

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

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| STEPHEN ADAMS, <u>et al.</u> , |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | No. 90-162C |
| |) | and Consolidated Cases |
| THE UNITED STATES, |) | (Judge Lynn J. Bush) |
| |) | |
| Defendant. |) | |

JOINT STATUS REPORT

Pursuant to the Court’s Order of October 4, 2012, plaintiffs respectfully submit the following joint status report on behalf of all parties. Counsel for the parties have conferred regarding the filing of this document, and counsel for defendant has authorized counsel for plaintiffs to state that defendant concurs in the contents of this status report.

1. Plaintiffs’ counsel submitted a tentative settlement proposal to defendant on September 4, 2012, for approval by the authorized representative of the Attorney General. The tentative settlement proposal covers the following plaintiffs:

- a. Approximately 46 plaintiffs who worked for the Office of Personnel Management as Series 1810 background investigators;
- b. Approximately 60 plaintiffs who asserted claims arising from their transfer to Opa Locka Airport upon the closing of Homestead Air Force Base following Hurricane Andrew; Approximately 31 plaintiffs who were technical employees at the United States Customs Service;
- c. Approximately 30 plaintiffs in technical positions with Department of Homeland Security in Customs & Border Protection; and
- d. The claim of Michael Banas, Defense Security Service Background Investigator and Customs Import Specialist.

2. As stated in previous joint status reports, the parties continue to discuss the FLSA exemption status of certain plaintiffs who occupied GM-13 positions.

3. Defendant submitted a proposal to plaintiffs to resolve claims for Sunday premium pay. Plaintiffs responded to such proposal on August 13, 2012. Defendant replied to plaintiffs' August 13, 2012 response on October 24, 2012 and plaintiffs are reviewing defendant's reply.

4. On October 19, 2012, plaintiffs submitted a proposal to defendant to resolve the claims of three technicians at the Drug Enforcement Administration. Defendant is considering the proposal.

5. On October 23, 2012, plaintiffs submitted a proposal to defendant to resolve claims for approximately five plaintiffs who worked as criminal investigators with the Defense Criminal Investigative Service who assert claims for the underpayment of Administratively Uncontrollable Overtime in addition to FLSA. Defendant is considering the proposal.

6. Other claims and issues that are under discussion between the parties include the following:

- a. erroneous withholdings from deceased plaintiffs; and
- b. USSS1802 (Randy Espinoza, Scott Curtis, and Tom Radtke);

7. The parties propose that they submit a joint status report on or before January 16, 2013, to apprise the Court of the status of the resolution of the above-discussed matters.

Respectfully submitted,

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Attorneys for Plaintiffs

Dated: November 19, 2012

CERTIFICATE OF FILING

I hereby certify under penalty of perjury that on this 19th day of November 2012, a copy of the foregoing “JOINT STATUS REPORT” was filed electronically. I understand that notice of this filing will be sent to all parties by operation of the Court’s electronic filing system. Parties may access this filing through the Court’s system.

s/Jules Bernstein