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12 Attorneys for United States of America

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 OAKLAND DIVISION

16 UNITED STATES OF AMERICA,)
17)
18 Plaintiff,)
19)
20 v.)
21)
22 APPROXIMATELY \$270,380 IN UNITED)
23 STATES CURRENCY,)
24)
25 Defendant.)

No. CV 09-05355 SBA

**STIPULATION TO STAY PROCEEDING
and ORDER**

26 IT IS HEREBY STIPULATED by and between plaintiff United States of America and
27 potential claimants Billy and Connie Rainer, through undersigned counsel, that this action be
28 stayed pursuant to 18 U.S.C. § 981(g) and 21 U.S.C. § 881(I).

On July 1, 2009, potential claimants were arrested for allegedly growing marijuana on
the property where the defendant currency was seized, and the criminal case is currently being
prosecuted in the Superior Court for the State of California in Lake County. The related criminal
case is set for a preliminary hearing-setting conference on April 2, 2010. The allegations in the
present forfeiture complaint are related to the allegations at issue in the related criminal
indictment and, consequently, the parties agree that a stay in the forfeiture proceeding for 180

1 days is necessary, because continuation of the forfeiture proceeding will burden the right of the
2 claimant against self-incrimination in the related criminal case and will adversely affect the
3 prosecution of the related criminal case.

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5 IT IS SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

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8 Dated: March 19, 2010

/S/ David Countryman
DAVID COUNTRYMAN
Assistant United States Attorney

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12 Dated: March 19, 2010

/S/ Brian J. Petersen
BRIAN J. PETERSEN
Attorney for Potential Claimants
Billy and Connie Rainer

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16 **ORDER GRANTING STAY**

17 Pursuant to the parties' stipulation, and 18 U.S.C. § 981(g) and 21 U.S.C. § 881(i),

18 IT IS HEREBY ORDERED THAT:

- 19 (1) The instant action is STAYED until October 6, 2010. Should the state action be
20 resolved prior to October 1, 2010, the parties are to notify the Court in writing
21 immediately.
- 22 (2) A Case Management Conference is scheduled for October 6, 2010, at 2:30 p.m.
23 The parties shall **meet and confer** prior to the conference and shall prepare a joint
24 Case Management Conference Statement which shall be filed no later than ten
25 (10) days prior to the Case Management Conference that complies with the
26 Standing Order For All Judges Of The Northern District Of California and the
27 Standing Order of this Court. Plaintiff shall be responsible for filing the
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1 statement as well as for arranging the conference call. All parties shall be on the
2 line and shall call (510) 637-3559 at the above indicated date and time.

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4 IT IS SO ORDERED.

5 3/29/10

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8 HONORABLE SAUNDRA BROWN ARMSTRONG
9 United States District Judge
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