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9 Attorneys for Plaintiff

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

13 UNITED STATES OF AMERICA,)
14 Plaintiff,)

Case No. C 07-3120 RMW

15 v.)

- 16 1. 1997 LAMBORGHINI DIABLO, VIN)
- 17 ZA9RU37P6VLA12636,)
- 18 2. 2006 PORSCHE CAYENNE TURBO,)
- 19 VIN WP1AC29P96LA91296,)
- 20 3. \$8,692.42 IN FUNDS SEIZED FROM)
- 21 COMMERCE BANK ACCOUNT)
- 22 HELD IN THE NAME OF PSA, LLC.,)
- 23 4. \$6,314.76 IN FUNDS SEIZED FROM)
- 24 COMMERCE BANK ACCOUNT)
- 25 HELD IN THE NAME OF)
- 26 PHARMACY USA, LLC, AND)
- 27 5. \$1,076,636.89 IN FUNDS SEIZED)
- FROM TD AMERITRADE ACCOUNT)
- HELD IN NAME OF CHRISTOPHER)
- NAPOLI,)
- 28 Defendants.)

**STIPULATION AND [=====
ORDER TO CONTINUE
CASE MANAGEMENT CONFERENCE**

1 IT IS HEREBY STIPULATED by and between plaintiff United States of America and
2 claimants Christopher Napoli, Christine Napoli, Pharmacy USA LLC and PSA LLC, through
3 undersigned counsel, that the case management conference currently scheduled for Friday,
4 September 4, 2009, be continued for approximately 120 days. The parties contend that a
5 continuance of the case management conference is appropriate as there is a pending criminal
6 investigation against claimant Christopher Napoli and this court has already entered a stay of this
7 action is under 21 U.S.C. § 881(j) . Since the criminal activity at issue in the investigation and
8 related criminal indictment forms, in large part, the basis for the forfeiture allegations in the
9 government's complaint for forfeiture in this action, the parties agree that a stay in the forfeiture
10 proceeding and a continuance of the case management conference is appropriate at this time in
11 order to preserve the confidentiality of the government's criminal investigation and Christopher
12 Napoli's right against self-incrimination in the related criminal matter.

13 Notwithstanding the parties request for a continuance of the case management conference,
14 the parties reserve the right to bring any motions consistent with the terms of this stipulation and
15 the court's order granting a stay of these proceedings.

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17
18 DATED: 09/03/09

/S/

STEPHANIE M. HINDS
Assistant United States Attorney

19
20 DATED: 09/03/09

/S/

CHRISTOPHER J. CANNON
Attorney for Christopher Napoli,
Christine Napoli, Pharmacy USA, LLC
and PSA, LLC

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23 **|| ORDER RE STAY**

24 Upon the stipulation of counsel, and good cause appearing, IT IS HEREBY ORDERED that
25 the case management conference in the above-entitled civil forfeiture action currently scheduled
26 for Friday, September 4, 2009, is vacated. The conference is rescheduled for
27 January 15, 2010 @ 10:30 am.
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1 IT IS FURTHER ORDERED that the parties reserve the right to file any motions consistent
2 with the terms of the above stipulation and the court's previous order granting a stay of these
3 proceedings. These proceedings continue to be stayed.

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5 DATED: 9/4/09


RONALD M. WHYTE
United States District Judge

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