

# In the United States Court of Federal Claims

No. 05-14210C & No. 05-759C

CONSOLIDATED

(Filed: June 20, 2006)

\* \* \* \* \*

THOMAS C. PORTA, et al.,

and

ANDREW D. BARTH, et al.,

Plaintiffs,

v.

THE UNITED STATES,

Defendant.

\* \* \* \* \*

## ORDER

The court is in receipt of the Defendant's June 15, 2006 notice, the Plaintiffs' Objections and the Defendant's June 19, 2006 Reply. At issue is the Defendant's decision to make certain payments to potential class members during the sign up period. Following the status conference to discuss the notice and objections the court orders as follows:

1. To the extent OPM has the authority to continue to provide back pay to individual Border Patrol Agents who attended training at FLETC for six days a week, eight hours a day for several weeks, but were not paid for the sixth day, the named plaintiffs will also be entitled to such payments.

2. The parties shall negotiate new notices to those who have received payments to explain to potential plaintiffs their remaining rights with regard to this action and another notice to those who will receive payments explaining their remaining rights with regard to this action.
3. The court will also extend the sign up period agreed to by the parties.
4. The parties shall provide copies of the negotiated notices to the court by **10:00 a.m. June 27, 2006**. Courtesy copies shall be provided to the court's email address: "firestone\_chambers@ao.uscourts.gov".
5. The issue of attorneys' fees and costs shall be reserved until the conclusion of the case.
6. The court hereby **SCHEDULES** a status conference for **Tuesday, June 27, 2006 at 4:00 p.m. eastern time to finalize the proposed notices**. Counsel for each party shall appear via telephone and unless otherwise notified will be contacted at the following numbers: counsel for plaintiff at (845) 255-9370; counsel for defendant at (202) 353-7991. The court will initiate the call.

**IT IS SO ORDERED.**

s/Nancy B. Firestone  
NANCY B. FIRESTONE  
Judge