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7
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 TO EXTEND
14 UNITED STATES OF AMERICA,) STAY OF CIVIL PROCEEDINGS
15 Defendant.) AND TOLLING OF ANY
16) APPLICABLE FILING
17) DEADLINES; ORDER
18) CONTINUING STATUS
19) CONFERENCE
20)

21 IT IS HEREBY STIPULATED between the United States of America and Plaintiffs
22 Victor A. Nottoli, Jun Wu, Dezheng Wu, The Only Source Corporation, BioNaturals, Inc.,
23 and Victor A. Nottoli and Jun Wu Living Trust, by and through their respective counsel, to
24 extend the stay that is currently in place, to allow the parties additional time to pursue pre-
25 indictment discussions that may lead to the resolution of this matter and others.

- 26 1. On or about June 26, 2013, the Drug Enforcement Administration and the Internal
27 Revenue Service-Criminal Investigations, conducted seizures of bank accounts and
28 other assets, including a large number of gift cards and sums of U.S. Currency from
Plaintiffs' residence, business, and safe deposit box. The affidavits remain sealed.

The seized assets are as follows:

- a. \$818,890.00 seized from Citibank Account #40019819131, held in the name of De Zheng Wu with Jun Wu as Power of Attorney
- b. \$730,000.00 seized from Metro United Account #760052602, held in the name of Victor A. Nottoli and Jun Wu Living Trust
- c. \$680,000.00 seized from JPMorgan Account #2973285105, held in the name of De Zheng Wu with Jun Wu as Power of Attorney
- d. \$488,800.00 seized from Wells Fargo Account #9763356988, held in the name of De Zheng Wu with Jun Wu as Power of Attorney
- e. \$300,000.00 in U.S. Currency seized from Bank of America Safe Deposit Box 5961N, held in the name of Victor Nottoli and Jun Wu
- f. \$275,722.00 in U.S. Currency seized from 20 Madrone Place, Hillsborough, CA
- g. \$150,000.00 seized from HSBC Account #277-46861-2, held in the name of Victor Anthony Nottoli and Jun Wu
- h. \$48,061.76 seized from Bank of America Account #164102381136, held in the name of The Only Source Corporation
- i. \$40,180.80 seized from Bank of America Account #325012948880, held in the name of Victor A. Nottoli and Jun Wu Living Trust
- j. 109 assorted gift cards with a combined value of approximately \$35,959.91 seized from Victor Nottoli, 20 Madrone Place, Hillsborough, CA
- k. \$28,196.21 seized from Bank of America Account #383412969, held in the name De Zheng Wu with Jun Wu as Power of Attorney
- l. \$9,732.31 seized from Bank of America Account #1269615448, held in the name of BioNaturals, Inc.
- m. \$2,705.00 in U.S. Currency seized from The Stuffed Pipe, 5135 W. Shaw Ave, Fresno, CA

2. On September 12, 2013, Plaintiffs initiated the instant matter in the Eastern District of California, *Nottoli et al. v. United States of America*, 1:13-CV-01551-LJO-BAM, ECF No. 2.

3. On October 8, 2013, Plaintiffs filed their *Summons Returned Executed*, with a service date of September 30, 2013, making the responsive pleading by the United States

1 due to be filed on November 29, 2013. ECF No. 20.

2 4. On October 23, 2013, the parties stipulated and agreed that it was in the interests of
3 justice that the Court stay the instant matter. ECF No. 21.

4 5. On October 24, 2013, the Court ordered the case stayed until January 30, 2014, and
5 set a status hearing for January 30, 2014, at 10:00 a.m., in Courtroom 4, before the
6 Honorable Magistrate Judge Barbara A. McAuliffe. ECF No. 22.

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8 6. Due to the ongoing discussions between the parties, the parties again jointly request
9 an extension of the stay of the instant civil action until February 28, 2014.

10 7. One week prior to the expiration of the stay, the parties shall file a joint status report
11 informing the court whether a continuation of the stay is necessary or, if not, then
12 providing suggested responsive pleading deadlines and requesting resetting of the
13 motion hearing.
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1 8. Additionally, the parties continue to agree and stipulate that any applicable civil
2 asset forfeiture or criminal asset forfeiture filing deadlines with regard to the seized
3 assets shall be likewise tolled for the period covered by the extended stay, thus
4 excepting the time during the pendency of the stay from any computation of filing
5 deadlines.
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7 Dated: January 22, 2014

BENJAMIN B. WAGNER
United States Attorney

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

11 Dated: January 22, 2014

12 /s/ Courtney J. Linn
13 COURTNEY J. LINN
Attorney for Plaintiffs
14

15 **ORDER**

16 Based on the stipulation of the parties (Doc. 23), the stay in this action is hereby
17 EXTENDED until March 6, 2014. Any applicable civil asset forfeiture or criminal asset
18 forfeiture filing deadlines with regard to the seized assets shall be likewise tolled for the
19 period covered by the stay.

20 The Court CONTINUES the status conference from January 30, 2014 to March 6,
21 2014, at 8:30 AM, in Courtroom 8, before United States Magistrate Judge Barbara A.
22 McAuliffe. One week prior to the expiration of the stay, the parties shall file a joint status
23 report informing the court whether a continuation of the stay is necessary.
24 IT IS SO ORDERED.

25 Dated: January 23, 2014

/s/ Barbara A. McAuliffe
26 UNITED STATES MAGISTRATE JUDGE