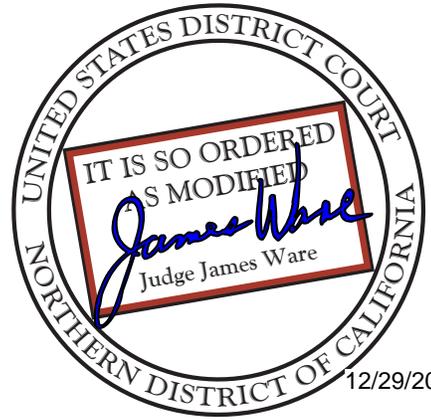


1 MELINDA HAAG (CABN 132612)  
 United States Attorney  
 2  
 3 J. DOUGLAS WILSON (DCBN 412811)  
 Acting Chief, Criminal Division  
 4 DAVID B. COUNTRYMAN (CSBN 226995)  
 Assistant United States Attorney  
 5  
 6 450 Golden Gate Avenue  
 San Francisco, CA 94102  
 Telephone: 415.436.7303  
 7 Facsimile: 415.436.7234  
 Email: david.countryman@usdoj.gov  
 8 Attorneys for United States of America



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

14 UNITED STATES OF AMERICA,	)	No. CV 10-04766 JW
15 Plaintiff,	)	
16 v.	)	MOTION TO STAY FORFEITURE
17 ONE MACHINE GUN / SHORT	)	PROCEEDING AND [PROPOSED] ORDER
18 BARRELED RIFLE AND 28	)	
19 MISCELLANEOUS FIREARMS AND	)	
20 AMMUNITION.	)	
21 Defendants.	)	

22 IT IS HEREBY STIPULATED by and between plaintiff United States of America and potential  
 23 claimant Steven Vargem, through undersigned counsel, that this action be stayed pursuant to 18 U.S.C.  
 24 § 981(g). Potential claimant Steven Vargem is currently awaiting trial in this Court in United States v.  
 25 Vargem, CR 10-00729 JW. The allegations in the forfeiture complaint are based, in large part, on the  
 26 allegations at issue in the pending criminal action. Consequently, the parties agree that a stay in the  
 27 forfeiture proceeding is appropriate in order to preserve claimant's right against self-incrimination in the  
 28 related criminal matter, as well as to not jeopardize the government's ability to prosecute the criminal

1 action.

2 Based on the foregoing, pursuant to 18 U.S.C. § 981(g), the parties respectfully request  
3 that the Court enter an order staying the forfeiture case until pending criminal case United States  
4 v. Vargem, CR 10-00729 JW, has been disposed of at the trial court level, either through a  
5 verdict or by way of a plea.

7 IT IS SO STIPULATED:

MELINDA HAAG  
United States Attorney

10 Dated: 12/22/10

  
\_\_\_\_\_  
DAVID COUNTRYMAN  
Assistant United States Attorney

14 Dated: 12/3/2010

  
\_\_\_\_\_  
DONALD E. J. KILMER, JR., ESQ.  
Attorney for Steven Vargem

18 [PROPOSED] ORDER TO STAY

19 Based upon the government's's motion to stay forfeiture Proceedings, the record in this  
20 case, and for good cause appearing, it is HEREBY ORDERED that the instant case be, and  
21 hereby is, STAYED, pursuant to 18 U.S.C. § 981(g). Within 10 days of the disposition of  
22 the related Criminal case, the stay is lifted and the parties shall file a Joint Status  
23 Report to update the Court as to how this case should proceed.

24 SO ORDERED.

25 DATED: December 29, 2010

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

28 MOTION TO STAY FORFEITURE PROCEEDING AND [PROPOSED] ORDER