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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: December 12, 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.)	
)	
23)	
)	
24 Defendants.)	
)	

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

1 order staying all further proceedings pending the outcome of a
2 related criminal case now pending in this Court (United States v.
3 Jonathan Todd Farrell, 2:09-CR-00426-GEB). The next status
4 conference in the criminal case is scheduled for December 2,
5 2011; the parties seek a further stay in this case until February
6 2, 2012. This stipulation is based on the following:

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

1 2. In addition, if this case is not stayed claimant will
2 attempt to depose law enforcement officers who were involved in
3 the execution of the search warrants at the claimant's residence
4 and other locations where marijuana plants and growing equipment
5 was found. Allowing depositions of these officers would
6 adversely affect the ability of the federal authorities to
7 conduct its related criminal prosecution.

8 3. Accordingly, the parties contend that proceeding with
9 this action at this time has potential adverse affects on the
10 prosecution of the related criminal case and/or upon claimant's
11 ability to prove his claim to the property and to contest the
12 United State's allegations that the property is forfeitable.
13 However, the parties are informed and believe that the criminal
14 matter involving Farrell may be resolved in the near future. The
15 status conference in Farrell's criminal case has been continued
16 again to December 2, 2011. For these reasons, the parties
17 jointly request that this matter be stayed until February 2,
18 2012. At that time the parties will advise the court of the
19 status of the criminal prosecution and will, if necessary, seek a
20 further stay.

21 DATED: 11/21/11

BENJAMIN B. WAGNER
United States Attorney

22
23 By: /s/ Kevin C. Khasigian
24 KEVIN C. KHASIGIAN
Assistant U.S. Attorney

25
26 DATED: 11-21-11

/s/ Zenia Gilg
ZENIA GILG
Attorney for claimant
Jonathan Todd Farrell
(Authorized by email)

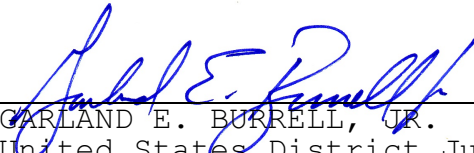
1 **ORDER**

2 For the reasons set forth above, this matter is stayed
3 pursuant to 18 U.S.C. §§ 981(g) (1), 981(g) (2), and 21 U.S.C. §
4 881(i). On or before February 2, 2012, the parties will advise
5 the court whether a further stay is necessary.

6 Good cause having been shown, the Status (Pretrial
7 Scheduling) Conference now scheduled for December 12, 2011, is
8 continued to February 27, 2012, at 9:00 a.m. The parties shall
9 submit a joint scheduling report fourteen days prior to the
10 hearing.

11 IT IS SO ORDERED.

12 Dated: November 22, 2011

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GARLAND E. BURRELL, JR.
United States District Judge