

BEFORE THE SURFACE TRANSPORTATION BOARD

303962

Union Pacific Railroad Company –)

Abandonment Exemption –) AB-33 (Sub.-no. 262X)

In Fulton and Peoria Counties, IL)

ENTERED
Office of Proceedings
February 22, 2022
Part of
Public Record

Expedited Treatment Requested
Substitute NITU Sought by March 1, 2022

**MOTION FOR ISSUANCE OF A SUBSTITUTE
NOTICE OF INTERIM TRAIL USE (NITU) AND
MOTION FOR ADJUSTMENT OF THE SUBSTITUTE NITU
NEGOTIATION PERIOD**

I.

The Village of Hanna City, Illinois (“Hanna City”), which is under contract with Union Pacific Railroad Company (“Union Pacific”) to purchase the property at issue in this proceeding, hereby moves for issuance of a substitute Notice of Interim Trail Use (“NITU”) in this proceeding.

Background. The applicant for abandonment (Union Pacific) initiated this proceeding in 2008. Illinois Department of Natural Resources (“IDNR”), a state agency, timely filed a “statement of willingness” invoking 16 U.S.C. 1247(d). Union Pacific agreed to negotiate, and (after delays relating to Offer of Financial Assistance procedures), this Board issued a NITU, served November 13, 2008. A copy of that NITU is attached as Exhibit A. The NITU negotiation period has been extended many times since, primarily due to delays in securing grants and more recently compounded by disruptions flowing from the pandemic. The most recent extension was served April 16, 2021. Although IDNR has not reached an agreement with Union Pacific (rather,

Hanna City has contracted with Union Pacific), IDNR has until March 30, 2022, to negotiate a permanent interim trail use and railbanking agreement.

IDNR has stepped back from negotiating an agreement with Union Pacific in favor of Hanna City becoming the substitute trail manager/railbanking entity. Upon inquiry to this Board's Office of Public Assistance, Hanna City is advised that it should seek a substitute NITU in conformity to the process set forth in 49 C.F.R. 1152.29(f). Section 1152.29(f) appears to apply when a trail manager/railbanker has already achieved an interim trail use/railbanking agreement, and a different entity is stepping into its shoes. In this case, IDNR has not yet reached an agreement, and on information and belief, wishes to defer to Hanna City. As is discussed below, Union Pacific has approved the filing of this Motion by Hanna City, and Hanna City reasonably believes that IDNR's approval is forthcoming at any moment.

Expeditious treatment. Union Pacific and Hanna City have executed a Purchase and Sale Agreement, effective as of February 16, 2022. The Closing on the Purchase and Sale Agreement is set for June 30, 2022, subject to certain reasonable contingencies. Because the negotiation period terminates in just over thirty days (*i.e.*, three (3) months prior to the projected Closing), Hanna City requests expeditious treatment of this motion for a substitute NITU, in order to permit the contingencies to be fulfilled.

Showings for issuance of a substitute NITU. In compliance with section 1152.29(f)(1), Hanna City states as follows in support of issuance of a substitute NITU:

- (i) A copy of the existing NITU is attached as Exhibit A. As indicated above, the NITU negotiation period has been extended through March 30, 2022.
- (ii) Hanna City's "statement of willingness" (executed by the Mayor) filed on February 9, 2022 is attached as Exhibit B.

In compliance with 1152.29(f)(2), Hanna City requests that the substitute NITU be issued no later than March 1, 2022 or at least as soon as possible thereafter in order to allow the parties to complete the contingencies necessary for railbanking the line at issue in this proceeding. Union Pacific has no objection to this request. Hanna City has contacted IDNR (which has no trails use agreement with Union Pacific and, to Hanna City's knowledge, is no longer interested in negotiating an agreement with Union Pacific). While IDNR's consent to the issuance of a substitute NITU should not be required, Hanna City has nonetheless requested IDNR's written consent to same. Although IDNR staff have voiced no opposition to Hanna City seeking to railbank and to negotiate its own agreement with Union Pacific, IDNR has not supplied anything in writing to date, apparently due to staffing issues relating to COVID-19 and to two major weather events during the past few weeks. Hanna City is proceeding with this Motion now, feeling that further delay in filing a motion for a substitute NITU inadvisable, while Hanna City continues to communicate with the IDNR.

16 U.S.C. 1247(d) establishes a national policy favoring preservation of lines for possible future rail reactivation, preservation of rail corridor, fostering energy-efficient transportation, and establishment of trails on otherwise-to-be abandoned rail corridor. Issuance of the substitute NITU in accordance with the instant motion will facilitate those national policies.

II.

In addition to seeking a substitute NITU, Hanna City requests that the substitute NITU provide that the negotiation period is extended to December 31, 2022.

As above, Union Pacific and Hanna City have executed a Purchase and Sale Agreement, effective as of February 16, 2022. The contract envisions a closing (transfer of the 24.7 miles of real estate from Union Pacific to Hanna City) on or before June 30, 2022, contingent upon (a)

satisfactory completion of a modified Phase One environmental study, (b) acceptance of the environmental study by both Union Pacific and Hanna City, (c) completion of an intergovernmental agreement among Hanna City, Peoria County, and the Village of Farmington (the “Partners”), and (d) completion of an analysis of the licenses to which the line is subject, during the pendency of the environmental study.

The Partners have been presented with a proposed structure for an agreement (based on the purchase agreement with Union Pacific), and are considering same through their governmental processes. Hanna City has authorized the environmental study to be initiated as of February 16, 2022. Hanna City understands that while the relevant engineering firm will require at least five (5) weeks to complete the study, winter weather (including snow on the ground currently) is likely to interfere with a required visual inspection, which will delay the commencement of the work on the report. Union Pacific has advised it wishes at least ten additional days to review the report after it is completed.

Given the history of this matter, Hanna City believes (as, on information and belief, do IDNR and Union Pacific) it is in the best interests of all concerned to seek an extension of the negotiation period beyond the anticipated closing date, simply to ensure that Hanna City will not be back before the STB requesting an additional extension in the event that something comes up before Closing (for example, an environmental condition is discovered that requires further study). In order to ensure that the closing can occur within the negotiation period, Hanna City requests that the substitute NITU provide for a negotiation period ending on December 31, 2022, which is nine (9) months beyond the current March 30, 2022 expiration date.

Hanna City is mindful of the many extensions in the NITU period already granted to IDNR in this proceeding, and the Board's admonition when the last extension was granted to IDNR that a showing would be required for further extensions.

This is the first extension requested by ***Hanna City***, and it is in the context of a motion for a substitute NITU, in order to complete defined contingencies. In the situation here, the relevant parties (Union Pacific and Hanna City) have executed a Purchase and Sale Agreement, which is subject in essence only to the limited environmental, intergovernmental agreement, and license analysis contingencies described above. The extension is needed both due to the delay in Hanna City receiving grant funding to pursue this project, and the continued impact of the COVID 19 epidemic (which has slowed environmental and intergovernmental scheduling, encumbered face to face meeting, and posed issues due periodic quarantines). Hanna City now has the grant financing to complete the transaction once the contingencies outlined above are completed. While Hanna City has authorized the engineering firm to proceed with the modified Phase I study, winter weather in Illinois may interfere with visual inspections which the firm wishes to undertake, and although the highly infectious omicron variant is reportedly on the wane, it is still rampant in Central Illinois. Moreover, Hanna City is still working with the Partners (Peoria County and the Village of Farmington, two independent governmental entities), and has no direct control over their activities and timing.

An extension through December 31, 2022, would appear to be the prudently shortest time sufficient to permit Hanna City (and Union Pacific) and its governmental Partners to complete the contingencies in the circumstances, and to avoid the likelihood of Hanna City coming back before the STB seeking an additional extension. Nevertheless, if the STB believes that a shorter

extension is preferable under the totality of the circumstances, Hanna City will of course endeavor to comply with same.

Hanna City also notes that time constraints in NITU negotiations in general are imposed in consideration of the interests of reversionary interest claimants (landowners who claim to own the underlying fee interest under rail corridors composed of rail easements). In the unique circumstances here, there is no prejudice to reversionary interest claimants from the requested extension of time. First, Union Pacific has represented to this Board that “[t]he Line contains approximately 29 acres of reversionary property,”¹ in effect indicating that the railroad owns the bulk of the right of way in fee simple absolute. The entire acreage proposed to be transferred to Hanna City is over 218 acres (indicating that only roughly 13% of the land is subject to reversionary interests).

Furthermore, Hanna City understands that adjoining land owners claiming reversionary interests in parcels of the right of way initiated class action proceedings in the United States Court of Federal Claims back in 2013, in the case of Barlow et al v. United States, Ct. Fed. Cl. No. 13-296L, on behalf of all the owners of property along the right of way line. As we construe the docket, the United States has either settled or litigated to judgment all tendered reversionary interest claims. In short, adjudicated reversionary interest claimants have apparently ***all been compensated***. Those still disputing findings that they do not own reversionary interests have an appeal pending, and presumably will be compensated in the event the appellate court finds in their favor. A copy of the docket in the Barlow case is attached hereto as Exhibit C.

Since reversionary interest holders in essence have already been compensated by the United States – essentially as if this corridor were ***already*** permanently railbanked – there is no

¹ UP Notice of Exemption in AB-33 (Sub-no. 262X), filed July 3, 2008, at p. 3.

prejudice to any reversionary interest holders flowing from the extension requested herein. To the contrary, the prejudice would flow to Hanna City, and to the United States (which has apparently ***already paid*** many, or possibly all, of the reversionary interest holders for the trail use of the property), if the extension were not granted.

Conclusion

For the reasons stated above, City of Hanna requests this Board to issue a substitute NITU, if possible on or before March 1, 2022. City of Hanna also requests this Board in the circumstances here to provide a competition period for negotiations (actually satisfaction of contingencies) for nine (9) months, to and including December 31, 2022.

Certificate of Service

By my signature below, I certify service by email attachment or USPS, pre-paid, first class upon all parties or representatives of parties listed on STB's docket sheet for AB 33-262X on today's date (February 22, 2022), in accordance with the attached Certificate of Service.

Respectfully submitted,

VILLAGE OF HANNA CITY, ILLINOIS,

By: 

One of its attorneys

Janaki Nair
Elias, Meghinnes & Seghetti, P.C.
416 Main Street, Suite 1400
Peoria, Illinois 61602-1611
Telephone (Direct): (309) 672-6378
Telephone (Main): (309) 637-6000
Facsimile: (309) 637-8514
Email: jnair@emrslaw.com

Certificate of Service

The undersigned hereby certifies that on February 22, 2022, she caused the foregoing document to be served in the manner set forth below, on the below-listed entities and individuals, including all parties of record reflected in the docket.

VIA ELECTRONIC MAIL:

Javonna Ackerman,
Illinois Department of Natural Resources – Legal Counsel Office
Email: javonna.ackerman@illinois.gov

Rick Harris
Union Pacific RR (Manager – Real Estate)
Email: rharris@up.com

Whitney Larkin, Esq.
Union Pacific RR
wclarkin@up.com

Erica Steinspring
Union Pacific RR
EJSTEINS@UP.COM

VIA U.S. FIRST CLASS MAIL:

Party of Record: Stanley Yonkausk, Jr.
One Natural Resources Way
Springfield, IL 62702-1271
United States

Party of Record: Mitchell L. Cohen
One Natural Resources Way
Springfield, IL 62702-1271
United States

Party of Record: Whitney Larkin
1400 Douglas St., STOP 1580
Omaha, NE 68179
United States

Party of Record: Javonna Ackerman
One Natural Resources Way
Springfield, IL 62702-1271
United States

Party of Record: Richard Welsh
1100 Bellevue Way Ne Ste. 8A Pmb 719
Bellevue, WA 98004
United States
Also via email: dick156@earthlink.net

Party of Record: Shelly L. Knuppel
One Natural Resources Way
Springfield, IL 62702-1271
United States



Janaki Nair

Janaki Nair
Elias, Meginnes & Seghetti, P.C.
416 Main Street, Suite 1400
Peoria, Illinois 61602-1611
Telephone (Direct): (309) 672-6378
Telephone (Main): (309) 637-6000
Facsimile: (309) 637-8514
Email: jnair@emrslaw.com

SERVICE DATE – NOVEMBER 13, 2008

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

STB Docket No. AB-33 (Sub-No. 262X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN
FULTON AND PEORIA COUNTIES, IL

Decided: November 12, 2008

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 24.7-mile line of railroad on UP's Elm Industrial Lead from milepost 461.5, near Middle Grove, to milepost 486.2, at Molitor Junction, in Fulton and Peoria Counties, IL. Notice of the exemption was served on July 23, 2008, and published in the Federal Register on July 28, 2008 (73 FR 43823). The exemption was scheduled to become effective on August 22, 2008, unless stayed by the Board or a formal expression of intent to file an offer of financial assistance (OFA) under 49 U.S.C. 10904 and 49 CFR 1152.27(c)(2) was filed by August 4, 2008. In this decision, the Board is terminating the OFA process and imposing interim trail use/rail banking and public use conditions.

On July 31, 2008, Keokuk Junction Railway Co. (KJRY) filed a formal expression of intent to file an OFA to purchase UP's line proposed for abandonment. This filing automatically stayed the effective date of the exemption for 10 days, until September 2, 2008.¹ In the filing, KJRY requested that UP provide it with certain information including the information set forth in 49 CFR 1152.27(a). KJRY also requested that the Board toll the time period for submitting its OFA for an additional 30 days in order to provide KJRY with time to review and analyze the material to be provided by UP.

In a decision served on August 21, 2008 (August 21 decision), the Board granted V and S Railway, LLC's (VSR) petition for leave to late-file its notice of intent to file an OFA and, because UP did not object to the late filing, accepted VSR's late-filed formal expression of intent to file an OFA. In addition, the August 21 decision tolled the time period an additional 30 days for offerors to file an OFA, until September 22, 2008, and the effective date of the exemption was extended until October 2, 2008.²

¹ See 49 CFR 1152.27(c)(2)(i).

² In the August 21 decision, the Board imposed a condition recommended by the Board's Section of Environmental Analysis requiring UP to notify and consult with the National Geodetic Survey at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.

On July 21, 2008, The Illinois Department of Natural Resources (IDNR) filed a request for the issuance of a 180-day public use condition under 49 U.S.C. 10905 and notice of interim trail use (NITU) under the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act), and 49 CFR 1152.29.³ In the August 21 decision, the Board held the requests for issuance of a NITU and public use condition in abeyance pending completion of the OFA process. The Board concluded that IDNR had satisfied the requirements for both a public use condition and a NITU, but noted that, because an OFA takes priority over such requests, the OFA process had to be completed before public use and trail use conditions could be issued and become effective. The August 21 decision also indicated that, if the OFA process terminated without a sale, the Board would issue a decision and notice effective on its service date imposing interim trail use and a public use condition.

By letter filed on September 9, 2008, VSR states that it will not be filing an OFA to acquire and operate UP's rail line proposed for abandonment. Subsequently, on September 30, 2008, KJRY filed a motion to withdraw its notice of intent to file an OFA in this proceeding. Accordingly, the financial assistance process prescribed in the August 21 decision will be terminated. By letter filed on October 16, 2008, UP states that it is willing to negotiate with IDNR regarding trail use. Therefore, a NITU will now be issued and a public use condition will be imposed.

As conditioned, the abandonment authorized in this proceeding will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. The financial assistance process in this proceeding is terminated.

3. Upon reconsideration, the notice served on July 23, 2008, and published in the Federal Register on July 28, 2008, exempting the abandonment of the line described above, is subject to the additional condition that UP shall keep intact the right-of-way, including bridges, trestles, culverts, and tunnels (except track, ties, and signal equipment) for a period of 180 days from the effective date of this decision and notice to enable any state or local government agency, or other interested person, to negotiate the acquisition of the line for public use, and is modified to the extent necessary to implement interim trail use/rail banking as set forth below, for a period of 180 days commencing from the service date of this decision and notice.

4. If an interim trail use/rail banking agreement is reached, it must require the trail user to assume, for the term of the agreement, full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which

³ In the August 21 decision, this pleading was incorrectly described as having been filed on July 8, 2008.

case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against, the right-of-way.

5. Interim trail use/rail banking is subject to the future restoration of rail service and to the user's continuing to meet the financial obligations for the right-of-way.

6. If interim trail use is implemented, and subsequently the user intends to terminate trail use, it must send the Board a copy of this decision and notice and request that it be vacated on a specified date.

7. If an agreement for interim trail use/rail banking is reached by the 180th day after the service date of this decision and notice (May 12, 2009), interim trail use may be implemented. If no agreement is reached by that time, UP may fully abandon the line.

8. UP's exemption will become effective on the service date of this decision and notice, subject to the trail use and public use conditions imposed herein, and the salvage condition imposed in the August 21 decision.

9. This decision and notice is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Anne K. Quinlan
Acting Secretary

ELIAS, MEGINNES & SEGHETTI, P.C.

ATTORNEYS AT LAW

JOHN S. ELIAS
BRIAN J. MEGINNES
MICHAEL R. SEGHETTI
TROY N. PUDIK
DAVID N. SCHELLENBERG

416 MAIN STREET, SUITE 1400
PEORIA, ILLINOIS 61602-1611
TELEPHONE: (309) 637-6000
FACSIMILE: (309) 637-8514
www.emrslaw.com

JANAKI NAIR
LANE G. ALSTER
BRADLEY S. BARBER

CYNTHIA L. ELIAS, OF COUNSEL

File No. 33733-001

303775

February 9, 2022

VIA E-FILING ONLY

Cynthia T. Brown
Chief of the Section of Administration
Office of Proceedings
Surface Transportation Board
395 F Street, SW
Washington, D.C. 20423-0001

ENTERED
Office of Proceedings
February 9, 2022
Part of
Public Record

Re: Union Pacific Railroad -- Abandonment Exemption --
Fulton and Peoria Counties, IL AB 33 (Sub-No. 262X)

Dear Ms. Brown:

This letter is on behalf of Village of Hanna City, Illinois, ("Hanna City"). The Notice of Interim Trail Use in this proceeding was issued in favor of Illinois Department of Natural Resources ("IDNR"). IDNR did not complete negotiation of a railbanking agreement with abandonment-applicant Union Pacific Railroad. Hanna City has nearly completed negotiation of a purchase contract with Union Pacific Railroad, and will be seeking to substitute itself as the railbanking entity and to complete negotiations.

We anticipate filing Hanna City's Motion for Substitute NITU and Extension shortly. In the interim, we are e-filing the attached Statement of Willingness.

It is my understanding that filing fees associated with statements of willingness (and potential time extensions on NITUs) are waived for local government entities, such as Hanna City, pursuant to 49 C.F.R. 1002.2(f), and have been waived for IDNR to date. If any fees are required, or if there is anything else I can do to facilitate this filing, please let me know.

Thank you for your assistance in this matter.

Very truly yours,



Janaki Nair
jnair@emrslaw.com

JN/jh
Attachment: Statement of Willingness
cc: See Certificate of Service
922-0092

EXHIBIT B

BEFORE THE SURFACE TRANSPORTATION BOARD

Union Pacific Railroad Company –)
Abandonment Exemption –) AB-33 (Sub.-no. 262X)
In Fulton and Peoria Counties, IL)

**STATEMENT OF WILLINGNESS TO ASSUME
FINANCIAL RESPONSIBILITY**

In order to establish interim trail use and railbanking under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29, Village of Hanna City (“Hanna City” or “Interim Trail User”) is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by Hanna City and operated by same. The right-of-way property, known as the Union Pacific Elm Industrial Lead, is an approximately 24.7 mile line (hereinafter “Line”) that runs from Milepost (“MP”) 461.5 near Middle Grove to Milepost 486.2 at Molitor Junction. The Line is located in Fulton and Peoria Counties, IL. The right of way is part of a line of railroad proposed for abandonment in STB docket AB-33 (Sub.-no. 262X).

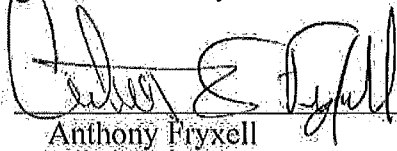
A map of the property depicting the right of way is attached.¹

Hanna City acknowledges that use of the right of way is subject to the user’s continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right of way for rail service. A copy of this statement is being served on the railroad on the same date it is being served on the Board.

¹ The map is the same used by Union Pacific in connection with its notice of exemption in AB 33 (Sub.-no. 262X).

Village of Hanna City

By:



Anthony Fryxell

Title: Village President/Mayor

Address: 313 N First Street

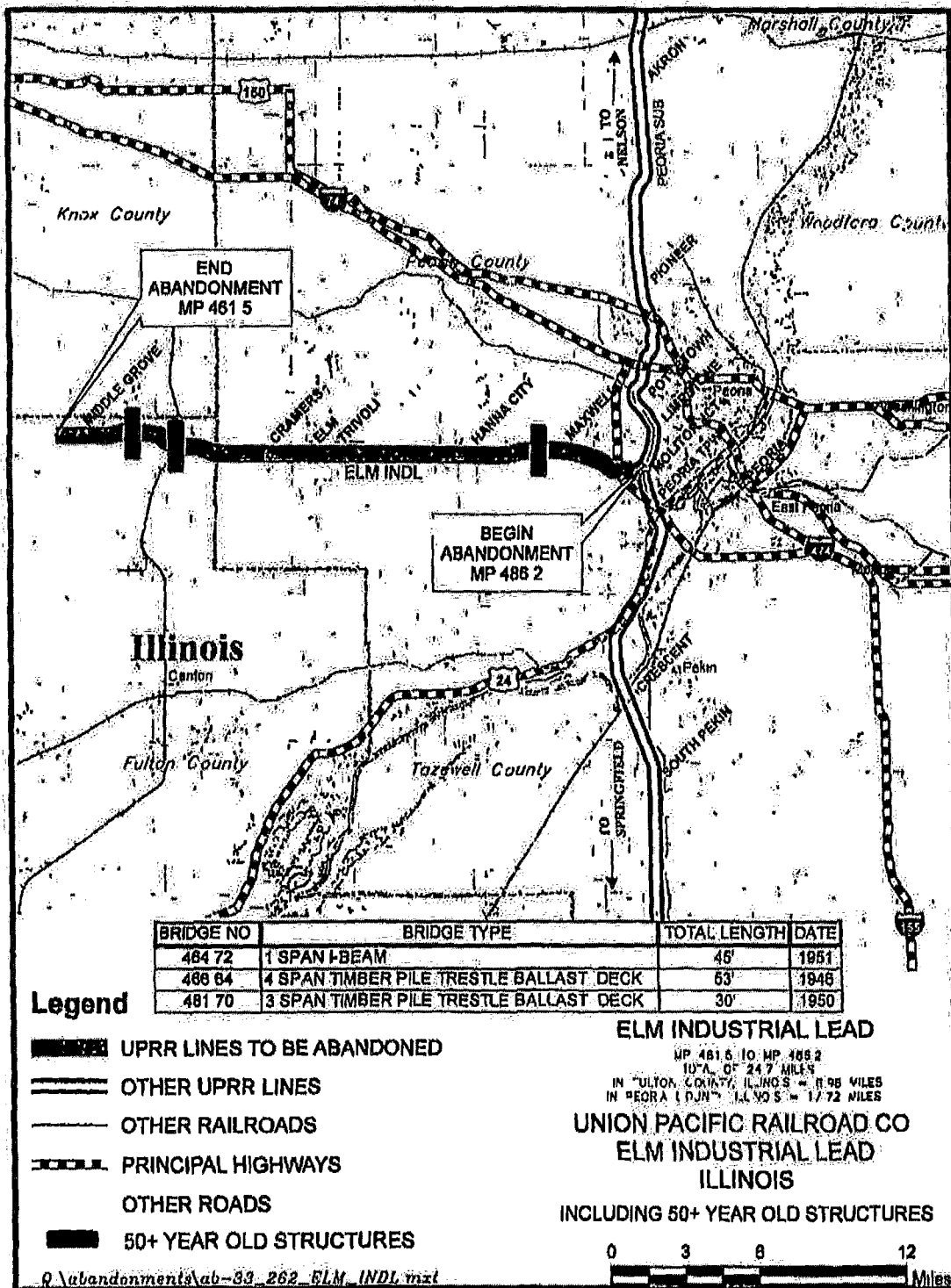
PO Box 492

Hanna City, IL 61536

Tel: 309.565.7411

Email: mayor@hannacityil.com

For filing: 2/9/2022



Certificate of Service

The undersigned hereby certifies that she has caused the foregoing document to be served in the manner set forth below, on the below-listed entities and individuals, including all parties of record reflected in the docket.

VIA ELECTRONIC MAIL:

Javonna Ackerman,
Illinois Department of Natural Resources – Legal Counsel Office
Email: javonna.ackerman@illinois.gov

Rick Harris
Union Pacific RR (Manager – Real Estate)
Email: rharris@up.com

Jeremy Berman, Esq.
Union Pacific RR (Sr. General Attorney)
Email: jmberman@up.com

VIA U.S. FIRST CLASS MAIL:

Party of Record: Stanley Yonkauskis, Jr.
One Natural Resources Way
Springfield, IL 62702-1271
United States

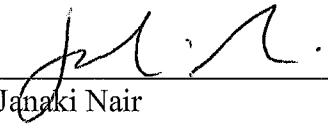
Party of Record: Mitchell L. Cohen
One Natural Resources Way
Springfield, IL 62702-1271
United States

Party of Record: Whitney Larkin
1400 Douglas St., STOP 1580
Omaha, NE 68179
United States

Party of Record: Javonna Ackerman
One Natural Resources Way
Springfield, IL 62702-1271
United States

Party of Record: Richard Welsh
1100 Bellevue Way Ne Ste. 8A Pmb 719
Bellevue, WA 98004
United States

Party of Record: Shelly L. Knuppel
One Natural Resources Way
Springfield, IL 62702-1271
United States



Janaki Nair

Janaki Nair
Elias, Meghinnes & Seghetti, P.C.
416 Main Street, Suite 1400
Peoria, Illinois 61602-1611
Telephone (Direct): (309) 672-6378
Telephone (Main): (309) 637-6000
Facsimile: (309) 637-8514
Email: jnair@emrslaw.com

**US Court of Federal Claims
United States Court of Federal Claims (COFC)
CIVIL DOCKET FOR CASE #: 1:13-cv-00396-ZNS**

BARLOW et al v. USA
Assigned to: Judge Zachary N. Somers
Case in other court: 22-01381
Cause: 28:1491 Tucker Act

Date Filed: 06/13/2013
Jury Demand: None
Nature of Suit: 513 Taking - Rails to Trails
Jurisdiction: U.S. Government Defendant

Plaintiff

WILLIAM E. BARLOW
and

represented by **Steven Mathew Wald**
Stewart Wald & McCulley, LLC
12747 Olive Boulevard
Suite 280
St. Louis, MO 63141
(314) 720-0220
Fax: (314) 899-2925
Email: wald@swm.legal
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

TWILA L. BARLOW

represented by **Steven Mathew Wald**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

**REAL ESTATE DEVELOPMENT
ASSOCIATES, LLC.**
*For Themselves and As Representative of a
Class of Similarly Persons*

represented by **Steven Mathew Wald**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

USA

represented by **Mark Pacella**
DOJ-Enrd
150 M Street, NE
Washington, DC 20002
202-514-3126
Email: mark.pacella@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cynthia Marie Ferguson

U.S. Department of Justice (ENRD)
Ben Franklin Station
P.O. Box 7611
Washington, DC 20044
(202) 616-6560
Email: cynthia.ferguson@usdoj.gov
TERMINATED: 01/15/2020

Kristine Sears Tardiff
U. S. Department of Justice, ENRD
Division
Natural Resources Section
53 Pleasant Street, 4th Floor
Concord, NH 03301
(603) 230-2583
Fax: (603) 225-1577
Email: kristine.tardiff@usdoj.gov
TERMINATED: 03/14/2014

Marissa Ann Piropato
U.S. Department of Justice - ENRD
Environment and Natural Resources
Division
P.O. Box 7611
Washington, DC 20044-7611
(202) 305-0470
Fax: (202) 305-0506
Email: marissa.piropato@usdoj.gov
TERMINATED: 08/30/2018

Scott Douglas Bauer
U.S. Department of Justice - (ENRD)
Environment & Natural Resources Division
P.O. Box 663
Ben Franklin Station
Washington, DC 20044-0663
(202) 514-4133
Fax: (202) 305-0506
Email: scott.bauer@usdoj.gov
TERMINATED: 11/13/2020

Date Filed	#	Docket Text
06/13/2013	<u>1</u>	COMPLAINT against All Defendants (DOJ) (Filing fee \$400, Receipt number 075205) (Copy Served Electronically on Department of Justice), filed by All Plaintiffs. Answer due by 8/12/2013. (Attachments: # <u>1</u> Civil Cover Sheet)(bre) (Entered: 06/14/2013)
06/13/2013	<u>2</u>	NOTICE of Assignment to Judge Lawrence J. Block. (bre) (Entered: 06/14/2013)
06/13/2013	<u>3</u>	NOTICE of Designation of Electronic Case. (bre) (Entered: 06/14/2013)
07/08/2013	<u>4</u>	NOTICE of Appearance by Kristine Sears Tardiff for USA . (Tardiff, Kristine) (Entered: 07/08/2013)
08/12/2013	<u>5</u>	ANSWER to <u>1</u> Complaint, , filed by USA. JPSR due by 10/3/2013. (Tardiff, Kristine)

		(Entered: 08/12/2013)
10/01/2013	6	MOTION to Stay Deadline for Filing Joint Preliminary Status Report <i>During Lapse of Appropriations</i> , filed by USA. Response due by 10/18/2013. (Tardiff, Kristine) (Entered: 10/01/2013)
10/01/2013		ORDER STAYING DEADLINE--The 6 MOTION to stay the deadline for filing the Joint Preliminary Status Report (JPSR) is GRANTED. Accordingly, it is ORDERED that the deadline for filing the JPSR is hereby STAYED; the parties SHALL FILE the JPSR as soon as the current lapse of appropriations is resolved, along with a motion to lift the stay of deadline. Signed by Judge Lawrence J. Block. (smm) (Entered: 10/01/2013)
10/17/2013	7	Unopposed MOTION to Lift Stay <i>and Set Revised Deadline for filing of JPSR</i> , filed by USA. Response due by 11/4/2013. (Tardiff, Kristine) (Entered: 10/17/2013)
10/17/2013		ORDER LIFTING STAY OF DEADLINE--The 7 unopposed MOTION to lift stay of deadline is GRANTED. Accordingly, it is ORDERED that the parties SHALL FILE by Friday, 10/25/13, the JOINT PRELIMINARY STATUS REPORT. Signed by Judge Lawrence J. Block. (smm) (Entered: 10/17/2013)
10/25/2013	8	JOINT PRELIMINARY STATUS REPORT . (Tardiff, Kristine) (Entered: 10/25/2013)
10/29/2013	9	INITIAL SCHEDULING ORDER--Filed this date. Signed by Judge Lawrence J. Block. (smm) (Entered: 10/29/2013)
01/06/2014	10	JOINT STATUS REPORT , filed by USA. (Tardiff, Kristine) (Entered: 01/06/2014)
01/08/2014		STATUS REPORT ORDER--Having considered the 10 joint status report, it is ORDERED that the parties SHALL FILE by Monday, 3/10/14, a further JOINT STATUS REPORT, apprising of their efforts and proposing a schedule for further proceedings. Signed by Judge Lawrence J. Block. (smm) (Entered: 01/08/2014)
03/10/2014	11	JOINT STATUS REPORT , filed by USA. (Tardiff, Kristine) (Entered: 03/10/2014)
03/11/2014		STATUS REPORT ORDER--Having considered the 11 joint status report, it is ORDERED that the parties SHALL FILE by Monday, 5/12/14, a further JOINT STATUS REPORT, apprising of their efforts and proposing a schedule for further proceedings. Signed by Judge Lawrence J. Block. (smm). (smm) (Entered: 03/11/2014)
03/14/2014	12	NOTICE of Appearance by Marissa Ann Piropato for USA . (Piropato, Marissa) (Entered: 03/14/2014)
03/20/2014	13	AMENDED COMPLAINT against USA, filed by All Plaintiffs. Amendment to 1 Complaint, <i>First Amended Complaint</i> . Answer due by 4/7/2014. (Wald, Steven) (Entered: 03/20/2014)
04/07/2014	14	ANSWER to Amended Complaint , filed by All Defendants. (Piropato, Marissa) (Entered: 04/07/2014)
05/12/2014	15	JOINT STATUS REPORT <i>filed by All Parties</i> , filed by All Plaintiffs. (Wald, Steven) (Entered: 05/12/2014)
05/14/2014		STATUS REPORT ORDER--Having considered the 15 joint status report, it is ORDERED that the parties SHALL FILE by Monday, 7/14/14, a further JOINT STATUS REPORT, apprising of their efforts and proposing a schedule for further proceedings. Signed by Judge Lawrence J. Block. (smm) (Entered: 05/14/2014)
07/14/2014	16	JOINT STATUS REPORT <i>filed by All Parties</i> , filed by All Plaintiffs. (Wald, Steven) (Entered: 07/14/2014)
07/23/2014	17	AMENDED COMPLAINT against USA, filed by All Plaintiffs. <i>Second Amended</i>

		<i>Complaint filed with the Government's written consent.</i> Answer due by 8/11/2014. (Wald, Steven) (Entered: 07/23/2014)
07/23/2014	18	STATUS REPORT ORDER Status Report due by 10/14/2014 Signed by Judge Lawrence J. Block. (sp) Copy to parties. (Entered: 07/23/2014)
07/30/2014	<u>19</u>	MOTION to Certify Class , filed by All Plaintiffs. Response due by 8/18/2014. (Wald, Steven) (Entered: 07/30/2014)
07/30/2014	<u>20</u>	MEMORANDUM re: <u>19</u> Motion to Certify Class, filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit A - Affidavit of Michael J. Smith)(Wald, Steven) (Entered: 07/30/2014)
08/10/2014	<u>21</u>	ANSWER to Amended Complaint , filed by All Defendants.JPSR due by 10/2/2014. (Piropato, Marissa) (Entered: 08/10/2014)
08/10/2014	<u>22</u>	First MOTION for Extension of Time until September 18, 2014 to Respond to Motion for Class Certification , MOTION for Extension of Time until September 18, 2014 to File Response as to <u>19</u> MOTION to Certify Class , filed by All Defendants. Response due by 8/28/2014. (Piropato, Marissa) (Entered: 08/10/2014)
08/11/2014		ORDER EXTENDING TIME TO RESPOND--The <u>22</u> unopposed MOTION for extension of time is GRANTED. Accordingly, it is ORDERED that defendant SHALL FILE by Thursday, 9/18/14, a RESPONSE to plaintiffs' <u>19</u> motion for class certification. Signed by Judge Lawrence J. Block. (smm) (Entered: 08/11/2014)
09/18/2014	<u>23</u>	STIPULATION <i>Joint Stipulation Proposal Concerning Class Certification</i> , filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit A - Notice, # <u>2</u> Exhibit B - Class Notice Envelope, # <u>3</u> Exhibit C - Notice by Publication, # <u>4</u> Exhibit D - Proposed Class Certification Order) (Wald, Steven) (Entered: 09/18/2014)
10/03/2014		ORDER GRANTING MOTION--The <u>19</u> MOTION to certify class is GRANTED. Accordingly, by separate order this date, the court will file an order certifying class. Signed by Judge Lawrence J. Block. (smm) (Entered: 10/03/2014)
10/03/2014	<u>24</u>	ORDER CERTIFYING CLASS--Filed this date. Signed by Judge Lawrence J. Block. (smm) (Entered: 10/03/2014)
10/13/2014	<u>25</u>	NOTICE, filed by All Plaintiffs re <u>23</u> Stipulation, <i>Affidavit of Laura J. Bettenhausen Certifying Notice to Class Members</i> (Wald, Steven) (Entered: 10/13/2014)
10/14/2014	<u>26</u>	JOINT STATUS REPORT <i>filed by All Parties</i> , filed by All Plaintiffs. (Wald, Steven) (Entered: 10/14/2014)
10/14/2014		STATUS REPORT ORDER--Having considered the <u>26</u> joint status report, it is ORDERED that the parties SHALL FILE by Wednesday, 12/17/14, a further JOINT STATUS REPORT, apprising of their progress in reaching stipulations. Signed by Judge Lawrence J. Block. (smm) (Entered: 10/14/2014)
11/14/2014	<u>27</u>	Joint MOTION to Approve Proposed Briefing Schedule , filed by All Plaintiffs. Response due by 12/4/2014. (Wald, Steven) (Entered: 11/14/2014)
11/14/2014	<u>28</u>	MOTION for Partial Summary Judgment <i>on Liability and on the Issue of Whether a Permanent or Temporary Taking Has Occurred</i> , filed by All Plaintiffs. Response due by 12/15/2014. (Attachments: # <u>1</u> Exhibit A - B, # <u>2</u> Exhibit C - L, # <u>3</u> Exhibit M - part 1, # <u>4</u> Exhibit M - part 2, # <u>5</u> Exhibit M - part 3, # <u>6</u> Exhibit M - part 4, # <u>7</u> Exhibit M - part 5, # <u>8</u> Exhibit M - part 6, # <u>9</u> Exhibit N, # <u>10</u> Exhibit O - part 1, # <u>11</u> Exhibit O - part 2, # <u>12</u> Exhibit P - Z, # <u>13</u> Exhibit AA - JJ)(Wald, Steven) (Entered: 11/14/2014)
11/14/2014	<u>29</u>	MEMORANDUM re: <u>28</u> Motion for Partial Summary Judgment,,, filed by All Plaintiffs. (Wald, Steven) (Entered: 11/14/2014)

11/21/2014		ORDER EXTENDING BRIEFING DEADLINES--The 27 joint MOTION for extensions of time is GRANTED. Accordingly, it is ORDERED that defendant SHALL FILE by Thursday, 1/22/15, a RESPONSE to the 28 motion for partial summary judgment, and plaintiffs SHALL FILE by Thursday, 2/12/15, a REPLY, thereto. Signed by Judge Lawrence J. Block. (smm) (Entered: 11/21/2014)
12/15/2014	30	JOINT STATUS REPORT <i>filed by All Parties</i> , filed by All Plaintiffs. (Wald, Steven) (Entered: 12/15/2014)
12/16/2014	31	NOTICE, filed by All Plaintiffs re 24 Order <i>Notice of Compliance</i> (Attachments: # 1 Exhibit A)(Wald, Steven) (Entered: 12/16/2014)
01/07/2015	32	ORDER TRANSFERRING CASE to Judge Lydia Kay Griggsby. Signed by Chief Judge Patricia E. Campbell-Smith. (ss5) Copy to parties. (Entered: 01/07/2015)
01/07/2015	33	NOTICE of Reassignment. Case reassigned to Judge Lydia Kay Griggsby for all further proceedings. Judge Lawrence J. Block no longer assigned to the case. (dls) (Entered: 01/07/2015)
01/09/2015	34	First MOTION for Extension of Time until January 29, 2015 to File Response as to 28 MOTION for Partial Summary Judgment <i>on Liability and on the Issue of Whether a Permanent or Temporary Taking Has Occurred</i> , filed by All Defendants. Response due by 1/26/2015. (Piropato, Marissa) (Entered: 01/09/2015)
01/12/2015	35	ORDER granting 34 Motion for Extension of Time to File Response re 28 MOTION for Partial Summary Judgment <i>on Liability and on the Issue of Whether a Permanent or Temporary Taking Has Occurred</i> . Response due by 1/29/2015. Reply due by 2/19/2015. Signed by Judge Lydia Kay Griggsby. (ps) Copy to parties. (Entered: 01/12/2015)
01/29/2015	36	CROSS MOTION and RESPONSE to 28 Motion for Partial Summary Judgment,, filed by REAL ESTATE DEVELOPMENT ASSOCIATES, LLC., TWILA L. BARLOW, WILLIAM E. BARLOW, filed by All Defendants. Response due by 2/19/2015. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G)(Piropato, Marissa) Docket entry modified on 1/30/2015 to correct deadline pursuant to court order (ar). (Entered: 01/29/2015)
02/15/2015	37	NOTICE, filed by All Defendants re 36 CROSS MOTION and RESPONSE to 28 Motion for Partial Summary Judgment,, filed by REAL ESTATE DEVELOPMENT ASSOCIATES, LLC., TWILA L. BARLOW, WILLIAM E. BARLOW <i>of Errata</i> (Attachments: # 1 Exhibit A (Corrected))(Piropato, Marissa) (Entered: 02/15/2015)
02/19/2015	38	Unopposed MOTION for Extension of Time to File Reply <i>in Further Support of Plaintiffs' Motion for Partial Summary Judgment</i> , filed by All Plaintiffs. Response due by 3/9/2015. (Wald, Steven) (Entered: 02/19/2015)
02/19/2015	39	ORDER granting 38 Motion for Extension of Time to File Reply re <i>in Further Support of Plaintiffs' Motion for Partial Summary Judgment</i> Reply due by 3/2/2015. Signed by Judge Lydia Kay Griggsby. (lme) Copy to parties. (Entered: 02/19/2015)
03/02/2015	40	RESPONSE and Reply to Motion re 36 CROSS MOTION and RESPONSE to 28 Motion for Partial Summary Judgment,, filed by REAL ESTATE DEVELOPMENT ASSOCIATES, LLC., TWILA L. BARLOW, WILLIAM E. BARLOW , filed by All Plaintiffs. (Attachments: # 1 Exhibit KK)(Wald, Steven) Modified on 3/17/2015 to correct docket type (ar). (Entered: 03/02/2015)
03/16/2015	41	Unopposed MOTION for Extension of Time until April 13, 2015 to File Reply as to 36 CROSS MOTION and RESPONSE to 28 Motion for Partial Summary Judgment,, filed by REAL ESTATE DEVELOPMENT ASSOCIATES, LLC., TWILA L. BARLOW,

		WILLIAM E. BARLOW , filed by All Defendants. Response due by 4/2/2015. (Piropato, Marissa) (Entered: 03/16/2015)
03/17/2015	42	ORDER granting 41 Motion for Extension of Time to File Reply until April 13, 2015 as to 36 CROSS MOTION and RESPONSE to 28 Motion for Partial Summary Judgment, filed by REAL ESTATE DEVELOPMENT ASSOCIATES, LLC., TWILA L. BARLOW, WILLIAM E. BARLOW. Reply due by 4/13/2015. Signed by Judge Lydia Kay Griggsby. (lme) Copy to parties. (Entered: 03/17/2015)
04/06/2015	43	JOINT STATUS REPORT , filed by All Defendants. (Piropato, Marissa) (Entered: 04/06/2015)
04/13/2015	44	REPLY to Response to Motion re 36 CROSS MOTION and RESPONSE to 28 Motion for Partial Summary Judgment,, filed by REAL ESTATE DEVELOPMENT ASSOCIATES, LLC., TWILA L. BARLOW, WILLIAM E. BARLOW , filed by All Defendants. (Piropato, Marissa) (Entered: 04/13/2015)
04/15/2015	45	NOTICE of Change of Address by Steven Mathew Wald (Wald, Steven) (Entered: 04/15/2015)
05/07/2015	46	MOTION for Oral Argument , filed by All Plaintiffs. Response due by 5/26/2015. (Wald, Steven) (Entered: 05/07/2015)
09/01/2015	47	REPORTED OPINION granting in part and denying in part 36 Cross Motion; finding as moot 46 Motion for Oral Argument; granting in part and denying in part 28 Motion for Partial Summary Judgment. (Status Report due by 9/22/2015). Signed by Judge Lydia Kay Griggsby. (lme) Copy to parties. (Entered: 09/01/2015)
09/22/2015	48	JOINT STATUS REPORT , filed by USA. (Piropato, Marissa) (Entered: 09/22/2015)
09/28/2015	49	STATUS CONFERENCE ORDER: Status Conference set for 11/3/2015 11:00 AM in Chambers (Telephonic) before Judge Lydia Kay Griggsby. Signed by Judge Lydia Kay Griggsby. (lme) Copy to parties. (Entered: 09/28/2015)
11/03/2015		Minute Entry - Was the proceeding sealed to the public? No. Proceeding held in Washington, DC on 11/3/2015. before Judge Lydia Kay Griggsby: Telephone Conference, Status Conference. [Total number of days of proceeding: 1]. Official Record of proceeding taken via electronic digital recording (EDR). To order a certified transcript or an audio copy of the proceeding (click HERE)(lme) (Entered: 11/03/2015)
11/03/2015	50	JOINT STATUS REPORT ORDER Joint Status Report due by 11/13/2015 Signed by Judge Lydia Kay Griggsby. (lme) Copy to parties. (Entered: 11/03/2015)
11/12/2015	51	Unopposed MOTION for Extension of Time until 11/18/2015 to Joint Status Report , filed by All Defendants. Response due by 12/3/2015. (Piropato, Marissa) Modified on 11/12/2015 - corrected date(jt1). (Entered: 11/12/2015)
11/12/2015	52	ORDER granting 51 Motion for Extension of Time. Joint Status Report due by 11/18/2015. Signed by Judge Lydia Kay Griggsby. (lme) Copy to parties. (Main Document 52 replaced on 11/12/2015 to correct deadline in pdf) (ar). (Entered: 11/12/2015)
11/18/2015	53	JOINT STATUS REPORT , filed by All Plaintiffs. (Wald, Steven) (Entered: 11/18/2015)
11/18/2015	54	SCHEDULING ORDER: Plaintiffs' motion due by 12/4/2015. Defendant's response due by 1/15/2016. Plaintiffs' reply due by 1/25/2016. Joint Status Report due by 12/2/2015. Signed by Judge Lydia Kay Griggsby. (lme) Copy to parties. (Entered: 11/18/2015)
12/02/2015	55	JOINT STATUS REPORT , filed by All Plaintiffs. (Attachments: # 1 Exhibit A)(Wald,

		Steven) (Entered: 12/02/2015)
12/04/2015	56	MOTION Creation of subclasses and entry of judgment under Rule 54(a) or in the alternative under Rule 54(b) , filed by All Plaintiffs. Response due by 12/21/2015. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Wald, Steven) (Entered: 12/04/2015)
01/11/2016	57	NOTICE of Change of Address by Steven Mathew Wald (Wald, Steven) (Entered: 01/11/2016)
01/15/2016	58	MOTION Joint Motion to Vacate the Rule 54 Scheduling Order and Substitute Plaintiffs' Pending Rule 54 Motion with Plaintiffs' Unopposed Rule 54 Motion , filed by All Plaintiffs. Response due by 2/1/2016. (Attachments: # 1 Exhibit 1 - Unopposed Motion for Creation of Subclasses and Entry of Judgment Under Rule 54 (a) or in the Alternative Under Rule 54(b))(Wald, Steven) (Entered: 01/15/2016)
01/19/2016	59	ORDER GRANTING 58 Motion to vacate the Courts November 18, 2015 Scheduling Order. By 1/22/2016 plaintiffs shall FILE a notice of withdrawal of their December 4, 2015 motion and RE-FILE their unopposed motion pursuant to RCFC 54. Signed by Judge Lydia Kay Griggsby. (lme) Copy to parties. (Entered: 01/19/2016)
01/20/2016	60	NOTICE, filed by All Plaintiffs <i>Notice of Withdrawal of Motion</i> (Wald, Steven) (Entered: 01/20/2016)
01/20/2016	61	Unopposed MOTION For Creation of Subclasses and Entry of Judgment Under Rule 54(a) or in the Alternative Under Rule 54(b) , filed by All Plaintiffs. Response due by 2/8/2016. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D) (Wald, Steven) (Entered: 01/20/2016)
01/21/2016	62	STATUS CONFERENCE ORDER: Status Conference set for 2/3/2016 at 02:00 PM in Chambers (Telephonic) before Judge Lydia Kay Griggsby. Signed by Judge Lydia Kay Griggsby. (lme) Copy to parties. (Entered: 01/21/2016)
02/03/2016		Minute Entry - Was the proceeding sealed to the public? No. Proceeding held in Chambers, telephonic on 2/3/2016. before Judge Lydia Kay Griggsby: Status Conference, Telephone Conference. [Total number of days of proceeding: 1]. Official Record of proceeding taken via electronic digital recording (EDR). To order a certified transcript or an audio copy of the proceeding (click HERE)(lme) (Entered: 02/03/2016)
02/04/2016	63	ORDER Certifying Subclasses Signed by Judge Lydia Kay Griggsby. (Attachments: # 1 Attachment Subclass A Plaintiffs)(lme) Copy to parties. (Entered: 02/04/2016)
02/04/2016	64	SCHEDULING ORDER: Plaintiffs' Supplemental Brief due by 3/3/2016. Defendant's Response due by 3/22/2016. Plaintiffs' Reply due by 3/29/2016. Signed by Judge Lydia Kay Griggsby. (lme) Copy to parties. (Entered: 02/04/2016)
03/03/2016	65	AMENDED COMPLAINT against USA, filed by All Plaintiffs. <i>WITH WRITTEN CONSENT.</i> Answer due by 3/21/2016. (Attachments: # 1 Exhibit A)(Wald, Steven) (Entered: 03/03/2016)
03/03/2016	66	SUPPLEMENTAL BRIEF <i>IN SUPPORT OF PLAINTIFFS' UNOPPOSED MOTION FOR CREATION OF SUBCLASS AND ENTRY OF JUDGMENT UNDER RULE 54(a) OR IN THE ALTERNATIVE UNDER RULE 54(b)</i> , filed by All Plaintiffs. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Exhibit 11, # 12 Exhibit 12, # 13 Exhibit 13, # 14 Exhibit A, # 15 Exhibit L, # 16 Exhibit P, # 17 Exhibit Q, # 18 Exhibit R, # 19 Exhibit S, # 20 Exhibit T, # 21 Exhibit U, # 22 Exhibit V, # 23 Exhibit W, # 24 Exhibit X, # 25 Exhibit Y, # 26 Exhibit Z, # 27 Exhibit AA, # 28 Exhibit BB, # 29 Exhibit DD, # 30 Exhibit EE, # 31 Exhibit FF)(Wald, Steven) (Entered: 03/03/2016)
		EXHIBIT C

03/18/2016	67	ANSWER to 65 Amended Complaint , filed by All Defendants.(Piropato, Marissa) Modified on 3/18/2016 - removed JPSR deadline(jt1). (Entered: 03/18/2016)
03/22/2016	68	RESPONSE to <i>Plaintiffs' Supplemental Brief</i> , filed by All Defendants. (Piropato, Marissa) (Entered: 03/22/2016)
03/29/2016	69	REPLY to Response to 66 Supplemental Brief,,, <i>in Support of Plaintiffs' Unopposed Motion For Creation of Subclasses and Entry of Judgment Under Rule 54(a) or in the Alternative Under Rule 54(b)</i> , filed by All Plaintiffs. (Wald, Steven) (Entered: 03/29/2016)
05/06/2016	70	ORDER denying 61 Motion for Entry of Judgment Under Rule 54. Signed by Judge Lydia Kay Griggsby. (lme) Copy to parties. (Entered: 05/06/2016)
12/12/2016	71	JOINT STATUS REPORT ORDER. Joint Status Report due by 12/27/2016. Signed by Judge Lydia Kay Griggsby. (atw) Copy to parties. (Entered: 12/12/2016)
12/27/2016	72	JOINT STATUS REPORT , filed by USA. (Piropato, Marissa) (Entered: 12/27/2016)
01/02/2017	73	ORDER. JSR due by 2/6/2017. Signed by Judge Lydia Kay Griggsby. (lh) Copy to parties. (Entered: 01/02/2017)
02/06/2017	74	JOINT STATUS REPORT , filed by All Plaintiffs. (Wald, Steven) (Entered: 02/06/2017)
02/07/2017	75	ORDER. JSR due by 2/17/2017. Signed by Judge Lydia Kay Griggsby. (lh) Copy to parties. (Entered: 02/07/2017)
02/17/2017	76	JOINT STATUS REPORT , filed by All Plaintiffs. (Wald, Steven) (Entered: 02/17/2017)
02/21/2017	77	ORDER. JSR due by 4/3/2017. Signed by Judge Lydia Kay Griggsby. (lh) Copy to parties. (Entered: 02/21/2017)
04/03/2017	78	JOINT STATUS REPORT , filed by All Plaintiffs. (Wald, Steven) (Entered: 04/03/2017)
04/03/2017	79	ORDER. JSR due by 5/3/2017. Signed by Judge Lydia Kay Griggsby. (lh) Copy to parties. (Entered: 04/03/2017)
05/03/2017	80	JOINT STATUS REPORT , filed by All Plaintiffs. (Wald, Steven) (Entered: 05/03/2017)
06/06/2017	81	ORDER TO SHOW CAUSE. Show cause response due by 6/20/2017. JSR due by 6/20/2017. Signed by Judge Lydia Kay Griggsby. (lh) Copy to parties. (Entered: 06/06/2017)
06/06/2017	82	RESPONSE to <i>Joint Response to Order to Show Cause and Joint Status Report</i> , filed by All Plaintiffs. (Wald, Steven) (Entered: 06/06/2017)
06/07/2017	83	ORDER. JSR due by 7/6/2017, and every thirty days thereafter. Signed by Judge Lydia Kay Griggsby. (lh) Copy to parties. (Entered: 06/07/2017)
07/06/2017	84	JOINT STATUS REPORT , filed by All Plaintiffs. (Wald, Steven) (Entered: 07/06/2017)
08/07/2017	85	JOINT STATUS REPORT , filed by All Plaintiffs. (Wald, Steven) (Entered: 08/07/2017)
09/05/2017	86	JOINT STATUS REPORT , filed by All Plaintiffs. (Wald, Steven) (Entered: 09/05/2017)
10/04/2017	87	JOINT STATUS REPORT , filed by All Plaintiffs. (Wald, Steven) (Entered: 10/04/2017)
11/03/2017	88	JOINT STATUS REPORT , filed by All Plaintiffs. (Wald, Steven) (Entered: 11/03/2017)
12/04/2017	89	JOINT STATUS REPORT , filed by All Plaintiffs. (Wald, Steven) (Entered: 12/04/2017)
01/02/2018	90	JOINT STATUS REPORT , filed by All Plaintiffs. (Wald, Steven) (Entered: 01/02/2018)
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02/01/2018	91	JOINT STATUS REPORT , filed by All Plaintiffs. (Wald, Steven) (Entered: 02/01/2018)
03/05/2018	92	JOINT STATUS REPORT , filed by All Plaintiffs. (Wald, Steven) (Entered: 03/05/2018)
03/19/2018	93	STATUS CONFERENCE ORDER: Status Conference set for 4/10/2018 11:00 AM in Chambers (Telephonic) before Judge Lydia Kay Griggsby. Signed by Judge Lydia Kay Griggsby. (mg) Service on parties made. (Entered: 03/19/2018)
04/02/2018	94	JOINT STATUS REPORT , filed by All Plaintiffs. (Wald, Steven) (Entered: 04/02/2018)
04/10/2018		Minute Entry - Was the proceeding sealed to the public? No. Proceeding held in Washington, DC on 4/10/2018, ended on 4/10/2018, before Judge Lydia Kay Griggsby: Status Conference. [Total number of days of proceeding: 1]. Official Record of proceeding taken via electronic digital recording (EDR). To order a certified transcript or an audio copy of the proceeding, click HERE .(mg) (Entered: 04/10/2018)
05/02/2018	95	JOINT STATUS REPORT , filed by All Defendants. (Piropato, Marissa) (Entered: 05/02/2018)
06/01/2018	96	JOINT STATUS REPORT , filed by All Plaintiffs. (Wald, Steven) (Entered: 06/01/2018)
07/02/2018	97	JOINT STATUS REPORT , filed by All Plaintiffs. (Wald, Steven) (Entered: 07/02/2018)
08/01/2018	98	JOINT STATUS REPORT , filed by All Plaintiffs. (Wald, Steven) (Entered: 08/01/2018)
08/30/2018	99	NOTICE of Appearance by Cynthia Marie Ferguson for USA (<i>NOTICE OF SUBSTITUTION OF COUNSEL FOR THE UNITED STATES</i>). (Ferguson, Cynthia) (Entered: 08/30/2018)
08/31/2018	100	JOINT STATUS REPORT , filed by All Plaintiffs. (Wald, Steven) (Entered: 08/31/2018)
10/01/2018	101	JOINT STATUS REPORT , filed by All Plaintiffs. (Wald, Steven) (Entered: 10/01/2018)
10/30/2018	102	JOINT STATUS REPORT , filed by All Plaintiffs. (Wald, Steven) (Entered: 10/30/2018)
11/29/2018	103	JOINT STATUS REPORT , filed by All Plaintiffs. (Wald, Steven) (Entered: 11/29/2018)
12/31/2018	104	JOINT STATUS REPORT , filed by All Plaintiffs. (Wald, Steven) (Entered: 12/31/2018)
01/28/2019	105	JOINT STATUS REPORT , filed by All Plaintiffs. (Wald, Steven) (Entered: 01/28/2019)
02/27/2019	106	JOINT STATUS REPORT , filed by USA. (Ferguson, Cynthia) (Entered: 02/27/2019)
03/29/2019	107	JOINT STATUS REPORT , filed by USA. (Ferguson, Cynthia) (Entered: 03/29/2019)
04/29/2019	108	JOINT STATUS REPORT , filed by USA. (Ferguson, Cynthia) (Entered: 04/29/2019)
05/28/2019	109	JOINT STATUS REPORT , filed by USA. (Ferguson, Cynthia) (Entered: 05/28/2019)
06/25/2019		IMPORTANT NOTICE: On Monday, August 26, 2019 , the United States Court of Federal Claims will upgrade its current CM/ECF system to the Next Generation of CM/ECF (NextGen). Complete information regarding the NextGen implementation can be found on the court's website at http://www.uscfc.uscourts.gov . Currently, many attorneys within a firm may share a single PACER account, but once NextGen is implemented e-filing attorneys will no longer be able to use shared PACER accounts. To access the upgraded system, each e-filing attorney must have an individual upgraded PACER account. Preparing for NextGen CM/ECF is a two-step process. Step one is to upgrade your PACER account, and step two is to link your upgraded PACER account to your current CM/ECF filing account. This notice only addresses the first step because the second step can't be completed until on or after August 26, 2019. The first step is to check and see if your PACER account is an "Upgraded" PACER account. Many PACER accounts have already been upgraded. If either of the following statements is true, you

		have an upgraded PACER account and no action is required until on or after August 26, 2019: 1) you currently e-file in another NextGen court or 2) your PACER account was created after August 10, 2014. If neither of these statements is true, you must upgrade your PACER account. Additional notices will be sent at a later date on how to handle the second step in this process. If you still have questions please contact the PACER Service Center at 800-676-6856 or the Clerk's Office CM/ECF Help Desk at (202)357-6402.. (dh) (ADI) (Entered: 06/25/2019)
06/27/2019	<u>110</u>	STATUS REPORT , filed by USA. (Ferguson, Cynthia) (Entered: 06/27/2019)
06/27/2019	<u>111</u>	STATUS REPORT , filed by All Plaintiffs. (Wald, Steven) (Entered: 06/27/2019)
07/19/2019		IMPORTANT NOTICE: On August 26, 2019 , the United States Court of Federal Claims will upgrade its current CM/ECF system to the Next Generation of CM/ECF (NextGen). Complete information regarding the NextGen implementation can be found on the court's website at http://www.uscfc.uscourts.gov . Preparing for NextGen is a two-step process. Step one is to upgrade your PACER account. If you have not yet re gistered for an individual PACER account or upgraded your existing PACER account, please do so immediately. Step two is to link your upgraded PACER account to your current CM/ECF filing account. Step two cannot be completed until on or after August 26, 2019 . To link your upgraded PACER account on or after August 26, 2019 , you must know your current CM/ECF login and password. Do not rely on your login and password to be saved in your web browser, because that method will not work with the NextGen upgrade. If you do not know your login and/or password or have any additional questions, please call the court's Clerks Office CM/ECF Help Desk at (202) 357-6402.. (dh) (ADI) (Entered: 07/19/2019)
07/29/2019	<u>112</u>	STATUS REPORT , filed by All Plaintiffs. (Wald, Steven) (Entered: 07/29/2019)
07/29/2019	<u>113</u>	STATUS REPORT , filed by USA. (Ferguson, Cynthia) (Entered: 07/29/2019)
08/15/2019		IMPORTANT NOTICE: On August 26, 2019 , the United States Court of Federal Claims will upgrade its current CM/ECF system to the Next Generation of CM/ECF (NextGen). Complete information regarding the NextGen implementation can be found on the court's website at http://uscfc.uscourts.gov . Please note that the court's CM/ECF system will be unavailable from 12:00 p.m. (EDT) on Friday, August 23, 2019, until 6:00 a.m. (EDT) on Monday, August 26, 2019. Although the Clerk's Office will be open on August 23, 2019, it will be deemed inaccessible under Rule 6 of the Rules of the United States Court of Federal Claims for purposes of calculating deadlines. Preparing for NextGen is a two-step process. Step one is to upgrade your PACER account. You should have your individual upgraded PACER account at this time. Step two is to link your upgraded PACER account to your current CM/ECF filing account on or after on or after August 26, 2019 . Instructions for linking your account can be found on the court's website at http://uscfc.uscourts.gov . To link your accounts, you MUST know your CM/ECF login and password---do not rely on your browser to remember your login credentials. If you are unsure of your CM/ECF login and/or password, contact the Clerk's Office CM/ECF Help Desk immediately at (202) 357-6402. You may also call the Help Desk with any other questions.. (dh) (ADI) (Entered: 08/15/2019)
08/28/2019	<u>114</u>	JOINT STATUS REPORT , filed by All Plaintiffs. (Wald, Steven) (Entered: 08/28/2019)
08/29/2019	<u>115</u>	Joint MOTION for Approval of Notice to Subclass A Members Regarding Proposed Class Action Settlement, and Request to Set Date for Public Hearing Under RCFC 23(e) , filed by All Plaintiffs. Response due by 9/12/2019. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Wald, Steven) (Entered: 08/29/2019)
09/04/2019	<u>116</u>	ORDER granting <u>115</u> Motion for Approval of notice to subclass A members regarding

		proposed class action settlement and request to set date for public hearing under RCFC 23(e). Joint Status Report due by 9/27/2019. Fairness Hearing set for 10/10/2019 at 10:00 AM in Chambers (Telephonic) before Judge Lydia Kay Griggsby. Signed by Judge Lydia Kay Griggsby. (jw) Service on parties made. (Entered: 09/04/2019)
09/27/2019	117	JOINT STATUS REPORT , filed by All Plaintiffs. (Wald, Steven) (Entered: 09/27/2019)
10/08/2019	118	NOTICE, filed by All Plaintiffs <i>OF CLASS MEMBERS RESPONSES TO CLASS ACTION SETTLEMENT NOTICE</i> . (Attachments: # 1 Exhibit A)(Wald, Steven) (Entered: 10/08/2019)
10/10/2019		Minute Entry - Was the proceeding sealed to the public? No. Proceeding held in Washington, DC 10/10/2019 through 10/10/2019 before Judge Lydia Kay Griggsby: Fairness Hearing. [Total number of days of proceeding: 1]. Official record of proceeding taken via electronic digital recording (EDR). To order a certified transcript or an audio recording of the proceeding, click HERE .(mg) (Entered: 10/10/2019)
10/11/2019	119	REPORTED MEMORANDUM OPINION AND ORDER approving the parties' settlement agreement. The Clerk is directed to enter judgment pursuant to RCFC 54(b) in the total amount of \$456,542.18. Signed by Judge Lydia Kay Griggsby. (jw) Service on parties made. (Entered: 10/11/2019)
10/16/2019	120	RULE 54(b) JUDGMENT entered, pursuant to Rule 58, that the plaintiffs recover of and from the United States the total amount of \$456,542.18, consisting of: (1.) \$136,800.00 in principal and \$76,451.67 in interest through May 15, 2019 for Subclass A members; and (2.) \$237,817.35 in attorneys' fees and \$5,473.16 in litigation costs to be awarded to class counsel pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The judgment shall be made payable to class counsel for distribution to the class according to the terms of the court's Memorandum Opinion and Order and the parties' settlement agreement. (Service on parties made.) (dls) (Entered: 10/16/2019)
10/17/2019	121	Certified transcript of judgment forwarded to plaintiffs' attorney via certified mail, return receipt requested. (Article No. 7018 2290 0000 5183 2530) (dls) (Entered: 10/17/2019)
10/17/2019	122	Notice of Filing of Certified Transcript for proceedings held on October 10, 2019 in Washington, D.C. (ew) (Entered: 10/17/2019)
10/17/2019	123	TRANSCRIPT of proceedings held on October 10, 2019 before Judge Lydia K. Griggsby. Total No. of Pages: 1-24. Procedures Re: Electronic Transcripts and Redactions . To order a copy of the transcript, click HERE . Notice of Intent to Redact due 10/24/2019. Redacted Transcript Deadline set for 11/14/2019. Release of Transcript Restriction set for 1/13/2020. (ew) (Entered: 10/17/2019)
11/08/2019	124	STATUS REPORT ORDER Plaintiffs' Status Report Regarding The Status Of Subclass B Claims Due By 12/12/2019. Signed by Judge Lydia Kay Griggsby. (jw) Service on parties made. (Entered: 11/08/2019)
12/12/2019	125	STATUS REPORT , filed by All Plaintiffs. (Wald, Steven) (Entered: 12/12/2019)
12/16/2019	126	SCHEDULING ORDER: Plaintiffs' Motion For Summary Judgment With Regard To The Subclass B Plaintiffs due by 2/24/2020. The Government's Response to Plaintiffs' Motion for Summary Judgment due by 3/24/2020. Plaintiffs' Reply In Support of Their Motion for Summary Judgment due by 4/24/2020. Signed by Judge Lydia Kay Griggsby. (jw) Service on parties made. (Entered: 12/16/2019)
01/15/2020	127	NOTICE of Appearance by Scott Douglas Bauer for USA . (Bauer, Scott) (Entered: 01/15/2020)
EXHIBIT C		

02/10/2020	<u>128</u>	Joint MOTION for Extension of Time until March 12, 2020 to Motion for Summary Judgment , filed by USA. Response due by 2/24/2020. (Bauer, Scott) (Entered: 02/10/2020)
02/10/2020	<u>129</u>	ORDER granting <u>128</u> Joint Motion for Extension of Time. Plaintiffs' Motion For Summary Judgment With Regard To The Subclass B Plaintiffs due by 3/12/2020. The Government's Response To Plaintiffs' Motion For Summary Judgment due by 4/13/2020. Plaintiffs' Reply In Support Of Their Motion For Summary Judgment due by 5/12/2020. Signed by Judge Lydia Kay Griggsby. (jw) Service on parties made. (Entered: 02/10/2020)
03/12/2020	<u>130</u>	MOTION for Partial Summary Judgment <i>on Liability for Certain Members of Subclass B and Memorandum in Support Thereof</i> , filed by All Plaintiffs. Response due by 4/13/2020. (Attachments: # <u>1</u> Exhibit A-F, # <u>2</u> Exhibit G, # <u>3</u> Exhibit H, # <u>4</u> Exhibit I, # <u>5</u> Exhibit J, # <u>6</u> Exhibit K, # <u>7</u> Exhibit L, # <u>8</u> Exhibit M, # <u>9</u> Exhibit N, # <u>10</u> Exhibit O, # <u>11</u> Exhibit P, # <u>12</u> Exhibit Q, # <u>13</u> Exhibit R, # <u>14</u> Exhibit S, # <u>15</u> Exhibit T, # <u>16</u> Exhibit U, # <u>17</u> Exhibit V, # <u>18</u> Exhibit W, # <u>19</u> Exhibit X)(Wald, Steven). (Entered: 03/12/2020)
04/10/2020	<u>131</u>	Unopposed MOTION for Extension of Time until May 28, 2020 to File Response as to <u>130</u> MOTION for Partial Summary Judgment <i>on Liability for Certain Members of Subclass B and Memorandum in Support Thereof</i> , filed by USA. Response due by 4/24/2020. (Bauer, Scott) (ew). (Entered: 04/10/2020)
04/15/2020	<u>132</u>	SCHEDULING ORDER: The Government's Response to Plaintiffs' Motion for Summary Judgment due by 5/28/2020. Plaintiffs' Reply in Support of Their Motion for Summary Judgment due by 6/26/2020. Signed by Judge Lydia Kay Griggsby. (jw) Service on parties made. (Entered: 04/15/2020)
05/20/2020	<u>133</u>	Unopposed MOTION for Extension of Time until 6/12/2020 to Response <i>and for Revised Schedule for Remaining Briefing</i> , filed by USA. Response due by 6/3/2020. (Bauer, Scott) (ew). (Entered: 05/20/2020)
05/20/2020	<u>134</u>	SCHEDULING ORDER: The government shall file a response to plaintiffs' motion for summary judgment and its cross-motion for summary judgment by 6/12/2020. Plaintiffs shall file a response to the government's cross-motion for summary judgment and a reply in support of their motion for summary judgment by 7/13/2020. The government shall file a reply in support of its cross-motion for summary judgment by 8/12/2020. Signed by Judge Lydia Kay Griggsby. (jw) Service on parties made. (Entered: 05/20/2020)
06/12/2020	<u>135</u>	CROSS MOTION and RESPONSE to <u>130</u> Motion for Partial Summary Judgment,, filed by REAL ESTATE DEVELOPMENT ASSOCIATES, LLC., TWILA L. BARLOW, WILLIAM E. BARLOW, filed by USA. Response due by 7/13/2020. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H)(Bauer, Scott)(ew). Modified on 7/10/2020 to correct response date per the court's <u>134</u> scheduling order. (Entered: 06/12/2020)
07/13/2020	<u>136</u>	RESPONSE and reply to <u>135</u> CROSS MOTION and RESPONSE to <u>130</u> Motion for Partial Summary Judgment,, filed by REAL ESTATE DEVELOPMENT ASSOCIATES, LLC., TWILA L. BARLOW, WILLIAM E. BARLOW , filed by All Plaintiffs. Reply due by 8/12/2020. (Wald, Steven) Modified on 7/14/2020 to reflect the correct reply date. (ew). (Entered: 07/13/2020)
08/12/2020	<u>137</u>	REPLY to Response to Motion re <u>135</u> CROSS MOTION and RESPONSE to <u>130</u> Motion for Partial Summary Judgment,, filed by REAL ESTATE DEVELOPMENT ASSOCIATES, LLC., TWILA L. BARLOW, WILLIAM E. BARLOW , filed by USA. (Bauer, Scott) (Entered: 08/12/2020)

09/17/2020	<u>138</u>	SCHEDULING ORDER: The Parties' Opening Supplemental Briefs due by 10/9/2020. The Parties' Responsive Briefs due by 10/30/2020. The Parties' Reply Briefs due by 11/13/2020. Signed by Judge Lydia Kay Griggsby. (jw) Service on parties made. (Entered: 09/17/2020)
10/05/2020	<u>139</u>	JOINT STATUS REPORT <i>Regarding The Court's September 17, 2020 Scheduling Order</i> , filed by All Plaintiffs. (Wald, Steven) (Entered: 10/05/2020)
10/05/2020	<u>140</u>	ORDER rescinding <u>138</u> Scheduling Order. Signed by Judge Lydia Kay Griggsby. (jw) Service on parties made. (Entered: 10/05/2020)
11/13/2020	<u>141</u>	REPORTED MEMORANDUM OPINION AND ORDER granting-in-part and denying-in-part <u>130</u> Plaintiffs' Motion For Partial Summary Judgment on Liability and granting-in-part and denying-in-part <u>135</u> The Government's Cross-Motion For Summary Judgment. Joint Status Report due by 12/31/2020. Signed by Judge Lydia Kay Griggsby. (jw) Service on parties made. (Entered: 11/13/2020)
11/13/2020	<u>142</u>	NOTICE of Appearance by Mark Pacella for USA . (Pacella, Mark) (Entered: 11/13/2020)
12/31/2020	<u>143</u>	JOINT STATUS REPORT , filed by USA. (Pacella, Mark) (Entered: 12/31/2020)
01/11/2021	<u>144</u>	STIPULATION of Dismissal with prejudice as to certain plaintiffs, filed by All Plaintiffs. (Wald, Steven) Modified on 1/13/2021 to indicate that the stipulation is for certain plaintiffs. (dls). (Entered: 01/11/2021)
01/12/2021	<u>145</u>	MOTION for Clarification of <u>141</u> Order on Motion for Partial Summary Judgment, Order on Cross Motion [Dispositive], Reported Opinion , filed by USA. Response due by 1/26/2021. (Pacella, Mark) M (Entered: 01/12/2021)
01/14/2021	<u>146</u>	RESPONSE to <u>145</u> MOTION for Clarification of <u>141</u> Order on Motion for Partial Summary Judgment, Order on Cross Motion [Dispositive], Reported Opinion , filed by All Plaintiffs. Reply due by 1/21/2021. (Wald, Steven) (Entered: 01/14/2021)
01/15/2021	<u>147</u>	ORDER granting <u>145</u> The Government's Motion for Clarification. Signed by Judge Lydia Kay Griggsby. (jw) Service on parties made. (Entered: 01/15/2021)
01/15/2021	<u>148</u>	SCHEDULING ORDER: A Joint Motion For The Creation Of Two Additional Subclasses Of Plaintiffs Whose Claims Are Ripe For Settlement Or Can Be Dismissed From This Action To Proceed To An Appeal due by 3/12/2021. Joint Status Report Regarding The Parties' Respective Views On How This Matter Should Proceed due by 4/2/2021. Signed by Judge Lydia Kay Griggsby. (jw) Service on parties made. (Entered: 01/15/2021)
03/12/2021	<u>149</u>	JOINT STATUS REPORT , filed by USA. (Pacella, Mark) (Entered: 03/12/2021)
04/02/2021	<u>150</u>	JOINT STATUS REPORT , filed by All Plaintiffs. (Wald, Steven) (Entered: 04/02/2021)
06/25/2021	<u>151</u>	ORDER directing the Clerk to randomly reassign the case pursuant to Rule 40.1(c). Signed by Chief Judge Elaine D. Kaplan. (dls) Service on parties made. (Entered: 06/25/2021)
06/25/2021	<u>152</u>	NOTICE of Reassignment. Case reassigned to Judge Zachary N. Somers for all further proceedings. Judge Lydia Kay Griggsby no longer assigned to the case. (dls) (Entered: 06/25/2021)
07/09/2021	<u>153</u>	Joint MOTION for Approval of Notice to Subclass B Class Members Regarding Proposed Class Action Settlement, and Request to Set Date for Public Hearing under RCFC 23(e) re <u>150</u> Joint Status Report , filed by All Plaintiffs. Response due by

		7/23/2021. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Wald, Steven) (Entered: 07/09/2021)
07/28/2021		Minute Entry - Was the proceeding sealed to the public? No. Proceeding held in Washington, D.C. (telephonic) on 7/27/2021 before Judge Zachary N. Somers: Status Conference. [Total number of days of proceeding: 1] Approximate duration of proceeding: 1 hour. Official record of proceeding taken via electronic digital recording (EDR). To order a certified transcript or an audio recording of the proceeding, click HERE .(ktm) (Entered: 07/28/2021)
07/29/2021	154	NOTICE, filed by All Plaintiffs <i>CONCERNING THE PARTIES' JOINT MOTION FOR APPROVAL AND PROPOSED NOTICE</i> . (Attachments: # 1 Exhibit A)(Wald, Steven) (Entered: 07/29/2021)
08/03/2021	155	ORDER granting 153 Motion Subclass notice mailed and emailed August 9, 2021; Joint Status Report September 10, 2021; Fairness Hearing October 20, 2021 Signed by Judge Zachary N. Somers. (ab) Service on parties made. (Entered: 08/03/2021)
08/09/2021	156	NOTICE, filed by All Plaintiffs re 155 Order on Motion for Miscellaneous Relief, . (Wald, Steven) (Entered: 08/09/2021)
09/09/2021	157	JOINT STATUS REPORT , filed by All Plaintiffs. (Wald, Steven) (Entered: 09/09/2021)
11/02/2021		Minute Entry - Was the proceeding sealed to the public? no. Proceeding held in Washington, D.C. 10/20/2021 before Judge Zachary N. Somers: Settlement Conference. [Total number of days of proceeding: 1] Approximate duration of proceeding: 1 hour. Official record of proceeding taken by court reporter. To order a certified transcript or an audio recording of the proceeding, click HERE .(ab) (Entered: 11/02/2021)
11/16/2021	158	UNREPORTED MEMORANDUM OPINION AND ORDER approving the parties' settlement agreement. The Clerk is directed to enter judgment pursuant to RCFC 54(b) in the total amount of \$27,494.10. Signed by Judge Zachary N. Somers. (ab) Service on parties made. (Entered: 11/16/2021)
11/18/2021	159	RULE 54(b) JUDGMENT entered, pursuant to Rule 58, that Subclass B members recover of and from the United States the total amount of \$27,494.10, consisting of \$16,576.00 in principal and \$10,918.10 in interest through February 12, 2021, made payable to class counsel for distribution to the class according to the terms of the Court's Memorandum Opinion and Order and the parties' settlement agreement. (Service on parties made.) (ac7) (Entered: 11/18/2021)
11/18/2021	161	Certified transcript of judgment forwarded to plaintiffs' attorney via U.S. mail this day. (dls) (Entered: 12/23/2021)
12/17/2021	160	Joint MOTION for Entry of Judgment under Rule 54(b) , filed by All Plaintiffs. Response due by 1/3/2022. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Wald, Steven) (Entered: 12/17/2021)
01/05/2022	162	ORDER granting 160 Motion for Entry of Judgment under Rule 54(b) Signed by Judge Zachary N. Somers.(ab) Service on parties made. (Entered: 01/05/2022)
01/06/2022	163	RULE 54(b) JUDGMENT entered, pursuant to Rule 58, in favor of defendant and against those Subclass B members identified in Exhibit A (copy attached) to the parties' joint motion. (Service on parties made.) (dls) (Entered: 01/06/2022)
01/14/2022	164	NOTICE OF APPEAL as to 163 Judgment, 141 Order on Motion for Partial Summary Judgment,, Order on Cross Motion [Dispositive],, Reported Opinion, 47 Order on Cross Motion,, Order on Motion for Oral Argument,, Order on Motion for Partial Summary

	Judgment,, Reported Opinion,, filed by All Plaintiffs. Filing fee \$ 505, receipt number AUSFCC-7612406. Copy to CAFC. (Wald, Steven) (Entered: 01/14/2022)
01/14/2022	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals for the Federal Circuit re 164 Notice of Appeal. (ac7) (Entered: 01/14/2022)
01/21/2022	CAFC Case Number 2022-1381 for 164 Notice of Appeal, filed by REAL ESTATE DEVELOPMENT ASSOCIATES, LLC., TWILA L. BARLOW, WILLIAM E. BARLOW. (ac7) (Entered: 01/24/2022)

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