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

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11 VICTOR A. NOTTOLI, et al.,) 1:13-CV-01551-LJO-BAM
12 Plaintiffs,)
13 v.) STIPULATION AND ORDER FOR
14 UNITED STATES OF AMERICA,) STAY OF CIVIL PROCEEDINGS
15 Defendant.) AND TOLLING OF ANY
16) APPLICABLE FILING
17) DEADLINES

18 IT IS HEREBY STIPULATED between the United States of America and Plaintiffs
19 Victor A. Nottoli, Jun Wu, Dezheng Wu, The Only Source Corporation, BioNaturals, Inc.,
20 and Victor A. Nottoli and Jun Wu Living Trust, by and through their respective counsel,
21 that a stay is sought to allow the parties to pursue pre-indictment discussions that may
22 lead to the resolution of this matter and others.
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- 24 1. On or about June 26, 2013, the Drug Enforcement Administration and the Internal
25 Revenue Service-Criminal Investigations, conducted seizures of bank accounts and
26 other assets, including a large number of gift cards and sums of U.S. Currency from
27 Plaintiffs' residence, business, and safe deposit box. The affidavits remain sealed.
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2. On September 12, 2013, Plaintiffs initiated this matter in the Eastern District of

1 California, *Nottoli et al. v. United States of America*, 1:13-CV-01551-LJO-BAM, ECF
2 No. 2.

- 3 3. On October 8, 2013, Plaintiffs filed their *Summons Returned Executed*, with a service
4 date of September 30, 2013, making the responsive pleading by the United States
5 due to be filed on November 29, 2013. ECF No. 20.
- 6 4. The parties stipulate and agree that it is in the interests of justice that the Court
7 stay this matter. The parties are actively engaged in discussions that may lead to a
8 resolution of both this matter and the parallel criminal investigation, and seek to
9 pursue those negotiations before further litigating the issues raised in the motion.
- 10 5. Therefore, due to the discussions between the parties, the parties jointly request a
11 stay of the instant civil action until January 31, 2014.
- 12 6. One week prior to the expiration of the stay, the parties shall file a joint status report
13 informing the court whether a continuation of the stay is necessary or, if not, then
14 resetting the hearing and responsive pleading deadlines.
- 15 7. Additionally, the parties agree and stipulate that any applicable civil asset forfeiture
16 or criminal asset forfeiture filing deadlines with regard to the seized assets shall be
17 likewise tolled for the period covered by the stay, thus excepting the time during the
18 pendency of the stay from any computation of filing deadlines.

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23 Dated: October 23, 2013

BENJAMIN B. WAGNER
United States Attorney

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

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28 Dated: October 23, 2013

1 /s/ Courtney J. Linn
2 COURTNEY J. LINN
3 Attorney for Plaintiffs

4 **ORDER**

5 Based on the stipulation of the parties (Doc. 21), this action is hereby STAYED until
6 January 30, 2014. Any applicable civil asset forfeiture or criminal asset forfeiture filing
7 deadlines with regard to the seized assets shall be likewise tolled for the period covered by
8 the stay.

9 The Court sets a status conference for January 30, 2014, at 10:00 AM, in Courtroom
10 8, before United States Magistrate Judge Barbara A. McAuliffe. One week prior to the
11 expiration of the stay, the parties shall file a joint status report informing the court whether
12 a continuation of the stay is necessary.

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14 IT IS SO ORDERED.

15 Dated: October 23, 2013

16 /s/ Barbara A. McAuliffe
17 UNITED STATES MAGISTRATE JUDGE
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