

## **Alterman & Boop LLP**

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Opt-In Class Members of  
*Gross v. United States*

Dear Opt in Class Member:

We are writing to let you know that at long last, we have obtained the data necessary for the Claims Administrator Rust to be able to calculate the amount of pay and interest owed each Class Member. We expect that to be completed in the next 2 to 3 weeks. Once the calculations are done, we will be filing a motion with the Court of Claims asking that the Court enter judgments in the same amounts. That process will take an additional period of approximately 2 to 3 weeks. In that period, among other tasks, we will be sharing the calculations with the Government so its counsel has the opportunity to review the calculations to ascertain if they have any questions or objections and permit us to attempt to resolve any objections. In resolving these issues ahead of time, we hope to avoid disagreement on the numbers, which would require the Court to schedule either hearings or written submissions to determine the issue, a process that would involve significant delay. Obviously, it is in the interest of the Class that we do our best to get the Government's agreement on the calculations so judgments can be finalized without further delay.

Once we have actually filed the motion, each member of the Class will be able to find out the amount he/she is entitled to by accessing the motion and its attachments through the "PACER" system (the website is: <https://www.pacer.gov>) and going to the US Court of Federal Claims Index No.: 11-715C. Accessing documents on that site requires creating an account and the information for creating such accounts is also on the Pacer website. We will also post the calculations on the Alterman & Boop LLP website under each Class Members initials and the identification number each of you obtained from Rust when Rust confirmed you had opted in. If you no longer can find that number, email Alterman & Boop LLP at [ilevy@altermanboop.com](mailto:ilevy@altermanboop.com) with the subject line of GROSS (so it will go into the correct email sub-file), and include the following in the body of your message: 1) your full name, 2) the state where you worked for the Census Bureau 3) and the last 5 digits or your social security number. Once a week, we will try to have someone respond to give you your Rust ID number.

***Please do not call to request your ID number.*** We simply cannot respond to the anticipated volume of calls.

It has been a very long and often delayed road and we are pleased to have finally gotten to this point. Your patience during this time has been appreciated.

The following should address most of the questions you may have:

**Is entering the judgments the last step?**

No. As we indicated in our original notices to potential class members, the Government has 60 days to appeal from the date the Court actually enters judgments. The entry of judgments will be reflected as a new entry on the case docket. If there is an appeal, the final resolution (and any payments) is likely to be delayed approximately a year or more.

If there is no appeal, we will post information as to how long it will be before payments are made to our voice mail notification system, set up as Option 4 on the Alterman & Boop LLP phone number of (212) 226-2800, and on our website at [www.altermanandboop.com](http://www.altermanandboop.com)

**Can I challenge the total Sunday hours I am being credited with?**

In the context of the *Gross* case, the answer to this is "no." The data on which the calculations are based comes from the Government's payroll records derived from the actual hours you inputted into your computers on a daily or weekly basis. If there was any payroll period when you did not get paid for the total hours you worked, or you believe you were paid the proper number of hours, but you were credited with too few Sunday hours; you would have to consult with your own counsel to determine if there is any means to "appeal" and the time limits for doing so. This is something on which we, as Class Counsel, cannot represent you. Nor can we provide individual advice.

**Will I be paid for Sunday hours going forward?**

If there is no appeal, then we would expect all Sunday hours to be paid going forward and most likely from the beginning of 2018. If the Government appeals, you would not likely get Sunday premium pay going forward unless and until that appeal is heard and rejected.

**Will accrued interest be included in the award?**

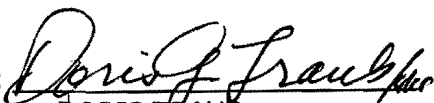
The calculations we are submitting to the Court will include interest.

**Will attorney fees/costs come out of my judgment?**

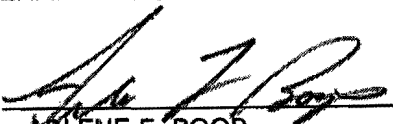
At present, we do not know with certainty whether attorneys fees and costs will be paid out of the individual awards or will be awarded separately by the Court, but we do anticipate that we will be requesting these fees and costs from the Government. In no event will attorneys fees and costs be payable without the Court's approval. There also will be notice to all Opt-In Class members when the motion for attorney fees and costs is made.

Very truly yours,

TRAUB & TRAUB PC

By:   
DORIS TRAUB

ALTERMAN & BOOP LLP

By:   
ARLENE F. BOOP