

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**PAMELA MCKINNEY,**

Plaintiff,

v.

**UNITED STATES POSTAL SERVICE,**

Defendant.

Civil Action No. 11-cv-631 (RLW)

**ORDER**

Upon careful consideration of Plaintiff's Motion for Class Certification (Dkt. No. 38), Defendant's Opposition (Dkt. No. 39), Plaintiff's Reply (Dkt. No. 41), the parties' recent joint status report (Dkt. No. 49), and the arguments of counsel during hearings on January 14 and May 21, 2013, it is hereby **ORDERED** that Plaintiff's Motion for Class Certification is **GRANTED** for the reasons set forth in *McKinney v. U.S. Postal Service*, 2012 WL 164283 (D.D.C. Jan. 16, 2013), and the accompanying Memorandum Opinion of this same date. The Court hereby certifies the following class pursuant to Federal Rule of Civil Procedure 23(b)(3):

All beneficiaries of deceased United States Postal Service employees (or, if deceased, the beneficiaries' estates or other legal representatives), who first received notice on or after March 28, 2008, that they may be entitled to an additional death benefit payment under provisions of the U.S. Postal Service Annuity Protection Program.

**IT IS FURTHER ORDERED** that Plaintiff Pamela McKinney is hereby appointed as Class Representative; it is,

**FURTHER ORDERED** that David U. Fierst and Robert L. Bredhoff are hereby appointed as class counsel pursuant to Federal Rule of Civil Procedure 23(g); it is,

**FURTHER ORDERED** that the parties may proceed with discovery for a four-month period, up to and including September 30, 2013; it is,

**FURTHER ORDERED** that, per the agreement of the parties and to the extent not already accomplished, the Postal Service shall promptly provide class counsel with the names of the remaining “unfound” beneficiaries, including the relevant information for such “unfound” beneficiaries as laid out in the Court’s prior order (Dkt. No. 43); it is,

**FURTHER ORDERED** that prior to the issuance of class notice under Rule 23(c)(2), class counsel shall be allotted an additional six-month period to locate previously “unfound” beneficiaries, consistent with class counsel’s prior efforts; it is,

**FURTHER ORDERED** that, during the pendency of this six-month period, the parties shall continue to meet and confer regarding: (a) the search measures they believe constitute “reasonable efforts” to locate “unfound” beneficiaries (or the estates or legal representatives of deceased “unfound” beneficiaries); and (b) a plan for notice to class members pursuant to Rule 23(c)(2). By no later than December 5, 2013, the parties shall submit a joint report setting forth their respective positions on the “reasonable efforts” issue as well as their Rule 23(c) notice proposal, including a proposed form of notice. The parties may also include in the joint report any other logistical or management issues they believe merit the Court’s attention; and it is,

**FURTHER ORDERED** that the Court hereby sets a Status Conference for December 16, 2013, at 9:30 AM.

**SO ORDERED.**

Date: May 31, 2013

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ROBERT L. WILKINS  
United States District Judge