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 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, )  
 )  
 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 )  
 APPROXIMATELY 4,952 BOXES OF )  
 28 SMOKEABLE OTP RECOVERED FROM )

2:08-CV-02753 JAM-GGH

**STIPULATION TO STAY  
 FURTHER PROCEEDINGS AND  
 ORDER**

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

1 PAY-LESS WHOLESALE, )  
)  
2 APPROXIMATELY 11,584 CANS OF )  
SMOKEABLE OTP RECOVERED FROM )  
3 PAY-LESS WHOLESALE, )  
)  
4 APPROXIMATELY 6,914 TUBS OF )  
SMOKEABLE OTP RECOVERED FROM )  
5 PAY-LESS WHOLESALE, )  
)  
6 APPROXIMATELY 15,141 UNITS OF )  
SMOKEABLE OTP IN PACKS OF 5, 10, )  
7 AND 20 RECOVERED FROM PAY-LESS )  
WHOLESALE, )  
8 )  
APPROXIMATELY 136,221 BAGS/POUCHES )  
9 OF SMOKEABLE OTP RECOVERED FROM )  
PAY-LESS WHOLESALE, )  
10 )  
APPROXIMATELY 855 CASES )  
11 (CONTAINING APPROXIMATELY 10,608 )  
UNITS) OF AL FAKHER TOBACCO )  
12 SMOKEABLE OTP EVIDENCE RECOVERED )  
FROM PAY-LESS WHOLESALE, )  
13 )  
APPROXIMATELY 272 CASES )  
14 (CONTAINING APPROXIMATELY 6,676 )  
UNITS) OF AL WAHA MOLASSES TOBACCO )  
15 SMOKEABLE OTP EVIDENCE RECOVERED )  
FROM PAY-LESS WHOLESALE, )  
16 )  
APPROXIMATELY 995 CASES )  
17 (CONTAINING APPROXIMATELY 46,112 )  
UNITS) OF EVA MODSAL TOBACCO )  
18 SMOKEABLE OTP EVIDENCE RECOVERED )  
FROM PAY-LESS WHOLESALE, )  
19 )  
APPROXIMATELY 420 CASES )  
20 (CONTAINING APPROXIMATELY 5,040 )  
UNITS) OF JAWATTER TOBACCO )  
21 SMOKEABLE OTP EVIDENCE RECOVERED )  
FROM PAY-LESS WHOLESALE, )  
22 )  
APPROXIMATELY 1,473 CASES )  
23 (CONTAINING APPROXIMATELY 16,674 )  
UNITS) OF LAYALINA TOBACCO )  
24 SMOKEABLE OTP EVIDENCE RECOVERED )  
FROM PAY-LESS WHOLESALE, )  
25 )  
APPROXIMATELY 352 UNITS OF )  
26 MISCELLANEOUS SMOKEABLE OTP )  
EVIDENCE RECOVERED FROM PAY-LESS )  
27 WHOLESALE, )  
)  
28 APPROXIMATELY 2,124 CASES )

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

20 Plaintiff United States of America, and Claimants Adib Sirope  
 21 and Rimoun Mansour (hereafter collectively "Claimants"), by and  
 22 through their respective counsel, hereby stipulate that a stay is  
 23 necessary in the above-entitled action, and request that the Court  
 24 enter an order staying all further proceedings in this civil  
 25 forfeiture action until the proceedings in the related criminal  
 26 case, U.S. v. Adib Sirope, et al., 2:10-CR-00258-FCD, have  
 27 concluded. The parties request this stay for the following  
 28 reasons:

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

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

11           3. The United States intends to depose claimants regarding  
12 their claim to the defendant property, their operation of Pay-Less  
13 Wholesale Tobacco, and their business dealings with others in the  
14 tobacco industry. If discovery proceeds at this time, claimants  
15 will be placed in the difficult position of either invoking their  
16 Fifth Amendment rights against self-incrimination and losing the  
17 ability to pursue their claim to the defendant property, or waiving  
18 their Fifth Amendment right and submitting to a deposition and  
19 potentially incriminating themselves. If either person invokes his  
20 Fifth Amendment right, the plaintiff will be deprived of the  
21 ability to explore the factual basis for the claims they filed with  
22 this court.

23           4. In addition, claimants intend to depose the law  
24 enforcement agents involved in this investigation. Allowing  
25 depositions of the law enforcement officers at this time would  
26 adversely affect the ability of the federal government to properly  
27 prosecute the case.

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1           5. Accordingly, the parties recognize that proceeding with  
2 this action at this time has potential adverse affects on the  
3 prosecution of the related-criminal case and/or upon claimants'  
4 ability to prove their claim to the property and assert any  
5 defenses to forfeiture. For these reasons, the parties jointly  
6 request that this matter be stayed until the related criminal case  
7 has concluded. Within 30 days after the conclusion of the related  
8 criminal case the parties will submit a joint status report  
9 addressing the matters set forth in the November 17, 2008, Order  
10 Requiring Joint Status Report.

11 Dated: 2/25/11

BENJAMIN B. WAGNER  
United States Attorney

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

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16 Dated: 2/24/11

GERAGOS & GERAGOS

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By /s/ Mark J. Geragos  
MARK J. GERAGOS  
Attorneys for claimants  
Adib Sirope and Rimoun Mansour  
(As authorized by phone)

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**ORDER**

For the reasons set forth above, this matter is stayed pursuant to 18 U.S.C. §§ 981(g)(1) and 981(g)(2) until the conclusion of the related criminal case. Within 30 days after the criminal case has concluded the parties will submit a joint status report addressing the matters set forth in the November 17, 2008, Order Requiring Joint Status Report.

IT IS SO ORDERED.

Dated: 2/25/2011

/s/ John A. Mendez  
JOHN A. MENDEZ  
United States District Judge