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6		
7	IN THE UNITED STATE	S DISTRICT COURT
8	IN THE UNITED STATE	S DISTRICT COORT
9	FOR THE EASTERN DISTI	RICT OF CALIFORNIA
10		
	UNITED STATES OF AMERICA,) 2:11-CV-01902-JAM-DAD
11	Plaintiff,)) REQUEST FOR EXTENSION
12) REQUEST FOR EXTENSION) OF STAY OF FURTHER
13	V.) PROCEEDINGS AND) ORDER
14	REAL PROPERTY LOCATED AT 9445 FRUITRIDGE ROAD, SACRAMENTO,	}
	CALIFORNIA, SACRAMENTO COUNTY,) DATE: N/A
15	APN NOS: 063-0060-045 AND 063-0060-046 INCLUDING ALL) TIME: N/A) COURTROOM: N/A
16	APPURTENANCES AND	
17	IMPROVEMENTS THERETO,	
18	Defendant.	2
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The United States of America and David Johns, Mary Johns, and Major Amos Nilson and Lucy H. Nilson, Trustees of the Nilson Family Revocable Trust (hereafter referred to collectively as "claimants") submit the following Request for Extension of Stay of Further Proceedings and Proposed Order.

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This matter was previously stayed on September 15, 2011 November 28, 2011, February 1, 2012, and May 1, 2012, based on the on-going criminal investigation into marijuana cultivation at 9445 Fruitridge Road, Sacramento, California (hereafter "defendant property"). To date, several individuals have been charged with federal criminal crimes related to marijuana cultivation at the

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Request for Extension of Stay of Further Proceedings and Proposed Order defendant property, Case Nos. 2:11-CR-00275-JAM and 2:11-CR-00276-JAM; but
 neither David Johns nor Mary Johns, the record owners of the defendant property,
 have been charged with any criminal offense by state, local, or federal authorities.

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

8 2. The stay is requested pursuant to 18 U.S.C. §§ 981(g)(1), 981(g)(2), and
9 21 U.S.C. § 881(i). The United States contends that the defendant property was
10 used to facilitate the cultivation of marijuana.

11 3. It is the United States' position that the statute of limitations has not expired on potential criminal charges relating to the marijuana grow at the 12defendant property. Nevertheless, the United States intends to depose claimants 13David and Mary Johns regarding their ownership of the defendant property, as well 14as their knowledge and participation in large scale marijuana cultivation, including 15the marijuana grow at the defendant property. If discovery proceeds at this time, 1617claimants will be placed in the difficult position of either invoking their Fifth Amendment rights against self-incrimination and losing the ability to pursue their 18claims to the defendant property, or waiving their Fifth Amendment rights and 1920submitting to a deposition and potentially incriminating themselves. If they invoke 21their Fifth Amendment rights, the United States will be deprived of the ability to 22explore the factual basis for the claims they filed with this court.

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

Request for Extension of Stay of Further Proceedings and Proposed Order

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1	5. The parties recognize th	at proceeding with these actions at this time	
2	has potential adverse effects on the investigation of the underlying criminal conduct		
3	and/or upon the claimants' ability to prove their claim to the property and to assert		
4	any defenses to forfeiture. For these reasons, the parties jointly request that the		
5	matter be stayed until November 1, 2012, in accordance with the terms of this		
6	stipulation. At that time the parties will advise the court of the status of the		
7	criminal investigation, if any, and will advise the court whether a further stay is		
8	necessary.		
9	Dated: 7/31/12	BENJAMIN B. WAGNER United States Attorney	
10		Childed States Hotorney	
11	By:	/s/ Kevin C. Khasigian KEVIN C. KHASIGIAN	
12		Assistant U.S. Attorney	
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14	Dated: 7-30-2012	/s/ Brenda Grantland BRENDA GRANTLAND	
15		Attorney for claimants David Johns and Mary Johns	
16		(Signature retained by attorney)	
17	Dated: <u>7/31/12</u>	/s/ Douglas A. MacDonald DOUGLAS A. MACDONALD	
18		Attorney for claimants Major Amos Nilson and Lucy H. Nilson	
19		(Authorized by email)	
20	ORDER		
21	For the reasons set forth above, this matter is stayed pursuant to 18 U.S.C.		
22	§§ 981(g)(1), 981(g)(2), and 21 U.S.C. § 881(i) until November 1, 2012. On or before		
23	November 1, 2012, the parties will advise the court whether a further stay is		
24 25	necessary.		
$\frac{25}{26}$	IT IS SO ORDERED.		
$\frac{20}{27}$	Dated: 7/31/2012	/s/ John A. Mendez JOHN A. MENDEZ	
$\frac{27}{28}$		United States District Court Judge	
20		3 Request for Extension of Stay of Further Proceedings and Proposed Order	