

1 BENJAMIN B. WAGNER
 United States Attorney
 2 KEVIN C. KHASIGIAN
 Assistant U.S. Attorney
 3 501 I Street, Suite 10-100
 Sacramento, CA 95814
 4 Telephone: (916)554-2700
 5 Attorneys for the United States

6
 7
 8 IN THE UNITED STATES DISTRICT COURT FOR THE
 9 EASTERN DISTRICT OF CALIFORNIA

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. S13826XX AND
 20 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 the conclusion of the related criminal case. The basis
15 for the proposed stay is the related criminal action against claimants Gregory Baker
16 and Darrell Hinz, United States v. Volen, et al., 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.

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

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

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

4 6. To date, three individuals have been charged with federal criminal crimes
5 related to a fraud against the United Auburn Indian Community of Auburn, California,
6 United States v. Volen, et al., 2:12-CR-00294-MCE. It is the United States' position
7 that the statute of limitations has not expired on potential criminal charges relating to
8 the fraud. The United States intends to depose those charged with crimes connected to
9 the fraud. If discovery proceeds at this time, these individuals, or some of them, will be
10 placed in the difficult position of either invoking their Fifth Amendment rights against
11 self-incrimination or waiving their Fifth Amendment rights and submitting to a
12 deposition and potentially incriminating themselves. If they invoke their Fifth
13 Amendment rights, the United States will be deprived of the ability to explore the
14 factual basis for the claims they filed with this court.

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

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

26 ///

27 ///

28 ///

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

3
4 Dated: 1/30/13

Respectfully Submitted,
BENJAMIN B. WAGNER
United States Attorney

5

6

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

7

8

9 Dated: 1/29/13

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

10

11

12 Dated: 1/30/13

/s/ William Portanova
WILLIAM PORTANOVA
Attorney for Darrell Hinz

13

14

(Signatures authorized by email)

15

16

17

ORDER

18

19

20

For the reasons set forth above, this matter is stayed until the conclusion of the
related criminal case. At that time, the parties will advise the Court whether a further
stay is necessary.

21

IT IS SO ORDERED.


22

Dated: February 4, 2013

23

24

25


MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT JUDGE

26

27

28