

1 MELINDA HAAG(CSBN 132612)
United States Attorney

2 BRIAN J. STRETCH (CSBN 163973)
Chief, Criminal Division

3 ARVON J. PERTEET (CSBN 242828)
4 Special Assistant United States Attorney

5 450 Golden Gate Avenue, 11th Floor
6 San Francisco, CA 94102
7 Telephone: 415.436.6598
Facsimile: 415.436.7234
8 Email: arvon.perteet@usdoj.gov

9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,)
13)
14 Plaintiff,)
15 v.)
16 REAL PROPERTY AND)
17 IMPROVEMENTS LOCATED AT 1292)
TRESTLE GLEN ROAD, OAKLAND,)
CALIFORNIA,)
18 Defendant.)

No. CV 10-2498 CW

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

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21 1. IT IS HEREBY STIPULATED by and between Plaintiff UNITED STATES OF AMERICA
22 and Claimants JEREMIAH THEDE and ANITA THEDE, through their counsel, that this matter
23 be stayed pursuant to 18 U.S.C. § 981(g)(2) and 21 U.S.C. § 881(i).

24 2. There exists a state felony criminal prosecution of Claimant JEREMIAH THEDE in *People v.*
25 *Jeremiah Thede and Marlene Fritz*, Contra Costa County Superior Court Case No. 2-305478-0.
26 The facts of that case are related to this forfeiture proceeding.

27 3. If this case were to proceed, JEREMIAH THEDE’S and Marlene Fritz’s Fifth Amendment
28 rights against self-incrimination will be burdened in the related criminal case.

1 4. The provisions of 18 U.S.C. § 981(g)(2), related to stays of civil forfeiture proceedings,
2 provide that "[u]pon the motion of a claimant, the court shall stay the civil forfeiture proceeding if
3 with respect to that claimant if the court determines that (A) the claimant is the subject of a
4 related criminal investigation or case; (B) the claimant has standing to assert a claim in the civil
5 forfeiture proceeding; and (C) continuation of the forfeiture proceeding will burden the right of
6 the claimant against self-incrimination in the related investigation or case."

7 5. Pursuant to the above representations, and the provisions of 18 U.S.C. § 981(g)(2), the parties
8 hereby stipulate and agree to stay this civil forfeiture proceeding until the completion of the
9 criminal case in Contra Costa County state court or until such earlier time as either party, or this
10 Court, may request that the matter be heard.

11 6. The parties further stipulate and agree that the presently scheduled Case Management
12 Conference of September 14, 2010, at 2:00 p.m. be taken off calendar.

13 IT IS SO STIPULATED:

14 Dated: September 1, 2010

MELINDA HAAG
United States Attorney

16 /s/ Arvon J. Perteet
17 ARVON J. PERTEET
18 Special Assistant United States Attorney
19 Attorney for the United States of America

20 Dated: September 1, 2010

/s/ David A. Kettel
21 DAVID A. KETTEL
22 Attorney for Claimants
23 Jeremiah Thede and Anita Thede

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ORDER

IT IS SO ORDERED on this 7th day of September, 2010, pursuant to the foregoing stipulation, that this civil forfeiture proceeding be stayed until the completion of the criminal proceedings in Contra Costa County state court, or until such earlier time as either party, or this Court may request that the matter be heard.

IT IS FURTHER ORDERED that the presently scheduled Case Management Conference of September 14, 2010 at 2:00 p.m. is hereby taken off calendar.


HONORABLE CLAUDIA WILKEN
United States District Court Judge