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 5  
 Attorneys for Plaintiff  
 6 United States of America

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

10  
 11 UNITED STATES OF AMERICA, ) 2:10-CV-01272-JAM-EFB  
 )  
 12 Plaintiff, ) STIPULATION FOR STAY;  
 ) ORDER  
 13 v. )  
 )  
 14 APPROXIMATELY \$75,750.00 IN )  
 U.S. CURRENCY, )  
 15 )  
 APPROXIMATELY \$27,910.00 IN )  
 16 U.S. CURRENCY, and )  
 )  
 17 2006 BRISTERS TW413 TRAIL )  
 WAGON UTV, VIN:BDMUTXH1K7A09112A, )  
 18 )  
 Defendants. )  
 19 )

20 Plaintiff United States of America, and claimants Clifford  
 21 Josef Young, Kathleen Marie Young, Francis Jayne (hereafter,  
 22 "Claimants"), by and through their respective counsel, hereby  
 23 stipulate that a stay is necessary in the above-entitled action,  
 24 and request that the Court enter an order staying all further  
 25 proceedings until the conclusion of criminal case against  
 26 Clifford Josef Young ("Young") and Kathleen Marie Young (aka  
 27 "Kathleen Dockstader") ("Dockstader").  
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1 Claimants have filed claims and answers to the defendant  
2 currencies, namely, Approximately \$75,750.00 in U.S. Currency and  
3 Approximately \$27,910.00 in U.S. Currency; and defendant vehicle,  
4 2006 Bristers TW413 Trail Wagon UTV, VIN: BDMUTXH1K7A09112A  
5 (collectively, the "defendant assets").

6 On June 10, 2010, the Grand Jury of the Eastern District of  
7 California indicted Young and Dockstader for violations of 21  
8 U.S.C. § 841 (a) (1) - Possession with Intent to Distribute  
9 Methamphetamine; 21 U.S.C. §§ 846 and 841(a) (1) - Conspiracy to  
10 Manufacture Methamphetamine; 21 U.S.C. § 841(c) (1) - Possession  
11 of Ephedrine with Intent to Manufacture Methamphetamine; and 21  
12 U.S.C. § 841(a) (1) - Possession with Intent to Distribute  
13 Marijuana.

14 The stay is requested pursuant to 18 U.S.C. §§ 981(g) (1),  
15 981(g) (2), and 21 U.S.C. § 881(i). The United States contends  
16 that the defendant assets constitute moneys or other things of  
17 value furnished or intended to be furnished by any person in  
18 exchange for a controlled substance or listed chemical in  
19 violation of 21 U.S.C. §§ 841 *et seq.*

20 The United States intends to depose Claimants regarding  
21 their claims and their involvement in and/or knowledge of drug-  
22 trafficking; the source of the funds seized; and other facts as  
23 alleged in the complaint. Claimants will likely seek to depose  
24 law enforcement officers who have been involved in the drug-  
25 trafficking investigation that resulted in the seizure of the  
26 defendant assets, which are also the basis for the pending  
27 criminal case. If discovery proceeds at this time, Young and  
28 Dockstader will be placed in the difficult position of either

1 invoking their Fifth Amendment rights against self-incrimination  
2 and losing the ability to pursue their claims to the defendant  
3 currencies, or waiving their Fifth Amendment rights and  
4 submitting to depositions and potentially incriminating  
5 themselves. If they invoke their Fifth Amendment rights, the  
6 United States will be deprived of the ability to explore the  
7 factual basis for the claims they filed with this court in this  
8 action. In addition, to the extent Claimants intend to depose,  
9 among others, the agents involved in the underlying  
10 investigation, allowing depositions of the law enforcement  
11 officers at this time would adversely affect the United States'  
12 prosecution of the criminal case against Young and Dockstader.

13         The parties recognize that proceeding with this action  
14 at this time has potential adverse effects on the prosecution of  
15 the underlying criminal case and/or upon the ability of Claimants  
16 to prove their claims to the defendant assets and to assert any  
17 defenses to the forfeiture. For these reasons, the parties  
18 jointly request that this matter be stayed until the conclusion

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1 of the criminal case. At that time the parties will advise the  
2 court of the status of the criminal case and will advise the  
3 court whether a further stay is necessary.

4 DATED: 10/19/10

BENJAMIN B. WAGNER  
United States Attorney

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6

/s/ E. Robert Wright  
E. ROBERT WRIGHT  
Assistant U.S. Attorney  
Attorneys for the United States

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9 DATED: October 19, 2010

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/s/ Editte D. Lerman  
EDITTE D. LERMAN  
Attorneys for Claimants  
Clifford Josef Young  
Kathleen Marie Young  
Francis Jayne

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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 **IT IS SO ORDERED.**

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10 DATED: October 20, 2010

11 /s/ John A. Mendez  
12 U. S. District Court Judge