

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>)	
)	
v.)	Civil Action No.: 1:14-cv-01523-RCL
)	
United States of America,)	
<i>Defendant.</i>)	
_____)	

JOINT STATUS REPORT

On January 24, 2023, this Court remanded this matter to the IRS to determine an appropriate refund for the class. (ECF 222 (“Order”). The Order also required the parties to file a joint status report every 30 days informing the Court of the “IRS’s work on remand until such time as that work is complete.” *Id.* The parties submit this joint status report as required by the Order.

United States: The United States reports that the IRS has completed its calculations for both the IRS portion and the vendor portion of the user fee. Along with this status report, the United States is simultaneously filing a Notice with the IRS’s estimate of the Court’s ordered refund amount. The United States is also filing a declaration of Return Preparer Office Director Kimberly Rogers, which explains the IRS’s estimate.

Additionally, the United States plans to file an unopposed motion to revive canceled funds as a funding source to pay certain refund amounts. The United States anticipates that motion will be filed by Monday, January 29, 2024.

Nothing reported in this Status Report shall be deemed an admission of any kind or waiver of any appeal right. In addition, once the Court issues an order determining the amount owed, the United States plans to move under Federal Rule of Civil Procedure 54(b) for final judgment as to the Second Claim in Plaintiffs' Second Amended Class Action Complaint ("Excessive PTIN Fees for the Period 2010-2017") and the United States' claim for offset.

Plaintiffs: Within 21 days of receipt of the Notice and the Rogers declaration, plaintiffs will notify the court whether they will accept the refund calculations. If plaintiffs accept, they will consent to the United States' proposed Rule 54(b) motion, so long as the United States fully funds the judgment at the time of entry. If plaintiffs do not accept the United States' refund calculations and intend to challenge the IRS's work on remand, they will meet and confer with the United States and propose to the court a schedule for further proceedings.

(Signature blocks on the following page.)

January 22, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 22, 2024, I electronically filed the Joint Status Report in the 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.

/s/ Emily K. McClure
EMILY K. MCCLURE
Trial Attorney, Tax Division
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