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CLERK, U.S. DISTRICT COURT
MAR 15 2006
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION
BY DEPUTY

LODGED

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. N.C.K. SERVICES, INC., CARLA D. BERRY; KAREN D. BERRY; and IVAN T. JOHNSON, Defendants.	No. EDCV 04-1566 VAP (SGLx) ~~Proposed~~ TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE WHY DEFENDANTS SHOULD NOT BE PRELIMINARILY ENJOINED FROM PREPARING INCOME TAX RETURNS

The United States' *Ex Parte* Application for Temporary Restraining and Order to Show Cause Why Defendants Should Not Be Preliminarily Enjoined from Preparing Income Tax Returns having come before the Court, and good cause appearing therefor, namely

evidence showing that (i) Defendants have prepared thousands of fraudulent income tax returns containing false and inflated deductions for home mortgage interest and other Schedule A deductions, most of which have resulted in undeserved refunds, (ii) the United States has suffered a significant tax loss as a result of Defendants' actions to date, and (iii) immediate and irreparable injury will result to the United States if Defendants are allowed to continue preparing income tax returns pending the July 25, 2006 trial on the merits of the United States' complaint for permanent injunctive relief, & no Opposition hearing been filed after proper notice,

IT IS HEREBY ORDERED that:

The United States' *Ex Parte* Application for Temporary Restraining Order and Order to Show Cause Why Defendants Should Not Be Preliminarily Enjoined from Preparing Income Tax Returns is GRANTED, and

1. Defendants N.C.K. Services, Inc., Carla D. Berry, Karen D. Berry, and Ivan T. Johnson, and all other persons acting in concert with them, directly or indirectly, by use of any means or instrumentality, are ORDERED TO CEASE and are hereby TEMPORARILY RESTRAINED from preparing income tax returns within the meaning of 26 U.S.C. § 7701(a)(36), such order to remain in effect until 4:00 ~~a.m.~~/p.m. on the 24th day of March, 2006;

2. Government counsel shall serve a copy of this Order upon Defendants' counsel by personal delivery or facsimile on or before 4:00 ~~a.m.~~/p.m. on the 16th day of March, 2006; and

3. Defendants shall respond by filing papers with the Clerk of Court on or before 4:00 ~~a.m.~~/p.m. on the 22 day of March, 2006, contemporaneously serving copies upon Government counsel by personal delivery or facsimile, to SHOW CAUSE WHY A PRELIMINARY INJUNCTION SHOULD NOT ISSUE to enjoin Defendants, and all persons acting in concert with them, directly or indirectly, by use of any means or instrumentality, from preparing income tax returns within the meaning of 26 U.S.C. § 7701(a)(36) pending the July 25, 2006 trial on the merits of the United States' complaint for permanent injunctive relief.

4. Defendants shall appear before this Court at 10:00 a.m./~~p.m.~~ on the 24th day of March, 2006 to show cause, if any there be, why this Court should not enter a preliminary injunction against said defendants enjoining them and all persons acting in concert with them, directly or indirectly, by use of any means or instrumentality, from preparing income tax returns within the meaning of 26 U.S.C. § 7701(a)(36) pending the July 25, 2006 trial on the merits of the United States' complaint for permanent injunctive relief.

Dated: March 15, 2006

Virginia A. Phillips
VIRGINIA A. PHILLIPS
UNITED STATES DISTRICT JUDGE