

**U.S. DISTRICT COURT**

**U.S. District Court, Western District of New York**

**Notice of Electronic Filing**

The following transaction was entered on 1/5/2016 at 11:06 AM EST and filed on 1/5/2016

**Case Name:** Frommert, et al v. Conkright, et al

**Case Number:** [6:00-cv-06311-DGL-JWF](#)

**Filer:**

**Document Number:** [283](#)

**Docket Text:**

**ORDER that pursuant to the 12/23/13 decision of the United States Court of Appeals for the Second Circuit remanding this case to this Court, defendants are hereby directed to recalculate and pay plaintiffs' retirement benefits, treating plaintiffs' second periods of employment with Xerox as if plaintiffs had been newly hired and without regard for their prior periods of employment, as set forth in detail in the body of this Decision and Order. This recalculation for retroactive benefits shall be completed within 30 days of this Decision and Order and a lump-sum check shall be issued to each affected plaintiff, in the amount of the difference in benefits due, within 45 days of this Decision and Order. This payment is to be made forthwith, and not delayed simply because a payment of prejudgment interest might also be awarded at some future date. Should such an interest award be made, Xerox shall issue a separate check for that amount as to each affected plaintiff. Plaintiffs and defendants are directed to file with the Court additional papers as to whether the Court should include an award of prejudgment interest, and if so, what the interest rate should be. Plaintiffs should first file within 20 days of this Decision and defendants may respond within 20 days after the filing of plaintiffs' submission. Plaintiffs' motion to compel payments of amounts indisputably due [254] and their motions for summary judgment [267],[278] are denied as moot. The Court reserves decision on plaintiffs' motion for attorney's fees [241] and will grant plaintiffs leave to file a supplemental motion for attorney's fees within 30 days of entry of this Decision. Signed by Hon. David G. Larimer on 1/5/16. (EMA)**