

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re:
DEAN GORDON POTTER,

Debtor.

No. C 07-4826 CW
C 08-0800 CW

(Bk. No. 06-42425 RLE-11)

ORDER TO SHOW CAUSE WHY
DEBTOR AND UNICO SHOULD
NOT BE HELD IN CIVIL
CONTEMPT (Docket No. 63)

UNICO Services INC.,
Plaintiff,

v.

UNITED STATES OF AMERICA.
Defendants.

On May 3, 2013, the government moved for an order to show cause why Debtor Dean Gordon Potter and Plaintiff Unico Services Inc. should not be held in civil contempt for their failure to comply with this Court's March 21, 2013 scheduling order. The government submitted evidence with its motion that Debtor and Unico have not fully complied with the March 21, 2013 order. Debtor has filed an opposition asserting that he has made all reasonable efforts to comply with the Court's orders. However,

1 Debtor fails to support his filing with any sworn declarations or
2 other evidence. Moreover, as of the date of the government's
3 reply, one week after Debtor's opposition was filed, Debtor had
4 not provided the government with copies of documents to which he
5 referred in his opposition and which he promised to produce.

6 Accordingly, Debtor and Plaintiff Unico Services Inc. are
7 ORDERED TO APPEAR before this Court at 2:00 p.m. on August 8, 2013
8 in Courtroom 2 on the fourth floor of 1301 Clay Street, Oakland,
9 California. At that hearing Debtor and Unico must show cause why
10 they should not be held in contempt for failure to comply with the
11 March 21, 2013 scheduling order. Debtor shall be subject to cross
12 examination. If Debtor in person and Unico through counsel and a
13 corporate representative fail to appear at the hearing, they will
14 be held in contempt and monetary sanctions will be imposed.

15 GOOD CAUSE APPEARING THEREFOR,

16 It is further ORDERED that:

- 17 1. Within one week of the date of this order, Debtor shall
18 produce to the government all documents to which he referred
19 in his response to the motion for an order to show cause,
20 including but not limited to (1) the "2000 pages of
21 investment records" he recently retrieved from Advantage
22 Insurance Holdings, Ltd.; (2) the "bank statements for the
23 domestic leasing cos." referred to on page 8; (3) the records
24 regarding the \$101,500 business loss discussed at page 11;
- 25 2. No later than July 18, 2013, Debtor shall provide to the
26 government and file with the Court:

- 27 a. A sworn declaration that includes dates of
28 communications and attaches relevant evidence to support

1 the description of his efforts to gather information
2 necessary to comply with the Court's order and any
3 obstacles to compliance. In addition, the declaration
4 shall include information and attach supporting
5 documentation of the assets that have been liquidated to
6 date, the assets that have been deposited with the
7 Bankruptcy Court, and ongoing efforts to liquidate other
8 assets. Finally, the declaration shall include
9 statements to support each of the contentions made on
10 information and belief in Debtor's opposition to the
11 Motion for Order to Show Cause, and shall include the
12 basis for such beliefs.

13 b. A written explanation of how Exhibit B to the
14 Supplemental Accounting filed April 22, 2013, tracks the
15 money Debtor sent offshore, including among other things
16 all purchases and sales of investments, fees paid,
17 interest and dividends earned, and capital gains and
18 losses. Alternatively, Debtor may organize the 2000
19 pages of investment records "on a spreadsheet in the
20 format of daily transactions of Namur that would allow
21 the United States"-and the Court--"to more easily track
22 each investment, purchase, sale, dividend payment, and
23 interest payment" as discussed at page 4 of his May 17,
24 2013 filing.

25 c. A written explanation, with a supporting declaration
26 attaching any relevant documents, to explain Debtor's
27 efforts to determine whether the disputed \$96,300
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transfer was for his benefit as discussed at page 8 of his May 17, 2013 filing.

d. The proposed estimate of interest or other taxable income earned through the foreign leasing companies and the reasonable amount of tax on that income that he offered to calculate at page 9 of his May 17, 2013 filing.

3. No later than July 25, 2013, the government shall file a brief of five pages or less, discussing the adequacy of the documents produced and filed in response to this order.

4. The case management conference previously scheduled for July 24, 2013 is continued to August 8, 2013.

IT IS SO ORDERED.

Dated: 7/3/2013



CLAUDIA WILKEN
United States District Judge