

E-Filed 2/16/11

1 SHARI L. WHITE, SBN 180438
506 Broadway
2 San Francisco CA 94133
Telephone: 415/986-5591

3
4 Attorney for Defendant
DANIEL KIZZIAH

5
6
7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9

10 UNITED STATES OF AMERICA,

11 Plaintiff,

CV 08-4247 PJH

12 v.

STIPULATION TO STAY ACTION

13 \$46,710 IN UNITED STATES CURRENCY,

14 Defendant.
15 _____/

16
17 Plaintiff UNITED STATES OF AMERICA and DANIEL KIZZIAH, the
18 only Claimant, hereby stipulate and agree that this *in rem* civil
19 forfeiture action be further stayed pursuant to 18 U.S.C. §
20 981(g) and 21 U.S.C. § 881(i), pending the resolution of the
21 criminal case in San Francisco Superior Court, People v. Daniel
22 Kizziah, Case No. 214577-02.

23 The parties agree that a further stay in the forfeiture
24 proceeding is appropriate in order to preserve Claimant's right
25 against self-incrimination in the related criminal matter, which
26 is still pending. This stay therefore contemplates that
27 Claimant's Answer to Complaint for Forfeiture will not be filed
28 herein during the pendency of the stay.

LAW OFFICES
506 BROADWAY
SAN FRANCISCO
(415) 986-5591
Fax: (415) 421-1331

1 The parties request that the case management statement
2 current set for February 17, 2011 be continued to May 19, 2011
3 and the case management conference currently set for February
4 24, 2011, be continued to May 26, 2011.

5 Because this forfeiture proceeding has been stayed in order
6 to preserve Claimant's right against self-incrimination in the
7 related criminal matter, Claimant agrees to waive any claim of
8 prejudice and any defenses arising out of such delay (including,
9 but not limited to, the statute of limitations, due process, or
10 failure to prosecute under Federal Rule of Civil Procedure
11 41(b).

12 Dated: February 14, 2011

13
14 /s/ DAVID B. COUNTRYMAN
15 DAVID B. COUNTRYMAN
Assistant U.S. Attorney

/s/ SHARI L. WHITE
SHARI L. WHITE
Attorney for Claimant

16
17
18 Dated: 2/16/11

