United States	of America v. Aproximately \$19,000.00 in U.S. Currency et al	
1	DANIEL J. BRODERICK, Bar #89424	
2	Federal Defender MICHAEL PETRIK, Jr., Bar #177913	
3	Assistant Federal Defender Attorneys For Claimant 801 I Street, 3 <sup>rd</sup> Floor	
4	Sacramento, California 95814	
5	Attorneys for Claimants	
6	Gary Truong and Pik Lam Chan	
7		
8	UNITED STATES DISTRICT COURT	
9	9 EASTERN DISTRICT OF CALIFORNIA	
10		
11		
12	UNITED STATES OF AMERICA )	
13	Plaintiff,	

## STIPULATION TO STAY FURTHER PROCEEDINGS AND ORDER

Defendants.

APPROXIMATELY \$19,000.00 IN

APPROXIMATELY \$16,929.00 IN

ONE 2005 FORD F-150 TRUCK, VIN:

1FTPW14515FB11508, CALIFORNIA LICENSE NUMBER: 8A48619,

APPROXIMATELY \$10,000 IN

Gary Truong and Pik Lam Chan (hereafter "Claimants"), and United States of America,
by and through their respective counsel, hereby stipulate that a stay is necessary in the aboveentitled action, and request that the Court enter an order staying all further proceedings until the
conclusion of criminal case against defendants. Claimants have filed a claim, but have not yet

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v.

U.S. CURRENCY,

U.S. CURRENCY,

U.S. CURRENCY, and

filed an Answer and will not be required to do so until the stay contemplated by this stipulation
 expires.

The Grand Jury in the Eastern District of California indicted Gary Truong on violations of
21 U.S.C. §§ 846 and 841 (a) (1) -- conspiracy to manufacture at least 100 marijuana plants and
manufacture of at least 100 marijuana plants.

6 The stay is requested pursuant to 18 U.S.C. §§ 981 (g) (1), 981 (g) (2), and 21 U.S.C. §
7 881 (i). The plaintiff contends that the defendant \$16,929.00 and the defendant Ford F-150
8 (hereinafter collectively "defendant property") constitute moneys or other things of value
9 furnished or intended to be furnished by any person in exchange for a controlled substance or
10 listed chemical in violation of 21 U.S.C. §§ 841 *et seq*.

11 The plaintiff intends to depose Claimants regarding their claim and their involvement in and/or knowledge of drug-trafficking; the source of the funds seized; and other facts as alleged in 12 13 the complaint. Claimants will likely attempt to depose law enforcement officers who have been 14 involved in the drug-trafficking investigation that resulted in the seizure of the defendant 15 currency and that is the basis for the pending criminal case. If discovery proceeds at this time, Claimants will be placed in the difficult position of either invoking their Fifth Amendment rights 16 17 against self-incrimination and losing the ability to pursue their claim to the defendant currency, 18 or waiving their Fifth Amendment rights and submitting to a deposition and potentially 19 incriminating themselves. If they invoke their Fifth Amendment rights, Claimants will be 20 deprived of the ability to explore the factual basis for the claim they filed with this Court in this 21 action.

In addition, to the extent Claimants intend to depose, among others, the agents involved in the underlying investigation, allowing depositions of the law enforcement officers at this time would adversely affect the United States' prosecution of the criminal case against Claimants.

The parties recognize that proceeding with this action at this time has potential adverse effects on the prosecution of the underlying criminal case and/or upon Claimants' ability to prove

1	their claim to the defendant property and to assert any defenses to the forfeiture. For these			
2	reasons, the parties jointly request that this matter be stayed until the conclusion of the criminal			
3	case. At that time, the parties will advise the court of the status of the criminal case and will			
4	advise the court whether a further stay is necessary.			
5	5 Dated: May 3, 2010 Respectful	lly submitted,		
6	6 DANIEL . Federal D	J. BRODERICK		
7		erender		
8		rik L PETRIK, JR.		
9 10	9 Assistant Attorney f	Federal Defender for Gary Truong and Pik Lam Chan		
11		IN B. WAGNER		
12	United Sta	ites Attorney		
13		rik for Saralyn M. Ang-Olson		
14	SARALY	<u>rik for Saralyn M. Ang-Olson</u> N M. ANG-OLSON ssistant U.S. Attorney		
15	15			
16	16 <b>ORDER</b>	O R D E R		
17	For the reasons set forth above, this action is stayed pursuant to 18 U.S.C. §§ 981 (g) (1),			
18	981 (g) (2), and 21 U.S.C. § 881 (i) until the conclusion of the criminal case, at which time the			
19	19 parties will advise the Court whether a further stay is no	parties will advise the Court whether a further stay is necessary.		
20	Furthermore, Claimants' answer in this civil action must be filed in this civil action			
21	within 20 days after such stay is lifted.			
22	IT IS SO ORDERED.			
23	<sup>23</sup> Dated: May 6, 2010			
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25 26	CARLAND E. BURRELL, JR. United States District Judge			
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