

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

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,

v.

FRANK BISIGNANO, in his official capacity
as Commissioner of the Social Security
Administration, and THE SOCIAL
SECURITY ADMINISTRATION, *et al.*,
Defendants.

1:24-cv-01196-MSN-IDD

FINAL JUDGMENT ORDER

This matter comes before the Court on Plaintiffs' Motion to Enter Final Judgment (ECF 137), and Defendants' Motion for Summary Judgment, or, in the Alternative, to Stay Execution of Unfavorable Judgment Pending Appeal (ECF 145). Upon consideration of the Parties' motions and the arguments of counsel, and for the reasons stated in open court, it is hereby

ORDERED that Plaintiffs' Motion to Enter Final Judgment (ECF 137) is GRANTED IN PART and DENIED IN PART; it is further

ORDERED that Defendants' Motion for Summary Judgment, or, in the Alternative, to Stay Execution of Unfavorable Judgment Pending Appeal (ECF 145) is GRANTED IN PART and DENIED IN PART.

It is further ORDERED that:

1. Beginning with the month after the month in which Judgment is entered, and each month thereafter, Defendants shall properly apply 42 U.S.C. § 403(a) to the class in accordance with the Court's February 14, 2025 Memorandum Opinion & Order (ECF 49), as follows: in determining whether the family maximum has been exceeded and it is necessary to reduce the child's insurance benefit payable to each class member under 42 U.S.C. § 403(a), Defendants shall

use the benefit amount actually payable to the Number Holder (*i.e.* the reduced insurance benefit (“RIB”)) instead of the primary insurance amount (“PIA”).

2. With the exception of the children of Plaintiff L.N.P., for each month in which a class member received a child’s insurance benefit payment, from May 10, 2024, through and including the month before the month in which Defendants comply with Paragraph 1, Defendants shall recalculate the benefit that should have been paid in such month using the RIB instead of the PIA, and immediately begin to pay any resulting past-due amount to such class member, subject to the Social Security Administration setting aside and paying any attorney’s fees the Court may grant. Payment of benefits shall occur on a rolling basis to be completed not later than twelve (12) months after entry of this Judgment. Defendants may seek an extension of the twelve-month period before its expiration for good cause shown.

3. Defendants shall recalculate and pay benefits to Plaintiff L.N.P.’s dependent children P.D.P and L.D.P. in accordance with Paragraph 2 for each month in which they received a child’s insurance benefit from October 24, 2019, through and including the month before the month in which Defendants comply with Paragraph 1.

4. Plaintiffs’ counsel are eligible for an attorneys’ fee award under 42 U.S.C. § 406(b) based on a percentage of past-due benefits paid to the class. Such fee application, together with any application for an incentive award, shall be submitted within fourteen (14) days of entry of this Judgment. Defendants reserve the right to object to the specific percentage requested. The percentage fee awarded shall be withheld from the past-due amounts paid to class members under Paragraph 2 and paid directly to Plaintiffs’ counsel.

5. The matter is reversed without remand pursuant to 42 U.S.C. § 405(g) for Defendants to recalculate and award benefits as described above. The Court shall retain

