

# In the United States Court of Federal Claims

Filed: December 5, 2017

In re ADDICKS AND BARKER  
(TEXAS) FLOOD-CONTROL  
RESERVOIRS

Master Docket No. 17-3000L

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THIS DOCUMENT APPLIES TO:

17-1189L, 17-1191L, 17-1194L,  
17-1195L, 17-1206L, 17-1215L,  
17-1216L, 17-1232L, 17-1235L,  
17-1300L, 17-1303L, 17-1332L,  
17-1390L, 17-1391L, 17-1393L,  
17-1394L, 17-1395L, 17-1396L,  
17-1397L, 17-1398L, 17-1399L,  
17-1408L, 17-1423L, 17-1427L,  
17-1428L, 17-1430L, 17-1433L,  
17-1434L, 17-1435L, 17-1436L,  
17-1437L, 17-1438L, 17-1439L,  
17-1450L, 17-1451L, 17-1453L,  
17-1454L, 17-1456L, 17-1457L,  
17-1458L, 17-1461L, 17-1512L,  
17-1514L, 17-1515L, 17-1516L,  
17-1517L, 17-1518L, 17-1519L,  
17-1520L, 17-1521L, 17-1522L,  
17-1523L, 17-1524L, 17-1525L,  
17-1545L, 17-1555L, 17-1564L,  
17-1565L, 17-1566L, 17-1567L,  
17-1577L, 17-1578L, 17-1588L,  
17-1625L, 17-1645L, 17-1646L,  
17-1647L, 17-1652-2L, 17-1653L,  
17-1679L, 17-1680L, 17-1681L,  
17-1682L, 17-1683L, 17-1684L,  
17-1685L, 17-1686L, 17-1687L,  
17-1688L, 17-1689L, 17-1748L,  
17-1814L, 17-1822L, 17-1828L,  
17-1833L, 17-1834L

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**MANAGEMENT ORDER NO. 3**  
**(ORDER ESTABLISHING SUB-MASTER DOCKET FOR DOWNSTREAM CLAIMS)**

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

- 1. Consolidation Of Downstream Cases.** The above-identified cases, and any subsequently filed directly or indirectly related cases, as defined in Rule 40.2 of the Rules of the United States Court of Federal Claims (“RCFC”), that are identified as downstream cases, are hereby consolidated for pretrial management. Management Order No. 3 does not address whether these actions are or will be consolidated for trial, nor does it have the effect of making any entity a party to an action in which it has not been joined and served in accordance with the RCFC.
  - (a) Sub-Master Docket.** The Clerk of Court will create a Sub-Master Docket, *In re Downstream Addicks and Barker (Texas) Flood-Control Reservoirs*, Sub-Master Docket No. 17-9002L.
  - (b) Assigned United States Court Of Federal Claims Judges.** Pursuant to the court’s November 20, 2017 Orders, the following United States Court of Federal Claims judges have been assigned in *In re Downstream Addicks and Barker (Texas) Flood-Control Reservoirs*, Sub-Master Docket No. 17-9002L:
    - i.** The Honorable Susan G. Braden has been assigned to this Sub-Master Docket to manage jurisdictional discovery and adjudicate issues presented by any motion filed, pursuant to RCFC 12(b)(1)–(7). *See In re Addicks and Barker (Texas) Flood-Control Reservoirs*, Master Docket No. 17-3000L, Dkt. 67 (Fed. Cl. Nov. 20, 2017) (Court Attachment A).
    - ii.** The Honorable Marian Blank Horn has been assigned to this Sub-Master Docket to manage pre-trial discovery and adjudicate all pre-trial dispositive motions. *See In re Addicks and Barker (Texas) Flood-Control Reservoirs*, Master Docket No. 17-3000L, Dkt. 69 (Fed. Cl. Nov. 20, 2017) (Court Attachment B).
  - (c) Appointed Counsel.** Pursuant to the court’s November 20, 2017 Orders, the following counsel have been appointed in *In re Downstream Addicks and Barker (Texas) Flood-Control Reservoirs*, Sub-Master Docket No. 17-9001L:
    - i.** The following counsel have been appointed For Jurisdictional Discovery: Mr. William S. Consovoy, Co-Lead Counsel; Mr. David C. Frederick, Co-Lead Counsel; Mr. Jack E. McGehee, Of Counsel. *See In re Addicks and Barker (Texas) Flood-Control Reservoirs*, Master Docket No. 17-3000L, Dkt. 67 (Fed. Cl. Nov. 20, 2017) (Court Attachment A).
    - ii.** The following counsel have been appointed For Pre-Trial Discovery And Dispositive Motions: Mr. Rand P. Nolen, Co-Lead Counsel; Mr. Derek Potts, Co-Lead Counsel; Mr. Richard W. Mithoff, Co-Lead Counsel. *See In re Addicks and*

*Barker (Texas) Flood-Control Reservoirs*, Master Docket No. 17-3000L, Dkt. 69 (Fed. Cl. Nov. 20, 2017) (Court Attachment B).

- (d) **Notice.** The Clerk of Court will docket this Order and the following Notice in each of the above-referenced consolidated downstream cases as well as in *In re Addicks and Barker (Texas) Flood-Control Reservoirs*, Master Docket 17-3000L:

NOTICE: Sub-Master Docket, *In re Downstream Addicks and Barker (Texas) Flood-Control Reservoirs*, Sub-Docket No. 17-9002L, has been opened and assigned to the **Honorable Susan G. Braden** for the management of jurisdictional discovery and the adjudication of issues presented by any motion filed, pursuant to RCFC 12(b)(1)–(7), and to the **Honorable Marian Blank Horn** for the management of pre-trial discovery and the adjudication of all pre-trial dispositive motions. From this date and until further order, all filings in these consolidated downstream cases will be filed in this Sub-Master Docket.

- (e) **Future Filings; Case Caption.** From this date and until further order, all future filings in these consolidated downstream cases will be made in this Sub-Master Docket and will bear the following caption:

## **In the United States Court of Federal Claims**

In re DOWNSTREAM ADDICKS  
AND BARKER (TEXAS) FLOOD-  
CONTROL RESERVOIRS

Sub-Master Docket No. 17-9001L

THIS DOCUMENT APPLIES TO:

- i.* A filing that is applicable to all of these consolidated downstream cases will state in the caption that it applies to “ALL DOWNSTREAM CASES.” Such filing will be made in this Sub-Master Docket only but will be deemed filed and docketed in each individual case to the extent applicable.
- ii.* Except as provided in paragraph 1(e)(iii) below, a filing that applies only to a particular case(s) will state in the caption the applicable case number(s) and the last name(s) of the named plaintiff(s). The filing will be made in this Sub-Master Docket and the Clerk of Court will docket the filing in each applicable case.

*iii.* Motions to substitute counsel in individual cases and notices of appearance by the government will be filed in the individual case dockets only.

2. ***Newly Filed Cases.*** When a directly or indirectly related case that is identified as an downstream case subsequently is filed, the Clerk of Court will:
  - (a) make an appropriate entry in this Sub-Master Docket;
  - (b) docket a copy of this Order in the newly filed case; and
  - (c) docket a copy of the Notice, identified in paragraph 1(d) above, in the newly filed case.
3. This Order will apply to all subsequently filed or transferred cases that are directly or indirectly related and identified as downstream cases.

**IT IS SO ORDERED.**

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