

UNITED STATES TAX COURT
WASHINGTON, DC 20217

TELOS CLO 2007-02, ET AL.,)		
)		
Petitioners,)		
)		
v.)	Docket Nos.	6779-17
)		6786-17
)		
COMMISSIONER OF INTERNAL REVENUE,)		
)		
Respondent)		

ORDER

On June 27, 2018, respondent filed a motion for continuance (respondent's motion). On June 29, 2018, petitioners filed a response to respondent's motion (petitioners' response). On July 5, 2018, respondent filed a reply to petitioners' response (respondent's reply).

After due consideration and for cause, it is

ORDERED that respondent shall file a supplement to respondent's reply in which respondent shall specify why respondent is unwilling to stipulate to be bound by the final decision of the U.S. Court of Appeals for the District of Columbia Circuit in the appeal of Grecian Magnesite, Industrial & Shipping Co., SA v. Commissioner of Internal Revenue, 149 T.C. No. 3 (2017), appeal docketed, No. 17-1268 (D.C. Cir. Dec. 18, 2017) (Grecian Magnesite), with respect to the issue of whether gain or loss of a foreign corporation from the sale or exchange of an interest in a partnership that conducts a trade or business in the U.S. is gain effectively connected with such trade or business or loss allowable to such gain. That is an issue common to the instant cases and Grecian Magnesite. Moreover, the appeal in the instant cases would generally lie to the U.S. Court of Appeals for the District of Columbia Circuit. Such supplement shall be received by the Court on or before July 16, 2018.

**(Signed) Carolyn P. Chiechi
Judge**

Dated: Washington, D.C.
July 6, 2018

SERVED Jul 06 2018