

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

ANGE SAMMA *et al.*, on behalf of
themselves and others similarly situated,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
DEFENSE, *et al.*,

Defendants.

No. 20-cv-01104-PLF

**NOTICE OF FILING CORRESPONDENCE REGARDING
CONTINUED NON-COMPLIANCE**

Plaintiffs respectfully submit this Notice of Filing to notify the Court of the attached letter, dated September 22, 2021, from Plaintiffs' counsel to Defendants' counsel, describing a new case of non-compliance and five continuing cases of non-compliance.

Dated: September 22, 2021

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Respectfully submitted,

/s/ Scarlet Kim
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September 22, 2021

DELIVERED VIA EMAIL

Liam C. Holland
Trial Attorney
U.S. Department of Justice
Washington, D.C. 20530

Re: *Samma, et al. v. United States Department of Defense, et al.*, No. 20-CV-1104 (D.D.C.)



Dear Liam,

We are writing to raise a new case of non-compliance that recently came to class counsel's attention.

Class counsel recently communicated with class member Alina Nair, who is serving in the Selected Reserve of the Ready Reserve. Ms. Nair completed her first drill with her Selected Reserve unit on July 21-August 1, 2021. On August 10, 2021, Ms. Nair requested assistance with her N-426 certification from both a specialist and a sergeant, who were assisting her with the completion of her in-processing with her unit. The sergeant instructed her to complete and sign the N-426 form, which Ms. Nair did and then submitted to the sergeant. The sergeant informed Ms. Nair that she would send the form up her chain of command and that Ms. Nair should soon receive her N-426 certification by email.

On September 18-19, 2021, Ms. Nair completed another drill with her Selected Reserve unit. She had not yet received her N-426 certification at that time and followed up with the specialist she had spoken with about her N-426 certification on August 10, 2021. The specialist communicated with the sergeant, who had accepted Ms. Nair's N-426 paperwork on August 10, 2021. The specialist then informed Ms. Nair that the sergeant had informed her that her chain of command had denied Ms. Nair's N-426 certification request because Ms. Nair had not yet served a full year in the Selected Reserve.

Ms. Nair is currently due to ship to Fort Sill, Oklahoma for basic combat training ("BCT") on October 4, 2021. Once she ships to BCT, Ms. Nair will have to seek her N-426 certification from a new chain of command, despite being entitled to seek the certification from her current chain of command through her Selected Reserve unit. Once Ms. Nair ships to BCT, it will also be difficult for her to communicate with class counsel to resolve any issues she may experience with her N-426 certification at Fort Sill, a military installation where class counsel have previously flagged non-compliance issues. Finally, Ms. Nair first submitted

her N-426 form for certification on August 10 and it has now been well beyond the 30-day time frame set forth in the *Samma* Order for Defendants to process N-426 certification requests.

Class counsel request that Defendants assist with certification of Mr. Nair's N-426 form, which is attached to this letter. Ms. Nair's unit is the [REDACTED]

[REDACTED]. Class counsel also request that Defendants investigate non-compliance within the U.S. Army Reserve and Ms. Nair's particular unit.

In addition, class counsel request an update as to the N-426 certification requests of five class members whose requests remain outstanding: Olubunmi Aregbesola, Olusegun Enikanoselu, Augustine Ayankoya, Banchao Shu, and Jia Ye.



Sincerely,
Scarlet Kim

Counsel to Plaintiffs

Encl.