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

10
11 UNITED STATES OF AMERICA,) 1:11-CV-01686-AWI-SKO
12 Plaintiff,)
13 v.)
14 REAL PROPERTY LOCATED AT 11150) STIPULATION TO STAY FURTHER
E. CALIFORNIA AVENUE, SANGER,) PROCEEDINGS AND ORDER
15 FRESNO COUNTY, CALIFORNIA,)
16 ALSO KNOWN AS 745 S. INDIANOLA,)
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,)
FRESNO COUNTY, CALIFORNIA,)
20 APN: 313-040-50, INCLUDING ALL)
APPURTENANCES AND)
21 IMPROVEMENTS THERETO,)
22 Defendants.)
23

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 Bouasangouance, 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
15 KEVIN C. KHASIGIAN
16 Assistant United States Attorney

Dated: May 31, 2013

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

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