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 United States of America  
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 7

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

11 UNITED STATES OF AMERICA, )  
 )  
 12 Plaintiff, )  
 )  
 13 v. )  
 )  
 14 APPROXIMATELY \$23,032.07 IN U.S. )  
 CURRENCY SEIZED FROM BANK OF )  
 15 AMERICA ACCOUNT NO. 03842-03399, )  
 HELD IN THE NAME OF PAY-LESS )  
 16 WHOLESALE, )  
 )  
 17 APPROXIMATELY 135,455 CIGARS, )  
 (SMOKEABLE OTP) IN PACKS OF 5, 10, )  
 18 AND 20 RECOVERED FROM PAY-LESS )  
 WHOLESALE, )  
 19 )  
 APPROXIMATELY 2,297 CIGARS )  
 20 (SMOKEABLE OTP) IN PACKS OF 50 )  
 RECOVERED FROM PAY-LESS WHOLESALE, )  
 21 )  
 APPROXIMATELY 151 CIGARS )  
 22 (SMOKEABLE OTP) IN PACKS OF 240 )  
 RECOVERED FROM PAY-LESS WHOLESALE, )  
 23 )  
 APPROXIMATELY 326,942 INDIVIDUAL )  
 24 CIGARS (SMOKEABLE OTP) RECOVERED )  
 FROM PAY-LESS WHOLESALE, )  
 25 )  
 APPROXIMATELY 57 CASES OF )  
 26 SMOKEABLE OTP RECOVERED FROM )  
 PAY-LESS WHOLESALE, )  
 27 )

2:08-cv-02753 JAM-GGH

**STIPULATION FOR STAY AND ORDER**

DATE: N/A  
 TIME: N/A  
 COURTROOM: N/A

1 APPROXIMATELY 4,952 BOXES OF )  
SMOKEABLE OTP RECOVERED FROM )  
2 PAY-LESS WHOLESALE, )  
3 APPROXIMATELY 11,584 CANS OF )  
SMOKEABLE OTP RECOVERED FROM )  
4 PAY-LESS WHOLESALE, )  
5 APPROXIMATELY 6,914 TUBS OF )  
SMOKEABLE OTP RECOVERED FROM )  
6 PAY-LESS WHOLESALE, )  
7 APPROXIMATELY 15,141 UNITS OF )  
SMOKEABLE OTP IN PACKS OF 5, 10, )  
8 AND 20 RECOVERED FROM PAY-LESS )  
WHOLESALE, )  
9 APPROXIMATELY 136,221 BAGS/POUCHES )  
10 OF SMOKEABLE OTP RECOVERED FROM )  
PAY-LESS WHOLESALE, )  
11 APPROXIMATELY 855 CASES )  
12 (CONTAINING APPROXIMATELY 10,608 )  
UNITS) OF AL FAKHER TOBACCO )  
13 SMOKEABLE OTP EVIDENCE RECOVERED )  
FROM PAY-LESS WHOLESALE, )  
14 APPROXIMATELY 272 CASES )  
15 (CONTAINING APPROXIMATELY 6,676 )  
UNITS) OF AL WAHA MOLASSES TOBACCO )  
16 SMOKEABLE OTP EVIDENCE RECOVERED )  
FROM PAY-LESS WHOLESALE, )  
17 APPROXIMATELY 995 CASES )  
18 (CONTAINING APPROXIMATELY 46,112 )  
UNITS) OF EVA MODSAL TOBACCO )  
19 SMOKEABLE OTP EVIDENCE RECOVERED )  
FROM PAY-LESS WHOLESALE, )  
20 APPROXIMATELY 420 CASES )  
21 (CONTAINING APPROXIMATELY 5,040 )  
UNITS) OF JAWATTER TOBACCO )  
22 SMOKEABLE OTP EVIDENCE RECOVERED )  
FROM PAY-LESS WHOLESALE, )  
23 APPROXIMATELY 1,473 CASES )  
24 (CONTAINING APPROXIMATELY 16,674 )  
UNITS) OF LAYALINA TOBACCO )  
25 SMOKEABLE OTP EVIDENCE RECOVERED )  
FROM PAY-LESS WHOLESALE, )  
26 APPROXIMATELY 352 UNITS OF )  
27 MISCELLANEOUS SMOKEABLE OTP )

1 EVIDENCE RECOVERED FROM PAY-LESS )  
 WHOLESale, )  
 2 )  
 APPROXIMATELY 2,124 CASES )  
 3 (CONTAINING APPROXIMATELY 14,740 )  
 UNITS) OF MOLASSES TOBACCO )  
 4 SMOKEABLE OTP EVIDENCE RECOVERED )  
 FROM PAY-LESS WHOLESale, )  
 5 )  
 APPROXIMATELY 640 CASES )  
 6 (CONTAINING APPROXIMATELY 19,884 )  
 UNITS) OF PRIME TIME CIGARS )  
 7 SMOKEABLE OTP EVIDENCE RECOVERED )  
 FROM PAY-LESS WHOLESale, )  
 8 )  
 APPROXIMATELY 113 CASES )  
 9 (CONTAINING APPROXIMATELY 5,112 )  
 UNITS) OF ERIK CIGARS SMOKEABLE )  
 10 OTP EVIDENCE RECOVERED FROM )  
 PAY-LESS WHOLESale, )  
 11 )  
 APPROXIMATELY 11 CASES )  
 12 (CONTAINING APPROXIMATELY 440 )  
 UNITS) OF HAV-A-TAMPA JEWLS )  
 13 CIGARS SMOKEABLE OTP EVIDENCE )  
 RECOVERED FROM PAY-LESS )  
 14 WHOLESale, )  
 )  
 15 APPROXIMATELY 5,906 POUCHES OF )  
 MOLASSES SMOKEABLE OTP EVIDENCE )  
 16 RECOVERED FROM PAY-LESS )  
 WHOLESale, )  
 17 )  
 APPROXIMATELY 1,200 PACKS OF )  
 18 PHILLIES CIGARILLOS SMOKEABLE )  
 OTP EVIDENCE RECOVERED FROM )  
 19 PAY-LESS WHOLESale, )  
 )  
 20 Defendants. )  
 )  
 21 \_\_\_\_\_ )

22 Plaintiff United States of America, and Claimants Adib Sirope  
 23 and Rimoun Mansour (hereafter collectively "Claimants"), by and  
 24 through their respective counsel, hereby stipulate that a stay is  
 25 necessary in the above-entitled action, and request that the Court  
 26 enter an order staying further proceedings for an additional six  
 27 months pending the outcome of a related criminal investigation

1 against claimants. The stay currently in effect expires February t  
2 1, 2010.

3 1. Claimants filed a claim to the defendant property on  
4 December 30, 2008, and filed an Answer to the complaint on January  
5 13, 2009.

6 2. The stay is requested pursuant to 18 U.S.C. §§ 981(g)(1)  
7 and 981(g)(2). The plaintiff contends that claimants and others  
8 conspired to defraud the California Board of Equalization out of  
9 excise taxes due on the sale of tobacco products in California.  
10 The plaintiff alleges that the U.S. mail and interstate  
11 communications systems were used to perpetrate the fraud.  
12 Claimants deny these allegations.

13 3. To date claimants, the owners of the property, have not  
14 been charged with any criminal offense by state, local, or federal  
15 authorities, and 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 regarding  
18 their claim to the defendant property, their operation of Pay-Less  
19 Wholesale Tobacco, and their business dealings with others in the  
20 tobacco industry. If discovery proceeds at this time, claimants  
21 will be placed in the difficult position of either invoking their  
22 Fifth Amendment rights against self-incrimination and losing the  
23 ability to pursue their claim to the defendant property, or waiving  
24 their Fifth Amendment right and submitting to a deposition and  
25 potentially incriminating themselves. If either person invokes his  
26 Fifth Amendment right, the plaintiff will be deprived of the  
27 ability to explore the factual basis for the claims they filed with

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1 this court.

2 4. In addition, claimants intend to depose the law  
3 enforcement agents involved in this investigation. Allowing  
4 depositions of the law enforcement officers at this time would  
5 adversely affect the ability of federal authorities to investigate  
6 the underlying criminal conduct.

7 5. The parties recognize that proceeding with this action at  
8 this time has potential adverse affects on the investigation of the  
9 underlying criminal conduct and/or upon claimants' ability to prove  
10 their claim to the property and assert any defenses to forfeiture.  
11 For these reasons, the parties jointly request that this matter be  
12 stayed for an additional six months. At that time the parties will  
13 advise the court of the status of the criminal investigation, if  
14 any, and will advise the court whether a further stay is necessary.

15 Dated: January 28, 2010

BENJAMIN B. WAGNER  
United States Attorney

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

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21 Dated: January 28, 2010

GERAGOS & GERAGOS

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23 By /s/ Mark J. Geragos  
MARK J. GERAGOS  
Attorneys for claimants  
Adib Sirope and Rimoun Mansour

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(Original signatures retained by  
Plaintiff's counsel)

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**ORDER**

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For the reasons set forth above, this matter is stayed pursuant to 18 U.S.C. §§ 981(g)(1) and 981(g)(2) for an additional six months. On or before August 1, 2010, the parties will advise the court whether a further stay is necessary.

IT IS SO ORDERED.

Dated: 01/29/2010

/s/ John A. Mendez

U. S. DISTRICT COURT JUDGE