

7d/132543

October 8, 2003

Mr. Sam Vitaro

**VIA FAX**

**Re: INS.FLSA**

Dear Arbitrator Vitaro:

During the meeting called by you in San Francisco on July 11, 2003, we discussed setting an arbitration hearing date in December, 2003. This hearing was proposed to deal with the “new claimant”, “newly changed old claimant”, and “suffer or permit” claims that are outstanding in this case. You had (tentatively I believe) suggested at least two consecutive days of hearings, while no actual dates were established.

Considering the mass amount of data that may be presented and the sheer number of claimants involved (2700+ “new claimants”; @800 “newly excluded old claimants”; and 663+ “suffer or permit” claims), I would suggest that the parties be prepared for a possible third (consecutive) day of hearings if the need arises. This schedule would expedite the processing of this case and minimize travel expenses for the parties.

Again, to minimize the travel expenses of the parties I would suggest the following dates:

Dec. 1-2 with a possible carry-on date of the 3<sup>rd</sup>.  
Dec. 8-9 with a possible carry-on date of the 10<sup>th</sup>  
Dec. 15-16 with a possible carry-on date of the 17<sup>th</sup>

Other dates (though marginably more expensive for the parties because of the Saturday stay-over requirements) would be:

Dec. 3-4 with a possible carry-on date of the 5<sup>th</sup>.  
Dec. 10-11 with a possible carry-on date of the 12<sup>th</sup>  
Dec. 17-18 with a possible carry-on date of the 19<sup>th</sup>

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The Union will obligate itself now to any of these sets of dates (or any other set of dates that the Arbitrator should propose in December, 2003).

The Union respectfully suggests that the actions (discussed at the meeting of the parties called by the Arbitrator for July 11, 2003) urged in its letter dated July 18, 2003 (copy attached) are ripe for decision and the Union will do anything necessary or provide any further information or briefing that would assist the Arbitrator on these outstanding issues.

Sincerely,

Joe Goldberg  
Assistant General Counsel – Litigation

Enclosure

cc: Susan Dole  
Randy Callahan