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

10
11 VICTOR A. NOTTOLI, et al.,) 1:13-CV-01551-LJO-BAM
12)
Plaintiffs,)
13)
v.)
14 UNITED STATES OF AMERICA,) THIRD JOINT STIPULATION TO
15) EXTEND STAY OF CIVIL
Defendant.) PROCEEDINGS AND TOLLING
16) OF ANY APPLICABLE FILING
DEADLINES; ORDER THEREON
17)

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, to
21 extend the stay that is currently in place, to allow the parties additional time to pursue pre-
22 indictment discussions that may 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.
28

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. On January 22, 2014, the parties again jointly requested, and on January 24, 2014
9 the Court ordered an extension of the stay of the instant civil action until March 6,
10 2014. ECF Nos. 23 & 24.

11 7. On February 24, 2014, the parties again jointly requested, and on February 25, 2014
12 the Court ordered an extension of the stay of the instant civil action until April 24,
13 2014. ECF Nos. 25 & 26.

14
15 8. Since that time, the parties have been in near daily communication as part of the
16 continued and ongoing meetings and discussions concerning the possible pre-
17 indictment resolution of this matter. As such, the parties again jointly request an
18 extension of the current stay until June 20, 2014.

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20 9. One week prior to the expiration of the stay, the parties shall file a joint status report
21 informing the court whether a continuation of the stay is necessary or, if not, then
22 providing suggested responsive pleading deadlines and requesting resetting of the
23 motion hearing.

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1 10. 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.
6

7 Dated: April 16, 2014

BENJAMIN B. WAGNER
United States Attorney

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

11 Dated: April 16, 2014

12 /s/ Patrick K. Hanly
13 PATRICK K. HANLY
14 COURTNEY J. LINN
Attorneys for Plaintiffs

15 **ORDER**

16 Based on the stipulation of the parties (Doc. 27), the stay in this action is hereby
17 EXTENDED until **June 19, 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 sets a status conference for **June 19, 2014, at 9:00 AM**, in Courtroom 8,
21 before United States Magistrate Judge Barbara A. McAuliffe. One week prior to the
22 expiration of the stay, the parties shall file a joint status report informing the court whether
23 a continuation of the stay is necessary.

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25 IT IS SO ORDERED.

26 Dated: April 17, 2014

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