

**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 February 23, 2022, from Plaintiffs' counsel to Defendants' counsel, describing three new cases of non-compliance. Since Plaintiffs filed their motion on August 17, 2021, ECF No. 58, Plaintiffs have given notice to Defendants and filed nine letters with the Court detailing incidents of non-compliance.

Dated: February 23, 2022

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Respectfully submitted,

/s/ Sana Mayat
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February 23, 2022

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 three new cases of non-compliance that were recently brought to class counsel's attention.

We recently communicated with counsel representing class member Yabre Wendpagnagde, who is currently serving active duty with the U.S. Army. Mr. Wendpagnagde shipped to basic combat training at Fort Jackson, South Carolina last month. Since January, Mr. Wendpagnagde has approached his drill sergeant three times to submit his N-426 paperwork. However, his drill sergeant has refused each time to accept his paperwork for certification. Mr. Wendpagnagde's unit information is [REDACTED]

Class counsel also recently communicated with class member Sam Toan, who is serving with the Selected Reserve of the U.S. Army Reserve. Mr. Toan began his service after completing his first drill on January 9, 2022. He requested his N-426 certification shortly thereafter but did not receive a response. Mr. Toan followed up with his chain of command on February 15, 2022 to request an update on his N-426 certification. In response, his chain of command responded that soldiers are required to graduate from advanced individual training before requesting their N-426 certification. It has now been approximately six weeks since Mr. Toan requested his N-426 certification. Mr. Toan's unit information is: [REDACTED]

Class counsel also recently communicated with class member Payden Hutcheson, who is serving active duty with the U.S. Coast Guard. On October 11, 2021, Mr. Hutcheson requested his N-426 certification from his chain of command via e-mail. His supervisor replied that no one knew what to do with his N-426 form. On January 31, 2022, Mr. Hutcheson's father, Patrick Hutcheson, e-mailed Mr. Hutcheson's N-426 form directly to the office of the O-6 in Mr. Hutcheson's chain of command for certification. The following week, Mr. Hutcheson's chain of command informed Mr. Hutcheson that his N-426 form

would be signed prior to his deployment to sea. On February 12, 2022, Mr. Hutcheson deployed to sea. He has still not received his N-426 certification. It has now been over four months since Mr. Hutcheson first requested his N-426 certification from his chain of command. Mr. Hutcheson is currently [REDACTED]

Class counsel request that Defendants provide Mr. Wendpagnagde, Mr. Toan, and Mr. Hutcheson with completed N-426 certifications and have attached their N-426 forms to this letter. Class counsel also request that Defendants promptly investigate continuing non-compliance at Fort Jackson, within units of the Selected Reserve of the U.S. Army Reserve, and within the U.S. Coast Guard.



Sincerely,
Sana Mayat

Counsel to Plaintiffs

Encl.