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

11 UNITED STATES OF AMERICA,

2:11-CV-01902-JAM-EFB

12 Plaintiff,

REQUEST FOR EXTENSION OF STAY OF
FURTHER PROCEEDINGS AND ORDER

13 v.

14 REAL PROPERTY LOCATED AT 9445
FRUITRIDGE ROAD, SACRAMENTO,
15 CALIFORNIA, SACRAMENTO COUNTY,
APN NOS: 063-0060-045 AND 063-0060-046
16 INCLUDING ALL APPURTENANCES AND
IMPROVEMENTS THERETO,

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

17 Defendant.
18

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

23 This matter was previously stayed on September 15, 2011, November 28, 2011, February 1, 2012,
24 May 1, 2012, August 1, 2012, November 1, 2012, January 30, 2013, April 30, 2013, July 30, 2013,
25 October 30, 2013, March 27, 2014, September 8, 2014, March 4, 2015, September 22, 2015, December
26 28, 2015, and February 26, 2016, based on the on-going criminal investigation into marijuana cultivation
27 at 9445 Fruitridge Road, Sacramento, California (hereafter "defendant property"). To date, several
28 individuals have been charged with federal criminal crimes related to marijuana cultivation at the

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

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

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

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

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

24 5. The parties recognize that proceeding with these actions at this time has potential adverse
25 effects on the investigation of the underlying criminal conduct and/or upon the claimants' ability to prove
26 their claim to the property and to assert any defenses to forfeiture. For these reasons, the parties jointly
27 request that the matter be stayed until August 29, 2016, in accordance with the terms of this stipulation.

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1 At that time the parties will advise the court of the status of the criminal investigation, if any, and will
2 advise the court whether a further stay is necessary.

3 Dated: 5/24/16

BENJAMIN B. WAGNER
United States Attorney

5 By: /s/ Kevin C. Khasigian
6 KEVIN C. KHASIGIAN
Assistant U.S. Attorney

8 Dated: 5/24/16

/s/ Brenda Grantland
BRENDA GRANTLAND
Attorney for claimants
David Johns and Mary Johns
(Signature authorized by email)

11 Dated: 5/26/16

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

15 ORDER

16 For the reasons set forth above, this matter is stayed pursuant to 18 U.S.C. § 981(g)(1), 981(g)(2),
17 and 21 U.S.C. § 881(i) until August 29, 2016. On or before August 29, 2016, the parties will advise the
18 court whether a further stay is necessary.

19 IT IS SO ORDERED.

20 Dated: 5/26/2016

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