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8 IN THE UNITED STATES DISTRICT COURT
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA
 10

11	UNITED STATES OF AMERICA,)	2:08-cv-00577 WBS-KJM
)	
12	Plaintiff,)	STIPULATION FOR
)	PROTECTIVE ORDER AND
13	v.)	ORDER
)	
14	APPROXIMATELY \$26,395.00 IN U.S.)	
	CURRENCY,)	
15)	
16	APPROXIMATELY \$10,880.00 IN U.S.)	
	CURRENCY,)	
17	APPROXIMATELY \$5,000.00 IN U.S.)	
	CURRENCY,)	
18)	
19	APPROXIMATELY \$9,932.73 IN U.S.)	
	CURRENCY SEIZED FROM WASHINGTON)	
20	MUTUAL BANK, CD, ACCOUNT NUMBER)	
	09414284883,)	
21	APPROXIMATELY \$9,966.82 IN U.S.)	
	CURRENCY SEIZED FROM WASHINGTON)	
22	MUTUAL BANK ACCOUNT NUMBER)	
	093400000117054,)	
23)	
24	APPROXIMATELY \$26,712.81 IN U.S.)	
	CURRENCY SEIZED FROM WASHINGTON)	
25	MUTUAL BANK ACCOUNT NUMBER)	
	093400000117020,)	
26	APPROXIMATELY \$2,976.06 IN U.S.)	
	CURRENCY SEIZED FROM WASHINGTON)	
27	MUTUAL BANK ACCOUNT NUMBER)	
	009300008192250,)	
28)	

1 APPROXIMATELY \$413.67 IN U.S.)
2 CURRENCY SEIZED FROM WELLS FARGO)
3 ACCOUNT NUMBER 056-4346773, and)
4 MISCELLANEOUS GROW EQUIPMENT,)
5 Defendants.)

6 Plaintiff United States of America and claimant William
7 Pearce, hereby stipulate to the following protective order:

8 1. Claimant William Pearce ("claimant") is the sole
9 claimant to the defendant property.

10 2. Plaintiff United States of America has served claimant
11 with written discovery, and plans to notice his deposition.
12 However, claimant's counsel has advised plaintiff that claimant
13 will assert his Fifth Amendment right against self-incrimination
14 to any discovery because claimant is the target of an open
15 investigation in the Criminal Division in the U.S. Attorney's
16 Office involving the same conduct that led to the seizure of the
17 defendant property and the filing of the instant civil forfeiture
18 action.

19 3. Claimant's assertion of his Fifth Amendment right
20 against self-incrimination substantially interferes with his
21 ability to contest this forfeiture action and with plaintiff's
22 ability to question him about the Claim he filed to the defendant
23 property, the Answer he filed to the forfeiture complaint, and
24 the activities that are the basis for the forfeiture.

25 4. Plaintiff must obtain claimant's discovery responses
26 and his deposition testimony to complete discovery.

27 5. Plaintiff agrees that no testimony or documents
28 claimant produces in this civil forfeiture action, whether by way

1 of discovery responses, deposition testimony, or trial testimony,
2 shall be used by federal, state, or local authorities in
3 connection with any criminal prosecution other than as set forth
4 in paragraph 10 below.

5 6. Except as provided in paragraph 10, plaintiff agrees
6 not to provide discovery documents, discovery responses, or
7 deposition or trial testimony to any federal, state, or local
8 prosecutor for use in a criminal prosecution, and agrees that
9 this material shall be used only for the purposes of the
10 prosecution, defense, or settlement of this action, and for no
11 other purpose.

12 7. Claimant understands that the material produced in
13 discovery may be reviewed by paralegal or secretarial staff in
14 the U.S. Attorney's Office or by law enforcement agents (federal,
15 state, or local) solely for purposes of the prosecution, defense,
16 or settlement of this civil forfeiture action, and for no other
17 purpose.

18 8. Nothing in this stipulation is intended to prevent a
19 federal, state, or local law enforcement officer from attending
20 claimant's deposition or the deposition of any witness.

21 9. Nothing in this stipulation is intended to prevent the
22 plaintiff from filing claimant's discovery responses or
23 deposition testimony in court as exhibits to a motion such as a
24 motion for summary judgment or motion to compel discovery,
25 provided however that plaintiff will request said filings to be
26 sealed.

27 10. Nothing in this stipulation is intended to prevent the
28 plaintiff from using any testimony or documents Pearce produces

1 in this civil forfeiture action in any subsequent prosecution for
2 perjury or false statement.

3 11. This order shall survive the final disposition of this
4 case, and the Court shall retain jurisdiction to resolve any
5 dispute concerning the use of information produced hereunder.
6

7 Dated: December 8, 2010 BENJAMIN B. WAGNER
8 United States Attorney

9
10 By: /s/ Kristin S. Door
11 KRISTIN S. DOOR
12 Assistant U.S. Attorney
Attorneys for Plaintiff
United States of America

13 Dated: December 8, 2010 DANIEL J. BRODERICK
14 Federal Defender

15 By: /s/ Timothy Zindel
16 (As authorized on 12/08/10)
17 TIMOTHY ZINDEL
18 Assistant Federal Defender
Attorney for claimant
William Pearce

19 IT IS SO ORDERED.
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21 Dated: December 9, 2010.

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24 U.S. MAGISTRATE JUDGE
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