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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-00799-KJM-CKD

*AMENDED* STIPULATION TO STAY  
 FURTHER PROCEEDINGS AND  
 ORDER

14 REAL PROPERTY LOCATED AT 2033  
 BASTONA DRIVE, ELK GROVE,  
 15 CALIFORNIA, SACRAMENTO  
 COUNTY, APN: 119-1860-037-0000,  
 16 INCLUDING ALL APPURTENANCES  
 AND IMPROVEMENTS THERETO,  
 17  
 18 REAL PROPERTY LOCATED AT 5313  
 KUNGSTING WAY, ELK GROVE,  
 CALIFORNIA, SACRAMENTO  
 19 COUNTY, APN: 132-1620-047-0000,  
 INCLUDING ALL APPURTENANCES  
 20 AND IMPROVEMENTS THERETO,  
 21  
 22 REAL PROPERTY LOCATED AT 5759  
 MUSKINGHAM WAY, SACRAMENTO,  
 CALIFORNIA, SACRAMENTO  
 23 COUNTY, APN: 117-1280-034-0000,  
 INCLUDING ALL APPURTENANCES  
 AND IMPROVEMENTS THERETO,  
 24  
 25 REAL PROPERTY LOCATED AT 8061  
 MAYBELLINE WAY, SACRAMENTO,  
 CALIFORNIA, SACRAMENTO  
 26 COUNTY, APN: 117-0051-008-0000,  
 INCLUDING ALL APPURTENANCES  
 27 AND IMPROVEMENTS THERETO,  
 28

1 REAL PROPERTY LOCATED AT 9043  
2 PEMBRIDGE DRIVE, ELK GROVE,  
3 CALIFORNIA, SACRAMENTO  
4 COUNTY, APN: 134-0730-009-0000,  
5 INCLUDING ALL APPURTENANCES  
6 AND IMPROVEMENTS THERETO, and

7 REAL PROPERTY LOCATED AT 9445  
8 MEDSTEAD WAY, ELK GROVE,  
9 CALIFORNIA, SACRAMENTO  
10 COUNTY, APN: 116-0670-046-0000,  
11 INCLUDING ALL APPURTENANCES  
12 AND IMPROVEMENTS THERETO,

13 Defendants.

14 The United States and Claimants Fu Long Liu, Li Tan Lin, Min H. Jiang, Jing Shen Jiang, James  
15 B. Keegan, Diane E. Keegan, Zhong Chen, and Zhaowei Xie, through their respective counsel, and Jan  
16 Horn and Maureen Horn, appearing *pro per*, hereby stipulate that a stay is necessary in the above-entitled  
17 action and request that the Court enter an order staying all further proceedings until the resolution of the  
18 related criminal cases, United States v. Leonard Yang, et al., Case 2:16-CR-00189-KJM and United  
19 States v. Xiu Ping Li, et al., Case No. 2:17-CR-00136-KJM, and ongoing criminal investigation into  
20 marijuana grows at the defendant properties.

21 1. This is a forfeiture *in rem* action against six properties pursuant to 18 U.S.C. §§  
22 981(a)(1)(A) and 981(a)(1)(C) and 21 U.S.C. §§ 881(a)(6) and 881(a)(7) because they were allegedly  
23 used to commit or facilitate violations of federal drug and money laundering laws:

24 a. Real Property located at 2033 Bastona Drive in Elk Grove, California, the “*Defendant*  
25 *Bastona Drive*.” Min H. Jiang filed a claim asserting an ownership interest in  
26 defendant Bastona Drive. No other party has filed a claim asserting an interest in  
27 defendant Bastona Drive.

28 b. Real Property located at 5313 Kungsting Way, Elk Grove, California, the “*Defendant*  
*Kungsting Way*.” Fu Long Liu has filed a claim asserting an ownership interest in  
defendant Kungsting Way. Corey Fenig and Faye Fenig filed claims asserting a  
lienholder interest in defendant Kungsting Way. This property was sold and the  
proceeds were used to satisfy Corey and Faye Fenig’s loan.<sup>1</sup> The net proceeds from  
the sale shall be substituted for the defendant Kungsting Way.

c. Real Property located at 5759 Muskingham Way in Sacramento, California, the  
“*Defendant Muskingham Way*.” Li Tan Lin has filed a claim asserting an ownership

<sup>1</sup> Accordingly, Corey Fenig and Faye Fenig no longer have an interest in Defendant Kungsting Way.

1 interest in defendant Muskingham Way. James B. Keegan and Diane E. Keegan filed  
2 claims asserting a lienholder interest in defendant Muskingham Way.

3 d. Real Property located at 8061 Maybelline Way in Sacramento, California, the  
4 “*Defendant Maybelline Way.*” Zhong Chen has filed a claim asserting an ownership  
5 interest in defendant Maybelline Way. No other party has filed a claim asserting an  
6 interest in defendant Maybelline Way.

7 e. Real Property located at 9043 Pembridge Drive in Elk Grove, California, the  
8 “*Defendant Pembridge Way.*” Jing Shen Jiang has filed a claim asserting an  
9 ownership interest in defendant Pembridge Drive. Jan Horn and Maureen Horn filed a  
10 claim asserting a lienholder interest in defendant Pembridge Drive.

11 f. Real Property located at 9445 Medstead Way in Elk Grove, California, the “*Defendant*  
12 *Medstead Way.*” Zhaowei Xie filed a claim asserting an ownership interest in  
13 defendant Medstead Way. No other party has filed a claim asserting an interest in  
14 defendant Medstead Way.

15 3. 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 4. To date, several individuals have been charged with federal crimes related to marijuana  
20 manufacturing and distribution in two related cases, United States v. Leonard Yang, et al., Case 2:16-CR-  
21 00189-KJM and United States v. Xiu Ping Li, et al., Case No. 2:17-CR-00136-KJM, and the  
22 investigation continues concerning the marijuana grows at the defendant properties. It is the United  
23 States’ position that the statute of limitations has not expired on potential criminal charges relating to the  
24 drug trafficking involving the defendant properties. Nevertheless, the United States intends to depose  
25 claimants (and others) regarding their ownership of the defendant properties, as well as their knowledge  
26 and participation in large scale marijuana cultivation, including the marijuana grow at the defendant  
27 properties, as well as the circumstances behind the purchase of the properties. If discovery proceeds at  
28 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 5. In addition, claimants intend to depose, among others, the agents involved with this  
3 investigation, including but not limited to, the agents with the Internal Revenue Service – Criminal  
4 Investigation. Allowing depositions of the law enforcement officers at this time would adversely impact  
5 the federal prosecution and ongoing investigation.

6 6. 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 7. 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: 7/27/2018

McGREGOR W. SCOTT  
United States Attorney

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

17  
18 Dated: 7/31/18

/s/ Ernest Chen  
ERNEST CHEN  
Attorney for Claimants Fu Long Liu and  
Zhong Chen  
(Authorized by email)

19  
20  
21 Dated: 7/27/18

/s/ David Foos  
DAVID FOOS  
Attorney for Li Tan Lin  
(Signature retained by attorney)

22  
23 Dated: 7/31/18

/s/ Anh Nguyen  
ANH NGUYEN  
Attorney for Claimant Zhaowei Xie  
(Authorized by email)

24  
25  
26 Dated: 7/31/18

/s/ Clayton Clement  
CLAYTON CLEMENT  
Attorney for James B. Keegan and Diane E. Keegan  
(Signature retained by attorney)

1 Dated: 7/31/18

/s/ Linda M. Parisi  
LINDA M. PARISI  
Attorney for Claimants Min Hui Jiang  
and Jing Shen Jiang  
(Authorized by email)

2  
3  
4 Dated: 7/30/18

/s/ Jan Horn  
Jan Horn  
Pro Per Claimant  
(Authorized by email)

5  
6  
7 Dated: 7/30/18

/s/ Maureen Horn  
Maureen Horn  
Pro Per Claimant  
(Authorized by email)

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.

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UNITED STATES DISTRICT JUDGE