

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA
c/o United States Attorney's Office
Judiciary Center Building
555 4th Street, N.W.
Washington, D.C. 20530

Plaintiff, Case 1:05-cv-02497-RMC Document 3 Filed 01/12/2006 Page 1 of 51

v.

ALL FUNDS SEIZED FROM OR
ON DEPOSIT IN SUNTRUST
ACCOUNT NUMBER 1000028078359,
IN THE NAME OF GOLD AND
SILVER RESERVE, INC. AND ALL
FUNDS ON DEPOSIT IN REGIONS
BANK ACCOUNT NUMBER
67-0919-4851, IN THE NAME OF
GOLD AND SILVER RESERVE, INC.

Defendants.

Civil Action No. 1:05CV02497
Before the Honorable
Rosemary M. Collyer

**GOLD & SILVER RESERVE, INC.'s NOTICE OF FILING PHOTOCOPIED
VERIFIED STATEMENTS OF INTEREST**

COMES NOW, the Claimant, GOLD & SILVER RESERVE, INC., by and through its undersigned counsel, and files this notice of filing photocopied verified statements of interest. In support of this notice of filing, undersigned counsel states as follows:

1. On January 12, 2006, pursuant to Rule C(6)(a)(i)(A) of the Supplemental Rules for Certain Admiralty and Maritime Claims, the Claimant filed contemporaneously with its answer (and this notice) three Verified Statements of Interest.
2. The Claimants three Verified Statements of Interest – at the time of filing – were in photocopied form.
3. The Claimant will hand-file its original Verified Statements of Interest with the Court on January 13, 2006.

Dated on January 12, 2006

Respectfully submitted,


/s/ Andrew S. Ittleman

Mitchell S. Fuerst, Esq.
Florida Bar No. 264598

Case 1:05-cv-02497-RMD-Andrew S. Ittleman, Esq. Filed 01/12/2006 Page 2 of 51

Andrew S. Ittleman, Esq.
Florida Bar No. 802441

Rodriguez O'Donnell Ross Fuerst
Gonzalez Williams & England, P.C.

1001 Brickell Bay Drive, Suite 2002
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305-350-5690 (o)

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Carlos Rodriguez, Esq.

District of Columbia Bar No. 935692

1211 Connecticut Ave. N.W., Suite 800

Washington, DC 20036

(202) 293-3300 (o)

(202) 293-3307 (f)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing

**GOLD & SILVER RESERVE, INC.'s NOTICE OF FILING PHOTOCOPIED
VERIFIED STATEMENTS OF INTEREST**

was served on January 12, 2006 by facsimile upon Laurel Loomis Rimon, Assistant United States Attorney, United States Attorney's Office, 555 Fourth Street, N.W., Room 5830, Washington, D.C. 20530.


/s/ Andrew S. Ittleman

Mitchell S. Fuerst, Esq.
Florida Bar No. 264598

Andrew S. Ittleman, Esq.

Florida Bar No. 802441

Rodriguez O'Donnell Ross Fuerst

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RODRIGUEZ O'DONNELL ROSS FUERST GONZALEZ WILLIAMS & ENGLAND, P.C.

TWENTY ZERO TWO ♦ 1001 BRICKELL BAY DRIVE ♦ MIAMI FLORIDA 33131
PHONE 305-350-5690 ♦ FAX 305-371-8989 ♦ E-MAIL mfuerst@rorfgw.com

ATTACHMENT-1

Verified Statement of Interest #1

Case 1:05-cv-02497-RMC Document 3 Filed 01/12/2006 Page 3 of 51

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :
c/o United States Attorney's Office :
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555 4th Street, N.W. :
Washington, D.C. 20530 :

Case 1:05-cv-02497-RMC Document 3 Filed 01/12/2006 Page 4 of 51

Plaintiff, :

v. :

ALL FUNDS SEIZED FROM OR :
ON DEPOSIT IN SUNTRUST :
ACCOUNT NUMBER 1000028078359, :
IN THE NAME OF GOLD AND :
SILVER RESERVE, INC. AND ALL :
FUNDS ON DEPOSIT IN REGIONS :
BANK ACCOUNT NUMBER :
67-0919-4851, IN THE NAME OF :
GOLD AND SILVER RESERVE, INC. :

Civil Action No. 1:05CV02497
Before the Honorable
Rosemary M. Collyer

Defendants. :

VERIFIED STATEMENT OF INTEREST #1 of 3:

CLAIMANT GOLD & SILVER RESERVE, INC.'s VERIFIED STATEMENT OF INTEREST

COMES NOW, the Claimant, GOLD & SILVER RESERVE, INC., by and through its undersigned counsel, and in compliance with Rule C(6) of the Supplemental Rules of Certain Admiralty and Maritime Claims, does hereby make the following statement of interest:


1. The Claimant, Gold & Silver Reserve, Inc., makes claim that certain funds seized from or on deposit in Suntrust Account Number 1000028078359, in the name of Gold & Silver Reserve, Inc. and all or substantially all funds on deposit in Regions Bank Account Number 67-091904851, in the name of Gold & Silver Reserve, Inc., are the property of Gold & Silver Reserve, Inc., acquired through Gold & Silver Reserve, Inc.'s

Civil Action No. 1:05CV02497

legitimate and legal business dealings. The Claimant further adds that the funds subject to this *in rem* action are wholly unrelated to any violation of 18 U.S.C. § 1960 or any other federal criminal statute.

Respectfully submitted,

Case 1:05-cv-02497-RMC Document 3 Filed 01/12/2006 Page 5 of 51


~~vs/ Andrew S. Littleman~~
Mitchell S. Fuerst, Esq.
Florida Bar No. 264598
Andrew S. Littleman, Esq.
Florida Bar No. 802441
Rodriguez O'Donnell Ross Fuerst
Gonzalez Williams & England, P.C.
1001 Brickell Bay Drive, Suite 2002
Miami, FL 33131
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305-371-8989 (f)
Carlos Rodriguez, Esq.
District of Columbia Bar No. 935692
1211 Connecticut Ave. N.W., Suite 800
Washington, DC 20036
(202) 293-3300 (o)
(202) 293-3307 (f)

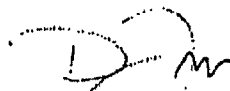
Civil Action No. 1:05CV02497

VERIFICATION

I, DR. DOUGLAS JACKSON, hereby depose and state under oath as follows:

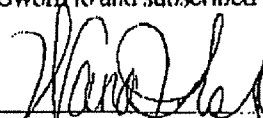
I am the President and Chief Executive Officer of the Claimant in this action, GOLD & SILVER RESERVE, INC., and I am authorized to speak on behalf of Gold & Silver Reserve, Inc. I have read the foregoing Verified Statement of Interest and know the contents of same. Further, the statements contained in this Verified Statement of Interest are true in the best of my knowledge and belief.

I know that the information contained in the foregoing Verified Statement of Interest is true based upon my own personal knowledge.



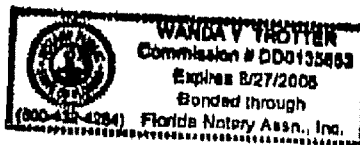
DR. DOUGLAS JACKSON
AFFIANT

Sworn to and subscribed before me this the 12th day of January, 2006.



NOTARY PUBLIC

My commission expires: 8/27/2006



Case 1:05-cv-02497-ABC Document 3 Filed 01/12/06 Page 6 of 51

Civil Action No. 1:05CV02497

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing
VERIFIED STATEMENT OF INTEREST #1 of 3:
CLAIMANT GOLD & SILVER RESERVE'S VERIFIED STATEMENT OF INTEREST

was served on January 12, 2006 by the undersigned upon Mitchell S. Fuerst, Assistant

Page 7 of 51

United States Attorney, United States Attorney's Office, 555 Fourth Street, N.W., Room 5830, Washington, D.C. 20530.



/s/ Andrew S. Ittleman

Mitchell S. Fuerst, Esq.
Florida Bar No. 264598
Andrew S. Ittleman, Esq.
Florida Bar No. 802441
Rodriguez O'Donnell Ross Fuerst
Gonzalez Williams & England, P.C.
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ATTACHMENT-2

Verified Statement of Interest #2

Case 1:05-cv-02497-RMC Document 3 Filed 01/12/2006 Page 8 of 51

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :
c/o United States Attorney's Office :
Judiciary Center Building :
555 4th Street, N.W. :
Washington, D.C. 20530 :

Case 1:05-cv-02497-RMC Document 3 Filed 01/12/2006 Page 9 of 51

Plaintiff, :

v. :

Civil Action No. 1:05CV02497
Before the Honorable
Rosemary M. Collyer

ALL FUNDS SEIZED FROM OR :
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IN THE NAME OF GOLD AND :
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FUNDS ON DEPOSIT IN REGIONS :
BANK ACCOUNT NUMBER :
67-0919-4851, IN THE NAME OF :
GOLD AND SILVER RESERVE, INC. :

Defendants. :

VERIFIED STATEMENT OF INTEREST #2 of 3:

CLAIMANT GOLD & SILVER RESERVE, INC.'s VERIFIED STATEMENT OF INTEREST

COMES NOW, the Claimant, GOLD & SILVER RESERVE, INC., by and through its undersigned counsel, and in compliance with Rule C(6) of the Supplemental Rules of Certain Admiralty and Maritime Claims, does hereby make the following statement of interest:

1. The Claimant, Gold & Silver Reserve, Inc., makes claim to certain funds seized from or on deposit in Suntrust Account Number 1000028078359, in the name of Gold & Silver Reserve, Inc. and all or substantially all funds on deposit in Regions Bank Account Number 67-091904851, in the name of Gold & Silver Reserve, Inc.
2. The Claimant, Gold & Silver Reserve, Inc., makes this claim in its

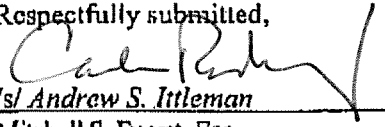
RODRIGUEZ O'DONNELL ROSS FUERST GONZALEZ WILLIAMS & ENGLAND, P.C.
TWENTY ZERO TWO • 1001 BRICKELL BAY DRIVE • MIAMI FLORIDA 33131
PHONE 305-350-5600 • FAX 305-371-8989 • E-MAIL info@rjorfgw.com

Civil Action No. 1:05CV02497

capacity as the obligor for the multitude of OmniPay users who are dependant on the liquidity of the *res* of the bank accounts at issue in this case for the purposes of honoring the value of checks which have been drafted against such accounts.

3. The Claimant, Gold & Silver Reserve, Inc., respectfully notes that its obligor status – which in the ordinary course of business is only instantaneous – has been rendered indefinite as the necessary consequence of the freeze order entered by the Magistrate Judge in Case No. 05-664 M-01 (JMF) (Under Seal) and the arrest order entered by the clerk in the instant case.

Respectfully submitted,


/s/ Andrew S. Ittleman

Mitchell S. Fuerst, Esq.

Florida Bar No. 264598

Andrew S. Ittleman, Esq.

Florida Bar No. 802441

Rodriguez O'Donnell Ross Fuerst

Gonzalez Williams & England, P.C.

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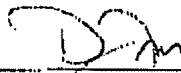
Civil Action No. 1:05CV02497

VERIFICATION

I, DR. DOUGLAS JACKSON, hereby depose and state under oath as follows:

I am the President and Chief Executive Officer of the Claimant in this action, GOLD & SILVER RESERVE, INC., and I am authorized to speak on behalf of Gold & Silver Reserve, Inc. I have read the foregoing Verified Statement of Interest and know the contents of same. Further, the statements contained in this Verified Statement of Interest are true to the best of my knowledge and belief.

I know that the information contained in the foregoing Verified Statement of Interest is true based upon my own personal knowledge.



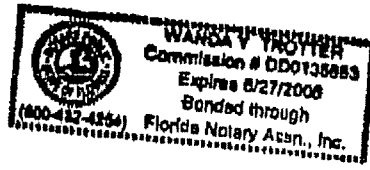
DR. DOUGLAS JACKSON
AFFIANT

Sworn to and subscribed before me this the 12th day of January, 2006.



NOTARY PUBLIC

My commission expires: 8/27/06



Civil Action No. 1:05CV02497

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing
VERIFIED STATEMENT OF INTEREST #2 of 3:
CLAIMANT GOLD & SILVER RESERVE'S VERIFIED STATEMENT OF
INTEREST

was served on January 12, 2006 by facsimile upon Laurel Loomis Rimon, Assistant
United States Attorney, United States Attorney's Office, 555 Fourth Street, N.W., Room
5830, Washington, D.C. 20530.

Page 12 of 51


/s/ Andrew S. Ittleman

Mitchell S. Fuerst, Esq.
Florida Bar No. 264598
Andrew S. Ittleman, Esq.
Florida Bar No. 802441
Rodriguez O'Donnell Ross Fuerst
Gonzalez Williams & England, P.C.
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ATTACHMENT-3

Verified Statement of Interest #3

Case 1:05-cv-02497-RMC Document 3 Filed 01/12/2006 Page 13 of 51

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :
c/o United States Attorney's Office :
Judiciary Center Building :
555 4th Street, N.W. :
Washington, D.C. 20530 :

Plaintiff, :

v. :

ALL FUNDS SEIZED FROM OR :
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ACCOUNT NUMBER 1000028078359, :
IN THE NAME OF GOLD AND :
SILVER RESERVE, INC. AND ALL :
FUNDS ON DEPOSIT IN REGIONS :
BANK ACCOUNT NUMBER :
67-0919-4851, IN THE NAME OF :
GOLD AND SILVER RESERVE, INC. :

Defendants. :

Civil Action No. 1:05CV02497
Before the Honorable
Rosemary M. Collyer

Case 1:05-cv-02497-RMC Document 3 Filed 01/12/2006 Page 14 of 51

VERIFIED STATEMENT OF INTEREST #3 of 3:

CLAIMANT GOLD & SILVER RESERVE, INC.'s VERIFIED STATEMENT OF INTEREST

COMES NOW, the Claimant, GOLD & SILVER RESERVE, INC., by and through its undersigned counsel, and in compliance with Rule C(6) of the Supplemental Rules of Certain Admiralty and Maritime Claims, does hereby make the following statement of interest:

1. The Claimant, Gold & Silver Reserve, Inc., makes claim to certain funds seized from or on deposit in Suntrust Account Number 1000028078359, in the name of Gold & Silver Reserve, Inc. and all or substantially all funds on deposit in Regions Bank Account Number 67-091904851, in the name of Gold & Silver Reserve, Inc.

2. The Claimant, Gold & Silver Reserve, Inc., makes this claim in its

RODRIGUEZ O'DONNELL ROSS FUERST GONZALEZ WILLIAMS & ENGLAND, P.C.
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Civil Action No. 1:05CV02497

capacity as the obligor for the multitude of OmniPay users' obligees who are dependant on the liquidity of the rev of the bank accounts at issue in this case for the purposes of receiving the value of checks which have been drafted against such accounts.

3. The Claimant, Gold & Silver Reserve, Inc., respectfully notes that its obligor status – which in the ordinary course of business is only instantancous – has been rendered indefinite as the necessary consequence of the freeze order entered by the Magistrate Judge in Case No. 05-664 M-01 (JMF) (Under Scal) and the arrest order entered by the clerk in the instant case.

Respectfully submitted,


/s/ Andrew S. Ittleman

Mitchell S. Fuerst, Esq.
Florida Bar No. 264598
Andrew S. Ittleman, Esq.
Florida Bar No. 802441
Rodriguez O'Donnell Ross Fuerst
Gonzalez Williams & England, P.C.
1001 Brickell Bay Drive, Suite 2002
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Carlos Rodriguez, Esq.
District of Columbia Bar No. 935692
1211 Connecticut Ave. N.W., Suite 800
Washington, DC 20036
(202) 293-3300 (o)
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Civil Action No. 1:05CV02497

VERIFICATION

I, DR. DOUGLAS JACKSON, hereby depose and state under oath as follows:

I am the President and Chief Executive Officer of the Claimant in this action, GOLD & SILVER RESERVE, INC., and I am authorized to speak on behalf of Gold & Silver Reserve, Inc. I have read the foregoing Verified Statement of Interest and know the contents of same. Further, the statements contained in this Verified Statement of Interest are true to the best of my knowledge and belief.

I know that the information contained in the foregoing Verified Statement of Interest is true based upon my own personal knowledge.



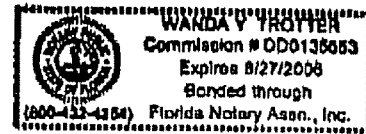
DR. DOUGLAS JACKSON
AFFIANT

Sworn to and subscribed before me this the 12th day of January, 2006.



NOTARY PUBLIC

My commission expires: 8/27/06

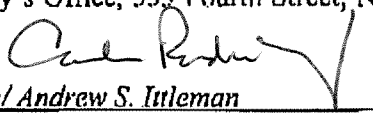


Civil Action No. 1:05CV02497

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing
VERIFIED STATEMENT OF INTEREST #3 of 3:
CLAIMANT GOLD & SILVER RESERVE'S VERIFIED STATEMENT OF
INTEREST

was served on January 12, 2006 by facsimile upon Laurel Loomis Kimon, Assistant
United States Attorney, United States Attorney's Office, 555 Fourth Street, N.W., Room
5830, Washington, D.C. 20530.


/s/ Andrew S. Ittleman
Mitchell S. Fuerst, Esq.
Florida Bar No. 264598
Andrew S. Ittleman, Esq.
Florida Bar No. 802441
Rodriguez O'Donnell Ross Fuerst
Gonzalez Williams & England, P.C.
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ATTACHMENT-4

Answer to Plaintiff's Verified Complaint

Case 1:05-cv-02497-RMC Document 3 Filed 01/12/2006 Page 18 of 51

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :
c/o United States Attorney's Office :
Judiciary Center Building :
555 4th Street, N.W. :
Washington, D.C. 20530 :

Plaintiff, Case 1:05-cv-02497-RMC

Document 3 Filed 01/12/2006 Page 19 of 51

v.

Civil Action No. 1:05CV02497
Before the Honorable
Rosemary M. Collyer

ALL FUNDS SEIZED FROM OR :
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ACCOUNT NUMBER 1000028078359, :
IN THE NAME OF GOLD AND :
SILVER RESERVE, INC. AND ALL :
FUNDS ON DEPOSIT IN REGIONS :
BANK ACCOUNT NUMBER :
67-0919-4851, IN THE NAME OF :
GOLD AND SILVER RESERVE, INC. :

Defendants.

**CLAIMANT GOLD & SILVER RESERVE, INC.'s ANSWER TO THE
PLAINTIFF'S VERIFIED COMPLAINT FOR FORFEITURE**

COMES NOW, the Claimant, GOLD & SILVER RESERVE, INC., by and through its undersigned counsel, and files this Answer to the Plaintiff's Verified Complaint for Forfeiture. In support of this answer, undersigned counsel states as follows:

1. Admits.
2. Admits.
3. Admits both subsections.
4. Admits.
5. Admits the first part of the first sentence up to and including the word "Omnipay)." Denies the remainder of the paragraph.
6. Denies for lack of knowledge or information sufficient to form a belief as to the truth of this allegation.

7. Denies for lack of knowledge or information sufficient to form a belief as to the truth of this allegation.

8. Denies for lack of knowledge or information sufficient to form a belief as to the truth of this allegation.

9. Denies the first sentence. Admits the last two sentences of the paragraph

10. Denies the allegations of fact purporting to quote the website; the website speaks for itself. Admits the last sentence of this paragraph.

11. Admits the first two sentences of this paragraph. Denies the allegations of fact purporting to describe the website; the website speaks for itself.

12. Denies the first eight sentences of this paragraph. Admits the last sentence of this paragraph.

13. Denies for lack of knowledge or information sufficient to form a belief as to the truth of this allegation.

14. Denies; the website speaks for itself.

15. Denies for lack of knowledge or information sufficient to form a belief as to the truth of this allegation.

16. Denies; the statute speaks for itself.

17. Denies; the statute speaks for itself.

18. Denies; the statute speaks for itself.

19. Denies; the statute speaks for itself.

20. Denies; the statute speaks for itself.

21. Denies; the statute speaks for itself.

22. Denies for lack of knowledge or information sufficient to form a belief as to the truth of this allegation.

23. Denies for lack of knowledge or information sufficient to form a belief as to the truth of this allegation.

24. Denies for lack of knowledge or information sufficient to form a belief as to the truth of this allegation.

25. Denies for lack of knowledge or information sufficient to form a belief as to the truth of this allegation, except admits the final sentence of the paragraph.

26. Denies for lack of knowledge or information sufficient to form a belief as to the truth of this allegation, except admits the final sentence of the paragraph.

27. Denies for lack of knowledge or information sufficient to form a belief as to the truth of this allegation, except admits the final sentence of the paragraph except for the last two words (“of currency”) which present a legal and factual impossibility.

28. Denies the first two sentences of this paragraph for lack of knowledge or information sufficient to form a belief as to the truth of this allegation. Admits the remainder of this paragraph.

Case 1:05-cv-02497-RMC Document 3 Filed 01/12/2006 Page 21 of 51

COUNT I

29. Admits and/or denies as alleged in paragraphs 1 through 12 of this Answer.

30. Denies.

COUNTERCLAIMS AND AFFIRMATIVE DEFENSES

31. The Claimant reserves the right to assert counterclaims and affirmative defenses in a later pleading.

32. The Claimant has filed – contemporaneously with this answer – its motion for judgment on the pleadings and/or motion for summary judgment pursuant to Rules 12(c) and/or 56, respectively, of the Federal Rules of Civil Procedure.

Respectfully submitted,


/s/ Andrew S. Ittleman

Mitchell S. Fuerst, Esq.

Florida Bar No. 264598

Andrew S. Ittleman, Esq.

Florida Bar No. 802441

Rodriguez O'Donnell Ross Fuerst

Gonzalez Williams & England, P.C.

1001 Brickell Bay Drive, Suite 2002

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Carlos Rodriguez, Esq.

District of Columbia Bar No. 935692

1211 Connecticut Ave. N.W., Suite 800

Washington, DC 20036

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(202) 293-3307 (f)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing
**CLAIMANT GOLD & SILVER RESERVE, INC.'s ANSWER TO THE
PLAINTIFF'S VERIFIED COMPLAINT FOR FORFEITURE**
Case 1:05-cv-02497-RMC Document 3 Filed 01/12/2006 Page 22 of 51
was served on January 12, 2006 by facsimile upon Laurel Loomis Rimon, Assistant
United States Attorney, United States Attorney's Office, 555 Fourth Street, N.W., Room
5830, Washington, D.C. 20530.


/s/ Andrew S. Ittleman

Mitchell S. Fuerst, Esq.
Florida Bar No. 264598
Andrew S. Ittleman, Esq.
Florida Bar No. 802441
Rodriguez O'Donnell Ross Fuerst
Gonzalez Williams & England, P.C.
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ATTACHMENT-5

Claimant Motion for Judgment

Case 1:05-cv-02497-RMC Document 3 Filed 01/12/2006 Page 23 of 51

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :
c/o United States Attorney's Office :
Judiciary Center Building :
555 4th Street, N.W. :
Washington, D.C. 20530 :

Plaintiff, Case 1:05-cv-02497-RMC

Document 3 Filed 01/12/2006 Page 24 of 51

v.

Civil Action No. 1:05CV02497
Before the Honorable
Rosemary M. Collyer

ALL FUNDS SEIZED FROM OR :
ON DEPOSIT IN SUNTRUST :
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IN THE NAME OF GOLD AND :
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FUNDS ON DEPOSIT IN REGIONS :
BANK ACCOUNT NUMBER :
67-0919-4851, IN THE NAME OF :
GOLD AND SILVER RESERVE, INC. :

Defendants.

**CLAIMANT GOLD & SILVER RESERVE, INC.'s MOTION FOR JUDGMENT
ON THE PLEADINGS AND/OR MOTION FOR SUMMARY JUDGMENT
PURSUANT TO RULES 12(c) AND/OR 56 OF THE FEDERAL RULES OF CIVIL
PROCEDURE AND INCORPORATED MEMORANDUM OF LAW**

Claimant, GOLD & SILVER RESERVE, INC., by and through its undersigned
counsel, moves for judgment on the pleadings and/or for summary judgment pursuant to
Rules 12(c) and/or 56, respectively, of the Federal Rules of Civil Procedure.

IN SUPPORT THEREOF, it is respectfully shown unto the court

1. The plaintiff filed its verified complaint for forfeiture *in rem* on December
30, 2005. That action was "brought to enforce the provisions of 18 U.S.C. § 981(a)(1)(A),
which provides for the forfeiture of any property involved in a transaction or attempted
transaction in violation of 18 U.S.C. § 1960." *See*, United States of America's Verified
Complaint for Forfeiture *In Rem* ("Complaint"), at ¶ 1.

2. 18 U.S.C. § 1960 provides that “[w]hoever knowingly conducts, controls, manages, supervises, directs, or owns all or part of an **unlicensed money transmitting business**, shall be fined in accordance with this title or imprisoned not more than 5 years, or both.” [Emphasis added].

3. As provided in 31 U.S.C. § 5330, a “money transmitting business” is defined as having the following three essential elements:

(1) Money transmitting business. The term “money transmitting business” means any business other than the United States Postal Service which –

(A) provides check cashing, currency exchange, or money transmitting or remittance services, or issues or redeems money orders, travelers’ checks, and other similar instruments or any other person who engages as a business in the transmission of funds, including any person who engages as a business in an informal money transfer system or any network of people who engage as a business in facilitating the transfer of money domestically or internationally outside of the conventional financial institutions system;

(B) is required to file reports under [31 USCS § 5313]; and

(C) is not a depository institution (as defined in [31 USCS § 5313(g)]).

See, United States v. Puche, 350 F.3d 1137, 1141, n.2 (11th Cir. 2003) (“A money transmittal company is a non-bank financial institution that sells money orders, cashes checks, and sends money by wire outside the United States.”)

4. Consequently, in order to state a claim upon which relief may be granted, the plaintiff must allege all three elements of a money transmitting business. Plaintiff has not and cannot accomplish that task.

5. Rule 12(c) of the Federal Rules of Civil Procedure provides as follows:

Motion for Judgment on the Pleadings. After the pleadings are closed but within such time as not to delay the trial, any party may move for judgment on the pleadings. If, on a motion for judgment on the pleadings, matters outside the pleadings are presented to and not excluded by the court, the motion shall be treated as one for summary judgment and disposed of as provided in Rule 56, and all parties shall be given reasonable opportunity to present all material made pertinent to such a motion by Rule 56.

6. Last week, in *Kivanc v. Ramsey*, 2006 U.S. Dist. LEXIS 374, 4 (D. D.C. January 4, 2006), District Court Judge Paul Friedman explained the standard applied to 12(c) motions:

The standard applied to motions for judgment on the pleadings under Rule 12(c) of the Federal Rules of Civil Procedure is essentially the same as that for motions to dismiss under Rule 12(b)(6) for failure to state a claim. See *Ramirez v. Dep't of Corrections*, 223 F.3d 1238, 1240-41 (10th Cir. 2000); *Haynesworth v. Miller*, 820 F.2d 1245, 1254 (D.C. Cir. 1987); *Transworld Products Co. v. Canteen Corp.*, 908 F. Supp. 1, 2 (D.D.C. 1995). On either motion, the Court may not rely on facts outside the pleadings and must construe the complaint in the light most favorable to the non-moving party. See *Kowal v. MCI Communications Corp.*, 16 F.3d 1271, 1276 (D.C. Cir. 1994). Granting judgment on the pleadings under Rule 12(c) or a motion to dismiss for failure to state a claim under Rule 12(b)(6) is warranted only if it appears beyond doubt, based on the allegations contained in the complaint, that **"the plaintiff can prove no set of facts in support of his claim which would entitle him to relief."** *Conley v. Gibson*, 355 U.S. 41, 45-46 (1957). See also *Alicke v. MCI Communications Corp.*, 111 F.3d 909, 912 (D.C. Cir. 1997). If the Court does rely on matters outside the pleadings under either Rule 12(c) or Rule 12(b)(6), it must treat the motion as if it were one for summary judgment. See FED. R. CIV. P. 12(b), (c).

[Emphasis added].

7. In this case, the Claimant's motion for judgment on the pleadings is warranted because the Government can prove no set of facts in support of its claim which would entitle the Government to the forfeiture it seeks; *id.* No matter how much evidence in support of its Verified Complaint the Government intends to present at trial, it simply cannot prove a *prima facie* violation of 18 U.S.C. § 1960. (This issue was described in great detail by Mitchell S. Fuerst, Esq., counsel for Gold & Silver Reserve, Inc., on December 29, 2005 before Magistrate Judge John M. Facciola on the Claimant's emergency motion to vacate the freeze order entered by that Court on December 15, 2005.)

8. To be sure, as previously stated, 18 U.S.C. § 1960 provides that it is a felony to operate an unlicensed money transmitting business. The term “money transmitting business” is defined in three parts in 31 U.S.C. § 5330. The Government has not and cannot plead that any of those three parts describes or characterizes Gold & Silver Reserve, Inc.’s business.

9. First, under § 5330(1)(A), Gold & Silver Reserve, Inc. does not provide check cashing, currency exchange, or money transmitting services, and it neither issues nor redeems money orders, travelers checks or any other similar instruments. Gold & Silver Reserve, Inc. is not “a non-bank financial institution that sells money orders, cashes checks, and sends money by wire outside the United States,” and the Government’s Verified Complaint does not allege otherwise; *see, Puche, supra*. As stated by the Court in *United States v. 47 10-Ounce Gold Bars, et al.*, 2005 U.S. Dist. LEXIS 2906, 16 (D. Or. 2005), “[m]any businesses receive and transmit funds as payment as a part of their business.” Not all of those businesses, however, are in the business of transmitting money.

10. Second, under § 5330(1)(B), Gold & Silver Reserve, Inc. is not required to file reports under 31 USCS § 5313, and the Government’s Verified Complaint does not allege otherwise. § 5313 provides as follows:

When a **domestic financial institution** is involved in a transaction for the payment, receipt, or transfer of United States coins or currency (or other monetary instruments the Secretary of the Treasury prescribes), in an amount, denomination or amount and denomination, or under circumstances the Secretary prescribes by regulation, the institution and any other participant in the transaction the Secretary may prescribe shall file a report on the transaction at the time and in the way the Secretary prescribes.

[Emphasis added].

11. Additionally, Gold & Silver Reserve, Inc. is not a “domestic financial institution” as defined by 31 U.S.C. § 5312(a)(2) and the Government’s Verified Complaint does not allege otherwise. In fact, the Verified Complaint ignores that

essential element altogether. (The Verified Complaint similarly ignores the third and final essential element of “money transmitting business,” i.e. whether Gold & Silver Reserve, Inc. is a depository institution as defined in 31 USCS § 5313(g)).

12. Although Gold & Silver Reserve, Inc. has been openly and notoriously operating in the United States for nine (9) years, the Department of Treasury has never required Gold & Silver Reserve, Inc. to file reports of any kind on any of its transactions. Indeed, § 5313 is applicable only to cash and cash-equivalent transactions, and Gold & Silver Reserve, Inc. engages exclusively in wire transactions directed solely to the named payee of the e-gold account for deposit to a bank account. As such, Gold & Silver Reserve, Inc. cannot be held to be a money transmitting business under 31 U.S.C. § 5330 and therefore cannot be held to be an unlicensed money transmitting business under 18 U.S.C. § 1960.

Case 1:05-cv-02497-RMC Document 3 Filed 01/12/2006 Page 28 of 51

13. As presented to Magistrate Judge Facciola during the December 29, 2005 hearing addressing Gold & Silver Reserve, Inc.’s emergency motion to vacate the order freezing the bank accounts at issue in this action, over the past two years, Gold & Silver Reserve, Inc. has responded to approximately 300 summonses, subpoenas and other requests for information from a variety of Federal agencies both within and separate from the Department of the Treasury. Each and every one of these responses has been timely and complete, and the comprehensive record of these compliance efforts, i.e. seven 5-inch binders worth of information, will be available for this Court’s inspection when the parties appear before it on January 13, 2006.

14. Gold & Silver Reserve, Inc.’s flawless compliance efforts are central to this discussion because they weigh so heavily on the Government’s failure to artfully plead a *prima facie* violation of 18 U.S.C. § 1960 in its Verified Complaint for Forfeiture. The Government has not only known of Gold & Silver Reserve, Inc.’s business since Gold & Silver Reserve, Inc.’s inception, but the Government has been requesting crucial information from Gold & Silver Reserve, Inc. throughout that time. However, at no time during that 9-year history has any Government office or agent informed Gold & Silver Reserve, Inc. that it was either **a)** operating as an unlicensed money transmitting business, **b)** neglecting to file § 5313 reports, or **c)** acting in any other illegal or unlawful way.

Now, in an effort to regulate Gold & Silver Reserve, Inc.'s business activities, the Government has moved this Court for the forfeiture of the *res* of Gold & Silver Reserve, Inc.'s bank accounts – i.e. funds intended for the benefit of all three interests represented in the several Verified Statements of Interest filed in conjunction with this motion – pursuant to a Federal criminal statute that has simply no application to Gold & Silver Reserve, Inc.'s business activities. The Government's efforts are transparent and not well taken.

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15. Today, consistent with its inability to do so for the past 9 years, the Government cannot artfully plead that Gold & Silver Reserve, Inc. is an unlicensed money transmitting business. Regardless of whether this Court views this motion as one for judgment on the pleadings or one for summary judgment pursuant to Rule 12(c) or Rule 56, respectively, of the Federal Rules of Civil Procedure, Gold & Silver Reserve, Inc. is entitled to the dismissal of this action **with prejudice**.

WHEREFORE, for the foregoing reasons, the Claimant, GOLD & SILVER RESERVE, INC. respectfully requests that this Court enter a judgment on the pleadings or, in the alternative, summary judgment.

Respectfully submitted,


/s/ Andrew S. Ittleman

Mitchell S. Fuerst, Esq.
Florida Bar No. 264598
Andrew S. Ittleman, Esq.
Florida Bar No. 802441
Rodriguez O'Donnell Ross Fuerst
Gonzalez Williams & England, P.C.
1001 Brickell Bay Drive, Suite 2002
Miami, FL 33131
305-350-5690 (o)
305-371-8989 (f)
Carlos Rodriguez, Esq.
District of Columbia Bar No. 935692
1211 Connecticut Ave. N.W., Suite 800
Washington, DC 20036
(202) 293-3300 (o)
(202) 293-3307 (f)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing
**CLAIMANT GOLD & SILVER RESERVE, INC.'s MOTION FOR JUDGMENT
ON THE PLEADINGS AND/OR MOTION FOR SUMMARY JUDGMENT
PURSUANT TO RULES 12(c) AND/OR 56 OF THE FEDERAL RULES OF CIVIL
PROCEDURE AND INCORPORATED MEMORANDUM OF LAW**

was served on January 12, 2006 by facsimile upon Laurel Loomis Rhim, Assistant
United States Attorney, United States Attorney's Office, 555 Fourth Street, N.W., Room
5830, Washington, D.C. 20530.

Case 1:05-cv-02497-RMC Document 3 Filed 01/12/2006 Page 30 of 51



/s/ Andrew S. Ittleman

Mitchell S. Fuerst, Esq.

Florida Bar No. 264598

Andrew S. Ittleman, Esq.

Florida Bar No. 802441

Rodriguez O'Donnell Ross Fuerst

Gonzalez Williams & England, P.C.

1001 Brickell Bay Drive, Suite 2002

Miami, FL 33131

(305) 350-5690 (o)

(305) 371-8989 (f)

ATTACHMENT-6

**Pro Hac Vice
Mitchell S. Fuerst, Esq.**

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :
c/o United States Attorney's Office :
Judiciary Center Building :
555 4th Street, N.W. :
Washington, D.C. 20530 :

Plaintiff Case 1:05-cv-02497-RMC Document 3 Filed 01/12/2006 Page 32 of 51

v. :

Civil Action No. 1:05CV02497
Before the Honorable
Rosemary M. Collyer

ALL FUNDS SEIZED FROM OR :
ON DEPOSIT IN SUNTRUST :
ACCOUNT NUMBER 1000028078359, :
IN THE NAME OF GOLD AND :
SILVER RESERVE, INC. AND ALL :
FUNDS ON DEPOSIT IN REGIONS :
BANK ACCOUNT NUMBER :
67-0919-4851, IN THE NAME OF :
GOLD AND SILVER RESERVE, INC. :

Defendants. :

APPLICATION OF ATTORNEY MITCHELL S. FUERST FOR ADMISSION
PRO HAC VICE

Attorney Mitchell S. Fuerst, pursuant to Rule 83.2(c) of this Court's Special Rules Governing the Admission and Practice of Attorneys, respectfully applies for leave to appear *pro hac vice* as counsel for Gold & Silver Reserve, Inc. and the defendants *in rem* in this action.

Mr. Fuerst is an active member in good standing of the Florida Bar, Bar Number 264598. In addition, Mr. Fuerst is an active member in good standing of the United States District Court for the Southern District of Florida. Mr. Fuerst was admitted to the United States District Court for the Southern District of Florida on March 9, 1979.

Mr. Fuerst has no grievances pending against him and has never been disciplined. Mr. Fuerst works with the law firm of Rodriguez, O'Donnell, Ross & Fuerst, 1001 Brickell Bay Drive, Suite 2002, Miami, FL 33131. Telephone number (305) 350-5694, facsimile (305) 371-8989.

Mr. Fuerst designates Carlos Rodriguez, Esq., a member of the bar of this Court who maintains an office in this district for the practice of law as the local attorney with whom the Court and opposing counsel may communicate regarding the conduct of the case and upon whom papers may be served.

By his signature on the attached certification, Mitchell S. Fuerst certifies that he has studied the Local Rules of the United States District Court for the District of Columbia. By his signature below, Carlos Rodriguez consents to his designation as local counsel.

Respectfully submitted,


/s/ Carlos Rodriguez, Esq.

Carlos Rodriguez, Esq.

Rodriguez O'Donnell Ross Fuerst

Gonzalez Williams & England, P.C.

District of Columbia Bar No. 935692

1211 Connecticut Ave. N.W., Suite 800

Washington, DC 20036

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on January 12, 2006 by facsimile upon Laurel Loomis Rimon, Assistant United States Attorney, United States Attorney's Office, 555 Fourth Street, N.W., Room 5830, Washington, D.C. 20530.


/s/ Carlos Rodriguez, Esq.

Rodriguez O'Donnell Ross Fuerst

Gonzalez Williams & England, P.C.

District of Columbia Bar No. 935692

1211 Connecticut Ave. N.W., Suite 800

Washington, DC 20036

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :
c/o United States Attorney's Office :
Judiciary Center Building :
555 4th Street, N.W. :
Washington, D.C. 20530 :

Case 1:05-cv-02497-RMC Document 3 Filed 01/12/2006 Page 34 of 51

v. :

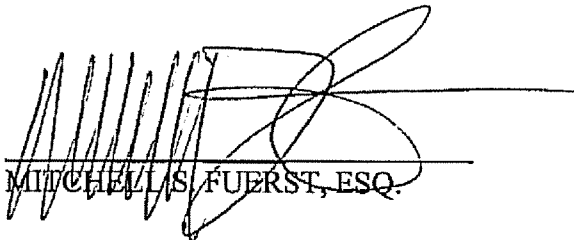
ALL FUNDS SEIZED FROM OR :
ON DEPOSIT IN SUNTRUST :
ACCOUNT NUMBER 1000028078359, :
IN THE NAME OF GOLD AND :
SILVER RESERVE, INC. AND ALL :
FUNDS ON DEPOSIT IN REGIONS :
BANK ACCOUNT NUMBER :
67-0919-4851, IN THE NAME OF :
GOLD AND SILVER RESERVE, INC. :

Civil Action No. 1:05CV02497
Before the Honorable
Rosemary M. Collyer

Defendants. :

**CERTIFICATION OF ATTORNEY MITCHELL S. FUERST IN SUPPORT OF
HIS APPLICATION FOR ADMISSION PRO HAC VICE**

I, Mitchell S. Fuerst, pursuant to rule 83.2 of this Court's Special Rules Governing the Admission and Practice of Attorneys, hereby certify that I am a member in good standing of the bar of the State of Florida. I have no grievances pending against me and have never been disciplined. I have studied the Local Rules for the United States District Court for the District of Columbia.


MITCHELL S. FUERST, ESQ.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :
c/o United States Attorney's Office :
Judiciary Center Building :
555 4th Street, N.W. :
Washington, D.C. 20530 :

Plaintiff, Case 1:05-cv-02497-RMC

Document 3

Filed 01/12/2006

Page 35 of 51

v. :

ALL FUNDS SEIZED FROM OR :
ON DEPOSIT IN SUNTRUST :
ACCOUNT NUMBER 1000028078359, :
IN THE NAME OF GOLD AND :
SILVER RESERVE, INC. AND ALL :
FUNDS ON DEPOSIT IN REGIONS :
BANK ACCOUNT NUMBER :
67-0919-4851, IN THE NAME OF :
GOLD AND SILVER RESERVE, INC. :

Defendants. :

Civil Action No. 1:05CV02497
Before the Honorable
Rosemary M. Collyer

**ORDER GRANTING APPLICATION FOR ADMISSION PRO HAC VICE OF
MITCHELL S. FUERST**

THIS CAUSE has come before the Court upon the application of Mitchell S. Fuerst, Esq., counsel for Gold & Silver Reserve, Inc. and the defendants *in rem*, for permission to appear and participate *pro hac vice* in the above-styled case. Having reviewed the application and certifications and being otherwise fully advised in the premises, it is hereby

ORDERED and ADJUDGED that the application of Mitchell S. Fuerst for Admission *Pro Hac Vice* is hereby granted. Mitchell S. Fuerst is granted leave to appear in this action *pro hac vice* as counsel for Gold & Silver Reserve, Inc. and the defendants *in rem*.

DONE and ORDERED in chambers at the United States District Courthouse,
Washington, D.C., this _____ day of December, 2005.

ROSEMARY M. COLLYER
United States District Judge

Copies to:

Counsel of Record Case 1:05-cv-02497-RMC Document 3 Filed 01/12/2006 Page 36 of 51

ATTACHMENT-7

**Pro Hac Vice
Andrew S. Ittleman, Esq.**

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :
c/o United States Attorney's Office :
Judiciary Center Building :
555 4th Street, N.W. :
Washington, D.C. 20530 :

Case 1:05-cv-02497-RMC Document 3 Filed 01/12/2006 Page 38 of 51

v. :

ALL FUNDS SEIZED FROM OR :
ON DEPOSIT IN SUNTRUST :
ACCOUNT NUMBER 1000028078359, :
IN THE NAME OF GOLD AND :
SILVER RESERVE, INC. AND ALL :
FUNDS ON DEPOSIT IN REGIONS :
BANK ACCOUNT NUMBER :
67-0919-4851, IN THE NAME OF :
GOLD AND SILVER RESERVE, INC. :

Civil Action No. 1:05CV02497
Before the Honorable
Rosemary M. Collyer

Defendants. :

APPLICATION OF ATTORNEY ANDREW S. ITTLEMAN FOR ADMISSION
PRO HAC VICE

Attorney Andrew S. Ittleman, pursuant to Rule 83.2(c) of this Court's Special Rules Governing the Admission and Practice of Attorneys, respectfully applies for leave to appear *pro hac vice* as counsel for Gold & Silver Reserve, Inc. in this action.

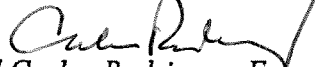
Mr. Ittleman is an active member in good standing of the Florida Bar, Bar Number 802441. In addition, Mr. Ittleman is an active member in good standing of the United States District Court for the Southern District of Florida. Mr. Ittleman was admitted to the United States District Court for the Southern District of Florida on January 27, 2005.

Mr. Ittleman has no grievances pending against him and has never been disciplined. Mr. Ittleman works with the law firm of Rodriguez, O'Donnell, Ross & Fuerst, 1001 Brickell Bay Drive, Suite 2002, Miami, FL 33131. Telephone number (305) 350-5694, facsimile (305) 371-8989.

Mr. Ittleman designates Carlos Rodriguez, Esq., a member of the bar of this Court who maintains an office in this district for the practice of law as the local attorney with whom the Court and opposing counsel may communicate regarding the conduct of the case and upon whom papers may be served.

By his signature on the certification attached as Exhibit 1, Andrew S. Ittleman certifies that he has studied the Local Rules of the United States District Court for the District of Columbia Case By: 05-cv-02497-PLO, Carlos Rodriguez Filed: 01/12/06 Document 2-1 Page 39 of 51 designation as local counsel.

Respectfully submitted,



/s/ Carlos Rodriguez, Esq.

Carlos Rodriguez, Esq.

Rodriguez O'Donnell Ross Fuerst

Gonzalez Williams & England, P.C.

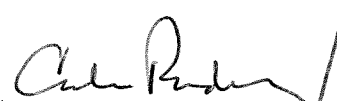
District of Columbia Bar No. 935692

1211 Connecticut Ave. N.W., Suite 800

Washington, DC 20036

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on January 12, 2006 by facsimile upon Laurel Loomis Rimon, Assistant United States Attorney, United States Attorney's Office, 555 Fourth Street, N.W., Room 5830, Washington, D.C. 20530.



/s/ Carlos Rodriguez, Esq.

Rodriguez O'Donnell Ross Fuerst

Gonzalez Williams & England, P.C.

District of Columbia Bar No. 935692

1211 Connecticut Ave. N.W., Suite 800

Washington, DC 20036

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :
c/o United States Attorney's Office :
Judiciary Center Building :
555 4th Street, N.W. :
Washington, D.C. 20530 :

Plaintiff Case 1:05-cv-02497-RMC Document 3 Filed 01/12/2006 Page 40 of 51

v. :

Civil Action No. 1:05CV02497
Before the Honorable
Rosemary M. Collyer

ALL FUNDS SEIZED FROM OR :
ON DEPOSIT IN SUNTRUST :
ACCOUNT NUMBER 1000028078359, :
IN THE NAME OF GOLD AND :
SILVER RESERVE, INC. AND ALL :
FUNDS ON DEPOSIT IN REGIONS :
BANK ACCOUNT NUMBER :
67-0919-4851, IN THE NAME OF :
GOLD AND SILVER RESERVE, INC. :

Defendants. :

**CERTIFICATION OF ATTORNEY ANDREW S. ITTLEMAN IN SUPPORT OF
HIS APPLICATION FOR ADMISSION *PRO HAC VICE***

I, Andrew S. Ittleman, pursuant to rule 83.2 of this Court's Special Rules
Governing the Admission and Practice of Attorneys, hereby certify that I am a member in
good standing of the bar of the State of Florida. I have no grievances pending against me
and have never been disciplined. I have studied the Local Rules for the United States
District Court for the District of Columbia.



ANDREW S. ITTLEMAN, ESQ.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :
c/o United States Attorney's Office :
Judiciary Center Building :
555 4th Street, N.W. :
Washington, D.C. 20530 :

Plaintiff Case 1:05-cv-02497-RMC

Document 3 Filed 01/12/2006 Page 41 of 51

v. :

Civil Action No. 1:05CV02497
Before the Honorable
Rosemary M. Collyer

ALL FUNDS SEIZED FROM OR :
ON DEPOSIT IN SUNTRUST :
ACCOUNT NUMBER 1000028078359, :
IN THE NAME OF GOLD AND :
SILVER RESERVE, INC. AND ALL :
FUNDS ON DEPOSIT IN REGIONS :
BANK ACCOUNT NUMBER :
67-0919-4851, IN THE NAME OF :
GOLD AND SILVER RESERVE, INC. :

Defendants. :

**ORDER GRANTING APPLICATION FOR ADMISSION *PRO HAC VICE* OF
ANDREW S. ITTLEMAN**

THIS CAUSE has come before the Court upon the application of Andrew S. Ittleman, Esq., counsel for Gold & Silver Reserve, Inc. for permission to appear and participate *pro hac vice* in the above-styled case. Having reviewed the application and certifications and being otherwise fully advised in the premises, it is hereby

ORDERED and ADJUDGED that the application of Andrew S. Ittleman for Admission *Pro Hac Vice* is hereby granted. Andrew S. Ittleman is granted leave to appear in this action *pro hac vice* as counsel for Gold & Silver Reserve, Inc. and the defendants *in rem*.

DONE and ORDERED in chambers at the United States District Courthouse,
Washington, D.C., this _____ day of January, 2006.

ROSEMARY M. COLLYER
United States District Judge

Copies to:

Counsel of Record Case 1:05-cv-02497-RMC Document 3 Filed 01/12/2006 Page 42 of 51

ATTACHMENT-8

**Notice of Appearance
Carlos Rodriguez, Esq.**

Case 1:05-cv-02497-RMC Document 3 Filed 01/12/2006 Page 43 of 51

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :
c/o United States Attorney's Office :
Judiciary Center Building :
555 4th Street, N.W. :
Washington, D.C. 20530 :

Plaintiff, Case 1:05-cv-02497-RMC

Document 3 Filed 01/12/2006 Page 44 of 51

v.

Civil Action No. 1:05CV02497
Before the Honorable
Rosemary M. Collyer

ALL FUNDS SEIZED FROM OR :
ON DEPOSIT IN SUNTRUST :
ACCOUNT NUMBER 1000028078359, :
IN THE NAME OF GOLD AND :
SILVER RESERVE, INC. AND ALL :
FUNDS ON DEPOSIT IN REGIONS :
BANK ACCOUNT NUMBER :
67-0919-4851, IN THE NAME OF :
GOLD AND SILVER RESERVE, INC. :

Defendants.

NOTICE OF APPEARANCE OF CARLOS RODRIGUEZ, ESQ.

Andrew S. Ittleman, Esq., of the law firm Rodriguez O'Donnell Ross Fuerst Gonzalez Williams & England, P.C., enters his appearance on behalf of the GOLD & SILVER RESERVE, INC., and requests that all parties add the undersigned counsel to their certificates of service.

Respectfully submitted,


/s/ Carlos Rodriguez, Esq.

Carlos Rodriguez, Esq.
District of Columbia Bar No. 935692
Rodriguez O'Donnell Ross Fuerst
Gonzalez Williams & England, P.C.
1211 Connecticut Ave., Suite 800
Washington, DC 20036
(202) 293-3300 (o)
(305) 371-3307 (f)

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that a true and correct copy of the foregoing

NOTICE OF APPEARANCE OF CARLOS RODRIGUEZ, ESQ.

was served on January 12, 2006 by facsimile upon Laurel Loomis Rimon, Assistant United States Attorney, United States Attorney's Office, 555 Fourth Street, N.W., Room 5830, Washington, D.C. 20530.

Case 1:05-cv-02497-RMC Document 3 Filed 01/12/2006

Page 45 of 51


/s/ Andrew S. Ittleman, Esq.

Andrew S. Ittleman, Esq.
Florida Bar No. 802441
Rodriguez O'Donnell Ross Fuerst
Gonzalez Williams & England, P.C.
1001 Brickell Bay Drive, Suite 2002
Miami, FL 33131
(305) 350-5690 (o)
(305) 371-8989 (f)

ATTACHMENT-9

**Notice of Appearance
Mitchell S. Fuerst, Esq.**

Case 1:05-cv-02497-RMC Document 3 Filed 01/12/2006 Page 46 of 51

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :
c/o United States Attorney's Office :
Judiciary Center Building :
555 4th Street, N.W. :
Washington, D.C. 20530 :

Plaintiff, :
Case 1:05-cv-02497-RMC

Document 3 Filed 01/12/2006 Page 47 of 51

v. :

Civil Action No. 1:05CV02497
Before the Honorable
Rosemary M. Collyer

ALL FUNDS SEIZED FROM OR :
ON DEPOSIT IN SUNTRUST :
ACCOUNT NUMBER 1000028078359, :
IN THE NAME OF GOLD AND :
SILVER RESERVE, INC. AND ALL :
FUNDS ON DEPOSIT IN REGIONS :
BANK ACCOUNT NUMBER :
67-0919-4851, IN THE NAME OF :
GOLD AND SILVER RESERVE, INC. :

Defendants. :

NOTICE OF APPEARANCE OF MITCHELL S. FUERST, ESQ.

Mitchell S. Fuerst, Esq., of the law firm Rodriguez O'Donnell Ross Fuerst
Gonzalez Williams & England, P.C., enters his appearance on behalf of the GOLD &
SILVER RESERVE, INC., and requests that all parties add the undersigned counsel to
their certificates of service.

Respectfully submitted,

/s/ Mitchell S. Fuerst, Esq.

Mitchell S. Fuerst, Esq.
Florida Bar No. 264598
Rodriguez O'Donnell Ross Fuerst
Gonzalez Williams & England, P.C.
1001 Brickell Bay Drive, Suite 2002
Miami, FL 33131
(305) 350-5690 (o)
(305) 371-8989 (f)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing

NOTICE OF APPEARANCE OF MITCHELL S. FUERST, ESQ.

was served on January 12, 2006 by facsimile upon Laurel Loomis Rimon, Assistant United States Attorney, United States Attorney's Office, 555 Fourth Street, N.W., Room 5830, Washington, D.C. 20530.

Case 1:05-cv-02497-RMC Document 3 Filed 01/12/2006 Page 48 of 51

/s/ Andrew S. Ittleman, Esq.

Andrew S. Ittleman, Esq.
Florida Bar No. 802441
Rodriguez O'Donnell Ross Fuerst
Gonzalez Williams & England, P.C.
1001 Brickell Bay Drive, Suite 2002
Miami, FL 33131
(305) 350-5690 (o)
(305) 371-8989 (f)

ATTACHMENT-10

**Notice of Appearance
Andrew S. Ittleman, Esq.**

Case 1:05-cv-02497-RMC Document 3 Filed 01/12/2006 Page 49 of 51

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA
c/o United States Attorney's Office
Judiciary Center Building
555 4th Street, N.W.
Washington, D.C. 20530

Plaintiff,

v.

ALL FUNDS SEIZED FROM OR
ON DEPOSIT IN SUNTRUST
ACCOUNT NUMBER 1000028078359,
IN THE NAME OF GOLD AND
SILVER RESERVE, INC. AND ALL
FUNDS ON DEPOSIT IN REGIONS
BANK ACCOUNT NUMBER
67-0919-4851, IN THE NAME OF
GOLD AND SILVER RESERVE, INC.

Defendants.

Case 1:05-cv-02497-RMC Document 3 Filed 01/12/2006 Page 50 of 51

Civil Action No. 1:05CV02497
Before the Honorable
Rosemary M. Collyer

NOTICE OF APPEARANCE OF ANDREW S. ITTLEMAN, ESQ.

Andrew S. Ittleman, Esq., of the law firm Rodriguez O'Donnell Ross Fuerst Gonzalez Williams & England, P.C., enters his appearance on behalf of the GOLD & SILVER RESERVE, INC., and requests that all parties add the undersigned counsel to their certificates of service.

Respectfully submitted,

/s/ Andrew S. Ittleman, Esq.

Andrew S. Ittleman, Esq.
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing

NOTICE OF APPEARANCE OF ANDREW S. ITTLEMAN, ESQ.

was served on January 12, 2006 by facsimile upon Laurel Loomis Rimon, Assistant United States Attorney, United States Attorney's Office, 555 Fourth Street, N.W., Room 5830, Washington, D.C. 20530.

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/s/ Andrew S. Ittleman, Esq.

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