

## Alterman & Boop LLP

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July 10, 2018

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

Dear Opt in Class Member:

We are writing as a further update to our letter of June 15, 2018. The Claims Administrator Rust has completed its preliminary calculations based on the data received for 2007 through the end of 2017, and the government has now provided the missing data for the period of October 2005 through the end of 2006. However, there is still some data missing for a total of nine class members. It is anticipated that the rest of this data will be provided by the government within the next two weeks. Rust should then be able to make its final calculations by the end of July or early August.

Once the calculations are done based upon the complete data, we will first 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. By 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 any issues, a process that would involve significant additional delay. Obviously, it is in the interest of the Class that we do our best to get agreement on the judgment amounts.

In any event, once there is agreement, or failing that, we have been able to define the basis for any disagreement, we will file a motion with the Court of Claims asking the Court to enter judgments for each Class Member. We anticipate this application will be made by mid-August. We will then post a copy of the motion to our website ([www.altermanboop.com](http://www.altermanboop.com)). The motion will have an attached list indicating the name of every Class Member and the judgment amount to which that Class Member is entitled. **We cannot provide this information over the phone or by email.** However, our posting the motion on the website will avoid the need for any Class Member to go into the PACER system (as mentioned in our June 4<sup>th</sup> update) and we no longer intend to use the Rust identification number to identify class members. We think this will make checking your own award amounts much faster and simpler.

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 voicemail notification system, set up as Option 4 on the Alterman & Boop LLP phone number of (212) 226-2800, and on our website at [www.altermanboop.com](http://www.altermanboop.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?**

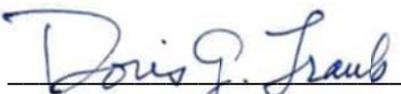
The calculations we are submitting to the Court will include interest at least through June 2, 2018.

**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:   
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