

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

In re DOWNSTREAM ADDICKS AND  
BARKER (TEXAS) FLOOD-CONTROL  
RESERVOIRS

Sub-Master Docket  
No. 17-9002 L

THIS DOCUMENT APPLIES TO:

DAVID AND CHEERY YOUNG et al v.  
UNITED STATES OF AMERICA,  
CASE NO: 1:17-CV-01545-LKG

**PLAINTIFFS' FIRST AMENDED COMPLAINT**

COME NOW, Plaintiffs David and Cheery Young et al (hereinafter "Plaintiffs"), and bring this action against the United States of America (hereinafter "Defendant").

**I. PARTIES**

1. Plaintiffs David and Cheery Young are residents of Houston, Harris County, Texas.
2. Plaintiffs Kelly and Jennifer Cusimano are residents of Houston, Harris County, Texas.
3. Plaintiff Douglas Belisle is a resident of Houston, Harris County, Texas.
4. Plaintiffs Dillon Zhang and Tracy Ng are residents of Houston, Harris County, Texas.
5. Plaintiff William M. LaCroix is a resident of Houston, Harris County, Texas.
6. Plaintiff Pei-yin Liao is a resident of Houston, Harris County, Texas.
7. Plaintiff Yu-yi Chuang is a resident of Houston, Harris County, Texas.
8. Plaintiff Wisam Chan is a resident of Houston, Harris County, Texas.
9. Plaintiff Yi-an Chen is a resident of Houston, Harris County, Texas.
10. Plaintiffs Allen Ling Chang and Pei-chuan Lee are residents of Houston, Harris County, Texas.
11. Plaintiffs Johnny Chen and Cindy Lin are residents of Houston, Harris County, Texas.

12. Plaintiffs Frank and Eleanor Moler are residents of Houston, Harris County, Texas.
13. Plaintiff Elaine R. Boyer is a resident of Houston, Harris County, Texas.
14. Plaintiffs Daniel H. Chen and Margaret C. Lee are residents of Houston, Harris County, Texas.
15. Plaintiff Josephine's Day Spa & Salon, Inc. does business in Houston, Harris County, Texas.
16. Plaintiffs Sam and Antoinette Sicola are residents of Houston, Harris County, Texas.
17. Plaintiffs Shuch and Wu Shih-shing Yeu are residents of Houston, Harris County, Texas.
18. Plaintiffs Harris Lau and Peishun Lee are residents of Houston, Harris County, Texas.
19. Plaintiff Valerie Mathieu is a resident of Houston, Harris County, Texas.
20. Plaintiff Uyan Chi Jiang is a resident of Houston, Harris County, Texas.
21. Plaintiffs David and Marlene Egan are residents of Houston, Harris County, Texas.
22. Plaintiff Yvonne Strangmeyer is a resident of Houston, Harris County, Texas.
23. Plaintiff Mehrnaz Meraji is a resident of Houston, Harris County, Texas.
24. Plaintiffs Eva Liu and Wayne Chung are residents of Houston, Harris County, Texas.
25. Plaintiffs Issam and Hitaf Saad are residents of Houston, Harris County, Texas.
26. Plaintiff He Zhang is a resident of Houston, Harris County, Texas.
27. Plaintiff Hui Chih Wang is a resident of Houston, Harris County, Texas.
28. Plaintiffs Wenfang and Phillippe Bruchett are residents of Houston, Harris County, Texas.
29. Plaintiff Shirley Elizabeth Finnell is a resident of Houston, Harris County, Texas.
30. Plaintiff Avie Max Grobe is a resident of Houston, Harris County, Texas.
31. Plaintiff Tomoe Hayashi is a resident of Houston, Harris County, Texas.

32. Plaintiff Bella Liang is a resident of Houston, Harris County, Texas.
33. Plaintiffs Mow Shung and Mei Lei Chen are residents of Houston, Harris County, Texas.
34. Plaintiffs David A. and Lynn Marie Joseph are residents of Houston, Harris County, Texas.
35. Plaintiff Maite Rombado is a resident of Houston, Harris County, Texas.
36. Plaintiff Ingrid Maria Philipson is a resident of Houston, Harris County, Texas.
37. Plaintiff Marta Molina is a resident of Houston, Harris County, Texas.
38. Plaintiffs Kalwant and Bonnie Rose Singh are residents of Houston, Harris County, Texas.
39. Plaintiff Stanley C. Watson is a resident of Houston, Harris County, Texas.
40. Plaintiffs Philip and Sunni Hosemann are residents of Houston, Harris County, Texas.
41. Defendant United States of America (acting through its branch, the U.S. Army Corps of Engineers) can be served through the National Courts Section, Commercial Litigation Branch, Civil Division U.S. Department of Justice, Washington, DC 20530; telephone: 202-514-7300.

## **II. JURISDICTION**

42. This Court has federal question jurisdiction over this case under 28 U.S.C. § 1491(a)(1), as this action seeks monetary compensation from the United States under the Fifth Amendment to the U.S. Constitution.
43. The Defendant, along with its branch – United States Army Corps of Engineers – have consented to venue in the Court of Federal Claims for the claim being brought herein.

## **III. PREVIOUS LAWSUITS**

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

#### **IV. FACTUAL ALLEGATIONS**

##### **A. Introduction**

45. This is a case concerning the effects of Hurricane Harvey, one of the most severe storm events in recent history, and the damages caused by the Defendant which amounts to a “taking” under the Fifth Amendment of the United States Constitution.

46. Hurricane Harvey made landfall in Southeast Texas in late August of 2017, and brought substantial precipitation throughout the region.<sup>1</sup> During this time period, Defendant United States of America, acting through its agent the U.S. Army Corps of Engineers (“USACE”), decided to release the accumulating stormwater downstream into the Buffalo Bayou waterway, to relieve the stress of two reservoirs – Addicks and Barker – and to control the flooding downstream. In so doing, the Defendant purposefully caused numerous homes and properties along Buffalo Bayou to flood and retain this additional stormwater, in order to prevent flooding of other properties downstream.

47. Plaintiffs are a group of home and business owners who have properties located along Buffalo Bayou, whose homes and businesses did not flood from Hurricane Harvey itself. Instead, Plaintiffs’ homes and businesses were flooded after Defendant released stormwater from the Addicks and Barker reservoirs. Because Defendant’s action resulted in a “taking” under the Fifth Amendment of the U.S. Constitution, the Plaintiffs hereby file this complaint to request “just compensation” as provided by the Constitution.

48. The facts of the Plaintiffs’ case are set forth below.

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<sup>1</sup> It has been reported that Hurricane Harvey dropped 51.88 inches of rain in the Houston area.

**B. August 25, 2017**

49. On August 25, 2017, Hurricane Harvey made landfall in Southeast Texas. Weather reporting agencies and the state and local governments already predicted that Hurricane Harvey would bring substantial rainfall and flooding.

50. In the later part of August 25, Harvey gradually moved toward Houston and its surrounding areas, bringing about substantial rainfall. During this time, stormwater began to accumulate in much of southeast Texas. Two reservoirs owned and operated by the USACE in west Houston – Addicks and Barker reservoirs – started to collect stormwater.

51. The Addicks and Barker reservoirs are part of a flood control system, and were designed specifically to protect downtown Houston from catastrophic flooding. They control the flow of water in the largest waterway in Houston – the Buffalo Bayou – which runs through the city from west to east, and drains into the Galveston bay.

52. Addicks and Barker were designed as dry reservoirs, whereas the dams stay wide open and water is allowed to flow freely until heavy rainfall. Once the system’s flood gauges reach certain levels, the dams’ floodgates close, and they begin to fill to prevent the overflow of uncontrollable water in the Buffalo Bayou.

**C. August 26, 2017**

53. There was little rain or wind in the morning of Saturday, August 26 and throughout the day. However, by the night of August 26, 2017, the rain returned and quickly intensified, and multiple areas of the City of Houston and Harris County soon went underwater.

54. Nonetheless, at this time, the Plaintiffs’ homes and business properties were still intact and dry.

**D. August 27, 2017**

55. From Saturday, August 26 to Sunday, August 27, Harvey unleashed significant rain throughout Houston and Harris County.

56. On August 27, 2017, the USACE announced its plan to release stormwater from the Addicks and Barker reservoirs. It explained that it had decided to: "...release intermittent amounts of water from both Addicks and Barker reservoirs to reduce the risk to the Houston metropolitan area."

**E. The Release**

57. According to the USACE, it first released the accumulating stormwater at 11:36 p.m. on August 27, 2017.<sup>2</sup>

58. At first, the USACE opened the floodgates slowly. It then increased the release to 6,300 cubic feet of water per second (cfs) from Addicks, and 7,500 cfs from Barker, flooding the Buffalo Bayou watershed and numerous homes and properties downstream, sacrificing those areas in order to preserve downtown Houston and other properties.

59. As both reservoir gates opened and released stormwater into Buffalo Bayou, adjacent neighborhoods and roadways that were not otherwise flooded became inundated with water. It has been estimated that at least 3,000 homes near the Addicks reservoir and 1,000 homes near Barker were flooded.

**F. The Aftermath**

60. Following the release by USACE, Plaintiffs' properties were inundated with floodwater for the next two weeks,<sup>3</sup> ousting them from their homes and destroying their furniture, cars and other personal property.

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<sup>2</sup> The USACE initially announced that it was going to release stormwater at 2:00 a.m. on August 28, 2017. Per its announcement, however, the water released occurred in the late evening of August 27.

61. Plaintiffs suffered significant losses as a result, with their homes destroyed, their properties devalued and uninhabitable, and their businesses devastated. Plaintiffs will need to expend significant resources to repair and rebuild their homes and businesses.

62. Further, due to the abrupt nature of the USACE's action, Plaintiffs were unable to mitigate or avoid the damage to their homes and business from the stormwater release. In fact, many of the Plaintiffs were never made aware of the USACE's decision (to release) until they were being evacuated from their homes in waist-deep water.

63. The USACE knew its decision would cause flooding to neighborhoods along and near Buffalo Bayou.

64. While the release of water from Addicks and Barker was aimed to protect downtown and other parts of Houston from greater damage, Plaintiffs are now disproportionality burdened by Defendant's intentional flooding of their private properties and, therefore, seek just compensation.

**G. The Plaintiffs**

65. Plaintiffs are a group of individuals and businesses who suffered damages as a direct and proximate result of the Defendant's decision to release stormwater downstream into Buffalo Bayou. Plaintiffs' homes and businesses did not receive flooding from Hurricane Harvey. Instead, their properties were flooded and damaged as a proximate result of the USACE's decision to release stormwater.

66. Plaintiffs David and Cheery Young, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 14926 Carolcrest St,

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<sup>3</sup> On September 9, 2017, USACE announced that it had slowed down the release from the two reservoirs.

Houston, TX 77079, comprising of a residence, acquired in May of 1990, ownership verified by the real property records from Harris County, Texas.

67. Plaintiffs Kelly and Jennifer Cusimano, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 310 Pinesap Dr, Houston, TX 77079, comprising of a residence, acquired in September of 2013, ownership verified by the real property records from Harris County, Texas.

68. Plaintiff Douglas Belisle, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 15138 Turkey Creek Dr, Houston, TX 77079, comprising of a residence, acquired in October of 2012, ownership verified by the real property records from Harris County, Texas.

69. Plaintiffs Dillon Zhang and Tracy Ng, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 830 Threadneedle St, Houston, TX 77079, comprising of a residence, acquired in December of 2012, ownership verified by the real property records from Harris County, Texas.

70. Plaintiff William M. LaCroix, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 15189 Kimberley Ct #49, Houston, TX 77079 comprising of a residence, acquired in February of 2014, ownership verified by the real property records from Harris County, Texas.

71. Plaintiff Pei-yin Liao, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 12707 Boheme Dr, Houston, TX 77024, comprising of a residence, acquired in February of 2008, ownership verified by the real property records from Harris County, Texas.



72. Plaintiff Yu-yi Chuang, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 12707 Boheme Dr #705, Houston, TX 77024, comprising of a residence, acquired in February of 2010, ownership verified by the real property records from Harris County, Texas.

73. Plaintiff Wisam Chan, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 12707 Boheme Dr #707, Houston, TX 77024, comprising of a residence, acquired in August of 2011, ownership verified by the real property records from Harris County, Texas.

74. Plaintiff Yi-an Chen, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 12707 Boheme Dr #106, Houston, TX 77024, comprising of a residence, acquired in December of 2015, ownership verified by the real property records from Harris County, Texas.

75. Plaintiffs Allen Ling Chang and Pei Chuan Lee, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 12707 Boheme Dr #1705, Houston, TX 77024, comprising of a residence, acquired in July of 2004, ownership verified by the real property records from Harris County, Texas.

76. Plaintiffs Johnny Chen and Cindy Lin, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 9306 Briar Forest Dr, Houston, TX 77063, comprising of a residence, acquired in August of 2011, ownership verified by the real property records from Harris County, Texas.

77. Plaintiffs Frank and Eleanor Moler, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 12139 Gladewick Dr,

Houston, TX 77077, comprising of a residence, acquired in September of 1988, ownership verified by the real property records from Harris County, Texas.

78. Plaintiff Elaine R. Boyer, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 535 Kickerillo Dr, Houston, TX 77079, comprising of a residence, acquired in July of 2007, ownership verified by the real property records from Harris County, Texas.

79. Plaintiffs Daniel H. Chen and Margaret C. Lee, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 656 North Eldridge Pkwy, Houston, TX 77079, comprising of a residence, acquired in June of 2012, ownership verified by the real property records from Harris County, Texas.

80. Plaintiff Josephine's Day Spa & Salon, Inc. during the events relevant in this litigation, is a business operated (including before and after Hurricane Harvey) at the following location: 1127 Eldridge Parkway, #1008, Houston, TX 77077.

81. Plaintiffs Sam and Antoinette Sicola, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 10602 Cranbrook Rd, Houston, TX 77042, comprising of a residence, acquired in January of 1988, ownership verified by the real property records from Harris County, Texas.

82. Plaintiffs Shuch and Wu Shih-shing Yeu, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 910 Riverlace Dr, Houston, TX 77079, comprising of a residence, acquired in June of 1993, ownership verified by the real property records from Harris County, Texas.

83. Plaintiffs Harris Lau and Peishun Lee, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 746 Thicket Lane,

Houston, TX 77079, comprising of a residence, acquired in March of 2011, ownership verified by the real property records from Harris County, Texas.

84. Plaintiff Valerie Mathieu, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 12506 Westerley Lane, Houston, TX 77077, comprising of a residence, acquired in October of 2006, ownership verified by the real property records from Harris County, Texas.

85. Plaintiff Uyan Chi Jiang, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 201 Vanderpool Lane #27, Houston, TX 77024, comprising of a residence, acquired in April of 2010, ownership verified by the real property records from Harris County, Texas.

86. Plaintiffs David and Marlene Egan, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 811, Silvergate Dr, Houston, TX 77079, comprising of a residence, acquired in April of 2006, ownership verified by the real property records from Harris County, Texas.

87. Plaintiff Yvonne Strangmeyer, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 9610 Bayou Brook St, Houston, TX 77063, comprising of a residence, acquired in May of 2011, ownership verified by the real property records from Harris County, Texas.

88. Plaintiff Mehrnaz Meraji, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 12902 Kingsbridge Ln, Houston, TX 77077 comprising of a residence, acquired in December of 2004, ownership verified by the real property records from Harris County, Texas.

89. Plaintiffs Eva Liu and Wayne Chung, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 3 Gessner Rd, Houston, TX 77024, comprising of a residence, acquired in November of 2006, ownership verified by the real property records from Harris County, Texas.

90. Plaintiffs Issam and Hitaf Saad, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 12310 Honeywood Trail, Houston, TX 77077, comprising of a residence, acquired in November of 1999, ownership verified by the real property records from Harris County, Texas.

91. Plaintiff He Zhang, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 12013 Naughton St, Houston, TX 77024, comprising of a residence, acquired in January of 2013, ownership verified by the real property records from Harris County, Texas.

92. Plaintiff He Zhang, during the events relevant in this litigation, also owned (including before and after Hurricane Harvey) the following property: 12602 Huntingwick Dr #0108, Houston, TX 77024, comprising of a residence, acquired in December of 2010, ownership verified by the real property records from Harris County, Texas.

93. Plaintiff Hui Chih Wang, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 1216 Saint Johns Woods, Houston, TX 77077, comprising of a residence, acquired in December of 2013, ownership verified by the real property records from Harris County, Texas.

94. Plaintiffs Wenfang and Phillippe Bruchett, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 12884 Kingsbridge

Ln, Houston, TX 77077, comprising of a residence, acquired in February of 1999, ownership verified by the real property records from Harris County, Texas.

95. Plaintiff Shirley Elizabeth Finnell, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 14906 La Quinta Ln, Houston, TX 77079, comprising of a residence, acquired in July of 2009, ownership verified by the real property records from Harris County, Texas.

96. Plaintiff Avie Max Grobe, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 838 Thornvine Ln, Houston, TX 77079, comprising of a residence, acquired in May of 2001, ownership verified by the real property records from Harris County, Texas.

97. Plaintiff Tomoe Hayashi, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 12707 Boheme Dr #702, Houston, TX 77024, comprising of a residence, acquired in December of 2004, ownership verified by the real property records from Harris County, Texas.

98. Plaintiff Bella Liang, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 12707 Boheme Dr #803, Houston, TX 77024, comprising of a residence, acquired in March of 2005, ownership verified by the real property records from Harris County, Texas.

99. Plaintiffs Mow Shung and Mei Lei Chen, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 851 Plainwood Dr, Houston, TX 77079, comprising of a residence, acquired in September of 1993, ownership verified by the real property records from Harris County, Texas.

100. Plaintiffs David A. and Lynn Marie Joseph, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 823 Soboda Ct, Houston, TX 77079, comprising of a residence, acquired in January of 1988, ownership verified by the real property records from Harris County, Texas.

101. Plaintiff Maite Rombado, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 11523 Riverview Dr, Houston, TX 77077, comprising of a residence, acquired in September of 2000, ownership verified by the real property records from Harris County, Texas.

102. Plaintiff Ingrid Maria Philipson, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 174 Litchfield Ln, Houston, TX 77024, comprising of a residence, acquired in July of 2011, ownership verified by the real property records from Harris County, Texas.

103. Plaintiff Marta Molina, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 284 Litchfield Ln, Houston, TX 77024, comprising of a residence, acquired in January of 2008, ownership verified by the real property records from Harris County, Texas.

104. Plaintiffs Kalwant and Bonnie Rose Singh, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 14918 Cindywood Dr, Houston, TX 77079, comprising of a residence, acquired in December of 2016, ownership verified by the real property records from Harris County, Texas.

105. Plaintiff Stanley C. Watson, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 12800 Briar Forest Dr #63, Houston,

TX 77077, comprising of a residence, acquired in January of 1988, ownership verified by the real property records from Harris County, Texas.

106. Plaintiffs Philip and Sunni Hosemann, during the events relevant in this litigation, owned (including before and after Hurricane Harvey) the following property: 12534 Westerley Lane, Houston, TX 77077, comprising of a residence, acquired in January of 1988, ownership verified by the real property records from Harris County, Texas.

**V. CAUSE OF ACTION**  
**TAKING PURSUANT TO THE FIFTH AMENDMENT**  
**TO THE U.S. CONSTITUTION**

107. Plaintiffs incorporate the foregoing allegations as fully set forth herein.

108. The Fifth Amendment to the United States Constitution prohibits the Government from taking private property for public use without just compensation. It provides:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

*U.S. Constitution, Amend. V.*

109. Plaintiffs as property owners have a legally-protectable property interest in their homes and businesses located along the Buffalo Bayou. Their properties were taken and sacrificed when the Defendant released the stormwater, starting on August 27, 2017.

110. Plaintiffs had distinct, reasonable, and investment-backed expectations in the properties made the basis of this suit.

111. As a direct and proximate result of the Defendant's decision to release water from the Addicks and Barker reservoirs on August 27, 2017, Plaintiffs' homes, businesses, and other

private properties were flooded, which deprived Plaintiffs of the use, occupancy, and enjoyment of their homes and property.

112. Defendant's conduct described above constitutes a taking of Plaintiffs' private property. The intentional discharge of water from Addicks and Barker reservoirs also caused permanent damage to their private property that will cost significant sums to repair and replace. Plaintiffs' private property would not have otherwise flooded but for the USACE's decision to discharge water from the Addicks and Barker reservoirs.

113. The USACE's decision to discharge water from the Addicks and Barker reservoirs was for the furtherance of a public use. The Defendant admitted and acknowledged that its actions were necessary to protect others from greater flooding. Defendant made the decision to discharge water from the Addicks and Barker reservoirs intentionally and with knowledge that it would cause Plaintiffs' property to flood, causing significant damages, and depriving Plaintiffs of the right to use, occupy, and enjoy the property. The taking of Plaintiffs' property was a foreseeable and predictable result of Defendant's conduct.

114. Plaintiffs have not been fully and justly compensated for the taking of their properties. Defendant's conduct constitutes a taking of Plaintiffs' private real and personal property without just compensation.

115. The Fifth Amendment is intended to prevent the public from burdening one individual, such as Plaintiffs, with the costs of furthering public interest.

116. Therefore, Plaintiffs now file this action and seek just compensation for the temporary and permanent takings of their homes and other property in an amount to be determined at trial.



**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray that the Defendant be cited to appear and answer herein, and upon final trial of this cause, the Court issue judgment that Plaintiffs have and recover against Defendants:

- a) actual damages and the award of just compensation to the Plaintiffs;
- b) a declaration that the Defendant's action as referenced above constitutes a Taking under the Fifth Amendment to the U.S. Constitution;
- c) pre-judgment and post-judgment interest at the highest legal rate;
- d) legally-available reasonable and necessary attorneys' fees;
- e) costs and litigation expenses; and
- f) all other relief, general and special, legal and equitable, to which Plaintiffs are justly entitled.

**RESPECTFULLY SUBMITTED,**

**McGEHEE ★ CHANG, BARNES, LANDGRAF**

By: /s/ H. C. Chang

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**ATTORNEYS FOR PLAINTIFFS YOUNG et al**

**CERTIFICATE OF SERVICE**

I hereby certify that on December 15, 2017, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court using CM/ECF system, which will send notifications of such filing to the CM/ECF participants registered to receive service in this matter.

Dated: December 15, 2017

By: /s/ H.C. Chang  
H. C. Chang