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

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| Schlabach v. United States of America Assigned to: Judge Salvador Mendoza, Jr Demand: $22,000 Cause: 26:6702 IRS: Refund of Income Tax Penalty | Date Filed: 02/13/2018 Date Terminated: 10/24/2018 Jury Demand: None Nature of Suit: 870 Taxes Jurisdiction: U.S. Government Defendant |

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| **Plaintiff** |
| **John Schlabach** | represented by | **John Schlabach**  PO Box 362  Mead, WA 99021  509-953-1060  PRO SE |
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| V. |  |  |
| **Defendant** |  |  |
| **United States of America**  *and its agents* | represented by | **Rika Valdman** U.S. Department of Justice - Tax Division  Civil Trial Section, Western Region  P.O. Box 683  Washington, DC 20044  202-514-6056  Fax: 202-307-0054  Email: rika.valdman@usdoj.gov  *LEAD ATTORNEY*  *ATTORNEY TO BE NOTICED*  **Yen Jeannette Tran** Department of Justice, Tax Division  P.O. Box 683  Washington, DC 20044  202-616-3366  Fax: 202-307-0054  Email: y.jeannette.tran@usdoj.gov  *ATTORNEY TO BE NOTICED* |
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| **Date Filed** | **#** | **Docket Text** |
| 02/13/2018 | [1](https://ecf.waed.uscourts.gov/doc1/19503293617) | COMPLAINT against Internal Revenue Service (Receipt # SPO031563) Filed by John Schlabach. (Attachments: # [1](https://ecf.waed.uscourts.gov/doc1/19513293618) Exhibits A - E, # [2](https://ecf.waed.uscourts.gov/doc1/19513293619) Civil Cover Sheet)(TR, Case Administrator) (Entered: 02/13/2018) |
| 02/13/2018 | 2 | Summons Issued as to Internal Revenue Service. (TR, Case Administrator) (Entered: 02/13/2018) |
| 03/01/2018 | [3](https://ecf.waed.uscourts.gov/doc1/19513303790) | SUMMONS Returned Executed by John Schlabach re Internal Revenue Service. (TR, Case Administrator) (Entered: 03/01/2018) |
| 05/10/2018 | [4](https://ecf.waed.uscourts.gov/doc1/19503347005) | MOTION for Entry of Default as to Internal Revenue Service by John Schlabach. (Attachments: # [1](https://ecf.waed.uscourts.gov/doc1/19513347006) Proposed Order, # [2](https://ecf.waed.uscourts.gov/doc1/19513347007) Letter, # [3](https://ecf.waed.uscourts.gov/doc1/19513347008) Envelope)(TR, Case Administrator) (Entered: 05/10/2018) |
| 06/19/2018 | [5](https://ecf.waed.uscourts.gov/doc1/19503371868) | MOTION FOR ENTRY OF DEFAULT FINAL JUDGMENT as to Internal Revenue Service by John Schlabach. Motion Hearing set for **7/19/2018** Without Oral Argument before Judge Salvador Mendoza Jr. (Attachments: # [1](https://ecf.waed.uscourts.gov/doc1/19513371869) Memorandum of Law in Support of Motion for Default Final Judgment, # [2](https://ecf.waed.uscourts.gov/doc1/19513371870) Proposed Order, # [3](https://ecf.waed.uscourts.gov/doc1/19513371871) Proposed Default Final Judgment)(TR, Case Administrator) (Entered: 06/19/2018) |
| 06/26/2018 | [6](https://ecf.waed.uscourts.gov/doc1/19513377245) | ORDER DENYING ECF Nos. [4](https://ecf.waed.uscourts.gov/doc1/19503347005) & [5](https://ecf.waed.uscourts.gov/doc1/19503371868) MOTIONS FOR DEFAULT JUDGMENT. Signed by Judge Salvador Mendoza, Jr. (TR, Case Administrator) (Entered: 06/26/2018) |
| 07/11/2018 | [7](https://ecf.waed.uscourts.gov/doc1/19503385887) | CERTIFICATE OF SERVICE filed by John Schlabach. (Attachments: # [1](https://ecf.waed.uscourts.gov/doc1/19513385888) Envelope)(TR, Case Administrator) (Entered: 07/11/2018) |
| 08/28/2018 | [8](https://ecf.waed.uscourts.gov/doc1/19513417883) | NOTICE of Appearance by Rika Valdman on behalf of Internal Revenue Service (Attorney Rika Valdman added to party Internal Revenue Service(pty:dft))(Valdman, Rika) (Entered: 08/28/2018) |
| 08/28/2018 | [9](https://ecf.waed.uscourts.gov/doc1/19503417898) | MOTION to Dismiss for Failure to State a Claim by Internal Revenue Service. Motion Hearing set for **10/17/2018** Without Oral Argument before Judge Salvador Mendoza Jr. (Attachments: # [1](https://ecf.waed.uscourts.gov/doc1/19513417899) Exhibits 1-4)(Valdman, Rika) (Entered: 08/28/2018) |
| 09/17/2018 | [10](https://ecf.waed.uscourts.gov/doc1/19503431895) | REPLY TO GOVERNMENT'S MOTION TO DISMISS re [9](https://ecf.waed.uscourts.gov/doc1/19503417898) MOTION to Dismiss for Failure to State a Claim filed by John Schlabach. (Attachments: # [1](https://ecf.waed.uscourts.gov/doc1/19513431896) Transmittal Envelope)(TR, Case Administrator) (Entered: 09/17/2018) |
| 09/17/2018 | [11](https://ecf.waed.uscourts.gov/doc1/19513431907) | CERTIFICATE OF SERVICE OF REPLY TO MOTION TO DISMISS as to ECF No. [10](https://ecf.waed.uscourts.gov/doc1/19503431895) filed by John Schlabach. (TR, Case Administrator) (Entered: 09/17/2018) |
| 10/01/2018 | [12](https://ecf.waed.uscourts.gov/doc1/19513442839) | REPLY MEMORANDUM re [9](https://ecf.waed.uscourts.gov/doc1/19503417898) MOTION to Dismiss MOTION to Dismiss for Failure to State a Claim filed by Internal Revenue Service. (Valdman, Rika) (Entered: 10/01/2018) |
| 10/12/2018 | [13](https://ecf.waed.uscourts.gov/doc1/19513451083) | FOLLOW-UP REPLY TO GOVERNMENT'S MOTION TO DISMISS re ECF No. [9](https://ecf.waed.uscourts.gov/doc1/19503417898) filed by John Schlabach. (TR, Case Administrator) (Entered: 10/12/2018) |
| 10/24/2018 | [14](https://ecf.waed.uscourts.gov/doc1/19513457920) | ORDER GRANTING UNITED STATES' MOTION TO DISMISS [9](https://ecf.waed.uscourts.gov/doc1/19503417898) - Signed by Judge Salvador Mendoza, Jr. (VR, Courtroom Deputy) (Entered: 10/24/2018) |
| 11/23/2018 | [15](https://ecf.waed.uscourts.gov/doc1/19503478656) | MOTION for Partial Relief from Order, Pursuant to Rule 60 re [14](https://ecf.waed.uscourts.gov/doc1/19513457920) Order on Motion to Dismiss. Filed by John Schlabach. Motion Hearing set for **1/16/2019** Without Oral Argument before Judge Salvador Mendoza Jr. (Attachments: # [1](https://ecf.waed.uscourts.gov/doc1/19513478657) Notice of Hearing)(CV, Case Administrator) (Entered: 11/23/2018) |
| 12/06/2018 | [16](https://ecf.waed.uscourts.gov/doc1/19513486042) | RESPONSE to Motion re [15](https://ecf.waed.uscourts.gov/doc1/19503478656) MOTION for Reconsideration re [14](https://ecf.waed.uscourts.gov/doc1/19513457920) Order on Motion to Dismiss, Order on Motion to Dismiss for Failure to State a Claim filed by United States of America. (Valdman, Rika) (Entered: 12/06/2018) |
| 12/21/2018 | [17](https://ecf.waed.uscourts.gov/doc1/19513496321) | NOTICE of Appearance by Yen Jeannette Tran on behalf of United States of America (Attorney Yen Jeannette Tran added to party United States of America(pty:dft))(Tran, Yen) (Entered: 12/21/2018) |
| 12/26/2018 | [18](https://ecf.waed.uscourts.gov/doc1/19513497453) | REPLY to Government's Opposition to [15](https://ecf.waed.uscourts.gov/doc1/19503478656) MOTION for Partial Relief from Order [14](https://ecf.waed.uscourts.gov/doc1/19513457920) , Pursuant to Rule 60. Filed by John Schlabach. (CV, Case Administrator) (Entered: 12/26/2018) |

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