

**United States District Court, Northern District of Illinois**

<b>Name of Assigned Judge or Magistrate Judge</b>	Samuel Der-Yeghiayan	<b>Sitting Judge if Other than Assigned Judge</b>	
<b>CASE NUMBER</b>	04 C 7403	<b>DATE</b>	2/27/2008
<b>CASE TITLE</b>	USA vs. William Benson		

**DOCKET ENTRY TEXT**

For the reasons stated below, Defendant's motions for order to show cause [147] and to quash summons [144] are denied. Plaintiff's motion for order to show cause [155] is denied without prejudice. Defendant is ordered to comply with the court's order of January 10, 2008, and to file an affidavit or declaration with this court within seven days detailing his compliance with the permanent injunction, specifically indicating that he has complied with the court's order by providing "a copy of the injunction order to every person and entity to whom he sold or furnished the 'Reliance Defense Package' or '16th Amendment Reliance Package.'" Failure to comply with this court's order will result in an order to show cause why Benson should not be held in contempt.

■ [ For further details see text below.]

Docketing to mail notices.

**STATEMENT**

This matter is before the court on Defendant William J. Benson's ("Benson") motion to quash and motion for order to show cause. Benson argues that he has been served by an administrative summons by the Internal Revenue Service ("IRS") relating to identical issues and causes of action as in this case. The permanent injunction in this case involved a separate civil matter concerning Benson's sale of certain tax products. The enforcement of tax laws by the IRS was not at issue before this court and this court's permanent injunction does not cover such issues. We also note that Benson has indicated that he has filed an appeal in this case and this court lacks jurisdiction to adjudicate Benson's claims. Even if this court has jurisdiction, Benson has not shown that the administrative summons by the IRS is covered by the permanent injunction. Therefore, we deny Benson's motions.

This matter is also before the court on Plaintiff's motion for order to show cause for violating the court's permanent injunction. Plaintiff contends that the affidavit filed by Benson fails to comply with the permanent injunction. The permanent injunction required Benson to file an affidavit or a declaration with the court detailing his compliance with the requirements in the permanent injunction. In the injunction, the court ordered Benson to provide "a copy of the injunction order to every person and entity to whom he sold or furnished the 'Reliance Defense Package' or '16th Amendment Reliance Package.'" Benson has filed a declaration indicating that he has served certain individuals with the court's injunction order, but he fails to indicate that he has served a copy of the permanent injunction to all individuals to whom he sold or furnished the "Reliance Defense Package" or "16th Amendment Reliance Package." Benson also invokes his Fifth Amendment privilege on advice of counsel. Benson's invocation of his Fifth Amendment privilege is improper as it relates to the court's permanent injunction. The court's order did not require Benson to admit to any criminal wrongdoing. Furthermore, the court's order did not even require Benson to indicate the names of the individuals to whom Benson may have sold or furnished the "Reliance Defense Package" or "16th Amendment Reliance Package." Plaintiff's motion for rule to show cause is denied without prejudice.

**STATEMENT**

We will give Benson one last opportunity to comply with the court's order. Benson is ordered to comply with the court's order of January 10, 2008, and to file an affidavit or declaration with this court within seven days detailing his compliance with the permanent injunction, specifically indicating that he has complied with the court's order by providing "a copy of the injunction order to every person and entity to whom he sold or furnished the 'Reliance Defense Package' or '16th Amendment Reliance Package.'" Failure to comply with this court's order will result in an order to show cause why Benson should not be held in contempt.