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FROM : ORIGINATOR
TO : NORTHERN DISTRICT COURT
TITLE : COMPLAINT AND SUMMONS TO APPEAR IN DISTRICT COURT
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[R] - ITEM IS RESTRICTED

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF TEXAS

DALLAS DIVISION

UNITED STATES OF AMERICA,

Plaintiff

v.

ESTATE OF JACK L. RUBY,
a/k/a JACK RUBINSTEIN,

Defendant

CIVIL NO. CA3-91-0314-R

NOTICE AND ACKNOWLEDGEMENT TO JAMES M. SIMONS

To: Estate of Jack Ruby
c/o James M. Simons
617 Blanco Street
Austin, Texas 78703

The enclosed Summons and Complaint are served pursuant to Rule 4(c)(2)(C)(ii) of the Federal Rules of Civil Procedure. You must complete the acknowledgement part of this form and return one copy of the completed form to the sender within 20 days. You must sign and date the acknowledgement. If you are served on behalf of a corporation, unincorporated association (including a partnership), or other entity, you must indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.

RECEIVED
DALLAS

FEB 21 1991

DISTRICT COUNSEL
SW REG., IRS

If you do not complete and return the form to the sender within 20 days, you (or the party on whose behalf you are being served) may be required to pay any expenses incurred in serving the Summons and Complaint in any other manner permitted by law.

I declare, under penalty of perjury, that this Notice and Acknowledgment of Receipt of Summons and Complaint were mailed on the 13th day of February, 1991.

LOUISE P. HYTKEN
Attorney in Charge

By:

Mary C. Vance
MARY C. VANCE
State Bar No. 20476600
Attorney Tax Division
Department of Justice
Room 5B31, 1100 Commerce Street
Dallas, Texas 75242-0599
(214) 767-0293

MARVIN COLLINS
United States Attorney

DALLAS DIVISION

Defendant

CIVIL NO. CA3-91-0314-R

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United States District Court

NORTHERN

DISTRICT OF

TEXAS

DALLAS DIVISION

SUMMONS IN A CIVIL ACTION

UNITED STATES OF AMERICA,
Plaintiff,
v.

CASE NUMBER:

ESTATE OF JACK L. RUBY,
a/k/a JACK RUBINSTEIN,
Deceased,

CA 3-91-0314-R

Defendant.

TO: (Name and Address of Defendant)
Estate of Jack Ruby
James M. Simons
617 Blanco Street
Austin, Texas 78703

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

Mary C. Vance
Attorney, Tax Division
Department of Justice
Room 5B31, 1100 Commerce St.
Dallas, Texas 75242-0599
(214) 767-0293

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

NANCY DOHERTY

FEB 12 1991

CLERK

DATE

L. Williams

BY DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

FEB 11 1991

NANCY DOHERTY, CLERK

By Deputy

UNITED STATES OF AMERICA,
Plaintiff

v.

ESTATE OF JACK L. RUBY
a/k/a JACK RUBINSTEIN,
Deceased,

CIVIL NO.

CA 3-91-0314-R

COMPLAINT

COMES NOW plaintiff, United States of America, for its Complaint against the Estate of Jack L. Ruby, deceased, and the Executor of the Estate of Jack L. Ruby, when the Executor has been named by the Probate Court, and alleges as follows:

I

This is a civil action instituted by the United States of America for the purpose of reducing to judgment federal tax liabilities against the Estate of Jack L. Ruby, deceased and the Executor of the Estate of Jack L. Ruby, when the Executor is named by the Probate Court for the third quarter of 1959 through the second quarter of 1962 and the fourth quarter of 1963.

II

This action has been authorized and requested by the District Counsel, Internal Revenue Service, a delegate of the Secretary of the Treasury, and is brought at the direction of the Attorney General of the United States, pursuant to the provisions of Section 7401 of the Internal Revenue Code of 1986 (26 U.S.C.)

III

Jurisdiction of this action is conferred upon this Court by 28 U.S.C. Sections 1340 and 1345; 26 U.S.C. Section 7402, and 31 U.S.C. Section 3713.

IV

Decedent, Jack L. Ruby, was assessed taxes under the Internal Revenue Code of 1954 (26 U.S.C.) and Notices of Federal Tax Liens were filed in Dallas County as follows:

<u>Type of Tax</u>	<u>Tax Period</u>	<u>Unpaid Balance</u>	<u>Tax Lien Filed</u>
Withholding & FICA	12-31-63	\$2,086.13	3-25-64
Excise	9-1-59 through 6-30-62	\$82,626.55	3-13-63
Unemployment	12-31-63	\$728.97	5-11-64
Unemployment	12-31-63	\$568.24	

V

A Proof of Claim was filed with the Probate Court on or about July 18, 1967. The Proof of Claim was approved by the Executor on August 15, 1967. An amended Proof of Claim was filed with the Executor on or about June 15, 1989, in the total amount of \$86,009.89. The Amended Proof of Claim was approved on or about June 26, 1989.

VI

Earl Ruby and the heirs of Jack L. Ruby filed a petition for removal of the Executor of the Estate of Jack L. Ruby and a Motion for Distribution of the Estate Assets, claiming that the tax claim of the Internal Revenue Service was barred by the Statute of

Limitations and seeking to have the Estate assets turned over to the heirs.

VII

On or about November 6, 1990, the Executor of the Estate of Jack L. Ruby was removed by jury verdict pursuant to the petition for removal filed by Earl Ruby and the heirs of Jack L. Ruby.

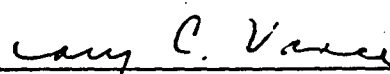
VIII

Earl Ruby has been proposed as successor Executor of the Estate of Jack L. Ruby, but has not yet been appointed by the Probate Court. The United States of America will amend its complaint to name the Executor when he has been appointed by the Probate Court.

WHEREFORE, plaintiff, United States of America, prays that this Court make a determination of tax liability with respect to decedent and reduce said liability to judgment, and award plaintiff its costs and such other and further relief as this Court may deem just and proper.

LOUISE P. HYTKEN
Attorney in Charge

By:



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MARVIN COLLINS
United States Attorney

ATTORNEYS FOR UNITED STATES