

## Alterman & Boop LLP

99 Hudson Street, 8<sup>th</sup> Floor  
New York, NY 10013  
212-226-2800

Daniel L. Alterman  
Arlene F. Boop

August 14, 2018

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

Dear Opt in Class Member:

This is an update as of August 14th, 2018. We are now very close to having all of the data for all Class Members so that the Class Administrator will soon be able to calculate the final individual proposed judgment amounts. However, we are still missing information for 3 or 4 pay periods for which the government has not provided information. This may be because no Sunday hours were worked during those 3 or 4 pay periods, all of which occurred during holiday periods, or it may be because that information still needs to be retrieved. The government is currently investigating these 3 or 4 pay periods to ensure that all Sunday hours for all Class Members are included. Once we have confirmation that we have received all of the hours for all of the pay periods, the Class Administrator has indicated it will only take a few days to produce the final calculations, which we will present to the government for its review and then submit as a motion to the Judge. We hope this process will be complete in September.

We will post a copy of the motion on 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.**

Once judgments are entered, the government has two months within which it can appeal. We do not know whether or not it will appeal.

The following are answers to frequently asked questions:

**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?**

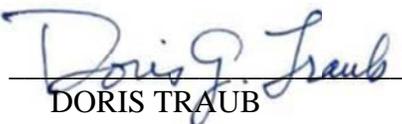
The calculations we are submitting to the Court will include interest at least through June 2, 2018.

**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:   
DORIS TRAUB

ALTERMAN & BOOP LLP

By:   
ARLENE F. BOOP