

Note From the Field

Potential Effect of SSCRA on Proposed Settlement in *Vollmer v. Publishers Clearing House*

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One purpose of the Soldiers' and Sailors' Civil Relief Act¹ (SSCRA) is to protect the legal rights of service members while in the military. Section 525 of the SSCRA ensures that time in military service is not counted in determining whether a service member has missed a legal deadline.² An on-going case serves as an excellent example of how to invoke the protection of Section 525.

Publishers Clearing House (PCH), defendants in a class action lawsuit, pursuant to the district court's order sent out a "Notice of Class Action, Proposed Settlement and Final Fairness Hearing" to all identifiable members of the plaintiff class.³ The notice required members of the plaintiff class to respond by letter postmarked by 18 October 1999 to receive a refund for magazine subscriptions or merchandise purchased from 3 February 1992 through 30 June 1999.⁴ Recipients automatically

excluded themselves from the plaintiff class if they did not respond by 18 October 1999.

Assume a service member walks into a legal assistance office requesting advice regarding the notice after the October deadline. Through Section 525 of the SSCRA, the legal assistance attorney can petition both parties and the court for timely inclusion into the plaintiff class. The statute suspends the running of the clock for an action or proceeding in court during the period of military service.⁵ In this case, the statute suspends time with respect to the deadline for joining the plaintiff class.

The SSCRA provides valuable rights to military members. The statute in this case guarantees that service members can participate in ongoing litigation.

1. 50 App. U.S.C.A. §§ 501-591 (West 1999).

2. *Id.* § 525.

3. Notice of Class Action, Proposed Settlement and Final Fairness Hearing, *Vollmer v. Publishers Clearing House/Campus Subscriptions, Inc.* (S.D. Ill 1999) (99-434-GPM) available at <www.pch.com>.

4. The proposed settlement requires the claimant to provide a sworn statement that the purchase was made because the claimant believed that the purchase would increase his chances of winning a prize in a PCH promotional sweepstakes. *Id.*

5. *In re A.H. Robins Co.*, 996 F.2d 716 (4th Cir. 1993). In *Robins*, an Army nurse was allowed to join the plaintiff class against the Robins estate in bankruptcy, and be treated as having timely filed, almost four years after the district court had ordered no new plaintiff class members would be allowed. *Id.* at 717.