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3:04-CV-02184 USA V. GUESS

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RESP.

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 10 Doctors Insurance Services, Inc.

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11 UNITED STATES DISTRICT COURT
 12 SOUTHERN DISTRICT OF CALIFORNIA

BY FAX

11 UNITED STATES OF AMERICA,,
 12 Plaintiff,
 13 vs.
 14 L. DONALD GUESS, et al.,
 15 Defendants.

Case No. 04-CV-2184 (LAB)(AJB)

RESPONSE OF LESLIE S. BUCK AND
 DOCTORS INSURANCE SERVICES, INC.
 TO THE ORDER TO SHOW CAUSE

Date: December 3, 2004
 Time: 1:30 p.m.
 Ctrm: Hon. Larry A. Burns

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 21 **Response of Leslie S. Buck and Doctors Insurance Services, Inc.
 to the Order to Show Cause**

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 23 As more fully described in the Memorandum of Points and Authorities for this Response
 24 to the Order to Show Cause, Leslie S. Buck ("Mr. Buck") and his wholly owned corporation
 25 Doctors Benefit Insurance Services, Inc. ("DIS"), have made no fraudulent representations or
 26 omissions to doctor participants in the financial programs at issue, have diverted no funds for any
 27 improper purpose, and have not obstructed the IRS examination of these matters. Moreover, the
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1 government has failed to make the necessary showings that it is entitled to the relief claimed.

2 Therefore, as more fully described in the Memorandum of Points and Authorities filed
3 herewith, Mr. Buck and DIS respectfully request the Court to lift the temporary restraining order
4 against them, permitting them and their agents, servants, employees, any third party financial
5 institutions holding funds on thier behalf to be able to sell, assign, hypothecate, pledge, withdraw,
6 transfer, remove, dissipate, or dispose of any of their interests in personal and real property.
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8 As more fully described in the Memorandum of Points and Authorities, the Government
9 has not established a sufficient reason to restrain defendant's travel. The defendant poses no risk
10 of flight. The defendant respectfully requests the Court to withdraw the writ of *ne exeat*
11 *republica* and to require the U.S. Government to return his passport.
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14 Dated: November 19, 2004

Respectfully submitted,

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17 By: 

18 Martina Bernstein
19 Attorney for Defendants
20 Leslie S. Buck and
21 Doctors Insurance Services, Inc.¹
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26 ¹ Defendants' lead counsel are Miriam Fisher and James Mastracchio of the Washington, DC office of
27 Morgan Lewis & Bockius, LLP. Their applications for admission *pro hac vice* are being filed
28 forthwith.