IN THE STATE OF MICHIGAN
COURT OF CLAIMS

KELLIE SAUNDERS et al.,
individual UIA Claimants,

Plaintiffs,

v.

STATE OF MICHIGAN
UNEMPLOYMENT INSURANCE
AGENCY and JULIA DALE, in her
official capacity,

Defendants.

Case No. 22-000007-MM

Hon. Brock A. Swartzle

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PLAINTIFFS' REPLY IN FURTHER SUPPORT OF THEIR SEPTEMBER 21, 2022 MOTION FOR CLASS CERTIFICATION PURSUANT TO MCR 3.501

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I. ARGUMENT

Plaintiffs seek class certification of unemployment claimants numbering in the tens or hundreds of thousands. These individuals have all suffered the same injury—collection activity by the Agency while there is a pending protest or appeal—and Plaintiffs allege that this action violates due process for all putative class members. Defendants' Response fails to raise any justifiable reason why a class should not be certified, providing only a cursory review of the factors the Court must consider. The Agency admits that it collects restitution during pending protests or appeals and also admits that the Agency is sending bills known as "Monthly Statements" to hundreds of thousands of UI Claimants. The primary defense Defendants raise is that cash payments in response to a bill are not "collection activity" and that, when an unemployment claimant pays the bill sent by the Agency, this is not "collection" but rather a "voluntary payment." This attempt to complicate class certification by artificially distinguishing types of collection activity should be rejected. Regardless of the source of payment, whether wage garnishment after notice, cash payment as the result of a bill, deduction from UI benefits, or seizure of a tax refund, the outcome is the same. The Agency is collecting money that is not owed and that it is not authorized to recover. When any of these collection methods take place during a pending protest or appeal, the Agency is engaging in premature unauthorized collection. The undisputed premature collection, regardless of the form it takes, unifies the class members in this action.

A. AGENCY DISCOVERY RESPONSES CONFIRM THE CLASS MEMBERS ARE NUMEROUS

Since Plaintiffs' opening brief on this issue, Defendants have provided supplemental interrogatory responses and disclosed for the first time that over *fifty thousand* claimants are currently subject to collection even though they have at least one protest or appeal "in progress" Ex. 1, Defendants October 10, 2022 Supplemental Interrogatory Responses. Of those claimants,

Defendants are *currently* seeking to collect over three quarters of a billion dollars. *Id.* at Interrogatory 9. Defendants claim these calculations may be overinclusive, but they are also certainly underinclusive. Defendants' interrogatory responses do not include closed cases in which premature collection has already occurred. Defendants' interrogatory responses do not consider appeals or protests that were filed timely but incorrectly marked as untimely. And Defendants' interrogatory responses leave unclear whether they include only PUA benefits—just one portion of the benefits administered by the Agency—or if the projections also include regular UI benefits.

The numerosity standard is met when "'general knowledge and common sense indicate that the class is large'". *Hill v City of Warren*, 276 Mich App 299, 310; 740 NW2d 706 (2007) (quoting *Zine v Chrysler Corp*, 236 Mich App 261, 270; 600 NW2d 384 (1999)). Michigan Court Rule 3.501 requires that the moving party define the class in such a manner that the potential class members can be identified or by which the number of class members can be determined "by reasonable estimate." *Duskin v. Dep't of Human Servs (On Remand)*, 304 Mich App 645, 653; 848 NW2d 455 (2014). Plaintiffs have defined the class such that Defendants can identify the potential class members or can provide a "reasonable estimate" of class members. Where a claimant has been subject to Agency collections based on a Determination that is not yet final, that claimant is a class member. Given that each number Defendants have provided through discovery have been in the tens or hundreds of thousands, common sense and general knowledge indicate that the class is large. *See Hill*, 276 Mich App at 310.

Plaintiffs do not possess the information necessary to calculate the number of class members. Defendants alone can identify class members. To date, instead of providing that information, Defendants have equivocated and have provided partial discovery responses. Defendants have acknowledged that it will take them additional time to identify the putative class

members. Ex. 2, Proposed Stipulation and Order for Implementation Regarding Preliminary Injunction. Plaintiffs have relied in their brief on calculations provided directly from Defendants.

Of the tens of thousands of impacted Michiganders, each one of the claimants represents a failure of the social welfare system, a broken State administrative Agency, and a family that is suffering under the weight of collection by no fault of their own. Even if only a subset of these Michigan families have drained their bank accounts or suffered wage garnishment to pay Agency collection bills, there is no question that the class members are numerous. At this stage, the only question is whether the class members are numerous. This does not require a precise statement regarding how many class members there are. Defendants' own calculations can lead to no other conclusion.

B. ALL CLASS MEMBERS SUFFERED THE SAME INJURY WHEN DEFENDANTS DEPRIVED THEM OF DUE PROCESS

All class members suffered the same injury: deprivation of due process. When a deprivation of a constitutional right has occurred, injury has occurred. *See Garner v Mich State Univ*, 185 Mich App 750, 764; 462 NW2d 832 (1990). This injury occurs when Defendants collect under MCL 421.62(a). The only jurisdictional authority provided by the legislature to collect restitution is granted, defined, and limited, by Section 62 of the Michigan Employment Security Act. Section 62(a) provides three methods for recovery of benefits: "deduction from benefits or wages payable to the individual, payment by the individual in cash, or deduction from a tax refund payable to the individual…." MCL 421.62(a). No matter the method of Agency collection activity, it is only authorized if based on a final restitution Determination. While collection can take different forms, collection before finality leads to the same injury—a violation of due process.

Due process is violated when a claimant who has a protest pending receives a bill that states, "[p]aying the minimum monthly payment will only stop your wages from being garnished

to repay the debt. It does not stop your income tax refund from being intercepted or any future benefit payments from being withheld." *See* Ex. 3, Eggleston 33 (attached to Plaintiffs' Motion for Preliminary Injunction as Exhibit 2). Due process is violated when a claimant who has a protest pending receives a bill stating he or she is delinquent that instructs the claimant how to pay the balance in full and notes that:

> [T]he following collection activity may occur:
>
> - The United States Department of Treasury intercepting up to the full amount of your federal income tax refund for overpayment of unemployment benefits due to fraud or unreported earnings.
> - Unemployment Insurance Agency (UIA) withholding future unemployment compensation benefits to pay the debt.
> - Michigan Department of Treasury intercepting the full amount of your state income tax refund to pay the debt.
> - Michigan Department of Treasury withholding State Lottery winning to pay the debt.
> - Administrative garnishment without obtaining court order.
> - UIA filing a civil action against you in court to recover the debt. [*See* Shephard 163 (attached to Plaintiffs' Motion for Preliminary Injunction as Exhibit 8).]

Due process is violated when a claimant is threatened with garnishment that the Agency will reduce only if the claimant makes a cash payment. *See* Ex. 4, Larke 82 (attached to Plaintiffs' Motion for Preliminary Injunction as Exhibit 4) (stating "[y]ou are required to remit payment in full in the amount of $3,120.00 within 30 calendar days of the mail date shown. Under an Administrative Garnishment, your employer will be required to deduct and send to UIA up to 25% of your disposable earnings each pay period until the debt is paid in full…. If you choose the Voluntary Wage Assignment option, you agree to assign 15% of your wages to UIA for repayment of the debt as opposed to the 25% deduction under an Administrative Wage Garnishment.").

Claimants who experienced any of these forms of collection while they had a protest or appeal was pending experienced a common injury: collection before finality, violating their right to due process.

C. Plaintiffs' Claims are Typical of the Class Because They were All Injured by Collection Before Finality

Plaintiffs' claims are typical of the class. Each Plaintiffs' injury shares the same core attribute: collection before finality, violating their right to due process. The type of collection is irrelevant to the core of Plaintiffs' claims where the due process violation is the core of Plaintiffs' claims. The essential characteristics of each Plaintiffs' claims does not vary. They each experienced collection as defined by MCL 421.62(a) prematurely, such that the collection circumvented due process. Each Plaintiff alleges at the core that the Agency collected against them while they had a pending protest or appeal. Each Plaintiff also alleges at the core that Agency collection action before finality violates their right to due process.

D. Plaintiffs Will Fairly and Adequately Represent the Class When They Do Not Have Interests Antagonistic to or Conflicting with the Class

To determine whether a proposed class representative can fairly and adequately represent the class, the Court must consider whether the members of the class "have antagonistic or conflicting interests." *Duskin*, 304 Mich App at 657. Defendants' response to the instant Motion made no attempt to argue that the proposed class representatives have interests antagonistic to or conflicting with the interests of the members of the class. Instead, Defendants rehashed their arguments related to commonality and typicality, attempting to differentiate between the harm Plaintiffs experienced when in fact no difference exists. Collection activity undisputedly took place against all Plaintiffs. All class members have an interest in permanent injunctive relief halting unlawful Agency collection. Although the form of collection may vary, the harm exacted is the

same. In determining which claimants are class members, the form of the collection does not matter; it is simply the existence of premature collection that defines a class member. Plaintiffs have stated that they do not have interests antagonistic to or conflicting with the class, and Defendants have made no proffer otherwise.

E. MAINTENANCE AS A CLASS ACTION WOULD BE SUPERIOR WHEN A SINGLE QUESTION MUST BE ANSWERED TO ESTABLISH CLASS STATUS: DID THE AGENCY ENGAGE IN COLLECTION WHILE THERE WAS A PENDING PROTEST OR APPEAL?

There is one unifying inquiry that must be made for each class member: did the Agency engage in collection activity as defined by MCL 421.62(a) while the claimant had a pending protest or appeal? This does not require extensive factual investigation. Contrary to Defendants' response to the instant Motion, the type of collection has no impact on the determination whether a constitutional violation occurred. Class litigation is intended to streamline the process where the individuals suffer the same distinctive injury. Defendants also agreed in a proposed stipulated order to treat all putative class members the same regardless of the type of collection activity, whether Defendants are sending putative class members Monthly Statements, Delinquency Notices, garnishment notices, or are engaging in other types of collection. Ex. 2, Proposed Stipulation and Order for Implementation Regarding Preliminary Injunction.

Here, the class members suffered the same injury: collection before finality during a pending protest or appeal. Defendants do not claim unique individualized inquiries would be necessary to determine whether there is a due process violation. Instead, Defendants claim there may need to be individual inquiries to "determine the extent of injury." Other than this statement, Defendants do not dispute that the other factors the law provides regarding superiority are met. The question of superiority is not a question regarding whether class members experienced injury to the same extent as all other class members. The question of superiority is whether all class

members experienced the same injury. When that is the case, factual and legal questions can be answered for the group, leading to practical and manageable litigation.

F. PLAINTIFFS' PROPOSED NOTICE AND METHOD OF NOTICE ARE APPROPRIATE AND DEFENDANTS DO NOT OBJECT

Plaintiffs have presented a proposed notice to the class. Defendants did not raise any objections to the notice or the proposed method of notice. Accordingly, Plaintiffs request that this Court deem any objections from Defendants related to the content, form, or method of notice to be waived.

II. CONCLUSION

Plaintiffs move for class certification of Count III of their Second Amended Complaint. A decision on class certification does not require a finding of liability, nor does it require a finding that all class members were harmed to the same extent. Class treatment is warranted and appropriate because Plaintiffs have shown that there is a class of individuals who are similarly situated to Plaintiffs and who suffered the same harm. The elements are met. Therefore, Plaintiffs request that this Court grant their Motion for class certification of Count III of their Second Amended Complaint, enter an Order that notice should be granted, and approve Plaintiffs' proposed notice form and proposed method of notice.

Respectfully submitted,

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Date: October 26, 2022

STATE OF MICHIGAN
COURT OF CLAIMS

Exhibit 1

KELLIE SAUNDERS, *et al.*,

Plaintiffs,

v

MICHIGAN UNEMPLOYMENT INSURANCE AGENCY AND JULIA DALE,

Defendants.

No. 2022-000007-MM

HON. BROCK A. SWARTZLE

/

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/

DEFENDANTS STATE OF MICHIGAN UNEMPLOYMENT INSURANCE AGENCY AND JULIA DALE'S OCTOBER 10, 2022 RESPONSE TO INTERROGATORIES

Pursuant to MCR 2.309, and in response to Plaintiffs' February 28, 2022, Interrogatories and Request to Produce Documents, Defendants answer as follows:

INTERROGATORIES

1. How many UI claimants have been sent a "Pandemic Unemployment Assistance Monetary Redetermination" ("Monetary Redetermination") reducing the weekly benefit amount ("WBA") below the original WBA more than one calendar year after issuing an initial Monetary Determination on the claimant's WBA?

(Please see Exhibit A to this discovery request for an example of a Monetary Redetermination. This interrogatory asks the number of claimants who were sent this form and for whom the first date in the first sentence of the Monetary Redetermination is more than one year prior to the "mail date" in the upper right hand corner and the new WBA is less than the original WBA calculated by the Agency).

ANSWER:

473,958.

2. How many UI Claimants have received one or more of the form document "Weeks of Overpayment" (*Exhibit B*) that did NOT include a note regarding determination whether or not the overpayment would be waived due to administrative error (*see Exhibit C for an example of such waiver note*)?

ANSWER:

Defendants object because this interrogatory is moot based upon the Court's June 13, 2022 Opinion and Order.

3. How many UI Claimants have filed any appeal(s) of any Redetermination on any issue that remains pending and has not been adjudicated by The Michigan Office of Administrative Hearings and Rules ("MOAHR")? *(Please see Exhibit D to this discovery request for an example of Agency record that shows whether an appeal remains pending ("active" Box checked)).*

ANSWER:

In supplementation to Defendants' previous responses: 36,787.

Further, Defendants assert that interrogatory #3 is overly broad and irrelevant. This request seeks data regarding "how many UI Claimants have filed

any appeal(s) of *any* Redetermination on *any* issue . . .". (Emphasis in original.) This request is improper because this case is not about any appeal, any Redetermination, and any issue. Rather, this case is about PUA monetary determinations and redeterminations (Count I.)

In addition, this case is about claimants who have filed timely protests or appeals but who were later subject to collection activity by Defendants. (Count III.) To the extent that Plaintiffs are seeking discovery regarding non-PUA redetermination appeals pending before MOAHR, discovery regarding untimely appeals, or discovery of non-PUA appeals where no overpayment was established, Defendants assert that the interrogatory is improper.

4. How many UI claimants are subject to collections based on one or more "misrepresentation" issues shown on the MiWAM Collections Tab (*See Exhibit E and Exhibit I for an example*) and for whom the Agency has determined type of misrepresentation: "none found" (*See Exhibit F for an example*) and the reason for the Misrepresentation determination issue is listed as "Monetary Redetermination" (*See Exhibit F for an example*)?

ANSWER:

In supplementation to Defendants' previous responses: 94,841.

Further, Defendants assert that this interrogatory #4 is overly broad and irrelevant. This request seeks data regarding how many claimants are subject to collections where Defendants have made a determination or redetermination that the claimant did not engage in misrepresentation. To the extent that Plaintiffs are seeking data regarding all claimants subject to collections where Defendants have made a

determination or redetermination that the claimant did not engage in misrepresentation that do not involve PUA issues, this request is improper because this case is about PUA monetary determinations and redeterminations (Count I.)

5. For the UI Claimants identified in response to interrogatory 4, how many have appealed a Monetary Redetermination who have an appeal that remains pending (*i.e. the redetermination remains active as seen on Exhibit D or is indicated "in progress" as on Exhibit H*)?

ANSWER:

In supplementation to Defendants' previous responses: 32.

Further, Defendants assert that this interrogatory #5 is overly broad and irrelevant. This request seeks data regarding how many claimants are subject to collections where Defendants have made a determination or redetermination that the claimant did not engage in misrepresentation. To the extent that Plaintiffs are seeking data regarding all claimants subject to collections where Defendants have made a determination or redetermination that the claimant did not engage in misrepresentation that do not involve PUA issues, this request is improper because this case is about PUA monetary determinations and redeterminations (Count I.)

6. Of those UI Claimants identified in response to interrogatory 5 above, what is the total amount subject to Collection Activity by the Agency (*total dollar amount of the misrepresentation determinations listed on the collections tab, as in Exhibit E and Exhibit I, for all claimants identified in response to interrogatory 5 above*)?

ANSWER:

In supplementation to Defendants' previous responses: $542,179.00.

Further, Defendants assert that this interrogatory #6 is overly broad and irrelevant. This request seeks data regarding how many claimants are subject to collections where Defendants have made a determination or redetermination that the claimant did not engage in misrepresentation. To the extent that Plaintiffs are seeking data regarding all claimants subject to collections where Defendants have made a determination or redetermination that the claimant did not engage in misrepresentation that do not involve PUA issues, this request is improper because this case is about PUA monetary determinations and redeterminations (Count I.)

7. How many UI Claimants have pending protests or appeals that show that the date the protest or appeal was filed is thirty days or less from the original determination date and for whom the protest or appeal is marked as a late protest (*see Exhibit D for an example; this interrogatory asks how many claimants have a "Protests and Appeals" tab like Exhibit D that show a date filed as thirty days or less from the "Original Determination Date" and the "late protest" box is checked*)?

ANSWER:

In supplementation to Defendants' previous responses: 4,669.

Defendants assert that this interrogatory #7 is overly broad and irrelevant. This request seeks data regarding how many claimants have pending protests or appeals that Defendants presumably marked the protest or appeal as late. Again, this case is about claimants who have filed timely protests or appeals but who are subject to collection activity by Defendants. (Count III.) Not every adverse decision results in an overpayment. To the extent that Plaintiffs are seeking discovery regarding any timely

protest or appeal "marked as late" that did not involve an overpayment, Defendants assert that the interrogatory is improper.

8. How many UI Claimants have at least one protest (of a determination) or appeal (of a redetermination) for any issue that shows as "in progress" (*See Exhibit H for an example*), and who also have collection noted under the collections tab for any issue (*See Exhibit E and Exhibit I for examples*)?

ANSWER:

In supplementation to Defendants' previous responses: 54,103. However, the determination or redetermination in collection may be unrelated to the determination or redetermination showing the status as "in progress."

Further, Defendants assert that this interrogatory #8 is overly broad, irrelevant, and unduly burdensome. This request seeks data regarding how many claimants have an "in progress" protests and for whom an overpayment has been assessed. This case is about claimants who have filed *timely* protests or appeals but who are subject to collection activity by Defendants. (Count III.) Where a timely protest has been filed and the claimant was not subject to collection activity, Defendants assert that the interrogatory is improper. Further, where an untimely protest has been filed, Defendants asserts that the interrogatory is improper.

9. Of the number of UI Claimants identified in response to Interrogatory 8 above, what is the total aggregate dollar amount of collections being pursued by the Agency?

ANSWER:

In supplementation to Defendants' previous responses: $783,190,487.72. The determination or redetermination in collection may be unrelated to the determination or redetermination showing the status as "in progress."

Further, Defendants assert that this interrogatory #8 is overly broad, irrelevant, and unduly burdensome. This request seeks data regarding how many claimants have an "in progress" protests and for whom an overpayment has been assessed. This case is about claimants who have filed *timely* protests or appeals but who are subject to collection activity by Defendants. (Count III.) Where a timely protest has been filed and the claimant was not subject to collection activity, Defendants assert that the interrogatory is improper. Further, where an untimely protest has been filed, Defendants asserts that the interrogatory is improper.

10. How many UI Claimants have submitted protests or appeals that have not been logged in the MiWAM system and are not reflected as "in progress"? (*Please indicate separately how many of those were received by fax, by MiWAM correspondence "send MiWAM a message," and by mail*)?

ANSWER:

In supplementation to Defendants' previous responses: 21,964 as of August 9, 2022.

/s/ Teresa Burns
Teresa Burns
State Division Administrator
Dated: 10/10/2022

Respectfully submitted,

/s/ Shannon W. Husband
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Dated: October 10, 2022

Exhibit 2

IN THE STATE OF MICHIGAN
COURT OF CLAIMS

KELLIE SAUNDERS, et al.,
individual UIA Claimants,

Plaintiffs,

v.

STATE OF MICHIGAN
UNEMPLOYMENT INSURANCE
AGENCY et al.,

Defendants.

Case No. 22-000007-MM

Hon. Brock A. Swartzle

PARTIES' JOINT STIPULATION AND ORDER FOR TRACKING THE IMPLEMENTATION OF THIS COURT'S JUNE 13 2022, AND AUGUST 11, 2022 OPINIONS AND ORDERS

WHEREAS, this Court issued its June 13, 2022, Opinion and Order granting injunctive relief as to Court III of Plaintiffs' Second Amended Complaint,

WHEREAS, the Court's August 11, 2022, Opinion and Order clarified the scope of injunctive relief,

WHEREAS, this Court issued its September 20, 2022 Order Following Status Conference, ordering the parties to meet and confer and submit a joint proposal for tracking the implementation of this Court's preliminary-injunction orders, on or before October 4, 2022.

WHEREAS, the Parties have conferred and submit this Joint Proposal for Tracking the Implementation of this Court's Preliminary-Injunction Orders, and have agreed on the following clarifications in light of the administrative, technical, and resource limitations of Defendant Agency.

Therefore:

1. During the pendency of this case or until further Order of the Court, Defendant Agency must take reasonable and diligent steps to implement this Court's June 13, 2022, and August 11, 2022 Opinions and Orders and suspend all Collection Activity against all plaintiffs and putative class members (Count III) unless and until any (re)determination on which collection is based has been individually Reviewed and Verified to be Final.

2. Defendant Agency shall undertake all reasonable, diligent and available steps to prevent new Collection Activity and to halt pending Collection Activity, including:

a. Cease sending any new (re)determinations of restitution owed,
b. Cease sending "Monthly Notice(s)," "Delinquency Notice(s)," or "Notice(s) of Garnishment" Letters.
c. Delete MiWAM alerts notifying claimants of an outstanding balance and collecting payment on the MiWAM portal.
d. For those claimants that have already been issued a "(re)determination requiring restitution," taking all reasonable and diligent steps within Defendant Agency's ability and power to halt collection on "Monthly Notice(s)," "Delinquency Notice(s)," or "Notice(s) of Garnishment" Letters.
e. Notify all third parties responsible for collecting unemployment debts (wage garnishment, Michigan Department of Treasury, etc.) that the debts are not due and not collectable until further notice.

Definitions:

3. "Collection activity" means any effort to collect a debt pursuant to section 62 of the Michigan Employment Security Act. Defendant Agency shall make reasonable and diligent efforts to suspend Collection activity, including sending any "(re)etermination(s) requiring restitution" notices under Section 62(a) and any undertaking to collect an overpayment based on a "(re)determination requiring restitution" issued under Section 62 of the MES Act, including:

a. Alerting claimants of an outstanding balance and collecting payment on the MiWAM portal.
b. Sending Monthly Statements, Delinquency Notices or Notice(s) of Garnishment,
c. Notifying the United States Department of Treasury/Internal Revenue Service of a "covered unemployment debt" or allowing continued interception of income tax refunds,
d. Using or continuing the Michigan Department of Treasury interceptions of a state income tax refund or state lottery winning,
e. Wage garnishment, including wage garnishment through Plaintiffs' or putative class members' (Count III) written authorization of a "Voluntary Wage Assignment" in response to a "Notice of Garnishment" (Defendant UIA Form 1148),
f. Administrative garnishment without court intervention,
g. Filing a civil action to recover overpayment (not including an adversary proceeding complaint filing in a United States bankruptcy court, where the claimant shall have a pre-deprivation opportunity to challenge the overpayment before collection), or
h. Recoupment of unemployment benefits.
i. (*Issuing a "Weeks of Overpayment" Letter is not "Collection Activity" so long as it continues to state "This is not a bill")

"Final" means a (re)determination that has not been protested or appealed by a Plaintiff or putative class member (Count III) within 30 days of the (re)determination mail date as set forth in Section 32a of the MES Act. A (re)determination is not final if a protest or appeal was submitted within 30 days of the (re)determination mail date, or based on any protest or appeal that was submitted more than 30 days after the mail date that has subsequently been determined by Defendant Agency or a higher reviewing authority to have been late but with good cause.

"Review and Verification" means an individualized human review of the file after having made reasonable and diligent efforts to confirm that no timely protest or appeals (or late protests or appeals with good cause established) have been received by Defendant Agency through any allowable means.

"Timely Protest" or "Timely Appeal" means any protest or appeal that was received by Defendant Agency through any allowable means within 30 days of the date of the original (re)determination or redetermination.

Other provisions:

The June 13, 2022 Opinion and Order, August 11, 202 Opinion and Order, and the Joint Implementation Plan apply to Plaintiffs and any putative class member (under Count III) who filed a new claim or reopened a previous claim on or after March 1, 2020.

Defendant Agency may initiate or continue collection activity, even during the pendency of this action, once it has Reviewed and Verified that a (re)determination is Final.

Defendant Agency's projected schedule is attached. The "duration" column reflects "business days" and not "calendar" days. The projected schedule timeline is an estimated time of completion and it not a guarantee.

Until implementation of the Court's Orders is completed, the parties shall continue to confer and submit joint status reports to this Court no later than every thirty days beginning on November 15, 2022, on the progress of implementation of this Court's June 13, 2022 and August 11, 2022 Opinions and Orders, including Defendant Agency's reasonable, diligent, and available efforts to determine: the number of claimants for whom Collection Activity has been suspended pending Review and Verification, the number Reviewed and Verified as Final, and the number that have been determined not to be Final, and other metrics identified in Defendant Agency's project implementation plan.

The Parties agree that the terms of this stipulation shall be entered as an order.

It is so Ordered,

_____

Hon. Brock Swartzle

Stipulated and Agreed,

/s/ David M. Blanchard
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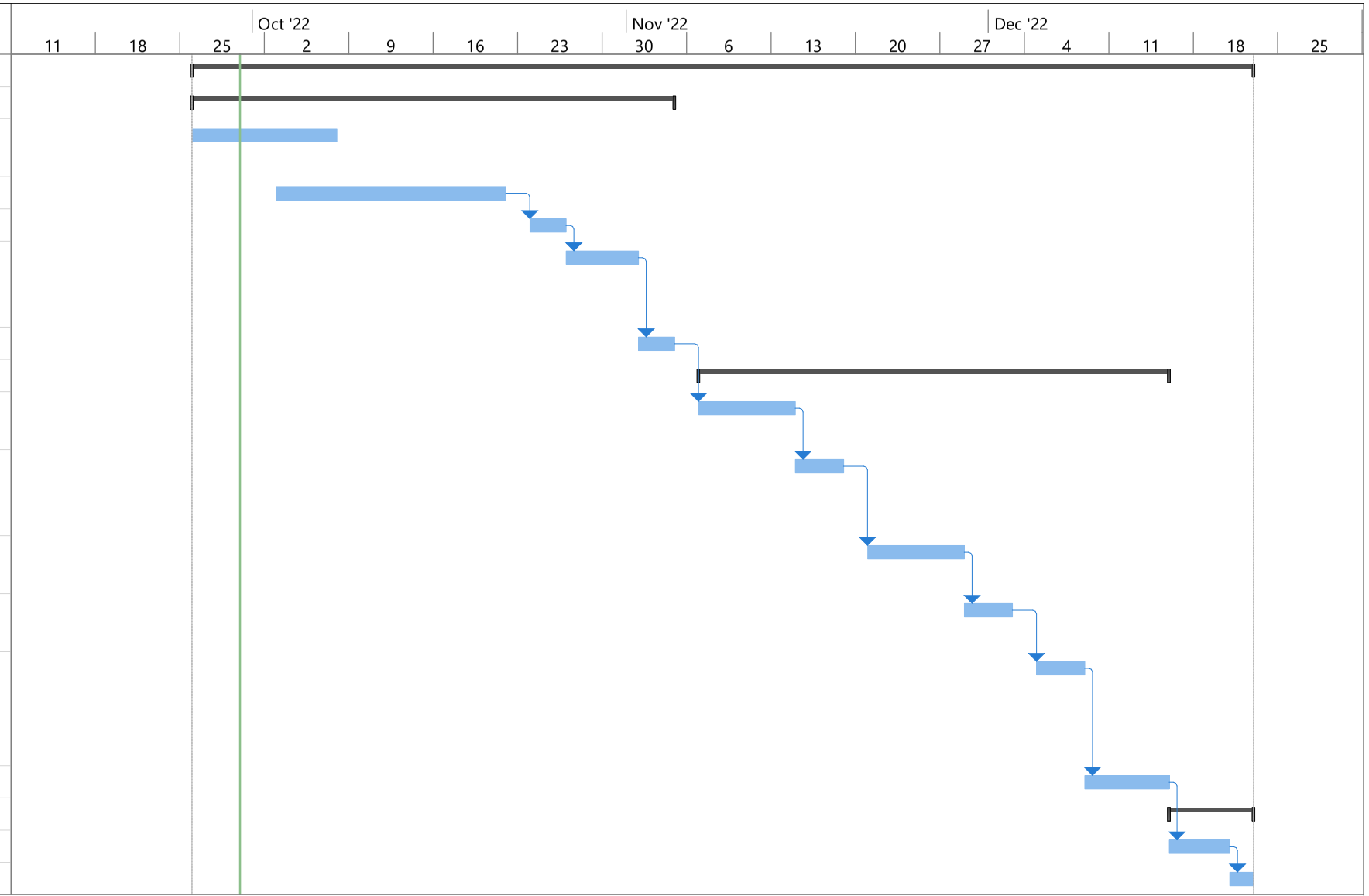
Dated: October 4, 2022

ID	Task Mode	Task Name	Duration	Start	Finish	Predecessors
1		**Full Collections Pause**	**60 days**	**Mon 9/26/22**	**Thu 12/22/2**	
2		**Development**	**30 days**	**Mon 9/26/22**	**Fri 11/4/22**	
3		Refine business rules	10 days	Mon 9/26/22	Fri 10/7/22	
4		Update code	15 days	Mon 10/3/22	Fri 10/21/22	
5		Dev/Unit Testing	3 days	Mon 10/24/2	Wed 10/26/2	4
6		Remediate issues found during testing	4 days	Thu 10/27/22	Tue 11/1/22	5
7		Dev/Unit Retesti	3 days	Wed 11/2/22	Fri 11/4/22	6
8		**Testing**	**25 days**	**Mon 11/7/22**	**Thu 12/15/2**	
9		First Round of BA/TFAS testing	4 days	Mon 11/7/22	Mon 11/14/22	7
10		Remediate issues found during testing	4 days	Tue 11/15/22	Fri 11/18/22	9
11		Second Round of BA/TFAS	4 days	Mon 11/21/22	Mon 11/28/22	10
12		Validation by Collections	4 days	Tue 11/29/22	Fri 12/2/22	11
13		Remediate any remaining issues found during testing	4 days	Mon 12/5/22	Thu 12/8/22	12
14		Final UAT	5 days	Fri 12/9/22	Thu 12/15/22	13
15		**Implementation**	**5 days**	**Fri 12/16/22**	**Thu 12/22/2**	
16		Preparations	3 days	Fri 12/16/22	Tue 12/20/22	14
17		Go-Live	2 days	Wed 12/21/2	Thu 12/22/22	16



Project: Schedule
Date: Fri 9/30/22

Task	Project Summary	Manual Task	Start-only	Deadline	
Split	Inactive Task	Duration-only	Finish-only	Progress	
Milestone	Inactive Milestone	Manual Summary Rollup	External Tasks	Manual Progress	
Summary	Inactive Summary	Manual Summary	External Milestone		