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

10

11 UNITED STATES OF AMERICA,)	2:09-cv-00137 GEB-JFM
)	
12 Plaintiff,)	STIPULATION FOR STAY OF
)	FURTHER PROCEEDINGS AND
13 v.)	ORDER [PROPOSED]
)	
14 REAL PROPERTY LOCATED AT 5322)	
SILOUETTE COURT, ELK GROVE,)	
15 CALIFORNIA, SACRAMENTO COUNTY,)	DATE: N/A
APN: 132-1650-051, INCLUDING)	TIME: N/A
16 ALL APPURTENANCES AND)	COURTROOM: NA/
IMPROVEMENTS THERETO,)	
)	
17 Defendant.)	
)	
18)	

19

20 Plaintiff United States of America and claimant Maggie Loung
 21 (hereafter "claimant") stipulate that a stay is necessary in the
 22 above-entitled action, and request that the Court enter an order
 23 staying all further proceedings pending the outcome of a related
 24 criminal case now pending in this Court (United States v. Maggie
 25 Luong, et al., 2:08-cr-00543 GEB). This stipulation is based on
 26 the following:

27 1. Pursuant to 18 U.S.C. §§ 981(g) (1), (g) (2) and 21
 28 U.S.C. § 881(i) the parties suggest that a stay of further

1 proceedings in this case is necessary. The United States
2 contends that the defendant real property was used to facilitate
3 violations of federal drug laws (conspiracy to manufacture at
4 least 1000 marijuana plants and manufacture of at least 1000
5 marijuana plants) and is therefore forfeitable to the United
6 States. The United States intends to depose the claimant about
7 the claims she filed in this case and the facts surrounding the
8 modification of the defendant property for use as an indoor
9 marijuana cultivation operation. The United States will also
10 question claimant about the 591 marijuana plants, 40 grow lights,
11 and fertilizing scheduled found during the search of the
12 defendant property on September 17, 2008. If discovery proceeds,
13 claimant would be placed in the difficult position of either
14 invoking her Fifth Amendment right against self-incrimination and
15 losing the ability to protect her interest in the defendant
16 property, or waiving her Fifth Amendment rights and submitting to
17 a deposition and potentially incriminating herself in the pending
18 criminal matter. If claimant invokes their Fifth Amendment
19 rights, the United States will be deprived of the ability to
20 explore the factual basis for the claim she filed in this action
21 and the defenses raised in her Answer.

22 2. In addition, if this case is not stayed claimant will
23 attempt to depose law enforcement officers who were involved in
24 the execution of the search warrant at the defendant property.
25 Allowing depositions of these officers would adversely affect the
26 ability of the federal authorities to conduct its related
27 criminal prosecution.

28 3. Accordingly, the parties contend that proceeding with

1 this action at this time has potential adverse affects on the
2 prosecution of the related criminal case and/or upon claimant's
3 ability to prove her claim to the property and to contest the
4 government's allegations that the property is forfeitable. For
5 these reasons, the parties request that this matter be stayed for
6 a period of six months. At that time the parties will advise the
7 Court whether a further stay is necessary.

8 4. The defendant property is encumbered by a deed of trust,
9 and the United States has served the lienholder with the
10 Complaint for Forfeiture In Rem and related documents, but to
11 date no claim has been filed. Nevertheless, claimant agrees to
12 keep current all payments due to CTX Mortgage Company LLC under
13 the promissory note dated August 1, 2005, in the original
14 principal amount of \$130,000, and secured by the deed of trust
15 recorded in Sacramento County on August 9, 2005, encumbering the
16 defendant property. If claimant defaults on the promissory note
17 (as "default" is defined in the promissory note), claimant will
18 not object to a request by plaintiff or the lienholder for an
19 order permitting an interlocutory sale of the defendant property
20 in accordance with Rule G(7)(b) of the Supplemental Rules for
21 Admiralty or Maritime Claims and Asset Forfeiture Actions.

22
23 DATED: April 13, 2009

LAWRENCE G. BROWN
Acting United States Attorney

24
25 By: /s/ Kristin S. Door
KRISTIN S. DOOR
26 Assistant U.S. Attorney
27 Attorneys for plaintiff
28

1 DATED: April 13, 2009

/s/ John Balazs
JOHN BALAZS
Attorney for claimant
Maggie Luong

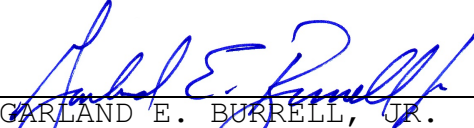
(Original signatures retained
by AUSA Door)

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6 **ORDER**

7 Good cause having been shown, the Status (Pretrial
8 Scheduling) Conference now scheduled for July 13, 2009, is
9 continued to January 19, 2010 at 9:00 a.m. The parties shall
10 submit a joint scheduling report fourteen days prior to the
11 hearing advising the court if a further stay is necessary.

12 IT IS SO ORDERED.

13 Dated: April 15, 2009

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GARLAND E. BURRELL, JR.
United States District Judge