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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-00808-KJM-CKD

STIPULATION TO STAY FURTHER
 PROCEEDINGS AND ORDER

14 REAL PROPERTY LOCATED 4343
 NORTH FORTY, LINCOLN,
 15 CALIFORNIA, PLACER COUNTY, APN:
 031-310-028-000, INCLUDING ALL
 16 APPURTENANCES AND
 IMPROVEMENTS THERETO,
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 18 REAL PROPERTY LOCATED 1
 RANCHO TORRE COURT,
 SACRAMENTO, CALIFORNIA,
 19 SACRAMENTO COUNTY, APN: 040-
 0190-055-0000, INCLUDING ALL
 20 APPURTENANCES AND
 IMPROVEMENTS THERETO,
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 22 REAL PROPERTY LOCATED 13373
 BENNETT ROAD, HERALD,
 CALIFORNIA, SACRAMENTO
 23 COUNTY, APN: 152-0120-022-0000,
 INCLUDING ALL APPURTENANCES
 24 AND IMPROVEMENTS THERETO,
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 26 REAL PROPERTY LOCATED 211
 HEBRON CIRCLE, SACRAMENTO,
 CALIFORNIA, SACRAMENTO
 27 COUNTY, APN: 225-1590-086-0000,
 INCLUDING ALL APPURTENANCES
 AND IMPROVEMENTS THERETO,
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1 REAL PROPERTY LOCATED 4909
2 WINAMAC DRIVE, SACRAMENTO,
3 CALIFORNIA, SACRAMENTO
4 COUNTY, APN: 225-1800-056-0000,
5 INCLUDING ALL APPURTENANCES
6 AND IMPROVEMENTS THERETO,

7 REAL PROPERTY LOCATED 5371
8 ONTARIO STREET, SACRAMENTO,
9 CALIFORNIA, SACRAMENTO
10 COUNTY, APN: 023-0275-015-0000,
11 INCLUDING ALL APPURTENANCES
12 AND IMPROVEMENTS THERETO,

13 REAL PROPERTY LOCATED 7471 53RD
14 AVENUE, SACRAMENTO,
15 CALIFORNIA, SACRAMENTO
16 COUNTY, APN: 040-0240-051-0000,
17 INCLUDING ALL APPURTENANCES
18 AND IMPROVEMENTS THERETO, and

19 REAL PROPERTY LOCATED 9217
20 SILVERDALE COURT, SACRAMENTO,
21 CALIFORNIA, SACRAMENTO
22 COUNTY, APN: 121-0810-047-0000,
23 INCLUDING ALL APPURTENANCES
24 AND IMPROVEMENTS THERETO,

25 Defendants.

26 The United States and Claimants Ling Yan Jiang, Jin Heng Jiang, Hong Lin, Xiang Rong Lian
27 Mei Zhao, Jing Jie Jiang, Qing Xi Liu, Xue Ying Zhang, Loan Kim Lu, Stephen M Ward and Debra L
28 Ward, Co-Trustees, or their successors in Trust, under the Ward Family Living Trust dated 4/10/04 as to
an undivided 75.06667% interest, and Pensco Trust Company Custodian FBO Gayle Ansell, IRA as to an
undivided 24.93333% interest, Pensco Trust Company FBO Gopen Family, East West Bank, and Khoi
Vo hereby stipulate that a stay is necessary in the above-entitled action and request that the Court enter an
order staying all further proceedings until the resolution of the related criminal cases, United States v.
Leonard Yang, et al., Case 2:16-CR-00189-KJM and United States v. Xiu Ping Li, et al., Case No. 2:17-
CR-00136-KJM.

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

a. Real Property located at 4343 North Forty, Lincoln, California, the “*Defendant North Forty.*” Ling Yan Jiang has filed a claim asserting an ownership interest in

1 defendant North Forty. Stephen M Ward and Debra L Ward, Co-Trustees, or their
2 successors in Trust, under the Ward Family Living Trust dated 4/10/04 as to an undivided
3 75.06667% interest, and Pensco Trust Company Custodian FBO Gayle Ansell, IRA as to
4 an undivided 24.93333% interest filed claims asserting a lienholder interest in defendant
5 North Forty.

6 b. Real Property located at 1 Rancho Torre Court, Sacramento, California, the
7 “*Defendant Rancho Torre Court.*” Jin Heng Jiang has filed a claim asserting an
8 ownership interest in defendant Rancho Torre Court.

9 c. Real Property located at 13373 Bennett Road, Herald, California, the “*Defendant*
10 *Bennett Road.*” Hong Lin has filed a claim asserting an ownership interest in defendant
11 Bennett Road.

12 d. Real Property located at 211 Hebron Circle, Sacramento, California, the
13 “*Defendant Hebron Circle.*” Xiang Rong Lian has filed a claim asserting an ownership
14 interest in defendant Hebron Circle. Pensco Trust Company FBO Gopen Family filed a
15 claim asserting a lienholder interest in defendant Hebron Circle.

16 e. Real Property located at 4909 Winamac Drive, Sacramento, California, the
17 “*Defendant Winamac Drive.*” Mei Zhao has filed a claim asserting an ownership interest
18 in defendant Winamac Drive. East West Bank filed a claim asserting a lienholder interest
19 in defendant Winamac Drive.

20 f. Real Property located at 5371 Ontario Street, Sacramento, California, the
21 “*Defendant Ontario Street.*” Jing Jie Jiang has filed a claim asserting an ownership
22 interest in defendant Ontario Street. Khoi Vo filed a claim asserting a lienholder interest
23 in defendant Ontario Street.

24 g. Real Property located at 7471 53rd Avenue, Sacramento, California, the
25 “*Defendant 53rd Avenue.*” Qing Xi Liu has filed a claim asserting an ownership interest
26 in defendant 53rd Avenue. East West Bank filed a claim asserting a lienholder interest in
27 defendant 53rd Avenue.

28 h. Real Property located at 9217 Silverdale Court, Sacramento, California, the
“*Defendant Silverdale Court.*” Xue Ying Zhang and Loan Kim Lu have filed claims
asserting an ownership interest in defendant Silverdale Court. East West Bank filed a
claim asserting a lienholder interest in defendant Silverdale Court.

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
deny these allegations.

3. To date, several individuals have been charged with federal crimes related to marijuana
manufacturing and distribution in United States v. Leonard Yang, et al., Case 2:16-CR-00189-KJM and
United States v. Xiu Ping Li, et al., Case No. 2:17-CR-00136-KJM. It is the United States’ position that
the statute of limitations has not expired on potential criminal charges relating to the drug trafficking

1 involving the defendant properties. Nevertheless, the United States intends to depose claimants (and
2 others) regarding their ownership of the defendant properties, as well as their knowledge and
3 participation in large scale marijuana cultivation, including the marijuana grow at the defendant
4 properties, as well as the circumstances behind the purchase of the properties. If discovery proceeds at
5 this time, claimants will be placed in the difficult position of either invoking their Fifth Amendment
6 rights against self-incrimination and losing the ability to pursue their claims to the defendant properties,
7 or waiving their Fifth Amendment rights and submitting to a deposition and potentially incriminating
8 themselves. If they invoke their Fifth Amendment rights, the United States will be deprived of the ability
9 to explore the factual basis for the claims they filed with this court.

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

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

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

22 Dated: 8/1/2018

McGREGOR W. SCOTT
United States Attorney

23
24 By: /s/ Kevin C. Khasigian
KEVIN C. KHASIGIAN
Assistant U.S. Attorney

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26 Dated: 7/31/2018

/s/ Linda Parisi
LINDA PARISI
Attorney for Claimants Ling Yan Jiang
and Jing Jie Jiang

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Dated: 8/1/2018

/s/ Larissa L. Branes
LARISSA L. BRANES
Attorney for Claimant Stephen M Ward and Debra L Ward, Co-Trustees, or their successors in Trust, under the Ward Family Living Trust dated 4/10/04 as to an undivided 75.06667% interest, and Pensco Trust Company Custodian FBO Gayle Ansell, IRA as to an undivided 24.93333% interest

Dated: 7/30/2018

/s/ J. Patrick McCarthy
J. PATRICK MCCARTHY
Attorney for Claimants Jin Heng Jiang, Hong Lin and Qing Xi Liu

Dated: 7/30/2018

/s/ Robert J. Saria
ROBERT J. SARIA
Attorney for Claimant Xiang Rong Lian

Dated: 7/31/2018

/s/ Edward T. Weber
EDWARD T. WEBER
Attorney for Claimant Pensco Trust Company FBO Gopen Family

Dated: 7/31/2018

/s/ Terry R. Hunt
TERRY R. HUNT
Attorney for Claimant Mei Zhao

Dated: 7/31/2018

/s/ William G. Malcolm
WILLIAM G. MALCOLM
Attorney for Claimant East West Bank

Dated: 8/1/2018

/s/ Anh Van Nguyen
ANH VAN NGUYEN
Attorney for Claimant Khoi Vo

Dated: 7/27/2018

/s/ Ernest Chen
ERNEST CHEN
Attorney for Claimants Xue Ying Zhang and Loan Kim Lu

1 **ORDER**

2 For the reasons set forth above, this matter is stayed under 18 U.S.C. §§ 981(g)(1), 981(g)(2) and
3 21 U.S.C. § 881(i) until the resolution of companion criminal cases. The parties shall file a joint status
4 report within 30 days of the conclusion of the parallel criminal cases, or as the court deems appropriate.

5 IT IS SO ORDERED.

6 DATED: August 6, 2018.

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9 UNITED STATES DISTRICT JUDGE

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