

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,  
  
Petitioner,  
  
v.  
  
BRIAN R. BRUMBAUGH,  
  
Respondent.

No. MC09-5012RBL/KLS

ORDER OF REFERENCE AND  
DIRECTING RESPONDENT TO SHOW  
CAUSE

Upon the Petition of the United States Attorney for the above-named district, and the Exhibits attached thereto, including the declaration of investigating Revenue Officer Janelle Lourdeau, it is hereby ORDERED THAT:

1. The Petition herein is referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1). The Magistrate Judge shall review all pleadings, shall determine whether a hearing is required, shall schedule and preside over such hearing, and shall take such other actions as she deems necessary to accomplish the purposes of the Order. The Magistrate Judge shall thereafter submit her proposed Order, proposed Findings of Fact and Conclusions of Law, or such other documents as she deems appropriate. The originals thereof shall be filed with the Clerk, and copies provided to all parties.

2. A copy of this Order, together with the Petition and Exhibits thereto, shall be personally served upon the respondent (or left with a person of suitable age and discretion at the respondent's residence) within three (3) weeks of the date of this Order.

ORDER OF REFERENCE AND DIRECTING  
RESPONDENT TO SHOW CAUSE - 1

UNITED STATES ATTORNEY  
700 STEWART STREET, SUITE 5220  
SEATTLE, WASHINGTON 98101-1271  
(206) 553-7970

1 Within fourteen (14) days thereafter, the petitioner shall file proof of service, or shall seek  
2 additional time to make such service. If the petitioner fails to comply with this paragraph,  
3 this action shall be subject to dismissal forthwith.

4 3. The respondent may file with the Court, not later than two (2) weeks after  
5 service of this Order upon him, a statement detailing any objections to enforcement of the  
6 Internal Revenue Service summons. When factual issues are raised, the statement shall  
7 be accompanied by an affidavit, giving the facts on which the objections are based. A  
8 copy of this statement and/or affidavit shall be served on the United States Attorney.

9 4. If the Magistrate Judge finds from the statement of objections and any  
10 accompanying affidavit that there are no questions of material fact and that the petitioner  
11 is entitled to enforcement of the summons as a matter of law, she shall recommend entry  
12 of an Order Enforcing Summons without scheduling a hearing. If the statement of  
13 objections and any affidavit are sufficient to raise the possibility of a valid defense to the  
14 summons, the Magistrate Judge shall schedule a hearing to consider the objections.

15 5. Failure to file a timely statement of objections will result in enforcement of  
16 the summons without any further pleadings. Only those defenses asserted in the  
17 statement of objections will be considered.

18 6. The Clerk shall forward copies of the Order to the above-named Magistrate  
19 Judge and the United States Attorney.

20 DATED this 8<sup>th</sup> day of June, 2009.

21   
22 RONALD B. LEIGHTON  
23 UNITED STATES DISTRICT JUDGE

24 Presented by:

25  
26 /s/ Rebecca S. Cohen  
27 REBECCA S. COHEN, WSBA # 31767  
28 Assistant United States Attorney