

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ADAM STEELE and	)	
BRITTANY MONTROIS,	)	
	)	
Plaintiffs,	)	No. 1:14-cv-1523-TSC
	)	
v.	)	
	)	
UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

**UNITED STATES’ MOTION TO STAY BRIEFING ON  
PLAINTIFFS’ MOTION FOR CLASS CERTIFICATION**

Plaintiffs, Adam Steele and Brittany Montrois, have brought a motion seeking to certify a class of return preparers who have paid the initial Preparer Tax Identification Number (“PTIN”) issuance user fee and/or those preparers who paid the initial fee and one or more renewal fees. (See Docket No. 10.) The United States now moves for a stay of the briefing on plaintiffs’ motion because it is premature and will likely multiply proceedings, thereby wasting the Court’s and the parties’ scarce resources.

Subsequent to the filing of Steele and Montrois’ class certification motion, but before the motion was properly served on the United States, Wallace Dickson filed with this Court another class action on behalf of the same set of return preparers seeking essentially the same relief, but on different grounds. (See *Dickson v. United States* (No. 1:14-cv-2221-TSC).) Dickson has filed a motion to consolidate his case with Steele/Montrois case, which is currently pending before this Court. If the Court grants Dickson’s motion to consolidate, it is likely that Dickson will also file a motion for class

certification. In that event, two separate motions for class certification, based presumably on different grounds, will be pending before the Court.

Briefing on Steele and Montrois' class certification motion should be stayed until such time as the Court has ruled on Dickson's consolidation motion and a joint schedule can be determined. It is the United States' position that, rather than engaging in two sets of briefing, potentially two separate class arguments, and two separate decisions, this Court should instead coordinate one combined class certification schedule. The United States proposes that once Dickson has filed his class certification motion, the United States should be given the opportunity to respond to both motions in one opposition based on the likely substantial overlap between the two motions. The Court can then conduct one class argument if necessary and issue one class decision. In addition to conserving the scarce resources of the Court and the parties, given that both Steele/Montrois and Dickson seek to represent the same class, a unified process is in the best interest of all plaintiffs because a class decision in one case could negatively impact the other case.

The United States intends to oppose plaintiffs' class certification motion on substantive grounds and reserves the right to raise those arguments at the appropriate time. For example, Steele and Montrois argue that they satisfy the requirements of Federal Rule of Civil Procedure 23(a)(4) because Stuart Bassin is class counsel. (*See* Docket No. 11 at 12-14.) Subsequent to the filing of their class certification motion, Mr. Bassin withdrew as counsel in the Steele/Montrois case and is now counsel for Dickson. While Steele and Montrois' new counsel may well be sufficiently qualified to

adequately represent the proposed class, Steele and Montrois would need to submit an amended brief in support of their motion demonstrating their counsel's qualifications.

For the foregoing reasons, the United States requests that any briefing or decision on plaintiffs' motion for class certification be stayed until the pending motion for consolidation has been decided and a joint briefing schedule has been agreed.

Dated: January 29, 2015

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing UNITED STATES' MOTION TO STAY BRIEFING ON PLAINTIFFS' MOTION FOR CLASS CERTIFICATION was filed with the Court's ECF system on January 29, 2015, which system serves electronically all filed documents on the same day of filing to all counsel of record including upon:

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