

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

Case No.

v.

OCTAVIO CRUZ and  
ADVANTAGE ACCOUNTING CORP.,

Defendants.

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**COMPLAINT FOR PERMANENT INJUNCTION**

The plaintiff, the United States of America, alleges as follows against Octavio Cruz and Advantage Accounting Corp. (collectively “defendants”).

1. The United States of America seeks to permanently enjoin the defendants from:

- (a) preparing, assisting in the preparation of, or directing the preparation of federal income tax returns, amended returns, or other tax-related documents and forms, including any electronically-submitted tax returns or tax-related documents, for others;
- (b) engaging in activity subject to penalty under 26 U.S.C. §§ 6694, 6695, 6700, and 6701; and
- (c) engaging in conduct that substantially interferes with the proper administration and enforcement of the tax laws.

**Jurisdiction and Venue**

2. This action is authorized and requested by the Chief Counsel of the Internal Revenue Service (IRS), a delegate of the Secretary of the Treasury of the United States, and is commenced at the direction of the Attorney General of the United States.

3. Jurisdiction is conferred on this Court by 26 U.S.C. §§ 7402(a) and 28 U.S.C. §§ 1340 and 1345.

4. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 and 26 U.S.C. § 7407(a) because the defendants prepare tax returns within this judicial district, and a substantial part of the events giving rise to this claim occurred within this judicial district.

**Overview of the Defendants**

5. Defendant Cruz is a paid tax return preparer who operates a family-run tax return preparation business in Tampa as Advantage Accounting Corp. (AA Corp.). AA Corp. was formed in 2013 and is the corporate successor to Cruz & Cruz Accountants Corp., a/k/a Cruz & Cruz Accounting. Operating under both AA Corp and Cruz & Cruz Accounting, defendant Cruz prepared tax returns for customers.

6. Cruz & Cruz Accounting Corp. was administratively dissolved by the State of Florida on four separate occasions – in 2001, 2009, 2010, and 2013 – but continued to prepare returns out of offices on West Waters Avenue in Tampa. AA Corp. now operates out of that office.

7. Cruz is the sole shareholder of AA Corp. Its predecessor, Cruz & Cruz Accountants Corp., was owned by Cruz and his daughter, Jeanette Perez. AA Corp.'s last public filing with the State of Florida in 2014 listed Cruz as President.

8. AA Corp. is operated by Cruz family members who collect customer information *e.g.*, social security numbers and addresses, and input the data into a computer for use on customer tax returns. The family members included Cruz's daughter, Perez. Prior to the formation of AA Corp., Perez prepared tax returns for Cruz & Cruz Accounting Corp., from at least 2007 until approximately 2012.

9. Cruz earned an undergraduate degree in accounting and a master's degree in in business administration.

10. Cruz has been preparing federal tax returns for others since approximately 1998. He has no formal training in tax preparation.

11. Until approximately 2013, Cruz prepared tax returns using the Preparer Tax Identification Number (PTIN) of his daughter Perez and/or the Electronic Filing Information Number (EFIN) of Cruz & Cruz Accounting. However, the EFIN of Cruz & Cruz Accounting was deactivated during 2012 for Cruz's failure to pay his federal income tax in full, resulting in a decrease in the number of returns filed under that identifier.

12. Cruz obtained a PTIN under his name in December 2012, but prepared returns in 2013 using a fictitious identifier in lieu of the PTIN he was assigned by the IRS. This has hampered the IRS' ability to identify and track the returns Cruz prepared.

### Overview of the Fraud

13. Since at least 2004, income tax returns prepared by the defendants have understated the filing taxpayer's liability by creating or inflating deductions, or falsely claiming credits. The falsely claimed credit of choice was the Education Credit, that the defendants repeatedly claimed on behalf of taxpayers who were not in school and clearly ineligible. The defendants also claimed false residential energy credits, medical and child care expenses, and misrepresented the filing status of their customers to decrease their tax liabilities and increase their refunds.

14. For the processing years 2009 to 2013 (covering tax years 2008 to 2012), the defendants prepared more than 30,000 individual tax returns, typically preparing more than 6,000 returns per year. The returns were prepared using the EFIN for Cruz & Cruz and/or the PTIN for Perez. Either Cruz or Perez is listed as the return preparer on the various tax returns. The table below lists the number of individual tax returns prepared by Cruz and Perez through Cruz & Cruz Accounting or through AA Corp. and the percentage of returns which claimed refunds:

Processing Year	Number of Returns Filed	Returns with Refunds
2009	6,059	94%
2010	6,371	94%
2011	6,418	93%
2012	6,478	93%
2013	1,808*	83%
2014	3,595	95%
TOTAL:	30,729	

\*The decrease in number of returns filed is likely attributed to the IRS inactivating the EFIN for Cruz & Cruz for Cruz's failure to fully pay or set up an installment agreement to make payments on his delinquent personal income tax.

15. IRS examinations of returns prepared by the defendants have revealed that the IRS issued more than \$9 million in refunds attributable to improper education credits. More specifically, IRS audits revealed an average understatement of tax of nearly \$4,200 per return, as a result of the false and fraudulent claims on returns prepared filed by the defendants.

16. To illustrate, the defendants claimed Education Credits (American Opportunity and Lifetime Learning Credits) (formerly known as the Hope Credit) for customers who did not incur education expenses and did not qualify for the credits. This tax credit, which during the 2010 filing season was only available for the 2009 to 2012 tax years, is equal to 100% of qualified tuition payments and related expenses for the first \$2,000, plus 25% of the next \$2,000 for a total maximum credit of \$2,500 per eligible student per year. Colleges and universities are required by law to provide students with a Form 1098-T, Tuition Statement detailing the amount of tuition billed and paid. That information is reported to the IRS. However, IRS audits revealed that the defendants prepared and filed returns falsely claiming education credits for over 300 customers for which no Form 1098-T was filed.

17. In interviews with IRS investigators, customers of the defendants who claimed the American Opportunity Credit (AOC) stated that they did not seek the credits or report to the defendants that they were entitled to them. Rather, the customers, many of whom did not speak English, stated that they trusted their preparers to file the appropriate returns.

18. In addition to improperly claiming refundable education credits, the defendants prepare returns that fabricate residential energy credits and child care credits, and misrepresent taxpayers' filing statuses to maximize tax benefits.

19. The defendants also prepared returns the fabricate losses claimed on Schedule C – Profit or Loss from Business. Losses were claimed for fictitious businesses, or were the result of grossly exaggerated or fabricated business expenses.

20. In interviews with IRS investigators, customers of the defendants whose returns included a Schedule C stated that they either never incurred the business expenses reported on their returns, or that the claimed business expenses were inflated. According to those customers, they were unaware of the fabricated or exaggerated deductions, and did not ask the defendants to deduct those items on their returns.

21. The IRS investigation also revealed that Cruz improperly directed the U.S. Treasury to transmit a portion of his customers' tax refunds to a bank account he controls under the name of his chicken farm, Cruz Mint Farm Corp. located in Jasper, Florida. These payments to the Mint account represent Cruz's fee for preparing the returns.

22. In addition to the scheme described above, and despite requests from the IRS, Cruz has also failed to provide the IRS with a list of the tax returns he prepared for the 2013 filing season which is a violation of 26 U.S.C. § 6695(d).

#### **Examples of Defendants' Fraudulent Schemes**

23. The plaintiff re-alleges the allegations of paragraphs 1-22.

24. The returns described below demonstrate the schemes employed by the defendants to claim improper refunds for their customers, many of whom had difficulty speaking and reading English.

*Fraudulent Tax Return Preparation for Customer RSB*

25. Cruz prepared a Form 1040 individual tax return for tax years 2011 and 2012 for RSB,<sup>1</sup> a married man separated from his wife with four adult children and one minor child living with RSB's mother in another country. RSB does not pay for child care, nor did he tell Cruz that he did so. However, a child care credit of \$3,174 was claimed on RSB's 2011 tax return.

26. In addition to falsely claiming a child care credit, Cruz falsely claimed fabricated business expenses on a Schedule C to offset \$8,132 RSB received from an oil spill trust fund. This \$8,132 falsely reduced the taxable income RSB reported in 2011. Because co-workers of RSB also used Cruz as their tax preparer, it is highly likely that the returns Cruz prepared for these individuals claimed fraudulent Schedule C expenses.

27. Cruz falsely claimed a \$2,743 residential energy credit on RSB's 2011 return that he fabricated out of whole cloth.

28. Cruz falsely claimed a \$1,118 EITC refund for RSB. The amount of the credit was determined as if RSB had a qualifying child. In truth, he did not; RSB's child lived with a relative outside the United States. It is not atypical for unscrupulous tax preparers like Cruz to take advantage of the existence of any child with a Social Security Number to create false credits and/or exemptions to which the taxpayer is not legally entitled.

*Fraudulent Tax Return Preparation for Customer LAA*

29. Cruz prepared a Form 1040 individual tax return for tax years 2011 and 2012 for LAA, a married woman. LAA advised the IRS that Cruz had been preparing her tax returns for fourteen years. Although LAA made a point of asking Cruz whether she should file her tax

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<sup>1</sup> Initials have been substituted for the full names of the defendants' customers.

return jointly with her husband, Cruz told her to file a separately, and falsely claimed her filing status as head of household on the returns he prepared. This allowed LAA to benefit from a higher standard deduction and a wider tax bracket than she was otherwise entitled to as a married filer. For example, in tax year 2011, the standard deduction for a married taxpayer filing separately from his/her spouse was \$5,800 (and married filing jointly was \$11,600). The standard deduction for a head of household filer was \$8,500. By falsely claiming a head of household status, Cruz increased LAA's deduction by \$2,700.

30. Cruz falsely claimed \$10,693 in education credits on LAA's 2011 tax return for education expenses LA never incurred or paid.

31. Cruz falsely claimed a medical expense deduction of \$9,666. This figure was entirely concocted by Cruz and claimed on LAA's Schedule A for 2011.

32. Cruz falsely claimed charitable contributions of \$3,960 on LAA's 2011 return and of \$500 on her 2012 return. LAA never made the contributions.

*Fraudulent Tax Return Preparation for Customer NC*

33. Cruz prepared a Form 1040 individual tax return for tax years 2010 2011 and 2012 for NC, a single woman. NC told the IRS she had to threaten Cruz with police action before he paid her the refund reflected on her 2012 return. Cruz had filed a Form 8888 Allocation of Refund, which directed the IRS to send NC's \$853 refund to Cruz's corporate bank account for his chicken farm, rather than sending the refund directly to NC.

34. NC's 2010 and 2010 tax return falsely claimed education and residential energy credits which she did not incur and which she did not report to the defendants or their agents.



While the 2011 return is signed by Perez, NC advised the IRS that she never met with Perez and does not know her.

*Fraudulent Tax Return Preparation for Customers DP and BP*

35. Cruz prepared a Form 1040 joint tax return for tax years 2011 and 2012 for DP and BP, a married couple. Their 2011 return claimed large Schedule A itemized deductions, education credits and residential energy credits. The false items on the Schedule A include \$9,986 in medical and dental expenses that were never incurred and \$8,135 in charitable contributions that DP and BP did not make. The 2011 return also included the fraudulent claim of \$2,000 in education credits and \$1,826 in fake residential energy credits.

36. Cruz prepared the couple's 2012 joint tax return, which included similar instances of false claims, such as alleged medical and dental expenses of \$9,907 never incurred and \$8,000 made-up charitable contributions. And, like the 2011 return, the 2012 return listed fake education credits of \$2,000 and fake energy credits of \$1,826. DP and BP advised the IRS that they did not tell Cruz that they incurred the medical and dental expenses, attended school during the year, or qualified for energy credits. DP and BP advised they did not give money to charity. Cruz randomly selected amounts to claim as deductible.

**Harm to the United States**

37. The defendants have caused harm to the United States by creating substantial revenue losses through understating the liabilities on the returns they prepare through the schemes described above.

38. In addition, the defendants' actions have forced the United States to expend significant resources to examine and correct the returns they prepared.

39. In many instances, the defendants' understatement of their customers' liabilities and false credit claims caused the United States to issue refunds that the customers were not entitled to receive.

40. Based on the returns it has examined from the 2009 through 2014 processing years, the IRS estimates that the United States has lost millions of dollars in tax revenue from the consistent understatement of liabilities on returns filed by the defendants. In addition, the United States has had to bear the substantial cost of examining the returns the defendants have prepared and collecting the understated liabilities from their customers.

**COUNT I**  
**INJUNCTION UNDER 26 U.S.C. § 7407**  
**FOR CONDUCT SUBJECT TO PENALTY UNDER 26 U.S.C. §§ 6694 AND 6695**

41. The United States incorporates by reference the allegations in paragraphs 1 through 40.

42. Section 7407 of the Internal Revenue Code authorizes a district court to enjoin a person who is a tax return preparer from engaging in certain prohibited conduct or from further acting as a tax return preparer. The prohibited conduct justifying an injunction includes, inter alia, the following:

(a) Engaging in conduct subject to penalty under 26 U.S.C. § 6694, which penalizes a tax return preparer who prepares a return that contains an understatement of tax liability or an overstatement of a refund due to an unreasonable position that the return preparer knew or should have known was unreasonable; and

(b) Engaging in any other fraudulent or deceptive conduct which substantially interferes with the proper administrations of the Internal Revenue laws.

43. In order for a court to issue such an injunction, the court must find that:

- (a) The tax return preparer engaged in the prohibited conduct; and
- (b) Injunctive relief is appropriate to prevent the recurrence of such conduct.

44. If a tax return preparer's conduct is continual or repeated and the court finds that a narrower injunction would not be sufficient to prevent the preparer's interference with the proper administration of the internal revenue laws, the court may permanently enjoin the person from acting as a tax return preparer. *See* 26 U.S.C. § 7407(b).

45. The defendants have continually and repeatedly engaged in conduct subject to penalty under 26 U.S.C. § 6694 by preparing returns that understate the filers' tax liabilities and overstate their refunds based on unreasonable and reckless positions. As described above, the defendants prepare returns that claim deductions for expenses that were not incurred by the taxpayer and credits to which the taxpayer is not entitled. The defendants did so with the knowledge that the positions they took on the returns were unreasonable and lacked substantial authority. The defendants have thus engaged in conduct subject to penalty under 26 U.S.C. § 6694(a).

46. Additionally, the defendants engaged in conduct subject to penalty under 26 U.S.C. § 6694(b) by willfully understating his customers' liability and acting with a reckless and intentional disregard of rules and regulations.

47. The defendants have continually and repeatedly engaged in conduct that violates 26 U.S.C. § 6694 and which substantially interferes with the administration of the internal revenue laws. Injunctive relief is necessary to prevent this misconduct because, absent an injunction, the defendants are likely to continue preparing false federal income tax returns.

48. The defendants have continually and repeatedly engaged in conduct subject to penalty under 26 U.S.C. § 6695(a) by failing to furnish a copy of the return to the taxpayer as required by 26 U.S.C. § 6107(a).

49. Cruz has continually and repeatedly engaged in conduct subject to penalty under 26 U.S.C. § 6695(b) by failing to properly identify himself and his company and sign returns he prepared.

50. The defendants have continually and repeatedly engaged in conduct that violates 26 U.S.C. §§ 6694 and 6695 and which substantially interferes with the administration of the internal revenue laws. Injunctive relief is necessary to prevent this misconduct because, absent an injunction, the defendants are likely to continue preparing false federal income tax returns.

51. A narrower injunction would be insufficient to prevent the defendants' interference with the administration of the federal tax laws. The defendants prepare returns understating the filer's liability through multiple schemes which report false information on their customers' tax returns. In addition, the IRS may not yet have identified all of the schemes used by the defendants to understate income. Failure to permanently enjoin the defendants will require the IRS to spend additional resources to uncover all of their future schemes. The harm resulting from these schemes includes both the expenditures of these resources and the revenue loss caused by the improper deductions and credits the defendants claim on returns they prepare. Accordingly, only a permanent injunction is sufficient to prevent future harm. Each defendant should be permanently enjoined from acting as a tax return preparer.

**COUNT II:  
INJUNCTION UNDER 26 U.S.C. § 7408  
FOR CONDUCT SUBJECT TO PENALTY UNDER 26 U.S.C. § 6701**

52. The United States incorporates by reference the allegations contained in paragraphs 1 through 40.

53. Section 7408 of the Internal Revenue Code authorizes a district court to enjoin any person from engaging in conduct subject to penalty under 26 U.S.C. § 6701, which penalizes a person who aids or assists in the preparation of tax returns that the person knows will result in an understatement of tax liability.

54. The defendants have engaged in conduct subject to penalty under 26 U.S.C. § 6701 by preparing or directing the preparation of income tax returns that claim credits they knew that the taxpayer was not eligible to take, and by preparing returns that claim deductions they knew to be false or inflated.

55. The defendants' repeated actions such as those described in paragraphs 18 through 40, above, fall within 26 U.S.C. § 7408(c)(1), and injunctive relief is appropriate to prevent recurrence of this conduct.

56. Accordingly, the defendants should be permanently enjoined from preparing any returns that improperly claim or inflate a claim to the education credit or claim false or inflated deductions.

**COUNT III:  
INJUNCTION UNDER 26 U.S.C. §7402 FOR UNLAWFUL  
INTERFERENCE WITH THE ENFORCEMENT OF INTERNAL REVENUE LAWS**

57. The United States incorporates by reference the allegations contained in paragraphs 1 through 40.

58. Section 7402(a) of the Internal Revenue Code authorizes a court to issue orders of injunction as may be necessary or appropriate for the enforcement of internal revenue laws.

59. The defendants have repeatedly and continually engaged in conduct that interferes substantially with the administration and enforcement of internal revenue laws.

60. If the defendants continue to act as tax return preparers, their conduct will result in irreparable harm to the United States, and the United States has no adequate remedy at law.

61. The defendants' conduct has caused and will continue to cause substantial tax losses to the United States Treasury, much of which may be undiscovered and unrecoverable. Moreover unless the defendants are enjoined from preparing returns, the IRS will have to devote substantial and unrecoverable time and resources auditing their customers individually to detect false, fraudulent, or overstated refund claims in future returns.

62. The detection and audit of erroneous tax credits and deductions claimed on returns prepared by the defendants will be a significant burden on IRS resources.

WHEREFORE, the plaintiff, the United States of America, respectfully prays for the following:

A. That the Court find that the defendants have repeatedly and continually engaged in conduct subject to penalty under 26 U.S.C. §§ 6694 and 6695 and that injunctive relief is appropriate under 26 U.S.C. § 7407 to prevent recurrence of that conduct;

B. That the Court find that the defendants have repeatedly and continually engaged in conduct subject to penalty under 26 U.S.C. § 6701 and that injunctive relief is appropriate under 26 U.S.C. § 7408 to prevent recurrence of that conduct;

C. That the Court find that the defendants have repeatedly and continually engaged in conduct that substantially interferes with the proper enforcement and administration of the internal revenue laws, and that injunctive relief against the defendants is appropriate to prevent the recurrence of that conduct pursuant to 26 U.S.C. § 7402(a);

D. That the Court enter a permanent injunction prohibiting the defendants or any other person working in concert or participation with them from directly or indirectly:

(1) preparing, assisting in the preparation of, or directing the preparation of federal income tax returns, amended returns, or other tax-related documents and forms, including any electronically-submitted tax returns or tax-related documents, for any entity or person other than himself;

(2) engaging in activity subject to penalty under 26 U.S.C. §§ 6694, 6695, 6700, and 6701; and

(3) engaging in conduct that substantially interferes with the proper administration and enforcement of the tax laws;

E. That the Court enter an injunction requiring each defendant, at his own expense:

(1) To send by certified mail, return receipt requested, a copy of the final injunction entered against him in this action, as well as a copy of the Complaint setting forth the allegations as to how the defendants fraudulently prepared federal income tax returns, to each person for whom he or she prepared federal income tax returns or any other federal tax forms after January 1, 2009;

(2) To turn over to the United States copies of all returns or claims for refund that he or she prepared after January 1, 2009;

(3) To turn over to the United States a list with the name, address, telephone number, email address, and social security number or other taxpayer identification number of all customers for whom he or she prepared returns after January 1, 2008;

(4) To surrender to the Secretary of the Treasury or his delegate the PTIN that is held by, or assigned to, or used by each defendant pursuant to 26 U.S.C. § 6109, and the EFIN held by, assigned to, or used by each defendant.

(5) To prominently post a copy of the injunction in the defendants' place of business where tax returns were prepared by any defendants and by Perez.

(6) To file a sworn statement with the Court evidencing the defendants' compliance with the foregoing directives within forty-five (45) days of entry of the final injunction in this action; and

(7) To keep records of the defendants' compliance with the foregoing directives, which may be produced to the Court, if requested, or the United States pursuant to paragraph F, below;

F. That the Court enter an order allowing the United States to monitor the defendants' compliance with the injunction, and to engage in post-judgment discovery in accordance with the Federal Rules of Civil Procedure; and



G. That the Court grant the United States such other and further relief as the Court deems appropriate.

Respectfully submitted,

TAMARA W. ASHFORD  
Acting Assistant Attorney General

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United States Attorney

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
UNITED STATES OF AMERICA
(b) County of Residence of First Listed Plaintiff
(c) Attorneys (Firm Name, Address, and Telephone Number)
Valerie G. Preiss, Trial Attorney
555 4th Street, N.W., Rm. 6229
Washington, D.C. 20001 (202) 514-6475

DEFENDANTS
OCTAVIO CRUZ and ADVANTAGE ACCOUNTING CORP.
County of Residence of First Listed Defendant Hillsborough
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
X 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
PTF DEF
Citizen of This State 1 1 Incorporated or Principal Place of Business In This State 4 4
Citizen of Another State 2 2 Incorporated and Principal Place of Business In Another State 5 5
Citizen or Subject of a Foreign Country 3 3 Foreign Nation 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)
CONTRACT
110 Insurance
120 Marine
130 Miller Act
140 Negotiable Instrument
150 Recovery of Overpayment & Enforcement of Judgment
151 Medicare Act
152 Recovery of Defaulted Student Loans (Excludes Veterans)
153 Recovery of Overpayment of Veteran's Benefits
160 Stockholders' Suits
190 Other Contract
195 Contract Product Liability
196 Franchise
REAL PROPERTY
210 Land Condemnation
220 Foreclosure
230 Rent Lease & Ejectment
240 Torts to Land
245 Tort Product Liability
290 All Other Real Property
TORTS
PERSONAL INJURY
310 Airplane
315 Airplane Product Liability
320 Assault, Libel & Slander
330 Federal Employers' Liability
340 Marine
345 Marine Product Liability
350 Motor Vehicle
355 Motor Vehicle Product Liability
360 Other Personal Injury
362 Personal Injury - Medical Malpractice
PERSONAL INJURY
365 Personal Injury - Product Liability
367 Health Care/Pharmaceutical Personal Injury Product Liability
368 Asbestos Personal Injury Product Liability
370 Other Fraud
371 Truth in Lending
380 Other Personal Property Damage
385 Property Damage Product Liability
PRISONER PETITIONS
Habeas Corpus:
463 Alien Detainee
510 Motions to Vacate Sentence
530 General
535 Death Penalty
Other:
540 Mandamus & Other
550 Civil Rights
555 Prison Condition
560 Civil Detainee - Conditions of Confinement
FORFEITURE/PENALTY
625 Drug Related Seizure of Property 21 USC 881
690 Other
LABOR
710 Fair Labor Standards Act
720 Labor/Management Relations
740 Railway Labor Act
751 Family and Medical Leave Act
790 Other Labor Litigation
791 Employee Retirement Income Security Act
IMMIGRATION
462 Naturalization Application
465 Other Immigration Actions
BANKRUPTCY
422 Appeal 28 USC 158
423 Withdrawal 28 USC 157
PROPERTY RIGHTS
820 Copyrights
830 Patent
840 Trademark
SOCIAL SECURITY
861 HIA (1395ff)
862 Black Lung (923)
863 DIWC/DIWW (405(g))
864 SSID Title XVI
865 RSI (405(g))
FEDERAL TAX SUITS
X 870 Taxes (U.S. Plaintiff or Defendant)
871 IRS—Third Party 26 USC 7609
OTHER STATUTES
375 False Claims Act
400 State Reapportionment
410 Antitrust
430 Banks and Banking
450 Commerce
460 Deportation
470 Racketeer Influenced and Corrupt Organizations
480 Consumer Credit
490 Cable/Sat TV
850 Securities/Commodities/Exchange
890 Other Statutory Actions
891 Agricultural Acts
893 Environmental Matters
895 Freedom of Information Act
896 Arbitration
899 Administrative Procedure Act/Review or Appeal of Agency Decision
950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)
X 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
26 U.S.C. §§ 6694-95, 6700-01, 7401-02, 7407-08
Brief description of cause:
Injunction to prevent tax return preparer from interfering with internal revenue laws

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$
CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE DOCKET NUMBER

DATE 08/14/2014 SIGNATURE OF ATTORNEY OF RECORD /s/ Valerie G. Preiss

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
  - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.