

In the United States Court of Federal Claims

No. 06-872C

(E-Filed: August 6, 2020)

_____)
GERALD K. KANDEL, <u>et al.</u> ,)
)
Plaintiffs,)
)
v.)
)
THE UNITED STATES,)
)
Defendant.)
_____)

ORDER

On July 20, 2020, plaintiffs filed an unopposed motion in which they ask the court to preliminarily approve the “amended partial settlement agreement dated December 9, 2019;”¹ 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. 388. Therein, plaintiffs propose to notify the settlement subclass plaintiffs of the fairness hearing by posting a copy of the proposed notice “on the website dedicated to this case.” Id. at 1.

On July 23, 2020, the court directed the parties to file a joint status report, on or before July 30, 2020, informing the court of how much time plaintiffs’ counsel will require to accomplish notice in this matter and raising any concerns counsel may have about doing so. Proposed notices to be sent by email or letter shall be attached to the status report for the court’s review. The status report shall also propose three jointly agreed-upon dates and times for the fairness hearing.” ECF No. 389 (order).

On July 30, 2020, in response to the court’s July 23, 2020 order, the parties filed their joint status report. See ECF No. 390. Therein, the parties report that they have consulted with the Class Action Administrator who stated, “that the process of preparing and mailing the letter to members of the settlement subclass will take until August 26, 2020.” Id. at 1.

¹ On January 17, 2020, the amended partial settlement agreement was filed as a separate entry in the court’s case management/electronic case filing (CM/ECF) system. See ECF No. 370. This partial settlement agreement was entered into by the “settlement subclass” member plaintiffs. ECF No. 388 at 1.

The parties suggest in this regard that “all of the details contained within the draft notice are best communicated to the class as a letter which also provides a link to the notice on the website, as instructed by the court.” *Id.* The parties’ status report attached an agreed-upon draft letter. *See* ECF No. 388-1. Furthermore, the parties’ status report attached a draft notice (in letter format) suggested by the Class Action Administrator to be “included in the same envelope a notice to class members with respect to the identification of any deceased class members.” *See* ECF No. 388-2. As a final matter, the parties propose three jointly agreed-upon dates for the fairness hearing as follows: September 28, 29, or 30 at 11:00 a.m. eastern time.

The court will approve the notice (website format), ECF No. 388-1; notice (proposed letter addressed to the “settlement subclass” plaintiffs), ECF No. 390-1; and notice (supplemental letter addressed to the settlement subclass plaintiffs), ECF No. 390-2, as agreed to by the parties. In completing the blank date fields in the letters, however, the parties must reflect a postmark deadline for any written objections **fifteen days** prior to the hearing, on or before **September 15, 2020**, 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.

For good cause shown,

- (1) Plaintiffs’ motion to preliminary approve the amended partial settlement agreement dated December 9, 2019 (ECF No. 370); to approve the proposed notices (ECF No. 388-1, ECF No. 390-2, ECF No. 390-2); and to conduct a fairness hearing, ECF No. 388, is **GRANTED**;
- (2) On or before **September 4, 2020**, plaintiffs shall **FILE** a **notice** of compliance reporting to the court the date on which the approved letters, ECF No. 390-1, ECF No. 390-2, were mailed to members of the settlement subclass; and
- (3) The fairness hearing shall be **HELD** on **September 30, 2020** at **11:00 a.m. eastern time**, via video conferencing. The court will furnish additional details in due course.

IT IS SO ORDERED.

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