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8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

10  
11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 v.  
14 APPROXIMATELY \$305,120.00 IN U.S.  
CURRENCY,  
15 Defendant.  
16

2:15-MC-00023-KJM-CKD

STIPULATION AND ORDER EXTENDING TIME  
FOR FILING A COMPLAINT FOR FORFEITURE  
AND/OR TO OBTAIN AN INDICTMENT  
ALLEGING FORFEITURE

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18 It is hereby stipulated by and between the United States of America and claimant David P. Braut  
19 (“claimant”), by and through their respective counsel, as follows:

20 1. The parties seek to extend this matter from September 9, 2016 to November 8, 2016, to  
21 coordinate and resolve the claimant’s companion criminal case in Nevada County Superior Court. The  
22 facts underlying this forfeiture action are closely related to those involved in the state criminal case. On  
23 June 9, 2016, a Nevada County Superior Court Judge found that the government had met its burden to  
24 criminally charge the claimant with violating state drug laws. The claimant was arraigned and  
25 subsequently pleaded guilty to one felony count of California Health & Safety Code § 11366,  
26 maintaining a place for production or consumption of illegal drugs. The claimant is scheduled to be  
27 sentenced on October 3, 2016. Following sentencing, the United States and claimant do not anticipate  
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1 seeking additional extensions of time given the resolution of the companion criminal case. Thus, the  
2 parties request that the deadlines in this case be extended a final time for sixty days so the claimant may  
3 conclude his state criminal case.

4 2. On or about December 18, 2014, claimant filed a claim in the administrative forfeiture  
5 proceeding with the Drug Enforcement Administration with respect to the Approximately \$305,120.00 in  
6 U.S. Currency (hereafter “defendant currency”), which was seized on or about July 7, 2014.

7 3. The Drug Enforcement Administration has sent the written notice of intent to forfeit  
8 required by 18 U.S.C. § 983(a)(1)(A) to all known interested parties. The time has expired for any  
9 person to file a claim to the defendant currency under 18 U.S.C. § 983(a)(2)(A)-(E), and no person other  
10 than claimant has filed a claim to the defendant currency as required by law in the administrative  
11 forfeiture proceeding.

12 4. Under 18 U.S.C. § 983(a)(3)(A), the United States is required to file a complaint for  
13 forfeiture against the defendant currency and/or to obtain an indictment alleging that the defendant  
14 currency is subject to forfeiture within ninety days after a claim has been filed in the administrative  
15 forfeiture proceeding, unless the court extends the deadline for good cause shown or by agreement of the  
16 parties. That deadline was March 18, 2015.

17 5. By Stipulation and Order filed March 17, 2015, the parties stipulated to extend to May 18,  
18 2015, the time in which the United States is required to file a civil complaint for forfeiture against the  
19 defendant currency and/or to obtain an indictment alleging that the defendant currency is subject to  
20 forfeiture.

21 6. By Stipulation and Order filed May 14, 2015, the parties stipulated to extend to July 17,  
22 2015, the time in which the United States is required to file a civil complaint for forfeiture against the  
23 defendant currency and/or to obtain an indictment alleging that the defendant currency is subject to  
24 forfeiture.

25 7. By Stipulation and Order filed July 13, 2015, the parties stipulated to extend to October  
26 15, 2015, the time in which the United States is required to file a civil complaint for forfeiture against the  
27 defendant currency and/or to obtain an indictment alleging that the defendant currency is subject to  
28 forfeiture.

1           8.       By Stipulation and Order filed September 28, 2015, the parties stipulated to extend to  
2 December 14, 2015, the time in which the United States is required to file a civil complaint for forfeiture  
3 against the defendant currency and/or to obtain an indictment alleging that the defendant currency is  
4 subject to forfeiture.

5           9.       By Stipulation and Order filed December 15, 2015, the parties stipulated to extend to  
6 February 12, 2016, the time in which the United States is required to file a civil complaint for forfeiture  
7 against the defendant currency and/or to obtain an indictment alleging that the defendant currency is  
8 subject to forfeiture.

9           10.      By Stipulation and Order filed February 18, 2016, the parties stipulated to extend to April  
10 12, 2016, the time in which the United States is required to file a civil complaint for forfeiture against the  
11 defendant currency and/or to obtain an indictment alleging that the defendant currency is subject to  
12 forfeiture.

13          11.      By Stipulation and Order filed April 13, 2016, the parties stipulated to extend to June 10,  
14 2016, the time in which the United States is required to file a civil complaint for forfeiture against the  
15 defendant currency and/or to obtain an indictment alleging that the defendant currency is subject to  
16 forfeiture.

17          12.      By Stipulation and Order filed June 10, 2016, the parties stipulated to extend to September  
18 9, 2016, the time in which the United States is required to file a civil complaint for forfeiture against the  
19 defendant currency and/or to obtain an indictment alleging that the defendant currency is subject to  
20 forfeiture.

21          13.      As provided in 18 U.S.C. § 983(a)(3)(A), the parties wish by agreement to further extend  
22 to November 8, 2016, the time in which the United States is required to file a civil complaint for  
23 forfeiture against the defendant currency and/or to obtain an indictment alleging that the defendant  
24 currency is subject to forfeiture.

25          14.      Accordingly, the parties agree that the deadline by which the United States shall be

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1 required to file a complaint for forfeiture against the defendant currency and/or to obtain an indictment  
2 alleging that the defendant currency is subject to forfeiture shall be extended to November 8, 2016.

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4 Dated: 9/7/16

PHILLIP A. TALBERT  
Acting United States Attorney

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

7  
8 Dated: 9/6/16

/s/ Stephen A. Munkelt  
STEPHEN A. MUNKELT  
Attorney for claimant David P. Braut

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10 (Authorized by email)

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12  
13 **ORDER**

14 This is the parties' ninth stipulation to extend the deadline. In light of the claimant's  
15 upcoming sentencing on October 3, 2016 in the companion criminal case in Nevada County Superior  
16 Court, the court finds good cause exists to approve this stipulation. Accordingly, the deadline by which  
17 the United States is required to file a complaint for forfeiture against the defendant currency and/or to  
18 obtain an indictment alleging that the defendant currency is subject to forfeiture is EXTENDED to  
19 November 8, 2016. However, the court considers this deadline to be firm and will not grant any future  
20 extensions absent extraordinary circumstances.

21 **IT IS SO ORDERED.**

22  
23 Dated: September 8, 2016.

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UNITED STATES DISTRICT JUDGE