

1 MELINDA HAAG (CABN 132612)  
United States Attorney

2 J. DOUGLAS WILSON (DCBN 412811)  
3 Chief, Criminal Division

4 DAVID COUNTRYMAN (CABN 226995)  
Assistant United States Attorney

5 450 Golden Gate Avenue, Box 36055  
6 San Francisco, California 94102-3495  
7 Telephone: (415) 436-7303  
8 FAX: (415) 436-7234  
david.countryman@usdoj.gov

9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,	)	CASE NO. 14-03963 MEJ
14 Plaintiff,	)	STIPULATION TO STAY
15 v.	)	
16 THE REAL PROPERTIES AND	)	
17 IMPROVEMENTS LOCATED AT 951 LA	)	
18 GONDA WAY, DANVILLE, CA 94526; 87	)	
19 PANORAMIC DRIVE, WALNUT CREEK,	)	
CA 94595, AND 9005 NORTH LAKE	)	
BOULEVARD, KINGS BEACH, CA 96143,	)	
20 Defendants.	)	
21	)	

22 Potential claimant Anthony Keslinke and plaintiff United States of America, hereby jointly  
23 request that the above referenced civil forfeiture case be stayed and “administratively closed” for  
24 purposes of the Civil Justice Reform Act reporting requirements pending the completion of the related  
25 criminal prosecution.

26 ///  
27 ///

28 REQUEST FOR ADMIN. CLOSURE  
AND PROPOSED ORDER  
CASE NO. 14-03963MEJ

1 The effect of an administrative closure is no different from a simple stay, except that it  
2 affects the count of active cases pending on the court's docket; i.e., administratively  
3 closed cases are not counted as active. See Lehman v. Revolution Portfolio LLC, 166  
4 F.3d 389, 392 (1st Cir. 1999) ("This method is used in various districts throughout the  
nation in order to shelve pending, but dormant, cases.") In contrast, cases stayed, but not  
closed, are counted as active. This case still exists on the docket of the district court and  
may be reopened upon request of the parties or on the court's own motion.

5 Mire v. Full Spectrum Lending Inc., 389 F.3d 163, 167 (5th Cir. 2004); see also 18 U.S.C. § 981(g)(1);  
6 The Guide to Judiciary Policies & Procedures, Vol. 11, Chapter 14, Exhibit 1.

7 The parties submit that the record of this case provides facts sufficient to support administrative  
8 closure. Anthony Keslinke is currently under investigation by the Government and there is a pending  
9 related criminal prosecution before this Court. See United States v. Keslinke, CR 14-00237 JST.

10 Because Anthony Keslinke is the subject of a related criminal case, continuation of the forfeiture  
11 proceeding will burden his right against self-incrimination in the related criminal case. Thus, Anthony  
12 Keslinke requests a stay pursuant to 18 U.S.C. § 981(g)(2). The United States requests a stay under 18  
13 U.S.C. § 981(g)(1), as civil discovery would adversely affect the prosecution of the related criminal  
14 case.

15 Dated: 9/18/2014

16 /S/

17 \_\_\_\_\_  
MARTHA A. BOERSCH  
Attorney for Potential Claimant

18 Dated: 9/18/2014

19 /S/

20 \_\_\_\_\_  
DAVID B. COUNTRYMAN  
Assistant United States Attorney

1 ~~PROPOSED~~ ORDER TEMPORARILY  
2 ADMINISTRATIVELY CLOSING CASE

3  
4 UPON CONSIDERATION of the parties Request for Temporary Administrative Closure, the  
5 entire record, and for good cause shown, it is by the Court on this  
6 26th day of September, 2014

7 ORDERED that the instant case be, and hereby is STAYED and ADMINISTRATIVELY  
8 CLOSED for purposes of the Civil Justice Reform Act reporting requirements, until the resolution of  
9 United States v. Keslinke, CR 14-00237 JST;

10 IT IS FURTHER ORDERED this case still exists on the docket of the district court and may be  
11 reopened upon request of the United States or Anthony Keslinke or on the court's own motion.

12 IT IS SO ORDERED this 26th day of September 2014.

13   
14 \_\_\_\_\_  
15 HONORABLE MARIA-ELENA JAMES  
16 United States Magistrate Judge  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies that she is an employee of the Office of the United States  
3 Attorney for the Northern District of California and is a person of such age and discretion to be  
4 competent to serve papers. The undersigned further certifies that she caused a copy of

- 5
  - 6 • Stipulation to Stay

7 to be served this date via United States first class mail delivery upon the person(s) below at the place(s)  
8 and address(es) which is the last known address(es):

9 Kenneth Joriet  
10 951 La Gonda Way  
11 Danville, CA 94526

Martha Boersch, Esq  
Boersch Shapiro LLP  
235 Montgomery Street, Suite 835  
San Francisco, CA 94104  
Attorney for Anthony Keslinke

12 Kenneth Joriet  
13 485 Railroad Avenue  
14 Pittsburg, CA 94565-2246

Wells Fargo Bank, N.A.  
c/o NBS Default Services, LLC  
301 E. Ocean Blvd., Suite 1720  
Long Beach, CA 90802

15 Aloha Property LLC  
16 c/o Jason Gonzalez  
17 87 Panoramic Way  
Walnut Creek, CA 94595-1605

The D. and G. Littman Trust  
c/o Gloria Littman  
P.O. Box 1768  
Medford, OR 97501

18  
19 I declare under penalty of perjury under the laws of the United States of America that the  
20 foregoing is true and correct to the best of my knowledge.

21 Executed this 26<sup>th</sup> day of September, 2014, at San Francisco, California

22 \_\_\_\_\_/S/\_\_\_\_\_  
23 CAROLYN JUSAY  
24 Asset Forfeiture Unit  
25 FSA Paralegal  
26  
27  
28