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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-02614-JAM-EFB
)
 12 Plaintiff,) STIPULATION FOR STAY;
) ORDER
 13 v.)
)
 14 REAL PROPERTY LOCATED AT 28953)
 STATE HIGHWAY 49, NORTH SAN)
 15 JUAN, CALIFORNIA, NEVADA COUNTY,)
 APN: 60-100-11, INCLUDING)
 16 ALL APPURTENANCES AND)
 IMPROVEMENTS THERETO,)
 17)
 Defendant.)
 18)

19 Plaintiff United States of America, and claimants Clifford
 20 Josef Young and Kathleen Marie Young (hereafter, "Claimants"), by
 21 and through their respective counsel, hereby stipulate that a
 22 stay is necessary in the above-entitled action, and request that
 23 the Court enter an order staying all further proceedings until
 24 the conclusion of the criminal case against Clifford Josef Young
 25 ("Young") and Kathleen Marie Young (aka "Kathleen Dockstader")
 26 ("Dockstader"). The related criminal case is U.S. v. Clifford
 27 Josef Young and Kathleen Dockstader, case number 2:10-CR-0222-
 28 JAM.

1 Claimants have filed claims and answers to the real property
2 located at 28953 State Highway 49, North San Juan, California,
3 Nevada County, APN: 60-100-11, (hereafter the "defendant real
4 property").

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

13 The stay is requested pursuant to 18 U.S.C. §§ 981(g) (1),
14 981(g) (2), and 21 U.S.C. § 881(i). The United States contends
15 that the defendant real property was used or intended to be used,
16 in any manner or part, to commit, or to facilitate the commission
17 of, a violation of 21 U.S.C. §§ 841 et seq.

18 The United States intends to depose Claimants regarding
19 their claims and their involvement in and/or knowledge of drug-
20 trafficking and other facts as alleged in the complaint.
21 Claimants will likely seek to depose law enforcement officers who
22 have been involved in the drug-trafficking investigation, which
23 is also the basis for the pending criminal case. If discovery
24 proceeds at this time, Young and Dockstader will be placed in the
25 difficult position of either invoking their Fifth Amendment
26 rights against self-incrimination and losing the ability to
27 pursue their claims to the defendant currencies, or waiving their
28 Fifth Amendment rights and submitting to depositions and

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

10 The parties recognize that proceeding with this action
11 at this time has potential adverse effects on the prosecution of
12 the underlying criminal case and/or upon the ability of Claimants
13 to prove their claims to the defendant assets and to assert any
14 defenses to the forfeiture. For these reasons, the parties
15 jointly request that this matter be stayed until the conclusion
16 of the criminal case. At that time the parties will advise the
17 court of the status of the criminal case and will advise the
18 court whether a further stay is necessary.

19 DATED: 11/22/2010

BENJAMIN B. WAGNER
United States Attorney

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

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24 DATED: 11/22/2010

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/s/ Editte D. Lerman
EDITTE D. LERMAN
Attorneys for Claimants
Clifford Josef Young
Kathleen Marie Young
As Authorized on 11/22/2010

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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: 11/22/2010

11 /s/ John A. Mendez
12 JOHN A. MENDEZ
13 UNITED STATES DISTRICT JUDGE
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