

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

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| 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 November 26, 2019, Dkt. No. 203, the parties respectfully submit this status report regarding the parties’ efforts to calculate the amount of liquidated damages that may be due each collective action member pursuant to the Court’s prior decisions.

The parties’ previous status report was submitted on January 8, 2020.¹ Dkt. No. 204. As advised in that status report, defendant thereafter filed its motion to dismiss, or alternatively, for summary judgment, on the claims of the 2,410 plaintiffs (1) who have not been identified sufficiently for the Government to confirm their employment during the 2013 lapse in appropriations, or (2) that defendant’s consultants have determined are ineligible for damages. Dkt No. 205. Plaintiffs requested a 60-day extension to respond to this motion and to object; defendant will not oppose a single, 60-day extension, provided there are no further extensions for this purpose. In addition, on February 6, 2020, the parties filed a joint stipulation of dismissal, with prejudice, of the 1,050 duplicative claims that defendant originally intended to include in its motion to dismiss. Dkt. No. 208.

¹ The parties intended to file this status report on February 7, 2020, in accordance with the Court’s order and their last status report. The parties had a miscommunication regarding the filing of the status report and apologize to the Court that this filing is two days late due to their miscommunication.

The parties continue to finalize the methodology and damages for the remaining individuals who may be eligible for damages. Particularly, although the parties have likely agreed to the methodology for calculating liquidated damages for individuals who did not work overtime between October 1-5, 2013, they continue to finalize the methodology and damages for the approximately 2,617 individuals who worked some measure of overtime during that time. Further, there remain 12 individuals for whom their respective agencies are unable to provide requested data, and the parties are working on a methodology for determining damages calculations for those 12 individuals. In addition, the parties are in the process of reaching agreement on how to resolve the issue of the amount of reasonable attorney fees to which plaintiffs may be entitled pursuant to the Fair Labor Standards Act.

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General

ROBERT E. KIRSCHMAN, JR.
Director

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

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

s/Erin K. Murdock-Park
ERIN K. MURDOCK-PARK
ANN C. MOTTO
Trial Attorneys
Commercial Litigation Branch
Civil Division
Department of Justice
P.O. Box 480
Ben Franklin Station
Washington, D.C. 20044
(202) 616-3753
erin.k.murdock-park@usdoj.gov
Attorneys for Defendant

February 9, 2020