

YOU HAVE REACHED THE LAW FIRM OF BERNSTEIN & LIPSETT.

IF YOU ARE A CLIENT IN THE ADAMS AND RELATED CASES PLEASE UPDATE YOUR PERSONAL INFORMATION BY PRESSING "1." INCLUDE YOUR SOCIAL SECURITY NUMBER, HOME AND WORK PHONE NUMBERS AND YOUR HOME AND WORK E-MAIL ADDRESSES. IT IS CRITICAL THAT WE HAVE ALL OF YOUR CURRENT CONTACT INFORMATION ESPECIALLY YOUR CURRENT E-MAIL AND HOME ADDRESSES.

IF YOU WOULD LIKE TO LISTEN TO THE MOST RECENT UPDATE IN THESE CASES, PLEASE PRESS 2.

IF YOU WOULD LIKE TO SPEAK TO A MEMBER OF OUR STAFF, PLEASE PRESS 3.

THIS UPDATE IS CURRENT AS OF SEPTEMBER 22, 2010.

FOR BACK PAY AND LIQUIDATED DAMAGES COVERING THE FLSA CLAIMS OF 1811 CRIMINAL INVESTIGATORS AND SPECIAL AGENTS WHO WORKED AT THE FBI, OIG OFFICES AND OTHER AGENCIES WE EARLIER MAILED TO PLAINTIFFS FOR THEIR APPROVAL CALCULATIONS PREPARED BY THE GOVERNMENT. ON MARCH 10, 2010 WE SUBMITTED A PROPOSED SETTLEMENT AGREEMENT TO THE GOVERNMENT FOR APPROVAL BY THE ATTORNEY GENERAL ON BEHALF OF THOSE PLAINTIFFS WHO REVIEWED THEIR CALCULATION AND SENT US THEIR AUTHORIZATION FORMS.

IN CONNECTION WITH THIS SETTLEMENT, ON AUGUST 13, 2010 THE GOVERNMENT ADVISED US THAT IT HAD MISCALCULATED THE AMOUNTS DUE 64 NCIS PLAINTIFFS AND THAT THE BACK PAY FOR THESE PLAINTIFFS WOULD BE SUBSTANTIALLY REDUCED IF NOT ERADICATED. IN ADDITION, ON SEPTEMBER 7, 2010, THE GOVERNMENT NOTIFIED US THAT IT WOULD NOT SETTLE THE FLSA CLAIMS OF THE 1811S FOR WHOM WE HAD REACHED A TENTATIVE AGREEMENT UNLESS ADDITIONAL CONDITIONS WERE MET, NAMELY A COMPLETE RESOLUTION OF THE AMOUNT OF ATTORNEYS FEES, EXPENSES, AND COSTS DUE FOR THE ENTIRE ADAMS CASE DATING BACK TO 1990.

BECAUSE OF THESE DELAYING TACTICS, ON SEPTEMBER 7, 2010, WE NOTIFIED THE COURT THAT OUR NEGOTIATIONS WITH THE GOVERNMENT HAD REACHED AN IMPASSE. FURTHER, ON SEPTEMBER 14, 2010 WE WROTE TO ASSISTANT ATTORNEY GENERAL TONY WEST. WE ADVISED

MR. WEST THAT THE GOVERNMENT'S LAST MINUTE ROADBLOCKS TO SETTLEMENT WERE AN UNREASONABLE EFFORT TO DELAY THE BACK PAY AND LIQUIDATED DAMAGES THAT ARE LONG OVERDUE. FURTHER, WE SAID THAT THE GOVERNMENT WAS RENEGING ON ITS PRIOR AGREEMENT TO DEFER RESOLUTION OF THE AMOUNT OF ATTORNEYS FEES, COSTS AND EXPENSES UNTIL SETTLEMENT OF BACK PAY AND LIQUIDATED DAMAGES, AND THAT THE GOVERNMENT HAD NEGOTIATED WITH US IN BAD FAITH. WE HAVE REQUESTED AN EARLY MEETING WITH ASSISTANT ATTORNEY GENERAL WEST. A COPY OF OUR LETTER WAS SENT TO SENATOR PATRICK LEAHY OF VERMONT WHO CHAIRS THE SENATE JUDICIARY COMMITTEE. SENATOR LEAHY WAS INSTRUMENTAL IN OUR ACHIEVING THE EARLIER 2007 GS-13 SETTLEMENT AT ATF, CUSTOMS, DEA, IRS AND SECRET SERVICE.

AS FOR DIVERSION INVESTIGATORS, THE MAJORITY OF THEIR CLAIMS HAVE BEEN PAID. THE FEW REMAINING PLAINTIFFS WHOSE CLAIMS HAVE NOT BEEN PAID ARE IN THE PROCESS OF RESOLUTION.

ON MARCH 22, 2010, THE SUPREME COURT ONCE AGAIN DECLINED TO CONSIDER OUR CLAIM THAT REQUIRED DRIVING OF GOVERNMENT VEHICLES BY GOVERNMENT EMPLOYEES BETWEEN HOME AND WORK IS COMPENSABLE UNDER THE FAIR LABOR STANDARDS ACT. THIS EFFECTIVELY CONCLUDES OUR LITIGATION OF THIS ISSUE.

WE ARE CONTINUING TO NEGOTIATE WITH THE GOVERNMENT ON ALL OTHER REMAINING CLAIMS.

IF YOU HAVE ANY FURTHER QUESTIONS OR CONCERNS, PLEASE PRESS ZERO TO SPEAK TO A MEMBER OF OUR STAFF. THANK YOU.