

# **Bond Case Briefs**

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## **EMINENT DOMAIN - WASHINGTON**

### **Haggart v. United States**

**United States Court of Federal Claims - October 18, 2023 - 168 Fed.Cl. 148**

Landowner filed rails-to-trails class action against United States, claiming that conversion of her property into recreational trail pursuant to National Trails System Act resulted in taking without just compensation.

After parties reached settlement agreement, the Court of Federal Claims granted landowner's motion to approve settlement and entered final judgment.

Two class members objected to settlement and appealed.

The United States Court of Appeals for the Federal Circuit vacated and remanded. On remand, the Court of Federal Claims again granted landowner's motion for approval of settlement. Government appealed. The Court of Appeals affirmed.

Landowner then filed five separate motions for statutory attorney fees and costs, pursuant to Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA). The Court of Federal Claims granted motions in part, and upon reconsideration, denied landowner's motion for attorney fees and costs for legal work performed by her husband, who was attorney, joint owner of subject property, and co-plaintiff. Landowner appealed.

The United States Court of Appeals for the Federal Circuit affirmed in part, vacated in part, and remanded. On remand, landowner requested entry of monetary judgment in her favor for three expenses as well as post-judgment interest on those expenses, and requested three additional categories of monetary relief that were not addressed by the Court of Appeals in its remand order.

The Court of Federal Claims held that:

- Landowner was entitled to reimbursement of filing, research, and appraisal expenses under URA;
- No-interest rule applied to bar recovery of post-judgment interest;
- Tucker Act did not allow post-judgment interest award against the government;
- Landowner was not entitled to award of compound post-judgment interest on attorney fees awarded to law firm;
- Mandate rule prohibited recovery of other URA expenses sought; and
- Changed circumstances of husband's disclaimer of his interest in the property was insufficient to avoid mandate rule's bar on landowner's recovery of attorney fee award under URA for work husband performed on appeal and on remand.