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

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UNITED STATES OF AMERICA,)	2:09-cv-1940 GEB/KJM
)	
Plaintiff,)	STIPULATION TO STAY FURTHER
)	PROCEEDINGS AND ORDER
v.)	THEREON [PROPOSED]
)	
REAL PROPERTY LOCATED AT 1 MILE)	
UP HENNESSEY ROAD, BURNT RANCH,)	
CALIFORNIA, TRINITY COUNTY,)	
APN: 008-430-02, INCLUDING)	DATE: September 20, 2010
ALL APPURTENANCES AND)	TIME: 9:00 a.m.
IMPROVEMENTS THERETO,)	COURTROOM: 10
)	
Defendant.)	
)	

The plaintiff United States of America and claimants Chase Home Finance LLC ("Chase") and Erlinda Pickle, individually and in her capacity as Conservator of the Estate of Thomas A. Pickle, submit the following stipulation requesting that this Court stay further proceedings in this case because a related criminal case is still pending in Trinity County against James and Thomas

1 Pickle.¹

2 Counsel for plaintiff spoke with Trinity County Deputy
3 District Attorney Eric Heryford on September 2, 2010, who advised
4 her that James Pickle's preliminary hearing is currently
5 scheduled for October 2, 2010. Mr. Heryford also stated it is
6 unlikely that a trial date will be scheduled before January 1,
7 2011.

8 This stipulation is based on the following:

9 1. Pursuant to 18 U.S.C. §§ 981(g)(1), (g)(2) and 21
10 U.S.C. § 881(i) the parties suggest that a stay of further
11 proceedings in this case is necessary. The United States
12 contends that the defendant real property was used to cultivate,
13 process, and store marijuana and is therefore forfeitable to the
14 United States. The United States intends to depose claimant
15 Erlinda Pickle about the claim she filed in this case and the
16 facts surrounding Thomas's (her husband's) and James Pickle's
17 drug activity on the defendant property; the nature of the
18 interest she claims in the defendant property²; and her
19 knowledge, if any, of the criminal activity on the property.

20 _____
21 ¹ Plaintiff advised this Court in the Joint Status Report
22 filed on May 11, 2010, that it intended to file a motion for
23 default judgment against Thomas Pickle, James Pickle, and Terry
24 J. Williams. As of May 11, 2010, only Chase had filed a claim
25 and answer, and the clerk had entered defaults against Thomas and
26 James Pickle and Terry Williams. However, on June 16, 2010,
27 Erlinda Pickle filed a claim and answer on her own behalf, and on
28 July 20, 2010, filed a claim and answer as the Conservator of
Thomas Pickle's estate. Erlinda Pickle is Thomas' wife, although
her name does not appear on title to the defendant property.
Thomas Pickle has been missing since late 2009 and Erlinda Pickle
has been appointed by the Trinity County as the Conservator.

² Thomas A. Pickle took title to the defendant property as
"an unmarried man as his sole and separate property."

1 Plaintiff also intends to depose James Pickle.

2 However, if discovery proceeds, James Pickle will
3 undoubtedly invoke his Fifth Amendment right against self-
4 incrimination while the state charges are still pending. If
5 James Pickle invokes his Fifth Amendment rights, the United
6 States will be deprived of the testimony of an important witness
7 to Thomas Pickle's criminal conduct, and possibly to claimant
8 Erlinda Pickle's knowledge (or lack thereof) of that conduct.

9 2. In addition, if this case is not stayed claimant Pickle
10 will attempt to depose law enforcement officers who were involved
11 in the execution of the search warrants at the defendant
12 property. Allowing depositions of these officers would adversely
13 affect the ability of the Trinity County authorities to conduct
14 its related criminal prosecution.

15 3. Accordingly, the parties contend that proceeding with
16 this action at this time has potential adverse affects on the
17 prosecution of the related criminal case and/or upon claimant
18 Erlinda Pickle's ability to prove her claim to the property and
19 to contest the government's allegations that the property is
20 forfeitable. For these reasons, the parties request that this
21 matter be stayed for a period of six months. At that time the
22 parties will advise the Court whether a further stay is
23 necessary.

24

25 DATED: September 2, 2010

BENJAMIN B. WAGNER
United States Attorney

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By: /s/ Kristin S. Door
KRISTIN S. DOOR
Assistant U.S. Attorney

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1 DATED: September 2, 2010

ROUTH CRABTREE OLSEN, P.S.

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3 By: /s/ Edward T. Weber
4 (As authorized on 09/02/10)
5 Edward T. Weber
6 Attorneys for Chase
7 Home Finance LLC

8 DATED: September 2, 2010

RICHARD M. BARNETT

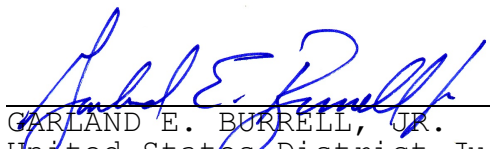
9 /s/ Richard M. Barnett
10 (As authorized on 09/02/10)
11 RICHARD M. BARNETT
12 Attorney for Erlinda Pickle,
13 Individually and as the
14 Conservator of the Estate of
15 Thomas A. Pickle

16 **ORDER**

17 For the reasons set forth above, the status conference now
18 scheduled for September 20, 2010, is vacated and is continued to
19 March 28, 2011. A joint status report addressing the issues
20 listed in the Court's July 16, 2009, Order Setting Status
21 (Pretrial Scheduling) Conference shall be filed fourteen days
22 prior to the hearing.

23 IT IS SO ORDERED.

24 Dated: September 8, 2010

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GARLAND E. BURRELL, JR.
United States District Judge