

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

\_\_\_\_\_  
L.N.P.

*on his own behalf and on behalf of his  
dependent children P.D.P. and L.D.P.  
and on behalf of all others similarly situated*

Plaintiffs,

- versus -

FRANK BISIGNANO,  
Commissioner of Social Security Administration,  
*et al.*,

Defendants.  
\_\_\_\_\_

Case No. 1:24-cv-01196 (MSN/IDD)

**PLAINTIFFS' THIRD STATUS REPORT**

**KELLEY DRYE & WARREN LLP**

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Dated: December 22, 2025

*Counsel for Plaintiffs and the class*

**I. Update Regarding Compliance With Order Dated October 1, 2025**

In accordance with the Court's Order (Dkt. 109), attached as Exhibit A is a final list of individuals who timely requested exclusion from the class either by letter or by email. For the sake of completeness, Exhibit A also includes, in a separate section, a current list of individuals who requested exclusion after the December 1, 2025 deadline.

**II. The Supplemental Class List**

As reported in the prior status reports, through conversations with class members Class Counsel uncovered that some children who should have been in the class were not included on the class list prepared by SSA. Class Counsel notified the agency of this issue on November 18, 2025. On December 10, 2025, counsel for SSA advised that they would have a "full list of potentially impacted beneficiaries on December 12," but no list was produced.

On December 15, 2025, counsel for SSA advised: "On Friday [December 12], SSA informed us that they are working to confirm the number and identity of these new potential class members. For obvious reasons, SSA is doing quality controls to ensure that this supplemental list is complete and accurate. This data is difficult to pull from SSA's systems, and unfortunately I do not have a final list for you at this time."

On December 16, 2025, counsel for SSA advised: "SSA anticipates finalizing the supplemental list early next week. As I'm sure you can appreciate, SSA is doing everything it can to ensure that this list is complete and accurate."

The parties conferred by telephone on Friday December 19, 2025. Counsel for SSA advised that the agency was still planning to produce the supplemental class list early this week. As of the filing of this status report, the list has not been produced. Assuming it is, Class Counsel will review the list and determine the next steps, including whether supplemental class notice may

be necessary. If so, Plaintiffs will file an appropriate motion; if not, Plaintiffs will otherwise apprise the Court.

### **III. Status Regarding Joint Stipulated Judgment**

As set forth in the prior status reports, Plaintiffs have been attempting to negotiate the terms of a stipulated judgment with SSA since September 10, 2025. The agency finally shared its version of a stipulated judgment on December 16, 2025. Plaintiffs believed that the agency's version was deficient in many respects and wrote to SSA later that same day to outline those deficiencies. The parties then conferred by telephone on Friday December 19, 2025.

Although some minor progress was made, the parties are at impasse on at least one issue, and many others remain open. Counsel for SSA agreed to discuss the open issues with the agency and revert back. Counsel advised, however, that due to the agency's internal processes and the upcoming holidays, they did not know when the agency would be able to provide its response on the open issues.

Class Counsel proposed to agency counsel that the parties should continue to confer and attempt to reach agreement where possible, but that if agreement was not reached by January 8, 2025, the parties should simultaneously file competing version of the final judgment together with supporting position statements. Class Counsel proposed that responses could be filed by January 29, 2025. Counsel for SSA suggested that additional time might be necessary (at least another week) and that it may be necessary to submit multiple briefs on different topics. Class Counsel is open to any reasonable approach but is insistent on bringing this case to a resolution. Although notice may need to be given to the new class members (as discussed above), there is no reason the parties cannot brief the issues regarding the proper form of judgment in parallel with any new

notice period so that the Court can hold a hearing and enter judgment shortly after all class members have had the right to opt out.

Towards that end, absent timely and substantive progress with the SSA regarding the judgment, Class Counsel intends to file an appropriate motion in January for the Court to enter Plaintiffs' version of the judgment and the agency can respond thereto in the normal course.

Dated: December 22, 2025

Respectfully submitted,

/s/ Joseph J. Green

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 22nd day of December 2025, Plaintiffs' Third Status Report was uploaded to this Court's CM/ECF system, which will electronically serve a copy of the same on all counsel of record.

Respectfully submitted,

/s/ Joseph J. Green

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# **EXHIBIT A**