

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-02075-JAM-GGH
)	
12	Plaintiff,)	STIPULATION TO STAY
)	FURTHER PROCEEDINGS AND
13	v.)	ORDER
)	
14	REAL PROPERTY LOCATED AT 6525)	
	SOUTH BRUCE STREET, LAS VEGAS,)	
15	NEVADA, CLARK COUNTY,)	DATE: N/A
	APN: 177-02-510-005, INCLUDING ALL)	TIME: N/A
16	APPURTENANCES AND IMPROVEMENTS)	COURTROOM: N/A
	THERE TO,)	
17)	
	Defendant.)	

18	UNITED STATES OF AMERICA,)	2:08-cv-2752 JAM-GGH
)	
19	Plaintiff,)	
)	
20	v.)	
)	
21	APPROXIMATELY \$23,770.87 IN U.S.)	
	CURRENCY SEIZED FROM BANK OF)	
22	AMERICA ACCOUNT NO. 0050 1112 8989,)	
	HELD IN THE NAME OF G&R EMPIRE,)	
23	LLC,)	
)	
24	APPROXIMATELY \$6,741.29 IN U.S.)	
	CURRENCY SEIZED FROM BANK OF)	
25	AMERICA ACCOUNT NO. 0050 1113 0692,)	
	HELD IN THE NAME OF PHOENIX CASH &)	
26	CARRY, LLC,)	
)	
27)	

1 APPROXIMATELY \$9,774.73 IN U.S.)
CURRENCY SEIZED FROM BANK OF)
2 AMERICA ACCOUNT NO. 0049 6875 8911,)
HELD IN THE NAME OF IDEAL TOBACCO,)
3 WHOLESALE, INC.,)

4 APPROXIMATELY \$7,054.55 IN U.S.)
CURRENCY SEIZED FROM WELLS FARGO)
5 BANK ACCOUNT NO. 671-0134131, HELD)
IN THE NAME OF BITTAR FAMILY TRUST,)
6)

7 APPROXIMATELY \$31,402.20 IN U.S.)
CURRENCY SEIZED FROM WELLS FARGO)
BANK ACCOUNT NO. 091-1704013, HELD)
8 IN THE NAME OF RAED MOURI AND)
LOUDY EGHO,)
9)

10 APPROXIMATELY \$29,095.02 IN U.S.)
CURRENCY SEIZED FROM WELLS FARGO)
BANK ACCOUNT NO. 071-0335696, HELD)
11 IN THE NAME OF BITTAR FAMILY TRUST,)
)

12 APPROXIMATELY 6,954 TOTAL BOXES OF)
ASSORTED SMOKEABLE OTP EVIDENCE)
13 (CONTAINING APPROXIMATELY 431,447)
UNITS OF SMOKEABLE OTP) RECOVERED)
14 FROM IDEAL TOBACCO WHOLESALE,)
)

15 APPROXIMATELY 22 TOTAL BOXES OF)
SMOKEABLE OTP EVIDENCE (CONTAINING)
16 APPROXIMATELY 1,350 UNITS OF)
SMOKEABLE OTP) RECOVERED FROM THE)
17 ABF DELIVERY TRUCK AT IDEAL)
TOBACCO WHOLESALE, AND)
18)

19 APPROXIMATELY 87,595 UNITS OF)
ASSORTED SMOKEABLE OTP EVIDENCE)
RECOVERED FROM PHOENIX CASH &)
20 CARRY,)
)

21 Defendants.)
)

22 UNITED STATES OF AMERICA,)
)

23 Plaintiff,)
)

24 v.)
)

25 APPROXIMATELY \$4,023.00 IN U.S.)
CURRENCY,)
26)

27 APPROXIMATELY \$1,280.00 IN U.S.)
CURRENCY,)
28)

2:09-cv-0111 JAM-GGH

1)
2 APPROXIMATELY \$6,268.00 IN U.S.)
3 CURRENCY,)
4)
5 APPROXIMATELY \$5,510.00 IN U.S.)
6 CURRENCY, and)
7)
8 APPROXIMATELY 169 Boxes of)
9 SMOKELESS TOBACCO,)
10)
11 Defendants.)
12)
13)
14)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

8 Plaintiff United States of America, and Claimants G&R Empire
9 LLC; Phoenix Cash & Carry LLC; Raed "Roy" Mouri and Loudy Egho, as
10 Trustees of the MGM Trust dated May 16, 2005; George Bittar and
11 Wanda Bittar, as trustees of the Bittar Family Trust, dated
12 December 23, 2003; George Bittar; Ideal Tobacco Wholesale, Inc.
13 (hereafter referred to collectively as "claimants") and Centennial
14 Bank, by and through their respective counsel, hereby stipulate
15 that a stay is necessary in the above-entitled actions, and request
16 that the Court enter an order staying all further proceedings until
17 July 5, 2010, due to an on-going criminal investigation against
18 Phoenix Cash & Carry LLC, G&R Empire LLC, Ideal Tobacco Wholesale,
19 Inc., Raed Mouri, and George Bittar.

20 1. Each of the claimants has filed a claim to the defendant
21 property, but have not yet filed their Answers and will not be
22 required to do so until the stay contemplated by this stipulation
23 expires. Centennial Bank has timely filed a claim to the defendant
24 property and an Answer to the Verified Complaint for Forfeiture In
25 Rem.

26 2. The stay is requested pursuant to 18 U.S.C.
27 §§ 981(g) (1) and 981(g) (2). The plaintiff contends that Raed Mouri
28

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

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

27 4. In addition, claimants intend to depose, among others,
28

1 the agents involved with this investigation, including but not
2 limited to the agents with the Bureau of Alcohol, Tobacco, Firearms
3 & Explosives and the California Board of Equalization. Allowing
4 depositions of the law enforcement officers at this time would
5 adversely affect the ability of the federal authorities to
6 investigate the alleged underlying criminal conduct.

7 5. The parties recognize that proceeding with these actions
8 at this time has potential adverse effects on the investigation of
9 the underlying criminal conduct and/or upon the claimants' ability
10 to prove their claim to the property and to assert any defenses to
11 forfeiture. For these reasons, the parties jointly request that
12 these matters be stayed until July 5, 2010. At that time the
13 parties will advise the court of the status of the criminal
14 investigation, if any, and will advise the court whether a further
15 stay is necessary.

16 6. While this case is stayed, claimants agree to keep
17 current all payments due to Centennial Bank under the promissory
18 note dated September 24, 2007, in the original principal amount of
19 \$2,225,000.00, and secured by the deed of trust recorded in Clark
20 County, Nevada, on September 27, 2007, encumbering the defendant
21 property.

22 7. In the event claimants default in their obligations to
23 Centennial Bank, Centennial Bank and claimants agree to join any
24 government motion for interlocutory sale of the defendant property.
25 The term "default" shall mean any default under the note and deed
26 of trust encumbering the defendant property and any other documents
27 executed by claimants in connection therewith.

28

1 8. This stay shall not affect the obligation of Centennial
2 Bank to respond to discovery requests served on it by plaintiff
3 prior to the execution of this stipulation.

4
5 Dated: March 5, 2010

BENJAMIN B. WAGNER
United States Attorney

6

7

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

8

9

10

11 Dated: March 5, 2010

/s/ Jeffrey B. Setness (as authorized
on March 5, 2010)
JEFFREY B. SETNESS
Mayall, Hurley, Knutsen,
Smith & Green
Attorneys for G&R Empire LLC; Phoenix
Cash & Carry LLC; Raed "Roy" Mouri
and Loudy Egho, as Trustees of the
MGM Trust dated May 16, 2005; George
Bittar and Wanda Bittar, as trustees
of the Bittar Family Trust, dated
December 23, 2003; George Bittar; and
Ideal Tobacco Wholesale, Inc.

12

13

14

15

16

17

18

19

20 Dated: March 5, 2010

/s/ Kenneth Miller (as authorized on
March 5, 2010)
KENNETH MILLER
Ervin Cohen & Jessup, LLP
Attorneys for claimant
Centennial Bank

21

22

23

24 //

25 //

26

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

For the reasons set forth above, these matters is stayed pursuant to 18 U.S.C. §§ 981(g)(1) and 981(g)(2) until July 5, 2010. On or before July 5, 2010, the parties will advise the court whether a further stay is necessary.

IT IS SO ORDERED.

Dated: March 5, 2010

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