

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 As a result, the Special Master's earlier recommendation to the court as to that issue is no longer applicable and the Special Master's report and recommendation as to the other issues is as set out below.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
Date

/S/
Dennis M. Sweeney
Special Master