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

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11 UNITED STATES OF AMERICA,)	2:08-cv-2752 JAM-GGH
)	
12 Plaintiff,)	STIPULATION FOR STAY OF
)	FURTHER PROCEEDINGS AND
13 v.)	ORDER THEREON
)	
14 APPROXIMATELY \$23,770.87 IN U.S.)	DATE: N/A
CURRENCY SEIZED FROM BANK OF)	TIME: N/A
15 AMERICA ACCOUNT NO. 0050 1112 8989,)	COURTROOM: N/A
HELD IN THE NAME OF G&R EMPIRE,)	
16 LLC,)	
)	
17 APPROXIMATELY \$6,741.29 IN U.S.)	
CURRENCY SEIZED FROM BANK OF)	
18 AMERICA ACCOUNT NO. 0050 1113 0692,)	
HELD IN THE NAME OF PHOENIX CASH &)	
19 CARRY, LLC,)	
)	
20 APPROXIMATELY \$9,774.73 IN U.S.)	
CURRENCY SEIZED FROM BANK OF)	
21 AMERICA ACCOUNT NO. 0049 6875 8911,)	
HELD IN THE NAME OF IDEAL TOBACCO,)	
22 WHOLESALE, INC.,)	
)	
23 APPROXIMATELY \$7,054.55 IN U.S.)	
CURRENCY SEIZED FROM WELLS FARGO)	
24 BANK ACCOUNT NO. 671-0134131, HELD)	
IN THE NAME OF BITTAR FAMILY TRUST,)	
25)	
APPROXIMATELY \$31,402.20 IN U.S.)	
26 CURRENCY SEIZED FROM WELLS FARGO)	
BANK ACCOUNT NO. 091-1704013, HELD)	
27 IN THE NAME OF RAED MOURI AND)	

1 LOUDY EGHO,)
)
2 APPROXIMATELY \$29,095.02 IN U.S.)
CURRENCY SEIZED FROM WELLS FARGO)
3 BANK ACCOUNT NO. 071-0335696, HELD)
IN THE NAME OF BITTAR FAMILY TRUST,)
4)
APPROXIMATELY 6,954 TOTAL BOXES OF)
5 ASSORTED SMOKEABLE OTP EVIDENCE)
(CONTAINING APPROXIMATELY 431,447)
6 UNITS OF SMOKEABLE OTP) RECOVERED)
FROM IDEAL TOBACCO WHOLESALE,)
7)
APPROXIMATELY 22 TOTAL BOXES OF)
8 SMOKEABLE OTP EVIDENCE (CONTAINING)
APPROXIMATELY 1,350 UNITS OF)
9 SMOKEABLE OTP) RECOVERED FROM THE)
10 ABF DELIVERY TRUCK AT IDEAL)
TOBACCO WHOLESALE, AND)
)
11 APPROXIMATELY 87,595 UNITS OF)
ASSORTED SMOKEABLE OTP EVIDENCE)
12 RECOVERED FROM PHOENIX CASH &)
CARRY,)
13)
)
14 Defendants.)
)

15 Plaintiff United States of America, and Claimants G&R Empire
16 LLC; Phoenix Cash & Carry LLC; Raed "Roy" Mouri and Loudy Egho; and
17 George Bittar, as trustee of the Bittar Family Trust, and Ideal
18 Tobacco Wholesale, Inc., (hereafter referred to collectively as
19 "claimants"), by and through their respective counsel, hereby
20 stipulate that a stay is necessary in the above-entitled action,
21 and request that the Court enter an order staying all further
22 proceedings until May 19, 2009, pending the outcome of a related
23 criminal investigation against Phoenix Cash & Carry LLC, G&R Empire
24 LLC, Ideal Tobacco Wholesale, Inc., Raed Mouri, and George Bittar.

25 1. Each of the claimants has filed a claim to the defendant
26 property, but have not yet filed their Answers and will not be
27 required to do so until the stay contemplated by this stipulation

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1 expires.

2 2. The stay is requested pursuant to 18 U.S.C.
3 §§ 981(g) (1) and 981(g) (2). The plaintiff contends that Raed Mouri
4 and George Bittar and others were involved in a scheme to defraud
5 the California Board of Equalization out of excise taxes due on the
6 sale of tobacco products. The plaintiff further contends that
7 Mouri, Bittar, and others used the U.S. mail to execute the fraud
8 scheme, and that the proceeds of the scheme are traceable to the
9 seized tobacco products and to the bank accounts from which the
10 defendant funds were seized. Plaintiff further contends that the
11 defendant funds were involved in money laundering transactions.
12 Raed Mouri and George Bittar deny these allegations.

13 3. To date no one has been charged with any criminal offense
14 by state, local, or federal authorities, and it is the plaintiff's
15 position that the statute of limitations has not expired on
16 potential criminal charges relating to the fraud scheme.
17 Nevertheless, the plaintiff intends to depose claimants Raed and
18 Mouri regarding their claims, their ownership and/or management of
19 Phoenix Cash & Carry LLC, G&R Empire LLC, Ideal Tobacco Wholesale,
20 Inc., and their involvement in the sale of tobacco products into
21 California. If discovery proceeds at this time, claimants will be
22 placed in the difficult position of either invoking their Fifth
23 Amendment rights against self-incrimination and losing the ability
24 to pursue their claims to the defendant real property, or waiving
25 their Fifth Amendment rights and submitting to a deposition and
26 potentially incriminating themselves. If they invoke their Fifth
27 Amendment rights, the plaintiff will be deprived of the ability to

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1 explore the factual basis for the claims they filed with this
2 court.

3 4. In addition, claimants intend to depose, among others,
4 the agents involved with this investigation, including but not
5 limited to the agents with the Bureau of Alcohol, Tobacco, Firearms
6 & Explosives and the California Board of Equalization. Allowing
7 depositions of the law enforcement officers at this time would
8 adversely affect the ability of the federal authorities to
9 investigate the alleged underlying criminal conduct.

10 5. The parties recognize that proceeding with this action at
11 this time has potential adverse effects on the investigation of the
12 underlying criminal conduct and/or upon the claimants' ability to
13 prove their claim to the property and asset any defenses to
14 forfeiture. For these reasons, the parties jointly request that
15 this matter be stayed until May 19, 2009. The parties have
16 submitted a similar stipulation in a related case [United States v.
17 Real Property at 6525 South Bruce Street, Las Vegas, NV., 2:08-cv-
18 02075 JAM-GGH], and on November 26, 2008, this Court stayed that
19 case until May 19, 2009. At that time the parties will advise the
20 court of the status of the criminal investigation, if any, and will
21 advise the court whether a further stay is necessary.

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23 Dated: January 7, 2009

LAWRENCE G. BROWN
Acting United States Attorney

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By /s/ Kristin S. Door
KRISTIN S. DOOR
Assistant U.S. Attorney
Attorneys for Plaintiff
United States of America

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1 Dated: January 7, 2009

2 /s/ Jeffrey B. Setness
3 JEFFREY B. SETNESS
4 Mayall, Hurley, Knutsen,
5 Smith & Green
6 Attorneys for G&R Empire LLC,
7 Phoenix Cash & Carry LLC, Ideal
8 Tobacco Wholesale, Inc., George and
9 Wanda Bittar, and
10 Raed Mouri and Loudy Egho

7 **ORDER**

8 For the reasons set forth above, this matter is stayed
9 pursuant to 18 U.S.C. §§ 981(g) (1) and 981(g) (2) until May 19,
10 2009. On or before May 19, 2009, the parties will advise the court
11 whether a further stay is necessary.

12 IT IS SO ORDERED.

13 Dated: January 7, 2009

14 /s/ John A. Mendez
15 JOHN A. MENDEZ
16 UNITED STATES DISTRICT JUDGE

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