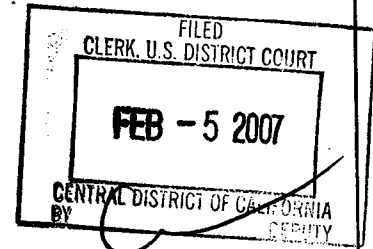


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9 United States of America

10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA, ) Case No. **CV08-00713**  
13 Petitioner, ) [PROPOSED] ORDER TO SHOW CAUSE  
14 v. )  
15 THOMAS F. SCOTTON )  
16 Respondent. )

GAF  
(SHx)

18 Upon the Petition and supporting Memorandum of Points and  
19 Authorities, and the supporting Declaration to the Petition, the  
20 ~~Court finds that Petitioner has established its prima facie case~~  
21 for judicial enforcement of the subject Internal Revenue Service  
22 summons. See United States v. Powell, 379 U.S. 48, 57-58,  
23 8 S.Ct. 248, 13 L.Ed.2d 112 (1964); see also, Crystal v. United  
24 States, 172 F.3d 1141, 1143-1144 (9th Cir. 1999); United States  
25 v. Jose, 131 F.3d 1325, 1327 (9th Cir. 1997); Fortney v.  
26 United States, 59 F.3d 117, 119-120 (9th Cir. 1995) (the  
27 Government's *prima facie* case is typically made through the sworn  
28 declaration of the IRS agent who issued the summons); accord,

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CLERK OF COURT  
CENTRAL DISTRICT OF CALIFORNIA

1 United States v. Gilleran, 992 F.2d 232, 233 (9th Cir. 1993).

2 Therefore, **IT IS ORDERED** that Respondent appear before this  
3 District Court of the United States for the Central District of  
4 California, in Courtroom No. 740,

5  United States Courthouse  
6 312 North Spring Street, Los Angeles, California, 90012

7  Roybal Federal Building and United States Courthouse  
8 255 E. Temple Street, Los Angeles, California, 90012

9  Ronald Reagan Federal Building and United States Courthouse  
10 411 West Fourth Street, Santa Ana, California, 92701

11  Brown Federal Building and United States Courthouse  
12 3470 Twelfth Street, Riverside, California, 92501

13

14  
15 on March 3, 2008, at 9:30 a.m.,

16 and show cause why the testimony and production of books, papers,  
17 records, and other data demanded in the subject Internal Revenue  
18 Service summons should not be compelled.

19 ~~**IT IS FURTHER ORDERED** that copies of this Order, the~~  
20 ~~Petition, Memorandum of Points and Authorities, and accompanying~~

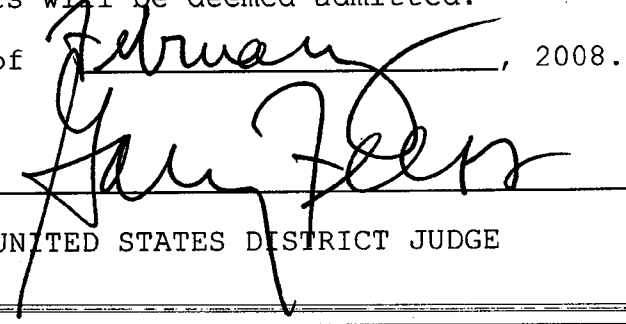
21 Declaration be served promptly upon Respondent by any employee of  
22 the Internal Revenue Service by personal delivery or by certified  
23 mail.

24 **IT IS FURTHER ORDERED** that within ten days after service  
25 upon Respondent of the herein-described documents, Respondent  
26 shall file and serve a written response, supported by appropriate  
27 sworn statements, as well as any desired motions. If, prior to  
28 the appearance date set by this Order, Respondent files a response

1 with the Court stating that Respondent does not desire to oppose  
2 the relief sought in the Petition, nor wish to make an  
3 appearance, then the appearance of Respondent at any hearing  
4 pursuant to this Order to Show Cause is excused, and Respondent  
5 shall be deemed to have complied with the requirements of this  
6 Order.

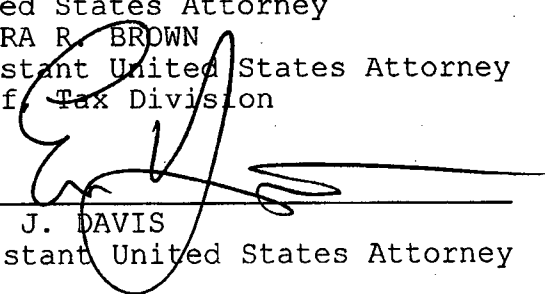
7 **IT IS FURTHER ORDERED** that all motions and issues raised by  
8 the pleadings will be considered on the appearance date set by this  
9 Order. Only those issues raised by motion or brought into  
10 controversy by the responsive pleadings and supported by sworn  
11 statements filed within ten days after service of the herein-  
12 described documents will be considered by the Court. All  
13 allegations in the Petition not contested by such responsive  
14 pleadings or by sworn statements will be deemed admitted.

15 SO ORDERED: This 4th day of February, 2008.

16  
17   
18 UNITED STATES DISTRICT JUDGE

19 Presented By:

20 THOMAS P. O'BRIEN  
United States Attorney  
21 SANDRA R. BROWN  
Assistant United States Attorney  
22 Chief, Tax Division

23   
24 EVAN J. DAVIS  
Assistant United States Attorney  
25 Attorneys for the United States of America,  
26 Petitioner  
27  
28