

DOCKETING STATEMENT - TAX COURT

1. Counsel for appellant must file two copies of a docketing statement with all attachments for every case appealed or cross-appealed to the court of appeals within fourteen days of the docketing of the appeal. The docketing statement must be received by the clerk's office within the fourteen days allowed to be deemed timely filed. Copies must be served on the opposing party or parties.
2. The attorney filing the notice of appeal is responsible for filing the docketing statement, even if different counsel will handle the appeal. In the case of multiple appellants represented by separate counsel, the parties must confer and decide who will file the docketing statement. Appellants proceeding pro se may file a docketing statement, but are not required to do so.
3. The docketing statement is not a brief and should not contain argument or motions. The nature of proceedings and relief sought should be stated succinctly. The issues should be expressed in terms and circumstances of the case but without unnecessary detail. Conclusory statements such as "the judgment of the tax court is not supported by the law or facts" are unacceptable. Although a party will not be precluded from raising additional issues, counsel should make every effort to include in the docketing statement all of the issues that will be presented to the Court. The docketing statement will be used in any mediation conducted under Fourth Circuit Local Rule 33. If counsel in a case in which all parties are represented by counsel believes a mediation conference would be beneficial, counsel may make a confidential request for mediation by contacting the Office of the Circuit Mediator directly at (843) 521-4022.
4. Counsel's failure to file the docketing statement within the time set forth above will cause the Court to initiate the process for dismissal of the appeal under Fourth Circuit Local Rule 45.
5. If an opposing party concludes that the docketing statement is in any way inaccurate, incomplete, or misleading, that party should file two copies of any additions or corrections to the docketing statement with the clerk's office within seven (7) days of service of the docketing statement, with copies to all other parties.

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Caption of Case **4CCA Docket No. (IF KNOWN)** _____

Tax Court Docket Number _____ Judge _____

Statute or other authority establishing jurisdiction in the:

Tax Court _____

Court of Appeals _____

A. Timeliness of Appeal

1. Date of entry of judgment or order appealed from _____

2. Date this notice of appeal filed _____

If cross appeal, date first notice of appeal filed _____

B. Finality of Order or Judgment

1. Is the order or judgment appealed from a final decision on the merits? yes () no ()

2. If no, Is the order appealed from a collateral or interlocutory order reviewable under any exception to the finality rule? yes () no ()

If yes, explain

C. Has this case previously been appealed? yes () no ()

If yes, give the case name, docket number, and disposition of each prior appeal on a separate sheet.

D. Are any related cases or cases raising related issues pending in this Court, the Tax Court or the Supreme Court? yes () no ()

If yes, cite the case and manner in which it is related on a separate sheet. If abeyance, consolidation, or in seriatim argument is warranted, counsel must file a separate motion seeking such relief.

If related case is pending in this Court, has it been accepted for mediation by the Office of the Circuit Mediator? yes () no ()

E. State the nature of the suit, the relief sought and the outcome below. Attach additional page if necessary.

F. Issues to be raised on appeal. Attach additional page if necessary.

G. Is settlement being discussed? yes () no ()

H. Is expedited disposition of this case necessary?
yes () no ()

If yes, you must file an appropriate motion.
Is oral argument necessary? yes () no ()

I. List each adverse party to the appeal. Attach additional sheets if necessary. If no attorney, give address and telephone number of the adverse party.

Adverse party _____
Attorney _____
Address _____

Telephone _____

J. List name(s) and address(es) of appellant(s) who filed this notice of appeal and appellant's counsel. Attach additional page if necessary.

Appellant(s) Name _____
Address _____

Telephone _____

Attorney's Name _____
Firm _____
Address _____

Telephone _____

Will you be handling the appeal? yes () no ()

FRAP 12(b) provides that each attorney who files a notice of appeal must file with the clerk of the court of appeals a statement naming each party represented on appeal by that attorney. Any counsel, other than the attorney filing this form, who filed a notice of appeal must provide the requisite statement to be attached to this form.

Signature _____

Date _____

ATTACH:

1. ADDITIONAL PAGES, IF ANY, CONTAINING EXTENDED ANSWERS TO QUESTIONS ON THIS FORM.
2. THE NOTICE OF APPEAL.
3. A COPY OF THE ORDER OR JUDGMENT FROM WHICH THE APPEAL IS TAKEN.
4. ANY OPINION OR FINDINGS.
5. A CERTIFICATE OF SERVICE.