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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DONALD R. WHITMAN; CYNTHIA L.
CHERRY, formerly known as CYNTHIA
L. WHITMAN; WILLIAM RYAN
FOWLER, in his capacity as Trustee of
RUBY TRUST; WHITEWATER, LLC;
STATE OF CALIFORNIA FRANCHISE
TAX BOARD,

Defendants.

No. 2:12-cv-2316-MCE-EFB

ORDER

Plaintiff's motion for entry of default judgment came on regularly for hearing before the assigned magistrate judge on July 10, 2013. The matter was referred to a United States Magistrate Judge pursuant to Local Rule 302(c)(19) and 28 U.S.C. § 636(b)(1).

On July 31, 2013, the magistrate judge filed findings and recommendations herein which contained notice to the parties that any objections to the findings and recommendations were to be filed within fourteen days. No objections were filed.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations filed July 31, 2013, are adopted in full;

2. Plaintiff's motion for default judgment, ECF No. 22, is granted in part, as follows:

a. As to Count One of the complaint, default judgment is entered in favor of the United States and against Donald Whitman in the amount of \$486,853.17 for Mr. Whitman's 1996 through 2001 individual income tax liabilities, plus accrued statutory interest and additions under 28 U.S.C. § 1961(c) and 26 U.S.C. § 6621 from May 31, 2013;

b. As to Count Three of the complaint, default judgment is entered in favor of the United States and against Donald Whitman in the amount of \$2,369.81 for Mr. Whitman's 2004 joint federal income tax liabilities, plus accrued statutory interest and additions under 28 U.S.C. § 1961(c) and 26 U.S.C. § 6621 from May 31, 2013;

c. As to Count Seven of the complaint, the court determines and adjudges that defendants Ruby Trust, Whitewater LLC, and Cynthia Cherry are the fraudulent transferees of Donald Whitman and Cynthia Cherry, and the purported transfers of the Subject Property are set aside and title returned in the name of Donald R. Whitman and Cynthia L. Cherry; and

d. The court determines and adjudges that the United States has valid liens against all property and rights to property of Donald Whitman and Cynthia Cherry, including but not limited to the Subject Property.

Date: August 26, 2013


MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT