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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, ) 2:11-CV-01902-JAM-DAD  
 )  
 12 Plaintiff, ) REQUEST FOR EXTENSION OF  
 ) STAY OF FURTHER PROCEEDINGS  
 13 v. ) AND PROPOSED ORDER  
 )  
 14 REAL PROPERTY LOCATED AT 9445 )  
 FRUITRIDGE ROAD, SACRAMENTO, )  
 15 CALIFORNIA, SACRAMENTO COUNTY, )  
 APN NOS: 063-0060-045 AND ) DATE: N/A  
 16 063-0060-046 INCLUDING ALL ) TIME: N/A  
 APPURTENANCES AND IMPROVEMENTS ) COURTROOM: N/A  
 17 THERETO, )  
 )  
 18 Defendant. )  
 )  
 19

20 The United States of America and David Johns, Mary Johns,  
 21 and Major Amos Nilson and Lucy H. Nilson, Trustees of the Nilson  
 22 Family Revocable Trust (hereafter referred to collectively as  
 23 "claimants") submit the following Request for Extension of Stay  
 24 of Further Proceedings and Proposed Order.

25 This matter was stayed on September 15, 2011 (Doc. 11),  
 26 based on the on-going criminal investigation into marijuana  
 27 cultivation at 9445 Fruitridge Road, Sacramento, California  
 28 (hereafter "defendant property"). To date, several individuals

1 Request for Extension of Stay of Further Proceedings and Proposed Order

1 have been charged with federal criminal crimes related to  
2 marijuana cultivation at the defendant property, Case Nos.  
3 2:11-CR-0275-JAM-DAD and 2:11-CR-0276-JAM-DAD; but neither David  
4 Johns nor Mary Johns, the record owners of the defendant  
5 property, have been charged with any criminal offense by state,  
6 local, or federal authorities.

7 1. Each of the claimants has filed a claim to the  
8 defendant property. Claimants David Johns, Mary Johns, Major  
9 Amos Nilson, and Lucy H. Nilson have not yet filed their Answers  
10 and will not be required to do so until the stay contemplated by  
11 this stipulation expires.

12 2. The stay is requested pursuant to 18 U.S.C. §§  
13 981(g)(1), 981(g)(2), and 21 U.S.C. § 881(i). The United States  
14 contends that the defendant property was used to facilitate the  
15 cultivation of marijuana.

16 3. It is the United States' position that the statute of  
17 limitations has not expired on potential criminal charges  
18 relating to the marijuana grow at the defendant property.  
19 Nevertheless, the United States intends to depose claimants David  
20 and Mary Johns regarding their ownership of the defendant  
21 property, as well as their knowledge and participation in large  
22 scale marijuana cultivation, including the marijuana grow at the  
23 defendant property. If discovery proceeds at this time,  
24 claimants will be placed in the difficult position of either  
25 invoking their Fifth Amendment rights against self-incrimination  
26 and losing the ability to pursue their claims to the defendant  
27 property, or waiving their Fifth Amendment rights and submitting  
28 to a deposition and potentially incriminating themselves. If

1 they invoke their Fifth Amendment rights, the United States will  
2 be deprived of the ability to explore the factual basis for the  
3 claims they filed with this court.

4 4. In addition, claimants intend to depose, among others,  
5 the agents involved with this investigation, including but not  
6 limited to the agents with the Drug Enforcement Administration  
7 and the Internal Revenue Service. Allowing depositions of the  
8 law enforcement officers at this time would adversely affect the  
9 ability of the federal authorities to investigate the alleged  
10 underlying criminal conduct.

11 5. The parties recognize that proceeding with these  
12 actions at this time has potential adverse effects on the  
13 investigation of the underlying criminal conduct and/or upon the  
14 claimants' ability to prove their claim to the property and to  
15 assert any defenses to forfeiture. For these reasons, the  
16 parties jointly request that these matters be stayed until  
17 February 1, 2012, in accordance with the terms of this  
18 stipulation. At that time the parties will advise the court of

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1 the status of the criminal investigation, if any, and will advise  
2 the court whether a further stay is necessary.

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4 Dated: 11/23/11

BENJAMIN B. WAGNER  
United States Attorney

5  
6 By: /s/ Kevin C. Khasigian  
KEVIN C. KHASIGIAN  
7 Assistant U.S. Attorney

8  
9 Dated: 11/23/11

/s/ Kristin S. Door  
KRISTIN S. DOOR  
10 Attorney for claimants  
David Johns and Mary Johns  
11 (Authorized by email)

12  
13 Dated: 11/23/2011

/s/ Douglas A. MacDonald  
DOUGLAS A. MACDONALD  
14 Attorney for claimants  
Major Amos Nilson and Lucy H.  
15 Nilson  
16 (Signature retained by attorney)

17  
18 **ORDER**

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

24 IT IS SO ORDERED.

25 Dated: 11/28/2011

/s/ John A. Mendez  
JOHN A. MENDEZ  
26 United States District Judge