

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RYAN CLARK, *et al.*, :

Plaintiffs, :

-against- :

MICHAEL J. ASTRUE, Commissioner of the
Social Security Administration, in his official
capacity, :

Defendant. :

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06 Civ. 15521 (SHS)

ORDER

SIDNEY H. STEIN, U.S. District Judge.

Plaintiffs in this class action have moved pursuant to Local Civil Rule 6.3 for clarification and/or reconsideration of the Court’s Opinion and Order of March 18, 2011, granting their motion for class certification. *See Clark v. Astrue*, 274 F.R.D. 462 (S.D.N.Y. 2011). That motion is granted and the class definition is clarified as set forth below.

In light of the policies concerning the commencement of the limitations period, *see* Social Security Administration, Program Operations Manual System GN 03101.010 “Time Limit for Filing Administrative Appeals,” *available at* <https://secure.ssa.gov/poms.nsf/lnx/0203101010>, the Court grants plaintiffs’ unopposed request to change the start date for the class period to October 24, 2006. Consistent with the prior opinion, *see Clark*, 274 F.R.D. at 468, the Court further amends the class definition to ensure inclusion of all individuals with live claims on or after the date this class action was filed, including those with live challenges to overpayment determinations. At a court conference held on November 23, 2011, the Court proposed a revised class definition to meet the parties’ concerns. The parties agreed at that conference that the

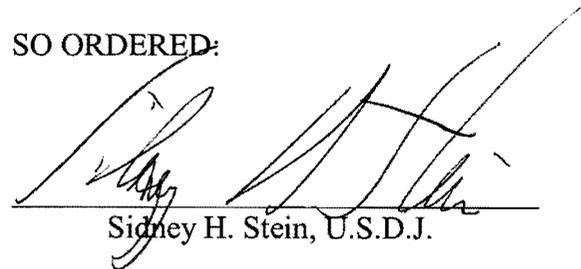
revised definition proposed by the Court and adopted herein addresses their concerns. Defendant's agreement was restated in a letter to the Court dated November 30, 2011.

The Court therefore grants plaintiffs' motion for clarification (Dkt. No. 74) and amends the prior certification order to certify the following class:

All persons nationwide for whom an initial determination to suspend or deny SSI and/or OASDI benefits was made and/or an initial determination of overpayment of such benefits was made and such initial determination was based solely on the existence of a warrant for an alleged violation of probation or parole, provided: (i) the initial determination was made during the period from October 24, 2006 to and including such time in the future when final relief is entered in this action; or (ii) a timely administrative appeal of such initial determination was pending on or after October 24, 2006.

Dated: New York, New York
December 2, 2011

SO ORDERED:



Sidney H. Stein, U.S.D.J.