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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-00151 JAM-GGH
)	
12 Plaintiff,)	
)	STIPULATION TO STAY
13 v.)	FURTHER PROCEEDINGS AND
)	ORDER
14 APPROXIMATELY \$6,085.00 IN U.S.)	
CURRENCY,)	
15)	
16 APPROXIMATELY \$32,053.00 IN U.S.)	
CURRENCY,)	
17 APPROXIMATELY \$555.00 IN U.S.)	DATE: N/A
CURRENCY,)	TIME: N/A
18)	COURTROOM: N/A
19 APPROXIMATELY \$3,900.00 IN U.S.)	
CURRENCY,)	
20 APPROXIMATELY \$35,261.00 IN U.S.))	
CURRENCY, and)	
21)	
22 APPROXIMATELY TWO CASES OF)	
SMOKELESS TOBACCO,)	
23 Defendants.)	
)	

24
 25 Plaintiff United States of America, and Claimants Adib
 26 Sirope and Rimoun Mansour (hereafter collectively "Claimants"),
 27 by and through their respective counsel, hereby stipulate that a
 28 stay is necessary in the above-entitled action, and request that

1 the Court enter an order staying all further proceedings in this
2 civil forfeiture action until the proceedings in the related
3 criminal case, U.S. v. Adib Sirope, et al., 2:10-CR-00258-FCD,
4 have concluded. The parties request this stay for the following
5 reasons:

6 1. Claimants filed a claim to the defendant property on
7 February 17, 2009, and filed an Answer to the complaint on March
8 9, 2009.

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

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

28 4. In addition, claimants intend to depose the law

1 enforcement agents involved in this investigation. Allowing
2 depositions of the law enforcement officers at this time would
3 adversely affect the ability of the federal government to
4 properly prosecute the case.

5 5. Accordingly, the parties recognize that proceeding with
6 this action at this time has potential adverse affects on the
7 prosecution of the related-criminal case and/or upon claimants'
8 ability to prove their claim to the property and assert any
9 defenses to forfeiture. For these reasons, the parties jointly
10 request that this matter be stayed until the related criminal
11 case has concluded. Within 30 days after the conclusion of the
12 related criminal case the parties will submit a joint status
13 report addressing the matters set forth in the January 22, 2009,
14 Order Requiring Joint Status Report.

15 Dated: 2/25/11

BENJAMIN B. WAGNER
United States Attorney

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

19

20 Dated: 2/24/11

GERAGOS & GERAGOS

21

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

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ORDER

26 For the reasons set forth above, this matter is stayed
27 pursuant to 18 U.S.C. §§ 981(g) (1) and 981(g) (2) until the
28 conclusion of the related criminal case. Within 30 days after

1 the criminal case has concluded the parties will submit a joint
2 status report addressing the matters set forth in the January 22,
3 2009, Order Requiring Joint Status Report.

4 IT IS SO ORDERED.

5 Dated: 2/25/2011

/s/ John A. Mendez

JOHN A. MENDEZ
United States District Judge

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