

(Filed November 17, 1998)

**E. WAYNE AND THE
ESTATE OF JEAN N. HAGE**

Plaintiffs,

v.

THE UNITED STATES,

Defendant.

ORDER

Pursuant to the post-trial conference held on November 13, 1998, the court issues the following ORDER amending its Preliminary Opinion of November 5, 1998.

1) The court adopts the following amended post-trial briefing schedule:

January 15, 1999: Plaintiffs' post-trial brief due

February 28, 1999: Defendant's response due

March 15, 1999: *Amici's* responses due

March 30, 1999: Plaintiffs' sur-reply due

April 15, 1999: Defendant's sur-reply due

April 22, 1999: Closing arguments in San Francisco, CA

2) In light of comments at the post-trial conference on the Takings issue, the court rescinds its order that the parties address the issue through a Motion for Summary Judgment in their post-trial briefs. Instead, the parties shall file a 10 page Memorandum outlining the factual issues remaining before the court with regard to whether or not a taking has occurred. Post-trial briefs should remain focused on the issues raised by the Preliminary Order. Parties should observe the page limits previously established.

IT IS SO ORDERED.

LOREN A. SMITH

CHIEF JUDGE