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JS-6



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

1003.58 ACRES OF LAND,  
MORE OR LESS, SITUATE IN  
SAN BERNARDINO COUNTY,  
CALIFORNIA, AND  
CHRISTOPHER W. METCALF,  
JOSEPH P. CORDNER,  
MARIALICE CORDNER,  
SCOTT R. DESCHER AND  
ANNA R. DESCHER, TRUSTEES  
OF THE DESCHER FAMILY  
TRUST, *et al.*,  
Defendants.

Case No. 5:16-cv-1014 VAP (SPx)

Hon. Virginia A. Phillips  
Courtroom 8A

~~PROPOSED~~ JUDGMENT

Complaint Filed: May 17, 2016  
Discovery Cutoff: November 30, 2017  
Final Pretrial Conf.: January 29, 2018  
Trial Date: February 6, 2018

1 **JUDGMENT**

2  
3 This action came on for trial commencing on February 6, 2018. Edward G.  
4 Burg and Viral Mehta of Manatt, Phelps & Phillips, LLP appeared for Defendants  
5 Christopher W. Metcalf, Joseph P. Cordner, Marialice Cordner, Scott R. Descher  
6 and Anna R. Descher, as Trustees of the Descher Family Trust, Hahm International,  
7 Inc., and Levand Steel & Supply Corporation (collectively, "Defendants").  
8 Benjamin J. Grillot, Bhavna Changrani, Miles H. Plant, and John Thomas H. Do of  
9 the United States Department of Justice, Environment & Natural Resources  
10 Division, appeared for Plaintiff United States of America ("United States").

11 A jury was empaneled on February 6, 2018 and returned its verdict on  
12 February 15, 2018. Based on the following facts and the jury's verdict, the Court  
13 hereby enters Judgment as follows:

14  
15 A. The United States filed its Complaint in Condemnation With  
16 Declaration of Taking on May 17, 2016. (Docket No. 1.) The legal description of  
17 the property which is the subject of this action ("the Property") is set forth in  
18 Schedule C attached to the Complaint.

19 B. On May 17, 2016, pursuant to 40 U.S.C. § 3114, the United States  
20 deposited in the court estimated just compensation in the amount of \$5,347,000.  
21 (Docket No. 3.)

22 C. On May 19, 2016, pursuant to 40 U.S.C. § 3114, the United States  
23 filed its Declaration of Taking. (Docket No. 6.)

24 D. Having filed its Declaration of Taking and having deposited in the  
25 Court the amount of estimated compensation stated in its Declaration of Taking,  
26 pursuant to 40 U.S.C. § 3114(b), title in the Property vested in the United States on  
27 May 19, 2016.

1 E. On August 1, 2016, the Court granted the United States' Motion for  
2 Immediate Delivery of Possession of the Property. (Docket No. 25.) Also on  
3 August 1, 2016, the Court granted Defendants' Motion for Withdrawal and  
4 Distribution of Deposit of Estimated Just Compensation. (Docket No. 25.) The  
5 total deposit of estimated just compensation in the amount of \$5,347,000 was  
6 ordered to be paid to, and was paid to, Defendants in the amounts set forth in the  
7 Court's August 1, 2016 order. (Docket No. 25, at pages 8-9.)

8 F. The matter was tried before a duly empaneled jury commencing on  
9 February 6, 2018. Evidence was introduced by Defendants and the United States  
10 on the issue of just compensation, the cause was argued by counsel, the Court  
11 instructed the jury on the law, and the jury deliberated and returned its verdict on  
12 February 15, 2018 (Docket No. 122) as follows:

13  
14 WE THE JURY find:

15  
16 The total amount of just compensation owed to the property owners for  
17 the taking of their property by the United States of America is:

18  
19 \$ 30,283,750.00

20  
21 SO SAY WE ALL.

22  
23 Dated: 2/15/2018 Signed: /s/  
24 Presiding Juror

1 G. The amount of the deficiency pursuant to Fed. R. Civ. Proc. 71.1(j)(2),  
2 exclusive of interest, is \$24,936,750. This amount is calculated as the difference  
3 between the jury's verdict (\$30,283,750) and the amount previously deposited as  
4 estimated compensation by the United States and withdrawn and paid to  
5 Defendants (\$5,347,000).

6 H. Defendants are further entitled to interest on the amount of the  
7 deficiency pursuant to 40 U.S.C. § 3116. The amount of interest due on the  
8 deficiency through the date of entry of this Judgment is \$ 1,741,719.33.

9  
10 Based on the foregoing and GOOD CAUSE APPEARING,  
11 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

12  
13 1. Pursuant to Fed. R. Civ. Proc. 71.1(j)(2), Defendants shall recover  
14 from the United States of America the amount of the deficiency, \$24,936,750, plus  
15 interest from the date of taking, May 19, 2016, through the date of entry of this  
16 Judgment in the amount of \$ 1,741,719.33.


17 2. Defendants shall further recover from the United States of America  
18 post-judgment interest from the date of entry of this Judgment until the date the  
19 Judgment is paid in full, pursuant to 40 U.S.C. § 3116, at the rate determined by the  
20 Moody's Seasoned Aaa Corporate Bond Yield for the month of May in each  
21 calendar year, compounded annually on May 19 of each calendar year, the  
22 anniversary date of the taking.

23 3. Defendants' right to recover additional sums (if any) for attorneys' fees  
24 and expenses shall be determined on motion to be filed by Defendants within  
25 30 days of entry of this Judgment.

26 4. The Court reserves jurisdiction to enforce or handle any issues  
27 associated with the monetary relief awarded in this Judgment.

28

1 Pursuant to Fed. R. Civ. Proc. 58(b)(2)(B), the Court hereby approves the form  
2 of the Judgment set forth above and directs the clerk to promptly enter the  
3 Judgment.

4   
5 HON. VIRGINIA A. PHILLIPS  
6 Chief United States District Judge

7 Dated at Los Angeles, California this 20 day of March, 2018.  
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12 CLERK  
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