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

10
11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 REAL PROPERTY LOCATED AT 36412
KENNETH AVENUE, MADERA,
15 CALIFORNIA, MADERA COUNTY,
APN: 051-403-007-000, INCLUDING
16 ALL APPURTENANCES AND
IMPROVEMENTS THERETO,

17 Defendant.
18

2:13-CV-00917-TLN-AC

STIPULATION TO STAY
FURTHER PROCEEDINGS AND
ORDER

DATE: N/A
TIME: N/A
COURTROOM: N/A

19 The United States and Claimants Alfredo Arreazola and Angelica Arreazola
20 (collectively, the “claimants”) hereby stipulate that a stay is necessary in the above-
21 entitled action, and request that the Court enter an order staying all further proceedings
22 until the resolution of the related criminal case against Gilbert Arreazola and Derrick
23 Davis regarding drug trafficking at the defendant property.¹

24 1. Each claimant has filed a claim and answer in this *in rem* forfeiture action,
25 asserting they are innocent owners of the defendant property. ECF Nos. 9-11.

26
27 ¹ United States. v. Gilbert Arreazola, et al., 2:13-CR-00052-TLN.

1 2. The stay is requested pursuant to 18 U.S.C. §§ 981(g)(1), 981(g)(2), and 21
2 U.S.C. § 881(i). The United States contends that the defendant property was used to
3 facilitate the cultivation of marijuana and/or cocaine trafficking.

4 3. To date, several individuals have been charged with federal crimes related to
5 marijuana cultivation and cocaine trafficking at the defendant property, United States. v.
6 Gilbert Arreazola, et al., 2:13-CR-00052-TLN; but neither Alfredo Arreazola nor Angelica
7 Arreazola have been charged with any criminal offense by federal authorities. It is the
8 United States' position that the statute of limitations has not expired on potential criminal
9 charges relating to the drug trafficking involving the defendant property. Nevertheless,
10 the United States intends to depose the claimants regarding their ownership of the
11 defendant property, as well as their knowledge of the marijuana grows and/or cocaine
12 trafficking at the defendant property. If discovery proceeds at this time, claimants will be
13 placed in the difficult position of either invoking their Fifth Amendment rights against
14 self-incrimination and losing the ability to pursue their claims to the defendant properties,
15 or waiving their Fifth Amendment rights and submitting to a deposition and potentially
16 incriminating themselves. If they invoke their Fifth Amendment rights, the United States
17 will be deprived of the ability to explore the factual basis for the claims they filed with this
18 court.

19 4. In addition, claimants intend to depose, among others, the agents involved
20 with this investigation, including but not limited to, the agents with the Drug
21 Enforcement Administration. Allowing depositions of the law enforcement officers at this
22 time would adversely impact the federal prosecution.

23 5. The parties recognize that proceeding with these actions at this time has
24 potential adverse effects on the investigation of the underlying criminal conduct and/or
25 upon the claimants' ability to assert any defenses to forfeiture. For these reasons, the
26 parties jointly request that these matters be stayed until the conclusion of the related
27 criminal case. At that time the parties will advise the court of the status of the criminal
28

1 investigation, if any, and will advise the court whether a further stay is necessary.

2
3 Dated: 7/8/13

BENJAMIN B. WAGNER
United States Attorney

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

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8 Dated: 7/8/13

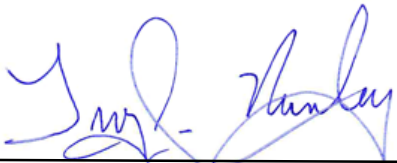
/s/ Thomas M. Boyajian
THOMAS M. BOYAJIAN
Attorney for Claimants Alfredo Arreazola
and Angelica Arreazola
(As authorized on July 8, 2013)

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10
11
12 **ORDER**

13 For the reasons set forth above, this matter is stayed pursuant to 18 U.S.C. §§
14 981(g)(1), 981(g)(2), and 21 U.S.C. § 881(i) until the conclusion of the related criminal case,
15 at which time the parties will advise the Court whether a further stay is necessary.

16
17 IT IS SO ORDERED.

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19 Dated: July 12, 2013

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23 Troy L. Nunley
United States District Judge