



**UNITED STATES OF AMERICA
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
NEW YORK DISTRICT OFFICE**

[REDACTED]

In the matter of:

SANDRA M. McCONNELL, ET AL.,

DATE: October 30, 2024

Class Agent,

Order Permitting Limited
Briefing

v.

**LOUIS DEJOY, POSTMASTER GENERAL,
UNITED STATES POSTAL SERVICE,**

Agency.

EEOC Hearing No.: 520-2019-00271X

Agency Case No.: 4B-140-0062-06

ORDER PERMITTING LIMITED BRIEFING

In *McConnell's* Phase II “damages” cases in which a *Scheduling Order* was issued, the New York District Office Administrative Judges orchestrated proceedings and began fielding case management discussions at Initial Conferences. At the conferences, the Agency and certain claimants raised numerous disagreements about the procedural posture of the claims and about the issues for adjudication, applicable standards, and appropriate procedure. Based on those limited discussions between the Agency and certain claimants, the Administrative Judges issued a September 19, 2024 *Order of Postponement* which postponed limited scheduled hearings through October 18, 2024 so that the Judges could “offer clarification of the work ahead” and “improve the orderliness and efficiency of the forthcoming proceedings.”

On September 26, 2024, Phase I Class Counsel (Kator & Parks) filed an unsolicited response to the *Order of Postponement*, highlighting for their own clients two contested procedural issues (*i.e.* treatment of the “Subclass Report” and the Agency’s deadline for exhibit identification) and making a request for “consistent compensatory damage awards.” On October 7, 2024, the Agency filed its response to Phase I Class Counsel’s filing while invoking other issues discussed at the conferences. On October 18, 2024, the Judges issued an *Order Extending Postponement* postponing all scheduled conferences and hearings indefinitely and until after the Commission issues the general order clarifying issues affecting case management.

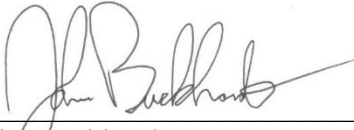
On October 28, 2024, J.R. Pritchett (a representative of individual claimants) notified the parties that he was not aware of the prior briefing by Kator & Parks and the Agency until he received

the *Order Extending Postponement*. Mr. Pritchett now requests an opportunity to “provide a response for consideration.”

Neither previous response to the *Order of Postponement* specifically referenced Mr. Pritchett’s individual cases, and no one had a private opportunity to “respond” to the Judges’ general case management order – which is still forthcoming. Nevertheless, the Administrative Judges grant Mr. Pritchett’s request as follows. In all cases in which a *Scheduling Order* was issued scheduling an Initial Conference, the claimants – whether they are *pro se* or represented by Mr. Pritchett, Brown & Goodkin, Gary Hugh Green II, Glenn Smith, or any other representative – may submit briefs per the following schedule: Claimant Briefs are due on **November 4** and any Agency Response is due on **November 8**. These submissions are not to exceed ten pages (with one-inch margins, at 12-point Times New Roman font and 1.5 line spacing). These short deadlines are necessary given the projected timing of the general order to be issued by the Commission. The Agency’s Response is limited to the issues raised in the forthcoming Claimant Briefs; the Agency may not independently raise new issues in its brief. There will be no further briefing unless ordered by the Commission.

It is **SO ORDERED**
For the Commission:

Date: October 30, 2024



John Burkhardt
Administrative Judge
U.S. Equal Employment Opportunity Commission
New York District Office
[REDACTED]



Monique J. Roberts-Draper
Administrative Judge
U.S. Equal Employment Opportunity Commission
New York District Office
[REDACTED]



Robert D. Rose
Administrative Judge
U.S. Equal Employment Opportunity Commission
New York District Office
[REDACTED]

CERTIFICATE OF SERVICE

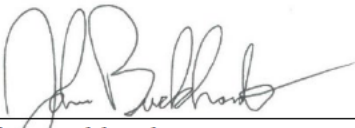
It is assumed the parties received this ORDER immediately upon email transmission. We certify that on October 30, 2024, this ORDER was sent to the following parties *via* email:

Class Representatives

Jeremy Wright, Esq. [REDACTED]
Jessica Lukasiewicz, Esq. [REDACTED]
David Weiser, Esq. [REDACTED]
J.R. Pritchett, Esq. [REDACTED]
Daniel Goodkin, Esq. [REDACTED]
Steven Brown, Esq. [REDACTED]
Lynette A. Whitfield, Esq. [REDACTED]
Gary Hugh Green II [REDACTED]
Glenn Smith [REDACTED]

Agency Representatives

Eve Burton, Esq. [REDACTED]
Sean M. Powers, Esq. [REDACTED]
Deborah M. Levine, Esq. [REDACTED]
Eric D. Goulian, Esq. [REDACTED]
Thea E Potanos, Esq. [REDACTED]
Mary Jane Wagg-Galvin, Esq. [REDACTED]
Matthew Bushong, Esq. [REDACTED]



John Burkhardt
Administrative Judge
U.S. Equal Employment Opportunity Commission
New York District Office
[REDACTED]