

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

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

JOINT STATUS REPORT

Pursuant to the Court’s Order, dated August 15, 2014, the plaintiffs, Donald Martin, Jr., Patricia Manbeck, Jeff Roberts, Jose Rojas and Randall Sumner, and defendant, the United States, respectfully submit the following joint status report.

The parties, in their Joint Status Report dated August 14, 2014, indicated that they were attempting to resolve certain issues raised by the plaintiffs’ motion for conditional certification. Since then, defendant has determined that it will not oppose the conditional certification of the collective action. However, the parties are continuing to discuss the class definition, the proposed order granting conditional certification that addresses, among other topics, the manner of giving notice to the class, the language of notice(s) to the class, and the consent to join forms. Although the parties have made progress in this regard, they continue to discuss several issues relating to those documents. Therefore, the parties request an additional 21 days, until October 10, 2014, to attempt to resolve these issues.

Furthermore, with respect to discovery on liquidated damages and potential damages to the class, the parties agree that bifurcated proceedings are the most efficient way to proceed with discovery. We respectfully propose first engaging in discovery regarding liquidated damages.

Either party may file a motion for summary judgment within thirty days after that discovery has been completed. After the Court has issued its ruling on liquidated damages, whether on summary judgment or after trial, then, if necessary, the parties will proceed to a determination of damages.

For the initial phase of discovery on liquidated damages, the parties respectfully propose an eight month discovery period. During that period, plaintiffs intend to propound interrogatories and requests for production of documents, as well as conduct one or more Rule 30(b)(6) depositions. In addition to responding to plaintiffs' discovery, the Government will canvass Government agencies with putative class members in order to determine information that will inform the Government's position regarding liquidated damages.

Finally, we respectfully propose that the Court order the parties, on or before October 10, 2014, to file a stipulation and proposed Order with the agreed terms concerning the class definition, manner of giving notice, notice form(s), and consent to join form. The stipulation should identify the issues, if any, remaining in dispute. On that same day, each party should file a memorandum arguing for its position on the disputed issue(s). We also propose that there shall be no responsive or reply filings unless the Court so directs.

Respectfully submitted,

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