

1 The parties agree, subject to the Court's approval, that the stay in this case be continued until the
2 sentencing of claimant Todd William Growney who is defendant in *United States v. Growney*, No. 3:11-
3 CR-00195 CRB. Sentencing in that case is scheduled for February 19, 2014 and is expected to go
4 forward at that time. The parties further agree, subject to the Court's approval, that as of the time of
5 sentencing of Growney that Growney agrees that he his claim and answer in this civil forfeiture case are
6 withdrawn and that defendants in this action can be forfeited to the United States without further notice
7 to him. Following the sentencing, the United States anticipates filing a proposed default judgment for
8 defendants in this action.

9 On August 8, 2013, Growney plead guilty to Count Two of an Indictment charging him with
10 Destruction of Property to Prevent Seizure, in violation of 18 U.S.C. § 2232(a). *United States v.*
11 *Growney*, No. 11-CR-00195 CRB, Plea Agreement, filed August 8, 2013. In that Plea Agreement,
12 Growney agreed to withdraw his verified claim and answer in this civil forfeiture case. *Id.*

13 Although neither defense counsel nor Assistant U.S. Attorney Laura Vartain Horn anticipate
14 defendant's plea in the criminal case to be rejected, Growney submits that until sentencing the plea
15 which falls under Fed. R. Crim. P. 11(c)(1)(C) and was therefore only conditionally accepted by Judge
16 Breyer at the time the plea was entered. Accordingly, the parties requests this action be stayed until
17 Growney is sentenced and that, at the time of sentencing, his claim and answer in this case will be
18 deemed to be withdrawn such that the United States can proceed to forfeit defendants in this civil
19 forfeiture action without further notice to Growney.

20 IT IS SO STIPULATED:

MELINDA HAAG
United States Attorney

21
22 Dated: February 6, 2014

/S/
PATRICIA J. KENNEY
Assistant United States Attorney
Attorneys for the United States

23
24 Dated: February 6, 2014

/S/
ROBERT J. BELES
Attorney for Claimant Todd William Growney

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1 Pursuant to the forgoing stipulation, it is hereby ORDERED that the stay of the instant case is
2 continued until the sentencing of defendant in Case No. 3:11-CR-00195 CRB, and that, as of the
3 sentencing of defendant who is also claimant in this action, claimant's claim and answer in this action
4 are deemed withdrawn such that the United States can proceed with the forfeiture of defendants in this
5 action without further notice to claimant.

6 IT IS FURTHER ORDERED that plaintiff, no later than March 28, 2014, shall file a motion for default
7 judgment or a statement indicating why it should not be required to do so.

8 Dated: February 10, 2014


9 HONORABLE MAXINE S. CHESNEY
10 United States District Judge