

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

FRED E. and NANCY A. EVANS,
RANDY W. and DEBRA J. FROEBE,
GENEVA GRUBBS,
NORMA LOU HALL,
SHIRLEY HENDRICKS,
DAVID and GAIL HOUSER,
PATRICK J. O'BRYAN, TRUSTEE OF THE
PATRICK J. O'BRYAN REVOCABLE
LIVING TRUST UNDER AGREEMENT
DATED 9/7/2001,
LESTER ROARK,
DONALD LEE ROPER, II,
B. LORENE SOPER,
For Themselves and As Representatives of a
Class of Similarly Situated Persons,
Plaintiffs,
v.
THE UNITED STATES OF AMERICA,
Defendant.

CIVIL ACTION

No. 09-2096-KHV

MEMORANDUM AND ORDER

On September 17, 2012, the United States Court of Appeals for the Federal Circuit filed its opinion in the appeal of this case. Evans, et al. v. United States, 2010-1303 (Fed. Cir. 9/17/2012). Mandate issued on November 13, 2012. (Doc. #29) The Federal Circuit vacated this Court's

judgment and remanded with instructions to dismiss the case without prejudice, nunc pro tunc.

Accordingly,

IT IS THEREFORE ORDERED that this case shall be and is **DISMISSED** without prejudice, effective February 18, 2010.

IT IS SO ORDERED.

Dated this 20th day of November, 2012, at Kansas City, Kansas.

s/ Kathryn H. Vratil
KATHRYN H. VRATIL
United States District Judge