

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Adam Steele and Brittany Montrois, )  
on behalf of themselves and all )  
others similarly situated, )

Plaintiffs, )

v. )

United States of America, )

Defendant. )  
\_\_\_\_\_ )

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

**PLAINTIFFS’ RESPONSE TO THE GOVERNMENT’S  
MOTION TO STAY BRIEFING ON PLAINTIFFS’  
MOTION FOR CLASS CERTIFICATION**

Plaintiffs Adam Steele and Brittany Montrois do not object to the government’s motion to stay briefing on plaintiffs’ motion for class certification (ECF No. 25). Alternatively, the class-certification motion (ECF No. 10) may be denied without prejudice, with the right to renew—thus mooting the motion to stay briefing.

This putative class action was filed on September 8, 2014. On September 16 and October 2, plaintiffs’ then-counsel filed a motion to appoint interim class counsel and a class-certification motion, respectively. To date, the government has filed an answer but has not responded substantively to either motion. As the government’s stay motion notes, on December 31, 2014, “Wallace Dickson filed with this Court another class action on behalf of the same set of return preparers seeking essentially the same relief.” Mot. to Stay 1; *see also Dickson v. United States*, No. 1:14-cv-02221-RCL (D.D.C filed Dec. 31, 2014). There are motions pending both in this action,

ECF No. 28, and in *Dickson*, ECF No. 7, to consolidate the two cases and for appointment of interim class counsel.

Should plaintiffs' chosen counsel, Motley Rice LLC, be appointed as interim class counsel, it intends, subject to Court approval, to propose a pretrial schedule for the prompt filing of a consolidated amended complaint, a revised motion for class certification, and a plan for certain other pretrial matters. It is counsel's intention to work with counsel for the United States to present a joint pretrial schedule encompassing these matters.<sup>1</sup>

For these reasons, plaintiffs do not object to the government's stay motion. Alternatively, plaintiffs do not object to the Court denying the pending class-certification motion without prejudice and with the right to renew in accordance with a pretrial schedule established after the Court rules on the pending consolidation and appointment-of-counsel motions.

Dated: February 17, 2015

Respectfully submitted,

By: s/ William H. Narwold

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<sup>1</sup> The government's stay motion suggests that, if *Steele* and *Dickson* are consolidated, a separate class-certification motion would thereafter be filed in each case. That would not be necessary. If the Court consolidates the cases and appoints interim class counsel, the cases could proceed on a consolidated complaint with a single class-certification motion.

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

**CERTIFICATE OF SERVICE**

I hereby certify that on February 17, 2015, I electronically filed the foregoing Plaintiffs' Response to the Government's Motion to Stay Briefing on Plaintiffs' Motion for Class Certification with the Clerk of the Court using CM/ECF system, which will send notification of such filing to the attorneys of record registered with the CM/ECF system.

By: MOTLEY RICE LLC

*s/ William H. Narwold*

William H. Narwold  
MOTLEY RICE LLC