



**UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT**  
717 MADISON PLACE, N.W.  
WASHINGTON, D.C. 20439

PETER R. MARKSTEINER  
CLERK OF COURT

CLERK'S OFFICE  
202-275-8000

August 27, 2021

**NOTICE OF DOCKETING**

**Federal Circuit Docket No.:** 2021-2255

**Federal Circuit Short Caption:** Martin v. US

**Date of Docketing:** August 27, 2021

**Originating Tribunal:** United States Court of Federal Claims

**Originating Case No.:** 1:13-cv-00834-PEC

**Appellant:** United States

A notice of appeal has been filed and assigned the above Federal Circuit case number. The court's official caption is included as an attachment to this notice. Unless otherwise noted in the court's rules, the assigned docket number and official caption or short caption must be included on all documents filed with this Court. It is the responsibility of all parties to review the Rules for critical due dates. The assigned deputy clerk is noted below and all case questions should be directed to the Case Management section at (202) 275-8055.

The following filings are due within 14 days of this notice:

- [Entry of Appearance](#) or [Notice of Unrepresented Person](#). (Fed. Cir. R. 47.3.)
- [Certificate of Interest](#). (Fed. Cir. R. 47.4; not required for unrepresented and federal government parties unless disclosing information under Fed. Cir. R. 47.4(a)(6))
- [Docketing Statement](#). Note: The Docketing Statement is due in 30 days if the United States or its officer or agency is a party in the appeal. (Fed. Cir. R. 33.1 and the [Mediation Guidelines](#); no docketing statement is required in cases with an unrepresented party)

- [Statement Concerning Discrimination](#) in MSPB or arbitrator cases. (Fed. Cir. R. 15(c); completed by petitioner only)
- Fee payment or appropriate fee waiver request, if the docketing fee was not prepaid (see Fee Payment below).

**FILING DOCUMENTS:** Each counsel representing a party must be a member of the court's bar and registered for the court's electronic filing system. Parties represented by counsel must make all filings through the court's electronic filing system.

Unrepresented parties may choose to submit case filings to the court either in paper or through the court's electronic filing system; electronic filing will only be permitted for unrepresented parties after successful registration for the court's electronic filing system and submission of a completed Notice of Unrepresented Person Appearance. Fed. Cir. R. 25(a). The court's Electronic Filing Procedures may be accessed at [www.cafc.uscourts.gov/contact/clerks-office/filing-resources](http://www.cafc.uscourts.gov/contact/clerks-office/filing-resources).

**CONTACT INFORMATION:** Electronic filers, or unrepresented parties registered to receive electronic service, must update their contact information in their PACER service center profile whenever their contact information changes. Counsel must file an amended Entry of Appearance and unrepresented parties must file an amended Notice of Unrepresented Person Appearance whenever contact information changes. Fed. Cir. R. 25(a)(5).

**FEE PAYMENT:** Unless the filing fee was prepaid, fee payment must be submitted within fourteen days after this notice. Fed. Cir. R. 52(d). For outstanding docketing fees due to this court, electronic filers must pay the fee using the event Pay Docketing Fee through the court's electronic filing system. Fed. Cir. R. 52(e). Docketing fees due to other courts, such as U.S. District Courts, the U.S. Court of Appeals for Veterans Claims, and non-vaccine cases at the U.S. Court of Federal Claims, must be submitted to those courts in accordance with their procedures. A filer wishing to proceed without fee payment must submit a motion for leave to proceed in forma pauperis, or other fee waiver request, within fourteen days.

**OFFICIAL CAPTION:** The court's official caption is attached and reflects the lower tribunal's caption pursuant to Fed. R. App. P. 12(a), 15(a), and 21(a). Please review the caption carefully and promptly advise this court in writing of any improper or inaccurate designations.

/s/ Peter R. Marksteiner  
Peter R. Marksteiner  
Clerk of Court

By: E. Dumont, Deputy Clerk

**Attachments:**

- Official caption
- Paper Copies of General Information and Forms (to unrepresented parties only):
  - [General Information and Overview of a Case in the Federal Circuit](#)
  - [Notice of Unrepresented Person Appearance](#)
  - [Informal Brief](#)
  - [Informal Reply Brief](#) (to be completed only after receiving the opposing party's response brief)
  - [Motion and Affidavit for Leave to Proceed in Forma Pauperis](#) (only to filers owing the docketing fee)
  - [Supplemental in Forma Pauperis Form for Prisoners](#) (only to filers in a correctional institution)
  - [Statement Concerning Discrimination](#) (only to petitioners in MSPB or arbitrator case)

cc: United States Court of Federal Claims

**Official Caption**

**DONALD MARTIN, JR., PATRICIA A. MANBECK, JEFF ROBERTS, JOSE  
ROJAS, RANDALL SUMNER,**  
*Plaintiffs-Appellees*

v.

**UNITED STATES,**  
*Defendant-Appellant*

**Short Caption**

Martin v. US

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.	)	

**DEFENDANT’S NOTICE OF APPEAL**

Pursuant to Rule 58.1 of the Rules of the United States Court of Federal Claims, notice is hereby given that defendant, the United States, appeals to the United States Court of Appeals for the Federal Circuit from this Court’s Opinion and Order dated February 13, 2017, and resulting Judgment entered on June 16, 2021, in the above-captioned case.

Respectfully submitted,

BRIAN M. BOYNTON  
Acting Assistant Attorney General

MARTIN F. HOCKEY, JR.  
Acting Director

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

s/ Ann C. Motto  
ANN C. MOTTO  
Trial Attorney  
Commercial Litigation Branch  
Civil Division  
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APPEAL,CLASS,ECF

**US Court of Federal Claims  
United States Court of Federal Claims (COFC)  
CIVIL DOCKET FOR CASE #: 1:13-cv-00834-PEC**

MARTIN et al v. USA  
Assigned to: Judge Patricia E. Campbell-Smith  
Cause: 28:1491 Tucker Act

Date Filed: 10/24/2013  
Jury Demand: None  
Nature of Suit: 304 Civilian Pay – FLSA  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**DONALD MARTIN, JR.**

represented by **Heidi Rhodes Burakiewicz**  
Kalijarvi, Chuzy, Newman & Fitch, P.C.  
818 Connecticut Avenue, NW  
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Email: [hburakiewicz@kcnlaw.com](mailto:hburakiewicz@kcnlaw.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**PATRICIA A. MANBECK**

represented by **Heidi Rhodes Burakiewicz**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**JEFF ROBERTS**

represented by **Heidi Rhodes Burakiewicz**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**JOSE ROJAS**

represented by **Heidi Rhodes Burakiewicz**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**RANDALL SUMNER**

represented by **Heidi Rhodes Burakiewicz**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**USA**

represented by **Ann Camille Motto**  
U.S. Department of Justice – Civil  
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**LEAD ATTORNEY**  
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**Erin Kathleen Murdock-Park**

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 TERMINATED: 06/29/2021  
 ATTORNEY TO BE NOTICED

**Joseph Edward Ashman**

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 TERMINATED: 08/05/2019

**Robert C. Bigler**

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 TERMINATED: 01/10/2014

**Sharon Ann Snyder**

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 TERMINATED: 02/27/2015

Date Filed	#	Docket Text
10/24/2013	<u>1</u>	COMPLAINT against USA(VAR). (Filing fee \$400, Receipt number 075831) (Copy Served Electronically on Department of Justice), filed by All Plaintiffs. <b>Answer due by 12/23/2013.</b> (Attachments: # <u>1</u> Civil Cover Sheet)(bre) (Entered: 10/25/2013)
10/24/2013	<u>2</u>	NOTICE of Assignment to Judge Susan G. Braden. (bre) (Entered: 10/25/2013)
10/24/2013	<u>3</u>	NOTICE of Designation of Electronic Case. (bre) (Entered: 10/25/2013)
10/24/2013	<u>4</u>	ORDER: This case has been designated as an electronic case in the court's case management/electronic case filing (CM/ECF) system. In addition to complying with the courts policy concerning CM/ECF, contained in Appendix E to the Rules of the Court and the Notice of Designation filed by the Clerks Office, counsel are directed to provide a hard copy of all filings that exceed 100 pages, including any appendices or exhibits. The hard copy shall be delivered to the Clerks Office for delivery to chambers

		and shall be addressed in a manner to ensure prompt delivery to the undersignedschambers. All filings shall comply with the courts rules which are available on the court's websit at www.uscfc.uscourts.gov. Signed by Judge Susan G. Braden. (bre) Copy to parties. (Entered: 10/25/2013)
10/30/2013	<u>5</u>	NOTICE of Appearance by Robert C. Bigler for USA . (Bigler, Robert) (Entered: 10/30/2013)
10/31/2013		Minute Entry – Was proceeding sealed to the public: n. Proceeding held in Washington, DC on 10/31/2013 before Judge Susan G. Braden: Telephone Conference. [Total number of days of proceeding: 1]. Official Record of proceeding taken via electronic digital recording (EDR). To order a certified transcript or an audio copy of the proceeding (click <a href="#">HERE</a> )(mre) (Entered: 10/31/2013)
11/01/2013	<u>6</u>	ORDER STAYING CASE Signed by Judge Susan G. Braden. (mre) Copy to parties. (Entered: 11/01/2013)
11/01/2013	<u>7</u>	ORDER TRANSFERRING CASE to Chief Judge Patricia E. Campbell–Smith. Signed by Judge Susan G. Braden. (mre) Copy to parties. (Entered: 11/01/2013)
11/04/2013	<u>8</u>	NOTICE of Reassignment. Case reassigned to Chief Judge Patricia E. Campbell–Smith for all further proceedings. Judge Susan G. Braden no longer assigned to the case. (dls) (Entered: 11/04/2013)
12/05/2013	<u>9</u>	STATUS REPORT ORDER <b>Status Report due by 2/4/2014</b> Signed by Chief Judge Patricia E. Campbell–Smith. (svw) Copy to parties. (Entered: 12/05/2013)
01/10/2014	<u>10</u>	NOTICE of Appearance by Sharon Ann Snyder for USA . (Snyder, Sharon) (Entered: 01/10/2014)
01/22/2014	<u>11</u>	JOINT STATUS REPORT , filed by USA. (Snyder, Sharon) (Entered: 01/22/2014)
01/23/2014	<u>12</u>	ORDER LIFTING STAY, SCHEDULING ORDER:(Amended Pleadings due by 1/27/2014, Answer due by 2/10/2014.) Signed by Chief Judge Patricia E. Campbell–Smith. (svw) Copy to parties. (Entered: 01/23/2014)
01/27/2014	<u>13</u>	<b>**SEALED** AMENDED COMPLAINT</b> against USA, filed by All Plaintiffs. <b>.Answer due by 2/13/2014.</b> (Attachments: # <u>1</u> Exhibit Attachment A, # <u>2</u> Exhibit Attachment B, # <u>3</u> Exhibit Attachment B, # <u>4</u> Exhibit Attachment B, # <u>5</u> Exhibit Attachment B, # <u>6</u> Exhibit Attachment B)(Burakiewicz, Heidi) Modified on 4/8/2014—document sealed (jb). (Entered: 01/27/2014)
01/28/2014	<u>14</u>	MOTION to Certify Class , filed by All Plaintiffs. <b>Response due by 2/14/2014.</b> (Attachments: # <u>1</u> Exhibit Exhibit A to Motion, # <u>2</u> Exhibit Exhibit B to Motion, # <u>3</u> Brief in Support of Plaintiff's Motions to..., # <u>4</u> Affidavit, # <u>5</u> Affidavit, # <u>6</u> Affidavit, # <u>7</u> Affidavit, # <u>8</u> Affidavit, # <u>9</u> Affidavit, # <u>10</u> Affidavit, # <u>11</u> Affidavit, # <u>12</u> Affidavit, # <u>13</u> Affidavit, # <u>14</u> Affidavit, # <u>15</u> Affidavit, # <u>16</u> Affidavit, # <u>17</u> Affidavit, # <u>18</u> Affidavit, # <u>19</u> Text of Proposed Order, # <u>20</u> Certificate of Service)(Burakiewicz, Heidi) (Entered: 01/28/2014)
01/29/2014	<u>15</u>	ORDER Setting Hearing on Motion <u>14</u> MOTION to Certify Class : <b>Oral Argument set for 3/17/2014 10:00 AM in National Courts Building before Chief Judge Patricia E. Campbell–Smith.</b> Signed by Chief Judge Patricia E. Campbell–Smith. (svw) Copy to parties. (Entered: 01/29/2014)
02/05/2014	<u>16</u>	MOTION for Extension of Time until 3/11/2014 to File Answer re <u>13</u> Amended Complaint, , filed by USA. <b>Response due by 2/24/2014.</b> (Snyder, Sharon) (Entered: 02/05/2014)
02/05/2014	<u>17</u>	MOTION for Extension of Time until 05/16/14 to File Response as to <u>14</u> MOTION to Certify Class , <u>15</u> Order Setting Oral Argument/Hearing on Motion, , filed by USA. <b>Response due by 2/24/2014.</b> (Snyder, Sharon) (Entered: 02/05/2014)
02/05/2014	<u>18</u>	ORDER <b>Notice of Compliance due by 2/19/2014.</b> Signed by Chief Judge Patricia E. Campbell–Smith. (svw) Copy to parties. (Entered: 02/05/2014)
02/06/2014	<u>19</u>	ORDER suspending deadlines Signed by Chief Judge Patricia E. Campbell–Smith. (svw) Copy to parties. (Entered: 02/06/2014)



02/14/2014	<u>20</u>	RESPONSE to <u>16</u> MOTION for Extension of Time until 3/11/2014 to File Answer re <u>13</u> Amended Complaint, , <u>17</u> MOTION for Extension of Time until 05/16/14 to File Response as to <u>14</u> MOTION to Certify Class , <u>15</u> Order Setting Oral Argument/Hearing on Motion, <i>in opposition to Defendant's motion for extension of time</i> , filed by All Plaintiffs. <b>Reply due by 2/24/2014.</b> (Burakiewicz, Heidi) (Entered: 02/14/2014)
02/14/2014	<u>21</u>	ORDER Cancelling Hearing ( <b>3/17/2014</b> ) Signed by Chief Judge Patricia E. Campbell-Smith. (svw) Copy to parties. (Entered: 02/14/2014)
02/19/2014		Minute Entry – Was proceeding sealed to the public: No. Proceeding held in Washington, DC on 2/19/2014 before Chief Judge Patricia E. Campbell-Smith: Status Conference. [Total number of days of proceeding: 1]. Official Record of proceeding taken via electronic digital recording (EDR). To order a certified transcript or an audio copy of the proceeding (click <a href="#">HERE</a> )(svw) (Entered: 02/19/2014)
02/19/2014	<u>22</u>	ORDER granting <u>16</u> Motion for Extension of Time to Answer,(Answer due by 3/11/2014.); deferring ruling on <u>17</u> Motion for Extension of Time to File Response (Response to defendant's motion due by 4/11/2014., Reply due by 5/2/2014., Hearing set for 5/9/2014 10:00 AM in National Courts Building before Chief Judge Patricia E. Campbell-Smith.) Signed by Chief Judge Patricia E. Campbell-Smith. (svw) Copy to parties. (Entered: 02/19/2014)
03/11/2014	<u>23</u>	MOTION to Dismiss pursuant to Rule 12(b)(6) <i>and Motion To Transfer</i> , filed by USA. <b>Response due by 4/11/2014.</b> (Snyder, Sharon) (Entered: 03/11/2014)
04/01/2014	<u>24</u>	NOTICE of Additional Authority (Attachments: # <u>1</u> Exhibit)(Snyder, Sharon) (Entered: 04/01/2014)
04/09/2014	<u>25</u>	REDACTED DOCUMENT, filed by All Plaintiffs redacting <u>13</u> Amended Complaint, . (**SEALED** pursuant to 11/06/2015 Order – Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B1, # <u>3</u> Exhibit B2, # <u>4</u> Exhibit B3, # <u>5</u> Exhibit B4, # <u>6</u> Exhibit B5)(Burakiewicz, Heidi) Modified on 11/6/2015 (jt1). (Entered: 04/09/2014)
04/11/2014	<u>26</u>	RESPONSE to <u>23</u> MOTION to Dismiss pursuant to Rule 12(b)(6) <i>and Motion To Transfer</i> , filed by All Plaintiffs. <b>Reply due by 4/28/2014.</b> (Attachments: # <u>1</u> Appendix App. A1-4: DOL Fact Sheet #70, # <u>2</u> Appendix App. A5: Salary Tables)(Burakiewicz, Heidi) (Entered: 04/11/2014)
05/02/2014	<u>27</u>	REPLY to Response to Motion re <u>23</u> MOTION to Dismiss pursuant to Rule 12(b)(6) <i>and Motion To Transfer</i> , filed by USA. (Snyder, Sharon) (Entered: 05/02/2014)
05/07/2014	<u>28</u>	ORDER re: uploading of future audio recordings. Signed by Chief Judge Patricia E. Campbell-Smith. (ps) Copy to parties. (Entered: 05/07/2014)
05/08/2014	<u>29</u>	MOTION for Leave to File Second Amended Complaint , filed by All Plaintiffs. <b>Response due by 5/27/2014.</b> (**SEALED** pursuant to 11/06/2015 Order –Attachment: # <u>1</u> Exhibit Second Amended Complaint), (Attachments # <u>2</u> Exhibit Redline Comparing Second Amended Complaint to First Amended Complaint, # <u>3</u> Text of Proposed Order Proposed Order)(Burakiewicz, Heidi) Modified on 11/6/2015 (jt1). (Entered: 05/08/2014)
05/09/2014	<u>30</u>	**Sealed**DIGITAL AUDIO RECORDING of Proceedings held on 02/19/2014 before Judge Campbell-Smith. (ps) (Entered: 05/09/2014)
05/09/2014		Minute Entry – Was the proceeding sealed to the public no. Proceeding held in Washington, DC on 5/9/2014. before Chief Judge Patricia E. Campbell-Smith: Hearing, Oral Argument. [Total number of days of proceeding: 1]. Official record of proceeding taken by court reporter. To order a certified transcript or an audio copy of the proceeding (click <a href="#">HERE</a> )(svw) (Entered: 05/09/2014)
05/14/2014	<u>31</u>	Unopposed MOTION to Supplement Pleadings – Rule 15(d) re: <i>Oral Argument</i> , filed by USA. <b>Response due by 6/2/2014.</b> (Attachments: # <u>1</u> Exhibit)(Snyder, Sharon) (Entered: 05/14/2014)
05/14/2014	<u>32</u>	ORDER granting <u>31</u> Motion to Supplement Pleadings – Rule 15(d) <b>Plaintiffs' response due by 5/21/2014</b> Signed by Chief Judge Patricia E. Campbell-Smith. (svw) Copy to parties. (Entered: 05/14/2014)

05/21/2014	<u>33</u>	RESPONSE to <i>Defendants Supplementary Information</i> , filed by All Plaintiffs. (Burakiewicz, Heidi) (Entered: 05/21/2014)
05/27/2014	<u>34</u>	RESPONSE to <u>29</u> Motion for Leave to File, <i>Second Amended Complaint</i> , filed by USA. (Snyder, Sharon) (Entered: 05/27/2014)
05/30/2014	<u>35</u>	Notice Of Filing Of Certified Transcript for proceedings held on May 9, 2014 in Washington, DC. (dw1) (Entered: 05/30/2014)
05/30/2014	<u>36</u>	TRANSCRIPT of Proceedings held on May 9, 2014 before Chief Judge Patricia Campbell-Smith. Total No. of Pages: 1-90. <u>Procedures Re: Electronic Transcripts and Redactions</u> . To purchase a copy, contact the clerk's office at (202) 357-6414. Notice of Intent to Redact due 6/6/2014. Redacted Transcript Deadline set for 6/30/2014. Release of Transcript Restriction set for 8/28/2014. (dw1) (Entered: 05/30/2014)
06/02/2014	<u>37</u>	REPORTED ORDER granting <u>29</u> Motion for Leave to File Second Amended Complaint. Signed by Chief Judge Patricia E. Campbell-Smith. (svw) Copy to parties. (Entered: 06/02/2014)
07/31/2014	<u>38</u>	REPORTED OPINION granting in part and denying in part <u>23</u> Motion to Dismiss - Rule 12(b)(6). Signed by Chief Judge Patricia E. Campbell-Smith. (svw) Copy to parties. (Entered: 07/31/2014)
07/31/2014	<u>39</u>	STATUS REPORT ORDER <b>Status Report due by 8/14/2014. Defendant's Response to Motion to Conditionally Certify Collective Action due by 9/2/2014</b> Signed by Chief Judge Patricia E. Campbell-Smith. (svw) Copy to parties. (Entered: 07/31/2014)
08/14/2014	<u>40</u>	JOINT STATUS REPORT , filed by USA. (Snyder, Sharon) (Entered: 08/14/2014)
08/15/2014	<u>41</u>	SCHEDULING ORDER: <b>Answer due by 9/19/2014. Status Report due by 9/19/2014</b> Signed by Chief Judge Patricia E. Campbell-Smith. (svw) Copy to parties. (Entered: 08/15/2014)
09/19/2014	<u>42</u>	ANSWER to <u>13</u> Amended Complaint, , filed by USA. <b>JPSR due by 11/10/2014.</b> (Snyder, Sharon) (Entered: 09/19/2014)
09/19/2014	<u>43</u>	JOINT STATUS REPORT , filed by All Plaintiffs. (Burakiewicz, Heidi) (Entered: 09/19/2014)
09/23/2014	<u>44</u>	ORDER finding as moot <u>17</u> Motion for Extension of Time to File Response. <b>Stipulation and proposed order due by 10/10/2014. Liquidated damages discovery closes 5/25/2015.</b> Signed by Chief Judge Patricia E. Campbell-Smith. (vl) Copy to parties. (Entered: 09/23/2014)
10/10/2014	<u>45</u>	STIPULATION <i>As to Conditional Certification</i> , filed by All Plaintiffs. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Notice as to Conditional Certification (Primary), # <u>3</u> Notice as to Conditional Certification (Secondary), # <u>4</u> Consent to Join Form)(Burakiewicz, Heidi) (Entered: 10/10/2014)
10/16/2014	<u>46</u>	ORDER granting <u>14</u> Motion to Certify Class and the parties' request in <u>45</u> stipulation as to conditional certification. Defendant's status report due on or before 11/17/2014. Signed by Chief Judge Patricia E. Campbell-Smith. (vl) Copy to parties. (Entered: 10/16/2014)
11/12/2014	<u>47</u>	SCHEDULING ORDER: <b>Joint Status Report due by 11/17/2014.</b> Signed by Chief Judge Patricia E. Campbell-Smith. (vl) Copy to parties. (Entered: 11/12/2014)
11/17/2014	<u>48</u>	JOINT STATUS REPORT , filed by All Plaintiffs. (Burakiewicz, Heidi) (Entered: 11/17/2014)
11/17/2014	<u>49</u>	STATUS REPORT , filed by USA. (Snyder, Sharon) (Entered: 11/17/2014)
11/20/2014	<u>50</u>	STATUS REPORT ( <i>CORRECTED</i> ), filed by USA. (Snyder, Sharon) (Entered: 11/20/2014)
11/26/2014	<u>51</u>	MEMORANDUM, filed by All Plaintiffs. (Attachments: # <u>1</u> Declaration of Chad Homberg, # <u>2</u> Declaration of Gregory Mullen, # <u>3</u> Declaration of Peggy Valenza, # <u>4</u> Declaration of Ella Martin, # <u>5</u> Declaration of Dean Parker, # <u>6</u> Declaration of Michael Lieder)(Burakiewicz, Heidi) (Entered: 11/26/2014)

12/04/2014	<u>52</u>	Unopposed MOTION for Extension of Time until 12/19.2014 to <i>Respond To Plaintiffs' Challenge To Government's Assertions Regarding The Department of Defense</i> , filed by USA. <b>Response due by 12/22/2014.</b> (Snyder, Sharon) (Entered: 12/04/2014)
12/05/2014	<u>53</u>	ORDER granting <u>52</u> Defendant's Motion for Extension of Time. <b>Defendant shall file its response on or before Friday, 12/19/2014.</b> Signed by Chief Judge Patricia E. Campbell-Smith. (vl) Copy to parties. (Entered: 12/05/2014)
12/15/2014	<u>54</u>	STATUS REPORT , filed by USA. (Snyder, Sharon) (Entered: 12/15/2014)
12/16/2014	<u>55</u>	SCHEDULING ORDER: <b>Defendant's Revised Status Report due by 1/30/2015.</b> Signed by Chief Judge Patricia E. Campbell-Smith. (vl) Copy to parties. (Entered: 12/16/2014)
12/19/2014	<u>56</u>	RESPONSE to <i>Plaintiffs' Challenge To The Government's Assertions That Notice Should Not Be Sent To Department of Defense FLSA Non-Exempt Excepted Employees</i> , filed by USA. (Snyder, Sharon) (Entered: 12/19/2014)
12/19/2014	<u>57</u>	STATUS REPORT ORDER: <b>Defendant shall include additional updates in its revised status report, due by 1/30/15.</b> Signed by Chief Judge Patricia E. Campbell-Smith. (vl) Copy to parties. (Entered: 12/19/2014)
12/23/2014	<u>58</u>	STATUS REPORT ( <i>Corrected</i> ), filed by USA. (Snyder, Sharon) (Entered: 12/23/2014)
01/30/2015	<u>59</u>	STATUS REPORT , filed by USA. (Snyder, Sharon) (Entered: 01/30/2015)
02/04/2015	<u>60</u>	STATUS REPORT ORDER: <b>The parties shall file a Joint Status Report on or before 2/10/2015.</b> Signed by Chief Judge Patricia E. Campbell-Smith. (vl) Copy to parties. (Entered: 02/04/2015)
02/10/2015	<u>61</u>	JOINT STATUS REPORT , filed by USA. (Snyder, Sharon) (Entered: 02/10/2015)
02/11/2015	<u>62</u>	SCHEDULING ORDER: <b>Based on the representations in 61 Joint Status Report, the parties shall file the forms as proposed by 2/20/2015; defendant shall file a status report as indicated by 3/3/2015.</b> Signed by Chief Judge Patricia E. Campbell-Smith. (vl) Copy to parties. (Entered: 02/11/2015)
02/20/2015	<u>63</u>	JOINT STATUS REPORT , filed by USA. (Snyder, Sharon) (Entered: 02/20/2015)
02/24/2015	<u>64</u>	ORDER approving proposed notice form and revised consent to join form, as filed by the parties in <u>63</u> <i>Joint Status Report</i> . On or before 3/3/15, the parties shall separately file the alternative notice form under seal as directed herein. Signed by Chief Judge Patricia E. Campbell-Smith. (vl) Copy to parties. (Entered: 02/24/2015)
02/27/2015	<u>65</u>	NOTICE of Appearance by Joseph Edward Ashman for USA . (Ashman, Joseph) (Entered: 02/27/2015)
03/03/2015	<u>66</u>	STATUS REPORT , filed by USA. (Ashman, Joseph) (Entered: 03/03/2015)
03/04/2015	<u>67</u>	ORDER (1) granting defendant's proposed, unopposed schedule for government-wide distribution of notice as set forth in <u>66</u> <i>Status Report</i> ; (2) establishing certain collective action dates relevant to notice distribution; and (3) directing filing of stipulation by 3/26/2015. Signed by Chief Judge Patricia E. Campbell-Smith. (vl) Copy to parties. (Entered: 03/04/2015)
03/04/2015	<u>68</u>	SCHEDULING ORDER: On or before 3/10/15, the parties shall file the alternative notice form under seal as directed herein. Signed by Chief Judge Patricia E. Campbell-Smith. (vl) Copy to parties. (Entered: 03/04/2015)
03/10/2015	<u>69</u>	<b>**SEALED**</b> JOINT STATUS REPORT , filed by USA. (Ashman, Joseph) (Entered: 03/10/2015)
03/13/2015	<u>70</u>	<b>**SEALED**</b> JOINT STATUS REPORT , filed by USA. (Ashman, Joseph) (Entered: 03/13/2015)
03/13/2015	<u>71</u>	<b>**SEALED**</b> ORDER re: <u>70</u> <i>Joint Status Report</i> . Signed by Chief Judge Patricia E. Campbell-Smith. (vl) Copy to parties. (Entered: 03/13/2015)

03/23/2015	<u>72</u>	STIPULATION <i>Setting Forth Dates Identified From The Establishment Of The Notice Date</i> , filed by USA. (Ashman, Joseph) (Entered: 03/23/2015)
03/24/2015	<u>73</u>	ORDER adopting dates from <u>72</u> STIPULATION <i>Setting Forth Dates Identified From The Establishment Of The Notice Date</i> . On or before 3/31/2015, the parties may file a Joint Stipulation regarding the appropriate filing deadline for consent forms, as explained herein. Signed by Chief Judge Patricia E. Campbell-Smith. (vl) Copy to parties. (Entered: 03/24/2015)
03/30/2015	<u>74</u>	**SEALED**Unopposed MOTION to Amend/Correct <i>Alternative Notice</i> , filed by USA. <b>Response due by 4/16/2015</b> . (Ashman, Joseph) (Entered: 03/30/2015)
03/31/2015	<u>75</u>	**SEALED** ORDER granting <u>74</u> <i>Motion to Amend/Correct</i> . Signed by Chief Judge Patricia E. Campbell-Smith. (vl) Copy to parties. (Entered: 03/31/2015)
03/31/2015	<u>76</u>	Unopposed MOTION for Extension of Time until April 14, 2015 to Effectuate Notice of Certain Potential Collective Action Members , filed by USA. <b>Response due by 4/17/2015</b> .(Ashman, Joseph) (Entered: 03/31/2015)
03/31/2015	<u>77</u>	NOTICE, filed by USA <i>Regarding the Date by which Properly Executed Consent Forms are to be Filed</i> (Ashman, Joseph) (Entered: 03/31/2015)
04/01/2015	<u>78</u>	ORDER granting <u>76</u> <i>Unopposed MOTION for Extension of Time until April 14, 2015 to Effectuate Notice of Certain Potential Collective Action Members</i> , and regarding <u>77</u> <i>NOTICE Regarding the Date by which Properly Executed Consent Forms are to be Filed</i> . Signed by Chief Judge Patricia E. Campbell-Smith. (vl) Copy to parties. (Entered: 04/01/2015)
04/29/2015	<u>79</u>	Joint MOTION to Amend Schedule , filed by USA. <b>Response due by 5/18/2015</b> .(Ashman, Joseph) (Entered: 04/29/2015)
04/29/2015	<u>80</u>	ORDER granting <u>79</u> Joint Motion to Amend Discovery Schedule. The parties shall complete discovery by 10/9/2015. Either party may file a motion for summary judgment by 11/9/2015. The parties shall file a Joint Status Report, as proposed, by 7/10/2015. Signed by Chief Judge Patricia E. Campbell-Smith. (vl) Copy to parties. (Entered: 04/29/2015)
05/08/2015	<u>81</u>	Unopposed MOTION for Protective Order , filed by USA. <b>Response due by 5/26/2015</b> .(Ashman, Joseph) (Entered: 05/08/2015)
05/08/2015	<u>82</u>	Privacy Act Protective Order. Defendant's unopposed <u>81</u> Motion for Protective Order is GRANTED; Privacy Act Protective Order and accompanying acknowledgement form set forth herein. Signed by Chief Judge Patricia E. Campbell-Smith. (vl) Copy to parties. (Entered: 05/08/2015)
06/12/2015	<u>83</u>	ORDER: The parties shall file a joint status report, on or before Tuesday, 6/16/2015, setting forth their agreed-upon dates for the briefing schedule as set forth herein. Signed by Chief Judge Patricia E. Campbell-Smith. (vl) Copy to parties. (Entered: 06/12/2015)
06/16/2015	<u>84</u>	JOINT STATUS REPORT , filed by USA. (Ashman, Joseph) (Entered: 06/16/2015)
06/17/2015	<u>85</u>	SCHEDULING ORDER: The court ADOPTS the schedule set forth by the parties and DIRECTS the parties' briefing as follows: (1) cross-briefs due by 6/24/2015; (2) cross-response briefs due by 7/1/2015. Signed by Chief Judge Patricia E. Campbell-Smith. (vl) Copy to parties. (Entered: 06/17/2015)
06/24/2015	<u>86</u>	Second MOTION for Extension of Time to <i>Effectuate Notice</i> , filed by USA. <b>Response due by 7/13/2015</b> .(Ashman, Joseph) (Entered: 06/24/2015)
06/24/2015	<u>87</u>	MOTION to <i>Send Second Notice to Collective Action Members, to Extend the Opt-In Deadline, and to Toll the Statute of Limitations</i> , filed by All Plaintiffs. <b>Response due by 7/13/2015</b> . (Attachments: # <u>1</u> Memorandum in Support of Motion, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Exhibit 8, # <u>10</u> Exhibit 9, # <u>11</u> Exhibit 10, # <u>12</u> Exhibit 11, # <u>13</u> Exhibit 12, # <u>14</u> Exhibit 13, # <u>15</u> Exhibit 14, # <u>16</u> Exhibit 15, # <u>17</u> Exhibit 16, # <u>18</u> Text of Proposed Order, # <u>19</u> Attachment to Proposed Order)(Burakiewicz, Heidi) (Entered: 06/24/2015)

06/30/2015	<u>88</u>	Unopposed MOTION <i>to Substitute Declaration</i> , filed by All Plaintiffs. <b>Response due by 7/17/2015.</b> (Attachments: # <u>1</u> Exhibit Declaration of Gregory Polcyn, # <u>2</u> Text of Proposed Order)(Burakiewicz, Heidi) (Entered: 06/30/2015)
07/01/2015	<u>89</u>	RESPONSE to <u>87</u> Motion for Miscellaneous Relief,, , filed by USA. (Attachments: # <u>1</u> Appendix)(Ashman, Joseph) (Entered: 07/01/2015)
07/01/2015	<u>90</u>	RESPONSE and reply to <u>86</u> Second MOTION for Extension of Time to <i>Effectuate Notice TO CERTAIN POTENTIAL COLLECTIVE ACTION MEMBERS, AND (2) MOTION TO AMEND THE ORDERS DIRECTING NOTICE DISTRIBUTION</i> , filed by All Plaintiffs. <b>Reply due by 7/13/2015.</b> (Burakiewicz, Heidi) (Entered: 07/01/2015)
07/02/2015	<u>91</u>	ORDER granting <u>88</u> <i>Plaintiffs' Unopposed Motion to Substitute Declaration</i> . Signed by Chief Judge Patricia E. Campbell-Smith. (vl) Copy to parties. (Entered: 07/02/2015)
07/10/2015	<u>92</u>	ORDER clarifying procedure by which plaintiffs are to file signed consent forms. Signed by Chief Judge Patricia E. Campbell-Smith. (vl) Copy to parties. (Entered: 07/10/2015)
07/10/2015	<u>93</u>	JOINT STATUS REPORT , filed by USA. (Ashman, Joseph) (Entered: 07/10/2015)
07/10/2015	<u>94</u>	ORDER: Based on the parties' representations in <u>93</u> Joint Status Report, the close of discovery deadline remains undisturbed. The parties shall complete discovery by 10/9/2015. Signed by Chief Judge Patricia E. Campbell-Smith. (vl) Copy to parties. (Entered: 07/10/2015)
07/24/2015	<u>95</u>	STATUS CONFERENCE ORDER: Status Conference set for 7/30/2015 at 12:00 PM in Chambers (Telephonic) before Chief Judge Patricia E. Campbell-Smith. Counsel shall be prepared to address matters listed herein. Signed by Chief Judge Patricia E. Campbell-Smith. (vl) Copy to parties. (Entered: 07/24/2015)
07/31/2015	<u>96</u>	ORDER directing additional notice as detailed herein. Plaintiffs shall supplement, as desired, their brief in support of their request to equitably toll the limitations period by 8/14/2015; defendant shall file any supplemental response by 8/21/2015; plaintiffs shall file a reply, if so desired, by 9/1/2015. Signed by Chief Judge Patricia E. Campbell-Smith. (vl) Copy to parties. Modified on 7/31/2015 (vro). correct text (Entered: 07/31/2015)
07/31/2015		Set Deadlines: Plaintiff shall supplement, as desired, their Brief in support of their request to equitably toll by 8/14/2015. Defendant shall file any Response by 8/21/2015. Plaintiff shall file a Reply by 9/1/2015. (vro) (Entered: 07/31/2015)
08/05/2015	<u>97</u>	🔊 DIGITAL AUDIO RECORDING of Telephonic Status Conference held on 07/30/2015 before Judge Campbell-Smith. (vl) (Entered: 08/05/2015)
08/05/2015		Minute Entry – Was the proceeding sealed to the public? No. Telephonic Status Conference held in Washington, DC on 7/30/2015 before Chief Judge Patricia E. Campbell-Smith: Status Conference. [Total number of days of proceeding: 1]. Official Record of proceeding taken via electronic digital recording (EDR). To order a certified transcript or an audio copy of the proceeding (click <a href="#">HERE</a> )(vl) (Entered: 08/05/2015)
08/10/2015	<u>98</u>	NOTICE, filed by USA <i>Regarding Additional Notice</i> (Ashman, Joseph) (Entered: 08/10/2015)
08/14/2015	<u>99</u>	SUPPLEMENTAL BRIEF <i>in Support of Plaintiffs' Motion to Equitably Toll the Statute of Limitations</i> , filed by All Plaintiffs. (Burakiewicz, Heidi) (Entered: 08/14/2015)
08/21/2015	<u>100</u>	RESPONSE to <u>87</u> MOTION <i>to Send Second Notice to Collective Action Members, to Extend the Opt-In Deadline, and to Toll the Statute of Limitations</i> , filed by USA. <b>Reply due by 9/1/2015.</b> (Ashman, Joseph) Modified on 8/24/2015 – corrected reply deadline (jt1). (Entered: 08/21/2015)
09/01/2015	<u>101</u>	REPLY to Response to Motion re <u>87</u> MOTION <i>to Send Second Notice to Collective Action Members, to Extend the Opt-In Deadline, and to Toll the Statute of Limitations</i> , filed by All Plaintiffs. (Burakiewicz, Heidi) (Entered: 09/01/2015)

09/04/2015	<u>102</u>	Unopposed MOTION to Amend/Correct <i>Procedures for Submission of Alphabetical List of Opt–Ins and of Consent Forms</i> , filed by All Plaintiffs. <b>Response due by 9/21/2015.</b> (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Memorandum in Support of Motion, # <u>3</u> Declaration of Heidi Burakiewicz)(Burakiewicz, Heidi) (Entered: 09/04/2015)
09/09/2015	<u>103</u>	ORDER modifying <u>92</u> ORDER of July 10, 2015 & granting <u>102</u> Plaintiffs' Unopposed Motion to Modify Procedures for Submission of Alphabetical List of Opt–Ins and of Consent Forms. Signed by Chief Judge Patricia E. Campbell–Smith. (vl) Copy to parties. (Entered: 09/09/2015)
09/28/2015	<u>104</u>	NOTICE, filed by All Plaintiffs re <u>103</u> Order on Motion to Amend/Correct, (**SEALED** pursuant to 11/06/2015 Order – Attachments: # <u>1</u> Exhibit Redacted List of Opt–Ins)(Burakiewicz, Heidi) Modified on 11/6/2015 (jt1). (Entered: 09/28/2015)
09/28/2015	<u>105</u>	**SEALED**REDACTED DOCUMENT, filed by All Plaintiffs redacting <u>103</u> Order on Motion to Amend/Correct, <u>104</u> Notice (Other) . (Burakiewicz, Heidi) (Entered: 09/28/2015)
09/28/2015	<u>106</u>	NOTICE, filed by All Plaintiffs re <u>103</u> Order on Motion to Amend/Correct, (**SEALED** pursuant to 11/06/2015 Order – Attachments: # <u>1</u> Exhibit Redacted List of Opt–Ins)(Burakiewicz, Heidi) Modified on 11/6/2015 (jt1). (Entered: 09/28/2015)
09/28/2015	<u>107</u>	**SEALED**REDACTED DOCUMENT, filed by All Plaintiffs redacting <u>106</u> Notice (Other), <u>103</u> Order on Motion to Amend/Correct, . (Burakiewicz, Heidi) (Entered: 09/28/2015)
10/07/2015	<u>108</u>	Joint MOTION for Extension of Time,until November 9, 2015, to Complete Discovery , filed by USA. <b>Response due by 10/26/2015.</b> (Ashman, Joseph) (Entered: 10/07/2015)
10/07/2015	<u>109</u>	ORDER granting <u>108</u> Joint Motion Seeking Enlargement of Time to Complete Discovery. The parties shall complete discovery by 11/9/2015. The parties shall file a Joint Status Report, as proposed, by 11/9/2015. The deadline established for either party to file a motion for summary judgment is suspended. Signed by Chief Judge Patricia E. Campbell–Smith. (vl) Copy to parties. (Entered: 10/07/2015)
10/08/2015	<u>110</u>	NOTICE, filed by All Plaintiffs re <u>103</u> Order on Motion to Amend/Correct, (**SEALED** pursuant to 11/06/2015 Order – Attachments: # <u>1</u> Exhibit Redacted List of Opt–Ins)(Burakiewicz, Heidi) Modified on 11/6/2015 (jt1). (Entered: 10/08/2015)
10/08/2015	<u>111</u>	**SEALED**REDACTED DOCUMENT, filed by All Plaintiffs redacting <u>110</u> Notice (Other), <u>103</u> Order on Motion to Amend/Correct, . (Burakiewicz, Heidi) (Entered: 10/08/2015)
10/08/2015	<u>112</u>	NOTICE, filed by All Plaintiffs re <u>103</u> Order on Motion to Amend/Correct, (**SEALED** pursuant to 11/06/2015 Order – Attachments: # <u>1</u> Exhibit Redacted List of Opt–Ins)(Burakiewicz, Heidi) Modified on 11/6/2015 (jt1). (Entered: 10/08/2015)
10/08/2015	<u>113</u>	**SEALED**REDACTED DOCUMENT, filed by All Plaintiffs redacting <u>112</u> Notice (Other), <u>103</u> Order on Motion to Amend/Correct, . (Burakiewicz, Heidi) (Entered: 10/08/2015)
10/09/2015	<u>114</u>	NOTICE, filed by All Plaintiffs re <u>103</u> Order on Motion to Amend/Correct, (**SEALED** pursuant to 11/06/2015 Order – Attachments: # <u>1</u> Exhibit Redacted List of Opt–Ins)(Burakiewicz, Heidi) Modified on 11/6/2015 (jt1). (Entered: 10/09/2015)
10/09/2015	<u>115</u>	**SEALED**REDACTED DOCUMENT, filed by All Plaintiffs redacting <u>103</u> Order on Motion to Amend/Correct, <u>114</u> Notice (Other) . (Burakiewicz, Heidi) (Entered: 10/09/2015)
10/09/2015	<u>116</u>	**SEALED**REDACTED DOCUMENT, filed by All Plaintiffs redacting <u>115</u> Redacted Document, <u>103</u> Order on Motion to Amend/Correct, <u>114</u> Notice (Other) . (Burakiewicz, Heidi) (Entered: 10/09/2015)

10/09/2015	<u>117</u>	NOTICE, filed by All Plaintiffs re <u>103</u> Order on Motion to Amend/Correct, (**SEALED** pursuant to 11/06/2015 Order – Attachments: # <u>1</u> Exhibit Redacted List of Opt–Ins For Second 10–9–2015 Filing)(Burakiewicz, Heidi) Modified on 11/6/2015 (jt1). (Entered: 10/09/2015)
10/09/2015	<u>118</u>	**SEALED**REDACTED DOCUMENT, filed by All Plaintiffs redacting <u>117</u> Notice (Other), <u>103</u> Order on Motion to Amend/Correct, <i>SEALED List of Opt–Ins.</i> (Burakiewicz, Heidi) (Entered: 10/09/2015)
10/09/2015	<u>119</u>	**SEALED**NOTICE, filed by All Plaintiffs re <u>117</u> Notice (Other), <u>118</u> Redacted Document, <u>103</u> Order on Motion to Amend/Correct, <i>SEALED Consent Forms</i> (Burakiewicz, Heidi) (Entered: 10/09/2015)
10/13/2015	<u>120</u>	NOTICE, filed by All Plaintiffs re <u>103</u> Order on Motion to Amend/Correct, (**SEALED** pursuant to 11/06/2015 Order – Attachments: # <u>1</u> Exhibit Redacted List of Opt–Ins)(Burakiewicz, Heidi) Modified on 11/6/2015 (jt1). (Entered: 10/13/2015)
10/13/2015	<u>121</u>	**SEALED**REDACTED DOCUMENT, filed by All Plaintiffs redacting <u>120</u> Notice (Other), <u>103</u> Order on Motion to Amend/Correct, <i>List of Opt–Ins.</i> (Burakiewicz, Heidi) (Entered: 10/13/2015)
10/13/2015	<u>122</u>	**SEALED**NOTICE, filed by All Plaintiffs re <u>120</u> Notice (Other), <u>121</u> Redacted Document, <u>103</u> Order on Motion to Amend/Correct, <i>Consent Forms</i> (Burakiewicz, Heidi) (Entered: 10/13/2015)
10/15/2015	<u>123</u>	NOTICE, filed by All Plaintiffs re <u>103</u> Order on Motion to Amend/Correct, (**SEALED** pursuant to 11/06/2015 Order – Attachments: # <u>1</u> Exhibit List of Opt–Ins)(Burakiewicz, Heidi) Modified on 11/6/2015 (jt1). (Entered: 10/15/2015)
10/15/2015	<u>124</u>	**SEALED**NOTICE, filed by All Plaintiffs re <u>123</u> Notice (Other), <u>103</u> Order on Motion to Amend/Correct, <i>Consent Forms</i> (Burakiewicz, Heidi) (Entered: 10/15/2015)
10/15/2015	<u>125</u>	UNREPORTED Opinion & Order denying <u>87</u> plaintiffs' motion for equitable tolling. Signed by Chief Judge Patricia E. Campbell–Smith. (vl) Copy to parties. (Entered: 10/15/2015)
10/20/2015	<u>126</u>	NOTICE, filed by All Plaintiffs re <u>106</u> Notice (Other), <u>103</u> Order on Motion to Amend/Correct, <u>104</u> Notice (Other) (Burakiewicz, Heidi) (Entered: 10/20/2015)
11/06/2015	<u>127</u>	**SEALED** ORDER regarding corrections to the record. Signed by Chief Judge Patricia E. Campbell–Smith. (vl) Copy to parties. (Entered: 11/06/2015)
11/09/2015	<u>128</u>	JOINT STATUS REPORT <i>And Request For Enlargement Of Time To Complete Discovery</i> , filed by USA. (Ashman, Joseph) (Entered: 11/09/2015)
11/09/2015	<u>129</u>	ORDER extending close of discovery deadline to 12/9/2015. On or before 12/9/2015, the parties shall file a Joint Status Report. Signed by Chief Judge Patricia E. Campbell–Smith. (vl) Copy to parties. (Entered: 11/09/2015)
11/24/2015	<u>130</u>	**SEALED** ORDER directing revisions to the record. Signed by Chief Judge Patricia E. Campbell–Smith. (vl) Copy to parties. (Entered: 11/24/2015)
12/03/2015	<u>131</u>	<del>See Order of 12/14/2015 Striking NOTICE, filed by All Plaintiffs re <u>130</u> Order (Burakiewicz, Heidi) (Entered: 12/03/2015)</del>
12/03/2015	<u>132</u>	<del>See Order of 12/14/2015 Striking **SEALED**REDACTED DOCUMENT, filed by All Plaintiffs redacting <u>130</u> Order, <u>131</u> Notice (Other). (Attachments: # <u>1</u> Revised Consent Forms Originally Filed on October 13, 2015, # <u>2</u> Revised Opt–In List Originally Filed on October 13, 2015, # <u>3</u> Revised Consent Forms Originally Filed on October 15, 2015, # <u>4</u> Revised Opt–In List Originally Filed on October 15, 2015, # <u>5</u> Second Amended Complaint)(Burakiewicz, Heidi) (Entered: 12/03/2015)</del>
12/09/2015	<u>133</u>	JOINT STATUS REPORT <i>And Request For Extension Of Discovery</i> , filed by USA. (Ashman, Joseph) (Entered: 12/09/2015)
12/09/2015	<u>134</u>	ORDER extending close of discovery deadline to 1/8/2016. On or before 1/8/2016, the parties shall file a Joint Status Report. Signed by Chief Judge Patricia E. Campbell–Smith. (vl) Copy to parties. (Entered: 12/09/2015)

12/11/2015	<u>135</u>	**SEALED**REDACTED DOCUMENT, filed by All Plaintiffs redacting <u>130</u> Order . (Attachments: # <u>1</u> Revised Consent Forms Originally Filed on October 13, 2015, # <u>2</u> Revised Opt-In List Originally Filed on October 13, 2015)(Burakiewicz, Heidi) (Entered: 12/11/2015)
12/11/2015	<u>136</u>	**SEALED**REDACTED DOCUMENT, filed by All Plaintiffs redacting <u>130</u> Order . (Attachments: # <u>1</u> Revised Consent Forms Originally Filed on October 15, 2015, # <u>2</u> Revised Opt-In List Originally Filed on October 15, 2015)(Burakiewicz, Heidi) (Entered: 12/11/2015)
12/11/2015	<u>137</u>	NOTICE, filed by All Plaintiffs re <u>130</u> Order (Attachments: # <u>1</u> Second Amended Complaint)(Burakiewicz, Heidi) (Entered: 12/11/2015)
12/11/2015	<u>138</u>	NOTICE, filed by All Plaintiffs re <u>130</u> Order (Attachments: # <u>1</u> Redacted List of Opt-Ins)(Burakiewicz, Heidi) (Entered: 12/11/2015)
12/11/2015	<u>139</u>	**SEALED**NOTICE, filed by All Plaintiffs re <u>130</u> Order (Attachments: # <u>1</u> Redaction Index)(Burakiewicz, Heidi) (Entered: 12/11/2015)
12/14/2015	<u>140</u>	ORDER directing the Clerk of the Court to STRIKE from the record the filings located at ECF No. 131 and ECF No. 132 (including attachments docketed as ECF Nos. 132-1 to 132-5). Signed by Chief Judge Patricia E. Campbell-Smith. (vl) Copy to parties. (Entered: 12/14/2015)
12/14/2015	<u>141</u>	SCHEDULING ORDER: On or before 1/25/2016, plaintiffs shall file the fully de-duplicated Master List or a status report. Signed by Chief Judge Patricia E. Campbell-Smith. (vl) Copy to parties. (Entered: 12/14/2015)
01/08/2016	<u>142</u>	JOINT STATUS REPORT <i>And Request For Enlargement Of Time To Complete Discovery</i> , filed by USA. (Ashman, Joseph) (Entered: 01/08/2016)
01/08/2016	<u>143</u>	ORDER extending close of discovery deadline to 2/8/2016. On or before 2/8/2016, the parties shall file a Joint Status Report. Signed by Chief Judge Patricia E. Campbell-Smith. (vl) Copy to parties. (Entered: 01/08/2016)
01/21/2016	<u>144</u>	NOTICE, filed by All Plaintiffs re <u>141</u> Scheduling Order (Attachments: # <u>1</u> Redacted De-Duplicated List of Opt-Ins)(Burakiewicz, Heidi) (Entered: 01/21/2016)
01/21/2016	<u>145</u>	**SEALED**NOTICE, filed by All Plaintiffs re <u>141</u> Scheduling Order, <u>144</u> Notice (Other) (Attachments: # <u>1</u> Redaction Index)(Burakiewicz, Heidi) (Entered: 01/21/2016)
02/08/2016	<u>146</u>	JOINT STATUS REPORT <i>And Request For Enlargment Of Time To Complete Discovery</i> , filed by USA. (Ashman, Joseph) (Entered: 02/08/2016)
02/09/2016	<u>147</u>	ORDER GRANTING SIXTH JOINT MOTION SEEKING ENLARGEMENT OF TIME TO COMPLETE DISCOVERY. <b>Notice of Compliance due by 3/9/2016.</b> Signed by Chief Judge Patricia E. Campbell-Smith. (sc) Copy to parties. (Entered: 02/09/2016)
03/09/2016	<u>148</u>	JOINT STATUS REPORT <i>And Request For Continuance Of Stay</i> , filed by USA. (Ashman, Joseph) (Entered: 03/09/2016)
03/10/2016	<u>149</u>	ORDER re <u>148</u> Joint Status Report GRANTING SEVENTH JOINT MOTION SEEKING ENLARGEMENT OF TIME TO COMPLETE DISCOVERY. <b>Notice of Compliance due by 4/11/2016.</b> Signed by Chief Judge Patricia E. Campbell-Smith. (sc) Copy to parties. (Entered: 03/10/2016)
03/31/2016	<u>150</u>	JOINT STATUS REPORT <i>And Request For Scheduling Order</i> , filed by USA. (Ashman, Joseph) (Entered: 03/31/2016)
03/31/2016	<u>151</u>	STIPULATION <i>Joint Motion To Enter Stipulations Of Fact Into Record</i> , filed by USA. (Ashman, Joseph) (Entered: 03/31/2016)
04/01/2016	<u>152</u>	SCHEDULING ORDER: <b>Cross Motions due by 5/20/2016. Dispositive Motion(s) due by 4/22/2016.</b> Signed by Chief Judge Patricia E. Campbell-Smith. (sc) Copy to parties. (Entered: 04/01/2016)
04/21/2016	<u>153</u>	MOTION for Partial Summary Judgment , filed by All Plaintiffs. <b>Response due by 5/20/2016.</b> (Attachments: # <u>1</u> PLAINTIFFS BRIEF IN SUPPORT OF MOTION FOR



		PARTIAL SUMMARY JUDGMENT, # <u>2</u> Declaration of Michael Lieder, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F, # <u>9</u> Exhibit G, # <u>10</u> Exhibit H, # <u>11</u> Exhibit I, # <u>12</u> Exhibit J, # <u>13</u> Exhibit K, # <u>14</u> Exhibit L, # <u>15</u> Exhibit M, # <u>16</u> Exhibit N)(Burakiewicz, Heidi) Modified on 4/21/2016 – corrected response deadline (jt1). (Entered: 04/21/2016)
05/20/2016	<u>154</u>	RESPONSE to <u>153</u> MOTION for Partial Summary Judgment <i>And Cross–Motion for Summary Judgment</i> , filed by USA. <b>Reply due by 6/17/2016.</b> (Ashman, Joseph) Modified on 5/23/2016 – corrected response deadline(jt1). (Entered: 05/20/2016)
06/17/2016	<u>155</u>	RESPONSE and reply to <u>153</u> MOTION for Partial Summary Judgment <i>and Opposition to Defendant's Cross–Motion for Summary Judgment</i> , filed by All Plaintiffs. <b>Reply due by 7/1/2016.</b> (Burakiewicz, Heidi) Modified on 6/20/2016 – corrected reply deadline (jt1). (Entered: 06/17/2016)
07/01/2016	<u>156</u>	REPLY to Response to Motion re <u>153</u> MOTION for Partial Summary Judgment , filed by USA. (Ashman, Joseph) (Entered: 07/01/2016)
10/07/2016	<u>157</u>	NOTICE, filed by All Plaintiffs , NOTICE of Indirectly Related Case(s), filed by All Plaintiffs . (Burakiewicz, Heidi) (Entered: 10/07/2016)
10/13/2016	<u>158</u>	ORDER to file Joint Status Report. <b>Notice of Compliance due by 10/28/2016.</b> Signed by Chief Judge Patricia E. Campbell–Smith. (sc) Copy to parties. (Entered: 10/13/2016)
10/28/2016	<u>159</u>	JOINT STATUS REPORT , filed by USA. (Ashman, Joseph) (Entered: 10/28/2016)
02/13/2017	<u>160</u>	REPORTED OPINION AND ORDER granting <u>153</u> Motion for Partial Summary Judgment, denying <u>154</u> Motion for Summary Judgment. On or before March 17, 2017, plaintiffs shall submit a draft of their damages calculations to defendant. On or before March 31, 2017, the parties shall confer and discuss any disagreements as to the calculations. And, on or before April 7, 2017, the parties shall jointly file a statement with the court reporting the results of both the conference and the calculations.Signed by Chief Judge Patricia E. Campbell–Smith. (mp) Copy to parties. Modified on 2/14/2017 – corrected pdf (jt1). (Entered: 02/13/2017)
02/24/2017	<u>161</u>	<b>**REISSUED**</b> <u>160</u> REPORTED OPINION AND ORDER granting <u>153</u> Motion for Partial Summary Judgment, denying <u>154</u> Motion for Summary Judgment. Reissued only for the purpose of correcting the caption to include Case No. 16–1297 consistent with the order consolidating the cases. See Case No. 16–1297, ECF No. 9. Signed by Chief Judge Patricia E. Campbell–Smith. (TQ) Copy to parties. (Entered: 02/24/2017)
03/09/2017	<u>162</u>	Joint MOTION To Suspend Proceedings , filed by USA. <b>Response due by 3/27/2017.</b> (Ashman, Joseph) (Entered: 03/09/2017)
03/10/2017	<u>163</u>	ORDER re <u>162</u> Joint MOTION To Suspend Proceedings filed by USA Signed by Chief Judge Patricia E. Campbell–Smith. (mp) Copy to parties. (Entered: 03/10/2017)
04/28/2017	<u>164</u>	JOINT STATUS REPORT , filed by USA. (Ashman, Joseph) (Entered: 04/28/2017)
05/26/2017	<u>165</u>	<b>See Order of 8/28/2017 Striking</b> <del>MOTION for Partial Summary Judgment , filed by All Plaintiffs.</del> <b>Response due by 6/26/2017.</b> (Attachments: # <u>1</u> Memorandum of Law)(Burakiewicz, Heidi) (Entered: 05/26/2017)
05/30/2017	<u>166</u>	JOINT STATUS REPORT , filed by USA. (Ashman, Joseph) (Entered: 05/30/2017)
06/09/2017	<u>167</u>	NOTICE of Change of Address by Heidi Rhodes Burakiewicz (Burakiewicz, Heidi) (Entered: 06/09/2017)
07/05/2017	<u>168</u>	SCHEDULING ORDER: <b>Defendant's Response to Plaintiffs' Motion for Partial Summary Judgment due by 7/14/2017. STATUS REPORT ORDER Joint Status Report due by 7/12/2017, and every 30 days thereafter,</b> until the parties are able to provide the damages calculations to the court, or until the court orders otherwise. Signed by Judge Patricia E. Campbell–Smith. (TQ) Copy to parties. (Entered: 07/05/2017)
07/07/2017	<u>169</u>	JOINT STATUS REPORT , filed by USA. (Ashman, Joseph) (Entered: 07/07/2017)

07/13/2017	<u>170</u>	RESPONSE to <u>165</u> MOTION for Partial Summary Judgment , filed by USA. <b>Reply due by 7/24/2017.</b> (Ashman, Joseph) (Entered: 07/13/2017)
07/24/2017	<u>171</u>	REPLY to Response to Motion re <u>165</u> MOTION for Partial Summary Judgment , filed by All Plaintiffs. (Burakiewicz, Heidi) (Entered: 07/24/2017)
08/11/2017	<u>172</u>	JOINT STATUS REPORT , filed by USA. (Ashman, Joseph) (Entered: 08/11/2017)
08/28/2017	<u>173</u>	ORDER Striking <u>165</u> MOTION for Partial Summary Judgment filed in error in this case. Signed by Judge Patricia E. Campbell-Smith. (TQ) Copy to parties. (Entered: 08/28/2017)
09/11/2017	<u>174</u>	JOINT STATUS REPORT , filed by USA. (Ashman, Joseph) (Entered: 09/11/2017)
09/29/2017	<u>175</u>	NOTICE of Change of Address by Heidi Rhodes Burakiewicz (Burakiewicz, Heidi) (Entered: 09/29/2017)
10/13/2017	<u>176</u>	JOINT STATUS REPORT , filed by USA. (Ashman, Joseph) (Entered: 10/13/2017)
11/13/2017	<u>177</u>	JOINT STATUS REPORT , filed by USA. (Ashman, Joseph) (Entered: 11/13/2017)
12/13/2017	<u>178</u>	JOINT STATUS REPORT , filed by USA. (Ashman, Joseph) (Entered: 12/13/2017)
01/16/2018	<u>179</u>	JOINT STATUS REPORT , filed by USA. (Ashman, Joseph) (Entered: 01/16/2018)
02/16/2018	<u>180</u>	JOINT STATUS REPORT , filed by USA. (Ashman, Joseph) (Entered: 02/16/2018)
03/16/2018	<u>181</u>	JOINT STATUS REPORT , filed by USA. (Ashman, Joseph) (Entered: 03/16/2018)
04/16/2018	<u>182</u>	JOINT STATUS REPORT , filed by USA. (Ashman, Joseph) (Entered: 04/16/2018)
05/16/2018	<u>183</u>	JOINT STATUS REPORT , filed by USA. (Ashman, Joseph) (Entered: 05/16/2018)
06/15/2018	<u>184</u>	JOINT STATUS REPORT , filed by USA. (Ashman, Joseph) (Entered: 06/15/2018)
07/16/2018	<u>185</u>	JOINT STATUS REPORT , filed by USA. (Ashman, Joseph) (Entered: 07/16/2018)
08/17/2018	<u>186</u>	JOINT STATUS REPORT , filed by USA. (Ashman, Joseph) (Entered: 08/17/2018)
09/17/2018	<u>187</u>	JOINT STATUS REPORT , filed by USA. (Ashman, Joseph) (Entered: 09/17/2018)
10/17/2018	<u>188</u>	JOINT STATUS REPORT , filed by USA. (Ashman, Joseph) (Entered: 10/17/2018)
11/16/2018	<u>189</u>	JOINT STATUS REPORT , filed by USA. (Ashman, Joseph) (Entered: 11/16/2018)
12/17/2018	<u>190</u>	JOINT STATUS REPORT , filed by USA. (Ashman, Joseph) (Entered: 12/17/2018)
01/22/2019	<u>191</u>	JOINT STATUS REPORT , filed by All Plaintiffs. (Burakiewicz, Heidi) (Entered: 01/22/2019)
02/21/2019	<u>192</u>	JOINT STATUS REPORT , filed by USA. (Ashman, Joseph) (Entered: 02/21/2019)
03/22/2019	<u>193</u>	JOINT STATUS REPORT , filed by USA. (Ashman, Joseph) (Entered: 03/22/2019)
04/23/2019	<u>194</u>	JOINT STATUS REPORT , filed by USA. (Ashman, Joseph) (Entered: 04/23/2019)
05/23/2019	<u>195</u>	JOINT STATUS REPORT , filed by USA. (Ashman, Joseph) (Entered: 05/23/2019)
06/24/2019	<u>196</u>	JOINT STATUS REPORT , filed by USA. (Ashman, Joseph) (Entered: 06/24/2019)
06/25/2019		<b>IMPORTANT NOTICE:</b> On <b>Monday, August 26, 2019</b> , the United States Court of Federal Claims will upgrade its current CM/ECF system to the Next Generation of CM/ECF (NextGen). Complete information regarding the NextGen implementation can be found on the court's website at <a href="http://www.uscfc.uscourts.gov">http://www.uscfc.uscourts.gov</a> . Currently, many attorneys within a firm may share a single PACER account, but once NextGen is implemented e-filing attorneys will no longer be able to use shared PACER accounts. To access the upgraded system, each e-filing attorney must have an individual upgraded PACER account. Preparing for NextGen CM/ECF is a two-step process. Step one is to upgrade your PACER account, and step two is to link your upgraded PACER account to your current CM/ECF filing account. This notice only addresses the first step because the second step can't be completed until on or after August 26, 2019. The first step is to check and see if your PACER account is an "Upgraded" PACER account.

		Many PACER accounts have already been upgraded. If either of the following statements is true, you have an upgraded PACER account and no action is required until on or after August 26, 2019: 1) you currently e-file in another NextGen court or 2) your PACER account was created after August 10, 2014. If neither of these statements is true, you must upgrade your PACER account. Additional notices will be sent at a later date on how to handle the second step in this process. If you still have questions please contact the PACER Service Center at 800-676-6856 or the Clerk's Office CM/ECF Help Desk at (202)357-6402.. (dh) (ADI) (Entered: 06/25/2019)
07/19/2019		<b>IMPORTANT NOTICE:</b> On <b>August 26, 2019</b> , the United States Court of Federal Claims will upgrade its current CM/ECF system to the Next Generation of CM/ECF (NextGen). Complete information regarding the NextGen implementation can be found on the court's website at <a href="http://www.uscfc.uscourts.gov">http://www.uscfc.uscourts.gov</a> . Preparing for NextGen is a two-step process. Step one is to upgrade your PACER account. If you have not yet registered for an individual PACER account or upgraded your existing PACER account, please do so immediately. Step two is to link your upgraded PACER account to your current CM/ECF filing account. Step two cannot be completed until on or after <b>August 26, 2019</b> . To link your upgraded PACER account <b>on or after August 26, 2019</b> , you must know your current CM/ECF login and password. Do not rely on your login and password to be saved in your web browser, because that method will not work with the NextGen upgrade. If you do not know your login and/or password or have any additional questions, please call the court's Clerks Office CM/ECF Help Desk at (202) 357-6402.. (dh) (ADI) (Entered: 07/19/2019)
07/24/2019	<u>197</u>	JOINT STATUS REPORT , filed by USA. (Ashman, Joseph) (Entered: 07/24/2019)
08/05/2019	<u>198</u>	NOTICE of Appearance by Erin Kathleen Murdock-Park for USA . (Murdock-Park, Erin) (Entered: 08/05/2019)
08/15/2019		<b>IMPORTANT NOTICE:</b> On <b>August 26, 2019</b> , the United States Court of Federal Claims will upgrade its current CM/ECF system to the Next Generation of CM/ECF (NextGen). Complete information regarding the NextGen implementation can be found on the court's website at <a href="http://uscfc.uscourts.gov">http://uscfc.uscourts.gov</a> . <b>Please note that the court's CM/ECF system will be unavailable from 12:00 p.m. ( EDT) on Friday, August 23, 2019, until 6:00 a.m. (EDT) on Monday, August 26, 2019.</b> Although the Clerk's Office will be open on August 23, 2019, it will be deemed inaccessible under Rule 6 of the Rules of the United States Court of Federal Claims for purposes of calculating deadlines. Preparing for NextGen is a two-step process. Step one is to upgrade your PACER account. You should have your individual upgraded PACER account at this time. Step two is to link your upgraded PACER account to your current CM/ECF filing account on or after <b>on or after August 26, 2019</b> . Instructions for linking your account can be found on the court's website at <a href="http://uscfc.uscourts.gov">http://uscfc.uscourts.gov</a> . To link your accounts, you <b>MUST</b> know your CM/ECF login and password---do not rely on your browser to remember your login credentials. If you are unsure of your CM/ECF login and/or password, contact the Clerk's Office CM/ECF Help Desk <b>immediately</b> at (202) 357-6402. You may also call the Help Desk with any other questions.. (dh) (ADI) (Entered: 08/15/2019)
08/27/2019	<u>199</u>	JOINT STATUS REPORT , filed by USA. (Murdock-Park, Erin) (Entered: 08/27/2019)
09/24/2019	<u>200</u>	JOINT STATUS REPORT , filed by USA. (Murdock-Park, Erin) (Entered: 09/24/2019)
10/24/2019	<u>201</u>	JOINT STATUS REPORT , filed by USA. (Murdock-Park, Erin) (Entered: 10/24/2019)
11/25/2019	<u>202</u>	JOINT STATUS REPORT , filed by USA. (Murdock-Park, Erin) (Entered: 11/25/2019)
11/26/2019	<u>203</u>	STATUS REPORT ORDER <b>Joint Status Report due by 1/8/2020 and every 30 days thereafter</b> , until the parties provide damages calculations to the court, or until the court orders otherwise, pursuant to the court's orders of March 10, 2017, and July 5, 2017. See ECF Nos. <u>163</u> , <u>168</u> . Signed by Judge Patricia E. Campbell-Smith. (TQ) Service on parties made. (Entered: 11/26/2019)

01/08/2020	<u>204</u>	JOINT STATUS REPORT , filed by USA. (Murdock–Park, Erin) (Entered: 01/08/2020)
01/15/2020	<u>205</u>	MOTION to Dismiss pursuant to Rule 12(b)(1) <i>Or, In The Alternative, Motion For Summary Judgment</i> , filed by USA. <b>Response due by 2/12/2020.</b> (Attachments: # <u>1</u> Exhibit Attachment A)(Murdock–Park, Erin) (Entered: 01/15/2020)
01/15/2020	<u>206</u>	<del>See Order of 1/21/2020 Striking MOTION for Partial Summary Judgment And Motion To Dismiss For Lack Of Subject Matter Jurisdiction</del> , filed by USA. <b>Response due by 2/12/2020.</b> (Attachments: # <u>1</u> Affidavit Attachment A)(Murdock–Park, Erin) (Entered: 01/15/2020)
01/21/2020	<u>207</u>	ORDER Striking <u>206</u> MOTION for Partial Summary Judgment <i>And Motion To Dismiss For Lack Of Subject Matter Jurisdiction</i> . Signed by Judge Patricia E. Campbell–Smith. (TQ) Service on parties made. (Entered: 01/21/2020)
02/06/2020	<u>208</u>	STIPULATION of Dismissal with prejudice, as to duplicative claims, filed by USA. (Murdock–Park, Erin) Modified on 2/18/2020 to edit docket text to reflect that the stipulation of dismissal refers to duplicate claims only. (dls). (Entered: 02/06/2020)
02/07/2020	<u>209</u>	Consent MOTION for Extension of Time to File Response as to <u>205</u> MOTION to Dismiss pursuant to Rule 12(b)(1) <i>Or, In The Alternative, Motion For Summary Judgment</i> , filed by All Plaintiffs. <b>Response due by 2/21/2020.</b> (Burakiewicz, Heidi) (Entered: 02/07/2020)
02/09/2020	<u>210</u>	JOINT STATUS REPORT , filed by USA. (Murdock–Park, Erin) (Entered: 02/09/2020)
02/10/2020	<u>211</u>	ORDER granting <u>209</u> Motion for Extension of Time to File Response as to <u>205</u> MOTION to Dismiss pursuant to Rule 12(b)(1) <i>Or, In The Alternative, Motion For Summary Judgment</i> . <b>Response due by 4/13/2020.</b> Signed by Judge Patricia E. Campbell–Smith. (TQ) Service on parties made. (Entered: 02/10/2020)
03/09/2020	<u>212</u>	JOINT STATUS REPORT , filed by USA. (Murdock–Park, Erin) (Entered: 03/09/2020)
04/08/2020	<u>213</u>	Consent MOTION for Extension of Time to File Response as to <u>205</u> MOTION to Dismiss pursuant to Rule 12(b)(1) <i>Or, In The Alternative, Motion For Summary Judgment</i> , filed by All Plaintiffs. <b>Response due by 4/22/2020.</b> (Burakiewicz, Heidi) (Entered: 04/08/2020)
04/08/2020	<u>214</u>	JOINT STATUS REPORT , filed by USA. (Murdock–Park, Erin) (Entered: 04/08/2020)
04/09/2020	<u>215</u>	ORDER granting <u>213</u> Motion for Extension of Time to File Response as to <u>205</u> MOTION to Dismiss pursuant to Rule 12(b)(1) <i>Or, In The Alternative, Motion For Summary Judgment</i> . <b>Plaintiffs' Response due by 5/13/2020.</b> Signed by Judge Patricia E. Campbell–Smith. (TQ) Service on parties made. (Entered: 04/09/2020)
05/08/2020	<u>216</u>	JOINT STATUS REPORT , filed by USA. (Murdock–Park, Erin) (Entered: 05/08/2020)
05/14/2020	<u>219</u>	ORDER Striking 217 Response to Motion [Dispositive], 218 Response to Motion [Dispositive]. Plaintiffs are directed to FILE a single response to defendant's motion, on or before 5/15/2020. Signed by Judge Patricia E. Campbell–Smith. (mp) Service on parties made. (Entered: 05/14/2020)
05/15/2020	<u>220</u>	MOTION for Leave to File Leave to File Plaintiffs' Corrected Opposition to Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction or in the Alternative, Motion for Summary Judgment , filed by All Plaintiffs. <b>Response due by 5/29/2020.</b> (Attachments: # <u>1</u> Plaintiffs' Corrected Opposition to Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction or in the Alternative, Motion for Summary Judgment, # <u>2</u> Exhibit Exhibits in Support of Plaintiffs' Corrected Opposition to Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction or in the Alternative, Motion for Summary Judgment)(Burakiewicz, Heidi) (Entered: 05/15/2020)
05/20/2020	<u>221</u>	ORDER denying <u>220</u> Motion for Leave to File. <b>Plaintiffs shall FILE their response to defendant's motion to dismiss, ECF No. 205 by 5/21/2020.</b> Signed by Judge

		Patricia E. Campbell-Smith. (TQ) Service on parties made. (Entered: 05/20/2020)
05/21/2020	<u>222</u>	RESPONSE to <u>205</u> MOTION to Dismiss pursuant to Rule 12(b)(1) <i>Or, In The Alternative, Motion For Summary Judgment</i> , filed by All Plaintiffs. <b>Reply due by 6/4/2020.</b> (Attachments: # <u>1</u> Exhibit Exhibits in Support of Plaintiffs' Opposition to Defendant's Motion to Dismiss or in the Alternative for Summary Judgment)(Burakiewicz, Heidi) (Entered: 05/21/2020)
05/26/2020	<u>223</u>	Consent MOTION for Extension of Time until 09/02/2020 to File Reply as to <u>222</u> Response to Motion [Dispositive], , filed by USA. <b>Response due by 6/9/2020.</b> (Murdock-Park, Erin) (Entered: 05/26/2020)
05/26/2020	<u>224</u>	ORDER granting <u>223</u> Motion for Extension of Time to File Reply in support of <u>205</u> defendant's motion to dismiss. <b>Reply due by 9/2/2020.</b> Signed by Judge Patricia E. Campbell-Smith. (TQ) Service on parties made. (Entered: 05/26/2020)
06/08/2020	<u>225</u>	JOINT STATUS REPORT <i>Joint Status Report</i> , filed by All Plaintiffs. (Burakiewicz, Heidi) (Entered: 06/08/2020)
07/08/2020	<u>226</u>	JOINT STATUS REPORT , filed by All Plaintiffs. (Burakiewicz, Heidi) (Entered: 07/08/2020)
08/06/2020	<u>227</u>	JOINT STATUS REPORT , filed by USA. (Murdock-Park, Erin) (Entered: 08/06/2020)
08/20/2020	<u>228</u>	Unopposed MOTION for Leave to Exceed Page Limit of Reply in Support of Defendant's Motion to Dismiss or, Alternatively, For Summary Judgment by 30 pages , Unopposed MOTION To Permit the Use of Electronically Signed Declarations re <u>205</u> MOTION to Dismiss pursuant to Rule 12(b)(1) <i>Or, In The Alternative, Motion For Summary Judgment</i> , filed by USA. <b>Response due by 9/3/2020.</b> (Murdock-Park, Erin) (Entered: 08/20/2020)
08/20/2020	<u>229</u>	ORDER granting <u>228</u> Motion for Leave to File Excess Pages (reply shall not exceed 50 pages); granting <u>228</u> Motion to permit the use of electronic signed declarations (the declarations shall be electronically signed using the software proposed in defendant's motion <u>228</u> . <b>If needed, plaintiffs may FILE a sur-reply on or before 9/16/2020.</b> Signed by Judge Patricia E. Campbell-Smith. (TQ) Service on parties made. (Entered: 08/20/2020)
09/02/2020	<u>230</u>	REPLY to Response to Motion re <u>205</u> MOTION to Dismiss pursuant to Rule 12(b)(1) <i>Or, In The Alternative, Motion For Summary Judgment</i> , filed by USA. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N)(Murdock-Park, Erin) (Entered: 09/02/2020)
09/08/2020	<u>231</u>	JOINT STATUS REPORT , filed by All Plaintiffs. (Burakiewicz, Heidi) (Entered: 09/08/2020)
09/14/2020	<u>232</u>	Unopposed MOTION for Extension of Time until November 16, 2020 to File Reply as to <u>230</u> Reply to Response to Motion, <i>Unopposed Motion to Exceed Page Limit by 10 Pages</i> , filed by All Plaintiffs. <b>Response due by 9/28/2020.</b> (Burakiewicz, Heidi) (Entered: 09/14/2020)
09/15/2020	<u>233</u>	ORDER granting <u>232</u> Motion for Extension of Time to File Sur-reply as to <u>230</u> Reply to Response to <u>205</u> Motion to dismiss; and exceed page-limit by 10 pages. <b>Sur-reply due by 11/16/2020.</b> Plaintiff's sur-reply shall not exceed 30 pages. Signed by Judge Patricia E. Campbell-Smith. (TQ) Service on parties made. (Entered: 09/15/2020)
10/08/2020	<u>234</u>	JOINT STATUS REPORT , filed by USA. (Murdock-Park, Erin) (Entered: 10/08/2020)
11/09/2020	<u>235</u>	JOINT STATUS REPORT , filed by USA. (Murdock-Park, Erin) (Entered: 11/09/2020)
11/16/2020	<u>236</u>	<b>**STRICKEN PURSUANT TO 240 ORDER FILED ON 11/18/2020**</b> SUR-REPLY re <u>205</u> MOTION to Dismiss pursuant to Rule 12(b)(1) <i>Or, In The Alternative, Motion For Summary Judgment</i> , filed by All Plaintiffs. (Attachments: # <u>1</u> Appendix, # <u>2</u> Appendix, # <u>3</u> Appendix, # <u>4</u> Appendix, # <u>5</u> Appendix)(Burakiewicz, Heidi) (Entered: 11/16/2020)

11/16/2020	<u>237</u>	Exhibit List , filed by All Plaintiffs. (Burakiewicz, Heidi) (Entered: 11/17/2020)
11/17/2020	<u>238</u>	MOTION for Leave to File Corrected Exhibits , filed by All Plaintiffs. <b>Response due by 12/1/2020.</b> (Attachments: # <u>1</u> Exhibit Corrected Exhibits, # <u>2</u> Appendix Corrected Appendix C, # <u>3</u> Appendix Corrected Appendix D)(Burakiewicz, Heidi) (Entered: 11/17/2020)
11/18/2020	<u>239</u>	MOTION to Strike <u>236</u> Sur-Reply, <i>Partial</i> , filed by USA. <b>Response due by 12/2/2020.</b> (Murdock-Park, Erin) (Entered: 11/18/2020)
11/18/2020	<u>240</u>	ORDER granting <u>238</u> Motion for Leave to File in part as to the corrections required to the exhibits attached to plaintiffs' sur-reply and denying <u>238</u> Motion for Leave to File in part as to plaintiffs' additional requests; striking <u>236</u> plaintiffs' surreply, and <u>237</u> exhibit lists; and denying <u>239</u> Motion to Strike, as moot. The clerk's office is directed to STRIKE <u>236</u> and <u>237</u> . <b>On or before 11/20/2020, plaintiffs are directed to FILE their corrected sur-reply with any exhibits</b> , as one separate docket entry in this matter. Signed by Judge Patricia E. Campbell-Smith. (TQ) Service on parties made. (Entered: 11/18/2020)
11/20/2020	<u>241</u>	SUR-REPLY re <u>205</u> MOTION to Dismiss pursuant to Rule 12(b)(1) <i>Or, In The Alternative, Motion For Summary Judgment</i> , <u>240</u> Order on Motion to Strike,, Order on Motion for Leave to File,, , filed by All Plaintiffs. (Attachments: # <u>1</u> Appendix Appendix A, # <u>2</u> Appendix Appendix B, # <u>3</u> Appendix Corrected Appendix C, # <u>4</u> Appendix Corrected Appendix D, # <u>5</u> Appendix Appendix A, # <u>6</u> Exhibit Corrected Exhibits)(Burakiewicz, Heidi) (Entered: 11/20/2020)
11/20/2020	<u>242</u>	MOTION for Leave to File Corrected Exhibits , filed by All Plaintiffs. <b>Response due by 12/4/2020.</b> (Attachments: # <u>1</u> Exhibit)(Burakiewicz, Heidi) (Entered: 11/20/2020)
11/23/2020	<u>243</u>	MOTION to Strike <u>241</u> Sur-Reply, <i>Partial, Renewed</i> , filed by USA. <b>Response due by 12/7/2020.</b> (Murdock-Park, Erin) (Entered: 11/23/2020)
12/04/2020	<u>244</u>	MOTION to Stay All Proceedings , filed by USA. <b>Response due by 12/18/2020.</b> (Murdock-Park, Erin) (Entered: 12/04/2020)
12/07/2020	<u>245</u>	RESPONSE to <u>243</u> MOTION to Strike <u>241</u> Sur-Reply, <i>Partial, Renewed</i> , filed by All Plaintiffs. <b>Reply due by 12/14/2020.</b> (Burakiewicz, Heidi) (Entered: 12/07/2020)
12/08/2020	<u>246</u>	JOINT STATUS REPORT , filed by USA. (Murdock-Park, Erin) (Entered: 12/08/2020)
12/14/2020	<u>247</u>	REPLY to Response to Motion re <u>243</u> MOTION to Strike <u>241</u> Sur-Reply, <i>Partial, Renewed</i> , filed by USA. (Murdock-Park, Erin) (Entered: 12/14/2020)
12/15/2020	<u>248</u>	ORDER as part of the <b>joint status report due to be filed, on or before 1/7/2021</b> , the parties shall inform the court as to the parties' positions on whether it is appropriate to divide the presently certified class into two subclasses. Signed by Judge Patricia E. Campbell-Smith. (TQ) Service on parties made. (Entered: 12/15/2020)
12/18/2020	<u>249</u>	RESPONSE to <u>244</u> MOTION to Stay All Proceedings , filed by All Plaintiffs. <b>Reply due by 12/28/2020.</b> (Burakiewicz, Heidi) (Entered: 12/18/2020)
12/22/2020	<u>250</u>	Consent MOTION for Extension of Time until 01/07/2021 to File Reply as to <u>244</u> MOTION to Stay All Proceedings , filed by USA. <b>Response due by 1/5/2021.</b> (Murdock-Park, Erin) (Entered: 12/22/2020)
12/23/2020	<u>251</u>	ORDER granting <u>250</u> Motion for Extension of Time to File Reply as to <u>244</u> MOTION to Stay All Proceedings. <b>Reply due by 1/7/2021.</b> Signed by Judge Patricia E. Campbell-Smith. (TQ) Service on parties made. (Entered: 12/23/2020)
01/07/2021	<u>252</u>	REPLY to Response to Motion re <u>244</u> MOTION to Stay All Proceedings , filed by USA. (Murdock-Park, Erin) (Entered: 01/07/2021)
01/07/2021	<u>253</u>	JOINT STATUS REPORT , filed by USA. (Murdock-Park, Erin) (Entered: 01/07/2021)
01/12/2021	<u>254</u>	SCHEDULING ORDER: Defendant is directed to FILE its <b>response to plaintiffs' <u>242</u> motion for leave to substitute by 1/19/2021</b> . Signed by Judge Patricia E. Campbell-Smith. (TQ) Service on parties made. (Entered: 01/12/2021)

01/19/2021	<u>255</u>	ORDER denying <u>244</u> Motion to Stay. Signed by Judge Patricia E. Campbell-Smith. (TQ) Service on parties made. (Entered: 01/19/2021)
01/19/2021	<u>256</u>	RESPONSE to <u>242</u> MOTION for Leave to File Corrected Exhibits , filed by USA. <b>Reply due by 1/26/2021.</b> (Murdock-Park, Erin) (Entered: 01/19/2021)
01/26/2021	<u>257</u>	REPLY to Response to Motion re <u>242</u> MOTION for Leave to File Corrected Exhibits , filed by All Plaintiffs. (Burakiewicz, Heidi) (Entered: 01/26/2021)
02/08/2021	<u>258</u>	JOINT STATUS REPORT , filed by USA. (Murdock-Park, Erin) (Entered: 02/08/2021)
02/09/2021	<u>259</u>	STATUS REPORT ORDER. Pursuant to the court's November 26, 2019 order, ECF No. <u>203</u> , the parties are directed to FILE a <b>Joint Status Report by 3/10/2021</b> , informing the court of the status of their continued efforts to reach an agreement with regard to a stipulated RCFC 54(b) judgment. If the parties have reached a final agreement at that time, they shall also include a date on which they propose to file a joint motion for entry of judgment under RCFC 54(b), and propose next steps in this litigation with regard to the plaintiffs whose claims are unaffected by that agreement. If the parties have reached an impasse, they shall notify the court of that fact, and propose steps for proceeding with all of the claims remaining in this case. Signed by Judge Patricia E. Campbell-Smith. (TQ) Service on parties made. Modified on 2/9/2021 by replacing document with corrected version (ead). (Entered: 02/09/2021)
02/25/2021	<u>260</u>	MOTION to Stay All Proceedings , filed by USA. <b>Response due by 3/11/2021.</b> (Murdock-Park, Erin) (Entered: 02/25/2021)
03/10/2021	<u>261</u>	JOINT STATUS REPORT , filed by All Plaintiffs. (Burakiewicz, Heidi) (Entered: 03/10/2021)
03/11/2021	<u>262</u>	RESPONSE to <u>260</u> MOTION to Stay All Proceedings , filed by All Plaintiffs. <b>Reply due by 3/18/2021.</b> (Burakiewicz, Heidi) (Entered: 03/11/2021)
03/18/2021	<u>263</u>	REPLY to Response to Motion re <u>260</u> MOTION to Stay All Proceedings , filed by USA. (Murdock-Park, Erin) (Entered: 03/18/2021)
04/07/2021	<u>264</u>	ORDER granting <u>260</u> Motion to Stay: <b>The Clerk's Office is directed to STAY this case, pending further order of the court. The parties are directed to FILE a joint status report within 30 days of the Federal Circuit's ruling on the interlocutory appeal in Avalos v. U.S., Case No. 19-48C.</b> Signed by Judge Patricia E. Campbell-Smith. (dpk) Service on parties made. Modified font of text on 4/7/2021 (ead). (Entered: 04/07/2021)
04/19/2021	<u>265</u>	Unopposed MOTION for Extension of Time until May 26, 2021 to <i>stipulate</i> , filed by PATRICIA A. MANBECK, DONALD MARTIN, JR, JEFF ROBERTS, JOSE ROJAS, RANDALL SUMNER. <b>Response due by 5/3/2021.</b> (Burakiewicz, Heidi) (Entered: 04/19/2021)
04/20/2021	<u>266</u>	ORDER granting <u>265</u> Motion for Extension of Time: <b>On or before 5/26/2021, the parties are directed to FILE a motion for partial final judgment pursuant to RCFC 54(b).</b> Signed by Judge Patricia E. Campbell-Smith. (dpk) Service on parties made. (Entered: 04/20/2021)
05/26/2021	<u>267</u>	Joint MOTION for Extension of Time until June 2, 2021 to <i>File Motion and Joint Stipulation</i> , filed by All Plaintiffs. <b>Response due by 6/9/2021.</b> (Burakiewicz, Heidi) (Entered: 05/26/2021)
05/27/2021	<u>268</u>	ORDER granting <u>267</u> Motion for Extension of Time: <b>On or before 6/2/2021, the parties are directed to FILE a motion for partial final judgment pursuant to RCFC 54(b).</b> Signed by Judge Patricia E. Campbell-Smith. (dpk) Service on parties made. (Entered: 05/27/2021)
06/02/2021	<u>269</u>	Joint MOTION for Entry of Judgment under Rule 54(b) , filed by All Plaintiffs. <b>Response due by 6/16/2021.</b> (Burakiewicz, Heidi) (Entered: 06/02/2021)
06/09/2021	<u>270</u>	ORDER denying <u>269</u> Motion for Entry of Judgment under Rule 54(b). <b>On or before June 18, 2021, the parties are directed to FILE a revised joint motion for entry of judgment incorporating the total amount of damages to issue for these 157 plaintiffs in their motion and on their attached exhibit.</b> Signed by Judge Patricia E.

		Campbell-Smith. (dpk) Service on parties made. (Entered: 06/09/2021)
06/11/2021	<u>271</u>	Corrected MOTION for Entry of Judgment under Rule 54(b) , filed by All Plaintiffs. <b>Response due by 6/25/2021.</b> (Burakiewicz, Heidi) (Entered: 06/11/2021)
06/16/2021	<u>272</u>	ORDER granting <u>271</u> Motion for Entry of Judgment under Rule 54(b). Pursuant to RCFC 54(b), there being no just reason for delay, the clerk's office is directed to ENTER partial judgment in favor of the 157 plaintiffs in the total amount of \$31,453.35 in damages. The parties exhibit identifying the 157 plaintiffs is attached to this order for reference. <b>Pursuant to the courts April 7, 2021 order, this case shall remain STAYED until further order of the court; and, the parties are directed to FILE a joint status report within thirty days</b> of the United States Court of Appeals for the Federal Circuit's ruling on the interlocutory appeal in <u>Avalos v. United States</u> , Case No. 19-48C. See ECF No. <u>264</u> . Signed by Judge Patricia E. Campbell-Smith. (Attachments: # <u>1</u> Parties' Exhibit identifying 157 Plaintiffs) (TQ) Service on parties made. (Entered: 06/16/2021)
06/16/2021	<u>273</u>	RULE 54(b) JUDGMENT entered, pursuant to Rule 58, that the 157 plaintiffs listed in the exhibit attached to the judgment recover of and from the United States the total amount of \$31,453.35, to be distributed as set forth in said exhibit. (Service on parties made.) (dls) (Entered: 06/16/2021)
06/17/2021	<u>275</u>	Certified transcript of judgment forwarded to plaintiff's attorney via U.S. mail this day. (dls) (Entered: 07/02/2021)
06/29/2021	<u>274</u>	NOTICE of Appearance by Ann Camille Motto for USA . (Motto, Ann) (Entered: 06/29/2021)
08/13/2021	<u>276</u>	NOTICE OF APPEAL as to <u>160</u> Order on Motion for Partial Summary Judgment, Reported Order, <u>273</u> Judgment, filed by USA. Copy to CAFC. (Motto, Ann) Modified text on 8/13/2021 (ead). (Entered: 08/13/2021)
08/13/2021		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals for the Federal Circuit re <u>276</u> Notice of Appeal. (ac7) (Entered: 08/13/2021)



# In the United States Court of Federal Claims

No. 13-834C

(E-Filed: June 16, 2021)

DONALD MARTIN, JR., <u>et al.</u> ,	)
	)
Plaintiffs,	)
	)
v.	)
	)
THE UNITED STATES,	)
	)
Defendant.	)

## ENTRY OF PARTIAL JUDGMENT ORDER

On June 11, 2021, the parties filed a joint motion for entry of judgment under Rule 54(b) of the Rules of the United States Court of Federal Claims (RCFC), in favor of 157 plaintiffs in this matter. See ECF No. 271. Therein, the parties report that “based upon the [c]ourt’s prior finding of [g]overnment liability,” the parties have stipulated to an entry of a partial judgment in favor of 157 plaintiffs in the total amount of \$31,453.35 in damages. See id. at 1. The parties’ motion contained an attached exhibit identifying the 157 plaintiffs and the specific amount owed to each plaintiff. See id. at 7-10.

Accordingly, the parties’ joint motion, ECF No. 271, is **GRANTED**. Pursuant to RCFC 54(b), there being no just reason for delay, the clerk’s office is directed to **ENTER** partial judgment in favor of the 157 plaintiffs in the total amount of **\$31,453.35** in damages. The parties’ exhibit identifying the 157 plaintiffs is attached to this order for reference.

Furthermore, pursuant to the court’s April 7, 2021 order, this case shall remain **STAYED** until further order of the court; and, the parties are directed to **FILE** a **joint status report** within **thirty days** of the United States Court of Appeals for the Federal Circuit’s ruling on the interlocutory appeal in Avalos v. United States, Case No. 19-48C. See ECF No. 264.

IT IS SO ORDERED.

s/Patricia E. Campbell-Smith  
PATRICIA E. CAMPBELL-SMITH  
Judge

Attachment

# In the United States Court of Federal Claims

## United States Court of Appeals for the Federal Circuit Appeal Information Sheet

**Plaintiff(s):** DONALD MARTIN, JR.

**Intervenor(s):**

**Docket No.:** 13-834

**Assigned Judge:** Judge Patricia E. Campbell-Smith

**Nature of Suit:** 304

**Type of Case:** Civilian Pay - FLSA

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*See docket sheet for counsel representation information*

**Cross or Related?**

**Appellant(s):** USA

**Date Judgment Entered:** 6/17/2021

**Date of Appeal:** 8/13/2021

**Fee Status:**

Paid – Receipt Number:

IFP       IFP for limited purposes

IFP status revoked pursuant to 28 U.S.C. § 1915(a)(3) (“An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.”)

**Additional Information:**