

In the United States Court of Federal Claims

No. 08-700C

Filed: February 23, 2015

JAY ANTHONY DOBYNS,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

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ORDER

Pursuant to its order of December 18, 2014, the Federal Circuit remanded this case for further proceedings consistent with Fed. R. App. P. 12.1(b). The assigned judge in this case (Senior Judge Allegra), after providing notice to the parties and an opportunity to be heard (see RCFC 53(b)(1)), has requested and recommended the appointment of a special master in this case.

Under 28 U.S.C. § 798(c), “[t]he chief judge of the Court of Federal Claims may appoint special masters to assist the court in carrying out its functions. Any special masters so appointed shall carry out their responsibilities and be compensated in accordance with procedures set forth in the rules of the court.” As indicated in RCFC 53(a), the special master may, *inter alia*: (i) “hold trial proceedings and make or recommend findings of fact if appointment is warranted by some exceptional condition;” and (ii) “address pretrial and post-trial matters that cannot be effectively and timely addressed by the assigned judge.”

After considering Judge Allegra’s request and the parties’ filings on this subject, the undersigned hereby appoints John Michael Facciola, a retired Federal Magistrate Judge, to be the special master in this case. Judge Facciola is well-versed in the law and fit to perform the duties incumbent on one standing in the place of the court. Judge Facciola has provided the court with no indication that he is disqualified from holding this position. *See* RCFC 53(b).

The parties will not bear any portion of the special master’s expenses, which instead will be paid by the court. The special master otherwise will serve without compensation. As further

required by this court's rules, the assigned judge will issue one or more order(s) providing guidance and details regarding this appointment and the special master's duties.

IT IS SO ORDERED.

s/Patricia E. Campbell-Smith

Patricia E. Campbell-Smith

Chief Judge