

RPA Nov 30

Solene Guarinos

Wilkins v. United States

TRT 2:23

THE U-S SUPREME COURT TODAY HEARD ARGUMENTS ABOUT PRIVATE PROPERTY RIGHTS AGAINST THOSE OF THE FEDERAL GOVERNMENT.

SOLENE GUARINOS REPORTS THAT THE CASE POSES A QUESTION ABOUT A STATUTE OF LIMITATIONS.

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VIETNAM WAR VETERAN, WIL WILKINS, STRUGGLES WITH P-T-S-D, SO HE BOUGHT PROPERTY NEAR BITTERROOT NATIONAL FOREST IN MONTANA, SEEKING A QUIET AND TRANQUIL LIFE.

THE PREVIOUS OWNERS OF THE HOUSE GAVE THE FEDERAL GOVERNMENT ACCESS TO USE THE LAND FOR EASIER ACCESS TO THE FOREST.

THE MUDDY ROAD IN FRONT OF HIS HOME WAS CONNECTING THE CLOSEST HIGHWAY TO THE NATIONAL FOREST.

BUT IN SEPTEMBER 2006, THE FOREST SERVICE POSTED A SIGN INVITING THE PUBLIC TO USE THE LAND FOR EASIER ACCESS TO THE FOREST.

INSTEAD, WILKINS SAW INCREASED TRAFFIC, THEFT, NOISE, AND HUNTERS.

EVEN WILKINS'S CAT WAS IMPACTED, AS HE WAS SHOT.

WILKINS FILED A LAWSUIT IN AUGUST 2018 USING THE QUIET TITLE ACT WHICH ALLOWS PROPERTY OWNERS TO SUE THE U-S OVER PROPERTY THEY HAVE A CLAIM IN.

HOWEVER—THE LAWSUIT MUST COME WITHIN 12 YEARS.

THE SUPREME COURT WILL HAVE TO DECIDE WHETHER THE LAWSUIT IS VALID OR NOT.

BUT ATTORNEY JEFFREY MCCOY EXPLAINED THAT THE 2006 ORDER WAS NOT CLEAR.

SOT (:21) We have presented declarations that that order was not posted. We have presented declarations that were -- that were contradictory to how a reasonable person would interpret the maps, including statements from the Bitterroot National Forest itself that said that those maps were unclear, and that is why they engaged in the travel management process.

TO SOLVE THE ISSUE OF THE 12 YEARS DEADLINE, JUSTICE KENTANJI BROWN JACKSON WONDERED ABOUT THE POSSIBILITY OF DOING AGAIN THE QUIET TITLE ACT, WHICH SHE SAID WOULD BE A MESSY AND ODD WAY.

SOT (:10) I guess I am wondering if we don't do it over, how do we get everybody on the same page around this kind of determination?

AFTER A ROUND OF QUESTIONS, CHIEF JUSTICE JOHN ROBERTS WAS MORE ASSERTIVE.

SOT (:04) 12 years is 12 years. You don't get beyond that.

BUT THE COURT WILL HAVE TO DETERMINE WHETHER THE 12-YEAR WINDOW CAN BE STRETCHED IF THERE IS A GOOD REASON.

THE WILKINS AND STANTON WILL NOW HAVE TO WAIT UNTIL NEXT MAY TO KNOW THE DECISION OF THE SUPREME COURT.

SOLENE GUARINOS, THE SUPREME COURT.