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 7
 8 IN THE UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA
 10

11 UNITED STATES OF AMERICA,
 12 Plaintiff,
 13 v.
 14 REAL PROPERTY LOCATED AT 9445
 FRUITRIDGE ROAD, SACRAMENTO,
 15 CALIFORNIA, SACRAMENTO
 COUNTY, APN NOS: 063-0060-045 AND
 16 063-0060-046 INCLUDING ALL
 APPURTENANCES AND
 17 IMPROVEMENTS THERETO,
 18 Claimants.

2:11-CV-01902-JAM-DAD

REQUEST FOR EXTENSION OF STAY OF
 FURTHER PROCEEDINGS AND
 PROPOSED ORDER

DATE: N/A
 TIME: N/A
 COURTROOM: N/A

19
 20 The United States of America and David Johns, Mary Johns, and Major Amos
 21 Nilson and Lucy H. Nilson, Trustees of the Nilson Family Revocable Trust (hereafter
 22 referred to collectively as "claimants") submit the following Request for Extension of Stay
 23 of Further Proceedings and Proposed Order.

24 This matter was previously stayed on September 15, 2011, November 28, 2011,
 25 February 1, 2012, May 1, 2012, August 1, 2012, November 1, 2012, January 30, 2013,
 26 April 30, 2013 and July 30, 2013 based on the on going criminal investigation into
 27 marijuana cultivation at 9445 Fruitridge Road, Sacramento, California (hereafter
 28 "defendant property"). To date, several individuals have been charged with federal

1 criminal crimes related to marijuana cultivation at the defendant property, Case Nos. 2:11
2 CR 00275 JAM and 2:11 CR 00276 JAM; but neither David Johns nor Mary Johns, the
3 record owners of the defendant property, have been charged with any criminal offense by
4 state, local, or federal authorities.

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

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

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

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

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2 5. The parties recognize that proceeding with these actions at this time has
3 potential adverse effects on the investigation of the underlying criminal conduct and/or
4 upon the claimants' ability to prove their claim to the property and to assert any defenses
5 to forfeiture. For these reasons, the parties jointly request that the matter be stayed until
6 March 31, 2014, in accordance with the terms of this stipulation. At that time the parties
7 will advise the court of the status of the criminal investigation, if any, and will advise the
8 court whether a further stay is necessary.

9 Dated: 10/29/13

BENJAMIN B. WAGNER
United States Attorney

11 By: /s/ Kevin C. Khasigian
12 KEVIN C. KHASIGIAN
Assistant U.S. Attorney

13 Dated: 10/29/13

/s/ Brenda Grantland
14 BRENDA GRANTLAND
15 Attorney for claimants
David Johns and Mary Johns

16 Dated: 10/29/13

/s/ Douglas A. MacDonald
17 DOUGLAS A. MACDONALD
18 Attorney for claimants Major
Amos Nilson and Lucy H. Nilson

19 (Signatures approved by email)

20
21 ORDER

22 For the reasons set forth above, this matter is stayed pursuant to 18 U.S.C. §
23 981(g)(1), 981(g)(2), and 21 U.S.C. § 881(i) until March 31, 2014. On or before March 31,
24 2014, the parties will advise the court whether a further stay is necessary.

25 IT IS SO ORDERED.

26 Dated: October 29, 2013

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