

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

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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 FOR EXTENSION</b>
	)	<b>OF STAY OF FURTHER</b>
	)	<b>PROCEEDINGS 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
17 APPROXIMATELY \$10,000.00 IN U.S.	)	TIME: N/A
CURRENCY SEIZED FROM SAFE CREDIT	)	COURTROOM: N/A
18 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 is currently stayed until November 24,  
 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 February  
 27 15, 2011. The United States contends that the defendant property  
 28 is the proceeds of Miguel Vasquez's methamphetamine trafficking and

1 is therefore forfeitable to the United States. Miguel Vasquez, the  
2 son of claimant Margaret Chavez-Blue, and step-son of claimant  
3 Frank W. Blue, Jr., is the lead defendant in United States v.  
4 Miguel Vasquez, et al., 2:08-cr-00212 LKK. On November 16, 2010,  
5 Miguel Vasquez pleaded guilty to conspiracy to distribute and  
6 possess with intent to distribute methamphetamine, and one count of  
7 engaging in monetary transactions in property derived from  
8 "Specified Unlawful Activity" (drug trafficking). Sentencing is  
9 currently set for February 1, 2011.

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

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

28 If claimants or Vasquez invoke their Fifth Amendment rights,

1 the United States will be deprived of the ability to explore the  
2 factual basis for the claim filed in this action and the defenses  
3 raised in the Answer.

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

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

18

19 DATED: November 23, 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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1 DATED: November 23, 2010

/s/ Christopher Haydn-Myer  
(As authorized on 11/23/10)  
CHRISTOPHER HAYDN-MYER  
Attorney for claimants  
Frank V. Blue and  
Margaret Chavez Blue

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5  
6 DATED: November 23, 2010


/s/ John Balazs  
(As authorized on 11/23/10)  
JOHN BALAZS  
Attorney for claimants  
Frank V. Blue and  
Margaret Chavez Blue

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9  
10 **ORDER**

11 For the reasons set forth above, this matter is stayed  
12 pursuant to 18 U.S.C. §§ 981(g) (1), 981(g) (2) and 21 U.S.C. §  
13 881(i) until February 15, 2011. On or before February 15, 2011,  
14 the parties will advise the Court whether a further stay is  
15 necessary.

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17 IT IS SO ORDERED.

18 Dated: December 1, 2010.

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22 LAWRENCE K. KARLTON  
23 SENIOR JUDGE  
24 UNITED STATES DISTRICT COURT  
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