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 United States of America  
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8 IN THE UNITED STATES DISTRICT COURT  
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,	)	
	)	2:08-cv-01113 GEB/DAD
Plaintiff,	)	
	)	REQUEST TO STAY FURTHER
v.	)	PROCEEDINGS AND ORDER
	)	THEREON [PROPOSED]
REAL PROPERTY LOCATED AT 5205	)	
BEAR CREEK ROAD, GARDEN VALLEY,	)	
CALIFORNIA, EL DORADO COUNTY,	)	
APN: 062-420-40, INCLUDING	)	
ALL APPURTENANCES AND	)	
IMPROVEMENTS THERETO, and	)	
	)	
APPROXIMATELY \$37,750.00 IN	)	
U.S. CURRENCY,	)	DATE: Sept. 21, 2009
	)	TIME: 9:00 a.m.
Defendants.	)	COURTROOM: 10
	)	

Plaintiff United States of America requests that the Court enter an order extending the existing stay of all further proceedings until February 1, 2010, because a related criminal case is still pending in El Dorado County (People v. Rollie William Trout and Scharlynn Trout, El Dorado County No. P08CRF0018). Plaintiff sought the input of claimants Rollie

1 Trout, Scharlynn Trout, and J.P. Morgan Chase Bank, N.A. <sup>1</sup> but  
2 had received no response by 2 p.m. on September 4, 2009. This  
3 request is based on the following:

4 1. Counsel for plaintiff contacted the El Dorado County  
5 District Attorney's Office on September 2, 2009, and was advised  
6 that trial is now scheduled for December 1, 2009, in the criminal  
7 action against claimants Rollie and Scharlynn Trout.

8 2. Pursuant to 18 U.S.C. §§ 981(g) (1) and 21 U.S.C. §  
9 881(i) the United States is entitled to a stay if the court  
10 determines that civil discovery will adversely affect the ability  
11 of the government to conduct a related criminal investigation or  
12 the prosecution of a related case. The United States contends  
13 that the defendant real property was used to facilitate a  
14 violation of federal drug laws (possession with intent to  
15 distribute marijuana) and is therefore forfeitable to the United  
16 States. The United States intends to depose the Trouts about the  
17 claims they filed in this case and the facts surrounding the  
18 presence of over 37 pounds of processed marijuana on the  
19 defendant property. If discovery proceeds, claimants would be  
20 placed in the difficult position of either invoking their Fifth  
21 Amendment right against self-incrimination and losing the ability  
22 to protect their interest in the defendant property, or waiving  
23 their Fifth Amendment rights and submitting to depositions and  
24 potentially incriminating themselves in the pending criminal  
25 matter. If claimants invoke their Fifth Amendment rights, the  
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27 <sup>1</sup> J.P. Morgan Bank, N.A. acquired certain assets and  
28 liabilities of the lienholder, Washington Mutual Bank, from the  
FDIC acting as receiver.

1 United States will be deprived of the ability to explore the  
2 factual basis for the claims they filed in this action and the  
3 defenses raised in their Answers.

4 3. If this case proceeds at this time, claimants Rollie  
5 and Sharlynn Trout will attempt to depose law enforcement  
6 officers who were involved in the execution of the state search  
7 warrant at the defendant property. Allowing depositions of these  
8 officers would adversely affect the ability of the El Dorado  
9 County authorities to conduct its related criminal prosecution.

10 4. Accordingly, the United States contends that proceeding  
11 with this action at this time has potential adverse affects on  
12 the prosecution of the related criminal case and/or upon  
13 claimants' ability to prove their claim to the property and to  
14 contest the government's allegations that the property is  
15 forfeitable. For these reasons, the United States requests that  
16 this matter be stayed until February 1, 2010. At that time the  
17 parties will advise the Court whether a further stay is  
18 necessary.

19  
20 DATED: September 4, 2009

LAWRENCE G. BROWN  
United States Attorney

21  
22 By: /s/ Kristin S. Door  
23 KRISTIN S. DOOR  
24 Assistant U.S. Attorney  
Attorneys for plaintiff

25 (Original signatures retained  
by AUSA Door)

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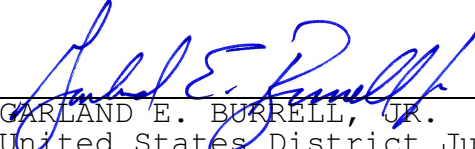
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1 **ORDER**

2 Good cause having been shown, the Status (Pretrial  
3 Scheduling) Conference scheduled for September 21, 2009, is  
4 continued to March 1, 2010, at 9:00 a.m. The parties shall  
5 submit a joint scheduling report fourteen days prior to the  
6 hearing and will advise the Court whether a further stay is  
7 necessary.

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9 IT IS SO ORDERED.

10 Dated: September 6, 2009

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GARLAND E. BURRELL, JR.  
United States District Judge