Possession with Intent
18 to Distribute a Controlled Substance) and 856(a)(1)
19 (Maintaining Premises where Controlled Substances are Used and
20 Distributed). Therefore, the G-IV is subject to forfeiture
21 pursuant to 21 U.S.C. § 881(a)(4).

22 WHEREFORE, plaintiff United States of America prays
23 that:

24 (a) due process issue to enforce the forfeiture of
25 the defendant;

26 (b) due notice be given to all interested parties to
27 appear and show cause why forfeiture should not be decreed;

28 (c) judgment be entered declaring that the defendant

1 is forfeited to the United States of America for disposition
2 according to law;

3 (d) the United States be awarded all of its costs,
4 expenses and disbursements; and

5 (e) the United States be awarded any other relief
6 that the Court deems just and proper.

7
8 DATED: September 5, 2008

9 THOMAS P. O'BRIEN
10 United States Attorney
11 CHRISTINE EWELL
12 Assistant United States Attorney
13 Chief, Criminal Division
14 STEVEN R. WELK
15 Assistant United States Attorney
16 Chief, Asset Forfeiture Section

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FRANK KORTUM
Assistant United States Attorney

Attorneys for Plaintiff
United States of America

VERIFICATION

I, Frank Bernal, hereby declare that:

1. I am a Special Agent with the Federal Bureau of Investigation.

2. I have read the above Complaint for Forfeiture and know its contents.

3. Official government sources furnished the information set forth in the Complaint. Based on information and belief, the allegations in the Complaint are true.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed September 4, 2008, in Santa Ana, California



Frank Bernal
Special Agent, FBI

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Cormac J. Carney and the assigned discovery Magistrate Judge is Arthur Nakazato.

The case number on all documents filed with the Court should read as follows:

SACV08- 995 CJC (ANx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

COPY

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) United States of America	DEFENDANTS One 1993 Gulfstream Aerospace G-IV Aircraft
(b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases):	County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only): Orange County
(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) THOMAS P. O'BRIEN, United States Attorney FRANK D. KORTUM, Assistant United States Attorney United States Attorney's Office, California Bar No. 110984 140 U.S. Courthouse, 312 N. Spring St., Los Angeles, CA 90012	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input checked="" type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. 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 Multi-District Litigation
 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: Yes No
 MONEY DEMANDED IN COMPLAINT: \$ _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

21 U.S.C. § 881(a)(7)

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities /Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed? No Yes

If yes, list case number(s):

FOR OFFICE USE ONLY: Case Number: SACV08-00995 CJC (ANx)

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(b). RELATED CASES: Have any cases been previously filed that are related to the present case? No Yes

If yes, list case number(s): SACV 08-773-CJC (ANx)

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) A. Arise from the same or closely related transactions, happenings, or events; or
 B. Call for determination of the same or substantially related or similar questions of law and fact; or
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: List the California County, or State if other than California, in which EACH named plaintiff resides (Use an additional sheet if necessary)

Check here if the U.S. government, its agencies or employees is a named plaintiff.
 Orange County

List the California County, or State if other than California, in which EACH named defendant resides. (Use an additional sheet if necessary).

Check here if the U.S. government, its agencies or employees is a named defendant.
 Orange County

List the California County, or State if other than California, in which EACH claim arose. (Use an additional sheet if necessary)

Note: In land condemnation cases, use the location of the tract of land involved.
 Orange County

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date 9/5/08

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))