

Kelley Drye Represents NCR in Tax Refund Litigation

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Kelley Drye is representing NCR Corporation in a lawsuit against the federal government to recover telecommunications excise tax improperly imposed on certain long-distance services. As reported in the *Wall Street Journal*, the government has lost 11 similar cases, four at the Court of Appeals' level, and is reportedly considering conceding the issue in other pending cases, in more than 30 of which Kelley Drye is the plaintiff's counsel.

However, in the NCR matter, the government has so far refused to concede, even though it has lost on this issue in the Sixth Circuit, the circuit to which NCR would be appealed. Partner **Joe Boyle** was quoted in *Tax Analysts' Daily Tax Highlights & Documents* stating "The Sixth Circuit has spoken, and its decision has not been disturbed," and that the government's attempt to re-litigate the issue in the NCR matter is baseless.

Partners **Joseph Boyle** and **Jack Miles** are handling the matter.