IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Adam Steele, Brittany Montrois, and)
Joseph Henchman on behalf of)
themselves and all others similarly)
situated, <i>Plaintiffs</i> ,) Civil Action No.: 1:14-ev-01523-RCL
V.	UNOPPOSED MOTION FOR APPROVAL OF PLAN OF CLASS NOTICE
United States of America,)
Defendant.)
)
•	OF PLAN OF CLASS NOTICE Output Outpu

In accordance with the Court's February 25, 2016 Order (dkt. #58) and the Court's August 8, 2016 Order (dkt. #63), Plaintiffs Adam Steele, Brittany Montrois, and Joseph Henchman, on behalf of themselves and the Plaintiff Class, hereby submit the following Plan of Class Notice ("Plan"). Plaintiffs request that the Court approve the following Plan and the attached forms of notice. The parties have conferred, and Defendant does not oppose this Motion.

Background

On August 8, 2016, the Court certified a class defined as:

All individuals and entities who have paid an initial and/or renewal fee for a PTIN, excluding Allen Buckley, Allen Buckley LLC, and Christopher Rizek.

(Dkt. #63). Prior to that, the parties discussed the feasibility of identifying class members and the steps necessary to do so. Because the IRS keeps records of past and current PTIN holders and their contact information, identifying those individuals and entities who have paid fees for the issuance or renewal of a PTIN will be relatively straightforward.

With respect to identifying class members and creating a class mailing list, Federal Rule of Civil Procedure 23(c)(2)(B) provides that the Court must "direct to class members the best

notice practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort." Defendant shall provide to Plaintiffs a database including the names, postal addresses, and email addresses of all individuals who have paid PTIN fees ("PTIN Database"). There are no other records necessary to identify potential class members.

Plaintiffs have retained KCC LLC ("KCC") to serve as claims administrator. KCC has executed more than 100 notice programs in the United States and Canada, and has served as claims administrator for a wide variety of cases, including ones involving state governments and the federal government.

Proposed Plan

- 1. Within 30 days of the entry of an Order approving this Plan, but in no event later than October 21, 2016, Plaintiffs, through KCC, will send by email a notice of pendency of class action lawsuit in the form attached hereto as Exhibit 1 to all email addresses identified in the PTIN database.
- 2. Within 45 days of the entry of an Order approving this Plan, but in no event later than November 7, 2016, Plaintiffs, through KCC, will send by first class mail a postcard notice of pendency of class action lawsuit in the form attached hereto as Exhibit 2 to (1) all persons without an email address in the PTIN Database; and (2) all persons for whom email delivery was unsuccessful.
- 3. Within 30 days of the entry of an Order approving this Plan, but in no event later than October 21, 2016, Plaintiffs, through KCC, will establish and maintain a website in order to respond to inquiries by potential class members. The website shall include the complete text of the notice attached hereto as Exhibit 3, and other relevant documents.

- 4. Within 30 days of the entry of an order approving this Plan, but in no event later than October 21, 2016, Plaintiffs, through KCC, will make available to potential class members automated telephone support to handle any inquiries from potential class members.
 - 5. The opt-out period will expire on December 7, 2016.
- 6. Pursuant to Federal Rule of Civil Procedure 23(c)(2)(B), this Plan sets forth the best notice that is practicable under the circumstances, including individual notice to all members of the Class who can be identified through reasonable effort. This Plan and the Exhibits hereto comply with the requirements of Federal Rule of Civil Procedure 23(c)(2)(B)(i)-(vii) and satisfy due process.

Dated: August 25, 2016

Respectfully submitted,

By: <u>/s/ William H. Narwold</u>
MOTLEY RICE LLC

William H. Narwold bnarwold@motleyrice.com DC Bar No. 502352 One Corporate Center 20 Church Street, 17th Floor Hartford, CT 06103 Telephone: (860) 882-1676

Telephone: (860) 882-1676 Facsimile: (860) 882-1682

Nathan D. Finch nfinch@motleyrice.com Elizabeth Smith esmith@motleyrice.com 3333 K Street NW, Suite 450 Washington, DC 20007 Telephone: (202) 232-5504

Facsimile: (202) 232-5513

Class Counsel

GUPTA WESSLER PLLC

Deepak Gupta, Esq. deepak@guptawessler.com Jonathan E. Taylor jon@guptawessler.com 1735 20th Street, NW Washington, DC 20009 Telephone: (202) 888-1741 Facsimile: (202) 888-7792

CAPLIN & DRYSDALE, CHARTERED

Christopher S. Rizek, Esq. crizek@capdale.com
One Thomas Circle, NW, Suite 1100
Washington, DC 20005
Telephone: (202) 862-8852
Facsimile: (202) 429-3301

LAW OFFICE OF ALLEN BUCKLEY LLC

Allen Buckley ab@allenbuckleylaw.com 2802 Paces Ferry Road, Suite 100-C Atlanta, GA 30339 Telephone: (404) 610-1936 Facsimile: (770) 319-0110

Attorneys for Plaintiffs Adam Steele, Brittany Montrois, Joseph Henchman, and the Putative Class

CERTIFICATE OF SERVICE

I, William H. Narwold, declare that I am over the age of eighteen (18) and not a party to the entitled action. I am a member of the law firm MOTLEY RICE LLC, and my office is located at 20 Church Street, 17th Floor, Hartford, CT 06103.

On August 25, 2016, I caused to be filed the following in the above-captioned case:

Unopposed Motion for Approval of Plan of Class Notice

with the Clerk of Court using the Official Court Electronic Document Filing System, which served copies on all interested parties registered for electronic filing.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 25, 2016 Respectfully submitted,

By: <u>/s/ William H. Narwold</u>
William H. Narwold
MOTLEY RICE LLC