

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

DONALD D. MARTIN, JR., <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 13-834C
	)	(Judge Patricia Campbell-Smith)
THE UNITED STATES,	)	
	)	
Defendant.	)	

**JOINT STATUS REPORT**

Pursuant to the Court’s order dated March 10, 2017, the parties respectfully submit this status report regarding the parties’ efforts to calculate the amount of liquidated damages due each collective action member pursuant to the Court’s prior decisions.

The parties’ previous status report was submitted on January 22, 2019. As previously reported, the partial government shutdown prevented the Government from working on the damage calculations. The partial shutdown ended on January 25, 2019, and the Government has resumed the damage calculations process.

Counsel for defendant is continuing to work with the agencies to obtain necessary payroll data as expeditiously as possible. Counsel for defendant states that it has received from the agencies the necessary payroll data for the vast majority of collective action members. The payroll data still being sought from the agencies fall into three categories: (1) payroll data previously requested but not yet provided; (2) payroll data not previously sought because the collective action member did not provide sufficient identifying information; and (3) payroll data to verify an agency’s report that a collective action member was not eligible for damages because the individual was either FLSA exempt or did not work during the shutdown. The

amount of this outstanding payroll data has been reduced significantly, and counsel for defendant is working diligently to obtain the remaining data.

Counsel for plaintiffs continues to work to provide defendant with the remaining requested identifying information for the plaintiffs whom defendant could not initially identify, so that defendant may then request and obtain the requisite payroll data from the cognizant agencies. In addition, counsel for plaintiffs is contacting certain plaintiffs whom the consultant has preliminarily determined are not due liquidated damages, in order to advise the plaintiffs of that determination and to obtain any additional information that the consultant should consider. Once the parties agree upon the methodology, and all outstanding data are collected, the consultant can then calculate the amount of liquidated damages that the plaintiffs may be due.

Pursuant to the Court's order, the parties will submit a joint status report on March 22, 2019, to further update the Court on the parties' damages calculation efforts.

Respectfully submitted,

s/Heidi R. Burakiewicz  
HEIDI R. BURAKIEWICZ  
Kalijarvi, Chuzi, Newman  
& Fitch, P.C.  
818 Connecticut Avenue, N.W.  
Suite 1000  
Washington, D.C. 20006  
(202) 331-9260

Steven A. Skalet  
Michael Lieder

Mehri & Skalet PLLC  
1250 Connecticut Avenue NW  
Suite 300  
Washington, DC 20036  
(202) 822-5100

Attorneys for Plaintiffs

JOSEPH H. HUNT  
Assistant Attorney General

ROBERT E. KIRSCHMAN, JR.  
Director

s/Reginald T. Blades, Jr.  
REGINALD T. BLADES, JR.  
Assistant Director

s/Joseph E. Ashman  
JOSEPH E. ASHMAN  
Senior Trial Counsel

ERIN K. MURDOCK-PARK  
Trial Attorney  
Commercial Litigation Branch  
Civil Division  
Department of Justice  
P.O. Box 480  
Ben Franklin Station  
Washington, D.C. 20044  
(202) 353-7578  
joseph.ashman@usdoj.gov

Attorneys for Defendant

February 21, 2019