

1 MELINDA HAAG (CSBN 132612)
2 United States Attorney

3 MIRANDA KANE (CSBN 150630)
4 Chief, Criminal Division

5 SUSAN B. GRAY (CSBN 100374)
6 Assistant United States Attorney

7 450 Golden Gate Avenue, 11th Floor
8 San Francisco, CA 94102
9 Telephone: 415.436.7324
10 Facsimile: 415.436.7234
11 Email: susan.b.gray@usdoj.gov

12 Attorneys for United States of America

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA,)
17 Plaintiff,)
18 v.)
19 3. REAL PROPERTY AND)
20 IMPROVEMENTS IDENTIFIED BY)
21 MENDOCINO COUNTY APN 051-180-09,)
22 051-180-10, et. al,)
23 Defendants.)

No. CV 08-3093 WHA

STIPULATION TO CONTINUE CASE
MANAGEMENT CONFERENCE AND
[PROPOSED] ORDER

CMC Date January 27, 2011
Time: 11:00 a.m.

Courtroom 11, 19th Floor

24 Paul Sayers, Graeson Prescott, Diana)
25 Mendes)
26 Claimants.)

27 Plaintiff, United States of America and claimants, Graeson Prescott and Paul Sayers,
28 by and through their respective attorneys, respectfully submit this request to continue the Case
Management Conference currently set for January 27, 2011. The parties stipulate and request a
continuance for the reason set forth below.

The court was previously advised that claimants Prescott and Sayers have entered into
plea agreements in a related criminal case in which they have agreed to forfeit one of the defendant

1 properties to which they filed a claim in this civil forfeiture action (real property and improvements
2 identified as APN #051-180-09). The parties have also agreed to a proposed settlement in this civil
3 forfeiture action. A copy of the proposed settlement agreement between the United States and
4 claimants Prescott and Sayers is attached hereto as Exhibit A. The parties anticipated the settlement
5 agreement would be presented to the court on or before December 9, 2010. However, on December,
6 8, 2010, counsel for the United States and claimants Prescott and Sayers discovered that there is not
7 a separate legal description for the specific parcel (APN #051-180-09) that claimants Prescott and
8 Sayers have agreed to forfeit. The only legal description available combines APN # 051-180-09 and
9 APN #051-180-10. The legal description of both parcels appears to have been combined when
10 Mendocino County renumbered the parcels. Without a specific legal description of the property to
11 be forfeited, a final order of forfeiture can not be entered in this case. Accordingly, the United States
12 requested the United States Marshal's Service to obtain a separate legal description of APN #051-
13 180-09. As of January 20, the date when the Case Management Conference Statement must be filed,
14 the Marshal's Service has not been able to provide a new legal description of the property to be
15 forfeited to the United States. The parties note that parcel number APN #051-180-09 is an extremely
16 rural parcel, consisting of steep terrain, that can only be accessed via a dirt road. During the wet
17 winter months access is extremely difficult.

18 The parties respectfully request that the case management conference set for January 27,
19 2011, be continued for an additional 30 days to allow the United States Marshal's to obtain a legal
20 description of APN #051-180-09. If the legal description becomes available before that date, the
21 parties will submit the attached settlement agreement for the Court's approval and the case, as it
22 pertains to claimants Prescott and Sayers, will be over.

23 Claimant Diana Mendes does not object to the continuance.

24
25 DATED: January 20, 2011

26 _____
27 /s/
28 SUSAN B. GRAY
Assistant United States Attorney

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DATED: January 20, 2011

_____/s/
EUGENE DENSON
Attorney for Graeson Prescott

DATED: January 20, 2011

_____/s/
MARK HARRIS
Attorney for Claimant Paul Sayers

DATED: January 20, 2011

_____/s/
JONATHAN HOWDEN
Attorney for Claimant Diana Mendes

[PROPOSED] ORDER

BASED ON THE FOREGOING STIPULATION, THE CASE MANAGEMENT
CONFERENCE SCHEDULED FOR JANUARY 27, AT 11:00 A.M. IS CONTINUED TO
February 17_____, 2011 AT 11:00 AM.

IT IS SO ORDERED

HONORABLE WILLIAM A. ALSUP
United States District Judge

