

Judge Ronald B. Leighton

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MAJOR MARGARET WITT,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF  
THE AIR FORCE, et al.,

Defendants.

No. C06-5195 RBL

**DEFENDANTS' NOTICE OF  
SUPPLEMENTAL AUTHORITY**

Defendants' Trial Brief (Docket # 141) contended that plaintiff's requests for back pay and retirement credit were outside of the waiver of sovereign immunity contained in the Administrative Procedures Act. At the September 2, 2010 pretrial conference, the Court expressed its intent to consider that jurisdictional issue in the near future. Defendants offer the following supplemental citations (copies attached), which address the definition of "money damages," under 5 U.S.C. § 702, and which may be helpful to the Court in resolving the issue:

- *Hubbard v. Adm'r, Envtl. Prot. Agency*, 982 F.2d 531 (D.C. Cir. 1992).
- *Larsen v. U.S. Navy*, 346 F. Supp. 2d 122 (D.D.C. 2004).

Dated: September 3, 2010

Respectfully submitted,

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4 **AT TACOMA**

5 **CERTIFICATE OF SERVICE**

6 I hereby certify that on September 3, 2010, I electronically filed the foregoing  
7 Defendants' Notice of Supplemental Authority , with the Clerk of the Court using the CM/ECF  
8 system which will send notification of such filing to the following persons:

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