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SCOT N. SCHOOLS
United States Attorney

JAY R. WEILL (CSBN 75434)
Assistant United States Attorney
Chief, Tax Division

JOSEPH A. SERGI (DCBN 480837)
JENNIFER D. AUCHTERLONIE (WASB #29481)
Trials Attorney, Tax Division
U.S. Department of Justice
P.O. Box 683
Ben Franklin Station
Washington, D.C. 20044
Telephone: (202) 305-0868
Facsimile: (202) 307-0054
Email: Joseph.A.Sergi@USDOJ.gov

Attorneys for Respondent
United States of America

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

PHILIP HART)
)
Petitioner,)
)
v.)
)
UNITED STATES OF AMERICA,)
)
Respondent.)

No. 05-80185-MISC (RMW) (HRL)

**STIPULATION TO DISMISS
PETITION TO QUASH SUMMONS**

Petitioner Philip Hart and Respondent the United States of America (the parties), by and through their respective undersigned counsel, in accordance with Rule 41(a)(1) of the Federal Rules of Civil Procedure hereby STIPULATE and AGREE to dismiss the above-entitled action with prejudice.

This action is a Petition to Quash a third party record-keeper summons served by the Internal Revenue Service on PayPal, Inc. The summons sought financial information relative to Petitioner. Petitioner objected to the summons on the grounds that production of the records would identify third parties/payees who had purchased his book, *Constitutional Income? Do you have Any?*, and would therefore violate the First Amendment to the United States Constitution.

1 In an effort to resolve the matter, the parties agreed to allow Petitioner to redact all of the
2 names of the purchasers (or payees) on the PayPal statements and submit the redacted documents
3 to the IRS. Petitioner's counsel agreed to review the redactions and attest that they are correct.

4 On March 28, 2006, Petitioner's counsel provided the redacted documents to the
5 government and agreed that all of the income contained in the PayPal documents was
6 attributable to book sales.

7 The IRS has reviewed the redacted documents and is in agreement that PayPal, Inc. has
8 fully complied with the summons served upon it. Thus, no further Court action is necessary.

9 The parties further stipulate and agree that the IRS will not seek the same documents that
10 Paypal has already produced in response to the IRS's summons in the audit of Petitioner's
11 individual liability.

12 In accordance with the agreement herein, the parties stipulate to the dismissal of this
13 action with prejudice pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure. Each
14 party shall bear its own costs, including attorneys fees.

15 Dated: June 18, 2007

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18 SCOTT N. SCHOOLS
United States Attorney

19
20 Michael E. Rosman
Center for Individual Rights
1233 20th St. NW, Suite 300
21 Washington, D.C. 20036
Tel:(202) 833-8400
22 Attorney for Petitioner

JAY R. WEILL
Assistant United States Attorney

23 s/ Joseph A. Sergi
JOSEPH A. SERGI
24 JENNIFER D. AUCHTERLONIE
Trial Attorneys, Tax Divison
25 U.S. Department of Justice
P.O. Box 683, Ben Franklin Station
Washington, D.C. 20044
26 Tel: (202) 305-0868
(202) 514-6632
27 Attorneys for Respondent