

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action No. 07-cv-01343-RPM

BLACKFEET HOUSING,
THE ZUNI TRIBE,
ISLETA PUEBLO HOUSING AUTHORITY,
PUEBLO OF ACOMA HOUSING AUTHORITY,
ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS REGIONAL HOUSING
AUTHORITY,
NORTHWEST INUPIAT HOUSING AUTHORITY,
BRISTOL BAY HOUSING AUTHORITY,
ALEUTIAN HOUSING AUTHORITY,
CHIPPEWA CREE HOUSING AUTHORITY, and
BIG PINE PAIUTE TRIBE,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD),
SHAUN DONOVAN, Secretary of HUD,
DEBORAH A. HERNANDEZ, General Deputy Assistant Secretary for Public and Indian
Housing, and
GLENDA GREEN, Director, Office of Grants Management, National
Office of Native American Programs,

Defendants.

ORDER FOR HEARING ON PROPOSED FINAL JUDGMENT

This Court has reviewed the parties' filings in documents 106, 110, 117, 117-1, 120 and 120-1. There are substantial disputes affecting the amounts to be recovered by the plaintiffs pursuant to this Court's rulings in the orders previously entered. The plaintiffs have submitted appendices as excerpts from the administrative record and the Declaration of Peter J. Breuer with

information not in that record. The defendants have submitted the Declaration of Glenda N. Green with exhibits that are not in the record on review. The plaintiffs also seek an order directing the defendants to submit a calculation of funds withheld from fiscal years 2006-2008 for each of the “Operated Units” the plaintiffs claim should have been included in the FCAS for those years.

There is a legal issue regarding the claim of underfunding for fiscal years 1998 through 2008 as to whether the plaintiffs would have the burden of proof that the disputed units should have been included in the FCAS for each of those years.

Recognizing the limits of this Court’s jurisdiction under the APA it is not clear how the factual issues can be resolved without the delays that would result from a remand for agency action.

Accordingly, it is

ORDERED, that oral arguments on these matters will be heard at a time to be set after conferring with counsel.

Date: August 14, 2014

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge