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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

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9 United States of America,
10
11 Plaintiff,

No. CV-10-8193-PCT-DGC

ORDER

12 vs.

13 Sheila Young; Deane Young; Kenneth
14 Defoor; Accurate Consulting, LLC; and D4
Accounting, Consulting, Tax Services, Inc.,
Defendants.

15 The United States filed a complaint for injunctive relief on October 4, 2010,
16 alleging Defendants promote fraudulent tax schemes and have prepared hundreds of
17 frivolous tax returns resulting in the issuance of more than two million dollars in
18 erroneous refunds. Doc. 1. On October 15, 2010, each individual Defendant filed an
19 “affidavit of notary presentment” (Docs. 5, 6, 7), which were construed as motions to
20 dismiss for lack of jurisdiction. The motions were denied in an order dated December 9,
21 2010. Doc. 11.

22 The individual Defendants have filed a new motion to dismiss pursuant to Rules
23 12(b)(1) and (6) of the Federal Rules of Civil Procedure. Doc. 13. The government has
24 responded. Doc. 14. No party has requested oral argument. The motion will be denied.

25 As previously explained (Doc. 11), the Court clearly has subject matter
26 jurisdiction over this federal tax case (*see* Doc. 1 ¶¶ 3-4), and the Court has personal
27 jurisdiction over Defendants as they are residents or citizens of Arizona (*see id.* ¶¶ 6-10;
28 Docs. 5, 6, 7 at 2). The complaint more than satisfies the minimal pleading requirements

1 of Rule 8, and the factual allegations, when accepted as true, state a plausible claim to
2 relief. *See Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007). The motion to dismiss
3 will be denied.

4 As a “federal corporation,” Defendants argue, the United States lacks standing to
5 file a civil complaint against “living, breathing, people who are in possession of a soul.”
6 Doc. 13 at 1-2. Defendants further argue that the complaint must be dismissed because
7 they are in receipt of no government document showing a “violation of a known legal
8 duty.” *Id.* at 3. These arguments are wholly without merit.

9 Defendants shall file answers to the complaint within 14 days from the date of this
10 order. *See Fed. R. Civ. P. 12(a)(4)*. Defendants are reminded (*see* Doc. 11) that the
11 corporate Defendants may file an answer and otherwise appear in this case only through
12 licensed counsel. *See Rowland v. Cal. Men’s Colony, Unit II Men’s Advisory Council*,
13 506 U.S. 194, 201-202 (1993); *D-Beam Ltd. P’ship v. Roller Derby Skates, Inc.*, 366 F.3d
14 972, 973-74 (9th Cir. 2004).

15 **IT IS ORDERED:**

- 16 1. Defendants’ motion to dismiss pursuant to Rules 12(b)(1) and (6) is **denied**.
17 2. Defendants shall file answers to the complaint within 14 days from the date
18 of this order. The corporate Defendants may file an answer only through licensed
19 counsel.
20 3. The Court will set a case management conference by separate order.

21 Dated this 15th day of March, 2011.
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26 David G. Campbell
27 United States District Judge
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