

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 14-294-PB
)	
Six Hundred Ninety Five Dollars (\$695.00) in)	
U.S. Currency, more or less, seized from Phat)	
Stuff, Keene, New Hampshire; et al,)	
)	
Defendants <i>in rem</i>)	
_____)	

MODIFIED ASSENTED-TO MOTION TO STAY PROCEEDINGS

NOW COME Katie Eliopoulos and Panogiotis Eliopoulos, (the "Claimants"), by and through counsel, Wilson, Bush, Durkin & Keefe, P.C., and respectfully request that this Court stay these proceedings until the conclusion of the related criminal matter. In support thereof, the Claimant asserts the following

1. 18 U.S.C. § 981 (g)(2) provides:

Upon the motion of a claimant, the court shall stay the civil forfeiture proceeding with respect to that claimant if the court determines that -

- (A) the claimant is the subject of a related criminal investigation or case;
- (B) the claimant has standing to assert a claim in the civil forfeiture proceeding; and
- (C) continuation of the forfeiture proceeding will burden the right of the claimant against self-incrimination in the related investigation or case.

2. One of the Claimants is currently the subject of a related criminal investigation which arises out of the same investigation that was the basis of the claim in this case.

3. The continuation of forfeiture proceedings during the pendency of the related

criminal investigation would burden the right of the Claimant of self-incrimination in a related investigation or case.

5. The Claimant is identified as owner of property sought to be forfeited both in the Government's Complaint and in the claim filed, therefore, there is no issue as to his standing to file a claim.

6. Robert J. Rabuck, Assistant U.S. Attorney, assents to the relief sought in this motion.

7. Counsel for Ford Motor Credit Company, Kristin Lindsey, who has intervened in this matter on behalf of a 2011 Ford F250 which is an *in rem* defendant here, assents to this relief with the agreed-upon condition, to which has been agreed by all parties: the forfeiture can be stayed on its merits with the provision, understanding, and agreement that the Government and Ford Motor Credit Company may move forward with an interlocutory sale of the 2011 Ford F250 during any such stay.

WHEREFORE, the Claimant moves that this court stay all proceedings pending the resolution of the case in the United States District Court, with the provision indicated in paragraph seven of this motion.

Respectfully submitted,

Dated: October 30, 2014

Katie Eliopoulos
Panogiotes Eliopoulos

By their attorneys,
Wilson, Bush, Durkin & Keefe, P.C.

By: /s/ Charles J. Keefe
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served on this date upon AUSA Robert Rabuck, Attorney for the United States, and Kristin Lindsey, Esq., counsel for Ford Motor Credit Company as designated under the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, via ECF filing at:

Rob Rabuck, Esq.
Kristin Lindsey, Esq.

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/s/ Charles Keefe

Charles Keefe