

The issues presented in this case, however, are not issues of first impression for the Supreme Court. Rather, the Supreme Court has spoken on the issue identified by the government as “dispositive” in United States v. Mitchell, 463 U.S. 206, 226 (1983), where the Supreme Court held that if a statute establishes fiduciary obligations on the government to act as trustee it can “fairly be interpreted as mandating compensation by the Federal Government for damages sustained.” While the Court recognizes that the Supreme Court’s decisions in the two cases cited by the government may have some impact on this Court’s decision, the extent of any such impact is not certain. The Court has issued its opinion on the merits of several issues in this action and the only remaining issue is a relatively minor one relating to prejudgment interest. Given the uncertain impact the Supreme Court’s decisions in the two cases cited by the government will have on this Court’s opinion on the issues in this case, the Court will exercise its discretion to deny the motion to stay. Accordingly,

IT IS ORDERED that the defendant’s Motion for Stay, Doc. 123, is denied

Dated this 15th day of August, 2002.

BY THE COURT:



Lawrence L. Piersol
Chief Judge

ATTEST:
JOSEPH HAAS, CLERK

BY: 
DEPUTY