

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

Bryndon Fisher, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

The United States of America,

Defendant.

No. 15-1575C
(Judge Wheeler)

JOINT STATUS REPORT

Pursuant to the Scheduling Order issued by the Court on January 23, 2017 (Dkt #26), plaintiff Bryndon Fisher (“Plaintiff”), individually and on behalf of all others similarly situated, and defendant the United States of America (“Defendant” or the “Government”) (collectively, the “Parties”) respectfully submit the following Joint Status Report.

A. STATUS OF PRELIMINARY SETTLEMENT DISCUSSIONS

Since the Preliminary Scheduling Conference on January 23, 2017, the Parties have engaged in, and continue to engage in, preliminary settlement discussions and informal information exchanges regarding the existence and nature of Plaintiff’s alleged billing error in the Government’s Public Access to Court Electronic Records (“PACER”) system. The Parties have engaged in discussions and exchanged documents regarding plaintiff’s claims. The preliminary settlement discussions have helped clarify the relevant factual issues and narrowed the scope of the dispute. The Parties intend to exchange additional documents and engage in additional preliminary settlement discussions.

B. RELIEF REQUESTED

The Court's Scheduling Order (Dkt #26) provided that the parties shall have until March 1, 2017, to engage in preliminary settlement discussions. Based on the technical complexity of the issues and the productive nature of these discussions, the Parties respectfully request additional time to engage in such discussions. The Parties have agreed to continue their preliminary settlement discussions until April 14, 2017 and file a Joint Status Report setting out the result of those settlement discussions no later than April 21, 2017. The Parties have also agreed to continue the stay of initial disclosures and formal discovery deadlines while engaged in these settlement discussions.

Dated: March 10, 2017

Respectfully submitted,

Schubert Jonckheer & Kolbe LLP

By: /s/ Noah M. Schubert
 Noah M. Schubert

Noah M. Schubert
Attorney of Record
nschubert@schubertlawfirm.com
Three Embarcadero Ctr Ste 1650
San Francisco, CA 94111-4018
Ph: 415.788.4220
Fx: 415.788.0161

*Attorney for Plaintiff, Individually and
on Behalf of All Other Similarly Situated*

Of Counsel:

Robert C. Schubert
rschubert@schubertlawfirm.com
Miranda P. Kolbe
mkolbe@schubertlawfirm.com

Kathryn Y. Schubert
kschubert@schubertlawfirm.com
Schubert Jonckheer & Kolbe LLP
Three Embarcadero Ctr Ste 1650
San Francisco, CA 94111-4018
Ph: 415.788.4220
Fx: 415.788.0161

Dated: March 10, 2017

Respectfully Submitted,

CHAD A. READLER
Acting Assistant Attorney General

ROBERT E. KIRSCHMAN, JR.
Director

/s/Steven J. Gillingham
STEVEN J. GILLINGHAM
Assistant Director

/s/Meen Geu Oh
Meen Geu Oh
Trial Attorney
U.S. Department of Justice
Civil Division
Commercial Litigation Branch
P.O. Box 480
Ben Franklin Station
Washington, D.C. 20044
Telephone: (202) 307-0184
Facsimile: (202) 514-7969
E-mail: Meen-Geu.Oh@usdoj.gov

Attorneys for Defendant