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 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, November 19, 2014, and February 13, 2015. The parties understand that a status
 22 conference in the criminal action against Jermila McCoy is presently scheduled for May 28, 2015. For
 23 this reason, the parties request that the stay be extended for a period of one month to June 10, 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

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 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 June 10, 2015, in
22 accordance with the terms of this stipulation.

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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.

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4 Dated: 5/7/15

BENJAMIN B. WAGNER
United States Attorney

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

8
9 Dated: 5/7/15

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

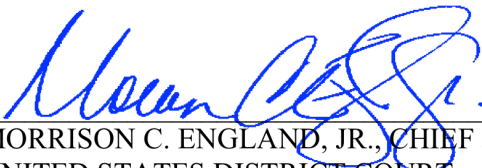
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11 (Authorized by email)

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 June 10, 2015, in accordance with the terms of this stipulation. On or before June 10,
16 2015, the parties will advise the court whether a further stay is necessary.

17 IT IS SO ORDERED.

18 Dated: May 13, 2015

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