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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.)
)

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 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 previously stayed on September 15, 2011 and
 26 November 28, 2011, based on the on-going criminal investigation
 27 into marijuana cultivation at 9445 Fruitridge Road, Sacramento,
 28 California (hereafter "defendant property"). To date, several

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

1 individuals have been charged with federal criminal crimes
2 related to marijuana cultivation at the defendant property, Case
3 Nos. 2:11-CR-0275-JAM-DAD and 2:11-CR-0276-JAM-DAD; but neither
4 David 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 May 1,
17 2012, in accordance with the terms of this stipulation. At that
18 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: 2/1/12

BENJAMIN B. WAGNER
United States Attorney

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

8
9 Dated: 1/30/12

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

12
13 Dated: 1/31/12

/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 May 1, 2012. On or before May 1, 2012, the parties
22 will advise the court whether a further stay is necessary.

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24 IT IS SO ORDERED.

25 Dated: February 1, 2012

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