

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:17 cv 271**

**BUEL, INC.,** )  
 )  
 **Plaintiff,** )  
 )  
 **v.** )  
 )  
 **UNITED STATES OF AMERICA,** )  
 )  
 **Defendant.** )  
 \_\_\_\_\_ )

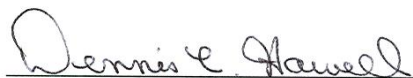
**ORDER**

This matter is before the Court after the Court asked the parties to brief the issue of whether Plaintiff is entitled to a jury trial [# 11]. After reviewing the briefs, the Court has determined that Plaintiff is entitled to a jury trial on all claims except its claim for equitable recoupment. *See* 28 U.S.C. § 1346(a)(1); Fed. R. Civ. P. 38(a); *cf.* Granfinanciera, S.A. v. Nordberg, 492 U.S. 33, 41–49 (1989).

Therefore, the Court **ORDERS** that Plaintiff’s jury demand within its Complaint [# 1] is **GRANTED** in part and **DENIED** in part. Plaintiff shall receive a jury trial for all claims except its claim for equitable recoupment; Plaintiff shall receive a bench trial for that claim.

Accordingly, the Court **STRIKES** Plaintiff’s jury demand as to its claim for equitable recoupment.

Signed: March 8, 2018

  
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Dennis L. Howell  
United States Magistrate Judge

