

1 BENJAMIN B. WAGNER  
 United States Attorney  
 2 KEVIN C. KHASIGIAN  
 Assistant U.S. Attorney  
 3 501 I Street, Suite 10-100  
 Sacramento, CA 95814  
 4 Telephone: (916) 554-2700  
 5 Attorneys for the United States

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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 Defendant.

2:11-CV-01902-JAM-DAD  
 REQUEST FOR EXTENSION OF STAY OF  
 FURTHER PROCEEDINGS AND 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 Nilson  
 21 and Lucy H. Nilson, Trustees of the Nilson Family Revocable Trust (hereafter referred to  
 22 collectively as "claimants") submit the following Request for Extension of Stay of Further  
 23 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, April  
 26 30, 2013, July 30, 2013, October 30, 2013, March 27, 2014 and September 8, 2014 based on  
 27 the on-going criminal investigation into marijuana cultivation at 9445 Fruitridge Road,  
 28 Sacramento, California (hereafter "defendant property"). To date, several individuals have

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

1           5.       The parties recognize that proceeding with these actions at this time has  
2 potential adverse effects on the investigation of the underlying criminal conduct and/or  
3 upon the claimants' ability to prove their claim to the property and to assert any defenses  
4 to forfeiture. For these reasons, the parties jointly request that the matter be stayed until  
5 September 30, 2015, in accordance with the terms of this stipulation. At that time the  
6 parties will advise the court of the status of the criminal investigation, if any, and will  
7 advise the court whether a further stay is necessary.

8 Dated: 3/3/2015

BENJAMIN B. WAGNER  
United States Attorney

9  
10 By: /s/ Kevin C. Khasigian  
11 KEVIN C. KHASIGIAN  
Assistant U.S. Attorney

12  
13 Dated: 3/3/2015

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

14  
15  
16 Dated: 3/3/2015

/s/ Douglas A. MacDonald  
DOUGLAS A. MACDONALD  
Attorney for claimants Major  
Amos Nilson and Lucy H. Nilson  
  
(Signatures authorized by email)

17  
18  
19  
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 September 30, 2015. On or before  
23 September 30, 2015, the parties will advise the court whether a further stay is necessary.

24 IT IS SO ORDERED.

25 Dated: 3/4/2015

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