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 7
 8 IN THE UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,
 12 Plaintiff,
 13 v.
 14 APPROXIMATELY \$23,770.87 IN U.S.
 15 CURRENCY SEIZED FROM BANK OF
 AMERICA ACCOUNT NO. 0050 1112 8989,
 16 HELD IN THE NAME OF G&R EMPIRE,
 LLC, et al.,
 17 Defendants,

2:08-CV-02752-JAM-CKD
 STIPULATION FOR EXTENSION OF
 STAY OF FURTHER PROCEEDINGS
 AND ORDER
 DATE: N/A
 TIME: N/A
 COURTROOM: N/A

18
 19 UNITED STATES OF AMERICA,
 20 Plaintiff,
 21 v.
 22 APPROXIMATELY \$4,023.00 IN U.S.
 23 CURRENCY, et al.,
 24 Defendants,

2:09-CV-00111-JAM-CKD

26 The United States and Claimants G&R Empire LLC; Phoenix Cash & Carry LLC;
 27 Raed "Roy" Mouri and Loudy Egho; George Bittar, as trustee of the Bittar Family Trust,
 28

1 dated December 23, 2003; George Bittar; and Ideal Tobacco Wholesale, Inc. (hereafter
2 referred to collectively as “claimants”), by and through their respective counsel, hereby
3 submit the following Stipulation for Extension of Stay of Further Proceedings and Proposed
4 Order. The parties seek to stay the above civil cases until the resolution of the parallel
5 criminal matter, United States v. Raed Mouri, et al., Case No. 2:13-CR-00261-JAM.

6 This matter was previously stayed on January 8, 2009, May 20, 2009, September 10,
7 2009, March 5, 2010, July 2, 2010, January 7, 2011, May 25, 2011, November 30, 2011,
8 March 1, 2012, May 25, 2012, September 6, 2012, December 6, 2012, March 6, 2013, and
9 May 31, 2013 based on the on-going criminal investigation against Phoenix Cash & Carry
10 LLC, G&R Empire LLC, Ideal Tobacco Wholesale, Inc., Raed Mouri, and George Bittar.

11 The parties state as follows to support a further stay in the case:

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

15 2. A further stay is requested pursuant to 18 U.S.C. §§ 981(g)(1) and 981(g)(2).
16 The United States contends that Raed Mouri and George Bittar and others were involved
17 in a scheme to defraud the California Board of Equalization out of excise taxes due on the
18 sale of tobacco products. The United States further contends that Mouri, Bittar, and others
19 used the U.S. mail to execute the fraud scheme, and that the proceeds of the scheme are
20 traceable to the seized tobacco products and to the bank accounts from which the defendant
21 funds were seized. The United States further contends that the defendant funds were
22 involved in money laundering transactions. Raed Mouri and George Bittar deny these
23 allegations.

24 3. Based on the above, the United States charged, by a criminal information,
25 Raed Mouri and George Bittar with trafficking in contraband tobacco in violation of 18
26 U.S.C. § 2342, Case No. 2:13-CR-00261-JAM. If civil discovery proceeds at this time in the
27 above forfeiture cases, claimants will be placed in the difficult position of either invoking
28 their Fifth Amendment rights against self-incrimination and losing the ability to pursue

1 their claims to the defendant property, or waiving their Fifth Amendment rights and
2 submitting to a deposition and potentially incriminating themselves. If they invoke their
3 Fifth Amendment rights, the United States will be deprived of the ability to explore the
4 factual basis for the claims they filed with this court.

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

10 5. The parties recognize that proceeding with these actions at this time has
11 potential adverse effects on the prosecution of the related criminal case and on the
12 claimants' ability to prove their claim to the property and to assert any defenses to
13 forfeiture. For these reasons, the parties jointly request that these matters be stayed until
14 the resolution of the parallel criminal case, in accordance with the terms of this stipulation.
15 Within thirty days of resolution of the criminal case, the parties will advise the court of the
16 status of the criminal investigation and file a joint status report, if appropriate.

17 Dated: 8/30/13

BENJAMIN B. WAGNER
United States Attorney

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19 By: /s/ Kevin C. Khasigian
KEVIN C. KHASIGIAN
Assistant U.S. Attorney

20
21 Dated: 8/30/13

/s/ Jeffrey B. Setness
JEFFREY B. SETNESS
Attorney for G&R Empire LLC; Phoenix Cash &
22 Carry LLC; Raed "Roy" Mouri and Loudy Egho;
23 George Bittar, as trustees of the Bittar Family
24 Trust, dated December 23, 2003; George
25 Bittar; and Ideal Tobacco Wholesale, Inc.

26 (Authorized by email)

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ORDER

For the reasons set forth above, these matters are stayed pursuant to 18 U.S.C. §§ 981(g)(1) and 981(g)(2) until the resolution of the parallel criminal case, United States v. Read Mouri, et al., Case No. 2:13-CR-00261-JAM. Within thirty days of resolution of the criminal case, the parties will file a joint status report, if appropriate

IT IS SO ORDERED.

Dated: 8/30/2013

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