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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 )
- 28 FROM TD AMERITRADE ACCOUNT )
- HELD IN NAME OF CHRISTOPHER )
- NAPOLI, )

**STIPULATION AND [XXXXXXXXXX]  
ORDER TO CONTINUE  
CASE MANAGEMENT CONFERENCE**

Defendants. )

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, May  
4 28, 2010, be continued for approximately 120 days. The parties contend that a continuance of  
5 the case management conference is appropriate as there is a pending criminal investigation  
6 against claimant Christopher Napoli and this court has already entered a stay of this action is  
7 under 21 U.S.C. § 881(j) . Since the criminal activity at issue in the investigation and related  
8 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,  
15 including a motion to set aside the stay and the court’s order granting a stay of these proceedings.

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DATED: 05/27/10

/S/  
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STEPHANIE M. HINDS  
Assistant United States Attorney

DATED: 05/27/10

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

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[XXXXXXXXXX] 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, May 28, 2010, is vacated. The conference is rescheduled for September 24, 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: 5/27/10

  
RONALD M. WHYTE  
United States District Judge