

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**NOEL TYLER, AS INTERIM)
DIRECTOR OF THE OKLAHOMA)
DEPARTMENT OF REHABILITATION)
SERVICES,)**

Plaintiff,)

vs.)

Case No. CIV-16-137-G

**UNITED STATES DEPARTMENT)
OF EDUCATION, REHABILITATION)
SERVICES ADMINISTRATION,)**

Defendant,)

and)

DAVID ALTSTATT, SR.)

Defendant Intervenor.)

JUDGMENT

On appeal, the United States Court of Appeals for the Tenth Circuit affirmed in part and reversed in part this Court’s Judgment of March 8, 2017, and remanded for further proceedings consistent with its Opinion. *See Tyler v. U.S. Dep’t of Educ., Rehab. Servs. Admin.*, 904 F.3d 1167 (10th Cir. 2018); J. (Doc. No. 46) (West, J.). The Court of Appeals found (1) the arbitration panel’s order directing Plaintiff Noel Tyler, as Interim Director of the Oklahoma Department of Rehabilitation Services, to replace Robert Brown with Defendant Intervenor David Altstatt, Sr., as the licensed blind vendor for the contract to provide food services at Fort Sill, in Lawton, Oklahoma, was properly confirmed; (2) the arbitration panel violated state sovereign immunity when it awarded damages to Defendant

Intervenor and against Plaintiff; and (3) the Randolph-Sheppard Act, 20 U.S.C. § 107 *et seq.*, as amended, does not authorize an award of attorney fees or litigation costs.

In accordance with the circuit court's mandate issued on November 27, 2018, the Court VACATES its Judgment of March 8, 2017 (Doc. No. 46) and ORDERS as follows:

(1) The arbitration panel's determination that Plaintiff violated the Randolph-Sheppard Act, 20 U.S.C. § 107 *et seq.*, as amended, by awarding the Fort Sill contract to Robert Brown and the panel's order to remove Robert Brown as the licensed blind vendor at Fort Sill and to replace him with Defendant Intervenor are CONFIRMED and judgment is entered in favor of Defendant Intervenor on these issues.

(2) The arbitration panel's award of damages to Defendant Intervenor and against Plaintiff and its award of attorney fees and litigation costs to Defendant Intervenor are VACATED and judgment is entered in favor of Plaintiff on these issues.

DATED and ENTERED this 13th day of February, 2019.



CHARLES B. GOODWIN
United States District Judge