

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	CIVIL NO. 3:10cv 00747
)	
EBONY WOOD IN VARIOUS FORMS)	JUDGE HAYNES
)	
Defendant.)	
)	
Claimant Gibson Guitar, Inc.)	

RENEWED MOTION TO STAY

Comes now the plaintiff, United States of America, by and through its attorneys, Jerry E. Martin, United States Attorney for the Middle District of Tennessee, and Debra Teufel Phillips, Assistant United States Attorney for said district, and renews its motion for a stay of the above-styled civil forfeiture case pursuant to 18 U.S.C. § 981(g) as to Gibson Guitar Corporation, Inc. (“Gibson”). Plaintiff renews its motion on the basis to allow civil discovery in this case, at this time, would likely adversely affect the investigation and the prosecution of a related criminal investigation, as more fully set forth in the government’s motion to stay (D.E. 44).

The government filed its motion to stay this civil forfeiture case on July 25, 2011. At the status conference on August 29, 2011, counsel for Gibson represented to the Court that it was fully cooperating with the government, and that it intended to continue to cooperate with the government. In light of Gibson’s counsel’s representation, the undersigned advised the Court that a stay might not be necessary depending on whether the parties could resolve their disagreement over Gibson’s responses to the government’s special interrogatories concerning Gibson’s standing to file a claim

in this matter. The undersigned further advised the Court that she would seek to have Gibson stipulate to certain facts to resolve that dispute.

Immediately after the status conference counsel for the parties met to discuss Gibson's responses to the government's special interrogatories (originally served on November 17, 2010). The parties could not agree to resolve their dispute. The government had previously served Gibson with stipulations in an attempt to resolve all discovery disputes and moot the government's stay motion. (Exhibit 1: August 26, 2011 letter and Stipulations). On August 29, 2011, the undersigned met with Gibson's attorneys and discussed the stipulations and requests for admissions. Mr. Riley advised that Gibson would not agree to any of them, but then agreed to further take it under advisement. The United States also served Gibson with Requests for Admissions on September 7, 2011. (Exhibit 2: September 7, 2011 letter and Request for Admissions). To date, Gibson has not provided any definitive answers to any of the Stipulations or Request for Admissions.

Gibson's position statements in reference to the joint statement regarding discovery disputes in issue (which the parties intend to file by August 19, 2011) make it clear that Gibson refuses to state whether the Defendant Property is Madagascar ebony wood and how it was received by Gibson. Therefore, the basis for the government's Motion to Stay are still appropriate. The United States therefore renews its motion for a stay based on the files and records in this case and the previously filed memorandum of law and fact and Declaration of Lana N. Pettus. (D.E. 44, 45, 47).

Respectfully submitted,

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Middle District of Tennessee

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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of September 2011 a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following, if registered, by operation of the Court's electronic filing system. If not registered, notice was mailed by regular U.S. Mail to:

Steven Allen Riley Timothy G. Harvey W. Russell Taber , III Riley, Warnock & Jacobson 1906 West End Avenue Nashville, TN 37203	David Alexander Fardon Harwell, Howard, Hyne, Gabbert & Manner, P.C. 315 Deaderick Street, Suite 1800 Nashville, TN 37238
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By: s/ Debra Teufel Phillips
DEBRA TEUFEL PHILLIPS