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April 5, 2019

**Via ECF**

Hon. Paul A. Engelmayer  
United States District Judge  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *Robert Behrens, on behalf of himself and others similarly situated, v. MLB  
Advanced Media, L.P., 1:18-cv-03077 (PAE)*

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Dear Judge Engelmayer:

We represent Defendant MLB Advanced Media, L.P. in this matter. We write on behalf of all parties to provide the Court an update regarding the settlement, including an issue that has arisen and the parties' proposal to address that issue. Plaintiffs' counsel have reviewed this letter and have authorized us to state that they concur in full.

After the Court preliminarily approved the settlement and notices were sent to the potential class members, Plaintiffs' counsel received inquiries from a number of individuals not included on the list provided to the Claims Administrator. Defendant investigated these inquiries and determined that in compiling the class data for use at mediation, and then later for notice to the class, Defendant inadvertently excluded 36 individuals from the class and also undercounted the hours worked by 12 individuals who were included in the original class. This occurred because some individuals had multiple employee identification numbers in the system and the original searches mistakenly excluded employee identification numbers that were inactivated before October 2014.

The parties have agreed to remedy this situation by increasing the settlement fund by \$164,465. This increases the settlement amount to account for the additional potential gap overtime hours in a proportional manner, and settles these additional hours on the same basis as if all individuals and hours worked were reflected in the original settlement.

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To provide adequate notice to the 36 new class members, the parties propose to conduct a new round of notice addressed to these individuals, on the same terms as the original notice. At least 11 of the 12 individuals who were already included in the settlement, but whose hours were undercounted, have already opted into the settlement. They will receive a somewhat larger award accounting for the increased hours. For the one remaining individual who has increased hours but has not yet opted in, the parties propose to send another notice indicating the revised anticipated payout, on the same terms as the notices that will be sent to the 36 additional class members. To account for the additional time needed to provide the proposed notices, the parties also propose to adjourn the final approval hearing date by 75 days, with any related deadlines extended accordingly.

We appreciate the Court's consideration of this matter.

Respectfully,



Paul DeCamp

cc: Peter David Winebrake, Esq. (via ECF)  
James E. Goodley, Esq. (via ECF)  
Marc L. Gelman, Esq. (via ECF)

4/8/19

The Court thanks the parties for this update. The Court has reviewed the parties' proposal and grants this request. The settlement approval conference is hereby adjourned until July 9, 2019 at 2:30 p.m.

SO ORDERED.



PAUL A. ENGELMAYER  
United States District Judge