

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JODI C. HOHMAN *et al.*,

Plaintiffs,

Case No. 16-cv-11429

Hon. Matthew F. Leitman

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

ORDER CONCERNING LIMITED DISCOVERY

On January 17, 2017, Defendant United States of America filed a Motion to Dismiss for Lack of Subject-Matter Jurisdiction (the “Motion”). (*See* ECF #32.) Plaintiffs have requested limited jurisdictional discovery in their response to the Motion. (*See* Response, ECF #35 at Pg. ID 434-447.) The Court held a hearing on the Motion on April 18, 2017. For the reasons stated on the record, the Court will grant limited discovery as follows:

1. By no later than May 3, 2017, counsel for the United States of America shall submit to the Court, for in camera review, unredacted copies of the John Doe summons issued on September 25, 2015 (identified in the First Amended Complaint as the “First John Doe Summons”) and the John Doe summons issued on September 30, 2015 (identified in the First Amended

Complaint as the “Second John Doe Summons”). (*See* First Amended Complaint ¶¶ 34, 53, ECF #36 at Pg. ID 500, 507.) Counsel for the United States of America shall file the unredacted copies of the First John Doe Summons and the Second John Doe Summons under seal, and the summonses shall not be reviewed by anyone other than the Court.

2. Counsel for Plaintiffs may serve a subpoena for production of documents (the “Subpoena”) on JP Morgan Chase Bank N.A. / Chase Bank USA N.A. (“Chase Bank”) as follows:

- a. On the Subpoena, Plaintiffs shall list the account numbers of any accounts held at Chase Bank by any of the Plaintiffs on September 25, 2015 or September 30, 2015 (the “Listed Accounts”).
- b. The Subpoena shall command Chase Bank to produce an unredacted copy of any John Doe summonses that were (i) issued to Chase by the IRS on September 25, 2015, or September 30, 2015,¹ and (ii) requested documents concerning a Listed Account.
- c. The Subpoena shall also command Chase Bank to produce a copy of all documents (if any) that Chase Bank produced to the IRS in response to the John Doe summons that was (i) issued to Chase by

¹ The issue dates each summons can be found in the signature block at the bottom of the summons.

the IRS on September 30, 2015; and (ii) requested documents concerning an account held in the name of Jodi C. Hohman, individually. To aid Chase Bank in identifying the relevant accounts, the Subpoena shall specify the account numbers of all accounts held at Chase Bank by Jodi C. Hohman, individually.

- d. The Subpoena shall instruct Chase Bank to deliver all responsive documents directly to the Court's chambers by no later than May 17, 2017. The Court's address is:

Matthew F. Leitman
United States District Judge
The Theodore Levin United States Courthouse
231 W. Lafayette Blvd, Room #251
Detroit, MI 48226

Chase Bank shall not send responsive documents to the parties or their counsel.

- e. The Subpoena need not use the exact language used by the Court in Paragraphs 2(a) – 2(d) above. Counsel for Plaintiffs is free to use whatever language he feels necessary to request the documents described above, provided that the Subpoena comports with the substance of this order.
3. By no later than May 3, 2017, counsel for Plaintiffs shall submit to the Court, for in camera review, a list of the account numbers of all accounts

at Chase Bank held in the name of any of the Plaintiffs on the dates of issuance of the First John Doe Summons or Second John Doe Summons. For each account on the list, counsel for Plaintiffs shall specify the particular Plaintiff that is the named holder of the account. Counsel for Plaintiffs shall file the list of accounts under seal, and the list will not be reviewed by anyone other than the Court.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: April 19, 2017

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 19, 2017, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(313) 234-5241