

1 BENJAMIN B. WAGNER
 United States Attorney
 2 KRISTIN S. DOOR, SBN 84307
 Assistant United States Attorney
 3 501 I Street, Suite 10-100
 Sacramento, CA 95814
 4 Telephone: (916)554-2723
 5 Attorneys for Plaintiff
 United States of America
 6
 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: November 29, 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). The next status
4 conference in the criminal case is scheduled for January 7, 2011.

5 This stipulation is based on the following:

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

28 2. In addition, if this case is not stayed claimant will

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

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

15 DATED: November 10, 2011

BENJAMIN B. WAGNER
United States Attorney

17
18 By: /s/ Kristin S. Door
KRISTIN S. DOOR
19 Assistant U.S. Attorney
Attorneys for plaintiff
20

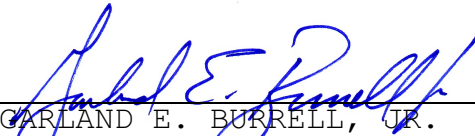
21 DATED: November 11, 2010

/s/ Zenia Gilg
ZENIA GILG
22 (As authorized on 11/11/10)
Attorney for claimant
23 Jonathan Todd Farrell
24
25
26
27
28

1 **ORDER**

2 Good cause having been shown, the Status (Pretrial
3 Scheduling) Conference now scheduled for November 29, 2010, is
4 continued to June 13, 2011, at 9:00 a.m. A joint status report
5 shall be filed fourteen days prior to the hearing.

6 Dated: November 15, 2010

7
8 
9 _____
GARLAND E. BURRELL, JR.
United States District Judge

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28