

In the United States Court of Federal Claims

No. 03-2800C
(Filed October 20, 2005)

WHITE & CASE LLP,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

ERRATUM ORDER

The last sentence (reprinted below with the accompanying footnote) of the second-to-last paragraph of section II, subsection C, of the Court's August 1, 2005 Opinion and Order (slip op. at 9, *White & Case LLP v. United States*, 67 Fed. Cl. 164, 171 (2005)) should be corrected to read as follows:

While the Court is sympathetic to the Government's concern that acceptance of the plaintiff's position "would inevitably lead to informants dictating the pace and cadence of DHS's multiple and vital investigations," Def.'s Reply at 9, where, as here, the plaintiff has waited over five years for a decision from Customs and there is no administrative procedure the plaintiff can follow to force Customs to act,⁹ the Court is confident that any adverse effects of allowing the case to move forward will be minimal and, moreover, can be lessened by first giving the agency the opportunity to issue a decision on the matter.

The above correction is not substantive.

⁹ The Customs administrative procedures have no set time frame. At oral argument when faced with the question of what the plaintiff could do if Customs waited, for instance, thirty-five years to make a determination, the Government confirmed that there would be no administrative remedy. Tr. at 12. The only assurance the Government could give the Court was that it was in Customs's best interest to make moiety awards to informants so that informants would continue to provide information. *Id.*

IT IS SO ORDERED.

VICTOR J. WOLSKI

Judge