

LAWRENCE G. BROWN
Acting United States Attorney
KRISTIN S. DOOR, SBN 84307
Assistant United States Attorney
501 I Street, Suite 10-100
Sacramento, CA 95814
Telephone: (916)554-2723

Attorneys for Plaintiff
United States of America

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

REAL PROPERTY LOCATED AT 1066
EATON ROAD, CHICO, CALIFORNIA,
BUTTE COUNTY, APN: 007-250-088,
INCLUDING ALL APPURTENANCES AND
IMPROVEMENTS THERETO,

Defendant.

2:07-cv-00975 LKK/KJM

STIPULATION TO EXTEND STAY
AND ORDER

UNITED STATES OF AMERICA,

Plaintiff,

v.

REAL PROPERTY LOCATED AT 3077
NORD AVENUE, CHICO, CALIFORNIA,
BUTTE COUNTY, APN: 042-050-047,
INCLUDING ALL APPURTENANCES AND
IMPROVEMENTS THERETO,

Defendant.

2:07-CV-001039 LKK/KJM

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1 UNITED STATES OF AMERICA,) 2:07-2050 LKK/KJM
2 Plaintiff,)
3 v.)
4 2001 FORD EXCURSION,)
5 VIN: 1FMSU41F11EB17545,)
6 CALIFORNIA LICENSE NUMBER:)
7 4TIU844,)
8 2002 HAULMARK TRAILER,)
9 VIN: 16HPB16202A006280,)
10 CALIFORNIA LICENSE NUMBER:)
11 4FF3593, and)
12 APPROXIMATELY \$6,000.00 IN U.S.)
13 CURRENCY,)
14 Defendants.)

12 UNITED STATES OF AMERICA,) 2:07-CV-02124-LKK-KJM
13 Plaintiff,)
14 v.)
15 2004 HONDA ATV TRX350, VIN:)
16 478TE240244307570, and)
17 2004 HONDA ATV TRX400FA RANCHER,)
18 VIN: 478TE29034413393,)
19 Defendants.)

20 Plaintiff United States of America, and the claimants in the
21 four cases described above (Kurt and Monica Karst, individually
22 and as the trustees of the Karst Family Revocable Trust in the
23 personal property actions; James and Tamara Robertson, Peter
24 Buchanan, and Kurt and Monica Karst in the Eaton Road action; and
25 Peter Buchanan and Paris and Arlus Moore in the Nord Avenue
26 action) submit the following Stipulation to Extend Stay and Order
27 (Proposed). The Stipulation to Extend Stay is based upon the
28 following:

1 1. The actions described in the captions above are all
2 related. A Related Case Order was entered on November 8, 2007.

3 2. A stay was entered in U.S. v. 2001 Ford Excursion et
4 al., 2:07-cv-2050 LKK/KJM, and U.S. v. 2004 Honda ATV, et al.,
5 2:07-cv-2124 LKK/KJM until February 1, 2009, pursuant to the
6 stipulation of the parties in those two actions due to an on-
7 going criminal investigation involving claimants (other than
8 lienholders Paris and Arlus Moore).

9 3. A stay was also entered in U.S. v. Real Property, 1066
10 Eaton Road, 2:07-cv-975 LKK/KJM; and U.S. v. Real Property, 3077
11 Nord Avenue, 2:07-cv-1039 LKK/KJM until February 1, 2009, for the
12 reasons described above.

13 4. The parties in the all four actions request that the
14 existing stay be extended until August 3, 2009, since they are
15 all related and arise out of the same criminal investigation
16 which is still on-going.

17 5. 18 U.S.C. § 981(g)(1) expressly provides that upon
18 motion of the United States the court "shall stay the civil
19 forfeiture action if the court determines that civil discovery
20 will adversely affect the ability of the government to conduct a
21 related criminal investigation." Similarly, 18 U.S.C. §
22 981(g)(2) expressly provides that upon motion of a claimant, the
23 court shall stay the civil forfeiture action if the court
24 determines that a claimant is the subject of a related criminal
25 investigation; the claimant has standing to assert a claim in the
26 civil forfeiture action; and continuation of the forfeiture
27 proceeding will burden the claimant's right against self-
28 incrimination.

1 6. The United States contends that the defendant real
2 properties were used to facilitate the cultivation of marijuana
3 and are therefore forfeitable to the United States. In addition,
4 the United States contends the various vehicles were bought with
5 drug proceeds and/or were used to facilitate the cultivation and
6 distribution of marijuana. The United States intends to depose
7 the claimants about the claims they filed in this case and their
8 involvement in the cultivation and distribution of marijuana. If
9 discovery proceeds, claimants would be placed in the difficult
10 position of either invoking their Fifth Amendment right against
11 self-incrimination and losing the ability to protect their
12 alleged interest in the defendant property, or waiving their
13 Fifth Amendment rights and submitting to depositions and
14 potentially incriminating themselves in the on-going criminal
15 investigation. If claimants invoke their Fifth Amendment rights,
16 the United States will be deprived of the ability to explore the
17 factual basis for the claims they filed in this action and the
18 defenses raised in their Answers.

19 7. In addition, claimants intend to depose law enforcement
20 officers who were involved in the investigation that ultimately
21 led to searches at the defendant properties. Allowing
22 depositions of these officers would adversely affect the ability
23 of the United States to conduct its related criminal
24 investigation.

25 8. Accordingly, the parties contend that proceeding with
26 these actions at this time has potential adverse affects on the
27 investigation and possible prosecution of the related criminal
28 case and/or upon claimants' ability to prove their claim to the

1 property and to contest the government's allegations that the
2 property is forfeitable. For these reasons, the parties request
3 that this matter be stayed until August 3, 2009, so that all the
4 related cases are stayed during the same period.

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6 DATED: January 20, 2009

LAWRENCE G. BROWN
Acting United States Attorney

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9 By: /s/ Kristin S. Door
KRISTIN S. DOOR
Assistant U.S. Attorney

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11 DATED:

BLACKMON & ASSOCIATES

12
13 By _____
14 _____
15 CLYDE BLACKMON
16 Attorney for claimant
17 Peter Buchanan (as a
18 lienholder in Eaton Road and
19 owner in Nord Avenue)

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21
22 DATED:

WILLIAM G. PANZER
Attorney for claimants
James M. Robertson and
Tamara Robertson (Eaton Road)

23 DATED: January 20, 2009

/s/ Brenda Grantland
BRENDA GRANTLAND
Attorney for claimants
Kurt and Monica Karst
Individually and as the
Trustees of the Karst Family
Revocable Trust (as
lienholders in Eaton Road and
owners of the vehicles)

1 DATED:

JACOBS, ANDERSON, POTTER &
CHAPLIN, LLP

2
3 By


4 DOUGLAS B. JACOBS
5 Attorney for claimants
6 Arlus and Paris Moore
(Lienholder in Nord Avenue)

7 **ORDER**

8 For the reasons set forth above, this matter is stayed
9 pursuant to 18 U.S.C. §§ 981(g)(1) and 981(g)(2) until August 3,
10 2009. The parties will advise the court by July 20, 2009,
11 whether a further stay is necessary.

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13 IT IS SO ORDERED.

14 Dated: January 23, 2009.

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17 LAWRENCE K. KARLTON
18 SENIOR JUDGE
19 UNITED STATES DISTRICT COURT
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