IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

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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

UNITED STATES' MOTION FOR AN EXTENSION OF TIME TO FILE A REPLY BRIEF

The United States hereby moves the Court to extend the deadline for the parties to file reply briefs in support of their respective motions for summary for judgment by four weeks from June 10, 2022 to July 8, 2022. In support of this motion, the parties state as follows:

1. On March 21, 2022, before any summary judgment briefs were filed, the IRS recommended partial concession regarding the amount of the PTIN fee charged for fiscal years 2011 through 2013.

2. Trial counsel for the United States recommend acceptance of this partial concession, but they do not have the authority to accept or reject this recommendation.

3. Following the Tax Division's procedures for reviewing partial concession recommendations made by the IRS in this type of case, after trial counsel makes their recommendation of the partial concession, it will go to the Chief of the Trial Section. If the Trial Section believes the partial concession merits acceptance, the Chief will

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recommend approval of the partial concession and forward it to the Office of Review of the Tax Division. If the Office of Review believes the partial concession merits acceptance, it will recommend acceptance of the partial concession and then forward it to the Deputy (not the Assistant because there is not one) Attorney General of the Tax Division. If the Deputy Assistant Attorney General of the Tax Division believes the partial concession merits acceptance, he will recommend acceptance of the partial concession and then forward to the Associate Attorney General, who has authority to authorize the partial concession.

4. Although the partial concession recommendation was received from the IRS on March 21, 2022, because of the several steps involved, the procedures described in paragraph 3, above, may take several months to complete.

5. Reply briefs are due on June 10, 2022. The trial team has been informed that a determination on the partial concession will not be finalized by that date, but the Tax Division believes the process will be complete before July 8, 2022.

6. Pursuant to Local Rule 7(m), on June 3, 2022, the United States conferred with counsel for the Plaintiffs regarding the relief requested in this motion. Plaintiffs do not oppose the relief sought if the Court allows them a Surreply, which the Government believes is premature at this point. *See* Ex. 1 (June 3, 2022 email between the parties).

7. The United States make this motion in good faith and for the purpose of attempting to resolve this action through narrowing the issues with partial concessions, without incurring any further costs, and not for purposes of delay.

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Dated: June 6, 2022

DAVID A. HUBBERT Deputy Assistant Attorney General

/s/ Stephanie A. Sasarak

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CERTIFICATE OF SERVICE

I hereby certify that on June 6, 2022, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to those parties registered to receive it.

> <u>/s/ Stephanie A. Sasarak</u> STEPHANIE A. SASARAK Trial Attorney United States Department of Justice, Tax Division