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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA and JON SUSTARICH, Revenue Officer	}	No. 11-cv-1793 JSW
Plaintiffs,	}	[Proposed] ORDER
v.	}	
MARK OTTOVICH, Respondent.	}	

On September 21, 2010, Respondent was served with an IRS summons, requiring Respondent to appear before the IRS on October 5, 2010, and to produce certain testimony and documents required by the summons. The Respondent did not appear on October 5, 2010, as required by the summons.

Due to the Respondent's failure to comply with the summons, the Petitioners filed a Verified Petition to Enforce an Internal Revenue Service Summons. This Court entered its Order To Show Cause Re Enforcement Of Internal Revenue Service Summons and required Respondent to appear before this Court on July 29, 2011. The Order To Show Cause hearing was continued to September 2, 2011. At the hearing on September 2, 2011, the Court ordered enforcement of the summons and required Respondent to appear before the IRS on or before September 30, 2011.

1 Respondent has not complied with the summons by providing Petitioners with the
2 summoned records, nor has he provided the required testimony.

3 The Court having considered the record herein, it is hereby

4 **ORDERED** that Respondent Mark Ottovich is in contempt of this Court's Order
5 Enforcing Summons, and Respondent is fined \$500 per day from March 1, 2012, until the
6 date that he complies with the Order Enforcing Summons.

7 **IT IS FURTHER ORDERED** that if Respondent Mark Ottovich complies with
8 the Order Enforcing the Summons within thirty days of this date, by personally appearing
9 before Adam Nolan, 1301 Clay Street, Suite 1040-South, Oakland California, and
10 producing the records and testimony sought in the summons on or before **April 1, 2013**,
11 he will be purged of the \$500 per day fine that might have accrued against him for his
12 failure to comply with the Order.

13 **IT IS FURTHER ORDERED** that Petitioner's counsel serve a copy of this
14 ORDER and file a proof of service with the Court.

15 The hearing date of March 1, 2013 is **HEREBY VACATED**.

16 **ORDERED** this 27th day of February, 2013, at San Francisco, California.

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20 JEFFREY S. WHITE
21 UNITED STATES DISTRICT JUDGE
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