

NOTE: This order is nonprecedential.

## United States Court of Appeals for the Federal Circuit

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BRUCE OLSEN, NANCY OLSEN, STEVEN SAHINEN, ANGEL SAHINEN, ERIC DAVIS, KATHERINE HOPE DAVIS, SHARON CALLISON, TOM BRACKIN, KATHY BRACKIN, MARIO G. DUENAS, OMAR CANO, OLSA CANO, B.N. MURALI, JAMUNA MURALI, ROGER SCHULTZ, DEBRA SCHULTZ, JOE BONO, BRENDA BONO, DANIEL RICHARDSON, JANICE RICHARDSON, GORDON MILLER, SHERRA MILLER, TODD FORESTER, KELLI KICKERILLO, MARYWOOD HOMEOWNER'S ASSOCIATION, INC., VINCENT D. KICKERILLO, MARY F. KICKERILLO, KEITH DARBY, BEVERLY WINTER DONAHO, CHARLOTTE EFTEKHAR, BUCKMINSTER FARROW, SUZANNE FARROW, PATTY GRAY, GARY ROTH, TERRIE ROTH, MASON THILMAN, AMANDA THILMAN, MATTHEW SALO, GABRIELA SALO, on behalf of themselves and all other similarly situated persons and entities, JACQUELINE WILLIAMSON, KIRK E. WILLIAMSON, II, ZAVIK ABED-STEPHEN, HULAK ABED-STEPHEN, FRED R. ARMSTRONG, CINDA S. ARMSTRONG, RAYMOND BOSSOTTI, ELIZABETH G. BOSSOTTI, ROSALIE BRANDINO AQUILINA, NANCY N. BURGER, KEVIN BURKE, KRISTEN BURKE, JOAN C. ALFORD, MELISSA ALMARIO, ANA ALVAREZ, CHAUNCE BEANE, LAURA BEANE, JOHN F. BEASLEY, MARCHETA BEASLEY, ENEX, INC., DOROTHY BLODGETT, JOSEPH BRADEN, SUSAN BRADEN, ALBERT ALLEN, DEBRA ALLEN, ALEX

**ABDOLLAH ARJOMAND, MICHAEL BARRY, II,  
WILLIAM BEGMAN, MARGO BEGMAN, ALBERT  
BUTLER, JUDY BUTLER, ARACELY HARRIS,  
BILLY HARRIS, FATEMEH ASGHARI, ALIREZA  
SAFAR, RYAN L. BICKLEY, JENNIFER R.  
BICKLEY, ROBERT ERWIN, MILLICENT ERWIN,  
LAWRENCE KELLY, LORRAINE KELLY,  
JONATHAN LEAN, EMMA LEAN, LYNN ASHBY,  
ALFRED DANFORTH, CARLOTA DANFORTH, E.J.  
GRIVETTI, IGOR VELASCO-SANCHEZ, VICTOR  
CHAO, JENNY CHAO, DAVID MAY, ANN MAY,  
MICHAEL UPCHURCH, KATHARINA UPCHURCH,**  
*Plaintiffs-Appellants*

**ANNA GRIFFITH,**  
*Plaintiff*

v.

**UNITED STATES,**  
*Defendant-Appellee*

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2021-2034, 2021-2042, 2021-2043, 2021-2044, 2021-2045,  
2021-2052, 2021-2054, 2021-2055, 2021-2056, 2021-2058

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Appeals from the United States Court of Federal  
Claims in Nos. 1:17-cv-01194-LAS, 1:17-cv-01456-LAS,  
1:17-cv-09002-LAS, 1:18-cv-00123-LAS, 1:18-cv-00345-  
LAS, 1:19-cv-00698-LAS, 1:19-cv-00782-LAS, 1:19-cv-  
00807-LAS, 1:19-cv-01063-LAS, 1:19-cv-01266-LAS, and  
1:19-cv-01924-LAS, Senior Judge Loren A. Smith.

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**ON MOTION**

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OLSEN v. US

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Before LOURIE, CHEN, and STARK, *Circuit Judges*.

PER CURIAM.

### ORDER

The appellants move unopposed to lift the stay and remand to the United States Court of Federal Claims for additional proceedings in light of this court's decision in *Milton v. United States*, Appeal Nos. 2021-1131 et al., which involved a similar challenge to a Court of Federal Claims' decision dismissing takings claims predicated on flooding that occurred when the Army Corps of Engineers opened floodgates during Hurricane Harvey.

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) The motion is granted. The stay is lifted, and the case is remanded to the Court of Federal Claims for further proceedings consistent with *Milton*.
- (2) Each side shall bear its own costs.

FOR THE COURT

August 30, 2022

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner

Clerk of Court

ISSUED AS A MANDATE: August 30, 2022