

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

STEPHEN ADAMS, et al.,)	
)	
)	
Plaintiffs)	
)	
v.)	Case No. 90-162C
)	and Consolidated Cases
)	(Judge Lynn J. Bush)
UNITED STATES OF AMERICA,)	
)	
Defendant.)	
_____)	

JOINT STATUS REPORT

Pursuant to the Court’s Order of May 23, 2013, the parties respectfully submit the following joint status report.

In our last status report, we indicated that the parties had reached a tentative agreement with respect to all outstanding claims in this litigation, that Government counsel had prepared the internal documentation necessary to obtain authorization within the Department of Justice, and that this documentation was in the process of being reviewed internally. At this time, the internal documentation has been reviewed by some but not all of the individuals within the chain of review. Given the amount of money involved in the settlement, approval must be obtained from the Associate Attorney General. Thus, additional time is necessary to complete the internal review process.

Plaintiffs’ again request a telephonic status conference with the court for the purpose of determining the basis for the delay in the approval process of the settlement proposal and to establish a timeline for either its approval or rejection. As the court stated in its order of May 23,

2013, “authorization of the settlement has taken a long time.” The court afforded the government thirty days to “finalize authorization of the settlement,” yet the government failed to move the settlement proposal through the approval process to obtain authorization. The government states, as it has previously, that the settlement is in the chain of review process. For this reason, plaintiffs request a status conference to obtain the court’s assistance in expediting such process and bringing it to a conclusion.

Defendant does not object in principle to a telephonic status conference but sees no purpose to holding a conference at this time. Plaintiffs state that the purpose of the conference would be to determine “the basis for the delay in the approval process.” We disagree that there has been any “delay.” The word “delay” connotes the idea that something has not happened at the time originally planned or expected. Because the settlement must be reviewed by numerous individuals, including the Deputy Assistant Attorney General, the Assistant Attorney General, and the Associate Attorney General, all of whom have significant workloads, obligations, and travel requirements, it is difficult if not impossible to plan or expect review to occur by a particular time. While we were hopeful that review would occur by this time, we were and are not now in a position to expect the officials identified above to act by a date certain. Thus, the failure to complete the review process does not constitute a delay.

Plaintiffs further state that they request the conference “to obtain the court’s assistance in expediting such review process and bringing it to a conclusion.” However, we would oppose any request by plaintiffs for a Court-imposed timeline for consideration of the proposed settlement by those within the chain of review.

The parties propose that they submit a joint status report on or before July 24, 2013, in order to apprise the Court of our progress.

Respectfully submitted,

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June 26, 2013

CERTIFICATE OF SERVICE

I hereby certify that this Joint Status Report was electronically filed on this 26th day of June, 2013, with the Clerk of the Court using the CM/ECF System which will send notification of such filing to plaintiffs' attorney:

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