

**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>)	Civil Action No.: 1:14-cv-01523-RCL
)	
v.)	
)	
United States of America,)	
<i>Defendant.</i>)	
<hr style="width: 30%; margin-left: 0;"/>)	

JOINT STATUS REPORT

The plaintiffs, Adam Steele, Brittany Montrois, and Joseph Henchman, on behalf of themselves and the class, and the defendant, United States of America, hereby submit this Joint Status Report regarding their positions on the subsequent proceedings in this case:

1. On June 1, 2017, this Court issued an order providing as follows:

that counsel meet and confer regarding a schedule for subsequent proceedings in this case, and submit within 30 days of this order a proposal for addressing any remaining issues in this case, including a plan for determining the amount of money owed to each class member and proposing a form of judgment.

ECF No. 79.

2. In accordance with the Court’s June 1, 2017 Order, the parties met and conferred regarding further scheduling and any remaining issues, including the form of judgment, the application for attorney’s fees and costs, any supplemental notice, the administration of the refund, and the United States’ intention to request a stay pending its decision on appeal and during the pendency of any such appeal.

3. Based on that conference, the parties believe that a final judgment may now be entered in the form attached hereto as Exhibit 1. Additionally, the parties submit a proposed schedule for subsequent proceedings in this action, attached hereto as Exhibit 2.

4. The deadline to request exclusion from the class was December 7, 2016, but the United States continued to issue PTINs and charge PTIN fees to new applicants through June 1, 2017. The plaintiffs propose providing notice and an opportunity for exclusion to those class members who obtained their PTIN and paid initial PTIN fees after August 20, 2016, and thus did not receive the notice of pendency of this action and did not have an opportunity to exclude themselves before December 7, 2016. If the United States elects to appeal, the plaintiffs propose disseminating this supplemental notice as soon as practicable. If the United States does not appeal, the plaintiffs propose providing this notice in conjunction with the notice of their attorneys' fees and costs application, discussed below in paragraph 6.

5. Because the Court's June 1, 2017 Order does not dispose of the plaintiffs' excessiveness claim (Count Two) on the merits, the parties propose that the Court dismiss the claim as moot, without prejudice to the plaintiffs' right to revive that claim if the Court's final judgment is reversed on appeal. In the event that the Court's judgment is reversed on appeal, the parties shall meet and confer within a reasonable period of time and submit to the Court a proposed scheduling order governing the litigation over the excessiveness claim. The attached proposed judgment addresses this possibility.

6. Counsel for the plaintiffs intends to move for an award of attorneys' fees and nontaxable costs to be paid from the common fund created by this Court's refund order. The plaintiffs will also seek taxable costs against the United States. The parties agree that delaying the plaintiffs' application for attorneys' fees and costs until all appeals, if any, are exhausted is

prudent. Accordingly and pursuant to Federal Rule of Civil Procedure 54(d) and Local Civil Rule 54.2, an application by the plaintiffs for attorneys' fees and costs shall be filed no later than 30 days after the expiration of the period for appeal or, in the event of an appeal, shall be filed within 30 days of the final determination of all appeals or the final judgment of this Court on remand, whichever is later. Likewise, pursuant to Federal Rule of Civil Procedure 23(h)(1), notice to the class of an attorneys' fees and costs application and any hearing shall be disseminated no later than 30 days after the Court's approval of the plan and form of notice. The attached proposed judgment further details these proposed procedures.

7. As for the refund of PTIN fees, the parties agree that the United States maintains all records necessary to allow each class member who has not filed a timely exclusion to receive a complete refund of all PTIN fees paid. Therefore, the United States, with the assistance of the plaintiffs' claims administrator, will provide each class member with a full refund of all PTIN fees paid from September 1, 2010 to present. The United States shall make payment of such refunds to the claims administrator selected by the plaintiffs' counsel promptly after the expiration of the period for appeal or, in the event of an appeal, promptly after the final determination of all appeals or the final judgment of this Court on remand, whichever is later. The claims administrator shall process the individual refunds, less the pro rata share of any attorneys' fees and costs approved by the Court, to class members within 60 days of the final determination of the amount of any attorneys' fees and costs that may be awarded to the plaintiffs' counsel. The attached proposed judgment further details these proposed procedures.

8. The United States has not decided whether it intends to appeal this Court's final judgment. The United States intends to seek a stay of the Court's order enjoining the Internal Revenue Service from charging any fee to issue or renew a PTIN pending its decision regarding

whether to appeal and during the pendency of any such appeal. The parties have discussed the United States' request for a stay, and the plaintiffs do not consent. The United States will file a motion for stay within 14 days from the date the Court enters final judgment.

Dated: June 30, 2017

Respectfully submitted,

By: /s/ William H. Narwold
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