

1 BENJAMIN B. WAGNER
 United States Attorney
 2 KELLI L. TAYLOR
 Assistant U.S. Attorney
 3 501 I Street, Suite 10-100
 Sacramento, CA 95814
 4 Telephone: (916) 554-2700
 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 FOR EXTENSION
)	OF STAY OF FURTHER
)	PROCEEDINGS AND ORDER
14 APPROXIMATELY \$180,534.29 IN U.S.)	
15 CURRENCY SEIZED FROM SAFE CREDIT)	
16 UNION ACCOUNT NUMBER 342139-00,)	
AND,)	
17 APPROXIMATELY \$10,000.00 IN U.S.)	DATE: N/A
18 CURRENCY SEIZED FROM SAFE CREDIT)	TIME: N/A
19 UNION ACCOUNT NUMBER 342139-20,)	COURTROOM: N/A
)	
20 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 February 15,
 24 2011, 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 June 1,
 27 2011. The United States contends that the defendant property is
 28 the proceeds of Miguel Vasquez's methamphetamine trafficking and is

1 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 May 17, 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 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 after Miguel Vasquez is sentenced. At that time the parties will
2 advise the Court whether a further stay is necessary.

3 DATED: 2/2/11

BENJAMIN B. WAGNER
United States Attorney

4

5

By: /s/ Kelli L. Taylor
KELLI L. TAYLOR
Assistant U.S. Attorney

6

7

8 DATED: 1/31/11

/s/ Christopher Haydn-Myer
CHRISTOPHER HAYDN-MYER
Attorney for claimant
Frank V. Blue

9

10

11

12 DATED: 2/2/11

/s/ John Balazs
JOHN BALAZS
Attorney for claimant
Margaret Chavez Blue

13

14

15

(Original signatures retained by
attorney)

16

17

ORDER

18

19

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

21

22

IT IS SO ORDERED.

23

Dated: February 4, 2011.

24

25



26

LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT

27

28