

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DONALD R. ONDRAK,

d/b/a DON ONDRAK P.C.,

Defendant.

Civil No. 4:09-cv-03200

AGREED JUDGMENT OF
PERMANENT INJUNCTION

Plaintiff, the United States of America, has filed a Complaint for Permanent Injunction and Other Relief against the Defendant Donald R. Ondrak and d/b/a Don Ondrak P.C. Ondrak denies the allegations of the complaint, except that he admits that the Court has jurisdiction over him and the subject matter of this action. The parties have agreed to resolve this matter through an Agreed Judgment of Permanent Injunction on terms set forth in a joint motion and stipulation filed with the Court.

The parties have waived findings of fact and conclusions of law. They agree that neither their stipulation nor this Agreed Judgment of Permanent Injunction establish any fact beyond the existence of the injunction and its terms, and do not constitute an admission of any kind by either party. The parties further stipulate that neither party may appeal from this judgment.

NOW THEREFORE, it is accordingly ORDERED that:

1. The Court has jurisdiction over this action under 28 U.S.C. §§1340 and 1345 and 26 U.S.C. §§ 7402, 7407 and 7408.

2. The Court makes no findings of fact or conclusions of law with respect to whether Ondrak has violated the law as alleged in the complaint.

3. The Court finds that both parties have consented to the entry of this judgment and that both parties have waived their right to appeal this judgment.

4. The United States will not introduce this judgment to establish Ondrak's liability for any civil or criminal penalty, and will not otherwise seek to have it admitted into evidence in any action involving Ondrak, except as noted in the following sentence. The United States may seek to introduce the judgment into evidence for the purpose of establishing the existence of the injunction, or for the purpose of impeaching Ondrak's testimony in the event that he misrepresents the terms of the injunction or indicates that he never agreed to a stipulated injunction related to his preparation of federal income tax returns.

5. Defendant Donald Ondrak and his representatives, agents, servants, employees, attorneys, independent contractors and anyone in active concert or participation with him, are permanently enjoined from directly or indirectly, by use of any means or instrumentalities:

- i. Acting as a federal tax return preparer or requesting, assisting in, or directing the preparation or filing of federal tax returns for any person or entity other than himself;

- ii. Appearing as a representative on behalf of any person or organization whose tax liabilities are under examination or investigation by, or in litigation with, the Internal Revenue Service;
- iii. Preparing or filing, or assisting in the preparation or filing of tax returns or other related forms or documents for others;
- iv. Filing (or helping or soliciting others to file) tax returns for others through the Internal Revenue Service E-File program or any other IRS service or program by which one electronically files tax returns;
- v. Seeking permission or authorization (or helping or soliciting others to seek permission or authorization) to file tax returns for others through the Internal Revenue Service E-File program or any other IRS service or program by which one electronically files tax returns.

6. The United States may conduct post-judgment discovery, in accordance with the Federal Rules of Civil Procedure, to monitor compliance with this Order.

SO ORDERED this 8th day of April, 2010.

BY THE COURT:

s/ Joseph F. Bataillon
Chief District Judge