

KARIN J. IMMERGUT, OSB #96314
United States Attorney
District of Oregon
1000 S.W. Third Avenue, Suite 600
Portland, Oregon 97204-2902

REC'D 04 JUL 26 10:46 USDC-ORP

JEREMY N. HENDON, OSB #98249
Trial Attorney, Tax Division
U.S. Department of Justice
Ben Franklin Station
P.O. Box 683
Washington, D.C. 20044
Telephone: (202) 353-2466
Facsimile: (202) 307-0054
Email: Jeremy.Hendon@usdoj.gov
Western.Taxcivil@usdoj.gov
Attorneys for the United States of America

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

UNITED STATES OF AMERICA,

CV. 04-784-JO

Plaintiff,

v.

**STIPULATION AND ORDER RE:
PERMANENT INJUNCTION**

EMILY CEDARLEAF and MULTI FAMILY
HOUSING COUNCIL OF OREGON,

Defendants.

Plaintiff, the United States of America ("United States"), commenced this action seeking a permanent injunction requiring Multi Family Housing Council of Oregon ("MFHCO") and Emily Cedarleaf (collectively referred to as "defendants"), as well as anyone acting in concert with them, to resume (1) withholding federal employment taxes from MFHCO's employees'

STIPULATION AND ORDER RE:
PERMANENT INJUNCTION

wages; (2) filing timely and accurate federal employment and unemployment tax returns (Forms 940 and 941) for MFHCO; (3) filing timely and accurate wage statements (Forms W-2) for MFHCO; and (4) making timely and full payroll tax deposits and payments for MFHCO from the monies it withholds from its employees' wages. The United States and the defendants hereby agree and stipulate to the entry of an Order as follows:

A. Defendants, and those persons in active concert or participation with them, shall (i) timely pay the future withholding and Federal Insurance Contributions Act ("FICA") and Federal Unemployment Tax Act ("FUTA") tax liabilities of MFHCO; (ii) not transfer any money or property to any entity for the purpose of having that entity pay net salaries or net wages of any employee of MFHCO; (iii) not assign any property or rights to property or make any disbursements for any purpose after the date of this order rendering injunctive relief until the amounts required to be withheld from the wages, salaries, or other compensation of the employees of MFHCO after such date (whether the wages, salaries, or other compensation are paid by Emily Cedarleaf or MFHCO or any other entity) are first paid to the Internal Revenue Service; and (iv) mail an affidavit to Mike Fargo, Internal Revenue Service, 1660 Oak Street, SE, Suite 300, Salem, Oregon 97301, on the first day of each month following the date of this Order stating that they have personally ensured that for each pay period during the prior month federal taxes required to be deposited in connection with MFHCO have been fully deposited;

B. Defendants, and every other person authorized to sign checks on any account from which employees or creditors of MFHCO are paid, shall file a statement with Mike Fargo, Internal Revenue Service, 1660 Oak Street, SE, Suite 300, Salem, Oregon 97301, within 10 days

STIPULATION AND ORDER RE:
PERMANENT INJUNCTION

of the date of this Order stating that they have read this Order, that they will personally determine each pay period that the withheld FICA and withholding tax liabilities for every pay period after the date of this Order have been fully paid to the Internal Revenue Service by certified or cashier's check prior to signing checks for the disbursement of any other funds, and that they will not assign or transfer any property or rights to property of MFHCO after the date of this Order unless all taxes for every pay period after the date of this Order have been paid; and

C. In addition to any other sanction allowable by law, that, in the event the defendants or their officers, agents, servants, or employees and all those persons in active concert with the defendants fail to comply with this Order, the United States may enter upon the property of the MFHCO and seize and sell the property of MFHCO to ensure compliance with the internal revenue laws and prevent the further pyramiding of MFHCO's tax liabilities. Under these circumstances, the Court may also grant such other equitable relief as the Court may deem just and appropriate to ensure the defendants' compliance with the internal revenue laws.

///

///

///

///

///

///

///

///

STIPULATION AND ORDER RE:
PERMANENT INJUNCTION

IT IS SO STIPULATED:

7/20/04

Date

7/14/04

Date

7/14/04

Date

KARIN J. IMMERGUT

United States Attorney

Jeremy N. Hendon

JEREMY N. HENDON

Trial Attorney, Tax Division

U.S. Department of Justice

Emily Cedarleaf

EMILY CEDARLEAF

Defendant, Pro se

Emily Cedarleaf

EMILY CEDARLEAF

As Executive Director of Defendant
MFHCO

IT IS SO ORDERED:

Robert E. Jones

ROBERT E. JONES

United States District Judge

Date:

July 26, 2004

STIPULATION AND ORDER RE:
PERMANENT INJUNCTION