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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-DAD
)	
12 Plaintiff,)	STIPULATION FOR STAY OF
)	FURTHER PROCEEDINGS AND
13 v.)	ORDER [PROPOSED]
)	
14 APPROXIMATELY \$7,081.00 IN U.S.)	
CURRENCY,)	
)	DATE: June 13, 2011
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. Jonathan Todd Farrell, 2:09-CR-00426-GEB). The
4 next status conference in the criminal case is scheduled for June
5 24, 2011. 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 United State'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: 5/17/11

BENJAMIN B. WAGNER
United States Attorney

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18 By: /s/ Kevin C. Khasigian
KEVIN C. KHASIGIAN
Assistant U.S. Attorney

19
20
21 DATED: 5-16-11

/s/ Zenia Gilg
ZENIA GILG
Attorney for claimant
Jonathan Todd Farrell
(Original signature retained
by attorney)

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26 **ORDER**

27 Good cause having been shown, the Status (Pretrial
28 Scheduling) Conference now scheduled for June 13, 2011, is

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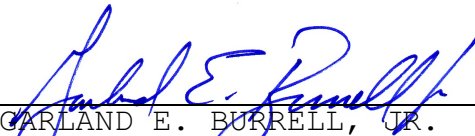
2 continued to December 12, 2011,, at 9:00 a.m. The parties shall
3 submit a joint status report fourteen days prior to the hearing.

4 IT IS SO ORDERED.

5 Dated: May 17, 2011

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GARLAND E. BURRELL, JR.
United States District Judge

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