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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, )

No. CV 12-01439- MMC

18 v. )

19 STIPULATION AND ~~PROPOSED~~  
20 ORDER TO VACATE  
21 CASE MANAGEMENT CONFERENCE AND  
22 STAY PROCEEDINGS

23 ONE (1) 2008 Toyota Tundra, (VIN #  
24 5TFDV58108X050994), Real Property and  
25 Improvements located at APN # 012-690-  
26 48, Leggett, CA; Real Property and  
27 Improvements located at APN # 012-690-  
28 50, Leggett, CA; Real Property and  
Improvements located at APN # 012-670-  
48, Leggett, CA; Real Property and  
Improvements located at APN # 012-670-  
49, Leggett, CA,

CMC Date: 2/15/2013  
Time: 10:30 am  
Location: 19<sup>th</sup> Floor, Courtroom 7

Defendants. )

29 MATTHEW GRAVES  
30 Claimant. )

31 Plaintiff, the United States of America, by and through MELINDA HAAG, United States  
32 Attorney, and ARVON J. PERTEET, Assistant United States Attorney, and Claimant

33 MATTHEW GRAVES by and through his attorney DAVID M. MICHAEL, ESQ., hereby  
34 acknowledge an ongoing civil forfeiture matter, and stipulate to the following:

35 On March 12, 2012, the Government filed this civil forfeiture action against the

1 defendant properties. The basis alleged for this forfeiture action is that the defendant properties  
2 were used to facilitate the manufacture, possession, cultivation, and distribution and the  
3 possession with the intent to distribute marijuana. On or about December 18, 2012, the  
4 Government brought a criminal action against claimant/defendant, MATTHEW GRAVES, in the  
5 matter of *United States v. Matthew David Graves*, CR 12-0885 WHA, a criminal case alleging  
6 possession with the intent to distribute marijuana. The criminal case also alleges criminal  
7 forfeiture of the same property at issue in this civil forfeiture matter.

8 On February 8, 2013, the Government filed a notice of relate case in both case Nos. CV  
9 12-01439 MMC, and CR 12-0885 WHA.

10 Due to the ongoing federal prosecution of MATTHEW GRAVES, that is directly related  
11 to this matter, the parties are seeking to vacate the Case Management Conference currently set  
12 for February 15, 2013, and all associated deadlines. The parties shall notify the Court within 30  
13 days of the resolution of the criminal case so that the matter may be put back on the Court's  
14 calendar, if appropriate.

15 The parties seek this stay pursuant to 18 U.S.C. §§ 981(g)(1) and (2). Both the  
16 Government and claimant, Matthew Graves, stipulate and agree that taking discovery at this time  
17 would adversely impact the Government's criminal investigation and would burden the right of  
18 Matthew Graves against self-incrimination in the related federal criminal prosecution.

19  
20 IT IS SO STIPULATED:

21 Respectfully submitted,

22 MELINDA HAAG  
23 United States Attorney

24 Dated: February 12, 2013

25 S/ARVON J. PERTEET  
26 ARVON J. PERTEET  
27 Assistant United States Attorney

28 Dated: February 12, 2013

S/ DAVID M. MICHAEL  
DAVID M. MICHAEL  
Attorney for Claimant  
MATTHEW GRAVES

STIPULATION AND {PROPOSED} ORDER TO VACATE CMC AND STAY  
PROCEEDINGS

No. CV 12-01439 - MMC

**ORDER**

IT IS SO ORDERED on this 12 day of February, 2013, pursuant to the foregoing stipulation, that the Case Management Conference set for February 15, 2013, be vacated and all associated deadlines be terminated, and that the above-titled action is STAYED pending resolution of the related criminal action. The parties shall notify the Court within 30 days of the resolution of the criminal case so that the matter may be put back on the Court's calendar, if appropriate. Additionally, the parties shall file, no later than August 14, 2013, a Status Report apprising the Court as to the status of Case No. CR 12-0885, and shall file an updated status report at six-month intervals thereafter.

  
HONORABLE MAXINE M. CHENEY  
United States District Court Judge