

BENJAMIN B. WAGNER
 United States Attorney
 DEANNA L. MARTINEZ
 Assistant United States Attorney
 United States Courthouse
 2500 Tulare Street, Suite 4401
 Fresno, California 93721
 Telephone: (559) 497-4000
 Facsimile: (559) 497-4099

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT FOR THE
 EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

2006 ASTON MARTIN DC-9
 CONVERTIBLE,
 VIN: SCFAD02AX6GB04658,
 LICENSE NO. 5WWZ765,
 APPROXIMATELY \$145,854.46 IN U.S.
 CURRENCY,

APPROXIMATELY \$83,386.27 IN U.S.
 CURRENCY,

APPROXIMATELY \$3,013.99 IN U.S.
 CURRENCY, and

1993 CESSNA 550 FIXED WING MULTI-
 ENGINE AIRCRAFT, SERIAL NO. 550-
 0725, TAIL NO. N725CC,

Defendants.

) 1:09-MC-00047-GSA

) **SIXTH STIPULATION AND ORDER**
) **EXTENDING THE UNITED STATES'**
) **TIME TO FILE A COMPLAINT FOR**
) **FORFEITURE AND/OR TO OBTAIN AN**
) **INDICTMENT ALLEGING FORFEITURE**

It is hereby stipulated by and between the United States of America and Claimants Kathleen Otto and Manufacturers Acceptance Corporation (MAC) dba Heritage Pacific Leasing by Lynn Haynes, (hereafter "Claimants"), by and through their respective attorney, as follows:

1 1. On or about August 7, 2009, Claimants filed claims, in the administrative
2 forfeiture proceeding, with the Federal Bureau of Investigation with respect to the 2006 Aston
3 Martin DC-9 Convertible, VIN: SCFAD02AX6GB04658, License No. 5WWZ765(the
4 “vehicle”), approximately \$145,854.46 in U.S. Currency, approximately \$83,386.27 in U.S.
5 Currency, and approximately \$3,013.99 in U.S. Currency (the “currency”). The vehicle was
6 seized on or about May 29, 2009; the currency was seized on or about June 8, 2009.

7 2. The Federal Bureau of Investigation has sent the written notice of intent to forfeit
8 required by 21 U.S.C. § 881 to all known interested parties. The time has expired for any person to
9 file a claim to the vehicle and currency under 18 U.S.C. § 983(a)(2)(A)-(E), and no person(s) other
10 than the Claimants have filed claims to the vehicle and currency as required by law in the
11 administrative forfeiture proceeding.

12 3. Under 18 U.S.C. § 983(a)(3)(A), the United States is required to file a complaint for
13 forfeiture against the vehicle and currency and/or to obtain an indictment alleging that the vehicle
14 and currency are subject to forfeiture within 90 days after a claim has been filed in the administrative
15 forfeiture proceedings, unless the court extends the deadline for good cause shown or by agreement
16 of the parties.

17 4. By Stipulation and Order filed on November 4, 2009, the parties stipulated to extend
18 to December 4, 2009, the time in which to file a Complaint for Forfeiture and/or obtain an
19 Indictment Alleging Forfeiture.

20 5. By Stipulation and Order filed on December 4, 2009, the parties stipulated to extend
21 to February 2, 2010, the time in which to file a Complaint for Forfeiture and/or to Obtain an
22 Indictment Alleging Forfeiture.

23 6. By Stipulation and Order filed on February 1, 2010, the parties stipulated to further
24 extend to April 5, 2010, the time in which to file a Complaint for Forfeiture and/or to Obtain an
25 Indictment Alleging Forfeiture.

26 7. By Stipulation and Order filed on April 5, 2010, the parties stipulated to further
27 extend to June 3, 2010, the time in which to file a Complaint for Forfeiture and/or to Obtain an
28 Indictment Alleging Forfeiture.

1 8. By Stipulation and Order filed on June 3, 2010, the parties stipulated to further extend
2 to July 7, 2010, the time in which to file a Complaint for Forfeiture and/or to Obtain an Indictment
3 Alleging Forfeiture.

4 9. As provided in 18 U.S.C. § 983(a)(3)(A), the parties wish by agreement to further
5 extend to August 9, 2010, the time in which the United States is required to file a civil complaint for
6 forfeiture against the vehicle and currency and/or to obtain an indictment alleging that the vehicle
7 and currency are subject to forfeiture.

8 10. The 1993 Cessna 550 Fixed Wing Multi-Engine Aircraft, Serial No. 550-0725, Tail
9 No. N725CC (hereafter "Cessna"), does not fall under administrative forfeiture eligibility however
10 the parties herein stipulate to include the Cessna under the governments requirement to file a Civil
11 Forfeiture Complaint or Indictment alleging Forfeiture on the within stipulated deadline date.

12 11. Accordingly, the parties agree that the deadline by which the United States shall be
13 required to file a complaint for forfeiture against the vehicle, currency, and Cessna and/or to obtain
14 an indictment alleging that the vehicle, currency, and Cessna are subject to forfeiture shall be
15 extended to August 9, 2010.

16 Dated: July 7, 2010

BENJAMIN B. WAGNER
United States Attorney

18 /s/ Deanna L. Martinez
19 DEANNA L. MARTINEZ
Assistant United States Attorney

21 Dated: July 7, 2010

22 /s/ Paul L. Gabbert
PAUL L. GABBERT
Attorney for Claimants

(original signature retained by attorney)

25 IT IS SO ORDERED.

26 Dated: July 8, 2010

27 /s/ **Gary S. Austin**
UNITED STATES MAGISTRATE JUDGE