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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

TIMOTHY H. VU, f/k/a  
TIMOTHY H. CONN, a/k/a  
TIMOTHY CONN VU

Defendant.

Case No. 15-cv-01807-CRB

~~PROPOSED~~ ORDER AND  
JUDGMENT OF PERMANENT  
INJUNCTION AGAINST  
TIMOTHY H. VU

Now before the Court is the Joint Motion by the United States and Timothy H. Vu to Lift Stay and Enter Order and Judgment of Permanent Injunction (ECF No. 38). The Court GRANTS the Joint Motion, lifts the stay entered on July 6, 2015, and enters the following Order and Judgment of Permanent Injunction against Timothy H. Vu:

**IT IS HEREBY ORDERED**, pursuant to 26 U.S.C. §§ 7402 and 7408, that Timothy H. Vu f/k/a Timothy H. Conn a/k/a Timothy Conn Vu is **PERMANENTLY ENJOINED** from, directly or indirectly, by use of any means or instrumentalities:

1           A. Organizing, devising, promoting, implementing, selling, advising with respect to,  
2 or assisting or participating in:

3           i.       any intermediary transaction, as described in IRS Notice 2001-16 and  
4 Notice 2008-111, or any other plan or arrangement that involves the acquisition of shares of  
5 corporate stock and the sale of corporate assets and is designed or intended to reduce or eliminate  
6 tax liabilities; and/or

7           ii.       any state tax credit transaction in which income from the sale of state tax  
8 credits is offset to reduce or eliminate income tax liabilities; or any other plan or arrangement  
9 that involves the sale or acquisition of state tax credits and is designed or intended to reduce or  
10 eliminate tax liabilities;

11           B. Organizing, devising, promoting, implementing, selling, advising with respect to,  
12 or assisting or participating in, or serving as an officer, director, manager or trustee for, any  
13 business(es) that:

14           i.       use, involve or relate to distressed debt, distressed receivables or other  
15 distressed assets;

16           ii.       attempt to shift losses from a foreign or tax-indifferent party to or for the  
17 benefit of a U.S. taxpayer;

18           iii.       attempt to shift purported losses among entities claiming to be trusts,  
19 corporations or entities taxed as partnerships for the benefit of U.S. taxpayers who did not incur  
20 the losses;

21           iv.       attempt to purchase the stock or sell the assets of closely-held U.S.  
22 corporations to obtain a corporate tax benefit;

1           v.       use or involve intermediary entities that facilitate in any way the purchase  
2 and/or sale of corporate stock or the purchase and/or sale of corporate assets;

3           vi.       use or involves the sale or acquisition of state tax credits and is designed  
4 to reduce or eliminate tax liabilities;

5           C. Preparing or filing, or assisting in, advising with respect to, or directing or  
6 requesting the preparation or filing of federal tax returns or amended returns (or any other related  
7 tax form or document) for any person, entity or trust where:

8           i.       distressed debt, distressed receivables or other distressed assets would  
9 have any impact on the tax liability of the taxpayer or would otherwise have to be reported on the  
10 tax return of the taxpayer;

11           ii.       losses from a foreign or tax-indifferent party would have any impact on  
12 the tax liability of the taxpayer or would otherwise have to be reported on the tax return of the  
13 taxpayer;

14           iii.       state low income housing tax credits or state historic tax credits obtained  
15 in connection with a construction project would have any impact on the tax liability of the  
16 taxpayer or would otherwise have to be reported on the tax return of the taxpayer;

17           **IT IS FURTHER ORDERED** that the United States may engage in post-judgment  
18 discovery to monitor compliance with this injunction.

19           **IT IS FURTHER ORDERED** that this Court shall retain jurisdiction over this action for  
20 purposes of implementing and enforcing the final judgment and issuing any additional orders  
21 necessary and appropriate to the public interest.

1       **IT IS FURTHER ORDERED** that Timothy H. Vu shall not make any statements,  
2 written or verbal, or cause or encourage others to make any statements, written or verbal, that  
3 misrepresent any of the terms of this injunction or the reasons for its entry by the Court.

4       **DONE AND ORDERED** in San Francisco, California, this 3rd day of December,  
5 2019.

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8 CHARLES R. BREYER  
9 Senior United States District Judge  
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