



United States Tax Court
Washington, DC 20217

Paul Smith & Mary Smith

Petitioners

v.

Commissioner of Internal Revenue

Respondent

Docket No. 12345-00S

This case is set for trial at the Reno, Nevada trial session beginning
at **10:00 am on Monday, September 1, 2000.**

Please refer to the Notice Setting Case for Trial for more information.

Standing Pretrial Order for Small Tax Cases

Read this Order because it sets out the Court's standing procedures for the trial session. It explains actions you are required to take (ordered) and important information you need to pay attention to. If this is your first time appearing before the U.S. Tax Court, please pay special attention to the attached "Petitioner's (Taxpayer's) Getting Ready for Trial Checklist".

The parties are ORDERED to (1) participate in pre-trial matters, including conference calls and pretrial conferences scheduled by the Judge, and (2) attend the trial. If you do not follow this Order, the Judge may dismiss your case and enter a Decision against you.

Important information you need to pay attention to:

1. **About the Court.** The U.S. Tax Court hears disputes between taxpayers (petitioners) and the IRS (respondent). The Court is independent of, and not affiliated with, the IRS. Documents previously given to the IRS are not part of the record in this case and may not be considered unless made part of this case.
2. **Contact Information.** The parties must provide the Court with current contact information. If your phone number, email, or mailing address changes, inform the Court right away by filing a Notice of Change of Address form, available on the Court's website, www.ustaxcourt.gov.
3. **Electronic Filing (eFiling).** The Court encourages registration for DAWSON, the Court's electronic filing and case management system, so that you can electronically file and view documents in your case. If you are not registered for eFiling, you must send the opposing party a copy of any document you file with the Court. To register for DAWSON, email dawson.support@ustaxcourt.gov. eFiling will remain available to parties during the trial session. For more information, see www.ustaxcourt.gov.
4. **Communication Between the Parties.** The parties must begin discussing settlement and/or preparation of a stipulation of facts (facts on which the parties agree) as soon as possible. All minor issues should be settled so that the Judge can focus on the issue(s) needing a decision.

Some cases may be susceptible to partial or full settlement, and the Court expects the parties to negotiate in good faith with this goal in mind. If a party has trouble communicating with another party or complying with this Order, that party should tell the Judge right away by filing a Status Report or requesting a conference call by calling the Judge's chambers at the phone number listed below.

5. **Language Barriers**. All Court proceedings are conducted in English. All documents must be filed in English or include a certified English translation. You should let the Judge know as early as possible if you require help with English. It is generally the responsibility of each petitioner to bring an interpreter. If you give advance notice, the Court may have one available.
6. **Readiness for Trial and Participation**. If your case needs a trial, the parties must be ready for trial when scheduled by the Judge. If you need special help with scheduling your trial, call the Judge's chambers (at the telephone number listed below) as early as possible and before the first day of the trial session. If you have not yet settled your case and you do not participate in conference calls and pretrial conferences, or appear at trial, the Judge may dismiss your case and enter a decision against you. **The Judge may also dismiss your case and enter a decision against you if you do not follow this or other Court Orders.**
7. **Relevant Deadlines**. The Court has adopted the deadlines outlined below to facilitate the resolution of cases and draws the parties' attention to them.
 - a. **No later than 60 days before the first day of the trial session**: If a party wants to ask the Judge to decide all or part of the case without trial, the party may file a Motion for Summary Judgment.
 - b. **No later than 45 days before the first day of the trial session**: The parties should file any motions related to discovery or stipulations.
 - c. **No later than 31 days before the first day of the trial session**:
 - i. **Motion for Continuance**. The parties may file any Motions for Continuance (postponement of trial), which the Judge will grant only in exceptional circumstances. See Rule 133, Tax Court Rules of Practice and Procedure (available at www.ustaxcourt.gov). Even joint Motions for Continuance are not automatically granted.
 - ii. **Motion to Proceed Remotely**. If either party wants to proceed remotely (using Zoomgov) instead of having an in-person trial, that party may file a Motion to Proceed Remotely. If the Judge grants the motion, you will be provided with detailed instructions, including the date, time, and Zoomgov information for the remote proceeding.
 - d. **No later than 21 days before the first day of the trial session**: The parties should file one of the following: a Proposed Stipulated Decision, a Pretrial Memorandum, a Motion to Dismiss for Lack of Prosecution, or a Status Report.
 - i. **Settlement**. If a basis for settlement has been reached, the Proposed Stipulated Decision must be electronically filed no later than 21 days before the first day of the trial session. If the parties have reached a basis for settlement and need additional time to file the Proposed Stipulated Decision, they must file a joint Status Report including a summary of the basis of settlement no later than 21 days before the first

day of the trial session. A Stipulation of Settled Issues should be attached, if available. The Status Report must state the reasons for delay in filing the Proposed Stipulated Decision. The Court may issue an Order specifying the date by which the Proposed Stipulated Decision will be due. If a basis for settlement is reached after the trial session begins, the Court will handle any required scheduling on the record.

- ii. **Pretrial Memoranda.** If a basis for settlement has not been reached and it appears that a trial is necessary, each party should file a Pretrial Memorandum no later than 21 days before the first day of the trial session. You can use the Pretrial Memorandum form attached to this Order. The Pretrial Memorandum should identify witnesses the party expects to call and provide a brief summary of the witnesses' anticipated testimony.
 - iii. **Motion to Dismiss for Lack of Prosecution.** If a party has not (1) responded to telephone calls from the other party, (2) cooperated in preparing the case for trial, or (3) agreed in writing to facts and documents, the other party may file a Motion to Dismiss for Lack of Prosecution no later than 21 days before the first day of the trial session.
- e. **No later than 14 days before the first day of the trial session:**
- i. **Stipulation of Facts and Exhibits.** The parties must file a Stipulation of Facts together with all stipulated documents. Documents and pages should be numbered for parties to easily identify documents and pages within documents. The parties should agree in writing (stipulate) before the trial begins as to all relevant facts and documents that they do not dispute. Examples might include tax returns for the years involved and the notice issued by the IRS.
 - ii. **Proposed Trial Exhibits.** All documents or materials (except impeachment documents or materials) that a party expects to use at trial that are not in the Stipulation of Facts should be exchanged as Proposed Trial Exhibits no later than 14 days before the first day of the trial session.
- f. **No later than 7 days before the first day of the trial session:** The parties should file with the Court either a Supplemental Stipulation of Facts with any agreed Proposed Trial Exhibits or any unagreed Proposed Trial Exhibits. See the Court's website www.ustaxcourt.gov for instructions on identifying documents and numbering pages.
8. **Change in Case Status.** A Status Report must be filed to inform the Court if the status of the case changes at any time before the trial date and after a Pretrial Memorandum, Motion to Dismiss for Lack of Prosecution, or Status Report is filed. Alternatively, if the case has settled, a Proposed Stipulated Decision may be filed.
9. **Remote Proceeding Access.** If a remote proceeding is scheduled in your case, the parties must appear before the Judge as instructed in the Notice Setting Case for Trial. Information on how to use Zoomgov, including tips, can be found on the Court's website, www.ustaxcourt.gov. A personal Zoom account is not required, and there is no cost to the parties. The parties are responsible for ensuring, to the best of their abilities, that they and their witnesses have adequate technology and internet resources to participate. The parties should log on and test their connections at least 30 minutes before a remote proceeding is scheduled to begin.

10. **Time of Trial**. All parties **must** be prepared for trial at any time during the trial session unless a specific date and time has been previously set by the Court. After Pretrial Memoranda are filed, the Court may schedule a specific date and time for the trial. The parties may also jointly contact the Judge's chambers to request a specific date and time for the trial. If practicable, the Court will attempt to accommodate the request, keeping in mind other scheduling requirements and the anticipated length of the session. The parties and any witnesses must be ready to participate at the time the trial starts. Testimony given by you or your witnesses during the trial is considered evidence.

Dated: 12/27/21

(Signed) **Judge**
(202) 521-0700



United States Tax Court
Washington, DC 20217

Petitioner's (Taxpayer's) Getting Ready for Trial Checklist

Before you come to Court:

- If possible, register for DAWSON, the Court's electronic filing and case management system. Registering allows you to submit documents electronically and to view documents submitted by the IRS or issued by the Court as soon as they are filed.
- Review all the materials the Court has sent you.
- Think about what facts you want to tell the Judge.
- Organize your facts and arguments so you can tell your side of the story.
- Organize any documents you have to support your case.
- Speak to the people at the IRS who call or write to you after you get this notice.
- Provide copies of documents to the IRS as soon as possible. The parties are required to exchange copies of any documents they want to use at trial.
- Agree (stipulate) in writing to facts and documents that are not in dispute. All minor issues should be settled so that the Judge can focus on the remaining issue(s). The Stipulation of Facts needs to be filed with the Court no later than 14 days before trial.
- If the IRS will not agree (stipulate) to your documents, submit them to the Court as proposed trial exhibits no later than 7 days before trial. Read the instructions on the Court's website on to how to label each exhibit and remember to include page numbers.
- Consider whether you need any witnesses to support your case. If you plan to have a witness, let the IRS know no later than 21 days before trial. Make sure the witness is available for trial at the trial session.
- Respond to communications and meeting requests from the Judge.
- Be at your trial session early so you are ready when your case is called. You may wish to be there an hour before the starting time to have the opportunity to meet with clinical and calendar call attorneys.
- Be ready when your case is called for trial.
- Learn more about the U.S. Tax Court at www.ustaxcourt.gov.

PRETRIAL MEMORANDUM FOR (Petitioner/Respondent)
(Please type or print legibly. This form may be expanded as necessary.)

NAME OF CASE:

DOCKET NO(S):

ATTORNEYS:

Petitioner: _____

Respondent: _____

Tel No.: _____

Tel No.: _____

Email: _____

Email: _____

AMOUNTS IN DISPUTE:

Year(s)/Period(s)

Deficiencies/Liabilities

Additions/Penalties

STATUS OF CASE:

Probable Settlement _____

Probable Trial _____

Definite Trial _____

CURRENT ESTIMATE OF TRIAL TIME:

_____ hour(s)

MOTIONS YOU EXPECT TO MAKE:

(Title and brief description)

STATUS OF STIPULATION OF FACTS:

Completed, will be filed electronically In Progress

ISSUES:

WITNESS(ES) YOU EXPECT TO CALL:
(Name and brief summary of expected testimony)

SUMMARY OF FACTS:
(Attach separate pages, if necessary, to inform the Court of facts in chronological narrative form)

BRIEF SYNOPSIS OF LEGAL AUTHORITIES:
(Attach separate pages, if necessary, to fully discuss your legal position)

EVIDENTIARY PROBLEMS:

Date: _____
Petitioner/ Respondent

Trial Judge: **Judge**
United States Tax Court
400 Second Street, N.W.
Washington, D.C. 20217
(202) 521-0700