

**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.)
_____)

Civil Action No.: 1:14-cv-01523-RCL

**UNOPPOSED MOTION FOR
ACCEPTANCE OF UNTIMELY
OPT-OUT REQUESTS**

Plaintiffs Adam Steele, Brittany Montrois, and Joseph Henchman, on behalf of themselves and the Class, hereby request that the Court accept eleven requests for exclusion from the Class that were postmarked after the Court’s December 7, 2016 exclusion deadline. The parties have conferred, and Defendant does not oppose this motion.

On September 9, 2016, this Court issued its Order Approving Plan of Class Notice, which ordered that “[t]he opt-out period shall expire on December 7, 2016.” ECF No. 68, at 2. In anticipation of that Order, Defendant sent the Class Administrator electronic records containing over 1.2 million names and addresses of individuals who obtained PTINs from the IRS during the class period. The Class Administrator then disseminated the Court-approved Email Notice to most of those individuals via email on October 7, 2016. For those individuals (approximately 150,351) who did not have valid email addresses, the Class Administrator disseminated the Court-approved Postcard Notice on October 21, 2016. Approximately 1,064 of over 1.2 million individuals timely elected for exclusion from the Class.

In addition to those timely opt-out requests, the Class Administrator received eleven opt-out requests that were postmarked after the Court's December 7 exclusion deadline. The untimely opt-outs, along with the postmark dates of their requests, are identified by their claims administration identification numbers in Exhibit A attached hereto. With the exception of one—the only one from an individual who received notice by Postcard Notice—each untimely request was dated either on or before the deadline but postmarked after, and all were postmarked within two weeks of the Court's deadline. Additionally, none of the requests show any bad faith or an attempt by an individual to delay exclusion for tactical reasons. *See In re Vitamins Antitrust Class Actions*, 327 F.3d 1207, 1209 (D.C. Cir. 2003); *Augst-Johnson v. Morgan Stanley & Co.*, 247 F.R.D. 25, 26 (D.D.C. 2008).

Therefore, because none of the eleven untimely requests (out of over 1.2 million notices disseminated) prejudices the parties or upsets the parties' finality interests, Plaintiffs respectfully request that the Court grant their unopposed motion to accept the eleven untimely requests for exclusion from the Class.

Dated: January 17, 2017

Respectfully submitted,

By: /s/ William H. Narwold
MOTLEY RICE LLC

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

Nathan D. Finch
nfinch@motleyrice.com
Elizabeth Smith
esmith@motleyrice.com
3333 K Street NW, Suite 450
Washington, DC 20007
Telephone: (202) 232-5504
Facsimile: (202) 232-5513

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

LAW OFFICE OF ALLEN BUCKLEY LLC

Allen Buckley
ab@allenbuckleylaw.com
2802 Paces Ferry Road, Suite 100-C
Atlanta, GA 30339
Telephone: (404) 610-1936
Facsimile: (770) 319-0110

*Attorneys for Plaintiffs Adam Steele, Brittany
Montrois, Joseph Henchman, and the Class*

CERTIFICATE OF SERVICE

I, William H. Narwold, declare that I am over the age of eighteen (18) and not a party to the entitled action. I am a member of the law firm MOTLEY RICE LLC, and my office is located at 20 Church Street, 17th Floor, Hartford, CT 06103.

On January 17, 2017, I caused to be filed the following in the above-captioned case:

Unopposed Motion for Acceptance of Untimely Opt-Outs Requests

with the Clerk of Court using the Official Court Electronic Document Filing System, which served copies on all interested parties registered for electronic filing.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 17, 2017

By: /s/ William H. Narwold
MOTLEY RICE LLC