

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

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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,

2:13-CV-02326-KJM-DAD

13 v.

STIPULATION TO STAY  
FURTHER PROCEEDINGS AND  
ORDER

14 REAL PROPERTY LOCATED AT  
3734 LAUREL STREET, SHASTA  
15 LAKE, CALIFORNIA, SHASTA  
COUNTY, APN: 006-160-028,  
16 INCLUDING ALL APPURTENANCES  
AND IMPROVEMENTS THERETO,

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

17 REAL PROPERTY LOCATED AT 21915  
18 ELK TRAIL W, REDDING,  
CALIFORNIA, SHASTA COUNTY, APN:  
19 305-040-002, INCLUDING ALL  
APPURTENANCES AND  
20 IMPROVEMENTS THERETO,

21 APPROXIMATELY \$15,000.00 IN U.S.  
CURRENCY,

22 2008 APACHE BOX TRAILER, VIN:  
23 5JRUE24278C201038, CALIFORNIA  
LICENSE NUMBER: 4JW1149,

24 2010 TRIUMPH MOTORCYCLE, VIN:  
25 SMTB01TL0AJ438759, OREGON  
LICENSE NUMBER: M672576, and  
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1 OFF-ROAD DUNE BUGGY, VIN:  
2 CA736117, CALIFORNIA LICENSE  
3 NUMBER: 57V99P,

Defendants.

4 The United States and Claimants Glen Meyers and Aimee Burgess (collectively, the  
5 “claimants”) hereby stipulate that a stay is necessary in the above-entitled action, and  
6 request that the Court enter an order staying all further proceedings until the resolution  
7 of the related criminal case against Glen Meyers regarding drug trafficking at the  
8 defendant property.

9 1. Each claimant has filed a claim in this *in rem* forfeiture action, asserting they  
10 are innocent owners of the defendant property. ECF Nos. 12, 14.

11 2. The stay is requested pursuant to 18 U.S.C. §§ 981(g)(1), 981(g)(2), and 21  
12 U.S.C. § 881(i). The United States contends that the defendant property was used to  
13 facilitate the cultivation of marijuana and contends that the defendant currency  
14 constitutes money or other things of value furnished or intended to be furnished by any  
15 person in exchange for a controlled substance or listed chemical, all proceeds traceable to  
16 such an exchange and/or was used or intended to be used to facilitate one or more  
17 violations of 21 U.S.C. § 841 et seq. Claimants deny these allegations.

18 3. To date, several individuals have been charged with federal crimes related to  
19 marijuana cultivation and trafficking related to the defendant property, United States. v.  
20 Glen Edward Meyers, et al., 2:13-CR-00330-KJM. It is the United States’ position that the  
21 statute of limitations has not expired on potential criminal charges relating to the drug  
22 trafficking involving the defendant property. Nevertheless, the United States intends to  
23 depose the claimants regarding their ownership of the defendant property, as well as their  
24 knowledge of the marijuana grows and/or cocaine trafficking at the defendant property. If  
25 discovery proceeds at this time, claimants will be placed in the difficult position of either  
26 invoking their Fifth Amendment rights against self-incrimination and losing the ability to  
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1 pursue their claims to the defendant properties, or waiving their Fifth Amendment rights  
2 and submitting to a deposition and potentially incriminating themselves. If they invoke  
3 their Fifth Amendment rights, the United States will be deprived of the ability to explore  
4 the factual basis for the claims they filed with this court.

5 4. In addition, claimants intend to depose, among others, the agents involved  
6 with this investigation, including but not limited to, the agents with the Internal Revenue  
7 Service. Allowing depositions of the law enforcement officers at this time would adversely  
8 impact the federal prosecution.

9 5. The parties recognize that proceeding with these actions at this time has  
10 potential adverse effects on the investigation of the underlying criminal conduct and/or  
11 upon the claimants' ability to assert any defenses to forfeiture. For these reasons, the  
12 parties jointly request that these matters be stayed until the conclusion of the related  
13 criminal case. At that time the parties will advise the court of the status of the criminal  
14 investigation, if any, and will advise the court whether a further stay is necessary.

15  
16 Dated: 3/11/14

BENJAMIN B. WAGNER  
United States Attorney

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

20  
21 Dated: 3/11/14

/s/ Joe Gazzigli  
JOE GAZZIGLI  
Attorney for Claimant Aimee Burgess  
(Authorized via email 3/11/14)

22  
23  
24  
25 Dated: 3/11/14

/s/ Patrick K. Hanly  
PATRICK K. HANLY  
Attorney for Claimant Glen Edward Meyers  
(Authorized via email 3/11/14)

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1 **ORDER**

2 For the reasons set forth above, this matter is stayed pursuant to 18 U.S.C. §§  
3 981(g)(1), 981(g)(2), and 21 U.S.C. § 881(i) until the conclusion of the related criminal case,  
4 at which time the parties will advise the Court whether a further stay is necessary.

5 IT IS SO ORDERED

6 Dated: March 17, 2014.

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9 UNITED STATES DISTRICT JUDGE  
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