

1 BENJAMIN B. WAGNER  
 United States Attorney  
 2 SARALYN M. ANG-OLSON, SBN 197404  
 Special Assistant U.S. Attorney  
 3 501 I Street, Suite 10-100  
 Sacramento, CA 95814  
 4 Telephone: (916) 554-2700

5 Attorneys for Plaintiff  
 United States of America  
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8 IN THE UNITED STATES DISTRICT COURT  
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 UNITED STATES OF AMERICA,	)	2:10-cv-01116-MCE-KJM
	)	
12 Plaintiff,	)	STIPULATION TO STAY
	)	FURTHER PROCEEDINGS AND
13 v.	)	ORDER
	)	
14 REAL PROPERTY LOCATED AT 12711	)	
HIGHWAY 89, SIERRAVILLE,	)	
15 CALIFORNIA, SIERRA COUNTY,	)	
APN: 018-050-0360 (FORMERLY	)	
16 APN'S: 018-050-003, 018-050-001	)	
AND 018-050-002), INCLUDING	)	
17 ALL APPURTENANCES AND	)	
IMPROVEMENTS THERETO,	)	
18	)	
Defendant.	)	
19	)	

20 Plaintiff United States of America, and claimant Dale  
 21 Frisbey (hereafter "Frisbey"), by and through their respective  
 22 counsel, hereby stipulate that a stay is necessary as to  
 23 Frisbey's interest, if any, in the above-entitled action, and  
 24 request that the Court enter an order staying all further  
 25 proceedings as to Frisbey until the conclusion of the criminal  
 26 case against him.

27 The Grand Jury in the Eastern District of California  
 28 indicted Frisbey on violations of 21 U.S.C. §§ 846 and 841(a)(1)-

1 Conspiracy to Manufacture at Least 100 Marijuana Plants and  
2 Manufacture of at Least 100 Marijuana Plants.

3 The stay is requested pursuant to 18 U.S.C. §§ 981(g)(1),  
4 981(g)(2), and 21 U.S.C. § 881(i). The United States seeks to  
5 forfeit the defendant real property, including any right, title  
6 and interest in the whole of any lot or tract of land and any  
7 appurtenances or improvements thereon, on the grounds that said  
8 real property was used or intended to be used, in any manner or  
9 part, to commit, or to facilitate the commission of a violation  
10 of 21 U.S.C. §§ 841 et seq., an offense punishable by more than  
11 one year's imprisonment, and is therefore subject to forfeiture  
12 to the United States pursuant to 21 U.S.C. § 881(a)(7).

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

1 In addition, to the extent Frisbey intends to depose the  
2 agents, among others, involved in the underlying investigation,  
3 allowing depositions of the law enforcement officers at this time  
4 would adversely affect the United States' prosecution of the  
5 criminal case against Frisbey.

6 The parties recognize that proceeding with this action  
7 at this time has potential adverse effects on the prosecution of  
8 the underlying criminal case and/or upon Frisbey's ability to  
9 prove his claim to the defendant real property and to assert any  
10 defenses to the forfeiture. For these reasons, the parties  
11 jointly request that this matter be stayed until the conclusion  
12 of the criminal case. At that time the parties will advise the  
13 court of the status of the criminal case and will advise the  
14 court whether a further stay is necessary.

15 DATED: 10/12/10

BENJAMIN B. WAGNER  
United States Attorney

17 /s/ Saralyn M. Ang-Olson

18 SARALYN M. ANG-OLSON  
Special Assistant U.S. Attorney  
19 Attorneys for the United States  
20

21 DATED: 10/12/10

23 /s/ Timothy Zindel  
24 By: Timothy Zindel  
Attorney for Claimant Dale Frisbey  
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1 **ORDER**

2 For the reasons set forth above, this action is stayed  
3 pursuant to 18 U.S.C. § 981(g) (1), 18 U.S.C. § 981(g) (2), and 21  
4 U.S.C. § 881(i) until the conclusion of the criminal case, at  
5 which time the Parties will advise the Court whether a further  
6 stay is necessary.

7 Furthermore, Frisbey's answer in this civil action must be  
8 filed in this civil action within 20 days after such stay is  
9 lifted.

10 **IT IS SO ORDERED.**

11 Dated: October 19, 2010

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14 MORRISON C. ENGLAND, JR.  
15 UNITED STATES DISTRICT JUDGE  
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