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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

No. C 09-03119 WHA

v.

APPROXIMATELY \$2,822,224.75 IN FUNDS SEIZED FROM EIGHT BANK ACCOUNTS;

ONE 2007 PORSCHE C4 CABRIOLET (VIN: WPOCB29927S777234); ONE 2005 PORSCHE CAYENNE S (VIN: WP1AB29P35LA66041);

AND SEVEN PARCELS OF REAL PROPERTY AND IMPROVEMENTS,

Defendants.

ORDER GRANTING MOTION TO STAY AND VACATING HEARING


Plaintiff the United States of America seeks a stay of this civil forfeiture action pursuant to 18 U.S.C. 981(g)(1). The Court has read the government’s ex-parte submission concerning this matter. The government’s motion to stay is **GRANTED** and all discovery will be stayed until January 29, 2010. The government contends that the primary claimants in this civil forfeiture case, GST U.S.A, INC21.com, Jumpage Solutions Incorporated, and John Lin, are the subjects of the criminal investigation. Thus, starting January 29, discovery may proceed so long as these primary claimants, including their employees and managers, sit for depositions by the government and answer questions without invoking their Fifth Amendment rights, or, if the government does

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not proceed to take those depositions, said individuals file a waiver of their Fifth Amendment rights with the Court. This condition is necessary to prevent the risk that civil litigation will be used as a way for criminal targets to obtain testimony from witnesses against them in the criminal proceedings. The reason for the January 29 stay is to allow the government to proceed with its investigation without any embarrassment at all from the civil litigation. By January 29, however, the government should have made sufficient progress that the balance of considerations will favor allowing discovery to proceed subject to the above-stated requirements. Thus, the government's motion to stay is **GRANTED** and the hearing scheduled for October 22, 2009, is **VACATED**.

IT IS SO ORDERED.

Dated: October 14, 2009.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE