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 5 Attorney for Plaintiff

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

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 May 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 August 24,  
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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

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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 August 24, 2010. At that time the parties will advise the Court  
16 whether a further stay is necessary.

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18 DATED: May 24, 2010

BENJAMIN B. WAGNER  
United States Attorney

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

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23 DATED: May 24, 2010

/s/ Christopher Haydn-Myer  
(As authorized on 5/24/10)  
CHRISTOPHER HAYDN-MYER  
Attorney for claimants  
Frank V. Blue and  
Margaret Chavez Blue

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1 DATED: May 24, 2010

/s/ John Balazs

(As authorized on 5/24/10)

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JOHN BALAZS

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Attorney for claimants

Frank V. Blue and

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Margaret Chavez Blue

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**ORDER**

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For the reasons set forth above, this matter is stayed

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pursuant to 18 U.S.C. §§ 981(g) (1), 981(g) (2) and 21 U.S.C. §

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881(i) until August 24, 2010. On or before August 24, 2010, the

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parties will advise the Court whether a further stay is necessary.

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IT IS SO ORDERED.

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Dated: May 25, 2010.

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LAWRENCE K. KARLTON

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SENIOR JUDGE

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UNITED STATES DISTRICT COURT

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