UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	No. 2:11-cv-03467-KJM-AC
Plaintiff,	
v.	ORDER
34,196 RENTABLE SQUARE FEET, MORE OR LESS, AT 3870 ROSIN COURT; SACRAMENTO, CALIFORNIA, et al.,	
Defendants.	

This matter is before the court on the United States' ("plaintiff") motion to modify the scheduling order. (ECF 80.) Plaintiff seeks to modify the scheduling order issued on June 20, 2012 to file an amended Declaration of Taking. (ECF 80 at 2.) Plaintiff reasons that if the court finds the Public Buildings Service (PBS) Commissioner's ratification sufficient, "then modification of the scheduling order and filing of the Amended Declaration will not be necessary." (*Id.*)

Defendants reason that by allowing plaintiff to file an amended Declaration, the court will validate a condemnation action brought based on an invalid Declaration of Taking. (ECF 81.) After considering the parties' arguments, the court orders the parties to provide

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simultaneous supplemental briefs on the following questions:

1. What is the effect of PBS Commissioner Dorothy Robyn's ratification (dated June 12, 2013) of the Declaration of Taking (dated December 29, 2011) on this case?

2. What is the effect of defendants' failure to object to the ratification?

3. Has the time to object to the ratification passed?

4. If the time has passed for defendants to object to the ratification, does the ratification relate back in time to the date of the original Declaration of Taking?

Parties are to file their simultaneous briefs by October 7, 2013. Parties may file any oppositions by October 15, 2013, after which the matter will be submitted. Parties shall limit their briefs to ten pages each.

IT IS SO ORDERED.

DATED: September 25, 2013.

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UNITED STATES DISTRICT JUDGE