

UNITED STATES TAX COURT
WASHINGTON, DC 20217 **PA**

JEAN LOUIS RUBIN & MARIE F. CHARRIER))	
A.K.A. MARIE F. RUBIN A.K.A. MARIE))	
RUBIN,))	
)	
Petitioners,))	
)	
v.))	Docket No. 26604-14.
)	
COMMISSIONER OF INTERNAL REVENUE,))	
)	
Respondent))	

ORDER

On July 2, 2018, the Court directed petitioner Jean Louis Rubin’s counsel, Michael C. Cohen, to show cause why he should not withdraw or be withdrawn from this case for a potential conflict of interest. On August 1, 2018, Mr. Cohen filed his response to the Court’s order to show cause. On August 2, 2018, petitioner Marie F. Charrier’s counsel, Lavonne Lawson, and respondent’s counsel each filed status reports discussing their views on whether or not Mr. Cohen was conflicted in his representation of Mr. Rubin. On August 10, 2018, petitioners each filed a motion for continuance. Ms. Lawson filed a status report on August 17, 2018, wherein petitioner Marie F. Charrier gave her informed written consent to Mr. Cohen’s continued representation of Mr. Rubin in this case. The Court held conference calls with the parties on August 16 and August 20, 2018. Upon due consideration of the foregoing, it is

ORDERED: That the Court’s July 2, 2018, order to show cause is hereby discharged. It is further

ORDERED: That petitioners’ above-referenced motions to continue are granted in that this case is stricken for trial from the September 10, 2018, Los Angeles, California, trial session of the Court and jurisdiction is retained by the undersigned. It is further

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ORDERED: That, on or before September 19, 2018, the parties shall file any stipulation of settled issues. It is further

ORDERED: That, on or before November 19, 2018, the parties shall exchange any documents that they intend to rely on for trial. Any documents not so exchanged may be excluded from evidence at trial without good cause shown. It is further

ORDERED: That the parties shall each, on or before December 18, 2018, file a memorandum setting forth--

(1)(a) The issues of fact (including any issues subsidiary to ultimate issues) and (b) the issues of law (including any issues subsidiary to ultimate issues) to be resolved by the Court. Such issues should be set forth in sufficient detail to enable the Court to decide the case in its entirety by addressing each of the issues listed.

(2) A clear, complete, and concise exposition of each party's position and the theory underlying that position with respect to each of the issues that are set forth pursuant to (1) above. In this regard, each party shall include a statement in narrative form of what each party expects to prove.

(3)(a) An indication as to whether expert witness testimony is anticipated, (b) the nature of the expert witness testimony, if any, and (c) the questions the parties are expecting to ask the witness on which to opine.

(4) Status of the preparation of the stipulations of facts and preparation for trial, including the estimated length of trial.

It is further

ORDERED: That the statement of issues set forth pursuant to (1) above shall control the admissibility of evidence at trial and evidence offered at trial will be deemed irrelevant unless it pertains to one or more of the issues set forth pursuant to (1) above. It is further

ORDERED: That neither party will be allowed to advance a position or theory underlying that position with respect to any of the issues set forth pursuant

to (1) above that is different from the positions or theories set forth pursuant to (2) above. It is further

ORDERED: That any motion to change place of trial shall be filed on or before December 18, 2018. It is further

ORDERED: That this case is calendared for trial at the Court's Los Angeles, California, trial session commencing March 4, 2019, at 10 a.m. in Room 1167, Edward R. Roybal Center and Fed. Bldg., 255 E. Temple Street, Los Angeles, California 90012. It is further

ORDERED: That the Court's standing pretrial notice dated June 21, 2018, remains in full force and effect except as changed herein and insofar as it references September 10, 2018, as the date of the trial session at which this case will be tried.

This order constitutes official notice of the same to the parties herein.

(Signed) Michael B. Thornton
Judge

Dated: Washington, D.C.
August 20, 2018