



1 2:11-CR-00276-JAM; but neither David Johns nor Mary Johns, the record owners of  
2 the defendant property, have been charged with any criminal offense by state, local,  
3 or federal authorities.

4 1. Each of the claimants has filed a claim to the defendant property.  
5 Claimants David Johns, Mary Johns, Major Amos Nilson, and Lucy H. Nilson have  
6 not yet filed their Answers and will not be required to do so until the stay  
7 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  
12 expired on potential criminal charges relating to the marijuana grow at the  
13 defendant property. Nevertheless, the United States intends to depose claimants  
14 David and Mary Johns regarding their ownership of the defendant property, as well  
15 as their knowledge and participation in large scale marijuana cultivation, including  
16 the marijuana grow at the defendant property. If discovery proceeds at this time,  
17 claimants will be placed in the difficult position of either invoking their Fifth  
18 Amendment rights against self-incrimination and losing the ability to pursue their  
19 claims to the defendant property, or waiving their Fifth Amendment rights and  
20 submitting to a deposition and potentially incriminating themselves. If they invoke  
21 their Fifth Amendment rights, the United States will be deprived of the ability to  
22 explore the factual basis for the claims they filed with this court.

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

