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12 Attorneys for United States of America

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,)
16)
17 Plaintiff,)
18)
19 v.)
20)
21 \$115,959.00 in United States Currency; and)
22)
23 \$14,509.00 in United States Currency.)
24)
25 Defendants.)
26)
27)
28)

No. CV 09-6071 JSW

**STIPULATION TO STAY PROCEEDING
PURSUANT TO 18 U.S.C. § 981(g)**

1. IT IS HEREBY STIPULATED by and between Plaintiff UNITED STATES OF AMERICA and Claimant ANNIE DUONG, through her counsel, that this matter be stayed pursuant to 18 U.S.C. § 981(g) and 21 U.S.C. § 881(i).

2. There exists a related state criminal investigation of this matter in Contra Costa and Alameda Counties. The issues in that investigation are related to this forfeiture proceeding.

3. If this case were to proceed, claimant's and other parties' Fifth Amendment rights against self-incrimination will be burdened in the related criminal investigation.

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1 Additionally, proceeding with civil discovery at this time would negatively affect the
2 Government's investigation.

3 4. The provisions of 18 U.S.C. § 981(g)(1), related to stays of civil forfeiture proceedings,
4 provide that "[U]pon the motion of a of the United States, the court shall stay the civil forfeiture
5 proceeding if the court determines that civil discovery will adversely affect the ability of the
6 Government to conduct a related criminal investigation or the prosecution of a related case."

7 5. Pursuant to the above representations, and the provisions of 18 U.S.C. § 981(g)(1), the parties
8 hereby stipulate and agree to stay this civil forfeiture proceeding relating to Defendants
9 \$115,959.00 in United States Currency; and \$14,509.00 in United States Currency until the
10 completion of the criminal investigation in Contra Costa and Alameda County or until such
11 earlier time as either party, or this Court, may request that the matter be heard.

12 6. The parties thus request that the matter be stayed for an additional period of 90 days and that
13 any pending deadlines or assigned dates also be stayed and vacated.

14 7. The parties further stipulate and agree that they request this Court also take off calendar the
15 presently scheduled Status Conference of 27 August 2010, at 1:30 p.m.

16
17 IT IS SO STIPULATED:

18 Dated: August 18, 2010

MELINDA HAAG

19 United States Attorney

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21 S/ARVON J. PERTEET
22 ARVON J. PERTEET
23 Special Assistant United States Attorney
Attorney for the United States of America

24 Dated: August 18, 2010

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27 S/ STUART HANLON
28 STUART HANLON
Attorney for Claimant Annie Duong

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ORDER

IT IS SO ORDERED on this 23 day of August, 2010, pursuant to the foregoing stipulation, that this civil forfeiture proceeding be stayed 90 days, or this Court, may request that the matter be heard.

IT IS FURTHER ORDERED that the presently scheduled Status Conference of August 27, 2010 at 1:30 p.m. is hereby taken off calendar.

The parties shall submit a further joint status report one week prior to the date on which the stay set pursuant to this Order is due to expire advising the Court whether the stay should be continued or whether the matter can be set for a status hearing.



HONORABLE JEFFREY S. WHITE

United States District Court Judge