

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’ CONSENT MOTION TO CORRECT CLERK’S
JUDGMENT PURSUANT TO FED. R. CIV. P. 60(a)**

Plaintiff 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 (Plaintiff L.N.P. and the Class are referenced herein collectively as the “Plaintiffs”) hereby respectfully moves under Federal Rule of Civil Procedure 60(a) for an order correcting the Clerk’s Judgment entered on April 27, 2026 (Dkt. 177). As presently written, the Judgment entered by the Clerk of the Court states that judgment is entered “in favor of the Plaintiff L.N.P. on his own behalf and on behalf of his dependent children P.D.P. and L.D.P.” (*Id.*) But that language omits the certified Class, even though the Court certified a class and the Court’s Final Judgment Order expressly provides that the Final Judgment “applies to all members of the class, as defined in the Court’s Class Certification Order (Dkt. No. 72), to whom notice was sent,” excluding those who elected to opt-out. (Dkt. No. 176 ¶ 6.)

Rule 60(a) authorizes the Court to correct “a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment [or] order...” Fed. R. Civ. P. 60(a). The requested correction is purely ministerial and does not alter the substance of the Court’s April 27, 2026 Final Judgment Order (Dkt. No. 176); it ensures that the judgment accurately reflects the Court’s certified class-wide disposition and can be administered and enforced without confusion. *See* Fed. R. Civ. P. 58; Fed. R. Civ. P. 60(a). Defendants consent to the relief sought in this Motion.

I. BACKGROUND

Plaintiffs brought this action on behalf of themselves and “all others similarly situated,” and the Court certified a class. (Dkt. No. 72.)

On April 27, 2026, the Court entered its Final Judgment Order. (Dkt. No. 176.) Paragraph 6 of that Order states: “This Final Judgment applies to all members of the class, as defined in the Court’s Class Certification Order (Dkt. No. 72), to whom notice was sent, excluding those who timely requested exclusion from the class as set forth in the exclusion reports filed by Class Counsel.” (Dkt. No. 176 ¶ 6.)

Also on April 27, 2026, the Clerk entered a separate judgment pursuant to Rule 58. (Dkt. No. 177.) The Clerk’s Judgment states that “JUDGMENT is hereby entered in favor of the Plaintiff L.N.P. on his own behalf and on behalf of his dependent children P.D.P. and L.D.P. and against the Defendants....” (*Id.*) However, the Clerk’s Judgment does not reference the certified class and therefore does not track the scope of the Court’s Final Judgment Order. (*Compare* Dkt. No. 177, *with* Dkt. No. 176 ¶ 6.)

II. LEGAL STANDARD

Rule 60(a) provides that “[t]he court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record.” Fed. R. Civ. P. 60(a). The Fourth Circuit, in *Sartin v. McNair Law Firm PA*, 756 F.3d 259 (4th Cir. 2014), instructed that Rule 60(a) extends beyond purely typographical corrections and also encompasses “a mistake arising from oversight or omission.” That means the court may clarify or correct a situation where “there is an inconsistency between the text of an order or judgment and the district court’s intent when it entered the order or judgment.” *Id.* at 265–66.

Rule 58 contemplates entry of judgment in a separate document. Fed. R. Civ. P. 58. Where the separate judgment document does not accurately reflect the Court’s intended and ordered disposition, Rule 60(a) provides an appropriate mechanism to correct the judgment to conform to the underlying order. Fed. R. Civ. P. 60(a); *see also Kosnoski v. Howley*, 33 F.3d 376, 379 (4th Cir. 1994) (recognizing that Rule 60(a) is appropriately used “to perform a completely ministerial task”); *Rhodes v. Hartford Fire Ins. Co.*, 548 Fed.Appx. 857, 859 (4th Cir. 2013) (holding Rule 60(a) applies when “the court intended one thing but by merely clerical mistake or oversight did another”).

The “judgment in a class action must ... include and specify or describe those to whom the Rule 23(c)(2) notice was directed, who have not requested exclusion, and whom the court finds to be class members.” Fed. R. Civ. P. 23(c)(3). The judgment is then binding on those individuals. *See* Fed. R. Civ. P. 23(c)(2) (requiring notice to the class of “the binding effect of a class judgment on members under Rule 23(c)(3)”). Therefore, a final judgment in a class action case must reflect that judgment has been entered in favor of the class, not just the separately named plaintiffs.

III. ARGUMENT

The Court’s Final Judgment Order is explicit that the judgment should apply to the Class as certified. (Dkt. No. 176 ¶ 6.) The Clerk’s Judgment, however, enters judgment only “in favor of the Plaintiff L.N.P. ... and ... his dependent children.” (Dkt. No. 177.) This discrepancy is properly characterized as an “oversight or omission” in the separate judgment document. Fed. R. Civ. P. 60(a). The Fourth Circuit has made clear that such a “mistake arising from oversight or omission” under Rule 60(a) includes situations of “inconsistency between the text of an order or judgment and the district court’s intent when it entered the order or judgment or an unintended ambiguity that obfuscates the court’s original intent.” *Sartin*, 756 F.3d at 265–66; *see also Driskell v. Summit Contracting Group, Inc.*, 325 F.Supp.3d 665, 679–80 (W.D.N.C. 2018) (applying this definition). The Fourth Circuit’s original intent test is satisfied here because contemporaneous documents—specifically, the Court’s Final Judgment Order—demonstrate that the Court intended its judgment to apply class-wide. *See Sartin*, 756 F.3d at 266–67 (internal citations omitted) (explaining that a court’s original intent “may be ascertained through consideration of contemporaneous documents, such as a memorandum opinion or transcript”).

Correcting Dkt. No. 177 to include the Class does not expand or change the relief ordered; it simply makes the Rule 58 judgment accurately reflect what the Court has already ordered and ensures that the judgment can be implemented consistent with the Court’s intent. The error in the Judgment is a “blunder[] in execution,” not a change in the Court’s legal or factual thinking, and therefore falls squarely within the scope of corrections permitted by Rule 60(a). *See Sartin*, 756 F.3d at 265; *Wheeling Downs Race Track & Gaming Ctr. v. Kovach*, 226 F.R.D. 259, 262–63 (N.D.W.Va. 2004) (holding that naming the incorrect party as the prevailing party was a clerical error correctable under Rule 60(a) where findings of fact and

conclusions of law were clear as to outcome); *Rhodes*, 548 Fed.Appx. at 860 (district court did not exceed its authority in correcting dismissal order under Rule 60(a) where the order was “logically inconsistent with the court’s rationale”).

The Final Judgment Order imposes class-wide relief and class-wide recalculation directives. (Dkt. No. 176 ¶¶ 1–2, 6.) The separate judgment entered by the Clerk should not create confusion about whether the judgment is limited to the individually-named plaintiffs or extends to the Class as certified. “The essential purpose of Rule 58’s requirement of a separate document is to define with precision when a judgment has been entered, since numerous deadlines under the rules ... run from that act.” *CX Reinsurance Co. Ltd. v. Johnson*, 977 F.3d 306, 312 (4th Cir. 2020). To serve that purpose, the separate judgment document must accurately reflect the scope of the Court’s order. Here, the current Clerk’s Judgment creates an unintended ambiguity regarding the scope of relief—exactly the type of error Rule 60(a) is designed to correct. *See Sartin*, 756 F.3d at 265–66 (explaining that Rule 60(a) encompasses “an unintended ambiguity that obfuscates the court’s original intent”).

A conforming correction will avoid unnecessary disputes and ensure the docketed judgment accurately reflects that judgment was entered in favor of Plaintiffs and the certified Class, excluding those who have elected to opt-out, consistent with Dkt. No. 176 ¶ 6. *See* Fed. R. Civ. P. 23(c)(3).

Accordingly, Plaintiffs respectfully request that the Court enter an order under Rule 60(a) directing that the Clerk’s Judgment (Dkt. No. 177) be corrected to state as follows:

Pursuant to the order of this Court entered on 4/27/2026 and in accordance with Federal Rules of Civil Procedure 58, **JUDGMENT** is hereby entered in favor of the Plaintiff L.N.P. on his own behalf and on behalf of his dependent children P.D.P. and L.D.P. and the certified class as defined in the Court’s Class Certification Order (Dkt. No. 72) and Final Judgment Order (Dkt.

No. 176 ¶ 6), excluding those who timely requested exclusion, and against the Defendants Frank Bisignano and The Social Security Administration.

IV. CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court grant this Motion and correct the Clerk's Judgment under Rule 60(a) to reflect that judgment was entered in favor of the Class as certified, consistent with the Court's Final Judgment Order.

Dated: April 29, 2026

Respectfully submitted,

/s/ Joseph J. Green

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CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of April 2026, Plaintiffs' Consent Motion to Correct Clerk's Judgment Pursuant to Fed. R. Civ. P. 60(A) 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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**[PROPOSED] ORDER GRANTING PLAINTIFFS’ CONSENT MOTION TO
CORRECT CLERK’S JUDGMENT PURSUANT TO FED. R. CIV. P. 60(a)**

Pending before the Court is Plaintiffs’ Consent Motion to Correct Clerk’s Judgment Pursuant to Fed. R. Civ. P. 60(A) (“Motion”). Upon consideration of the Motion, the Court finds as follows:

1. The Court’s Final Judgment Order entered on April 27, 2026 (Dkt. No. 176) expressly provides in Paragraph 6 that “[t]his Final Judgment applies to all members of the class, as defined in the Court’s Class Certification Order (Dkt. No. 72), to whom notice was sent, excluding those who timely requested exclusion from the class as set forth in the exclusion reports filed by Class Counsel.”
2. The Clerk’s Judgment entered on April 27, 2026 (Dkt. No. 177) states that judgment is entered “in favor of the Plaintiff L.N.P. on his own behalf and on behalf of his dependent children P.D.P. and L.D.P.” but does not reference the Class as certified.

3. The omission of the certified Class from the Clerk’s Judgment constitutes a clerical mistake or mistake arising from oversight or omission within the meaning of Fed. R. Civ. P. 60(a), and correction is appropriate to ensure the Clerk’s Judgment accurately reflects the Court’s intended class-wide disposition as set forth in the Final Judgment Order.

WHEREFORE, the Court hereby **GRANTS** Plaintiffs’ Motion and **ORDERS** that the Clerk’s Judgment (Dkt. No. 177) be corrected to read as follows:

Pursuant to the order of this Court entered on 4/27/2026 and in accordance with Federal Rules of Civil Procedure 58, **JUDGMENT** is hereby entered in favor of the Plaintiff L.N.P. on his own behalf and on behalf of his dependent children P.D.P. and L.D.P. and the certified class as defined in the Court’s Class Certification Order (Dkt. No. 72) and Final Judgment Order (Dkt. No. 176 ¶ 6), excluding those who timely requested exclusion, and against the Defendants Frank Bisignano and The Social Security Administration.

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

United States District Judge