

From: [M.ROBERTS-EFILEBOX](#)
To: [M.ROBERTS-EFILEBOX](#);

Redacted

Cc: *Redacted*

Subject: [EXTERNAL] ORDER
Date: Wednesday, March 20, 2019 6:02:05 PM

Phase I Class Counsel Thomas & Solomon LLP and Kato, Parks, Harris & Weiser, PLLC ***Motion to Reconsider Case Management Order*** filed February 28, 2019 is **DENIED**

Phase I Class counsel contends that they have designations of representation for over 28,000 claimants and therefore should be served with the Agency's documents regarding disputed claims and all correspondence. However, the Agency has demonstrated in their Motion dated March 19, 2019, that there are many claimants who either did not designate counsel as their representative, wished to proceed *pro se*, have retained other counsel, wishes to withdraw their claim, or wishes to not pursue their claim. Therefore, Phase I Class Counsel's claim of representation of 28,000 claimants is erroneous, at best.

Using the list provided by Phase I Class Counsel and cross checking that with Agency records, the Agency is hereby ORDERED to provide a list of individual claimants who have affirmatively indicated that they are not and/or do not wish to be represented by Phase I Class Counsel and the basis underlying that contention. The Agency is to provide this list **by April 1, 2019**.

For those claimants who are on Agency's list, Phase I Class Counsel must review and provide a clean, precise written designation of representation form expressly stating that claimant designates Thomas & Solomon LLP and Kato, Parks, Harris & Weiser, PLLC to represent them in Phase II, Individual Relief portion of the litigation SANDRA M. McCONNELL, a/k/a/ VELVA B., ET AL., v. POSTMASTER GENERAL, UNITED STATES POSTAL SERVICE

These clean designations of representation are due April 15, 2019 to the Agency and the undersigned Judge.

Any and all websites maintained and controlled by the parties, if it has it done so already, regarding this litigation must update said website to indicate that the Individual Claims Process phase of this litigation has begun, that unlike the first phase which determined liability, this phase will focus on individual relief; it should clearly indicate that the EEOC did not appoint, assign or approve any specific attorney or law firm to be "class counsel" during this phase and that claimants have the right to proceed *pro se* (unrepresented) or with representation of their choosing during this phase.

There will be a standing telephonic status conference every last Monday of the month for the life of this litigation

The **next status conference will be Monday April 29, 2019 at 2pm EST**. The Agency is instructed to set up a designated conference line for said calls.

The parties are to be prepared to discuss issues around partially accepted claims, what to do if a claimant wants to accept the Agency's FAD, updates regarding submissions and settlement, amongst other topics.

For those on the call today, please contact the court reporter, *Redacted* at *Redacted* with your complete names and all contact information.

So ORDERED

Monique J. Roberts-Draper
Administrative Judge
Equal Employment Opportunity Commission
Redacted