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5 Attorneys for Plaintiff
6 United States of America

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

10 UNITED STATES OF AMERICA,
11
12 Plaintiff,

13 v.

14 APPROXIMATELY \$70,563.22 IN U.S.
CURRENCY SEIZED FROM MISSION
15 BANK ACCOUNT NUMBER 3000288,

16 Defendant.

CASE NO. 1:13-CV-00602-AWI-SMS

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18 **STIPULATION TO CONTINUE
19 SCHEDULNG CONFERENCE AND
20 ORDER THEREON**

21 It is hereby stipulated by and between the United States of America and Claimant
22 James H. Park, ("Claimant"), by and through their respective attorneys, as follows

23 1. This is a civil action *in rem* to forfeit to the United States of America
24 approximately \$70,563.22 in U.S. currency seized from Mission Bank account number
25 3000288, (hereafter "defendant funds") pursuant to 18 U.S.C. § 984 and 31 U.S.C. §
26 5317(c)(2) incorporating the procedures governing civil forfeitures in money laundering
27 cases pursuant to 18 U.S.C. § 981(a)(1)(A). The defendant funds are property involved in
28 violations of 31 U.S.C. § 5324(a)(1), which prohibits causing, or attempting to cause a
financial institution to fail to file Currency Transaction Reports (CTRs) and 31 U.S.C. §
5324(a)(3), which prohibits the structuring or assisting in structuring, or attempting to

1 structure or assist in the purpose of evading the reporting requirements of 31 U.S.C. §§
2 5313(a) or 5325.

3 2. On or about May 9, 2013, the United States sent copies of the Complaint,
4 Warrant for Arrest of Articles *In Rem*, Order Setting Mandatory Scheduling Conference,
5 Notice of Availability of Magistrate Judge, Notice of Availability Voluntary Dispute
6 Resolution and notice of forfeiture letter dated May 9, 2013, to James and Helen Park
7 through their attorney of record Ellis Park at 2312 Park Avenue, Suite 210 in Tustin,
8 California. As such, the original deadline to file a claim was June 14, 2013.

9 3. On June 5, 2013, upon the request of Attorney Ellis Park, the United States
10 granted to potential claimants James Park and Helen Park, an extension of time in which
11 to file their claims. Thereafter, the new date which such claims were to be filed was no
12 later than July 5, 2013. On July 3, 2013, Claimant James Park filed his verified claim in
13 this action.

14 4. To date no other potential claimants have appeared in this action as required
15 by Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset
16 Forfeiture Actions, and the time to file a claim and answer has expired. As such it is the
17 intent of the United States to seek the default of all other potential claimants.

18 5. On July 10, 2013, Counsel for Claimant James Park advised that he would be
19 out of the country for one week, beginning July 19, 2013, and continuing through July 26,
20 2013—including on the date of the currently set July 23, 2013 Scheduling Conference. In
21 the same conversation, Counsel for Claimant James Park also requested an extension of
22 time to file the Answer to the Complaint.

23 6. On this same date, at the request of Counsel for Claimant, the United States
24 granted Claimant James Park an extension of time, to August 9, 2013, in which to file his
25 answer to the Verified Complaint for Forfeiture *In Rem*.

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1 7. Due to unavailability of Counsel for Claimant James Park, the Parties in this
2 case stipulate and request that the Scheduling Conference currently set for July 23, 2013
3 be continued to August 28, 2013, at 9:30 a.m. This extension also allows time for
4 Claimant James Park to file his answer to the Verified Complaint and for Attorney Ellis
5 Park to be available at the time of the Scheduling Conference.

6
7 Dated: July 11, 2013

BENJAMIN B. WAGNER
United States Attorney

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

11
12 Dated: July 11 , 2013

/s/ Ellis Park
13 ELLIS PARK
Attorney for Claimant James H. Park

14
15
16 IT IS SO ORDERED.

17 Dated: 7/12/2013

/s/ SANDRA M. SNYDER
18 UNITED STATES MAGISTRATE JUDGE