

UNITED STATES TAX COURT
WASHINGTON, DC 20217

LAWRENCE G. GRAEV & LORNA GRAEV,)	
)	
Petitioner(s),)	
)	
v.)	Docket No. 30638-08.
)	
COMMISSIONER OF INTERNAL REVENUE,)	
)	
Respondent)	
)	

ORDER

On November 30, 2016, the Court issued an Opinion in this case sustaining the accuracy-related penalty for substantial understatement of tax. On March 7, 2017, the Court entered a Decision in this case. On March 24, 2017, respondent filed a Motion To Vacate Decision pursuant to Rule 162 in light of the U.S. Court of Appeals for the Second Circuit's holding in Chai v. Commissioner, _F.3d_, 2017 WL 1046108 (2d Cir. March 20, 2017), aff'g in part, rev'g in part T.C. Memo. 2015-42. Respondent indicates in the motion that petitioners have no objection to the granting thereof.

Upon due consideration, it is

ORDERED: That respondent's Motion To Vacate Decision is granted. It is further

ORDERED: That, on or before June 1, 2017, the parties may file supplemental briefs discussing the effect of Chai on the above-docketed case and any other relevant issues.

(Signed) Michael B. Thornton
Judge

Dated: Washington, D.C.
March 30, 2017

SERVED Mar 31 2017