

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION AT COVINGTON

CIVIL ACTION NO. 2:14-cv-125 (WOB-JGW)

UNITED STATES OF AMERICA

PLAINTIFF

VS.

ORDER

\$11,000.00 IN UNITED
STATES CURRENCY

DEFENDANT

and

CHARLES L. CLARKE, III

CLAIMANT

This matter is before the Court on the Claimant's objections to the United States Magistrate Judge's ruling on a motion to compel (Doc. 44).

The Court held a hearing on these objections and a preliminary pretrial conference on Tuesday, November 3, 2015. Brandon Fyffe and David Olinger represented the plaintiff. Darpana Sheth, Renee Flaherty, and Christopher Wiest represented the Claimant. Official court reporter Joan Averdick recorded the proceedings.

Having discussed this matter with counsel, the Court concludes that the most efficient means of proceeding is to sever the question of whether the money in question is, in fact, subject to forfeiture from the affirmative defenses raised by Claimant. This will streamline discovery and, possibly, obviate

the need for any proceedings beyond this threshold question. However, discovery on the affirmative defenses may continue at a later time if appropriate.

Therefore, having heard the parties, and the Court being sufficiently advised,

IT IS ORDERED that:

(1) Claimant's objections to the Magistrate Judge's Order (Doc. 44) be, and are hereby, **TAKEN UNDER SUBMISSION**;

(2) The parties shall have until **February 1, 2016** to conduct discovery on the issue of whether Claimant's money meets the criteria for forfeiture under 21 U.S.C. § 881(a)(6), and all other discovery is hereby **STAYED** pending further order of the Court; and

(3) Dispositive motions on the forfeiture issue shall be filed **within forty-five (45) days of the close of this initial discovery period**; responses thereto shall be filed **within thirty (30) days**; and any replies shall be filed **within fifteen (15) days thereafter**.

This 4th day of November, 2015.



Signed By:

William O. Bertelsman *WOB*

United States District Judge

TIC: 40 min.