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

10
 11 UNITED STATES OF AMERICA,
 12 Plaintiff,

2:12-CV-01632-MCE-DAD

13 v.

STIPULATION TO STAY
 FURTHER PROCEEDINGS AND
 ORDER

14 APPROXIMATELY \$50,319.11 SEIZED
 15 FROM 49ER CREDIT UNION BANK
 ACCOUNT NUMBER 1096173, HELD IN
 16 THE NAMES OF GREGORY S. BAKER
 AND DARRELL HINZ,

17 DOUBLE WIDE MOBILE HOME
 18 TRAILER LOCATED AT 6170 NOB HILL
 DRIVE, SPACE 76, NEWCASTLE,
 19 CALIFORNIA, PLACER COUNTY,
 DECAL # ABE6629, SERIAL NOS.
 20 S13826XX AND S13826XXU,

21 2,363 SHARES OF GREATER
 SACRAMENTO BANCORP HELD IN THE
 22 NAME OF GREGORY S. BAKER,

23 2,363 SHARES OF GREATER
 SACRAMENTO BANCORP HELD
 24 IN THE NAME OF DARRELL HINZ,

25 5.0607% INTEREST IN CHINA ROAD,
 LLC, HELD IN THE NAME OF
 26 PACIFIC FACILITIES &
 DEVELOPMENT, LLC,

1 ANY AND ALL OWNERSHIP INTEREST
2 IN DOUBLE CREEK RANCH, LLC, HELD
3 IN THE NAME OF GREGORY BAKER,

4 ANY AND ALL OWNERSHIP INTEREST
5 IN DOUBLE CREEK RANCH, LLC, HELD
6 IN THE NAME OF DARRELL HINZ, AND

7 51% INTEREST IN EARTHSAVERS
8 EROSION CONTROL, LLC, HELD IN
9 THE NAME OF DARRELL HINZ,

10 Defendants.

11 The United States of America and claimants Gregory Baker, Dawn Baker and
12 Darrell Hinz, by and through their respective counsel, hereby stipulate that a stay is
13 appropriate in the above-entitled action, and request that the Court enter an order
14 staying further proceedings until February 1, 2013. The basis for the proposed stay is
15 the related criminal action against claimants Gregory Baker and Darrell Hinz, United
16 States v. Volen, et al., Case No. 2:12-CR-00294-MCE.

17 1. Claimants Gregory Baker and Dawn Baker filed claims to the following
18 assets: 2,363 Shares of Greater Sacramento Bancorp held in the name of Gregory S.
19 Baker; the Double Wide Mobile Home Trailer located at 6170 Nob Hill Drive, Space
20 76, Newcastle, California, Placer County, Decal #ABE6629, Serial Nos. S13826XX and
21 S13826XXU; and Gregory Baker's ownership interest in Double Creek Ranch, LLC.
22 Claimant Dawn Baker's claim is based on her community property interest in the
23 above properties.

24 2. Claimant Darrell Hinz filed claims to the following assets: 2,363 Shares
25 of Greater Sacramento Bancorp held in the name of Darrell Hinz; an ownership
26 interest in Double Creek Ranch, LLC held in the name of Darrell Hinz; 51% interest in
27 Earthsavers Erosion Control, LLC; 5.0607% interest in China Road, LLC, held in the
28 name of Pacific Facilities & Development, LLC; and \$50,319.11 in U.S. Currency
seized from 49er Credit Union Bank Account number 1096173.

1 3. The claimants will file their respective Answers within twenty-one days of
2 the lifting of the stay.

3 4. No other claimants have appeared in this action.

4 5. The stay is requested pursuant to 18 U.S.C. §§ 981(g)(1), 981(g)(2), and 21
5 U.S.C. § 881(i).

6 6. To date, three individuals have been charged with federal criminal crimes
7 related to a fraud against the United Auburn Indian Community of Auburn, California,
8 United States v. Volen, et al., Case No. 2:12-CR-00294-MCE. It is the United States'
9 position that the statute of limitations has not expired on potential criminal charges
10 relating to the fraud. The United States intends to depose those charged with crimes
11 connected to the fraud. If discovery proceeds at this time, these individuals, or some of
12 them, will be placed in the difficult position of either invoking their Fifth Amendment
13 rights against self-incrimination or waiving their Fifth Amendment rights and
14 submitting to a deposition and potentially incriminating themselves. If they invoke
15 their Fifth Amendment rights, the United States will be deprived of the ability to
16 explore the factual basis for the claims they filed with this court.

17 7. In addition, claimants intend to depose, among others, the agents
18 involved with this investigation, including but not limited to the agents with the
19 Internal Revenue Service. Allowing depositions of the law enforcement officers at this
20 time would adversely affect the ability of the federal authorities to prepare for the
21 criminal trial and/or further investigate the alleged underlying criminal conduct.

22 8. The parties recognize that proceeding with these actions at this time
23 could have potential adverse effects on the investigation of the underlying criminal
24 conduct and/or upon the claimants' ability to prove their claims to the defendant assets
25 and to assert any defenses to forfeiture. For these reasons, the parties jointly request
26 that these matters be stayed until February 1, 2013, in accordance with the terms of
27 this stipulation. At that time the parties will advise the court of the status of the

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1 criminal case and will advise the court whether a further stay is appropriate.

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Respectfully Submitted,

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5 Dated: 10/5/12

BENJAMIN B. WAGNER
United States Attorney

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

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10 Dated: 10/5/12

By: /s/ Thomas A. Johnson
THOMAS A. JOHNSON
Attorney for Claimants Gregory
Baker and Dawn Baker

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12

13 Dated: 10/4/12

By: /s/ William Portanova
WILLIAM PORTANOVA
Attorney for Darrell Hinz

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(Authorized by email)

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ORDER

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For the reasons set forth above, this matter is stayed until February 1, 2013. On or before that date, the parties will advise the Court whether a further stay is necessary.


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IT IS SO ORDERED.

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Dated: October 15, 2012

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MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE

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