

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 -) Case No. 1:24-cv-01196 (MSN/IDD)
)
FRANK BISIGNANO,)
Commissioner of Social Security Administration,)
et al.,)
)
Defendants.)
)

PLAINTIFFS' STATUS REPORT

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Dated: December 8, 2025

Counsel for Plaintiffs and the class

I. Compliance With Order Dated October 1, 2025

By Order dated October 1, 2025 (Dkt. 109) (the “Order”), this Court granted the Consent Motion For Approval Of Class Notice Plan (Dkt. 108) (“the Motion”) and directed Plaintiffs to “(i) cause the approved notice to be sent by first class U.S. Mail to each class member at the addresses provided by Defendants, and (ii) set up the class website, phone number, and email address as described in the Motion” by on or before October 17, 2025. The Order also required Class Counsel to file a report certifying that notice was provided in accordance with the Order and to provide a list of the names of any individuals who timely excluded themselves from the class, by not later than December 21, 2025.

Class Counsel is pleased to report and certify compliance with the Court’s Order as follows:

1. On October 17, 2025, Plaintiffs mailed by first class U.S. Mail approved notices to 102,741 (including to 3,249 foreign addresses) class members to the addresses provided by the Defendants. Of those 102,741 separate mailings merely 3,852 were returned as undelivered to date, *i.e.*, only 3.75%. *See Green v. FCA US LLC*, 2022 WL 3153777 (E.D. Mich. 2022) (notice by mail to 98% of the class meets the requirements of Rule 23 and due process).
2. Also on October 17, 2025, Class Counsel, on behalf of Plaintiffs, established the class website directed by the Court at www.kelleydrye.com/LNPclassaction containing the information set out in the Motion, to wit: up-to-date information about the litigation, including copies of all Court orders, final judgment (to be posted when available), Class Counsel’s anticipated motion for attorneys’ fees, and information about any scheduled Court hearings or conferences.
3. In addition, to aid class members, the website also has an “FAQ” section containing answers to the following questions: (1) How do I get out of or opt-out of the class? (2) Do I have

to pay Class Counsel to participate in the Class? (3) Do I need to do anything for my child(ren) to be part of this lawsuit and to receive an award of past-due benefits? (4) Are my children being sued? (5) How did you get my information? (6) What is this case even about? (7) Do I need to fill out any forms or to opt-in to or remain in the case? (8) How do I get more information about the case? (9) Is this the reason why the Social Security Administration asked me to come to their office for a meeting about my benefits payments? (10) Can I come down to the Social Security Administration office to discuss this case with you? (11) Can you help me with a parking ticket? Or with this other case I have going on? (12) What about my other children? Why aren't they on the class notice? (13) Should I include my child(ren)'s Social Security Number when contacting you?

4. To date, the website has seen around 1,222 unique users. The average engagement time per user is roughly 65 seconds. On average, users spend 65 seconds on the homepage, 83 seconds on the Class Notice page, and 119 seconds on the FAQ page.

5. Class Counsel can also report that as of December 4, 2025, we have fielded and responded to inquiries from approximately 800 individuals about the case by phone and/or email.

6. Class Counsel has additionally forwarded to SSA, via its counsel, requests by several representative payees seeking information as to why, according to them, their child/children were one(s) who should have been included, but were excluded from the class membership. SSA has promised to review those cases and respond but has not done so yet.

7. Finally, in accordance with the Order, Class Counsel is attaching the list of class members (and their respective representative payees) who, via their representative payees, requested to be excluded from the class either by (i) sending a letter postmarked on or before December 1, 2025, or (ii) sending an email on or before December 1, 2025. *See* Attachment A, hereto. This list,

which Class Counsel separately provided to Defendants, is being filed under seal to protect the privacy of those individuals whose names appear thereon.

8. Class counsel notes that we also received a request for exclusion by email from a social worker on behalf of a representative payee who reportedly wanted to exclude his two children from the class. Although class counsel advised the social worker in writing by email that the representative payee would need to request exclusion himself, *see* Attachment B, hereto, the representative payee never sent a request for exclusion. Out of an abundance of caution, Class counsel is including these two class members on the opt out list at this time.

II. Status Regarding Joint Stipulated Judgment

By stipulation dated and filed September 16, 2025, the parties agreed to “meet and confer and endeavor to propose a joint stipulated judgment to the Court on or before the end of the opt-out period for Rule 23(c)(2) notice has passed, [i.e., December 1, 2025] *See* Fed. R. Civ. P. 58(d).” The parties also agreed that “In the event that the parties cannot arrive at a joint stipulated judgment by the end of the opt-out period, the parties will promptly thereafter suggest a schedule for briefing and for oral argument, to present their competing forms of judgment for the Court’s resolution.” *See* Dkt. 105 at 2-3 (¶ 7(c) and (d)). Unfortunately, as detailed below, despite the best efforts of Class Counsel, SSA has yet to propose a draft of a final judgment.

On September 10, Class Counsel emailed an initial draft stipulated judgment to SSA and requested comments in return. Counsel for SSA responded the next day stating that they would have substantive changes ready to discuss early the following week but never shared any edits to the proposed judgment. The government shutdown began on October 1, 2025, and ended on November 13, 2025. By letter dated November 18, 2025, Plaintiffs’ counsel sought to recommence discussions about a stipulated judgment to meet the agreed upon December 1

deadline. By email the next day, SSA's counsel wrote back: "We are also working on the proposed stipulated judgment and hope to have that to you for your review in the next week or two." Unfortunately, SSA never forwarded its version of a stipulated judgment.

Not having received a counterproposal from SSA, this past Thursday December 4, 2025, Class Counsel wrote to SSA's counsel asking whether the agency was still interested in trying to enter into a stipulated judgment. By email the next day, Friday December 5, 2025, SSA's counsel confirmed the agency's position that a stipulated judgment was the "right approach" but were waiting for SSA sign-off on language, which they represented would be forwarded later that day.

Once again, however, Class Counsel is sorry to report that they still have received no draft from SSA. SSA's delay unnecessarily prolongs resolution of this case and continues to deprive class members of their right to past-due benefits, consistent with this Court's statutory analysis of the Social Security Act in the Court's Opinion and Order dated February 14, 2025, that denied SSA's motion to dismiss (Dkt. 49).

Accordingly, if no further progress is made on a stipulated judgment by one week from the date of this filing, Class Counsel will advise the Court and request a briefing schedule, status conference, or other appropriate relief to help move this case to a final judgment.

Dated: December 8, 2025

Respectfully submitted,

/s/ Joseph J. Green

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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of December, 2025, Plaintiffs' 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
FILED UNDER SEAL

EXHIBIT B
FILED UNDER SEAL