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7
 8 IN THE UNITED STATES DISTRICT COURT
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA
 10

11 UNITED STATES OF AMERICA,)	2:10-cv-00520 GEB-KJM
)	
12 Plaintiff,)	STIPULATION FOR STAY OF
)	FURTHER PROCEEDINGS AND
13 v.)	ORDER [PROPOSED]
)	
14 APPROXIMATELY \$7,081.00 IN U.S.)	
CURRENCY,)	
)	DATE: June 28, 2010
15 2006 HONDA CRF450R MOTORCYCLE, VIN:)	TIME: 9:00 a.m.
16 JH2PE05336M413204, CALIFORNIA)	COURTROOM: #10, 13 TH fl.
LICENSE NUMBER: 83C47Y,)	
)	
17 2004 HONDA CRF250X MOTORCYCLE, VIN:)	
18 JH2ME11184K000863, CALIFORNIA)	
LICENSE NUMBER: Z26N82,)	
)	
19 2006 YAMAHA TT-R230 MOTORCYCLE,)	
20 VIN: 9C6CGI9Y560013660,)	
CALIFORNIA LICENSE NUMBER:)	
21 14E21L, and)	
)	
22 1984 CASE 580E BACKHOE WITH)	
SCRAPER BUCKET, VIN: 17033151.)	
)	
)	
24 Defendants.)	

25
 26 Plaintiff United States of America and claimant Jonathan
 27 Todd Farrell (hereafter "claimant") stipulate that a stay is
 28 necessary in the above-entitled action, and request that the

1 Court enter an order staying all further proceedings pending the
2 outcome of a related criminal case now pending in this Court
3 (United States v. Farrell, 2:09-cr-0426 GEB). This stipulation
4 is based on the following:

5 1. Pursuant to 18 U.S.C. §§ 981(g) (1), (g) (2) and 21
6 U.S.C. § 881(i) the parties suggest that a stay of further
7 proceedings in this case is necessary. The United States
8 contends that the defendant currency is the proceeds of drug
9 trafficking, and that the defendant vehicles were used to
10 facilitate the cultivation of marijuana, and are therefore
11 forfeitable to the United States. The United States intends to
12 depose the claimant about the claim he filed in this case and the
13 facts surrounding his acquisition of the currency, and his use of
14 the vehicles. The United States will also question claimant
15 about the events that led to the filing of an information against
16 him for manufacturing marijuana and possession of a firearm by a
17 felon. If discovery proceeds, claimant would be placed in the
18 difficult position of either invoking his Fifth Amendment right
19 against self-incrimination and losing the ability to protect his
20 interest in the defendant property, or waiving his Fifth
21 Amendment rights and submitting to a deposition and potentially
22 incriminating himself in the pending criminal matter. If
23 claimant invokes his Fifth Amendment rights, the United States
24 will be deprived of the ability to explore the factual basis for
25 the claim he filed in this action and the defenses raised in his
26 Answer.

27 2. In addition, if this case is not stayed claimant will
28 attempt to depose law enforcement officers who were involved in

1 the execution of the search warrants at the claimant's residence
2 and other locations where marijuana plants and growing equipment
3 was found. Allowing depositions of these officers would
4 adversely affect the ability of the federal authorities to
5 conduct its related criminal prosecution.

6 3. Accordingly, the parties contend that proceeding with
7 this action at this time has potential adverse affects on the
8 prosecution of the related criminal case and/or upon claimant's
9 ability to prove his claim to the property and to contest the
10 government's allegations that the property is forfeitable. For
11 these reasons, the parties request that this matter be stayed for
12 a period of six months. At that time the parties will advise the
13 Court whether a further stay is necessary.

14 DATED: June 11, 2010

BENJAMIN B. WAGNER
United States Attorney

15
16 By: /s/ Kristin S. Door
17 KRISTIN S. DOOR
18 Assistant U.S. Attorney
Attorneys for plaintiff

19
20 DATED: June 11, 2010

/s/ Zenia Gilg
ZENIA GILG
(As authorized on 6/11/10)
Attorney for claimant
Jonathan Todd Farrell

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ORDER

Good cause having been shown, the Status (Pretrial Scheduling) Conference now scheduled for June 28, 2010, is continued to November 29, 2010, at 9:00 a.m. The parties shall submit a joint scheduling report fourteen days prior to the hearing.

IT IS SO ORDERED.

Dated: June 16, 2010



GARLAND E. BURRELL, JR.
United States District Judge