

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

THE INITIATIVE AND REFERENDUM
INSTITUTE, et al.,

Plaintiffs,

v.

UNITED STATES POSTAL SERVICE,

Defendant.

Civil No. 00-1246 (BJR/AK)

ORDER

Upon consideration of the Report and Recommendation dated August 25, 2016, the defendant's responding objection in part, and of the entire record, and it appearing to the Court that the objection in part is well taken, it is by the Court this 15th day of November, 2016,

ORDERED that the Court adopts the Report and Recommendation's finding that defendant was not substantially justified in promulgating 39 C.F.R. § 232.1(h)(1) as applied to sidewalks located on the outer perimeter of postal property, which resemble the sidewalks at issue in United States v. Grace, 461 U.S. 171 (1983), or defending the regulation as applied to such sidewalks. The Court does not adopt the Report and Recommendation's suggestion that this Court grant Plaintiffs' Motion for an Award of Attorney's Fees. The

reasonableness of the fees sought by plaintiffs remains in need of briefing by the parties. The Court orders the parties to file a proposed briefing schedule within ten days of this Order.


UNITED STATES DISTRICT JUDGE