

1 BENJAMIN B. WAGNER
 United States Attorney
 2 HEATHER MARDEL JONES
 Assistant United States Attorney
 3 United States Courthouse
 2500 Tulare Street, Suite 4401
 4 Fresno, California 93721
 Telephone: (559) 497-4000
 5 Facsimile: (559) 497-4099
 6 Attorneys for United States

7
 8 IN THE UNITED STATES DISTRICT COURT FOR THE
 9 EASTERN DISTRICT OF CALIFORNIA
 10

11 UNITED STATES OF AMERICA,) 1:12-CV-00254-LJO-SKO
12 Plaintiff,) STIPULATION TO STAY
13 v.) PROCEEDINGS AND ORDER
14)
15 APPROXIMATELY \$35,900.00 IN)
U.S. CURRENCY,)
16 APPROXIMATELY \$5,500.00 IN U.S.)
CURRENCY,)
17 APPROXIMATELY \$3,127.00 IN U.S.)
18 CURRENCY, and)
19 APPROXIMATELY \$5,772.08 IN US.)
20 CURRENCY SEIZED FROM UNION)
BANK ACCOUNT NUMBER)
21 1540018207,)
22 Defendants.)

23 The United States of America and Claimants Mark Bagdasarian and
 24 Maureen Bagdasarian, by and through their respective counsel, hereby stipulate
 25 that a stay is necessary in the above-entitled action and request the Court enter an
 26 order staying proceedings due to the on-going criminal prosecution United States v.
 27 Bagdasarian et al, 1:11-CR-00352-LJO-SKO.

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1 The stay is requested pursuant to 18 U.S.C. §§ 981(g)(1) and (g)(2). The
2 United States contends that the defendant assets were proceeds of, involved in, or
3 facilitated the violations alleged in the Superseding Criminal Indictment (See 1:11-
4 CR-00352-LJO-SKO Doc # 42).

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

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

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

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

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

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

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Respectfully submitted,

Dated: July 17 , 2012

BENJAMIN B. WAGNER
United States Attorney

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

Dated: July 17 , 2012

/s/ Nicholas Capozzi
ANTHONY P. CAPOZZI
NICHOLAS CAPOZZI
Attorneys for Claimants
Mark Bagdasarian and
Maureen Bagdasarian

ORDER

IT IS SO ORDERED.

Dated: July 19, 2012

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE