

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

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LINCHPINS OF LIBERTY, <u>et al.</u> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 13-777 (RBW)
)	
UNITED STATES, <u>et al.</u> ,)	
)	
Defendants.)	
_____)	

ORDER

The parties in this civil action appeared before the Court on April 6, 2017, for a hearing on the United States’ Motion for Summary Judgment as to Remaining Claims and Supporting Statement of Points and Authorities, ECF No. 113, and the plaintiffs’ Motion for Discovery under Federal Rule of Civil Procedure 56(d), ECF No. 121. In accordance with the oral rulings made by the Court during the motions hearing, it is hereby

ORDERED that the plaintiffs’ Motion for Discovery under Federal Rule of Civil Procedure 56(d), ECF No. 121 is **GRANTED**. The plaintiffs are permitted to conduct discovery limited to the scope of the allegations pleaded in their amended complaint and to their need to obtain facts essential to their opposition to the Government’s motion for summary judgment. Specifically, the plaintiffs may submit to the defendants document requests and interrogatories limited in scope to (1) the current status of the Internal Revenue Service’s (the “IRS”) tax-exemption application process, during which the plaintiffs contend that they were targeted for illegal purposes, and (2) to past acts of alleged discrimination stemming from the alleged illegal targeting scheme to the extent the information is necessary to ascertain the changes purportedly made by the IRS in its tax-exemption application process to “irrevocably eradicate[]

the effects of the alleged violation,” True the Vote, Inc. v. IRS, 831 F.3d 551, 563 (D.C. Cir. 2016) (quoting Qassim, 466 F.3d at 1075), cert. denied sub nom. True the Vote, Inc. v. Lerner, No. 16-613, 2017 WL 670229 (2017). The plaintiffs may also conduct depositions of Tamera L. Ripperda, who at the time she submitted her declaration in support of the Government’s motion for summary judgment was the Director of the Exempt Organizations Unit of the Tax Exempt & Government Entities Division of the Deputy Commissioner for Services Enforcement organization of the IRS, and the individual currently employed in this position at the IRS. These depositions are limited in scope consistent with the limitations imposed on the plaintiffs’ request for documents and their interrogatories. It is further

ORDERED that, based on the Government’s agreement made at the motions hearing, the IRS shall produce to the plaintiffs the agency’s case files assembled in connection with the plaintiffs’ applications for tax-exemption status that are the subject of this litigation. It is further

ORDERED that, although not designated at the motions hearing, the limited discovery afforded pursuant this Order shall close on July 12, 2017. It is further

ORDERED that the United States’ Motion for Summary Judgment as to Remaining Claims and Supporting Statement of Points and Authorities, ECF No. 113, is **DENIED WITHOUT PREJUDICE**. At the close of discovery, the Government may renew its motion for summary judgment if its position that the plaintiffs’ remaining claims are moot has not changed based on the discovery authorized by the Court. It is further

ORDERED that the parties shall appear before the Court for a post-discovery status conference on July 14, 2017, at 2:30 p.m.

SO ORDERED this 12th day of April, 2017.

REGGIE B. WALTON
United States District Judge