

**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.

Case No. 14-cv-01523-RCL

JOINT MOTION TO MODIFY THE SCHEDULING ORDER

The parties jointly move the Court for an order modifying the current scheduling order to extend the time to submit a proposed schedule to April 30, 2021. In support of their motion, the parties state as follows:

1. On December 7, 2020, the Court entered a scheduling order, ECF No. 147, which, ordered that:
 - (a) document discovery, for the period 2010–2017, would be substantially complete by November 30, 2020;
 - (b) the United States would provide declarations of individuals from each of the eight departments in the Return Preparer Office (“RPO”) by February 28, 2021;
 - (c) fact depositions, for the period 2010–2017, would be completed by April 30, 2021; and
 - (d) the parties would submit a proposed schedule for the remainder of the case by March 31, 2021.
2. Document production is not substantially complete, as at least one significant non-party production remains outstanding awaiting final privilege review by the United States.

(Based on contractual requirements related to work performed by non-parties on behalf of the Internal Revenue Service, all non-party production must be reviewed by the United States prior to production to Plaintiffs.) The parties also anticipate additional non-party document productions in the coming months.

3. In an attempt to streamline discovery, the parties agreed that the United States would provide declarations from certain former and current employees of the RPO describing work performed by each department within the RPO. The United States agreed to provide the RPO declarations on a “rolling basis,” with the final declaration provided by February 28, 2021. However, only one declaration was provided by that date. As of this filing, although Plaintiffs repeatedly requested production, the United States has produced only four out of an anticipated eight declarations.

4. Notwithstanding these production delays, Plaintiffs have served a 30(b)(6) deposition notice, and have provided the United States with the names of employees that Plaintiffs wish to depose in their individual capacity so that the United States can secure the required testimonial authorizations. The parties are currently discussing how many depositions are needed in this case. Based on those discussions, it is likely that there will be more than 20 depositions.

5. Throughout the discovery process, the parties have spoken many times in an attempt to efficiently resolve the outstanding discovery matters and commence depositions.

6. During the parties’ most recent meet and confer, the United States informed Plaintiffs that its lead attorney, Christopher J. Williamson, is being promoted and will be replaced as lead attorney in the case.

7. In light of the above, fact discovery cannot be completed by April 30, 2021. Moreover, given the outstanding issues described above, it is not possible to submit a revised

schedule to the Court because the parties cannot currently determine the amount of time necessary to complete fact discovery. Accordingly, the parties request that the Court grant them until April 30, 2021, to submit what they hope will be the last proposed schedule for the completion of fact discovery.

8. In the interim, the parties will continue to cooperate through the discovery process, including the United States' production of the outstanding non-party documents, the United States' production of the remaining RPO declarations, and the scheduling of initial depositions.

Dated: March 31, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 31, 2021, I electronically filed this Joint Motion to Modify the Scheduling Order through this Court's CM/ECF system. I understand that notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

Dated: March 31, 2021

/s/ William H. Narwold

William H. Narwold