

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
 9 EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,
 12 Plaintiff,
 13 v.

2:14-CV-01310-MCE-AC
 STIPULATION AND ORDER
 TO STAY FURTHER PROCEEDINGS

14 APPROXIMATELY \$44,200.00 IN U.S.
 CURRENCY, et al.,
 15
 16 Defendants.

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

17
 18 The United States and claimant Jermila McCoy (“claimant”) hereby stipulate that a further stay
 19 is necessary in the above-entitled action, and request that the Court enter an order staying all further
 20 proceedings due to an on-going related criminal case against claimant.¹ This matter was stayed on
 21 September 4, 2014 and November 19, 2014. The parties understand that a status conference in the
 22 criminal action against Jermila McCoy is presently scheduled for March 26, 2015. For this reason, the
 23 parties request that the stay be extended for a period of three months to May 11, 2015.

24 1. Claimant has filed a claim in this *in rem* forfeiture action, asserting she has an interest, in
 25 whole or in part, and directly, on behalf of, and/or as custodian, for each of the defendant assets in this

26
 27 ¹ On October 23, 2014, Jermila McCoy and others were indicted on one count of Conspiracy to Commit
 28 Mail Fraud and twenty-eight counts of Mail Fraud. *See U.S. v. Jermila McCoy, et al.*, 2:14-CR-00304-
 MCE, ECF No. 1.

1 action. ECF No. 6.

2 2. The stay is requested pursuant to 18 U.S.C. §§ 981(g)(1) and 981(g)(2). The United
3 States contends that the defendant assets were involved in or traceable to, violations of federal law, 18
4 U.S.C. § 1028(a)(7) (Fraud and related activity in connection with identification documents,
5 authentication features, and information) and 18 U.S.C. § 1341 (mail fraud). Claimant denies these
6 allegations.

7 3. The United States intends to depose claimant McCoy regarding her claim and the
8 allegations as set forth in the complaint. If discovery proceeds at this time, claimant will be placed in
9 the difficult position of either invoking her Fifth Amendment rights against self-incrimination and losing
10 the ability to pursue her claim to the defendant assets, or waiving her Fifth Amendment rights and
11 submitting to a deposition and potentially incriminating herself. If she invokes her Fifth Amendment
12 rights, the United States will be deprived of the ability to explore the factual basis for the claim she filed
13 with this court.

14 4. In addition, claimant intends to depose, among others, law enforcement involved with
15 this investigation, including but not limited to, the inspectors with the U.S. Postal Inspection Service.
16 Allowing depositions of the law enforcement officers at this time would adversely impact the ability of
17 the federal authorities to investigate the alleged underlying criminal conduct.

18 5. The parties recognize that proceeding with this action at this time has potential adverse
19 effects on the investigation of the underlying criminal conduct and/or upon the claimant's ability to
20 assert any defenses to forfeiture. For these reasons, and because the parties are attempting to settle the
21 civil forfeiture case, the parties jointly request that these matters be stayed until May 11, 2015, in
22 accordance with the terms of this stipulation.

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 At that time the parties will advise the court of the status of the criminal case and will advise the court
2 whether a further stay is necessary.

3
4 Dated: 2/6/15

BENJAMIN B. WAGNER
United States Attorney

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

8
9 Dated: 2/6/15

/s/ Scott A. Sugarman
SCOTT A. SUGARMAN
Attorney for claimant Jermila McCoy

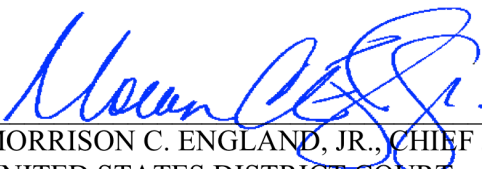
10
11 (Authorized by email)

12
13 **ORDER**

14 For the reasons set forth above, this matter is stayed pursuant to 18 U.S.C. §§ 981(g)(1) and
15 981(g)(2) until May 11, 2015, in accordance with the terms of this stipulation. On or before May 11,
16 2015, the parties will advise the court whether a further stay is necessary.

17 IT IS SO ORDERED

18 Dated: February 11, 2015

19
20 
21 MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT