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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHARLES CATHCART, et al.,

Defendants.

Case No. C-07-4762-PJH

**PERMANENT INJUNCTION AGAINST
DEFENDANT FRANKLIN
THOMASON**

ORDER

The United States of America has filed a Second Amended Complaint (“Complaint”) for permanent injunction in this matter against Defendant Franklin Thomason (“Thomason”) and others. Thomason, without admitting the allegations contained in the Complaint, but in order to settle this matter without further litigation, hereby consents to the entry, without further notice, of this Stipulated Injunction.

Thomason enters into this Stipulated Injunction voluntarily and waives the entry of findings of fact and conclusions of law. Thomason also waives any right he may have to appeal from this Stipulated 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 and 7408 of the Internal Revenue Code of 1986, as amended.

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2. Thomason, individually and doing business as any entity, is permanently enjoined from directly or indirectly:

- (a) Organizing, promoting, marketing, selling, or implementing the “90% Loan” program that is the subject of the Complaint herein.
- (b) Organizing, promoting, marketing, selling, or implementing any program, plan or arrangement similar to the 90% Loan program.

3. This Stipulated Injunction is not an admission by Thomason of any of the allegations in the Second Amended Complaint.

4. The parties understand that nothing in this injunction prevents the IRS from assessing penalties. There will be no violation of this injunction if Thomason contests any penalties or testifies or otherwise participates in any proceedings concerning the 90% Stock Loan and 90% QRP Loan transactions, directly or indirectly, alleged in the Complaint.

5. This Court shall retain jurisdiction over this action for purposes of implementing and enforcing this Stipulated Injunction.

PURSUANT TO STIPULATION, IT IS SO ORDERED THIS 10th day of September 2009.

