

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,

2:18-CV-00798-KJM-CKD

13 v.

STIPULATION TO STAY FURTHER
 PROCEEDINGS AND ORDER

14 REAL PROPERTY LOCATED AT 10497
 ALTA MESA ROAD, WILTON,
 15 CALIFORNIA, SACRAMENTO
 COUNTY, APN: 136-0250-050-0000,
 16 INCLUDING ALL APPURTENANCES
 AND IMPROVEMENTS THERETO,
 17
 REAL PROPERTY LOCATED AT 13701
 18 INDIO DRIVE, SLOUGHHOUSE,
 CALIFORNIA, SACRAMENTO
 19 COUNTY, APN: 073-0114-010-0000,
 INCLUDING ALL APPURTENANCES
 20 AND IMPROVEMENTS THERETO, and
 21 REAL PROPERTY LOCATED AT 11709
 COLONY ROAD, GALT, CALIFORNIA,
 22 SACRAMENTO COUNTY, APN: 138-
 0090-092-0000, INCLUDING ALL
 23 APPURTENANCES AND
 IMPROVEMENTS THERETO,
 24
 25 Defendants.

26 The United States and Claimants Weiren Li, Charisma 18 Ave Realty Inc., The Mousa and Eima
 27 Myers Revocable Trust and Michael Emanuel Mahgerefteh, Douglas Pool, and Dew Claw LLC hereby
 28

1 stipulate that a stay is necessary in the above-entitled action and request that the Court enter an order
2 staying all further proceedings until the resolution of the related criminal cases, United States v. Leonard
3 Yang, et al., Case 2:16-CR-00189-KJM and United States v. Xiu Ping Li, et al., Case No. 2:17-CR-
4 00136-KJM.

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

7 a. Real Property located at 10497 Alta Mesa Road, Wilton, California, the
8 “*Defendant Alta Mesa Road.*” Weiren Li has filed a claim asserting an ownership interest
9 in defendant Alta Mesa Road. The Mousa and Eima Myers Revocable Trust and Michael
Emanuel Mahgerefteh filed a claim asserting a lienholder interest in defendant Alta Mesa
Road.

10 b. Real Property located at 13701 Indio Drive, Sloughhouse, California, the
11 “*Defendant Indio Drive.*” Charisma 18 Ave Realty Inc. has filed a claim asserting an
12 ownership interest in defendant Indio Drive. Douglas Pool filed a claim asserting a
lienholder interest in defendant Indio Drive.

13 c. Real Property located at 11709 Colony Road, Galt, California, the “*Defendant*
14 *Colony Road.*” Charisma 18 Ave Realty Inc. has filed a claim asserting an ownership
interest in defendant Colony Road. Dew Claw LLC filed a claim asserting a lienholder
interest in defendant Colony Road.

15 2. The stay is requested pursuant to 18 U.S.C. §§ 981(g)(1), 981(g)(2), and 21 U.S.C. §
16 881(i). The United States contends that the defendant properties were used and intended to be used to
17 commit or facilitate violations of federal drug laws in violation of 21 U.S.C. §§ 841 *et seq.* Claimants
18 deny these allegations.

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

1 or waiving their Fifth Amendment rights and submitting to a deposition and potentially incriminating
2 themselves. If they invoke their Fifth Amendment rights, the United States will be deprived of the ability
3 to explore the factual basis for the claims they filed with this court.

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

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

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

16 Dated: 7/31/2018

McGREGOR W. SCOTT
United States Attorney

17
18 By: /s/ Kevin C. Khasigian
KEVIN C. KHASIGIAN
Assistant U.S. Attorney

19
20 Dated: 7/31/2018

/s/ Candice L. Fields
CANDICE L. FIELDS
Attorney for Claimant Weiren Li

21
22
23 Dated: 7/30/2018

/s/ Richard J. Reynolds
RICHARD J. REYNOLDS
Attorney for Claimants The Mousa and Eima Myers
Revocable Trust and Michael Emanuel Mahgerefteh

24
25
26 Dated: 7/26/2018

/s/ Mark J. Reichel
MARK J. REICHEL
Attorney for Claimant Charisma 18 Ave Realty, Inc.

1 Dated: 7/30/2018

/s/ Douglas R. Schwartz
DOUGLAS R. SCHWARTZ
Attorney for Claimant Douglas Pool

4 Dated: 7/31/2018

/s/ Patrick J. Wingfield
PATRICK J. WINGFIELD
Attorney for Dew Claw LLC

7 **ORDER**

8 For the reasons set forth above, this matter is stayed under 18 U.S.C. §§ 981(g)(1), 981(g)(2) and
9 21 U.S.C. § 881(i) until the resolution of companion criminal cases. The parties shall file a joint status
10 report within 30 days of the conclusion of the parallel criminal cases, or as the court deems appropriate.

11 IT IS SO ORDERED.

12 DATED: August 6, 2018.

13 
14 UNITED STATES DISTRICT JUDGE