

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)

**CONSENT MOTION FOR APPROVAL OF SUPPLEMENTAL CLASS
NOTICE PLAN**

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Dated: January 5, 2026

Counsel for Plaintiffs and the class

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Plaintiff and Class Representative 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 the certified class (collectively, the “Plaintiffs”), by undersigned appointed Class Counsel and pursuant to Federal Rule of Civil Procedure 23(c)(2)(B), files this Consent Motion for Approval of Supplemental Class Notice Plan (the “Motion”). Defendants consent to the notice plan set forth in this Motion. The Proposed Supplemental Notice to Class Members is attached hereto as Exhibit A (the “Proposed Supplemental Notice”).¹

I. BACKGROUND

This Motion for supplemental class notice is necessitated by the Social Security Administration’s failure to properly compile the class list—now for a second time. As described below, due to the agency’s errors, at least another **47,747 children** have been identified as class members and now need to receive class notice.

By Order dated May 30, 2025, the Court certified the following class of beneficiaries, subject to certain exclusions:

All Eligible Children of Early Retirees, where such children, between and including May 10, 2024 and May 30, 2025, received a child’s insurance benefit under Section 402(d) of the Social Security Act (the “Act”) that was reduced under Section 403(a)(1) of the Act because the Social Security Administration (the “SSA”) used the PIA of the Early Retiree instead of the RIB in determining whether the Family Maximum was exceeded, and therefore such children may be entitled to past due benefits.

Dkt. 72 at 7. By Order dated July 16, 2025, Dkt. 81, the Court ordered that “Defendants shall produce the class list ... no later than July 21, 2025.”

The agency produced a class list on July 21, 2025, containing **21,469 individuals**. Class Counsel analyzed the list and on August 3, 2025, alerted the agency to the fact that the list was not

¹ The Proposed Supplemental Notice is identical to the original Class Notice approved by this Court, other than the updated dates and deadlines.

complete as it did not include the Class Representatives—*i.e.*, the named Plaintiff and his children. *See* Dkt. 85 at 1 and Exhibit K thereto, Dkt. 85-11. The agency subsequently admitted that “the July 21, 2025 list included only child auxiliaries who *became eligible* to receive benefits during the class period. It did not include child auxiliaries who had *already been receiving* these benefits—and continued to do so into the class period.” Dkt. 93 at 6 (emphasis in original); at 15 (“SSA has acknowledged that the July 21, 2025, list does not include all class members....”). The agency produced a new class list, along with other data, on August 20, 2025, containing **102,741 children**—nearly five times larger than the original list. *Id.*

By Order dated October 1, 2025, the Court granted Plaintiffs’ prior consent motion for approval of a class notice plan. Dkt. 109. In accordance with the Order, on October 17, 2025, Class Counsel mailed 102,741 notices to the individuals on the second class list provided by SSA, which triggered a 45-day period for class members to submit requests for exclusion. Dkt. 112. Over the following weeks, almost 800 class members contacted Class Counsel with questions about the lawsuit. Some of those individuals advised Class Counsel that they had received notices for some of their children but not others who they believed should also have been in the class. Dkt. 112 at ¶ 6.

On November 18, 2025, Class Counsel sent counsel for SSA a letter containing the names of the representative payees and their children who may have been left off the class list and asked the agency to investigate the issue. On December 10, 2025, four weeks later, counsel for SSA reported that the agency had determined that it (once again) omitted individuals from the class list—this time, the agency omitted children whose benefits terminated during the class period by aging out (*i.e.*, by turning 18, or for full time students by turning 19) even if they were receiving benefits for some portion of the period. Dkt. 119-1 at 2 (“SSA determined that the issue is related

to age: these are largely children who turned 18 or fulltime students who turned 19 at some point during the class period (May 10, 2024 through May 30, 2025). ... The code excluded beneficiaries whose records had a termination code. ... SSA is amending their code to capture terminations that occurred during the class period.”). The agency did not promptly produce the supplemental list, however, necessitating Plaintiffs’ motion to enforce. Dkt. 120.

On December 23, 2025, while the motion to enforce was pending, SSA finally produced a supplemental class list containing **47,747 new class members**—an almost 50% increase from the prior class list. The next day, Class Counsel wrote to counsel for SSA with a series of questions about the supplemental list, including the fact that thousands of the new class members were not 18 or 19 and therefore could not have been omitted from the list due to aging out of benefits. Dkt. 128-2. It thus appears that the agency’s error was not solely “related to age.” In addition, the supplemental list did not include all the children whose parents had called Class Counsel to inquire about why they were excluded. As of the date of this Motion, SSA has not responded to these inquiries.

By this Motion, Plaintiffs seek approval to send class notice to the additional class members on the supplemental class list. The notice plan, to which Defendants consent, is substantively the same as the prior notice plan that was approved by the Court, including mail notice to the addresses provided by SSA and a 45-day opt-out period. Given the delays to date, Plaintiffs wish to mail the supplemental notices as quickly as possible and propose to do so no later than January 23, 2026. This is one week after the scheduled January 16, 2026 hearing on Plaintiffs’ motion to enforce, Dkt. 130, which seeks to compel a final, complete, and accurate class list from the agency.²

² The Court ordered the agency to respond to the motion to enforce by January 9, 2025. Dkt. 130. Presumably, the agency will respond on (or before) that date with answers to the questions raised in Plaintiffs’ December 24, 2025 letter, including whether the children mentioned in that letter who are still missing from the list were properly omitted or not and whether there are any additional missing class members. If Plaintiffs receive

II. LEGAL STANDARD

The Federal Rules require that, for classes certified under Rule 23(b)(3), the court “direct to class members the best notice that is practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort.” *In Re Zetia (Ezetimibe) Antitrust Litig.*, No. 2:18-MD-2836, 2022 WL 3337794, at *2 (E.D. Va. Feb. 9, 2022) (quoting Fed. R. Civ. P. 23(c)(2)(B)). “Individual notice must be sent to all class members whose names and addresses may be ascertained through reasonable effort.” *Eisen v. Carlisle & Jacquelin*, 417 US 156, 173 (1974). “Directly mailing notice to class members satisfies due process.” *Manuel v. Wells Fargo Bank, Nat’l Ass’n*, No. 3:14CV238(DJN), 2016 WL 1070819, at *4 (E.D. Va. Mar. 15, 2016).

Rule 23(c)(2)(B) requires that “the notice must clearly and concisely state in plain, easily understood language:

- (i) the nature of the action;
- (ii) the definition of the class certified;
- (iii) the class claims, issues, or defenses;
- (iv) that a class member may enter an appearance through an attorney if the member so desires;
- (v) that the court will exclude from the class any member who requests exclusion;
- (vi) the time and manner for requesting exclusion; and
- (vii) the binding effect of a class judgment on members under Rule 23(c)(3).”

Fed. R. Civ. P. 23(c)(2)(B); *see also* Manual Complex Lit. § 21.31 (4th ed.) (stating that notice should (i) describe the nature of the action; (ii) describe the definition of the class and the claims,

satisfactory responses and the agency confirms that the supplemental class list is complete and accurate, Plaintiffs will gladly mail supplemental notice well before the proposed January 23, 2026 deadline.

issues, and defenses being litigated; (iii) identify the class representatives and counsel; (iv) describe the relief sought; and (v) explain any risks and benefits of retaining class membership and opting out, while emphasizing that the court has not ruled on the merits of any claims or defenses). Rule 23(h) further requires that notice of Class Counsel's intent to seek attorneys' fees must be "directed to class members in a reasonable manner." Fed. R. Civ. P. 23(h).

III. ARGUMENT

1. Service of Notice by U.S. Mail Directly to Each Class Member Complies with Rule 23 and Due Process, and Has Already Been Approved by This Court

Class Counsel, with consent of Defendants, propose to provide direct, individual notice to the 47,474 supplemental class members by first-class U.S. Mail; just as it had done with the initial ~102,000 class members. The notices will be sent to the addresses that are on file with the Social Security Administration. These are the same addresses used by the agency to communicate with the beneficiaries in the ordinary course of administering the social security program. Notice by general publication or other less direct means is unnecessary here because the parties know who the exact class members are by name and Defendants possess and have provided their addresses for the purpose of sending notice. Thus, the proposed method of providing direct notice by mail plainly meets the Supreme Court's requirement that individual notice be given whenever, as here, the class members' names and addresses are known. *Eisen*, 417 US at 173; *Stacy v. Jennmar Corp. of Virginia, Inc.*, No. 1:21CV00015, 2021 WL 4787278, at *4 (W.D. Va. Oct. 14, 2021) (holding that service by U.S. Mail is sufficient); *Blenko v. Cabell Huntington Hosp., Inc.*, No. CV 3:21-0315, 2022 WL 3229968, at *7 (S.D.W. Va. Aug. 10, 2022) (finding that class notice through U.S.

Mail is proper). Class Counsel anticipates that it will be prepared to mail notice to the class members on or before January 23, 2026, or at such later date as ordered by the Court.³

In addition to sending notice by first-class U.S. Mail, Class Counsel has already established a website (www.kelleydrye.com/LNPclassaction) where class members can obtain up-to-date information about the litigation, including copies of all Court orders, final judgment, Class Counsel's anticipated motion for attorneys' fees, and information about any scheduled Court hearings or conferences. Use of a website to provide ongoing updates to the class is a common and acceptable way to give notice to the class of future activity in the litigation. *In Re Zetia (Ezetimibe) Antitrust Litig.*, 2022 WL 3337794, at *9 (approving notice plan that included "[a] dedicated informational case website ... to complement the Notice Plan and to ensure TPP Class Members' easy access to updated information"); *Binotti v. Duke Univ.*, No. 1:20-CV-470, 2021 WL 5363299, at *5–6 (M.D.N.C. Aug. 30, 2021) (class notice along with a case-specific website that published all relevant litigation documents and settlement notices, complied with all due process requirements).

Class Counsel has already established a phone number and email address which class members can use to contact Class Counsel to ask questions or learn more about the litigation. Over 800 class members have already contacted Class Counsel using these methods. These additional methods of contact provide additional ways for class members to stay informed about the progress of the litigation. *See Binotti*, 2021 WL 5363299, at *5–6 (noting that proper notice also included a telephone number to receive calls from class members); *Hodge v. N. Carolina Dep't of Adult Correction*, No. 5:19-CV-478-D, 2024 WL 1309169, at *1 (E.D.N.C. Mar. 27, 2024) (approving

³ If additional time is needed to send notice to the class members, Class Counsel will seek appropriate relief from the Court.

class notice plan that also established a website for class members to access case documents); *Grice v. PNC Mortg. Corp. of Am.*, No. CIV. A. PJM-97-3084, 1998 WL 350581, at *7 (D. Md. May 21, 1998) (approving Proposed Notice that contained a phone number of class counsel and the procedure for making inquiries to same).

2. The Content of Plaintiffs' Proposed Supplemental Notice Complies with the Federal Rules

As with the prior approved class notice, Plaintiffs' Proposed Supplemental Notice complies with the Federal Rules. The very first sentence in the Proposed Supplemental Notice states the nature of the action and the section entitled "WHAT IS THIS CASE ABOUT?" provides an explanation about the action along with vital information about the case, complying with Rule 23(c)(2)(B)(i). *See* Proposed Supplemental Notice ("You are receiving this notice because you are the representative payee of a child who may be part of a certified class action lawsuit...").

The Proposed Supplemental Notice, in the section entitled: "IS YOUR CHILD PART OF THE CLASS" then provides the definition of the class certified by the Court, as required by Rule 23(c)(2)(B)(ii). *Id.* ("The lawsuit alleges that SSA improperly reduced child insurance benefit payments...").

The Proposed Supplemental Notice explains, in plain language, what the case is about, *i.e.*, Plaintiffs' claims and SSA's defenses, in the section entitled: "WHAT IS THIS CASE ABOUT?" in compliance with Rule 23(c)(2)(B)(iii). *Id.* ("The Lawsuit alleges that the agency should have used the actual benefit payable to early retirees . . . SSA denies that it miscalculated benefits or that it owes any money to the class..."). In crafting a notice, the amount of information on defenses that must be presented is minimal and a simple general statement that the defendants have denied liability will suffice. *See City of Ann Arbor Employees' Ret. Sys. v. Sonoco Prods. Co.*, No. 4:08-CV-2348-TLW-SVH, 2011 WL 13199259, at *1 (D.S.C. Dec. 7, 2011) (overruling defendant's

objection to Proposed Notice where the Proposed Notice stated that the defendants had denied and continued to deny that they have committed any violations of law or that they have any liability with respect to any claims asserted in the action). Here, the Proposed Supplemental Notice states that SSA denies that it did anything wrong and that it intends to seek authority to appeal the Court's decision regarding the proper interpretation of the relevant statutes and regulations. Thus, the Proposed Supplemental Notice satisfies Rule 23(c)(2)(B)(iii)'s requirement of providing SSA's defenses.

The Proposed Supplemental Notice also complies with Rule 23(c)(2)(B)(iv), by stating: "You may instead choose to hire your own lawyer at your own expense to represent you and your children in this case at any time and to appear in court. You may also appear in person yourself without a lawyer." *See* Proposed Supplemental Notice, section "WHO REPRESENTS THE CLASS MEMBERS?"

The Proposed Supplemental Notice in the "WHAT ARE YOUR OPTIONS?" section complies with Rule 23(c)(2)(B)(v) and (vi), by explaining that class members may ask to be excluded from the class and the procedure and deadline by which they may do so. *Id.* ("You may also ask for your child to be excluded from the class. If your child is excluded from the class, they will not receive any potentially past-due benefits from this Lawsuit and will not be bound by any orders or judgments of the Court. Your child will retain any rights they may have to separately sue SSA for such benefits or to challenge a determination of benefits through SSA's administrative process. To be excluded from the class, you must send a letter or postcard which states in words or substance: 'I and my child(ren) want to be excluded from the class in *LNP v. Bisignano*, Case No. 1:24-cv-01196 (E.D. Va.).' You must also provide your full name, the name of your child(ren), your mailing address, telephone number, and email address. Any request for exclusion

must be **postmarked by March 9, 2026**, and should be mailed to Class Counsel at the address below.”).

In accordance with Rule 23(c)(2)(B)(vii), the Proposed Supplemental Notice also explains the binding effect of a class judgment on members who elect to remain in the class. *Id.* (“If you do nothing, your child will remain a member of the class and will be legally bound by all orders and judgments of the Court. Neither you nor your child will be able to sue, or continue to sue, SSA for any potentially past-due benefits that the Lawsuit seeks. If past-due money benefits are awarded to your child, you will be notified, if necessary, about what to do, if anything, to obtain any money benefits owed to your child.”).

The Proposed Supplemental Notice ends with a section entitled: “HOW CAN YOU GET MORE INFORMATION?” which directs class members to the publicly available website that Class Counsel will construct and on which Court documents from this case will be posted. These documents will include this Motion, as well as future filings, and all past and future Court Orders. The website will also contain information about upcoming Court hearings and deadlines.

Finally, the Proposed Supplemental Notice informs each class member that Class Counsel will seek an attorneys’ fee award under 42 U.S.C. § 406(b) of up to 25% of the past-due benefits, to be paid out of the class members’ recovery. *Id.* (“As permitted by federal law, Class Counsel intends to seek a reasonable fee up to 25% of any past-due benefits paid to class members, with such fee to be paid out of such past-due benefits. The Court will decide what percentage, if any, to award Class Counsel.”). The Proposed Supplemental Notice further informs each class member that they “will have the right to submit written comments or objections to the Court regarding the fee application and to appear at any hearing” and that “[t]he deadline for submitting objections and the date, time, and location of any fee hearing will be posted at

www.kelleydrye.com/LNPclassaction shortly after the information becomes available.” *Id.* This is sufficient to comply with the requirement of Rule 23(h) that notice of the motion for fees be “directed to class members” by “reasonable means.” *See, e.g., Gascho v. Glob. Fitness Holdings, LLC*, No. 2:11-CV-436, 2014 WL 1350509, at *32 (S.D. Ohio Apr. 4, 2014), report and recommendation adopted, No. 2:11-CV-00436, 2014 WL 3543819 (S.D. Ohio July 16, 2014), *aff’d*, 822 F.3d 269 (6th Cir. 2016) (“notice of the fee request was included on the long-form notice ... [which] was posted on the settlement website....”); *George v. Duke Energy Ret. Cash Balance Plan*, No. 8:06-CV-00373-JMC, 2011 WL 13218031, at *1 (D.S.C. May 16, 2011) (providing notice of a request for attorneys’ fees by first-class mail and “promulgation of a class notice website” is sufficient). Indeed, in prior class actions against SSA, such fee applications were posted on websites specifically dedicated to those cases. *See Greenberg v. Colvin* class action⁴; *Steigerwald v. Berryhill* class action.⁵

Accordingly, and considering the foregoing, the substance of the Proposed Supplemental Notice complies with the Federal Rules.

3. A 45-Day Opt-Out Period Satisfies Due Process and Has Already Been Approved by This Court

This Court should once again approve a 45-day opt-out period for the supplemental class notice. Dkt. 109. Rule 23(c)(2)(B) “does not prescribe a specific time period ... [for] how much time must be afforded class members to exercise the right to opt out of the class. The district court has discretion as to the timing of notice, as long as notice is sent prior to entry of final judgment.” 1 McLaughlin on Class Actions § 5:78 (21st ed.) (citing *In re Rail Freight Fuel Surcharge Antitrust Litigation*, 286 F.R.D. 88, 94 (D.D.C. 2012)). Plaintiffs, with Defendants’ consent, respectfully

⁴ <https://www.ssa.gov/greenberg/Application%20-%20Single%20Package.pdf>.

⁵ http://www.steigerwaldclassaction.com/media/1876022/motion_for_attorneys_fees.pdf.

request approval of a 45-day opt-out period instead, running from the date the notices are mailed out. This timeframe is reasonable given the circumstances of this case and provides potential class members ample notice and opportunity to opt-out of the class.

Many courts, including this one (Dkt. 109), have approved of a 45-day (or shorter) opt-out period. *Thomas v. Backgroundchecks.com*, No. 3:13-CV-029-REP, 2015 WL 11004871, at *3 (E.D. Va. May 18, 2015) (45 days); *Helmick v. Columbia Gas Transmission*, No. CIV.A.2:07-CV-00743, 2010 WL 2671506, at *8 (S.D.W. Va. July 1, 2010) (45 days); *Fidel v. Farley*, 534 F.3d 508, 513–15 (6th Cir. 2008) (46 days); *Torrissi v. Tucson Elec. Power Co.*, 8 F.3d 1370, 1374 (9th Cir. 1993) (31 days); *In re Prudential Ins. Co. of Am. Sales Practices Litig.*, 177 F.R.D. 216, 240–41 (D.N.J. 1997) (46 days); *Schear v. Food Scope America, Inc.*, 297 F.R.D. 114, 128 n.7 (S.D.N.Y. 2014) (“Courts have held that opt out periods of less than 45 days satisfy due process, even where unsophisticated class members must make decisions regarding complex issues of law or fact.”) (cleaned up); *Hester v. Vision Airlines, Inc.*, 2014 WL 3547643, *6 (D. Nev. 2014) (noting approval of provision whereby “[c]lass members had 30 days after the postmarked date of the Notice to opt-out of the Class or file objections to the terms of the Settlement Fund”).

Here, a 45-day period is sufficient because notice is being sent directly to each class member by U.S. Mail to the same address that the SSA uses to communicate with the class members. Thus, this case is unlike cases where the whereabouts of class members are unknown or where notice must be given by publication—in such situations, a longer time to opt-out may be appropriate to give sufficient time for potential class members to become aware of the notice and act. See e.g., *Jacobo v. Ross Stores, Inc.*, No. CV 15-4701-MWF (AGRx), 2018 WL 11465299, at *3 (C.D. Cal. Dec. 7, 2018) (allowing class members 90 days to opt-out where notice was made, in part, via magazine publication, as well as through an internet and social media advertisement

campaign). Here, each class member will be directly informed by U.S. Mail at addresses provided by the government; the same way those members currently receive information from SSA regarding their benefits generally. A more effective notice plan is difficult to imagine and, therefore, class members do not need 90 days to decide whether to opt-out.

If the Court orders a 45-day opt-out period and Class Counsel mail the notices out by January 23, 2026 (as they intend to do barring unforeseen complications), the deadline for timely submission of opt-out requests would be March 9, 2026.

4. Additional Notice Procedures

The Proposed Supplemental Notice plan also anticipates that Class Counsel will tabulate all timely opt-out requests received from potential class members. Class Counsel propose that, within 21 days of the expiration of the opt-out period (to give time for mail to arrive that was postmarked by the deadline), Class Counsel will file a report with the Court certifying that notice had been sent and providing a list of all individuals who timely opted-out of the class. If the opt-out deadline is March 9, 2026, Class Counsel would submit its report by not later than March 30, 2026.

IV. CONCLUSION

In summary, the relevant deadlines proposed in this motion are: (i) Class Counsel will send notice to the supplemental class by U.S. Mail on or before January 23, 2026, (ii) timely opt-out requests must be postmarked by March 9, 2026, and (iii) Class Counsel must submit a report as described above by March 30, 2026. For the reasons stated above, Plaintiffs request that the Court approve the Proposed Supplemental Notice and notice plan.

Dated: January 5, 2026

Respectfully submitted,

/s/ Joseph J. Green

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Counsel for Plaintiffs and the class

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of January 2026, Plaintiffs' Consent Motion to Approve Supplemental Class Notice 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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Counsel for Plaintiffs and the class

EXHIBIT A

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA

You are receiving this notice because a child on whose behalf you serve as a representative payee has received child's insurance benefit payments that may be impacted by a class action lawsuit pending against the Social Security Administration.

WHY ARE YOU RECEIVING THIS NOTICE?

You are receiving this notice because you are the representative payee of a child who may be part of a certified class action lawsuit pending against the Social Security Administration which alleges that the agency has been miscalculating benefits paid to the children of early retirees and may owe such children past-due money benefits. The lawsuit is called *L.N.P. v. Bisignano*, Case No. 1:24-cv-01196-MSN-IDD (the "Lawsuit"), and is pending in the United States District Court for the Eastern District of Virginia. More information about the Lawsuit, including copies of all relevant Court orders and important court deadlines will be available at www.kelleydrye.com/LNPclassaction.

This notice is being sent to advise you of your child's options regarding this Lawsuit. As explained below, if you do nothing, your child will remain part of the class and be bound by the results of the Lawsuit. Alternatively, you may decide to opt out of the class on behalf of your child in which case they will not receive any potential benefits from the resolution of the pending Lawsuit but will retain any rights they may have to pursue their own claims against SSA.

WHAT IS THIS CASE ABOUT?

The Lawsuit alleges that SSA improperly reduced child insurance benefit payments to the "Eligible Children" of "Early Retirees" by miscalculating whether the "Family Maximum" had been reached under 42 U.S.C. § 403(a). In particular, the Lawsuit alleges that the agency should have used the actual benefit payable to the early retiree (i.e., the "RIB") when determining whether the family maximum was reached, but instead used the benefit amount (i.e., the "PIA") that the early retiree would have received had they chosen to wait to receive benefits at full retirement age. By using the higher, unpaid amount, the Lawsuit alleges that the agency improperly reduced the benefits payable to the children on the Early Retiree's account. [Capitalized terms in quotations are defined on the back of this sheet.]

In denying the agency's motion to dismiss, the District Court has ruled that "the SSA has been interpreting Section 403 incorrectly" and "the Social Security Act provides that the SSA use only 'actually payable benefits'—not those theoretically available—when determining if the family maximum has been reached." February 14, 2025 Memorandum Opinion and Order. SSA denies that it miscalculated benefits or that it owes any money to the class. Final judgment has not yet been entered and SSA has indicated that it intends to seek authority to appeal the District Court's ruling. **There is no guarantee that your child will be entitled to receive any money from this Lawsuit.**

IS YOUR CHILD PART OF THE CLASS?

You are receiving this notice because SSA identified your child as potentially falling within the class defined by the Court as: "All Eligible Children of Early Retirees, where such children, between and including May 10, 2024 and May 30, 2025, received a child's insurance benefit under Section 402(d) of the Social Security Act (the "Act") that was reduced under Section 403(a)(1) of the Act because the Social Security Administration (the "SSA") used the PIA of the Early Retiree instead of the RIB in determining whether the Family Maximum was exceeded, and therefore such children may be entitled to past due benefits." Excluded from the class are: "(i) Eligible Children who are deceased, (ii) Eligible

Children who are not United States citizens, and (iii) Eligible Children of an Early Retiree who ever had excess earnings under Section 403(b)."

WHO REPRESENTS THE CLASS MEMBERS?

The Court has appointed the law firm of Kelley Drye & Warren LLP as Class Counsel to represent members of the class and appointed Plaintiff L.N.P., an Early Retiree, who is pursuing this action on behalf of his Eligible Children, as the Class Representative. You may instead choose to hire your own lawyer at your own expense to represent you and your children in this case at any time and to appear in court. You may also appear in person yourself without a lawyer.

As permitted by federal law, Class Counsel intends to seek a reasonable fee up to 25% of any past-due benefits paid to class members, with such fee to be paid out of such past-due benefits. The Court will decide what percentage, if any, to award Class Counsel. Class members will not have to pay anything to Class Counsel if they do not obtain a recovery of past-due benefits from SSA. Class members will have the right to submit written comments or objections to the Court regarding the fee application and to appear at any hearing. The deadline for submitting objections and the date, time, and location of any fee hearing will be posted at www.kelleydrye.com/LNPclassaction shortly after the information becomes available.

WHAT ARE YOUR OPTIONS?

If you do nothing, your child will remain a member of the class and will be legally bound by all orders and judgments of the Court. Neither you nor your child will be able to sue, or continue to sue, SSA for any potentially past-due benefits that the Lawsuit seeks. If past-due money benefits are awarded to your child, you will be notified, if necessary, about what to do, if anything, to obtain any money benefits owed to your child.

You may also ask for your child to be excluded from the class. If your child is excluded from the class, they will not receive any potentially past-due benefits from this Lawsuit and will not be bound by any orders or judgments of the Court. Your child will retain any rights they may have to separately sue SSA for such benefits or to challenge a determination of benefits through SSA's administrative process. To be excluded from the class, you must send a letter or postcard which states in words or substance: "I and my child(ren) want to be excluded from the class in *LNP v. Bisignano*, Case No. 1:24-cv-01196 (E.D. Va.)." You must also provide your full name, the name of your child(ren), your mailing address, telephone number, and email address. Any request for exclusion must be **postmarked by March 9, 2026**, and should be mailed to Class Counsel at the address below.

HOW CAN YOU GET MORE INFORMATION?

If you have any questions or want to review court documents about this Lawsuit, visit www.kelleydrye.com/LNPclassaction, write to: **LNP Class Action, Attn: Ira T. Kasdan & Damon W. Suden, Kelley Drye & Warren LLP, 3 World Trade Center, 175 Greenwich Street, New York, New York 10007**, email LNPclassaction@kelleydrye.com, or call +1 (202) 719-6045.

Defined Terms

“**Eligible Children**” means, as set forth in Section 402(d) (1) of the Act, any child of an Early Retiree (i) who filed, or for whom was filed, an application for child's insurance benefits, (ii) who at the time such application was filed was unmarried and either had not attained the age of 18 or was a full-time elementary or secondary school student and had not attained the age of 19, and (iii) who was dependent on such Early Retiree at the time of the application. As necessary, Eligible Children shall also include the child's legal representative and/or representative payee.

“**Early Retiree**” means any individual entitled to receive old-age insurance benefits (but not disability benefits) under Section 402(a) of the Act who applied for and received such benefits prior to reaching full retirement age and therefore received a reduced old-age benefit lower than that of his/her PIA.

“**PIA**” is the primary insurance amount as defined by the Act.

“**RIB**” is the retirement insurance benefit that is actually paid to the Early Retiree.

“**Family Maximum**,” as defined in Section 403(a)(1) of the Act, is the maximum amount of total monthly benefits to which beneficiaries may be entitled under Section 402 of the Act on the basis of the wages and self-employment income of the Early Retiree.

**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)

[PROPOSED] ORDER

Upon consideration of the Motion For Approval Of Supplemental Class Notice Plan, and for good cause shown, it is hereby ORDERED that the motion is GRANTED.

It is further ORDERED that, on or before January 23, 2026, Plaintiffs shall cause the approved notice to be sent by first class U.S. Mail to each of the newly identified class members at the addresses provided by Defendants.

It is further ORDERED that, to be timely and effective, all requests for exclusion from the class for the newly identified class members must be postmarked on or before March 9, 2026.

It is further ORDERED that on or before March 30, 2026, Class Counsel shall file a report certifying that notice was provided in accordance with this Order and providing a list of the names of any individuals who timely excluded themselves from the class.

ENTERED this ____ day of _____ 2026 in Alexandria, Virginia.

United States District Judge