

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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. 16-cv-745-PLF

JOINT STATUS REPORT

As ordered by this Court on December 11, 2020, the parties file this joint status report to explain how they would like to proceed now that the United States Court of Appeals for the Federal Circuit has remanded this case for further proceedings. The parties have conferred and they propose engaging in mediation for six months before proceeding further in this Court.

On March 31, 2018, this Court issued its memorandum opinion on the parties' cross-motions for summary judgment on liability. *See Nat'l Veterans Legal Servs. Program v. United States*, 291 F. Supp. 3d 123, 126 (D.D.C. 2018). While briefing cross-motions on liability, the parties "reserve[ed] the damages determination for" a later point "after formal discovery." *Id.* at 138. On August 13, 2018, this Court certified its March 31, 2018 decision for interlocutory appeal to the Federal Circuit under 28 U.S.C. § 1292(b). *See Nat'l Veterans Legal Servs. Program v. United States*, 321 F. Supp. 3d 150, 155 (D.D.C. 2018).

On August 6, 2020, the Federal Circuit affirmed this Court's decision on the parties' motions for summary judgment and remanded the matter back to this Court for further proceedings. *See Nat'l Veterans Legal Servs. Program v. United States*, 968 F.3d 1340, 1343 (Fed. Cir. 2020). Since then, the parties have discussed several times by phone and email what proceedings remain

for this Court, and whether mediation is appropriate. The parties have agreed on certain structural aspects of any eventual settlement, but they plan to engage in mediation on the amount and details of any settlement. At present, the parties are discussing participating in mediation with a private mediator and thus do not believe that there is a need to refer this matter to a magistrate judge for mediation. The parties have further agreed to a six-month mediation process and therefore request a stay of all proceedings in this Court through June 25, 2021.

Counsel for the parties will make themselves available by telephone or videoconference should the Court have questions.

Respectfully submitted,

/s/ Deepak Gupta

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December 23, 2020

CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2020, I electronically filed the foregoing joint status report through this Court's CM/ECF system. All participants are registered CM/ECF users and will be served by the CM/ECF system.

/s/Deepak Gupta
Deepak Gupta