

**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 FOR ENTRY OF THE SCHEDULING ORDER**

In accordance with the Court's April 1, 2021 order, [ECF 150], the parties jointly move the Court to enter a scheduling order for the completion of fact discovery. The parties have met and conferred and agree to the below schedule. In support of their motion, the parties state as follows:

1. On March 31, 2021, the parties jointly submitted a motion requesting additional time to submit a proposed, final discovery schedule to the Court. ECF 149. In support of their motion, the parties identified the following outstanding discovery items: (1) document production; (2) declarations from Return Preparer Office ("RPO") department heads; and (3) individual and 30(b)(6) depositions. *Id.*

2. In addition to the six declarations previously produced, on April 21, 2021, the United States produced two additional RPO employee declarations. Three declarations remain outstanding. The United States is currently working with relevant IRS personnel to finalize the remaining declarations, and will provide these declarations no later than May 28, 2021.

3. The United States is conducting final privilege review of one non-party document production. In addition, one non-party document subpoena remains outstanding. Any eventual production may require an additional privilege log.

4. All document production by parties, except for discrete follow-up, will be completed by May 28, 2021.

5. All document production of non-party documents currently under review by the United States will be completed by May 28, 2021.

6. Depositions will begin in May. Plaintiffs have identified three initial deponents. The United States has obtained testimonial authorizations for these witnesses and will provide dates in May for their depositions. The parties expect to meet and confer in the next week on Plaintiffs' notice of deposition of the IRS under Fed. R. Civ. P. 30(b)(6), and to begin scheduling those depositions shortly thereafter. Based on the evidence received to date, Plaintiffs anticipate needing to take more than twenty depositions of current and former IRS employees, and non-parties. The parties believe depositions of fact witnesses in this case can be completed by December 31, 2021.

7. On April 26, 2021, the United States produced a privilege log for its document production. On April 29, 2021, the United States produced a privilege log for a non-party production and is preparing the privilege logs for the final non-party productions. The parties agree that all privilege logs will be produced by the earlier of (1) two weeks after the completion of the document production to which the log pertains, or (2) December 31, 2021.

8. Concerning the December 31, 2021 deadline of the preceding paragraphs, Plaintiffs sent a draft of this document to counsel for the United States that included a deadline of September 30, 2021. That deadline was agreed upon by co-counsel for Plaintiffs. Defendant

replied with a February 28, 2022 deadline. An attorney for Court-appointed class counsel conferred with counsel for the United States and agreed upon a deadline of December 31, 2021. Plaintiffs' co-counsel Allen Buckley did not participate in that meet-and-confer. Given the many extensions of discovery deadlines to date, Mr. Buckley does not agree with the December 31, 2021 deadline (but does agree with a September 30, 2021 deadline), and desires for a sooner deadline to apply.

9. The parties have submitted a separate Proposed Order setting forth these deadlines. They request that the Court enter this Proposed Order. The parties are available for a telephonic conference, should the Court have any questions or concerns.

Dated: April 30, 2021

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 30, 2021, I electronically filed this Joint Motion for Entry of 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: April 30, 2021

/s/ William H. Narwold

William H. Narwold