

In the United States Court of Federal Claims

THE PEOPLE OF BIKINI, et al., *

Plaintiff, *

v. * No. 06-288C

THE UNITED STATES, *

Defendant. *

(Filed Mar. 14, 2007)

ORDER

Plaintiffs filed a complaint in the United States Court of Federal Claims on April 11, 2006. The following day, the plaintiffs in Ismael John v. United States, No. 06-289L (Fed. Cl. filed Apr. 12, 2006), filed their complaint. On July 17, 2006, plaintiffs filed their amended complaint. On September 15, 2006, defendant filed a motion to dismiss. On December 18, 2006, plaintiffs filed their response. Defendant filed its reply on January 30, 2007. On February 16, 2007, plaintiffs filed a sur-reply. Defendant's response to the sur-reply was filed on February 27, 2007.

This case was reassigned to the undersigned by order entered on February 27, 2007. Briefing in this case and in Ismael John, No. 06-289L, is complete. The court's review of the briefing indicates that the cases are directly related under the criteria set forth in RCFC 40.2(a). Accordingly,

IT IS ORDERED, as follows:

1. Both plaintiffs and defendant shall file by 5:00 p.m. on Friday, March 23, 2007, a brief showing cause as to why the motions should not be argued and decided together and whether they should not be consolidated for any further proceedings pursuant to RCFC 42(a).

2. Oral argument on defendant's motion to dismiss will be held on Wednesday, April 4, 2007, in the Howard T. Markey National Courts Building. If this case is consolidated for the purposes of argument on defendant's motion to dismiss with Ismael John, No. 06-287L,

oral argument will be held at 2:00 p.m. If these cases are not consolidated, oral argument will be held at 2:00 p.m. for this case alone. Counsel for plaintiffs shall notify the court's law clerk, Sarah Kelly, at (202) 357-6622, by April 2, 2007, if he wishes to participate by either video conference call or telephone conference call to be placed by the court.

3. The Clerk of the Court shall serve a copy of this order on counsel for plaintiffs and defendants in Ismael John, No. 06-289L.

s/ Christine O.C. Miller

Christine Odell Cook Miller
Judge