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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.

14 APPROXIMATELY \$44,200.00 IN U.S. CURRENCY,

15 APPROXIMATELY \$3,439.00 IN U.S. CURRENCY,

16 APPROXIMATELY \$7,777.50 SEIZED FROM
 CITIBANK CHECKING ACCOUNT NUMBER
 17 40032719714, HELD IN THE NAME OF TIMNESHA
 WILSON,

18 APPROXIMATELY \$6,001.78 SEIZED FROM
 19 CITIBANK CERTIFICATE OF DEPOSIT NUMBER
 40070506684, HELD IN THE NAME OF TIMNESHA
 20 WILSON,

21 APPROXIMATELY \$2,460.04 SEIZED FROM
 CITIBANK SAVINGS ACCOUNT NUMBER
 22 40032719722, HELD IN THE NAME OF TIMNESHA
 WILSON,

23 APPROXIMATELY \$5,066.14 SEIZED FROM
 24 WELLS FARGO BANK CHECKING ACCOUNT
 NUMBER 6916473629, HELD IN THE NAME OF
 25 TIMNESHA WILSON,

26 APPROXIMATELY \$3,001.70 SEIZED FROM
 PATELCO CREDIT UNION SAVINGS ACCOUNT
 27 NUMBER 591825-00, HELD IN THE NAME OF
 TIMNESHA WILSON,
 28

2:14-CV-01310-MCE-AC

STIPULATION AND ORDER
 TO STAY FURTHER PROCEEDINGS

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

1 APPROXIMATELY \$2,203.98 SEIZED FROM
2 PATELCO CREDIT UNION CHECKING ACCOUNT
3 NUMBER 591825-11, HELD IN THE NAME OF
4 TIMNESHAWILSON, and
5 MISCELLANEOUS JEWELRY,
6 Defendants.

7 The United States and claimant Jermila McCoy (“claimant”) hereby stipulate that a stay is
8 necessary in the above-entitled action, and request that the Court enter an order staying all further
9 proceedings due to an on-going related criminal investigation against claimant.

10 1. Claimant has filed a claim in this *in rem* forfeiture action, asserting she has an interest, in
11 whole or in part, and directly, on behalf of, and/or as custodian, for each of the defendant assets in this
12 action. ECF No. 6.

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

18 3. To date no one has been charged with any criminal offense by state, local, or federal
19 authorities, and it is the United States’ position that the statute of limitations has not expired on potential
20 criminal charges relating to the fraud scheme. Nevertheless, the United States intends to depose
21 claimant McCoy regarding her claim and the allegations as set forth in the complaint. If discovery
22 proceeds at this time, claimant will be placed in the difficult position of either invoking her Fifth
23 Amendment rights against self-incrimination and losing the ability to pursue her claim to the defendant
24 assets, or waiving her Fifth Amendment rights and submitting to a deposition and potentially
25 incriminating herself. If she invokes her Fifth Amendment rights, the United States will be deprived of
26 the ability to explore the factual basis for the claim she filed with this court.

27 4. In addition, claimant intends to depose, among others, law enforcement involved with
28 this investigation, including but not limited to, the inspectors with the U.S. Postal Inspection Service.

1 Allowing depositions of the law enforcement officers at this time would adversely impact the ability of
2 the federal authorities to investigate the alleged underlying criminal conduct.

3 5. The parties recognize that proceeding with this action at this time has potential adverse
4 effects on the investigation of the underlying criminal conduct and/or upon the claimant's ability to
5 assert any defenses to forfeiture. For these reasons, the parties jointly request that these matters be
6 stayed until November 12, 2014, in accordance with the terms of this stipulation. At that time the
7 parties will advise the court of the status of the criminal investigation, if any, and will advise the court
8 whether a further stay is necessary.

9 Dated: 8/15/14

BENJAMIN B. WAGNER
United States Attorney

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

14 Dated: 8/15/14

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


(Authorized by email)

18 **ORDER**

19 For the reasons set forth above, this matter is stayed pursuant to 18 U.S.C. §§ 981(g)(1) and
20 981(g)(2) until November 12, 2014, in accordance with the terms of this stipulation. On or before
21 November 12, 2014, the parties will advise the court whether a further stay is necessary.

22 IT IS SO ORDERED

23 Dated: September 3, 2014

24 
25 _____
MORRISON C. ENGLAND, JR., CHIEF JUDGE
26 UNITED STATES DISTRICT COURT
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