

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.*

Civil Action No. 16-745 ESH

**NOTICE OF JOINT FILING OF PROPOSED ORDER**

In accordance with the Court's January 24, 2017 Order (Dkt. #32), Plaintiffs National Veterans Legal Services Program, National Consumer Law Center, and Alliance for Justice, on behalf of themselves and the Plaintiff Class, submitted a proposed Plan of Class Notice for the Court's approval on February 23, 2017 (Dkt. #37). In connection to their Unopposed Motion and pursuant to LCvR 7(c), Plaintiffs filed a proposed order. (Dkt. #37-4). While the parties had earlier agreed to the future submission of a proposed protective order, Plaintiffs inadvertently did not include language in paragraph 3 of the proposed order that referred to a protective order. Further, in its response to the Unopposed Motion, Defendant identified a misunderstanding between the parties about the scope of the account data that would be produced given that federal agencies are excluded from the class definition. (Dkt. #38). Accordingly, following several discussions, the parties now jointly file the attached proposed order, in lieu of the proposed order filed on February 23, with the following modified language:

3. To the extent they are not already produced, Defendant shall, upon entry of an appropriate protective order, produce to Plaintiffs' counsel the available names, postal addresses,

email addresses, phone numbers, and PACER-assigned account numbers of all individuals and entities who have paid PACER fees (“PACER Fee Database”) during the class period. For purposes of this paragraph, “individuals and entities” is defined as all PACER users except the following: (1) any user who, during the quarter billed, is on the master Department of Justice list for that billing quarter; (2) any user with an @uscourts.gov email address extension; or (3) any user whose bill is sent to and whose email address extension is shared with a person or entity that receives bills for more than one account, provided that the shared email address extension is one of the following: @oig.hhs.gov, @sol.doi.gov, @state.gov, @bop.gov, @uspis.gov, @cbp.dhs.gov, @uss.dhs.gov, @irscounsel.treas.gov, @dol.gov, @ci.irs.gov, @ice.dhs.gov, @dhs.gov, @ssa.gov, @psc.uscourts.gov, @sec.gov, @ic.fbi.gov, @irs.gov, and @usdoj.gov.

<sup>1</sup> For example, accounting@dol.gov at 200 Constitution Avenue, NW, Washington, DC 20210 receives bills for johndoe1@dol.gov, johndoe2@dol.gov, and janedoe1@dol.gov. None of those email addresses (accounting@dol.gov, johndoe1@dol.gov, johndoe2@dol.gov, and janedoe1@dol.gov) would receive notice.

Dated: March 31, 2017

Respectfully submitted,

By: /s/ William H. Narwold  
MOTLEY RICE LLC

William H. Narwold  
bnarwold@motleyrice.com  
DC Bar No. 502352  
One Corporate Center  
20 Church Street, 17th Floor  
Hartford, CT 06103  
Telephone: (860) 882-1676  
Facsimile: (860) 882-1682

GUPTA WESSLER PLLC

Deepak Gupta, Esq.  
deepak@guptawessler.com  
Jonathan E. Taylor  
jon@guptawessler.com

CHANNING D. PHILLIPS  
DC Bar No. 415793  
United States Attorney

DANIEL F. VAN HORN  
DC Bar No. 924092  
Chief, Civil Division

By: /s/ W. Mark Nebeker  
W. MARK NEBEKER, DC Bar No. 396739  
Assistant United States Attorney  
555 4th Street, N.W.  
Washington, DC 20530  
(202) 252-2536  
mark.nebeker@usdoj.gov

*Counsel for Defendant*

1735 20th Street, NW  
Washington, DC 20009  
Telephone: (202) 888-1741  
Facsimile: (202) 888-7792

*Counsel for Plaintiffs and the Class*

**CERTIFICATE OF SERVICE**

I, William H. Narwold, declare that I am over the age of eighteen (18) and not a party to the entitled action. I am a principal of the law firm MOTLEY RICE LLC, and my office is located at One Corporate Center, 20 Church Street, 17th Floor, Hartford, CT 06103.

On March 31, 2017, I caused to be filed the following in the above-captioned case:

**Notice of Joint Filing of Proposed Order**

with the Clerk of Court using the Official Court Electronic Document Filing System, which served copies on all interested parties registered for electronic filing.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 31, 2017

Respectfully submitted,

By: /s/ William H. Narwold  
William H. Narwold  
MOTLEY RICE LLC