

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF FLORIDA  
Key West Division

**Case Number: 12-10072-CIV-MARTINEZ-MCALILEY**

F.E.B. CORPORATION,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

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**ORDER REQUIRING THE PARTIES TO BRIEF ISSUES**

THIS CAUSE came before the Court upon the United States of America's Motion to Dismiss F.E.B. Corporation's Quiet Title claim. (D.E. No. 20) and the April 5, 2013 hearing held on such motion. After the hearing on the United States of America's (the "United States") Motion to Dismiss, it appears that FEB Corporation ("FEB") is no longer relying on the argument presented in its response to the motion, specifically arguments relating to implying abandonment into the Submerged Lands Act, 67 Stat. 29, 43 U.S.C. § 1301 *et seq.* ("SLA"). (D.E. No. 24). It is hereby:

**ORDERED AND ADJUDGED that**

1. The parties shall brief the following issues:

A. FEB's claim that in 1951 its predecessor had no interest or right of action to the land at issue and that such interest did not accrue until enactment of the SLA.<sup>1</sup> The parties must specifically address how the State of Florida, via the Internal Improvement Fund, was able to sell

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<sup>1</sup> This Court notes that this appears to conflict with FEB's Complaint which asserts that Florida was granted the land at issue pursuant to Florida's 1868 Constitution.

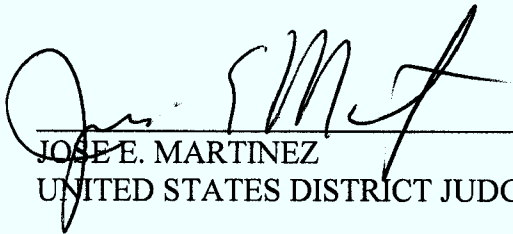
the property to Paul E. Sawyer in 1952 if the State of Florida did not obtain interest in the land until 1953 and whether FEB now has title to this land.

B. FEB's claim that the basis of the 2012 claim is different than the basis of the 1951 claim and how that affects, if at all, the Quiet Title Act's statute of limitations.

C. FEB's claim that the United States' 1951 claim of interest is moot.

2. The United States shall file its brief on or before **May 6, 2013**. FEB shall file a responsive brief on or before **May 13, 2013**. The United States shall file a reply brief on or before **May 20, 2013**.

DONE AND ORDERED in Chambers at Miami, Florida, this 26 day of April, 2013.

  
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JOSE E. MARTINEZ  
UNITED STATES DISTRICT JUDGE

Copies provided to:  
Magistrate Judge McAliley  
All Counsel of Record