

1 BENJAMIN B. WAGNER  
 United States Attorney  
 2 KEVIN C. KHASIGIAN  
 ALYSON A. BERG  
 3 Assistant United States Attorney  
 United States Courthouse  
 4 2500 Tulare Street, Suite 4401  
 Fresno, California 93721  
 5 Telephone: (559) 497-4000  
 Facsimile: (559) 497-4099  
 6  
 Attorneys for the United States  
 7

8 IN THE UNITED STATES DISTRICT COURT  
 9 EASTERN DISTRICT OF CALIFORNIA  
 10

11 UNITED STATES OF AMERICA,  
 12 Plaintiff,

13 v.

14 REAL PROPERTY LOCATED AT 11150  
 E. CALIFORNIA AVENUE, SANGER,  
 15 FRESNO COUNTY, CALIFORNIA,  
 ALSO KNOWN AS 745 S. INDIANOLA,  
 16 SANGER, FRESNO COUNTY,  
 CALIFORNIA, APN: 314-062-17,  
 17 INCLUDING ALL APPURTENANCES  
 AND IMPROVEMENTS THERETO, and  
 18

19 REAL PROPERTY LOCATED AT 890 S.  
 ARMSTRONG AVENUE, FRESNO,  
 20 FRESNO COUNTY, CALIFORNIA,  
 APN: 313-040-50, INCLUDING ALL  
 APPURTENANCES AND  
 21 IMPROVEMENTS THERETO,

22 Defendants.  
 23

1:11-CV-01686-AWI-SKO

**STIPULATION TO STAY FURTHER  
 PROCEEDINGS AND ORDER**

24 The United States of America and claimants, by and through their respective  
 25 counsel, hereby stipulate that a stay is appropriate in the above-entitled action, and request  
 26 that the court enter an order staying further proceedings until the conclusion of the related  
 27 criminal case. The basis for the proposed stay is the related criminal action against several  
 28 individuals charged with cultivating marijuana in violation of federal law at the defendant

1 properties, United States v. Douangchanh Keovilayvanh, 1:10-CR-00476-LJO and United  
2 States v. Bouasangouane, et al., 1:11-CR-00357-AWI. None of the claimants have been  
3 charged with violations of the federal Controlled Substances Act.

4 United States v. Bouasangouane, et al., 1:11-CR-00357-AWI, is the only unresolved  
5 companion criminal case. Particularly, the parties understand that defendant Shavane  
6 Bouasangouane has pleaded guilty and is scheduled to be sentenced on July 1, 2013. The  
7 remaining defendant, Reney Bouasangouane, is set for trial on October 8, 2013.

8 1. Pattanumotana Family Limited Partnership, Darrin Pattanumotana,  
9 Damrong Pattanumotana, Gavin Pattanumotana, Goon Pattanumotana, and Somluck  
10 Pattanumotana filed claims on November 28, 2011.

11 2. Claimants filed their answer on January 30, 2012.

12 3. No other claimants have appeared in this action.

13 4. The stay is requested pursuant to 21 U.S.C. § 881(i).

14 5. To date, several individuals have been charged with federal criminal crimes  
15 related to cultivation of marijuana on the defendant property, United States v.  
16 Douangchanh Keovilayvanh, 1:10-CR-00476-LJO and United States v. Bouasangouane, et  
17 al., 1:11-CR-00357-AWI. The United States intends to depose those charged with crimes  
18 connected to the drug offenses. If discovery proceeds at this time, these individuals, or  
19 some of them, will be placed in the difficult position of either invoking their Fifth  
20 Amendment rights against self-incrimination or waiving their Fifth Amendment rights and  
21 submitting to a deposition and potentially incriminating themselves. If they invoke their  
22 Fifth Amendment rights, the United States will be deprived of the ability to explore the  
23 factual basis for the claims the claimants filed with this court.

24 6. In addition, claimants intend to depose, among others, the agents involved  
25 with this investigation, including but not limited to the agents with the Drug Enforcement  
26 Administration. Allowing depositions of the law enforcement officers at this time would  
27 adversely affect the ability of the federal authorities to prepare for the criminal trial and/or  
28 further investigate the alleged underlying criminal conduct.

1 The parties recognize that proceeding with these actions at this time could have potential  
2 adverse effects on the investigation of the underlying criminal conduct and/or upon the  
3 claimants' ability to prove their claims to the defendant real properties and to assert any  
4 defenses to forfeiture. For these reasons, the parties jointly request that these matters be  
5 stayed until the conclusion of the related criminal case. The parties further agree that,  
6 subject to the court's approval, they may jointly request that the court lift the stay for the  
7 limited purpose of conducting an early settlement conference while the criminal matter is  
8 pending. At that time the parties will advise the court of the status of the criminal case and  
9 will advise the court whether a further stay is appropriate.

10  
11 Respectfully submitted,

12 Dated: May 31, 2013

BENJAMIN B. WAGNER  
United States Attorney

13  
14 By: /s/ Kevin C. Khasigian  
KEVIN C. KHASIGIAN  
Assistant United States Attorney

15  
16 Dated: May 31, 2013

/s/ Stephanie Hamilton Borchers  
DONALD R. FISCHBACH  
STEPHANIE HAMILTON BORCHERS  
Attorneys for Claimants Darrin Pattanumotana,  
Damrong Pattanumotana, Gavin Pattanumotana,  
Goon Pattanumotana, Somluck Pattanumotana,  
and the Pattanumotana Family Limited Partnership  
(As Authorized via email on 5/31/13)

20  
21 **ORDER**

22 For the reasons set forth above, this matter is stayed until the conclusion of the  
23 related criminal case. At that time, the parties will advise the court whether a further stay  
24 is necessary.

25  
26 IT IS SO ORDERED.

27 Dated: June 3, 2013

28   
\_\_\_\_\_  
SENIOR DISTRICT JUDGE