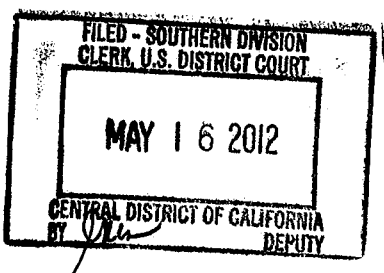


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ORIGINAL

8 Attorneys for United States of America

9
 10 UNITED STATES DISTRICT COURT
 11 CENTRAL DISTRICT OF CALIFORNIA

SACV12 746 JST (RUP/x)

12 UNITED STATES OF AMERICA,) Case No. CV 12-
 13)
 Petitioner,) ~~PROPOSED~~
 14)
 vs.) ORDER TO SHOW CAUSE
 15)
 TOMMY S. RUBIN,)
 16)
 Respondent.)
 17)

LOGGED

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12 MAY 16 PM 3:50
 CLERK U.S. DISTRICT COURT
 CENTRAL DISTRICT OF CALIF.
 LOS ANGELES
 TP

Upon the Petition and supporting Memorandum of Points and Authorities, and the supporting Declaration to the Petition, the Court finds that Petitioner has established its *prima facie* case for judicial enforcement of the subject Internal Revenue Service ("IRS" and "Service") summons. See United States v. Powell, 379 U.S. 48, 57-58 (1964); see also, Crystal v. United States, 172 F.3d 1141, 1143-44 (9th Cir. 1999); United States v. Jose, 131 F.3d 1325, 1327 (9th Cir. 1997); Fortney v. United States, 59 F.3d 117, 119-20 (9th Cir. 1995) (the Government's *prima facie*

1 case is typically made through the sworn declaration of the IRS
2 agent who issued the summons); accord, United States v. Gilleran,
3 992 F.2d 232, 233 (9th Cir. 1993).

4 Therefore, **IT IS ORDERED** that Respondent appear before this
5 District Court of the United States for the Central District of
6 California, in Courtroom No. 10A,

7 United States Courthouse
8 312 North Spring Street, Los Angeles, California, 90012

9 Roybal Federal Building and United States Courthouse
10 255 E. Temple Street, Los Angeles, California, 90012

11 Ronald Reagan Federal Building and United States Courthouse
12 411 West Fourth Street, Santa Ana, California, 92701

13 Brown Federal Building and United States Courthouse
14 3470 Twelfth Street, Riverside, California, 92501

15 on June 18, 2012, at 10:00 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 or the United States Attorney's
23 Office, by personal delivery, or by leaving copies of each of the
24 foregoing documents at the Respondent's dwelling or usual place
25 of abode with someone of suitable age and discretion who resides
26 there, or by certified mail.

27 **IT IS FURTHER ORDERED** that within ten (10) days after
28 service upon Respondent of the herein described documents,

1 Respondent shall file and serve a written response, supported by
2 appropriate sworn statements, as well as any desired motions.
3 If, prior to the return date of this Order, Respondent files a
4 response with the Court stating that Respondent does not desire to
5 oppose the relief sought in the Petition, nor wish to make an
6 appearance, then the appearance of Respondent at any hearing
7 pursuant to this Order to Show Cause is excused, and Respondent
8 shall be deemed to have complied with the requirements of this
9 Order.

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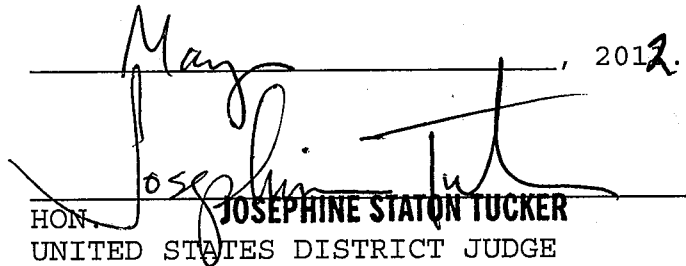
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1 IT IS FURTHER ORDERED that all motions and issues raised by
2 the pleadings will be considered on the return date of this
3 Order. Only those issues raised by motion or brought into
4 controversy by the responsive pleadings and supported by sworn
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.

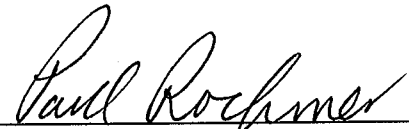
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10 DATED: This 15th day of May, 2012.

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12 
13 HON. JOSEPHINE STATON TUCKER
14 UNITED STATES DISTRICT JUDGE

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17
18 Presented By:

19 ANDRÉ BIROTTE JR.
20 United States Attorney

21 SANDRA R. BROWN
22 Assistant United States Attorney
23 Chief, Tax Division

24 
25 PAUL H. ROCHMES
26 Assistant United States Attorney
27 Attorney for the United States of America
28