

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

TIMOTHY A. PAIGE, JR., an individual, on behalf of himself and all individuals similarly situated,

Plaintiff,

v.

UNITED STATES OF AMERICA,
Defendant.

21-1268 C

Case No.: _____

CLASS ACTION COMPLAINT

1. Plaintiff Timothy A. Paige, Jr. (“Mr. Paige”) brings this action against the United States of America (“Defendant” or the “United States”) on behalf of a class of certain former members of the United States Army, Navy, Marine Corps, Air Force, and Coast Guard awarded Combat-Related Special Compensation (“CRSC”) under 10 U.S.C. § 1413a (the “CRSC Statute”) due to their combat-related disabilities. Mr. Paige and the putative class have been denied the full amount of retroactive CRSC to which they are entitled due to Defendant’s nationwide and unlawful policy to pay no more than six years of retroactive CRSC (the “Retroactive Payment Cap”). This action is intended to redress Defendant’s improper withholding of a portion of the class’s retroactive CRSC payments through the unlawful Retroactive Payment Cap.

2. Mr. Paige is not the first to challenge Defendant’s unlawful Retroactive Payment Cap. In *Soto v. United States*, No. 1:17-cv-00051 (S.D. Tex.) (“*Soto*”), another class of military veterans has challenged the legality of the Retroactive Payment Cap. Because of the jurisdictional limitations of the Little Tucker Act, 28 U.S.C. § 1346(a)(2), the Court in *Soto* certified a class of military veterans with claims of unpaid retroactive CRSC benefits of less than \$10,000. Mr. Paige brings this action on behalf of himself and those other military veterans with claims of unpaid retroactive CRSC benefits of \$10,000 or more. Mr. Paige alleges as follows:

JURISDICTION AND VENUE

3. This Court has original jurisdiction over this action pursuant to the Tucker Act, 28 U.S.C. § 1491(a)(1).

4. This case arises under 10 U.S.C. § 1413a, which requires the payment of CRSC upon successful application, and therefore, constitutes a money-mandating provision.

5. Venue is proper under 28 U.S.C. § 1402(a)(1).

6. In accordance with 28 U.S.C. § 2401(a), this action is brought within six years of the date that Defendant improperly denied Mr. Paige a portion of his retroactive CRSC payment.

PARTIES

7. Mr. Paige is a veteran of the United States Air Force, where he attained the rank of Lieutenant Colonel.

8. On January 13, 2020, and contrary to applicable statutes and regulations, the Air Force applied a six-year Retroactive Payment Cap to Mr. Paige's award of CRSC, which deprived him of a portion of the retroactive CRSC payment to which he was entitled by law.

9. Through this action, Mr. Paige seeks the rightful restoration of the entire amount of retroactive pay to which he is entitled under the CRSC Statute.

10. The Tucker Act gives this Court jurisdiction over suits "against the United States," acting through the Secretaries of the United States Army, Navy (on behalf of both Navy and Marine Corps veterans), Air Force, and Homeland Security (on behalf of Coast Guard veterans). 28 U.S.C. § 1491(a)(1).

11. Collectively, the Departments of the United States Army, Navy, Air Force, and Homeland Security, through their Secretaries, will be referred to herein as the "Service Branches" or the "military."

CLASS ALLEGATIONS

12. Mr. Paige brings this action on behalf of himself and all others similarly situated.

13. ***Class Definition.*** The nationwide class (the “Class”) consists of all former service members of the Army, Navy, Air Force, Marine Corps, and Coast Guard whose CRSC applications under 10 U.S.C. §1413a were granted, but who (a) were denied the full extent of their retroactive CRSC payment as a result of Defendant’s unlawful use of a Retroactive Payment Cap, and (b) have claims of unpaid retroactive CRSC claims of \$10,000 or more.

14. ***Numerosity.*** The numerosity requirement of RCFC 23(a)(1) is satisfied because, upon information and belief, the members of the Class are so numerous as to make joinder impracticable. While the exact number of Class members is presently unknown to Mr. Paige and can only be ascertained through appropriate discovery, information available to Mr. Paige and Mr. Paige’s counsel suggests that Class members number at least in the hundreds.

15. Mr. Paige’s counsel, National Veterans Legal Services Program (“NVLSP”) and Sidley Austin LLP, also represent Mr. Simon A. Soto and the certified class in *Soto v. United States*, No. 1:17-cv-00051 (S.D. Tex.). *Soto* involves a class of military veterans who were denied the full amount of retroactive CRSC to which they are entitled due to Defendant’s unlawful imposition of the Retroactive Payment Cap and who have claims of unpaid retroactive CRSC benefits of less than \$10,000. On February 11, 2019, the court in *Soto* certified the class, finding that “there are at least 3,600 potential class members.” Order Granting Pls.’ Am. Mot. For Class Certification, No. 1:17-cv-00051, Dkt. 61 at 4 (S.D. Tex. Feb. 11, 2019).

16. After class certification in *Soto*, Defendant provided additional discovery based on refined search parameters that identified approximately 9,111 military veterans who qualified for retroactive CRSC but were denied a portion of their retroactive benefits as a result of Defendant’s

unlawful imposition of the Retroactive Payment Cap. Upon information and belief, this additional *Soto* discovery was provided irrespective of whether the military veterans had claims of unpaid retroactive CRSC benefits of less than \$10,000.

17. Upon information and belief, a significant number of the approximately 9,111 military retirees identified by Defendant in *Soto* have claims of unpaid retroactive CRSC benefits of \$10,000 or more. For example, Mr. Paige has a claim that exceeds \$10,000 and was also one of the military retirees identified by Defendant in *Soto*.

18. Sidley Austin represents numerous military veterans like Mr. Paige on individual applications for CRSC benefits. Based on a review of CRSC decisions available to Sidley Austin resulting from its representation of military veterans who both (a) prevailed on their individual CRSC applications, and (b) had their retroactive benefits reduced as a result of Defendant's Retroactive Payment Cap, at least 5% are owed \$10,000 or more.

19. It follows, upon information and belief, that at least 450 military veterans, *i.e.*, 5% of the 9,111 military veterans identified by the government through discovery in *Soto* are owed \$10,000 or more as a result of Defendant's Retroactive Payment Cap. This number of potential Class members satisfies the numerosity requirement.

20. Additionally, on information and belief, the at least 450 potential Class members in this case are geographically dispersed across the United States to a similar degree as the military veterans identified in *Soto*. In *Soto*, the approximately 9,111 military veterans with claims of unpaid retroactive CRSC identified by Defendant are dispersed across all 50 states and the District of Columbia and there is no basis to suggest that the Class members here are not similarly dispersed, further satisfying the numerosity requirement.

21. **Commonality.** The commonality requirement of RCFC 23(a)(2) is satisfied because there are questions of law and fact common to the Class. Common questions include, but are not limited to: (1) whether Defendant's position that the six-year statute of limitations contained in 31 U.S.C. § 3702(b) can be applied as a Retroactive Payment Cap to claims for CRSC under 10 U.S.C. § 1413a is lawful; and (2) whether any Retroactive Payment Cap can lawfully be applied to claims for CRSC under 10 U.S.C. § 1413a. Defendant acted in a similar manner toward all Class members by denying each the full extent of his or her retroactive CRSC based upon its unlawful, national Retroactive Payment Cap.

22. **Typicality and Adequacy.** The typicality and adequacy requirements of RCFC 23(a)(3) and (4) are met because the claims or defenses of Mr. Paige are typical of the claims or defenses of the Class, and Mr. Paige will fairly and adequately protect the interests of the Class.

23. Mr. Paige's retained attorneys, being competent and experienced in class actions and veterans matters, will also fairly and adequately protect the interests of the Class. NVLSP and Sidley Austin also represent Mr. Simon A. Soto and the certified class in *Soto v. United States*, No. 1:17-cv-00051 (S.D. Tex.).

24. **Maintainability.** The maintainability requirements of RCFC 23(b)(3) are met because questions of law or fact common to the members of the Class predominate over any questions affecting only individual members, and a class action is superior to other available methods for the fair and efficient adjudication of the controversy. Permitting Mr. Paige to maintain this action on behalf of the proposed Class will bring appropriate monetary relief to the Class as a whole.

FACTUAL ALLEGATIONS

CRSC Criteria

25. Prior to 2002, retirees from the Service Branches entitled to both military retired pay and disability compensation from the Department of Veterans Affairs (“VA”) could not lawfully receive the full amount of both their (i) retired pay and (ii) VA disability compensation. They could only receive an aggregate payment equal to the higher of the two entitlements. For example, a retiree entitled to \$800 in monthly retired pay and \$1,700 in monthly VA disability compensation could only lawfully receive an aggregate monthly amount of \$1,700 (*i.e.*, the higher of the two) rather than \$2,500 (their combined total). The legal doctrine that required this result is commonly known as the “bar to concurrent receipt” of both military retired pay and VA disability compensation. In 2002, Congress enacted the CRSC program as a way to provide some retirees with compensation in addition to the payment made pursuant to the rules barring the concurrent receipt of both military retired pay and VA disability compensation. 10 U.S.C. § 1413a(b); 38 U.S.C. §§ 5304, 5305.

26. Retired service members are eligible to receive CRSC if they can meet two requirements: (1) they are entitled to retired pay; and (2) they have a compensable VA service-connected disability that meets the definition of “combat-related.” 10 U.S.C. § 1413a(c), (e).

27. The Department of Defense (“DOD”) has provided written guidelines to instruct the Service Branches in establishing procedures for assessing whether a veteran is entitled to CRSC. Department of Defense, *Combat-Related Special Compensation (CRSC) Section 1413a, Title 10, United States Code, As Amended Revised Program Guidance January 2004* (April 15, 2004) (“2004 CRSC Program Guidance”). In the *2004 CRSC Program Guidance*, the DOD set forth a two-step process for the review of a veteran’s eligibility for CRSC based on the submission of an application for CRSC. *Id.* at 2.

28. **First**, the appropriate Service Branch reviews an application to ensure that the applicant meets the DOD's preliminary criteria. Under the *2004 CRSC Program Guidance*, an applicant needs to satisfy each of the following conditions to meet the preliminary criteria: (1) completion of at least twenty (20) years of military service; (2) attainment of "retired" status; (3) entitlement to military retired pay; and (4) entitlement to VA service-connected compensation for a disability that is rated by the VA as at least 10 percent disabling. *Id.* at 3-4.

29. In 2008, the preliminary criteria set forth in the *2004 CRSC Program Guidance* were modified to include retirees who have fewer than twenty (20) years of service and who are medically retired under 10 U.S.C. §§ 1201-1222. See Department of Defense, *Combat-Related Special Compensation (CRSC) Section 1413a, Title 10, United States Code, As Amended Supplemental Program Guidance January 2008* (Jan. 1, 2008) ("*2008 CRSC Program Guidance*") at 1 & n.1.

30. **Second**, after a determination that the preliminary criteria have been satisfied, the Service Branch determines whether one or more of the applicant's disabilities that the VA has found to be service-connected with at least a 10% disability rating is a qualifying "combat-related" disability. *2004 CRSC Program Guidance* at 5. To establish a combat-related disability, an applicant must show by a "preponderance of available documentary information" that the disability was incurred either: (1) as a direct result of armed conflict; (2) while engaged in hazardous service; (3) in the performance of duty under conditions simulating war; or (4) through an instrumentality of war. *Id.* at 6, 9; 10 U.S.C. § 1413a(e)(2). A disability also qualifies as combat-related if it is attributable to an injury for which the service member was awarded the Purple Heart. 10 U.S.C. § 1413a(e)(1).

31. Upon determination by the Service Branch that an applicant has met all CRSC criteria, the Service Branch will approve the service member's application for CRSC. *See 2004 CRSC Program Guidance* at 7.

CRSC Effective Dates

32. The CRSC Statute does not limit CRSC to only former service members who became retirees on or after the date of enactment. 10 U.S.C. § 1413a. Rather, the CRSC Statute makes former service members who became retirees prior to the date of enactment — such as combat veterans of the Vietnam War and the Korean War — eligible for CRSC. Nor does the statute contain any time limitation on when an application may be filed. Thus, a Vietnam veteran who retired based on longevity in 1988 can file a valid initial application for CRSC in 2021. According to the statute, the date of application for CRSC does not affect the amount of retroactive CRSC to which an applicant is entitled. For example, if two veterans who each (a) were medically retired prior to 2008, (b) were awarded service-connected disability compensation by the VA and assigned disability ratings of 10% or more with an effective date prior to 2008, and (c) had Service Branch determinations that their disabilities were “combat-related,” then they both would be entitled to CRSC retroactive to 2008, the date of enactment of CRSC for medical retirees, regardless of whether one filed a CRSC application in 2011 and the other filed in 2021.

33. Both the *2004 Program Guidance* and *2008 CRSC Program Guidance* state that applicants may submit an application for CRSC “at any time” and, if the appellant qualifies for CRSC, compensation will be paid retroactively. *2004 CRSC Program Guidance* at 2; *2008 CRSC Program Guidance* at 3.

34. For longevity retirees eligible under the 2004 program, the guidance is explicit that “compensation will be paid retroactively, to the extent otherwise allowed by law, for any month

after May 2003, for which all conditions of eligibility were met.” *2004 CRSC Program Guidance* at 2.

35. For medical retirees eligible under the 2008 program, compensation will likewise “be paid retroactive[ly] ... for any month after May 2003, in which all conditions of eligibility were met.” *2008 CRSC Program Guidance* at 3. While the *2008 Program Guidance* references May 2003 for this second group, it separately states that the earliest effective date of the entitlement for them “is either January 1, 2008, or the date of the qualifying VA disability award determined to be combat-related, whichever is later.” *Id.* at 1. The date of the “qualifying VA disability award” is the *effective* date of such award (assigned by the VA) and not the issuance date of the VA rating decision, nor is it the issuance date of a CRSC Board opinion.

The Wrongful Application of 31 U.S.C. § 3702(b)

36. The statute establishing a military retiree’s entitlement to CRSC does not contain a Retroactive Payment Cap. *See* 10 U.S.C. § 1413a. Defendant’s principal basis for defending the existence of a Retroactive Payment Gap was rejected on August 31, 2017, by the Court in *Soto*. Order Denying Defs.’ Mot. For J. on the Pleadings, No. 1:17-cv-00051, Dkt. 39 (S.D. Tex. Aug. 31, 2017).

37. Nonetheless, in decisions responding to CRSC entitlement applications, including the 2020 decision that partially approved Mr. Paige’s CRSC claim, the Air Force has included the following language:

CRSC is subject to the 6-year statute of limitations, 31 U.S.C. Section 3702(b).

In order to receive the full retroactive CRSC entitlement, you must file your CRSC claim within 6 years of any Department of Veterans Affairs (VA) rating decision that could potentially make you eligible for CRSC or the date you become entitled to retired pay, whichever is more recent. If you file your claim more than 6 years after initial eligibility, you will be restricted to 6 years of any retroactive entitlement.

Department of the Air Force, *Memorandum for Lt Col Timothy A. Paige, Jr., USAF, Retired*, at 2 (Jan. 13, 2020).

38. CRSC decisions by the Army likewise contain essentially identical language informing applicants of a Retroactive Payment Cap.

39. CRSC decisions by the Navy, which also issues decisions for Marine Corps veterans, contain essentially identical language informing applicants of a Retroactive Payment Cap.

40. CRSC decisions by the Coast Guard also contain language informing applicants of a Retroactive Payment Cap.

41. Defendant's position that it is entitled to apply the Retroactive Payment Cap to awards of CRSC is based on the premise that the six-year statute of limitations found in 31 U.S.C. § 3702 (the "Barring Act") applies to CRSC awards. The Barring Act states:

A claim against the Government presented *under this section* must contain the signature and address of the claimant or an authorized representative. The claim must be received by the official responsible under subsection (a) for settling the claim or by the agency that conducts the activity from which the claim arises within 6 years after the claim accrues, except –

(A) as provided in this chapter or another law; or

(B) a claim of a State, the District of Columbia, or a territory or possession of the United States.

31 U.S.C. § 3702(b)(1) (emphasis added).

42. The plain language of § 3702(b) is that it applies only to claims filed "under this section," not to all claims against the United States. Only the types of claims listed in § 3702(a) are filed "under this section."

43. The claims addressed in 31 U.S.C. § 3702(a) are as follows:

(1) The Secretary of Defense shall settle –

(A) claims involving uniformed service members' pay, allowances, travel, transportation, payments for unused accrued leave, retired pay, and survivor benefits; and

(B) claims by transportation carriers involving amounts collected from them for loss or damage incurred to property incident to shipment at Government expense.

(2) The Director of the Office of Personnel Management shall settle claims involving Federal civilian employees' compensation and leave.

(3) The Administrator of General Services shall settle claims involving expenses incurred by Federal civilian employees for official travel and transportation, and for relocation expenses incident to transfers of official duty station.

(4) The Director of the Office of Management and Budget shall settle claims not otherwise provided for by this subsection or another provision of law.

44. CRSC claims do not fall within any of the categories listed in 31 U.S.C. § 3702(a). As the *Soto* court correctly found, “combat related pay, or CRSC, is not listed in any of the categories applicable to the Barring Act’s six-year statute of limitations set forth in § 3702.” Order Denying Defs.’ Mot. For J. on the Pleadings, No. 1:17-cv-00051, Dkt. 39 at 4–5 (S.D. Tex. Aug. 31, 2017).

45. **First**, CRSC is not, by its plain language, “allowances, travel, transportation, payments for unused accrued leave,” or “survivor benefits,” as used in 31 U.S.C. § 3702(a)(1)(A).

46. **Second**, CRSC is not “retired pay,” as described in 31 U.S.C. § 3702(a)(1)(A). As the *Soto* court correctly found, the statute that created CRSC — 10 U.S.C. § 1413a(g) — states explicitly that CRSC compensation is “not retired pay.” Order Denying Defs.’ Mot. For J. on the Pleadings, No. 1:17-cv-00051, Dkt. 39 at 5 (S.D. Tex. Aug. 31, 2017).

47. **Third**, CRSC also does not fall within the definition of “pay” as used in 31 U.S.C. § 3702(a)(1)(A). The Barring Act defines “pay” as meaning “basic pay, special pay, retainer pay,

incentive pay, retired pay, and equivalent pay, but does not include allowances.” 10 U.S.C. § 101(15); 37 U.S.C. § 101(21). Title 37 provides an extensive list of specific types of “pay” that would constitute “special pay,” but this list does not include CRSC. *See* 37 U.S.C. §§ 301-355.

48. **Fourth**, CRSC payments do not fall under the plain language of 31 U.S.C. § 3702(a)(1)(B) (claims by transportation carriers); 31 U.S.C. § 3702(a)(2) (Federal civilian employees’ compensation and leave); or 31 U.S.C. § 3702(a)(3) (expenses incurred by Federal civilian employees’ for official travel and transportation).

49. **Finally**, Section 3702(a)(4) sets forth a “catch-all” category of claims and states that “the Director of the Office of Management and Budget [“OMB”] shall settle claims not otherwise provided for by this subsection or another provision of law.” 31 U.S.C. § 3702(a)(4). CRSC payments do not fall within this category either, as the directive that such claims be settled by the OMB is inconsistent with the CRSC statute’s directive that the “Secretary” of each Service Branch “shall pay” CRSC to eligible retirees. 10 U.S.C. § 1413a(a).

50. Because an application for CRSC is not a claim presented “under this section,” the six-year statute of limitations in 31 U.S.C. §3702(b) does not apply to CRSC awards, thus 31 U.S.C. § 3702 cannot be the lawful basis of the Retroactive Payment Cap.

51. Nor is there any other legal basis for a Retroactive Payment Cap to be applied to applications for CRSC.

52. It follows that when a retired service member successfully applies for CRSC, he or she should receive a retroactive payment back to the earliest date possible under the *2004 CRSC Program Guidance* and the *2008 CRSC Program Guidance*, and this date cannot be curtailed by a Retroactive Payment Cap. For longevity retirees, the earliest effective date of the entitle is “for any month after May 2003, for which all conditions of eligibility were met.” *2004 CRSC Program*

Guidance at 2. For medical retirees, the earliest effective date of the entitlement “is either January 1, 2008, or the date of the qualifying VA disability award determined to be combat-related, whichever is later.” *2008 CRSC Program Guidance* at 1.

Synopsis of Mr. Paige’s Military Service

53. Mr. Paige served honorably in the United States Air Force, Air Force Reserves, and Wyoming National Guard from July 19, 1982, to November 28, 2008, and retired as a Lieutenant Colonel. He flew scores of combat missions during the Gulf War, Operation Iraqi Freedom, and Operation Enduring Freedom. He received various certificates from training and awards during his service, including the Distinguished Flying Cross, Meritorious Service Medal, Air Medal with 6 oak leaf clusters, Aerial Achievement Medal with 1 oak leaf cluster, Air Force Commendation Medal with 2 oak leaf clusters, and the Air Force Achievement Medal.

54. A 1987 graduate of the Air Force Academy, in October 1990, Mr. Paige was deployed to Taif, Saudi Arabia, shortly before the Gulf War broke out in January 1991. He flew the first three nights of the Gulf War, including as part of a four-airplane attack on his first mission. For this, he was awarded the Distinguished Flying Cross, which recognized his “outstanding heroism and selfless devotion.” Overall, Mr. Paige flew 26 missions during the Gulf War.

55. From May 1992 to January 1997, Mr. Paige was a mission pilot, instructor pilot, and chief of tactics for combat operations in South and Central America and the former Yugoslavia. Then he went to the Cheyenne Wyoming National Guard, where he was a mission commander, director of operations, and flight commander. He was deployed to Oman in 2002, and in 2003 was sent to Germany to support combat operations in Macedonia and the former Yugoslavia. In August 2005, he was activated again and sent to Kuwait to support combat operations in Iraq, where he was selected as commander to open a C130 airbase in Iraq. He medically retired on November 28, 2008.

Mr. Paige's Allegations

56. Mr. Paige was permanently medically retired effective November 28, 2008, and has been continuously entitled to military retired pay since November 29, 2008.

57. Mr. Paige sought service-connected disability benefits from the Department of Veterans Affairs ("VA"). On June 3, 2009, the VA issued a rating decision awarding Mr. Paige compensation for his service-connected conditions, and assigning Mr. Paige a combined disability rating of more than 10% with a retroactive effective date of November 29, 2008.

58. Mr. Paige thus fulfilled the preliminary criteria for CRSC in that he was entitled to military retired pay and had at least one compensable VA service-connected disability as of November 29, 2008.

59. In December 2019, Mr. Paige submitted an application for CRSC to the Air Force, asking that he be awarded CRSC for his service-connected conditions. On January 13, 2020, the Air Force awarded Mr. Paige CRSC based on the finding that one or more service-connected conditions are combat-related disabilities. The Air Force assigned a CRSC effective date of January 1, 2014, even though Mr. Paige met all of the CRSC entitlement criteria on November 29, 2008, one day after the date of his permanent medical retirement and the effective date of his disability rating by the VA.

60. In other words, the Air Force awarded Mr. Paige only six years of retroactive CRSC, from January 1, 2014, to January 13, 2020.

61. Mr. Paige should have received a CRSC "effective date" (and thus retroactive payment of CRSC) back to November 29, 2008. As explained above, for medical retirees, the earliest effective date of the CRSC entitlement "is either January 1, 2008, or the date of the qualifying VA disability award determined to be combat-related, whichever is later." *2008 CRSC Program Guidance* at 1.

62. Put another way, although Mr. Paige is entitled to just over eleven years of retroactive CRSC pay (starting November 29, 2008, the date he attained the qualifications set forth by 10 U.S.C. § 1413a), Defendant limited Mr. Paige to six years of retroactive CRSC by applying the unlawful Retroactive Payment Cap. Defendant wrongfully withheld from Mr. Paige the CRSC to which he was entitled for the period from November 29, 2008, to December 31, 2013.

63. Mr. Paige's withheld retroactive CRSC pay for the period from November 29, 2008, to December 31, 2013 exceeds \$10,000.

64. The Secretary based this unlawful withholding of retroactive CRSC upon the statute of limitations contained in 31 U.S.C. § 3702(b), a statute that does not apply to CRSC.

CAUSE OF ACTION

(10 U.S.C. § 1413a)

65. Mr. Paige repeats the allegations contained in paragraphs 1 through 64 as if set forth at length herein.

66. 10 U.S.C. § 1413a confers a substantive right to monetary benefits for qualifying retired veterans.

67. Mr. Paige and the other members of the Class have been denied the full retroactive CRSC compensation to which they are entitled under 10 U.S.C. § 1413a as a result of the Defendant's nationwide policy to impose an unlawful six-year Retroactive Payment Cap on CRSC payments.

PRAYER FOR RELIEF

WHEREFORE, Mr. Paige requests judgment:

- a) entering an order pursuant to RCFR 23 that this action may be maintained as a class action;
- b) designating Mr. Paige as the representative of the Class;
- c) designating Mr. Paige's Counsel of Record as Class Counsel;
- d) granting money damages to class members that are formulaic in nature in amounts to be determined in this action;
- e) awarding Mr. Paige's counsel's fees and costs against Defendant; and
- f) awarding such other relief as the Court may deem appropriate.

Dated: April 21, 2021

Respectfully Submitted,

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