



# Pat Smith Quoted in Tax Notes on Challenge to Validity of Section 965 Regulations

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Ivins attorney Pat Smith was quoted in *Tax Notes* on a challenge to the validity of the recently issued section 965 regulations that has been filed in D.C. district court. *Israeli Entity Alleges 965 Regs Violate Administrative Law*.

Patrick J. Smith of Ivins, Phillips & Barker Chtd. said the Anti-Injunction Act would likely bar the plaintiffs from reaching the merits of their case.

"There's no doubt in my mind that the government is going to file a motion to dismiss based on the Anti-Injunction Act. With the taxpayer-adverse precedent in the D.C. Circuit in the *Florida Bankers* case, I think there is no chance this will get to the merits," Smith said.

Smith also noted that the suit is technically premature because the final regs, although released publicly, have yet to be published in the Federal Register.

It is under the Regulatory Flexibility Act that Smith said the plaintiffs could have "a decent case" on the merits.