

**CLAIMANT WEALTHY MAX'S MOTION
TO DISMISS THE AMENDED COMPLAINT**

For the reasons outlined in the Memorandum in Support of this Motion to Dismiss, Claimant, Wealthy Max, respectfully requests that the Court dismiss the Amended Complaint in this matter with prejudice, and order the Government to deliver to Wealthy Max the proceeds from the redemption of the shipment of mutilated coins accepted by the Mint on or about June 26, 2014, and acknowledged by the Mint to be “due and owing” to Wealthy Max. Claimant asserts that the Government’s actions have violated Civil Asset Forfeiture Reform Act of 2000 (“CAFRA”), Pub.L. No. 106–185, 114 Stat. 202. Further, the Amended Complaint should be dismissed with prejudice because venue in this district is improper pursuant to Federal Rule of Civil Procedure 12(b)(3) and the allegations do not state a claim upon which relief can be granted under Federal Rule of Civil Procedure 12(b)(6). The Government has completely failed to state sufficiently detailed facts to support a reasonable belief it will be able to meet its burden of proof at trial.

Should the Court allow this action to proceed, in the interest of justice, claimant Wealthy Max asks that the Court sever the Government’s claims against Claimant’s Property from those that involve other individuals and entities inasmuch as no connection among them has been shown to exist.

Dated: October 20, 2015

Respectfully submitted,

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