

February 4, 2019

Re: William Tschappat, Class Agent v. Department of Labor, OSHA, EEOC No. 531-2018-00316X

To: Class Members Registering through Webpage

From: Bruce B. Elfvin, Class Counsel

I am writing to advise of some developments and issues that are present in the *Tschappat* case. Earlier in the fall of 2018 at the direction of Judge Modu, we secured the assistance, as co-counsel, from Gilbert Employment Law, a firm in Silver Springs, Maryland that has substantial experience in federal employee litigation. The Gilbert Employment Law group entered its appearance in this case and has appeared at the last two (2) status conferences with Administrative Judge Enechi Modu in Baltimore, Maryland. I have been advised that the Gilbert Employment Law group is withdrawing from the case. They filed a notice of withdrawal on January 29, 2019.

There is a pretrial conference on February 14, 2019 in Baltimore. I believe that the withdrawal of the Gilbert Employment Law group makes it very difficult for me to proceed with this class in several respects. First, the practical experience of the Gilbert Employment Law group was a big boost to continuing to litigate this case against the DOL/OSHA. I am concerned that, as I am in the process of winding down my practice and there is significant work to be done to finish this case, I may not be in practice for the completion of this matter.

I need to know from you are class members, whether you are interested in pursuing this class age discrimination case, whether any of you would file to intervene in the class case as new class agents, and whether any of you have counsel assisting you that would be interested in becoming at least co-counsel in this case?

I thank you for your support to date.

Respectfully,

s/ Bruce B. Elfvin

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