

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIAUNITED STATES OF AMERICA and JON
SUSTARICH, Revenue Officer,

Petitioners

v.

KAREN E. RAYL,

Respondent.

No. C-10-5426 MMC

**ORDER GRANTING PETITIONERS'
APPLICATION FOR ENTRY OF ORDER
TO SHOW CAUSE RE: CONTEMPT;
DIRECTING RESPONDENT TO SHOW
CAUSE WHY SHE SHOULD NOT BE
HELD IN CONTEMPT; SETTING JULY 8,
2011 HEARING; DIRECTIONS TO
PETITIONERS**

By order filed March 10, 2011, the Court ordered respondent Karen E. Rayl ("Rayl") to appear before Revenue Officer Jon Sustarich on April 20, 2011, to give testimony relating to the matters set forth in a summons attached to the order and to produce documents identified in the summons. In said order, respondent was advised that any failure to comply therewith could be grounds for a finding of contempt.

Before the Court is petitioners' Application for Entry of Order to Show Cause Re: Contempt, filed May 24, 2011. In the application, petitioners offer evidence demonstrating Rayl did not appear as ordered on April 20, 2011 (see Sustarich Decl. ¶ 2), and seek entry of an order directing Rayl to show cause why she should not be held in contempt.

The Court having read and considered the application, and good cause appearing for issuance of the requested order, the application is hereby GRANTED.

1 Accordingly, Rayl is hereby ORDERED TO SHOW CAUSE, in the manner set forth
2 below, why she should not be held in contempt for failure to comply with the Court's March
3 10, 2011 order. Specifically, Rayl is DIRECTED to file with the Clerk of the Court and mail
4 to petitioners' counsel of record, no later than June 18, 2011, any written response to the
5 instant order, stating therein why she should not be held in contempt. In the event Rayl
6 files a written response, petitioners shall file and serve any reply no later than June 25,
7 2011.


8 Further, and irrespective of whether Rayl files a written response, Rayl is hereby
9 ORDERED to appear in person on July 8, 2011, at 9:00 a.m., in Courtroom 7, 19th Floor,
10 United States Courthouse, 450 Golden Gate Avenue, San Francisco, California.

11 Rayl is hereby ADVISED that if she is held in contempt, she may be subject to
12 sanctions, which may include, but are not limited to, a "per diem fine imposed for each day
13 [she] fails to comply" with the Court's March 10, 2011 order. See United States v. Ayres,
14 166 F.3d 991, 995 (9th Cir. 1999).

15 Petitioners are hereby DIRECTED to serve, no later than June 3, 2011, a copy of the
16 instant order on Rayl, and to file, no later than June 6, 2011, proof of such service with the
17 Clerk of the Court.

18 **IT IS SO ORDERED.**

19
20 Dated: May 27, 2011


MAXINE M. CHESNEY
United States District Judge

21
22
23
24
25
26
27
28