

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

11 UNITED STATES OF AMERICA,)	2:10-cv-01894 WBS-KJM
)	
12 Plaintiff,)	STIPULATION FOR STAY OF
)	FURTHER PROCEEDINGS AND
13 v.)	ORDER [PROPOSED]
)	
14 REAL PROPERTY LOCATED AT 3110)	
MORGAN HILL ROAD, HAYFORK,)	
15 CALIFORNIA, TRINITY COUNTY,)	
APN: 017-430-25, INCLUDING ALL)	
16 APPURTENANCES AND IMPROVEMENTS)	DATE: N/A
THERE TO,)	TIME: N/A
)	COURTROOM: #5, 14 th Floor
17 Defendant.)	
)	

19
 20 Plaintiff United States of America and claimant Jaime R.
 21 Serrano and Trueman E. Vroman ("Claimants") submit the following
 22 stipulation and request that the Court enter an order staying all
 23 further proceedings in this civil forfeiture action until the
 24 proceedings in the related criminal case, People v. Jaime R.
 25 Serrano, et al., now pending in Trinity County Superior Court,
 26 have concluded. The parties request this stay for the following
 27 reasons:

- 28 1. The parties request this stay pursuant to 18 U.S.C.

1 §§ 981(g)(1) and 981(g)(2). The United States contends that the
2 defendant real property was used to facilitate the cultivation of
3 marijuana. During the execution of a state search warrant on
4 April 14, 2010, law enforcement officers found approximately
5 2,203 marijuana plants being grown in a sophisticated indoor
6 operation. The details of the underlying criminal investigation
7 are set forth in the Verified Complaint for Forfeiture In Rem
8 (Complaint) filed on July 19, 2010. Claimant Jaime R. Serrano,
9 the owner of the defendant property, denies these allegations.
10 Claimant Trueman E. Vroman, has an interest in the defendant
11 property, and has already filed an Answer to the Complaint.
12 Vroman loaned Serrano funds to construct the residence and is
13 owed approximately \$190,000, which is secured by a deed of trust
14 recorded against the defendant property on October 26, 2007.
15 Vroman, too, denies the allegation in the complaint based on his
16 lack of knowledge of Serranos's activities, and claims he is an
17 innocent owner within the meaning of 18 U.S.C. § 983(d)(2)(A).
18 Based on the information currently available to plaintiff,
19 plaintiff agrees that Vroman is an innocent owner.

20 2. The United States intends to depose claimant Serrano
21 about the marijuana being grown on the defendant property; about
22 who constructed the grow rooms found within the home; and about
23 his involvement in drug trafficking. If discovery proceeds,
24 claimant Serrano would be placed in the difficult position of
25 either invoking his Fifth Amendment right against self-
26 incrimination and losing the ability to protect his alleged
27 interest in the defendant property, or waiving his Fifth
28 Amendment right and submitting to a deposition and potentially

1 incriminating himself in the pending criminal matter. If
2 claimant invokes his Fifth Amendment right, the United States
3 will be deprived of the ability to explore the factual basis for
4 the claim he filed in this action.

5 3. In addition, claimant Serrano intends to depose law
6 enforcement officers who were involved in underlying drug-
7 trafficking investigation, and the execution of the state search
8 warrant at the claimant's residence. Allowing depositions of
9 these officers would adversely affect the ability of the federal
10 government to properly prosecute the case.

11 4. Accordingly, the parties recognize that proceeding with
12 this action at this time has potential adverse affects on the
13 prosecution of the related-criminal case and/or upon claimant's
14 ability to prove his claims to the property and to contest the
15 government's allegations that the property is forfeitable.

16 5. For these reasons, the parties jointly request that
17 this matter be stayed until the related criminal case now pending
18 in state court has concluded. Within 30 days after the
19 conclusion of the related criminal case Serrano will file his
20 Answer to the Complaint, and the parties will submit a joint
21 status report addressing the matters set forth in the July 19,
22 2010, Order Requiring Joint Status Report.

23 6. While this case is stayed, claimant Serrano agrees to
24 keep current all payments due to Trueman E. Vroman under the
25 promissory note dated October 26, 2007, in the original principal
26 amount of \$225,000.00, and secured by the deed of trust recorded
27 in Trinity County, California, on October 26, 2007, encumbering
28 the defendant property.

1 conclusion of the related criminal case now pending in Trinity
2 County Superior Court. Within 30 days after the criminal case
3 has concluded claimants will file their Answer to the Verified
4 Complaint for Forfeiture In Rem, and the parties will submit a
5 joint status report addressing the matters set forth in the July
6 19, 2010, Order Requiring Joint Status Report.

7 IT IS SO ORDERED. The **Scheduling Conference** now set for
8 January 10, 2011 is continued to July 25, 2011 at 2:00 p.m.

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10 Dated: December 17, 2010

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12 WILLIAM B. SHUBB
13 UNITED STATES DISTRICT JUDGE
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