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IN THE UNITED STATES COURT OF FEDERAL CLAIMS

MINISTERIO ROCA SOLIDA, INC., Plaintiff, -vs- THE UNITED STATES (United States Fish and Wildlife Service), Defendant.	Case No. Judge
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NOTICE OF DIRECTLY RELATED CASE

This case is unrelated to any “pending” cases. This Complaint, however, is a follow-up to a Complaint filed before this Court in August of 2012. *See Ministerio Roca Solida v. United States*, 114 Fed. Cl. 571 (2014), *aff'd*, 778 F.3d 1351 (Fed. Cir. 2015), *cert. denied sub nom. Ministerio Roca Solida, Inc. v. United States*, 136 S. Ct. 479, 193 L. Ed. 2d 349 (2015).

To summarize, in August 2010, the United States illegally and unconstitutionally moved a waterway in Nevada and, in so doing, violated Plaintiff Ministerio Roca Solida’s (hereinafter SOLID ROCK MINISTRY) constitutional rights to free exercise and due process, committed a tort, and took Plaintiff’s property (vested water rights) without just compensation. Because the Defendant UNITED STATES violated multiple constitutional rights in one factual swoop, Plaintiff, SOLID ROCK MINISTRY, filed a Complaint for the tort, due process, and free

exercise claims in the U.S. District Court for the District of Nevada and a takings claim in this Court along with a motion to stay proceedings pending the outcome of the injunctive relief sought in the District Court.

The UNITED STATES, however, argued before this Court that, pursuant to *United States v. Tohono O'Odham Nation*, —U.S. —, 131 S.Ct. 1723, 1727, 179 L.Ed.2d 723 (2011) and that court's re-interpretation of a longstanding jurisdictional statute (28 U.S.C. 1500) as to what constitutes the "same claim," Plaintiff could not bring a takings claim in the Federal Court of Claims whilst seeking non-overlapping relief for the other claims in U.S. District Court; this despite the fact that no single federal court could make the Plaintiff constitutionally whole for each of the government's transgressions.

As such, deferring to the U.S. Supreme Court's *Tohono* decision, the Plaintiff's claim in this Court was dismissed pursuant to the *Tohono* court's reinterpretation of 28 U.S.C. 1500. Plaintiff appealed that dismissal to the Federal Circuit Court of Appeals and the Federal Circuit affirmed the dismissal but Justice Taranto's concurring opinion stated, that, as applied to this set of facts, *Tohono* gives rise to "a substantial constitutional question." 778 F.3d 1351 (Fed. Cir. 2015).

Because justice demands that a jurisdictional statute cannot be interpreted to force a Plaintiff to forgo one constitutional right to enforce another, Plaintiff filed a Petition for Certiorari before the U.S. Supreme Court, which was denied. *Ministerio Roca Solida, Inc. v. United States*, 136 S. Ct. 479, 193 L. Ed. 2d 349 (2015).

Meanwhile, because the District Court moved so slowly on Plaintiff's remaining claims, because Plaintiff is facing a running of the statute of limitations on its takings claim of increasing value, and because the U.S. Supreme Court denied certiorari despite the fact that its doing so forced Plaintiff to forgo one constitutional right to vindicate another, Plaintiff was left with no choice but to voluntarily dismiss claims at the District Court (on which it *had* survived motions

for summary judgment by Defendant), simply so it could vindicate its constitutional right to be free of an uncompensated taking -- a takings claim which, due to three more floods at the hands of the Defendant, UNITED STATES, has now become the claim on which Plaintiff can be made closest to whole.

It should be noted that Plaintiff's initial claim in this Court was for loss of vested water rights resulting from the Defendant's illegal and unconstitutional diversion of a waterway to which Plaintiff has vested rights in the diverted water. However, the claims now before this Court include not just the loss of vested water rights which were taken nearly six years ago but also include a claim for a taking of Plaintiff SOLID ROCK MINISTRY's entire property or, in lieu of compensation therefore, injunctive relief to restore the water. Since completion of and as a direct result of the Defendant UNITED STATES' illegal water diversion project, the Plaintiff's land and appurtenances thereto have now been flooded four times – flooding the type of which, prior to the complained-of actions of the UNITED STATES, had never occurred.

Respectfully submitted this 12th day of July, 2016.

/s/ JOSEPH F. BECKER

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