



## Pat Smith quoted in Tax Notes on recent developments in Chamber v. IRS

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May 23, 2018

Ivins attorney Pat Smith was quoted in a *Tax Notes* article (*Final Inversion Regs Coming in June*) on the granting of an extension of time for the Chamber of Commerce to file its reply brief in the Fifth Circuit in *Chamber of Commerce v. IRS*, based on the fact that the IRS and Treasury plan to issue in June a final version of the serial acquisition regulation whose temporary version was invalidated in the district court based on the failure of the IRS and Treasury to comply with the notice and comment requirements in the APA with respect to the issuance of the temporary regulation. The Chamber's motion noted that the issuance of the final version of the regulation could affect the outcome of the challenge to the validity of the temporary regulation. In addition to invalidating the temporary regulation, the district court also held that the challenge to the temporary regulation was not barred by the Anti-Injunction Act.

"Unless the parties jointly agree to dismiss the appeal, it seems to me it would still be necessary for the Fifth Circuit to decide the Anti-Injunction Act issue before deciding what effect, if any, the final rule would have on the district court's holding that the temporary regulation violated the APA notice and comment requirements," Patrick J. Smith of Ivins, Phillips & Barker said.