

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MAY 10 2018

SEAN F. McAVOY, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

John J Schlabach,  
Plaintiff,

Case No.: 2:18-cv-00053-SMJ

vs.

Internal Revenue Service and its agents,  
Defendant.

MOTION FOR ENTRY OF DEFAULT

Plaintiff(s) John J Schlabach, request(s) that the clerk of court enter default against defendant(s) Internal Revenue Service or its agents, pursuant to Federal Rule of Civil Procedure 55(a) and (b). In support of this request plaintiff relies upon the record in this case and the affidavit in support of this motion submitted herein.

Dated this 17th day of May, 2018.

  
\_\_\_\_\_  
Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

John J Schlabach,  
Plaintiff,

Case No.: 2:18-cv-00053-SMJ

vs.

Internal Revenue Service and its agents,  
Defendant.

AFFIDAVIT IN SUPPORT OF  
MOTION FOR ENTRY OF DEFAULT

I, John J Schlabach, being duly sworn, state as follows:

1. I am the plaintiff in the above-entitled action and I am familiar with the file, records and pleadings in this matter.

2. The summons and complaint were filed on February 12, 2018.

3. Defendant(s) were served with a copy of the summons and complaint on February 21, 2018 as reflected on the docket sheet by the proof of service filed on March 1, 2018. Copy of docket sheet attached hereto.

4. An answer to the complaint was due no later than April 23, 2018.

5. Defendant(s) have failed to appear, plead or otherwise defend within the time allowed and, therefore, are now in default.

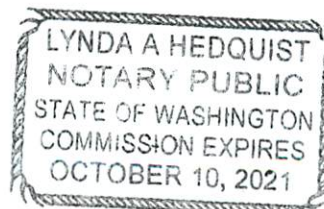
6. Plaintiff requests that the clerk of court enter default against the defendant(s).

John J Schlabach,

Sworn or affirmed and subscribed before me, a notary public for the state of Washington, this 7 day of May 2018,

Notary Public

My Commission Expires: 10-10-2021





**Eastern District of Washington  
U.S. District Court (Spokane)  
CIVIL DOCKET FOR CASE #: 2:18-cv-00053-SMJ**

Schlabach v. Internal Revenue Service  
Assigned to: Judge Salvador Mendoza, Jr  
Demand: \$22,000  
Cause: 26:6702 IRS: Refund of Income Tax Penalty

Date Filed: 02/13/2018  
Jury Demand: None  
Nature of Suit: 870 Taxes  
Jurisdiction: U.S. Government  
Defendant

**Plaintiff**

**John Schlabach**

represented by **John Schlabach**  
PO Box 362  
Mead, WA 99021  
509-953-1060  
PRO SE

V.

**Defendant**

**Internal Revenue Service**  
*and its agents*

Date Filed	#	Docket Text
02/13/2018	<u>1</u>	COMPLAINT against Internal Revenue Service (Receipt # SPO031563) Filed by John Schlabach. (Attachments: # <u>1</u> Exhibits A - E, # <u>2</u> Civil Cover Sheet)(TR, Case Administrator) (Entered: 02/13/2018)
02/13/2018	<u>2</u>	Summons Issued as to Internal Revenue Service. (TR, Case Administrator) (Entered: 02/13/2018)
03/01/2018	<u>3</u>	SUMMONS Returned Executed by John Schlabach re Internal Revenue Service. (TR, Case Administrator) (Entered: 03/01/2018)

**PACER Service Center**

**Transaction Receipt**

05/04/2018 16:56:50

<b>PACER Login:</b>		<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:18-cv- 00053-SMJ

1  
2 IN THE UNITED STATES DISTRICT COURT  
3 FOR THE EASTERN DISTRICT OF WASHINGTON

4  
5 John J Schlabach,  
6 Plaintiff,

Case No.: 2:18-cv-00053-SMJ

7 vs.

8 Internal Revenue Service and its agents,  
9 Defendant.

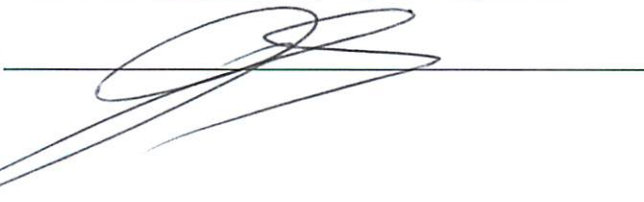
10  
11 CERTIFICATE OF SERVICE  
12

13 I, John J Schlabach, hereby certify that I am of such age and discretion as to be  
14 competent to serve papers.

15 I further certify that on this date I caused a copy of the Motion for Entry of Default,  
16 Affidavit in Support of Motion for Entry of Default and proposed Entry of Default to be  
17 placed in a postage-paid envelope addressed to the defendant(s), at the address(es)  
18 stated below, which is (are) the last known address(es) of said defendant(s), and  
19 deposited said envelope(s) in the United States mail.

20 Addressee: Internal Revenue Service and its agents.  
21 ATTN; Denise D Davis  
22 Frivolous Return Program Stop 4450  
23 Ogden Utah, 84201-0021.

24 Dated this 7th day of May 2018

25  
26   
27  
28

1  
2 IN THE UNITED STATES DISTRICT COURT  
3 FOR THE EASTER DISTRICT OF WASHINGTON  
4

5 John J Schlabach,  
6 Plaintiff,

Case No.: 2:18-cv-00053-SMJ

7 vs.

8 Internal Revenue Service and its agents,  
9 Defendant.

10 ENTRY OF DEFAULT  
11

12 Plaintiff, John J Schlabach, requests that the clerk of court enter default judgement  
13 against defendant(s) Internal Revenue Service and its agents, pursuant to Federal Rule  
14 of Civil Procedure 55(a) and (b). It appearing from the record that defendant(s) have  
15 failed to appear, plead or otherwise defend, the default of defendant(s) Internal  
16 Revenue Service and its agents is hereby entered pursuant to Federal Rule of Civil  
17 Procedure 55(a) and (b).

18 Dated this \_\_\_\_\_ day of May, 2018.  
19

20  
21 Beverly A. Benka, Clerk of Court  
22  
23  
24  
25  
26  
27  
28



Unites States District Court Clerk  
Beverly A. Benka, Clerk of Court  
920 W Riverside Ave #840  
Spokane, WA 99210

Ms. Benka,

Please find enclosed a Motion for Default, Affidavit in support of Motion, Certificate of Service and an Entry of Default requiring your signature.

After the entry is signed, please have file stamped copies of all motions and entry mailed back to me. I have enclosed additional copies for that purpose with a self-addressed envelope.

Respectfully,

John Schlabach,  
BO Box 362  
Mead, Washington 99021

RECEIVED

MAY 10 2018

CLERK, US DISTRICT COURT  
SPOKANE, WASHINGTON

Box 362



US OFFICIAL MAIL US POSTAGE  
PENALTY FOR  
PRIVATE USE  
\$0.4  
\$1.00

Mailed From 99210  
05/08/2018  
031A 000418502

U.S. District Court  
Beverly Benka, Clerk of Court  
920 W. Riverside #840  
Spokane wa 99210

RECEIVED

MAY 10 2018

CLERK, US DISTRICT COURT  
SPOKANE, WASHINGTON