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

10
 11 UNITED STATES OF AMERICA,

2:13-CV-00194-MCE-KJN

12 Plaintiff,

STIPULATION TO STAY FURTHER
 PROCEEDINGS AND ORDER

13 v.

14 2006 BMW 750LI, VIN:
 WBAHN83506DT30035, LICENSE
 15 NUMBER: 5RLP132,

16 Defendant.
 17

18
 19 The United States of America and claimant Aleksandr Lastovskiy, by and
 20 through their respective counsel, hereby stipulate that a stay is appropriate in the
 21 above-entitled action, and request that the Court enter an order staying further
 22 proceedings until the resolution of the related criminal case, United States v.
 23 Lastovskiy, et al., 2:12-CR-00322-MCE. The related criminal action alleges that
 24 claimant Lastovskiy and his co-schemers orchestrated a tax fraud scheme involving
 25 use of the mails, identity theft and bank insiders that authorized access to the accounts
 26 listed under the misused identities. Lastovskiy and his co-schemers allegedly
 27 withdrew the funds from the misappropriated account, and then used the funds for
 28 personal gain.

1 1. Claimant Lastovskiy filed a claim to the defendant vehicle on February
2 25, 2013.

3 2. The claimant will file a response to the complaint within twenty-one days
4 of the lifting of the stay.

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

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

8 5. To date, several individuals, including the claimant, have been charged
9 with federal criminal crimes related to a tax fraud involving identity fraud and false
10 IRS tax returns. 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 claim filed with this court.

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

22 7. The parties recognize that proceeding with these actions at this time could
23 have potential adverse effects on the investigation of the underlying criminal conduct
24 and/or upon the claimants' ability to prove their claims to the defendant assets and to
25 assert any defenses to forfeiture. For these reasons, the parties jointly request that
26 these matters be stayed until the resolution of the related criminal case. The parties
27 will file a joint request to lift the stay within thirty days of the criminal case's
28 conclusion.

1 8. For good cause shown, any party to this stipulation may seek relief from
2 this stay prior to the resolution of the related criminal case.

3
4 Dated: 4/8/13

BENJAMIN B. WAGNER
United States Attorney

5
6 /s/ Kevin C. Khasigian
7 KEVIN C. KHASIGIAN
Assistant U.S. Attorney

8
9 Dated: 4/8/13


10 /s/ Matthew Scoble
11 MATTHEW SCOBLE
Attorney for Claimant
Aleksandr Lastovskiy
12 (Authorized by phone)

13
14 **ORDER**

15 For the reasons set forth above, this matter is stayed pending the resolution of
16 the related criminal case. The parties will file a joint request to lift the stay within
17 thirty days of the criminal case's conclusion.

18
19 IT IS SO ORDERED.

20 DATED: April 12, 2013

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23 _____
MORRISON C. ENGLAND, JR., CHIEF JUDGE
24 UNITED STATES DISTRICT JUDGE
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