

In the United States Court of Federal Claims

No. 13-779 C
Filed: March 21, 2017

CILICIA A. DEMONS, *et al.*, on behalf of
herself and all others similarly situated,

Plaintiffs,

v.

THE UNITED STATES,

Defendant.

ORDER PRELIMINARILY APPROVING CLASS ACTION SETTLEMENT AGREEMENT AND SCHEDULING FAIRNESS HEARING

On March 8, 2017, Plaintiffs filed an Unopposed Motion For Approval Of Class Action Settlement Agreement, pursuant to Rule of the United States Court of Federal Claims (“RCFC”) 23(e). ECF No. 44. The Proposed Settlement Agreement would settle two consolidated class action cases: (1) *DeMons v. United States*, No. 13-779; and (2) *Garcia v. United States*, No. 13-1024. ECF No. 44 at 1. The parties attached a Proposed Notice Plan and the text of a Proposed Notice Of Settlement Agreement to the March 8, 2017 Motion. ECF No. 44 at Ex. 3–4.

On March 21, 2017, the court convened a Preliminary Hearing to determine whether: (1) the Proposed Settlement Agreement was within the reasonable range of approval, warranting a Fairness Hearing, pursuant to RCFC 23(e); and (2) the Proposed Notice Plan and text of the Notice Of Settlement Agreement were reasonable. Pursuant to the March 21, 2017 Preliminary Hearing, the court has determined that the Proposed Settlement Agreement is within the reasonable range of approval, warranting a Fairness Hearing. In addition, the court has approved the parties’ Proposed Notice Plan and the wording of the Notice Of Settlement Agreement, attached to this Order as “Court Exhibit 1.”

The Administrator will provide the Notice Of Settlement Agreement by the Internet to the class members. The Administrator will post the Notice Of Settlement Agreement, the text of the Proposed Settlement Agreement in its entirety, Plaintiffs’ motion for approval of attorneys’ fees and expenses, and the text of Plaintiffs’ memorandum of law to “www.myleavepay.com” on, or before, March 24, 2017.

Class members may support or object to the Proposed Settlement Agreement in writing, by mailing their statements to the Clerk of Court for the United States Court of Federal Claims.¹ Statements of support and/or objections must be filed with the Clerk of Court on, or before, April 7, 2017. If a class member intends to present his or her objections to the Proposed Settlement Agreement orally and/or in person, he or she must so state as part of a timely filed objection. Plaintiffs' Counsel and/or the Government will respond to any objection to the Proposed Settlement Agreement on, or before, April 20, 2017.

On April 20, 2017, at 2:00 p.m EST, the court will convene a Fairness Hearing to determine whether the proposed Settlement Agreement, attorneys' fees, attorneys' reimbursable nontaxable costs, and the costs of administration are fair, reasonable, and adequate, pursuant to RCFC 23(e). The Fairness Hearing will take place at the United States Court of Federal Claims, 717 Madison Place, Washington, D.C. 20005.

IT IS SO ORDERED.

s/ Susan G. Braden
SUSAN G. BRADEN
Judge

¹ The Clerk of Court's mailing address is 717 Madison Place, NW, Washington, DC 20439. The phone number for the Clerk of Court's Office is 202-357-6406.

Court Exhibit 1

WEBSITE NOTICE OF SETTLEMENT AGREEMENT IN THE CLASS ACTION LAWSUITS OF *DeMONS V. UNITED STATES* AND *GARCIA V. UNITED STATES*

I. A Settlement Agreement Has Been Reached Regarding Saturday And/Or Night Premium Pay For Class Members That Used Authorized Paid Leave.

A settlement has been agreed to under which the United States will pay a lump-sum to a Settlement Fund to settle all Saturday and/or Night premium pay claims by the certified class from July 1, 2012 to February 28, 2016. Each member of the certified class will receive a proportionate distribution of the Settlement Fund based upon the Saturday and/or Night differential pay that each eligible individual claimant should have received for authorized paid leave used on Saturday and/or night plus interest. Defendant does not admit any wrongdoing or liability on its part; the proposed settlement is for full payment of authorized individual claims before deduction of approved fees, expenses and taxes. The independent, professional Class Action Administrator appointed by the United States Court of Federal Claims will pay all attorney fees and expenses from the Settlement Fund, as approved by the Court. Individuals will not have to pay any of these fees and expenses separately. All administration fees also shall be paid from the Settlement Fund and all applicable federal, state, and city taxes will be withheld by the Administrator and then paid directly to each appropriate jurisdiction. The remaining net funds after taxes will be paid to each authorized claimant depending on your individual leave and hourly pay records.

The Court will hold a hearing in a courtroom at the United States Court of Federal Claims, 717 Madison Place, NW, Washington D.C. 20005 at 2 p.m. (EST) on **APRIL 20, 2017**, to determine whether it should approve the proposed settlement, and to approve the amount of attorney fees and expenses to be paid from the Settlement Fund. Plaintiffs' attorneys have requested Court approval of attorneys' fees of 30% of the Settlement Fund which was agreed to by each individual claimant when you filed your individual claim. Attendance at the hearing is not necessary; however, if you wish to be heard orally in opposition to the proposed settlement you must so state as part of your timely filed objection. Written objections to the proposed settlement by class members will be considered by the Court, but only if such objections are filed in writing with the Clerk of the Court by mail postmarked no later than **APRIL 7, 2017**. Class members who support the proposed settlement do not need to appear at the hearing or take any other action to indicate their approval. If the Court approves the settlement, each class member will receive his or her distributive share by check, but it may take months to receive the settlement funds from the United States Treasury and to distribute those funds to each eligible claimant. The Settlement Agreement can be viewed in its entirety at "www.myleavepay.com" as well as Plaintiffs' motion for approval of attorneys' fees and expenses and Plaintiffs' memorandum of law for approval of the Settlement Agreement.