

N.D. OF N.Y.
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

LAWRENCE K. BAERMAN, Clerk
UTICA

ROBERT L. SCHULZ,

Petitioner,

vs

1:06-MC-131

**UNITED STATES OF AMERICA and
INTERNAL REVENUE SERVICE,**

Defendant.

APPEARANCES:

OF COUNSEL:

ROBERT L. SCHULZ
Petitioner, Pro Se
2488 Ridge Road
Queensbury, NY 12804

DAVID N. HURD
United States District Judge

ORDER TO SHOW CAUSE

Upon the declarations and memorandum of law, together with the exhibits thereto, and the prior pleadings,

LET the respondents United States of America and Internal Revenue Service ("IRS") show cause at the James T. Foley United States Courthouse, 445 Broadway, Albany, New York, at 2:00 o'clock in the afternoon on the 16th day of November 2006, why an Order should not be made:

- a. Preliminarily enjoining, prohibiting, and restraining the IRS and any other agency of the United States of America that arguably may act in this matter, from enforcing the IRS Summons issued by IRS Agent Elsie Addington, and served on the Glens Falls National

Bank on October 12, 2006, naming the petitioner in this matter, until this case is finally determined and any appeal thereof;

- b. Expediting these proceedings where this matter might be set for trial; and
- c. Granting any further relief that to the Court may seem just and proper.

IT IS ORDERED that

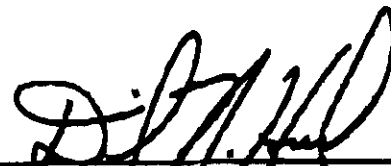
1. The IRS and any other agency of the United States of America that arguably may act in this matter are temporarily enjoined, prohibited and restricted from enforcing the IRS summons issued by IRS Agent Elsie Addington, and served on the Glens Falls National Bank on October 12, 2006, naming the petitioner in this matter, until the return date of this Order to Show Cause;

2. The IRS is directed to immediately notify the Glens Falls National Bank by telephone of this temporary stay of the enforcement of the Summons, and that the Bank is not to comply with the Summons until further notice by the IRS;

3. Service of a conformed copy of this order is to be served upon IRS Agent Addington, by facsimile or by personal service on or before 5:00 o'clock in the afternoon of the 7th day of November 2006, and upon the office of the United States Attorney at the James T. Foley United States Courthouse, 445 Broadway, Room 345, Albany, New York 12207, by facsimile or by personal service by 5:00 o'clock in the afternoon on the 7th day of November 2006, be deemed good and sufficient service; and

4. The IRS may file and serve by facsimile or personal service any opposition papers on or before 5:00 o'clock in the afternoon on the 13th day of November 2006.

IT IS SO ORDERED.


United States District Judge

Dated: November 6, 2006
Utica, New York.