

In the United States Court of Federal Claims

No. 11-779C

(Filed: September 16, 2014)

STARR INTERNATIONAL COMPANY,
INC., on its behalf and on behalf of a class
of others similarly situated,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

ORDER REGARDING CERTIFICATION OF ADDITIONAL CLASS MEMBERS

Before the Court is plaintiff Starr International Company, Inc.’s (“Starr’s”) request to certify additional class members who wish to opt into (1) the Credit Agreement Class and (2) the Stock Split Class (“Classes”) despite submitting enrollment forms past the Court’s September 16, 2013 deadline. See Joint Status Report dated Sept. 8, 2014, Dkt. No. 298 (“Joint Status Report”). It is within the discretion of the trial court to permit late enrollment in a class action. See *Zients v. LaMorte*, 459 F.2d 628, 629-31 (2d Cir. 1972).

On September 8, 2014, in a joint status report filed with the Court, Starr requested the Court to allow the following persons or entities to opt into the action as class members: (a) 6,084 persons or entities whose enrollment forms were submitted after the Court’s September 16, 2013 deadline; (b) 121 persons or entities who submitted enrollment forms prior to September 16, 2013 but identified which Class or Classes they opted into after November 8, 2013; (c) 1,680 persons or entities who submitted enrollment forms but did not identify the Class or Classes to which they belong; and (d) 1,364 persons or entities who submitted enrollment forms after September 16, 2013 and before November 8, 2013. See Joint Status Report at 8; Sept. 4, 2014 Decl. of Eric Schachter, Dkt. 298-1.

In a prior order, pursuant to Rule 23 of the Rules of the United States Court of Federal Claims, the Court granted certification of the Classes. See Starr Int'l Co. v. United States, 109 Fed. Cl. 628, 632 (2013). The deadline for putative class members to enroll in the Classes was September 16, 2013. See Order dated Apr. 25, 2013, Dkt. No. 120. On November 15, 2013, class counsel, through its class administrator Rust Consulting (“Rust”), provided the Court with a list of the 268,892 persons and entities who had submitted enrollment forms to join one or both Classes by the Court’s September 16, 2013 deadline. See Joint Status Report at 5, n.1 (noting part of the 268,892 figure includes the 1,364 persons or entities who submitted enrollment forms before November 8, 2013 but after September 16, 2013). Since November 8, 2013, however, Rust has received an additional 6,084 enrollment forms mostly attributable to a single Electronic Enrollment Form submitted by the Royal Bank of Canada (“RBC”) after it learned that it inadvertently omitted 5,777 clients from its prior submissions. See id. at 5-6.

The Court addressed the issue of certification of the additional class members in a Pre-Trial Conference held on September 15, 2014. During that Pre-Trial Conference and in the September 8, 2014 Joint Status Report, the Government indicated that it did not oppose Starr’s certification of additional class members so long as its objections, as set forth in the September 8, 2014 Joint Status Report, were not waived. See Joint Status Report at 8-9. Without further objection from the Government and for good cause shown, the Court GRANTS certification of the additional class members identified above.

IT IS SO ORDERED.

s/ Thomas C. Wheeler
THOMAS C. WHEELER
Judge