

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

CHEMTECH ROYALTY ASSOCIATES,
L.P.

CIVIL ACTION

VERSUS

UNITED STATES OF AMERICA

NO.: 05-00944-BAJ-SCR

ORDER

Before the Court is the **Motion for Clarification and Extension of Time (Doc. 186)** filed by Plaintiff Chemtech Royalty Associates, L.P. Plaintiff seeks an extension of time for the parties to file briefings in accordance with the Court's Ruling and Order (Doc. 185) issued on January 15, 2015, in which the parties were directed to submit briefings regarding the applicability of substantial-valuation and gross-valuation misstatement penalties, in light of the Judgment Issued as a Mandate (Doc. 183) from the U.S. Court of Appeals for the Fifth Circuit.

In support of its instant Motion, Plaintiff contends that the penalty issues before this Court on remand are "substantially broader" than the issues for which the Court requested briefings. (Doc. 186-1 at p. 1). Specifically, Plaintiff argues that the Court should accept briefings regarding the legal validity of *all* penalties, including the negligence and substantial understatement penalties of the Court's original judgment. (*Id.* at p. 3). Defendant, the United States of America, "does not consent to the relief requested" in Plaintiff's motion. (Doc. 186 at p. 1).

In vacating the original penalties imposed and remanding the matter for this Court to determine whether to impose either or both substantial-valuation and gross-valuation penalties, the Fifth Circuit expressed no opinion as to whether this Court erred in its original imposition of negligence and substantial-understatement penalties. (Doc. 183 at p. 20). There is no suggestion that this Court's original judgments as to negligence and substantial-understatement penalties were improper or unsupported by law. In accordance with the Fifth Circuit's mandate, this Court will, on remand, consider the extent to which imposing those penalties remains consistent with the Fifth Circuit's opinion in this matter. However, the Court does not find it necessary at this juncture to accept briefings on issues beyond those specified in its January 15th Ruling and Order.

Accordingly,

Plaintiff Chemtech Royalty Associates, L.P.'s **Motion for Clarification and Extension of Time (Doc. 186)** is **DENIED**.

Baton Rouge, Louisiana, this 9th day of February, 2015.



**BRIAN A. JACKSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**