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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 063-0060-046
 16 INCLUDING ALL APPURTENANCES AND
 IMPROVEMENTS THERETO,

17 Defendant.
 18

2:11-CV-01902-JAM-DB

REQUEST FOR EXTENSION OF STAY OF
 FURTHER PROCEEDINGS AND ORDER

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

19 The United States of America and David Johns, Mary Johns, and Laurel Nilson¹, Trustee of the
 20 Nilson Family Revocable Trust (hereafter referred to collectively as "claimants") submit the following
 21 Request for Extension of Stay of Further Proceedings and Proposed Order.

22 This matter was previously stayed on September 15, 2011, November 28, 2011, February 1, 2012,
 23 May 1, 2012, August 1, 2012, November 1, 2012, January 30, 2013, April 30, 2013, July 30, 2013,
 24 October 30, 2013, March 27, 2014, September 8, 2014, March 4, 2015, September 22, 2015, December
 25 28, 2015, February 26, 2016, May 26, 2016, August 26, 2016, and November 28, 2016, based on the on-
 26 going criminal investigation into marijuana cultivation at 9445 Fruitridge Road, Sacramento, California
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28 ¹ Laurel Nilson is the Successor Trustee for the Nilson Family Revocable Trust. Major Amos Nilson and Lucy H. Nilson are both deceased.

1 (hereafter "defendant property"). To date, several individuals have been charged with federal criminal
2 crimes related to marijuana cultivation at the defendant property, Case Nos. 2:11-CR-00275-JAM and
3 2:11-CR-00276-JAM; but neither David Johns nor Mary Johns, the record owners of the defendant
4 property, have been 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 David Johns
6 and Mary Johns filed their Answer on October 13, 2016. Claimant Laurel Nilson has not yet filed her
7 Answer 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 21 U.S.C. § 881(i).
9 The United States contends that the defendant property was used to facilitate the cultivation of marijuana.

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

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

25 5. The parties recognize that proceeding with these actions at this time has potential adverse
26 effects on the investigation of the underlying criminal conduct and/or upon the claimants' ability to prove
27 their claim to the property and to assert any defenses to forfeiture. For these reasons, the parties jointly
28 request that the matter be stayed until January 30, 2017, in accordance with the terms of this stipulation.

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: 12/28/16

PHILLIP A. TALBERT
United States Attorney

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

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7
8 Dated: 12/28/16

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

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10
11 Dated: 12/28/16

/s/ Douglas A. MacDonald
DOUGLAS A. MACDONALD
Attorney for claimant Laurel Nilson,
Trustee of the Nilson Family Revocable Trust

(Signatures authorized by email)

12
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14
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 January 30, 2017. On or before January 30, 2017, the parties will advise the
18 court whether a further stay is necessary.

19 IT IS SO ORDERED.

20 Dated: 12/28/2016

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