

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:17-cv-00546-RJC-DSC**

BANK OF AMERICA CORPORATION,)
)
 Plaintiff,)
)
 vs.)
)
 UNITED STATES OF AMERICA,)
)
 Defendant.)
 _____)

ORDER

THIS MATTER comes before the Court on the Judgement and Mandate of the United States Court of Appeals for the Federal Circuit¹, which reversed this Court’s July 1, 2019 judgment, (Doc. No. 51), and remanded the case to this Court. Pursuant to the Federal Circuit’s decision in this case, this Court will **VACATE** its previous order.

Considering the Federal Circuit’s holding—that the Court of Federal Claims, and not district courts, has exclusive jurisdiction over “stand-alone” overpayment interest claims exceeding \$10,000 under 28 U.S.C. § 1346(a)(1)²—this Court **GRANTS** Defendant’s Motion to Change Venue to the Court of Federal Claims, (Doc. No. 32), for the nine claims at issue as summarized in Exhibit C to the Motion, (Doc. No. 34-3). Regarding the unaffected claims remaining in this case, this Court resets the deadline for Defendant to file its Answer to the Third Amended Complaint, (Doc. No. 29), to October 6, 2021.

IT IS, THEREFORE, ORDERED that:

1. This Court’s July 1, 2019 order, (Doc. No. 51), is **VACATED**;

¹ Bank of Am. Corp. v. United States, 964 F.3d 1099 (Fed. Cir. 2020).

² Id. at 1109.

2. Defendant's Motion to Change Venue to the Court of Federal Claims, (Doc. No. 32), for the nine claims related to overpayment interest exceeding \$10,000 is **GRANTED**. These nine claims are severed from the present case and **ORDERED TO BE TRANSFERRED** to the United States Court of Federal Claims; and
3. The deadline for Defendant to file its Answer to the Third Amended Complaint, (Doc. No. 29), is reset to October 6, 2021.

Signed: September 20, 2021



Robert J. Conrad, Jr.
United States District Judge

