

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:98-cv-02345-TPJ**

TAX ANALYSTS v. IRS, et al
Assigned to: Judge Thomas Penfield Jackson
Demand: \$0
Case in other court: 04-05304
Cause: 05:552 Freedom of Information Act

Date Filed: 09/30/1998
Date Terminated: 02/26/2004
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

TAX ANALYSTS

represented by **Cornish F. Hitchcock**
HITCHCOCK LAW FIRM PLLC
5614 Connecticut Avenue, NW
No. 304
Washington, DC 20015-2604
(202) 489-4813
Fax: (202) 315-3552
Email: conh@hitchlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William Aaron Dobrovir
P.O. Box 198
Sperryville, VA 22740-0198
(540) 987-9114
Fax: 540-987-8169
Email: dobrovirpc@aol.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

INTERNAL REVENUE SERVICE

represented by **Pat S. Genis**
US DEPARTMENT OF JUSTICE
Tax Division
Post Office Box 227
555 4th street, NW
Ben Franklin Station, Rm 6116
Washington, DC 20044
(202) 307-6390
Fax: (202) 514-6866
Email: pat.genis@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Intervenor Defendant

**CHRISTIAN BROADCASTING
NETWORK, INC**

represented by **Joseph William Koegel, Jr.**
STEPTOE & JOHNSON, L.L.P.
1330 Connecticut Avenue, NW
Washington, DC 20036
(202) 429-3000
Fax: (202) 429-3902
Email: wkoegel@steptoe.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bruce Charles Bishop
 STEPTOE & JOHNSON, L.L.P.
 1330 Connecticut Avenue, NW
 Washington, DC 20036
 (202) 429-6747
 Fax: (202) 429-3902
 Email: bbishop@steptoe.com
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/30/1998	1	COMPLAINT filed by plaintiff TAX ANALYSTS; Exhibits (7) (tth) (Entered: 10/01/1998)
09/30/1998		SUMMONS (3) issued to federal party(s) federal defendant IRS , and non-parties: U.S. Attorney and U.S. Attorney General. (tth) (Entered: 10/01/1998)
09/30/1998		SUMMONS (1) issued for defendant CHRISTIAN BROADCAST (tth) (Entered: 10/01/1998)
09/30/1998	2	RULE 109 Certificate of disclosure of corporate affiliations and financial interests by plaintiff TAX ANALYSTS (tth) (Entered: 10/01/1998)
10/21/1998		SUMMONS (1) REISSUED for defendant CHRISTIAN BROADCAST . (tth) (Entered: 10/21/1998)
10/23/1998	3	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 10/5/98 upon federal defendant IRS (tb) (Entered: 10/26/1998)
10/23/1998	4	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney General on 10/5/98 (tb) (Entered: 10/26/1998)
11/06/1998	5	STIPULATION filed and fiated by Judge Thomas P. Jackson that the defendant, the Internal Revenue Service, has until November 20, 1998 in which to serve an answer or otherwise respond to plaintiff's complaint. (N) (tth) (Entered: 11/09/1998)
11/23/1998	6	ATTORNEY APPEARANCE for federal defendant IRS by Pat S. Genis (st) (Entered: 11/24/1998)
11/23/1998	7	ANSWER TO COMPLAINT [1-1] by federal defendant IRS . (st) (Entered: 11/24/1998)
11/24/1998	8	AMENDED ANSWER [1-1] filed by federal defendant IRS (tth) (Entered: 11/25/1998)
12/02/1998	9	MOTION filed by federal defendant IRS for judgment on the pleadings (tth) (Entered: 12/03/1998)
12/08/1998		SCHEDULING NOTICE: status hearing set for 9:30 1/22/99 ; before Judge Thomas P. Jackson . (rew) (Entered: 12/08/1998)
12/15/1998	10	MOTION filed by defendant CHRISTIAN BROADCAST to dismiss complaint [1-1] (tth) (Entered: 12/16/1998)
12/15/1998	11	RULE 109 Certificate of disclosure of corporate affiliations and financial interests by defendant CHRISTIAN BROADCAST (tth) (Entered: 12/16/1998)
12/16/1998	12	RESPONSE by plaintiff TAX ANALYSTS in opposition to motion for judgment on the pleadings [9-1] by IRS . (tth) (Entered: 12/17/1998)
12/21/1998	13	STIPULATION filed and fiated by Judge Thomas P. Jackson extending plaintiffs time to 1-12-99 to respond to CBN's mot to dismiss and CBN's reply is extended to 1-19-99 . (N) (rew) (Entered: 12/22/1998)
12/28/1998	14	REPLY by federal defendant IRS to response to motion for judgment on the pleadings [9-1] by IRS (tth) (Entered: 12/29/1998)

01/12/1999	15	RESPONSE by plaintiff TAX ANALYSTS in opposition to motion to dismiss complaint [1-1] [10-1] by CHRISTIAN BROADCAST . (tth) (Entered: 01/12/1999)
01/15/1999		SCHEDULING NOTICE: status hearing set for 10:00 2/12/99 ; before Judge Thomas P. Jackson . (rew) (Entered: 01/15/1999)
01/15/1999	16	STATUS REPORT by plaintiff TAX ANALYSTS, federal defendant IRS, defendant CHRISTIAN BROADCAST (st) (Entered: 01/19/1999)
01/20/1999	17	STIPULATION filed and fiated by Judge Thomas P. Jackson extending defendants CHRISTIAN BROADCASTING NETWORK INC'S.tome to 1-21-99 to reply in support to motion to dismiss . (N) (rew) (Entered: 01/20/1999)
01/22/1999		SCHEDULING NOTICE: status hearing set for 10:00 4/30/99 ; before Judge Thomas P. Jackson . (rew) (Entered: 01/22/1999)
01/25/1999	18	STIPULATION filed and fiated by Judge Thomas P. Jackson extending defendant CBN's time to 1-25-99 to file reply memeorandum in support of motion to dismiss. (N) (rew) (Entered: 01/26/1999)
01/25/1999	19	REPLY by plaintiff TAX ANALYSTS to response to motion to dismiss complaint [1-1] [10-1] by CHRISTIAN BROADCAST (st) (Entered: 01/26/1999)
02/09/1999	20	NOTICE OF SUPPLEMENTAL AUTHORITY by defendant CHRISTIAN BROADCASTING; Exhibits (2) (tth) Modified on 02/18/1999 (Entered: 02/10/1999)
02/17/1999	21	REPLY by plaintiff TAX ANALYSTS to defendant CHRISTIAN BROADCASTING NETWORK'S SUBMISSION OF SUPPLEMENTAL AUTHORITY [20-1] (tth) (Entered: 02/18/1999)
03/23/1999	22	NOTICE OF SUPPLEMENTAL AUTHORITY by federal defendant IRS (st) (Entered: 03/24/1999)
03/23/1999	23	NOTICE OF SUPPLEMENTAL AUTHORITY by plaintiff TAX ANALYSTS (st) (Entered: 03/24/1999)
04/22/1999	24	NOTICE OF SUPPLEMENTAL AUTHORITY by plaintiff TAX ANALYSTS (st) (Entered: 04/26/1999)
04/28/1999		SCHEDULING NOTICE: status hearing set for 9:30 8/6/99 ; before Judge Thomas P. Jackson . (rew) (Entered: 04/28/1999)
06/01/1999	25	NOTICE OF SUPPLEMENTAL AUTHORITY by plaintiff TAX ANALYSTS of recent D.C. Circuit Decision in Daniel M. Byrd, III v. U. S. Environmental Protection Agency, No. 98-5180; Attachment (1). (tth) (Entered: 06/02/1999)
07/02/1999	26	NOTICE OF SUPPLEMENTAL AUTHORITY by plaintiff TAX ANALYSTS (st) (Entered: 07/06/1999)
07/28/1999	27	NOTICE OF SUPPLEMENTAL AUTHORITY by defendant CHRISTIAN BROADCAST to advise the Court of recent developments relevant to CBN's Motion to Dismiss, and to respond to Tax Analysts' memorandum regarding recent decisions; Exhibits (4) (tth) (Entered: 07/29/1999)
08/04/1999	28	RESPONSE by plaintiff TAX ANALYSTS to [27-1] defendant CHRISTIAN BROADCAST's submission of supplemental authority and response to plaintiff's supplemental memoranda; appendices (2) (tth) (Entered: 08/05/1999)
08/05/1999	29	REPLY by defendant CHRISTIAN BROADCAST to most recent supplemental submission [26-1] by TAX ANALYSTS (bjsp) (Entered: 08/06/1999)
08/06/1999		MOTION HEARING before Judge Thomas P. Jackson, defendants dispositive motions heard and taken under advisement. Reporter: P.Merana (rew) (Entered: 08/06/1999)
08/06/1999	30	MEMORANDUM AND ORDER by Judge Thomas P. Jackson : granting motion to dismiss complaint [1-1] [10-1] by CHRISTIAN BROADCAST, granting motion for judgment on the pleadings [9-1] by IRS , and dismissing the complaint

		with prejudice as to both defendants. (N) (N) (rew) (Entered: 08/06/1999)
08/13/1999	31	NOTICE OF APPEAL by plaintiff TAX ANALYSTS from order [30-1] , entered on: 8/6/99.; fees paid, copies mailed (st) (Entered: 08/16/1999)
08/16/1999		TRANSMITTED PRELIMINARY RECORD on appeal [31-1] by TAX ANALYSTS to U.S. Court of Appeals (st) (Entered: 08/16/1999)
08/18/1999		USCA # 99-5284 assigned for appeal [31-1] by TAX ANALYSTS (tth) (Entered: 08/19/1999)
09/13/1999	32	TRANSCRIPT filed for date(s) of August 6, 1999. Reporter: Phyllis Merana (tw) (Entered: 09/14/1999)
08/09/2000	33	CERTIFIED COPY of judgment filed in USCA dated 6/13/00, on appeal [31-1] , affirming the judgment of USDC in part. , and reversing the judgment of USDC in part USCA # 99-5284 (bcs) (Entered: 08/16/2000)
08/11/2000		SCHEDULING NOTICE: status hearing set for 9:30 9/7/00 ; before Judge Thomas P. Jackson . (rew) (Entered: 08/11/2000)
09/06/2000		SCHEDULING NOTICE: status hearing set for 9:30 10/12/00 ; before Judge Thomas P. Jackson . (rew) (Entered: 09/06/2000)
10/05/2000	34	MEMORANDUM by plaintiff TAX ANALYSTS on future proceedings in this case. (tth) (Entered: 10/06/2000)
10/10/2000	35	ATTORNEY APPEARANCE for plaintiff TAX ANALYSTS by Cornish F. Hitchcock 3rd (tth) (Entered: 10/11/2000)
10/11/2000	36	RESPONSE by federal defendant IRS in opposition to plaintiff's memorandum on future proceedings in this case. (ag) (Entered: 10/13/2000)
10/11/2000	37	MOTION filed by defendant CHRISTIAN BROADCAST to intervene (ag) (Entered: 10/13/2000)
10/12/2000		STATUS HEARING before Judge Thomas P. Jackson : status hearing set for 9:30 12/12/00 ; Reporter: P. Merana (rew) (Entered: 10/12/2000)
10/12/2000		SCHEDULING NOTICE: status hearing set for 9:30 12/12/00 ; before Judge Thomas P. Jackson courtroom 2, second floor. (rew) (Entered: 10/12/2000)
10/24/2000	38	RESPONSE by federal defendant IRS in opposition to motion to intervene [37-1] by CHRISTIAN BROADCAST . (ag) (Entered: 10/25/2000)
10/24/2000	39	RESPONSE by plaintiff TAX ANALYSTS in opposition to motion to intervene [37-1] by CHRISTIAN BROADCAST . (jf) (Entered: 10/25/2000)
10/26/2000		SCHEDULING NOTICE: status hearing set for 9:30 1/12/01 ; before Judge Thomas P. Jackson . (rew) (Entered: 10/26/2000)
11/02/2000	40	REPLY by defendant CHRISTIAN BROADCAST in support of motion to intervene [37-1] (ag) (Entered: 11/08/2000)
12/11/2000	41	MOTION filed by federal defendant IRS to extend time to file declarations and to amend scheduling order until 1/5/01 (jdm) (Entered: 12/11/2000)
12/11/2000	<u>42</u>	ORDER by Judge Thomas P. Jackson : granting motion to extend time to file declarations and to amend scheduling order until 1/5/01 [41-1] by IRS status hearing set for 9:30 2/5/01 ; (N) (rew) (Entered: 12/11/2000)
01/09/2001	43	MOTION filed by federal defendant IRS for summary judgment ; Exhibits (16) (jdm) (Entered: 01/10/2001)
01/24/2001	<u>44</u>	STIPULATION filed and fiated by Judge Thomas P. Jackson extending plaintiffs time to 1-26-01 to respond to defendants motion for summary judgment . (N) (rew) (Entered: 01/29/2001)
01/29/2001	45	RESPONSE by plaintiff TAX ANALYSTS in opposition to motion for summary judgment [43-1] by IRS; exhibits (4) (cdw) (Entered: 01/30/2001)

02/02/2001	46	MOTION filed by federal defendant IRS to extend time to 2/12/01 to file a reply to plaintiff's opposition , and to amend the scheduling order to set time for status hearing for 02/23/01 at 9:30 am. (cas) (Entered: 02/06/2001)
02/05/2001	<u>47</u>	ORDER by Judge Thomas P. Jackson : granting motion to extend time to 2/12/01 to file a reply to plaintiff's opposition [46-1] by IRS status hearing reset for 9:30 2/23/01 (N) (rew) (Entered: 02/07/2001)
02/09/2001	<u>49</u>	ORDER by Judge Thomas P. Jackson : granting motion to intervene [37-1] by CHRISTIAN BROADCAST (N) (lin) (Entered: 02/14/2001)
02/12/2001	48	REPLY by federal defendant IRS in support of motion for summary judgment [43-1] (ag) (Entered: 02/13/2001)
02/22/2001		SCHEDULING NOTICE: status hearing set for 9:30 4/23/01 ; before Judge Thomas P. Jackson . (rew) (Entered: 02/22/2001)
02/22/2001		Case Reopened (rew) (Entered: 02/22/2001)
04/20/2001	50	MEMORANDUM by intervenor CHRISTIAN BROADCAST regarding the Internal Revenue Service's Motion for Summary Judgment. (tth) (Entered: 04/27/2001)
04/23/2001		STATUS HEARING before Judge Thomas P. Jackson :motion for summary judgment pending; status hearing set for 9:30 7/23/01 Reporter: P. Merana (rew) (Entered: 04/23/2001)
05/25/2001	51	TRANSCRIPT filed for date(s) of 04/23/01. Reporter: Phyllis Merana (tb) (Entered: 06/11/2001)
07/20/2001	<u>68</u>	NOTICE of submission of Vaughn Index by INTERNAL REVENUE SERVICE (rje,) (Entered: 03/16/2004)
07/26/2001		SCHEDULING NOTICE: status hearing set for 9:30 7/30/01 ; before Judge Thomas P. Jackson . (rew) (Entered: 07/26/2001)
07/30/2001		STATUS HEARING before Judge Thomas P. Jackson :motions for summary judgment are pending, no dates set. Reporter: Judy Brown (Miller) (rew) (Entered: 07/30/2001)
08/07/2001	52	NOTICE OF Submission of Supplement to Vaughn Index by federal defendant IRS; Attachment (1). (tth) Modified on 08/08/2001 (Entered: 08/08/2001)
08/15/2001	53	MOTION filed by plaintiff TAX ANALYSTS to compel defendant Internal Revenue Service to answer deposition questions ; Exhibit (1); Attachment (1) (tth) (Entered: 08/16/2001)
08/15/2001	54	NOTICE OF FILING by plaintiff TAX ANALYSTS of deposition transcript with the Court; Attachment (1) (tth) (Entered: 08/16/2001)
08/15/2001	55	TRANSCRIPT filed for date(s) of July 30, 2001. Reporter: Judy Brown, Miller Reporting Company. (tth) (Entered: 08/16/2001)
08/21/2001	56	ERRATA by plaintiff TAX ANALYSTS regarding plaintiff's Motion to Compel Discovery dated 8/14/01, plaintiff Tax Analysts inadvertently inserted an incorrect date on page 17. (tth) (Entered: 08/22/2001)
08/28/2001	57	MEMORANDUM by intervenor-defendant CHRISTIAN BROADCAST in opposition to motion to compel defendant Internal Revenue Service to answer deposition questions [53-1] by TAX ANALYSTS; Exhibit (1) (tth) (Entered: 08/29/2001)
08/28/2001	58	RESPONSE by federal defendant IRS in opposition to motion to compel defendant Internal Revenue Service to answer deposition questions [53-1] by TAX ANALYSTS; Exhibits (2). (tth) (Entered: 08/29/2001)
09/10/2001	59	REPLY MEMORANDUM by plaintiff TAX ANALYSTS to in opposition to motion to compel discovery [58-1] by IRS; EXHIBIT'S (2) (cas) (Entered: 09/12/2001)

11/13/2002	60	NOTICE OF CHANGE OF ADDRESS by William Aaron Dobrovir representing plaintiff TAX ANALYSTS . New address: William A. Dobrovir, P.O. Box 198, Sperryville, VA 22740-0198 Warrenton, VA 22186 (540) 987-9114 . (rje) (Entered: 11/14/2002)
11/26/2002		SCHEDULING NOTICE: status hearing set for 2:30 1/23/03 ; before Judge Thomas P. Jackson courtroom 2, second floor. (rew) (Entered: 11/26/2002)
12/04/2002	<u>61</u>	ORDER by Judge Thomas P. Jackson : denying motion to compel defendant Internal Revenue Service to answer deposition questions [53-1] by TAX ANALYSTS status hearing set for 2:30 1/23/03 (N) (rew) (Entered: 12/04/2002)
01/23/2003		STATUS HEARING before Judge Thomas P. Jackson : Court will examine, in camera, certain documents. Further dates to be set. Reporter: Patty Gils (rew) (Entered: 01/23/2003)
01/24/2003	<u>62</u>	ORDER by Judge Thomas P. Jackson : directing that by 2-1-03 defendant shall produce for in camera review the closing agreement. (N) (rew) (Entered: 01/24/2003)
02/20/2003	63	TRANSCRIPT of Status Hearing filed for date(s) of 1/23/03. Reporter: Patty Artrip Gels (rje) (Entered: 02/22/2003)
02/04/2004	<u>64</u>	NOTICE of Change of Address by Cornish F. Hitchcock 3rd (Hitchcock, Cornish) (Entered: 02/04/2004)
02/25/2004	<u>65</u>	ORDER granting 43 Motion for Summary Judgment and dismissing case with prejudice. Signed by Judge Thomas Penfield Jackson on 2/25/04. (lctpj2,) (Entered: 02/25/2004)
03/09/2004	<u>66</u>	MOTION to Alter or Amend Judgment by TAX ANALYSTS. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Text of Proposed Order # <u>4</u> Certificate of Service)(Hitchcock, Cornish) Modified on 4/6/2004 (rje,). (Entered: 03/09/2004)
03/12/2004	<u>67</u>	STIPULATION <i>re Extension of Time</i> by CHRISTIAN BROADCASTING NETWORK, INC, INTERNAL REVENUE SERVICE, TAX ANALYSTS. (Bishop, Bruce) (Entered: 03/12/2004)
03/17/2004		MINUTE ORDER granting extension of time to file responses to motion to alter or amend judgment to April 5, 2004. Signed by Judge Thomas Penfield Jackson on 3-15-04. (lctpj2,) (Entered: 03/17/2004)
04/05/2004	<u>69</u>	Memorandum in opposition to motion re <u>66</u> to alter or amend judgment filed by INTERNAL REVENUE SERVICE. (Genis, Pat) Modified on 4/6/2004 (rje,). (Entered: 04/05/2004)
04/05/2004	<u>70</u>	RESPONSE to <i>Tax Analysts' Rule 59(e) Motion to Alter or Amend the Judgment</i> filed by CHRISTIAN BROADCASTING NETWORK, INC. (Bishop, Bruce) Additional attachment(s) added on 4/5/2004 (rje,). (Entered: 04/05/2004)
04/09/2004	<u>71</u>	ERRATA to <i>CBN's Response to Tax Analysts' Rule 59(e) Motion</i> by CHRISTIAN BROADCASTING NETWORK, INC. (Bishop, Bruce) (Entered: 04/09/2004)
04/12/2004	<u>72</u>	REPLY in support of motion re <u>66</u> to amend or alter judgment filed by TAX ANALYSTS. (Hitchcock, Cornish) (Entered: 04/12/2004)
08/19/2004	<u>73</u>	ORDER granting in part <u>66</u> Motion to Alter Judgment; dismissing remaining claims. Signed by Judge Thomas Penfield Jackson on 8/19/04. (lin,) (Entered: 08/19/2004)
08/24/2004	<u>74</u>	NOTICE OF APPEAL as to <u>73</u> Order on Motion to Alter Judgment, <u>65</u> Order on Motion for Summary Judgment by TAX ANALYSTS. Filing fee \$ 255, receipt number 127077. (rje,) (Entered: 08/25/2004)
08/25/2004		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>74</u> Notice of Appeal (rje,) (Entered: 08/25/2004)
08/31/2004		USCA Case Number 04-5304 for <u>74</u> Notice of Appeal filed by TAX ANALYSTS. (jsc) (Entered: 09/01/2004)

08/05/2005	<u>75</u>	USCA JUDGMENT (certified copy) as to <u>74</u> Notice of Appeal filed by TAX ANALYSTS; It is hereby ordered and adjudged that the judgment of the District Court appealed from in this cause is hereby affirmed; USCA#04-5304 (jsc) (Entered: 08/10/2005)
------------	-----------	---