

Appendix A**Application of Section 1500 in the Court of Federal Claims: 2000-2010¹**

Case	Transferred	Survived (Diff. Facts)	Survived (Diff. Relief)	Survived (Order of Filing)	Dismissed on § 1500	Disposition on Appeal
2010						
Vero Technical Support, Inc. v. United States, No. 10-575C, 94 Fed. Cl. 784					X	
Jachetta v. United States, No. 10- 105L, 94 Fed. Cl. 277					X	
Trusted Integration, Inc. v. United States, No. 09-759 C, 93 Fed. Cl. 94					X	
U.S. Home Corp. v. United States, No. 09-63 C, 92 Fed. Cl. 401			X			
Mastrolia v. United States, No. 09- 462C, 91 Fed. Cl. 369		X				
Zhao v. United States, No. 09-463C, 91 Fed. Cl. 95					X	

¹ Includes all cases appearing in Lexis in which the Court of Federal Claims (“CFC”) adjudicated a motion to dismiss under 28 U.S.C. § 1500. Cases not reported in the Lexis database do not appear in this data set.

Case	Transferred	Survived (Diff. Facts)	Survived (Diff. Relief)	Survived (Order of Filing)	Dismissed on § 1500	Disposition on Appeal
Torre v. United States, No. 09-CV-0791					X	Affirmed (2010 U.S. App. LEXIS 21073)* ²
2010 TOTALS	0	1	1	0	5	
2009						
Low v. United States, No. 09-532C, 90 Fed. Cl. 447					X	
Woodson v. United States, No. 09-263 C, 89 Fed. Cl. 640					X	
Berry v. United States, No. 08-330 C, 86 Fed. Cl. 750, 86 Fed. Cl. 24				X		
Haudenosaunee v. United States, No. 06-909L, 2009 U.S. Claims LEXIS 370				X		
United Keetoowah Band of Cherokee Indians v. United States, No. 06-936L, 86 Fed. Cl. 183				X		
Lan-Dale Co. v. United States, No. 03-1956C, 2009 U.S. Claims LEXIS 16	X				X	
Schmitt v. United States, No. 08-CV- 917					X	Affirmed (373 F. App'x 66)*
2009 TOTALS	1	0	0	3	4	

² A star (“*”) denotes cases for which we were unable to locate any CFC decision on Lexis.

Case	Transferred	Survived (Diff. Facts)	Survived (Diff. Relief)	Survived (Order of Filing)	Dismissed on § 1500	Disposition on Appeal
2008						
Griffin v. United States, No. 07-318C, 85 Fed. Cl. 179; Affirmed by Griffin v. United States, 2009 U.S. App. LEXIS 28381 (Fed. Cir., Dec. 28, 2009); Rehearing En Banc Denied by 621 F.3d 1363 (Fed. Cir. 2010)	X				X	Affirmed; en banc denied (w/dissent)
Swanson v. United States, No. 08-360 L, 2008 U.S. Claims LEXIS 502					X	
Yankton Sioux Tribe v. United States, No. 05-1291 L, 84 Fed. Cl. 225					X	
Ramah Navajo Sch. Bd., Inc. v. United States, No. 08-19C, 83 Fed. Cl. 786					X	
Nez Perce Tribe v. United States, No. 06-910L, 83 Fed. Cl. 186				X		
E. Shawnee Tribe v. United States, No. 06-917, 82 Fed. Cl. 322; Reversed by, Remanded by Eastern Shawnee Tribe v. United States, 2009 U.S. App. LEXIS 20722 (Fed. Cir., Sept. 17, 2009); panel rehearing denied by E. Shawnee Tribe v. United States, 598 F.3d 1326 (Fed. Cir. 2010)					X	Reversed by panel
Salt River Pima-Maricopa Indian Cmty. v. United States, No. 06-943L, 2008 WL 1883170				X		

Case	Transferred	Survived (Diff. Facts)	Survived (Diff. Relief)	Survived (Order of Filing)	Dismissed on § 1500	Disposition on Appeal
Passamaquoddy Tribe v. United States, No. 06-942 L, 82 Fed. Cl. 256					X	
Moorehead v. United States, No. 07-654 C, 81 Fed. Cl. 353	X				X	
Whalen v. United States, No. 07-707C, 80 Fed. Cl. 685					X	
Shafer v. United States, No. 08-103 C, 2008 U.S. Claims LEXIS 463					X	
Ak-Chin Indian Cmty. v. United States, No. 06-932 L, 80 Fed. Cl. 305				X		
2008 TOTALS	2	0	0	3	9	
2007						
Tohono O'odham Nation v. United States, No. 06-944L, 79 Fed. Cl. 645; Reversed by, Remanded by Tohono O'odham Nation v. United States, 559 F.3d 1284 (Fed. Cir. 2009), <i>cert. granted</i> , 130 S. Ct. 2097 (Apr. 19, 2010) (No. 09-846).					X	Reversed (diff. relief); Supreme Court currently reviewing
Schweitzer v. United States, No. 07-791C, 2007 U.S. Claims LEXIS 427					X	
d'Abrera v. United States, No. 06-427C, No. 07-365C, 78 Fed. Cl. 51	X	X				
Cooke v. United States, No. 06-748C, 77 Fed. Cl. 173	X	X	X			

Case	Transferred	Survived (Diff. Facts)	Survived (Diff. Relief)	Survived (Order of Filing)	Dismissed on § 1500	Disposition on Appeal
Fiebelkorn v. United States, No. 07-18 C , 76 Fed. Cl. 438					X	
Schrader v. United States, No. 06- 384C, 75 Fed. Cl. 242	X				X	
2007 TOTALS	3	2	1	0	4	
2006						
Hall v. United States, No. 05-517C, 74 Fed. Cl. 391					X	
Forsgren v. United States, No. 04- 1223 L, 73 Fed. Cl. 135					X	
OSI, Inc. v. United States, No. 04- 1210C, 73 Fed. Cl. 39			X			
Chapman Law Firm Co. v. United States, No. 06-473C, 72 Fed. Cl. 14					X	
Heritage Minerals, Inc. v. United States, No. 03-2228L, 71 Fed. Cl. 710		X				
Williams v. United States, No. 05- 1123C, 71 Fed. Cl. 194			X			
Firebaugh Canal Water Dist. v. United States, No. 05-262L, 70 Fed. Cl. 593					X	

Case	Transferred	Survived (Diff. Facts)	Survived (Diff. Relief)	Survived (Order of Filing)	Dismissed on § 1500	Disposition on Appeal
Hirel Connectors, Inc. v. United States, No. 05-1170 C, 70 Fed. Cl. 239					X	
2006 TOTALS	0	1	2	0	5	
2005						
De Leon v. United States, No. 05-606C, 69 Fed. Cl. 336					X	
Smith v. United States, No. 04-1685C, 2005 U.S. Claims LEXIS 486					X	Affirmed per curiam
Hansen v. United States, No: 02-21L, 65 Fed. Cl. 76				X		
Fire-Trol Holdings, LLC v. United States, 05-205C, 65 Fed. Cl. 32		X	X			
Snyder v. United States, No. 04-1006 T, 63 Fed. Cl. 762					X	
2005 TOTALS	0	1	1	1	3	
2004						
Young v. United States, No. 02-1368C, 60 Fed. Cl. 418				X		
Holloway v. United States, No. 03-1821C, 60 Fed. Cl. 254					X	Affirmed
Lan-Dale Co. v. United States, No. 03-1956C, 60 Fed. Cl. 299					X	

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Whyte v. United States, No. 03-856C, 59 Fed. Cl. 493					X	
2004 TOTALS	0	0	0	1	3	
2003						
Samish Indian Nation v. United States, No. 02-1383 L, 58 Fed. Cl. 114					X	
Harbuck v. United States, No. 02- 1829C, 58 Fed. Cl. 266					X	
Breneman v. United States, No. 02- 1854 L, 57 Fed. Cl. 571				X		
Agustin v. United States, No. 00-335C					X	Affirmed (92 F. App'x 786)*
2003 TOTALS	0	0	0	1	3	
2002						
Frasier v. United States, No. 02-5164					X	Affirmed (67 F. App'x 594)*
2002 TOTALS	0	0	0	0	1	
2001						
Esch v. United States, No. 00-529 C, 49 Fed. Cl. 631					X	
2001 TOTALS	0	0	0	0	1	

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2000						
Bailey v. United States, No. 96-666, 46 Fed. Cl. 187		X				
2000 TOTALS	0	1	0	0	0	
ANALYSIS OF TOTALS						
56 Cases Reviewed	6 Transferred 4 of 6 (~66%) Dismissed Following Transfer	5	5	9 of 56 (~16%) Survived Based on Order of Filing	38 (~68%) Dismissed	
		9³ of 56 (~16%) Survived Based on Different Facts and/or Different Relief				
		18 (~32%) Survived Motion to Dismiss				

³ One of these cases, *Cooke v. United States*, 77 Fed. Cl. 173 (2007), survived a motion to dismiss due to differences in both facts and relief sought.