

FILED

Oct 2 2017

In The United States Court of Federal Claims

U.S. COURT OF
FEDERAL CLAIMS

Emiliano Bruzos, James A. Campbell, §
Jose Casas, Elizabeth and Andrew Cloud §
William Cotten, Rickey Dean, §
Carl and Leo Deleon, Allison and Darin Durkee, §
Tom Fiori, Tabitha Gachiengu, Steven Hite §
Lauren Hoffman, Jon Incerpe and §
Kerry Yonushonis, David Ji, Hyongdo and §
Kyungim Kim, Namhee Kim, Sandiarta Kurniawan §
Nestor Martinez, David McArthur, Arie Meijin, §
Chris Paschall, Gustavo Pigurina §
Gregory Safovich, David Sharp, §
Ximena Trapolino, Don Trimble, Kera Tyler §
Limiao Wang, Kimberly West, David Wilson and §
Nelson and Linda Wiggins, §

No. 17-1408 L

Plaintiffs, §

vs. §

The United States of America §

Defendant. §

Complaint

Plaintiffs Emiliano Bruzos, James A. Campbell, Jose Casas, Elizabeth and Andrew Cloud, William Cotten, Rickey Dean, Carl and Leo Deleon, Allison and Darin Durkee, Tom Fiori, Tabitha Gachiengu, Steven Hite, Lauren Hoffman, Jon Incerpe and Kerry Yonushonis, David Ji, Hyongdo and Kyungim Kim, Namhee Kim, Sandiarta Kurniawan, Nestor Martinez, David McArthur, Arie Meijin, Chris Paschall, Gustavo Pigurina, Gregory Safovich, David Sharp, Ximena Trapolino, Don Trimble, Kera Tyler, Limiao Wang,

Kimberly West, David Wilson and Nelson and Linda Wiggins, file this Complaint against the United States for its taking of their real and personal property. The U.S. Army Corps of Engineers' ("Corps") design and operation of a system of reservoirs in west Houston resulted in sustained flooding of their residences and places of business, to such extent to constitute a taking for public use. In return for that taking, Plaintiffs seek just compensation granted by the Fifth Amendment to the United States Constitution.

1. The Parties and Property at Issue

1.1 Plaintiffs are all individuals and families residing on the west side of Houston, asserting claims, not as a class, but independently alongside each other for compensation for property taken by federally-controlled flood-water captured and intentionally released from the Addicks and Barker reservoirs, as occurred during the last week of August 2017, and again whenever else in the future the Corps chooses. Specifically, Plaintiffs are:

1.1.1 Plaintiff Emiliano Bruzos is a homeowner who resides in Houston, Texas. Mr. Bruzos owns a single-family home located at 923 Peachwood Bend Drive, Houston, Texas 77077, more particularly described as Lot 19 Block 1, Parkway Villages, Section 4. As a result of the Corps' design and operation of the Addicks/Barker reservoir system, specifically, its deliberate release of government-controlled water on downstream properties that caused sustained flooding, Mr. Bruzos seeks to recover just compensation from the Corps for its taking of his real and personal property for public use.

1.1.2 Plaintiff James A. Campbell is a homeowner who resides in Houston, Texas. Mr. Campbell owns a single-family home located at 418 Electra Drive, Houston, Texas 77024, more particularly described as Lot 9, Block 13, Memorial Bend Section 3. As a result of the Corps' design and operation of the Addicks/Barker reservoir system, specifically, its deliberate release of government-controlled water on downstream properties that caused sustained flooding, Mr. Campbell seeks to recover just compensation from the Corps for its taking of his real and personal property for public use.

1.1.3 Plaintiff Jose Casas is a homeowner who resides in Houston, Texas. Mr. Casas owns a single-family home located at 13702 Wheatbridge, Houston, Texas 77041, more particularly described as Lot 1, Block 1, Concord Bridge, Section 8. As a result of the Corps' design and operation of the Addicks/Barker reservoir system, specifically, its deliberate release of government-controlled water on downstream properties that caused sustained flooding, Mr. Casas seeks to recover just compensation from the Corps for its taking of his real and personal property for public use.

1.1.4 Plaintiffs Elizabeth and Andrew Cloud are homeowners who reside in Houston, Texas. Mr. and Mrs. Cloud own a single-family home located at 115 Electra Drive, Houston, Texas 77079, more particularly described as Lot 111, Block 2, Memorial Glen Section 3. As a result of the Corps' design and operation of the Addicks/Barker reservoir system, specifically, its deliberate release of government-controlled water on downstream properties that caused sustained flooding, Mr. and Mrs. Cloud seek to recover just

compensation from the Corps for its taking of their real and personal property for public use.

1.1.5 Plaintiff William Cotten is a homeowner who resides in Houston, Texas. Mr. Cotten owns a single-family home located at 450 E. Fair Harbor Lane, Houston, Texas 77079, more particularly described as Lot 4, Barker Court Townhome. As a result of the Corps' design and operation of the Addicks/Barker reservoir system, specifically, its deliberate release of government-controlled water on downstream properties that caused sustained flooding, Mr. Cotten seeks to recover just compensation from the Corps for its taking of his real and personal property for public use.

1.1.6 Plaintiff Rickey Dean is a renter who resides in Houston, Texas. Mr. Dean rents a single-family home located at 1200 S. Dairy Ashford, 1411, Houston, Texas 77077. As a result of the Corps' design and operation of the Addicks/Barker reservoir system, specifically, its deliberate release of government-controlled water on downstream properties that caused sustained flooding, Mr. Dean seeks to recover just compensation from the Corps for its taking of his personal property for public use.

1.1.7 Plaintiffs Carl and Leo Deleon are homeowners who reside in Houston, Texas. Mr. and Mrs. Deleon own a single-family home located at 201 Vanderpool Lane, #48 Houston, Texas 77024, more particularly described as Unit 1, Building U, Georgetown Townhome, Phase 2. As a result of the Corps' design and operation of the Addicks/Barker reservoir system, specifically, its deliberate release of government-controlled water on

downstream properties that caused sustained flooding, Mr. and Mrs. Deleon seek to recover just compensation from the Corps for its taking of their real and personal property for public use.

1.1.8 Plaintiffs Allison and Darin Durkee are homeowners who reside in Houston, Texas. Mr. and Mrs. Durkee own a single-family home located at 15914 Redwood Place Drive, Houston, Texas 77079, more particularly described as Lot 12, Block 1, Fleet Section R/P. As a result of the Corps' design and operation of the Addicks/Barker reservoir system, specifically, its deliberate release of government-controlled water on downstream properties that caused sustained flooding, Mr. and Mrs. Durkee seek to recover just compensation from the Corps for its taking of their real and personal property for public use.

1.1.9 Plaintiff Tom Fiori is a homeowner who resides in Houston, Texas. Mr. Fiori owns a single-family home located at 15155 Kimberly Court, Houston, Texas 77079 more particularly described as Unit 36, 017857 Common Land & Ele. Woods on Memorial, Section 2. As a result of the Corps' design and operation of the Addicks/Barker reservoir system, specifically, its deliberate release of government-controlled water on downstream properties that caused sustained flooding, Mr. Fiori seeks to recover just compensation from the Corps for its taking of his real and personal property for public use.

1.1.10 Plaintiff Tabitha Gachiengu is a homeowner who resides in Houston, Texas. Ms. Gachiengu owns a single-family home located at 1026 Lodgehill Lane, Houston, Texas 77090, more particularly described as Lot 35, Block 4, Westador Section 3. As a result of the

Corps' design and operation of the Addicks/Barker reservoir system, specifically, its deliberate release of government-controlled water on downstream properties that caused sustained flooding, Ms. Gachiengu seeks to recover just compensation from the Corps for its taking of her real and personal property for public use.

1.1.11 Plaintiff Steven Hite is a homeowner who resides in Houston, Texas. Mr. Hite owns a single-family home located at 219 Gessner Road, Houston, Texas 77024, more particularly described as Lot 20, Block 4, Tealwood Section 3. As a result of the Corps' design and operation of the Addicks/Barker reservoir system, specifically, its deliberate release of government-controlled water on downstream properties that caused sustained flooding, Mr. Hite seeks to recover just compensation from the Corps for its taking of his real property for public use which resulted in diminished value.

1.1.12 Plaintiff Lauren Hoffman is a homeowner who resides in Houston, Texas. Ms. Hoffman owns a single-family home located at 14110 River Forest Drive, Houston, Texas 77079 more particularly described as Lot 9, Block 3, River Forest. As a result of the Corps' design and operation of the Addicks/Barker reservoir system, specifically, its deliberate release of government-controlled water on downstream properties that caused sustained flooding, Ms. Hoffman seeks to recover just compensation from the Corps for its taking of her real and personal property for public use.

1.1.13 Plaintiffs Jon Incerpe and Kerry Yonushonis are homeowners who reside in Houston, Texas. Mr. Incerpe and Ms. Yonushonis own a single-family home located at 923

Daria Drive, Houston, Texas 77089, more particularly described as Lot 15, Block 5, Fleetwood Section 3. As a result of the Corps' design and operation of the Addicks/Barker reservoir system, specifically, its deliberate release of government-controlled water on downstream properties that caused sustained flooding, Mr. Incerpe and Ms. Yonushonis seek to recover just compensation from the Corps for its taking of their real and personal property for public use.

1.1.14 Plaintiff David Ji is a homeowner who resides in Houston, Texas. Mr. Ji owns a single-family home located at 530 Hallie Drive, Houston, Texas 77024 more particularly described as Lot 13, Block 3, Fonn Villas, Section 1. As a result of the Corps' design and operation of the Addicks/Barker reservoir system, specifically, its deliberate release of government-controlled water on downstream properties that caused sustained flooding, Mr. Ji seeks to recover just compensation from the Corps for its taking of his real and personal property for public use.

1.1.15 Plaintiffs Hyongdo and Kyungim Kim are homeowners who reside in Houston, Texas. Mr. and Mrs. Kim own a single-family home located at 12625 Memorial Drive, Unit 91, Houston, Texas 77024 more particularly described as Lot 91, Block E, Somerset Place, 3rd R/P. As a result of the Corps' design and operation of the Addicks/Barker reservoir system, specifically, its deliberate release of government-controlled water on downstream properties that caused sustained flooding, Mr. and Mrs. Kim seek to

recover just compensation from the Corps for its taking of their real and personal property for public use.

1.1.16 Plaintiff Namhee Kim is a homeowner who resides in Houston, Texas. Mr. Kim owns a single-family home located at 12645 Memorial Drive, #C, Houston, Texas 77042 more particularly described as .Unit 245 Bldg X, .002757 Int Common Land, The Pines Condo. As a result of the Corps' design and operation of the Addicks/Barker reservoir system, specifically, its deliberate release of government-controlled water on downstream properties that caused sustained flooding, Mr. Kim seeks to recover just compensation from the Corps for its taking of his real and personal property for public use.

1.1.17 Plaintiff Sandiarta Kurniawan is a homeowner who resides in Houston, Texas. Ms. Kurniawan owns a single-family home located at 12707 Boheme Drive, 1201, Houston, Texas 77024 more particularly described as Unit 1201, Bldg, 12, Memorial Bend Place Condo. As a result of the Corps' design and operation of the Addicks/Barker reservoir system, specifically, its deliberate release of government-controlled water on downstream properties that caused sustained flooding, Ms. Kurniawan seeks to recover just compensation from the Corps for its taking of his real and personal property for public use.

1.1.18 Plaintiff Nestor Martinez is a homeowner who resides in Houston, Texas. Mr. Martinez owns a single-family home located at 600 Wilcrest Road, #58, Houston, Texas 77042 more particularly described as Unit 58, Marlborough Square, Section 1 R/P. As a result of the Corps' design and operation of the Addicks/Barker reservoir system,

specifically, its deliberate release of government-controlled water on downstream properties that caused sustained flooding, Mr. Martinez seeks to recover just compensation from the Corps for its taking of his real and personal property for public use.

1.1.19 Plaintiff David McArthur is a homeowner who resides in Houston, Texas. Mr. McArthur owns a single-family home located at 15177 Kimberley Court, #46, Houston, Texas 77024 more particularly described as Unit 46, Woods on Memorial, Section 2. As a result of the Corps' design and operation of the Addicks/Barker reservoir system, specifically, its deliberate release of government-controlled water on downstream properties that caused sustained flooding, Mr. McArthur seeks to recover just compensation from the Corps for its taking of his real and personal property for public use.

1.1.20 Plaintiff Arie Meijn is a homeowner who resides in Houston, Texas. Mr. Meijn owns a single-family home located at 15706 Fleetwood Oaks Drive, Houston, Texas 77079 more particularly described as Lot 34, Block 2, Fleetwood Section 1. As a result of the Corps' design and operation of the Addicks/Barker reservoir system, specifically, its deliberate release of government-controlled water on downstream properties that caused sustained flooding, Mr. Meijn seeks to recover just compensation from the Corps for its taking of his real and personal property for public use.

1.1.21 Plaintiff Chris Paschall is a homeowner who resides in Houston, Texas. Mr. Paschall owns a single-family home located at 10714 Riverview Drive, Houston, Texas 77042 more particularly described as Lot 4, Block 34, Walnut Bend Section 8. As a result of

the Corps' design and operation of the Addicks/Barker reservoir system, specifically, its deliberate release of government-controlled water on downstream properties that caused sustained flooding, Mr. Paschall seeks to recover just compensation from the Corps for its taking of his real and personal property for public use.

1.1.22 Plaintiff Gustavo Pigurina is a homeowner who resides in Houston, Texas. Mr. Pigurina owns a single-family home located at 10715 Cranbrook Road, Houston, Texas 77042 more particularly described as Lot 26, Block 31, Walnut Bend Section 8. As a result of the Corps' design and operation of the Addicks/Barker reservoir system, specifically, its deliberate release of government-controlled water on downstream properties that caused sustained flooding, Mr. Pigurina seeks to recover just compensation from the Corps for its taking of his real and personal property for public use.

1.1.23 Plaintiff Gregory Safovich is a homeowner who resides in Houston, Texas. Mr. Safovich owns a single-family home located at 12633 Memorial Drive, #195, Houston, Texas 77024 more particularly described as Unit 195, Building T, The Pines Condo. As a result of the Corps' design and operation of the Addicks/Barker reservoir system, specifically, its deliberate release of government-controlled water on downstream properties that caused sustained flooding, Mr. Safovich seeks to recover just compensation from the Corps for its taking of his real and personal property for public use.

1.1.24 Plaintiff David Sharp is a homeowner who resides in Houston, Texas. Mr. Sharp owns a single-family home located at 315 Cove Creek Lane, Houston, Texas 77042

more particularly described as TR 31, Block 5, Lakeside Forest, Section 1. As a result of the Corps' design and operation of the Addicks/Barker reservoir system, specifically, its deliberate release of government-controlled water on downstream properties that caused sustained flooding, Mr. Sharp seeks to recover just compensation from the Corps for its taking of his real and personal property for public use.

1.1.25 Plaintiff Ximena Trapolino is a homeowner who resides in Houston, Texas. Mr. Trapolino owns a single-family home located at 12674 Rip Van Winkle Drive, Houston, Texas 77024, more particularly described as Unit 2, Building A, Memorial Drive Townhouses. As a result of the Corps' design and operation of the Addicks/Barker reservoir system, specifically, its deliberate release of government-controlled water on downstream properties that caused sustained flooding, Mr. Trapolino seeks to recover just compensation from the Corps for its taking of his real and personal property for public use.

1.1.26 Plaintiff Don Trimble is a homeowner who resides in Houston, Texas. Mr. Trimble owns a single-family home located at 13119 Indian Creek Road, Houston, Texas 77079 more particularly described as Lot 5, Block 8 Gaywood. As a result of the Corps' design and operation of the Addicks/Barker reservoir system, specifically, its deliberate release of government-controlled water on downstream properties that caused sustained flooding, Mr. Trimble seeks to recover just compensation from the Corps for its taking of his real and personal property for public use.

1.1.27 Plaintiff Kera Tyler is a homeowner who resides in Houston, Texas. Ms. Tyler owns a single-family home located at 1018 Ashford Parkway, Houston, Texas 77077 more particularly described as Lot 16, Block 4, Ashford Forest, Section 3. As a result of the Corps' design and operation of the Addicks/Barker reservoir system, specifically, its deliberate release of government-controlled water on downstream properties that caused sustained flooding, Ms. Tyler seeks to recover just compensation from the Corps for its taking of her real and personal property for public use.

1.1.28 Plaintiff Limiao Wang is a business owner whose business is in Houston, Texas. Her business is Massage by Li and located at 12649 Memorial Drive. As a result of the Corps' design and operation of the Addicks/Barker reservoir system, specifically, its deliberate release of government-controlled water on downstream properties that caused sustained flooding, Ms. Wang seeks to recover just compensation from the Corps for its taking of her real and personal property for public use.

1.1.29 Plaintiff Kimberly West is a homeowner who resides in Houston, Texas. Ms. West owns a single-family home located at 310 Walnut Bend Lane, Houston, Texas 77042 more particularly described as Lot 5, Block 37, Walnut Bend, Section 8. As a result of the Corps' design and operation of the Addicks/Barker reservoir system, specifically, its deliberate release of government-controlled water on downstream properties that caused sustained flooding, Ms. West seeks to recover just compensation from the Corps for its taking of her real and personal property for public use.

1.1.30 Plaintiff David Wilson is a homeowner who resides in Houston, Texas. Mr. Wilson owns a single-family home located at 406 Mignon Lane, Houston, Texas 77024 more particularly described as Lot 17, Block 3, Memorial Bend, Section 1. As a result of the Corps' design and operation of the Addicks/Barker reservoir system, specifically, its deliberate release of government-controlled water on downstream properties that caused sustained flooding, Mr. Wilson seeks to recover just compensation from the Corps for its taking of her real and personal property for public use.

1.1.31 Plaintiffs Nelson and Linda Wiggins are homeowners who reside in Houston, Texas. Mr. and Mrs. Wiggins own a single-family home located at 1315 Trace Drive, Houston, Texas 77077 more particularly described as Lot 28 & TR 27A, Block 2, Shepard Trace. As a result of the Corps' design and operation of the Addicks/Barker reservoir system, specifically, its deliberate release of government-controlled water on downstream properties that caused sustained flooding, Mr. and Mrs. Wiggins seek to recover just compensation from the Corps for its taking of their real and personal property for public use.

1.2 Defendant is the United States Government, including the Corps and any federal, state, or local agency or instrumentality working under the auspices of the federal government, all of whom may be served through the National Courts Section, Commercial Litigation Branch, Civil Division U.S. Department of Justice, Washington, DC 20530; telephone: 202-514-7300.

2. Jurisdiction

2.1 This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1491(a)(1), as this inverse condemnation action seeks monetary compensation from the United States pursuant to the Fifth Amendment of the U.S. Constitution.

2.2 The Government and the Corps have consented to venue in the Court of Federal Claims for takings claims.

3. No Previous Lawsuits

3.1 Plaintiffs have not begun any other lawsuits in state or federal court dealing with the same or similar facts involved in this action.

4. Facts

4.1 Between August 25th and August 29th, 2017, Hurricane Harvey hit Houston bringing with it rainfall for over four days. Despite Hurricane Harvey's heavy rainfall, which caused many areas in Houston to flood, most Plaintiffs named here suffered no such flood damage, and none suffered any flood damage as a result of that heavy rainfall comparable to the flood damage caused by the subsequent reservoir waters.

4.2 In the 1940s the Corps addressed Houston's recurring problem of stifling rain and unpredictable flood paths by developing the Barkers and Addicks reservoirs. The reservoirs were designed to store and release accumulated rain water to help prevent catastrophic flooding to surrounding areas.

4.3 The Addicks and Barker Reservoirs were designed and are owned and operated by the Corps.

4.4 The reservoirs are designed to control the release of government-collected water out of the reservoirs by three instrumentalities: dam gates, auxiliary spillways, and the reservoir wall's peak elevation points.

4.5 The dam gates are situated at the northeast corner of the Barkers reservoir and at the south-east side of the Addicks; both drain into tributaries that unite in the Buffalo Bayou, which cuts through Houston from the west-side reservoirs, through downtown, through the east side, and into the ship channel. The gates remain open most of the time, but close at the Corps' discretion. The purpose of closing these gates is to prevent catastrophic flooding to downstream neighborhoods along the Buffalo Bayou, downtown Houston, and the Houston ship channel.

4.6 On August 25, 2017 at 8 p.m., as Hurricane Harvey began to inundate Houston, Texas with heavy rain, the Corps ordered the floodgates to two federally owned and operated systems of dams and reservoirs, the Addicks and Barker reservoirs, to be closed.

4.7 The two reservoirs soon began to rapidly accumulate rainwater. As water levels within the Addicks and Barker reservoirs quickly rose, the Corps feared that the integrity of the two reservoirs would be compromised. One of the auxiliary spillways was utilized, diverting water outside, north of the Addicks reservoir.

4.8 On August 27, 2017, the Corps issued a statement and announced their decision "to release intermittent amounts of water from both Addicks and Barker reservoirs to reduce the risk to the Houston metropolitan area." The next day, during the early morning hours of August 28, 2017, the Corps initiated controlled releases of collected stormwater from the Addicks and Barker reservoirs into the Buffalo Bayou watershed. In a press release issued by the Corps, on August 28, 2017, Galveston District commander, Col. Lar Zetterstrom, explained: "If we don't begin releasing now, the volume of uncontrolled water around the darns will be higher and have a greater impact on the surrounding communities."

4.9 The Corps knew its decision would cause flooding to neighborhoods along and near the Buffalo Bayou.

4.10 At first the Corps opened the floodgates slowly. The Corps then increased the release to 7,500 cubic feet of water per second (cfs) from Barker dam, and 6,300 cfs from Addicks, intentionally flooding thousands of homes downstream, choosing to sacrifice those homes for the greater public good.

4.11 As both reservoirs opened and released stormwater into the Buffalo Bayou, adjacent neighborhoods and roadways that were not otherwise flooded became inundated with water.

4.12 Plaintiffs' homes and property became soaked in reservoir-mixed Bayou water, ousting Plaintiffs from their homes, which along with their cars and personal effects, marinated for days (and in some cases weeks) before draining.

4.13 Plaintiffs suffered loss of personal property, their homes devalued and became completely uninhabitable and permanently damaged. Plaintiffs will need to expend significant resources to remediate, repair, and/or rebuild their homes.

4.14 Due to the abrupt nature of the Corps' decision, Plaintiffs were largely unable to mitigate the damage to their real and personal property from the intentional flooding.

5. Cause of Action: Inverse Condemnation / Taking

5.1 Plaintiffs adopt and incorporate by reference all allegations made above.

5.2 The Fifth Amendment to the U.S. Constitution provides that when the government takes private property for public use, the government must pay just compensation.

5.3 Plaintiffs had legally protected interests in their real and personal property. The Corps' intentional flooding described above caused this property to be taken, damaged and destroyed.

5.4 Plaintiffs had distinct, reasonable, and investment-backed expectations that their properties would not be subject to intentional flooding, in line with historical flooding patterns.

5.5 The Corps' design of its reservoirs and its decisions and actions caused stormwater to accumulate in the Addicks and Barker reservoirs and caused the floodgates to open on August 28, 2017 and release those waters.

5.6 As a direct result of the design of the reservoirs and of the Corps' decisions

and actions, Plaintiffs' homes and personal property were flooded, which caused damage to personal property, such as personal vehicles and personal effects; damage to home improvements and the structures on the property; and decreased market value to the real estate resulting from the Corps' decision to appropriate Plaintiffs' property as a flooding easement. This flooding and the damages it caused was a foreseeable result of the Corps' design of its reservoirs and its decisions and actions in opening the floodgates. Plaintiffs' injuries from the flooding was substantial and severe. Specifically:

5.6.1 Mr. Bruzos has suffered damages to his real and personal property, including personal vehicles and personal effects; damage to his physical home, home improvements, and the structures on the property; and decreased market value of his real property resulting from the Corps' decision to appropriate his property as a flooding easement.

5.6.2 Mr. Campbell has suffered damages to his real and personal property, including personal vehicles and personal effects; damage to his physical home, home improvements, and the structures on the property; and decreased market value of his real property resulting from the Corps' decision to appropriate his property as a flooding easement.

5.6.3 Mr. Casas has suffered damages to his real and personal property, including personal vehicles and personal effects; damage to his physical home, home improvements, and the structures on the property; and decreased market value of his real property resulting from the Corps' decision to appropriate his property as a flooding easement.

5.6.4 Elizabeth and Andrew Cloud have suffered damages to their real and personal property, including personal vehicles and personal effects; damage to their physical home, home improvements, and the structures on the property; and decreased market value of their real property resulting from the Corps' decision to appropriate their property as a flooding easement.

5.6.5 William Cotten has suffered damages to his real and personal property, including personal vehicles and personal effects; damage to his physical home, home improvements, and the structures on the property; and decreased market value of his real property resulting from the Corps' decision to appropriate his property as a flooding easement.

5.6.6 Rickey Dean has suffered damages to his personal property, including personal vehicles and personal effects resulting from the Corps' decision to appropriate his residence as a flooding easement.

5.6.7 Carl and Leo Deleon have suffered damages to their real and personal property, including personal vehicles and personal effects; damage to their physical home, home improvements, and the structures on the property; and decreased market value of their real property resulting from the Corps' decision to appropriate their property as a flooding easement.

5.6.8 Allison and Darin Durkee have suffered damages to their real and personal property, including personal vehicles and personal effects; damage to their physical home,

home improvements, and the structures on the property; and decreased market value of their real property resulting from the Corps' decision to appropriate their property as a flooding easement.

5.6.9 Tom Fiori has suffered damages to his real and personal property, including personal vehicles and personal effects; damage to his physical home, home improvements, and the structures on the property; and decreased market value of his real property resulting from the Corps' decision to appropriate his property as a flooding easement.

5.6.10 Tabitha Gachiengu has suffered damages to her real and personal property, including personal vehicles and personal effects; damage to her physical home, home improvements, and the structures on the property; and decreased market value of her real property resulting from the Corps' decision to appropriate her property as a flooding easement.

5.6.11 Steven Hite suffered from decreased market value of his real property resulting from the Corps' decision to appropriate his property as a flooding easement.

5.6.12 Lauren Hoffman has suffered damages to her real and personal property, including personal vehicles and personal effects; damage to her physical home, home improvements, and the structures on the property; and decreased market value of her real property resulting from the Corps' decision to appropriate his property as a flooding easement.

5.6.13 Jon Incerpe and Kerry Yonushonis have suffered damages to their real and personal property, including personal vehicles and personal effects; damage to their physical home, home improvements, and the structures on the property; and decreased market value of their real property resulting from the Corps' decision to appropriate their property as a flooding easement.

5.6.14 David Ji has suffered damages to his real and personal property, including personal vehicles and personal effects; damage to his physical home, home improvements, and the structures on the property; and decreased market value of his real property resulting from the Corps' decision to appropriate his property as a flooding easement.

5.6.15 Hyongdo and Kyungim Kim have suffered damages to their real and personal property, including personal vehicles and personal effects; damage to their physical home, home improvements, and the structures on the property; and decreased market value of their real property resulting from the Corps' decision to appropriate their property as a flooding easement.

5.6.16 Namhee Kim has suffered damages to his real and personal property, including personal vehicles and personal effects; damage to his physical home, home improvements, and the structures on the property; and decreased market value of his real property resulting from the Corps' decision to appropriate his property as a flooding easement.

5.6.17 Sandiarta Kurniawan has suffered damages to his real and personal property, including personal vehicles and personal effects; damage to his physical home, home improvements, and the structures on the property; and decreased market value of his real property resulting from the Corps' decision to appropriate his property as a flooding easement.

5.6.18 Nestor Martinez has suffered damages to his real and personal property, including personal vehicles and personal effects; damage to his physical home, home improvements, and the structures on the property; and decreased market value of his real property resulting from the Corps' decision to appropriate his property as a flooding easement.

5.6.19 David McArthur has suffered damages to his real and personal property, including personal vehicles and personal effects; damage to his physical home, home improvements, and the structures on the property; and decreased market value of his real property resulting from the Corps' decision to appropriate his property as a flooding easement.

5.6.20 Arie Meijn has suffered damages to his real and personal property, including personal vehicles and personal effects; damage to his physical home, home improvements, and the structures on the property; and decreased market value of his real property resulting from the Corps' decision to appropriate his property as a flooding easement.

5.6.21 Chris Paschall has suffered damages to his real and personal property, including personal vehicles and personal effects; damage to his physical home, home improvements, and the structures on the property; and decreased market value of his real property resulting from the Corps' decision to appropriate his property as a flooding easement.

5.6.22 Gustavo Pigurina has suffered damages to his real and personal property, including personal vehicles and personal effects; damage to his physical home, home improvements, and the structures on the property; and decreased market value of his real property resulting from the Corps' decision to appropriate his property as a flooding easement.

5.6.23 Gregory Safovich has suffered damages to his real and personal property, including personal vehicles and personal effects; damage to his physical home, home improvements, and the structures on the property; and decreased market value of his real property resulting from the Corps' decision to appropriate his property as a flooding easement.

5.6.24 David Sharp has suffered damages to his real and personal property, including personal vehicles and personal effects; damage to his physical home, home improvements, and the structures on the property; and decreased market value of his real property resulting from the Corps' decision to appropriate his property as a flooding easement.

5.6.25 Ximena Trapolino has suffered damages to his real and personal property, including personal vehicles and personal effects; damage to his physical home, home improvements, and the structures on the property; and decreased market value of his real property resulting from the Corps' decision to appropriate his property as a flooding easement.

5.6.26 Kera Tyler has suffered damages to her real and personal property, including personal vehicles and personal effects; damage to her physical home, home improvements, and the structures on the property; and decreased market value of her real property resulting from the Corps' decision to appropriate her property as a flooding easement.

5.6.27 Don Trimble has suffered damages to his real and personal property, including personal vehicles and personal effects; damage to his physical home, home improvements, and the structures on the property; and decreased market value of his real property resulting from the Corps' decision to appropriate his property as a flooding easement.

5.6.28 Limiao Wang has suffered damages to her personal property, including personal effects; damage to her business, loss of business revenue resulting from the Corps' decision to appropriate her business property as a flooding easement.

5.6.29 Kimberly West has suffered damages to her real and personal property, including personal vehicles and personal effects; damage to her physical home, home improvements, and the structures on the property; and decreased market value of his real

property resulting from the Corps' decision to appropriate her property as a flooding easement.

5.6.30 David Wilson has suffered damages to his real and personal property, including personal vehicles and personal effects; damage to his physical home, home improvements, and the structures on the property; and decreased market value of his real property resulting from the Corps' decision to appropriate his property as a flooding easement.

5.6.31 Nelson and Linda Wiggins have suffered damages to their real and personal property, including personal vehicles and personal effects; damage to their physical home, home improvements, and the structures on the property; and decreased market value of their real property resulting from the Corps' decision to appropriate their property as a flooding easement.

5.7 Additionally, the Corps' decisions and actions deprived Plaintiffs of the use, occupancy, and enjoyment of their homes and properties.

5.8 The Corps' decision to discharge water from the reservoir was for a public use.

5.9 Plaintiffs' property would not have flooded as it did but for the Corps' decision to discharge water from the Addicks and Barker reservoirs.

5.10 The Corps' conduct constitutes a taking of Plaintiffs' property, since beginning on August 28, 2017 and continuing for days or weeks, water will continue to be released

from the reservoirs, and Plaintiffs will be unable to return to their homes, causing damage to their personal and real property, and Plaintiffs will be deprived of the use, occupancy, and enjoyment of their property.

5.11 The United States has not compensated or offered to compensate Plaintiffs for the taking of their real or personal property.

6. Relief Sought

6.1 Compensation. As a direct result of (i) the inundation of, destruction of, substantial damage to and/or devaluation of Plaintiffs' property by the Government's intentional release of detained floodwater on Plaintiff's property in August-September 2017, and (ii) the Government taking a permanent interest in Plaintiffs' property, including taking, exceeding and/or expanding inundation easements over Plaintiffs' property, Plaintiffs are entitled to recover just compensation and such other appropriate relief as the Court deems just and proper in an amount to be determined by the trier of fact. All losses sustained by Plaintiffs were reasonably foreseeable by the Government. All conditions precedent to Plaintiffs' claims for relief have been performed and/or occurred.

6.2 Attorneys' Fees, Litigation Expenses and Costs. Plaintiffs are also entitled to recover reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred in this proceeding pursuant to 42 U.S.C. § 4652, and Rule 54 of the Rules of the United States Court of Federal Claims.

7. Prayer

Plaintiffs pray that, after due proceedings, there be judgment rendered herein in their favor against the United States for all sums that are reasonable including, without limitation thereby, actual damages to Plaintiffs' real and personal property, reasonable fees and expenses incurred herein, together with pre- and post-judgment interest and all other relief, at law or in equity, to which Plaintiffs may be justly entitled.

Respectfully submitted,

VB Attorneys, PLLC

/s/ Vuk Vujasinovic

Vuk S. Vujasinovic (lead attorney)

Fed. No. 19497, Tx No. 00794800

Brian Beckcom of counsel

Fed. No. 24318, Tx No. 24012268

6363 Woodway Dr., Suite 400

Houston, Texas 77057

713.224.7800

713.224.7801 fax

Attorneys for Plaintiffs Emiliano Bruzos, James A. Campbell, Jose Casas, Elizabeth and Andrew Cloud, William Cotten, Rickey Dean, Carl and Leo Deleon, Allison and Darin Durkee, Tom Fiori, Tabitha Gachiengu, Steven Hite, Lauren Hoffman, Jon Incerpe and Kerry Yonushonis, David Ji, Hyongdo and Kyungim Kim, Namhee Kim, Sandiarta Kurniawan, Nestor Martinez, David McArthur, Arie Meijin, Chris Paschall, Gustavo Pigurina, Gregory Safovich, David Sharp, Ximena Trapolino, Don Trimble, Kera Tyler, Limiao Wang, Kimberly West, David Wilson and Nelson and Linda Wiggins