

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:94-cv-00923-GK

TAX ANALYSTS v. IRS
Assigned to: Judge Gladys Kessler
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 04/26/1994
Date Terminated: 03/15/1996
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**TAX ANALYSTS**

represented by **William Aaron Dobrovir**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**INTERNAL REVENUE SERVICE**

represented by **Michael Joseph Salem**
Office of the Attorney General of Maryland
Office of the Comptroller of the Treasury
303 Goldstein Treasury Bldg.
80 Calvert Street
Post Office Box 466
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Date Filed	#	Docket Text
04/26/1994	1	COMPLAINT filed by plaintiff TAX ANALYSTS; attachments (5) (bm) (Entered: 04/28/1994)
04/26/1994		SUMMONS (3) issued to federal party defendant IRS , and non-parties: U.S. Attorney and U.S. Attorney General. (bm) (Entered: 04/28/1994)
04/28/1994		MAILED CJRA brochure, Meet and Confer list, and Notice regarding dismissal to plaintiff TAX ANALYSTS . (bm) (Entered: 04/28/1994)
05/11/1994	2	RETURN OF SERVICE/AFFIDAVIT executed upon U. S. Attorney personally on 4/26/94; U.S. Attorney General by certified mail on 4/28/94 and defendant IRS on 5/2/94 by certified mail; exhibits (2). (bm) (Entered: 05/12/1994)
05/27/1994	3	ANSWER TO COMPLAINT [1-1] by defendant IRS. (bm) (Entered: 05/31/1994)
06/21/1994	4	MEET AND CONFER STATEMENT/REPORT PURSUANT TO L.R. 206(d) filed by plaintiff TAX ANALYSTS, and defendant IRS. (bm) (Entered: 06/22/1994)
06/29/1994	5	RULE 26(a)(1) DISCLOSURE STATEMENT filed by plaintiff TAX ANALYSTS (bm) (Entered: 06/30/1994)

06/30/1994	6	RULE 26(a)(1) DISCLOSURE STATEMENT filed by defendant IRS (jeb) (Entered: 07/01/1994)
07/01/1994	7	REASSIGNMENT OF CIVIL CASE from Judge Greene to Judge Gladys Kessler by direction of the Calendar Committee. Emergency matters will continue to be handled by Judge Greene until Judge Kessler takes the oath of office. (N) (gt) (Entered: 07/05/1994)
07/22/1994	8	INTERROGATORIES (first set) filed by plaintiff TAX ANALYSTS to defendant IRS (tth) (Entered: 07/27/1994)
07/22/1994	9	REQUEST (first) by plaintiff TAX ANALYSTS to defendant IRS for production of documents (tth) (Entered: 07/27/1994)
08/19/1994	10	MOTION filed by defendant IRS to extend time to respond to interrogatories and document requests (clv) (Entered: 08/24/1994)
09/12/1994	11	RULE 26(a)(1) (supplemental) DISCLOSURE STATEMENT filed by defendant IRS (kmk) (Entered: 09/14/1994)
09/14/1994	12	ORDER by Judge Gladys Kessler: status hearing set for 9:45 10/3/94 (N) (pob) (Entered: 09/15/1994)
09/19/1994	13	ORDER by Judge Gladys Kessler: granting motion to extend time to respond to interrogatories and document requests [10-1] by IRS; IRS shall have an additional 30 days to serve response to interrogatories and document requests. (N) (pob) (Entered: 09/19/1994)
09/19/1994	14	FIRST SET OF INTERROGATORIES filed by defendant IRS to plaintiff(s) TAX ANALYSTS (pob) (Entered: 09/19/1994)
09/28/1994	15	MEET AND CONFER STATEMENT/REPORT (joint) PURSUANT TO L.R. 206(d) filed by plaintiff(s) TAX ANALYSTS, defendant IRS . (kmk) (Entered: 09/29/1994)
10/03/1994		STATUS HEARING before Judge Gladys Kessler : discovery due 12/15/94; dispositive motions due 2/15/95; response to dispositive motions due 3/15/95; reply to dispositive motions due 3/25/95 Reporter: Marilyn Young (pob) (Entered: 10/03/1994)
10/03/1994	16	ORDER by Judge Gladys Kessler: discovery due 12/15/94; dispositive motions due 2/15/95; response to dispositive motions due 3/15/95; reply to dispositive motions due 3/25/95 (N) (pob) (Entered: 10/03/1994)
10/03/1994	17	ANSWER (additional) by defendant IRS to plaintiffs' first set of interrogatories (kmk) (Entered: 10/05/1994)
10/03/1994	18	RESPONSE (additional) by defendant IRS to plaintiff's first set request for production of documents (kmk) (Entered: 10/05/1994)
10/19/1994	19	ANSWER by plaintiff(s) TAX ANALYSTS to interrogatories (cjp) (Entered: 10/24/1994)
10/25/1994	20	SECOND INTERROGATORIES filed by plaintiff TAX ANALYSTS to defendant IRS (pob) (Entered: 10/26/1994)
10/25/1994	21	NOTICE OF FILING by plaintiff TAX ANALYSTS of sworn corrected answers to defendant IRS first set of interrogatories to plaintiff. (pob) (Entered: 10/26/1994)
11/02/1994	22	INTERROGATORIES (third) filed by plaintiff TAX ANALYSTS to defendant IRS (kmk) (Entered: 11/03/1994)
11/22/1994	23	INTERROGATORIES (second set) filed by defendant IRS to plaintiff TAX ANALYSTS (kmk) (Entered: 11/23/1994)
01/23/1995	24	MOTION filed by plaintiff TAX ANALYSTS to compel production of documents, for a Vaughn Index and for in camera inspection of the formal FSAs at issue in this case (pob) (Entered: 01/24/1995)
02/02/1995	25	MOTION filed by defendant IRS to extend time to respond to plaintiff's motion to compel production of documents, for a Vaughn v. rosen index and for in camera inspection of the formal FSAs and for the parties to file dispositive motions (pob)

		(Entered: 02/03/1995)
02/10/1995	26	MEMORANDUM by defendant IRS in opposition to motion to compel production of documents, for a Vaughn Index [24-1] by TAX ANALYSTS, motion for in camera inspection of the formal FSAs at issue in this case [24-2] by TAX ANALYSTS; Declaration (1); Exhibit (1). (tth) (Entered: 02/13/1995)
02/14/1995	27	ORDER by Judge Gladys Kessler: granting motion to extend time to respond to plaintiff's motion to compel production of documents, for a Vaughn v. Rosen index and for in camera inspection of the formal FSAs and for the parties to file dispositive motions [25-1] by IRS; IRS shall file any memorandum opposing plaintiff's motion to compel production of documents by 2/10/95; vacating deadline for the filing of dispositive motions; dispositive motions due 30 days after the ruling on plaintiff's motion to compel production of documents. (N) (pob) (Entered: 02/15/1995)
02/15/1995	28	MOTION filed by plaintiff TAX ANALYSTS for summary judgment (tth) (Entered: 02/16/1995)
02/21/1995	29	REPLY by plaintiff TAX ANALYSTS to defendant's opposition to motion to compel production of documents, for a Vaughn Index [24-1] TAX ANALYSTS, motion for in camera inspection of the formal FSAs at issue in this case [24-2] by TAX ANALYSTS (tth) (Entered: 02/22/1995)
02/28/1995	30	ORDER by Judge Gladys Kessler : denying motion to compel production of documents, for a Vaughn Index [24-1] by TAX ANALYSTS (N) (pob) (Entered: 02/28/1995)
03/13/1995	31	ORDER by Judge Gladys Kessler: that the Order of 2/14/95 governs. (N) (pob) (Entered: 03/13/1995)
03/14/1995	32	MOTION filed by defendant IRS to extend time to 3/20/95 to respond to plaintiff's motion for summary judgment. (tth) (Entered: 03/15/1995)
03/15/1995	33	ORDER by Judge Gladys Kessler : granting motion to extend time to 3/20/95 to respond to plaintiff's motion for summary judgment. [32-1] by IRS (N) (pob) (Entered: 03/16/1995)
03/15/1995	34	ORDER by Judge Gladys Kessler: response to motion for summary judgment due 3/20/95 reply motion for summary judgment due 4/6/95 (N) (pob) (Entered: 03/16/1995)
03/16/1995	35	RESPONSE by plaintiff TAX ANALYSTS to the motion to extend time to 3/20/95 to respond to plaintiff's motion for summary judgment. [32-1] by IRS (tth) (Entered: 03/17/1995)
03/20/1995	36	MEMORANDUM by defendant IRS in opposition to motion for summary judgment [28-1] by TAX ANALYSTS; declarations (5) (tth) (Entered: 03/21/1995)
03/29/1995	37	CROSS MOTIONS by defendant IRS for summary judgment (tth) (Entered: 03/30/1995)
03/31/1995	38	MOTION filed by plaintiff TAX ANALYSTS to extend time to 4/21/95 to respond to defendant's opposition to their motion for summary judgment, and to file its opposition to defendant's cross-motion for summary judgment (tth) (Entered: 04/03/1995)
04/11/1995	39	ORDER by Judge Gladys Kessler : granting motion to extend time to 4/21/95 to respond to defendant's opposition to their motion for summary judgment, and to file its opposition to defendant's cross-motion for summary judgment [38-1] by TAX ANALYSTS (N) (clv) (Entered: 04/11/1995)
04/21/1995	40	MOTION filed by plaintiff TAX ANALYSTS to extend time to 5/12/95 to serve TA's Reply to defendant Internal Revenue Service's Opposition to Tax Analysts' motion for summary judgment. (tth) (Entered: 04/24/1995)
04/25/1995	41	ORDER by Judge Gladys Kessler: granting motion to extend time to 5/12/95 to serve TA's Reply to defendant Internal Revenue Service's Opposition to Tax Analysts' motion for summary judgment [40-1] by TAX ANALYSTS; response to cross motions due by 5/12/95; reply to motion for summary judgment due by 5/12/95 (N) (pob) (Entered: 04/26/1995)

05/12/1995	42	MOTION filed by plaintiff TAX ANALYSTS for leave to file depositions and exhibits . (tth) (Entered: 05/15/1995)
05/12/1995	43	MOTION filed by plaintiff TAX ANALYSTS to strike portions of the affidavits ("declarations") submitted by defendant IRS in its opposition [36-1] , or, in the alternative, plaintiff's objections to matters in defendant's affidavits. (tth) (Entered: 05/15/1995)
05/12/1995	44	REPLY by plaintiff TAX ANALYSTS to the defendant's opposition to their motion for summary judgment [28-1]. (tth) (Entered: 05/15/1995)
05/12/1995	45	RESPONSE by plaintiff TAX ANALYSTS in opposition to cross motion for summary judgment [37-1] by IRS; exhibits (3). (tth) Modified on 06/08/1995 (Entered: 05/15/1995)
05/22/1995	48	NOTICE OF FILING by plaintiff TAX ANALYSTS of a portion of plaintiff's exhibit 64 to plaintiff's statement of material facts which was filed on 5/12/95. (dam) (Entered: 05/25/1995)
05/24/1995	46	REPLY by defendant IRS to plaintiff's opposition to cross motion for summary judgment [37-1] by IRS (bjsp) (Entered: 05/25/1995)
05/24/1995	47	SUPPLEMENTAL MEMORANDUM by Internal Revenue Service's of Second Statement of Material Facts as to which there exists a genuine issue [28-1] by TAX ANALYSTS. (tth) (Entered: 05/25/1995)
05/25/1995	49	NOTICE OF FILING by defendant IRS of the Declaration of Alan Pastor (clv) (Entered: 05/26/1995)
05/26/1995		Text not available. (Entered: 05/30/1995)
05/26/1995	50	MEMORANDUM by defendant IRS in opposition to motion to strike portions of the affidavits ("declarations") submitted by defendant IRS in its opposition [36-1] [43-1] by TAX ANALYSTS, motion plaintiff's objections to matters in defendant's affidavits [43-2] by TAX ANALYSTS (pob) (Entered: 05/30/1995)
06/05/1995	51	REQUEST by plaintiff TAX ANALYSTS for oral argument ; attachment (1). (tth) (Entered: 06/06/1995)
06/05/1995	52	REQUEST by defendant IRS for oral argument. (tth) (Entered: 06/06/1995)
06/05/1995	53	REPLY by plaintiff TAX ANALYSTS to defendant's Memorandum of Points & Authorities in Opposition to their Motion to Strike [43-1] or, in the Alternative, Objections to Matters in Defendant's Affidavits [43-2]. (tth) (Entered: 06/06/1995)
06/05/1995	54	MOTION filed by defendant IRS to strike plaintiff's exhibits 64 & 66 [45-1] . (tth) (Entered: 06/08/1995)
06/12/1995	55	RESPONSE by plaintiff TAX ANALYSTS in opposition to motion to strike plaintiff's exhibits 64 & 66 [45-1] [54-1] by IRS ; declaration (1); exhibit (1). (tth) (Entered: 06/15/1995)
06/19/1995	56	REPLY by defendant IRS to response to motion to strike plaintiff's exhibits 64 & 66 [45-1] [54-1] by IRS (clv) (Entered: 06/20/1995)
08/08/1995	57	ORDER by Judge Gladys Kessler: denying motion to strike plaintiff's exhibits 64 & 66 [45-1] [54-1] by IRS (N) (pob) (Entered: 08/08/1995)
08/08/1995	58	ORDER by Judge Gladys Kessler : denying motion to strike portions of the affidavits ("declarations") submitted by defendant IRS in its opposition [36-1] [43-1] by TAX ANALYSTS; that plaintiff's alternative objections to matters in defendant's affidavits is overruled. (N) (pob) (Entered: 08/08/1995)
01/19/1996		ORAL SCHEDULING NOTICE: pretrial conference set for 4:45 1/25/96 before Judge Gladys Kessler . (pob) (Entered: 01/19/1996)
03/15/1996	59	ORDER by Judge Gladys Kessler: granting motion for leave to file depositions and exhibits [42-1] by TAX ANALYSTS denying motion for oral argument [51-1] by TAX ANALYSTS denying motion for oral argument [52-1] by IRS (N) (pob) (Entered: 03/18/1996)

03/15/1996	60	MEMORANDUM OPINION by Judge Gladys Kessler (N) (pob) (Entered: 03/18/1996)
03/15/1996	61	ORDER by Judge Gladys Kessler: denying cross motion for summary judgment [37-1] by IRS, granting motion for summary judgment [28-1] by TAX ANALYSTS; defendants are to release all requested FSAs except that all "return information" as defined by 26 USC 6103(b) shall be redacted; and all attorney work-product shall be redacted from the 309 FSAs identified by defendant. (N) (pob) (Entered: 03/18/1996)
03/27/1996	62	DEPOSITION of Marlene Gross taken by plaintiff TAX ANALYSTS on 12/13/94. (tth) (Entered: 03/27/1996)
03/27/1996	63	DEPOSITION of David G. Blattner taken by plaintiff TAX ANALYSTS on 11/18/94; exhibit (1). (tth) (Entered: 03/27/1996)
03/27/1996	64	DEPOSITION of Sarah Hall Ingram, Esq. taken by plaintiff TAX ANALYSTS on 11/10/94; attachment (1). (tth) (Entered: 03/27/1996)
03/27/1996	65	DEPOSITION of Cynthia Joanne Mattson taken by plaintiff TAX ANALYSTS on 11/7/94; attachment (1); exhibits (8). (tth) (Entered: 03/27/1996)
03/27/1996	66	DEPOSITION of James J. Keightley, Esq. taken by plaintiff TAX ANALYSTS on 10/28/94; attachment (1). (tth) (Entered: 03/27/1996)
03/27/1996	67	DEPOSITION of Thomas Wade Wilson, Jr. taken by plaintiff TAX ANALYSTS on 11/29/94; attachment (1); exhibits (3). (tth) (Entered: 03/27/1996)
03/27/1996	68	DEPOSITION of Daniel J. Wiles taken by plaintiff TAX ANALYSTS on 12/9/94; exhibits (11). (tth) (Entered: 03/27/1996)
03/27/1996	69	DEPOSITION of John J. Manaco taken by plaintiff TAX ANALYSTS on 12/2/94; exhibits (7). (tth) (Entered: 03/27/1996)
03/27/1996	70	MOTION filed by plaintiff TAX ANALYSTS for attorney's fee and litigation expenses against IRS ; declaration (1); exhibits (3). (tth) (Entered: 03/28/1996)
04/03/1996	71	BILL OF COSTS by plaintiff TAX ANALYSTS; exhibits (3). (tth) (Entered: 04/04/1996)
04/05/1996	72	(UNOPPOSED) MOTION filed by defendant IRS to extend time to respond to plaintiff's motion for an award of attorney's fees and litigation expenses. (tth) (Entered: 04/08/1996)
04/08/1996	73	ORDER by Judge Gladys Kessler: granting motion to extend time to respond to plaintiff's motion for an award of attorney's fees and litigation expenses [72-1]; defendant to serve its response to plaintiff's motion for an award of attorney's fees and litigation expenses on 4/18/96 by IRS (N) (pob) (Entered: 04/09/1996)
04/18/1996	74	RESPONSE by defendant IRS to motion for attorney's fee and litigation expenses against IRS [70-1] by TAX ANALYSTS; exhibits (1), and declarations (2) (mjk) (Entered: 04/19/1996)
04/26/1996	75	REPLY by plaintiff TAX ANALYSTS to defendant's response to motion for attorney's fees and litigation expenses against IRS [70-1]; attachment (1); declaration (1) (mjk) (Entered: 04/29/1996)
05/13/1996	76	MOTION filed by defendant IRS seeking suspension of injunction pending appeal (tth) (Entered: 05/14/1996)
05/14/1996	77	NOTICE OF APPEAL by defendant IRS from order [61-1], entered on: 3/18/96. No fee paid U.S. Gov't; Copies mailed Michael Salem and William Drovir. (tth) (Entered: 05/15/1996)
05/15/1996		TRANSMITTED PRELIMINARY RECORD on appeal [77-1] by IRS to U.S. Court of Appeals (tth) (Entered: 05/15/1996)
05/24/1996	78	NOTICE OF FILING by defendant IRS re: Internal Revenue Service's Certification on non-ordering of transcript & statement of issues on appeal. (tth) (Entered: 05/28/1996)

05/30/1996		USCA # 96-5152 assigned for appeal [77-1] by IRS (tth) (Entered: 05/31/1996)
06/03/1996	79	MEMORANDUM OPINION by Judge Gladys Kessler (N) (kmk) (Entered: 06/03/1996)
06/03/1996	80	ORDER by Judge Gladys Kessler: granting motion for attorney's fee and litigation expenses against IRS [70-1] by TAX ANALYSTS; ORDERED that the defendant shall pay plaintiff \$120,769 in attorney fees and \$7,120.83 in expenses no later than 30 days following the date of this order (N) (kmk) Modified on 2/12/2014 to correct clerical error in the amount of attorney fees. (tth). (Entered: 06/03/1996)
06/17/1996	81	MOTION (SECOND) filed by defendant IRS seeking suspension of injunction pending appeal (tth) (Entered: 06/18/1996)
06/19/1996	82	ORDER by Judge Gladys Kessler: granting motion seeking suspension of injunction pending appeal [81-1] by IRS; directing that the injunctive order dated 5/30/96, and entered on 6/3/96, is suspended for such period of time as is accorded to defendant to file a notice of appeal, plus such period of time as an appeal is pending before the Court of Appeals and for 10 days thereafter, or if no appeal is filed, for a period of 10 days after the expiration of the time in which such appeal may be filed. (N) (pob) (Entered: 06/20/1996)
06/21/1996	84	REPLY by defendant IRS to response to motion seeking suspension of injunction pending appeal [76-1] by IRS (tth) (Entered: 06/24/1996)
06/24/1996	83	RESPONSE by plaintiff TAX ANALYSTS to second motion seeking suspension of injunction pending appeal [76-1] by IRS (tth) (Entered: 06/24/1996)
07/30/1996	85	NOTICE OF APPEAL by defendant IRS from order [80-1], entered on: 06/03/96. NO FEES. Attorney's to receive copies are Michael Salem and William Dobrovie. (dam) (Entered: 07/31/1996)
07/31/1996		TRANSMITTED PRELIMINARY RECORD on appeal [85-1] by IRS to U.S. Court of Appeals (dam) (Entered: 07/31/1996)
08/05/1996	86	LETTER pursuant to FRAP 10 defendant IRS files this second certification of non-ordering of transcript & statement of issues on appeal dated 8/1/96 (dam) (Entered: 08/08/1996)
08/06/1996		USCA # 96-5241 assigned for appeal [85-1] by IRS (dam) (Entered: 08/07/1996)
08/16/1996	87	ORDER by Judge Gladys Kessler : granting motion seeking suspension of injunction pending appeal [76-1] by IRS and the courts order of 3-18-96 is stayed pending ruling of the Court of Appeals for the District of Columbia Circuit. (N) (rew) (Entered: 08/20/1996)
09/05/1997	88	CERTIFIED COPY of judgment filed in USCA dated 7/8/97, on appeal [85-1], appeal [77-1], affirming the judgment of USDC in part, and remanding for further proceedings. OPINION USCA # 96-5152 & 96-5241 (cjp) (Entered: 09/05/1997)
09/16/1997	89	MOTION filed by plaintiff TAX ANALYSTS for attorney fee and litigation expenses ; exhibits (2) (tth) (Entered: 09/17/1997)
09/26/1997	90	MEMORANDUM by defendant IRS in opposition to motion for attorney fee and litigation expenses [89-1] by TAX ANALYSTS (tth) (Entered: 09/29/1997)
10/01/1997	91	REPLY by plaintiff TAX ANALYSTS on attorney fee and litigation expenses [89-1] (JMF) (Entered: 10/02/1997)
11/04/1997	92	REQUEST by plaintiff TAX ANALYSTS for a status conference re: proceedings in this Court on remand (pob) (Entered: 11/06/1997)
12/05/1997	93	SATISFACTION OF (ORDER) JUDGMENT as satisfied and cancel of record the order for payment of attorney's fees and costs dated May 30, 1996. (tth) (Entered: 12/18/1997)
02/05/1998	94	MOTION filed by plaintiff TAX ANALYSTS to compel defendant to comply with the D.C. Circuit's Mandate in this case ; exhibit (1) (tth) (Entered: 02/06/1998)

02/17/1998	95	MOTION filed by defendant IRS to extend time to 2/27/98 to respond to plaintiff's motion to compel defendant to comply with the D.C. Circuit's mandate in this case (tth) (Entered: 02/18/1998)
02/18/1998	96	ORDER by Judge Gladys Kessler : granting motion to extend time to 2/27/98 to respond to plaintiff's motion to compel defendant to comply with the D.C. Circuit's mandate in this case [95-1] by IRS (N) (pob) (Entered: 02/18/1998)
02/27/1998	97	MEMORANDUM by defendant IRS in opposition to motion to compel defendant to comply with the D.C. Circuit's Mandate in this case [94-1] by TAX ANALYSTS (st) (Entered: 03/03/1998)
03/02/1998	98	MOTION (REQUEST) filed by defendant IRS for oral argument (st) (Entered: 03/03/1998)
03/06/1998	99	REPLY by plaintiff TAX ANALYSTS to response to motion to compel defendant to comply with the D.C. Circuit's Mandate in this case [94-1] by TAX ANALYSTS; Appendix (1) (tth) (Entered: 03/09/1998)
03/17/1998	100	MEMORANDUM OPINION by Judge Gladys Kessler (N) (pob) (Entered: 03/17/1998)
03/17/1998	101	ORDER by Judge Gladys Kessler : granting in part, denying in part motion for attorney fee and litigation expenses [89-1]; directing that judgment for fees and costs is entered against defendant for the total amount of \$27,767.22, such payment to be made no later than 5/16/98. (N) (pob) (Entered: 03/17/1998)
03/27/1998	102	SUPPLEMENTAL MEMORANDUM by plaintiff TAX ANALYSTS in support of this Court's jurisdiction to order IRS to comply with 5 U.S.C. 552(a)(2) and place FSAs in IRS' reading rooms [101-1] (tth) (Entered: 03/30/1998)
04/28/1998	103	NOTICE OF FILING by defendant IRS of a Summary Index of Documents at Issue (No. 1); Attachment (1) (tth) (Entered: 04/29/1998)
05/01/1998	104	MEMORANDUM OPINION by Judge Gladys Kessler (N) (pob) (Entered: 05/01/1998)
05/01/1998	105	ORDER by Judge Gladys Kessler : granting in part, denying in part motion to compel defendant to comply with the D.C. Circuit's Mandate in this case [94-1]; defendant IRS shall file within 30 days a memorandum of law; plaintiff response due 15 days thereafter; defendant's reply due 5 days thereafter. (N) (pob) (Entered: 05/01/1998)
05/13/1998	106	MOTION filed by plaintiff TAX ANALYSTS for an award of attorney's fees and litigation expenses against IRS ; Declarations (1) (tb) (Entered: 05/14/1998)
05/14/1998	107	NOTICE OF FILING by defendant IRS of Defendant's Summary Index of Documents at Issue (No. 2) (tth) (Entered: 05/15/1998)
05/14/1998	108	MOTION filed by defendant IRS to alter judgment , or to amend order [105-1] (tb) (Entered: 05/15/1998)
05/21/1998	110	SECOND SATISFACTION OF JUDGMENT (tth) (Entered: 05/26/1998)
05/22/1998	109	RESPONSE by plaintiff TAX ANALYSTS in opposition to motion to alter judgment [108-1] by IRS, motion to amend order [105-1] [108-2] by IRS . (tth) (Entered: 05/26/1998)
06/01/1998	111	MEMORANDUM by defendant IRS re: Redactions on Bases of Treaty Secrecy Clauses & International Agreements; Appendices (2); Declarations (2); Exhibit (1). (tth) (Entered: 06/02/1998)
06/01/1998	112	MEMORANDUM by defendant IRS in opposition to motion for an award of attorney's fees and litigation expenses against IRS [106-1] by TAX ANALYSTS (tth) (Entered: 06/02/1998)
06/08/1998	113	REPLY by plaintiff TAX ANALYSTS to response to motion for an award of attorney's fees and litigation expenses against IRS [106-1] by TAX ANALYSTS (tth) (Entered: 06/09/1998)

06/11/1998	114	MOTION filed by plaintiff TAX ANALYSTS for a continuance for the purpose of discovery on IRS' claims of exemption for "Treaty Secrecy" ; "Let this be treated as original of the motion", KESSLER, J. (tth) (Entered: 06/12/1998)
06/18/1998	115	MOTION filed by defendant IRS seeking suspension of injunction pending reconsideration and appeal (tth) (Entered: 06/19/1998)
06/19/1998	116	MEMORANDUM by plaintiff TAX ANALYSTS in opposition to IRS' Claims of Exemption Based on Secrecy Clause of Tax Treaties [111-1]; Appendix (1) (tth) (Entered: 06/23/1998)
06/23/1998	117	MOTION filed by defendant IRS to extend time to 6/30/98 to respond to plaintiff's motion for a continuance for the purpose of discovery on IRS' claims of Exemption for "treaty secrecy" (tth) (Entered: 06/24/1998)
06/24/1998	118	ORDER by Judge Gladys Kessler : granting motion to extend time to 6/30/98 to respond to plaintiff's motion for a continuance for the purpose of discovery on IRS' claims of Exemption for "treaty secrecy" [117-1] by IRS (N) (pob) (Entered: 06/25/1998)
06/29/1998	119	MOTION filed by defendant IRS to extend time to 7/29/98 to comply with injunctive order (tth) (Entered: 06/30/1998)
06/29/1998	120	NOTICE OF APPEAL by defendant IRS from order [105-1], entered on: 5/1/98. NO FEES PAID; GOVERNMENT. Copies mailed to: Michael Salem and William Dobrovir. (tth) (Entered: 06/30/1998)
06/29/1998	121	VAUGHN INDEX by defendant IRS of nontaxpayer-specific FSAs at Issue; Attachment (1) (tth) (Entered: 06/30/1998)
06/30/1998		TRANSMITTED PRELIMINARY RECORD on appeal [120-1] by IRS to U.S. Court of Appeals (tth) (Entered: 06/30/1998)
06/30/1998	122	RESPONSE by defendant IRS to motion for a continuance and for discovery re: IRS' claims of exemption for Tax Treaties & Tax Information Exchange Agreements [114-1] by TAX ANALYSTS (tth) (Entered: 07/01/1998)
07/01/1998		USCA # 98-5252 assigned for appeal [120-1] by IRS (tth) (Entered: 07/02/1998)
07/06/1998	123	ORDER by Judge Gladys Kessler : granting motion to extend time to 7/29/98 to comply with injunctive order [119-1] by IRS (N) (pob) (Entered: 07/06/1998)
07/06/1998	124	ORDER by Judge Gladys Kessler : granting motion for a continuance for the purpose of discovery on IRS' claims of exemption for "Treaty Secrecy" [114-1] by TAX ANALYSTS (N) (pob) (Entered: 07/06/1998)
07/06/1998	125	CERTIFIED COPY of Order filed in USCA dated 7/2/98, referencing appeal [120-1] , directing case be held in abeyance pending resolution by the district court on the motion to alter or amend filed 5/14/98. USCA # 98-5252 (cjp) (Entered: 07/06/1998)
07/07/1998	126	MEMORANDUM by plaintiff TAX ANALYSTS on new legislation pertinent to pending matters; Appendix (1) (tth) (Entered: 07/08/1998)
07/10/1998	127	ORDER by Judge Gladys Kessler: denying motion to alter judgment [108-1] by IRS, denying motion to amend order [105-1] [108-2] by IRS (N) (pob) (Entered: 07/13/1998)
07/10/1998	128	MOTION filed by plaintiff TAX ANALYSTS for partial summary judgment on IRS' claims of FOIA Exemption 7(E) ; Appendices and Attachments (2) (tth) (Entered: 07/13/1998)
07/13/1998	129	ORDER by Judge Gladys Kessler : denying motion seeking suspension of injunction pending reconsideration and appeal [115-1] by IRS (N) (pob) (Entered: 07/14/1998)
07/20/1998	130	NOTICE OF FILING by defendant IRS of Third Certification of Non-Ordering of Transcript & Statement of Issues on Appeal (tth) (Entered: 07/21/1998)
07/23/1998	131	RESPONSE by defendant IRS in opposition to motion for partial summary judgment on IRS' claims of FOIA Exemption 7(E) [128-1] by TAX ANALYSTS. (tth) (Entered: 07/24/1998)

07/24/1998	132	ERRATA by defendant IRS regarding errors indentified in the Internal Revenue Service's Memorandum Re: Redactions on Bases of Treaty Secrecy Clauses & International Agreement and Internal Revenue Service's Declaration of Michael Danilack; Supplemental Declaration (1). (tth) (Entered: 07/29/1998)
07/30/1998	133	REPLY by plaintiff TAX ANALYSTS to response to motion for partial summary judgment on IRS' claims of FOIA Exemption 7(E) [128-1] by TAX ANALYSTS (tb) (Entered: 07/31/1998)
08/07/1998	134	SUPPLEMENTAL MEMORANDUM by plaintiff TAX ANALYSTS on recent legislation (JMF) (Entered: 08/10/1998)
08/11/1998	135	CERTIFIED COPY of order filed in USCA dated 08/11/98, on , dismissing appeal . USCA # 98-5252 (ldc) (Entered: 08/12/1998)
08/12/1998	136	NOTICE OF SUPPLEMENTAL AUTHORITY by plaintiff TAX ANALYSTS (st) (Entered: 08/13/1998)
08/21/1998	137	MOTION (CONSENT) filed by defendant IRS to extend time for discovery and briefing scheduling pursuant to court's order 07/04/98 (tb) (Entered: 08/24/1998)
08/26/1998	138	ORDER by Judge Gladys Kessler : granting motion to extend time for discovery and briefing scheduling pursuant to court's order 07/04/98 [137-1] by IRS; the plaintiff shall have until 11/2/98, to conduct and complete discovery on the issues presented in the defendant's memorandum regarding redactions on bases of treaty secrecy clauses and international agreements; the plaintiff shall file its response/opposition to the defendant's memorandum regarding redactions on bases of treaty secrecy clauses and international agreements within 21 days of the closure of the discovery period provided immediately; the defendant shall file any reply to plaintiff's response/opposition within five days of service of plaintiff's response/opposition; and the Clerk shall distribute conformed copies of this order to the representatives of the parties. (N) (blj) (Entered: 08/27/1998)
10/27/1998	139	ORDER by Judge Gladys Kessler : for defendant to respond to the motion for an order permitting plaintiff to take one deposition by telephone and for expedited proceedings on that motion by 5:00 p.m. on 10/28/98; reply due by 5:00 p.m. on 10/29/98 (N) (pob) (Entered: 10/27/1998)
10/28/1998	140	MOTION filed by plaintiff TAX ANALYSTS for order permitting plaintiff to take one deposition by telephone , and for expedited proceedings on that motion (st) (Entered: 10/29/1998)
10/28/1998	141	MEMORANDUM by defendant IRS in opposition to motion for order permitting plaintiff to take one deposition by telephone [140-1] by TAX ANALYSTS, motion for expedited proceedings on that motion [140-2] by TAX ANALYSTS (st) (Entered: 10/29/1998)
10/30/1998	142	REPLY by plaintiff TAX ANALYSTS to motion for order permitting plaintiff to take one deposition by telephone [140-1] by TAX ANALYSTS, motion for expedited proceedings on that motion [140-2] by TAX ANALYSTS (tb) (Entered: 11/02/1998)
11/12/1998	143	SURREPLY by defendant IRS to plaintiff's motion for additional discovery & notice of errata [140-1] by TAX ANALYSTS; "Leave to file granted", KESSLER, J. (tth) (Entered: 11/13/1998)
11/16/1998	144	ORDER by Judge Gladys Kessler : denying motion for order permitting plaintiff to take one deposition by telephone [140-1] by TAX ANALYSTS (N) (pob) (Entered: 11/16/1998)
11/20/1998	145	MOTION (CONSENT) filed by plaintiff TAX ANALYSTS for leave to file deposition transcripts and deposition exhibits with the court (tb) Modified on 11/23/1998 (Entered: 11/23/1998)
11/20/1998	146	MEMORANDUM by plaintiff TAX ANALYSTS in opposition to IRS memorandum on treaty secrecy; appendixes (2) (tb) (Entered: 11/23/1998)
11/24/1998	147	ORDER by Judge Gladys Kessler: granting motion for leave to file deposition transcripts and deposition exhibits with the court [145-1] by TAX ANALYSTS (N) (pob) (Entered: 11/24/1998)

12/02/1998	148	MOTION filed by defendant IRS to extend time to 12/16/98 to reply to plaintiff's opposition to the Internal Revenue Service's memorandum re: redactions on bases of treaty secrecy clauses and international agreements (tth) (Entered: 12/03/1998)
12/04/1998	149	ORDER by Judge Gladys Kessler : granting motion to extend time to 12/16/98 to reply to plaintiff's opposition to the Internal Revenue Service's memorandum re: redactions on bases of treaty secrecy clauses and international agreements [148-1] by IRS (N) (pob) (Entered: 12/04/1998)
12/16/1998	150	REPLY by defendant IRS re: Redactions on bases of treaty secrecy clauses & International Agreements [146-1] by TAX ANALYSTS; Appendices (12). (tth) (Entered: 12/17/1998)
12/22/1998	153	TRANSCRIPT filed for date(s) of 10/09/98. Reporter: Miller Reporting Company, Inc.; exhibit (1); volumes (2) (tb) Modified on 12/24/1998 (Entered: 12/24/1998)
12/22/1998	154	TRANSCRIPT filed for date(s) of 10/23/98. Reporter: Miller Reporting Company, Inc.; volumes (3) (tb) (Entered: 12/24/1998)
12/23/1998	151	ERRATA RE: filing of original deposition transcripts and exhibits for witnesses by plaintiff TAX ANALYSTS (tb) (Entered: 12/24/1998)
12/23/1998	152	RESPONSE (OPPOSITIONS) by plaintiff TAX ANALYSTS to IRS latest memorandum on treaty secrecy (tb) Modified on 12/24/1998 (Entered: 12/24/1998)
12/31/1998	155	MOTION filed by defendant IRS for leave to submit documents at issue in camera (tb) Modified on 01/04/1999 (Entered: 01/04/1999)
01/21/1999	156	ORDER by Judge Gladys Kessler : granting motion for leave to submit documents at issue in camera [155-1] by IRS (N) (pob) (Entered: 01/22/1999)
02/24/1999	157	MOTION filed by plaintiff TAX ANALYSTS to compel defendant IRS to comply with this Court's Order of April 30, 1998 ; Exhibits (3) (tth) (Entered: 02/24/1999)
03/05/1999	158	MOTION filed by defendant IRS to extend time to 3/24/99 to respond to plaintiff's motion to compel (st) (Entered: 03/08/1999)
03/10/1999	159	ORDER by Judge Gladys Kessler: granting motion to extend time to respond to plaintiff's motion to compel [158-1] by IRS; Ordered that the IRS shall have an additional fourteen (14) days in which to file a response to plaintiff's motion to compel. (N) (gdf) (Entered: 03/10/1999)
03/24/1999	160	MOTION filed by defendant IRS for leave to submit documents at issue in camera (tth) (Entered: 03/25/1999)
03/24/1999	161	MEMORANDUM by defendant IRS in opposition to motion to compel defendant IRS to comply with this Court's Order of April 30, 1998 [157-1] by TAX ANALYSTS; Exhibits (6) (tth) (Entered: 03/26/1999)
03/29/1999	162	ORDER by Judge Gladys Kessler: granting motion for leave to submit documents at issue in camera [160-1] by IRS (N) (pob) (Entered: 03/29/1999)
04/05/1999	163	MOTION (consent) filed by plaintiff TAX ANALYSTS to extend time to 4/14/99 file reply. (tw) (Entered: 04/06/1999)
04/08/1999	164	ORDER by Judge Gladys Kessler : granting motion to extend time to 4/14/99 file reply [163-1] by TAX ANALYSTS (N) (pob) (Entered: 04/08/1999)
04/12/1999	165	REPLY by plaintiff TAX ANALYSTS to IRS's memorandum in opposition to motion to compel defendant IRS to comply with this Court's Order of April 30, 1998 [157-1] by TAX ANALYSTS (bjsp) (Entered: 04/13/1999)
04/12/1999	166	MOTION filed by plaintiff TAX ANALYSTS for leave to reopen discovery to take one deposition (bjsp) (Entered: 04/13/1999)
04/27/1999	167	MEMORANDUM by defendant IRS in opposition to motion for leave to reopen discovery to take one deposition [166-1] by TAX ANALYSTS (tw) (Entered: 04/28/1999)

04/27/1999	168	REPLY by plaintiff TAX ANALYSTS to memorandum in opposition to motion for leave to reopen discovery to take one deposition [166-1] by TAX ANALYSTS (tw) (Entered: 04/28/1999)
06/01/1999	169	MEMORANDUM by plaintiff TAX ANALYSTS on New D.C. Circuit Decisions on Treaty Interpretation and FOIA. (tth) (Entered: 06/02/1999)
07/19/1999	170	ORDER by Judge Gladys Kessler : denying motion for leave to reopen discovery to take one deposition [166-1] by TAX ANALYSTS (N) (pob) (Entered: 07/20/1999)
07/19/1999	171	REPLY by defendant IRS to plaintiff's memorandum on new D.C. Circuit decisions on treaty interpretation & FOIA [169-1]. (tth) (Entered: 07/20/1999)
09/03/1999	172	MEMORANDUM OPINION AND ORDER by Judge Gladys Kessler : granting in part, denying in part motion to compel defendant IRS to comply with this Court's Order of April 30, 1998 [157-1] (N) (N) (gdf) (Entered: 09/03/1999)
09/03/1999	173	MEMORANDUM OPINION by Judge Gladys Kessler. (N) (gdf) (Entered: 09/03/1999)
09/03/1999	174	ORDER by Judge Gladys Kessler: granting motion for an award of attorney's fees and litigation expenses against IRS [106-1] by TAX ANALYSTS; Defendant shall pay the Plaintiff the sum of \$11,109.49 for attorney's fees and litigation expenses. Judgment for fees and expenses is thus entered against Defendant for the total amount of \$11,109.49, such payment to be made no later than 10/02/99. (N) (gdf) (Entered: 09/03/1999)
09/23/1999	175	MOTION (CONSENT) filed by plaintiff TAX ANALYSTS for continuance for filing of Motion for Attorney's Fees (tth) (Entered: 09/29/1999)
09/27/1999	176	ORDER by Judge Gladys Kessler : granting motion for continuance for filing of Motion for Attorney's Fees [175-1] by TAX ANALYSTS (N) (pob) (Entered: 09/29/1999)
09/30/1999	177	MOTION filed by defendant IRS to extend time to 11/3/99 for defendant to make payment of attorney's fees and costs to plaintiff pursuant to the Court's order of 9/2/99 (tth) (Entered: 10/01/1999)
10/01/1999	178	ORDER by Judge Gladys Kessler : granting motion to extend time to 11/3/99 for defendant to make payment of attorney's fees and costs to plaintiff pursuant to the Court's order of 9/2/99 [177-1] by IRS (N) (pob) (Entered: 10/01/1999)
10/21/1999	180	NOTICE OF SUPPLEMENTAL AUTHORITY by plaintiff TAX ANALYSTS regarding D.C. Circuit Decision Relevant to "Treaty" FSAs. (tth) (Entered: 10/26/1999)
10/22/1999	179	SATISFACTION OF JUDGMENT (st) (Entered: 10/25/1999)
11/01/1999	181	NOTICE OF APPEAL (FOURTH) by defendant IRS from order [172-1], entered on: 9/3/99. NO FEES PAID; GVT. Copies mailed to: Michael Salem and William Dobrovir. (tth) Modified on 11/02/1999 (Entered: 11/02/1999)
11/02/1999		TRANSMITTED PRELIMINARY RECORD on appeal [181-1] by IRS to U.S. Court of Appeals (tth) (Entered: 11/02/1999)
11/03/1999	182	MEMORANDUM OPINION by Judge Gladys Kessler (N) (pob) (Entered: 11/03/1999)
11/03/1999	183	ORDER by Judge Gladys Kessler: granting in part, denying in part motion for partial summary judgment on IRS' claims of FOIA Exemption 7(E) [128-1]; defendant to submit to the Court in camera the sentence redacted from FSA No. 1078 by 11/5/99. (N) (pob) (Entered: 11/03/1999)
11/05/1999	184	MEMORANDUM by defendant IRS to the Court RE: the filing of in camera submission (bjsp) (Entered: 11/08/1999)
11/09/1999	185	ORDER by Judge Gladys Kessler: for that IRS's 3d in camera submission (FSA No. 1078) be filed under seal (Attachment filed under seal)(N) (pob) (Entered: 11/09/1999)

11/09/1999	186	MEMORANDUM OPINION by Judge Gladys Kessler (N) (pob) (Entered: 11/09/1999)
11/09/1999	187	ORDER by Judge Gladys Kessler: granting motion for partial summary judgment on IRS' claims of FOIA Exemption 7(E) [128-1] by TAX ANALYSTS (N) (pob) (Entered: 11/09/1999)
11/10/1999	188	STATEMENT filed by defendant IRS , regarding: not ordering transcript and statement of issues on appeal. (st) (Entered: 11/12/1999)
11/22/1999	189	MEMORANDUM by plaintiff TAX ANALYSTS on exemption 7 (E) FSAs not discussed in Memorandum Opinions of November 3 and 9, 1999 (tth) (Entered: 11/23/1999)
11/29/1999	190	RESPONSE by defendant IRS to plaintiff's memorandum on recent D.C. Circuit Decision relevant to treaty interpretation & FOIA [180-1] by TAX ANALYSTS (tw) (Entered: 11/30/1999)
11/29/1999	191	STATEMENT filed by defendant IRS , regarding: consent to relief sought in plaintiff's memorandum on exemption 7(E) FSA's not discussed in memorandum opinions of NOvember 3 & 9, 1999. (tw) (Entered: 11/30/1999)
12/01/1999	192	ORDER by Judge Gladys Kessler: that plaintiff may move for attorney's fees and litigation expenses with respect to the Court's orders of 9/3/99, 11/3/99 & 11/9/99 (N) (pob) (Entered: 12/01/1999)
12/06/1999	193	REPLY by plaintiff TAX ANALYSTS to Internal Revenue Services' response to plaintiff's memorandum on recent D.C. Circuit decision relevant to "Treaty" FSAs (IRS RESP.) [169-1] by TAX ANALYSTS . (tw) (Entered: 12/07/1999)
12/14/1999	194	NOTICE by plaintiff TAX ANALYSTS of Vacatur of Judgment in United States v. Weatherhead. (tth) (Entered: 12/17/1999)
12/30/1999	195	NOTICE OF APPEAL (FIFTH) by defendant IRS from order [183-1] , entered on: 11/3/99. NO FEES PAID; GOVERNMENT. Copies mailed to: Michael Salem and William Dobrovir. (tth) Modified on 01/05/2000 (Entered: 01/05/2000)
12/30/1999		TRANSMITTED PRELIMINARY RECORD on appeal [195-1] by IRS to U.S. Court of Appeals (tth) (Entered: 01/05/2000)
01/03/2000	196	MOTION filed by defendant IRS to modify the Order of Sept. 2, 1999 (tth) (Entered: 01/05/2000)
01/10/2000	197	NOTICE OF APPEAL (SIXTH) by defendant IRS from order [187-1] , entered on: 11/9/99. NO FEES PAID; GOVERNMENT. Copies mailed to: Michael J. Salem and William Dobrovir. (tth) Modified on 01/12/2000 (Entered: 01/12/2000)
01/10/2000	198	LETTER pursuant to F.R.A.P. 10(b)(1) regarding transcripts. (tth) (Entered: 01/12/2000)
01/12/2000		TRANSMITTED PRELIMINARY RECORD on appeal [197-1] by IRS to U.S. Court of Appeals (tth) (Entered: 01/12/2000)
01/13/2000	199	LETTER filed by IRS in accordance with Fed.R.App.P. 10(b)(1) regarding transcripts. (tth) (Entered: 01/14/2000)
01/21/2000	200	ORDER by Judge Gladys Kessler : granting motion to modify the Order of Sept. 2, 1999 [196-1] by IRS (See Order for Details) (N) (pob) (Entered: 01/24/2000)
01/21/2000		USCA # 00-5031 assigned for appeal [197-1] by IRS (tw) (Entered: 01/27/2000)
01/21/2000		USCA # 00-5032 assigned for appeal [195-1] by IRS (tw) (Entered: 01/27/2000)
02/24/2000	201	CERTIFIED COPY of order filed in USCA dated 2/23/00, on appeal [195-1] , dismissing appeal . USCA # 00-5032 (cjp) (Entered: 02/28/2000)
02/24/2000	202	CERTIFIED COPY of order filed in USCA dated 2/23/00, on appeal [197-1] , dismissing appeal . USCA # 00-5031 (cjp) (Entered: 02/28/2000)
02/29/2000	203	CERTIFIED COPY of order filed in USCA dated 2/24/00, on appeal [181-1] , remanding for further proceedings. USCA # 99-5372 (cjp) (Entered: 03/01/2000)

03/10/2000	204	MOTION (CONSENT) filed by plaintiff TAX ANALYSTS for attorneys' fees , and for expenses ; Exhibits (3) (tth) (Entered: 03/13/2000)
03/14/2000	205	ORDER by Judge Gladys Kessler: granting motion for attorneys' fees [204-1] and expenses [204-2] by TAX ANALYSTS; defendant IRS shall pay to plaintiff \$1,429.44 for attorneys' fees and expenses. (N) (pob) (Entered: 03/14/2000)
05/19/2000	206	SATISFACTION OF JUDGMENT by plaintiff (tb) (Entered: 05/22/2000)
07/07/2000	207	MEMORANDUM RE: legislative history of 5 USC sect %52(b)(3), FOIA, exemption 3, as it bears on IRS claim of treaty secrecy for certain FSAsby plaintiff TAX ANALYSTS (tb) (Entered: 07/08/2000)
10/27/2000	208	STIPULATION regarding resolving IRS redactions based on FOIA exemption (7)(E) filed by plaintiff; declaration (1) (tb) (Entered: 11/01/2000)
01/24/2001	209	NOTICE OF FILING RE: recent enacted legislation bearing on its claims of treaty secrecy for certain FSAs by defendant IRS (tb) (Entered: 01/27/2001)
02/02/2001	210	RESPONSE by plaintiff TAX ANALYSTS to defendant's notice of recently enacted legislation bearing on its claim of treaty secrecy for certain FSA's [209-1], and memorandum on new legislation by IRS; exhibits (1) (cdw) (Entered: 02/05/2001)
02/26/2001	211	RESPONSE by defendant IRS to memorandum on new legislation [207-1] by TAX ANALYSTS (cdw) (Entered: 02/28/2001)
03/07/2001	212	REPLY by plaintiff TAX ANALYSTS to defendant's response to plaintiff's memorandum on new legislation [207-1] by TAX ANALYSTS (cdw) (Entered: 03/09/2001)
10/03/2002	<u>213</u>	STIPULATION OF DISMISSAL of case with prejudice by plaintiff TAX ANALYSTS, defendant IRS. (tth) (Entered: 10/03/2002)