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

10

11 UNITED STATES OF AMERICA,
 12 Plaintiff,
 13 v.
 14
 15 2006 ASTON MARTIN DC-9
 CONVERTIBLE,
 16 VIN: SCFAD02AX6GB04658,
 LICENSE NO. 5WWZ765,
 17 APPROXIMATELY \$145,854.46 IN U.S.
 18 CURRENCY,
 19 APPROXIMATELY \$83,386.27 IN U.S.
 CURRENCY,
 20 APPROXIMATELY \$3,013.99 IN U.S.
 21 CURRENCY, and
 22 1993 CESSNA 550 FIXED WING MULTI-
 ENGINE AIRCRAFT, SERIAL NO. 550-
 23 0725, TAIL NO. N725CC,
 24
 25 Defendants.

) 1:09-MC-00047-GSA

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

26 It is hereby stipulated by and between the United States of America and Claimants Kathleen
 27 Otto and Manufacturers Acceptance Corporation (MAC) dba Heritage Pacific Leasing by Lynn
 28 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. As provided in 18 U.S.C. § 983(a)(3)(A), the parties wish by agreement to extend to
18 June 3, 2010, the time in which the United States is required to file a civil complaint for forfeiture
19 against the vehicle and currency and/or to obtain an indictment alleging that the vehicle and currency
20 are subject to forfeiture.

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

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1 6. Accordingly, the parties agree that the deadline by which the United States shall be
2 required to file a complaint for forfeiture against the vehicle, currency, and Cessna and/or to obtain
3 an indictment alleging that the vehicle, currency, and Cessna are subject to forfeiture shall be
4 extended to June 3, 2010.

5 Dated: April 5, 2010

BENJAMIN B. WAGNER
United States Attorney

7 /s/ Deanna L. Martinez
8 DEANNA L. MARTINEZ
9 Assistant United States Attorney

10 Dated: April 5, 2010

11 /s/ Paul L. Gabbert
12 PAUL L. GABBERT
13 Attorney for Claimants

(original signature retained by attorney)

14
15 **ORDER**

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17 IT IS SO ORDERED.

18 **Dated: April 7, 2010**

19 /s/ Gary S. Austin
20 UNITED STATES MAGISTRATE JUDGE