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1 DANIEL G. BOGDEN
United States Attorney

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3 BLAINE T. WELSH
Assistant United States Attorney
Nevada Bar No. 4790
333 Las Vegas Boulevard, Suite 5000
Las Vegas, Nevada 89101
Telephone: (702) 388-6336
Facsimile: (702) 388-6787
Email: Blaine.Welsh@usdoj.gov

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7 Attorneys for the United States

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11 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

13 UNITED STATES OF AMERICA,)
)
14 Plaintiff,)
)
15 v.)
)
16 WAYNE REEVES,)
DIANE VAOGA, and)
17 JAMES STOLL,)
)
18 Defendants.)

Case No. 2:12-cv-01916-RCJ-GWF

19

20 **MOTION AND SPECIAL SHOW CAUSE TO PERMIT APPEARANCE**
OF GOVERNMENT COUNSEL *PRO HAC VICE*

21

22 Pursuant to LR IA 10-3, the United States of America respectfully requests that the Court

23 permit Mark C. Milton to practice before this Court in all matters relating to the above-captioned

24 case. Mr. Milton is a trial attorney with the United States Department of Justice, Tax Division,

25 with his office located in Washington, D.C., and is an active member in good standing of the

26 Missouri bar.

1 The grounds for this motion and special show cause to enter an appearance in this case
2 are as follows:

3 1. The “conduct of litigation in which the United States, an agency, or officer thereof
4 is a party, or is interested, and securing evidence therefor, is reserved to officers of the
5 Department of Justice, under the discretion of the Attorney General.” 28 U.S.C. § 516. In
6 addition, pursuant to 28 U.S.C. § 515(a), the Attorney General or any other officer of the
7 Department of Justice is authorized to conduct any kind of legal proceeding, civil or criminal,
8 which United States Attorneys are authorized to conduct, “whether or not he is a resident of the
9 district in which the proceeding is brought.” Further, any officer of the Department of Justice
10 may be sent by the Attorney General to any judicial district in the United States “to attend to the
11 interests of the United States in a suit pending in a court of the United States, . . . or to attend to
12 any other interest of the United States.” 28 U.S.C. § 517.

13 2. Pursuant to these statutory authorities, the Attorney General has delegated
14 litigation authority to the Assistant Attorney General for the Tax Division, 28 C.F.R., Subpart M,
15 including the assignment of civil suits and matters in federal courts arising under the internal
16 revenue laws. 28 C.F.R. § 0.70(a).

17 3. While these statutory and legal authorities ordinarily establish the basis for a Tax
18 Division attorney to appear on behalf of the United States in any federal court, on June 6, 2012,
19 this Court gave notice to the First Assistant U.S. Attorney for the United States Attorney’s Office
20 for the District of Nevada that the Court “will no longer grant *pro hac* recognition to Washington
21 D.C. Justice Attorneys without a special show cause that they will comply with court orders,
22 local ethical rules and the rules of the State Bar of Nevada.” (*United States of America v. Estate*
23 *of E. Wayne Hage, et al.*, 2:07-cv-01154-RCJ-VCF; ECF # 336 at 2). In light of that notice, the
24 United States attaches the Declaration of Mark C. Milton, which attests that Mr. Milton will
25 comply with court orders, local ethical rules, and the rules of the State Bar of Nevada.

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1 DANIEL G. BOGDEN
United States Attorney

2 BLAINE T. WELSH
3 Assistant United States Attorney
Nevada Bar No. 4790
4 333 Las Vegas Boulevard, Suite 5000
Las Vegas, Nevada 89101
5 Telephone: (702) 388-6336
Facsimile: (702) 388-6787
6 Email: Blaine.Welsh@usdoj.gov

7 MARK C. MILTON
Missouri Bar No. 63101
8 Trial Attorney, Tax Division
United States Department of Justice
9 P.O. Box 7238, Ben Franklin Station
Washington, DC 20044
10 Tel: (202) 616-2904
Fax: (202) 514-6770
11 Email: mark.c.milton@usdoj.gov

12 Attorneys for the United States

13 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

14 UNITED STATES OF AMERICA,

15)
16 Plaintiff,

17 v.

18 WAYNE REEVES,
19 DIANE VAOGA, and
JAMES STOLL,

20 Defendants.

Case No. 2:12-cv-01916

21 DECLARATION OF MARK C. MILTON

22 I, Mark C. Milton, submit the following statement in accordance with 28 U.S.C. § 1746:

23 1. I submit this declaration in support of the Motion and Special Show Cause to
24 Permit Appearance of Government Counsel *Pro Hac Vice*. I have personal knowledge of the
25 facts stated herein. If called upon to testify, I would testify that the facts set forth in this
26 declaration are true and correct.

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1 2. I graduated and received a B.A. in Accountancy, *with honors*, from the University
2 of Illinois at Urbana-Champaign in 2007. I received a J.D. degree, *cum laude*, from St. Louis
3 University School of Law in 2010. I was admitted to the Bar of Missouri in 2010 and I have
4 remained an active member in good standing of that bar at all times since then. In my capacity as
5 a federal government attorney, I have practiced before the United States District Courts in
6 various states, including, but not limited to, Minnesota, Missouri, New Jersey, North Carolina,
7 Pennsylvania, and Oklahoma.

8 3. I have never been the subject of any ethical proceeding, nor has any court or
9 individual ever alleged that I have acted in any manner other than in strict accordance with all
10 applicable legal and ethical rules and standards of conduct.

11 4. I have worked continuously as a practicing attorney for more than two years, all
12 with the Department of Justice, Tax Division.

13 5. I have been asked by the Department of Justice to serve as lead counsel in the
14 present case, *United States of America v. Reeves, et al.*, 12-cv-01916.

15 6. I hereby attest and affirm that I will comply with this Court's Orders. I further
16 attest and affirm that I have reviewed and will comply with local ethical rules and the rules of the
17 State Bar of Nevada.

18
19 I declare under penalty of perjury under the laws of the United States of America that the
20 foregoing is true and correct to the best of my knowledge and belief.

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MARK C. MILTON