

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  
(559) 497-4000 Telephone  
5 (559) 497-4099 Facsimile  
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, ) 1:12-CV-01977-LJO-SKO  
12 Plaintiff, )  
13 v. ) **STIPULATION TO STAY CIVIL**  
14 ) **PROCEEDINGS**  
15 )  
16 APPROXIMATELY \$423,600.00 )  
SEIZED FROM MISSION BANK )  
ACCOUNT NUMBER 1006675, HELD )  
17 IN THE NAME OF MIKE SEGUINE )  
dba MIKE'S COIN & STAMP, )  
18 Defendant. )

19 IT IS HEREBY STIPULATED between the United States of America and Claimants  
20 Michael Seguine and Cathy Seguine (“Claimants”), by and through their respective counsel,  
21 that a stay is necessary in the above-entitled action and request the Court enter an order  
22 staying proceedings pending resolution of the currently active criminal investigation.

23 1. On December 3, 2012, the United States filed a civil judicial “Verified  
24 Complaint for Forfeiture In Rem,” in the Eastern District of California: *United States v.*  
25 *Approximately \$423,600.00 Seized From Mission Bank Account Number 1006675, held in*  
26

1 *the name of Mike Seguine dba Mike's Coin & Stamp*, Docket No. 1:12-CV-01977-LJO-SKO,  
2 ECF No. 1.

3 2. On January 9, 2013, Claimants filed judicial claims to the defendant funds;  
4 and on January 28, 2013, Claimants filed an Answer. ECF Nos. 6, 7, 8.

5 3. As provided by 18 U.S.C. § 981(g)(1), upon request of the United States, the  
6 court “shall” stay the civil forfeiture proceeding if the court determines that civil discovery  
7 will adversely affect the ability of the Government to conduct a related criminal  
8 investigation or the prosecution of a related criminal case.

9 4. As provided by 18 U.S.C. § 981(g)(2), upon request by the claimant, the court  
10 “shall” stay the civil forfeiture proceedings if the court determines that the claimant is the  
11 subject of a related criminal investigation or case, the claimant has standing to assert a  
12 claim in the civil forfeiture proceeding, and continuation of the forfeiture proceeding will  
13 burden the right of the claimant against self-incrimination in the related investigation or  
14 case.

15 5. As provided in both 18 U.S.C. §§ 981(g)(1) and (g)(2), the parties wish by  
16 agreement to stay the civil forfeiture proceedings entirely, as the parties stipulate and  
17 agree that there is a related ongoing criminal investigation of which Claimants are a  
18 subject, that Claimants have standing to assert a claim in the civil forfeiture proceeding,  
19 that continuation of the forfeiture proceeding will burden the right of Claimants against  
20 self-incrimination in the related criminal prosecution, and that the present civil discovery  
21 will adversely affect the ability of the United States to conduct the related criminal  
22 investigation.

1           6.       Accordingly, the parties agree that the stay be imposed. As the criminal  
2 investigation has not yet resulted in criminal charges, the parties wish the stay to be in  
3 effect only until March 11, 2014. The parties request that the court set a status hearing on  
4 or about March 4, 2014. The parties will file a joint status report one week prior, informing  
5 the court whether the continuation of the stay is still necessary.

6  
7 Dated: November 7, 2013

BENJAMIN B. WAGNER  
United States Attorney

8  
9                               /s/ Heather Mardel Jones  
10 HEATHER MARDEL JONES  
Assistant United States Attorney

11  
12 Dated: November 7, 2013

/s/ Michael P. Mears  
MICHAEL P. MEARS  
Attorney for Claimants

13  
14  
15                               **ORDER**

16  
17           Pursuant to the above stipulation between the parties, IT IS HEREBY ORDERED  
18 that:

- 19           1.       Pursuant to 18 U.S.C. §§ 981(g)(1) and (g)(2), this action is stayed until March  
20                   11, 2014, due to the related criminal investigation;  
21           2.       A status conference is set for March 4, 2014, at 10:30 a.m., before Magistrate  
22                   Judge Sheila K. Oberto; and  
23

24 //

25 //

26 //

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

3. The parties shall file a joint status report by no later than February 25, 2014, informing the Court about the status of the case and whether a continuation of the stay is necessary.

IT IS SO ORDERED.

Dated: November 10, 2013

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE