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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.

2:18-CV-00775-KJM-CKD

STIPULATION TO STAY FURTHER
 PROCEEDINGS AND ORDER

14 REAL PROPERTY LOCATED AT 7204
 ALPINE FROST DRIVE, SACRAMENTO,
 15 CALIFORNIA, SACRAMENTO
 COUNTY, APN: 117-1150-018-0000,
 16 INCLUDING ALL APPURTENANCES
 AND IMPROVEMENTS THERETO,
 17
 18 REAL PROPERTY LOCATED AT 7241
 VANITA WAY, SACRAMENTO,
 CALIFORNIA, SACRAMENTO
 19 COUNTY, APN: 051-0344-010-0000,
 INCLUDING ALL APPURTENANCES
 20 AND IMPROVEMENTS THERETO,
 21
 22 REAL PROPERTY LOCATED AT 7260
 VANITA WAY, SACRAMENTO,
 CALIFORNIA, SACRAMENTO
 23 COUNTY, APN: 051-0343-007-0000,
 INCLUDING ALL APPURTENANCES
 24 AND IMPROVEMENTS THERETO,
 25
 26 REAL PROPERTY LOCATED AT 7791
 OTHEL WAY, SACRAMENTO,
 CALIFORNIA, SACRAMENTO
 27 COUNTY, APN: 040-0154-025-0000,
 INCLUDING ALL APPURTENANCES
 28 AND IMPROVEMENTS THERETO, and

1 REAL PROPERTY LOCATED AT 7795
2 OTHEL WAY, SACRAMENTO,
3 CALIFORNIA, SACRAMENTO
4 COUNTY, APN: 040-0154-024-0000,
5 INCLUDING ALL APPURTENANCES
6 AND IMPROVEMENTS THERETO,

Defendants.

6 The United States and Claimants Ya Jing Wang, Wen Jun Zeng, Xiuqin Lin and Ketong Cai, Gen
7 Lin, Vantex Mortgage Fund, LLC, Bill Olin 401K, Hang Thuy Nguyen and Kevin Fang hereby stipulate
8 that a stay is necessary in the above-entitled action and request that the Court enter an order staying all
9 further proceedings until the resolution of the related criminal cases, United States v. Leonard Yang, et
10 al., Case 2:16-CR-00189-KJM and United States v. Xiu Ping Li, et al., Case No. 2:17-CR-00136-KJM.

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

13 a. Real Property located at 7204 Alpine Frost Drive, Sacramento, California, the
14 “*Defendant Alpine Frost Drive.*” Ya Jing Wang has filed a claim asserting an ownership
15 interest in defendant Alpine Frost Drive. Vantex Mortgage Fund, LLC filed a claim
16 asserting a lienholder interest in defendant Alpine Frost Drive.

17 b. Real Property located at 7241 Vanita Way, Sacramento, California, the “*Defendant*
18 *7241 Vanita Way.*” Wen Jun Zeng has filed a claim asserting an ownership interest in
19 defendant 7241 Vanita Way. Bill Olin 401K filed a claim asserting a lienholder interest in
20 defendant 7241 Vanita Way.

21 c. Real Property located at 7260 Vanita Way, Sacramento, California, the “*Defendant*
22 *7260 Vanita Way.*” Xiuqin Lin and Ketong Cai have filed claims asserting an ownership
23 interest in defendant 7260 Vanita Way.

24 d. Real Property located at 7791 Othel Way, Sacramento, California, the “*Defendant*
25 *7791 Othel Way.*” Gen Lin has filed a claim asserting an ownership interest in defendant
26 7791 Othel Way. Hang Thuy Nguyen filed a claim asserting a lienholder interest in
27 defendant 7791 Othel Way.

28 e. Real Property located at 7795 Othel Way, Sacramento, California, the “*Defendant*
7795 Othel Way.” Gen Lin has filed a claim asserting an ownership interest in defendant
7795 Othel Way. Kevin Fang filed a claim asserting a lienholder interest in defendant
7795 Othel Way.

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

1 deny these allegations.

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

15 4. In addition, claimants intend to depose, among others, the agents involved with this
16 investigation, including but not limited to, the agents with the Department of Homeland Security,
17 Homeland Security Investigations ("HSI"). Allowing depositions of the law enforcement officers at this
18 time would adversely impact the federal prosecution and ongoing investigation.

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

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

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Dated: 8/1/2018

McGREGOR W. SCOTT
United States Attorney

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

Dated: 7/31/2018

/s/ Salvatore Giambona
SALVADORE GIAMBONA
Attorney for Claimant Ya Jing Wang

Dated: 7/30/2018

/s/ Dennis H. Doss
DENNIS H. DOSS
Attorney for Claimant Vantex Mortgage Fund, LLC

Dated: 7/31/2018

/s/ Samuel D. Berns
SAMUEL D. BERNs
Attorney for Claimant Wen Jun Zeng

Dated: 7/27/2018

/s/ Bill Olin
BILL OLIN
Claimant/Lienholder, In *Propria Persona*

Dated: 7/30/2018

/s/ Theodore Slater
THEODORE SLATER
Attorney for Claimant Gen Lin

Dated: 7/30/2018

/s/ Robert J. Saria
ROBERT J. SARIA
Attorney for Claimants Xiuqin Lin & Ketong Cai

Dated: 7/30/2018

/s/ Simon Aron
SIMON ARON
Attorney for Claimant Hang Thuy Nguyen

Dated: 8/1/2018

/s/ Anh Van Nguyen
ANH VAN NGUYEN
Attorney for Claimant Kevin Fang

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ORDER

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

IT IS SO ORDERED.

DATED: August 6, 2018.


UNITED STATES DISTRICT JUDGE