

**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 complete fact discovery until January 31, 2022. In support of their motion, the parties state as follows:

1. On June 7, 2021, the Court granted the parties' Joint Motion for Entry of the Scheduling Order, ECF No. 158, which, ordered that, among other things, fact discovery would be completed by December 31, 2021.
2. The parties have worked diligently and cooperatively to meet the December 31, 2021 deadline, but a limited number of items remain outstanding.
3. Plaintiffs have taken 17 depositions, including both 30(b)(1) and 30(b)(6) depositions of defendant and a 30(b)(6) deposition of a third party, but need additional time to take approximately 3-5 depositions in January 2022. These include a third-party 30(b)(6) deposition which was originally scheduled for December 10 but was postponed due to a family health crisis of the designated witness; and a brief, limited follow-up deposition of an already-deposed IRS witness who disclosed the existence of previously undisclosed relevant documents.

The remaining deposition(s) will cover the final few discrete 30(b)(6) topics from the 30(b)(6) deposition notice served on the Government in February of this year.

4. Document production is substantially complete. One partial non-party production and its corresponding privilege log remain due from defendant.

5. The parties have met and conferred and believe a one-month extension of fact discovery until January 31, 2022 is necessary to complete the limited outstanding items.

6. The parties also request an extension of time until February 14, 2022 to submit a proposed scheduling order for the remainder of the case.

7. The parties are available for telephonic conference should the Court have any questions or concerns.

Dated: December 29, 2021

Respectfully submitted,

/s/ William H. Narwold
MOTLEY RICE LLC
William H. Narwold
bnarwold@motleyrice.com
D.C. Bar No. 502352
One Corporate Center
20 Church Street, 17th Floor
Hartford, CT 06103
Telephone: (860) 882-1676
Facsimile: (860) 882-1682

MOTLEY RICE LLC
Meghan S. B. Oliver
moliver@motleyrice.com
Charlotte Loper
cloper@motleyrice.com
Ebony Bobbitt
ebobbitt@motleyrice.com
28 Bridgeside Boulevard
Mount Pleasant, SC 29464

/s/ Joseph A. Sergi
U.S. DEP'T OF JUSTICE, TAX DIVISION
Joseph A. Sergi
Joseph.A.Sergi@usdoj.gov
Senior Litigation Counsel
Christopher J. Williamson
Christopher.J.Williamson@usdoj.gov
Joseph E. Hunsader
Joseph.E.Hunsader@usdoj.gov
Stephanie A. Sasarak
Stephanie.A.Sasarak@usdoj.gov
Emily K. Miller
Emily.K.Miller@usdoj.gov
Trial Attorneys
Post Office Box 227
Ben Franklin Station
Washington, DC 20044
Telephone: (202) 307-2250
Facsimile: (202) 514-6866

Telephone: (843) 216-9000
Facsimile: (843) 216-9450

*Attorneys for Defendant United States of
America*

Class Counsel

LAW OFFICE OF ALLEN BUCKLEY LLC
Allen Buckley
ab@allenbuckleylaw.com
2727 Paces Ferry Road, Suite 750
Atlanta, GA 30339
Telephone: (678) 981-4689
Facsimile: (855) 243-0006

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

Additional Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on December 29, 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: December 29, 2021

/s/ William H. Narwold
William H. Narwold