

In the United States Court of Federal Claims

Filed: November 13, 2017

IN RE ADDICKS AND BARKER
(TEXAS) FLOOD-CONTROL
RESERVOIRS

Master Docket No. 17-3000L

THIS DOCUMENT APPLIES TO:
ALL CASES

ORDER REQUIRING CASE IDENTIFICATION

To promote the efficient administration of justice, it is hereby ORDERED:

1. On or before November 27, 2017, plaintiffs in each case must file a Case Identification Notice in In re Addicks and Barker (Texas) Flood-Control Reservoirs, Master Docket No. 17-3000L, identifying whether the case concerns “upstream” or “downstream” claims.¹

¹ Several plaintiffs have identified their respective cases as “upstream.” See, e.g., Micu v. United States, No. 17-1277, Dkt. 8 at 2 (Fed. Cl. Oct. 3, 2017) (“‘upstream’ cases focus on the . . . storage of floodwater on private property located within the design pools of the Addicks and Barker Reservoirs”); Jacobson, et al. v. United States, No. 17-1374, Dkt. 16 at 1 (Fed. Cl. Oct. 20, 2017); Ablan, et al. v. United States, No. 17-1409, Dkt. 14 at 1 (Fed. Cl. Oct. 20, 2017); Cutler, et al. v. United States, No. 17-1459, Dkt. 12 at 2 (Fed. Cl. Oct. 20, 2017); Hankinson v. United States, No. 17-1460, Dkt. 9 at 1 (Fed. Cl. Oct. 17, 2017); Reyes v. United States, No. 17-1559, Dkt. 7 at 1 (Fed. Cl. Oct. 20, 2017); Young v. United States, No. 17-1569, Dkt. 7 at 2 (Fed. Cl. Oct. 20, 2017).

Several plaintiffs have identified their respective cases as “downstream.” See, e.g., Banes, et al. v. United States, No. 17-1191, Dkt. 10 at 2 (Fed. Cl. Oct. 5, 2017) (downstream cases focus on “properties below the dams along Buffalo Bayou”); Salo, et al. v. United States, No. 17-1194, Dkt. 20 at 1 (Fed. Cl. Oct. 20, 2017); Bouzerand, et al. v. United States, No. 17-1195, Dkt. 18 at 1 (Fed. Cl. Oct. 20, 2017); Aldred, et al. v. United States, No. 17-1206, Dkt. 19 at 1 (Fed. Cl. Oct. 20, 2017); Smith, et al. v. United States, No. 17-1215, Dkt. 16 at 1 (Fed. Cl. Oct. 20, 2017); Milton, et al. v. United States, No. 17-1235, Dkt. 17 at 1 (Fed. Cl. Oct. 20, 2017); Hollis v. United States, No. 17-1300, Dkt. 21 at 1 (Fed. Cl. Oct. 20, 2017).

The Government states that “it does not make sense to distinguish between upstream and downstream.” 10/6/17 TR 22 (Harrington).

2. In any case that includes both upstream and downstream claims, a separate Case Identification Notice must be filed in In re Addicks and Barker (Texas) Flood-Control Reservoirs, Master Docket No. 17-3000L, indicating which named plaintiffs own upstream properties and which named plaintiffs own downstream properties. In each case, the court will direct the Clerk of Court to sever the claims of the upstream plaintiffs and the claims of the downstream plaintiffs into two separate dockets. Documents filed in the original docket need not be refiled in the newly created docket. Parties with questions about this procedure should contact the Clerk of Court at (202) 357-6406.
3. Once each case has been identified, as set forth herein, the Clerk of Court will divide In re Addicks and Barker (Texas) Flood-Control Reservoirs, Master Docket No. 17-3000L, into two Sub-Master Dockets, as follows:
 - a. In re Upstream Addicks and Barker (Texas) Flood-Control Reservoirs, Sub-Master Docket No. 17-9001L; and
 - b. In re Downstream Addicks and Barker (Texas) Flood-Control Reservoirs, Sub-Master Docket No. 17-9002L.
4. The title of the complaint in each subsequently filed “directly related” or “indirectly related” case, as defined in Rule of the United States Court of Federal Claims 40.2, must state one of the following:
 - a. COMPLAINT FOR UPSTREAM PLAINTIFF(S)
 - b. COMPLAINT FOR DOWNSTREAM PLAINTIFF(S)
 - c. CLASS ACTION COMPLAINT FOR UPSTREAM PLAINTIFFS
 - d. CLASS ACTION COMPLAINT FOR DOWNSTREAM PLAINTIFFS

IT IS SO ORDERED.

s/ Susan G. Braden
SUSAN G. BRADEN
Chief Judge