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7  
 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 REAL PROPERTY LOCATED AT  
 5590 E. GARLAND AVENUE,  
 15 FRESNO, FRESNO COUNTY,  
 CALIFORNIA, APN:494-050-20,  
 16 INCLUDING ALL  
 APPURTENANCES AND  
 17 IMPROVEMENTS THERETO,  
 18 Defendant.  
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) 1:11-CV-02052-LJO-SKO

) **STIPULATION TO STAY**  
 ) **PROCEEDINGS AND ORDER**

20 The United States of America, Claimants Ryan Bagdasarian and Anthony  
 21 Bagdasarian, and Claimants Heather Stevens and Martin Stevens, by and through  
 22 their respective counsel, hereby stipulate that a stay is necessary in the  
 23 above-entitled action and request the Court enter an order staying proceedings  
 24 pending resolution of the on-going criminal prosecution United States v.  
 25 Bagdasarian et al, 1:11-CR-00352-LJO-SKO.

26 The stay is requested pursuant to 18 U.S.C. §§ 981(g)(1) and (g)(2). The  
 27 United States contends that the defendant assets are traceable to proceeds of,  
 28 involved in, or facilitated the violations alleged in the Superceding Criminal

1 Indictment (See 1:11-CR-00352-LJO-SKO Doc # 42).

2 A stay is warranted because if discovery proceeds at this time in the civil in  
3 rem case, Claimants would be entitled to depose, among others, the agents and  
4 deputies involved with this investigation. Allowing depositions of the law  
5 enforcement officers at this stage of the criminal investigation could adversely affect  
6 the ability of the federal authorities to effectively pursue the related criminal  
7 prosecution.

8 Likewise, a stay is warranted because Claimant Ryan Bagdasarian is a  
9 Defendant in the related criminal prosecution, has standing to assert a claim in the  
10 civil in rem forfeiture proceeding, and continuation of the forfeiture proceeding will  
11 burden the right of Claimant Ryan Bagdasarian against self-incrimination in the  
12 related criminal prosecution.

13 As such, the parties recognize that proceeding with the civil in rem action at  
14 this time could have adverse effects on the underlying criminal prosecution and/or  
15 upon the Claimants' ability to prove their claim to the property and to assert any  
16 defenses to forfeiture.

17 For these reasons, the parties jointly request that this matter be stayed  
18 pending resolution of the related criminal prosecution.

19 THEREFORE, the parties to this action stipulate and request as follows:

- 20 1. Pursuant to 18 U.S.C. §§ 981(g)(1) and (g)(2), this action be stayed due to the  
21 pending related criminal prosecution;
- 22 2. All presently scheduled court dates be vacated; and,
- 23 3. The parties are to promptly notify the Court upon resolution of the pending  
24 criminal prosecution.

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Dated: July 25 , 2012

Respectfully submitted,  
BENJAMIN B. WAGNER  
United States Attorney

/s/ Heather Mardel Jones  
HEATHER MARDEL JONES  
Assistant United States Attorney

Dated: July 25, 2012

/s/ Nicholas Capozzi  
ANTHONY P. CAPOZZI  
NICHOLAS CAPOZZI  
Attorneys for Claimants  
Ryan Bagdasarian and  
Anthony Bagdasarian

Dated: July 25 , 2012

/s/ Brenda Grantland  
BRENDA GRANTLAND  
Attorneys for Claimants  
Heather Stevens and  
Martin Stevens

**ORDER**

IT IS SO ORDERED.

Dated: July 27, 2012

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE