

1 THE HONORABLE JOHN C. COUGHENOUR
2
3
4
5
6

7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA;

CASE NO. C17-1138-JCC

11 Plaintiff;

ORDER

v.

12 THE REAL PROPERTY COMMONLY
13 KNOWN AS 101 WEST HERMOSA DRIVE,
14 SAN GABRIEL, CALIFORNIA 91775, LOS
15 ANGELES COUNTY, PARCEL NO.
16 536021022, TITLED IN THE NAME OF DEK
17 GROUP, LLC;

18 ALL FUNDS CONTAINED IN WELLS
19 FARGO BANK ACCOUNT NUMBER
20 XXXXXX4582, HELD IN THE NAME OF
21 BRIAN K. BURNETT;

22 AND

23 ALL FUNDS CONTAINED IN BANK OF
24 AMERICA ACCOUNT NUMBER
25 XXXXXXXX9392, HELD IN THE NAME OF
26 DEK GROUP, LLC;

Defendants.

This matter comes before the Court on the Government's status report (Dkt. No. 19). The Court previously stayed all proceedings in this civil forfeiture case because the Government was

ORDER
C17-1178-JCC
PAGE - 1

1 prosecuting a related criminal case before the Court. *See United States of America v. Alexandra*
2 *Shelburne, et al.*, CR17-0203-JCC, Dkt. No. 1 (W.D. Wash. 2017). The Court concluded that the
3 civil and criminal cases were sufficiently related and that civil discovery would adversely affect
4 the Government's ability to investigate and prosecute the criminal case. (Dkt. No. 15 at 3) (citing
5 18 U.S.C. § 981(g)(1)). The Court granted a stay for six months and ordered the Government to
6 file a status report regarding the criminal case. (*Id.*) On April 27, 2018, the Court extended the
7 stay for an additional six months because the criminal case was ongoing. (Dkt. No. 18.)

8 In its status report, the Government notes that while some of the Defendants have pled
9 guilty and been sentenced, charges are still pending against some Defendants. (Dkt. No. 19 at 2.)
10 The Government is continuing to prosecute defendants who may claim ownership to the
11 properties at issue in this civil forfeiture action. (*Id.* at 4.) Therefore, the Government asks the
12 Court to continue the current stay for an additional six months. (*Id.*)

13 The Court concludes that it is appropriate to continue its stay of proceedings. The
14 Government continues to investigate and prosecute the related criminal case. The Government
15 seeks forfeiture of some of the same assets named in this civil forfeiture action. *Shelburne, et al.*,
16 CR17-0203-JCC, Dkt. No. 48 at 15–17; (Dkt. No. 1 at 55–59.) The Court finds that allowing
17 civil discovery in this case would adversely affect the government's ongoing investigation and
18 prosecution in the criminal case. 18 U.S.C. § 981(g)(1).

19 All proceedings in this matter remain STAYED until the related criminal case, *United*
20 *States v. Shelburne, et al.*, CR17-0203-JCC, is resolved, either through a verdict or guilty pleas.
21 The United States shall file a status report no later than six months from the date of this order.

22 DATED this 30th day of October 2018.

23
24 
25
26

John C. Coughenour
UNITED STATES DISTRICT JUDGE