

# Federal Judge Denies DOJ Request For Year-Long Delay In Suits Over Harvey Flooding

Justice Department attorneys said the U.S. Army Corps of Engineers needed the time to “look for documents” regarding the release of floodwaters from Addicks and Barker Dams, which inundated thousands of homes. Chief Judge Susan G. Braden of the U.S. Court of Federal Claims slammed the request as “insulting.”

[ANDREW SCHNEIDER](#) | DECEMBER 22, 2017, 3:41 PM



The water rushing out of the Addicks Reservoir.

*Craig LeMoult | For Houston Public Media*

A judge has refused to delay a pair of class-action lawsuits against the federal government over flood damage during Harvey. Homeowners are suing over the [U.S. Army Corps of Engineers](#)' decision to release water from the Addicks and Barker Dams. Chief Judge Susan G. Braden of the [U.S. Court of Federal Claims](#) issued the ruling in Houston.

Braden previously ordered the thousands of claims against Corps consolidated into two class-action lawsuits – one dealing with plaintiffs upstream of the dams, the other with those downstream.

Attorneys for the [Justice Department](#) requested a year's delay in the trial. By Judge Braden's reading, that request came with an implied threat to appeal immediately to a higher court unless she granted

the government's request.

“What has been proposed to the Court, frankly, is insulting,” said Judge Braden, according to a transcript of the hearing. “It’s insulting to the people in this community; it’s insulting to the President of the United States; and it is unbecoming to those representing the Attorney General. And it shows no respect for the role of the Court.”

Regarding the assertion that the Corps needed the year-long delay to “look for documents,” the judge said it only took the Corps, “a few minutes to make a decision to open the dams that left people without homes and property.”

“To me, it’s a clear signal that what Judge Braden has been saying all along in this case, which is that she wants these cases to move along efficiently and reasonably, that she’s dead serious about that,” says Vuk Vujasinovic, a partner with [VB Attorneys](#) and part of the legal team representing the upstream plaintiffs.

James Blackburn is an attorney with Rice University's Severe Storm Prediction, Education, and Evacuation from Disasters ([SSPEED](#)) Center, and is not a party to the case. He agrees with Vujasinovic.

"The government was proposing a very, very slow case," says Blackburn, "and it just really kills the spirit [of the plaintiffs] for something like this to linger. You need to know if you've got a real claim or not, and you need to know sooner [rather] than later."

A [Houston Chronicle investigation](#) found the Corps knew for decades that thousands of homes were being built within the flood pool of Addicks and Barker reservoirs.

"Those subdivisions are going to flood again. Absolutely. They are designed to flood," says Charles Irvine, a partner with [Irvine & Conner PLLC](#) and co-lead counsel for the upstream plaintiffs.

Plaintiffs' lawyers will next seek to prove the federal government "took" their homes, temporarily, through the release from the dams.

The Justice Department did not respond to a request for comment by airtime.