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HONORABLE RICARDO S. MARTINEZ

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION, Plaintiff, vs. INTERNAL REVENUE SERVICE, Defendant.	
MICROSOFT CORPORATION, Plaintiff, vs. INTERNAL REVENUE SERVICE, Defendant.	

NO. 2:15-cv-00369 RSM
SECOND CONSENT MOTION AND ORDER
REGARDING CASE SCHEDULE

NO. 2:15-cv-00850 RSM

The above-captioned actions are for declaratory and injunctive relief under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, as amended, and the Administrative Procedure Act, 5 U.S.C. § 701 *et seq.* The parties jointly request that these actions remain open and that the

SECOND CONSENT MOTION TO EXTEND TIME AND ORDER
REGARDING CASE SCHEDULE
(Case Nos. 2:15-cv-00369, 2:15-cv-00850)

U.S. Department of Justice, Tax Division
Ben Franklin Station , P.O. Box 227
Washington, D.C. 20044
202-616-8994 (Phone)
202-524-6866 (Fax)

1 Court approve the parties' agreed upon, modified schedule set forth in paragraph 1, below. In
 2 support of this request, the parties state the following:

3 1. On June 16, 2021, the Court issued a case management order in which the Court
 4 adopted the parties' proposed schedule and case management order. Under that schedule, the IRS
 5 was required to provide Microsoft with draft revised declarations by June 24, 2021 and draft
 6 revised *Vaughn* indices by August 13, 2021, and to file a motion for summary judgment by
 7 September 13, 2021. The IRS provided draft revised declarations to Microsoft on June 24, 2021,
 8 and Microsoft responded by letter dated July 28, 2021. The IRS, however, needs additional time
 9 to complete drafting revised *Vaughn* indices.¹ The IRS accordingly requests, and Microsoft
 10 consents, to extend the remaining deadlines for transmitting draft revised *Vaughn* indices and for
 11 filing a motion for summary judgment. The IRS therefore requests that the Court adopt the
 12 following revised schedule for both of the above-captioned cases:

SCHEDULE	
Event	Date
The IRS to provide draft revised <i>Vaughn</i> indices:	August 27, 2021
The IRS to file its motion for summary judgment:	October 29, 2021

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 18 2. Recognizing that the parties continue to engage in good faith negotiations, the
 19 parties agree that evidence of the IRS's efforts to address Microsoft's concerns, including any
 20 revisions to previously exchanged declarations or exemption claims, is not admissible to prove
 21 that the IRS's search was unreasonable or that the IRS's exemption claims were improper.

22
 23 3. The parties jointly request that these actions remain open and that the Court enter
 24 an order adopting the case schedule proposed in paragraph 1.

25 ¹ The IRS has also proposed, and Microsoft has consented to, an additional month-long extension (by September 17, 2021) to provide Microsoft with draft revised *Vaughn* indices in 2:15-cv-01605.

1 Respectfully submitted this 12th day of August, 2021.

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4 **BAKER & McKENZIE LLP**

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15 ***Attorney for Plaintiff Microsoft Corporation***

16 **U.S. DEPARTMENT OF JUSTICE**

17 By: s/ Stephen S. Ho

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Attorney for Defendant Internal Revenue Service

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing JOINT MOTION via the Court's electronic case filing system on August 12, 2021.

/s Stephen S. Ho

STEPHEN S. HO

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ORDER

It is SO ORDERED this 13th day of August, 2021.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

Presented by:

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