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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-01605 RSM
CONSENT MOTION AND ORDER
REGARDING CASE SCHEDULE

The above-captioned action is 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 the action remains open and that the Court

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

3 1. On March 29, 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 15, 2021. The IRS has
6 revised its declarations, however the IRS requests, and Microsoft consents, to extend by nine
7 days the deadline for transmitting the revised draft declarations to Microsoft. This additional
8 time is requested to permit adequate time for undersigned counsel for the IRS to provide
9 feedback on the draft revisions. Accordingly, the IRS requests that the Court adopt the following
10 revised schedule for both of the above-captioned cases:

SCHEDULE	
Event	Date
The IRS to provide draft revised declarations:	June 24, 2021
The IRS to provide draft revised <i>Vaughn</i> indices:	August 13, 2021
The IRS to file its motion for summary judgment:	September 13, 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 3. The parties jointly request that these actions remain open and that the Court enter
23 an order adopting the case schedule proposed in paragraph 1.

24 Respectfully submitted this 15th day of June, 2021.

1
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23 *Attorney for Defendant Internal Revenue Service*

1 **CERTIFICATE OF SERVICE**

2 I certify that I served a true and correct copy of the foregoing JOINT MOTION via the
3 Court's electronic case filing system on June 15, 2021.

4
5 /s Richard J. Hagerman

6 RICHARD J. HAGERMAN
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1 **ORDER**

2 It is SO ORDERED this 16th day of June, 2021.

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6 RICARDO S. MARTINEZ
7 CHIEF UNITED STATES DISTRICT JUDGE

8 Presented by:

9
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CONSENT MOTION TO EXTEND TIME AND ORDER
REGARDING CASE SCHEDULE
(Case Nos. 2:15-cv-1605)

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