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**\*E-FILED - 1/14/10\***

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, )  
15 v. )

**Case No. C 07-3120 RMW**

- 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, )
- Defendants. )

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

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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 January 15, 2010, 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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18 DATED: 01/13/10

/S/  
\_\_\_\_\_  
STEPHANIE M. HINDS  
Assistant United States Attorney

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20 DATED: 01/13/10

/S/  
\_\_\_\_\_  
CHRISTOPHER J. CANNON  
Attorney for Christopher Napoli,  
Christine Napoli, Pharmacy USA, LLC  
and PSA, LLC

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|| ORDER RE STAY

Upon the stipulation of counsel, and good cause appearing, IT IS HEREBY ORDERED that the case management conference in the above-entitled civil forfeiture action currently scheduled for Friday, January 15, 2010, is vacated. The conference is rescheduled for May 28, 2010 @ 10:30 a.m.

IT IS FURTHER ORDERED that the parties reserve the right to file any motions consistent with the terms of the above stipulation and the court's previous order granting a stay of these proceedings. These proceedings continue to be stayed.

DATED: 1/14/10

  
RONALD M. WHYTE  
United States District Judge