IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND Southern Division

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) Civil Action No.) 8:05-CV-01547
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SUPPLEMENTAL REPORT AND RECOMMENDATION CONCERNING WAIVER CLAIM OF ARLEY HORNE

In the Report and Recommendation Concerning Waiver Claim of Arley Horne (Document No. 658), the Special Master indicated that there was an unresolved dispute of fact about whether a check for \$6,619₂33 had been received, endorsed and deposited by Plaintiff into his bank account. As a result, the Special Master recommended to the court that as to that discrete issue that either the matter be remanded to FEMA for a review and determination or that the Special Master be authorized by the court to hold an evidentiary proceeding to resolve the dispute of fact. As to all other issues the Special Master recommended that the Defendants' Motion for Partial Summary Judgment affirming FEMA's determination of Plaintiff's waiver application be granted and that Plaintiff's Motion for Summary Judgment be denied.

Promptly after the filing of the report and recommendation with the court, the Plaintiff again reviewed his records and Plaintiff's counsel has informed the Special Master in a letter dated

June 8, 2011 that the check in question was in fact received, endorsed and deposited into

Plaintiff's bank account. Counsel now indicates that as to the issue of the \$6,619.33 check

inclusive of the \$5,181.47 and the \$1,437.86 amounts, there is no longer any contention that the

check was not received and deposited by the Plaintiff and no claim remains as to that issue. As a

result, the Special Master's earlier recommendation to the court as to that issue is no longer

applicable and the Special Master's report and recommendation as to the other issues is as set out

below.

Recommendation of the Special Master

After a review and a consideration of the matter and the arguments presented by the

parties, it is the recommendation of the Special Master that the Defendants' Motion for Partial

Summary Judgment affirming FEMA's determination of Plaintiff's waiver application be

granted; and it is further recommended that Plaintiff's Motion for Summary Judgment be denied.

June 9, 2011

/S/

Date

Dennis M. Sweeney Special Master