

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

ELECTRICAL WELFARE TRUST)	
FUND, OPERATING ENGINEERS)	
TRUST FUND OF WASHINGTON,)	
D.C., STONE & MARBLE MASONS)	
OF METROPOLITAN)	
WASHINGTON, D.C. HEALTH AND)	
WELFARE FUND,)	
)	2023-2105
Plaintiffs-Appellees,)	
)	
v.)	
)	
UNITED STATES,)	
)	
Defendant-Appellant.)	
)	

JOINT STATUS REPORT

Pursuant to the Court’s July 27, 2023 order, Defendant-Appellant, the United States, and Plaintiffs-Appellees, 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, respectfully submit this joint status report regarding their efforts to reach settlement.¹

¹ Although the Operating Engineers Trust Fund of Washington, D.C. (OETF) and the Stone & Marble Masons of Metropolitan Washington, D.C. Health and Welfare Fund (Stone Masons) are identified as Plaintiffs-Appellees in the caption, the partial judgment from which the United States appeals in this matter relates only to the Electrical Welfare Trust Fund and the Exaction Class, which does not include OETF or Stone Masons. Instead, a different Court of Federal

The parties have agreed to settle this matter, and the settlement framework has now been approved by both the Attorney General's authorized representative and the Electrical Welfare Trust Fund, as class representative, on behalf of the Exaction Class. To finalize the settlement, the parties must negotiate the terms of a settlement agreement and obtain approval from the Court of Federal Claims, as required by Rule 23(e) of the Rules of the United States Court of Federal Claims. These final steps require remand to the trial court. Accordingly, the parties hereby jointly request remand to the Court of Federal Claims under Federal Circuit Rule 27(f). As stated in Federal Circuit Rule 41, the Court's order remanding the case will constitute the mandate in this appeal.

Respectfully submitted,

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/s/ Eric P. Bruskin
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Claims judgment relates to the claims asserted by OETF and Stone Masons. OETF and Stone Masons have separately appealed that judgment to this Court. *See Elec. Welfare Tr. Fund v. United States*, Fed. Cir. No. 24-1107. That separate appeal, which concerns a separate Court of Federal Claims judgment, should be unaffected by the outcome of this case.

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November 9, 2023

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**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT****CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITATIONS****Case Number:** 2023-2105**Short Case Caption:** Electrical Welfare Trust Fund v. United States

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