

In the United States Court of Federal Claims

No. 11-715C

(E-Filed: March 3, 2021)

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JOSEPH GALLIMORE, <u>et al.</u> ,)
)
Plaintiffs,)
)
v.)
)
THE UNITED STATES,)
)
Defendant.)
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ORDER

On December 18, 2020, plaintiffs filed a motion in which they ask the court to preliminarily approve the settlement agreement entered into by the parties, to approve the proposed notice of a fairness hearing, and to conduct a fairness hearing to consider final approval of the agreement. See ECF No. 189. To the motion, plaintiffs attach a number of documents, including a copy of the signed settlement agreement, which includes a specified percentage of the settlement amount for attorneys’ fees and costs, ECF No. 189-2; and the agreed-upon proposed notices to class members, ECF No. 189-4 (notice summary), ECF No. 189-5 (long form notice). Defendant filed a response in which it states that it has no objection to plaintiffs’ motion. See ECF No. 190.

Plaintiffs propose to notify plaintiffs of the fairness hearing in two ways:

- (1) “First, a Summary Notice by postcard would be provided by mail from the Class Administrator to each Class member, as well as by email from the Class Administrator for those Class members for whom the Class Administrator has email addresses,” and
- (2) “Second, counsel proposed that a ‘Long Form’ notice, which explains the Settlement in far more detail than can fit in the space of a postcard and sets forth the procedures for filing objections will be posted on the website maintained by Alterman & Boop for purposes of communicating with Class

members (altermanandboop.com) together with a complete copy of the present motion and its attachments including the Settlement Agreement.”

ECF No. 189-12 at 11, 12.

After reviewing plaintiffs’ submissions, the court is satisfied that the requested relief is appropriate. The court will approve the notices, and the proposed procedure for delivering them, with one modification. The summary notice and long form notice currently state that “[w]ritten objections to the proposed settlement will be considered by the Court if received by mail by the Clerk of Court within 30 days of the date of this notice with copies sent to Class Counsel and the government.” ECF No. 189-4, ECF No. 189-5 (including similar language and the same deadline). In place of this timing instruction, the court will require that any written objections must be postmarked **fifteen days** prior to the fairness hearing, in order to allow the clerk’s office staff to process the incoming mail and deliver the same to chambers in the present remote working environment.

Accordingly, for good cause shown:

- (1) Plaintiffs’ motion to preliminarily approve the PCC Subclass settlement agreement, to approve the proposed notice (incorporating the modification described in this order), and to conduct a fairness hearing, ECF No. 189, is **GRANTED**;
- (2) On or before **March 12, 2021**, the parties are directed to **CONFER** and **FILE** a **joint status report**, informing the court of the parties’ availability for the fairness hearing the week of May 17, 2021.

IT IS SO ORDERED.

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

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On March 3, 2021, the court granted plaintiffs’ motion and directed the parties to confer and file a joint status informing the court of the parties’ availability for the fairness hearing the week of May 27, 2021. See ECF No. 196. Also on March 3, 2021, plaintiffs filed, on behalf of the parties, a joint status report. See ECF No. 197. Therein, plaintiffs state that “[a]ll parties are available on May 18, 19, or 20, 2021 at the Court’s convenience.” Id. at 1.

Accordingly:

- (1) The **fairness hearing** shall be **HELD** on **May 18, 2021** at **11:30 a.m. eastern time**, by government Zoom video conferencing. The court will furnish additional details in due course, by email to the parties.

- (2) Plaintiffs are directed to **NOTIFY** the class members of the fairness hearing in accordance with the procedures approved by the court in its March 3, 2021 order, ECF No. 196;
- (3) All **notices** must be **posted or sent** on or before **April 9, 2021**; and
- (4) On or before **April 23, 2021**, plaintiffs shall **FILE** a **notice** of compliance reporting to the court the date on which the approved notices were posted or sent to class members.

IT IS SO ORDERED.

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