

In The United States Court of Federal Claims

No. 04-1335C

(Filed: February 23, 2010)

JOSEPH BARNES,
KAYLENE HOLUB,
SOCORRO YOSUICO, *et al.*,

Plaintiffs,

v.

THE UNITED STATES,

Defendant.

ORDER

On November 24, 2009, the court ordered that – “On or before February 22, 2010, each party shall file a memorandum proposing how issues concerning attorneys’ fees and costs are to be resolved.” On February 22, 2010, the parties filed a joint memorandum parroting back to the court the paragraph concerning attorney fees and costs in the settlement agreement. As perhaps should have been obvious, it was not the court’s intent to have the parties merely “republish” to the court a document which the court already had. Accordingly, the document filed on February 22, 2010, is hereby **STRICKEN** as nonresponsive.

So as to be perfectly clear on this matter:

- (i) On or before March 5, 2010, plaintiffs shall file a memorandum with the court providing details with respect to the following:
 - (a) An estimate of the total amount of attorney’s fees and costs it will be seeking and the expected source for the payment of those fees and costs (*e.g.*, whether those fees and costs will be borne by the members of the class or paid from a separate fund);
 - (b) Relatedly, a summary of the factual and legal (decisional or statutory) bases for their application for attorney’s fees and costs, including an

explanation of the formulae (lodestar, multipliers, etc.) that will be used in calculating those fees; and

- (c) A summary index of the records plaintiffs will produce in support of their application for attorney's fees.

- (ii) On or before March 19, 2010, defendant shall file a memorandum responding to the memorandum filed by plaintiffs on March 5, 2010, identifying, in particular, potential objections or oppositions defendant may have to the recovery of all or significant portions of plaintiffs' claimed fees and costs.

The aforementioned memoranda are designed to alert the court to the legal and factual issues that may exist regarding the recovery of fees and costs in advance of its final approval of the settlement herein.

IT IS SO ORDERED.

s/ Francis M. Allegra

Francis M. Allegra

Judge