

10/02/2017

American Federal Tax Reports

U.S. v. FORBES, Cite as 120 AFTR 2d 2017-6020, Code Sec(s) 7403; 6011,  
(DC VA), 10/02/2017

UNITED STATES OF AMERICA, PLAINTIFF v. George FORBES, DEFENDANT.

Case Information:

[pg. 2017-6020]

Code Sec(s): 7403; 6011  
Court Name: U.S. District Court, Eastern Dist. of Virginia,  
Docket No.: 1:17-cv-00530(LMB/IDD),  
Date Decided: 10/02/2017.  
Prior History: District Court, (2017, DC VA) 120 AFTR 2d 2017-6018,  
adopted.  
Tax Year(s): Years 2008, 2009, 2010.  
Disposition: Decision for Govt.

HEADNOTE

1. Collection actions—assessments reduced to judgment—report of foreign bank and financial accounts; penalties—default judgment. Magistrate judge's unopposed recommendation to grant govt. default judgment on its claim to reduce assessments to judgment for taxpayer's FBAR penalties was adopted, based on magistrate's findings that taxpayer was properly served but failed to respond; that default had been entered by clerk; and that govt.'s uncontested evidence established both that taxpayer was liable for above and amount of that [pg. 2017-6021] liability.

Reference(s): ¶ 74,035.01(20); ¶ 60,115.01(5) Code Sec. 7403; Code Sec. 6011

FBAR  
OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
VIRGINIA Alexandria Division,

ORDER

Judge: Leonie M. Brinkema, United States District Judge

On August 24, 2017, a magistrate judge issued a Report and Recommendation ("Report") in which he found that defendant was in default and that the United States of America had proven that

defendant owes \$1,657,812.23 as of May 3, 2017 for unpaid federal taxes for the calendar years 2008, 2009, and 2010. The Report included a Notice advising the parties in bold print that any objections to the Report had to be filed within 14 days and that failure to file timely objections waived appellate review of any judgment based on the Report. As of October 1, 2017, no objections have been filed.

[1] Having reviewed the file and the Report the Court finds that the magistrate judge correctly found that the Court has subject matter jurisdiction; that defendant, who is a Virginia resident, was personally served with a copy of the complaint and summons; that defendant has failed to respond to the lawsuit; and that a default has been entered by the Clerk. Moreover, the plaintiffs uncontested evidence establishes defendant's liability and the amount of liability. Accordingly, the Court adopts the Report as its findings of fact and conclusions of law, and for the reasons stated in the Report, the plaintiffs Motion for Default Judgment [Dkt No. 12] is GRANTED, and it is hereby

ORDERED that a judgment in the amount of \$1,657,812.23 as of May 3, 2017 for the penalties assessed against him under 31 U.S.C. § 5321(a) (5), accrued interest on such penalties, late payment penalties, and further accrued interest on such penalties, plus statutory additions as allowed by law until the judgment is paid, against defendant George Forbes.

The Clerk is directed to enter judgment pursuant to Fed. R. Civ. P. 55 in favor of the United States of America and against the defendant, George Forbes, and forward copies of this Order to counsel of record and to the defendant, pro se at his address of record.

Entered this 2nd day of October, 2017.

Alexandria, Virginia

/s/

Leonie M. Brinkema

United States District Judge