

1 PHILLIP A. TALBERT
 Acting 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,
 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 stay is
 19 necessary in the above-entitled action, and request that the Court enter an order staying all further
 20 proceedings pending the resolution of the ongoing criminal case against claimant.¹ The parties
 21 understand that a Trial Confirmation Hearing in the criminal action against Jermila McCoy is presently
 22 scheduled for October 6, 2016. For this reason, the parties request that this case be stayed until the
 23 resolution of the companion criminal matter.

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, the parties jointly request that these matters be
21 stayed until the resolution of the parallel criminal case, *U.S. v. Jermila McCoy, et al.*, 2:14-CR-00304-
22 MCE.

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1 At that time the parties will file a joint status report to schedule the case for discovery and trial.

2 Dated: 7/21/16

PHILLIP A. TALBERT
Acting United States Attorney

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

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7 Dated: 7/21/16

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

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9 (Authorized by email)

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11 **ORDER**

12 For the reasons set forth above, this matter is stayed pursuant to 18 U.S.C. §§ 981(g)(1) and
13 981(g)(2) until the resolution of the parallel criminal case, *U.S. v. Jermila McCoy, et al.*, 2:14-CR-
14 00304-MCE. Within 30 days of the resolution of the criminal case, the parties will file a joint status
15 report to schedule the case for discovery and trial.

16 IT IS SO ORDERED.

17 Dated: July 29, 2016

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