

NATIONAL VETERANS LEGAL
SERVICES PROGRAM, NATIONAL
CONSUMER LAW CENTER, and
ALLIANCE FOR JUSTICE, for themselves
and all others similarly situated,
Plaintiffs,

v.

UNITED STATES OF AMERICA,
Defendant.

Case No. 1:16-cv-00745-PLF

MOTION TO AMEND THE OPT-OUT DEADLINE

On May 8, 2023, the Court granted preliminary settlement approval. ECF No. 153. Plaintiffs respectfully move the Court to amend the schedule to account for unforeseen delays, and to provide additional time for class members to opt out of the class. Plaintiffs have met and conferred with the government as required by Local Rule 7(m). The government consents to the motion. In support of their motion, plaintiffs state as follows:

1. The Court's Order required the government to produce class member data to the plaintiffs by May 22, 2023 (14 days after entry of the Order). *Id.* ¶ 3. The government did not transmit the data.

2. Plaintiffs' counsel emailed the government on May 23, inquiring when the data would be produced. They received no response.

3. Plaintiffs' counsel emailed the government again on May 30, inquiring when the data would be produced. Again, they received no response.

4. On June 1, plaintiffs' counsel emailed the government a third time to ask when the notice data would be produced, and to inform the government that plaintiffs intended to move the

Court after receipt of the data to request a minor revision to the schedule to allow sufficient time for class members to opt out.

5. Later that day, the government finally informed plaintiffs that it was “working through some technical issues,” but hoped to provide the data by June 5, 2023.

6. Plaintiffs received the data on June 6, 2023, fifteen days after it was due.

7. The Court’s Order requires plaintiffs to provide email notice by July 6, 2023 (30 days from receipt of the data). *Id.* ¶ 15.

8. The current opt-out deadline is August 6, 2023 (90 days from entry of the order). *Id.* ¶ 19.

9. This provides class members with only 31 days to opt out.

10. To account for the delay in the government’s production of the data, plaintiffs respectfully request that the Court amend its Order and modify the opt-out deadline to August 20, 2023 (104 days from entry of the order). This minor revision does not impact any other deadline and will provide class members with sufficient time to opt out.

Dated: June 7, 2023

Respectfully Submitted,

/s/ William H. Narwold

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Services Program, National Consumer Law Center,
Alliance for Justice, and the Class*

CERTIFICATE OF SERVICE

I hereby certify that on June 7, 2023, I electronically filed this Motion to Amend the Opt-Out Deadline through this Court's CM/ECF system. I understand that notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

/s/ William H. Narwold
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