

1 BENJAMIN B. WAGNER  
 United States Attorney  
 2 KEVIN C. KHASIGIAN  
 Assistant U. S. Attorney  
 3 501 I Street, Suite 10-100  
 Sacramento, CA 95814  
 4 Telephone: (916) 554-2700  
 5 Attorneys for the United States

6  
 7  
 8 IN THE UNITED STATES DISTRICT COURT  
 9 EASTERN DISTRICT OF CALIFORNIA

10  
 11 UNITED STATES OF AMERICA,  
 12 Plaintiff,  
 13 v.  
 14 APPROXIMATELY 3,804 FIREARMS,  
 15 Defendant.

1:14-CV-01999-JAM-SAB

**STIPULATION AND ORDER TO STAY  
 FURTHER PROCEEDINGS**

16  
 17 CALIFORNIA RIFLE PISTOL  
 ASSOCIATION, INCORPORATED,  
 18 Plaintiff,  
 19 v.  
 20 BUREAU OF ALCOHOL, TOBACCO,  
 21 FIREARMS AND EXPLOSIVES; ATTORNEY  
 22 GENERAL ERIC HOLDER, in his official  
 23 capacity; B. TODD JONES, in his official  
 24 capacity; and DOES 1 through 100, inclusive,  
 25 Defendants.

1:14-CV-01211-JAM-SAB

26 The United States and claimant Chris Cook (“claimant”) hereby stipulate that a further stay is  
 27 necessary in the above-entitled action, and request that the Court enter an order extending the stay of all  
 28 further proceedings due to an on-going related criminal investigation against claimant Chris Cook.

1           1.       Claimant has filed a claim in this *in rem* forfeiture action, asserting he has an interest, in  
2 whole or in part, and directly, on behalf of, and/or as custodian, for each of the defendant assets in this  
3 action. ECF No. 7.

4           2.       The stay is requested pursuant to 18 U.S.C. §§ 981(g)(1) and 981(g)(2). The United States  
5 contends that the defendant assets were involved in or used in a violation of federal law, 18 U.S.C. §  
6 922(a)(1)(A) (unlicensed importing, manufacturing, or dealing in firearms, or in the course of such  
7 business to ship, transport, or receive any firearm in interstate or foreign commerce). Claimant denies  
8 these allegations.

9           3.       The United States intends to depose claimant Cook regarding his claim and the allegations  
10 as set forth in the complaint. If discovery proceeds at this time, claimant may be placed in the difficult  
11 position of either invoking his Fifth Amendment rights against self-incrimination and losing the ability to  
12 pursue his claim to the defendant assets, or waiving his Fifth Amendment rights and submitting to a  
13 deposition and potentially incriminating himself. If he invokes his Fifth Amendment rights, the United  
14 States will be deprived of the ability to explore the factual basis for the claim he filed with this court.

15           4.       In addition, claimant intends to depose, among others, law enforcement involved with this  
16 investigation, including but not limited to, the agents with the Bureau of Alcohol, Tobacco, Firearms and  
17 Explosives. Allowing depositions of the law enforcement officers at this time may adversely impact the  
18 ability of the federal authorities to investigate the alleged underlying criminal conduct.

19           5.       The parties recognize that proceeding with this action at this time has potential adverse  
20 effects on the investigation of the underlying criminal conduct and/or upon the claimant's ability to assert  
21 any defenses to forfeiture. For these reasons, and because the parties are attempting to settle the civil  
22 forfeiture case, the parties jointly request that these matters be stayed until January 4, 2016, in accordance  
23 with the terms of this stipulation.

24 ///

25 ///

26 ///

27 ///

28 ///

1 6. At that time the parties will advise the court of the status of the criminal investigation and  
2 will advise the court whether a further stay is necessary.

3 Dated: December 1, 2015

BENJAMIN B. WAGNER  
United States Attorney

4  
5 /s/ Kevin C. Khasigian  
6 KEVIN C. KHASIGIAN  
Assistant United States Attorney

7  
8 Dated: December 1, 2015

9 /s/ Anna M. Barvir  
10 C. D. MICHEL  
ANNA M. BARVIR  
Attorneys for Claimant Chris Cook  
11 (as approved by email on 12/1/15)

12 **ORDER**

13 For the reasons set forth above, this matter is stayed pursuant to 18 U.S.C. §§ 981(g)(1) and  
14 981(g)(2) until January 4, 2016, in accordance with the terms of this stipulation. On or before that date  
15 the parties will advise the court whether a further stay is necessary.

16 IT IS SO ORDERED.

17 Dated: 12/1/2015

/s/ John A. Mendez  
18 JOHN A. MENDEZ  
United States District Court Judge

19  
20  
21  
22  
23  
24  
25  
26  
27  
28