

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

In re UPSTREAM ADDICKS AND BARKER (TEXAS) FLOOD CONTROL RESERVOIRS

Sub-Master Docket No.: 17-9001L

PLAINTIFF'S(S') NAME(S),

Case No. _____

v.

Judge Richard A. Hertling

UNITED STATES OF AMERICA

PLAINTIFF'S SHORT FORM COMPLAINT

By submitting this document, Plaintiff(s) adopts (adopt) and incorporates (incorporate) by reference the Master Amended Upstream Complaint (ECF No. 18) filed in Sub-Master Docket No. 17-9001 on January 16, 2018, and all subsequent amendments to that Complaint. This Short Form Complaint is deemed Plaintiff's(s') Original Complaint if it is plaintiff's(s') original pleading and must be filed as a new complaint through the Court's CM/ECF system.¹ Plaintiff(s) incorporates (incorporate) by reference and adopts (adopt) each allegation and cause of action, except any allegation pertaining to class allegations (including but not limited to paragraphs 92-104).²

INFORMATION REGARDING PLAINTIFF(S)

Plaintiff(s) allege that, in and around Tropical Storm Harvey in August/September 2017 ("Harvey"), water impounded in Barker Reservoir (up to an elevation of 101.5 feet) and in Addicks Reservoir (up to an elevation of 109.1 feet), resulted in real property (the "Real Property") and/or personal property (the "Personal Property") belonging to Plaintiff(s) being flooded by the impounded water (collectively, the "Government Action"). The allegations are more fully set forth in the Master Complaint.

¹ Directions on how to file an Amended Short Form complaint are found at ECF No. 634, Order governing amended complaints, in Sub-Master Docket No. 17-9001.

² At this time, Plaintiff(s) do not seek class treatment and do not opt into any class related to the Master Complaint. Unless and until presented with a notice of class certification, at which time Plaintiff(s) will evaluate and determine whether to opt into such certified class, Plaintiff(s) take no position on class certification.

1. Name of Plaintiff(s)³: _____

The location by address of Plaintiff's(s') Real Property subject to Plaintiff's(s') allegations of a Fifth Amendment taking without just compensation, including the property's tax number:

2. If Plaintiff(s) held Real Property at more than one location, please identify addresses and corresponding tax numbers for each location:

3. At the time of the Government Action, please state Plaintiff's(s') property interest in each of the Real Property(ies) listed in response to Questions 2 and 3 above (*e.g.* Own, Rent, Leasehold, or other):

4. The location by address of Plaintiff's(s') Personal Property subject to Plaintiff's(s') allegation of a Fifth Amendment Taking without just compensation is as follows:

5. If Plaintiff(s) held Personal Property at more than one location, please identify the location of such other addresses as follows (please list all addresses):

6. Check all of the following boxes if Plaintiff(s) asserts (assert) the same Causes of Action set forth in the Causes of Action section of the Master Complaint. If Plaintiff(s) elects (elect) to assert some, but not all, of the Causes of Action set forth in the Causes of Action section of the Master Complaint, check the boxes that Plaintiff(s) intend to assert below:

☐ Count I – Temporary Taking of a Flowage Easement without Just Compensation in Violation of the Fifth Amendment.

☐ Count II – Temporary Taking of Other Property Interests without Just Compensation in Violation of the Fifth Amendment.

³ If this is a multi-plaintiff case, please include a separate numbered list or sheet for each plaintiff that contains the requested information.

- ☐ Count III – Permanent Taking of Damaged and Destroyed Property without Just Compensation in Violation of the Fifth Amendment.
- ☐ Count IV – Permanent Taking of a Flowage Easement without Just Compensation in Violation of the Fifth Amendment.

Attorney or *Pro Se* Signature Block