

1 McGREGOR W. SCOTT  
 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

10  
 11 UNITED STATES OF AMERICA,  
 12 Plaintiff,  
 13 v.

2:18-CV-00751-KJM-CKD

STIPULATION TO STAY FURTHER  
 PROCEEDINGS AND ORDER

14 REAL PROPERTY LOCATED AT 8804  
 SAILFISH BAY, SACRAMENTO,  
 15 CALIFORNIA, SACRAMENTO  
 COUNTY, APN: 115-1720-0192-0000,  
 16 INCLUDING ALL APPURTENANCES  
 AND IMPROVEMENTS THERETO,

17 REAL PROPERTY LOCATED AT 9085  
 18 COBBLE FIELD DRIVE,  
 SACRAMENTO, CALIFORNIA,  
 19 SACRAMENTO COUNTY, APN: 121-  
 0700-093-0000, INCLUDING ALL  
 20 APPURTENANCES AND  
 IMPROVEMENTS THERETO,

21 REAL PROPERTY LOCATED AT 13390  
 22 IVIE ROAD, GALT, CALIFORNIA,  
 SACRAMENTO COUNTY, APN: 152-  
 23 0270-005-0000, INCLUDING ALL  
 APPURTENANCES AND  
 24 IMPROVEMENTS THERETO,

25 REAL PROPERTY LOCATED AT 1950  
 26 ESTEREL WAY, SACRAMENTO,  
 CALIFORNIA, SACRAMENTO  
 27 COUNTY, APN: 052-0270-001-0000,  
 INCLUDING ALL APPURTENANCES  
 28 AND IMPROVEMENTS THERETO,

1 REAL PROPERTY LOCATED AT 21  
2 JEANROSS COURT, SACRAMENTO,  
3 CALIFORNIA, SACRAMENTO  
4 COUNTY, APN: 052-0270-015-0000,  
5 INCLUDING ALL APPURTENANCES  
6 AND IMPROVEMENTS THERETO,

7 REAL PROPERTY LOCATED AT 5935  
8 64<sup>TH</sup> STREET, SACRAMENTO,  
9 CALIFORNIA, SACRAMENTO  
10 COUNTY, APN: 027-0296-006-0000,  
11 INCLUDING ALL APPURTENANCES  
12 AND IMPROVEMENTS THERETO,

13 REAL PROPERTY LOCATED AT 6010  
14 POWER INN ROAD, SACRAMENTO,  
15 CALIFORNIA, SACRAMENTO  
16 COUNTY, APN: 038-0071-011-0000,  
17 INCLUDING ALL APPURTENANCES  
18 AND IMPROVEMENTS THERETO,

19 Defendants.

20 The United States and Claimants Su Yuan Hua, Ming Ren Yan, Yong Qiang Chen, Sui Yin Lui,  
21 Spartan Mortgage Services, Inc. dba Spartan Home Loans, Neal L. Horn, M.D., and Conventus, LLC  
22 hereby stipulate that a stay is necessary in the above-entitled action and request that the Court enter an  
23 order staying all further proceedings until the resolution of the related criminal cases, United States v.  
24 Leonard Yang, et al., Case 2:16-CR-00189-KJM and United States v. Xiu Ping Li, et al., Case No. 2:17-  
25 CR-00136-KJM.

26 1. This is a forfeiture *in rem* action against seven properties pursuant to 21 U.S.C. §  
27 881(a)(7) because they were allegedly used to commit or facilitate violations of federal drug laws:

28 a. Real Property located at 8804 Sailfish Bay, Sacramento, California, the  
“Defendant Sailfish Bay.” Su Yuan Hua has filed a claim asserting an ownership interest  
in defendant Sailfish Way.

b. Real Property located at 9085 Cobble Field Drive, Sacramento, California, the  
“Defendant Cobble Field Drive.” Ming Ren Yan has filed a claim asserting an ownership  
interest in defendant Cobble Field Drive. Spartan Mortgage Services, Inc. dba Spartan  
Home Loans filed a claim asserting a lienholder interest in defendant Cobble Field Drive.

c. Real Property located at 13390 Ivie Road, Galt, California, the “Defendant Ivie  
Road.” Yong Qiang Chen has filed a claim asserting an ownership interest in defendant  
Ivie Road. Neal L. Horn, M.D. filed a claim asserting a lienholder interest in defendant  
Ivie Road.

1 d. Real Property located at 1950 Esterel Way, Sacramento, California, the  
2 “*Defendant Esterel Way*.” Jian Ping Ke, the owner of the property, has not filed a claim  
3 asserting an ownership interest in defendant Esterel Way and will be defaulted shortly.  
4 Conventus, LLC filed a claim asserting a lienholder interest in defendant Esterel Way.

5 e. Real Property located at 21 Jeanross Court, Sacramento, California, the  
6 “*Defendant Jeanross Court*.” Chao Long Chen, the owner of the property, has not filed a  
7 claim asserting an ownership interest in defendant Jeanross Court and will be defaulted  
8 shortly. Conventus, LLC filed a claim asserting a lienholder interest in defendant Jeanross  
9 Court.

10 f. Real Property located at 5935 64<sup>th</sup> Street, Sacramento, California, the “*Defendant*  
11 *64th Street*.” Sui Yin Lui has filed a claim asserting an ownership interest in defendant  
12 64th Street.

13 g. Real Property located at 6010 Power Inn Road, Sacramento, California, the  
14 “*Defendant Power Inn Road*.” Vo Huu Duc Nguyen, the owner of the property, did not  
15 file a claim asserting an ownership interest in defendant Power Inn Road and was  
16 defaulted on July 26, 2018.

17 2. The stay is requested pursuant to 18 U.S.C. §§ 981(g)(1), 981(g)(2), and 21 U.S.C. §  
18 881(i). The United States contends that the defendant properties were used and intended to be used to  
19 commit or facilitate violations of federal drug laws in violation of 21 U.S.C. §§ 841 *et seq.* Claimants  
20 deny these allegations.

21 3. To date, several individuals have been charged with federal crimes related to marijuana  
22 manufacturing and distribution in United States v. Leonard Yang, et al., Case 2:16-CR-00189-KJM and  
23 United States v. Xiu Ping Li, et al., Case No. 2:17-CR-00136-KJM. It is the United States’ position that  
24 the statute of limitations has not expired on potential criminal charges relating to the drug trafficking  
25 involving the defendant properties. Nevertheless, the United States intends to depose claimants (and  
26 others) regarding their ownership of the defendant properties, as well as their knowledge and  
27 participation in large scale marijuana cultivation, including the marijuana grow at the defendant  
28 properties, as well as the circumstances behind the purchase of the properties. If discovery proceeds at  
this time, claimants will be placed in the difficult position of either invoking their Fifth Amendment  
rights against self-incrimination and losing the ability to pursue their claims to the defendant properties,  
or waiving their Fifth Amendment rights and submitting to a deposition and potentially incriminating  
themselves. If they invoke their Fifth Amendment rights, the United States will be deprived of the ability

1 to explore the factual basis for the claims they filed with this court.

2 4. In addition, claimants intend to depose, among others, the agents involved with this  
3 investigation, including but not limited to, the agents with the Federal Bureau of Investigation (“FBI”).  
4 Allowing depositions of the law enforcement officers at this time would adversely impact the federal  
5 prosecution and ongoing investigation.

6 5. The parties recognize that proceeding with these actions at this time has potential adverse  
7 effects on the investigation of the underlying criminal conduct and/or upon the claimant’s ability to assert  
8 any defenses to forfeiture. For these reasons, the parties jointly request that these matters be stayed until  
9 the conclusion of the related criminal cases. At that time the parties will advise the court of the status of  
10 the criminal investigation, if any, and will advise the court whether a further stay is necessary.

11 6. If any of the defendant properties go into default, the parties reserve the right to seek all  
12 avenues of redress to preserve the real properties, including filing a motion for interlocutory sale or  
13 seeking a receiver appointment to collect rents and maintain the properties.

14 Dated: 8/1/2018

McGREGOR W. SCOTT  
United States Attorney

15  
16 By: /s/ Kevin C. Khasigian  
KEVIN C. KHASIGIAN  
Assistant U.S. Attorney

17  
18 Dated: 7/30/2018

/s/ J. Patrick McCarthy  
J. PATRICK MCCARTHY  
Attorney for Claimant Yong Qiang Chen

19  
20  
21 Dated: 7/31/2018

/s/ Edward T. Weber  
EDWARD T. WEBER  
Attorney for Claimant Neal L. Horn, M.D.

22  
23  
24 Dated: 8/2/2018

/s/ Larissa L. Branes  
LARISSA L. BRANES  
Attorney for Claimant Conventus, LLC

25  
26  
27 ///

28 ///

1 Dated: 7/31/2018

/s/ Linda M. Parisi  
LINDA M. PARISI  
Attorney for Claimants Su Yuan Hua  
and Ming Ren Yan

2  
3  
4 Dated: 7/31/2018

/s/ Kerie Lee Bieber  
KERIE LEE BIEBER  
Claimant, Owner of Spartan Mortgage Services, Inc.  
dba Spartan Home Loans

5  
6  
7 Dated: 7/27/2018

/s/ Ernest Chen  
ERNEST CHEN  
Attorney for Claimant Sui Yin Lui

8  
9  
10  
11 **ORDER**

12 For the reasons set forth above, this matter is stayed under 18 U.S.C. §§ 981(g)(1), 981(g)(2) and  
13 21 U.S.C. § 881(i) until the resolution of companion criminal cases. The parties shall file a joint status  
14 report within 30 days of the conclusion of the parallel criminal cases, or as the court deems appropriate.

15 IT IS SO ORDERED.

16 DATED: August 6, 2018.

17  
18   
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
UNITED STATES DISTRICT JUDGE