

1 BENJAMIN B. WAGNER
 United States Attorney
 2 KRISTIN S. DOOR, SBN 84307
 Assistant United States Attorney
 3 501 I Street, Suite 10-100
 Sacramento, CA 95814
 4 Telephone: (916)554-2723
 5 Attorneys for Plaintiff
 United States of America
 6
 7

8 IN THE UNITED STATES DISTRICT COURT
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA
 10

11 UNITED STATES OF AMERICA,) 2:08-cv-02326 LKK/GGH
)
12 Plaintiff,) STIPULATION TO EXTEND
) STAY OF FURTHER PROCEEDINGS
13 v.) AND ORDER THEREON
)
14 REAL PROPERTY LOCATED AT 22)
NELSIER PLACE, OROVILLE,)
15 CALIFORNIA, BUTTE COUNTY,)
APN: 078-040-022, (FORMERLY)
16 APN: 036-291-074) INCLUDING)
ALL APPURTENANCES AND)
17 IMPROVEMENTS THERETO,)
) DATE: N/A
18 Defendant.) TIME: N/A
) COURTROOM:

19
 20 Plaintiff United States of America, claimant Rebecca Gayle
 21 Powell, and claimants/lienholder John and Yvonne Stanton, and
 22 claimant/judgment creditor Ford Motor Company, request that the
 23 stay entered in the case on June 26, 2009, be extended to March
 24 1, 2010. This request is based on the following:

25 1. The United States contends that the defendant real
 26 property was used to facilitate a violation of federal drug laws
 27 (cultivation of marijuana) and is therefore forfeitable to the
 28 United States. The United States intends to depose Jess R.

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

1 Brasier (who has filed a claim in the related case, U.S. v. 57
2 Nelsier Place, 2:08-cv-0236 LKK-GGH), about the claim he filed in
3 that case and the facts surrounding the cultivation of marijuana
4 plants at 22 and 57 Nelsier Place. Plaintiff also intends to
5 depose Jess V. Brasier, the defendant in two pending criminal
6 actions¹, United States v. Jess Vernon Brasier and Dean Teskey,
7 2:08-cr-0453 LKK, and United States v. Jess Vernon Brasier, et
8 al., 2:08-cr-518 LKK.

9 Jess V. Brasier and Dean Teskey have pled guilty in the
10 above criminal cases. Teskey is currently scheduled to be
11 sentenced on December 22, 2009. Brasier is currently scheduled
12 to be sentenced on January 20, 2010. In his plea agreement,
13 Brasier admitted that federal agents found over 230 marijuana
14 plants growing at 57 Nelsier Place²; that over 90 marijuana
15 plants were found growing at 22 Nelsier Place; and that over 70
16 marijuana plants were found growing at 2091 Debbi Ann Court.³ In
17 addition he admitted that he "controlled all three of these
18 properties" on the date of the search.

19 If discovery proceeds before Brasier and Teskey are
20 sentenced, they will, undoubtedly, invoke their Fifth Amendment
21 rights against self-incrimination and the United States will be
22 deprived of the ability to explore the factual basis for this
23

24
25 ¹ At this point plaintiff believes Jess R. Brasier is the
son of defendant Jess V. Brasier.

26 ² This is the defendant property in U.S. v. 57 Nelsier
27 Place, 2:08-cv-2309 LKK-GGH.

28 ³ The United States did not file a forfeiture action
against this property.

1 forfeiture and to determine whether claimant Rebecca Gayle Powell
2 had any knowledge of, or participation in, the criminal activity.

3 In addition, all claimants intend to depose law enforcement
4 officers who were involved in the investigation that led to the
5 search at the defendant property. Allowing depositions of these
6 officers would adversely affect the ability of the United States
7 to conduct its related criminal investigation.

8 Accordingly, the parties contend that proceeding with this
9 action at this time has potential adverse affects on the
10 investigation and possible prosecution of the related-criminal
11 case and/or upon claimants' ability to prove their claim to the
12 property and to contest the government's allegations that the
13 property is forfeitable. The United States will be making a
14 similar request in the related cases, (U.S. v. 2007 Yamaha Rhino,
15 2:09-cv-00684 LKK-GGH and U.S. v. 57 Nelsier Place, 2:08-cv-2309
16 LKK-GGH). For these reasons, the parties request that this
17 matter be stayed until March 1, 2010. At that time the parties
18 will advise the Court whether a further stay is necessary.

19
20 DATED: November 16, 2009

BENJAMIN B. WAGNER
United States Attorney

21
22 By: /s/ Kristin S. Door
23 KRISTIN S. DOOR
Assistant U.S. Attorney

24
25 DATED: November 16, 2009

/s/ John H. Feiner
JOHN H. FEINER
Attorney for claimant
Rebecca Gayle Powell

