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

10
11 UNITED STATES OF AMERICA,) 2:06-CV-02777-FCD-KJM
12 Plaintiff,)
13 v.)
14 APPROXIMATELY \$28,121.22 IN U.S.)
15 CURRENCY SEIZED FROM BANK OF)
15 AMERICA ACCOUNT NO. 03035-08079,)
16 HELD IN THE NAME OF SMART BUY INC.,)
16
17 APPROXIMATELY \$1,749.09 IN U.S.)
17 CURRENCY SEIZED FROM WASHINGTON)
18 MUTUAL ACCOUNT NO. 192-009936-3,)
18 HELD IN THE NAMES OF TINA MONJAZEB)
19 AND ALI TAVAF,)
19
20 APPROXIMATELY \$277.84 IN U.S.)
20 CURRENCY SEIZED FROM UNION BANK OF)
21 CALIFORNIA ACCOUNT NO. 0361162472,)
21 HELD IN THE NAME OF LANGROUDI)
22 FAMILY LIVING TRUST,)
22
23 APPROXIMATELY \$128,000.00 IN U.S.)
23 CURRENCY SEIZED FROM UNION BANK OF)
24 CALIFORNIA ACCOUNT NO. 797540, HELD)
24 IN THE NAME OF LANGROUDI FAMILY)
25 LIVING TRUST,)
25
26 APPROXIMATELY \$38,225.00 IN U.S.)
26 CURRENCY,)
26
27 APPROXIMATELY \$4,033.00 IN U.S.)

28

1 CURRENCY,)
2 APPROXIMATELY \$1,775.51 IN MONEY)
ORDERS,)
3 APPROXIMATELY \$12,520.00 IN U.S.)
4 CURRENCY,)
5 APPROXIMATELY \$1,361.00 IN U.S.)
CURRENCY, AND)
6 MISCELLANEOUS OTHER TOBACCO)
7 PRODUCTS,)
8 Defendants.)
9

10 Plaintiff United States of America and claimant Ali Tavaf, aka
11 Ali Langroudi, submit the following Joint Request for Stay and
12 request that the Court enter an order staying all further
13 proceedings for six months, until July 20, 2009. The Court
14 previously entered an order staying all proceedings until January
15 20, 2009. The parties request that the stay be extended an
16 additional six months for the following reasons:

17 1. Pursuant to 18 U.S.C. §§ 981(g)(1), and 981(g)(2) the
18 parties seek a stay of further proceedings in this civil forfeiture
19 case. The United States contends that the defendant currency,
20 money orders, and miscellaneous tobacco products (collectively
21 referred to as the "defendant assets") are forfeitable to the
22 United States because they are the proceeds of mail and/or wire
23 fraud, and/or are traceable to money laundering offenses. The
24 details of the underlying criminal investigation are set forth in
25 detail the affidavit of Special Agent Gregory L. Barnett, U.S.
26 Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and
27 Explosives, attached as Exhibit A to the Complaint for Forfeiture

1 || In Rem filed on December 8, 2006.

2 2. The defendant assets were seized from multiple locations
3 in Los Angeles, California, during the execution of multiple search
4 warrants and seizure warrants in October, 2006.

5 3. The United States intends to depose claimant Tavaf so the
6 United States can question him about various topics, including but
7 not limited to his knowledge of the operation of Sunrise Tobacco,
8 Smart Buy, DaBomb, Save a Buck Distributing, and others, and their
9 payment, or non-payment, of excise taxes due to the State of
10 California, Board of Equalization, in connection with the sale of
11 tobacco products. Counsel for claimant Tavaf has informed counsel
12 for the government that if discovery proceeds, Tavaf would be
13 placed in the difficult position of either invoking his Fifth
14 Amendment right against self-incrimination and losing the ability
15 to protect his interest in the defendant assets, or waiving his
16 Fifth Amendment right and submitting to a deposition and
17 potentially incriminating himself in a related criminal
18 investigation. If Tavaf invokes his Fifth Amendment right, the
19 United States will be deprived of the ability to explore the
20 factual basis for the claim he filed with this Court.

21 4. In addition, claimant intends to depose federal law
22 enforcement officers involved in the investigation that led to the
23 issuance of the search warrants and seizure warrants. However,
24 the investigation is still ongoing, and allowing depositions of the
25 law enforcement investigators involved in the criminal
26 investigation would adversely affect the ability of the U.S.
27 Attorney's Office to properly investigate and prosecute their case.

1 5. Accordingly, the parties recognize that proceeding with
2 this action at this time has potential adverse affects on the
3 related criminal investigation and/or upon claimant's ability to
4 prove his claim that the defendant assets belongs to him, and that
5 they came from legitimate sources. For these reasons, the parties
6 jointly request that this matter be stayed an additional six months
7 until July 20, 2009. At that time the parties will advise the
8 court of the status of the criminal investigation and will, if
9 necessary, seek a further stay.

By /s Kristin S. Door
KRISTIN S. DOOR

Assistant U.S. Attorney

15 Dated: January 15, 2009 /s/ Harvey Byron
16 HARVEY BYRON
17 Attorney for claimant
Ali Tavaf, aka Ali Langroudi
(Original signature retained in
Plaintiff's file)

ORDER

For the reasons set forth above, this matter is stayed pursuant to 18 U.S.C. §§ 981(g)(1) and 981(g)(2) until July 20, 2009. On or before July 20, 2009, the parties will advise the court of the status of the related investigation and whether a further stay is necessary.

IT IS SO ORDERED.

Dated: January 15, 2009


FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE