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IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SCOTT CATHCART

Plaintiff,

v.

UNITED STATES

Defendant.

Civil No. 3:08-cv-03784-WHA

**STIPULATION AND ORDER
OF DISMISSAL**

Plaintiff Scott Cathcart, *pro se*, and defendant and counterclaimant United States of America, through the undersigned counsel, stipulate and agree:

1. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Scott Cathcart's Complaint in this case shall be dismissed with prejudice. Cathcart understands that, by agreeing to dismiss the complaint with prejudice, he is relinquishing any current or future right to re-file this action or to recover the \$9,000 in penalties he initially paid to bring this action.
2. The government's Counterclaim in this case shall be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) & 41(c). Cathcart has not filed an answer or other responsive pleading regarding the government's Counterclaim.

1 The United States agrees not to bring another action seeking to reduce to judgment the
2 Section 6700 penalties that are the subject of the government's Counterclaim unless the
3 United States discovers that Cathcart concealed assets or made material
4 misrepresentations in connection with *In re Scott Cathcart*, Case No. 08-11845 (Bankr.
5 N.D. Cal.) or *United States v. Scott Cathcart*, Adv. Proc. No. 09-01006 (Bankr. N.D.
6 Cal.).

7 3. The parties shall bear their respective costs, including attorneys' fees.

8 Respectfully submitted,

9
10 Date: 9/16/10

Date: 9/16/10

11 JOSEPH P. RUSSONIELLO
12 United States Attorney

13 
14 NATHAN E. CLUKEY
15 ELLEN K. WEIS
16 Trial Attorneys, Tax Division
17 U.S. Department of Justice
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21 (202) 616-9067
22 (202) 616-9010
23 *Counsel for United States*

24 
25 SCOTT CATHCART, *pro se*
26 P.O. Box 484
27 Ross, CA 94957

19 The clerk shall close the file.

20
21 SO ORDERED this 17 day of September, 2010.

22 
23 WILLIAM ALSUP
24 United States District Judge