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

11 UNITED STATES OF AMERICA,)	2:11-CV-02038-JAM-DAD
12 Plaintiff,)	
13 v.)	STIPULATION TO STAY
14 REAL PROPERTY LOCATED AT 1251)	FURTHER PROCEEDINGS
15 PLEASANT GROVE ROAD, RIO OSO,)	AND ORDER
16 CALIFORNIA, SUTTER COUNTY,)	
17 APN: 28-140-015 INCLUDING ALL)	
18 APPURTENANCES AND)	
IMPROVEMENTS THERETO,)	
19 Defendant.)	

20 The United States of America and claimants River City Bank, Thomas W.
 21 Jopson, and David E. Jopson, by and through their respective counsel, hereby
 22 stipulate that a stay is necessary in the above-entitled action, and request that the
 23 Court enter an order staying further proceedings until September 1, 2012 pending
 24 the outcome of a related criminal case against claimants Thomas W. Jopson and
 25 David E. Jopson, Case No. 2:11-CR-00275-JAM.

26 1. On August 19, 2011, River City Bank filed a claim and answer in this
 27 action based on Promissory Note secured by a Deed of Trust, executed on July 12,
 28 2005.

1 2. The record owners of the defendant property are David E. Jopson,
2 Sandra Lee Jopson, Thomas W. Jopson, and Margaret S. Jopson. On October 4,
3 2011, David E. Jopson filed a claim and answer in this action. On October 14, 2011,
4 Thomas W. Jopson filed a claim and answer in this action.¹

5 3. The stay is requested pursuant to 18 U.S.C. §§ 981(g)(1), 981(g)(2), and
6 21 U.S.C. § 881(i). The United States contends that the defendant property is
7 subject to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(7) because
8 it was used and intended to be used to commit or facilitate a violation of 21 U.S.C.
9 §§ 841 *et seq.*, specifically, the cultivation of marijuana.

10 4. The United States intends to depose claimants David E. Jopson and
11 Thomas W. Jopson regarding their claims to the defendant property, the facts
12 surrounding the cultivation of marijuana plants on this property, and the financial
13 transactions that facilitated the marijuana business. If discovery proceeds at this
14 time, claimants David E. Jopson and Thomas W. Jopson will be placed in the
15 difficult position of either invoking their Fifth Amendment rights against self-
16 incrimination which could interfere with their ability to pursue the claims to the
17 defendant property, or waiving their Fifth Amendment right and submitting to a
18 deposition and potentially incriminating themselves. If either individual invokes
19 their Fifth Amendment right, the United States will be deprived of the ability to
20 explore the factual basis for the claims they filed with this court.

21 5. In addition, claimants David E. Jopson and Thomas W. Jopson intend
22 to depose the law enforcement agents involved in this investigation. Allowing
23 depositions of the law enforcement agents at this time would adversely affect the
24 ability of federal authorities to investigate the underlying criminal conduct.

25 6. The parties recognize that proceeding with this action at this time has
26 potential adverse affects on the investigation of the underlying criminal conduct

27
28 ¹ The Clerk entered a Certificate of Entry of Default against Margaret Jopson
and Sandra Jopson on October 3, 2011. Doc. 13.

1 and/or upon claimants David E. Jopson's and/or Thomas W. Jopson's ability to
2 prove their claims to the defendant property and assert any defenses to forfeiture.
3 For these reasons, the parties jointly request that this matter be stayed until
4 September 1, 2012. At that time the parties will advise the court of the status of
5 the criminal case and will advise the court whether a further stay is necessary.

6 Dated: 4/30/12

BENJAMIN B. WAGNER
United States Attorney

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

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11 Dated: 4-26-12

/s/ Stephen H. Johanson
STEPHEN H. JOHANSON
12 Attorney for Claimant River City Bank
13 (Signature retained by attorney)

14 Dated: 4/29/12

/s/ William J. Portanova
WILLIAM J. PORTANOVA
15 Attorney for Claimant Thomas W. Jopson

16 Dated: 4/26/12

/s/ John Richard Manning
JOHN RICHARD MANNING
17 Attorney for Claimant David E. Jopson

18 (Authorized by email)

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 1, 2012. On or before
23 September 1, 2012, the parties will advise the court whether a further stay is
24 necessary.

25 **IT IS SO ORDERED.**

26 Dated: May 1, 2012

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