

**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 MOTION TO STAY PROCEEDINGS**

Pursuant to Rule 27 of the Federal Rules of Appellate Procedure and the Federal Circuit Rules, 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 request that the Court stay further proceedings in this matter for 91 days, to and including October 9, 2023. The parties jointly request a stay of proceedings because they have entered into settlement negotiations that may resolve this matter.

The Federal Circuit Rules encourage parties “to discuss settlement and to attempt settlement prior to the conclusion of merits briefing.” Fed. Cir. R. 33(a). To that end, the parties have entered into good faith settlement negotiations that may resolve the illegal exaction claims brought by the Electrical Welfare Trust Fund and the Exaction Class.<sup>1</sup> If negotiations prove successful, such that these claims could be resolved without the need for further litigation, then the resulting settlement would moot the Government’s appeal. The interests of efficiency, judicial economy, and conservation of litigant resources will accordingly be served by granting the parties a stay of proceedings. The parties seek a stay of 91 days to ensure sufficient time to finalize negotiations, obtain approval from all members of the Exaction Class, and obtain the necessary authority to settle from the Attorney General’s authorized representative.

For these reasons, the parties respectfully request that the Court stay all further proceedings in this appeal for 91 days, to and including October 9, 2023. The parties will submit a joint status report no later than October 9, 2023 to inform the Court whether they have resolved this matter.

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<sup>1</sup> On the other hand, the takings claims brought by the Operating Engineers Trust Fund of Washington, D.C. and the Stone & Marble Masons of Metropolitan Washington, D.C. Health and Welfare Fund are not at issue in this appeal.

Respectfully submitted,

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July 7, 2023

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July 7, 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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Date: 07/07/2023

Signature: /s/ Borislav Kushnir

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