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

10 United States of America,

NO. C 11-04416 JW

11 Petitioner,

v.

12 Christopher J. Augusto,

13 Respondent.

**ORDER COMPELLING RESPONDENT
TO APPEAR AT THE IRS OFFICE FOR
EXAMINATION; VACATING ORDER TO
SHOW CAUSE HEARING AND CASE
MANAGEMENT CONFERENCE;
SETTING STATUS HEARING**

14 _____ /
15 This case is scheduled for both an Order to Show Cause hearing and a Case Management
16 Conference on December 19, 2011. (See Docket Item No. 8.) In its Order setting the Order to Show
17 Cause hearing, the Court ordered Respondent to appear to show cause, if any, why he “should not be
18 compelled to appear and provide documents and testimony as requires by the summonses served
19 upon Respondent as alleged in the Petition.” (*Id.* at 1.) The Order provided Respondent with a
20 timeline for responding to the Petition by the government. (*Id.*) To date, no response has been
21 received by the Court.

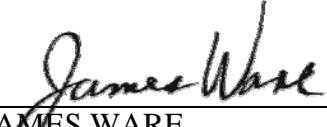
22 On December 13, 2011, the government filed a Case Management Statement. (Docket Item
23 No. 10.) In its Statement, the government contends that “around October 19, 2011,” Respondent
24 “agreed to contact the IRS and comply” with its summons, though Respondent “has not contacted
25 the IRS [or] complied with the summons” since that time. (*Id.* at 1-2.) Further, the government
26 contends that at the Order to Show Cause hearing it will “ask that the summons be enforced and that
27 Respondent be required to comply by January 31, 2012.” (*Id.* at 2.) Alternatively, the government
28 contends that if “no hearing is held” on the Order to Show Cause, then the government will file a

1 proposed order requiring Respondent to comply with the summons by January 31, 2012, and
2 providing that this case “will be dismissed unless the government notifies the Court by January 31,
3 2012, that Respondent has not complied and further action is needed.” (Id.)

4 In light of the government’s contentions in its Case Management Statement, the Court finds
5 good cause to VACATE both the Case Management Conference and the Order to Show Cause
6 hearing and ORDERS as follows:

- 7 (1) On or before **January 31, 2012**, Respondent shall appear at the designed IRS office
8 and provide documents and testimony as required by the summonses served upon
9 Respondent as alleged in the Petition.
- 10 (2) The Court sets **February 13, 2012 at 9 a.m.** as a Status Hearing re. IRS Petition. On
11 or before **February 3, 2012**, the government shall either file a Status Report on
12 Respondent’s compliance or a dismissal of the action if Respondent has sufficiently
13 complied with the Petition.
- 14 (3) The government shall serve this Order on Respondent on or before **December 20,**
15 **2011.** The government shall clearly set forth the designated location at which
16 Respondent is to appear for examination.

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18 Dated: December 14, 2011


19 JAMES WARE
20 United States District Chief Judge

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United States District Court
For the Northern District of California

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Blake D. Stamm blake.d.stamm2@usdoj.gov
3 Thomas M. Newman thomas.newman2@usdoj.gov

4 **Dated: December 14, 2011**

Richard W. Wiking, Clerk

5 **By: /s/ JW Chambers**
6 Susan Imbriani
7 Courtroom Deputy

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