

the information and **by March 16, 2016**, inform Defendants' counsel of those claimants to whom a notice of potential dismissal will be sent. For any remaining claimants who filed for bankruptcy or have a bankruptcy pending but to whom judicial estoppel does not apply or whose bankruptcy records defendants could not locate, Plaintiffs' counsel will make an initial assessment of whether their claims are meritorious (*see* Seventh item below).

Fourth. **On or before March 11, 2016**, plaintiffs' counsel will identify by name those claimants who were sent court questionnaires but who failed to respond within the time provided (by March 6, 2015). Those claimants will be sent a notice of potential dismissal. Plaintiffs reserve their rights to argue against dismissal of specific claims based on failure to receive the notice and for other extenuating circumstances. The parties have agreed to discuss certain individuals and the effect of their individual circumstances.

Fifth. Plaintiffs' counsel will attempt to identify those ICCs who retired on or before the Fairness Hearing on May 29, 2001 and those individuals will be notified of the Court's ruling on available relief through a notice of potential dismissal. For claimants who retired after May 29, 2001, Plaintiffs' counsel will conduct an initial assessment to evaluate their claims, taking special consideration of the effect of retirement (*See* Seventh item below).

Sixth. The Plaintiffs whose individual contempt claims are at issue in this litigation were identified in prior submissions by the parties. *See* ECF Nos. 6492, 7040. There are twelve (12) individuals who completed questionnaires but are not listed in ECF Nos. 6492 and 7040. Those persons include Lena M. Burroughs, Elaine M. Corley, Eugene L. Elmore, James P. Hollis, Alvin Peoples, Sheila Peoples-Black, Stanley W. Perry, James Potts, Kelvin L. Roberts, Vivian Smith, Thelma R. Webster, and Lillian Williams. Plaintiffs' counsel does not contend that responding to the court's questionnaire creates a claim. Additionally, Sammy Lee Gaines and Geraldine Little were not listed in ECF No. 7040 and those claims remain under discussion.¹

Seventh. Concurrent with the execution and completion of items one through six, plaintiffs' counsel will review the remaining ICCs and assess which of the claimants, if any, should receive a notice of potential dismissal. This review shall be completed **on or before August 10, 2016**. The notices of potential dismissal due under this paragraph will be sent out **on or before October 10, 2016**.

Eighth. The special master will work with counsel to draft the notices of potential dismissal that will be sent from the Court to the claimants. The parties will have the notices of potential dismissal due under Items 3, 4, and 5 ready for mailing **by July 20, 2016**. The notices of potential dismissal due for all paragraphs will be sent by registered mail and the expense will be deducted from the contempt fines held in the court's treasury.

Ninth. Following the completion of items one through eight, but no later than **August 26, 2016**, the special master will convene a meeting with counsel and establish a plan for the review and resolution of any remaining ICCs. The projected date for the completion of Plaintiffs' ICCs

¹ Plaintiffs' counsel contends that the Plaintiff ICCs identified in ECF Nos. 7383 and 7556 (Plaintiffs' Motion to Amend ICCs) should be included in this litigation. Defendants objected (ECF No. 7445), and the issue was not resolved. (ECF Nos. 7487, 7562).

is **August 25, 2017**. The parties will update the projected completion date of **August 25, 2017**, after the planning meeting with the special master.

Respectfully submitted,

s/ Russell W. Adams

Russell W. Adams
WIGGINS, CHILDS, PANTAZIS, FISHER
& GOLDFARB, LLC
The Kress Building
301 19th Street North
Birmingham, AL 35203
Telephone No.: (205) 314-0500
Facsimile No.: (205) 254-1500

Attorney for Plaintiffs

s/Mai Lan Isler

Mai Lan F. Isler
CAPELL & HOWARD, P.C.
150 Box 2069
Montgomery, Alabama 36102-2069
Phone: (334) 241-8000
Fax: (334) 241-8000

Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been filed with the Clerk of Court using the CM/ECF system which will electronically notify that the following counsel of record:

Jim R. Ippolito, Esq.
Alabama Department of Transportation
Legal Division
1409 Coliseum Boulevard
Montgomery, AL 36130-3050

Robert R. Baugh, Esq.
David R. Mellon, Esq.
Sirote & Permutt, P.C.
P.O. Box 55727
Birmingham, AL 35255

Alice Ann Byrne, Esq.
State Personnel Department
64 North Union Street
Montgomery, Alabama 36104

David R. Boyd, Esq.
Balch & Bingham
105 Tallapoosa Street, Ste. 200
Montgomery, AL 36102

Christopher W. Weller, Esq.
Mai Lan F. Isler, Esq.
Barbara J. Wells, Esq.
CAPELL & HOWARD
P.O. Box 2069
Montgomery, Alabama 36102

Ray Fitzpatrick, Esq.
1200 Corporate Drive, Ste. 105
Birmingham, Alabama 35242

Carlos A. Gonzalez,
Special Master
3087 Belingham Drive
Atlanta, GA 30345

on this the 10th day of February, 2016.

s/ Russell W. Adams
OF COUNSEL