

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

No. 19-1081 & 19-1083

National Veterans Legal Services Program, et al.

v.

United States

DOCKETING STATEMENT

This Docketing Statement must be completed by all counsel and filed with the court within 14 days of the date of docketing. When the United States or its officer or agency is a party, this Docketing Statement must be completed by all counsel and filed with the court within 30 days of docketing. All questions must be answered or the statement will be rejected.

Name of the party you represent United States

Party is (select one) Appellant/Petitioner Cross-Appellant
 Appellee/Respondent Intervenor

Tribunal appealed from and Case No. U.S. District Court for the District of Columbia, No. 16-745

Date of Judgment/Order Aug. 13, 2018 Type of Case Little Tucker Act class action

Relief sought on appeal reversal of liability order in plaintiffs' favor

Relief awarded below (if damages, specify) none (interlocutory appeal)

Briefly describe the judgment/order appealed from The district court ruled that PACER users are entitled to damages because the Judiciary spent PACER fee revenues for impermissible purposes.

Nature of judgment (select one)

- Final Judgment, 28 USC 1295
- Rule 54(b)
- Interlocutory Order (specify type) order certified for appeal under 28 U.S.C. 1292(b)
- Other (explain; see Fed. Cir. R. 28(a)(5)) _____

FORM 26. Docketing Statement

Form 26
Rev. 10/16

Name and docket number of any related cases pending before this court plus the name of the writing judge if an opinion was issued.
If none, please state none.

Brief statement of the issues to be raised on appeal (1) Whether the district court lacked jurisdiction. (2) Whether the district court erred in ruling that the Judiciary used PACER fee revenues for improper purposes.

Have there been discussions with other parties relating to settlement of this case? Yes No If "yes," when were the last such discussions?

- Before the case was filed below?
- During the pendency of the case below?
- Following the judgment/order appealed from?

If "yes," were the settlement discussions mediated? Yes No

If they were mediated, by whom? _____

Do you believe that this case may be amenable to mediation? Yes No

Please explain why you believe the case is or is not amenable to mediation.
The appeal presents important legal issues concerning the Judiciary's use of PACER fee revenues.

Provide any other information relevant to the inclusion of this case in the court's mediation program.

I certify that I filed this Docketing Statement with the Clerk of the United States Court of Appeals for the Federal Circuit and served a copy on counsel of record, this

29 day of November 2018

by: CM/ECF
(manner of service)

Alisa B. Klein s/ Alisa B. Klein
Name of Counsel Signature of Counsel

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