

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

LOAD, INC.; COAD, INC., <i>Petitioners,</i>
v.
COMMISSIONER OF INTERNAL REVENUE, <i>Respondent.</i>

No. 07-72564
D.C. No.
CIR-1 : 7287-02
OPINION

Appeal from a Decision of the
United States Tax Court
Stephen J. Swift, Judge, Presiding

Argued and Submitted
January 14, 2009—San Francisco, California

Filed February 2, 2009

Before: Myron H. Bright,* Procter Hug, Jr., and
Stephen Reinhardt, Circuit Judges.

Per Curiam Opinion

*The Honorable Myron H. Bright, Senior United States Circuit Judge for the Eighth Circuit, sitting by designation.

COUNSEL

John F. Daniels, Janice Procter-Murphy, Alexander Arpad,
Phoenix, Arizona, for the petitioners.

Richard T. Morrison, Acting Assistant Attorney General,
Teresa E. McLaughlin, Kathleen E. Lyon, Washington, D.C.,
for the respondent.

OPINION**PER CURIAM:**

Appellants LOAD, Inc. and COAD, Inc.¹ challenge the Tax Court's determination of a federal income tax deficiency for the tax year ending September 30, 2000. The Tax Court held that certain of ADI's expenses were not deductible as ordinary and necessary business expenses under 26 U.S.C. § 162(a) and must be capitalized as inventory costs under 26 U.S.C. § 263A.

¹Although only LOAD and COAD are parties to this petition for review, Associated Dealers, Inc. and 12 other affiliated companies have raised similar arguments and agree to be bound by the final outcome of this litigation. We refer to LOAD, COAD, Associated Dealers, Inc., and the 12 other affiliated companies as "ADI."

We review the Tax Court's findings of fact for clear error and its conclusions of law de novo. *Kelley v. Comm'r*, 45 F.3d 348, 350 (9th Cir. 1995). Our exclusive jurisdiction to review a final decision of the Tax Court arises under 26 U.S.C. § 7482.

The Tax Court wrote an extensive opinion on this matter. *See LOAD, Inc. v. Comm'r*, 93 T.C.M. (CCH) 969 (2007). We approve and adopt that opinion as governing this case.

Accordingly, we affirm.