

## “Nothing more to be decided” in Hage case, court rules

In perhaps the last installment of the 20-year saga of the takings case of *Estate of Hage v. United States*, the U.S. Court of Federal Claims recently denied Hages’ motion for a hearing, expedited briefing, and appointment of a special master following a Federal Circuit ruling.

Rejecting the Hages’ contention that there were still open issues in the case, the CFC stated that “common sense dictates that if the court intended to conduct future proceedings, it would not have directed the closing of the case and the entry of final judgment.” The CFC judge further observed that “if the Federal Circuit intended that this court open the record, receive additional evidence, and render new or additional findings of fact and conclusions of law, then the appellate court would have provided that clear instruction to the trial court. It did not do so and the reason is abundantly clear from reading the Federal Circuit’s decision—nothing more remains to be decided.”

Leaving no doubt that the *Hage* litigation had concluded, the CFC also held that res judicata barred any further proceedings, because the issues and facts raised by the landowners were identical to those contained in the original complaint:

*Plaintiffs seriously cannot argue that the issues and facts they now raise are not identical to those set forth in the complaint filed over 20 years ago and which was litigated to conclusion, as demonstrated by eight separate comprehensive opinions issued by the trial judge assigned to this case. Unquestionably, the trial court ruled on the entire breadth of the complaint, and resolved all the factual and legal issues by accepting some legal theories argued by plaintiffs and rejecting others. Hence, res judicata prevents the court from hearing the same matter for a second time.*

Read the full opinion [here](#).