

UNITED STATES TAX COURT  
WASHINGTON, DC 20217

KVC

KUMAR RAJAGOPALAN & SUSAMMA )  
KUMAR, ET AL., )  
 )  
Petitioner(s), )  
 )  
v. ) Docket No. 21394-11, 21575-11.  
 )  
COMMISSIONER OF INTERNAL REVENUE, )  
 )  
Respondent )  
 )  
 )  
 )  
 )

**ORDER**

These cases are on the Court’s June 8, 2015 trial calendar for Birmingham, Alabama. On May 19, 2015 petitioners moved *in limine* for an order to “mandate enforcement of the parties’ prior stipulations that the only issues remaining for trial are (1) valuation and (2) penalties; and further direct the parties to engage in good faith settlement discussions in accordance with the Court’s prior instructions.”

One problem with this is that our cases that wax rhapsodic on the importance of stipulations to the Court’s practice all involve *actual* stipulations -- statements that both parties agree to as true for the purpose of deciding a case and have been properly submitted to the Court. *See* Tax Court Rule 91(b)-(c) (stipulations must be signed and filed with the Court). Proposed stipulations are not actual stipulations, and the Court can’t enforce them by pretending they are.

The more serious point that the Court thinks petitioners are trying to raise is unreasonable behavior by respondent in not settling these cases. The Court doesn’t force parties to settle; it may impose a sanction if a party litigates unreasonably, *see* § 6673, or it may award costs and fees if the government loses and its position was not substantially justified, *see* § 7430. But now, before there is a prevailing party, such actions would be premature.

**SERVED Jun 05 2015**

It is therefore

ORDERED that petitioners' May 19, 2015 motion *in limine* is denied.

**(Signed) Mark V. Holmes**  
**Judge**

Dated: Washington, D.C.  
June 5, 2015