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 7
 8 IN THE UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA
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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,
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 18 REAL PROPERTY LOCATED AT 21915
 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,
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 23 2008 APACHE BOX TRAILER, VIN:
 5JRUE24278C201038, CALIFORNIA
 LICENSE NUMBER: 4JW1149,
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 25 2010 TRIUMPH MOTORCYCLE, VIN:
 SMTB01TL0AJ438759, OREGON
 LICENSE NUMBER: M672576, and
 26

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

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.

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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)

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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 promptly advise the Court whether they believe a further
5 stay is necessary.

6 IT IS SO ORDERED

7 DATED: March 24, 2014.

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10 UNITED STATES DISTRICT JUDGE
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