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The Honorable Lonny R. Suko

6 Victor Boutros
7 Trial Attorney
U.S. Department of Justice
8 Civil Rights Division
9 950 Pennsylvania Ave., NW
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10 Tel. (202) 514-3204

11 UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF WASHINGTON

13 ESTATE OF OTTO ZEHM, Deceased,
14 and ANN ZEHM, in her Personal
Capacity and as Representative of the
15 Estate of Otto Zehm,

16 Plaintiffs,

17 vs.

18 CITY OF SPOKANE, KARL F.
THOMPSON, et al,

19 Defendants.

CV-09-0080-LRS

**UNITED STATES'
MOTION TO STAY CIVIL
CASE & DISCOVERY**

20 The United States of America, by and through James A. McDevitt, United
21 States Attorney for the Eastern District of Washington, and Timothy M. Durkin,
22 Assistant United States Attorney for the Eastern District of Washington, hereby
23 moves the Court pursuant to Rules 24, 16, and 26(c) of the Federal Rules of Civil
24 Procedure, and Rule 16 of the Federal Rules of Criminal Procedure, for an Order
25 authorizing intervention and granting a stay of this civil (civil rights) case and all
26 civil case related discovery processes.
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1 The United States seeks a relatively modest stay of six (6) months (i.e., until
2 March 15, 2010) so as to allow the United States criminal case against the
3 Defendant Karl Thompson, a Spokane Police Officer, who is also a named
4 defendant herein, to be resolved through trial first and in a fair and reasonable
5 manner in accordance with the Rules of Criminal Procedure. *See*
6 Fed.Rules.Crim.Pro. 16.

7 This motion is supported by the Court Rules, the United States' Ex Parte
8 Statement of Facts In Support of Stay and exhibits and materials attached thereto
9 (with a redacted version to proposed to be provided to counsel), the United States
10 Memorandum in Support of Stay of Civil Case & Discovery, the records and files
11 herein, as well as the records and files in the related case of *United States v. Karl*
12 *F. Thompson Jr., Cause No. 09-cr-0088-FVS.*

13 RESPECTFULLY SUBMITTED this 14th day of September, 2009.

14 James A. McDevitt
15 United States Attorney

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17 s/ *Tim M. Durkin*
18 Tim M. Durkin
19 Assistant United States Attorney
20 Attorneys for Plaintiff United States
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Certificate of ECF and/or Mailing

I hereby certify that on the date of the electronic filing of the foregoing pleading with the Clerk of the Court using the CM/ECF System, that the CM/ECF System sent notification to the following CM/ECF participants:

Jeffry Finer, Esq.
Breann Beggs,
Counsel for Plaintiffs

Carl Oreskovich, Esq.
Counsel for Karl Thompson

Rocco Treppiedi, Asst. City Atty.
Sam Faggiano, Asst. City Atty.
Ellen O’Hara, Asst. City Atty.
Counsel for Karl Thompson, et al

And to the following non CM/ECF participants: N/A

s/ Timothy M. Durkin
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