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 7

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

| | | |
|----------------------------------|---|-----------------------------|
| 11 UNITED STATES OF AMERICA, |) | |
| |) | 2:08-cv-01113 GEB/DAD |
| 12 Plaintiff, |) | |
| |) | STIPULATION TO STAY FURTHER |
| 13 v. |) | PROCEEDINGS AND ORDER |
| |) | THEREON |
| 14 REAL PROPERTY LOCATED AT 5205 |) | |
| BEAR CREEK ROAD, GARDEN VALLEY, |) | |
| 15 CALIFORNIA, EL DORADO COUNTY, |) | |
| APN: 062-420-40, INCLUDING |) | |
| 16 ALL APPURTENANCES AND |) | |
| IMPROVEMENTS THERETO, and |) | |
| 17 |) | |
| APPROXIMATELY \$37,750.00 IN |) | |
| 18 U.S. CURRENCY, |) | DATE: March 1, 2010 |
| |) | TIME: 9:00 a.m. |
| 19 Defendants. |) | COURTROOM: 10 |
| |) | |

21 Plaintiff United States of America and claimants Rollie and
 22 Sharlynn Trout and J.P. Morgan Bank, N.A.,¹ requests that the
 23 Court enter an order extending the existing stay of all further
 24 proceedings until June 1, 2010, because a related criminal case
 25 is still pending in El Dorado County (People v. Rollie William
 26

27
 28 ¹ J.P. Morgan Bank, N.A. acquired certain assets and liabilities of the lienholder, Washington Mutual Bank, from the FDIC acting as receiver.

1 Trout and Scharlynn Trout, El Dorado County No. P08CRF0018).

2 This request is based on the following:

3 1. Counsel for plaintiff contacted the El Dorado County
4 District Attorney's Office on January 28, 2010, and was advised
5 that a readiness conference is now scheduled for April 9, 2010,
6 and the trial is now scheduled for April 27, 2010, in the
7 criminal 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
26 United States will be deprived of the ability to explore the
27 factual basis for the claims they filed in this action and the
28 defenses raised in their Answers.

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

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

15
16 DATED: January 28, 2010

BENJAMIN B. WAGNER
United States Attorney

17
18 By: /s/ Kristin S. Door
19 KRISTIN S. DOOR
20 Assistant U.S. Attorney
21 Attorneys for plaintiff

22 DATED: January 28, 2010

/s/ John Balazs
23 JOHN BALAZS
24 Attorney for claimants
Rollie and Scharlynn Trout

25 //

26 //

1 DATED: January 28, 2010

SCOTT J. STILMAN

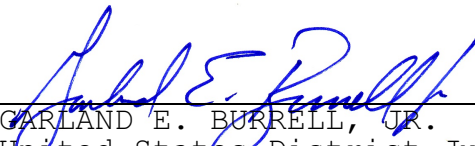
2
3 By: /s/Scott J. Stillman
4 SCOTT J. STILLMAN
5 Attorney for claimant
6 JPMorgan Chase Bank, N.A.,
7 an acquirer of certain assets
8 and liabilities of Washington
9 Mutual Bank from the FDIC
10 acting as receiver

11
12
13 **ORDER**

14 Good cause having been shown, the Status (Pretrial
15 Scheduling) Conference scheduled for March 1, 2010, is continued
16 to June 14, 2010, at 9:00 a.m. The parties shall submit a joint
17 scheduling report fourteen days prior to the hearing.

18 IT IS SO ORDERED.

19 Dated: February 16, 2010

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24 GARLAND E. BURRELL, JR.
25 United States District Judge
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