

In the United States Court of Federal Claims

No. 90-162C
and Consolidated Cases

(Filed March 25, 2011)

\* \* \* \* \*
STEPHEN ADAMS, et al.,
Plaintiffs,
v.
THE UNITED STATES,
Defendant.
\* \* \* \* \*

ORDER

On March 16, 2011, pursuant to the court's order of November 19, 2010, the parties filed a Joint Status Report in the subject matter. The parties' status report gives an overview of outstanding claims and settlement negotiations that have occurred and/or are underway in the subject matter. Most notably, the parties have been negotiating a large settlement concerning plaintiffs employed at a number of agencies, including the plaintiffs employed by the Office of Inspector General (OIG) of the Department of Health and Human Services and the OIG of the Department of Housing and Urban Development. An updated settlement recommendation, which also addresses, in particular, the issue of attorneys fees and costs, is currently under review by the Department of Justice.

Aside from the issues related to the proposed large settlement, the parties continue to discuss the FLSA exemption status of certain employees classified as management employees in GM-13 positions. Regarding these claims, the government has provided a substantial amount of plaintiff-specific information for all but one of the concerned agencies, and anticipates providing additional information regarding the one remaining agency in the near future. In addition,

plaintiffs' settlement proposal regarding approximately fifty plaintiffs who worked for the Office of Personnel Management as background investigators is the subject of consultations between government counsel and agency counsel at OPM.

Discovery exchanges have occurred for some of the approximately sixty plaintiffs who have claims related to their transfer to Opa Locka Airport after Hurricane Andrew, with upcoming discovery responses expected for approximately 27 of these 60 plaintiffs. The claims of a particular Secret Service plaintiff, John P. Connelly, continue to be a subject of discussion between the parties. As to the dismissal of claims and/or plaintiffs within these consolidated cases, the parties continue to disagree as to whether the dismissal of claims in some of the earliest filed cases in this litigation is appropriate. In conclusion, the parties request that their next status report be filed on or before May 25, 2011.

Accordingly, it is hereby **ORDERED** that the parties shall **FILE** a **Joint Status Report**, on or before **May 25, 2011**, to apprise the court of the status of the resolution of the claims in the subject matter.

/s/Lynn J. Bush

LYNN J. BUSH

Judge