

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)	
)	Case No.
Petitioner,)	
)	
v.)	
)	
PINNACLE ACTUARIAL RESOURCES,)	
INC.,)	
)	
Respondent.)	

PETITION TO ENFORCE INTERNAL REVENUE SUMMONS

The United States of America petitions this Court for an order enforcing an Internal Revenue Service (“IRS”) administrative summons served on Pinnacle Actuarial Resources, Inc. In support of this Petition, the United States alleges as follows:

Jurisdiction and Parties

1. Jurisdiction over this matter is conferred upon this Court by 26 U.S.C. §§ 7402 and 7604(a) and by 28 U.S.C. §§ 1340 and 1345.
2. The respondent, Pinnacle Actuarial Resources, Inc. (“Pinnacle”), has its principal place of business in Bloomington, Illinois, within the jurisdiction of this Court.

The Summons

3. Internal Revenue Agent Julie K. Hersh (“Revenue Agent Hersh”) is employed in the Small Business/Self-Employed Division of the Internal Revenue Service and is authorized to issue an Internal Revenue Service summons pursuant to the authority contained in 26 U.S.C. § 7602 and 26 C.F.R. § 301.7602-1. The Declaration of Revenue Agent Hersh is attached to this Petition as Exhibit 1.

4. Revenue Agent Hersh is conducting an investigation to determine whether Oxford Insurance Company, LLC (“Oxford”) is liable for penalties under 26 U.S.C. §§ 6694, 6695, 6700, and 6701 for conduct occurring from January 1, 2010 to the present. (Hersh Decl. ¶ 3.) These sections of the Internal Revenue Code impose penalties for, among other things, organizing or promoting abusive tax shelters, aiding and abetting the understatement of another person’s tax liability, and preparing or assisting in the preparation of tax returns for others that willfully or recklessly understate a taxpayer’s tax liability.

5. The respondent, Pinnacle may be in possession and control of books, records, papers, and other data that may be relevant to the investigation described above in paragraph 4, including but not limited to agreements between Pinnacle and Oxford, Pinnacle and Oxford’s subsidiaries, and Pinnacle and Oxford’s clients; documents provided to Pinnacle or otherwise created for or relied on in the underwriting or pricing of insurance; copies of billing invoices and records showing the work performed for Oxford, its subsidiaries, or its clients; and records of communications between Pinnacle and Oxford, Pinnacle and Oxford’s subsidiaries, and Pinnacle and Oxford’s clients. (Hersh Decl. ¶ 4.)

6. Pursuant to the investigation described in paragraph 4, on January 13, 2022, Revenue Agent Hersh issued an IRS summons directing Pinnacle to appear on February 23, 2022, at 10:00 a.m., to produce the books, records, and other documents demanded in the summons. (Hersh Decl. ¶ 5.) The summons is attached as Exhibit A to the Declaration of Revenue Agent Hersh.

7. On January 14, 2022, Revenue Agent Hersh served the summons on Pinnacle by facsimile because Pinnacle waived its rights to service under 26 U.S.C. § 7403 and requested that

the IRS serve the summons be by facsimile. (Hersh Decl. ¶ 6.) The waiver is attached as Exhibit B to Declaration of Revenue Agent Hersh.

8. By letter dated January 14, 2022, addressed to Revenue Agent Hersh, and again by letter dated June 24, 2022, addressed to IRS Attorney S. Penina Shadrooz, Pinnacle admitted that it “has substantial documentation that is, or may be, responsive to the summons.” However, Pinnacle refused to comply with the summons because “it does not constitute a subpoena or court order.” (Hersh Decl. ¶ 8.) The aforementioned letters are attached as Exhibit C and D to the Declaration of Revenue Agent Hersh.

9. In addition, Pinnacle objected to the summons because it was objectionable on the merits, was issued for an illegitimate purpose, requests irrelevant information, requests privileged information, and is overly broad, unduly burdensome, and unreasonable. Pinnacle offered no facts in support of these arguments. (Hersh Decl. ¶ 9; Exhibits C-D.)

10. Pinnacle did not appear and did not produce any documents in response to the summons, and such failure to comply with the summons continues to date. (Hersh Decl. ¶ 10.)

11. In order to obtain enforcement of a summons, the United States must establish that the summons: (1) is issued for a legitimate purpose; (2) seeks information relevant to that purpose; (3) seeks information that is not already within the IRS’s possession; and (4) satisfies all administrative steps required by the Internal Revenue Code. *United States v. Powell*, 379 U.S. 48, 57-58 (1964).

12. The books, papers, records, and/or other data sought by the summons may be relevant to the IRS’s investigation to determine whether Oxford is liable for penalties under 26 U.S.C. §§ 6694, 6695, 6700, and 6701 for conduct occurring from January 1, 2017 to the present. (Hersh Decl. ¶¶ 4, 11, 12.)

13. The books, papers, records, or other data sought by the summons are not already in possession of the Internal Revenue Service. (Hersh Decl. ¶ 13.)

14. All administrative steps required by the Internal Revenue Code for the issuance of the summons have been taken. (Hersh Decl. ¶¶ 6, 7, 14.)

15. No Justice Department referral, as defined by 26 U.S.C. § 7602(d)(2), is in effect with respect to Oxford or Pinnacle for the years under investigation. (Hersh Decl. ¶ 15.)

WHEREFORE, the United States respectfully prays as follows:

A. That this Court enter an order directing the respondent, Pinnacle Actuarial Resources, Inc., to show cause in writing, if any, why it should not comply with and obey the aforementioned IRS summons and every requirement thereof;

B. That this Court enter an order directing the respondent, Pinnacle Actuarial Resources, Inc., to fully obey the subject summons and each requirement thereof, by ordering the production required and called for by the terms of the summons, to Revenue Agent Hersh, or any other proper officer or employee of the IRS, at such time and place as may be set by Revenue Agent Hersh or any other proper officer or employee of the IRS;

C. That the United States recover its costs incurred in maintaining this proceeding;
and

D. That the Court grant such other and further relief as the Court deems proper or justice may require.

Dated: September 13, 2022

Respectfully submitted,

DAVID A. HUBBERT
Deputy Assistant Attorney General

/s/ James F. Bresnahan II
JAMES F. BRESNAHAN II
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U.S. Department of Justice, Tax Division
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United States of America

Of Counsel:
Gregory K. Harris
United States Attorney, Central District of Illinois



IN THE UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF ILLINOIS

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Petitioner,)	
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v.)	Case no.
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PINNACLE ACTUARIAL RESOURCES,)	
INC.,)	
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Respondent.)	

DECLARATION OF INTERNAL REVENUE AGENT JULIE K. HERSH

Pursuant to 28 U.S.C. § 1746, I, Julie K. Hersh, declare:

1. I am a duly commissioned Internal Revenue Agent employed in the Small Business/Self Employed Division, Field Examination – Southwest. My post of duty is in York, Pennsylvania.
2. As a revenue agent, I am authorized to issue and serve administrative summonses pursuant to 26 U.S.C. § 7602, 26 C.F.R. § 301.7602-1, and Internal Revenue Service Delegation Order No. 25-1 (as revised).
3. In my capacity as an Internal Revenue Agent, I am conducting an investigation to determine whether Oxford Insurance Company, LLC (“Oxford”) is liable for penalties under 26 U.S.C. §§ 6694, 6695, 6700, and 6701 for conduct occurring from January 1, 2010 to the present in connection with a purported insurance plan or arrangement that it promoted and sold. These sections of the Internal Revenue Code impose penalties for, among other things, organizing or promoting abusive tax shelters, aiding and abetting the understatement of another person’s tax liability, and preparing or assisting in the preparation of tax returns for others that willfully or

recklessly understate a taxpayer's tax liability.

4. Upon information and belief, Pinnacle Actuarial Resources, Inc. ("Pinnacle") provided actuarial services to Oxford, its subsidiaries, and its customers in connection with a purported insurance plan or arrangement that Oxford promoted and sold.

5. In furtherance of the above investigation and in accordance with 26 U.S.C. § 7602, on January 13, 2022, I issued an Internal Revenue Service summons to Pinnacle requesting that it produce for examination on February 23, 2022, at 10:00 a.m., books, papers, records, or other data as described in the summons. The summons is attached to my declaration as Exhibit A.

6. In accordance with 26 U.S.C. § 7603 and Pinnacle's agreement to waive service of the summons (attached to my declaration as Exhibit B), on January 14, 2022, I served an attested copy of the summons on Pinnacle by facsimile as evidenced by the certificate of service on the reverse side of the summons.

7. In accordance with 26 U.S.C. § 7609, on January 14, 2022, I gave notice to Oxford by certified mail of the summons issued to Pinnacle as evidenced by the certificate of service on the reverse side of the summons.

8. Pinnacle's counsel sent two letters regarding the summons: a letter dated January 14, 2022 addressed to me and a letter dated June 24, 2022 addressed to IRS Attorney S. Penina Shadrooz, on which I was copied. These letters are attached to my declaration as Exhibits C and D, respectively. In these letters, Pinnacle admitted that it "has substantial documentation that is, or may be, responsive to the summons," but stated that it would not respond to the summons because the summons "does not constitute a subpoena or court order."

9. In addition, Pinnacle objected to the summons because it was objectionable on the merits, was issued for an illegitimate purpose, requests irrelevant information, requests privileged information, and is overly broad, unduly burdensome, and unreasonable. Pinnacle stated that it “intends to assert each of the aforementioned objections to the Summons in any such enforcement action.”

10. To date, Pinnacle has failed to comply with the summons.

11. The summoned documents requested from January 1, 2017 to the present are relevant to my investigation as they may shed light on whether Oxford is liable for penalties under 26 U.S.C. §§ 6694, 6695, 6700, and 6701.

12. For example, the following documents are necessary for determining whether Oxford is liable for penalties for, among other things, organizing or promoting abusive tax shelters or aiding and abetting the understatement of another person’s tax liability: agreements between Pinnacle and Oxford, Pinnacle and Oxford’s subsidiaries, and Pinnacle and Oxford’s clients should detail the contractual agreements and the services to be provided by Pinnacle and identify customers who may have participated in the plan or arrangement promoted or sold by Oxford; documents provided to Pinnacle or otherwise created for or relied on in the underwriting or pricing of insurance; copies of billing invoices and records showing the work Pinnacle performed for Oxford, its subsidiaries, or its clients; and records of communications between Pinnacle and Oxford, Pinnacle and Oxford’s subsidiaries, and Pinnacle and Oxford’s clients. This information is also necessary to determine the amount of any possible penalty.


13. The books, papers, records, or other data sought by the summons are not already in the possession of the Internal Revenue Service.

14. All administrative steps required by the Internal Revenue Code for the issuance of a summons have been taken.

15. No Justice Department referral, as defined by 26 U.S.C. § 7602(d)(2), is in effect with respect to Oxford or Pinnacle for the years under examination. That is, no recommendation has been made by the IRS to the Department of Justice for a grand jury investigation or criminal prosecution of the Oxford or Pinnacle for the years under investigation. Moreover, no request has been made under 26 U.S.C. § 6103(h)(B)(3) for the disclosure of any return or return information in connection with a grand jury investigation or potential or pending criminal investigation of either Oxford or Pinnacle. (See 26 C.F.R. § 301.7602-1(c)(2)(ii).)

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed September 13, 2022



Julie K. Hersh
Internal Revenue Agent



Summons

In the matter of Liability of Oxford Insurance Company, LLC under 26 USC Secs. 6694, 6695, 6700 and 6701
 Internal Revenue Service (division) Small Business / Self-Employed
 Industry/Area (name or number) SE:S:DCE:E:FE:SW:AT:1755,
 Periods January 1, 2017 through the compliance date of the summons

The Commissioner of Internal Revenue

To Pinnacle Actuarial Resources, Inc.
 At 3109 Cornelius Drive, Bloomington, IL 61704

You are hereby summoned and required to appear before Julie Hersh or delegate an officer of the Internal Revenue Service, to give testimony and to bring with you and to produce for examination the following books, records, papers, and other data relating to the tax liability or the collection of the tax liability or for the purpose of inquiring into any offense connected with the administration or enforcement of the internal revenue laws concerning the person identified above for the periods shown.

Refer to: ATTACHMENT 1 - INSTRUCTIONS, ATTACHMENT 2 - DEFINITIONS, ATTACHMENT 3 - DOCUMENTS TO BE PRODUCED, ATTACHMENT 4 - PRODUCTION SPECIFICATIONS FOR ELECTRONICALLY STORED INFORMATION (ESI) AND HARD COPY DOCUMENTS

Do not write in this space

Business address and telephone number of IRS officer before whom you are to appear

Internal Revenue Service, 2670 Industrial Highway, York, PA 17402, Phone: 717-840-6017

Place and time for appearance at Internal Revenue Service, 2415 W. Cornerstone Ct., Peoria, IL 61614-2492

(Revenue Agent David Mueller, Phone: 309-621-7264)

on the 23rd day of February, 2022 at 10 o'clock a .m.
(year)

Issued under authority of the Internal Revenue Code this 13th day of January, 2022
(year)

Signature of issuing officer Julie K. Hersh <small>Digitally signed by Julie K. Hersh Date: 2022.01.13 15:25:06 -05'00'</small>	Title Revenue Agent
Signature of approving officer (if applicable) Sharon V. McManamon <small>Digitally signed by Sharon V. McManamon Date: 2022.01.13 15:41:39 -05'00'</small>	Title Supervisory Revenue Agent

Service of Summons, Notice and Recordkeeper Certificates


(Pursuant to Section 7603, Internal Revenue Code)

I certify that I served the summons shown on the front of this form on

Date	Time
01/14/2022	9:24 AM

How Summons Was Served

1. I certify that I handed a copy of the summons, which contained the attestation required by § 7603, to the person to whom it was directed
2. I certify that I left a copy of the summons, which contained the attestation required by § 7603, at the last and usual place of abode of the person to whom it was directed. I left the copy with the following person (if any) _____
3. I certify that I sent a copy of the summons, which contained the attestation required by § 7603, by certified or registered mail to the last known address of the person to whom it was directed, that person being a third-party recordkeeper within the meaning of § 7603(b). I sent the summons to the following address _____
4. I certify that I served a copy of the summons, which contained the attestation required by § 7603, by a method not listed above that is in conformity with established IRS procedures to the person to whom it was directed and with the consent of the witness, (e.g. *facsimile transmission*)

Signature	Title
Julie K. Hersh  <small>Digitally signed by Julie K. Hersh Date: 2022.01.14 13:37:07 -0500'</small>	Internal Revenue Agent

5. This certificate is made to show compliance with IRC Section 7609. This certificate does not apply to summonses served on any officer or employee of the person to whose liability the summons relates nor to summonses in aid of collection, to determine the identity of a person having a numbered account or similar arrangement, or to determine whether or not records of the business transactions or affairs of an identified person have been made or kept.

I certify that, within 3 days of serving the summons, I gave notice (Part D of Form 2039) to the person named below on the date and in the manner indicated.

Date of giving notice	Time
01/14/2022	1:37 PM

Name of noticee


Oxford Insurance Company, LLC, Attn: Kevin Myers, Member, c/o The Taft Companies

Address of noticee (if mailed)

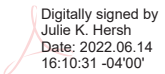
1620 Providence Road, Towson, MD 21286

How Notice Was Given

- I gave notice by certified or registered mail to the last known address of the noticee
- I left the notice at the last and usual place of abode of the noticee. I left the copy with the following person (if any) _____
- I gave notice by handing it to the noticee
- In the absence of a last known address of the noticee, I left the notice with the person summoned
- No notice is required

Signature	Title
Julie K. Hersh  <small>Digitally signed by Julie K. Hersh Date: 2022.01.14 13:38:49 -0500'</small>	Internal Revenue Agent

I certify that the period prescribed for beginning a proceeding to quash this summons has expired and that no such proceeding was instituted or that the noticee consents to the examination.

Signature	Title
Julie K. Hersh  <small>Digitally signed by Julie K. Hersh Date: 2022.06.14 16:10:31 -0400'</small>	Internal Revenue Agent

Summons

In the matter of Liability of Oxford Insurance Company, LLC under 26 USC Secs. 6694, 6695, 6700 and 6701

Internal Revenue Service (division) Small Business / Self-Employed

Industry/Area (name or number) SE:S:DCE:E:FE:SW:AT:1755

Periods January 1, 2017 through the compliance date of the summons

The Commissioner of Internal Revenue

To Pinnacle Actuarial Resources, Inc.

At 3109 Cornelius Drive, Bloomington, IL 61704

You are hereby summoned and required to appear before Julie Hersh or delegate an officer of the Internal Revenue Service, to give testimony and to bring with you and to produce for examination the following books, records, papers, and other data relating to the tax liability or the collection of the tax liability or for the purpose of inquiring into any offense connected with the administration or enforcement of the internal revenue laws concerning the person identified above for the periods shown.

Refer to: ATTACHMENT 1 - INSTRUCTIONS, ATTACHMENT 2 - DEFINITIONS, ATTACHMENT 3 - DOCUMENTS TO BE PRODUCED, ATTACHMENT 4 - PRODUCTION SPECIFICATIONS FOR ELECTRONICALLY STORED INFORMATION (ESI) AND HARD COPY DOCUMENTS

Attestation

I hereby certify that I have examined and compared this copy of the summons with the original and that it is a true and correct copy of the original.

Signature of IRS officer serving the summons Julie K. Hersh	<small>Digitally signed by Julie K. Hersh Date: 2022.01.13 15:25:33 -05'00'</small>	Title Internal Revenue Agent
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Business address and telephone number of IRS officer before whom you are to appear

Internal Revenue Service, 2670 Industrial Highway, York, PA 17402, Phone: 717-840-6017

Place and time for appearance at Internal Revenue Service, 2415 W. Cornerstone Ct., Peoria, IL 61614-2492

(Revenue Agent David Mueller, Phone: 309-621-7264)

on the 23rd day of February, 2022 at 10 o'clock a .m.
(year)

Issued under authority of the Internal Revenue Code this 13th day of January, 2022
(year)

Signature of issuing officer Julie K. Hersh	<small>Digitally signed by Julie K. Hersh Date: 2022.01.13 15:26:13 -05'00'</small>	Title Revenue Agent
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Signature of approving officer Sharon V. McManamon	<small>Digitally signed by Sharon V. McManamon Date: 2022.01.13 15:42:37 -05'00'</small>	Title Supervisory Revenue Agent
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Sec. 7602. Examination of books and witnesses

(a) Authority to Summon, etc. - For the purpose of ascertaining the correctness of any return, making a return where none has been made, determining the liability of any person for any internal revenue tax or the liability at law or in equity of any transferee or fiduciary of any person in respect of any internal revenue tax, or collecting any such liability, the Secretary is authorized -

- (1) To examine any books, papers, records, or other data which may be relevant or material to such inquiry.
- (2) To summon the person liable for tax or required to perform the act, or any officer or employee of such person, or any person having possession, custody, or care of books of account containing entries relating to the business of the person liable for tax or required to perform the act, or any other person the Secretary may deem proper, to appear before the Secretary at a time and place named in the summons and to produce such books, papers, records, or other data, and to give such testimony, under oath, as may be relevant or material to such inquiry; and
- (3) To take such testimony of the person concerned, under oath, as may be relevant or material to such inquiry.

(b) Purpose may include inquiry into offense. - The purposes for which the Secretary may take any action described in paragraph (1), (2), or (3) of subsection (a) include the purpose of inquiring into any offense connected with the administration or enforcement of the internal revenue laws.

(c) Notice of contact of third parties.

(1) General notice - An officer or employee of the Internal Revenue Service may not contact any person other than the taxpayer with respect to the determination or collection of the tax liability of such taxpayer unless such contact occurs during a period (not greater than 1 year) which is specified in a notice which—

- (A) informs the taxpayer that contacts with persons other than the taxpayer are intended to be made during such period, and
- (B) except as otherwise provided by the Secretary, is provided to the taxpayer not later than 45 days before the beginning of such period.

Nothing in the preceding sentence shall prevent the issuance of notices to the same taxpayer with respect to the same tax liability with periods specified therein that, in the aggregate, exceed 1 year. A notice shall not be issued under this paragraph unless there is an intent at the time such notice is issued to contact persons other than the taxpayer during the period specified in such notice. The preceding sentence shall not prevent the issuance of a notice if the requirement of such sentence is met on the basis of the assumption that the information sought to be obtained by such contact will not be obtained by other means before such contact.

(2) Notice of specific contacts. - The Secretary shall periodically provide to a taxpayer a record of persons contacted during such period by the Secretary with respect to the determination or collection of the tax liability of such taxpayer. Such record shall also be provided upon request of the taxpayer.

(3) Exceptions. - This subsection shall not apply-

- (A) to any contact which the taxpayer has authorized,
- (B) if the Secretary determines for good cause shown that such notice would jeopardize collection of any tax or such notice may involve reprisal against any person, or
- (C) with respect to any pending criminal investigation.

(d) No administrative summons when there is Justice Department referral.-

(1) Limitation of authority. - No summons may be issued under this title, and the Secretary may not begin any action under section 7604 to enforce any summons, with respect to any person if a Justice Department referral is in effect with respect to such person.

(2) Justice Department referral in effect. - For purposes of this subsection

- (A) In general. -A Justice Department referral is in effect with respect to any person if-
 - (i) the Secretary has recommended to the Attorney General a grand jury investigation of, or the criminal prosecution of, such person for any offense connected with the administration or enforcement of the internal revenue laws or
 - (ii) any request is made under section 6103(h)(3)(B) for the disclosure of any return or return information (within the meaning of section 6103(b)) relating to such person.
- (B) Termination. - A Justice Department referral shall cease to be in effect with respect to a person when-
 - (i) the Attorney General notifies the Secretary, in writing, that
 - (I) he will not prosecute such person for any offense connected with the administration or enforcement of the internal revenue laws,
 - (II) he will not authorize a grand jury investigation of such person with respect to such an offense, or
 - (III) he will discontinue such a grand jury investigation.
 - (ii) a final disposition has been made of any criminal proceeding pertaining to the enforcement of the internal revenue laws which was instituted by the Attorney General against such person, or
 - (iii) the Attorney General notifies the Secretary, in writing, that he will not prosecute such person for any offense connected with the administration or enforcement of the internal revenue laws relating to the request described in sub paragraph (A)(i).

(3) Taxable years, etc., treated separately. - For purposes of this subsection, each taxable period (or, if there is no taxable period, each taxable event) and each tax imposed by a separate chapter of this title shall be treated separately.

(e) Limitation on examination on unreported income. - The Secretary shall not use financial status or economic reality examination techniques to determine the existence of unreported income of any taxpayer unless the Secretary has a reasonable indication that there is a likelihood of such unreported income.

(f) Limitation on access of persons other than Internal Revenue Service officers and employees. The Secretary shall not, under the authority of section 6103(n), provide any books, papers, records, or other data obtained pursuant to this section to any person authorized under section 6103(n), except when such person requires such information for the sole purpose of providing expert evaluation and assistance to the Internal Revenue Service. No person other than an officer or employee of the Internal Revenue Service or the Office of Chief Counsel may, on behalf of the Secretary, question a witness under oath whose testimony was obtained pursuant to this section.

Authority to examine books and witness is also provided under sec. 6420 (e)(2) - Gasoline used on farms: sec. 6421(g)(2) - Gasoline used for certain nonhighway purposes by local transit systems, or sold for certain exempt purposes; and sec. 6427(j)(2) - Fuels not used for taxable purposes.

Sec. 7603. Service of summons

(a) In general - A summons issued under section 6420(e)(2), 6421(g)(2), 6427(j)(2), or 7602 shall be served by the Secretary, by an attested copy delivered in hand to the person to whom it is directed, or left at his last and usual place of abode; and the certificate of service signed by the person serving the summons shall be evidence of the facts it states on the hearing of an application for the enforcement of the summons. When the summons requires the production of books, papers, records, or other data, it shall be sufficient if such books, papers, records, or other data are described with reasonable certainty

(b) Service by mail to third-party recordkeepers. -

- (1) In general. - A summons referred to in subsection (a) for the production of books, papers, records, or other data by a third-party recordkeeper may also be served by certified or registered mail to the last known address of such recordkeeper.
- (2) Third party record keeper. - For purposes of paragraph (1), the term *third-party recordkeeper* means -
 - (A) any mutual savings bank, cooperative bank, domestic building and loan association, or other savings institution chartered and supervised as a savings and loan or similar association under Federal or State law, any bank (as defined in section 581), or any credit union (within the meaning of section 501 (c)(14)(A));
 - (B) any consumer reporting agency (as defined under section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681 a(f));
 - (C) Any person extending credit through the use of credit cards or similar devices;
 - (D) any broker (as defined in section 3(a)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(4));
 - (E) any attorney;
 - (F) any accountant;
 - (G) any barter exchange (as defined in section 6045(c)(3));
 - (H) any regulated investment company (as defined in section 851) and any agent of such regulated investment company when acting as an agent thereof;
 - (I) any enrolled agent; and
 - (J) any owner or developer of a computer software source code (as defined in section 7612(d)(2)). Subparagraph (J) shall apply only with respect to a summons requiring the production of the source code referred to in subparagraph (J) or the program and data described in section 7612(b)(1)(A)(ii) to which source code relates.

Sec. 7604. Enforcement of summons

(a) Jurisdiction of District Court. - If any person is summoned under the internal revenue laws to appear, to testify, or to produce books, papers, records, or other data, the United States district court for the district in which such person resides or is found shall have jurisdiction by appropriate process to compel such attendance, testimony, or production of books, papers, records, or other data.

(b) Enforcement. - Whenever any person summoned under section 6420(e)(2), 6421 (g)(2), 6427(j)(2), or 7602 neglects or refuses to obey such summons, or to produce books, papers, records, or other data, or to give testimony, as required, the Secretary may apply to the judge of the district court or to a United States Commissioner for the district within which the person so summoned resides or is found for an attachment against him as for a contempt. It shall be the duty of the judge or Commissioner to hear the application, and, if satisfactory proof is made, to issue an attachment, directed to some proper officer, for the arrest of such person, and upon his being brought before him to proceed to a hearing of the case; and upon such hearing the judge or the United States Commissioner shall have power to make such order as he shall deem proper, not inconsistent with the law for the punishment of contempts, to enforce obedience to the requirements of the summons and to punish such person for his default or disobedience.

Sec. 7605. Time and place of examination

(a) Time and place. - The time and place of examination pursuant to the provisions of section 6420(e)(2), 6421 (g)(2), 6427(j)(2), or 7602 shall be such time and place as may be fixed by the Secretary and as are reasonable under the circumstances. In the case of a summons under authority of paragraph (2) of section 7602, or under the corresponding authority of section 6420(e)(2), 6421 (g)(2) or 6427(j)(2), the date fixed for appearance before the Secretary shall not be less than 10 days from the date of the summons.

Sec. 7610. Fees and costs for witnesses

(a) In general. - The Secretary shall by regulations establish the rates and conditions under which payment may be made of -

- (1) fees and mileage to persons who are summoned to appear before the Secretary, and
- (2) reimbursement for such costs that are reasonably necessary which have been directly incurred in searching for, reproducing, or transporting books, papers, records, or other data required to be produced by summons.

(b) Exceptions. - No payment may be made under paragraph (2) of subsection (a) if

- (1) the person with respect to whose liability the summons is issued has a proprietary interest in the books, papers, records or other data required to be produced, or
- (2) the person summoned is the person with respect to whose liability the summons is issued or an officer, employee, agent, accountant, or attorney of such person who, at the time the summons is served, is acting as such.

(c) Summons to which section applies. -This section applies with respect to any summons authorized under section 6420(e)(2), 6421 (g)(2), 6427(j)(2), or 7602.

Sec. 7210. Failure to obey summons

Any person who, being duly summoned to appear to testify, or to appear and produce books, accounts, records, memoranda or other papers, as required under sections 6420(e)(2), 6421 (g)(2), 6427(j)(2), 7602, 7603, and 7604(b), neglects to appear or to produce such books, accounts, records memoranda, or other papers, shall, upon conviction thereof, be fined not more than \$1,000, or imprisoned not more than 1 year, or both, together with costs of prosecution.

Notice of Payment Information for Recipients of IRS Summons

If you are a third-party recipient of a summons, you may be entitled to receive payment for certain costs directly incurred which are reasonably necessary to search for, reproduce, or transport records in order to comply with a summons.

This payment is made only at the rates established by the Internal Revenue Service to certain persons served with a summons to produce records or information in which the taxpayer does not have an ownership interest. The taxpayer to whose liability the summons relates and the taxpayer's officer, employee, agent, accountant, or attorney are not entitled to this payment. No payment will be made for any costs which you have charged or billed to other persons.

The rate for search costs is limited to the total amount of personnel time spent locating and retrieving documents or information requested by the summons. Specific salaries of such persons may not be included in search costs. In addition, search costs do not include salaries, fees, or similar costs for analysis of material or for managerial or legal advice, expertise, research, or time spent for any of these activities. If itemized separately, search costs may include the actual costs of extracting information stored by computer in the format in which it is normally produced, based on computer time and necessary supplies. Time for computer search may be paid.

Rates for reproduction costs for making copies or duplicates of summoned documents, transcripts, and other similar material may be paid at the allowed rates. Photographs, films, and other material are reimbursed at cost.

The rate for transportation costs is the same as the actual cost necessary to transport personnel to locate and retrieve summoned records or information, or costs incurred solely by the need to transport the summoned material to the place of examination.

In addition to payment for search, reproduction, and transportation costs, persons who appear before an Internal Revenue Service officer in response to a summons may request payment for authorized witness fees and mileage fees. You may make this request by contacting the Internal Revenue Service officer or by claiming these costs separately on the itemized bill or invoice as explained below.

Instructions for requesting payment

After the summons is served, you should keep an accurate record of personnel search time, computer costs, number of reproductions made, and transportation costs. Upon satisfactory compliance, you may submit an itemized bill or invoice to the Internal Revenue Service officer before whom you were summoned to appear, either in person or by mail to the address furnished by the Internal Revenue Service officer. Please write on the itemized bill or invoice the name of the taxpayer to whose liability the summons relates.

If you wish, Form 6863, Invoice and Authorization for Payment of Administrative Summons Expenses, may be used to request payment for search, reproduction, and transportation costs. Standard Form 1157, Claims for Witness Attendance Fees, Travel, and Miscellaneous Expenses, may be used to request payment for authorized witness fees and mileage fees. These forms are available from the Internal Revenue Service officer who issued the summons.

If you have any questions about the payment, please contact the Internal Revenue Service officer before whom you were summoned to appear.

Anyone submitting false claims for payment is subject to possible criminal prosecution.

Sec. 7609. Special procedures for third-party summons**(a) Notice-**

(1) In general. - If any summons to which this section applies requires the giving of testimony on or relating to, the production of any portion of records made or kept on or relating to, or the production of any computer software source code (as defined in 7612(d)(2)) with respect to, any person (other than the person summoned) who is identified in the summons, then notice of the summons shall be given to any person so identified within 3 days of the day on which such service is made, but no later than the 23rd day before the day fixed in the summons as the day upon which such records are to be examined. Such notice shall be accompanied by a copy of the summons which has been served and shall contain an explanation of the right under subsection (b)(2) to bring a proceeding to quash the summons.

(2) Sufficiency of notice. - Such notice shall be sufficient if, on or before such third day, such notice is served in the manner provided in section 7603 (relating to service of summons) upon the person entitled to notice, or is mailed by certified or registered mail to the last known address of such person, or, in the absence of a last known address, is left with the person summoned. If such notice is mailed, it shall be sufficient if mailed to the last known address of the person entitled to notice or, in the case of notice to the Secretary under section 6903 of the existence of a fiduciary relationship, to the last known address of the fiduciary of such person, even if such person or fiduciary is then deceased, under a legal disability, or no longer in existence.

(3) Nature of summons. - Any summons to which this subsection applies (and any summons in aid of collection described in subsection (c)(2)(D)) shall identify the taxpayer to whom the summons relates or the other person to whom the records pertain and shall provide such other information as will enable the person summoned to locate the records required under the summons.

(b) Right to intervene; right to proceeding to quash. -

(1) Intervention. - Notwithstanding any other law or rule of law, any person who is entitled to notice of a summons under subsection (a) shall have the right to intervene in any proceeding with respect to the enforcement of such summons under section 7604.

(2) Proceeding to quash. -

(A) In general. - Notwithstanding any other law or rule of law, any person who is entitled to notice of a summons under subsection (a) shall have the right to begin a proceeding to quash such summons not later than the 20th day after the day such notice is given in the manner provided in subsection (a)(2). In any such proceeding, the Secretary may seek to compel compliance with the summons.

(B) Requirement of notice to person summoned and to Secretary. - If any person begins a proceeding under subparagraph (A) with respect to any summons, not later than the close of the 20-day period referred to in subparagraph (A) such person shall mail by registered or certified mail a copy of the petition to the person summoned and to such office as the Secretary may direct in the notice referred to in subsection (a)(1).

(C) Intervention, etc. - Notwithstanding any other law or rule of law, the person summoned shall have the right to intervene in any proceeding under subparagraph (A). Such person shall be bound by the decision in such proceeding (whether or not the person intervenes in such proceeding).

(c) Summons to which section applies. -

(1) In general. - Except as provided in paragraph (2), this section shall apply to any summons issued under paragraph (2) of section 7602(a) or under sections 6420(e)(2), 6421(g)(2), 6427(j)(2), or 7612.

(2) Exceptions. - This section shall not apply to any summons

(A) served on the person with respect to whose liability the summons is issued, or any officer or employee of such person;

(B) issued to determine whether or not records of the business transaction or affairs of an identified person have been made or kept;

(C) issued solely to determine the identity of any person having a numbered account (or similar arrangement) with a bank or other institution described in section 7603(b)(2)(A);

(D) issued in aid of the collection of-

(i) an assessment made or a judgment rendered against the person with respect to whose liability the summons is issued, or

(ii) the liability at law or in equity of any transferee or fiduciary of any person referred to in clause (i); or

(E) (i) issued by a criminal investigator of the Internal Revenue Service in connection with the investigation of an offense connected with the administration or enforcement of the internal revenue laws, and

(ii) served on a person who is not a third-party recordkeeper (as defined in section 7603(b)).

(3) John Doe and Certain Other Summonses. - Subsection (a) shall not apply to any summons described in subsection (f) or (g).

(4) Records. - For purposes of this section, the term records includes books, papers, and other data.

(d) Restriction on examination of records. - No examination of any records required to be produced under a summons as to which notice is required under subsection (a) may be made -

(1) before the close of the 23rd day after the day notice with respect to the summons is given in the manner provided in subsection (a)(2), or

(2) where a proceeding under subsection (b)(2)(A) was begun within the 20-day period referred to in such subsection and the requirements of subsection (b)(2)(B) have been met, except in accordance with an order of the court having jurisdiction of such proceeding or with the consent of the person beginning the proceeding to quash.

(e) Suspension of Statute of Limitations. -

(1) Subsection (b) action. - If any person takes any action as provided in subsection (b) and such person is the person with respect to whose liability the summons is issued (or is the agent, nominee, or other person acting under the direction or control of such person), then the running of any period of limitations under section 6501 (relating to the assessment and collection of tax) or under section 6531 (relating to criminal prosecutions) with respect to such person shall be suspended for the period during which a proceeding, and appeals therein, with respect to the enforcement of such summons is pending.

(2) Suspension after 6 months of service of summons. - In the absence of the resolution of the summoned party's response to the summons, the running of any period of limitations under section 6501 or under section 6531 with respect to any person with respect to whose liability the summons is issued (other than a person taking action as provided in subsection (b)) shall be suspended for the period-

(A) beginning on the date which is 6 months after the service of such summons, and

(B) ending with the final resolution of such response.

(f) Additional requirement in the case of a John Doe summons. Any summons described in subsection (c)(1) which does not identify the person with respect to whose liability the summons is issued may be served only after a court proceeding in which the Secretary establishes that—

(1) the summons relates to the investigation of a particular person or ascertainable group or class of persons,

(2) there is a reasonable basis for believing that such person or group or class of persons may fail or may have failed to comply with any provision of any internal revenue law, and

(3) the information sought to be obtained from the examination of the records or testimony (and the identity of the person or persons with respect to whose liability the summons is issued) is not readily available from other sources.

The Secretary shall not issue any summons described in the preceding sentence unless the information sought to be obtained is narrowly tailored to information that pertains to the failure (or potential failure) of the person or group or class of persons referred to in paragraph (2) to comply with one or more provisions of the internal revenue law which have been identified for purposes of such paragraph.

(g) Special exception for certain summonses. -

A summons is described in this subsection if, upon petition by the Secretary, the court determines, on the basis of the facts and circumstances alleged, that there is reasonable cause to believe the giving of notice may lead to attempts to conceal, destroy, or alter records relevant to the examination, to prevent the communication of information from other persons through intimidation, bribery, or collusion, or to flee to avoid prosecution, testifying, or production of records.

(h) Jurisdiction of district court; etc. -

(1) Jurisdiction. - The United States district court for the district within which the person to be summoned resides or is found shall have jurisdiction to hear and determine any proceedings brought under subsection (b)(2), (f), or (g). An order denying the petition shall be deemed a final order which may be appealed.

(2) Special rule for proceedings under subsections (f) and (g). - The determinations required to be made under subsections (f) and (g) shall be made ex parte and shall be made solely on the petition and supporting affidavits.

(i) Duty of summoned party. -

(1) Recordkeeper must assemble records and be prepared to produce records. On receipt of a summons to which this section applies for the production of records, the summoned party shall proceed to assemble the records requested, or such portion thereof as the Secretary may prescribe, and shall be prepared to produce the records pursuant to the summons on the day on which the records are to be examined.

(2) Secretary may give summoned party certificate. - The Secretary may issue a certificate to the summoned party that the period prescribed for beginning a proceeding to quash a summons has expired and that no such proceeding began within such period, or that the taxpayer consents to the examination.

(3) Protection for summoned party who discloses. - Any summoned party, or agent or employee thereof, making a disclosure of records or testimony pursuant to this section in good faith reliance on the certificate of the Secretary or an order of a court requiring production of records or the giving of such testimony shall not be liable to any customer or other person for such disclosure.

(4) Notice of suspension of statute of limitations in the case of a John Doe summons. - In the case of a summons described in subsection (f) with respect to which any period of limitations has been suspended under subsection (e)(2), the summoned party shall provide notice of such suspension to any person described in subsection (f).

(j) Use of summons not required. -

Nothing in this section shall be construed to limit the Secretary's ability to obtain information, other than by summons, through formal or informal procedures authorized by sections 7601 and 7602.

Summons

In the matter of Liability of Oxford Insurance Company, LLC under 26 USC Secs. 6694, 6695, 6700 and 6701

Internal Revenue Service (division) Small Business / Self-Employed

Industry/Area (name or number) SE:S:DCE:E:FE:SW:AT:1755

Periods January 1, 2017 through the compliance date of the summons

The Commissioner of Internal Revenue

To Pinnacle Actuarial Resources, Inc.

At 3109 Cornelius Drive, Bloomington, IL 61704

You are hereby summoned and required to appear before Julie Hersh or delegate an officer of the Internal Revenue Service, to give testimony and to bring with you and to produce for examination the following books, records, papers, and other data relating to the tax liability or the collection of the tax liability or for the purpose of inquiring into any offense connected with the administration or enforcement of the internal revenue laws concerning the person identified above for the periods shown.

Refer to: ATTACHMENT 1 - INSTRUCTIONS, ATTACHMENT 2 - DEFINITIONS, ATTACHMENT 3 - DOCUMENTS TO BE PRODUCED, ATTACHMENT 4 - PRODUCTION SPECIFICATIONS FOR ELECTRONICALLY STORED INFORMATION (ESI) AND HARD COPY DOCUMENTS

Do not write in this space

Business address and telephone number of IRS officer before whom you are to appear

Internal Revenue Service, 2670 Industrial Highway, York, PA 17402, Phone: 717-840-6017

Place and time for appearance at Internal Revenue Service, 2415 W. Cornerstone Ct., Peoria, IL 61614-2492

(Revenue Agent David Mueller, Phone: 309-621-7264)

on the 23rd day of February, 2022 at 10 o'clock a .m.
(year)

Issued under authority of the Internal Revenue Code this 13th day of January, 2022
(year)

Signature of issuing officer	Julie K. Hersh Digitally signed by Julie K. Hersh Date: 2022.01.13 15:28:39 -05'00'	Title	Revenue Agent
Signature of approving officer	Sharon V. McManamon Digitally signed by Sharon V. McManamon Date: 2022.01.13 15:43:21 -05'00'	Title	Supervisory Revenue Agent

Sec. 7602. Examination of books and witnesses

(a) Authority to Summon, etc. - For the purpose of ascertaining the correctness of any return, making a return where none has been made, determining the liability of any person for any internal revenue tax or the liability at law or in equity of any transferee or fiduciary of any person in respect of any internal revenue tax, or collecting any such liability, the Secretary is authorized -

- (1) To examine any books, papers, records, or other data which may be relevant or material to such inquiry.
- (2) To summon the person liable for tax or required to perform the act, or any officer or employee of such person, or any person having possession, custody, or care of books of account containing entries relating to the business of the person liable for tax or required to perform the act, or any other person the Secretary may deem proper, to appear before the Secretary at a time and place named in the summons and to produce such books, papers, records, or other data, and to give such testimony, under oath, as may be relevant or material to such inquiry; and
- (3) To take such testimony of the person concerned, under oath, as may be relevant or material to such inquiry.

(b) Purpose may include inquiry into offense. - The purposes for which the Secretary may take any action described in paragraph (1), (2), or (3) of subsection (a) include the purpose of inquiring into any offense connected with the administration or enforcement of the internal revenue laws.

(c) Notice of contact of third parties.

(1) General notice - An officer or employee of the Internal Revenue Service may not contact any person other than the taxpayer with respect to the determination or collection of the tax liability of such taxpayer unless such contact occurs during a period (not greater than 1 year) which is specified in a notice which—

- (A) informs the taxpayer that contacts with persons other than the taxpayer are intended to be made during such period, and
- (B) except as otherwise provided by the Secretary, is provided to the taxpayer not later than 45 days before the beginning of such period.

Nothing in the preceding sentence shall prevent the issuance of notices to the same taxpayer with respect to the same tax liability with periods specified therein that, in the aggregate, exceed 1 year. A notice shall not be issued under this paragraph unless there is an intent at the time such notice is issued to contact persons other than the taxpayer during the period specified in such notice. The preceding sentence shall not prevent the issuance of a notice if the requirement of such sentence is met on the basis of the assumption that the information sought to be obtained by such contact will not be obtained by other means before such contact.

(2) Notice of specific contacts. - The Secretary shall periodically provide to a taxpayer a record of persons contacted during such period by the Secretary with respect to the determination or collection of the tax liability of such taxpayer. Such record shall also be provided upon request of the taxpayer.

(3) Exceptions. - This subsection shall not apply-

- (A) to any contact which the taxpayer has authorized,
- (B) if the Secretary determines for good cause shown that such notice would jeopardize collection of any tax or such notice may involve reprisal against any person, or
- (C) with respect to any pending criminal investigation.

(d) No administrative summons when there is Justice Department referral.-

(1) Limitation of authority. - No summons may be issued under this title, and the Secretary may not begin any action under section 7604 to enforce any summons, with respect to any person if a Justice Department referral is in effect with respect to such person.

(2) Justice Department referral in effect. - For purposes of this subsection

- (A) In general. - A Justice Department referral is in effect with respect to any person if-
 - (i) the Secretary has recommended to the Attorney General a grand jury investigation of, or the criminal prosecution of, such person for any offense connected with the administration or enforcement of the internal revenue laws or
 - (ii) any request is made under section 6103(h)(3)(B) for the disclosure of any return or return information (within the meaning of section 6103(b)) relating to such person.
- (B) Termination. - A Justice Department referral shall cease to be in effect with respect to a person when-
 - (i) the Attorney General notifies the Secretary, in writing, that
 - (I) he will not prosecute such person for any offense connected with the administration or enforcement of the internal revenue laws,
 - (II) he will not authorize a grand jury investigation of such person with respect to such an offense, or
 - (III) he will discontinue such a grand jury investigation.
 - (ii) a final disposition has been made of any criminal proceeding pertaining to the enforcement of the internal revenue laws which was instituted by the Attorney General against such person, or
 - (iii) the Attorney General notifies the Secretary, in writing, that he will not prosecute such person for any offense connected with the administration or enforcement of the internal revenue laws relating to the request described in sub paragraph (A)(i).

(3) Taxable years, etc., treated separately. - For purposes of this subsection, each taxable period (or, if there is no taxable period, each taxable event) and each tax imposed by a separate chapter of this title shall be treated separately.

(e) Limitation on examination on unreported income. - The Secretary shall not use financial status or economic reality examination techniques to determine the existence of unreported income of any taxpayer unless the Secretary has a reasonable indication that there is a likelihood of such unreported income.

(f) Limitation on access of persons other than Internal Revenue Service officers and employees. The Secretary shall not, under the authority of section 6103(n), provide any books, papers, records, or other data obtained pursuant to this section to any person authorized under section 6103(n), except when such person requires such information for the sole purpose of providing expert evaluation and assistance to the Internal Revenue Service. No person other than an officer or employee of the Internal Revenue Service or the Office of Chief Counsel may, on behalf of the Secretary, question a witness under oath whose testimony was obtained pursuant to this section.

Authority to examine books and witness is also provided under sec. 6420 (e)(2) - Gasoline used on farms: sec. 6421(g)(2) - Gasoline used for certain nonhighway purposes by local transit systems, or sold for certain exempt purposes; and sec. 6427(j)(2) - Fuels not used for taxable purposes.

Sec. 7603. Service of summons

(a) In general - A summons issued under section 6420(e)(2), 6421(g)(2), 6427(j)(2), or 7602 shall be served by the Secretary, by an attested copy delivered in hand to the person to whom it is directed, or left at his last and usual place of abode; and the certificate of service signed by the person serving the summons shall be evidence of the facts it states on the hearing of an application for the enforcement of the summons. When the summons requires the production of books, papers, records, or other data, it shall be sufficient if such books, papers, records, or other data are described with reasonable certainty

(b) Service by mail to third-party recordkeepers. -

- (1) In general. - A summons referred to in subsection (a) for the production of books, papers, records, or other data by a third-party recordkeeper may also be served by certified or registered mail to the last known address of such recordkeeper.
- (2) Third party record keeper. - For purposes of paragraph (1), the term *third-party recordkeeper* means -
 - (A) any mutual savings bank, cooperative bank, domestic building and loan association, or other savings institution chartered and supervised as a savings and loan or similar association under Federal or State law, any bank (as defined in section 581), or any credit union (within the meaning of section 501 (c)(14)(A));
 - (B) any consumer reporting agency (as defined under section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681 a(f));
 - (C) Any person extending credit through the use of credit cards or similar devices;
 - (D) any broker (as defined in section 3(a)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(4));
 - (E) any attorney;
 - (F) any accountant;
 - (G) any barter exchange (as defined in section 6045(c)(3));
 - (H) any regulated investment company (as defined in section 851) and any agent of such regulated investment company when acting as an agent thereof;
 - (I) any enrolled agent; and
 - (J) any owner or developer of a computer software source code (as defined in section 7612(d)(2)). Subparagraph (J) shall apply only with respect to a summons requiring the production of the source code referred to in subparagraph (J) or the program and data described in section 7612(b)(1)(A)(ii) to which source code relates.

Sec. 7604. Enforcement of summons

(a) Jurisdiction of District Court. - If any person is summoned under the internal revenue laws to appear, to testify, or to produce books, papers, records, or other data, the United States district court for the district in which such person resides or is found shall have jurisdiction by appropriate process to compel such attendance, testimony, or production of books, papers, records, or other data.

(b) Enforcement. - Whenever any person summoned under section 6420(e)(2), 6421 (g)(2), 6427(j)(2), or 7602 neglects or refuses to obey such summons, or to produce books, papers, records, or other data, or to give testimony, as required, the Secretary may apply to the judge of the district court or to a United States Commissioner for the district within which the person so summoned resides or is found for an attachment against him as for a contempt. It shall be the duty of the judge or Commissioner to hear the application, and, if satisfactory proof is made, to issue an attachment, directed to some proper officer, for the arrest of such person, and upon his being brought before him to proceed to a hearing of the case; and upon such hearing the judge or the United States Commissioner shall have power to make such order as he shall deem proper, not inconsistent with the law for the punishment of contempts, to enforce obedience to the requirements of the summons and to punish such person for his default or disobedience.

Sec. 7605. Time and place of examination

(a) Time and place. - The time and place of examination pursuant to the provisions of section 6420(e)(2), 6421 (g)(2), 6427(j)(2), or 7602 shall be such time and place as may be fixed by the Secretary and as are reasonable under the circumstances. In the case of a summons under authority of paragraph (2) of section 7602, or under the corresponding authority of section 6420(e)(2), 6421 (g)(2) or 6427(j)(2), the date fixed for appearance before the Secretary shall not be less than 10 days from the date of the summons.

Sec. 7610. Fees and costs for witnesses

(a) In general. - The Secretary shall by regulations establish the rates and conditions under which payment may be made of -

- (1) fees and mileage to persons who are summoned to appear before the Secretary, and
- (2) reimbursement for such costs that are reasonably necessary which have been directly incurred in searching for, reproducing, or transporting books, papers, records, or other data required to be produced by summons.

(b) Exceptions. - No payment may be made under paragraph (2) of subsection (a) if

- (1) the person with respect to whose liability the summons is issued has a proprietary interest in the books, papers, records or other data required to be produced, or
- (2) the person summoned is the person with respect to whose liability the summons is issued or an officer, employee, agent, accountant, or attorney of such person who, at the time the summons is served, is acting as such.

(c) Summons to which section applies. -This section applies with respect to any summons authorized under section 6420(e)(2), 6421 (g)(2), 6427(j)(2), or 7602.

Sec. 7210. Failure to obey summons

Any person who, being duly summoned to appear to testify, or to appear and produce books, accounts, records, memoranda or other papers, as required under sections 6420(e)(2), 6421 (g)(2), 6427(j)(2), 7602, 7603, and 7604(b), neglects to appear or to produce such books, accounts, records memoranda, or other papers, shall, upon conviction thereof, be fined not more than \$1,000, or imprisoned not more than 1 year, or both, together with costs of prosecution.

To Oxford Insurance Company, LLC; Kevin Myers, Member; c/o The Taft Companies	Date 01/14/2022
Address 1620 Providence Road, Towson, MD 21286	

Enclosed is a copy of a summons served by the IRS to examine records made or kept by, or to request testimony from, the person summoned. If you object to the summons, you are permitted to file a lawsuit in the United States district court in the form of a petition to quash the summons in order to contest the merits of the summons.

If you are the taxpayer, see important information below on the suspensions of your periods of limitation under I.R.C. section 7609(e)(1) and (e)(2).

General Directions

1. You must file your petition to quash in the United States district court for the district where the person summoned resides or is found.
2. You must file your petition within 20 days from the date of this notice and pay a filing fee as may be required by the clerk of the court.
3. You must comply with the Federal Rules of Civil Procedure and local rules of the United States district court.

Instructions for Preparing Petition to Quash

1. Entitle your petition "Petition to Quash Summons."
2. Name the person or entity to whom this notice is directed as the petitioner.
3. Name the United States as the respondent.
4. State the basis for the court's jurisdiction, as required by Federal Rule of Civil Procedure. See Internal Revenue Code Section 7609(h).
5. State the name and address of the person or entity to whom this notice is directed and state that the records or testimony sought by the summons relate to that person or entity.
6. Identify and attach a copy of the summons.
7. State in detail every legal argument supporting the relief requested in your petition. See Federal Rules of Civil Procedure. Note that in some courts you may be required to support your request for relief by a sworn declaration or affidavit supporting any issue you wish to contest.

8. Your petition must be signed as required by Federal Rule of Civil Procedure 11.
9. Your petition must be served upon the appropriate parties, including the United States, as required by Federal Rule of Civil Procedure 4.
10. At the same time you file your petition with the court, you must mail a copy of your petition by certified or registered mail to the person summoned and to the IRS. Mail the copy for the IRS to the officer whose name and address are shown on the face of this summons. See 7609(b)(2)(B).

The court will decide whether the person summoned should be required to comply with the summons request.

Suspension of Periods of Limitation

If you are the taxpayer being examined/investigated by this summons and you file a petition to quash the summons (or if you intervene in any suit concerning the enforcement of this summons), your periods of limitation for assessment of tax liabilities and for criminal prosecutions will be suspended pursuant to I.R.C. section 7609(e)(1) for the tax periods to which the summons relates. Such suspension will be effective while any proceeding (or appeal) with respect to the summons is pending. Your periods of limitation will also be suspended under section 7609(e)(2) if the summoned person fails to fully respond to this summons for 6 months. The suspension under section 7609(e)(2) will begin 6 months after the summons is served and will continue until the summoned person finally resolves the obligation to produce the summoned information. You can contact the IRS officer identified on the summons for information concerning the suspension under section 7609(e)(2). If you contact the IRS officer for this purpose, please provide the following information: (1) your name, address, home and work telephone numbers and any convenient time you can be contacted and (2) a copy of the summons or a description of it that includes the date it was issued, the name of the IRS employee who issued it, and the name of the summoned person.

The relevant provisions of the Internal Revenue Code are enclosed with this notice. If you have any questions, please contact the Internal Revenue Service officer before whom the person summoned is to appear. The officer's name and telephone number are shown on the summons.

Sec. 7609. Special procedures for third-party summons**(a) Notice-**

(1) In general. - If any summons to which this section applies requires the giving of testimony on or relating to, the production of any portion of records made or kept on or relating to, or the production of any computer software source code (as defined in 7612(d)(2)) with respect to, any person (other than the person summoned) who is identified in the summons, then notice of the summons shall be given to any person so identified within 3 days of the day on which such service is made, but no later than the 23rd day before the day fixed in the summons as the day upon which such records are to be examined. Such notice shall be accompanied by a copy of the summons which has been served and shall contain an explanation of the right under subsection (b)(2) to bring a proceeding to quash the summons.

(2) Sufficiency of notice. - Such notice shall be sufficient if, on or before such third day, such notice is served in the manner provided in section 7603 (relating to service of summons) upon the person entitled to notice, or is mailed by certified or registered mail to the last known address of such person, or, in the absence of a last known address, is left with the person summoned. If such notice is mailed, it shall be sufficient if mailed to the last known address of the person entitled to notice or, in the case of notice to the Secretary under section 6903 of the existence of a fiduciary relationship, to the last known address of the fiduciary of such person, even if such person or fiduciary is then deceased, under a legal disability, or no longer in existence.

(3) Nature of summons. - Any summons to which this subsection applies (and any summons in aid of collection described in subsection (c)(2)(D)) shall identify the taxpayer to whom the summons relates or the other person to whom the records pertain and shall provide such other information as will enable the person summoned to locate the records required under the summons.

(b) Right to intervene; right to proceeding to quash. -

(1) Intervention. - Notwithstanding any other law or rule of law, any person who is entitled to notice of a summons under subsection (a) shall have the right to intervene in any proceeding with respect to the enforcement of such summons under section 7604.

(2) Proceeding to quash. -

(A) In general. - Notwithstanding any other law or rule of law, any person who is entitled to notice of a summons under subsection (a) shall have the right to begin a proceeding to quash such summons not later than the 20th day after the day such notice is given in the manner provided in subsection (a)(2). In any such proceeding, the Secretary may seek to compel compliance with the summons.

(B) Requirement of notice to person summoned and to Secretary. - If any person begins a proceeding under subparagraph (A) with respect to any summons, not later than the close of the 20-day period referred to in subparagraph (A) such person shall mail by registered or certified mail a copy of the petition to the person summoned and to such office as the Secretary may direct in the notice referred to in subsection (a)(1).

(C) Intervention, etc. - Notwithstanding any other law or rule of law, the person summoned shall have the right to intervene in any proceeding under subparagraph (A). Such person shall be bound by the decision in such proceeding (whether or not the person intervenes in such proceeding).

(c) Summons to which section applies. -

(1) In general. - Except as provided in paragraph (2), this section shall apply to any summons issued under paragraph (2) of section 7602(a) or under sections 6420(e)(2), 6421(g)(2), 6427(j)(2), or 7612.

(2) Exceptions. - This section shall not apply to any summons

(A) served on the person with respect to whose liability the summons is issued, or any officer or employee of such person;

(B) issued to determine whether or not records of the business transaction or affairs of an identified person have been made or kept;

(C) issued solely to determine the identity of any person having a numbered account (or similar arrangement) with a bank or other institution described in section 7603(b)(2)(A);

(D) issued in aid of the collection of-

(i) an assessment made or a judgment rendered against the person with respect to whose liability the summons is issued, or

(ii) the liability at law or in equity of any transferee or fiduciary of any person referred to in clause (i); or

(E) (i) issued by a criminal investigator of the Internal Revenue Service in connection with the investigation of an offense connected with the administration or enforcement of the internal revenue laws, and

(ii) served on a person who is not a third-party recordkeeper (as defined in section 7603(b)).

(3) John Doe and Certain Other Summonses. - Subsection (a) shall not apply to any summons described in subsection (f) or (g).

(4) Records. - For purposes of this section, the term records includes books, papers, and other data.

(d) Restriction on examination of records. - No examination of any records required to be produced under a summons as to which notice is required under subsection (a) may be made -

(1) before the close of the 23rd day after the day notice with respect to the summons is given in the manner provided in subsection (a)(2), or

(2) where a proceeding under subsection (b)(2)(A) was begun within the 20-day period referred to in such subsection and the requirements of subsection (b)(2)(B) have been met, except in accordance with an order of the court having jurisdiction of such proceeding or with the consent of the person beginning the proceeding to quash.

(e) Suspension of Statute of Limitations. -

(1) Subsection (b) action. - If any person takes any action as provided in subsection (b) and such person is the person with respect to whose liability the summons is issued (or is the agent, nominee, or other person acting under the direction or control of such person), then the running of any period of limitations under section 6501 (relating to the assessment and collection of tax) or under section 6531 (relating to criminal prosecutions) with respect to such person shall be suspended for the period during which a proceeding, and appeals therein, with respect to the enforcement of such summons is pending.

(2) Suspension after 6 months of service of summons. - In the absence of the resolution of the summoned party's response to the summons, the running of any period of limitations under section 6501 or under section 6531 with respect to any person with respect to whose liability the summons is issued (other than a person taking action as provided in subsection (b)) shall be suspended for the period-

(A) beginning on the date which is 6 months after the service of such summons, and

(B) ending with the final resolution of such response.

(f) Additional requirement in the case of a John Doe summons. Any summons described in subsection (c)(1) which does not identify the person with respect to whose liability the summons is issued may be served only after a court proceeding in which the Secretary establishes that—

(1) the summons relates to the investigation of a particular person or ascertainable group or class of persons,

(2) there is a reasonable basis for believing that such person or group or class of persons may fail or may have failed to comply with any provision of any internal revenue law, and

(3) the information sought to be obtained from the examination of the records or testimony (and the identity of the person or persons with respect to whose liability the summons is issued) is not readily available from other sources.

The Secretary shall not issue any summons described in the preceding sentence unless the information sought to be obtained is narrowly tailored to information that pertains to the failure (or potential failure) of the person or group or class of persons referred to in paragraph (2) to comply with one or more provisions of the internal revenue law which have been identified for purposes of such paragraph.

(g) Special exception for certain summonses. -

A summons is described in this subsection if, upon petition by the Secretary, the court determines, on the basis of the facts and circumstances alleged, that there is reasonable cause to believe the giving of notice may lead to attempts to conceal, destroy, or alter records relevant to the examination, to prevent the communication of information from other persons through intimidation, bribery, or collusion, or to flee to avoid prosecution, testifying, or production of records.

(h) Jurisdiction of district court; etc. -

(1) Jurisdiction. - The United States district court for the district within which the person to be summoned resides or is found shall have jurisdiction to hear and determine any proceedings brought under subsection (b)(2), (f), or (g). An order denying the petition shall be deemed a final order which may be appealed.

(2) Special rule for proceedings under subsections (f) and (g). - The determinations required to be made under subsections (f) and (g) shall be made ex parte and shall be made solely on the petition and supporting affidavits.

(i) Duty of summoned party. -

(1) Recordkeeper must assemble records and be prepared to produce records. On receipt of a summons to which this section applies for the production of records, the summoned party shall proceed to assemble the records requested, or such portion thereof as the Secretary may prescribe, and shall be prepared to produce the records pursuant to the summons on the day on which the records are to be examined.

(2) Secretary may give summoned party certificate. - The Secretary may issue a certificate to the summoned party that the period prescribed for beginning a proceeding to quash a summons has expired and that no such proceeding began within such period, or that the taxpayer consents to the examination.

(3) Protection for summoned party who discloses. - Any summoned party, or agent or employee thereof, making a disclosure of records or testimony pursuant to this section in good faith reliance on the certificate of the Secretary or an order of a court requiring production of records or the giving of such testimony shall not be liable to any customer or other person for such disclosure.

(4) Notice of suspension of statute of limitations in the case of a John Doe summons. - In the case of a summons described in subsection (f) with respect to which any period of limitations has been suspended under subsection (e)(2), the summoned party shall provide notice of such suspension to any person described in subsection (f).

(j) Use of summons not required. -

Nothing in this section shall be construed to limit the Secretary's ability to obtain information, other than by summons, through formal or informal procedures authorized by sections 7601 and 7602.

Suspension of Corporate Taxpayer's Period of Limitations on Assessment If a Court Proceeding is Brought Regarding a Designated or Related Summons

The IRS may issue designated or related summonses to examine the tax liability of certain corporations. A designated summons will be identified by a statement at the top of the summons that reads: "This is a designated summons pursuant to IRC 6503(j)." A related summons will be identified by a similar statement at the top of the summons indicating that it is a related summons issued pursuant to I.R.C. sec. 6503(j).

If you are a corporate taxpayer and the IRS has issued a designated or related summons to investigate your tax liability, your period of limitations on assessment will be suspended if a court proceeding concerning the summons is begun. This suspension will be effective on the day the court proceeding is brought. If the court orders any compliance with the summons, the suspension will continue until 120 days after the summoned person finally resolves his response to the summons. If the court does not order any compliance with the summons, then the period of limitations will resume running on the day after final resolution (but the period of limitations will not expire before the 60th day after final resolution).

To obtain information about the dates of the suspension under section 6503(j), you can contact the IRS officer before whom the person summoned is to appear. The officer's name and telephone number are identified on the summons.

Sec. 6503(j). Extension in case of certain summonses

(1) In general.

If any designated summons is issued by the Secretary to a corporation (or to any other person to whom the corporation has transferred records) with respect to any return of tax by such corporation for a taxable year (or other period) for which such corporation is being examined under the coordinated industry case program (or any successor program) of the Internal Revenue Service, the running of any period of limitations provided in section 6501 on the assessment of such tax shall be suspended—

(A) during any judicial enforcement period—

(i) with respect to such summons, or

(ii) with respect to any other summons which is issued during the 30-day period which begins on the date on which such designated summons is issued and which relates to the same return as such designated summons, and

(B) if the court in any proceeding referred to in paragraph (3) requires any compliance with a summons referred to in subparagraph (A), during the 120-day period beginning with the 1st day after the close of the suspension under subparagraph (A).

If subparagraph (B) does not apply, such period shall in no event expire before the 60th day after the close of the suspension under subparagraph (A).

(2) Designated summons For purposes of this subsection—

(A) In general. The term “designated summons” means any summons issued for purposes of determining the amount of any tax imposed by this title if—

(i) the issuance of such summons is preceded by a review and written approval of such issuance by the Commissioner of the relevant operating division of the Internal Revenue Service and the Chief Counsel which—

(I) states facts clearly establishing that the Secretary has made reasonable requests for the information that is the subject of the summons, and

(II) is attached to such summons,

(ii) such summons is issued at least 60 days before the day on which the period prescribed in section 6501 for the assessment of such tax expires (determined with regard to extensions), and

(iii) such summons clearly states that it is a designated summons for purposes of this subsection.

(B) Limitation.

A summons which relates to any return shall not be treated as a designated summons if a prior summons which relates to such return was treated as a designated summons for purposes of this subsection.

(3) Judicial enforcement period. For purposes of this subsection, the term “judicial enforcement period” means, with respect to any summons, the period—

(A) which begins on the day on which a court proceeding with respect to such summons is brought, and

(B) which ends on the day on which there is a final resolution as to the summoned person’s response to such summons.

(4) Establishment that reasonable requests for information were made. In any court proceeding described in paragraph (3), the Secretary shall establish that reasonable requests were made for the information that is the subject of the summons.



DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, D.C. 20224

SMALL BUSINESS/Self-EMPLOYED DIVISION

Writer's Direct Dial:
717-840-6017

January 13, 2022

Pinnacle Actuarial Resources, Inc.
Attn: Joseph A Herbers, President & Managing Principal
3109 Cornelius Drive
Bloomington, IL, 61704

Re: Oxford Insurance Company, LLC

The attached Internal Revenue Service Summons Form 2039 and Attachments requests the production of documents. You may comply with this Summons by mailing or otherwise delivering the requested documents, so that they are received before the appearance date, to my attention at the address provided below.

You must include a transmittal letter, signed by the summoned party under penalty of perjury, indicating that the enclosed documents are the only documents responsive to the Summons.

Internal Revenue Service
2670 Industrial Highway
York, PA 17402

Please feel free to contact me should you have any questions.

Yours truly,

A handwritten signature in cursive script that reads "Julie Hersh".

Julie Hersh
Internal Revenue Agent
Badge No. 831825

Enclosures: Form 2039 and attachments

Summons

In the matter of Liability of Oxford Insurance Company, LLC under 26 USC Secs. 6694, 6695, 6700 and 6701

Internal Revenue Service (division) Small Business / Self-Employed

Industry/Area (name or number) SE:S:DCE:E:FE:SW:AT:1755

Periods January 1, 2017 through the compliance date of the summons

The Commissioner of Internal Revenue

To Pinnacle Actuarial Resources, Inc.

At 3109 Cornelius Drive, Bloomington, IL 61704

You are hereby summoned and required to appear before Julie Hersh or delegate an officer of the Internal Revenue Service, to give testimony and to bring with you and to produce for examination the following books, records, papers, and other data relating to the tax liability or the collection of the tax liability or for the purpose of inquiring into any offense connected with the administration or enforcement of the internal revenue laws concerning the person identified above for the periods shown.

Refer to: ATTACHMENT 1 - INSTRUCTIONS, ATTACHMENT 2 - DEFINITIONS, ATTACHMENT 3 - DOCUMENTS TO BE PRODUCED, ATTACHMENT 4 - PRODUCTION SPECIFICATIONS FOR ELECTRONICALLY STORED INFORMATION (ESI) AND HARD COPY DOCUMENTS

Attestation

I hereby certify that I have examined and compared this copy of the summons with the original and that it is a true and correct copy of the original.

Signature of IRS officer serving the summons Julie K. Hersh	Digitally signed by Julie K. Hersh Date: 2022.01.13 15:25:33 -05'00'	Title Internal Revenue Agent
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Business address and telephone number of IRS officer before whom you are to appear

Internal Revenue Service, 2670 Industrial Highway, York, PA 17402, Phone: 717-840-6017

Place and time for appearance at Internal Revenue Service, 2415 W. Cornerstone Ct., Peoria, IL 61614-2492

(Revenue Agent David Mueller, Phone: 309-621-7264)

on the 23rd day of February, 2022 at 10 o'clock a .m.
(year)

Issued under authority of the Internal Revenue Code this 13th day of January, 2022
(year)

Signature of issuing officer Julie K. Hersh	Digitally signed by Julie K. Hersh Date: 2022.01.13 15:26:13 -05'00'	Title Revenue Agent
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Signature of approving officer Sharon V. McManamon	Digitally signed by Sharon V. McManamon Date: 2022.01.13 15:42:37 -05'00'	Title Supervisory Revenue Agent
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Sec. 7602. Examination of books and witnesses

(a) Authority to Summon, etc. - For the purpose of ascertaining the correctness of any return, making a return where none has been made, determining the liability of any person for any internal revenue tax or the liability at law or in equity of any transferee or fiduciary of any person in respect of any internal revenue tax, or collecting any such liability, the Secretary is authorized -

(1) To examine any books, papers, records, or other data which may be relevant or material to such inquiry.

(2) To summon the person liable for tax or required to perform the act, or any officer or employee of such person, or any person having possession, custody, or care of books of account containing entries relating to the business of the person liable for tax or required to perform the act, or any other person the Secretary may deem proper, to appear before the Secretary at a time and place named in the summons and to produce such books, papers, records, or other data, and to give such testimony, under oath, as may be relevant or material to such inquiry; and

(3) To take such testimony of the person concerned, under oath, as may be relevant or material to such inquiry.

(b) Purpose may include inquiry into offense. - The purposes for which the Secretary may take any action described in paragraph (1), (2), or (3) of subsection (a) include the purpose of inquiring into any offense connected with the administration or enforcement of the internal revenue laws.

(c) Notice of contact of third parties.

(1) General notice - An officer or employee of the Internal Revenue Service may not contact any person other than the taxpayer with respect to the determination or collection of the tax liability of such taxpayer unless such contact occurs during a period (not greater than 1 year) which is specified in a notice which—

(A) informs the taxpayer that contacts with persons other than the taxpayer are intended to be made during such period, and

(B) except as otherwise provided by the Secretary, is provided to the taxpayer not later than 45 days before the beginning of such period.

Nothing in the preceding sentence shall prevent the issuance of notices to the same taxpayer with respect to the same tax liability with periods specified therein that, in the aggregate, exceed 1 year. A notice shall not be issued under this paragraph unless there is an intent at the time such notice is issued to contact persons other than the taxpayer during the period specified in such notice. The preceding sentence shall not prevent the issuance of a notice if the requirement of such sentence is met on the basis of the assumption that the information sought to be obtained by such contact will not be obtained by other means before such contact.

(2) Notice of specific contacts. - The Secretary shall periodically provide to a taxpayer a record of persons contacted during such period by the Secretary with respect to the determination or collection of the tax liability of such taxpayer. Such record shall also be provided upon request of the taxpayer.

(3) Exceptions. - This subsection shall not apply—

(A) to any contact which the taxpayer has authorized,

(B) if the Secretary determines for good cause shown that such notice would jeopardize collection of any tax or such notice may involve reprisal against any person, or

(C) with respect to any pending criminal investigation.

(d) No administrative summons when there is Justice Department referral.—

(1) Limitation of authority. - No summons may be issued under this title, and the Secretary may not begin any action under section 7604 to enforce any summons, with respect to any person if a Justice Department referral is in effect with respect to such person.

(2) Justice Department referral in effect. - For purposes of this subsection

(A) In general. - A Justice Department referral is in effect with respect to any person if—

(i) the Secretary has recommended to the Attorney General a grand jury investigation of, or the criminal prosecution of, such person for any offense connected with the administration or enforcement of the internal revenue laws or

(ii) any request is made under section 6103(h)(3)(B) for the disclosure of any return or return information (within the meaning of section 6103(b)) relating to such person.

(B) Termination. - A Justice Department referral shall cease to be in effect with respect to a person when—

(i) the Attorney General notifies the Secretary, in writing, that

(I) he will not prosecute such person for any offense connected with the administration or enforcement of the internal revenue laws,

(II) he will not authorize a grand jury investigation of such person with respect to such an offense, or

(III) he will discontinue such a grand jury investigation.

(ii) a final disposition has been made of any criminal proceeding pertaining to the enforcement of the internal revenue laws which was instituted by the Attorney General against such person, or

(iii) the Attorney General notifies the Secretary, in writing, that he will not prosecute such person for any offense connected with the administration or enforcement of the internal revenue laws relating to the request described in sub paragraph (A)(i).

(3) Taxable years, etc., treated separately. - For purposes of this subsection, each taxable period (or, if there is no taxable period, each taxable event) and each tax imposed by a separate chapter of this title shall be treated separately.

(e) Limitation on examination on unreported income. - The Secretary shall not use financial status or economic reality examination techniques to determine the existence of unreported income of any taxpayer unless the Secretary has a reasonable indication that there is a likelihood of such unreported income.

(f) Limitation on access of persons other than Internal Revenue Service officers and employees. The Secretary shall not, under the authority of section 6103(n), provide any books, papers, records, or other data obtained pursuant to this section to any person authorized under section 6103(n), except when such person requires such information for the sole purpose of providing expert evaluation and assistance to the Internal Revenue Service. No person other than an officer or employee of the Internal Revenue Service or the Office of Chief Counsel may, on behalf of the Secretary, question a witness under oath whose testimony was obtained pursuant to this section.

Authority to examine books and witness is also provided under sec. 6420 (e)(2) - Gasoline used on farms: sec. 6421(g)(2) - Gasoline used for certain nonhighway purposes by local transit systems, or sold for certain exempt purposes; and sec. 6427(j)(2) - Fuels not used for taxable purposes.

Sec. 7603. Service of summons

(a) In general - A summons issued under section 6420(e)(2), 6421(g)(2), 6427(j)(2), or 7602 shall be served by the Secretary, by an attested copy delivered in hand to the person to whom it is directed, or left at his last and usual place of abode; and the certificate of service signed by the person serving the summons shall be evidence of the facts it states on the hearing of an application for the enforcement of the summons. When the summons requires the production of books, papers, records, or other data, it shall be sufficient if such books, papers, records, or other data are described with reasonable certainty

(b) Service by mail to third-party recordkeepers. -

(1) In general. - A summons referred to in subsection (a) for the production of books, papers, records, or other data by a third-party recordkeeper may also be served by certified or registered mail to the last known address of such recordkeeper.

(2) Third party record keeper. - For purposes of paragraph (1), the term *third-party recordkeeper* means -

(A) any mutual savings bank, cooperative bank, domestic building and loan association, or other savings institution chartered and supervised as a savings and loan or similar association under Federal or State law, any bank (as defined in section 581), or any credit union (within the meaning of section 501 (c)(14)(A));

(B) any consumer reporting agency (as defined under section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681 a(f));

(C) Any person extending credit through the use of credit cards or similar devices;

(D) any broker (as defined in section 3(a)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(4));

(E) any attorney;

(F) any accountant;

(G) any barter exchange (as defined in section 6045(c)(3));

(H) any regulated investment company (as defined in section 851) and any agent of such regulated investment company when acting as an agent thereof;

(I) any enrolled agent; and

(J) any owner or developer of a computer software source code (as defined in section 7612(d)(2)). Subparagraph (J) shall apply only with respect to a summons requiring the production of the source code referred to in subparagraph (J) or the program and data described in section 7612(b)(1)(A)(ii) to which source code relates.

Sec. 7604. Enforcement of summons

(a) Jurisdiction of District Court. - If any person is summoned under the internal revenue laws to appear, to testify, or to produce books, papers, records, or other data, the United States district court for the district in which such person resides or is found shall have jurisdiction by appropriate process to compel such attendance, testimony, or production of books, papers, records, or other data.

(b) Enforcement. - Whenever any person summoned under section 6420(e)(2), 6421 (g)(2), 6427(j)(2), or 7602 neglects or refuses to obey such summons, or to produce books, papers, records, or other data, or to give testimony, as required, the Secretary may apply to the judge of the district court or to a United States Commissioner for the district within which the person so summoned resides or is found for an attachment against him as for a contempt. It shall be the duty of the judge or Commissioner to hear the application, and, if satisfactory proof is made, to issue an attachment, directed to some proper officer, for the arrest of such person, and upon his being brought before him to proceed to a hearing of the case; and upon such hearing the judge or the United States Commissioner shall have power to make such order as he shall deem proper, not inconsistent with the law for the punishment of contempts, to enforce obedience to the requirements of the summons and to punish such person for his default or disobedience.

Sec. 7605. Time and place of examination

(a) Time and place. - The time and place of examination pursuant to the provisions of section 6420(e)(2), 6421 (g)(2), 6427(j)(2), or 7602 shall be such time and place as may be fixed by the Secretary and as are reasonable under the circumstances. In the case of a summons under authority of paragraph (2) of section 7602, or under the corresponding authority of section 6420(e)(2), 6421 (g)(2) or 6427(j)(2), the date fixed for appearance before the Secretary shall not be less than 10 days from the date of the summons.

Sec. 7610. Fees and costs for witnesses

(a) In general. - The Secretary shall by regulations establish the rates and conditions under which payment may be made of -

(1) fees and mileage to persons who are summoned to appear before the Secretary, and

(2) reimbursement for such costs that are reasonably necessary which have been directly incurred in searching for, reproducing, or transporting books, papers, records, or other data required to be produced by summons.

(b) Exceptions. - No payment may be made under paragraph (2) of subsection (a) if

(1) the person with respect to whose liability the summons is issued has a proprietary interest in the books, papers, records or other data required to be produced, or

(2) the person summoned is the person with respect to whose liability the summons is issued or an officer, employee, agent, accountant, or attorney of such person who, at the time the summons is served, is acting as such.

(c) Summons to which section applies. -This section applies with respect to any summons authorized under section 6420(e)(2), 6421 (g)(2), 6427(j)(2), or 7602.

Sec. 7210. Failure to obey summons

Any person who, being duly summoned to appear to testify, or to appear and produce books, accounts, records, memoranda or other papers, as required under sections 6420(e)(2), 6421 (g)(2), 6427(j)(2), 7602, 7603, and 7604(b), neglects to appear or to produce such books, accounts, records memoranda, or other papers, shall, upon conviction thereof, be fined not more than \$1,000, or imprisoned not more than 1 year, or both, together with costs of prosecution.

Notice of Payment Information for Recipients of IRS Summons

If you are a third-party recipient of a summons, you may be entitled to receive payment for certain costs directly incurred which are reasonably necessary to search for, reproduce, or transport records in order to comply with a summons.

This payment is made only at the rates established by the Internal Revenue Service to certain persons served with a summons to produce records or information in which the taxpayer does not have an ownership interest. The taxpayer to whose liability the summons relates and the taxpayer's officer, employee, agent, accountant, or attorney are not entitled to this payment. No payment will be made for any costs which you have charged or billed to other persons.

The rate for search costs is limited to the total amount of personnel time spent locating and retrieving documents or information requested by the summons. Specific salaries of such persons may not be included in search costs. In addition, search costs do not include salaries, fees, or similar costs for analysis of material or for managerial or legal advice, expertise, research, or time spent for any of these activities. If itemized separately, search costs may include the actual costs of extracting information stored by computer in the format in which it is normally produced, based on computer time and necessary supplies. Time for computer search may be paid.

Rates for reproduction costs for making copies or duplicates of summoned documents, transcripts, and other similar material may be paid at the allowed rates. Photographs, films, and other material are reimbursed at cost.

The rate for transportation costs is the same as the actual cost necessary to transport personnel to locate and retrieve summoned records or information, or costs incurred solely by the need to transport the summoned material to the place of examination.

In addition to payment for search, reproduction, and transportation costs, persons who appear before an Internal Revenue Service officer in response to a summons may request payment for authorized witness fees and mileage fees. You may make this request by contacting the Internal Revenue Service officer or by claiming these costs separately on the itemized bill or invoice as explained below.

Instructions for requesting payment

After the summons is served, you should keep an accurate record of personnel search time, computer costs, number of reproductions made, and transportation costs. Upon satisfactory compliance, you may submit an itemized bill or invoice to the Internal Revenue Service officer before whom you were summoned to appear, either in person or by mail to the address furnished by the Internal Revenue Service officer. Please write on the itemized bill or invoice the name of the taxpayer to whose liability the summons relates.

If you wish, Form 6863, Invoice and Authorization for Payment of Administrative Summons Expenses, may be used to request payment for search, reproduction, and transportation costs. Standard Form 1157, Claims for Witness Attendance Fees, Travel, and Miscellaneous Expenses, may be used to request payment for authorized witness fees and mileage fees. These forms are available from the Internal Revenue Service officer who issued the summons.

If you have any questions about the payment, please contact the Internal Revenue Service officer before whom you were summoned to appear.

Anyone submitting false claims for payment is subject to possible criminal prosecution.

Sec. 7609. Special procedures for third-party summons**(a) Notice-**

(1) In general. - If any summons to which this section applies requires the giving of testimony on or relating to, the production of any portion of records made or kept on or relating to, or the production of any computer software source code (as defined in 7612(d)(2)) with respect to, any person (other than the person summoned) who is identified in the summons, then notice of the summons shall be given to any person so identified within 3 days of the day on which such service is made, but no later than the 23rd day before the day fixed in the summons as the day upon which such records are to be examined. Such notice shall be accompanied by a copy of the summons which has been served and shall contain an explanation of the right under subsection (b)(2) to bring a proceeding to quash the summons.

(2) Sufficiency of notice. - Such notice shall be sufficient if, on or before such third day, such notice is served in the manner provided in section 7603 (relating to service of summons) upon the person entitled to notice, or is mailed by certified or registered mail to the last known address of such person, or, in the absence of a last known address, is left with the person summoned. If such notice is mailed, it shall be sufficient if mailed to the last known address of the person entitled to notice or, in the case of notice to the Secretary under section 6903 of the existence of a fiduciary relationship, to the last known address of the fiduciary of such person, even if such person or fiduciary is then deceased, under a legal disability, or no longer in existence.

(3) Nature of summons. - Any summons to which this subsection applies (and any summons in aid of collection described in subsection (c)(2)(D)) shall identify the taxpayer to whom the summons relates or the other person to whom the records pertain and shall provide such other information as will enable the person summoned to locate the records required under the summons.

(b) Right to intervene; right to proceeding to quash. -

(1) Intervention. - Notwithstanding any other law or rule of law, any person who is entitled to notice of a summons under subsection (a) shall have the right to intervene in any proceeding with respect to the enforcement of such summons under section 7604.

(2) Proceeding to quash. -

(A) In general. - Notwithstanding any other law or rule of law, any person who is entitled to notice of a summons under subsection (a) shall have the right to begin a proceeding to quash such summons not later than the 20th day after the day such notice is given in the manner provided in subsection (a)(2). In any such proceeding, the Secretary may seek to compel compliance with the summons.

(B) Requirement of notice to person summoned and to Secretary. - If any person begins a proceeding under subparagraph (A) with respect to any summons, not later than the close of the 20-day period referred to in subparagraph (A) such person shall mail by registered or certified mail a copy of the petition to the person summoned and to such office as the Secretary may direct in the notice referred to in subsection (a)(1).

(C) Intervention, etc. - Notwithstanding any other law or rule of law, the person summoned shall have the right to intervene in any proceeding under subparagraph (A). Such person shall be bound by the decision in such proceeding (whether or not the person intervenes in such proceeding).

(c) Summons to which section applies. -

(1) In general. - Except as provided in paragraph (2), this section shall apply to any summons issued under paragraph (2) of section 7602(a) or under sections 6420(e)(2), 6421(g)(2), 6427(j)(2), or 7612.

(2) Exceptions. - This section shall not apply to any summons

(A) served on the person with respect to whose liability the summons is issued, or any officer or employee of such person;

(B) issued to determine whether or not records of the business transaction or affairs of an identified person have been made or kept;

(C) issued solely to determine the identity of any person having a numbered account (or similar arrangement) with a bank or other institution described in section 7603(b)(2)(A);

(D) issued in aid of the collection of-

(i) an assessment made or a judgment rendered against the person with respect to whose liability the summons is issued, or

(ii) the liability at law or in equity of any transferee or fiduciary of any person referred to in clause (i); or

(E) (i) issued by a criminal investigator of the Internal Revenue Service in connection with the investigation of an offense connected with the administration or enforcement of the internal revenue laws, and

(ii) served on a person who is not a third-party recordkeeper (as defined in section 7603(b)).

(3) John Doe and Certain Other Summonses. - Subsection (a) shall not apply to any summons described in subsection (f) or (g).

(4) Records. - For purposes of this section, the term records includes books, papers, and other data.

(d) Restriction on examination of records. - No examination of any records required to be produced under a summons as to which notice is required under subsection (a) may be made -

(1) before the close of the 23rd day after the day notice with respect to the summons is given in the manner provided in subsection (a)(2), or

(2) where a proceeding under subsection (b)(2)(A) was begun within the 20-day period referred to in such subsection and the requirements of subsection (b)(2)(B) have been met, except in accordance with an order of the court having jurisdiction of such proceeding or with the consent of the person beginning the proceeding to quash.

(e) Suspension of Statute of Limitations. -

(1) Subsection (b) action. - If any person takes any action as provided in subsection (b) and such person is the person with respect to whose liability the summons is issued (or is the agent, nominee, or other person acting under the direction or control of such person), then the running of any period of limitations under section 6501 (relating to the assessment and collection of tax) or under section 6531 (relating to criminal prosecutions) with respect to such person shall be suspended for the period during which a proceeding, and appeals therein, with respect to the enforcement of such summons is pending.

(2) Suspension after 6 months of service of summons. - In the absence of the resolution of the summoned party's response to the summons, the running of any period of limitations under section 6501 or under section 6531 with respect to any person with respect to whose liability the summons is issued (other than a person taking action as provided in subsection (b)) shall be suspended for the period-

(A) beginning on the date which is 6 months after the service of such summons, and

(B) ending with the final resolution of such response.

(f) Additional requirement in the case of a John Doe summons. Any summons described in subsection (c)(1) which does not identify the person with respect to whose liability the summons is issued may be served only after a court proceeding in which the Secretary establishes that—

(1) the summons relates to the investigation of a particular person or ascertainable group or class of persons,

(2) there is a reasonable basis for believing that such person or group or class of persons may fail or may have failed to comply with any provision of any internal revenue law, and

(3) the information sought to be obtained from the examination of the records or testimony (and the identity of the person or persons with respect to whose liability the summons is issued) is not readily available from other sources.

The Secretary shall not issue any summons described in the preceding sentence unless the information sought to be obtained is narrowly tailored to information that pertains to the failure (or potential failure) of the person or group or class of persons referred to in paragraph (2) to comply with one or more provisions of the internal revenue law which have been identified for purposes of such paragraph.

(g) Special exception for certain summonses. -

A summons is described in this subsection if, upon petition by the Secretary, the court determines, on the basis of the facts and circumstances alleged, that there is reasonable cause to believe the giving of notice may lead to attempts to conceal, destroy, or alter records relevant to the examination, to prevent the communication of information from other persons through intimidation, bribery, or collusion, or to flee to avoid prosecution, testifying, or production of records.

(h) Jurisdiction of district court; etc. -

(1) Jurisdiction. - The United States district court for the district within which the person to be summoned resides or is found shall have jurisdiction to hear and determine any proceedings brought under subsection (b)(2), (f), or (g). An order denying the petition shall be deemed a final order which may be appealed.

(2) Special rule for proceedings under subsections (f) and (g). - The determinations required to be made under subsections (f) and (g) shall be made ex parte and shall be made solely on the petition and supporting affidavits.

(i) Duty of summoned party. -

(1) Recordkeeper must assemble records and be prepared to produce records. On receipt of a summons to which this section applies for the production of records, the summoned party shall proceed to assemble the records requested, or such portion thereof as the Secretary may prescribe, and shall be prepared to produce the records pursuant to the summons on the day on which the records are to be examined.

(2) Secretary may give summoned party certificate. - The Secretary may issue a certificate to the summoned party that the period prescribed for beginning a proceeding to quash a summons has expired and that no such proceeding began within such period, or that the taxpayer consents to the examination.

(3) Protection for summoned party who discloses. - Any summoned party, or agent or employee thereof, making a disclosure of records or testimony pursuant to this section in good faith reliance on the certificate of the Secretary or an order of a court requiring production of records or the giving of such testimony shall not be liable to any customer or other person for such disclosure.

(4) Notice of suspension of statute of limitations in the case of a John Doe summons. - In the case of a summons described in subsection (f) with respect to which any period of limitations has been suspended under subsection (e)(2), the summoned party shall provide notice of such suspension to any person described in subsection (f).

(j) Use of summons not required. -

Nothing in this section shall be construed to limit the Secretary's ability to obtain information, other than by summons, through formal or informal procedures authorized by sections 7601 and 7602.

Summons for Pinnacle Actuarial Resources, Inc.

ATTACHMENT 1

INSTRUCTIONS

In responding to this Summons ("Summons"), you are required to make a diligent search of your records and documents (as defined below) that are in your possession, custody or control. This includes documents in the possession of attorneys, accountants, affiliates, advisors, representatives, or other persons directly or indirectly employed by you, hired by you, or connected with you or your representatives, and anyone else otherwise subject to your control. This also includes all records and documents created and/or maintained in the course of employment (at any business or other location) by any employee, officer, director, shareholder, partner, consultant, senior manager, manager, senior or staff employee and/or independent contractor of Taxpayer (as defined below).

Each Summons Request should be separately answered. If a document is responsive to more than one request you need not provide it in response to each request if you supply a complete and legible copy in response to the first request to which the document is responsive, and in response to each subsequent request to which the document is responsive provide a description of the document and specify the request in response to which the document has been provided. However, if a document has any change, notation, and/or modification, you are required to produce it. Each non-identical copy is a separate "document." In addition, you are required to produce generic documents.

If you are unable to locate documents or records, then state with specificity the efforts made to locate the documents or records and the reasons such documents or records are unavailable. If the requested records or documents do not exist, so state. If the requested records or documents exist, but are not available to you, state where such documents are located and provide the name, current address, and telephone number of the custodian. If you have disposed of any responsive document, state when such document was disposed of, the reason for such disposition, and the identity of the person(s) that may have possession of a copy of such document.

If a privilege is being claimed with respect to any requested document or information, state with specificity the nature of the privilege and the extent of all allegedly privileged matters. If you object to producing only part of a document, provide us with a redacted copy and retain the original for review by a court (the part to which you object and produce the remainder). With respect to each allegedly privileged document, or portion of a document, provide the following:

1. The date appearing on such document or, if it has no date, the date or approximate date that such document was created;
2. The identity or descriptive code number, file number, title, or label of such document used by the custodian of the document to identify it for retrieval, plus the number of pages in the document;

3. The general nature and description of such document and the identity of the person who signed such document and, if it was not signed, the response shall so state and give the identity of the person(s) who prepared it;
4. The identity of the person to whom such document was addressed and the identity of each person other than such addressee to whom such document, or a copy thereof was given or sent at any time;
5. The identity, if known, of the person having or who may have present possession, custody, or control of such document or a copy thereof;
6. Whether or not any draft, copy, or reproduction of such document contains any postscripts, notation, change, or addendum not appearing on the document itself and, if so, the response shall give the description of each such draft, copy or reproduction; and
7. The privilege claimed.

Unless otherwise specified the documents and information sought by this Summons are sought only for the period from January 1, 2017 through the date of dissolution or full compliance with this summons, whichever is later.

If you believe you have already provided any of the documents requested in this Summons, please indicate this in your response. In addition, please provide the date you provided the documents, a description of the documents that you believe contains the information that is responsive to the request, and the Bates number(s) (if applicable) of the documents previously provided.

Summons for Pinnacle Actuarial Resources, Inc.**ATTACHMENT 2 - DEFINITIONS**

The following definitions apply to this Summons:

1. For the purpose of this Summons, the words "documents," or "data" refers to any materials of any kind that are written, printed, typed, reproduced graphically, visually, aurally, electronically, or by any other means, including but not limited to:
 - a. Contracts, agreements, plans, papers, summaries, opinions, reports, commentaries, communications, correspondence, memoranda, minutes, notes, comments, messages, studies, graphs, diagrams, photographs, charts, projections, tabulations, analyses, questionnaires and responses, workpapers, data sheets, statistical or informational accumulations, computer databases, computer disks and formats, or worksheets, telexes, telegrams, teletypes, cables, facsimiles, instant messages, voice mail, and similar and related documents, data, and materials;
 - b. Video and/or audio tapes, cassettes, films, microfilm, video files, sound files, and all other information stored or processed by means of data processing equipment and capable of being retrieved in electronic, printed, or graphic form;
 - c. Computer stored and generated documents or data, including but not limited to, electronic mail (commonly referred to as "e-mail") and attachments, word processing documents, and spreadsheets;
 - d. Computer database information (including metadata) from document management programs or systems that track or control electronic documents described above; and
 - e. Copies of any proprietary software necessary to retrieve and analyze the summoned documents and data, plus all manuals and similar documents related to using this software, to the extent the documents are not otherwise readable with commercially available software.

To the extent documents are stored in computerized, electronic media or other machine-sensible format, provide a copy of the electronic file in its native format. For example, if your electronic documents were created and used in Microsoft Word, do not convert the documents to a different format, such as a Tagged Image File Format (TIFF) or a Portable Document File (PDF), in preparation for producing the documents pursuant to a request. Provide the documents in an unprotected form that will allow them to be printed, electronically searched, and analyzed.

Paper documents that are **not** in an electronic format **may** be produced in an electronic

format. For all documents that are produced in an electronic format, please do so in accordance with the following instructions (refer to Attachment 4 for further detail):

- a. Each document produced must be an exact unaltered image, produced in a multi-page TIFF or PDF (text mode) image that treats each complete document as a discrete file.
 - b. For delivery purposes, it is also preferred that the documents be produced and organized with load files from commercially available software, such as Summation, IPRO, Concordance, etc. This request is not intended to seek the submission of a proprietary executable file, nor should it be interpreted to do so.
 - c. These documents may be produced in read-only form on CD, DVD, or hard drive.
 - d. To ensure readability of any requested document in electronic format, provide the PDF or TIFF files with an image resolution of at least 300 dots per inch (dpi).
 - e. To the extent that any electronic indexes or other listings relating to the requested documents are created in preparation for submitting them to the Internal Revenue Service, please provide that information with your response to assist in organizing and reviewing the documents.
2. The term “you” means Pinnacle Actuarial Resources, Inc. “You” includes all affiliates, subsidiaries, and any current or former employee, officer, principal, director, shareholder, partner, member, consultant, manager, associate, staff employee, independent contractor, agent, attorney, or other representative of Pinnacle Actuarial Resources, Inc.
 3. The term Oxford means “Oxford Insurance Company, LLC”. “Oxford” includes **all affiliates**, subsidiaries, and any current or former employee, officer, principal, director, shareholder, partner, member, consultant, manager, associate, staff employee, independent contractor, agent, attorney, or other representative of Oxford.
 4. The term “person” has the meaning as defined in section 7701(a)(1) of the Internal Revenue Code and also includes all of the person’s representatives.

Summons for Pinnacle Actuarial Resources, Inc.

ATTACHMENT 3 - DOCUMENTS TO BE PRODUCED

1. Produce all documents relating directly or indirectly to all services performed on behalf of Oxford and/or its clients, including, but not limited to:
 - a. All agreements entered into between Oxford and you;
 - b. All agreements entered into between Oxford clients and you;
 - c. All documents, including reports, created for review, or reliance upon, in the underwriting and/or pricing of any insurance, or reinsurance agreements;
 - d. All documents provided to you related to the underwriting and/or pricing of any insurance, or reinsurance agreements, including, but not limited to, applications, claims history, insurance policies, policy descriptions, and correspondence providing information;
 - e. All documents obtained by you or prepared by you in connection with your creation for review, or reliance upon, in the underwriting and/or pricing of any insurance or reinsurance agreements, including all notes, memoranda, records, logs, journals, correspondence, summaries of conferences, interviews or telephone conversations, written reports, or other documents;
 - f. All testing, calculations, charts, diagrams, reports, and articles which you relied on or are relying upon in forming your opinions provided in any documents created for review, or reliance upon, in the underwriting and/or pricing of any insurance, or reinsurance agreements. This should include industry data and pricing information you used as a baseline for your pricing practices;
 - g. All standards, studies, journals, periodicals, manuals or materials which you have reviewed or relied on in forming your opinions provided in any documents created for review, or reliance upon, in the underwriting and/or pricing of any insurance, or reinsurance agreements;
 - h. Copies of all billing invoices, payments received and unpaid balances pertaining to the work performed by you in connection with services performed on behalf of Oxford and/or its clients; and
 - i. Copies of all records, notes, ledgers, etc., reflecting time and work performed by you in connection with services performed on behalf of Oxford and/or its clients.

ATTACHMENT 4



**Internal Revenue Service Office of Chief Counsel
Production Specifications for
Electronically Stored Information [ESI] and Hard Copy Documents (September 2020)**

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Modifications

Any modifications or deviations from these Production Specifications may only occur upon agreement between the parties. Any proposed production that

- (1) is in a format other than those identified below,
- (2) proposes use of predictive coding,
- (3) includes email threading and/or
- (4) uses de-duplication during the processing of documents,

must be discussed with and approved by the legal and technical staff of the IRS. The methodology must be disclosed in the cover letter. In addition if the production will be de-duplicated, it is vital that you (1) preserve any unique metadata associated with the duplicate files, for example, custodian name and file location and, (2) make that unique metadata part of your production to the IRS.

Any responsive data or documents that exist in locations or native forms not discussed in these Production Specifications remain responsive and arrangements should be made with the IRS to facilitate their production.

General Instructions

This document describes the technical requirements for electronic document productions to the Internal Revenue Service, Office of Chief Counsel (IRS).

Electronic files must be produced in their native format, i.e. the format in which they are ordinarily used and maintained during the normal course of business. For example, an MS Excel file must be produced as an MS Excel file rather than an image of a spreadsheet. *(Note: An Adobe PDF file is not considered a native file unless the document was initially created as a PDF.)*

In the event produced files require the use of proprietary software not commonly found in the workplace, the IRS will explore other format options with the producing party.

General requirements for ALL document productions are:

1. A cover letter must be included with each production and should include the following information:
 - a. Case number, case name and requesting IRS staff member name
 - b. A list of each piece of media included in the production with its unique production volume number
 - c. A list of custodians
 - d. The time zone in which the emails were standardized during conversion
 - e. Whether the production contains native files produced from Mac operating system environments
2. Data can be produced on CD, DVD, thumb drive, etc., using the media requiring the least number of deliverables and labeled with the following:
 - a. Case number
 - b. Production date
 - c. Producing party
 - d. Bates range (if applicable)
3. All submissions must be organized by **custodian** unless otherwise instructed.
4. All document family groups, i.e. email attachments, embedded files, etc., should be produced together and children files should be produced together and children files should follow parent files sequentially in the Bates numbering.
5. All load-ready collections should include only one metadata load file and only one image load file.
6. All load-ready text must be produced as separate document-level text files.
7. All load-ready collections should account for custodians in the custodian field.
8. All load-ready collections must provide the extracted contents of any container files to ensure all relevant files are produced as separate records.
9. All load-ready collections must be produced with a “read me” text file that identifies the Bates range, the field name to which images will be linked, a list of all fields produced and enumerate the quantity of each of the following attributes:
 - a. Documents
 - b. Pages
 - c. Native Files
 - d. Redacted Documents
10. Audio files should be separated from data files if both are included in the production.
11. All electronic productions submitted on media must be produced using WINZIP or PKZIP compressed archive.
12. Electronic productions **cannot** be submitted via Secure File Transfer. The IRS also **cannot** accept productions made using file sharing sites such as Google Drive, Microsoft Office 365 or Dropbox.
13. Any data or files that are encrypted or password protected should be decrypted and/or passwords removed prior to production. If a password cannot be removed, the password must be provided.

-
14. Passwords for electronic documents, files, compressed archives and encrypted media must be provided separately either via email or in a cover letter apart from the media.
 15. All electronic productions should be produced free of computer viruses.
 16. Before producing forensically collected images of computer hard drives, parties should reach out to the requesting IRS staff member in order to discuss appropriate handling.
 17. Before producing unique data sets (large sets of relational data, website reconstruction, chat room data, etc.), parties should reach the requesting IRS staff member in order to discuss an appropriate production format.
 18. All metadata associated with native documents, emails, and media files must be maintained. See **Addendum A** for a list of basic metadata fields requested for production. This list is not exhaustive and requested fields may differ depending on specifics of a particular matter. If producing fields outside of this list, provide a definition grid detailing the function of the field.

Delivery Formats

I. Imaged Productions

All scanned paper and electronic file collections shall be produced in a structured format including industry standard load files, Bates numbered image files, native files and searchable document level extracted text files.

1. Image Files

- a. Black and white images must be produced as Group IV 300 DPI single-page tagged image file (.TIF) format images
- b. Charts, pictures and graphs must be produced in color .JPG or .JPEG format
- c. File and folder names must only be comprised of alphanumeric, dash (-) or underscore (_) characters. All other special characters are not permitted in file or folder names, including but not limited to [space]<>/*?|\ and "
- d. File names cannot use a dot (.) as the last character
- e. The number of image files per folder should not exceed 15,000 files
- f. All image files must have a unique file name, i.e. Bates number
- g. Images must be endorsed with sequential Bates numbers in the lower right corner of each image and shall not be smaller than font size 10.
- h. Bates numbers are to be applied such that no text or information is obscured by the Bates number
- i. Any confidential stamps or court ordered messages should be stamped on the lower left corner but shall not impede the Bates number.
- j. AUTOCAD/photograph files should be produced as a single page JPEG file
- k. All hidden text such as track changes, hidden columns, etc., shall be expanded and rendered in the image file. For files that cannot be expanded the native files shall be produced with the image files.
- l. Documents that become unwieldy during processing (spreadsheets, Quickbooks and other databases, large diagrams etc.) and documents incapable of being converted to TIF image format (video, audio, applications, etc.) shall be produced in native format with a corresponding single-page place holder bearing the Bates number of the document being produced
- m. Microsoft Access Databases or other Structured Data shall be produced in native MS Access 2010 or earlier format (.mdb) with a corresponding single-page "PLACEHOLDER" TIFF image, accompanied by a text load .DAT file containing Bates numbers, applicable metadata, and native and extracted text link. Please consult with the IRS legal and tech department prior to submitting other database format.
- n. Digital Photographs shall be submitted as single-page JPEG files with a resolution equivalent to the original image as it was captured/created. All associated metadata and text fields shall be produced as well. All digital videos shall be submitted as native files with associated

metadata and an accompanying single page “PLACEHOLDER” TIFF image.

2. Image Load Files

The image load file (.OPT) shall be a comma delimited, page-level load file consisting of seven fields per line, with each line representing one image in the following format:

ImageID,VolumeLabel,ImageFilePath,DocumentBreak,BoxBreak,PageCount

Ex.:

```
SMPL_00001,SMPL_001,D:\IMAGES\001\SMPL_00001.TIF,Y,,,3
SMPL_00002,SMPL_001,D:\IMAGES\001\SMPL_00002.TIF,,,,
SMPL_00003,SMPL_001,D:\IMAGES\001\SMPL_00003.TIF,,,,
SMPL_00004,SMPL_001,D:\IMAGES\001\SMPL_00004.TIF,Y,,,2
SMPL_00005,SMPL_001,D:\IMAGES\001\SMPL_00005.TIF,,,,
```

3. Metadata Load Files

The metadata load-file (.DAT) contains all the fielded information that will be loaded into the database.

- a. The first line of the .DAT file must be a header row identifying the field names
 - b. The .DAT file must use the following *Concordance*® default delimiters:

Comma	¶	(ASCII character 020)
Quote	”	(ASCII character 254)
Newline	␣	(ASCII character 174)
Multi-Value	;	(ASCII character 059)
Nested Value	\	(ASCII character 092)
 - c. If the .DAT file is produced in Unicode, it must contain the byte order marker.
 - d. Date fields should be provided in MM/DD/YYYY format
 - e. Dates and their corresponding time values must be bifurcated into two discrete fields
 - f. Time zone must be indicated in a dedicated field
 - g. Imaged emails and attachments must include attachment fields to preserve the parent/child relationship between an email and its attachments
 - h. An OCRPATH field must be included to provide the file path and name of the text file on the produced storage media. Do not include extracted or OCR text in the .DAT field.
 - i. BEGATTACH and ENDATTACH fields must be two separate fields
 - j. A complete list of metadata fields is available in **Addendum A** to this document
- ## 4. Extracted and OCR Text Files
- a. Text must be produced as separate document-level text files, not as fields within the .DAT file.
 - b. Text files must be named identical to their corresponding BEGDOC image files and the full path to the text file (OCRPATH) should be included in the .DAT file
 - c. Text files must be in a separate folder from the images or native files and should not exceed 15,000 files per folder
 - d. For redacted documents, provide the full text for the redacted version
 - e. Text files may be in either ANSI or Unicode format, however, ALL text files must be in the same format within the same production
 - f. Where extracted text is not available, such as hard copy scanned files or image only files, OCR text shall be provided as plain ASCII text files.

5. Linked Native Files

Copies of original email and native file documents/attachments must be included for all electronic productions.

- a. Native file documents must be named identical to their corresponding BEGDOC image files and the full path to the native file (NATIVELINK) should be included in the .DAT file
- b. Native files must be in a separate folder from the images or text files and should not exceed 15,000 files per folder

II. Native File Productions without Load Files (Prior Approval Required)

With prior approval (emphasis added), native files may be produced without load files. The native files must be produced as they are maintained in the normal course of business and organized by custodian-named file folders. When approved, Outlook (.PST) and Lotus Notes (.NSF) email files may be produced in native file format. A separate folder should be provided for each custodian.

III. Adobe PDF File Production (Prior Approval Required)

With prior approval (emphasis added), Adobe PDF files may be produced in native file format.

- a. All PDFs must be unitized at the document level, i.e., each PDF must represent a discrete document.
- b. PDF files should be produced in separate folders named by the custodian
- c. File and folder names must only be comprised of alphanumeric, dash (-) or underscore (_) characters. All other special characters are not permitted in file or folder names, including but not limited to [space]<>/:*?|\ and "
- d. File names cannot use a dot (.) as the last character
- e. The number of PDF files per folder should not exceed 1,000 files
- f. All PDF files must contain embedded text that includes all discernable words within the document, not selected text or image only. This requires all layers of the PDF to be flattened first.
- g. If PDF files are bates endorsed, the PDF files must be named by the BEGDOC value

IV. Audio and Video Files

Audio and videos must be produced in a format that is playable using Microsoft Windows Media Player™. Also include MPEG-1 version.

V. Mobile Device and Social Media Data

Before producing social media or mobile device data (including but not limited to text messages), parties should reach out to the requesting IRS staff member to discuss the appropriate production format.

Addendum A

During the process of converting ESI from the electronic format of that application in which the ESI is normally created, viewed, and/or modified to TIFF, existing metadata values should be extracted and produced in a metadata load file. When producing metadata of electronic document collections, it should be extracted and provided in a .DAT file using the field definition and formatting described below:

FIELD NAME	FIELD DESCRIPTION	FIELD TYPE	Sample Data	Hard Copy	Email	Other ESI	Calendar Items
DOCID	Must equal the value appearing in the BEGDOC# field and be UNIQUE.	Note Text	SMPL_000001	x	x	x	x
BEGDOC	Starting Bates number (including prefix) – No spaces	Note Text	SMPL_000001	x	x	x	x
ENDDOC	Ending Bates number (including prefix) – No spaces	Note Text	SMPL_000001	x	x	x	x
BEGATTACH	Starting Bates number of Parent in a family group (only populate this field if the document is part of a family)	Note Text	SMPL_000001		x	x	x
ENDATTACH	Ending Bates number of last Attachment (only populate this field if the document is part of a family)	Note Text	SMPL_000015		x	x	x
PARENTID	Starting Bates number of Attachment's parent (only populate this field if the document is part of a family)	Note Text	SMPL_000001		x	x	x
ATTRANGE	Bates number of the first page of the parent document to the Bates number of the last page of the last attachment "child" document	Note Text	SMPL_000001 - SMPL_000015		x	x	x
ATTACHMT	Child document list: BEGDOC# of each child (populated ONLY in parent records).	Multi-Entry (semi-colon delimited)	SMPL_000002; SMPL_000014		x	x	x
VOLUME	Production Volume Number	Note Text	VOL001	x	x	x	x
REQNUM	Subpoena/request paragraph number to which the document is responsive	Multi-Entry (semi-colon delimited)	1.5;5.2;6.3	x	x	x	x
ORGANIZATION	Organization where data was collected from	Note Text	ABC, Inc		x	x	x
CUSTODIAN	<u>Email</u> : Mailbox where the email resided <u>Native</u> : Name of the individual or department from whose files the document originated	Note Text	Smith, John		x	x	x
ALLCUSTODIANS	Same as above for all custodians of that document	Note Text	Johnson, Robert; Thompson, Fred; James, Ellen		x	x	x
FILEPATH	File path to native file as it existed in original environment, prepended with Custodian Name	Note Text	Smith, James-C\My Documents\Sales Info\ACME		x	x	x
FILENAME	File name of native file (Edocs or attachments to Email).	Note Text	BoardMeetingMinutes.docx		x	x	x

Addendum A

FIELD NAME	FIELD DESCRIPTION	FIELD TYPE	Sample Data	Hard Copy	Email	Other ESI	Calendar Items
FILE EXTENSION	The file type extension representing the email or native file document; will vary depending on the format	Max Five Characters	MSG		x	x	x
APPLICATION	Application used to create native file	Note Text	e.g., Excel, Outlook, Word		x	x	x
AUTHOR	Author field value extracted from the metadata of a native file.	Note Text	Smith, John			x	
LAST_AUTHOR	Last Saved By field value extracted from metadata of a native file.	Note Text	Smith, John			x	
DATECREATED	Date electronic file was created. Format: MM/DD/YYYY.	Date (MM/DD/YYYY)	10/02/2010			x	
TIMECREATED	Time electronic file was created. Format: HH:MM:SS (use 24 hour times, e.g., 13:32:00 for 1:32 pm; time zone indicators cannot be included).	Time	13:32:00			x	
DATE_HC	Date of hard copy documents, if coded. Format: MM/DD/YYYY.	Date (MM/DD/YYYY)	10/02/2010	x			
DATELASTMOD	Native: Date the document was last modified	Date (MM/DD/YYYY)	10/02/2010			x	
TIMELASTMOD	Native: Time the document was last modified	Time	13:32:00			x	
COMMENTS	Comments from the body of the file	Note Text			x	x	x
HIDDENTEXT	True if document contains hidden text, otherwise False	Note Text	TRUE			x	
TO	Recipients of the Email or Calendar Item (as formatted on the original).	Multi-Entry (semicolon delimited)	Frank Thompson [mailto: frank_Thompson@cdt.com]		x		x
FROM	Author of the Email or Calendar item (as formatted on the original).	Note Text	Dan Smith [mailto: dan_smith@cdt.com]		x		x
CC	Copies of the Email or Calendar Item (as formatted on the original).	Multi-Entry (semicolon delimited)	Ellen James [mailto: ellen_james@cdt.com]		x		x
BCC	Blind Copies of the Email or Calendar Item (as formatted on the original).	Multi-Entry (semicolon delimited)	Robert Johnson [mailto: robert_johnson@cdt.com]		x		x

Addendum A

FIELD NAME	FIELD DESCRIPTION	FIELD TYPE	Sample Data	Hard Copy	Email	Other ESI	Calendar Items
EMAILSUBJECT	Email or calendar item subject.	Note Text	RE: Board Meeting Minutes		x		x
TIMEZONE	The Time Zone in which the custodian is normally located.	Note Text	GMT		x	x	x
DATESENT	Date the Email or Calendar Item was sent. Format: MM/DD/YYYY	Date (MM/DD/YYYY)	10/02/2010		x		x
TIMESENT	Email: Time the email was sent/ Time zone in which the emails were standardized during conversion.	Time	13:32:00		x		x
DATERCVD	Date Email or Calendar Item was received. Format: MM/DD/YYYY.	Date (MM/DD/YYYY)	10/02/2010		x		x
TIMERECEIVED	Email: Time the email was received/ Time zone in which the emails were standardized during conversion.	Time	13:32:00		x		x
MAILSTORE	Name of the email file	Note Text	custodian name.pst		x		x
HEADERS	The internet header information from each Email.	Note Text	-----		x		x
MSGCLASS	Exchange Message class or equivalent	Note Text	IPM:note		x		x
CONVINDEX	Conversation Index (Email system ID used to track replies, forwards, etc.)	Note Text	<000805c2c71b5759770505cb 8306d1@MSN>		x		x
INTERNETMSGID	Globally unique identifier for a message which typically includes messageid and a domain name.	Note Text	Example: <0E6648D558F338179524D555@m1p.innovy.net		x		x
MESSAGEID	Unique system identification number for the email message assigned by the proprietary email database/mailstore/post office file associated with centrally managed enterprise email servers. EntryID for Microsoft Outlook, the UniquelD (UNID) for Lotus Notes, or equivalent value for other proprietary mailstore formats.	Note Text	Message-ID: <4129F3CA.2020509@dc.edu>		x		x
RECORD TYPE	Indicate all that apply. Record Type: Edoc, Edoc Attachment, Email, Email Attachment, Hard Copy, Calendar Appt Other Notations: Translation, Translated Privilege Notations: Redacted, Privileged, Family Member of Priv Doc	Note Text	Email	x	x	x	x

Addendum A

FIELD NAME	FIELD DESCRIPTION	FIELD TYPE	Sample Data	Hard Copy	Email	Other ESI	Calendar Items
FILE SIZE	File size in Bytes (integer value only - do not include unit of measure, thousands character, or decimal places - e.g., 1008 not 1,008).	Integer	1008	x	x	x	x
MD5 HASH	Document MD5 hash value (used for deduplication or other processing).	Note Text	d131dd02c5e6eec4693 d9a069 8aff95c 2fcab58712467eab400 4583eb 8fb7f89	x	x	x	x
PGCOUNT	Number of pages in a document	Integer	1	x	x	x	x
NATIVELINK	Hyperlink to the email or native file document. **The linked file must be named per the BEGDOC number	Note Text	D:\001\ SMPL_000001.msg		x	x	x
OCRPATH	Path to extracted text of the native file	Note Text	TEXT/001/SMPL_00000 1.txt	x	x	x	x

Tuesday, 13 September, 2022 10:09 AM
Clerk, U.S. District Court, ILCD



WAIVER AND ACKNOWLEDGEMENT OF SERVICE OF SUMMONS BY FACSIMILE

I, Joseph A. Herbers, President and Managing Principal of Pinnacle Actuarial Resources, Inc. I am authorized to accept service of Internal Revenue Service summonses and to enter into this agreement on behalf of Pinnacle Actuarial Resources, Inc.

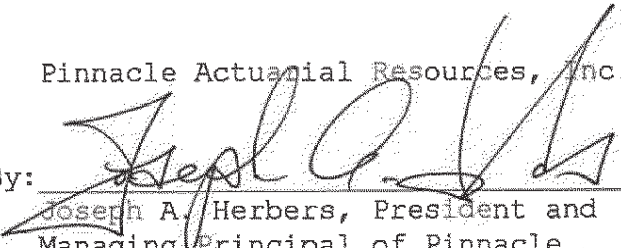
Pinnacle Actuarial Resources, Inc. hereby waives the service requirements contained in I.R.C. § 7603 (relating to Internal Revenue Service summonses) and directs the Internal Revenue Service to serve any summons issued to Pinnacle Actuarial Resources, Inc., by facsimile at 309-807-2301.

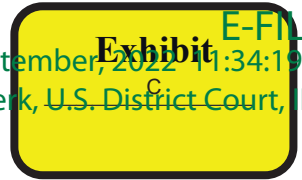
Pinnacle Actuarial Resources, Inc. will not argue before the Internal Revenue Service or an enforcing court that service of a summons served by facsimile at 309-807-2301 on Pinnacle Actuarial Resources, Inc. was deficient. Pinnacle Actuarial Resources, Inc., further agrees that this agreement will not be terminated.

It shall be the responsibility of Pinnacle Actuarial Resources, Inc. to immediately notify the Revenue Agent identified on the summons, as the Issuing Officer, of any change to the facsimile number for service of Internal Revenue Service summonses and to provide, in writing, an alternate facsimile number for service of Internal Revenue summonses.

Pinnacle Actuarial Resources, Inc.

12-2-21
Date

By: 
Joseph A. Herbers, President and
Managing Principal of Pinnacle
Actuarial Resources, Inc.



COX & FULK, LLC
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patcox@cfxlegal.com
christophercox@cfxlegal.com
jakefulk@cfxlegal.com
claycox@cfxlegal.com

January 14, 2022

Julie K. Hersh
Internal Revenue Agent
Internal Revenue Service
2670 Industrial Highway
York, PA 17402

Re: In the Matter of Oxford Insurance Company, LLC
Summons to: Pinnacle Actuarial Resources, Inc.
3109 Cornelius Drive,
Bloomington, IL 61704

Dear Ms. Hersh:

Please allow this correspondence to serve as the response of my client, Pinnacle Actuarial Resources, Inc. ("Pinnacle"), to the summons issued by the IRS in the Matter of Oxford Insurance Company, LLC (the "Summons"). As an initial matter, enclosed for your review is an executed copy of IRS Form 2848. This was previously executed by my client and placed on file with the IRS but I wanted to provide it to the IRS again as a courtesy.

Please be advised that Pinnacle has substantial documentation that is, or may be, responsive to the Summons. Due to the voluminous nature of these documents, it is impractical for Pinnacle to provide further and more precise descriptions of each category of documents in its possession.

I. Pinnacle's Ethical and Contractual Obligations Prevent Compliance with the Summons Absent a Court Order Compelling Compliance.

Please be advised that all of the documentation Pinnacle may have in its possession that is responsive to the IRS Summons constitutes Confidential Information belonging to Pinnacle's clients within the meaning of Article 4 of Pinnacle's Standard Terms and Conditions. The

documentation in Pinnacle's possession also constitutes "Confidential Information" within the meaning of Precept 9 of the Code of Professional Conduct promulgated by the Casualty Actuarial Society which is the governing body for actuarial organizations such as Pinnacle. For your convenience, an excerpt containing Article 4 of Pinnacle's Standard Terms and Conditions and a copy of Precept 9 of the Code of Professional Conduct are attached to this response.

Pursuant to Article 4 of Pinnacle's Standard Terms and Conditions, Pinnacle is prohibited from disclosing the Confidential Information of its clients unless such disclosure is pursuant to the terms of a "valid and effective subpoena or order issued by a court of competent jurisdiction, judicial or administrative agency or by a legislative body or committee." Precept 9 states that actuaries such as Pinnacle "shall not disclose to another party any Confidential Information unless authorized to do so by the Principal or required to do so by law". As you are aware, the Summons does not constitute a subpoena or court order. Accordingly, if Pinnacle discloses any confidential information in its possession in response to the Summons, it will be exposed to potential civil liability for violation of its Standard Terms and Conditions as well as potential loss of license and accreditation to serve as actuaries. Therefore, absent a court order mandating that Pinnacle comply with the Summons, Pinnacle will be unable to produce any documents in response to that Summons.

II. The Summons is Objectionable on its Merits.

Even if the contractual and ethical constraints discussed above are satisfied, Pinnacle views its professional obligations to protect the information of its clients as paramount. In that regard, it appears that there are substantial defects in the Summons to which my client objects. These defects preclude compliance with, or enforcement of, the Summons. Specifically, it appears that the Summons may have been issued for an illegitimate purpose. It appears that the Summons requests information that may be irrelevant to the purpose of the Summons. The Summons requests information protected by common law and statutory privileges. Moreover, the Summons is overly broad and unduly burdensome to such an extent that it constitutes an unreasonable search and seizure and the timeline for production of such information is unreasonable. Pinnacle objects to the Summons on each of the aforementioned grounds.

A. Pinnacle objects to the Summons on the Grounds that it has been issued for an illegitimate purpose.

While the Service's power to issue summons may be broad, and while there are many purposes for which the Service may issue a summons, neither the power to summons nor the purpose of a summons is absolute. Specifically, the Service can only issue a summons for one of the enumerated purposes found in Section 7602: (1) to ascertain the correctness of any return; (2) to make a return where none has been filed; (3) to determine the liability of any person for any internal revenue tax; (4) to determine the liability at law or in equity of any transferee or fiduciary or any person for any internal revenue tax; and, (5) to collect any internal revenue tax liability. The IRS may not issue a summons solely for research purposes as a means to enable the IRS to examine other yet-to-be-identified taxpayers. *United States v. Humble Oil & Ref. Co.*, 488 F.2d 953(5th Cir.

1974), *vacated and remanded*, 421 US 943, *aff'd per curiam on remand*, 518.F.2d 747(5th Cir. 1975).

To date, Pinnacle has been provided no information regarding the purpose of the Summons. Pinnacle is generally aware, however, that the Internal Revenue Service has established an Office of Promoter Investigations as a means to combat deceptive practices by promoters in the microcaptive insurance industry. *IRS News Release IR 2021-88*. Based on Pinnacle's experience, it also appears that the IRS is actively targeting any entities which participate in captive insurance transactions, and not just those that the IRS has legitimate grounds to believe are abusing the Section 831(b) statutory scheme. *IRS News Release IR 2021-82*. As Pinnacle is not the taxpayer at issue in the matter for which the Summons was issued, Pinnacle is at a disadvantage in its ability to ascertain the ultimate legitimacy of the IRS's purpose in issuing the Summons. However, when the lack of any apparently legitimate purpose for this Summons is viewed in totality with the IRS's public animosity to all participants in captive insurance transactions, Pinnacle must conclude that the purpose of this Summons is illegitimate, and the true purpose of the Summons is to conduct a fishing expedition into the business of Pinnacle's client. Accordingly, Pinnacle objects to the Summons on these grounds, and respectfully requests that the IRS seek enforcement of the Summons by the Court so that the Court may ultimately render a determination as to the legitimacy of the purpose of the Summons.

B. The Summons Appears to Request Irrelevant Information.

Assuming that the IRS has a legitimate purpose for issuing the Summons, Pinnacle also objects to the Summons on the grounds that it seeks the production of a variety of documents which appear to be irrelevant to any possible legitimate purpose for the Summons.

Courts apply a broad interpretation of potential relevance, but that interpretation has its limits. *United States v. Matras*, 487 F.2d 1271, 1275 (8th Cir. 1973). In several cases where courts have declined to enforce a summons for records that lack potential relevance, they reached that conclusion not because the records sought were not potentially relevant to the inquiry, but because the IRS did not adequately demonstrate the potential relevance of the summonsed records. *David H. Tedder & Assocs. v. United States*, 77 F.3d 1166 (9th Cir. 1996).

As discussed above, the fact that Pinnacle is not the taxpayer at issue in the matter for which the Summons was issued places Pinnacle at a disadvantage in its ability to ascertain the ultimate relevancy of each of the IRS's requests in the Summons. Given the voluminous nature of those requests, however, it appears that the vast majority of the requested information is irrelevant to any legitimate purpose the IRS may have for the Summons. Accordingly, Pinnacle objects to the Summons on the grounds that it appears to seek irrelevant information, and respectfully requests that the IRS seek Court enforcement of the Summons so that the Court may ultimately render a determination as to the relevancy of the information requested by the Summons.

C. The Summons Requests Privileged Information

It is axiomatic that a summons is “subject to the traditional privileges and limitations.” *United States v. Euge*, 444 US 707, 714 (1980). Some of the information in Pinnacle’s possession requested by the Summons is, or may be, protected from disclosure by one or more of the following privileges: (1.) the attorney-client privilege; (2.) the attorney work-product doctrine; and (3.) the statutory privilege, which gives limited protection to communications seeking tax advice. *Code Section 7525*.

Please be advised that Pinnacle asserts the protection of each of the aforementioned privileges, as well as any and all other applicable privileges, to the fullest extent possible. Given the breadth of the Summons, however, Pinnacle requires significantly more time than the amount of time allotted in the deadline for compliance with the Summons to assess the applicability of each privilege to the various requests made by the Summons and to document the applicability of each such privilege in a privilege log.

Pinnacle objects to surrendering any privileged information and affirmatively asserts that the IRS is prohibited from enforcing the Summons with respect to privileged information.

D. The Summons is Overly Broad, Unduly Burdensome and Unreasonable.

Lastly, Pinnacle objects to the Summons on the grounds that it is overly broad, unduly burdensome and unreasonable. An IRS summons is overbroad if it does not advise the summoned party what is required of him with sufficient specificity to permit him to respond adequately to the summons. *United States v. Medlin*, 986 F.2d 463, 467 (11th Cir. 1993). Furthermore, an IRS examination is unreasonable and impermissible if it is overbroad, out of proportion to the end sought, or if it is so unrelated to the matter properly under inquiry as to exceed its investigatory power. *Adamowicz v. United States*, 531 F. 3d 151, 157 (2nd Cir. 2008). The requirement that a summons not be overbroad is rooted in the Fourth Amendment protections against unreasonable searches and seizures. *Id.*

As currently written, the Summons is so broad that it effectively requests the disclosure of every record, document or piece of information in Pinnacle’s possession pertaining to Oxford Insurance Company, LLC, over a period of many years. The Summons makes no attempt to limit the type of documents or communications requested or the subject matter of such documents or communications. As discussed above, the breadth and scope of information requested by the Summons cannot plausibly be relevant to any legitimate purpose the IRS may have in issuing the Summons. Additionally, the costs Pinnacle would incur, both in terms of resources and man hours, to comply with this Summons dramatically exceeds any compensation the IRS may be required to statutorily provide upon compliance with the Summons. Moreover, it is completely unreasonable to request compliance with the Summons in the time allotted by the Summons.

When viewed in totality, the Summons is so overbroad as to constitute an unreasonable search and seizure. Accordingly, Pinnacle objects to the Summons as written on the grounds that it is overly broad, unduly burdensome and unreasonable.

III. CONCLUSION

Pinnacle anticipates that this response will motivate the IRS to seek an order from a court of competent jurisdiction compelling Pinnacle to respond to the Summons. Please be advised that Pinnacle intends to assert each of the aforementioned objections to the Summons in any such enforcement action. If a Court enters an order compelling Pinnacle to comply with the Summons, Pinnacle will, of course, have no objection to complying with the same.

Should you have any questions, please feel free to contact me at (309) 828-7331 or via email at christophercox@cfxlegal.com.

Yours Truly,



A. Christopher Cox

CC/jlh
Enclosure

Form 2848 (Rev. 1-2018)

Page 2

- b Specific acts not authorized. My representative(s) is (are) not authorized to endorse or otherwise negotiate any check (including directing or accepting payment by any means, electronic or otherwise, into an account owned or controlled by the representative(s) or any firm or other entity with whom the representative(s) is (are) associated) issued by the government in respect of a federal tax liability. List any other specific deletions to the acts otherwise authorized in this power of attorney (see Instructions for line 5b):
- 6 Retention/revocation of prior power(s) of attorney. The filing of this power of attorney automatically revokes all earlier power(s) of attorney on file with the Internal Revenue Service for the same matters and years or periods covered by this document. If you do not want to revoke a prior power of attorney, check here YOU MUST ATTACH A COPY OF ANY POWER OF ATTORNEY YOU WANT TO REMAIN IN EFFECT.
- 7 Signature of taxpayer, if a tax matter concerns a year in which a joint return was filed, each spouse must file a separate power of attorney even if they are appointing the same representative(s). If signed by a corporate officer, partner, guardian, tax matters partner, partnership representative, executor, receiver, administrator, or trustee on behalf of the taxpayer, I certify that I have the legal authority to execute this form on behalf of the taxpayer.
 - ▶ IF NOT COMPLETED, SIGNED, AND DATED, THE IRS WILL RETURN THIS POWER OF ATTORNEY TO THE TAXPAYER.

Robert Walling Signature Date 5/13/19 Treasurer Title (if applicable)

Robert Walling Print Name Pinnacle Actuarial Resources, Inc. Print name of taxpayer from line 1 if other than individual

Part II Declaration of Representative

- Under penalties of perjury, by my signature below I declare that:
- I am not currently suspended or disbarred from practice, or ineligible for practice, before the Internal Revenue Service;
 - I am subject to regulations contained in Circular 230 (31 CFR, Subtitle A, Part 10), as amended, governing practice before the Internal Revenue Service;
 - I am authorized to represent the taxpayer identified in Part I for the matter(s) specified there; and
 - I am one of the following:
 - a Attorney—a member in good standing of the bar of the highest court of the jurisdiction shown below.
 - b Certified Public Accountant—a holder of an active license to practice as a certified public accountant in the jurisdiction shown below.
 - c Enrolled Agent—enrolled as an agent by the Internal Revenue Service per the requirements of Circular 230.
 - d Officer—a bona fide officer of the taxpayer organization.
 - e Full-Time Employee—a full-time employee of the taxpayer.
 - f Family Member—a member of the taxpayer's immediate family (spouse, parent, child, grandparent, grandchild, step-parent, step-child, brother, or sister).
 - g Enrolled Actuary—enrolled as an actuary by the Joint Board for the Enrollment of Actuaries under 29 U.S.C. 1242 (the authority to practice before the Internal Revenue Service is limited by section 10.3(d) of Circular 230).
 - h Unenrolled Return Preparer—Authority to practice before the IRS is limited. An unenrolled return preparer may represent, provided the preparer (1) prepared and signed the return or claim for refund (or prepared it there is no signature space on the form); (2) was eligible to sign the return or claim for refund; (3) has a valid PTIN; and (4) possesses the required Annual Filing Season Program Record of Completion(s). See *Special Rules and Requirements for Unenrolled Return Preparers in the Instructions for additional information.*
 - k Qualifying Student—receives permission to represent taxpayers before the IRS by virtue of his/her status as a law, business, or accounting student working in an LTC or STCP. See Instructions for Part II for additional information and requirements.
 - r Enrolled Retirement Plan Agent—enrolled as a retirement plan agent under the requirements of Circular 230 (the authority to practice before the Internal Revenue Service is limited by section 10.3(e)).

▶ IF THIS DECLARATION OF REPRESENTATIVE IS NOT COMPLETED, SIGNED, AND DATED, THE IRS WILL RETURN THE POWER OF ATTORNEY. REPRESENTATIVES MUST SIGN IN THE ORDER LISTED IN PART I, LINE 2.

Note: For designations d-f, enter your title, position, or relationship to the taxpayer in the "Licensing jurisdiction" column.

Designation—Insert above letter (a-r).	Licensing jurisdiction (State) or other licensing authority (if applicable).	Bar, license, certification, registration, or enrollment number (if applicable).	Signature	Date
a	IL	3124169	<i>[Signature]</i>	1-3-22
a	IL	6296142	<i>[Signature]</i>	1/3/22

4. Confidentiality.

Pinnacle recognizes that certain confidential information concerning the Client will be furnished by the Client to Pinnacle in connection with the Project ("Confidential Information").

Pinnacle agrees that it will disclose Confidential Information only to those of its directors, officers, employees, advisors or agents who have a need to know such information, or as directed by the Client. Confidential Information shall not include information that (i) is in the possession of Pinnacle prior to its receipt of such information from the Client; (ii) is or becomes publicly available other than as a result of a breach of these Standard Terms and Conditions by Pinnacle; (iii) has been acquired from a third party which, in the reasonable belief of Pinnacle, is lawfully in possession of such information without being in breach of any obligation to Client; or (iv) has been or can be independently acquired or developed by Pinnacle without violating any of its obligations under these Standard Terms and Conditions.

The Client recognizes and acknowledges that Pinnacle (i) will use and rely primarily on the Confidential Information and on information available from public sources in performing the services contemplated by these Standard Terms and Conditions without having independently verified the same; and (ii) does not assume responsibility for the accuracy or completeness of the Confidential Information or such other publicly available information.

In the event that Pinnacle receives a request to disclose all or any part of any Confidential Information under the terms of a valid and effective subpoena or order issued by a court of competent jurisdiction, judicial or administrative agency or by a legislative body or committee, such disclosure by Pinnacle shall not constitute a violation of these Standard Terms and Conditions provided that Pinnacle (i) promptly notifies Client of the existence, terms and circumstances surrounding such request; (ii) consults with Client on the advisability of taking available legal steps to resist or narrow such request with such expenses to be paid by Client; and (iii) if disclosure of such Confidential Information is required or deemed advisable, advises and consults with Client (at Client's expense) regarding a litigating court order or other reliable assurance that confidential treatment will be accorded to such portion of the Confidential Information to be disclosed which Client designates.

CONFIDENTIALITY

PRECEPT 0. An Actuary shall not disclose to another party any Confidential Information unless authorized to do so by the Principal or required to do so by Law.



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PATRICK R. COX
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christophercox@cfxlegal.com
jakefulk@cfxlegal.com
claycox@cfxlegal.com

June 24, 2022

S. Penina Shadrooz
Attorney (Los Angeles, Group 2)
Internal Revenue Service
Office of Division Counsel
Small Business/Self-Employed
3018 Federal Building
300 N. Los Angeles Street
Los Angeles, California 90012
Almance Building, Mail Stop 24
Fax: (855) 707-5575

Re: Summons Enforcement In the Matter of Liability of Oxford Insurance Company,
LLC under 26 USC Secs. 6694, 6695, 6700 and 6701
Summons to: Pinnacle Actuarial Resources, Inc.
3109 Cornelius Drive,
Bloomington, Il 61704

Dear Ms. Shadrooz:

This correspondence is in response to your June 21, 2022 correspondence (the "June 21 Correspondence") to my client, Pinnacle Actuarial Resources, Inc. ("Pinnacle"), wherein you demanded that my client comply with the January 14, 2022 summons that the IRS issued to Pinnacle in the Matter of Liability of Oxford Insurance Company, LLC under 26 USC Secs. 6694, 6695, 6700 and 6701 (the "Summons") on or before July 6, 2022. On January 14, 2022, I issued a correspondence to revenue agent Julie K. Hersh objecting to the Summons on various grounds. Please allow this correspondence to confirm that Pinnacle will stand on its previously stated objections to the Summons.

Upon review, I note that your June 21 Correspondence does not address any of the objections raised by my client in its January 14, 2022 correspondence to revenue agent Hersh. For clarity and convenience, I reiterate Pinnacle's various grounds for objection to the Summons in

documentation in Pinnacle's possession also constitutes "Confidential Information" within the meaning of Precept 9 of the Code of Professional Conduct promulgated by the Casualty Actuarial Society which is the governing body for actuarial organizations such as Pinnacle. For your convenience, an excerpt containing Article 4 of Pinnacle's Standard Terms and Conditions and a copy of Precept 9 of the Code of Professional Conduct are attached to this response.

Pursuant to Article 4 of Pinnacle's Standard Terms and Conditions, Pinnacle is prohibited from disclosing the Confidential Information of its clients unless such disclosure is pursuant to the terms of a "valid and effective subpoena or order issued by a court of competent jurisdiction, judicial or administrative agency or by a legislative body or committee." Precept 9 states that actuaries such as Pinnacle "shall not disclose to another party any Confidential Information unless authorized to do so by the Principal or required to do so by law". As you are aware, the Summons does not constitute a subpoena or court order. Accordingly, if Pinnacle discloses any confidential information in its possession in response to the Summons, it will be exposed to potential civil liability for violation of its Standard Terms and Conditions as well as potential loss of license and accreditation to serve as actuaries. Therefore, absent a court order mandating that Pinnacle comply with the Summons, Pinnacle will be unable to produce any documents in response to that Summons.

II. The Summons is Objectionable on its Merits.

Even if the contractual and ethical constraints discussed above are satisfied, Pinnacle views its professional obligations to protect the information of its clients as paramount. In that regard, it appears that there are substantial defects in the Summons to which my client objects. These defects preclude compliance with, or enforcement of, the Summons. Specifically, it appears that the Summons may have been issued for an illegitimate purpose. It appears that the Summons requests information that may be irrelevant to the purpose of the Summons. The Summons requests information protected by common law and statutory privileges. Moreover, the Summons is overly broad and unduly burdensome to such an extent that it constitutes an unreasonable search and seizure and the timeline for production of such information is unreasonable. Pinnacle objects to the Summons on each of the aforementioned grounds.

A. Pinnacle objects to the Summons on the Grounds that it has been issued for an illegitimate purpose.

While the Service's power to issue summons may be broad, and while there are many purposes for which the Service may issue a summons, neither the power to summons nor the purpose of a summons is absolute. Specifically, the Service can only issue a summons for one of the enumerated purposes found in Section 7602: (1) to ascertain the correctness of any return; (2) to make a return where none has been filed; (3) to determine the liability of any person for any internal revenue tax; (4) to determine the liability at law or in equity of any transferee or fiduciary or any person for any internal revenue tax; and, (5) to collect any internal revenue tax liability. The IRS may not issue a summons solely for research purposes as a means to enable the IRS to examine other yet-to-be-identified taxpayers. *United States v. Humble Oil & Ref. Co.*, 488 F.2d 953(5th Cir.

1974), *vacated and remanded*, 421 US 943, *aff'd per curiam on remand*, 518.F.2d 747(5th Cir. 1975).

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B. The Summons Appears to Request Irrelevant Information.

Assuming that the IRS has a legitimate purpose for issuing the Summons, Pinnacle also objects to the Summons on the grounds that it seeks the production of a variety of documents which appear to be irrelevant to any possible legitimate purpose for the Summons.

Courts apply a broad interpretation of potential relevance, but that interpretation has its limits. *United States v. Matras*, 487 F.2d 1271, 1275 (8th Cir. 1973). In several cases where courts have declined to enforce a summons for records that lack potential relevance, they reached that conclusion not because the records sought were not potentially relevant to the inquiry, but because the IRS did not adequately demonstrate the potential relevance of the summonsed records. *David H. Tedder & Assocs. v. United States*, 77 F.3d 1166 (9th Cir. 1996).

As discussed above, the fact that Pinnacle is not the taxpayer at issue in the matter for which the Summons was issued places Pinnacle at a disadvantage in its ability to ascertain the ultimate relevancy of each of the IRS's requests in the Summons. Given the voluminous nature of those requests, however, it appears that the vast majority of the requested information is irrelevant to any legitimate purpose the IRS may have for the Summons. Accordingly, Pinnacle objects to the Summons on the grounds that it appears to seek irrelevant information, and respectfully requests that the IRS seek Court enforcement of the Summons so that the Court may ultimately render a determination as to the relevancy of the information requested by the Summons.

C. The Summons Requests Privileged Information

It is axiomatic that a summons is “subject to the traditional privileges and limitations.” *United States v. Euge*, 444 US 707, 714 (1980). Some of the information in Pinnacle’s possession requested by the Summons is, or may be, protected from disclosure by one or more of the following privileges: (1.) the attorney-client privilege; (2.) the attorney work-product doctrine; and (3.) the statutory privilege, which gives limited protection to communications seeking tax advice. *Code Section 7525*.

Please be advised that Pinnacle asserts the protection of each of the aforementioned privileges, as well as any and all other applicable privileges, to the fullest extent possible. Given the breadth of the Summons, however, Pinnacle requires significantly more time than the amount of time allotted in the deadline for compliance with the Summons to assess the applicability of each privilege to the various requests made by the Summons and to document the applicability of each such privilege in a privilege log.

Pinnacle objects to surrendering any privileged information and affirmatively asserts that the IRS is prohibited from enforcing the Summons with respect to privileged information.

D. The Summons is Overly Broad, Unduly Burdensome and Unreasonable.

Lastly, Pinnacle objects to the Summons on the grounds that it is overly broad, unduly burdensome and unreasonable. An IRS summons is overbroad if it does not advise the summoned party what is required of him with sufficient specificity to permit him to respond adequately to the summons. *United States v. Medlin*, 986 F.2d 463, 467 (11th Cir. 1993). Furthermore, an IRS examination is unreasonable and impermissible if it is overbroad, out of proportion to the end sought, or if it is so unrelated to the matter properly under inquiry as to exceed its investigatory power. *Adamowicz v. United States*, 531 F. 3d 151, 157 (2nd Cir. 2008). The requirement that a summons not be overbroad is rooted in the Fourth Amendment protections against unreasonable searches and seizures. *Id.*

As currently written, the Summons is so broad that it effectively requests the disclosure of every record, document or piece of information in Pinnacle’s possession pertaining to Oxford Insurance Company, LLC, over a period of many years. The Summons makes no attempt to limit the type of documents or communications requested or the subject matter of such documents or communications. As discussed above, the breadth and scope of information requested by the Summons cannot plausibly be relevant to any legitimate purpose the IRS may have in issuing the Summons. Additionally, the costs Pinnacle would incur, both in terms of resources and man hours, to comply with this Summons dramatically exceeds any compensation the IRS may be required to statutorily provide upon compliance with the Summons. Moreover, it is completely unreasonable to request compliance with the Summons in the time allotted by the Summons.

When viewed in totality, the Summons is so overbroad as to constitute an unreasonable search and seizure. Accordingly, Pinnacle objects to the Summons as written on the grounds that it is overly broad, unduly burdensome and unreasonable.

III. CONCLUSION

Pinnacle anticipates that this response will motivate the IRS to seek an order from a court of competent jurisdiction compelling Pinnacle to respond to the Summons. Please be advised that Pinnacle intends to assert each of the aforementioned objections to the Summons in any such enforcement action. If a Court enters an order compelling Pinnacle to comply with the Summons, Pinnacle will, of course, have no objection to complying with the same.

Should you have any questions, please feel free to contact me at (309) 828-7331 or via email at christophercox@cfxlegal.com.

Yours Truly,



A. Christopher Cox

CC/jlh
Enclosure

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)	
)	Case No.
Petitioner,)	
)	
v.)	
)	
PINNACLE ACTUARIAL RESOURCES,)	
INC.,)	
)	
Respondent.)	

ORDER TO SHOW CAUSE

Upon the petition of the United States and the Declaration of Revenue Agent Julie K. Hersh, including the exhibits attached thereto,

IT IS HEREBY ORDERED that the respondent, Pinnacle Actuarial Resources, Inc., appear before the Honorable _____, in courtroom _____ in the United States Courthouse, located at _____, on the _____ day of _____, _____, at _____ .m., to show cause why it should not be compelled to obey the Internal Revenue Service summons dated January 13, 2022.

IT IS FURTHER ORDERED that:

1. A copy of this Order, together with the petition and its exhibits, shall be served in accordance with Federal Rules of Civil Procedure 4(e) and (h) upon Pinnacle Actuarial Resources, Inc. (“Respondent”) within thirty (30) days of the date that this Order is served upon counsel for the United States or as soon thereafter as possible. Pursuant to Rule 4.1(a), the Court hereby appoints Revenue Agent Julie K. Hersh, or any other person designated by the Internal

Revenue Service or the United States Department of Justice, to effect service in this case.

Nothing in the paragraph, however, precludes Respondent from waiving personal service.

2. Proof of any service done pursuant to paragraph 1, above, shall be filed with the Clerk as soon as practicable.

3. Because the file in this case reflects a *prima facie* showing that the investigation is being conducted for a legitimate purpose, that the documents may be relevant to that purpose, that the information sought is not already within the possession of the Internal Revenue Service, and that the administrative steps required by the Internal Revenue Code have been substantially followed, the burden of coming forward and opposing the summons has shifted to Respondent.

4. If Respondent has any defense to present or opposition to the petition, such defense or opposition shall be made in writing, filed with the Clerk, and copies served on counsel for the United States at least 21 days prior to the date set for the show cause hearing.¹ The United States may file a reply memorandum, without page limitation, to any opposition at least 7 days prior to the date set for the show cause hearing.

5. At the show cause hearing, only those issues brought into controversy by the responsive pleadings and factual allegations supported by affidavit will be considered. Any uncontested allegation in the petition will be considered admitted.

6. In the alternative, Respondent may notify the Court, in a writing filed with the Clerk and served on counsel for the United States at least 21 days prior to the date set for the show cause hearing, that it has no objection to enforcement of the summons and will comply

¹ In this instance, the Respondent may serve counsel for the United States by: (1) email to james.f.bresnahan@usdoj.gov; (2) overnight mail to James F. Bresnahan, Tax Division, United States Department of Justice, 1275 1st Street, NE, Room 10820, Washington, DC 20002; or (3) by facsimile to 202-514-6770, Attn: James F. Bresnahan.

with the summon in full by the show cause hearing date. Respondent's appearance at the hearing will then be excused.

Respondent is hereby notified that a failure to comply with the terms of this Order may subject it to sanctions for contempt of court.

DONE and ORDERED this _____ day of _____, 2022.

UNITED STATES DISTRICT JUDGE

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by the rules of procedure provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

Tuesday, 13 September 2022 1:34:20 AM
Clerk, U.S. District Court, ILCD

I. (a) PLAINTIFFS: United States of America
(b) County of Residence of First Listed Plaintiff: (EXCEPT IN U.S. PLAINTIFF CASES)
(c) Attorneys (Firm Name, Address, and Telephone Number)
DEFENDANTS: Pinnacle Actuarial Resources, Inc.
County of Residence of First Listed Defendant: McLean
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known): A. Christopher Cox, Cox & Fulk LLC, 202 North Center Street, Bloomington, Illinois 61701; 309-828-7331

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
[X] 1 U.S. Government Plaintiff
[] 2 U.S. Government Defendant
[] 3 Federal Question (U.S. Government Not a Party)
[] 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
PTF DEF
Citizen of This State [] 1 [] 1
Citizen of Another State [] 2 [] 2
Citizen or Subject of a Foreign Country [] 3 [] 3
Incorporated or Principal Place of Business In This State [] 4 [] 4
Incorporated and Principal Place of Business In Another State [] 5 [] 5
Foreign Nation [] 6 [] 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)
CONTRACT: 110 Insurance, 120 Marine, 130 Miller Act, 140 Negotiable Instrument, 150 Recovery of Overpayment & Enforcement of Judgment, 151 Medicare Act, 152 Recovery of Defaulted Student Loans (Excludes Veterans), 153 Recovery of Overpayment of Veteran's Benefits, 160 Stockholders' Suits, 190 Other Contract, 195 Contract Product Liability, 196 Franchise
REAL PROPERTY: 210 Land Condemnation, 220 Foreclosure, 230 Rent Lease & Ejectment, 240 Torts to Land, 245 Tort Product Liability, 290 All Other Real Property
TORTS: PERSONAL INJURY: 310 Airplane, 315 Airplane Product Liability, 320 Assault, Libel & Slander, 330 Federal Employers' Liability, 340 Marine, 345 Marine Product Liability, 350 Motor Vehicle, 355 Motor Vehicle Product Liability, 360 Other Personal Injury, 362 Personal Injury - Medical Malpractice
PERSONAL INJURY: 365 Personal Injury - Product Liability, 367 Health Care/Pharmaceutical Personal Injury Product Liability, 368 Asbestos Personal Injury Product Liability, 370 Other Fraud, 371 Truth in Lending, 380 Other Personal Property Damage, 385 Property Damage Product Liability
PRISONER PETITIONS: Habeas Corpus: 463 Alien Detainee, 510 Motions to Vacate Sentence, 530 General, 535 Death Penalty; Other: 540 Mandamus & Other, 550 Civil Rights, 555 Prison Condition, 560 Civil Detainee - Conditions of Confinement
FORFEITURE/PENALTY: 625 Drug Related Seizure of Property 21 USC 881, 690 Other
LABOR: 710 Fair Labor Standards Act, 720 Labor/Management Relations, 740 Railway Labor Act, 751 Family and Medical Leave Act, 790 Other Labor Litigation, 791 Employee Retirement Income Security Act
IMMIGRATION: 462 Naturalization Application, 465 Other Immigration Actions
BANKRUPTCY: 422 Appeal 28 USC 158, 423 Withdrawal 28 USC 157
INTELLECTUAL PROPERTY RIGHTS: 820 Copyrights, 830 Patent, 835 Patent - Abbreviated New Drug Application, 840 Trademark, 880 Defend Trade Secrets Act of 2016
SOCIAL SECURITY: 861 HIA (1395ff), 862 Black Lung (923), 863 DIWC/DIWW (405(g)), 864 SSID Title XVI, 865 RSI (405(g))
FEDERAL TAX SUITS: 870 Taxes (U.S. Plaintiff or Defendant), 871 IRS—Third Party 26 USC 7609
OTHER STATUTES: 375 False Claims Act, 376 Qui Tam (31 USC 3729(a)), 400 State Reapportionment, 410 Antitrust, 430 Banks and Banking, 450 Commerce, 460 Deportation, 470 Racketeer Influenced and Corrupt Organizations, 480 Consumer Credit (15 USC 1681 or 1692), 485 Telephone Consumer Protection Act, 490 Cable/Sat TV, 850 Securities/Commodities/Exchange, 890 Other Statutory Actions, 891 Agricultural Acts, 893 Environmental Matters, 895 Freedom of Information Act, 896 Arbitration, 899 Administrative Procedure Act/Review or Appeal of Agency Decision, 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)
[X] 1 Original Proceeding
[] 2 Removed from State Court
[] 3 Remanded from Appellate Court
[] 4 Reinstated or Reopened
[] 5 Transferred from Another District (specify)
[] 6 Multidistrict Litigation - Transfer
[] 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 26 U.S.C. §§ 7602, 7609
Brief description of cause: Petition to Enforce Internal Revenue Summons

VII. REQUESTED IN COMPLAINT:
[] CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.
DEMAND \$ Order Enf. Summons
CHECK YES only if demanded in complaint: JURY DEMAND: [] Yes [X] No

VIII. RELATED CASE(S) IF ANY (See instructions):
JUDGE
DOCKET NUMBER

DATE: 9/13/2022 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.