

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

11	UNITED STATES OF AMERICA,)	2:08-cv-02148 LKK-DAD
)	
12	Plaintiff,)	
)	
13	v.)	STIPULATION TO EXTEND
)	STAY OF FURTHER PROCEEDINGS
)	AND ORDER
14	APPROXIMATELY \$180,534.29 IN U.S.)	
	CURRENCY SEIZED FROM SAFE CREDIT)	
15	UNION ACCOUNT NUMBER 342139-00,)	
	AND,)	
16)	DATE: N/A
	APPROXIMATELY \$10,000.00 IN U.S.)	TIME: N/A
17	CURRENCY SEIZED FROM SAFE CREDIT)	COURTROOM: N/A
	UNION ACCOUNT NUMBER 342139-20,)	
18)	
	Defendants.)	
19)	

20 Plaintiff United States of America and claimants Frank W.
 21 Blue, Jr. and Margaret Chavez-Blue (hereafter "claimants") submit
 22 the following stipulation to extend the stay of further proceedings
 23 in this case. This action was previously stayed until February 23,
 24 2010, pursuant to 18 U.S.C. §§ 981(g)(1) and (g)(2) and 21 U.S.C. §
 25 881(i).

26 The parties request that the stay be extended until May 23,
 27

28 1 STIPULATION TO EXTEND STAY OF
 FURTHER PROCEEDINGS AND ORDER
 (PROPOSED)

1 2010. The United States contends that the defendant property is
2 the proceeds of Miguel Vasquez's methamphetamine trafficking and is
3 therefore forfeitable to the United States. Miguel Vasquez, the
4 son of claimant Margaret Chavez-Blue, and step-son of claimant
5 Frank W. Blue, Jr., is the lead defendant in United States v.
6 Miguel Vasquez, et al., 2:08-cr-00212 LKK. The criminal case
7 against Miguel Vasquez is still pending.

8 The United States intends to depose Miguel Vasquez about his
9 involvement in drug trafficking and the source of the currency that
10 was seized. If discovery proceeds, Vasquez would be placed in the
11 difficult position of either invoking his Fifth Amendment right
12 against self-incrimination and losing the ability to provide
13 evidence that is relevant to the claims filed by his mother and
14 step-father, or waiving that right, testifying at a deposition, and
15 potentially incriminating himself in his own criminal case.

16 In addition, plaintiff intends to depose claimants on many
17 issues, including but not limited to their knowledge of Miguel
18 Vasquez' long criminal history, his history of drug trafficking,
19 and the source of these funds. Accordingly, plaintiff believes
20 that claimants face a similar problem of either invoking their
21 Fifth Amendment rights but losing the ability to provide testimony
22 to protect their alleged interest in the defendant property, or
23 waiving their Fifth Amendment rights and submitting to depositions
24 and potentially incriminating themselves as well.

25 If claimants or Vasquez invoke their Fifth Amendment rights,
26 the United States will be deprived of the ability to explore the

27

28

1 factual basis for the claim filed in this action and the defenses
2 raised in the Answer.

3 In addition, claimants will attempt to depose law enforcement
4 officers who were involved in the Miguel Vasquez drug trafficking
5 investigation that resulted in the seizure of the defendant
6 property. Allowing depositions of these officers would adversely
7 affect the ability of the United States to conduct its related
8 criminal prosecution of Miguel Vasquez.

9 Accordingly, the parties agree that proceeding with this
10 action at this time has potential adverse affects on the
11 prosecution of the related criminal case and/or upon claimants'
12 ability to prove their claim to the property and to contest the
13 government's allegations that the property is forfeitable. For
14 these reasons, the parties request that this matter be stayed until
15 May 23, 2010. At that time the parties will advise the Court
16 whether a further stay is necessary.

17

18 DATED: February 19, 2010

BENJAMIN B. WAGNER
United States Attorney

19

20

By: /s/ Kristin S. Door
KRISTIN S. DOOR
Assistant U.S. Attorney

21

22

23 DATED: February 19, 2010

/s/ Christopher Haydn-Myer
CHRISTOPHER HAYDN-MYER
Attorney for claimants
Frank V. Blue and
Margaret Chavez Blue

24

25

26 //

27

28

1 DATED: February 19, 2010

/s/ John Balazs

JOHN BALAZS

Attorney for claimants
Frank V. Blue and
Margaret Chavez Blue

(AUSA Door authorized to sign
by claimants' attorneys)

ORDER

7 For the reasons set forth above, this matter is stayed
8 pursuant to 18 U.S.C. §§ 981(g) (1), 981(g) (2) and 21 U.S.C. §
9 881(i) until May 23, 2010. On or before May 23, 2010, the parties
10 will advise the Court whether a further stay is necessary.

11
12 IT IS SO ORDERED.

13 Dated: February 22, 2010.

14
15
16 

LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT