

In the United States Court of Federal Claims

PEOPLE OF BIKINI *et al.*, *

Plaintiffs, *

v. * No. 06-288C

THE UNITED STATES, * (Filed April 24, 2007)

Defendant. *

ORDER

Further to the oral argument held on April 23, 2007,

IT IS ORDERED, as follows:

1. Defendant shall file the following two documents by May 4, 2007:

i) A copy of the report titled, "Report Evaluating the Request of the Government of the Republic of the Marshall Islands presented to the Congress of the United States of America," submitted on January 24, 2005, to Congress, regarding the Republic of the Marshall Islands' petition for Changed Circumstances under Article IX of the Section 177 Agreement.

ii) A copy of defendant's brief filed in the Federal Circuit in People of Enewetak v. United States, 864 F.2d 134 (Fed. Cir. 1988).

2. Plaintiffs and defendant shall file a brief by May 23, 2007, not to exceed ten pages, regarding the following issues:

i) Caselaw and other guidance on the scope of judicial review of the adequacy of relief provided by an international tribunal, particularly in light of the statement made by the Federal Circuit in People of Enewetak v. United States, "Congress intended the alternative procedure to be utilized, and we are unpersuaded that judicial intervention is appropriate at this time on the mere speculation that the alternative remedy may prove to be

inadequate,” 864 F.2d 134, 136 (Fed. Cir. 1988), similar statements made in Juda v. United States, 13 Cl. Ct. 667, 689 (1987), and the facts of this case.

ii) Their understanding of the characterization of the appropriation of \$150 million by Congress for the Claims Settlement Fund as an “initial sum” and “initial amount” by the Federal Circuit in People of Enewetak v. United States, 864 F.2d 134, 135-36 (Fed. Cir. 1988).

3. Should defendant determine it appropriate to file a single consolidated supplemental brief in response to the requests in ¶ 2 of this order and ¶ 2 of the order issued in Ismael John v. United States, No. 06-289L (Fed. Cl. filed Apr. 24, 2007) (order following oral argument), defendant’s brief shall not exceed twenty pages.

s/ Christine O.C. Miller

Christine Odell Cook Miller
Judge