

1 BENJAMIN B. WAGNER
 United States Attorney
 2 KELLI L. TAYLOR
 Assistant U.S. Attorney
 3 501 I Street, Suite 10-100
 Sacramento, CA 95814
 4 Telephone: (916) 554-2700

5
 6
 7

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

10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28

UNITED STATES OF AMERICA,) 2:11-MC-00003-JAM-EFB
)
 Plaintiff,) STIPULATION AND ORDER EXTENDING
) TIME FOR FILING A COMPLAINT FOR
 v.) FORFEITURE AND/OR TO OBTAIN AN
) INDICTMENT ALLEGING FORFEITURE
 APPROXIMATELY \$20,725.00 IN U.S.)
 CURRENCY,)
)
 APPROXIMATELY \$24,855.00 IN U.S.)
 CURRENCY SEIZED FROM SAFE)
 DEPOSIT BOX #235,)
)
 APPROXIMATELY \$129,676.77 SEIZED)
 FROM BANK OF AMERICA ACCOUNT)
 NUMBER 02816-06729,)
)
 APPROXIMATELY \$11,196.18 SEIZED)
 FROM BANK OF AMERICA ACCOUNT)
 NUMBER 02810-16004,)
)
 APPROXIMATELY \$117,302.47 SEIZED)
 FROM BANK OF AMERICA CD ACCOUNT)
 NUMBER 02819-08191,)
)
 APPROXIMATELY \$185,247.84 SEIZED)
 FROM BANK OF AMERICA CD ACCOUNT)
 NUMBER 02810-08280,)
)
 APPROXIMATELY \$5,242.55 SEIZED)
 FROM CHASE BANK ACCOUNT NUMBER)
 18212938435,)
)
 APPROXIMATELY \$479,170.28 SEIZED)
 FROM WEST AMERICA BANK ACCOUNT)

1 NUMBER 1505054492,)
)
2 APPROXIMATELY \$12,305.80 SEIZED)
FROM CITY NATIONAL BANK ACCOUNT)
3 NUMBER 25630085,)
)
4 APPROXIMATELY \$6,403.46 SEIZED)
FROM CITY NATIONAL BANK ACCOUNT)
5 NUMBER 25630413,)
)
6 APPROXIMATELY \$12,186.97 SEIZED)
FROM CITY NATIONAL BANK ACCOUNT)
7 NUMBER 802820151,)
)
8 APPROXIMATELY \$39,715.64 SEIZED)
FROM CITY NATIONAL BANK ACCOUNT)
9 NUMBER 2800578,)
)
10 APPROXIMATELY \$37,895.74 SEIZED)
FROM WEST AMERICA BANK ACCOUNT)
11 NUMBER 505107300,)
)
12 APPROXIMATELY \$17,928.84 SEIZED)
FROM CITY NATIONAL BANK ACCOUNT)
13 NUMBER 802820585,)
)
14 APPROXIMATELY \$12,413.49 SEIZED)
FROM CITY NATIONAL BANK ACCOUNT)
15 NUMBER 2249995,)
)
16 APPROXIMATELY \$19,675.65 SEIZED)
FROM CITY NATIONAL BANK ACCOUNT)
17 NUMBER 2249669,)
)
18 APPROXIMATELY \$98,515.79 SEIZED)
FROM CITY NATIONAL BANK ACCOUNT)
19 NUMBER 25630652,)
)
20 APPROXIMATELY \$7,119.45 SEIZED)
FROM CITY NATIONAL BANK ACCOUNT)
21 NUMBER 25630099,)
)
22 APPROXIMATELY \$292,573.97 SEIZED)
FROM WELLS FARGO BANK ACCOUNT)
23 NUMBER 3598404063,)
)
24 APPROXIMATELY \$103,117.83 SEIZED)
FROM WELLS FARGO BANK ACCOUNT)
25 NUMBER 910442044750301, and)
)
26 APPROXIMATELY \$63,160.41 SEIZED)
FROM WELLS FARGO BANK ACCOUNT)
27 NUMBER 7936680284,)
)
28 _____ Defendants.)

1 It is hereby stipulated by and between the United States of
2 America and claimants Thomas Edward Frankovich and Margaret C.
3 Atkinson ("claimants"), by and through their respective attorney,
4 as follows:

5 1. On or about October 12, 2010, claimant Thomas Edward
6 Frankovich filed claims, in the administrative forfeiture
7 proceedings, with the Drug Enforcement Administration with respect
8 to the twenty-one assets listed in the above-caption (hereafter the
9 "defendant funds"), which were seized June 24-28, 2010. On or
10 about October 27, 2010, claimants Thomas Edward Frankovich and
11 Margaret C. Atkinson filed claims, in the administrative forfeiture
12 proceedings, with the Drug Enforcement Administration with respect
13 to five of the bank accounts listed in the above-caption which were
14 seized on June 25, 2010.

15 2. The Drug Enforcement Administration has sent the written
16 notice of intent to forfeit required by 18 U.S.C. § 983(a)(1)(A) to
17 all known interested parties. The time has expired for any person
18 to file a claim to the defendant funds under 18 U.S.C. §
19 983(a)(2)(A)-(E), and no person other than the claimants have filed
20 a claim to the defendant funds as required by law in the
21 administrative forfeiture proceeding.

22 3. Under 18 U.S.C. § 983(a)(3)(A), the United States is
23 required to file a complaint for forfeiture against the defendant
24 funds and/or to obtain an indictment alleging that the defendant
25 funds are subject to forfeiture within 90 days after a claim has
26 been filed in the administrative forfeiture proceedings, unless the
27 court extends the deadline for good cause shown or by agreement of
28 the parties. That deadline was originally January 10, 2011.

1 4. By Stipulation and Order filed January 10, 2011, the
2 parties stipulated to extend to February 28, 2011, the time in
3 which the United States is required to file a civil complaint for
4 forfeiture against the defendant funds and/or to obtain an
5 indictment alleging that the defendant funds are subject to
6 forfeiture.

7 5. As provided in 18 U.S.C. § 983(a)(3)(A), the parties wish
8 by agreement to further extend to April 15, 2011, the time in which
9 the United States is required to file a civil complaint for
10 forfeiture against the defendant funds and/or to obtain an
11 indictment alleging that the defendant funds are subject to
12 forfeiture.

13 6. Accordingly, the parties agree that the deadline by which
14 the United States shall be required to file a complaint for
15 forfeiture against the defendant funds and/or to obtain an
16 indictment alleging that the defendant funds are subject to
17 forfeiture shall be extended to April 15, 2011.

18 BENJAMIN B. WAGNER
19 United States Attorney

20 DATE: 2/25/11

/s/ Kelli L. Taylor
 KELLI L. TAYLOR
 Assistant U.S. Attorney

22 DATE: 2-25-2011

/s/ Brenda Grantland
 BRENDA GRANTLAND
 Attorney for Claimants Thomas Edward
 Frankovich and Margaret C. Atkinson
 (Original signature retained by attorney)

25 **IT IS SO ORDERED.**

26 DATE: 2/25/2011

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

28