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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
JUL 12 2005
at 8 o'clock and 55 min. A M
SUE BEITIA, CLERK

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CLERK, U.S. DISTRICT COURT
DISTRICT OF HAWAII

UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

UNITED STATES OF AMERICA, Plaintiff, v. LOU ANN PALERMINI MOSER, and CARLA NEWMAN, d/b/a ACCOUNTING SERVICES TRUST. Defendants.	)	Civil No. CV-05-00262 ACK BMK AGREED ORDER OF PERMANENT INJUNCTION AGAINST CARLA NEWMAN

Plaintiff, United States of America, has filed a Complaint for Permanent Injunction and Other Relief in this matter against

the defendants, Lou Ann Palermini Moser and Carla Newman.

Carla Newman does not admit the allegations in the Complaint, except admits that the Court has jurisdiction over her and over the subject matter of this action.

Carla Newman waives the entry of findings of fact and conclusions of law under Rule 52 of the Federal Rules of Civil Procedure and 26 U.S.C. §§ 7407 and 7408.

Carla Newman consents to entry of this Agreed Order of Permanent Injunction without admitting that grounds exist for imposition of an injunction.

Carla Newman enters into this Agreed Order of Permanent Injunction voluntarily, and waives any right she may have to appeal from the Agreed Order of Permanent Injunction.

Carla Newman consents to entry of this Agreed Order of Permanent Injunction without further notice, and agrees that this Court shall retain jurisdiction over her for the purpose of implementing and enforcing this Agreed Order of Permanent Injunction.

NOW, THEREFORE, it is accordingly ORDERED, ADJUDGED AND DECREED that:

1. The Court has jurisdiction over this action pursuant to §§ 1340 and 1345 of Title 28 of the United States Code, and §§ 7402, 7407 and 7408 of the Internal Revenue Code of 1986, as amended (26 U.S.C.) ("I.R.C.").

2. I.R.C. § 6694 penalizes a return preparer who prepares a return that contains an unrealistic position; I.R.C. § 6695 penalizes a return preparer who fails to sign returns, fails to include their identifying number on returns prepared, fails to keep a list of clients, or fails to turn over their client list to the IRS upon request; and I.R.C. § 6701 penalizes persons who prepare or assist others in the preparation of any tax forms or other documents to be used in connection with any material matter arising under the internal revenue laws and which the person knows will result in the understatement of tax liability.

3. The Court finds that Carla Newman does not admit the United States' allegations that she has engaged in conduct that is subject to penalty under §§ 6694, 6695 and 6701 of the Internal Revenue Code; and which interferes with the enforcement of the internal revenue laws.

4. The Court finds that Carla Newman has consented to the entry of judgment for injunctive relief pursuant to Code §§ 7402, 7407 and 7408 to prevent her from engaging in conduct subject to penalty under §§ 6694, 6695, and 6701 of the Internal Revenue Code.

5. It is further ORDERED, ADJUDGED AND DECREED that Carla Newman, individually and doing business as or through any other entity, and anyone acting in concert with her, is permanently enjoined and restrained from, directly or indirectly:

(a) Engaging in conduct subject to penalty under I.R.C. § 6694, *i.e.*, preparing or submitting a return that contains an unrealistic position;

(b) Engaging in conduct subject to penalty under I.R.C. § 6695, *i.e.*, preparing and filing returns which fail to include the return preparer's signature and/or their identifying number;

(c) Engaging in conduct subject to penalty under I.R.C. § 6701, *i.e.*, preparing or assisting others in the preparation of any tax forms or other documents to be used in connection with any material matter arising under the internal revenue laws and which she knows will (if so used) result in the understatement of tax liability;

(d) Engaging in any conduct that interferes with the administration and enforcement of the internal revenue laws;

(e) Preparing federal tax returns for others; and

(f) Filing, electronically or otherwise, federal tax returns for others.

6. It is further ORDERED, ADJUDGED AND DECREED that the United States is permitted to engage in post-judgment discovery to ensure compliance with this permanent injunction.

7. It is further ORDERED, ADJUDGED AND DECREED that this Court shall retain jurisdiction over this action for the purpose

of implementing and enforcing this Agreed Order of Permanent Injunction.

SO ORDERED this ___ day of JUL 1 1 2005, 2005.

ALAN C. KAY

ALAN C. KAY
United States District Judge

Consented to and Agreed:

EDWARD H. KUBO JR.
United States Attorney

JENNIFER K. BROWN
Trial Attorney, Tax Division
U.S. Department of Justice
Attorney for United States

CAROLINA A. NEWMAN
Defendant *Pro Se*