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 7
 8 IN THE UNITED STATES DISTRICT COURT
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10
 11 UNITED STATES OF AMERICA,)
)
 12 Plaintiff,)
)
 13 v.)
)
 14 REAL PROPERTY LOCATED AT 12001)
 VICTORY BOULEVARD, NORTH HOLLYWOOD,)
 15 CALIFORNIA, LOS ANGELES COUNTY,)
 APN: 2322-007-056, INCLUDING ALL)
 16 APPURTENANCES AND IMPROVEMENTS)
 THERETO,)
 17)
 Defendant.)
 18)

2:08-cv-2074 JAM-GGH

**STIPULATION FOR STAY OF
 FURTHER PROCEEDINGS AND
 ORDER**

DATE: N/A
 TIME: N/A
 COURTROOM: N/A

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 20 Plaintiff United States of America, and Claimants Adib Sirope,
 21 Rimoun Mansour, and Universal Bank, by and through their respective
 22 counsel, hereby stipulate that a stay is necessary in the above-
 23 entitled action, and request that the Court enter an order staying
 24 all further proceedings for an additional six months pending the
 25 outcome of a related criminal investigation against claimants Sirope
 26 and Mansour. The stay currently in effect expires August 1, 2009.

27 1. Claimant Sirope and Mansour filed a claim to the defendant

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1 property on October 20, 2008, and filed an Answer to the complaint
2 on November 6, 2008. Claimant Universal Bank filed its claim and
3 answer on September 24, 2008.

4 2. The stay is requested pursuant to 18 U.S.C. §§ 981(g) (1)
5 and 981(g) (2). The plaintiff contends that Sirope and Mansour and
6 other conspired to defraud the California Board of Equalization out
7 of excise taxes due on the sale of tobacco products in California.
8 The plaintiff alleges that the U.S. mail and interstate
9 communications systems were used to perpetrate the fraud. Claimants
10 Sirope and Mansour deny these allegations, and claimant Universal
11 Bank contends it is an innocent owner within the meaning of the
12 federal forfeiture statutes.

13 3. To date claimants Sirope and Mansour, the owners of the
14 property, have not been charged with any criminal offense by state,
15 local, or federal authorities, and the statute of limitations has
16 not expired on potential criminal charges relating to the fraud
17 scheme. Nevertheless, the plaintiff intends to depose Sirope and
18 Mansour regarding their claim to the defendant property, their
19 operation of Pay-Less Wholesale Tobacco, and their business dealings
20 with others in the tobacco industry. If discovery proceeds at this
21 time, Sirope and Mansour will be placed in the difficult position of
22 either invoking their Fifth Amendment rights against self-
23 incrimination and losing the ability to pursue their claim to the
24 defendant real property, or waiving their Fifth Amendment right and
25 submitting to a deposition and potentially incriminating themselves.
26 If either person invokes his Fifth Amendment right, the plaintiff
27 will be deprived of the ability to explore the factual basis for the

1 claims they filed with this court.

2 4. In addition, claimants intend to depose the law
3 enforcement agents involved in this investigation. Allowing
4 depositions of the law enforcement officers at this time would
5 adversely affect the ability of federal authorities to investigate
6 the underlying criminal conduct.

7 5. The parties recognize that proceeding with this action at
8 this time has potential adverse affects on the investigation of the
9 underlying criminal conduct and/or upon claimant's ability to prove
10 his claim to the property and assert any defenses to forfeiture.
11 For these reasons, the parties jointly request that this matter be
12 stayed for six months. At that time the parties will advise the
13 court of the status of the criminal investigation, if any, and will
14 advise the court whether a further stay is necessary.

15 Dated: July 31, 2009

LAWRENCE G. BROWN
United States Attorney

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By /s/ Kristin S. Door
KRISTIN S. DOOR
Assistant U.S. Attorney
Attorneys for Plaintiff
United States of America

21 Dated: August 1, 2009

GERAGOS & GERAGOS

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By /s/ Shepard S. Kopp
SHEPARD S. KOPP
Attorneys for claimants
Adib Sirope and Rimoun Mansour

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1 Dated: August 4, 2009

HURON LAW GROUP

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3 By /s/ Jeffrey Huron
JEFFREY HURON
4 Attorneys for claimant
Universal Bank

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(Original signatures retained by
Plaintiff's counsel)

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ORDER

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For the reasons set forth above, this matter is stayed pursuant
9 to 18 U.S.C. §§ 981(g) (1) and 981(g) (2) for an additional six
10 months. On or before February 1, 2010, the parties will advise the
11 court whether a further stay is necessary.

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13 IT IS SO ORDERED.

14 Dated: 8/5/2009

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/s/ John A. Mendez

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JOHN A. MENDEZ
UNITED STATES DISTRICT JUDGE

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