

ANSWERS TO FREQUENTLY ASKED QUESTIONS IN *GROSS v. UNITED STATES*

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

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

In the context of the *Gallimore* case, the answer to this is generally “no” – with the very limited exception described in subparagraph four below. 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.

However, the following may be helpful for you in reviewing your total award:

1. As a general matter, all Class Members were previously paid for the Sunday hours worked; what they did not get was the additional 25%. For example, if in a pay period a Class Member received pay for 40 hours of work, 8 of which were Sunday hours, and your hourly rate was \$17/hour; the Sunday Premium Pay award for that period would be 8 x \$17 x 25% or \$34.00. The Sunday Premium Pay award would

not be 125% of your hourly rate times 8 because you were already paid the straight hourly wage for those 8 hours.

2. The methodology used by Rust was to multiply the number of Sunday hours you worked by your pay rate, by 25%, by the applicable interest rate, by the number of years from that pay period to the date of calculation.
3. The Class does not include hours incurred while someone served as Lead filed Representative as we did not know about that title until too late in the litigation. However, it is our expectation that should there be no appeal of the judgments or those judgments are sustained after appeal, we would expect Lead Field Representatives to also get paid Sunday Premium Pay, both prospectively and for 6 years retroactively. We expect to be able to give you our assistance if that proves not to be the case. Alternatively, you may wish to pursue this now on your own.
4. We will be reviewing and getting additional information about the title held and Sunday hours accrued for a significant number of Class Members who have complaints about their awards, both from those members and from the Government. If this review reveals any basis for a change in any awards, a motion for correction must be made no later than one year from the entry of judgments. We believe our taking the time to perform this review is part of our obligation to the Class. However, we have the ability to do this only as a test and for a small number of people – probably no more than 10 – initially, unless we find problems with those 10.

However, we would also note that we previously requested additional information about a number of Class Members who appeared to have no awards and in each of those instances, it appeared the Class Member served in one of the two eligible titles – Part-time Field Representative or Senior Field Representative – for such a short period of time that the absence of Sunday hours made sense. Because we have seen frequent title changes among members of the Class, we anticipate that some people who worked many more Sunday hours than their award would indicate were not a part-time employee during their entire period of employment.

Will my award include a contribution to the Thrift Savings Plan?

Yes. A contribution to the Thrift Savings Plans will be made from the amounts awarded to each Class Member, at the individual percentage rates previously established. However, if the individual has retired (and no longer has such a plan), we expect the Government to figure out how these individuals will be compensated. While we do not have an answer at this time as to how this will be done, it is an issue we will monitor at the time payments are to be made to

ensure these retired Class Members receive all the benefits to which they are entitled regardless of the form in which that benefit is paid.

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.

If there is an appeal, how long would that process take?

Once judgments are entered, the Government has 60 days to file its appeal. If it does so, there will be a period of about two months after the initial filing for Class Counsel to file opposition papers and the Government to file a reply to that opposition. The parties will then have an opportunity to be heard by the Court in oral argument on a date set at the Court's discretion. After oral argument, the Court can sometimes take up to a year or more to decide the matter. Overall, we think the appeal process will take a year or even two.