1	BENJAMIN B. WAGNER	
2	United States Attorney KEVIN C. KHASIGIAN	
3	Assistant U.S. Attorney 501 I Street, Suite 10-100	
4	Sacramento, CA 95814 Telephone: (916)554-2700	
5	Attorneys for the United States	
6		
7		
8	IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA	
9		
10		
	UNITED STATES OF AMERICA,	) 2:11-CV-01902-JAM-DAD
11	Plaintiff,	REQUEST FOR EXTENSION
12	v.	) OF ŠTAY OF FURTHER ) PROCEEDINGS AND
13	REAL PROPERTY LOCATED AT 9445	ORDER
14	FRUITRIDGE ROAD, SACRAMENTO,	
15	CALIFORNIA, SACRAMENTO COUNTY, APN NOS: 063-0060-045 AND	) DATE: N/A ) TIME: N/A
16	063-0060-046 INCLUDING ALL APPURTENANCES AND	) COURTROOM: N/A
17	IMPROVEMENTS THERETO,	}
18	Defendant.	
19	The United States of America and Dav	- id Johns, Mary Johns, and Maior
20	Amos Nilson and Lucy H. Nilson, Trustees of the Nilson Family Revocable Trus	
40	This tristian and Eacy II. Tristian, Trastees of the Tristian Family Revocable Tras	

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.

This matter was previously stayed on September 15, 2011, November 28,
2011, February 1, 2012, May 1, 2012, August 1, 2012, and November 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 defendant property, Case Nos. 2:11-CR-00275-JAM and

Request for Extension of Stay of Further Proceedings and Proposed Order 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 their Fifth Amendment rights, the United States will be deprived of the ability to 2122explore 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

2

5. The parties recognize that proceeding with these actions at this time 1 has potential adverse effects on the investigation of the underlying criminal conduct 23 and/or upon the claimants' ability to prove their claim to the property and to assert any defenses to forfeiture. For these reasons, the parties jointly request that the 4 matter be staved until April 30, 2013, in accordance with the terms of this  $\mathbf{5}$ stipulation. At that time the parties will advise the court of the status of the 6 7 criminal investigation, if any, and will advise the court whether a further stay is 8 necessary. Dated: 1/29/13 **BENJAMIN B. WAGNER** 9 **United States Attorney** 10/s/ Kevin C. Khasigian KEVIN C. KHASIGIAN 11 By: 12Assistant U.S. Attorney 13Dated: 1-28-2013 /s/ Brenda Grantland **BRENDA GRANTLAND** 14Attorney for claimants David Johns and Mary Johns 15(Signature retained by attorney) 16/s/ Douglas A. MacDonald DOUGLAS A. MACDONALD Dated: 1/28/13 17Attorney for claimants Major 18Amos Nilson and Lucy H. Nilson (Authorized by email) 1920**ORDER** 21For 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 April 30, 2013. On or before 23April 30, 2013, the parties will advise the court whether a further stay is necessary. 24IT IS SO ORDERED. 25Dated: 1/29/2013 26/s/ John A. Mendez JOHN A. MENDEZ United States District Court Judge 27283 Request for Extension of Stay of Further Proceedings and Proposed Order