

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,)
 Plaintiffs,)
v.)
United States of America,)
 Defendant.)
_____)

Civil Action No.: 1:14-cv-01523-RCL

[PROPOSED] ORDER APPROVING PLAN OF SUPPLEMENTAL CLASS NOTICE

WHEREAS, on August 8, 2016, this Court certified a class that included “[a]ll individuals and entities who have paid an initial and/or renewal fee for a PTIN, excluding Allen Buckley, Allen Buckley LLC, and Christopher Rizek.” ECF No. 63.

WHEREAS, on July 10, 2017, this Court entered final judgment and ordered that the “plaintiffs provide notice and an opportunity for exclusion to any class members who have paid initial PTIN fees after August 20, 2016, and did not receive notice of pendency of this action and did not have an opportunity to exclude themselves before December 7, 2016.” ECF No. 82.

Therefore, pursuant to Rule 23(c)(2)(B) of the Federal Rules of Civil Procedure, and based upon the record and the Plaintiffs’ Unopposed Motion for Approval of Plan of Supplemental Class Notice (“Plaintiffs’ Motion”);

IT IS HEREBY ORDERED THAT:

1. The Plaintiffs’ Motion is GRANTED.
2. The supplemental long-form class action notice (“Supplemental Long-Form Notice”); the supplemental e-mail class action notice (“Supplemental E-mail Notice”); and

supplemental postcard class action notice (“Supplemental Postcard Notice”) are hereby approved as to form. *See* Exhibits 1, 2, and 3 to Plaintiffs’ Motion.

3. To the extent they are not already produced, the United States shall produce to the plaintiffs the names, e-mail addresses, and postal addresses of class members who obtained PTINs and paid an initial PTIN fee between August 20, 2016 and July 10, 2017 (“Supplemental Notice Group”).

4. Within thirty days of the entry of this Order, KCC LLC (the “Claims Administrator”) shall cause the Supplemental E-mail Notice to be disseminated, in substantially the form attached as Exhibit 2 to Plaintiffs’ Motion, by sending it via e-mail to members of the Supplemental Notice Group. The Supplemental E-mail Notice shall direct members of the Supplemental Notice Group to the website that was established by the Claims Administrator pursuant to this Court’s September 9, 2016 Order Approving Plan of Class Notice (ECF No. 68). In addition to the documents listed in paragraph 4 of the September 9, 2016 Order, the website shall include the Supplemental Long-Form Notice (Exhibit 1 to Plaintiffs’ Motion), this Order, the Memorandum and Opinion on the Motions for Summary Judgment (ECF No. 78), the Order on the Motions for Summary Judgment (ECF No. 79), and the Final Judgment and Permanent Injunction (ECF No. 82).

5. Within forty-five days of the entry of this Order, the Claims Administrator shall cause the Supplemental Postcard Notice to be disseminated, in substantially the form attached as Exhibit 3 to Plaintiffs’ Motion, by sending it via U.S. mail to all members of the Supplemental Notice Group (1) without an e-mail address or (2) for whom e-mail delivery was unsuccessful. The Supplemental Postcard Notice shall direct members of the Supplemental Notice Group to


the website that was established by the Claims Administrator pursuant to this Court's September 9, 2016 Order.

6. The opt-out period shall expire on April 13, 2018.

7. The Court finds that the dissemination of the Supplemental Notice under the terms and in the format provided for in Plaintiffs' Motion and this Order constitutes the best notice practicable under the circumstances, that it is due and sufficient notice for all purposes to all persons entitled to such notice, and that it fully satisfies the requirements of due process and all other applicable laws.

IT IS SO ORDERED.

Dated: January 21, 2018



The Honorable Royce C. Lamberth
Senior United States District Judge