

In the United States Court of Federal Claims

No. 13-465C
(Filed: June 19, 2017)

 FAIRHOLME FUNDS, INC. et al., *
 *
 Plaintiffs, *
 *
 v. *
 *
 THE UNITED STATES, *
 *
 Defendant. *

NOTICE

The court hereby takes judicial notice of the recent decision issued by the United States Court of Appeals for the Sixth Circuit (“Sixth Circuit”) in Brott v. United States, No. 16-1466, 2017 WL 2346989 (6th Cir. May 31, 2017). The appeal in Brott concerned the United States District Court for the Western District of Michigan’s dismissal of a complaint by various landowners requesting that the court declare as unconstitutional the limitations of the Tucker Act, 28 U.S.C. § 1491 (2012), which vests the United States Court of Federal Claims with exclusive jurisdiction over Fifth Amendment takings claims in excess of \$10,000. Id. at *1, 9. The landowners also demanded a jury trial for their Just Compensation claims. Id. at *1. In affirming the various rulings of the district court, which found no constitutional infirmity in the Tucker Act, the Sixth Circuit held, inter alia:

Congress has acted constitutionally in bestowing on the Court of Federal Claims, an Article I court, exclusive jurisdiction over the landowners’ compensation claims and removing the right to a jury trial for claims brought in the Court of Federal Claims and in the district court under the Little Tucker Act.

Id. The Sixth Circuit further rejected arguments by the landowners that the Constitution entitled them to a jury trial before an Article III tribunal. Id. at *1, 8-9.

s/ Margaret M. Sweeney
 MARGARET M. SWEENEY
 Judge