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 United States of America  
 6  
 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 [PROPOSED]
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: September 20, 2010
	)	TIME: 9:00 a.m.
19 Defendants.	)	COURTROOM: 10, 13 <sup>th</sup> Fl.
	)	

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

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 William Trout and Scharlynn Trout, El Dorado County No.  
2 P08CRF0018).

3 This request is based on the following:

4 1. Counsel for plaintiff contacted the El Dorado County  
5 District Attorney's Office on September 2, 2010, and was advised  
6 that trial is now scheduled for September 14, 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 parties request that this matter be stayed  
13 until December 1, 2010. At that time the parties will advise  
14 the Court whether a further stay is necessary.

15  
16 DATED: September 2, 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: September 2, 2010

/s/ John Balazs  
23 JOHN BALAZS  
24 (As authorized on 09/02/10)  
25 Attorney for claimants  
26 Rollie and Scharlynn Trout

27 //

28 //

1 DATED: September 2, 2010

SCOTT J. STILMAN

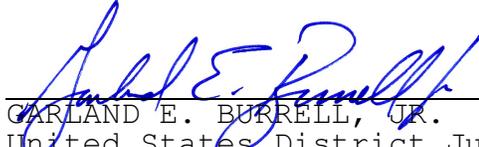
2  
3 By: /s/ Scott J. Stillman  
4 SCOTT J. STILLMAN  
5 (As authorized on 09/02/10)  
6 Attorney for claimant  
7 JPMorgan Chase Bank, N.A.,  
8 an acquirer of certain assets  
9 and liabilities of Washington  
10 Mutual Bank from the FDIC  
11 acting as receiver

12 **ORDER**

13 Good cause having been shown, the Status (Pretrial  
14 Scheduling) Conference scheduled for September 20, 2010, is  
15 continued to December 13, 2010, at 9:00 a.m. The parties shall  
16 submit a joint scheduling report fourteen days prior to the  
17 hearing.

18 IT IS SO ORDERED.

19 Dated: September 2, 2010

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GARLAND E. BURRELL, JR.  
United States District Judge