

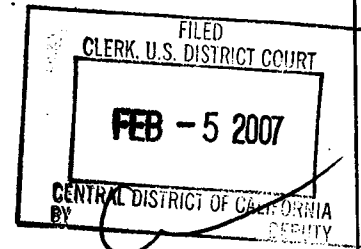
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15 United States of America

16 UNITED STATES DISTRICT COURT
17 CENTRAL DISTRICT OF CALIFORNIA

18 UNITED STATES OF AMERICA,) Case No. **CV 08-00713**
19 Petitioner,) [PROPOSED] ORDER TO SHOW CAUSE
20 v.)
21 THOMAS F. SCOTTON)
22 Respondent.)

23 Upon the Petition and supporting Memorandum of Points and
24 Authorities, and the supporting Declaration to the Petition, the
25 Court finds that Petitioner has established its *prima facie* case
26 for judicial enforcement of the subject Internal Revenue Service
27 summons. See United States v. Powell, 379 U.S. 48, 57-58,
28 85 S.Ct. 248, 13 L.Ed.2d 112 (1964); see also, Crystal v. United
29 States, 172 F.3d 1141, 1143-1144 (9th Cir. 1999); United States
30 v. Jose, 131 F.3d 1325, 1327 (9th Cir. 1997); Fortney v.
31 United States, 59 F.3d 117, 119-120 (9th Cir. 1995) (the
32 Government's *prima facie* case is typically made through the sworn
33 declaration of the IRS agent who issued the summons); accord,



GAF
(SHx)

FILED

2008 FEB 3 3:33 PM
CLERK OF COURT
CENTRAL DISTRICT OF CALIFORNIA
BY [Signature]

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~~

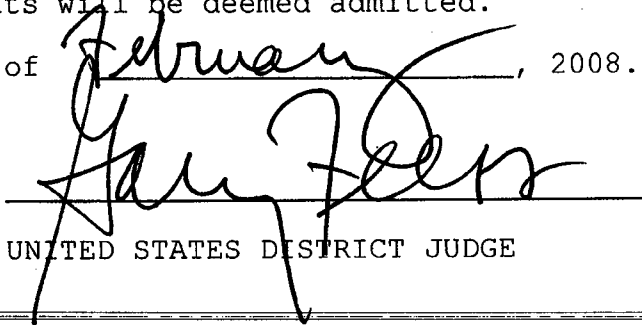
21 Declaration be served promptly upon Respondent by any employee of
22 the Internal Revenue Service by personal delivery or by certified
23 mail.

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.

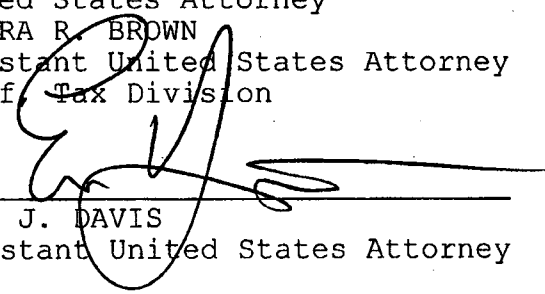
7 **IT IS FURTHER ORDERED** that all motions and issues raised by
8 the pleadings will be considered on the appearance date set by this
9 Order. Only those issues raised by motion or brought into
10 controversy by the responsive pleadings and supported by sworn
11 statements filed within ten days after 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

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