

# In the United States Court of Federal Claims

No. 15-294C  
(Filed May 29, 2020)

\* \* \* \* \*

J. CASARETTI, et al.,

Plaintiffs,

v.

THE UNITED STATES,

Defendant.

\* \* \* \* \*

## ORDER

For the reasons stated on the record during the status conference held on Thursday, May 28, 2020, the Court **GRANTED** Mr. Casaretti’s motion to certify a class of non-exempt federal air marshals (FAMs) to pursue the claims of unpaid overtime due to improper Law Enforcement Ability Pay adjustments and payroll system practices, and unpaid hours for sleep time and other alleged, required duties. Accordingly, Mr. Nicholas Wieczorek of Clark Hill PLLC was appointed as class counsel.

Furthermore, the Court provisionally-approved the proposed notice submitted by plaintiff, upon the understanding that 90 days from the date of notice will be the return date for sending consent forms to Mr. Wieczorek. As plaintiffs have agreed to add specific information concerning the contingency fee arrangement, their counsel shall submit a revised notice to defendant’s counsel on or by **Friday, June 5, 2020**. The notice should also be updated to reflect the current name of Mr. Wieczorek’s law firm. Also, in light of the Court’s order of February 16, 2017, dismissing from the lawsuit claims other than Fair Labor Standards Act overtime claims, plaintiffs are advised to remove the reference to “regular” compensation in the description of the lawsuit, and to qualify the “unpaid wages” sought as unpaid overtime compensation. After counsel have conferred on the revised notice, plaintiffs shall file it for final approval.

The Court also granted Mr. Casaretti's request that defendant provide the necessary information for sending the notice to FAMs and retired FAMs, and that the notice be posted in FAM Field Offices. On or by **Friday, June 5, 2020**, defendant shall file a status report informing the Court of its efforts to locate the names, addresses, and phone numbers of FAMs and former FAMs who are potentially eligible to join this suit, and estimating the time required to compile this information for the purpose of distributing notice to potential class members.

Additionally, counsel shall meet and confer regarding the government's motion for summary judgment, ECF No. 41, which is currently stayed. On or by **Friday, June 12, 2020**, the parties shall file a joint status report addressing their respective positions concerning the schedule for proceeding on that motion, on discovery, and other related matters.

**IT IS SO ORDERED.**

s/ Victor J. Wolski

**VICTOR J. WOLSKI**

Senior Judge