

ORIGINAL

1 ANDRÉ BIROTTE JR.
 United States Attorney
 2 SANDRA R. BROWN
 Assistant United States Attorney
 3 Chief, Tax Division
 VALERIE L. MAKAREWICZ
 4 Assistant United States Attorney
 SBN 229637
 5 Room 7211, Federal Building
 300 North Los Angeles Street
 6 Los Angeles, California 90012
 Telephone: (213) 894-2729
 7 Facsimile: (213) 894-0115
 Email: valerie.makarewicz@usdoj.gov

FILED
 CLERK U.S. DISTRICT COURT
 AUG 14 2012
 CENTRAL DISTRICT OF CALIFORNIA
 DEPUTY

Attorneys for United States of America

LODGED

12 AUG -7 PM 3:38
 CLERK U.S. DISTRICT COURT
 CENTRAL DIST. OF CALIF.
 LOS ANGELES

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 WESTERN DIVISION

CV12-06809 SVW (FAMx)

14 UNITED STATES OF AMERICA,
 15 Petitioner,
 16 vs.
 17 BRIGITTE L. LA MONTE,
 18 Respondent.

Case No. [PROPOSED] ORDER TO SHOW CAUSE

20 Upon the Petition and supporting Memorandum of Points and
 21 Authorities, and the supporting Declarations to the Petition, the
 22 Court finds that Petitioner has established its *prima facie* case
 23 for judicial enforcement of the subject Internal Revenue Service
 24 ("IRS" and "Service") summons. See United States v. Powell, 379
 25 U.S. 48, 57-58, 85 S.Ct. 248, 13 L.Ed.2d 112 (1964); see also
 26 Crystal v. United States, 172 F.3d 1141, 1143-1144 (9th Cir.
 27 1999); United States v. Jose, 131 F.3d 1325, 1327 (9th Cir.
 28 1997); Fortney v. United States, 59 F.3d 117, 119-120 (9th Cir.

1 1995) (the Government's *prima facie* case is typically made
2 through the sworn declaration of the IRS agent who issued the
3 summons); accord, United States v. Gilleran, 992 F.2d 232, 233
4 (9th cir. 1993).

5 **THEREFORE, IT IS ORDERED** that Respondent appear before this
6 District Court of the United States for the Central District of
7 California in Courtroom No. 6,

8 X United States Courthouse
9 312 North Spring Street,
10 Los Angeles, California 90012

11 _____ Roybal Federal Building and United States Courthouse
12 255 E. Temple Street,
13 Los Angeles, California 90012

14 _____ Ronald Reagan Federal Building and United States Courthouse
15 411 West Fourth Street,
16 Santa Ana, California 92701

17 _____ Brown Federal Building and United States Courthouse
18 3470 Twelfth Street, Riverside, California 92501

19 on September ²⁴ 17, 2012, at 1:30 p .m.

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

23 **IT IS FURTHER ORDERED** that copies of this Order, the
24 Petition, Memorandum of Points and Authorities, and accompanying
25 Declaration be served promptly upon Respondent by any employee of
26 the Internal Revenue Service or by the United States Attorney's
27 Office, by personal delivery, or by leaving copies of each of the
28 foregoing documents at the Respondent's dwelling or usual place

1 of abode with someone of suitable age and discretion who resides
2 there, or by certified mail.

3 **IT IS FURTHER ORDERED** that within ten (10) days after
4 service upon Respondent of the herein described documents,
5 Respondent shall file and serve a written response, supported by
6 appropriate sworn statements, as well as any desired motions.

7 If, prior to the return date of this Order, Respondent files a
8 response with the Court stating that Respondent does not desire
9 to oppose the relief sought in the Petition, nor wish to make an
10 appearance, then the appearance of Respondent at any hearing
11 pursuant to this Order to Show Cause is excused, and Respondent
12 shall be deemed to have complied with the requirements of this
13 Order.

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

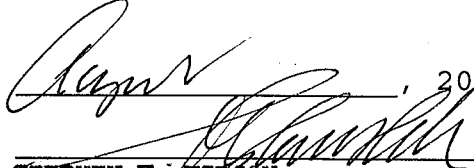
25 ///

26 ///

27 ///

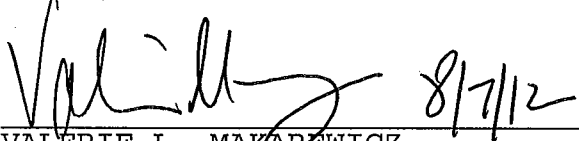
28 ///

1 IT IS FURTHER ORDERED that all motions and issues raised by
2 the pleadings will be considered on the return date of this
3 Order. Only those issues raised by motion or brought into
4 controversy by the responsive pleadings and supported by sworn
5 statements filed within ten (10) days after service of the herein
6 described documents will be considered by the Court. All
7 allegations in the Petition not contested by such responsive
8 pleadings or by sworn statements will be deemed admitted.

9
10 DATED: This 14th day of August, 2012
11 
12 **STEPHEN V. WILSON**
United States District Judge

13 Presented By:

14 ANDRÉ BIROTTE JR.
United States Attorney
15 SANDRA R. BROWN
Assistant United States Attorney
16 Chief, Tax Division

17 
18 VALERIE L. MAKAREWICZ
19 Assistant United States Attorney
Attorneys for United States of America
20 Petitioner