

1 BENJAMIN B. WAGNER
 United States Attorney
 2 KRISTIN S. DOOR, SBN 84307
 Assistant U.S. Attorney
 3 501 I Street, Suite 10-100
 Sacramento, CA 95814
 4 Telephone: (916) 554-2723
 5 Attorney for Plaintiff

6
 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

19
 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 February 1,
 27 2010.

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

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

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

28

1 will be deprived of the ability to explore the factual basis for the
2 claims they filed with this court.

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

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

16 Dated: January 29, 2010

BENJAMIN B. WAGNER
United States Attorney

17

18

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

19

20

21

22 Dated: January 26, 2010

GERAGOS & GERAGOS

23

24

By /s/ Mark J. Geragos
MARK J. GERAGOS
Attorneys for claimants
Adib Sirope and Rimoun Mansour

25

26 //

27 //

28

1 Dated: January 29, 2010

HURON LAW GROUP

2

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

3

4

5

(Original signatures retained by
Plaintiff's counsel)

6

7

ORDER

8

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 August 1, 2010, the parties will advise the
11 court whether a further stay is necessary.

12

13 IT IS SO ORDERED.

14 Dated: January 29, 2010

15

/s/ John A. Mendez
U. S. District Court Judge

16

17

18

19

20

21

22

23

24

25

26

27

28