

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

ANTHONY PISZEL,
Plaintiff-Appellant

v.

UNITED STATES,
Defendant-Appellee

2015-5100

Appeal from the United States Court of Federal Claims in No. 1:14-cv-00691-LKG, Judge Lydia Kay Griggsby.

Before DYK, SCHALL, and HUGHES, *Circuit Judges*.

PER CURIAM.

O R D E R

IT IS ORDERED THAT:

The parties shall file simultaneous supplemental briefs of no more than 15 pages, double spaced, by April 29, 2016. Extensions of time will not be granted. The briefs should be limited to addressing the following questions:

- (1) Does the fact that the golden parachute provision, 12 U.S.C. § 4518(e), did not eliminate breach of contract claims preclude a takings action against the government?
- (2) Would recovery for such a breach of contract claim be limited by the doctrine of impossibility or the sovereign acts doctrine and would the limitations on damages for breach of contract claims in HERA, 12 U.S.C. § 4617(d)(3)(A), preclude or limit recovery of breach of contract damages? *Compare Office & Prof'l Employees Int'l Union, Local 2 v. FDIC*, 27 F.3d 598 (D.C. Cir. 1994), with *Howell v. FDIC*, 986 F.2d 569 (1st Cir. 1993).
- (3) If these doctrines or statutory provisions would limit recovery, what impact would that have on the existence of a takings claim?

FOR THE COURT

April 7, 2016
Date

/s/ Daniel E. O'Toole
Daniel E. O'Toole
Clerk of Court