

## In the United States Court of Federal Claims

THE ELECTRICAL WELFARE TRUST  
FUND, THE OPERATING ENGINEERS  
TRUST FUND OF WASHINGTON, D.C., and  
THE STONE & MARBLE MASONS OF  
METROPOLITAN WASHINGTON, D.C.  
HEALTH AND WELFARE FUND on behalf of  
themselves and all others similarly situated,

Plaintiffs,

v.

THE UNITED STATES,

Defendant.

No. 19-353C

Judge Eleni M. Roumel

### PLAINTIFFS' NOTICE OF APPEAL

Notice is hereby given that Plaintiffs The Operating Engineers Trust Fund of Washington, D.C. and The Stone & Marble Masons of Metropolitan Washington, D.C. Health and Welfare Fund ("Plaintiffs"), by and through their counsel, respectfully appeal to the United States Court of Appeals for the Federal Circuit from this Court's judgment entered pursuant to Rule 58 of the Court of Federal Claims against Plaintiffs, on July 10, 2023 (ECF No. 130). The scope of this appeal includes the Court's Memorandum and Order granting Defendant's Motion for Partial Summary Judgment first entered on July 7, 2023 (ECF Nos. 129, 132) and the Court's Memorandum and Order denying Plaintiffs' Motion for Reconsideration entered on August 18, 2023 (ECF No. 136).

DATED: October 13, 2023

Respectfully submitted,

/s/ Joseph H. Meltzer

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*Attorneys for Plaintiffs OETF and the Stone  
Masons and the putative Takings Class*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 13<sup>th</sup> day of October, 2023, a true and correct copy of the foregoing document was electronically filed with the Clerk of the Court, is available for viewing and downloading from the ECF system, and will be served by operation of the Court's electronic filing system (CM/ECF) upon all counsel of record.

*/s/ Joseph H. Meltzer* \_\_\_\_\_  
Joseph H. Meltzer